

# COMPLIANCE REPORT

## UMhlobo weNene FM<sup>1</sup>

Licence Period : 18 December 2008 -17 December 2018

### 1. PREFACE

The Independent Communications Authority of South Africa (“the Authority”) has a statutory mandate in terms of the Constitution<sup>2</sup>, the ICASA Act<sup>3</sup> and the Electronic Communications Act (“EC Act”)<sup>4</sup> to regulate broadcasting activities in South Africa in the public interest. The Authority is tasked with ensuring compliance by broadcasters with the terms and conditions of their License, the Electronic Communications Act (“EC Act”), the ICASA Act and any relevant legislation.

The following report is intended to give account of Umhlobo Wenene FM’s performance for the period 2009 – 2010. Aspects of compliance that are measured comprise of format, local content obligations, general programming obligations, training and skills development obligations, finances, South African music content regulations and regulations regarding standard terms and conditions.

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<sup>1</sup> The words UMhlobo weNene and the radio station are used interchangeably in this report

<sup>2</sup> The Constitution of the Republic no 108, 1996

<sup>3</sup> ICASA Act no 13 , 2000 as amended

<sup>4</sup> Electronic Communications Act no 36, 2005

## **2. BACKGROUND**

Umhlobo Wenene FM forms part of the public service division of the South African Broadcasting Corporation. The radio station's language of broadcast is isiXhosa. The radio station's mandate is to provide a full spectrum service to the geographic areas of Gauteng, Eastern Cape, Western Cape, Free State, North West, KwaZulu Natal, Northern Cape and Limpopo (*see broadcasting service licence and spectrum licence attached as Appendix A*).

## **3. COMPLIANCE ASSESSMENT**

### **3.1 Geographic Coverage Area**

Clause 2 of the schedule to the licence provides that:

*"The 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 Gauteng, Eastern Cape, Western Cape, Free State, North West, KwaZulu Natal, Northern Cape and Limpopo.

The radio station complies with clause 2 above.

### **3.2 Language(s)**

Clause 3 of the schedule to the licence provides that:

*"Principal Language: isiXhosa".*

The radio station's principal language is isiXhosa thus complies with clause 3 the above.

### **3.3 Format**

Clause 4.1 of the schedule to the licence provides that:

*“The service authorised by this licence forms part of the public service division of the Licensee”.*

Clause 4.2 provides that:

*“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.

The radio station complies with clause 4.1 and 4.2 above.

### **3.4 Local Content Obligations**

Clause 5 of the schedule to the licence provides 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 5.1 different genres; and*

*Clause 5.2 South African Music Content in programme material broadcast in the licensed service during that quarter, in each instance, distinguishing between genres, providing the relevant details in relation to prime time and the period between 5h00 and 23h00 daily (“the South African broadcast period”), and expressing relevant details both as an aggregate in minutes and as a percentage of the total of all such programming material.*

Although the SABC submitted its quarterly reports for the period under review, the reports are reflective of a week’s sample for each quarter. The SABC is of the view that it is unlikely that programming would change in a week.

The figures below show a breakdown of Umhlobo Wenene FM's compliance with the quotas set out by the Authority. These figures were verified during the Authority's monitoring exercise, as detailed under paragraph 3.5 of the report.

*First Quarter April – June 2009*

<b>Content/ Genre</b>	<b>ICASA Quota</b> <i>(Minutes Daily/Weekly)</i>	<b>UMhlobo weNene FM's Provision</b> <i>(Minutes Daily/Weekly)</i>	<b>UMhlobo weNene FM's Compliance</b> <i>(%)</i>
<i>News</i>	<i>60 min (Daily)</i>	<i>97min (Weekdays)</i> <i>90min (Saturday)</i> <i>80min (Sundays)</i>	<i>162</i> <i>150</i> <i>133</i>
<i>Current Affairs</i>	<i>60min (Daily)</i>	<i>170min (Weekdays)</i> <i>60min (Saturday)</i> <i>60min (Sundays)</i>	<i>283</i> <i>100</i> <i>100</i>
<i>IKB</i>	<i>180 min ( Weekly)</i>	<i>1165min (Weekly)</i>	<i>647</i>
<i>Education</i>	<i>300 min (Weekly)</i>	<i>295min (Weekly)</i>	<i>98</i>
<i>Children</i>	<i>60 min (Daily)</i>	<i>60min (Daily)</i>	<i>100</i>
<i>Drama</i>	<i>150min (Weekly)</i>	<i>160 (Weekly)</i>	<i>107</i>

