

# **COMPLIANCE REPORT**

## **XK FM**

**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>1</sup>, the ICASA Act<sup>2</sup> and the Electronic Communications Act<sup>3</sup> (“EC Act”) to regulate broadcasting activities in South Africa in the public interest. In this regard, the Licensing and Compliance Division (“LCD”) of the Independent Communications Authority of South Africa (“ICASA”) 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 XK FM’s performance for the period 2009 – 2010. Aspects of compliance that are measured comprise of geographic coverage, languages, 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.

### **2. BACKGROUND**

XK FM is a public radio station of the South African Broadcasting Corporation (“the SABC”) as per the requirement of clause 4.1 of its licence. The radio station’s

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<sup>1</sup> The Constitution of the Republic no 108, 1996

<sup>2</sup> ICASA Act no 13 , 2000 as amended

<sup>3</sup> Electronic Communications Act no 36, 2005

mandate is to provide a full radio spectrum service to the public community of Schmidtsdrift an area lying in the north furthest parts of the Northern Province. The radio station's principal languages of broadcast are: iXun and Khwe (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 stipulates that:

According to the frequency spectrum licence, the radio station's coverage area is Schmidtsdrift an area lying in the north furthest parts of the Northern Province.

The radio station complies with clause 2 above.

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

Clause 3 of the schedule to the licence stipulates that:

*"Principal language: iXun and Khwe".*

The radio station's principal languages are iXun and Khwe. It is worth-noting that during monitoring of the radio station's programme recordings, Afrikaans (bridging language) was identified as another language of broadcast.

The radio station complies with clause 3 above.

#### **3.3. Format**

Clause 4.1 of the schedule to the licence stipulates that:

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

Clause 4.2 stipulates that:

*"The licensed service shall be a full-spectrum service".*

XK 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 clauses 4.1 and clause 4.2 above.

### **3.4. Local Content Obligations**

Clause 5 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:*

*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 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 XKFM’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>XK FM's</b> <b>Provision</b> <i>(Minutes Daily/Weekly)</i>	<b>XK FM's</b> <b>Compliance (%)</b>
<i>News</i>	<i>30 min (Daily)</i>	<i>66min (Weekdays)</i> <i>50min (Saturday)</i> <i>65min (Sundays)</i>	<i>220%</i> <i>167%</i> <i>167%</i>
<i>Current Affairs</i>	<i>30min (Daily)</i>	<i>99min (Weekdays)</i> <i>55min (Saturday)</i> <i>55min (Sundays)</i>	<i>330%</i> <i>183%</i> <i>183%</i>
<i>IKB</i>	<i>180 min ( Weekly)</i>	<i>1580min (Weekly)</i>	<i>878%</i>
<i>Educational</i>	<i>300min (Weekly)</i>	<i>425min (Weekly)</i>	<i>142%</i>
<i>Children's</i>	<i>15min (Weekly)</i>	<i>785min (Weekdays)</i>	<i>5233%</i>

*Second Quarter July – September 2009*

<b>Content/ Genre</b>	<b>ICASA Quota</b> <i>(Minutes Daily/Weekly)</i>	<b>XK FM's Provision</b> <i>(Minutes Daily/Weekly)</i>	<b>XK FM's Compliance (%)</b>
<i>News</i>	<i>30min (Daily)</i>	<i>66min (Weekdays)</i> <i>55min (Saturday)</i> <i>50min (Sunday)</i>	<i>220%</i> <i>167%</i> <i>167%</i>
<i>Current Affairs</i>	<i>30min (Daily)</i>	<i>99min (Weekdays)</i> <i>55min (Saturday)</i> <i>55min (Sunday)</i>	<i>330%</i> <i>183%</i> <i>183%</i>
<i>IKB</i>	<i>180min (Weekly)</i>	<i>1580min (Weekly)</i>	<i>878%</i>
<i>Educational</i>	<i>300min (Weekly)</i>	<i>425min (Weekly)</i>	<i>142%</i>
<i>Children's</i>	<i>15min (Weekly)</i>	<i>785min (Weekdays)</i>	<i>5233%</i>

