



UKHOZI FM ANNUAL COMPLIANCE REPORT

MARCH 2024

2022/2023 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION BROADCASTING AS UKHOZI FM

Licence Period: 18 December 2018 to 17 December 2028

1. PREFACE

The Independent Communications Authority of South Africa ("Authority") has a statutory mandate in terms of the Constitution, the Broadcasting Act,¹ the Independent Communications Authority of South Africa Act (ICASA Act,²) and the Electronic Communications Act (ECA³) to regulate broadcasting activities in South Africa in the public interest. The Authority is tasked with monitoring compliance by broadcasters with the terms and conditions of their licences, the three Acts and any other relevant legislation and Regulations.

The purpose of the report is to give an account of the compliance status of Ukhozi FM with the terms and conditions of its license for the 2022/2023 financial year. Aspects of compliance that are measured comprise the geographic coverage, language(s) of broadcast, broadcast content format, local content obligations, general programming obligations, training and skills development obligations, South African Music Content Regulations, Regulations regarding Standard Terms and Conditions for Individual Broadcasting Services, Regulations in respect of the Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund and Compliance Procedure Manual Regulations.

2. BACKGROUND

Ukhozi FM holds an Individual Public Sound Broadcasting Service ("I-PSBS") licence and a Radio Frequency Spectrum ("RFS") licence (collectively referred to as "licences") for the provision of services to the geographical areas of Gauteng, Eastern Cape, Free State, KwaZulu Natal and Mpumalanga Provinces. Ukhozi FM forms part of the South African Broadcasting Corporation ("SABC") and was issued its licences on 18 December 2018.

¹ Broadcasting Act, 1999 (Act No. 4 of 1999)

² ICASA Act, 2000 (Act No. 13 of 2000), as amended

³ Electronic Communications Act, 2005 (Act No. 36 of 2005)

3. COMPLIANCE ASSESSMENT

3.1 Ownership and Control

Clause 1.1 of the service licence stipulates that:

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

Further, clause 1.2 of the service licence provides that:

"Shareholders: The State: 100%"

Furthermore, clause 1.3 of the service licence stipulates that:

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

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

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

3.2 Geographic Coverage Area

Clause 3 of the schedule to the service licence stipulates that:

"The geographic coverage area is as defined in the map attached to the radio frequency spectrum licence".

According to the RFS licence, the radio station's coverage areas are Gauteng, Eastern Cape, Free State, KwaZulu Natal and Mpumalanga Provinces. The Licensee confirms that its coverage area is as defined and specified in its RFS licence.

The Licensee complies with clause 3 of its service licence.

3.3 Language(s)

Clause 4 of the schedule to the service licence stipulates that:

"Principal Language: isiZulu".

The Authority's monitoring exercise confirmed that the radio station's principal language of broadcast is isiZulu.

The Licensee complies with clause 4 of its service licence.

3.4 Format

Clause 5.1 of the schedule to the service licence stipulates that:

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

Further, clause 5.2 of the schedule to the service licence stipulates that:

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

Ukhozi FM is a public radio station of the SABC and offers a full-spectrum service to its audience as outlined in its licences.

The Licensee complies with clauses 5.1 and 5.2 of its service licence.

3.5 Local Content Obligations

Clause 6 of the schedule to the service 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:

6.1 different genres; and

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 the 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 Licensee complies with clause 6 of its service licence.

3.6 General Programming Obligations

3.6.1 General

Clause 7.1.1 of the schedule to the service licence stipulates that:

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

Furthermore, clause 7.1.2 of the schedule to the service licence stipulates that:

"The Licensee shall take reasonable steps to provide programming that reflects the cultural and traditional needs of the audience".

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).

The Authority's monitoring exercise established that the Licensee caters for different cultures and religious groups. "Ezamabandla" which features church sermons and indigenous gospel music was identified on Sundays from 07h00 to 09h00.

Other church sermons and religious music programming that were also identified on Sundays are "Indumiso" at 09h00 to 12h00, "Unkulunkulu nomuntu omusha nenkonzo" at 20h00 to 21h00 and "Ezenkolo" at 22h00 to 00h00.

"Ulozolo" and "Sigiya Ngengoma" that is broadcast on Saturdays from 07h00 to 09h00 and 09h00 to 12h00 respectively feature religious and cultural topics and broadcast religious and traditional music. "Izwi Labantu" broadcast from 05h30 to 06h00 on Sundays covers culture and traditional topics.

The Licensee complies with clauses 7.1.1 and 7.1.2 of its service licence.

Clause 7.1.3 of the schedule to the service 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".

