



UKHOZI FM ANNUAL COMPLIANCE REPORT

MARCH 2018

2016/2017 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION BROADCASTING AS UKHOZI FM

Licence Period: 18 December 2008 -17 December 2018

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution¹, the ICASA Act², the Electronic Communications Act³ (ECA) and the Broadcasting Act⁴ to regulate broadcasting activities in South Africa in the public interest. One of the main tasks of the Authority, is to ensure compliance by broadcasters with the terms and conditions of their licence, and any relevant legislation and regulations.

The purpose of the report is to give an account of Ukhozi FM's compliance with the terms and conditions as set out in its licence for the 2016/2017 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Language(s), Format, Local Content Obligations, General Programming Obligations, Training and Skills Development Obligations, Finances, Regulations on the Code on People with Disabilities, South African Music Content Regulations and Regulations regarding Standard Terms and Conditions, Regulations in respect of Prescribed Annual Contributions of Licensees to The Universal Service and Access Fund and General Licence Fees Regulations.

2. BACKGROUND

Ukhozi FM is a public sound individual broadcasting service of the South African Broadcasting Corporation (SABC), the Licensee. Ukhozi FM's mandate is to provide a full-spectrum service to the geographic areas of Gauteng, Eastern Cape, Free State, KwaZulu Natal and Mpumalanga provinces⁵. Ukhozi FM broadcasts from studios situated at 100 K.E. Masinga (Old Fort) Road, Durban, Kwa-Zulu Natal and from Radio Park, Henley Road, Auckland Park, Johannesburg.

¹ The Constitution of the Republic of South Africa, No 108 of 1996

² Act No. 13 of 2000, as amended.

³ Act No. 36 of 2005.

⁴ Act No. 4 of 1999.

⁵ Appendix A: Ukhozi FM's broadcasting service licence.

3. COMPLIANCE ASSESSMENT

3.1. Ownership and Control

Clause 1.1 of the licence stipulates that:

"Name of the Company/Entity: The South African Broadcasting Corporation"⁶.

Clause 1.2 of the licence provides as follows:

"Shareholders: The State: 100%"

Clause 1.3 of the licence states as follows:

"Ownership held by persons from historically disadvantaged groups: NA"

Ukhozi FM as part of the SABC is 100% owned by the State.

The Licensee was found to be in compliance with clauses 1.1, 1.2 and 1.3 of its licence.

3.2. Geographic Coverage Area

Clause 2 of the schedule to the licence states that:

"The geographic coverage area is as defined in the map attached to the radio frequency spectrum licence".

According to the frequency spectrum licence, the radio station covers the following areas: Gauteng, Eastern Cape, Free State, KwaZulu Natal and Mpumalanga provinces⁷. The Licensee confirms that its coverage area is as defined in its licence. For the period in review, there were no complaints that the Authority is aware of that were lodged against the licensee regarding its coverage area. Against this backdrop, **the Licensee was found to be in compliance with clause 2 of the Schedule to its licence.**

Language(s)

Clause 3 of the schedule to the licence provides for Ukhozi FM to broadcast its content in:

"Principal Language: isiZulu".

⁶ Appendix A: Ukhozi FM's broadcasting service licence.

⁷ Appendix B: Ukhozi FM's frequency spectrum licence.

The principal language of broadcast was confirmed during the Authority's monitoring exercise and approximately 90% of Ukhozi FM's content is in the isiZulu language.

The Licensee was found to be in compliance with clause 3 of the Schedule to its licence.

3.4 Format

Clause 4.1 of the schedule to the licence provides that:

"The service authorised by this licence forms part of the public service division of the Licensee".

Further, clause 4.2 of the schedule to the licence states that:

"The licensed service shall be a full-spectrum service".

Ukhozi FM is a public radio station of the SABC and offers a full-spectrum service to its audience as outlined in the licence.

The Licensee was found to be in compliance with clause 4.1 and 4.2 of the Schedule to its licence.

