



RADIO KHWEZI ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/2018 ANNUAL COMPLIANCE REPORT

INKANYEZI YOKUSA RADIO BROADCASTING AS RADIO KHWEZI

Licence Period: 27 October 2013 to 26 October 2018

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution¹, the ICASA Act², the Electronic Communications Act³ (ECA) and the Broadcasting Act⁴ to regulate broadcasting activities in South Africa in the public interest. One of the main tasks of the Authority, is to monitor compliance by broadcasters with the terms and conditions of their licence, and any relevant legislation and regulations.

The purpose of this report is to give an account of Radio Khwezi's performance for the 2017/2018 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community Participation, Programming Obligations, South African Music Content Regulations and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Radio Khwezi holds a Class Sound broadcasting service licence⁵. The radio station's mandate is to provide a sound broadcasting service to the community of Kranskop, Ndwedwe, Maphumulo, Msinga, Nkandla, Lower Tugela, Lower Mfolozi and UMvoti in the KwaZulu-Natal Province, as set out in the Licensee's frequency spectrum licence⁶.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the licence states that:

"The Licence is issued to:

1.1 Name of Entity: Inkanyezi Yokusa Radio.

¹ The Constitution of the Republic of South Africa, No 108 of 1996.

² Act No. 13 of 2000, as amended.

³ Act No. 36 of 2005.

⁴ Act No. 4 of 1999.

⁵ Appendix A: Radio Khwezi's broadcasting service licence.

⁶ Ibid.

1.2 Name of the Station: Radio Khwezi.

1.3 Control of the Licensee: Control shall vest in the Board of Directors of an association known as Inkanyezi Yokusa Radio."

There were no changes reported by the Licensee to its control structure during the period under review. The Licensee is still Inkanyezi Yokusa Radio. The name of the Licensee's radio station is Radio Khwezi. The control of the Licensee is still in the hands of an association known as Inkanyezi Yokusa Radio.

According to Radio Khwezi's constitution, the Board shall consist of not less than eight (8) members. The board members are elected in an Annual General Meeting and shall serve for a period of 2 years.

The Licensee did not submit information requested by the Authority regarding a list of Board of Directors that were elected in its last elective AGM. However, control of the Licensee is still in the hands of the Board of Directors of an association known as Inkanyezi Yokusa Radio.

The Licensee complies with clauses 1.1 to 1.3 of the licence.

3.2 Licence Period

Clause 2 of the licence states that:

"2.1 The effective date of the licence is 27 October 2013.

2.2 The licence shall expire on 26 October 2018."

Radio Khwezi's licence was effective from 27 October 2013 to 26 October 2018.

The Licensee complies with clause 2 of the licence.

3.3 Geographic Coverage Area

Clause 3 of the licence stipulates that:

"The Licensee shall provide a sound broadcasting service to the community of Kranskop, Ndwedwe, Maphumulo, Msinga, Nkandla, Lower Tugela, Lower Mfolozi and UMvoti in the KwaZulu-Natal Province, as set out in the Licensee's frequency spectrum licence".

Radio Khwezi covers the areas stipulated in its licence.

The Licensee complies with clause 3 of the licence.

3.4 Community

Clause 4.1 of the licence states that:

"The Licensee shall provide services to a geographic community residing within the geographic coverage area specified herein".

Radio Khwezi provides a sound broadcasting service to the community of Kranskop, Ndwedwe, Maphumulo, Msinga, Nkandla, Lower Tugela, Lower Mfolozi and UMvoti in the KwaZulu-Natal Province, as set out in the Licensee's frequency spectrum licence

The Licensee complies with clause 4.1 of the licence.

Clause 4.2 of the licence provides that:

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

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

4.2.2 The Licensee shall furnish the Authority with proof of such meetings as well as the attendance thereof by members of the community; and

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

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

4.2.3.2 To provide feedback on the Licensee's operational and financial performance; and

4.2.3.3 To elect members of the controlling structure, e.g. Board of Directors, Trustees etc. subject to the licensee's founding documents".

During the year under review, the Licensee failed to provide the Authority with proof of two (2) meetings with community and the AGM.

The Licensee does not comply with clause 4.2 and its sub-clauses of the licence.

3.5 Programming

Clause 5.1 of the licence states that the Licensee shall provide format as follows:

"5.1.1 Local News and Information: The Licensee shall broadcast a total of 282 minutes, of which 140 minutes shall be local, 67 minutes national and 75 minutes international news per day. This shall include community news.

5.1.2 South African Music Content: 40%

5.1.3 Talk vs Music: 60% Talk and 40% Music

5.1.4 Language(s) of broadcast:

5.1.4.1 IsiZulu – 73%;

5.1.4.2 Afrikaans – 10%;

5.1.4.3 English – 12%; and

5.1.4.4 German – 5%".

The Licensee's recordings were not submitted, making it impossible to monitor content.

The Licensee does not comply with clause 5 of the licence.

Clause 5.1.5 of the licence provides that:

"The Licensee shall broadcast 20 hours a day"

Radio Khwezi's Broadcast hours are 20 hours as stipulated in the licence.

The Licensee complies with clause 5.1.5 of its licence.

Clause 5.2 of the licence states that:

"The Licensee shall keep a log of programmes broadcast which must be submitted on a monthly basis to the Authority. A pro-forma of the log to be kept will be supplied by the Authority".

The Licensee does not submit log of programmes broadcast to the Authority as required by clause 5.2.

The Licensee does not comply with clause 5.2 of the licence.

Clause 8.1 of the licence provides that:

"The Licensee shall maintain community participation structures such as "Masibumbane" and the Listeners club throughout the licence period".

The Licensee has listeners club structures such as Masibumbane.

The Licensee complies with clause 8.1 of the licence.

4. REGULATIONS

4.1 Complaints Received

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A which reports on all complaints received during the financial year under review.

For the year under review, the Licensee did not submit a complaints report and other submissions as required by Compliance Procedure Manual Regulations.

The Licensee does not comply with the Compliance Procedure Manual Regulations

4.2 South African Music Content Regulations⁷

Regulation 3 of the Regulations on South African Music Content as published on 23 March 2016 provides that:

"A holder of a community sound broadcasting service licence must ensure that after eighteen months of the gazetting of these regulations, a minimum of 60%, increasing by 10% annually to reach 80% of the musical works broadcast in the performance period, consist of South African music and that such South African music is spread evenly throughout the performance period"⁸.

The Licensee does not submit information to the Authority when requested. Therefore, the monitoring of recordings was not conducted.

The Licensee does not comply with the Regulations on South African Music Content.

⁷ Appendix B: South African Music Content Regulations.

⁸ Appendix B: South African Music Content Regulations.

4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Service Licensees⁹

During the year under review, the Licensee did not comply with the standard terms and conditions for class licences.

Radio Khwezi does not comply with Standard Terms and Conditions for Class Broadcasting Service Licensees.

5. CONCLUSION

Radio Khwezi is generally non-compliant with most provisions of its licence conditions and applicable regulations. The non-compliance by the Licensee indicates that the radio station does not take compliance seriously. The Compliance and Consumer Affairs Division (CCA) will lodge a formal complaint against Radio Khwezi with the Compliance and Complaints Committee (CCC) and recommend that the Licensee be reprimanded for non-compliance, its licence be suspended or not be renewed.

6. TERMS OF REFERENCE

Appendix A: Radio Khwezi's broadcasting service licence;
Appendix B: South African Music Content Regulations; and
Appendix C: Regulations Regarding Standard Terms and Conditions for Class Licensees.

⁹ Appendix C: Regulations regarding Standard Terms and Conditions for Class licences