



XK FM ANNUAL COMPLIANCE REPORT

MARCH 2024

2022/2023 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BROADCASTING AS XK FM

LICENCE PERIOD: 18 DECEMBER 2018 - 17 DECEMBER 2028

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution, the ICASA Act¹, the Electronic Communications Act² (ECA) and the Broadcasting Act³ to regulate broadcasting activities in South Africa in the public interest. Among the responsibilities of the Authority is the task to ensure compliance by broadcasting service Licensees with the terms and conditions of their licence and any relevant legislation and/or regulations.

The purpose of the report is to give an account of XK FM's compliance with the terms and conditions as set out in its licence for the 2022/2023 financial year. Aspects of compliance that are measured comprise of Format, Local Content Obligations, General Programming Obligations, Training and Skills Development, Finances, Complaints, South African Music Content Regulations, Regulations Regarding Standard Terms and Conditions, Universal Service and Access Fund (USAF) Regulations and Regulations on the Code on People with Disabilities.

BACKGROUND

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

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

¹ Act No. 13 of 2000, as amended

² Act No. 36 of 2005, as amended

³ Act No. 4 of 1999

2. COMPLIANCE ASSESSMENT

3.1 Ownership and Control

Clause 1 of the licence stipulates that:

- 1.1 Name of company/entity: The South African Broadcasting Corporation*
- 1.2 Shareholders: The State shall hold one hundred (100%) percent of the shares of the Corporation*
- 1.3 Ownership by persons from historically disadvantaged groups: N/A*

There were no changes to the name and shareholding of the Licensee. XK FM forms part of the public broadcasting service of the SABC and it is 100% owned by the State.

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

3.2 Geographic Coverage Area

Clause 3 of the schedule to the licence states that:

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

According to the frequency spectrum licence, the radio station’s coverage area is Kimberly, an area in the Northern Cape, together with parts of Platorand and surrounding areas. The Licensee maintains that its coverage area is as defined in the frequency spectrum licence. No complaints were received by the Authority regarding the radio station’s non-compliance with clause 3 above.

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

3.3 Language(s)

Clause 4 of the schedule to licence states that the language of broadcast is as follows:

"Principal Language: !Xun and Khwe".

The Authority's monitoring exercise of the radio station's programmes confirmed that XK FM's principal languages of broadcast are !Xun and Khwe, with a mixture of Afrikaans content through news and current affairs syndicated from Radio Sonder Grense (RSG) and used in interviews.

The Licensee complies with clause 4 above.

3.4 Format

Clause 5.1 of the schedule to the licence states that:

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

Clause 5.2 of the schedule to the licence stipulates that:

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

XK FM forms part of the public service station of the SABC and offers a full-spectrum service to its audience as outlined in the licence. This was confirmed during the Authority's monitoring exercise which found that the station broadcasts different topical issues of national interest as well as a balanced mixture of music.

The Licensee complies with clauses 5.1 and 5.2 of the schedule to its licence.

3.4 Local Content Obligations

Clause 6 of the schedule to the licence stipulates that:

"In each licence year, the Licensee shall, within thirty (30) days of end of the quarter, submit to the Authority written records indicating the extent of:

Clause 6.1 different genres; and

Clause 6.2 South African Music Content in programme material broadcast in the licensed service during that quarter, in each instance, distinguishing between genres, providing the relevant details in relation to prime time and the period

between 05h00 and 23h00 daily ("the South African broadcast period"), and expressing relevant details both as an aggregate in minutes and as a percentage of the total of all such programming material".

XK FM submitted its quarterly reports for the period under review. The figures on the reports were verified during the Authority's monitoring exercise.

The Licensee complies with clause 6 of its licence.

3.5 General programming obligations

3.5.1 General

Clause 7.1.1 stipulates that:

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

The SABC's editorial policy⁴ stipulates that:

"Religious programmes should take account of regional factors, target audiences, language and cultural preferences, and the devotional needs of specific groups."

During the period under review, the monitoring exercise revealed that XK FM programmes contained religious content suitable to the iXun and Khwe speaking communities. The Licensee caters for different cultures in the iXun and Khwe community and different religious groups. This was verified with religious content every morning between 06h00 – 06h10, where a short sermon is held by a pastor from a chosen church.

Clause 7.1.2 of the schedule to the licence stipulates that:

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

XK FM's programming content is true to the culture and tradition of its audience. This is reflected in its coverage of news which takes place in both languages of

⁴ An extract from the Licensee's Editorial Policy

broadcast as well as its choice of music content, which also reflects the needs of its audiences.

The monitoring exercise revealed that during the 07:00-08:00, slot there is a nation-building program addressing different cultural needs.

The Licensee complies with clause 7.1.2 of the schedule to its licence.

Clause 7.1.3 of the schedule to the licence stipulates that:

"The Licensee shall during the South African performance period, provide programme material that caters and has due regard for the interests of all sectors of South African society and shall provide programming on health-related issues, gender issues relevant to all age groups".

