



# **UMHLOBO WENENE FM ANNUAL COMPLIANCE REPORT**

**MARCH 2018**

## **2016/2017 ANNUAL COMPLIANCE REPORT**

### **The SABC BROADCASTING AS UMHLOBO WENENE 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 Constitution<sup>1</sup>, the ICASA Act<sup>2</sup>, the Electronic Communications Act<sup>3</sup> (ECA) and the Broadcasting Act<sup>4</sup> 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.

With this report, the Authority seeks to measure Umhlobo Wenene FM's compliance with the terms and conditions, as set out in its licence, in the financial year that ended March 2017. Aspects of compliance that are measured comprise of Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligations, Language(s), South African Music Regulations, Regulations Regarding Standard Terms and Conditions and Universal Service and Access Fund (USAF).

#### **2. BACKGROUND**

Umhlobo Wenene FM holds an Individual Sound Broadcasting Service licence<sup>5</sup> providing a full spectrum service to the geographic areas of Gauteng, Eastern Cape, Western Cape, Free State, North West, KwaZulu Natal, Northern Cape and Limpopo.

The radio station's language of broadcast is isiXhosa.

#### **3. COMPLIANCE ASSESSMENT**

##### **3.1 Geographic Coverage Area**

Clause 2 of the licence provides as follows:

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<sup>1</sup> The Constitution of the Republic of South Africa, No 108 of 1996

<sup>2</sup> Act No. 13 of 2000, as amended.

<sup>3</sup> Act No. 36 of 2005.

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

<sup>5</sup> UMHlobo weNene's Broadcasting Service Licence

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

Umhlobo Wenene FM's radio frequency spectrum licence<sup>6</sup> prescribes that the radio station's coverage area shall include: Gauteng, Eastern Cape, Western Cape, Free State, North West, KwaZulu Natal, Northern Cape and Limpopo. The Licensee maintains that its coverage area is as defined in the frequency spectrum licence.

### **3.2 Language(s)**

According to Clause 3 of Umhlobo Wenene FM's service licence, the Licensee's language of broadcast shall be as:

"Principal Language: isiXhosa".

The monitoring exercise found that the Licensee's programming is generally broadcast in isiXhosa. A few interviews, particularly during the Current Affairs show, were done in English and the interviewer would then translate the contents of the interview.

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

### **3.3 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".

According to clause 4.2:

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

Umhlobo Wenene FM is categorised as a public radio station of the SABC and offers a full-spectrum service to its audience as outlined in the licence. This was confirmed during monitoring of the radio station's programming profile for the year ended 31 March 2017.

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

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<sup>6</sup> UMhlobo weNene's Frequency Spectrum Licence

### 3.4 Local Content Obligations

Clause 5 of the schedule to Umhlobo Wenene FM's service licence stipulates 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 in 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 5h00 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 Licensee submitted its quarterly reports as prescribed by the Compliance Procedure Manual Regulations.

The table below shows a breakdown of the Licensee's compliance with the quotas set out by the Authority and as extracted from their quarterly submissions. These figures were verified during the monitoring exercise and in some case, the Authority's calculations would differ from what the Licensee records.

#### ***First Quarter April – June 2016 (Particularly Week 3 of May 2016)***

<b>Content/ Genre</b>	<b>ICASA Quota</b>	<b>LICENSEE'S Daily/Weekly PROVISION</b>	<b>LICENSEE'S Compliance in %</b>
<b>News</b>	60min (Daily)	84min (Week Days) 80min (Saturdays) 75min (Sundays)	140% 133% 125%
<b>Current Affairs</b>	60min (Daily)	168min (Week Days) 60min (Saturdays) 65min (Sundays)	280% 100% 108%
<b>IKB</b>	180min (Weekly)	895min (Weekly)	497%
<b>Education</b>	300min (Weekly)	380min (Weekly)	126%
<b>Children</b>	60 min (Weekly)	310min (Weekly)	516%
<b>Drama</b>	150min (Weekly)	180min (Weekly)	120%