Second Quarter July – September 2009

<b>Content/ Genre</b>	<b>ICASA Quota</b> <i>(Minutes Daily/Weekly)</i>	<b>UMhlobo weNene FM's Provision</b> <i>(Minutes Daily/Weekly)</i>	<b>UMhlobo weNene FM's Compliance</b> <i>(%)</i>
<i>News</i>	<i>60min (Daily)</i>	<i>97min (Weekdays)</i> <i>90min (Saturday)</i> <i>80min (Sunday)</i>	<i>162</i> <i>150</i> <i>133</i>
<i>Current Affairs</i>	<i>60min (Daily)</i>	<i>159min (Weekdays)</i> <i>60min (Saturday)</i> <i>60min (Sunday)</i>	<i>265</i> <i>100</i> <i>100</i>
<i>IKB</i>	<i>180min (Weekly)</i>	<i>1165min (Weekly)</i>	<i>647</i>
<i>Education</i>	<i>300 min (Weekly)</i>	<i>295min (Weekly)</i>	<i>98</i>
<i>Children</i>	<i>60 min (Daily)</i>	<i>60min (Daily)</i>	<i>100</i>
<i>Drama</i>	<i>150min (Weekly)</i>	<i>160min (Weekly)</i>	<i>107</i>

Third Quarter October – December 2009

<b>Content/ Genre</b>	<b>ICASA Quota</b> <i>(Minutes Daily/Weekly)</i>	<b>UMhlobo weNene FM's Provision</b> <i>(Minutes Daily/Weekly)</i>	<b>UMhlobo weNene FM's Compliance</b> <i>(%)</i>
<i>News</i>	<i>60min (Daily)</i>	<i>92min (Weekdays)</i> <i>90min (Saturday)</i> <i>80min (Sunday)</i>	<i>153</i> <i>150</i> <i>133</i>
<i>Current Affairs</i>	<i>60min (Daily)</i>	<i>104min (Weekdays)</i> <i>60min (Saturdays)</i> <i>60min (Sundays)</i>	<i>173</i> <i>100</i> <i>100</i>
<i>IKB</i>	<i>180min (Weekly)</i>	<i>630min (Weekly)</i>	<i>350</i>
<i>Education</i>	<i>300 min (Weekly)</i>	<i>300min (Weekly)</i>	<i>100</i>
<i>Children</i>	<i>60 min (Daily)</i>	<i>60min (Daily)</i>	<i>100</i>
<i>Drama</i>	<i>150min (Weekly)</i>	<i>160min (Weekly)</i>	<i>107</i>

Fourth Quarter January 2010 – March 2010

<b>Content/ Genre</b>	<b>ICASA Quota</b> <i>(Minutes Daily/ Weekly)</i>	<b>UMhlobo weNene FM's Provision</b> <i>(Minutes Daily/ Weekly)</i>	<b>UMhlobo weNene FM's Compliance</b> <i>(%)</i>
<i>News</i>	<i>60min (Daily)</i>	<i>92min (Weekdays)</i> <i>90min (Saturdays)</i> <i>80min (Sundays)</i>	<i>153</i> <i>150</i> <i>133</i>
<i>Current Affairs</i>	<i>60min (Daily)</i>	<i>159min (Weekdays)</i> <i>115min (Saturdays)</i> <i>60min (Sundays)</i>	<i>265</i> <i>191</i> <i>100</i>
<i>IKB</i>	<i>180min (Weekly)</i>	<i>630min (Weekly)</i>	<i>350</i>
<i>Education</i>	<i>300 min (Weekly)</i>	<i>295 min (Weekly)</i>	<i>98</i>
<i>Children</i>	<i>60 min (Daily)</i>	<i>420min (Daily)</i>	<i>700</i>
<i>Drama</i>	<i>150min (Weekly)</i>	<i>160min (weekly)</i>	<i>106</i>

The above shows that during the period under review, Umhlobo Wene FM complied with the quotas set by the Authority on all the obligatory genres as stipulated in their Service Licence save for educational programming in the first, second and fourth quarters where there was a shortfall of five (5) minutes

Umhlobo Wenene FM's programme recordings submitted and monitored by the Authority also indicated that generally the radio station complies with the quotas in respect of programming genres.

