



UMHLOBO WENENE FM ANNUAL COMPLIANCE REPORT

MARCH 2022

2020/2021 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.

The purpose of the report is to give an account of Umhlobo Wenene FM's compliance with the terms and conditions as set out in its licence for the 2020/2021 financial year. Aspects of compliance that are measured comprise of Format, Local Content Obligations, General Programming Obligations and Training and Skills Development.

Further, the report will measure compliance with regulations that include South African Music Content, Standard Terms and Conditions for Individual Licensees, Universal Service and Access Fund, General Licence Fee, Code of Conduct for Broadcasters, and the ICT Covid-19 National Disaster Regulations⁵ first published in April 2020 and the subsequent amendments following the proclamation of the State of National Disaster.

¹ The Constitution of the Republic of South Africa Act, 1996 (Act 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 The ICT COVID-19 National Disaster Regulations, 2020 as published in *Government Gazette* No. 43207 dated, 06 April 2020, as amended.

The ICT Covid-19 National Disaster Regulations as amended have introduced exemptions with specific service licence conditions and/or revised quotas and such will be reflected in the body of the report accordingly.

2. BACKGROUND

UMhlobo Wenene FM is part of the SABC and holds an Individual Sound Broadcasting Service licence with an obligation to provide a full spectrum service to the geographic areas of Gauteng, Eastern Cape, Western Cape, Free State, Northwest, KwaZulu Natal, Northern Cape and Limpopo. UMhlobo Wenene's language of broadcast is isiXhosa.

3. COMPLIANCE ASSESSMENT

3.1 Geographic Coverage Area

Clause 3 of the licence provides as follows:

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

In as far as the radio frequency spectrum license⁶ prescribes, the Licensee's coverage area includes, Gauteng, Eastern Cape, Western Cape, Free State, North West, KwaZulu Natal, Northern Cape and Limpopo. The Licensee continues to offer service to the coverage area as defined in the frequency spectrum licence.

3.2 Language(s)

Clause 4 of the licence provides that the Licensee's language of broadcast is as follows:

"Principal Language: isiXhosa".

Even throughout the South African Lockdown Level 5, the Licensee kept true to its obligation to broadcast in isiXhosa. The monitoring exercise carried out on UMhlobo Wenene FM's programming profile found that the Licensee's principal language of broadcast is, isiXhosa. All programmes monitored for the purposes

⁶ UMhlobo Wenene's Frequency Spectrum Licence

of this year's reporting were observed to be in isiXhosa. A few interviews, particularly during the Current Affairs show, were done in English and the interviewer would then translate after the interview.

UMhlobo weNene FM complied with clause 4 of its licence.

3.3 Format

A prescription made by clause 5.1 of the schedule to the licence reads as follows:

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

While clause 5.2 further instructs:

"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 characteristic was observed during a monitoring exercise carried out on the Licensee's programming profile for the year ended, 31 March 2021.

The Licensee complied with clause 5.1 and 5.2 of its licence.

3.4 Local Content Obligations

Clause 6 gives the following instruction:

"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:

6.1 different genres; and

6.2 South African Music Content, in programming 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 ICT Covid-19 National Disaster Regulations exempted Licensees from submitting quarterly reports as stipulated in their licence terms and conditions. However, Licensees were required to keep the information and submit to the Authority upon request. The SABC submitted UMhlobo Wenene FM's quarterly reports for the period under review in line with the ICT Covid-19 National Disaster Regulations. The Reports indicated the different genres, the South African music content and programming material for the period under review.

3.5 General programming obligations

Further on into this report, the Authority will outline its findings based on the monitoring exercise carried out on Umhlobo Wenene's programming profile.

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 religion".

The SABC's editorial policy⁷ echoes the provision of the above clause. The policy stipulates that:

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

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

The monitoring exercise revealed that the following programmes contain religious content that is suited for the isiXhosa speaking community in particular Christian and Islam:

- *"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,

⁷ An extract from the Licensee's Editorial Policy

talks as well as some religion inclined music were found during the monitoring of this programme;

- “*Ibuzwa kwaba phambili*” broadcast Saturdays between 05h00 and 06h00 was found to carry some elements of a religious programme. This while the content was found to be more cultural, a whole lot of the programme content had connotations of a religious programme as well.
- “*LelikaYehova Ihlabathi*” is broadcast on Thursdays between 09h00 and 12h00. This programme is an interactive programme targeted at Christian women. Judging by the interactive nature of this programme through phone-ins, the show serves as a revival programme;
- “*Ukholo neNgqiqo*” is broadcast on Sundays between 05h00 and 07h00. This programme is a religious magazine programme and covers a variety of topics mostly from religious points of view on lifestyle in general.
- “*Seza Umphefumlo*” a religious music offering on Sundays between 09h00 and 11h00.
- “*Imvuselelo*” a programme that literally translates the meaning of its name and serves as a revival for the Christian community. This programme airs between 19h00 and 21h00 on Sundays.