**Second Quarter July – September 2016 (Specifically the week 2 of August 2016)**

<b>Content/ Genre</b>	<b>ICASA Quota</b>	<b>LICENSEE'S Daily/Weekly PROVISION</b>	<b>LICENSEE'S Compliance in %</b>
<b>News</b>	60min (Daily)	84min (Week Days) 80min (Saturdays) 75min (Sundays)	140% 133% 125%
<b>Current Affairs</b>	60min (Daily)	168min (Week Days) 60min (Saturdays) 65min (Sundays)	280% 100% 108%
<b>IKB</b>	180min (Weekly)	895min (Weekly)	497%
<b>Education</b>	300min (Weekly)	380min (Weekly)	127%
<b>Children</b>	60 min (Weekly)	310min (Weekly)	517%
<b>Drama</b>	150min (Weekly)	180min (Weekly)	120%

**Third Quarter October – December 2016 (Specifically the week 4 October 2016)**

<b>Content/ Genre</b>	<b>ICASA Quota</b>	<b>LICENSEE'S Daily/Weekly PROVISION</b>	<b>LICENSEE'S Compliance in %</b>
<b>News</b>	60min (Daily)	84min (Week Days) 80min (Saturdays) 75min (Sundays)	164% 133% 125%
<b>Current Affairs</b>	60min (Daily)	168min (Week Days) 60min (Saturday) 60min (Sunday)	280% 100% 100%
<b>IKB</b>	180min (Weekly)	895min (Weekly)	497%
<b>Education</b>	300min (Weekly)	380min (Weekly)	126%
<b>Children</b>	60 min (Weekly)	310min (Weekly)	517%
<b>Drama</b>	150min (Weekly)	180min (Weekly)	120%

#### Fourth Quarter January – March 2017 (Specifically the week 2 of February 2017)

Content/ Genre	ICASA Quota	LICENSEE'S Daily/Weekly PROVISION	LICENSEE'S Compliance in %
News	60min (Daily)	84min (Week Days) 80min (Saturdays) 75min (Sundays)	140% 133% 125%
Current Affairs	60min (Daily)	168min (Week Days) 60min (Saturday) 65min (Sunday)	280% 100% 108%
IKB	180min (Weekly)	895min (Weekly)	497%
Education	300min (Weekly)	380min (Weekly)	126%
Children	60 min (Weekly)	310min (Weekly)	516%
Drama	150min (Weekly)	180min (Weekly)	120%

The above indicates the Licensee's compliance with the quotas on the different genres as submitted by the SABC for the year under review. The entries are merely the Licensee's submissions and the Authority's findings to either confirm or refute the submissions are outlined in the paragraphs below.

### 3.5 General programming obligations

The following sections will give a summary of the Authority's findings on Umhlobo Wenene FM's performance based on the monitored recordings for the period being reviewed.

#### 3.5.1 General

Clause 6.1.1 stipulates that:

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

The SABC's editorial policy<sup>7</sup> echoes the provision of the above clause. The Licensee's editorial policy has this to say regarding the reflection of the diverse religions within South Africa:

<sup>7</sup> An extract from the Licensee's Editorial Policy

"Religious programmes should take account of regional factors, target audiences, language and cultural preferences, and the devotional needs of specific groups."

The Licensee's programming profile was found to reflect the religions of the isiXhosa speaking communities of South Africa.

The monitoring exercise revealed that the following programmes contain religious content that is best suited for the isiXhosa speaking community, in particular Christians:

- "NdinguYehova iGqirha lakho" a weekday offering broadcast between 05h00 and 05h30. This programme's content varies from week to week and may be Christian or Islam orientated. Religious discussions and talks as well as gospel music were monitored during this programme;
- "*Ukholo lweMveli*" an African Traditional Programme broadcast on Saturdays morning between 05h00 and 06h00. The content in this programme is symbolised by the reference to Qamata and/or Mvel' ngqangi (God/High Power in the amaXhosa beliefs) and the ancestors. The amaXhosa beliefs, as monitored in this programme, have elements of Christianity;
- "*Iqonga leGospel*" broadcast between 22h00 and 23h00 on Tuesdays. This programme features local gospel music artists. Local gospel music dominates the playlist during this programme
- "*LelikaYehova Ihlabathi*" broadcast on Thursdays between 09h00 and 12h00. This programme is targeted at Christian women and also serves as a revival programme; and
- "*Ukholo neNgqiqo*" broadcast on Sundays between 05h00 and 09h00. This programme is a religious magazine programme and covers a variety of topics mostly from religious points of view on lifestyle in general.