### **3.5 General programming obligations**

These obligations are found in clause 6 of the schedule attached to the licence and it provides as follows:

#### **3.5.1 General**

Clause 6.1.1 provides that:

*“The Licensee shall ensure that its programming adequately reflects the diversity of South Africa’s Religion”.*

The SABC’s editorial policy provides 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).*

During the Authority’s monitoring exercise, religious programmes indicated that they are aimed at the target audience. Religious programmes are broadcast daily and last for approximately thirty minutes. The principal language of broadcast is isiXhosa and at times interspersed with English.

The radio station complies with clause 6.1.1 of its licence.

Clause 6.1.2 provides that:

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

A programme dealing with initiation for boys in the Eastern Cape was identified. The programme highlighted the dangers that young boys are exposed to, at the initiation schools. The programme lasted for approximately forty-five (45) minutes.



The radio station complies with clause 6.1.3 above.

Clause 6.1.3 provides 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 programme mentioned under 6.1.3 above, dealt with health related issues for young men particularly during circumcision and how their health can be affected if circumcision is carried out by untrained personnel. The programme has due regard for the interests of sectors of South African society.

The radio station complies with clause 6.1.3 of its licence.

### **3.5.2 News and Current Affairs**

Clause 6.2.1 of the schedule attached to the licence provides that:

*“The Licensee shall broadcast at least sixty (60) minutes of news programming each day during the South African performance period”.*

The quarterly reports submitted by the SABC indicate that the radio station broadcasts an average of 92 minutes of news programming per week during South African performance period.

The radio station’s programme recordings monitored by the Authority revealed that Umhlobo WeNene FM broadcasts a total of 15 News bulletins per day. News is broadcast every hour on the hour from 07h00 to 22h00. The radio station broadcasts local, national, regional and international news. The Authority found that UMhlobo weNene FM broadcasts at least ninety (90) minutes of news per day.

The radio station complies with clause 6.2.1 of its licence.

Clause 6.2.2 provides that:

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

The quarterly reports indicate that the radio station broadcasts an average of one hundred and fifty-nine (159) minutes of current affairs programming on weekdays totalling seven hundred and ninety-five (795) minutes of current affairs per week during South African performance period.

During monitoring of Umhlobo WeNene FM’s programme recordings, three current affairs programmes were identified as follows: Laphum’ *ikhwezi*, *Apha naPhaya (Midday)* and *Apha naPhaya (Evening)*. The Authority established that in total Umhlobo weNene FM broadcasts one hundred and eighty (180) minutes of current affairs programmes on weekdays from Monday to Saturday. One hundred and twenty (120) minutes of current affairs programming was monitored on Sunday.

The radio station complies with clause 6.2.2 of its licence.

Clause 6.2.3 of the schedule to the licence provides 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) meets the highest standards of journalistic professionalism;*
- (iv) provide fair, unbiased, impartial and balanced coverage independent from governmental, commercial or other interference*
- (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 indicate 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. Furthermore, in its news and programming content it includes matters of international national, regional and local significance.

During monitoring, the radio station broadcast 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 on matters of public concern.

The radio station complies with clause 6.2.3 of its licence.

### **3.5.3 Programming targeted at Children**

Clause 6.3.1 of the schedule attached to the licence provides 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 provides 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 SABC's quarterly reports indicate that on average the radio station broadcasts four-hundred and twenty (420min) of children's programming on a daily basis during South African performance period.

Monitoring conducted by the Authority revealed that the radio station broadcasts children's programmes including but not limited to 'Takalani Sesame', children's drama and 'Sunday school'. During monitoring the programmes were broadcast during the times when children were expected to be home to listen. Three (3 hours) of children's programming per week was identified.

The radio station complies with clause 6.3.1 and 6.3.2 of the schedule of its licence.

