



XK FM ANNUAL COMPLIANCE REPORT

MARCH 2017

2015/2016 ANNUAL 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, the ICASA Act, the Electronic Communications Act (ECA) and the Broadcasting Act to regulate broadcasting activities in South Africa in the public interest. One of the main tasks of the Authority is to ensure compliance by broadcasters with the terms and conditions of their licence, and any relevant legislation and 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 2015/2016 financial year. Aspects of compliance that are measured comprise of Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligations, Language(s), South African Music Regulations, Regulations Regarding Standard Terms and Conditions, Universal Service and Access Fund (USAF) and Complaints.

2. BACKGROUND

XK FM is an Individual Sound Broadcasting Service Licensee of the South African Broadcasting Corporation (SABC). The radio station's language of broadcast is iXun and Khwe. The radio station's mandate is to provide a full spectrum service to the geographic areas of Northern Cape, together with parts of Platorand and surrounding areas. The radio station is located in Kimberly, in the Northern Cape Province. The Broadcasting Research Council (BRC) radio listening survey for the period January 2016 – September 2016 shows that its listenership stands at 6000

3. COMPLIANCE ASSESSMENT

3.1 Ownership and Control

Clause 1.1 of the schedule to the licence states that:

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

Clause 1.2 of the licence states that the shareholders are as follows:

"Shareholders: The State: 100%"

Clause 1.3 of the schedule to the licence states as follows:

"Ownership held by persons from historically disadvantaged groups: NA"

XK FM forms part of the public service division of the SABC and is 100% owned by the State through the SABC.

The Licensee complies with clauses 1.1, 1.2 and 1.3 of the schedule to its licence.

3.2 Geographic Coverage Area

Clause 2 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 noncompliance with clause 2 above. Accordingly, **The Licensee has, during the period under review, complied with clause 2 of the schedule to its licence.**

3.3 Language(s)

Clause 3 of the schedule to licence states that the language of broadcast is as follows:

"Principal Language: iXun and Khwe".

The Authority's monitoring exercise of the radio station's programmes confirmed that XK FM's principal languages of broadcast are iXun and Khwe, with a mixture of Afrikaans content on syndication from RSG.

The Licensee has complied with clause 3 above.

3.4 Format

Clause 4.1 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 4.2 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 holds different topical issues of national interest.

The Licensee was found to be in compliance with clause 4.1 and 4.2 of the schedule to its licence.

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:

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 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".

The SABC's XK FM submitted its quarterly reports for the period under review as reflected in the tables below in line with the Compliance Procedure Manual Regulations. The figures show XK FM's compliance with the quotas set out by the Authority. These figures were verified during the Authority's monitoring exercise.

First Quarter April – June 2015

Content/ Genre	ICASA Quota <i>(Minutes Daily/Weekly)</i>	XK FM's Provision <i>(Minutes Daily/Weekly)</i>	XK FM's Compliance (%)
<i>News</i>	<i>30min (Daily)</i>	<i>80 (Weekly)</i>	<i>120%</i>
<i>Current Affairs</i>	<i>30min (Daily)</i>	<i>120 (Weekly)</i>	<i>200%</i>
<i>IKB</i>	<i>180min (Weekly)</i>	<i>1560min (Weekly)</i>	<i>800%</i>
<i>Education</i>	<i>300min (Weekly)</i>	<i>300min (Weekly)</i>	<i>100%</i>
<i>Children</i>	<i>15 min (Weekly)</i>	<i>60min (Weekly)</i>	<i>100%</i>

Second Quarter July – September 2015

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	XK FM's Provision in (Minutes Daily/Weekly)	XK FM's Compliance (%)
News	30min (Daily)	30min (Daily)	100%
Current Affairs	30min (Daily)	30min (Daily)	100%
IKB	180min (Weekly)	180min (Weekly)	100%
Education	300min (Weekly)	300min (Weekly)	100%
Children	15 min (Weekly)	(Weekly)	100%

Third Quarter October – December 2015

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	XK FM's Provision in (Minutes Daily/Weekly)	XK FM's Compliance (%)
News	30min (Daily)	30min (Daily)	100%
Current Affairs	30min (Daily)	30min (Daily)	100%
IKB	180min (Weekly)	180min (Weekly)	100%
Education	300min (Weekly)	300min (Weekly)	100%