The Authority's monitoring exercise identified a programme called "*Jabul'jule*" on weekdays at 09h00 to 12h00, is a mix of a magazine and a talk show and is aimed at women from the ages of 25 and above. Funeral parlours that are members of the South African Funeral Practitioners Association were guests on the show to discuss the challenges imposed by loadshedding on their businesses and the maximum number of days they can keep a body before it must be buried. In another segment representatives from Pioneer Debt Solutions, Thobeka Ngidi and Senzekile Ndlovu were guests to discuss the process of going under debt review. Listeners called in and also sent in voice notes and participated in the discussions.

The Licensee complies with clause 7.1.3 of its service licence.

3.6.2 News and Current Affairs

Clause 7.2.1 of the schedule to the service licence stipulates that:

"The Licensee shall broadcast at least sixty (60) minutes of news programming each day during the South African performance period".

The Authority's monitoring exercise confirmed that the radio station broadcasts news on top of the hour from 06h00 to 22h00, seventeen (17) news bulletins on weekdays and thirteen (13) news bulletins on weekends.

The duration of news bulletins is between five (5) and six (6) minutes which adds up to about eighty-five (85) minutes of news on weekdays and sixty-five (65) minutes of news on weekends. News bulletins are read in IsiZulu with English sound bites. The following are among the news items monitored during the period under review:

- *"Kudutyulwe kwashona abalisa abathatu e Gugulethu e Cape Flats, okhulumela amaphoyisa u Novela Potelwa uthi labalisa bebenjena e NY6 ngesikhathi imoto ebebehamba ngayo ihlaselwa ngezulu lezandla ngabalisa abengaziwa kulesigameko esenzeke izolo. Abagilwa ababili bashonele endaweni yesigameko kwathi owesithathu washonela ngokuhamba kwesikhathi esibhedlela";*
- *"Umongameli we ANC u Cyril Ramaphosa uthi uxoxisane ne Bhodi lakwa Eskom ukuze liqubungule ukumisa isinqumo sokunyusa intengo*

yogesi. Umkhandli olawula ezamandla kuleli iNersa unike iEskom imvume yokunyusa intengo yogesi ngo 18,65% onyakeni wemali u 2022/2023”; and

- *"Kusenzalo, usihlalo omusha we ANC e Free State u Mxolisi Dukwana uthi akudizi ngisho engqolweni kuye ngezintsongo zamalungu weqembu angaxolisekile afuna ukuyomangalela iqembu enkantolo. We would like to engage all those who are not happy and the national also has done everything".*

The Licensee complies with clause 7.2.1 of its service licence.

Clause 7.2.2 of the schedule to the service 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 Authority's monitoring exercise confirmed that Ukhozi FM broadcasts three (3) current affairs programmes on weekdays, *"Ezanamuhla"* at 05h00 to 06h00, *"Ezisematheni"* at 12h00 to 12h30 and *"Abasiki Bebunda"* at 18h00 to 19h00. A wide range of topics were covered during the current affairs programmes, such as:

- *"Amabhizinisi amancane ayaqhubeka nokuvala ngenxa ye loadshedding";*
- *"Inkantolo yemantyi yase Ngwavuma igwebe owesifazane iminyaka engu 20 ebhadla ejele ngecala lokuthumba ingane eneminyaka engu 11 ubudala"; and*
- *"Ukubaluleka kosuku esizweni sama Zulu izolo kugujwa impi yasesandlwana".*

The monitoring exercise also confirmed that the Licensee broadcasts a one (1) hour current affairs program, *"Izindaba zempelasonto"* on Saturdays and Sundays between 06h00 and 07h00.

The Licensee complies with clause 7.2.2 of its service licence.

Clause 7.2.3 of the schedule to the service 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; 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 provides that the licensee must exercise full editorial control in respect of the 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.

The Authority's monitoring exercise confirmed that the Licensee 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 7.2.1 and 7.2.2 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 demonstrated compliance with clause 6.2.3 of its service licence and the Charter as contained in the Broadcasting Act of 1999.

The Licensee complies with clause 7.2.3 of its service licence.

3.6.3 Programming targeted at children.

Clause 7.3.1 of the schedule to the service 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”.

Further, clause 7.3.2 of the schedule to the service 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 Authority’s monitoring exercise determined that Ukhozi FM broadcasts a total of ten (10) minutes of programming targeted at children on Sundays from 07h40 to 07h50. “*Vumelani Abantwana Beze Kimi*” serves as an educational and entertainment show, where children are taught everyday life lessons in a fun and energetic way. For example, phoning in and opening the programme with a prayer. The age group of children vary from four years to twelve years.