All the above-mentioned programmes demonstrate the Licensee’s compliance with clause 7.1.1 of its licence.

Clause 7.1.2 of the licence records:

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

The monitoring exercise found that UMHlobo Wenene FM’s programming reflects the cultures and traditions of the amaXhosa community. Firstly, the language and tone used by the radio station bears testimony to the Licensee’s compliance with this clause.

Further, the following monitored programmes support the Authority's findings and are indicative of the fact that the Licensee's programming caters for the cultural and traditional needs of its audience:

- *NdinguYehova igqirha lakho*" while this programme was found to carry more of the religious teachings, the side notes to the teaching would usually emphasise the different cultures and traditions of the two religious groups prominent in South Africa i.e. Christianity and Islam.
- *"Ibuzwa kwaba phambili"* broadcast on Saturday morning between 05h00 and 06h00;
- *"Lavuth' iBhayi"* broadcast on Saturdays between 10h00 and 13h00. This is a traditional music programme which plays hundred percent South African Music and featuring traditional Xhosa and Zulu music artists.

UMhlobo weNene complied with clause 7.1.2 of its licence.

Clause 7.1.3 provides as follows:

"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 UMhlobo Wenene FM's programming profile 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 children understand. This programme is usually a 15-minute segment within Khanya Gqiyazana.

- "Le likaYehova ihlabathi"- a Thursday offering catering for Christian women;
- "Islamic Faith" a feature on "NdinguYehova iGqirha Lakho" which caters for the believers of Islam;
- "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 and then again on Saturdays;
- "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 7.1.3 of 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 sixty (60) minutes of news programming each day during the South African performance period".

The Licensee's quarterly submissions recorded that the Licensee broadcasts at least sixty (60) minutes of news each day during the South African performance period.

Clause 7.2.2 gives the following obligation:

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

The Licensee's quarterly submissions demonstrate that UMhlobo Wenene broadcasts a daily average of one hundred and thirty-seven (137) minutes of Current Affairs programming during the South African Performance Period.

Sound broadcasting Licensees were exempt from compliance with specific programming requirements and promises of performance during the National State of Disaster. Therefore, findings on compliance with this clause of the licence were not made/determined.

UMhlobo weNene's Clause 7.2.3 further provides 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) 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 the Licensee 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. Further, it provides fair, unbiased and impartial coverage independent from government, commercial or other interference.

During the period under review, the monitoring exercise revealed that Licensee broadcasts matters of regional, national and international significance.

Sound broadcasting Licensees were exempted from compliance with specific programming requirements and promises of performance during the National State of Disaster. Therefore, findings on compliance with this clause of the licence were not made/determined.

3.5.3 Programming targeted at Children

Clause 7.3.1 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 under review, did broadcast an average of one hundred and thirty (130) minutes of children's programming per week.

Clause 7.3.2 provides as follows:

"In the production and presentation of its children's programming, the Licensee shall ensure that such children's programming is:

- (i) broadcast at the 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; and
- (iii) Educational and is made from a children's point of view".

The monitoring exercise observed that all programmes considered to be Children's Programming are produced and broadcast in the manner as prescribed by this clause. The use of narrators in child-like voices and characters associated with children was observed. Further, the attitude of the presenter towards children and the language (terminology) often used proved to be in the children's point of view.

The ICT Covid-19 Regulations did exempt Licensees from upholding the specific terms and conditions as set out in their licence documents. As such, the Authority will not measure the Licensee's compliance with this clause.

3.5.4 Educational Programming

Clause [7].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 four hundred and sixty minutes (more than 7hours) of educational programming measured weekly.

The ICT Covid-19 Regulations did exempt Licensees from upholding the specific terms and conditions as set out in their licence documents. As such, the Authority will not measure the Licensee's compliance with this clause.

3.5.5 Drama

Clause [7].5 of 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".

UMhlobo weNene FM's log sheets show that the Licensee schedules at least three (3) hours of drama programming per week, during the South African performance period.

The ICT Covid-19 Regulations exempted Licensees from upholding the specific terms and conditions as set out in their licence documents. As such, the Authority will not measure the Licensee's compliance with this clause and no conclusion will be drawn.

3.5.6 Informal Knowledge-Building Programmes

Clause [7].6 of the licence stipulates that:

"The Licensee shall broadcast at least three (3) hours of informal-knowledge building programming per week with[in] the South African performance period".

The Licensee's quarterly submissions indicate that the first three months (SABC's Quarter 1) of the South African Lockdown affected the UMhlobo weNene FM's Informal Knowledge Building output immensely, thus falling below their obligation by 40 minutes. However, the Licensee's reports show that things started getting back to normal in the months that followed.