*Third Quarter October – December 2009*

<b>Content/ Genre</b>	<b>ICASA Quota</b> <i>(Minutes Daily/Weekly)</i>	<b>XK FM's</b> <b>Provision</b> <i>(Minutes Daily/Weekly)</i>	<b>XK FM's</b> <b>Compliance (%)</b>
<i>News</i>	<i>30min (Daily)</i>	<i>66min (Weekdays)</i> <i>50min (Saturday)</i> <i>50min (Sunday)</i>	<i>220%</i> <i>167%</i> <i>167%</i>
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<i>Children's</i>	<i>15min (Weekdays)</i>	<i>785min (Weekdays)</i>	<i>5233%</i>

*Fourth Quarter January 2010- March 2010*

<b>Content/ Genre</b>	<b>ICASA Quota</b> <i>(Minutes Daily/ Weekly)</i>	<b>XK FM's</b> <b>Provision</b> <i>(Minutes Daily/ Weekly)</i>	<b>XK FM's</b> <b>Compliance (%)</b>
<i>News</i>	<i>30min (Daily)</i>	<i>66min (Weekdays)</i> <i>50min (Saturdays)</i> <i>50min (Sundays)</i>	<i>220%</i> <i>167%</i> <i>167%</i>
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The above is indicative of the fact that XK FM complied with the set quotas during 2009/10 fiscal year.

### **3.5. General programming obligations**

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

#### **3.5.1. General**

Clause 6.1.1 of the schedule to the licence stipulates that:

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

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).*

Clause 6.1.2 of the schedule to the licence stipulates that:

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

Clause 6.1.3 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”.*

Although monitoring of iXun and Khwe posed a challenge for the Authority, the radio station’s programme schedule and the programmes broadcast in Afrikaans indicated that the radio station complies with clause 6 of its licence.



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

Clause 6.2.1 of the schedule 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 quarterly reports submitted by the SABC indicate that the radio station broadcasts 66 minutes of news programming each day during performance period.

The Authority’s monitoring exercise from 01 October 2009 - 05 October 2009 revealed that XK FM broadcasts 60 minutes of news each day during performance period.

The radio station complies with the clauses 6.2.1 above

Clause 6.2.2 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 quarterly reports submitted by the SABC indicate that the radio station broadcasts 99 minutes of current affairs programming each day during performance period.

The Authority’s monitoring exercise revealed that XKFM broadcasts 60 minutes of current affairs and is in compliance with clause 6.2.2 of its licence.

Clause 6.2.3 of the schedule to the 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*
- (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 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”.*

Clause 6.3.2 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 quarterly reports submitted by the SABC indicate that the radio station broadcasts 785 minutes (13hours 08 minutes) of programming targeted at children on weekdays during performance period.

The recordings monitored and evaluated revealed children's programmes are broadcast daily. Most of the programmes are broadcast when the children are home. The programmes are interactive. One of the programmes identified is 'Story Time', where children's stories were told.

XK FM complies with clause 6.3.1 and 6.3.2 of its licence.

#### **3.5.4. Educational Programming**

Clause 6.4 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 SABC's quarterly reports indicate that the radio station broadcasts 425 minutes (6hours) of educational programming per week.

The Authority's monitoring exercise revealed that the radio station broadcasts formal educational programmes such as '*Let's Learn*' which features book reviews and relevant educational and cultural issues. Educational programmes are broadcast every day of the week and amount to six (6) hours of educational programming

The radio station complies with clause 6.4 above.

#### **3.5.5. Informal Knowledge-Building Programmes**

Clause 6.5 of the schedule to the licence stipulates that:

*"The Licensee shall broadcast at least three 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 1545 minutes (26hours) of informal knowledge building programming weekly.

At least 3hours of informal knowledge building programming was monitored during the South African performance period.

Even though there is a difference between the Authority's findings and the SABC's submission, the radio station complies with the clause 6.6 of its licence

### **3.5.6. Training and Skills development Obligations**

Clause 7 of schedule attached to the licence stipulates 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 a training and skills development report indicating that its management and staff is 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*).

### **3.7 Provision of Audited financial statements to the Authority**

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

The Licensee 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 stipulate that:

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

The monitoring conducted indicated that the radio station plays more than 50% 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**

The radio station provides an essential service to the public community of Schmidtsdrift. During the period under review, XK FM sufficiently complied with the licence 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