



UMHLOBO WENENE FM ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/2018 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION 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 Constitution¹, the ICASA Act², the Electronic Communications Act³ (ECA) and the Broadcasting Act⁴ to regulate broadcasting activities in South Africa in the public interest. Among the responsibilities of the Authority is the task to ensure compliance by Broadcasting Service Licensees with the terms and conditions of their licence and any relevant legislation and/or Regulations.

The purpose of the report is to give an account of UMHlobo weNene FM's compliance with the terms and conditions, as set out in its licence, for the 2017/2018 financial year. Aspects of compliance that are measured comprise of Geographic Coverage, Language(s), Format, Local Content Obligations, General Programming Obligations, Training and Skills Development Obligations, Finances, Compliance Procedure Manual Regulations, Regulations regarding Standard Terms and Conditions, Regulations on the Code on People with Disabilities, South African Music Content Regulations and Regulations in respect of Prescribed Annual Contributions of Licensees to The Universal Service and Access Fund and General Licence Fees Regulations.

2. BACKGROUND

UMHlobo weNene FM holds an Individual Sound Broadcasting Service licence⁵ 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.

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 2000

⁴ Act No. 4 of 1999

⁵ UMHlobo weNene's Broadcasting Service Licence

3. COMPLIANCE ASSESSMENT

3.1 Geographic Coverage Area

Clause 2 of the licence provides as follows:

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

UMhlobo weNene FM's radio frequency spectrum licence⁶ 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.

The Licensee complies with clause 2 of its licence.

3.2 Language(s)

According to Clause 3 of the licence, the Licensee's language of broadcast shall be as follows:

"Principal Language: isiXhosa".

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

The Licensee complies with clause 3 of the licence.

3.3 Format

Clause 4.1 of the licence provides as follows:

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

⁶ UMhlobo weNene's Frequency Spectrum Licence

Clause 4.2 of the licence stipulates that:

"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 the Authority's monitoring exercise

The Licensee complies with clauses 4.1 and 4.2 of the licence.

3.4 Local Content Obligations

Clause 5 of the licence stipulates that:

"In each licence year, the Licensee shall, within thirty (30) days of 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 cases, the Authority's calculations would differ from what the Licensee reported.

First Quarter April – June 2017

Content/ Genre	ICASA Quota	LICENSEE'S Daily/Weekly PROVISION	LICENSEE'S Compliance in %
News	60min (Daily)	84min (per Week Day) 80min (Saturdays) 75min (Sundays)	140% 133% 125%

Current Affairs	60min (Daily)	168min (Per Week Day) 60min (Saturdays) 65min (Sundays)	280% 100% 108%
Content/ Genre	ICASA Quota	LICENSEE'S Daily/Weekly PROVISION	LICENSEE'S Compliance in %
IKB	180min (Weekly)	895min (Weekly)	497%
Education	300min (Weekly)	380min (Weekly)	126%
Children	60 min (Weekly)	310min (Weekly)	517%
Drama	150min (Weekly)	180min (Weekly)	120%

Second Quarter July – September 2017

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

Third Quarter October – December 2017

Content/ Genre	ICASA Quota	LICENSEE'S Daily/Weekly PROVISION	LICENSEE'S Compliance in %
News	60min (Daily)	84min (Week Days) 80min (Saturdays) 75min (Sundays)	164% 133% 125%
Current Affairs	60min (Daily)	168min (Per Week Day) 60min (Saturday) 65min (Sunday)	280% 100% 108%
IKB	180min (Weekly)	895min (Weekly)	497%

Content/ Genre	ICASA Quota	LICENSEE'S Daily/Weekly PROVISION	LICENSEE'S Compliance in %
Education	300min (Weekly)	380min (Weekly)	126%
Children	60 min (Weekly)	310min (Weekly)	517%
Drama	150min (Weekly)	180min (Weekly)	120%

Fourth Quarter January – March 2018

Content/ Genre	ICASA Quota	LICENSEE'S Daily/Weekly PROVISION	LICENSEE'S Compliance in %
News	60min (Daily)	84min (Per Week Day) 80min (Saturdays) 75min (Sundays)	140% 133% 125%
Current Affairs	60min (Daily)	168min (Per Week Day) 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 quarterly submissions indicate compliance by UMhlobo weNene FM with the set quotas during the 2017/2018 financial year. These figures were verified during the Authority's monitoring exercise.

3.5 General programming obligations

3.5.1 General

Clause 6.1.1 of the licence stipulates that:

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

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".

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

The monitoring exercise found that the following programmes contain religious content, particularly that of Christian denominations:

- "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 found during this programme;
- "Ukholo lweMveli" an African Traditional Programme broadcast on Saturday mornings 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 found in this programme, have an element of Christianity;
- "Iqonga leGospel" broadcast between 22h00 and 23h00 on Tuesdays. This programme features local gospel 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 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 the above-mentioned programmes demonstrate the Licensee's 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".

