



# **ONE KZN TV ANNUAL COMPLIANCE REPORT**

**MARCH 2018**

# **2016/2017 ANNUAL COMPLIANCE REPORT**

## **ONE KZN TV**

**Licence Period: 21 December 2010 to 20 December 2017**

### **1. PREFACE**

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution<sup>1</sup>, the ICASA Act<sup>2</sup>, the Electronic Communications Act<sup>3</sup> (ECA) and the Broadcasting Act<sup>4</sup> 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, the three Acts mentioned already and any relevant legislation and Regulations.

The following report is intended to give account of Bay Community Television's performance for the 2016/2017 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community, Programming Obligations, Local Content Regulations South African Television Regulations and Regulations Regarding Standard Terms and Conditions.

### **2. BACKGROUND**

Bay Community Television known as One KZN TV is a Community Television Broadcasting Service Licensee. The Community Television's mandate is to provide a sound broadcasting service to the geographic community of uThungulu or King Cetshwayo and Ilembe Districts in the northern part of KwaZulu-Natal Province as set out in the Licensee's frequency spectrum licence.

### **3. COMPLIANCE ASSESSMENT**

#### **3.1 Control Structure**

Clause 1 of the licence stipulates that:

*"The Licence is issued to:*

*1.1 Name of Company/Entity: Bay Community Television*

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<sup>1</sup>The Constitution of the Republic of South Africa, No 108 of 1996;

<sup>2</sup>Act No. 13 of 2000, as amended;

<sup>3</sup>Act No. 36 of 2005;

<sup>4</sup>Act No. 4 of 1999;

*1.2 Control of the Licensee: Control shall vest in the Board of Directors of a Non-Profit Organisation known as: Bay Community Television".<sup>5</sup>*

The name of the entity is Bay Community Television. The Licensee confirms that control of the television station vests in the Board of Directors of a Non-Profit Organisation known as: Bay Community Television.

**The Licensee was found to be compliant with clauses 1.1 and 1.2 of the schedule to its licence.**

Clause 6.1 of Bay Community Television's Constitution stipulates that:

*"The Executive shall consist of the following thirteen elected members:-*

*6.1.1 a Chairperson, at present Themba Fakazi;*

*6.1.2 a Deputy Chairperson, at present vacant;*

*6.1.3 Secretaries, at present Edwin Mncwango and Snegugu Kunene;*

*6.1.4 a Treasurer, at present Dudu Myeni;*

*6.1.5 a Funding Officer, at present Nellenie Naidoo;*

*6.1.6 a Co-Ordinator, at present Vijay Rugbeer; and*

*6.1.7 a Project Manager, at present Muzi Ngema;*

*6.1.8 two television broadcast specialists (presently vacant);*

*6.1.9 three representatives from the geographical community receiving the broadcast signal of the channel (presently vacant)"<sup>6</sup>*

Clause 6.1.9 states that all executive members are subject to the provisions of clause 6.2. Further, clause 6.1.9 states that the term of office of the executive is five years and they shall be automatically re-elected for further periods of five years each, unless at the annual general meeting held at the expiry of a 5 (five) year term. The clause gives the executive power as it states that the other candidate/s are nominated by the Executive for election to the Executive, in which event an election shall take place by way of a secret ballot in respect of the entire Executive.

The Licensee submitted a list of Board of Directors consisting of following members:

Themba Fakazi – Chairperson;

Dudu Myeni – Deputy Chairperson;

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<sup>5</sup>Appendix A: Maputaland Community Radio's broadcasting service.

<sup>6</sup>Appendix B: Maputaland Community Radio's Constitution.

Sam Zungu – Treasurer;  
Miss Kunene - Secretary;  
Muzi Ngema - Project Manager;  
Dr H Rugbeer – Coordinator;  
Nellenie Naidoo – Fundraising Officer;  
Nolan Vernon – Broadcast specialist; and  
Mr. T.E. Mncwango – Ex-officio

The community television licence was issued to a non-profit organisation. Therefore, the constitution of the community television must be similar to the constitution of all non-profit organisations and in line with ICASA's Standard Terms and Conditions Regulations.