<i>Children</i>	<i>15 min (Weekly)</i>	<i>(Weekly)</i>	<i>100%</i>

Fourth Quarter January – March 2016

Content/ Genre	ICASA Quota <i>(Minutes Daily/Weekly)</i>	XK FM's Provision in <i>(Minutes Daily/Weekly)</i>	XK FM's Compliance (%)
<i>News</i>	<i>30min (Daily)</i>	<i>30min (Daily)</i>	<i>100%</i>
<i>Current Affairs</i>	<i>30min (Daily)</i>	<i>30min (Daily)</i>	<i>100%</i>
<i>IKB</i>	<i>180min (Weekly)</i>	<i>180min (Weekly)</i>	<i>100%</i>
<i>Education</i>	<i>300min (Weekly)</i>	<i>300min (Weekly)</i>	<i>100%</i>
<i>Children</i>	<i>15 min (Weekly)</i>	<i>(Weekly)</i>	<i>100%</i>

The above quarterly submissions indicate compliance by XK FM with the set quotas during the 2015/2016 financial year.

3.5 General programming obligations

3.5.1 General

Clause 6.1.1 stipulates that:

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

The SABC's editorial policy¹ 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 also different religious groups. The main religious group catered for during this programme was Christian.

During the Authority's monitoring exercise, Sunday programming was dominated by gospel music of various South Africa languages including seSotho and Setswana songs. **The Licensee has complied with clause 6.1.1 of the schedule to its licence.**

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".

XK FM's programming is reflective of the cultures and traditions of the Platorand community, particularly the iXun and Khwe speaking people. The language used by the radio station bears testimony of the Licensee's compliance with this clause.

The Licensee was found to be in compliance with clause 6.1.2 of the schedule to its licence.

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

¹ An extract from the Licensee's Editorial Policy

sectors of South African society and shall provide programming on health-related issues, gender issues relevant to all age groups”.

Monitoring of XK FM’s programming profile confirmed that the radio station caters for the interests of all sectors of South Africa. The following programmes, among others, were monitored:

- *“In the past”*: a weekly programme between 06:00 – 08:00 focusing on the importance of history and heritage.
- *“Women’s Programme”*: A weekly programme about empowering and uplifting the women of Platorand, broadcast weekdays between 10:00-11:00
- *“What the San must Know”*: Local announcements on community activities be it funerals, events, workshops, imbizos and others, broadcast midday between 12:00 – 13:00

The Licensee was found to be in compliance with clause 6.1.3 of the schedule to its licence.

3.5.2 News and Current Affairs

Clause 6.2.1 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’s quarterly submissions report that the Licensee broadcasts at least 80 minutes of news on each day.

The monitoring exercise identified at least 48 minutes of news on each day of the week. The following news bulletins were some of the news excerpts monitored:

- *“Die Minister van Hoër Onderwys, Blade Nzimande sê die wêreldwye ekonomiese afswaai bied aan Suid-Afrika die geleentheid om sy belegging in menslike hulpbron-ontwikkeling te versnel. Hy het 'n Menslike*

Hulpbronontwikkelings beraad in Midrand noord van Johannesburg bygewoon. Meer as 500 afgevaardigdes, waaronder verteenwoordigers van georganiseerde sake en arbeid, burgerorganisasies en die regering het die twee-dae lange geleentheid bygewoon. Nzimande sê wanneer die ekonomie herstel, moet Suid-Afrika gereed wees met 'n arbeidsmag wat reeds opgelei is. Hy sê dit sal die land toelaat om die huidige en toekomstige sosio-ekonomiese uitdagings te pak”;

- *“'n Voormalige burgemeester van die Buffalo City-metro, Zukisa Faku is in die Oos-Londense landdroshof skuldig bevind op nege aanklagte van diefstal. Die Valke in die Oos-Kaap sê Faku het haar amptelike munisipale kredietkaart gebruik om persoonlike items te koop terwyl sy in 2009 op reis na Istanboel in Turkye asook Gauteng was. Die Valke se woordvoerder sê Faku het nagenoeg 15-duisend rand aan klere en modebykomstighede bestee. Sy is in 2012 in hegtenis geneem en sal op 17 Mei gevonnissen word. Haar borgtog is tot dan verleng”;*
- *“Meer as 200 mense is in Pakistan se Punjab-provinsie aangehou nadat die hoof van die weermag 'n teen-terreuroffensief in die streek aangekondig het. Dit volg 'n paar dae nadat 'n selfmoordbomdraer meer as 70 mense in Lahore opgeblaas het. Die weermag sê hy teiken slaperselle, oftewel onaktiewe eenhede, van die plaaslike djihadistebeweging. Die weermag het uit sy eie en sonder enige opdrag van die burgerlike leierskap opgetree”;* and
- *“Sokkernuus: Bafana Bafana het met nul elk gelykop gespeel in die tweede Afrika Nasiesbeker kwalifiserende wedstryd teen Kameroen in die Moses Mabhida Stadion in Durban. Suid-Afrika moes wen om hul hoop om deur te dring lewend te hou. Die span het nou drie punte van vier wedstryde in hul groep, terwyl Kameroen agt punte het. Bafana Bafana sal sy gebrek aan afronding berou, met veel meer kanse wat deur die tuisspan verbrou is. Die uitslag volg na die naweek se gelykopuitslag van 2 elk in Kameroen”.*

