



# **SEDIBENG FM**

# **ANNUAL COMPLI-**

# **ANCE REPORT**

**MARCH 2025**

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# **2023/2024 ANNUAL COMPLIANCE REPORT**

## **EMFULENI COMMUNITY RADIO BROADCASTING AS SEDIBENG FM**

**LICENCE PERIOD: 05 August 2023 to 04 August 2030**

### **1. PREFACE**

The Independent Communications Authority of South Africa (Authority) has a statutory mandate in terms of the Constitution, the Independent Communications Authority of South Africa Act<sup>1</sup> (ICASA), the Electronic Communications Act (ECA)<sup>2</sup> and Broadcasting Act<sup>3</sup> to regulate broadcasting activities in South Africa in the public interest. One of the main tasks of the Authority is to monitor compliance by broadcasters with the terms and conditions of their licence, and any relevant legislation and regulations.

The purpose of this report is to give an account of Sedibeng FM's compliance during the 2023/2024 financial year. Aspects of compliance that are measured comprise Geographic Coverage, Community participation, Programming Obligations and Standard Terms and Conditions.

Further, the report will measure compliance with the Regulations that include South African Music Content, Standard Terms and Conditions for Class Licensees, Compliance Procedure Manual Regulations and Code of Conduct for Broadcasters.

### **2. BACKGROUND**

Sedibeng FM holds a Class Sound broadcasting service licence<sup>4</sup>. The radio station's mandate is to provide sound broadcasting service to the community of Emfuleni Local Municipal area in Gauteng Province, as set out in the Licensee's radio frequency spectrum licence.<sup>5</sup>

### **3. COMPLIANCE ASSESSMENT**

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<sup>1</sup> Act No. 13 of 2000, as amended

<sup>2</sup> Act No. 36 of 2005

<sup>3</sup> Broadcasting Act No. 4 of 1999

<sup>4</sup> Appendix A: Sedibeng FM broadcasting licence

<sup>5</sup> Ibid

### **3.1 Control Structure**

Clause 1 of the licence states that:

*"The Licence is issued to:*

*1.1 Name of Company/Entity: Emfuleni Community Radio.*

*1.2 Name of the Station: Sedibeng FM*

*1.3 Control of the licensee: Control shall vest in the Board of Directors of Emfuleni Community Radio."*

According to Sedibeng FM's constitution, the Board shall consist of not less than five (5) Directors. The board members are elected in an Annual General Meeting and shall serve for a period of one (1) year.

The Licensee submitted a list of six (6) Board of Directors that were elected in its last elective AGM. The control of the Licensee is in the hands of the new Board of Directors of a non-profit company known as Emfuleni Community Radio.

**The Licensee complies with clauses 1.1 to 1.2 of the licence.**

### **3.2 Licence Period**

Clause 2 of the licence states that:

*"This licence is valid for a period of seven (7) years from the signature date."*

Sedibeng FM's licence has been renewed.

**The Licensee complies with clause 2 of the licence.**

### **3.3 Geographic Coverage Area**

Clause 3 of the licence stipulates that:

*"The Licensee shall provide services to Emfuleni Local Municipal area in Gauteng Province, as set out in the Licensee's radio frequency spectrum licence."*

Sedibeng FM provides services to the areas stipulated in its licence.

**The Licensee complies with clause 3 of the licence.**

### **3.4 Community**

Clause 4.1 of the licence states that:

*“The licensee shall provide services to a geographic community residing within the geographic coverage area specified herein”*

Sedibeng FM provides a sound broadcasting service to the geographic community residing within the geographic coverage of Emfuleni Local Municipal area in Gauteng Province, as set out in the Licensee’s radio frequency spectrum licence.

**The Licensee complies with clause 4.1 of the licence.**

Clause 4.2 of the licence provides that:

*“The Licensee shall provide for the participation of community members in the affairs of the station in the following ways:*

*4.2.1 The Licensee shall hold at least two (2) meetings annually with its community focusing on programming and programming policies of the station.*

*4.2.2 The Licensee shall furnish the Authority with proof of such meetings as well as the attendance thereof by members of the community.*

During the year under review, the Licensee did not submit proof of the two meetings.

**The Licensee does not comply with clauses 4.2.1 and 4.2.2 of its sub clauses of the licence.**

*4.2.3 The Licensee shall hold Annual General Meeting (AGM) for the following purposes:*

*4.2.3.1 To provide feedback on the Licensee’s compliance with licence conditions;*

*4.2.3.2 To provide feedback on the Licensee’s operational and financial Performance, and any Special Annual General Meeting as and when required by the constitution; and*

*4.2.3.3 To elect members of the controlling structure e.g. Board of Directors, Trustees etc. subject to the Licensee’s founding documents.”*

The Licensee submitted proof of an elective AGM minutes dated 29 September 2023. The new board members were elected as per the signed constitution of the

non-profit company. In total a complete list of six (6) board members were elected which is more than the required number of 5 members as per their constitution.

However, the Licensee held a Bi-Annual AGM. The minutes provided feedback on compliance issues with licence conditions and also provided feedback on the overall financial performance of the radio station.

