



UKHOZI FM ANNUAL COMPLIANCE REPORT

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SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BROADCASTING AS UKHOZI FM

Licence Period : 18 December 2008 to 18 December 2018

1. PREFACE

The Independent Communications Authority of South Africa (“the Authority”) has a statutory mandate in terms of the Constitution,¹ the Broadcasting Act,² the ICASA Act of 2000,³ and the Electronic Communications Act (“EC Act”) of 2005⁴ to regulate broadcasting activities in South Africa in the public interest. The Authority is tasked with ensuring compliance by broadcasters with the ICASA Act, the EC Act, the terms and conditions of their licence and any relevant legislation and regulations.

The following report is intended to give account of Ukhozi FM’s performance for the period 2018/2019 financial year. Aspects of compliance that are measured comprise of Geographic coverage, Language, Format, Local Content Obligations, General Programming Obligations, Training and Skills Development Obligations, Finances, South African Music Content Regulations, Standard Terms and Conditions, Universal Service and Access Fund Regulations and License Fee Regulations.

2. BACKGROUND

Ukhozi FM is a public broadcasting service licensee of the South African Broadcasting Corporation (“the SABC”).

¹ The Constitution No, 108 of 1996.

² The Broadcasting Act No,4 of 1999.

³ The ICASA Act No, 13 of 2000.

⁴ The Electronic Communications Act, 2005 (Act No. 36 of 2005).

The radio station's mandate is to provide a full radio spectrum service to the geographic areas of Gauteng, Eastern Cape, Free State, KwaZulu Natal and Mpumalanga Provinces.

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"

Clause 1.2 of the licence provides that the shareholders are as follows:

"Shareholders: The State: 100%"

Clause 1.3 of the licence stipulates that:

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

Ukhozi FM forms part of the public service of the SABC and is 100% owned by the State.

The Licensee complies 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 stipulates 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's coverage areas are: Gauteng, Eastern Cape, Free State, KwaZulu Natal and Mpumalanga Provinces. The Licensee confirms that its coverage area is as defined in its licence.

The Licensee complies with clause 2 of the schedule to its service licence.

3.3 Language(s)

Clause 3 of the schedule to the licence stipulates that the radio station's language of broadcast is as follows:

"Principal Language: isiZulu".

The Authority's monitoring exercise confirmed that the radio station's principal language of broadcast is isiZulu.

The Licensee complies with clause 3 of the schedule to its licence.

3.4 Format

Clause 4.1 of the schedule to the licence stipulates that:

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

Further, clause 4.2 stipulates 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 complies with clauses 4.1 and 4.2 of the schedule to its licence.

3.5 Local Content Obligations

Clause 5 of the schedule to 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 the relevant details both as an aggregate in minutes and as a percentage of the total of all such programming material".

SABC submitted its quarterly reports for the period under review, the reports are reflective of a week's sample for each quarter.

The Licensee complies with clause 5 of the schedule to its licence.

3.6 General programming obligations

3.6.1 General

Clause 6.1.1 the schedule to the licence stipulates that:

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

Clause 6.1.2 the schedule to the licence stipulates that:

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

The SABC's editorial policy stipulates that:

"Religious programmes should take account of regional factors, target audiences, language and cultural preferences, and the devotional needs of specific groups" (See an extract on SABC's editorial policy attached as Appendix B).

The Authority's monitoring exercise established that the Licensee caters for different cultures and religious groups. *"Ezamabandla"* which features church sermons and indigenous gospel music was identified on Sundays from 05h30 to 06h60 and continues again from 07h05 to 07h30.

Other church sermons and religious music programming that were identified are *"Indumiso"* at 08h00 to 11h30, *"Unkulunkulu nomuntu omusha nenkonzo"* at 20h00 to 21h00 and *"Ezenkolo"* at 22h30 to 23h00. *"Izwi Labantu"* on Sundays at 05h00 to 05h30 tackles issues reflecting the African culture and on the day of the monitoring exercise the presenters analysed communicating with Ancestors with respect.

"Ikhethelo Lokhozi" and *"Sigiya Ngengoma"* that is broadcast on Saturdays at 05h00 to 09h00 and 09h30 to 12h30 respectively addresses cultural issues and broadcasts traditional music.

The Licensee complies with the clauses 6.1.1 and 6.1.2 of its licence.

Clause 6.1.3 the schedule to the licence stipulates that:

"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 identified a programme called *"Jabul'jule"* presented by "Lady D" weekdays at 09h05 to 12h00. The programme dealt with various topics catering for women in their mid-twenties and above and focuses on women issues. On the day of the monitoring exercise, the presenter discussed a letter

written by a forty-one (41) year old listener who is in an “open marriage”. Viewers called in and gave their opinions on the issue. “*Ndiza Nathi*” broadcast on weekdays from 12h05 to 15h00 empowers listeners by providing information on a wide variety of topics.