All of the above mentioned programmes demonstrate the Licensee's compliance with clause 6.1.1 of its licence.

**The Licensee was found to be in compliance with clause 6.1.1 of its licence.**

Clause 6.1.2 of the licence reads as follows:

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

UMhlobo weNene's programming sufficiently reflects the cultures and traditions of the amaXhosa community. Primarily, the language used by the radio station bears testimony of the Licensee's compliance with this clause. Furthermore, the following monitored programmes prove the fact that the Licensee's programming caters for the cultural and traditional needs of its audience:

- "Ukholo lweMveli" broadcast on Saturday morning between 05h00 and 06h00; and
- "Lavuth' iBhayi" broadcast on Saturdays between 10h00 and 13h00. This is a traditional music programme which plays hundred percent South African Music and features traditional Xhosa and Zulu artists.

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

According to Clause 6.1.3 of 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, gender issues relevant to all age groups".

The Authority's monitoring exercise confirmed that the radio station caters for the interests of all sectors of South Africa. The following programmes, among others, were monitored and content was found to be targeted at the different sectors within the IsiXhosa speaking community:

- "*Khanya Gqiyazana*" a programme following on its name in that it strives to make the woman shine in all aspects of life including parenting and business.
- "*Nal' ibali*" - a weekday offering targeted at children and produced in a language and mannerism children understand;
- "*Le likaYehova ihlabathi*"- a Thursday offering catering for Christian women;



- *"Iqonga labatsha"* a youth orientated show which features dance and a weekly gig guide. This show also offers celebrity gossip. And was identified as being popular with its target market;
- *"Ezemidlalo"* - caters for the sports loving listener and was identified between Monday and Thursday every week;
- *"Isikhokelo kwezeMfundo"* - a weekday offering targeted at the school going listener. This show features the classroom curriculum; and
- *"Umyezo weReggae"* - a reggae music show targeted at those who love the music and the followers of the Rastafari movement or religion.

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

### **3.5.2 News and Current Affairs**

Clause 6.2.1 of the schedule attached to the licence stipulates that:

"The Licensee shall broadcast at least sixty (60) minutes of news programming each day during the South African performance period".

UMhlobo weNene's quarterly submissions indicate that the Licensee broadcasts at least 82 minutes of news each day during the South African performance period.

The Authority's monitoring exercise found that the Licensee schedules at least 15 news bulletins from 7h00 until 21h00 each day of the week. All bulletins are at least 6 minutes in duration totalling at least 90 minutes of news on week days during the South African performance period.

The Licensee's news schedule changes slightly over the weekend. The Licensee was found to broadcast at least 12 full news bulletins per day on Saturdays and Sundays. Each bulletin was found to be at least 6 minutes long and this would give an overall total of 72 minutes of news per day during the weekends. The Authority concludes that the Licensee broadcast a daily average total of at least 84 minutes of news during the period under review.

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

Clause 6.2.2 of the schedule attached to the licence stipulates that:

"The Licensee shall broadcast at least sixty (60) minutes of current affairs programming each day during the South African performance period".

The Licensee's quarterly submissions demonstrate that Umhlobo Wenene FM broadcasts a daily average of 137 minutes of Current Affairs programming during the South African Performance Period.

The monitoring exercise revealed that the Licensee broadcasts 3 current affairs programmes each of which is 60 minutes in duration between Mondays and Fridays as follows:

- *Laphum' ikhwezi*: Current Affairs every morning between 05h30 and 06h30;
- *Zibuzwa Kuthi*: Current Affairs Midday between 12h00 and 13h00; and
- *Apha naPhaya*: Current Affairs between 18h00 and 19h00.

The following current affairs programming were also monitored between Saturday and Sunday during monitoring:

- *Ziyawoyika umbethe*: Current affairs programming on Saturday between 06h00 and 07h00; and
- *"Uphendlo 'ndaba zeveki*: Current affairs programme on Sunday between 18h00 and 19h00.

In this regard, the Licensee was found to broadcast, an average at least 145 minutes of current affairs programming on each day during the South African Performance Period.

