



# **XK FM ANNUAL COMPLIANCE REPORT**

**MARCH 2023**

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# **2021/2022 ANNUAL COMPLIANCE REPORT**

## **SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BROADCASTING AS XK FM**

**LICENCE PERIOD: 18 DECEMBER 2018 - 17 DECEMBER 2028**

### **1. PREFACE**

The Independent Communications Authority of South Africa ("Authority") has a statutory mandate in terms of the Constitution<sup>1</sup>, the Independent Communications Authority of South Africa Act (ICASA Act<sup>2</sup>), the Electronic Communications Act<sup>3</sup> (ECA) and the Broadcasting Act<sup>4</sup> 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 2021/2022 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

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<sup>1</sup> The Constitution of the Republic of South Africa, No 108 of 1996

<sup>2</sup> Independent Communications Authority of South Africa Act, 2000 'ICASA Act' (Act No. 13 of 2000), as amended

<sup>3</sup> Electronic Communications Act, 2005 'ECA' (Act No. 36 of 2005) as amended

<sup>4</sup> Broadcasting Act, 1999 (Act No. 4 of 1999), as amended

surrounding areas. The radio station is located in Kimberly, in the Northern Cape Province.

### **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 to the name and shareholding of the Licensee. XK FM forms part of the public broadcasting service of the SABC and it 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 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 clauses 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 clause 6 of its licence.**

**3.5 General programming obligations**

**3.5.1 General**

Clause 7.1.1 stipulates that:

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

The SABC's editorial policy<sup>5</sup> 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.

Clause 7.1.2 of the schedule to the licence stipulates that:

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<sup>5</sup> An extract from the Licensee's Editorial Policy

*"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 reflected in its coverage of news which take place in both languages of broadcast as well as its choice of music content, which also reflects the needs of its audiences.

The monitoring exercise revealed that during the 08:20-09:00, slot there is 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 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 09:20 – 10:00 focusing on different issues which are of interest to different societies in South Africa.

**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 54 minutes of news on each weekday. The following were some of the news excerpts monitored:

- *"Die ANC se adjunksekretaris-generaal, Jessie Duarte sê meer as 45 persent van die party se meer as vierduisend-480 kandidate vir die komende plaaslike regeringsverkiesing is vroue. Die regerende party het sy kandidatelys gistermiddag voor die Verkiesingskommissie se spertyd van vyf uur ingehandig. Dit volg nadat die ANC versuim het om in 90 munisipaliteite sy kandidaatlyste in te handig teen die aanvanklike sperdatum van 23 Augustus. Duarte het by 'n mediakonferensie gesê die party se kandidaatlys is verteenwoordigend."*
- *Die bevindings van 'n onlangse Ipsos politieke meningsopname dui daarop dat steun vir die ANC gaan afneem in die komende plaaslike regeringsverkiesings. Die opname wat onder meer as eenduisend-500 stemgeregtigde Suid-Afrikaners gedoen is, het bevind dat 49 persent vir die ANC sal stem, 17-komma-nege persent vir die DA en 14-komma vyf persent vir die EFF. In die nasionale verkiesing in 2019 het die ANC 57-komma-vyf persent van die stemme gekry, die DA 20-komma-agt persent en die EFF 10-punt agt persent. Ipsos se direkteur, Mari Harris sê die opname is telefonies tussen 16 en 20 Augustus gedoen."*
- *Die nuwe variant van die coronavirus wat in Mei in Suid-Afrika ontdek is, het sy eie mutasies en ook mutasies van die Delta-variant en ander kommerwekkende variante. Die Delta-variant is steeds die oorheersende variant in Suid-Afrika wat die virus versprei. Die Nasionale Instituut vir Oordraagbare Siektes sê aanduidings is dat die nuwe variant – C.1.2 – stelselmatig gaan versprei, hoewel dit nog net in 3-persent van alle monsters wat ontleed is, voorkom. Die Instituut sê dit is egter nog nie amptelik 'n kommerwekkende variant óf 'n variant van belang nie.*

*Wetenskaplikes probeer op die oomblik vasstel hoe oordraagbaar die C.1.2 is en hoe dit op entstof reageer."*

**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 monitoring exercise found *Bori Ku* broadcast on weekdays between 17:00 – 18:00 and *Morosani* broadcast between 13:00 – 14:00. 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. Further, the editorial policies aim to provide 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 monitoring exercise confirmed that the licensee broadcasts children's programmes relevant to young audiences and broadcast during times where children are available, to tune into the programme concerned.

The following broadcast programme focusing on children was monitored:

- Nali ibali on weekdays between 09h00 and 10h00.

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".*

Below is the name of one children's programme by the licensee:

- *Nalibali*, an educational programme on Early Childhood Development, broadcast between 09:00 and 09:30.

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

- “Crime prevention and crime and safety” broadcast between 21h00 and 22h00 weekdays. The show discusses matters affecting communities in different ways and seeks to promote 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 revised its Employment Equity and Transformation plan<sup>6</sup> 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 the above

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<sup>6</sup> Appendix B: SABC Employment Equity and Transformation: Report to ICASA, Reporting period: 1 April 2020 – 31 March 2021.

requirements to the Authority for the period under review<sup>7</sup> within 30 days of the end of the financial year.

These 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 the 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 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% were White employees. Further, 56% of the employees who were trained were women and 2% were employees living with disabilities.

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

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<sup>7</sup> Appendix D: Skills and 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 to the Authority within the prescribed time.

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

## **4. REGULATIONS**

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

Regulation 3 (1) of the South African Music Content<sup>8</sup> 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 82% of South African music content. The monitoring conducted by the Authority confirmed that XK FM broadcasts at least 70% of South African music.

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

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

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<sup>8</sup> South African Music Content Regulations

There were no incidents of non-compliance with the Standard Terms and Conditions for Individual Licences committed by the licensee during the period under review.

#### **4.3 Universal Service and Access Fund Regulations**

Regulation 3 of the USAF Regulations<sup>9</sup> 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 directly to the MDDA and submitted proof thereof to the Authority.

**The Licensee complies with Regulations 3(1) and 3(2) of the USAF Regulations.**

#### **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. Further, no complaints were escalated to the Authority.

### **5. CONCLUSION**

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

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<sup>9</sup> Universal Service and Access Fund Regulations

## **6. TERMS OF REFERENCE**

- Appendix 1 : XK FM's Broadcasting Service Licence
- Appendix 2 : XK FM's Frequency Spectrum Licence
- Appendix 3 : Extract from the Licensee's Editorial Policy
- Appendix 4 : Training & Skills Development Report
- Appendix 5 : Standard terms and conditions for individual licensees, 2010 as amended
- Appendix 6 : Universal Service and Access Fund Regulations, 2011
- Appendix 7 : Proof of SABC's Contribution to USAF

**END**