3.5 Local Content Obligations

Clause 5 of the schedule to the licence provides that:

"In each licence year, the Licensee shall, within thirty (30) days of the end of the quarter, submit to the Authority written records indicating the extent of:

5.1 different genres; and

5.2 South African Music Content, in programme material broadcast on the licensed service during that quarter, in each instance, distinguishing between genres, providing the relevant details in relation to prime time and the period between 05h00 and 23h00 daily ("the South African broadcast period"), and expressing relevant details both as an aggregate in minutes and as a percentage of the total of all such programming material".

The SABC submitted its quarterly reports for the period under review as reflected in the tables below which show a breakdown of Ukhozi FM's compliance with the quotas set by the Authority. These figures were verified during the Authority's monitoring exercise.

First Quarter: April – June 2016

| Content/ Genre | ICASA Quota (Minutes Daily/Weekly) | Ukhozi FM's Provision (Minutes Daily/Weekly) | Ukhozi FM's Compliance (%) |
|-----------------------------------|---|---|---------------------------------------|
| News | 60 min (Daily) | 70 min (Week Days) 60min (Saturdays) 60 min (Sundays) | 116% 100% 100% |
| Current Affairs | 60 min (Daily) | 128min (Weekly) 60 min (Saturdays) 60min (Sundays) | 213% 100% 100% |
| Informal Knowledge Building | 180 min (Weekly) | 2470min (Weekly) | 1372% |
| Education | 300 min (Weekly) | 315 min (Weekly) | 105% |
| Children | 60 min (Weekly) | 80 min (Weekly) | 133% |
| Drama | 150 min (Weekly) | 180 min (Weekly) | 120% |

Second Quarter: July – September 2016

| Content/ Genre | ICASA Quota (Minutes Daily/Weekly) | Ukhozi FM's Provision (Minutes Daily/Weekly) | Ukhozi FM's Compliance (%) |
|-----------------------------------|---|---|---------------------------------------|
| News | 60 min (Daily) | 70 min (Week Days) 60min (Saturdays) 60 min (Sundays) | 116% 100% 100% |
| Current Affairs | 60 min (Daily) | 128 min (Week Days) 60 min (Saturdays) 60 min (Sundays) | 213% 100% 100% |
| Informal Knowledge Building | 180 min (Weekly) | 2470 min (Weekly) | 1372% |
| Education | 300 min (Weekly) | 300 min (Weekly) | 100% |
| Children | 60 min (Weekly) | 80 min (Weekly) | 133% |
| Drama | 150 min (Weekly) | 180 min (Weekly) | 120% |

Third Quarter: October – December 2016

| Content/ Genre | ICASA Quota (Minutes Daily/Weekly) | Ukhozi FM's Provision (Minutes Daily/Weekly) | Ukhozi FM's Compliance (%) |
|-----------------------|---|---|---------------------------------------|
| News | 60 min (Daily) | 70 min (Week Days) 60 min (Saturdays) 60 min (Sundays) | 116% 100% 100% |
| Current Affairs | 60 min (Daily) | 128 min (Week Days) 60 min (Saturdays) 60 min (Sundays) | 213% 100% 100% |

| | | | |
|------------------------------------|-------------------------|--------------------------|--------------|
| <i>Informal Knowledge Building</i> | <i>180 min (Weekly)</i> | <i>2470 min (Weekly)</i> | <i>1372%</i> |
| <i>Education</i> | <i>300 min (Weekly)</i> | <i>300 min (Weekly)</i> | <i>100%</i> |
| <i>Children</i> | <i>60 min (Weekly)</i> | <i>100 min (Weekly)</i> | <i>166%</i> |
| <i>Drama</i> | <i>150 min (Weekly)</i> | <i>180 min (Weekly)</i> | <i>120%</i> |

