



# **XK FM**

# **ANNUAL**

# **COMPLIANCE REPORT**

**MARCH 2025**

# **2023/2024 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, the Independent Communications Authority of South Africa Act<sup>1</sup> (“ICASA Act”), the Electronic Communications Act<sup>2</sup> (“ECA”) and the Broadcasting Act<sup>3</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 2023/2024 financial year. Aspects of compliance that are measured comprise Format, Local Content Obligations, General Programming Obligations, Training and Skills Development, Finances, Complaints, South African Music Content Regulations, Regulations Regarding Standard Terms and Conditions, Universal Service and Access Fund (USAF) Regulations and Regulations on the Code on People with Disabilities.

### **2. BACKGROUND**

XK FM is an Individual Sound Broadcasting Service Licensee of the South African Broadcasting Corporation (SABC). Its languages of broadcast are !Xun and Khwe.

The radio station’s mandate is to provide a full spectrum service to the geographic area of the Northern Cape Province, together with parts of Platorand and surrounding areas. The radio station is located in Kimberly, in the Northern Cape Province.

---

<sup>1</sup> Act No. 13 of 2000, as amended

<sup>2</sup> Act No. 36 of 2005, as amended

<sup>3</sup> Act No. 4 of 1999, as amended

### **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 of 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 of 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 of its licence.**

**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 of 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 the 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 its programming adequately reflects the diversity of South Africa's Religions".*

The SABC's editorial policy<sup>4</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 communities. 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:

*"The Licensee shall take reasonable steps to provide programming that reflects the cultural and traditional 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 takes 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 07:00-08:00, slot there is a nation-building program addressing different cultural needs.

---

<sup>4</sup> An extract from the Licensee's Editorial Policy

## **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 09:00 – 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 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 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 broadcasts seventy (70) minutes of news on weekdays and fifty (50) minutes on weekends.

The monitoring exercise identified at least 60 minutes of news on each weekday. The following were some of the news excerpts monitored:

- *"Die kabinet het die aanstelling van die raad en 'n bestuurshoof vir Suid-Afrikaanse Toerismeraad goedgekeur. Nobulelo Guliwe, 'n geoktrooieerde rekenmeester, is vir vyf jaar as die hoof van die raad aangestel nadat die pos in Mei 2021 vakant geraak het. Die voormalige waarnemende bestuurshoof, Themba Khumalo, het die organisasie verlaat nadat 'n*

*bepande borgskapooreenkoms van eenmiljard rand met die Engelse sokkerklub, Tottenham Hotspurs, hewige openbare reaksie ontlok het en die borgskapooreenkoms opgeskort is. Die minister van toerisme, Patricia de Lille, het die aanstellings verwelkom."*

- *"Die Valke het 'n 33-jarige konstabel verbonde aan die Kwanokuthulapolisiestasie by Plettenbergbaai in die Wes-Kaap in hegtenis geneem op aanklagte van korrupsie, bedrog, vervalsing, diefstal en regsverdeling. Die polisiebeampte het na bewering in Augustus verlede jaar 'n huisbraaksaak sonder die klaer se medewete teruggetrek en die verdagte vrygelaat. 'n Onttrekkingsverklaring is in die dossier geliasseer, maar die handtekening was nie dié van die klaer nie. Hy het glo ook 500-rand vir borgtog van die verdagte geëis. Hy verskyn na verwagting vandag in die Plettenbergbaai-landdroshof."*
- *Die vermiste Joslin Smith van Saldanha aan die Weskus se ma en haar vriend is onder die vier verdagtes wat vanoggend in die Vredenburgse Landdroshof verskyn het in verband met die meisie se verdwyning. Die verdagtes is Kelly Smith, haar vriend, Jacquen Appollis, Stefano van Rhyn en Phumza Sigaqa. Die saak is tot 13 Maart uitgestel wanneer die beskuldigdes om borgtog sal aansoek doen."*

#### **The Licensee complies with clause 7.2.1 of the schedule of 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 SOEs as well as politics in general. Some of the content on the current affairs programmes is 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 of 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 with respect to the 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 of its licence.**

### **3.5.3 Programming Targeted 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 broadcasts during times when children are available, to tune into the programme concerned.

The following broadcast programme focusing on children was monitored:

- Nalibali on weekdays between 09h00 and 09h15.