The Authority is satisfied that UMhlobo weNene's programming sufficiently reflects the cultures and traditions of the amaXhosa community. Firstly, the language used by the radio station bears testimony of the Licensee's compliance with this clause. Furthermore, the following programmes prove 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;
- Lavuth' iBhayi broadcast on Saturdays between 10h00 and 13h00. This is a traditional music programme which plays one hundred (100%) percent South African Music and featuring traditional Xhosa and Zulu artists.

The Licensee complies with clause 6.1.2 of its licence.

In terms of 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. The show was identified as being popular with its target market;

- "Ezemidlalo" - caters for the sports loving listener and was identified on Saturdays. Features sporting news that the Licensee offers in its sports broadcasts;
- "Isikhokelo kwezeMfundo" - a weekday feature targeted at the school going listener. This show features the classroom curriculum;
- "Umyezo weReggae" - a reggae music show targeted at those who love the music and the followers of Rastafari movement or religion.

The Licensee complies with clause 6.1.3 of its licence.

3.5.2 News and Current Affairs

Clause 6.2.1 of the licence stipulates that:

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

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

The monitoring exercise found that the Licensee schedules at least fifteen (15) news bulletins from 7h00 until 21h00 on each day of the week. All bulletins have a duration of at least five (5) minutes and that calculates to approximately seventy-five (75) minutes of news on weekdays during the South African performance period.

Over the weekends, the Licensee was found to broadcast at least twelve (12) news bulletins per day. Each bulletin was found to be at least five (5) minutes in duration which gives an overall total of sixty (60) minutes of news per day during weekends.

The Authority concludes that the Licensee broadcast a daily average of at least seventy (70) minutes of news during the period under review.

The following News extracts were found during monitoring:

- "Abahlalutyi abathile kwezopolitiko bathi kube yimpazamo ukuvumela uMongameli uJacob Zuma ukuba azimase irally yoSuku lwabaSebenzi eBloemfontein. UMongameli uZuma uye waxwaxhwa ngamalungu eCosatu abelapho, de kwenzeka okungazange kwenzeke ezimbalini zolusuku nalapho kungakhange kwenziwe zintetho eziphambili.";

- *"Urhulumente uza kutyhalela ekubeni kubanjwe iingxoxo ezingohlumo kuqoqosho lwell kwiqonga lezoqoqosho lwehlabathi noluzakugxila kwilizwekazi iAfrika kulo umnyaka. UMzantsi Afrika nosakusindleka lo msitho eThekwini uthi ufuna ukusebenzisana namashishini kwaye uzingela nobudlelwane bentsebenziswano obuluqilima kwakunye namazwe akulo ihlabathi jikelele. Uhlumo loqoqosho lwelizwekazi iAfrika kulindelek."*
- *"e ukuba luthothoze kulonyaka ngesicwangciso sohlumo sikarhulumente esiphakathi komyinge ka5 no 6percent. Ingqungquthela yalo unyaka kulindeleke ukuba itsale umdla wamakhulu-khulu abantu kuquka iinkokheli kwezoshishino, imibutho engekho phantsi kophiko lukaRhulumente, kwakunye noSomashishini."*
- *"Kubhubhe abantu abasibhozo, kusenzakala ngokumandla aabane ngethuba kuntlithana izithuthi ezibini kwindlela uR61 phakathi kweNgcobo neCofimvaba eMpuma Koloni. Othethela ezothutho ephondweni, uMayenzeke Dada uthi abantu abathandathu babhubhe ngoko nangoko, lo gama ababini bebhuhhele esibhedlele, amapolisa asaphanda unobangela wale ngozi. UDada uthi abonzakeleyo babalekiselwe esibhedlele."*; and
- *"Johannesburg Stock Exchange ithi sele kukufutshane ukuba oqpshelelo uphando kwizithyolo zorhwebelano oluyimfihlo kwinkampani yosapho lwakwaGupta. Urhwebo kuleNkampani lunqunyanisiwe kwinyanga ephelileyo. IJSE ithi lengxelo izakudluliselwa kwiBhodi yeenkonzo zezimali nekwaphanda urhwebelwano olwenzeka kwilyure ezimbalwa ngaphambi kokuba owayesakuba nguMphathiswa weSebe leZimali uPravin Gordan abizwe kwindibano awaye eyibambe nabatyali zimali eLondon, zewathi akufika eMzantsi Afrika wagxothwa kwisikhundla sakhe sobuPhathiswa. Intloko yecandelo elijongene nezenzo ezigwenxa kwiiMalike, IFSB, uSolly Keetse, uxelele iRuiters ukuba uphando luyaqhuba."*

The Licensee complies with clause 6.2.1 of its licence.

