



UKHOZI FM ANNUAL COMPLIANCE REPORT

MARCH 2023

2021/2022 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION BROADCASTING AS UKHOZI 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 Constitution,¹ the Broadcasting Act,² the Independent Communications Authority of South Africa Act (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 2021/2022 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, 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 the 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 2018.

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 service licence stipulates that:

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

Further, clause 1.2 of the service licence provides that:

"Shareholders: The State: 100%"

Furthermore, clause 1.3 of the service 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 service licence

3.2 Geographic Coverage Area

Clause 2 of the schedule to the service 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 service licence

3.3 Language(s)

Clause 3 of the schedule to the service 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 service licence

3.4 Format

Clause 4.1 of the schedule to the service 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 service 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 licences.

The Licensee complies with clauses 4.1 and 4.2 of the schedule to its service licence.

3.5 Local Content Obligations

Clause 5 of the schedule to the 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 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 are reflective of a week's sample for each quarter.

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

3.6 General Programming Obligations

3.6.1 General

Clause 6.1.1 of the schedule to the service 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 service 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 07h00 to 09h00.

Other church sermons and religious music programming that were also identified on Sundays are "Indumiso" at 09h00 to 12h00, "Unkulunkulu nomuntu omusha nenkonzo" at 20h00 to 21h00 and "Izingxoxo zezenkolo" at 22h00 to 00h00.

"Ulozolo" and "Sigiya Ngengoma" that is broadcast on Saturdays from 07h00 to 09h00 and 09h00 to 12h00 respectively address religious and cultural issues and broadcast religious and traditional music. "Izwi Labantu" at 05h30 to 06h00 on Sundays covers culture and traditional topics.

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

Clause 6.1.3 of the schedule to the service 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” on weekdays at 09h00 to 12h00, is a mix of a magazine and a talk show and is aimed at women from the ages of 25 and above. One of the segments featured an interview with Mduduzi Mkhwanazi from Kuthulele Crime and Substance Abuse Awareness and the topic of discussion was women on women violence dialogue. Listeners called in and left voice notes and participated in the discussion.

The Licensee complies with clause 6.1.3 of the schedule to its service licence

3.6.2 News and Current Affairs

Clause 6.2.1 of the schedule to the service 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 from 06h00 to 22h00, seventeen (17) news bulletins on weekdays and thirteen (13) news bulletins on weekends.

The duration of news bulletins is between five (5) and six (6) minutes which adds up to about eighty-five (85) minutes of news on weekdays and sixty-five (65) minutes of news on weekends. News bulletins are read in IsiZulu with English sound bites. The following are among the news items monitored during the period under review:

- *“U Ndunankulu wesifundazwe sakwa Zulu Natal u Sihle Zikalala umemezele inyathelo eyinqala eyithathelwe u Ngqongqoshe wezempilo esifundazweni u Nomagugu Simelane Zulu ulandela ukophula kwakhe imigomo ye Covid 19 emcimbini yogubha usuku lokuzalwa”;*
- *“Kushone abantu abahlanu engozini lapha amavini amabini eshayisene esifundeni sase Sekhukhune e Limpopo, okhulumela umnyango wezokuthutha nokuphepha komphakathi kulesasi fundazwe u Michael Malinga uthi kulengozi kushone abashayeli nabagibeli abathathu. We*

can confirm that five people were killed on Saturday evening in the head-on collision between two loading vans at Maleoskop”; and

- *"Uphiko labaphenyi ama Hawks lubophe omunye umsolwa kwa Zulu Natal ngoqhuqhuzela udlame emphakathini ngesikhathi kune zibhelu kwabonakala kuza abantu beyitapela impahla ezitolo ngenyanga edlule kule sifundazwe kanjalo nase Gauteng. Umsolwa oneminyaka engu 35 ubudala uboshwe ngesikhathi ama Hawks esebenza ngokubambisana ne Crime Intelligence".*

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

Clause 6.2.2 of the schedule to the service 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 18h00 to 19h00. A wide range of topics were covered during the current affairs programmes, such as:

- *"I IEC izoyivumela na I ANC ukuthi iphinde ikwazi ukuhambisa amagama ohlu lwaba abazayimela kukhetho lo masipala";*
- *"Undunankulu wesifundazwe kwa Zulu Natal sehlawulise ungqongqoshe wezempilo u Nomagugu Simelane Zulu ngokwephula imibandela yovalwa kwezwe. Amaqembu aphikisayo aphawula ngako lokho"; and*
- *"Amaphoyisa la esifundazweni kwa Zulu Natal athi aphenya amacala ayisithupha okubulala ukulandela ukubulawa kwabantu abayisithupha emkhukwini yase Zamani esigcimeni sakwa U, Emlazi".*

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

The Licensee complies with clause 6.2.2 of the schedule to its service licence

Clause 6.2.3 of the schedule to the service 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 the 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 service 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 service licence

3.6.3 Programming targeted at Children

Clause 6.3.1 of the schedule to the service 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 service 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 ten (10) minutes of programming targeted at children on Sundays from 07h40 to 07h50. "Ezabantwana" 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 through storytelling.

The Licensee complies with clauses 6.3.1 and 6.3.2 of the schedule to its service licence

3.6.4 Educational Programming

Clause 6.4 of the schedule to the service 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 Fridays, "Kanye Nawe" from 12h30 to 15h00. "Kanye Nawe" hosted by Bheka Mchunu featured a wide variety of topics

such as hosting Sanele Mbili from Bangani Agri business discussing the contribution made by drones in farming and food security. "Ezemfundo", is a one-hour segment (21h00 – 22h00) broadcast within "Ubusuku Obuhle" from Monday to Thursday from 20h05 to 23h00. Drs Velile Ngithi and Sandile Tshabalala discussed Covid-19 related conditions on the "Health Chat" broadcast on Tuesdays. The Licensee broadcasts over five (5) hours of educational programming per week.