Fourth Quarter: January – March 2017

| Content/ Genre | ICASA Quota (Minutes Daily/Weekly) | Ukhozi FM's Provision (Minutes Daily/Weekly) | Ukhozi FM's Compliance (%) |
|------------------------------------|---|--|---------------------------------------|
| <i>News</i> | <i>60 min (Daily)</i> | <i>70 min (Week Days) 60 min (Saturdays) 60 min (Sundays)</i> | <i>116% 100% 100%</i> |
| <i>Current Affairs</i> | <i>60 min (Daily)</i> | <i>128 min (Week Days) 60 min (Saturdays) 60 min (Sundays)</i> | <i>213% 100% 100%</i> |
| <i>Informal Knowledge Building</i> | <i>180 min (Weekly)</i> | <i>2470 min (Weekly)</i> | <i>1372%</i> |
| <i>Education</i> | <i>300 min (Weekly)</i> | <i>300 min (Weekly)</i> | <i>100%</i> |
| <i>Children</i> | <i>60 min (Weekly)</i> | <i>100 min (Weekly)</i> | <i>166%</i> |
| <i>Drama</i> | <i>150 min (Weekly)</i> | <i>180 min (Weekly)</i> | <i>120%</i> |

3.6 General Programming Obligations

3.6.1 General

Clause 6.1.1 of the schedule to the licence stipulates that:

"The Licensee shall ensure that its programming adequately reflects the diversity of South Africa's religions".

The SABC's editorial policy provides that:

"Religious programmes should take account of regional factors, target audiences, language and cultural preferences, and the devotional needs of specific groups". Ukhozi FM broadcasts "Ezenkolo" every Sunday between 05h00 and 08h00.

Inkolo yesintu (an insert) is broadcast on Sundays from 05h00 to 05h30. The programme focuses on culture and traditional practices. There is also a worship insert between 07h10 and 07h30. Religious leaders from different denominations are invited to provide sermons. Gospel music is played during the programme. Further, announcements by churches are broadcast during this time. Listeners are also given an opportunity to interact with the presenter and make prayer requests. Based on its religious policy and the programmes monitored, the Authority is satisfied that the **Licensee has, for the period under review, complied with clause 6.1.1 of the schedule to its licence.**

Clause 6.1.2 of the schedule to the licence states that:

"the Licensee shall take reasonable steps to provide programming that reflects the cultural and tradition needs of its audience".

Ukhozi FM's target audience is primarily the isiZulu speaking people. Monitoring of Ukhozi FM's programming content confirmed that the radio station caters for the cultural and traditional interests of its audience.

"Izwi Labantu" broadcast on Sundays between 05h00 and 05h30 deals with the dynamics of South African culture. One of the programmes monitored reminded and encouraged listeners about inkolo yesintu. The studio guest shed light on the concept of marriage (ukuganiselana). She provided a summary of the process involved during the traditional marriage. Further, she stated that according to traditional beliefs, a woman is chosen by ancestors from the in laws side.

"Jabulujule" broadcast on weekdays from 9h00 to 12h00 has an insert programme that deals with Zulu culture and tradition. The programme monitored tackled issues pertaining to polygamy. The studio guest provided information regarding the origins of polygamy. Further, the programme provided listeners with an opportunity to share their problems on air through an insert programme called *"Deda Slingo"*.

In addition, programmes such as *"Ikhethelo Lokhozi"*, featuring "Cothoza Mfana" or "Ingomabusuku" and *"Sigiya Ngengoma"* cater for traditional needs of Zulu speaking people. These programmes are broadcast on Saturdays between 05h00 and 06h00 as well as 09h30 and 12h30 respectively.

The Licensee was found to be in compliance with clause 6.1.2 of the Schedule to its licence.

In terms of clause 6.1.3 of the schedule to the licence, *"the Licensee shall, during the South African performance period, provide programme material that caters and has due regard for the interests of all sectors of South African society and shall provide programming on health-related issues, and gender issues relevant to all age groups"*.

Ukhozi FM broadcasts a variety of programmes focusing on health and gender issues. The following programmes were monitored, confirming that the Licensee adheres to the above-mentioned requirement:

"Jabulujule" broadcast between 9h00 and 12h00 from Monday to Friday focuses on various issues such as empowering listeners with information ranging from health issues for women to other generic yet important information such as honesty, good morals and others; and

"Nethezeka Nokhozi" broadcast between 12h00 and 15h00 from Monday to Fridays.