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

Clause 6.2.3 of the schedule attached to the licence stipulates that:

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

- (i) Exercise full editorial control in respect of the 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 reasonable opportunity for the public to receive a variety of points of view on matters of public concern”.

The Licensee’s editorial policies also prescribe that the Licensee shall exercise full editorial control in respect of the contents of its programming. The editorial policies further indicate that the Licensee endeavours to meet the highest standards of journalistic professionalism. Furthermore, it provides fair, unbiased and impartial coverage independent from government, commercial or other interference.

During the period under review, the monitoring exercise revealed that the Licensee broadcasts matters of international, national, regional and local significance.

In its current affairs broadcast, the radio station was found to provide an opportunity for the public to receive a variety of points of view on matters of public concern. The Licensee’s Editorial Policies form part of the SABC’s Charter and monitoring of the Licensee’s news and current affairs programmes during the year under review not only demonstrated compliance with clause 6.2.2 of its licence but the Charter as contained in the Broadcasting Act of 1999.

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

### **3.5.3 Programming targeted at Children**

Clause 6.3.1 of the licence stipulates that:

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

According to the Licensee's submission, Umhlobo Wenene FM has, in the year that is currently under review, broadcast an average of 310 minutes of children's programming per week.

The monitoring exercise found that the Licensee broadcasts programmes that are targeted at children. The following programmes, were found to be carrying children's programming content:

- "*Nal' ibali*" broadcast on weekdays between 09h30 and 09h40, translating 50 minutes of *Nal' ibali* weekly;
- "*Ezemfundo*" broadcast on Saturdays between 09h00 and 10h00; and
- "*Abantwana kukholo neNgqiqo*" an insert broadcast within a programme called *Ukholo neNgqiqo* on Sundays between 07h30 and 08h00 and lasts for 30 minutes.

The Authority's monitoring exercise found that the Licensee broadcasts at least 140 minutes of children's programming per week during the South African Performance Period.

**The Licensee was found to be in compliance with clause 6.3.1 of its licence.**

Clause 6.3.2 provides as follows:

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

- (i) broadcast at the times in 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; and
- (iii) Educational and is made from a children's point of view".

The monitoring exercise found that all the programmes broadcast by the radio station comply with clause 6.3.2 of the licence. Below are examples in this regard:

- "*Nal' ibali*" a weekday story reading exercise of approximately ten (10) minutes between 09h30 and 09h45. The narrator in this programme reads the story in a manner that is understandable to children;
- "*Ezemfundo*" broadcast on Saturdays between 09h00 and 10h00; and
- "*Abantwana kukholo neNgqiqo*" broadcast on Sundays between 07h30 and 08h00.

All programmes monitored were produced and broadcast from a child's point of view and catered for the age groups. The programmes were broadcast around the times when children are expected to be home as contemplated in clause 6.3.2.

**The Licensee was found to be in compliance with clause 6.3.2 of its licence.**

### **3.5.4 Educational Programming**

Clause 6.4 of the licence stipulates that:

"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 Licensee's quarterly submissions indicate that Umhlobo Wenene FM scheduled at least 6 hours and 20 minutes of educational programming averaged weekly.

The Authority's monitoring exercise revealed that the Licensee's Educational Programming also carry elements of Informal Knowledge Building (IKB). The following programmes were found to be educational in nature: -

- "*Isikhokelo kwezemfundo*" broadcast on weekdays between 20h30 and 21h30. The content in this programme carries educational support to the classroom curriculum;
- "*Ezemfundo*" broadcast on Saturdays between 09h00 and 10h00. This programme carries educational content that is directed at children and is an initiative of SABC Education and Sanlam;
- "Amaziko Emfundo" a weekday offering of educational content between 21h00 and 21h30; and
- "Inzululwazi nobuChwephesha" broadcast on Sundays between 21h30 and 22h00.

The monitoring exercise revealed that the Licensee broadcast at least 6 and ½ hours of educational programming per week during the South African performance period.

**The Licensee was found to be in compliance with clause 6.4 of the licence document.**

### 3.5.5 Drama

According to Clause 6.5 of the schedule attached to the licence:

"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 submissions indicate that Umhlobo Wenene FM schedules at least 2 hours and 55 minutes of drama programming per week, during the South African performance period.