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

- *"Social Cohesion/Better life"*: a weekly show between 09:00 – 10:00 focusing on different issues which are of interest to different societies in South Africa.

The Licensee complies with clause 7.1.3 of the schedule to its licence.

3.5.2 News and Current Affairs

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

"The Licensee shall broadcast at least thirty (30) minutes of news programming each day during the South African performance period".

The SABC submitted its quarterly written records indicating the news for the period under review. The information contained in the quarterly reports indicates that XK FM broadcast seventy (70) minutes of news on weekdays and fifty (50) minutes on weekends.

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

- *“Die DA het die regering gekritiseer vir sy verdediging van die militêre oefening met Rusland terwyl dié land sy oorlog teen Oekraïne voortsit.*
- *Suid-Afrika het reeds onder hewige kritiek deurgeloop weens sy neutrale standpunt oor Rusland se inval in Oekraïne elf maande gelede. Die DA-leier, John Steenhuisen, sê Suid-Afrika kan nie net staan en toekyk terwyl groot getalle Oekraïense burgerlikes aan die hand van Rusland sterf nie. Die minister van Internasionale Betrekkinge en Samewerking, Naledi Pandor, het die regering verdedig teen die kritiek wat hy oor Rusland ontvang. Pandor sê Suid-Afrika het in die verlede ook militêre oefeninge met Amerika en Frankryk gehad en toe is geen vrae daaroor gevra nie.”*
- *Die organisasie – Business Unity SA – vra President Cyril Ramaphosa in 'n ope brief om gekwalifiseerde en vaardige mense in sekere staatsdepartemente aan te stel. BUSA het dié dringende beroep op Ramaphosa gedoen in die lig van 'n verwagte kabinetskommeling en in aanloop tot sy Staatsrede wat môreand gelewer word. BUSA se bestuurshoof, Cas Coovadia sê die grootste probleme soos die energiekrisis veroorsaak dat vooruitsigte vir beleggings in die land 'n knou gekry het en die ekonomie daaronder ly.”*
- *Sielkundiges wêreldwyd sê daar is 'n toename in angs en depressie onder jong volwassenes asook die graad waarin dit voorkom. Die toename is meer sigbaar sedert die uitbreking van die Covid 19 pandemie. Aanduidings is ook dat adolossente en jong volwassenes nie meer so sterk en veerkragtig is as vorige generasies nie. In Amerika hou al hoe meer universiteite werkswinkels vir jongmense om lewensvaardighede te ontwikkel. 'n Studenteraadgewer aan die Universiteit van KwaZulu-Natal, Angeline Stephens sê swakker veerkragtigheid kan verbind word met die toename in die gebruik van sosiale media en tegnologie.*

The Licensee complies with clause 7.2.1 of the schedule to its licence.

Clause 7.2.2 of the schedule to the licence stipulates that:

“The Licensee shall broadcast at least thirty (30) minutes of current affairs programming each day during the South African performance period”.

The monitoring exercise found *Bori Ku* broadcast on weekdays between 17:00 – 18:00 and *Morosani* broadcast between 13:00 – 14:00.

Various topics are discussed from parliament; unions; the running of SOE's as well as politics in general. Some of the content on the current affairs programs are sourced from Radio Sonder Grense (RSG) whereas most of the content is self-generated in accordance with the SABC's editorial policies.

The Licensee complies with clause 7.2.2 of the schedule to its licence.

Clause 7.2.3 stipulates that:

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

- (i) Exercise full editorial control in respect of the contents of such programming;*
- (ii) Include matters of international, national, regional and where appropriate, local significance;*
- (iii) Meet the highest standards of journalistic professionalism;*
- (iv) Provide fair, unbiased, impartial and balanced coverage independent from governmental, commercial or other interference; and*
- (v) Provide reasonable opportunity for the public to receive a variety of points of view on matters of public concern".*

The Licensee's editorial policies indicate that it exercises full editorial control in respect of contents of its programming. The editorial policies further indicate that the Licensee endeavours to meet the highest standards of journalistic professionalism. Further, the editorial policies aim to provide fair, unbiased and impartial coverage independent from government, commercial or other forms of interference.

The Licensee complies with clause 7.2.3 of the schedule to its licence.

3.5.3 Programming Targeted at Children

Clause 7.3.1 of the schedule to the licence stipulates that:

"The Licensee shall, in the provision of the licensed service, broadcast at least fifteen (15) minutes of programming targeted at children (as contemplated in section 10(1) (g) of the Broadcasting Act) per week during the South African performance period".

The monitoring exercise confirmed that the licensee broadcasts children's programmes relevant to young audiences and broadcast during times where children are available, to tune into the programme concerned.

The following broadcast programme focusing on children was monitored:

- Nibali on weekdays between 09h00 and 09h15.

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

Clause 7.3.2 of the schedule to the licence stipulates that:

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

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

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

- *Nalibali*, an educational programme on Early Childhood Development, broadcast between 09:00 and 09:15.

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

The Licensee complies with clause 7.3.2 of the schedule to its licence.

