



XK FM ANNUAL COMPLIANCE REPORT

MARCH 2021

2019/2020 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION BROADCASTING AS XK FM

Licence Period: 18 December 2018 to 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.

The purpose of the report is to give an account of XK FM's compliance with the terms and conditions as set out in its licence for the 2019/2020 financial year. Aspects of compliance that are measured comprise of Format, Local Content Obligations, General Programming Obligations, Training and Skills Development, Finances, Complaints, South African Music Content Regulations, Regulations Regarding Standard Terms and Conditions, Universal Service and Access Fund (USAF) Regulations and Regulations on the Code on People with Disabilities.

2. BACKGROUND

XK FM is an Individual Sound Broadcasting Service Licensee of the South African Broadcasting Corporation (SABC). Its languages of broadcast are !Xun and Khwe. The radio station's mandate is to provide a full spectrum service to the geographic area of the Northern Cape Province, together with parts of Platorand and surrounding areas. The radio station is located in Kimberly, in the Northern Cape Province.

According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review was, 3 000⁵ and 200% increase from the same period in the previous year.

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 2005

⁴ Act No. 4 of 1999

⁵ <https://brcsa.org.za/brc-ram-radio-listening-apr19-mar20/>

3. COMPLIANCE ASSESSMENT

3.1 Ownership and Control

Clause 1 of the licence stipulates that:

- 1.1 Name of company/entity: The South African Broadcasting Corporation*
- 1.2 Shareholders: The State shall hold one hundred (100%) percent of the shares of the Corporation*
- 1.3 Ownership by persons from historically disadvantaged groups: N/A*

There were no changes on the name and shareholding of the Licensee. XK FM forms part of the public service division of the SABC and is 100% owned by the State.

The Licensee complies with clauses 1.1, 1.2 and 1.3 of the schedule to its licence.

3.2 Geographic Coverage Area

Clause 3 of the schedule to the licence states 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 area is Kimberly, an area in the Northern Cape, together with parts of Platorand and surrounding areas.

The Licensee maintains that its coverage area is as defined in the frequency spectrum licence. No complaints were received by the Authority regarding the radio station's non-compliance with clause 3 above.

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

3.3 Language(s)

Clause 4 of the schedule to licence states that the language of broadcast is as follows:

"Principal Language: !Xun and Khwe".

The Authority's monitoring exercise of the radio station's programmes confirmed that XK FM's principal languages of broadcast are !Xun and Khwe, with a mixture of Afrikaans content through news and current affairs programming which is syndicated from Radio Sonder Grense (RSG) and used in interviews.

The Licensee complies with clause 4 above.

3.4 Format

Clause 5.1 of the schedule to the licence states that:

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

Clause 5.2 of the schedule to the licence stipulates that:

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

XK FM forms part of the public service 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 which found that the station broadcasts different topical issues of national interest as well as a balanced mixture of music.

The Licensee complies with clause 5.1 and 5.2 of the schedule to its licence.

3.4 Local Content Obligations

Clause 6 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:

Clause 6.1 different genres; and

Clause 6.2 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 05h00 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".

XK FM submitted its quarterly reports for the period under review. The figures on the reports were verified during the Authority's monitoring exercise.

The Licensee complies with the set quotas during the 2019/2020 financial year.

3.5 General programming obligations

3.5.1 General

Clause 7.1.1 stipulates that:

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

The SABC's editorial policy⁶ stipulates that:

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

During the period under review, the monitoring exercise revealed that XK FM programmes contained religious content suitable to the iXun and Khwe speaking community. The Licensee catered for different cultures in the iXun and Khwe community and different religious groups. This was verified with religious content every morning between 06h00 – 06h10, where a short sermon is held by a pastor from a chosen church.

The Licensee complies with clause 7.1.1 of the schedule to its licence.

Clause 7.1.2 of the schedule to the licence stipulates that:

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

XK FM's programming content is true to the culture and tradition of its audience. This is reflective in its coverage of news which take place in both languages of broadcast as well as its choice of music content, which is reflective of its audiences' needs. The monitoring exercise revealed that between 08h20-09h00 during weekdays the radio station hosts a nation building program addressing different cultural needs.

The Licensee complies with clause 7.1.2 of the schedule to its licence.

Clause 7.1.3 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".

Monitoring of XK FM's programming line-up confirmed that the radio station caters for the interests of all sectors of South Africa. The following programmes, among others, were monitored:

- *"Social Cohesion/Better life"*: a weekly show between 09h20–10h00 focusing on different social issues which are of interest to different societies in South Africa.