In the year under review, the Authority found that Umhlobo Wenene FM schedules one drama programme twice daily between Mondays and Fridays during the South African performance period.

- *"Ithini na le nto: Leyo yimfihlelo yobomi"* broadcast between 13h30 and 13h45. This radio production is originally written by Sonwabo Yawa and Bomikazi Ngcubhe and is produced by the SABC for broadcast on UMhlobo weNene; and
- *"Ithini na le nto: Leyo yimfihlelo yobomi"* a repeat of the midday offering broadcast between 21h 45 and 22h00 between Monday and Friday.

At least one hundred 150 minutes of drama programming were monitored per week during the South African performance period.

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

### 3.5.6 Informal Knowledge-Building Programmes

Clause 6.6 of the licence stipulates that:

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

The Licensee's quarterly submissions report that Umhlobo Wenene FM broadcast at least 14 hours and 55 minutes of Informal Knowledge Building programming per week during the South African Performance Period.

The monitoring exercise identified the following IKB programmes on Umhlobo Wenene FM's programming profile:

- *"NdinguYehova iGqirha Lakho"* is a daily offering between Monday and Friday from 05h00 and 05h30. This show offers informal knowledge with regards to different topics e.g. Ezolimo which is an everyday feature on the show dealing with agricultural issues.
- *"Khanya Gqiyazana"* is broadcast between 09h00 and 12h00 from Mondays to Wednesdays and then again on Fridays. The programme provides informal knowledge on issues relating to women in all aspects of a woman's life.
- *"Sijik" ilanga"* broadcast during weekdays, between 13h00 and 15h00 targets mostly the youth. The topics are always aimed at empowering the youth on business and technology amongst other things;
- *"Ukholo Lwemveli"* is a Saturday morning offering broadcast between 05h00 and 06h00. This programme was found to carry content that debates the origins of faith and the basis of the African beliefs.
- *"Ukholo neNgqiqo"* broadcast on Sundays between 05h00 and 09h00. This programme is a religious magazine programme which covers a variety of topics, mostly from a religious point of view regarding marriage, family lifestyles and how to raise children etc.

This translates to at least 35 hours of IKB programming per week within the South African Performance Period.

**The Licensee was found to be in compliance with clause 6.6 of the licence.**

### **3.6 Training and Skills Development Obligations**

Clause 7 of schedule attached to the licence stipulates as follows:

- 7.1 "The licensee must adopt and implement equal opportunity employment practices;
- 7.1 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 statistics are showing an increase compared to the previous year’s reporting. At least one more percent was added to the Licensee’s employment of Black people and females respectively. The SABC employed at least 86% black people compared to last year’s 85% in its staff complement in the year that is currently being reviewed while 49% (48% past financial year) in that number were female employees. Black people are in the majority at management level at 78%, while females at management level are at 45%.

The Licensee’s report is proving to be a step in the right direction in terms of improving their employment of Black people and females. The SABC has set targets for itself to employ more Black people and women each year.

In addition, 2% of the overall staff complement within the Licensee are people with disabilities and a bulk of that percentage is stationed at the licensee’s headquarters. 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 of having 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.**

### **3.7 Provision of Audited Financial statements to the Authority**

Clause 8 of the licence stipulates 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 apply to the Authority for extension".

The Licensee's audited financial statements for the 2016/17 financial were received within six months post end of its financial year end.

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

#### **4. REGULATIONS**

##### **4.1 Code on People with Disabilities**

Clause 3.1 (a) of the Code for People with Disability of 2007 provides as follows:

*"Broadcasting service Licensees must ensure that their services are made available and accessible to people with disability."*

Umhlobo Wenene FM's services do not discriminate against people with disabilities. The radio station was found to cater for people with disabilities in that interviews with representatives from organisations that represent people with disabilities were found during monitoring. Furthermore, Umhlobo Wenene FM's Form 7C<sup>8</sup> – a report on the Licensee's compliance with the Code on People with disabilities – submits to actively engage people with disabilities. Umhlobo Wenene FM prides itself in that it also employs the services of a disabled News Writer. In an overview, 2% of the Licensee's overall staff complement is made up of persons with disabilities.