The Licensee complied with clause 6.2.1 of the schedule to its licence.

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 Licensee's quarterly reports indicated that XK FM broadcasts at least 550 minutes of current affairs programming per week during the South African performance period.

The monitoring exercise identified at least 30 minutes of current affairs programming each day from Mondays to Fridays.

The Licensee was found to be in compliance with clause 6.2.2 of its licence document.

Clause 6.2.3 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 the Licensee 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. Furthermore, it provides fair, unbiased and impartial coverage independent from government, commercial or other interference.

During the period under review, the monitoring exercise revealed that XK FM broadcast matters of national and international 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 Licensee's Editorial Policies form part of the SABC's Charter and monitoring of XK FM's news and current affairs programmes during the year under review not only demonstrated compliance with clause 6.2.3 of its licence but the Charter as contained in the Broadcasting Act of 1999.

During the period under review, the Licensee was found to be in compliance with clause 6.2.3 of the schedule to its licence.

3.5.3 Programming targeted at Children

Clause 6.3.1 of the schedule to the licence stipulates that:

"The Licensee shall, in the provision of the licensed service, broadcast at least one (1) hour programming targeted at children (as contemplated in section 10(1) (g) of the Broadcasting Act) per week during the South African performance period".

The Licensee submitted that it has broadcast at least 300 minutes of children's programming per week.

The monitoring exercise confirmed that children's programmes are broadcast on weekdays between 15:00 and 16:00 on a programme called *"Story time for kids"*.

The Licensee was found to be in compliance with clause 6.3.1 of the schedule to its licence.

Clause 6.3.2 of the schedule to the licence stipulates that:

"In the production of its children's programming, the Licensee shall ensure that 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 children's programmes identified:

- "Story time for kids" "between 15:00 and 16:00 during weekdays.

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

The Licensee was found to be in compliance with clause 6.3.2 of the schedule to 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 Licensee's quarterly submissions indicate XK FM achieves on average 300 minutes of educational programming weekly.

The Authority's monitoring exercise confirmed that the Licensee broadcasts educational programmes such as "Health Issue" which is a pre-recorded interview on all issues of health to educate and inform the listeners on healthier living between 10:00 – 11:00.

The Licensee was found to be in compliance with clause 6.4 of the schedule to its licence.

3.5.5 Informal Knowledge-Building (IKB) Programmes

Clause 6.5 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 3 hours of Informal Knowledge Building programming per week within the South African Performance Period.

The monitoring exercise monitored the following IKB programme:

- *"Hope for Disability People"* broadcast between 19:00 and 20:00 weekdays. This is a show that talks about support for people with disabilities; how to cope with a disability and awareness on the different disabilities.

The Licensee was found to be in compliance with clause 6.5 of the schedule to its licence.

3.6 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 Licensee submits that it conducted several projects directed at achieving transformational targets and Employment Equity plan. Amongst others, the licensee implemented capacity building workshops for the National Disability Committee members to ensure that the members are able to perform their roles with regards to implementation of EE objectives of the SABC. This is an important step as the licensee still has not achieved its target of 2% for people with disabilities for the second successive year. The licensee must do better to achieve and exceed this target. The licensee continues to provide training for its employees with 87.54% having attended training.

Furthermore, the licensee embarked on a talent acquisition strategy to increase the number of females, in particular black female employees with disabilities. Projects such as the Take A Girl Child To Work were meant to give work exposure to young girls. Another project was Man in the Making Day, which was aimed at young boys with disabilities to be interested in working for the SABC. Lastly, the licensee submits that it embarked on the SABC Techno Girl programme. Its purpose was to expose young learners to the SABC Technology Division and align them to choose in-demand careers and skills in the ICT sector.

The Licensee has complied with clause 7 of the schedule to its licence.