⁶ An extract from the Licensee's Editorial Policy

The Licensee complies with clause 7.1.3 of the schedule to its licence.

3.5.2 News and Current Affairs

Clause 7.2.1 of the schedule attached to the licence stipulates that:

"The Licensee shall broadcast at least thirty (30) minutes of news programming each day during the South African performance period".

The SABC submitted its quarterly written records indicating the news for the period under review. The information contained in the quarterly reports indicates that XK FM broadcast seventy (70) minutes of news on weekdays and fifty (50) minutes on weekends.

The monitoring exercise identified at least fifty-six (56) minutes of news on each weekday. The following were some of the news excerpts monitored:

- *"Die minister van gesondheid, Zweli Mkhize, sê die regering dra kennis dat mense op groot skaal ontsmettingsmiddels aankoop te midde van vrese vir die coronavirus in Suid-Afrika. Hy gee egter die versekering dat dit voldoende is om deeglik hande te was. Mense word gevra om gereeld hul hande vir 20 sekondes lank te was. Mkhize het in Pretoria gesê die getal Suid-Afrikaners wat positief getoets het vir die virus, het tot sewe gestyg met nog vier mense wat positief getoets het vir Covid-19. Mkhize sê die nuwe gevalle was deel van dieselfde groep van mense wat van Italië af teruggekeer het, by wie die eerste geval in die land gediagnoseer is."*
- *"Markontleders sê die skerp daling in oliepryse bied beide uitdagings en geleenthede vir Suid-Afrika. Die prys van Brent-ruolie het met meer as 30 persent geval nadat Saoedi-Arabië sy pryse gesny te midde van kommer oor die uitwerking van die COVID-19 virus. Die onafhanklike ontleder, Liston Meintjes, sê laer oliepryse sal help om vervoerkoste te verlaag. Hy waarsku egter dat dalende oliepryse 'n negatiewe uitwerking op sommige van die plaaslike aandelepryse kan hê. Die olie- en chemiese maatskappy, Sasol, se aandeelprys het in vroeë verhandeling vanoggend met 45 persent getuimel. Meintjes sê motoriste kan goeie nuus verwag."*
- *"Gauteng se LUR vir Gesondheid, Bandile Masuku, sê sy departement bly op hoë gereedheid nadat die aantal COVID-19-pasiënte in die provinsie gestyg het. Nóg vier mense se toetse vir dié siekte was intussen positief. Die eerste persoon wat met die siekte in Gauteng gediagnoseer is, is gister uit die hospitaal ontslaan en is tans in self-afsondering. Masuku het tydens 'n besoek saam met die provinsie se premier, David Makhura, aan Hammanskraal gesê die nuwe gevalle is van mense wat onlangs uit Europa teruggekeer het. Masuku het mense aangeraai om in die lig van die COVID-19-uitbreking meer higiëniese gewoontes aan te leer."*

The Licensee complies with clause 7.2.1 of the schedule to its licence.

Clause 7.2.2 of the schedule to the licence stipulates that:

"The Licensee shall broadcast at least thirty (30) minutes of current affairs programming each day during the South African performance period".

The Licensee's quarterly reports indicate that XK FM broadcasts one hundred and ten (110) minutes on weekdays and fifty-five (55) minutes on weekends of current affairs programming during the South African performance period.

The monitoring exercise found "Bori Ku" broadcast on weekdays between 17h00– 18h00 and "Morosani" broadcast between 13h00–14h00. Various topics are discussed from parliament; unions; the running of SOE's as well as politics in general. Some of the content on the current affairs programs are sourced from Radio Sonder Grense (RSG), whereas most of the content is self-generated in accordance with the SABC's editorial policies.

The Licensee complies with clause 7.2.2 of the schedule to its licence.

Clause 7.2.3 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 indicate that it exercises 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 forms of interference.

The Licensee complies with clause 7.2.3 of the schedule to its licence.

3.5.3 Programming targeted at Children

Clause 7.3.1 of the schedule to the licence stipulates that:

"The Licensee shall, in the provision of the licensed service, broadcast at least fifteen (15) minutes of programming targeted at children (as contemplated in section 10(1) (g) of the Broadcasting Act) per week during the South African performance period".

The Licensee submitted that it broadcasts at least six hundred (600) minutes of children's programming per week.

The monitoring exercise confirmed that the licensee broadcasts children's programmes relevant to children, daily and broadcast during times where children are available.

The Licensee complies with clause 7.3.1 of the schedule to its licence.