Clause 6.2.2 of 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 broadcasts a daily average of one hundred and thirty-seven (137) minutes of Current Affairs programming during the South African Performance Period.

The Authority's monitoring exercise found that the Licensee broadcasts three (3) current affairs programmes – each with a duration of 60 minutes between Monday and Friday as follows:

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

The following current affairs programming was also monitored on Saturday and Sunday as follows:

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

The Licensee was found to broadcast an average of at least one hundred and forty-five (145) minutes of current affairs programming on each day during the South African Performance Period.

The Licensee complies with clause 6.2.2 of its licence.

Clause 6.2.3 of 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 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.

The monitoring exercise found that the Licensee 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 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 not only demonstrate compliance with clause 6.2.2 of its licence but the Charter as contained in the Broadcasting Act of 1999.

The Licensee complies with clause 6.2.3 of the 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 broadcast an average of three hundred and ten (310) minutes of children's programming per week.

The Authority's monitoring exercise found that the Licensee does schedule programmes that are targeted at children. The following programmes, as found on UMhlobo weNene FM's programming profile, are examples of children's programming on UMhlobo weNene FM:

- "Nal' ibali" broadcast on weekdays between 09h30 and 09h40. Which translates to fifty (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.

The Authority’s monitoring exercise in this regard found that the Licensee broadcasts at least one hundred and forty (140) minutes of children’s programming per week during the South African Performance Period.

The Licensee complies 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”.*

Below are examples of programmes found during monitoring:

- “Nal’ lballi” 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 complies with clause 6.3.2 of its licence.

3.5.4 Educational Programming

Clause 6.4 of UMhlobo weNene FM's 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".

According to the Licensee's quarterly submissions UMhlobo weNene schedules at least 6 hours and 20 minutes of educational programming averaged weekly.

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

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

The monitoring exercise observed at least seven hours of educational programming per week during the South African performance period.

The Licensee complies with clause 6.4 of the licence.

3.5.5 Drama

Clause 6.5 of the licence provides 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 submissions indicate that UMhlobo weNene schedules at least 2 hours and 55 minutes of drama programming per week, during the South African performance period.

The Authority's findings were that UMhlobo weNene FM schedules one drama programme twice daily between Monday and Friday 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 21h35 and 21h50 between Monday and Friday.

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

The Licensee complies 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 indicate that UMhlobo weNene broadcast at least fourteen (14) hours and fifty five (55) minutes of Informal Knowledge Building programming per week during the South African Performance Period.

The monitoring exercise found the following IKB programmes on UMhlobo weNene FM's programming profile:

- *"NdinguYehova IGqirha Lakho"* a daily feature between Monday and Friday from 05h00 and 05h30. This show offers informal knowledge with regards to different topics such as Ezolimo which speaks mostly about issues of agriculture and the concerns in this sector.
- *"Khanya Gqiyazana"* featured between 09h00 and 12h00 from Mondays to Wednesdays and then again on Fridays. Khanya Gqiyazana provides informal knowledge on issues relating to women in all aspects of a woman's lives.
- *"Sijik' ilanga"* broadcast during weekdays, between 13h00 and 15h00 This show is featured in the afternoon drive show with topics targeted mostly at the young

adults. The topics are always aimed at empowering the listener on business and technology amongst other things;

- "Ukholo Lwemveli" a Saturday morning feature 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.

This translates to approximately (35) hours of IKB programming per week within the South African Performance Period.

The Licensee complies with clause 6.6 of the licence.

3.6 Training and Skills Development Obligations

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

- 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 SABC submitted a training and skills development report indicating that its management and staff is representative of South African society. Further, for the period under review 87% of its employees are from designated groups.

The SABC states that its Learning and Development delivery during the period under review was slow due to financial constraints and that the delivery was on urgent and critical needs of the organisation. The SABC submits that under the period of review, it delivered 701 training interventions to 515 employees. Of the 515 employees that were trained, 379 were trained in accordance with the SABC's Work Skills Plan and 136 were trained based on operational requirements.

Further, the majority of these employees were from designated groups which 87% were black, 49,5% were female and 1,75% were persons with disabilities.

According to the Licensee's report on its Annual Employment Equity and Skills Development plan, the Licensee strives for the creation of an "equitable working environment, in which the dignity of all individuals is respected and the diversity of all employees are valued." In this report, the SABC further advances that "at least 86% of their overall staff complement are Black people; while 78% of its management are people from historically disadvantaged backgrounds.

The Licensee further submits that it intends to adhere to its BBBEE obligations and remains committed to contributing to the growth of the South African Economy through the empowerment of previously disadvantaged individuals.

