



UMHLOBO WENENE FM ANNUAL COMPLIANCE REPORT

MARCH 2020

2018/2019 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BROADCASTING AS UMHLOBO WENENE FM

Licence Period: 18 December 2018 - 17 December 2028

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.

This report is intended to give account of UMhlobo weNene FM's compliance with the terms and conditions, as set out in its license, in the financial year that ended March 2019. 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 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 Ownership and Control

Clause 1 of Umhlobo weNene FM's licence provides that:

"1.1 Name of Company/Entity: The South African Broadcasting Corporation

1.2 Shareholders: The State 100%

*1.3 Ownership held by persons from historically disadvantaged groups:
N/A"*

Umhlobo weNene FM forms part of the commercial service of the SABC and is 100% owned by the State.

The Licensee complies with clause 1 of its licence.

3.2 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 licence stipulates 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.

3.3 Language(s)

Clause 3 of Umhlobo weNene FM's service licence provides that 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 complies with clause 3 of 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".

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 2019.

The Licensee complies with clause 4.1 and 4.2 of its licence.

3.5 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 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.

3.6 General programming obligations

The sections that follow below, will give a summary of the Authority's findings on UMhlobo weNene FM's performance, based on the monitored recordings for the period under review. For the purposes of noting, UMhlobo weNene FM's programming in the year under review, had a few changes compared to the

previous year's reporting. The changes were noted, particularly, on weekend programming where some programmes were removed altogether from the schedule. Most programmes that were found in last year's schedule were found in the same slot as the preceding years.

3.6.1 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 policy⁶ 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:

"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:

- *"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;
- *"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 serves as a revival programme; and

⁶ An extract from the Licensee's Editorial Policy

- "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.

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".

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:

- "Ibuzwa kwaba phambili" broadcast on Saturday morning between 05h00 and 06h00. The content in this programme is symbolised by the reference and the use of the term Qamata and/or Mvel' ngqangi (God/High Power in the amaXhosa beliefs) and the ancestors. The amaXhosa beliefs, as monitored in this programme, has its principles anchored on Christianity;
- "Lavuth' iBhayi" broadcast on Saturdays between 10h00 and 13h00. This is a traditional music programme which plays hundred percent South African Music and featuring traditional Xhosa and Zulu artists; and
- "Umyezo weReggae" a Saturday reggae music show which serves as an acknowledgement of the Rasta community within the AmaXhosa.

The Licensee complies 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;
- *“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.

3.6.2 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 eighty-two (82) minutes of news each day during the South African performance period.

The Authority's monitoring exercise found that the Licensee schedules at least fifteen (15) News Bulletins, from 6h00 until 21h00 day of the week. All bulletins have a duration of at least six (6) minutes each and that totals to at least ninety (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 thirteen (13) full News Bulletins per day on Saturdays and Sundays. Each bulletin was found to be at least six (6) minutes long and this would give an overall total of seventy-two (72) minutes of news, on weekends.

The following News excerpts were found during monitoring:

- *"Inqunyanyisiwe inkqubo yokufunda nokufundisa kwizikolo ezisekuRuleni kwiMpuma Randi yeGauteng. Isebe lezeMfundo eGauteng lithumele iqela eliyakunikezela ngeenkonzo zentuthuzelo yomphefumlo kubafundi emva kweziganeko zophango kwisikolo iNorchem Park ne Edenvale izolo. Kuzo zozibini eziziganeke, abasebenzi bakhonjwe ngemipu kwathathwa nemali. Isithethi seliSebe, uSteve Mabona sithi...[Live cross-over to Steve Mabona of the Gauteng Department of Education]. Uthi mamhlanje baqinisekisa okokuba iinkonzo zokuthuthuzelwa kumphefumlo ziya kwizikolo ezichaphazelekayo, nalapho eEdenvale kubekho udubulwano kwaye abafundi bothukile.*
- *Kulindeleke ukuba uSihlalo weBhodi kwaEskom, uJabu Mabuza, avele phambi kweKomishini ephanda ngokubanjwa kukaRhulumente ngobhongwana ngamaqumrhu abucala ePark Town kwisixeko saseRhawutini ngale ntsasa. Izolo igqwetha eliphambili kuleKomishini, uAdvocate Thandi Norman, lixelele leKomishini ukuba lineengxelo zobungqina eziphuma kumaGosa aphuma kwaEskom nasebenza khona kungoku, nathe anika ingxelo kwiKomiti yamaQumrhu kaRhulumente, nephandla ngemiba yamaQumrhu kaRhulumente ePalamente. LeKomishini iphandla izithyolo zobuqhophololo norhwaphilizo kumaQumrhu kaRhulumente.*

- *Intloko yeOfisi kaMongameli weANC, nolibambela lesiThethi seANC, uZizi Kodwa, uziphikile izithyolo zowasetyhini othi udlwengulwe ngulo kaKodwa kumsitho wabucala ngoApril. Kwingxelo ayikhuphileyo ngale ntsasa, uKodwa uthi incwadi ethunyelwe ngulo watyhini kwiOfisi kaNobhala Jikelele wombutho igcwele ubuxoki kwaye uthi, iyinxalenye yephulo lokungcolsa igama lakhe. Usekela noBhala weANC, uJesse Duarte, ungqinile okokuba khona le ncwadi ithunyelwe kuNobhala Jikelele. Uthi iANC imcebise ekubeni makaye kumangala emaPoliseni lo wasetyhini kuba engelilo ilungu leANC. NgokukaKodwa, aziyonyani izityholo zodlwungulo, ukuxhaphaza ngokwesondo kwakunye nokudlisa abasetyhini ababini iziyobisi, ezichaza nje ngelinge elinobungozi lepolitiki."*

The Licensee complies with clause 6.2.1 of its licence.