**The Licensee has been advised to amend its constitution so that it complies with South African laws and ICASA's regulations.**

Clause 1 of schedule A to the licence stipulates that:

*"1. Name of Station  
Bay TV"*

The Licensee's name was Bay TV. However, the Licensee filed notification for name change in 2011 which notification was duly noted by the Authority. The new name for the television station is 1KZN TV.

**The Licensee was found to be compliant with clause 1 of the schedule to its licence.**  
**3.2 Geographic Coverage Area**

Clause 2 of the schedule to the licence states that the radio station's geographic coverage area is as follows:

*"The Uthungulu and Ilembe Districts in the northern part of KwaZulu-Natal Province as set out in the Licensee's radio frequency spectrum licence".<sup>7</sup>*

1KZN TV confirms that it covers *Uthungulu and Ilembe Districts in the northern part of KwaZulu-Natal Province* as set out in its radio frequency spectrum licence.

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<sup>7</sup>Appendix A: Maputaland Community Radio's broadcasting service.

**The Licensee was found to be compliant with clause 2 of the schedule to its licence.**

### **3.3 Community**

Clause 3.1 of the schedule to the licence provides that:

*"The Licensee shall provide services to a geographic community residing within the geographic coverage area specified herein".<sup>8</sup>*

The Licensee confirms that the radio station is broadcasting for the geographic community of Uthungulu and Ilembe Districts in the northern part of KwaZulu-Natal Province. However, One KZN TV is also available on DSTV and StarSet channels.

**The Licensee was found to be compliant with clause 3.1 of the schedule to its licence.**

Clause 3.2 of the schedule to the licence stipulates that:

*"The Licensee shall provide for the participation of community members in the affairs of the station in the following ways:*

*3.2.1 The Licensee shall hold at least two (2) meetings annually with its community on programming and programming-related matters for the selection and provision of programmes.*

*3.2.2 The Licensee shall furnish the Authority with proof of such meetings as well as the attendance thereof by members of the community.*

*3.2.3 The Licensee shall hold Annual General Meetings (AGM) for the following purposes:*

*3.2.3.1 To provide feedback on the Licensee's compliance with licence conditions;*

*3.2.3.2 To provide feedback on the Licensee's operational and financial performance, and*

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<sup>8</sup> Ibid.

3.2.3.3 To elect members of the controlling structure, e.g. Board of Directors, Trustees etc. subject to the licensee's founding documents".<sup>9</sup>

The Licensee provides for the participation of community members in the affairs of the television station such as allowing people to participate in its programming. Further, One KZN TV allows community members to participate in the activities of the television station during the AGM and other general meetings. The minutes of the meetings and Annual General Meetings attesting to this were submitted to the Authority.

**The Licensee was found to be compliant with clauses 3.2.1, 3.2.2, 3.2.3 and its sub-clauses.**

### **3.4 Programming**

Clause 4.1.1 of the schedule to the licence stipulates that:

*"News and Information: The Licensee shall broadcast a total of 60 minutes of news per day. The Licensee shall broadcast news and current affairs programmes that seek to take a balance and fair approach to investigation and information dissemination".*

One KZN TV states that it complies with clause 4.1.1 of the schedule to the licence. The monitoring exercise revealed that the television station broadcasts 3 news bulletins from Mondays to Saturdays. The news bulletins broadcast by One KZN TV are 15 minutes long.

One KZN TV broadcasts a total of 45 minutes of news per day from Mondays to Saturdays.

Among the news stories covered for the period under review were excerpts from certain broadcasts, as follows:

- *"Isilo samabandla onke, umlomo ongathethimanga sesigxeke isigameko sokudutshulwa kubulawe abantu abayisithupha endaweni yaseGorgesdale Ehamasdale maphakathi neKwaZulu Natal ngempelasonto edlule";*
- *"Ungqongqoshe wonyango wezempilo KwaZulu Natal, udokotela uSbongiseni Dlomo uthi kubalulekile ukuba abantu bazivocavoce baphinde badle nokudla okunempilo ukuze baphile babeke umqemane, ukuze bangahlaselwa yizifo ezinhlobonhlobo";*

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<sup>9</sup> Ibid.