### **The Licensee complies with clause 4.2.3 and its sub-clauses of the licence.**

## **3.5 Programming**

Clause 5.1 of the licence states that the Licensee shall provide programming as follows:

*5.1.1 "News and information: The Licensee shall broadcast news a total of four hundred and ten (410) minutes per week, of which 60% shall be local news, 30% national news, and 10% international news.*

The Licensee submitted their log-sheet Form 8A, indicating that the radio station broadcasts an average of four hundred and twenty (420) minutes of news programming during weekdays including weekends.

The monitoring exercise revealed that Sedibeng FM broadcasts news bulletins between 06h00 and 11h00 and again from 13h00 and 17h00 every hour at the top of the hour during weekdays. The bulletins are broadcast for approximately five (5) minutes with headlines broadcast just before the bulletins for less than a minute. On average, a total of fifty-eight (58) minutes including community news is broadcast each day, during the South African performance period.

The following are some of the news excerpts monitored:

*"King Misuzulu has a burden of finding a new Prime Minister after Buthelezi's death. After being assisted by Prince Mangosuthu Buthelezi to claim the throne. King Misuzulu ka Zwelithini now has a tough task of searching for a Prime Minister. Buthelezi who was laid to rest on Saturday served as a Prime Minister to three successors of Zulu kings. While the pair's relationship was strained the king thanked him for providing counsel in recent years. The Zulu monarch is now without a traditional Prime Minister. Buthelezi first took on the role during King Bhekuzulu's reign he went on to serve his successor King Goodwill and in 2022 Misuzulu was crowned the next king."*

*"At Least 20 people were reported dead after a horrific bus crash in Limpopo. Twenty people are believed to have been killed when a truck collided with a bus in Limpopo on Sunday. According to Arrow Protection Services, most people died on the scene of the accident which happened between 5 pm and 6 pm in Niyani area on Musina Road. The bus which crashed head-on with the truck was believed to be transporting mine workers to the nearest mine. A diamond mine owned by De Beers."*

**The Licensee complies with clause 5.1.1 and its sub-clauses of the licence.**

*5.1.2 Local Content: The Licensee shall broadcast a South African music content of 80%.*

According to the Form 8A submitted by the Licensee, an average of four hundred and twenty-three (423) tracks of South African music is broadcast each week.

The monitoring exercise revealed that Sedibeng FM broadcasts an average of four (4) minutes per track and most of the genre's broadcasts are Gospel music. The Licensee broadcasts an average of more than two thousand (2,000) minutes per week as per the South African music content quota, which is equivalent to 80%.

**The Licensee complies with clause 5.1.2 and its sub-clauses of the licence.**

*5.1.3 "Format: 65% Talk and 35% Music."*

Sixty-five per cent (65%) talk during the performance period weekly, which is equal to four thousand nine hundred and fourteen (4 914) minutes.

The Licensee submitted a log of programme broadcasts indicating a total of four thousand nine hundred nine (4909) minutes of talk per week during the performance period.

**The Licensee complies with sub-clause 5.1.3 of the licence.**

*5.1.4 Language(s) of broadcast:*

*(a) Sesotho – 65%;*

*(b) English – 15%;*

*(c) isiXhosa – 13%; and*

*(d) isiZulu – 7%.”*

The Licensee broadcasts in Sesotho and English. The Licensee does not broadcast in isiXhosa and isiZulu.

**The Licensee does not comply with sub-clause 5.1.4 of the licence.**

Clause 5.2 of the licence provides that:

*“The Licensee shall keep a log of programmes broadcast which must be submitted on a monthly basis to the Authority. A proforma of the log to be kept will be supplied by the Authority.”*

The Licensee submits a log of programmes broadcast to the Authority as required by clause 5.2.

**The Licensee complies with clause 5.2 of the licence.**

## **4 REGULATIONS**

### **4.1 Complaints Received**

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A which reports on all complaints received during the financial year under review,

For the year under review, the Licensee did not submit form 12A to the Authority as per the Compliance Procedure Manual Regulations.

**The Licensee does not comply with the Compliance Procedure Manual Regulations**

### **4.2 South African Music Content Regulations<sup>6</sup>**

Regulations 3 (3) of the Regulations on South African Music Content as published on 23 March 2016 provides that:

*“A holder of a community sound broadcasting service licence must ensure that after eighteen months of the gazetting of these regulations, a minimum of 60%, increased by 10% annually to reach 80% of the musical work in the performance*

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<sup>6</sup> Appendix B: ICASA South African Music Content Regulations 2016

*period, consist of South African music and that such South African music is spread evenly throughout the performance period<sup>7</sup>”*

The monitoring exercise revealed that the license does broadcast 80% South African music. Some of the artists picked up by the monitoring exercise are Takie Ndou, Lwa Ndlunkulu, Semito, Teboho Moloji and Tshepo Tsulu amongst others.

**The Licensee complies with the Regulations.**

#### **4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Services Licences<sup>8</sup>**

During the year under review, the Licensee complied with the Regulations on Standard Terms and Conditions for Class Broadcasting Licences.

### **5. CONCLUSION**

Sedibeng FM is generally compliant with most provisions of its licence conditions and applicable regulations. The Authority will address the areas of non-compliance with the Licensee in the following reporting period.

### **6. TERMS OF REFERENCE**

Appendix A: Sedibeng FM broadcasting licence

Appendix B: ICASA South African Music Content Regulations 2016

Appendix C: Regulations Regarding Standard Terms and Conditions for Class Licences 2016

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<sup>7</sup> Ibid

<sup>8</sup> Appendix C: Standard Terms and Conditions for Class Licences 2016