The Licensee also broadcasts a ten (10) minute educational programme “*Vukani/Nalibali*” between 09h20 and 09h40 from Mondays to Fridays. The children are taught life lessons through storytelling.

The Licensee complies with clauses 7.3.1 and 7.3.2 of its service licence.

3.6.4 Educational Programming

Clause 7.4 of the schedule to the service 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 Authority’s monitoring exercise confirmed that the Licensee broadcasts an educational programme “*Ubusuku Obuhle*” from Monday to Thursday from 20h05 to 23h00. “*Ezemfundo*”, is a one-hour segment (21h00 – 22h00) broadcast within “*Ubusuku Obuhle*”. Dr Gxayiya, a specialist in Internal Medicine from Prince Mshiyeni Memorial Hospital was a guest and discussed this field of

medicine on the "Health Chat" broadcast on Tuesdays. The Licensee broadcasts over five (5) hours of educational programming per week.

The Licensee complies with clause 7.4 of its service licence.

3.6.5 Drama

Clause 7.5 of the schedule to the service 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 Authority's monitoring exercise confirmed that the Licensee broadcasts "Ithemba Leminyaka" on Mondays to Thursdays from 10h40 to 10h55 and a repeat broadcast from 22h05 to 22h20.

Another programme titled "Imizwa Nentliziyo" is broadcast from 15h05 to 15h20 on Mondays to Thursdays. The Licensee broadcasts three (3) hours of drama per week.

The Licensee complies with clause 7.5 of its service licence.

3.6.6 Informal Knowledge-Building Programmes

Clause 7.6 of the schedule to the service 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 Authority's monitoring exercise identified the following Informal Knowledge Building programming:

On "Dankie 1223" from 12h30 to 15h00 on weekdays Sipho Hlomuka, MEC from the KwaZulu Natal Provincial Department of Transport and Mayor Khathi from Umdoni Local Municipality launched a R300 million P77 road upgrade project that is aimed at connecting different areas under the municipality. Ukhozi FM broadcasts over three (3) hours of informal knowledge-building programming.

The Licensee complies with clause 7.6 of its service licence.

3.7 Training and Skills Development Obligations

Clause 8 of the schedule to the service licence stipulates that:

8.1 "The Licensee must adopt and implement equal opportunity employment Practices".

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 SABC's Employment Equity and Transformation report for the year ended February 2023 zooms in on the licensee's efforts to comply with clause 8 and the subclauses. Notably, the Licensee continues to maximise its employment of people from historically disadvantaged backgrounds. In the year that ended February 2023, the SABC absorbed, into its workforce, one hundred and twenty six (126) interns out of one hundred and sixty-three (163) that completed the 2022/2023 internship programme with the Licensee.

Women continue to get into high positions within the Licensee and people from previously disadvantaged groups make up the majority at the executive level. The Licensee's five-year target is to have at least 51.7% women making up the entire workforce by September 2025. The SABC has already reached the 2025 target; currently, women make up 52% of the Licensee's employees, and they are represented at all occupational levels. The SABC's Employment Equity report shows that the Licensee's employment practices strive to promote a fair and equitable representation of race and gender at all levels.

Table 1: SABC's 2025 Employment Equity Targets (Control/Management Echelon) against 2023 Actuals.

Employment Category	September 2025 Target	February 2023 Actual
Black Board of Directors with Voting Rights	50%	85.72%
Female Board of Directors with Voting Rights	25%	33%
Black Executive Directors (GCEO, COO, CFO)	50%	66.67%
Black Female Executive Directors (GCEO, COO, CFO)	25%	0%
Black Executive Managers / Senior Management	60%	88 %
Black Female Executive Managers/Senior Management	30%	32%
Black Middle Management	75%	83%
Black Female Middle Management	38%	42%
Black Junior Managers	88%	93%
Black Female Junior Managers	44%	49%
Black People with Disabilities	2%	2%

Towards its obligation as laid out in clause 8.3 (b) and its Workplace Skills Plan, the SABC delivered one thousand three hundred and sixty-eight (1368) training interventions in the past reporting year. Eight hundred and seventy-six (876) employees took part in the training interventions and 96.5% of the participants were persons from historically disadvantaged groups.

The SABC's reports on employment equity and skills development were received within the time frame specified in the licence, thus complying with clause 8.4.

The Licensee complies with clause 8 of its service licence.

3.8 Provisions of audited financial statements to the Authority

Clause 9 of the schedule to the service licence stipulates that:

"The Licensee shall provide the Authority with the audited annual financial statements of the licensed service within six (6) months of the end of the licensee's financial year, provided that the licensee may on good ground shown apply to the Authority for extension".

The Licensee submitted its audited annual financial statements to the Authority within the prescribed period.

