2011/2012 ANNUAL COMPLIANCE REPORT

**UKHOZI 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 Broadcasting Act, the

ICASA Act of 2000,<sup>3</sup> and the Electronic Communications Act ("EC Act") of 2005<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 ICASA

Act, the EC Act, the terms and conditions of their licence and any relevant

legislation and regulations.

The following report is intended to give an account of Ukhozi FM's performance

for the 2011/2012 financial year. Aspects of compliance that are measured

comprise of the Geographic Coverage, Language(s), 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, Regulations in respect of Prescribed

Annual Contributions of Licensees to The Universal Service and Access Fund and

General Licence Fees Regulations.

2. **BACKGROUND** 

Ukhozi FM is an Individual Sound Broadcasting Service Licensee of the South

African Broadcasting Corporation ("the SABC"). Ukhozi FM's mandate is to

provide a full-spectrum service to the geographic areas of Gauteng, Eastern

Cape, Free State, KwaZulu Natal and Mpumalanga Provinces (See Appendix A).

Ukhozi FM broadcasts from studios situated at 100 K.E. Masinga (Old Fort) Road,

<sup>1</sup> The Constitution No, 108 of 1996,

<sup>2</sup> The Broadcasting Act No,4 of 1999

<sup>3</sup> The ICASA Act No, 13 of 2000,

<sup>4</sup> The Electronic Communications Act No, 36 of 2005

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Durban, Kwa-Zulu Natal and from Radio Park, Henley Road, Auckland Park,

Johannesburg.

**COMPLIANCE ASSESSMENT** 3.

3.1. Ownership and Control

Clause 1.1 of the licence stipulates that:

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

Clause 1.2 of the licence stipulates as follows:

"Shareholders: The State: 100%"

Clause 1.3 of the licence stipulates as follows:

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

Ukhozi FM forms part of the public service of the South African Broadcasting Corporation (the Entity) and is 100% owned by the State. The Licensee does not

have persons from historically disadvantaged groups in its ownership.

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

3.2. **Geographic Coverage Area** 

Clause 2 of the schedule to the licence stipulates 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 covers the

following areas: Gauteng, Eastern Cape, Free State, KwaZulu Natal and

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Mpumalanga Provinces (See Appendix B). The Licensee confirms its coverage area is as defined in its licence.

The Licensee complies with clause 2 of its licence.

#### 3.3. Language(s)

Clause 3 of the schedule to the licence stipulates for Ukhozi FM to broadcast its content in:

"Principal Language: isiZulu".

Ukhozi FM broadcasts principally in IsiZulu. This was confirmed during the Authority monitoring exercise. Approximately ninety percent (90%) of Ukhozi FM's is in isiZulu language.

The Licensee complies with clause 3 of the Schedule to its licence.

#### 3.2 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".

Further, clause 4.2 of the schedule to the licence stipulates that:

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

Ukhozi 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 Licensee complies with clauses 4.1 and 4.2 of the schedule to its licence.

### 3.3 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 on 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 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 Ukhozi FM's compliance with the quotas set by the Authority. These figures were verified during the Authority's monitoring.

First Quarter April – June 2011

Content/ Genre	ICASA Quota	Ukhozi FM's	Ukhozi FM's
	(Minutes	Provision	Compliance (%)
	Daily/Weekly)	(Minutes	
		Daily/Weekly)	
News	60 min (Daily)	85 min (Week	141%
		Days)	100%
		60 min	100%
		(Saturdays)	
		60 min ( Sundays)	
Current Affairs	60 min (Daily)	199 min (Weekly )	331%
		60 min	100%
		(Saturdays)	100%
		60 min (Sundays)	
IKB	180 min (Weekly)	2755 min	1530%
		(Weekly)	
Education	300 min (Weekly)	340 min (Weekly)	113%
Children	60 min (Weekly)	445 min (Weekly)	741%
Drama	150 min (Weekly)	220 min (Weekly)	146%

# Second Quarter July – September 2011

Content/ Genre	ICASA Quota	Ukhozi FM's	Ukhozi FM's
	(Minutes	<b>Provision</b> (Minutes	Compliance
	Daily/Weekly)	Daily/Weekly)	(%)
News	60 min (Daily)	85 min (Week Days)	141%
		60 min (Saturdays)	100%
		60 min ( Sundays)	100%
Current Affairs	60 min (Daily)	199 min (Week	331%
		Days)	100%
		60 min (Saturdays)	100%
		60 min (Sundays)	
Informal	180 min (Weekly)	2565 min (Weekly)	1425%
Knowledge			
Building			
Education	300 min (Weekly)	340 min (Weekly)	113%
Children	60 min (Weekly)	220 min (Weekly)	366%
Drama	150 min (Weekly)	220 min (Weekly)	146%