3.5.4 Educational Programming

Clause 7.4 of the schedule to the licence stipulates that:

"The Licensee shall broadcast at least five (5) hours of educational programming (as contemplated in section 10(1) (e) of the Broadcasting Act) per week within the South African performance period".

The Licensee's quarterly submissions indicate that XK FM broadcasts on average six hundred and forty (640) minutes (11 hours per week) of educational programming weekly.

The Authority's monitoring exercise confirmed that the Licensee broadcasts educational programmes such as "Learner Support" which is a program that supports learners on study matters, study methods and subject choices at school.

The Licensee complies with clause 7.4 of the schedule to its licence.

3.5.5 Informal Knowledge-Building (IKB) Programmes

Clause 7.5 of the schedule to the licence stipulates that:

"The Licensee shall broadcast at least three (3) hours of informal knowledge-building programming per week within the South African performance period".

The Licensee's quarterly submission reports that XK FM broadcasts at least two hundred and ten (210) minutes (3.5 hours) of Informal knowledge-building programming per week within the South African Performance Period.

The monitoring exercise found the following IKB program amongst others:

- "Crime prevention and crime and safety" broadcast between 21h00 and 22h00 on weekdays. This is a show that discusses issues affecting communities in different ways and promotes solidarity and social cohesion.

The Licensee complies with clause 7.5 of the schedule to its licence.

3.6 Training and Skills Development Obligations

Clause 8 of the schedule to the licence stipulates that:

- "8.1 *The Licensee must adopt and implement equal opportunity employment Practice.*
- 8.2 *The Licensee must ensure that its management and staff are representative of South African society and that its human resource policies take into account the development of managerial, production, technical and other skills and expertise, particularly with regard to the historically disadvantaged persons.*
- 8.3 *The Licensee shall endeavour to achieve fair and reasonable participation by historically disadvantaged persons with respect to:*
- (a) *its management and control structures*
 - (b) *skills development*
 - (c) *enterprise development; and*
 - (d) *procurement*
- 8.4 *The Licensee must, within thirty (30) days of the end of each financial year, provide the Authority the written information regarding its compliance with the above requirements."*

The 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 an 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 License, thus complying with clause 8.4.

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

3.7 Submission of Audited Financial statements to the Authority

Clause 9 of the schedule to the licence stipulates that:

"The Licensee shall provide the Authority with the audited annual financial statements of the licensed service within four (4) months of the end of the licensee's financial year, provided that the licensee may on good cause apply to the Authority for extension".

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

The Licensee complies with clause 9 of the schedule to its licence.

4. REGULATIONS

4.1 South African Music Content Regulations

Regulation 3 (1) of the South African Music Content⁵ as published on 23 March 2016 stipulates that:

"A holder of a public sound broadcasting service licence must ensure that after eighteen (18) months from the date of gazetting of these Regulations, a minimum of 60% increasing to 70% in the following year, of the musical works broadcast in the performance period, consist of South African music and that South African music is spread evenly throughout the performance period."

⁵ South African Music Content Regulations

The licensee submits that it broadcasts 91.75% of South African music content. The monitoring conducted by the Authority confirmed that XK FM broadcasts at least 70% of South African music.

The Licensee complies with regulation 3.1 of the South African Music Content Regulations.

4.2 Regulations regarding Standard Terms and Conditions for individual licences

Regulation 11 (3) of the standard terms and conditions⁶ stipulates that:

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

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

4.3 Universal Service and Access Fund Regulations

Regulation 3 of the USAF Regulations⁷ stipulates that:

- (1) *"Every holder of a licence granted in terms of Chapters 3, 4 and/or 9 or converted in terms of Chapter 15 of the Act, must pay an annual contribution of 0.2% of its Annual Turnover to the Fund".*
- (2) *"A BS Licensee who has paid an annual contribution to the MDDA must set off that contribution against its USAF Contribution, provided that the MDDA contribution and the USAF contribution against which it is set off are for the same financial year".*

The Licensee made the prescribed payment directly to the MDDA and submitted proof thereof to the Authority.

The Licensee complies with Regulations 3(1) and 3(2) of the USAF Regulations.

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

⁷ Universal Service and Access Fund Regulations

4.4 COMPLAINTS

Form 12A: Complaints Report of the Compliance Procedure Manual Regulations read with the Code of Conduct for Broadcasters, requires that broadcasters complete the form bi-annually in accordance with the Licensees' Financial Year.

There were no complaints received by the licensee during the period under review. Further, no complaints were escalated to the Authority.

5. CONCLUSION

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

6. TERMS OF REFERENCE

Attachment 1 : XK FM's Broadcasting Service Licence

Attachment 2 : XK FM's Frequency Spectrum Licence

Attachment 3 : Extract from the Licensee's Editorial Policy

Attachment 4 : Training & Skills Development Report

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

Attachment 6 : Universal Service and Access Fund Regulations, 2011

Attachment 7 : Proof of SABC's Contribution to USAF