**The Licensee was found to be in compliance with the above-mentioned regulation.**

##### **4.2 Compliance Procedure Manual – Form 12A**

Umhlobo Wenene FM is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A<sup>9</sup> which reports on all complaints received in the course of each financial year. During the period in review, the SABC submitted its complaints report in accordance with the Regulations regarding the Code of Conduct for Broadcasting Service Licensees.

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<sup>8</sup> Umhlobo weNene FM's Form 7c

<sup>9</sup> SABC Form 12A

According to the Licensee's Form 12A, only one complaint was received regarding UMhlobo weNene's programming in the year under review. According to the Listener concerned, the remarks made by the presenters regarding the liturgy of the Anglicans were hate speech. The Listener reports that the presenters in their remarks made fun of Anglican Christians. The Licensee's report goes on to mention that this complaint was dismissed though the Licensee does not divulge in its submission the grounds on which this complaint was dismissed.

**The Licensee was found to be in compliance with the Procedure Manual Regulations.**

#### **4.3 ICASA South African Music Content Regulations**

Regulation 3.1 of the South African Music Content<sup>10</sup> as published on 31 January 2006 stipulates that:

"Every holder of a public sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, a minimum of 40% of the musical works broadcast in the performance period consist of South African music and that such South African music is spread reasonably evenly throughout the said period."

The Licensee plays a significant amount of South African musicians. Umhlobo Wenene FM's music content is made up of approximately 85% South African Music. The following music artists enjoy airtime on Umhlobo Wenene FM's music play list: Amadodana aseWesile, Hlengiwe Mhlaba, Malibongwe Gcwabe, Tumi Mkokstaad Amanda Mankayi, Nathi Mankayi, Arthur Mofokate, Emtee, K.O and Nandi Mngoma, Casper Nyovest, Hiphop Pantsula, Proverb, AKA, Ricky Rick, Thandiswa Mazwai, Sifiso Ncwane, Nomuzi Mabhena, Phinda Matlala, Bucie, Lira, Busiswa, Phuz' eKhemisi, Ihash' elimhlophe, Shwi noMntekhala, uThwalufu namaNketshane, Chwane LeBhaca, Phum' evenini, Big Nuz, The Soil, Jamali, Mafikizolo, Boom Shakka and Teargas.

**The Licensee was found to be in compliance with regulation 3.2 of the South African Music Content Regulations.**

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<sup>10</sup> South African Music Content Regulations

#### **4.4 Regulations regarding Standard Terms and Conditions for individual broadcasting licences**

Regulation 11 (3) of the standard terms and conditions<sup>11</sup> stipulates that:

“A station must clearly identify itself at intervals of not more than thirty (30) minutes.”

The Licensee’s jingles/announcement were identified frequently during the period under review and these broadcasts were at intervals of not more than ten (10) minutes apart. The jingles/announcement always carried the name and frequency location of the Licensee. Furthermore, no non-compliance was detected by the Authority with the standard terms and conditions for individual licences.

**The Licensee was found to be in compliance with the regulations on standard terms and conditions for individual licensees.**

#### **4.5 Universal Service and Access Fund Regulations**

Regulation 3 of the USAF Regulations<sup>12</sup> stipulates 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”.

The Licensee paid its annual contribution to the USAF subsequent to negotiations with the MDDA to pay the USAF in two instalments and duly submitted proof to the Authority.

**The Licensee was found to be in compliance with the regulations in respect of Universal Service and Access Fund.**

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<sup>11</sup> Regulations regarding the Standard Terms and Conditions for Individual Licensee’s

<sup>12</sup> Universal Service and Access Fund Regulations

## **5. CONCLUSION**

Umhlobo Wenene FM sufficiently complied with all licence terms and conditions and all regulations that apply to the public broadcaster.

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## **6. TERMS OF REFERENCE**

**Appendix A:** UMhlobo weNene's Broadcasting Service Licence;

**Appendix B:** UMhlobo weNene's Frequency Spectrum Licence;

**Appendix C:** An extract from the Licensee's Editorial Policy;

**Appendix D:** SABC's Form 7c;

**Appendix E:** SABC's Form 12a;

**Appendix F:** South African Music Content Regulations;

**Appendix G:** Regulations regarding the Standard Terms and Conditions for Individual Licensee's; and

**Appendix H:** Universal Service and Access Fund Regulations.