Clause 7.3.2 of the schedule to the licence stipulates that:

"In the production of its children's programming, the Licensee shall ensure that such 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 children's point of view".*

The following programme was among children's programming identified:

- *Nalibali*, an educational programme on Early Childhood Development, broadcast between 09h00 and 09h20.

This programme was broadcast from a child's point of view and catered for the age groups as mentioned above. The programme was broadcast at the times when children were expected to be home. The programme was found to be educational in nature.

The Licensee complies with clause 7.3.2 of the schedule to its licence.

3.5.4 Educational Programming

Clause 7.4 of the schedule to 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 XK FM broadcasts on average six hundred and forty (640) minutes (11 hours per week) of educational programming weekly.

The Authority's monitoring exercise confirmed that the Licensee broadcasts educational programmes such as "*Learner Support*" which is a program that supports learners on study matters, study methods and subject choices at school.

The Licensee complies with clause 7.4 of the schedule to its licence.

3.5.5 Informal Knowledge-Building (IKB) Programmes

Clause 7.5 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 Licensee's quarterly submission reports that XK FM broadcast at least two hundred and ten (210) minutes (3.5 hours) of Informal Knowledge Building programming per week within the South African Performance Period.

The monitoring exercise found the following IKB program amongst others:

- "*Brothers for Life*" broadcast between 11h00 and 11h30 weekdays. This is a show that discuss issues affecting communities in different ways and promotes solidarity and social cohesion.

The Licensee complies with clause 7.5 of the schedule to its licence.

3.6 Training and Skills Development Obligations

Clause 8 of the schedule to the licence stipulates that:

"8.1 The Licensee must adopt and implement equal opportunity employment Practice.

8.2 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.

8.3 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

8.4 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 plan⁷ 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.⁸ Both reports were submitted within 30 days of the end of the financial year as required.

The Licensee complies with its training and skills developments obligations.

⁷ SABC Employment Equity and Transformation: Report to ICASA, Reporting period: 1 April 2018 – end March 2019.

⁸ Appendix C: Training and Skills Development report

3.7 Submission of Audited Financial statements to the Authority

Clause 9 of the schedule to 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 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 four (4) 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 its licence.

4. REGULATIONS

4.1 South African Music Content Regulations

Regulation 3 (1) of the South African Music Content⁹ as published on 23 March 2016 stipulates 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 of South African music and that South African music is spread evenly throughout the performance period."

The licensee submits that it broadcasts 85% South African music content. The monitoring conducted by the Authority confirmed that XK FM broadcast at least 70% of South African music.

The Licensee complies with regulation 3.1 of the South African Music Content Regulations.

⁹ South African Music Content Regulations

4.2 Regulations regarding Standard Terms and Conditions for individual licences

During the year under review, there was no non-compliance by XK 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 Licensees.

4.3 Universal Service and Access Fund Regulations

Regulation 3 of the USAF Regulations, 2011¹⁰ stipulates that:

- (1) *"Every holder of a licence granted in terms of Chapters 3, 4 and/or 9 or converted in terms of Chapter 15 of the Act, must pay an annual contribution of 0.2% of its Annual Turnover to the Fund".*
- (2) *"A BS Licensee who has paid an annual contribution to the MDDA must set off that contribution against its USAF Contribution, provided that the MDDA contribution and the USAF contribution against which it is set off are for the same financial year".*

The Licensee paid its annual contribution to the USAF subsequent to negotiations with the MDDA to pay 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 Licensee complies with the regulations in respect of Universal Service and Access Fund.

4.4 COMPLAINTS

Form 12A: Complaints Report of the Compliance Procedure Manual Regulations read with the Code of Conduct for Broadcasters requires that broadcasters complete the form bi-annually in accordance with the Licensees' Financial Year.

There were no complaints received by the licensee during the period under review. Furthermore, no complaints were escalated to the Authority.

¹⁰ Universal Service and Access Fund Regulations, 2011 as published in *Government Gazette* No. 34010 dated, 10 February 2011.

5. CONCLUSION

During the period under review, the Licensee complied with its licence terms and conditions and related Regulations that govern public broadcasting services.

6. TERMS OF REFERENCE

- 6.1** Attachment 1: XK FM's Broadcasting Service Licence;
- 6.2** Attachment 2: XK FM's Frequency Spectrum Licence;
- 6.3** Attachment 3: Extract from the Licensee's Editorial Policy;
- 6.4** Attachment 4: Training & Skills Development Report;
- 6.5** Attachment 5: Standard terms and conditions for individual licensees;
- 6.6** Attachment 6: Universal Service and Access Fund Regulations; and
- 6.7** Attachment 7: Proof of SABC's Contribution to USAF.