



UKHOZI FM ANNUAL COMPLIANCE REPORT

MARCH 2021

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2019/2020 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION BROADCASTING AS UKHOZI FM

Licence Period : 19 December 2018 to 18 December 2028

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,³ and the Electronic Communications Act⁴ to regulate broadcasting activities in South Africa in the public interest. The Authority is tasked with monitoring compliance by broadcasters with the terms and conditions of their licences, the three Acts and any other relevant legislation and Regulations.

The following report is intended to give an account of Ukhozi FM ("the Licensee")'s performance for the 2019/2020 financial year. Aspects of compliance that are measured comprise of the geographic coverage, language(s) of broadcast, broadcast content format, local content obligations, general programming obligations, training and skills development obligations, finances, South African Music Content Regulations, Regulations regarding Standard Terms and Conditions for Individual Broadcasting Services, Regulations in respect of the Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund and Compliance Procedure Manual Regulations.

2. BACKGROUND

Ukhozi FM holds an Individual Public Sound Broadcasting Service ("I-PSBS") licence and a Radio Frequency Spectrum ("RFS") licence (collectively referred to as "licences") for provision of services to the geographical areas of Gauteng, Eastern Cape, Free State, KwaZulu Natal and Mpumalanga Provinces. Ukhozi FM forms part of the South African Broadcasting Corporation ("SABC") and was issued its licences on 18 December 2008.

¹ The Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)

² Broadcasting Act, 1999 (Act No. 4 of 1999)

³ ICASA Act, 2000 (Act No. 13 of 2000), as amended

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

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"

Further, clause 1.2 of the licence provides that:

"Shareholders: The State: 100%"

Furthermore, 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 RFS 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 and specified in its RFS licence.

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

3.3 Language(s)

Clause 3 of the schedule to the licence stipulates that:

"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 of the schedule to the licence 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 its 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".

The SABC submitted its quarterly reports for the period under review, the reports reflect 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 of the schedule to the licence stipulates that:

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

Furthermore, clause 6.1.2 of 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 05h00 to 06h00 and continues again from 07h05 to 08h00.

Other church sermons and religious music programming that were identified are "Indumiso" at 08h00 to 11h00, "Unkulunkulu nomuntu omusha nenkonzo" at 20h00 to 21h30 and "Ezenkolo" at 22h05 to 22h30.

"Izwi Labantu" on Sundays at 05h00 to 05h30 tackles issues reflecting culture and the monitoring exercise picked up a discussion on the causes of a high rate of divorce.

"Itende Lomcimbi" and "Sigiya Ngengoma" that is broadcast on Saturdays at 05h00 to 09h00 and 09h00 to 12h00 respectively addresses cultural issues and broadcasts traditional music.

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

Clause 6.1.3 of 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 09h00 to 12h00. The programme deals with various topics addressing societal issues. A segment "Ncipha Bugebengu", featured an interview with Nkosinathi Zondi an ex-convict who discussed his life of crime, multiple prison terms he served, the kinds of crimes he committed and how he evaded the Justice system.

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 I-PSBS 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 on top of the hour on 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:

- *"Sekuqinisekiswa umntu wokuqala oshone ngenxa yegciwane I Coronavirus ezweni lase Melika e Washington";*
- *"Intlangano yezempilo emhlabeni I World Health Organisation, ihovisi layo elisa Africa linxuse abantu ukuba bazihluphe ngolwazi olucacisa ukuthi kumele kubhekwanke kanjani negciwane I Coronavirus uma kwenzeka lubheduke endaweni abazakhele. Lelihovisi lithi bantu kumele babenolwazi olufanele ugwema ugcina bekholelwa ngamahebezi angelilo iqiniso bagcine selisabalele emhlabeni. We need to provide the community with the correct information"; and*
- *"Unqonqoshe wezempilo e Western Cape u NomaFrench Mbombo uthi uhulumeni uhlulekile ukuvikela uTasney Van Wyk obeneminyaka elishaga lombini obulewe. U Mbombo ekhuluma emngcwabeni wale ntomazanyana".*

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

Clause 6.2.2 of 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 06h00, "Ezisematheni" at 12h00

to 12h30 and "Abasiki Bebunda" at 18h05 to 19h00. A wide range of topics were covered during the current affairs programmes, such as:

- *"Umongameli u Cyril Ramaphosa umise ukuvakasha kwabantu abavela emazweni angaphandle okudlange kuwo leligciwane, ekubala kuwona I Italy, Iran, South Korea, Spain, Germany, China, United Kingdom ne USA."*;
- *"Iphini lika Mongameli u David Mabuza uthole indondo yobuholi okuqavile yonyaka ka 2019 ephuma kwi African Leadership Magazine. Mabuza was honoured for the role he played as a peace mediator in South Sudan"; and*
- *"Namhlanje onqonqoshe abangu 14 babambe isithangane sabezindabe ePitoli ukuchaza kabanzi ngendlela eziningi u Hulumeni azoyisebenzisa ukunqanda ukusabalala kwegciwane I Coronavirus"*.

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 with 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 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 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 I-PSBS licence and the Charter as contained in the Broadcasting Act of 1999.

The Licensee complies with clause 6.2.3 of the schedule to its licence.

3.6.3 Programming targeted at Children

Clause 6.3.1 of the schedule to the I-PSBS 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".

Further, clause 6.3.2 of 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 "Takalani Sesame/Nalibali" at 09h20 from Mondays to Fridays. The children are taught life lessons such as telling the truth.