Third Quarter October – December 2011

Content/ Genre	ICASA Quota	Ukhozi FM's	Ukhozi FM's
	(Minutes	<b>Provision</b> (Minutes	Compliance
	Daily/Weekly)	Daily/Weekly)	(%)
News	60 min (Daily)	84 min (Week Days)	140%
		65 min (Saturdays)	108%
		60 min ( Sundays)	100%
Current Affairs	60 min (Daily)	121 min (Week	201%
		Days)	100%
		60 min (Saturdays)	100%
		60 min (Sundays)	
Informal	180 min (Weekly)	2610 min (Weekly)	1450%
Knowledge			
Building			
Education	300 min (Weekly)	340 min (Weekly)	113%
Children	60 min (Weekly)	210 min (Weekly)	350%
Drama	150 min (Weekly)	240 min (Weekly)	160%

Fourth Quarter January – March 2012

Content/ Genre	ICASA Quota	Ukhozi FM's	Ukhozi FM's
	(Minutes	<b>Provision</b> (Minutes	Compliance
	Daily/Weekly)	Daily/Weekly)	(%)
News	60 min (Daily)	85 min (Week Days)	141%
		60 min (Saturdays)	100%
		65 min ( Sundays)	108%
Current Affairs	60 min (Daily)	199 min (Week	331%
		Days)	100%
		60 min (Saturdays)	100%
		60 min (Sundays)	
Informal	180 min (Weekly)	2660 min (Weekly)	1477%
Knowledge			
Building			
Education	300 min (Weekly)	340 min (Weekly)	113%
Children	60 min (Weekly)	220 min (Weekly)	366%
Drama	150 min (Weekly)	220 min (Weekly)	146%

The above information indicates compliance by Ukhozi FM in the 2011/12 financial year.

# 3.4 General Programming Obligations

### **3.4.1 General**

Clause 6.1.1 of the schedule to the licence stipulates that:

<sup>&</sup>quot;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 Appendix B).

Ukhozi FM broadcasts "Ezenkolo" every Sunday between 05h00 and 08h00.

There is also a worship insert between 06h00 and 06h30. Church leaders from different denominations are invited to provide sermons. The involvement of different church leaders from different denominations is reflective of the diversity of South Africa's religions.

The Licensee complies 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 its audience".

Ukhozi FM's target audience is primarily the isiZulu speaking people. Monitoring of Ukhozi FM's programming content confirmed that the radio station caters for the cultural and traditional interests of its audience.

"Izwi Labantu" broadcast on Sundays between 05h00 and 05h30 deals with the dynamics of Zulu culture. One of the programmes monitored encouraged listeners and scholars to preserve Ubuciko Bomlomo. Ubuciko Bomlomo includes umlolozelo, inganekwane and izibongo zezinkomo. The speaker further encouraged listeners to follow and worship Inkolo Yesintu (Traditional Religion).

In addition, programmes such as "Cothoza Mfana", "Ingomabusuku" and "Utalagu" cater for traditional needs of Zulu speaking people. These programmes are broadcast on Saturdays between 05h00 and 06h00 as well as 09h00 and 12h00 respectively.

The Licensee complies 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 sectors of South African society and shall provide programming on health related issues, gender issues relevant to all age groups".

Ukhozi FM broadcasts a variety of programmes focusing on health and gender issues. The monitoring exercise identified a programme called "Rama Growth Show" which is broadcast on week days between 9h00 and 12h00. This programme focuses on family, health and gender related issues.

The Licensee complies with clause 6.1.3 of the Schedule to its licence.

#### 3.4.2 News and Current Affairs

Clause 6.2.1 of the schedule to the licence stipulates 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 eighty five (85) minutes of news programming during weekdays and sixty (60) minutes on Saturdays and Sundays.

The Authority's monitoring confirmed that Ukhozi FM broadcasts news bulletins every hour on the hour from 06h00 to 22h00 and headlines every half hour. The news bulletins are broadcast for approximately five (5) minutes. On average, a total of eighty five (85) minutes is broadcast each day, during the South African performance period. The following are examples of news stories identified:

 "President Jacob Zuma has invited Benin President to attend the ANC Centenary Celebrations";

- "Minister of Correctional Services, Maphisa Ngqakula is shocked to hear that the Public Protector wants to interfere with Derby Lewis matter";
- "One of the tripartite Party Alliance, COSATU says the Protection of Information Bill should go to constitutional Court";
- "Minister of Sports says Climate change needs coperation from all sectors"; and
- "President Jacob Zuma encourages Youth to Participate in Agriculture".

The Licensee complies 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 sixty (60) 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 a minimum of one hundred and twenty one (121) minutes of current affairs programming on weekdays, sixty (60) minutes on Saturdays and Sundays during the performance period.