3.7 Provision of Audited Financial statements to the Authority

Clause 8 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 SABC submitted its Audited Financial Statements for the 2015/2016 financial year within the regulated timeframe. According to the AFS, the Licensee generated revenue of R7 978 841 000. Of this amount, some of the expenses were on broadcast costs, signal distribution and linking costs, marketing costs, professional and consulting fees. The Licensee incurred a loss of R411 605 000.

The Licensee complied with clause 8 of the schedule to its licence

4. REGULATIONS

4.1 ICASA South African Music Content Regulations

Regulation 3.1 of the South African Music Content Regulations as published on 31 January 2006 stipulates that:

"Every holder of a public sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, a minimum of 40% of the musical works broadcast in the performance period consist of South African music and that such South African music is spread reasonably evenly throughout the said period."

During the period under review, XK FM's music content constituted at least 60% of South African Music. XK FM's playlist is dominated by South African artists. Among those enjoying air play on XK FM's music schedule are: Lucas Skoopans; Speedy; Dr Malinga; Zahara and Mafikizolo.

The Licensee has, during the period in review, complied with regulation 3.2 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 conditions² stipulates that:

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

XK FM's promos were identified frequently during the period under review and these were broadcast at regular intervals. The promos carried the name of the station and frequency details.

Furthermore, there was no incident of non-compliance with the Standard Terms and Conditions for Individual Licences found.

The Licensee has complied with the above Regulation.

4.3 Universal Service and Access Fund Regulations

Regulation 3 of the USAF Regulations³ 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 Authority received confirmation of payment in a form of a Section 18A certificate from the MDDA and the Licensee submitted proof of payment⁴ to the Authority.

² Regulations regarding the Standard Terms and Conditions for Individual Licensee's

³ Universal Service and Access Fund Regulations

⁴ Proof of SABC's contribution to the USAF

The Licensee has complied with the regulations in respect of Universal Service and Access Fund.

4.4 Regulations on the Code for People with Disabilities

Form 7C: Code on People with Disabilities contained in the Compliance Procedure Manual Regulations requires broadcasting licensees to annually complete the form in accordance with the Licensee's financial year end.

The SABC submitted these forms consistently throughout the year in review.

Further, Regulation 3.1 (a) of the Code on People with Disabilities as published in the Government Gazette, no 30441, 7 November 2007, states that:

"Broadcasting service licensees must ensure that their services are made available and are accessible to people with disabilities".

Regulation 3.1 (b) stipulates that:

"Options for making broadcasting services more accessible may include the following:

- i. Improve and/or increase subtitles and sign language;*
- ii. Expand knowledge on various adjustments such as induction loops, Minicom/text phones and alternatives computer software;*
- iii. Access to programme support such as fact sheet;*
- iv. Website to offer a range of formats (such as electronic versions, Braille and audiotape);*
- v. Use of spoken languages where economic indicators, weather details, telephone numbers and addresses or details of goods and services are shown on-screen; and*
- vi. Use of non-scheduled services such as access via Personal Video Digital Recorders (PVR's) and TV anytime".*

Regulation 3.1 (c) states that:

"Broadcasting service licensees must monitor the effectiveness of their service through surveys as well as contact with organisations of and for people with disability and stakeholders".

During the period under review, the Licensee conducted the SABC National Disability Committee quarterly meetings to monitor and evaluate progress against its Disability mainstreaming objectives. The Licensee also commemorated and hosted the International Disability Day in the form of Leadership awareness breakfast session to challenge leadership to understand and create disability awareness.

The following were some of the disability awareness campaigns hosted by the Licensee:

- National Bind Buddy Day;
- Autism Awareness;
- Albinism Awareness;
- Deaf Awareness; and
- Casual day.

The Licensee further conducted verifications of all declared disabilities and identification of reasonable accommodation needs, as well as participation in career exposure initiatives for scholars with disabilities.

The SABC also reported that Employees with disabilities represent 1.90% of the entire workforce as some employees left the organisation and thus the organisation did not meet its target of 2%. It further reported that 58% of all employees with disabilities are female and 77% are black.

Producers are encouraged to establish relationships with organisations for people with disabilities to use for content when the need arises.

The Licensee has demonstrated that it complies with the Code on People with Disabilities.

4.5 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 submitted to ICASA on the SABC's compliance with its licence terms and conditions for the year under review.

5. CONCLUSION

During the period under review, the Licensee complied with its licence terms and conditions and related regulations that governs public broadcasters.

6. TERMS OF REFERENCE

- 6.1 Attachment 1: XK FM's Broadcasting Service Licence and XK FM's Frequency Spectrum Licence
- 6.2 Attachment 2: The Licensee's training report