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 Mondays to Thursdays, "Sithakela Isizwe" at 20h00 to 23h00. "Sithakela Isizwe" hosted by Sipho Mbatha featured a wide variety of topics such as studio guest Msajero Mbonambi from Techno Innovations discussing network marketing. Psychologist Sbu Mhlongo was also a guest to discuss trauma and anxiety during the pandemic. The Licensee broadcasts twelve (12) 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 "Uthando Olwedukelene" 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 also came across certain Informal Knowledge Building content, as follows:

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. "12 2 3 Cafe", broadcast weekdays at 12h05 to 15h00 empowers listeners by providing information on skills development in many disciplines such as Project Management, women's health and general knowledge topics such as privilege and preferential treatment. 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 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 submitted its Employment Equity and Transformation report for the period under review (2019/2020) to the Authority. The report acknowledges the importance of diversity in the workplace and that employment equity is an imperative business driver. The Licensee implements various education and awareness campaigns with the intention to create and to maintain a respectful, inclusive and non-discriminatory workplace.

The report indicates that the management and staff of the Licensee are representative of South African demographics, including 83 employees living with disabilities. The Licensee further endeavours to ensure that females are well represented at all occupational roles and especially in decision making positions.

The Licensee through its Learning and Development department implements a workplace skills programme in alignment with the needs of the organisation. During the period under review 87% of the people that were trained were from historically disadvantaged backgrounds, with females representing 54,5% of the overall total. The total amount spent on training for the period under review was R10 332 040. The training included amongst others customer service, effective presentation skills, stress management, office administration and time management.

The report shows the extent to which historically disadvantaged people are represented throughout the organisation. Further, the Licensee has a National employment equity forum that continues to monitor and evaluate the implementation of the Licensee's employment equity objectives.

The Licensee submitted both its Employment Equity and Transformation plan⁵ report as well as its Training and Skills Development report, that respectively provide a detailed breakdown of its compliance with the above requirements to the Authority for the period under review. Both reports were submitted within 30 days of the end of the financial year as required.

The Licensee complies with clause 7 of the schedule to its licence.

3.8 Provisions of audited financial statements to the Authority

Clause 8 of the schedule to licence stipulates that:

"The Licensee shall provide the Authority with the audited annual financial statements of the licensed service within six (6) 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".

The Licensee submitted its audited annual financial statements. However, due to the Covid-19 pandemic, the submission of the Licensee's audited financial statements was delayed and could not be submitted within six (6) months of the end of the Licensee's financial year.

The Authority was duly informed of the delay by the Licensee and considers the covid-19 pandemic good cause for an extension of the submission deadline.

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

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

4. REGULATIONS

4.1 ICASA 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. 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 two (2) complaints. On 14 May 2019 from the show *"Isidlo Sasekseni"*. The complainant took offence with the presenter discussing a newspaper headline from the previous day that masturbation will now be on the school's curriculum for older children. The presenter continued to explain what masturbation was whilst the complainant was driving his 9-year-old, to school and the presenter did so without warning. The Licensee responded to the complainant on 29 May 2019. The Licensee received a second complaint on 03 May 2019 from the show *"Sigiya Ngengoma"*. One of the presenters stated that people who no longer visit their homes because they've found *"About Into Yomntu"*. The term allegedly used to tease and taunt Xhosa people. The complainant considered it unfair and that it should not be used on national radio. The Licensee responded to the complainant on 27 May 2019.

The Licensee complies with the ICASA Compliance Procedure Manual Regulations.

4.2 ICASA South African Music Content Regulations, 2016

Regulation 3(1) of the ICASA South African Music Content Regulations as published in the *Government Gazette* No. 39844 dated, 23 March 2016 stipulate that:

"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

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

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’s playlist includes between 75 and 80% South African music and identified the following local artists: Platform 1 “Volovolo”, Sjava “Izitha”, Black Diamond “Umuthi”, DJ Maphorisa “Indabakabani”, Berita “Jikizinto”, Sbof ft Manqonqo and Big Zulu “Ndidikiwe” and many more.

The Licensee complies with the ICASA South African Music Content Regulations.

4.3 Regulations on Standard Terms and Conditions for Individual Broadcasting Services, 2010

During the year under review, the Authority did not identify any non-compliance by Ukhozi FM with the Regulations on Standard Terms and Conditions for Individual Broadcasting Services as published in *Government Gazette* No. 33294 dated, 14 June 2010 as amended.

The Licensee complies with the Regulations on Standard Terms and Conditions for Individual Broadcasting Services.

4.4 Universal Service and Access Fund Regulations, 2011

Regulation 3(1) of the Regulations in respect of the Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund (“USAF”) as published in the *Government Gazette* No. 34010 on 10 February 2011, 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”.

Further, Regulation 3(2) provides that:

“A BS Licensee who has paid an annual contribution to the Media Development and Diversity Agency (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 of the same financial year”.

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

received confirmation of payment in the form of a Section 18A certificate from the MDDA. The SABC's financial year end is March.

The Licensee complies with Regulations 3(1) and 3(2) of the Regulations in respect of the Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund.

5. CONCLUSION

For the 2019/2020 financial year, the Licensee complies with all its I-PSBS licence terms and conditions and applicable Regulations

6. TERMS OF REFERENCE

- 6.1 Appendix A: Ukhozi FM's I-PSBS licence and RFS licence
- 6.2 Appendix B: SABC's Editorial Policy;
- 6.3 Appendix C: SABC Employment Equity and Transformation Report;
- 6.4 Appendix D: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No.39844 dated, 23 March 2016;
- 6.5 Appendix E: ICASA Compliance Procedure Manual Regulations 2011, published in *Government Gazette* No. 34863 dated, 15 December 2011;
- 6.6 Appendix F: USAF Regulations 2011, published in *Government Gazette* No. 34010 dated, 10 February 2011; and
- 6.7 Appendix G: Regulations on Standard Terms and Conditions for Individual Broadcasting Services, 2010 as published in *Government Gazette* No. 33294 dated, 14 June 2010, as amended.

END

March 2021