The Authority's monitoring confirmed that the radio station broadcasts current affairs programming. Four current affairs programmes were identified as follows:

- "Ezanamuhla" broadcast between 05h00 and 06h30;
- "Ezisematheni" broadcast between 13h00 and13h30;
- "Abasiki Bebunda" broadcast between 18h00 to 19h00; and
- "Ezangempelasonto" broadcast on Saturdays and Sundays between 06h00 07h00.

The abovementioned programmes included interviews, live field reports, phoneins and analysis of matters of public interest. Below are some of the topics identified:

- "Hundreds of Community Members in KwaZulu- Natal have been affected by floods";
- "The President of the ANCYL says the decision to suspend ANCYL Senior Leaders was taken before mitigation was made"; and
- "Prime Minister of KwaZulu Natal, Dr Zweli Mkhize has changed his Cabinet".

In total, of six hundred and thirty (630) minutes (10 hours 30 minutes) was monitored each day, during the South African performance period.

The Licensee complies with clause 6.2.2 of the Schedule to its licence.

Clause 6.2.3 of the licence of the schedule to the licence stipulates that:

"The Licensee shall in the production of its news and current affairs programming:

- (i) Exercise full editorial control in respect of 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 a reasonable opportunity for the public to receive a variety of points of view on matters of public concern".

The SABC's editorial policy stipulates that the licensee must exercise full editorial control in respect of contents of its programming. The editorial policy further indicates 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. In its news and programming content it includes matters of international national, regional and local significance.

The Authority's monitoring exercise confirmed that Ukhozi FM broadcasts 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 from different analysts and experts on matters of public concern (See 6.2.1 and 6.2.2 above). The SABC's Editorial Policies form part of the SABC's Charter and monitoring of Ukhozi FM's news and current affairs programmes for the period under review revealed that Ukhozi FM complies with clause 6.2.3 of its licence and the Charter as contained in the Broadcasting Act of 1999.

The Licensee complies with clause 6.2.3 of the Schedule to its licence.

#### 3.4.3 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 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 of the schedule to the licence 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 SABC's quarterly reports indicate that the radio station broadcasts a minimum of two hundred and ten (210) minutes of children's programming per week, during the South African performance period.

The Authority's monitoring confirmed that the radio station broadcasts children's programmes as follows:

- "Ukhozi Lodado" broadcast on Saturdays, between 08h20 and 09h00, where children were making their dedications and song requests;
- "Vumelani Abantwana Beze Kimi" broadcast on Sundays between 07h30 and 08h00. This is an informal educational programme;
- "Ukhozi Lodado" which targets children between the ages of nought (0) to six (6) years. The programme aims at entertaining children. Children call in and make their dedications; and
- "Vumelani Abantwana Beze Kimi" which targets children between the ages seven (7) to twelve (12) years. This is a religious programme focusing on God and the Bible.

In total, of seventy minutes (1 hour 10 minutes) programming targeted at children was monitored each day, during the South African performance period.

The Licensee complies with clause 6.3.1 and 6.3.2 of the Schedule to its licence.

### 3.4.4 Educational Programming

Clause 6.4 of the schedule to the licence stipulates 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 three hundred and forty (340) minutes (5hours 40 minutes) of educational programming per week, during the South African performance period.

The monitoring exercise identified the following programmes as educational programmes broadcast by Ukhozi FM:

"Nethezeka Nokhozi" broadcast between 12h00 and 15h00 on weekdays. The programme was monitored on 23 November 2011 and focused on labour related matters. There was a studio guest who is an expert on legal matters. Listeners were given an opportunity to ask labour related questions through emails and telephonically and were provided with advices;

"Teen Zone" broadcast between 15h00 and 16h00 on Wednesday. This is a programme aimed at teenagers and focuses on different issues affecting teenagers. It also assists learners with school subjects. One of the topics discussed focused on whether condoms should be allowed in Schools. The studio guests were learners from different schools around Durban. The learners were given an opportunity to debate for and against the topic.

In total, three hundred and forty minutes (5 hours, 40min) of educational programming per week was identified.

The Licensee complies with clause 6.4 of the Schedule to its licence.

#### 3.4.5 Drama

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

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

The SABC's quarterly reports indicate that the radio station broadcasts a minimum of two hundred and forty (220) minutes of drama programming per week, during the South African performance period.

The Authority's monitoring confirmed that the radio station broadcasts drama programmes. The following are examples of drama programming monitored:

- "Ithemba Lokugcina" broadcast between 10h40 and 11h00 as well as 19h40 and 20h00 on weekdays; and
- "Kusa Kusa" broadcast between 15h05 and 15h18 on weekdays.