Clause 6.2.2 stipulates that:

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

Umhlobo weNene's quarterly submissions demonstrate that the Licensee broadcasts a daily average of one hundred and thirty-seven (137) minutes of current affairs programming during the South African Performance Period.

A monitoring exercise carried out on UMhlobo weNene FM's programming profile 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 na Phaya"* (Midday): Current Affairs Midday between 12h00 and 13h00; and
- *"Apha na Phaya"* (Evening): Current Affairs between 18h00 and 19h00.

The following current affairs programming was also found between Saturday and Sunday during monitoring:

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

In this regard, the Licensee was found to broadcast, an average total 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 license document.

Clause 6.2.3 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, the Licensee's editorial policies also provide for 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 complies with clause 6.2.3 of its licence.

3.6.3 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 under review, broadcast an average of three hundred and ten (310) minutes of children's programming per week.

The monitoring exercise found that the Licensee does have programmes that are targeted at children. The following programmes 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 and lasts for thirty (30) minutes.

The Authority's monitoring exercise 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".*

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 complies with clause 6.3.2 of its licence.

3.6.4 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 scheduled 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 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" broadcast on Sundays between 21h00 and 21h30; and
- "Inzululwazi nobuChwephesha" immediately after *Amaziko eMfundo* for another 30 minutes.

The monitoring exercise observed at least seven (7) hours of educational programming per week during the South African performance period.

The Licensee complies with clause 6.4 of the licence document.

3.6.5 Drama

Clause 6.5 of the Licence provides as follows:

"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 three (3) hours 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 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 21h 45 and 22h00 between Monday and Friday.

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

The Licensee complies with clause 6.5 of its licence.

3.6.6 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 broadcast at least 14 hours and 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 offering between Monday and Friday from 05h00 and 05h30. This show offers informal knowledge with regards to different topics e.g. Ezolimo – an everyday feature on the show which speaks mostly about issues of agriculture and the concerns in this sector.
- *"Khanya Gqiyazana"* goes to air 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 life.
- *"Sijik' ilanga"* broadcast during weekdays, between 13h00 and 15h00. This show is targeted mostly at the youth and the topics are always aimed at empowering the youth on business and technology amongst other things;
- *"Ibuzwa kwabaphambili"* a Saturday morning offering between 05h00 and 06h00. This programme was found to carry content that debates the origins of faith and the basis of the African beliefs. Its attempts are mostly centred around restoring the cultures and traditions of AmaXhosa.

- "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 thirty-four (34) and a half hour of information and knowledge based (IKB), programming per week within the South African Performance Period.

The Licensee complies with clause 6.6 of the license document.

3.7 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;

7.2 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 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 its 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.

The SABC 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.

With regards to its training obligations, the Licensee reports to have 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 report which provided a detailed breakdown of its compliance with the above requirements for the period under review.

The Licensee complies with its training and skills developments obligations.

3.8 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 submitted its Audited Financial Statements for the 2018/2019 financial year within the stipulated timeframe.

The Licensee complies with clause 8 of its licence.

4. REGULATIONS

4.1 Compliance Procedure Manual – Form 12A

UMhlobo weNene FM is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A which reports on all complaints received in the course of each financial year. In April 2019, the SABC submitted its complaints report⁷ in accordance with the Compliance Procedure Manual Regulations.

4.2 ICASA South African Music Content Regulations

Regulation 3 of the ICASA South African Music Content Regulations 2016⁸ 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: Master KG, 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, Teargas and many others.

The Licensee complies with regulation 3.2 of the South African Music Content Regulations.

⁷ UMhlobo weNene's Complaints Report.

⁸ ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No.39844 dated, 23 March 2016.

4.3 Regulation on Standard Terms and Conditions for Individual Broadcasting Licences, 2010

Regulation 11 (3) of the Standard Terms and Conditions for Individual Broadcasting Licences, 2010⁹ 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 complies with the regulations on standard terms and conditions for individual licensees.

4.4 Universal Service and Access Fund Regulations

Regulation 3 of the USAF Regulations¹⁰ 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 from the MDDA. The Licensee further submitted the proof of payment to the Authority within the timeframes as prescribed by the Regulation regarding the Universal Service and Access Fund.

⁹ Published in *Government Gazette* No. 33294 dated, 14 June 2010, as amended.

¹⁰ USAF Regulations 2011, published in *Government Gazette* No. 34010 dated, 10 February 2011.

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;

Appendix D: UMhlobo weNene's Form 7c;

Appendix E: UMhlobo weNene FM's Complaints Report

Appendix F: South African Music Content Regulations, 2016;

Appendix G: Regulations regarding the Standard Terms and Conditions for Individual Services, 2010 as amended; and

Appendix H: Universal Service and Access Fund Regulations, 2011.