The Licensee was found to be in compliance with clause 6.1.3 of the Schedule to its licence.

3.6.2 News and Current Affairs

Clause 6.2.1 of the schedule to the licence requires the Licensee to *"broadcast at least sixty (60) minutes of news programming each day during the South African performance period"*.

The quarterly reports submitted by the SABC indicate that the radio station broadcasts a maximum of 70 minutes of news programming during weekdays and 60 minutes on Saturdays and Sundays.

The monitoring exercise confirmed that Ukhozi FM broadcasts news bulletins every hour on the hour from 06h00 to 22h00 and headlines every half hour. The news bulletins are broadcast for approximately 5 minutes. A total of 80 minutes of news is broadcast each day from Monday to Friday, during the South African performance period.

Among the news stories covered for the period under review were excerpts from certain broadcasts, as follows:

- *"U-Eskom uthi kungenzeka kudingeke aphazamise ukuphakela ugesi komasipala abayisishiyagalombili abahlulekile ukuqhamuka nohlelo lokuthi bazozikhokha kanjani izikweletu zabo";*
- *"I-DA isifake isikhalo ku-khomishana engamele ukhetho i-IEC";*
- *"Omunye wabasolwa abahlanu ecaleni elithinta ukudlwengulwa kwengane yomfana eneminyaka eyishumi ubudala esigangeni esiseThabong e-Welkom esifundazweni sase-Free State ngempelasonto uzovela enkantolo yemantshi yendawo namuhla";*
- *"Isekela likasomlomo wephalamende likazwelonke, uLechesa Tsenoli uthi izingane akufanele zivumele izimo ezibhekene nazo njengamanje ziphazamise ikusasa lazo";*
- *"Ungqongqoshe wezempilo kwaZulu Natal, udokotela Sibongiseni Dlomo uthi umnyango wezempilo kulesifundazwe udinga enye imali ewu- R1.1 billion ngaphelu kwesesabelo mali salomnyango esikhona njengamanje sika R39 billion, ukuze kuzokwazi ukwenzeka ngendlela efanele umsebenzi wawo kunyaka wezimali ozayo"; and*
- *"Isosha kuthiwa lidubule intombi yalo nomngani wayo wesifazane bashona, lalimaza abanye abantu ababili, okubalwa kubona nephoyisa ebelithi lizama ukulamula eNtuzuma ngaphandle kancane kwaseThekwini".*

The Licensee was found to be in compliance with clause 6.2.1 of the schedule to its licence.

Clause 6.2.2 of the schedule to the licence enjoins the Licensee to *"to broadcast at least sixty (60) minutes of current affairs programming each day during the South African performance period"*.

The quarterly reports submitted by the SABC indicate that the radio station broadcasts a maximum of 128 minutes of current affairs programming on weekdays, 60 minutes on Saturdays and Sundays during the performance period.

The monitoring exercise confirmed that the radio station broadcasts current affairs programming. Four current affairs programmes were monitored as follows:

- *"Ezanamuhla" broadcast between 05h00 and 06h30;*

- *"Ezisematheni"* broadcast between 13h00 and 13h30;
- *"Abasiki Bebunda"* broadcast between 18h00 to 19h00; and
- *"Ezangempelasonto"* broadcast on Saturdays and Sundays between 06h00 and 07h00.

The abovementioned programmes included interviews, live field reports, phone-ins and analysis of matters of public interest. Below are some of the topics discussed:

- *"Umnyango wezasekhaya kulindeleka ukuthi uqinise amabhawodi mayelana nokuqashwa kwabantu bokufika embonini yokuvakasha nezokwakha";*
- *"Umkhandlu weTheku sewusungule iziphakamiso zamathenda ezigidigidi zamarandi ukuze kusheshiswe ukuthuthukiswa komnotho";*
- *"U-Doctor Marigapulu Magoba wophiko olubhekelele ukusebenza kwezempilo uthi uphenyo abalwenzile luveze ukuthi iziguli ezingamashumi ayisishiyagalolunye nane ebezigula ngokwengqondo esifundazweni i-Gauteng, luveze ukuthi munye oshone ngenxa yokugula okuhambisana nokugula ngokwengqondo";*
- *"Ingqungquthela ye-AU iphothulwe izolo sekucace bha ukuthi kunokungaboni ngasolinye kumalungu mayelana nodaba lwe Libya ne Morocco";*

In total, 125 minutes was monitored each day, during the South African performance period.