The Licensee complies with clause 9 of its service licence.

4. REGULATIONS

4.1 ICASA Compliance Procedure Manual Regulations, 2011

Ukhozi FM is required, in terms of the Compliance Procedure Manual Regulations as published in *Government Gazette* No. 34863 dated, 15 December 2011, to submit a Form 12A: ECN/S and BS Complaints Reporting form, which a Licensee should complete and submit, with details of all complaints received in each financial year. The SABC submitted its complaints report in accordance with the Regulations regarding the Code of Conduct for Broadcasting Service Licensees.

During the period under review, Ukhozi FM received three (3) complaints. On 20 May 2022 from the show "*Vuka Afrika Breakfast Show*". The complainant took offence with the song that was played on the morning show which referred to a Xhosa woman as iXhosa instead of umXhosa. The Licensee responded to the complainant on 30 May 2022. The Licensee received a second complaint on 03 November 2022 from the show "*Vuka Afrika Breakfast Show*", the complainant was not afforded the right of reply by the presenters from a newspaper report that was featured on the show. The Licensee responded to the complainant on,

04 November 2022. The third complaint was received on 27 February 2023 also from the breakfast show. The complainant felt he was ambushed by the presenters of the morning show. He was called, placed live on air and was asked to respond to allegations of fraud and rape and was not notified before being placed on air. The Licensee responded to the complainant on 08 March 2023.

The Licensee complies with the ICASA Compliance Procedure Manual Regulations.

4.2 ICASA South African Music Content Regulations, 2016

Regulation 3(1) of the ICASA South African Music Content Regulations as published in the *Government Gazette* No. 39844 dated, 23 March 2016 stipulate 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 and that such South African music is spread evenly throughout the performance period".

The Authority's monitoring exercise determined that the Licensee's playlist includes between 75 and 79 % South African music and identified the following local artists: AB Crazy, Mthandazo Gatya and Nhlonipho "All the Way", Hugh Masekela "Chileshe", Mnqobi Yazo "Ukwenza Yenza", Babo Ngcobo "Uyamthwal' Umuntu", Lira "Phakade", TKZee "Phalafala", Dbn Nyts featuring Zinhle Ngidi and Trademark "Shumaya" and many more.

The Licensee complies with the ICASA South African Music Content Regulations

4.3 Regulations on Standard Terms and Conditions for Individual Broadcasting Services, 2010

During the year under review, the Authority did not identify any non-compliance by Ukhozi FM with the Regulations on Standard Terms and Conditions for Individual Broadcasting Services as published in *Government Gazette* No. 33294 dated, 14 June 2010 as amended.

The Licensee complies with the Regulations on Standard Terms and Conditions for Individual Broadcasting Services

4.4 Universal Service and Access Fund Regulations, 2011

Regulation 3(1) of the Regulations in respect of the Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund ("USAF") as published in the *Government Gazette* No. 34010 on 10 February 2011, stipulates that:

"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".

Further, Regulation 3(2) provides that:

"A BS Licensee who has paid an annual contribution to the Media Development and Diversity Agency (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 of 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 Regulations in respect of the Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund

5. CONCLUSION

For the 2022/2023 financial year, the Licensee is compliant with all its I-PSBS licence terms and conditions and applicable Regulations.

6. TERMS OF REFERENCE

- 6.1 Appendix A: Ukhozi FM's I-PSBS licence and RFS licence
- 6.2 Appendix B: SABC's Editorial Policy;
- 6.3 Appendix C: SABC Employment Equity and Transformation Report (2022/23);

- 6.4 Appendix D: SABC Annual Skills Development Report (2022/2022 FY)
- 6.5 Appendix E: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No.39844 dated, 23 March 2016. (**Repealed** entirely the *ICASA South African Music Content Regulations, 2006 as published in Government Gazette No. 28453 dated, 31 January 2006*);
- 6.6 Appendix F: ICASA Compliance Procedure Manual Regulations 2011, published in *Government Gazette* No. 34863 dated, 15 December 2011;
- 6.7 Appendix G: USAF Regulations 2011, published in *Government Gazette* No. 34010 dated, 10 February 2011; and
- 6.8 Appendix H: Regulations on Standard Terms and Conditions for Individual Broadcasting Services, 2010 as published in *Government Gazette* No. 33294 dated, 14 June 2010.
 - 1st Amendment**, 2016 published in *Government Gazette* No. 39875 dated 30 March 2016.
 - 2nd Amendment**, 2016 published in *Government Gazette* No. 40372 dated, 26 October 2016.
 - 3rd Amendment**, 2023 published in *Government Gazette* No. 48317 dated, 28 March 2023.

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