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

Clause 7.3.2 of the schedule to the licence stipulates that:

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

- (i) broadcast at the times in the day when children are available to listen;*
- (ii) Targeted at and appropriate for children between the ages of nought (0) to six (6) years and seven (7) to twelve (12) years respectively; and*
- (iii) educational and is made from children's point of view".*

The following programme was among the children's programming identified:

- *Nalibali*, an educational programme on Early Childhood Development, broadcast between 09h00 and 09h15.

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

**The Licensee complies with clause 7.3.2 of the schedule of 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 of 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 broadcasts 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 on weekdays. This is a show that discusses issues affecting communities in different ways and promotes solidarity and social cohesion.

**The Licensee complies with clause 7.5 of the schedule of 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’s commitment to a skilled and trained workforce is evident in its efforts to provide development for its employees. The SABC’s Annual Skills and Development Report 2023/2024 shows that bursaries, which were previously only reserved for employees identified by the Licensee’s 2019/2020 Skills Audit, were now extended to all SABC employees.

In the year under review, the Licensee facilitated at least one thousand and ninety-one (1091) training interventions; this is in response to one thousand two hundred and seventeen (1217) training needs identified in its Workplace Skills Plan for the year ended. At least nine hundred and twenty-three (923) individuals received training, and ninety-nine percent (99%) of the training recipients were people from previously disadvantaged groups.

The Licensee continues to prioritise the employment of women and Black people. Women continue to serve in high-level positions within the Licensee and people from previously disadvantaged groups still make up the majority at an executive level.

The analysis of the Licensee’s Employment Equity report shows a decline in the occupancy of Black people within the Licensee’s Board of Directors for the year under review. However, this cannot be seen as indicating a decrease in the Licensee’s efforts to maximise the presence of Historically Disadvantaged Individuals in its executive. The year ended March 2024 saw the Licensee left with around sixty-six percent (66%) of Black People at the Executive Level, a decline of around nineteen percent (19%) from last year’s reporting.

The Licensee has already reached its 2025 Employment Equity target; currently, Historically Disadvantaged Individuals make up the majority at levels.

**Table 1:** SABC’s 2025 Employment Equity Targets (Control/Management Echelon) measured against the last two financial years’ progress.

<b>Employment Category</b>	<b>September 2025 Target</b>	<b>February 2023 Actual</b>	<b>March 2024 Actual</b>
<b>Black Board of Directors with Voting Rights</b>	50%	85.72%	66.6%
<b>Female Board of Directors with Voting Rights</b>	25%	33%	33.3%
<b>Black Executive Directors (GCEO, COO, CFO)</b>	50%	66.67%	33.3%
<b>Black Female Executive Directors (GCEO, COO, CFO)</b>	25%	0%	33.3%
<b>Black Executive Managers / Senior Management</b>	60%	88 %	74.1%
<b>Black Female Executive Managers/Senior Management</b>	30%	32%	38.7%
<b>Black Middle Management</b>	75%	83%	71.2%
<b>Black Female Middle Management</b>	38%	42%	36.2%
<b>Black Junior Managers</b>	88%	93%	81.9%
<b>Black Female Junior Managers</b>	44%	49%	42%
<b>Black People with Disabilities</b>	2%	2%	2.5%

**The SABC complied with its training and skills development obligations per the licence.**

### **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 of its licence.**

#### **4. REGULATIONS**

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

Regulation 3 (1) of the South African Music Content<sup>5</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 95.65% 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**

Regulation 11 (3) of the standard terms and conditions<sup>6</sup> stipulates that:

*"A station must clearly identify itself at intervals of not more than thirty (30) minutes."*

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

---

5 South African Music Content Regulations

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

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

Regulation 3 of the USAF Regulations<sup>7</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 has complied with its licence terms and conditions and related Regulations that govern public broadcasters.

### **6. TERMS OF REFERENCE**

Attachment 1 : XK FM's Broadcasting Service Licence

Attachment 2 : XK FM's Frequency Spectrum Licence

Attachment 3 : Extract from the Licensee's Editorial Policy

---

<sup>7</sup> Universal Service and Access Fund Regulations

Attachment 4 : Training & Skills Development Report

Attachment 5 : Standard terms and conditions for individual licensees, 2010 as amended

Attachment 6 : Universal Service and Access Fund Regulations, 2011

Attachment 7 : Proof of SABC's Contribution to USAF

**END**