The Licensee complies 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 stipulates that:

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

The Authority’s monitoring exercise confirmed that the radio station broadcasts news every hour Mondays to Sundays from 06h00 to 22h00 (seventeen (17) news bulletins). The duration of news bulletins is approximately five (5) minutes which adds up to about eighty-five (85) minutes of news during the South African performance period. News bulletins are read in IsiZulu with English sound bites. The following are among the news items monitored during the period under review:

- *“U Mongameli wakuleli uMnumzana u Cyril Ramaphosa usecele abanini bamaplasa ukuthi basebenzisane no Hulumeni ukuze kusheshe udaba lokubuyiselwa komhlaba kubaniniwo lapha eNingizimu Afrika”;*
- *“Iqembu le IFP likushayele ihlombe ukuboshwa kwe Meyu ye qembu le ANC e Newcastle lesifundazweni sakwa Zulu Natal malunga nokubulawa kwe lungu le ANC Youth League u Wandile Ngobeni”;* and
- *“Umongameli we National People’s Front, u Bheki Gumbi usezwakalise ukwekhathazeka ngabangasibo bakuleli abayibandakanyeza zenzweni zobulelesi lapha eNingizimu Afrika.*

- *UGumbi ebecacisa umhlahlandela weqembu lakhe kuleli khetho lomnyaka ka 2019 ese Pongolo enyakatho nesifundazwe sakwa Zulu Natal izolo”.*

The Licensee complies with clause 6.2.1 of the schedule to its licence.

Clause 6.2.2 the schedule 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 Authority’s monitoring exercise confirmed that Ukhozi FM broadcasts three (3) current affairs programmes on weekdays, *“Ezanamuhla”* at 05h00 to 06h30, *“Ezisematheni”* at 13h05 to 13h30 and *“Abasiki Bebunda”* at 18h05 to 19h00. A wide range of topics were covered during the current affairs programmes, such as:

- *“I Cope isingathe uhlelo lokukhankasa umuzi nomuzi e Eersterus okuyindawo eyakhelwe umphakathi wama Coloured”;*
- *“Inhlangano I Alliance for Transformation for All (I ATA) yethule umhlahlandlela wayo nekhetho lukazwelonke eralini esengathwe e Khayelitsha e Kapa”;* and
- *“U Mongameli we National People’s Front u Bheki Gumbi uzwakalise ukukhathazeka ngabantu abavela emazweni angaphandle ngelokuthi baqhuba ubugebengu kwelingabadi”.*

The monitoring exercise also confirmed that the Licensee broadcasts a one (1) hour current affairs program, *“Ezangempelasonto”* with Bongani Mavuso on Saturdays and Sundays between 06h00 and 07h00.

The Licensee complies clause 6.2.2 of the schedule to its licence.

Clause 6.2.3 of the schedule to the licence stipulates as follows:

“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) meets 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 provides 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.

The Authority’s 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 (See 6.2.1 and 6.2.2 above). 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 demonstrated compliance with clause 6.2.3 of its licence and the Charter as contained in the Broadcasting Act of 1999.

The Licensee complies with clause 6.2.3 of its licence.

3.6.3 Programming targeted at Children

Clause 6.3.1 of the schedule to the licence stipulates 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 the schedule to the licence stipulates 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 Authority's monitoring exercise determined that, Ukhozi FM broadcasts a total of twenty (20) minutes of programming targeted at children on Sundays at 07h40 to 08h00. "Vumelani Abantwana Beze Kimi" serves as an educational and entertainment show, where children are taught everyday life lessons in a fun and energetic way. For example, phoning in and opening the programme with a prayer. The age group of children vary from four years to twelve years. The Licensee also broadcasts a ten (10) minute educational programme "Vukani" at 09h20 from Mondays to Fridays. On the day of monitoring, the children were taught how to prepare a grocery shopping list.

The Licensee complies 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 stipulates 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 Authority's monitoring exercise confirmed that the Licensee broadcasts an educational programme on weekdays, "Sithakela Isizwe" at 20h05 to 23h00. "Sithakela Isizwe" featured a wide variety of topics such as the founder of SA Blogger Sandy Nene, a Geography lesson aimed at Grade 12 students with NB Ndlela from Siyabonga High School and Prophet Sazi Ndwandwa from Healing Our Global

Ministries. The Licensee broadcasts more than fourteen (14) hours of educational programming per week.

The Licensee complies with clause 6.4 of the schedule to its licence.

3.6.5 Drama

Clause 6.5 of the schedule 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 Authority's monitoring exercise confirmed that the Licensee broadcasts "Unyaka Wesithembiso" on Mondays to Thursdays at 10h40 to 11h00 with a repeat broadcast at 19h40 and "Buchitheka Bugayiwe" at 15h05 to 15h20 also on Mondays to Thursdays. The Licensee broadcasts over three (3) hours of drama per week.

The Licensee complies with clause 6.5 of the schedule its licence.