The SABC continues to submit its written information regarding its compliance with this clause as the end of the financial year.

The Licensee complies with clause 7 of the 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 2017/18 financial were received within six months post year end.

The Licensee complies with clause 8 of its licence.

4. REGULATIONS

4.1 Code on People with Disabilities

Clause 3.1 (a) of the Code on People with Disabilities 2007⁷, states that:

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

The SABC conducted different campaigns to encourage disability declarations for the reasonable accommodation of employees with disabilities. Further, accessibility audits were conducted and the SABC has started to implement the audit findings as to ensure that the physical workplace is accessible for persons with disabilities.

Clause 3.1 (c) states 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".

During the period under review, the Licensee conducted the SABC National Disability Committee quarterly meetings to monitor and evaluate progress against its Disability mainstreaming objectives. The Licensee hosted National Disability Rights Awareness Month from 3 November until 3 December. During this period the SABC created integral disability awareness.

The following were some of the disability awareness campaigns hosted by the Licensee:

- National Bind Buddy Day;
- Albinism Awareness;
- Deaf Awareness; and
- Casual day.

The Licensee further conducted verifications of all declared disabilities and identification of reasonable accommodation needs, as well as participation in career exposure initiatives for scholars with disabilities, such as the Take A Girl to work initiative.

⁷ as published in the Government Gazette, no 30441, 7 November 2007.

SABC also reported that Employees with disabilities represent 2.34%, an increase from the previous reporting period. Employees with disabilities are employed on different occupational levels with majority representation on the Skilled, Technical and academically qualified level.

Further, Producers are encouraged to establish relationships with organisations for people with disabilities to use for content when the need arises.

To improve the representation of employees with disabilities, the SABC's recruitment efforts will remain targeted. The SABC also intend to accelerate disability declaration campaigns that will aid in the improvement of employees with disability representation as well as providing reasonable accommodation.

The Licensee complies with the Code on People with Disabilities.

4.2 Compliance Procedure Manual – Form 12A

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

According to the Licensee's Form 12A, a complaint was received against uMhlobo weNene FM's Breakfast show termed "Ibrakfesi Eyondlayo Ekuseni (BEE)". The details of the complaint are that the producers of the show invited live on air a supposed to be pre-schooler who came to fame for being funny on social media. The complainant suggests that the Licensee invited "a troubled and disabled poor child just to procure laughs". The complainant further complains that by so doing, "[uMhlobo weNene] displayed lack of care for the boy's future by having him on the show during school hours (uMhlobo weNene FM's IBrakfesi Eyondlayo Ekuseni airs between 06h00 and 09h00). The Licensee's report goes on to mention that this complaint was dismissed.

The Licensee does not divulge as to the processes that were followed in resolving the complaint.

In terms of the requirements prescribed by Form 12A of the Compliance Procedure Manual Regulations; the Licensee complied with the obligation.

⁸ SABC Form 12A

4.3 ICASA South African Music Content Regulations

Regulation 3.1 of the ICASA Regulations on South African Music ⁹ as published on 23 March 2016 stipulates that:

"A holder of a public sound broadcasting licence must ensure that after eighteen (18) months from the date of gazetting of these Regulations, a minimum of 60%, increasing to 70% in the following year, of the musical works broadcast in the performance period, consist of South African music and that such South African music is spread evenly throughout the performance period."

The Licensee's play list is dominated by 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: Lusanda Mcinga, Malibongwe Gcwabe, Dr Tumi, Rebecca Malope, Sgwili no Babo, Pastor Benjamin Dube, Amadodana aseWesile, Hlengiwe Mhlaba, Tumi Mkokstaad, Zonke Dikana, Joe Nina, Donald, Musa Sukwene, Amanda Mankayi, Nathi Mankayi, Sjava, Zahara, K.O and Nandi Mngoma, Khwesta, 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, Teargas and many others.

The Licensee complies with regulation 3.2 of the 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 conditions¹⁰ 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

⁹ South African Music Content Regulations

¹⁰ Regulations regarding the Standard Terms and Conditions for Individual Licensee's

Licensee. Furthermore, no non-compliance was detected by the Authority with the standard terms and conditions for individual licences.

The Licensee complies with the regulations on standard terms and conditions for individual Licensees.

4.5 Universal Service and Access Fund Regulations

Regulation 3 of the USAF Regulations¹¹ 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 and received confirmation of payment in a form of a Section 18A certificate from the MDDA. The Licensee submitted proof of payment to the Authority within the timeframes as prescribed by the Regulation regarding the Universal Service and Access Fund.

The Licensee complies with the regulations in respect of Universal Service and Access Fund.

5. CONCLUSION

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

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;

¹¹ Universal Service and Access Fund Regulations

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.