In total, two hundred and forty (240) minutes (4 hours) of drama programming per week was monitored.

The Licensee complies with clause 6.5 of the Schedule to its licence.

#### 3.4.6 Informal Knowledge-Building Programmes

Clause 6.6 of the schedule attached 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 SABC's quarterly reports indicate that the radio station broadcasts a minimum of two thousand five hundred and sixty five (2565) minutes of informal knowledge building per week.

The Authority's monitoring confirmed that the radio station broadcasts informal knowledge building programmes. The following were among the programmes identified:

- "Rama Growth Show" broadcast on weekdays between 09h00 and 12h00 during the "Jabul' Ujule Show". This programme focuses on diet and hygiene related issues and how women can take care of their families.
- "Be Financial Smart" broadcast on Tuesdays between 21h39 and 22h00. The programme is sponsored by First National Bank and educates listeners about how to take care of their finances. Listeners are encouraged to pay attention to contractual agreements. It is a participatory programme.

Other programmes included youth programmes and these were broadcast on weekdays between 12h00 and 15h00, from 15h00 to 18h00 and on weekends between 09h00 and 09h30. The programmes dealt with a variety of issues affecting teenagers and youth.

In total, three hundred (300) minutes (5 hours) of informal knowledge building programming was monitored.

The Licensee complies with clause 6.4 of the Schedule to its licence.

# 3.5 Training and Skills Development Obligations

Clause 7 of the schedule to the licence stipulates that:

- 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 skills development and training report of the entity as a whole, indicating that its management and staff is representative of South African society. The SABC submits that it is in the process of vetting information which relates to its implementation of equal opportunity employment practices.

This information will detail the SABC's management and control structures and procurement allocations. The information will be submitted as soon as the process is complete.

The Licensee further submits that Skills Development is not only a national priority, but that of the SABC at large. The Licensee submits that the technological landscape that keeps on evolving calls for the SABC to continually equip its employees with the necessary skills in order to remain competitive and sustainable. The Licensee states that in the year 2011/12, there have been a number of positive developments in response to the myriad challenges posed by the change in technology (migration from analogue to a digital space). The SABC submits that more than half of the total SABC employee population (2049) was trained in the respective divisions/clusters as depicted on the table below.

According to the SABC's submission, its total expenditure on training amounted to approximately R23 million (R22, 908, 763) spread across various divisions for

4612 interventions which included Learnerships/Internships. The SABC states that out of the 2049 employees that were trained, 47% are females whereas 53% are males (*See Appendix C*).

Further, the SABC states that a total of 93 new bursaries were awarded in 2011/2012, bringing a total number of bursaries to 231, which includes bursaries awarded under the SABC foundation. According to SABC, the amount invested to maintain these new and existing bursaries was R3, 200 000; and were awarded in line with the critical and scarce skills identified within the broadcast industry.

The Licensee has complied with clause 7 of its licence.

#### 3.6 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 shown apply to the Authority for extension".

The SABC submitted its Audited Financial Statements for the 2011/12 financial year within the stipulated timeframe.

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

#### 4. **REGULATIONS**

# 4.1. South African Music Content Regulations

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

"All public sound licensees must play a minimum 40% South African music".

The monitoring conducted indicated that the radio station plays at least 80% of South African music.

The Licensee complies with the regulations on South African Music Content.

# 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 licences.

The radio station complies with the regulations on Standard Terms and Conditions.

### 4.3 Universal Service and Access Fund Regulations

Regulation 3 of the USAF Regulations 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 paid its annual contribution fee of eight million fifty seven thousand, seven hundred and fifty two rand (R 8, 057 752. 00) to the fund and received confirmation of payment in a form of a Section 18A certificate from the MDDA.

The Licensee submitted proof of payment to the Authority in March 2012.

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

## 4.4 General Licence Fees Regulations

Regulation 4(b) of General Licence Fees Regulations provides for the exemption of Individual Licences for Public Broadcasting Services.

Ukhozi FM is part of the SABC's Public Broadcasting Services and is thus exempted from paying licence fees.

#### 5. CONCLUSION

The Licensee has generally complied with its licence terms and conditions and applicable regulations. Both the information submitted by the Licensee and recording monitored by the Authority indicates exceptional compliance by Ukhozi FM's in that the minimum quotas are exceeded in most cases.

#### 6. APPENDICES

Appendix A: Ukhozi FM's broadcasting service

Appendix B: Ukhozi FM's frequency spectrum licence

Appendix C: SABC Skills and Development Report

Appendix D: South African Music Content Regulations

Appendix E: Regulations Regarding Standard Terms and Conditions

Appendix F: Universal Service and Access Fund

Appendix G: General Licence Fees Regulations