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

3.6.5 Drama

Clause 6.5 of the schedule to the service 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 "Ngenzenjani uma kunje" on Mondays to Thursdays from 10h40 to 10h55 and a repeat broadcast at 22h05 to 22h15.

Another programme titled "Buchitheka Bugayiwe" is broadcast at 15h05 to 15h20 on Mondays to Thursdays. The Licensee broadcasts three (3) hours of drama per week.

The Licensee complies with clause 6.5 of the schedule to its service licence

3.6.6 Informal Knowledge-Building Programmes

Clause 6.6 of the schedule to the service licence stipulates that:

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

The Authority's monitoring exercise identified the following Informal Knowledge Building programming:

On "Kanye Nawe" at 12h30 on weekdays, BN Sithole-Moloi from the Provincial Department of Agriculture and Rural Development discussed land distribution. On "Ubusuku Obuhle" at 20h05 on Mondays to Thursdays, Busisiwe Mdletshe was a guest discussing what qualities to look for in a business partner. Mbali

Nala from the KZN Business Clinic also a guest, discussed cooperative business as a type of business partnership. Ukhozi FM broadcasts over three (3) hours of informal knowledge-building programming.

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

3.7 Training and Skills Development Obligations

Clause 7 of the schedule to the service 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 revised its Employment Equity and Transformation plan⁵ during the 2021/22 financial year and submitted the updated plan and its Training and Skills Development that provides a detailed breakdown of its compliance with

⁵ Appendix A: SABC Employment Equity and Transformation: Report to ICASA, Reporting period: 1 April 2021 – 31 March 2022.

the above requirements to the Authority for the period under review⁶ within 30 days of the end of the financial year.

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. The SABC employment equity profile remains healthy, and all groups are well represented in the organisation. The SABC's employment practices and non-discriminatory environment promote reasonable progress towards a fair and equitable representation from both a gender and race perspective at all occupational levels and in decision-making positions. This is confirmed by the following statistics:

- Females represent 51.5% of the entire workforce and at Skilled level 53.18% of the workforce are females. At a Professional Qualified, Experience Specialist and Middle Management level females represent 50.33%; and
- Employees living with disabilities represent 2.35% of the entire workforce. These employees are employed across the organisation on different occupational levels and in all SABC provinces.

Further, the SABC is well represented in Black Executive Managers and Black Senior Managers as well as Female Black Middle Managers.

In terms of training and skills development, the SABC delivered 967 training interventions for 810 employees during the reporting period. This is despite of challenges resulting from its section 189 process, procuring suitable service providers and COVID-19. Statistically, the 810 employees who received training were 84.44% African, 6.81% Coloured, 4.24% Indian and 4.51% White employees. Further, 56% of the employees who were trained were women and 2% were employees living with disabilities.

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

3.8 Provisions of audited financial statements to the Authority

Clause 8 of the schedule to the service licence stipulates that:

⁶ Appendix B: SABC Annual Skills Development Report (2021/2022 FY).

"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 to the Authority within the prescribed period.

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

4. REGULATIONS

4.1 ICASA Compliance Procedure Manual Regulations, 2011⁷

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 June 2021 from the show *"Top 20"*. The complainant took offence with the presenter Khathide Ngobe on 12 June 2021 who seemed to be praising white people expressing how significantly different they are compared to black people and seemed to be suggesting they are superior or more organised than black people. The Licensee responded to the complainant on 15 June 2021. The Licensee received a second complaint on 10 August 2021 from the show *"Breakfast Show"*, Bheka Mchunu asked people who looted during the 2021 July unrest to call in anonymously and share their experiences. The complainant felt that the presenter was providing a platform to criminals. The Licensee responded to the complainant on, 13 August 2021.

⁷ ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011.

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 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 71 and 73 % South African music and identified the following local artists: Amanda Black and Berita "*Uzungayeki*", Umthunzi "*Elentulo*", Ringo Madlingozi ft Nomfusi "*Kunjalo*", Simphiwe Dana "*Nzima*", Sjava "*Linda*", Andile "*Sekudlulile*", Nathi Sithole "*Konke Kuhamba Kahle*" 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 made the prescribed payment directly to the MDDA and submitted proof thereof to the Authority.

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 2021/2022 financial year, the Licensee is compliant 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: SABC Annual Skills Development Report (2021/2022 FY)
- 6.5 Appendix E: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No.39844 dated, 23 March 2016. (**Repealed** entirely the *ICASA South African Music Content Regulations, 2006 as published in Government Gazette No. 28453 dated, 31 January 2006*);

- 6.6 Appendix F: ICASA Compliance Procedure Manual Regulations 2011, published in *Government Gazette* No. 34863 dated, 15 December 2011;
- 6.7 Appendix G: USAF Regulations 2011, published in *Government Gazette* No. 34010 dated, 10 February 2011; and
- 6.8 Appendix H: Regulations on Standard Terms and Conditions for Individual Broadcasting Services, 2010 as published in *Government Gazette* No. 33294 dated, 14 June 2010. **1st Amendment**, 2016 published in *Government Gazette* No. 39875, dated 30 March 2016. **2nd Amendment**, 2016 published in *Government Gazette* No. 40372 dated, 26 October 2016.

END