- *"Isikhulu esiphezulu senkampani ekhiqiza amakhemikhali u-PHOSPHO e-Richardsbay enyakatho yaKwaZulu Natal, umnumzane u-Abraham Ledwaba uthi ezobuchwepheshe abanikele ngazo ukuthi zisize abafundi abenza ezobuchwepheshe kanye nezesayensi zizosiza kakhulu ukuthuthukisa izinga lokufunda labafundi abenza lezizifundo ezithathwa njengezilukhuni kakhulu";*
- *"Umculi kamaskandi ongaboni emehlweni uMzikayifani Ngololo kaGaga Mncube usenxuse ukubai abantu aphila nokukhubazeka bangabukelwa phansi noma bacwaswe phansi kepha abantu babathande futhi ibahloniphe ngoba nabo bayafana nabo bonke abantu"; and*
- *"Umhlaziyi wezopolitiki wasenyuvesi yasoNgoye KwaZulu Natal enyakatho nesifundazwe, usolwazi uZakhele Shamase uthi umengameli wakuleli umnumzane u-Jacob Gedleyihlekisa Zuma ukwazile ukukhulu ngezinto ebezidingwa umphakathi wakuleli enkulumeni yakhe yesizwe abeyithula ephalamende";*

**The Licensee was found to be non-compliant with clause 4.1.1 of the schedule to the licence.**

Clause 4.1.2.1 of the schedule to the licence states that:

The Licensee shall broadcast its programmes in terms of the table below indicating the programmes and duration of each per week:

<i>Format</i>	<i>Percentage</i>
<i>Community News</i>	<i>15%</i>
<i>Sport</i>	<i>5%</i>
<i>Documentaries</i>	<i>5%</i>
<i>Arts</i>	<i>5%</i>
<i>Feature Films</i>	<i>5%</i>
<i>Government</i>	<i>5%</i>
<i>Education</i>	<i>10%</i>
<i>Drama</i>	<i>5%</i>
<i>Children</i>	<i>5%</i>
<i>Youth</i>	<i>20%</i>
<i>Religion</i>	<i>5%</i>



Actuality (Informal knowledge-building, talk shows and magazine programmes)	15%
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## **Community News**

1KZN TV News is broadcast from Mondays to Saturdays at 19h00 and 20h00. The duration of 1KZN TV news is 15 minutes. The news content is predominantly local KZN news. 1KZN TV news updates viewers with the stories and events from around the world, SA and KZN.

"Abakhulume" is broadcast from Monday to Saturday at 19h15. It is an extension of the 1KZN TV News this programme reflects the people in KZN's views on the events of the day.

"News Talk" is broadcast twice a week that is on Tuesdays and Thursdays at 20h00. The programme introduces viewers to the movers and shakers in KZN. This is not a talk show but a discussion among peers about the issues that makes the headlines, the story behind it, and the impact it has it on the community.

*Ziphuma Zishisa* is a current affairs programme broadcast on Tuesday at 19h30. It concentrates on business, politics and stories behind the news.

## **Sport**

*Woz'odlala* is broadcast on Wednesday at 17h30. The programme Features the past weekend's local sport and sporting events. It concentrates predominantly on community sport events happening across KZN.

## **Documentaries**

*EBukhosini* is broadcast on Monday at 19h30. The only royal watch show in the world. It follows the Zulu King and his family. The programme also carries documentaries about big royal happenings like the Reed dance and Royal weddings.

## **Arts**

*Isthombe* is broadcast on Saturday at 20h00. This is a movie programme providing local movie makers an opportunity to showcase their own movies. One of the requirement for the movie to be broadcast on One KZN TV is that it should be good and produced in KZN.

## **Feature Films**



*1sthombe* is broadcast on Saturday at 20h00. This is a movie programme providing local movie makers an opportunity to showcase their own movies. One of the requirement for the movie to be broadcast on One KZN TV is that it should be good and produced in KZN.