3.6.6 Informal Knowledge-Building Programmes

Clause 6.6 of the schedule to 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 Authority's monitoring exercise identified the following Informal Knowledge Building programming:

A magazine and talk-show program called "Ujabul' jule" at 09h05 to 12h00, weekdays, an informative program that is aimed at women and focuses on their issues whilst getting all listeners involved in topical issues. "Ndiza Nathi", broadcast weekdays at 12h05 to 15h00 empowers listeners by providing information on skills development in many disciplines and employment opportunities. Ukhozi FM broadcasts over five (5) hours of informal knowledge building programming.

The Licensee complies with clause 6.6 of the schedule to its licence.

3.7 Training and Skills Development Obligations

Clause 7 of the schedule to the Ikwewezi FM's licence stipulates 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 take 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 the written information regarding its compliance with the above requirements."*

The Licensee is in its third year of its three (3) year employment equity plan. During the period under review, the Licensee submits that it successfully implemented employment equity and transformation objectives in line with the relevant legislation which ensured that diversity and inclusion is managed in a non-discriminatory environment. The Licensee implemented various initiatives that was aligned to its employment equity plan and was intended to create awareness, to educate and to challenge employees understanding on different topics relating to diversity and inclusion.

The Licensee submitted its Employment Equity and Transformation report for the period under review. The report indicated that the Licensee made significant progress

against its employment equity targets and goals as set out in the employment equity plan^{5[1]}.

The Licensee during the period under review achieved a level two (2) BBBEE status and received a total score of 19,61 out of 20 for its Management Control/Employment equity element.

The Licensee delivered 2534 training interventions to 1567 employees during the period under review. Of the 1567 employees, 1088 was trained in accordance with the Workplace Skills Programme and 479 were trained based on operational requirements.

The Licensee submitted that 88% of employees that were trained were from the designated groups (Black, Coloured, Indian). 54,56% were females and 2,55% were employees with disabilities.

The Licensee submitted its Training and Skills Development that provides a detailed breakdown of its compliance with the above requirements, for the period under review, to the Authority.

The Licensee complies with its training and skills development obligations.

3.8 Provisions of Audited financial statements

Clause 8 of the schedule to Ukhozi FM's 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 ground shown apply to the Authority for extension".

⁵ SABC Employment Equity and Transformation: Report to ICASA, Reporting period: 1 April 2018 – end March 2019.

The Licensee submitted its Audited Financial Statements for the 2018/2019 financial year within the stipulated time frame.

The Licensee complies with clause 8 of the schedule to its licence.

4. REGULATIONS

4.1 Compliance Procedure Manual Regulations, 2011⁶

Ukhozi FM is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A: ECN/S and BS Complaints Reporting form, which a Licensee should complete and submit, with details of all complaints received in each financial year. In 2018/19, the SABC submitted its complaints report in accordance with the Regulations regarding the Code of Conduct for Broadcasting Service Licensees.

During the period under review, Ukhozi FM received one complaint on 04 January 2019 from the show "Jabul' jule". The complainant took offence with the lyrics of one of the songs by Nuz Queen which changed its lyrics from demon to Idlozi (ancestor). The complainant felt changing lyrics from demon to Idlozi undermines the African culture. The Licensee responded to the complainant on 07 January 2019.

The Licensee complies with the Compliance Procedure Manual Regulations, 2011.

4.2 ICASA South African Music Content Regulations, 2016

The ICASA South African Music Content Regulations as published as published in *Government Gazette* No. 39844 dated, 23 March 2016 stipulate that:

⁶ ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011.

"A holder of a public sound broadcasting service 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 and that such South African music is spread evenly throughout the performance period".

The Authority's monitoring exercise determined that the Licensee plays between 70 and 80% South African music and identified the following local artists, DJ Black Coffee and Zayo "Any Other Way", Thandiswa Mazwai "Uyingoma", Sanele Mkhize "Uyingcwele", Ncebakazi "Ndineculo" and many more.

The Licensee complies with the 70% local music content quota, as prescribed by the ICASA South African Music Content Regulations, 2016.

4.3 Standard Terms and Conditions for Individual Broadcasting Licensees, 2010 as amended

During the year under review, the Authority did not identify any non-compliance by Ukhozi FM with the standard terms and conditions for individual licensees (See *Regulations Regarding Standard Terms and Conditions for Individual Licences attached as Appendix E*).

4.4 Universal Service Access Fund Regulations

Regulation 3⁷ of the Universal Service Access Fund Regulations stipulates that:

"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.

⁷ Published in *Government Gazette* No. 34010 dated, 10 February 2011.

- (2) *A Broadcasting Service 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 fee of eight million nine hundred and forty-two thousand, five hundred and thirty-six rand and twenty-seven cents (R8, 942 536.27), to the MDDA.

The Licensee complies with the USAF Regulations, 2011.

5. CONCLUSION

Ukhozi FM has complied with its licence terms and conditions and applicable regulations.

6. APPENDICES

Appendix A: Sound broadcasting service and frequency spectrum licences

Appendix B: SABC’s Editorial Policy

Appendix C: SABC Employment Equity and Transformation Report 2018/19

Appendix D: ICASA South African Music Content Regulations, 2011

Appendix E: Complaints Report - October 2018 to March 2019

Appendix F: USAF Regulations, 2011.