#### **3.5.4 Educational Programming**

Clause 6.4 of the schedule attached to the licence provides 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 SABC's quarterly reports indicate that the radio station broadcasts an average of two hundred and ninety five (295) minutes or 4 hours 55 minutes, which translates to 5 hours of educational programming on weekly basis during the South African performance period.

The Authority's monitoring revealed that the radio station broadcasts at least five (5) hours of educational programming on a weekly basis.

The radio station complies with clause 6.4 above.

### **3.5.5 Drama**

Clause 6.5 of the schedule attached to the licence provides that:

*“The Licensee shall broadcast at least two and a half (2 ½) hours of drama per week within the South African Performance period”.*

According to the SABC’s quarterly reports, the radio station broadcasts an average of 160 minutes (2 hours 40 minutes) of drama programming per week.

The monitoring exercise revealed that the radio station broadcasts drama programmes as follows: ‘Abakwasibiya’ broadcast just after 13h00, ‘Goba msenge iibhokwe zikutye’ broadcast in the evenings between 18h00 and 19h00. The programmes last for thirty minutes. A total of two and a half ((2 ½)) hours of drama programming per week was identified.

The radio station complies with clause 6.5 above.

### **3.5.6 Informal Knowledge-Building Programmes**

Clause 6.6 of the schedule attached to the licence provides that:

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

The SABC’s quarterly reports indicate that the radio station broadcasts an average of 1165 minutes (19 hours 25 minutes) of informal knowledge building programming per week during South African performance period.

The Authority’s monitoring exercise revealed that the radio station broadcasts informal knowledge building programming ranging from technology to health and other programmes. A programme called ‘Khanya Gqiyazana’ broadcast between 09h00 and 12h00 was identified. At least four (4 hours) of Informal Knowledge building programming was monitored.

Umhlobo Wenene FM complies with clause 6.6 of its licence.

### **3.5.7 Training and Skills development Obligations**

Clause 7 of schedule attached to the licence provides as follows:

*“7.1 The Licensee must adopt and implement equal opportunity employment practices;*

*7.2 The Licensee must ensure that its management and staff are representative of South African society and that its human resource policies takes into account the development of managerial, production, technical and other skills and expertise, particularly with regard to the historically disadvantaged persons;*

*7.3 The Licensee shall endeavour to achieve fair and reasonable participation by historically disadvantaged persons with respect to:*

- (a) its management and control structures;*
- (b) skills development;*
- (c) enterprise development; and*
- (d) procurement*

*7.4 The Licensee must, within thirty (30) days of the end of each financial year, provide the Authority with written information regarding its compliance with the above requirements”.*

The SABC submitted its training and skills development report indicating that its management and staff are representative of South African society. The report further indicated that for the period under review there was reasonable participation by historically disadvantaged people in management and skills development.

The Authority confirms that the Licensee has complied with the provisions of this clause (see skills development report attached as Appendix C).

### **3.5.8 Provisions of Audited Financial Statements**

Clause 8 of the licence provides 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 SABC submitted their Audited statements for the 2009/10 financial year.

The radio station has complied with clause 8 of its licence.

## **4 REGULATIONS**

### **4.1. South African Music Content Regulations**

The Regulations on South African Music Content as published on 31 January 2006 provide that:

*“All public sound licensees must play a minimum 40% South African music”.*

The monitoring conducted indicated that the radio station plays approximately 65% South African music.

The radio station complies with the regulation on South African Music Content (See *Regulations on South African Music Content attached as Appendix D*).

#### **4.2 Regulations regarding Standard Terms and Conditions for individual broadcasting licences**

During the year under review, the Authority did not identify any non compliance by the Licensee with the standard terms and conditions for individual licensees (See *Regulations regarding Standard Terms and Conditions for Individual Licences attached as Appendix E*).

### **5 CONCLUSION**

During the period under review Umhlobo Wenene FM complied with its licence terms and conditions and regulations on standard terms and conditions.

### **6. APPENDICES**

Appendix A: Sound broadcasting service and frequency spectrum licences

Appendix B: SABC's Editorial Policy

Appendix C: Skills Development Report

Appendix D: Regulations on South African Music Content

Appendix E: Regulations regarding Standard Terms and Conditions for Individual Licences