### **Government**

*Ziphuma Zishisa* is a current affairs programme broadcast on Tuesday at 19h30. It concentrates on business, politics and stories behind the news.

### **Education**

*Ezabantwana* is an educational programme broadcast from Monday to Friday at 16h00. Ezabantwana is a children's programme broadcast in isiZulu. This is an edu-tainment programme aimed at entertaining the children of the KwaZulu Natal region and also teach them about vital life skills through fun and games.

### **Drama**

*1sthombe* is broadcast on Saturday at 20h00. This is a movie programme providing local movie makers an opportunity to showcase their own movies. One of the requirement for the movie to be broadcast on One KZN TV is that it should be good and produced in KZN.

### **Children**

*Ezabantwana* is an educational programme broadcast from Monday to Friday at 16h00. Ezabantwana is a children's programme broadcast in isiZulu. This is an edu-tainment programme aimed at entertaining the children of the KwaZulu Natal region and also teach them about vital life skills through fun and games.

### **Youth**

"*My Juke Box*" is broadcast on Mondays to Friday at 17h00. The programme provides teens with an opportunity to create their own show by featuring their 5 best songs. They are also required to provide reasons for choosing their tracks.

"*DJ Mix*" is broadcast on Friday at 22h30. The programme is known as Party with 1KZN TV and the best DJ's in KZN for a full hour.

"*Street Vibes*" is broadcast on Friday at 21h30. This is a KZN/ Zulu Hip Hop program. It is more chilled than mainstream, but just exciting.

"*Twenty1*" is broadcast on Monday, Tuesday & Thursday at 17h30. Twenty1 is a youth lifestyle and entertainment show focusing on a variety of topics from fashion to gadgets, to interesting places and people.

### ***Religion***

*Dumisa* is a praise and worship programme broadcast every weekday at 05h00 and Sunday at 08h00. During the programme local Pastors are invited to take part in the Sunday morning Dumisa services.

"*Revival or Imvuselelo*" is broadcast on Sunday at 11h00. The programme examines topics of special interest to Christians, including relationships, Christian life style and discuss controversial topics from the bible.

"*I Worship*" is broadcast on Sunday at 12h00. It provides viewers with the opportunity to find out what their favourite Gospel musician listen to and what music they like. It also provides viewers with a peek into how they spend their life.

### **Actuality (Informal Knowledge-Building, Talk Shows and Magazine Programmes)**

"*Khuluma Sizwe*" is broadcast on Wednesday at 19h30. This is a talk show that introduces viewers to some of the most interesting characters in the KZN province and also provide viewers with the opportunity to find out more about their (interesting characters) background and what happens in their private lives.

"*Siya Pheka*" is broadcast on Thursday at 19h30. "Siya Pheka" takes you to the people, into their homes or palaces and get all these people to cook and show you how they do it!

**The Licensee was found to be compliant with clause 4.1.2.1 of the schedule to the licence.**

Clause 4.1.2.2 provides that:

*"The Licensee shall ensure that origination of content in terms of broadcast material is 60% local, 30% national and 10% international".*

During the monitoring exercise, it transpired that 60% of One KZN TV's programmes covers local content, while 30% covers national and 10% international. For example, the monitoring exercise revealed that the content of 1KZN TV News, Abakhulume, News Talk, EBukhosini, Isithombe, Khuluma Sizwe and Siyapheka originates from local, while Ziphuma Zishisa, Woz'odlala is both local and national. Further, One KZN TV News is made up of content from local, national and international.

**The Licensee was found to be compliant with clause 4.1.2.2 of the schedule to the licence.**

Clause 4.1.2.3 states that:

*"The Licensee's programming must reflect the widest diversity of people and interests in the uThungulu and Ilembe Districts in the northern part of KwaZulu-Natal".*

The programmes such as 1KZN TV News, Abakhulume, News Talk, EBukhosini, Isithombe, Khuluma Sizwe and Siyapheka appeal to One KZN TV's viewers.