The Licensee was found to be in compliance with clause 6.2.2 of the schedule to its licence.

Clause 6.2.3 the schedule to the licence provides that:

"The Licensee shall in the production of its news and current affairs programming:

- (i) Exercise full editorial control in respect of contents of such programming;*
- (ii) Include matters of international, national, regional and where appropriate, local significance;*
- (iii) Meet the highest standards of journalistic professionalism;*

- (iv) *Provide fair, unbiased, impartial and balanced coverage independent from governmental, commercial or other interference; and*
- (v) *Provide a reasonable opportunity for the public to receive a variety of points of view on matters of public concern”.*

The SABC’s editorial policy (2004) which is currently under review, states that the licensee must exercise full editorial control in respect of contents of its programming. The editorial policy further indicates that the licensee endeavours to meet the highest standards of journalistic professionalism. Further, the policy provides for fair, unbiased and impartial coverage independent from government, commercial or other interference. In its news and programming content it includes matters of international, national, regional and local significance.

The monitoring exercise confirmed that Ukhozi FM broadcasts matters of international, national, regional and local significance. In its current affairs broadcast, the radio station provides an opportunity for the public to receive a variety of points of view from different analysts and experts on matters of public concern.

The SABC’s Editorial Policies form part of the SABC’s Charter and monitoring of Ukhozi FM’s news and current affairs programmes for the period under review revealed that Ukhozi FM complies with clause 6.2.3 of its licence and the Charter as contained in the Broadcasting Act of 1999.

The Licensee was found to be in compliance with clause 6.2.3 of the Schedule to its licence.

3.6.3 Programming targeted at Children

Clause 6.3.1 of the schedule to the licence states that:

“The Licensee shall in the provision of the licensed service, broadcast at least one (1) hour of programming targeted at children (as contemplated in section 10 (1) (g) of the Broadcasting Act) per week during the South African performance period”.

Clause 6.3.2 of the schedule to the licence states that:

"In the production and presentation of its children's programming, the Licensee shall ensure that such children's programming is:

- (i) Broadcast at times of the day when children are available to listen;*
- (ii) Targeted at and appropriate for children between the ages of nought (0) to six (6) years and seven (7) to twelve (12) years respectively;*
- (iii) Educational and is made from children's point of view".*

The SABC's quarterly reports indicate that the radio station broadcasts a minimum of 80 minutes of children's programming per week, during the South African performance period.

The monitoring of the radio station's programming profile for the period under review confirmed that the radio station broadcasts children's programmes as follows:

- *"Vumelani Abantwana Beze Kimi"* broadcast on Sundays between 07h30 and 08h00. This is an informal educational programme;
- *"Takalani Sesame"* which targets children between the ages of 0 to 6 years is broadcast on weekdays between 9h10 and 09h30. The programme aims at entertaining and educating children; and
- *"Nalibali"* which targets children between the ages of 0 to 6 years is broadcast on Saturday between 8h50 and 09h00;

In total, 20 minutes of programming targeted at children was monitored each day, during the South African performance period amounting to at least 110 minutes (1hour 50 minutes).

The Licensee was found to be in compliance with clauses 6.3.1 and 6.3.2 of the Schedule to its licence.

3.6.4 Educational Programming

Clause 6.4 of the schedule to the licence provides as follows:

"The Licensee shall broadcast at least five (5) hours of educational programming (as contemplated in section 10 (1) (e) of the Broadcasting Act) per week within the South African performance period".

The SABC's quarterly reports indicate that the radio station broadcasts a maximum of 315 minutes of educational programming per week, during the South African performance period.