The ICT Covid-19 Regulations exempted Licensees from upholding the specific terms and conditions as set out in their licence documents. As such, the Authority will not measure the Licensee's compliance with this clause.

3.6 Training and Skills Development Obligations

Clause [8] of schedule attached to the licence stipulates as follows:

[8].1 *"The licensee must adopt and implement equal opportunity employment practices*

[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 with written information regarding its compliance with the above requirements".

The Licensee submitted to the Authority for the period under review⁸ its Employment Equity and Transformation plan⁹ report and its Training and Skills Development within 30 days of the end of the financial year, that provides a detailed breakdown of its compliance with the above requirements.

⁸ Appendix C: Skills and Development Report.

⁹ Appendix B: SABC Employment Equity and Transformation: Report to ICASA, Reporting period: 1 April 2020 – 31 March 2021.

The reports indicate that the Licensee has adopted and implemented equal opportunity employment practices and showed that the Licensee has remained committed to diversity and inclusion in the workplace. Its workforce represents the different groups of South African society.

The report further shows that the licensee delivered 765 training interventions for 690 employees. Of the total 690 employees, 491 were Africans, 67 were Coloureds, 41 were Indians, 91 were whites and 14 employees living with disabilities. The Licensee further endeavours to ensure that females are empowered and therefore 53,62% of the total employees trained were female.

Thus, the training interventions confirm that the Licensee's policies considers seriously, the development of managerial, production, technical and other skills and expertise, particularly with regard to the historically disadvantaged persons.

Fair and reasonable participation by historically disadvantaged persons is evident at all occupational levels and in decision-making positions.

The Licensee complies with the entirety of clause 8 of the Schedule of its Licence.

3.7 Provision of Audited Financial statements to the Authority

Clause [9] of the 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 cause apply to the Authority for extension".

The Licensee submitted its audited annual financial statements.

The Licensee complies with clause 9 of the schedule to its licence.

4. REGULATIONS

4.2 Compliance Procedure Manual – Form 12A

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A¹⁰ which reports on all complaints received in each financial year. The SABC submitted its complaints report in accordance with the Compliance Procedure Manual Regulations.

According to the above-mentioned submission, there have been no complaints received against UMhlobo Wenene FM in the year that ended March 2021.

4.3 ICASA South African Music Content Regulations

Regulation 3 of the ICASA South African Music Content Regulations 2016¹¹ 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 music play list is dominated by works of South African musicians. UMhlobo weNene FM's music content is made up of approximately 95% South African Music. The following music artists enjoy airtime on UMhlobo weNene FM's music play list: Naaq Musik, Sibongile Khumalo, Mirriam Makeba, Stevie Wonder, Nomcebo Zikode, Sjava, Master KG, Nandi Mngoma, Casper Nyovest, Proverb, AKA, Ricky Rick, Thandiswa Mazwai, Amadodana aseWesile, Hlengiwe Mhlaba, Malibongwe Gcwabe, Dumi Mkokstad, Sifiso Ncwane, Nomuzi Mabhena, Phinda Matlala, Bucie, Lira, Busiswa, Phuz' eKhemisi, Ihash' elimhlophe, ShwinoMntekhala, uThwalufu namaNketshane, Chwane LeBhaca and many other artists whose music ticks the "South African Music" box requirements.

The monitoring exercise has taken into consideration the impact of the reduced performance period on compliance with this clause; therefore, findings of compliance with this clause of the licence were not made.

4.4 Standard Terms and Conditions for individual broadcasting licences

¹⁰ SABC Form 12A

¹¹ ICASA South African Music Content Regulations

Regulation 11 (3) of the standard terms and conditions¹² 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. Further, no non-compliance with the standard terms and conditions for individual licences, was found.

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

4.5 Universal Service and Access Fund Regulations

Regulation 3 of the USAF Regulations¹³ 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 made the prescribed payment and submitted proof thereof to the Authority.

The Licensee complies with Regulation 3 of the USAF Regulations.

5. CONCLUSION

The exemptions and suspensions imposed on Licensees due to the National State of Disaster, have been lifted for the next review period. Complete monitoring of compliance with licence conditions and Regulations will be conducted in the next review.

¹² Regulations regarding the Standard Terms and Conditions for Individual Licensee's

¹³ Universal Service and Access Fund Regulations

6. TERMS OF REFERENCE

Appendix A: UMhlobo Wenene FM's Broadcasting Service Licence

Appendix B: ICT Covid-19 Regulations as amended

Appendix C: UMhlobo weNene FM's Frequency Spectrum Licence

Appendix D: SABC Editorial Policy (An extract)

Appendix E : SABC's Employment Equity and Transformation Report

Appendix F : SABC's Skills and Development Report

Appendix G: SABC's Form 12A Biannual Complaints Report

Appendix H: The ICASA Local Content Regulations

Appendix I : Standard Terms and Conditions Regulations

Appendix J : Universal Service and Access Fund Regulations

END