**The Licensee was found to be compliant with clause 4.1.2.3 of the schedule to the licence.**

Clause 4.1.3 of the schedule to the licence lists the Language(s) of broadcast as follows:

- "(a) 60% isiZulu and*
- (b) 40% English".*

It was confirmed during the monitoring exercise that 60% of isiZulu and 40% of English is used in One KZN TV programmes.

**The Licensee was found to be compliant with clause 4.1.3 of the schedule to the licence.**

Clause 1 of the schedule B to the licence stipulates that:

*"1) The Licensee must amend its constitution within 90 (ninety) days of issuance of this licence to provide for the following:*

- (a) a quorum for the Annual General Meeting of Bay Community Television, which is 51% minimum of the registrant's members; and*
- (b) an appeal mechanism in the event of refusal of the membership application".<sup>10</sup>*

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<sup>10</sup> Ibid.

The constitution of the Licensee indicates that there were no amendments made as required by clause 1 of schedule B.

**The Licensee was found to be non-compliant with clause 1 of schedule B to the licence.**

#### **4. REGULATIONS**

##### **4.1 ICASA Local Television Content Regulations**

**Regulation 4(1) of ICASA Local Television Content Regulations stipulates that:**

*"A community television broadcasting licensee must ensure that after twenty-four (24) months of the gazetting of these regulations in the case of an existing licensee or within twenty-four (24) months of the issuing of a licence to a new licensee, or within such longer period as the Authority may determine, a minimum weekly average of 65% of its programming during the television performance period must consist of local television content. At least 30% of the 65% quota must be produced from the licensee's coverage area, increasing by 10% annually until reaching 50% measured over the period of a year and such local television content must be spread evenly throughout the said performance period and prime time"<sup>11</sup>*

One KZN TV's programmes are produced locally by its community. For example, "1sthombe" is a movie programme providing local movie makers an opportunity to showcase their own movies. One of the requirement for the movie to be broadcast on One KZN TV is that it should be good and produced in KZN. Further, all the programmes summarised above are produced locally. During the monitoring exercise it transpired that more than 65% of One KZN TV's programmes are produced from the licensee's coverage area.

**The Licensee was found to be compliant with Regulation 3.3 of the Regulations on.**

##### **4.2 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences**

Regulation 7(7)(d) of the Amendment Standard Terms and Conditions for Class Broadcasting Services, 2015 stipulates as follows:

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<sup>11</sup> ICASA Local Television Content Regulations, 2016

*"The Board of Directors/ Trustees and station management must not occupy dual roles with regard to being managers/ presenters at the radio station".<sup>12</sup>*

During the year under review, the Authority discovered that One KZN TV is in contravention of with Regulation 7(7)(d) of the Amendment Standard Terms and Conditions for Class Broadcasting Services, 2015. The Board of Directors are also executive directors.

**The Licensee was found to be non-compliant with Regulation 7(7)(d) of the Amendment Standard Terms and Conditions for Class Broadcasting Services, 2015**

## **5. CONCLUSION**

The Licensee has complied with most provisions of its licence conditions and applicable regulations, save for **clause 4.1.1 of the schedule A to the licence and clause 1 of the schedule B to the licence. Further, the Licensee failed to comply with** Regulation 7(7)(d) of the Amendment Standard Terms and Conditions for Class Broadcasting Services, 2015. The Licensee will be assisted to comply with all licence conditions and ICASA's regulations.

## **6. APPENDICES**

Appendix A: Bay Community Television's broadcasting service;

Appendix B: Bay Community Television's Constitution;

Appendix C: Regulations Regarding Standard Terms and Conditions for Class Licensees;

Appendix D: South African Television Content Regulations;

Appendix E: Bay Community Television's Minutes of the Annual General Meeting; Minutes of General Meetings; and Minutes of the Board and Management; and

Appendix F: Compliance Status of Bay Community Television with licence Conditions.

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<sup>12</sup> Appendix C: Amendment Standard Terms and Conditions for Class Broadcasting Services, 2015.