The monitoring exercise identified the following programmes as educational programmes broadcast by Ukhozi FM:

- "Nethezeka Nokhozi" broadcast between 12h00 and 15h00 from Monday to Friday;
 - "Teen Zone" broadcast between 9h05 and 9h30 on Saturdays, discusses issues affecting teenagers; and
 - "Thakela Isizwe Ngezemfundo" broadcast between 21h00 and 22h00 on Wednesdays.
- The programmes monitored assisted learners on school related subjects, educating listeners about employees' rights and correct procedures to be followed in the event of employees being mistreated in workplace.

In total, 300 minutes of educational programming per week was monitored.

The Licensee was found to be in compliance with clause 6.4 of the Schedule to its licence.

3.6.5 Drama

Clause 6.5 of the schedule attached to the licence stipulates that:

"The Licensee shall broadcast at least two and a half (2 ½) hours of drama per week within the South African performance period".

The SABC's quarterly reports indicate that the radio station broadcasts a minimum of 180 minutes of drama programming per week, during the South African performance period.

The monitoring confirmed that the radio station broadcasts drama programmes. The examples of drama programming monitored are the following:

- "Unyaka Wesethembiso" broadcast between 10h40 and 11h00 as well as 19h40 and 20h00 from Monday to Thursday; and
- "Kusa Kusa" broadcast between 15h05 and 15h20 from Monday to Thursday.

In total, 180 minutes (3 hours) of drama programming per week was monitored.

The Licensee was found to be in compliance with clause 6.5 of the Schedule to its licence.

3.6.6 Informal Knowledge-Building Programmes

Clause 6.6 of the schedule attached to the licence provides that:

"The Licensee shall broadcast at least three (3) hours of informal knowledge building programming per week within the South African performance period".

The SABC's quarterly reports indicate that the radio station broadcasts 2470 minutes of informal knowledge building per week.

The monitoring exercise confirmed that the radio station broadcasts informal knowledge building programmes. Among the programmes that were monitored were the following:

- *"Nethezeka Nokhozi"* broadcast between 12h00 and 15h00 from Monday to Friday;
- *"Be Financial Smart"* broadcast on Tuesdays between 21h30 and 22h00; and
- *"Teen Zone"* broadcast between 9h05 and 9h30 on Saturdays.

Other programmes included youth programmes and these were broadcast on weekdays between 12h00 and 15h00 and 15h00 to 18h00. The programmes dealt with a variety of information and issues affecting teenagers and youth.

In total, 300 minutes (5 hours) of informal knowledge building programming were monitored.

The Licensee was found to be in compliance with clause 6.4 of the Schedule to its licence.

3.7 Training and Skills Development Obligations

Clause 7 of the schedule to the licence states that:

- 7.1 *The Licensee must adopt and implement equal opportunity employment practices;*
- 7.2 *The Licensee must ensure that its management and staff are representative of South African society and that its human resource policies takes into account the development of managerial, production, technical and other skills and expertise, particularly with regard to the historically disadvantaged persons;*

7.3 The Licensee shall endeavour to achieve fair and reasonable participation by historically disadvantaged persons with respect to:

- (a) its management and control structures;*
- (b) skills development;*
- (c) enterprise development; and*
- (d) procurement*

7.4 The Licensee must, within thirty (30) days of the end of each financial year, provide the Authority with written information regarding its compliance with the above requirements”.

The Licensee’s employment equity report shows that there was an increase, by at least one percent of its employment of Black people and females respectively. The SABC employed at least 86% black people compared to 85% for the previous financial year. For the period under review, while 49% were female employees, an increase by 15% from the previous financial year, the report shows that Black people in the majority at management level at 78%. This, one may argue, is indicative of the fact that the Licensee is making strides to employing Black people and females. The SABC has set targets for itself to employ more Black people and women every year.

In addition, 2% of the overall staff complement within the Licensee are people with disabilities. The SABC intends growing the number of disabled people in its overall staff complement to 4% by the year ending 2019.

In terms of training, the Licensee reports to have trained at least 1785 employees in the year that ended 2017. The statistical breakdown of these training interventions shows that at least 88% of SABC’s trained personnel were people from previously disadvantaged backgrounds.

The Licensee was found to be in compliance with clause 7 of its licence.

3.8 Audited Financial Statements

Clause 8 of the schedule to the licence provides that:

"The Licensee shall provide the Authority with the audited annual financial statements of the licensed service within four (4) months of the end of the licensee's financial year, provided that the licensee may on good cause shown apply to the Authority for extension".

The Licensee submitted its Audited Financial Statements (AFS) as required by clause 8 of the schedule to its licence.

The Licensee was found to be in compliance with clause 8 of its licence.

4. REGULATIONS

4.1 Complaints Received

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A⁸ which reports on all complaints received during the financial year under review. The SABC submitted its complaints report in accordance with the Regulations regarding the Code of Conduct for Broadcasting Service Licensees.

The Licensee is a member of the National Association of Broadcasters (NAB). Complaints related to code of conduct are administered by the Broadcasting Complaints Commission of South Africa (BCCSA). The Licensee's report indicates that SABC did not receive complaint against Ukhozi FM.

For the year under review, the Authority receive a report on complaints from the Licensee. However, there was no complaint against Ukhosi FM amongst the complaints receive

The Licensee was found to be compliant with Compliance Procedure Manual Regulations.

4.2 Regulations on the Code on People with Disabilities

Clause 3.1(a) of Regulations on the Code on People with Disabilities provides that:

"Broadcasting service licensees must ensure that their services are made available and are accessible to people with disabilities".

Ukhozi FM is available and accessible to people with disabilities.

⁸ SABC Form 12A

The Licensee was found to be compliant with clause 3.1(a) of Regulations on a Code on People with Disabilities.

Clause 3.1(c) of Regulations on a Code on People with Disabilities stipulates that:

"Broadcasting service licensees must monitor the effectiveness of their service through surveys as well as contact with organisations of and for people with disability and stakeholders".

The Licensee did not provide information regarding surveys conducted by the radio station.

The Licensee was found to be non-compliant with clause 3.1(c) of Regulations on a Code on People with Disabilities.

4.3 South African Music Content Regulations

The Regulations on South African Music Content as published on 31 January 2006 states that:

"All public sound licensees must play a minimum 40% South African music".

The monitoring conducted indicated that the radio station plays at least 80% of South African music.

The Licensee was found to be in compliance with the regulations on South African Music Content.

4.4 Regulations Regarding Standard Terms and Conditions for Individual Broadcasting Licences

During the year under review, the Authority could not find any non-compliance with the standard terms and conditions for individual licensees. The radio station complies with the Standard Terms and Conditions of Licences Regulations.

4.5 Universal Service and Access Fund Regulations

Regulation 3 of the USAF Regulations provides that:

- (1) *"Every holder of a licence granted in terms of Chapters 3, 4 and/or 9 or converted in terms of Chapter 15 of the Act, must pay an annual contribution of 0.2% of its Annual Turnover to the Fund".*

- (2) *"A BS licensee who has paid an annual contribution to the MDDA must set off that contribution against its USAF Contribution, provided that the MDDA contribution and the USAF contribution against which it is set off are for the same financial year".*
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The Licensee paid its annual contribution to the USAF subsequent to negotiations with the MDDA to pay the USAF in two instalments and proof duly submitted to the Authority.

The Licensee was found to be compliant with Regulation 3 of the USAF Regulations.

4. CONCLUSION

The Licensee has generally complied with its licence terms and conditions and applicable regulations. Both the information submitted by the Licensee and recordings monitored for the period under review indicate compliance by Ukhozi FM.

5. TERMS OF REFERENCE

Appendix A: Ukhozi FM's broadcasting service;
Appendix B: Ukhozi FM's frequency spectrum licence;
Appendix C: SABC's Report;
Appendix D: South African Music Content Regulations;
Appendix E: Regulations Regarding Standard Terms and Conditions;
Appendix F: Universal Service and Access Fund; and
Appendix G: General Licence Fees Regulations.