



# **RADIO ZIBONELE ANNUAL COMPLIANCE REPORT**

**MARCH 2019**

# **2017/2018 ANNUAL COMPLIANCE REPORT**

## **ZIBONELE COMMUNITY RADIO BROADCASTING AS RADIO ZIBONELE**

**Licence Period: 24 October 2013 to 25 October 2018**

### **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. 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 this report is to give an account of Radio Zibonele's compliance with the terms and conditions as set out in its licence for the 2017/2018 financial year. Aspects of compliance that are measured comprise of Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligations, Language(s), South African Music Content Regulations, the Regulations Regarding Standard Terms and Conditions and the Code on People with Disabilities.

### **2. BACKGROUND**

Radio Zibonele is a Class Sound Broadcasting Service Licensee. The radio station's mandate is to provide a sound broadcasting service to the geographic community of Khayelitsha and the surrounding areas in the Western Cape Province as set out in Radio Zibonele's radio frequency spectrum licence.

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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

### **3. COMPLIANCE ASSESSMENT**

#### **3.1 Licensee**

Clause 1 of the licence<sup>5</sup> provides that:

*"The Licence is issued to:*

- 1.1 Name Entity: Zibonele Community Radio.*
- 1.2 Name of the Station: Radio Zibonele.*
- 1.3 Control of the Licensee: Control shall vest in the Board of Directors of a Section 21 Company known as Zibonele Community Radio".*

There were no reported changes to the controlling structure of the entity or the company name thereof.

**Radio Zibonele complied with clauses 1.1, 1.2 and 1.3 of the licence.**

#### **3.2 Licence Area**

Clause 3 of the licence prescribes that the Licensee's area of coverage shall be:

*"Khayelitsha and surrounding areas in the Western Cape Province as set out in the Licensee's radio frequency spectrum licence<sup>6</sup>."*

In the year under review, the Authority received no reports or complaints suggesting that Radio Zibonele has beamed into areas that are outside its coverage area.

Furthermore, the Licensee confirms that it covers the areas stipulated in its licence.

**The Licensee complied with clause 3 of the schedule to the licence.**

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<sup>5</sup> Appendix A: Radio Zibonele's Broadcasting Service Licence

<sup>6</sup> Appendix B: Radio Zibonele's Frequency Spectrum Licence

### **3.3 Community**

Clause 4.1 of Radio Zibonele's service licence provides that:

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

Radio Zibonele continues to provide services to its geographic coverage area within Khayelitsha and surrounding areas in the Western Cape.

#### **The Licensee complied with clause 4.1 of the schedule to its licence.**

Clause 4.2 of the schedule to 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) meetings annually with its community 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.*

*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".*

The Licensee's submission could not be retrieved by the Authority. The Authority's IT department advised that we ask the sender to send in another format and at the time of the submission of the report, the information was still outstanding.

In previous years of reporting, the Authority was happy with the Licensee's attempts to engage the community it serves. In the past, Radio Zibonele submitted pictures of its roadshows where it was actively engaging its listenership. These pictures were submitted along with written suggestions received from the listeners on what should be contained in the Licensee's programming.

An example of such roadshow's dates back to 2013 where the Licensee took to its listenership and gave out survey forms containing the following questions:

- Which radio presenter the listeners liked and why?
- Which radio presenter would the listeners say they cannot hear properly when presenting the shows?
- Which radio programme – on Radio Zibonele – would the listeners say they did not like and would maybe suggest that it be removed and why?
- Which radio programme – on Radio Zibonele – would the listeners say they liked and why?
- If the listeners had any suggestions for Radio Zibonele's programming?

The information received from this session formed part of the agenda items at Radio Zibonele's Programme Summit.

Due to the fact that the Licensee's proof in this regard could not be verified, the Authority is unable to make a determination on the Licensee's compliance with clause 4.2 and the sub clauses.

### 3.4 Programming

Clause 5.1 of the licence provides that the Licensee shall provide programming as follows:

#### 3.4.1 Local News and Information:

Clause 5.1.1 of the schedule to the licence provides that Radio Zibonele's format shall be:

*"The Licensee shall broadcast news to a total of 10 minutes per day. This shall include news from the community produced by the station on issues affecting the community."*

During the period under review, the Authority's monitoring exercise found that the Licensee schedules at least 11 news bulletins per day and each bulletin lasts for approximately 5 minutes. In total, Radio Zibonele schedules approximately 55 minutes of news per day during the South African Performance Period.

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

- *UMphathiswa waManzi noGutyulo lweLindle, UNomvula Makonyane uthi baceba ukuqwalasela iimpepha mvume ezivumela ukucocwa kwamanzi asele esetyenzisiwe. Ngethuba ebethetha nabachola-choli beendaba eNewlands uvakalise ukuba, amanzi asele esetyenzisiwe angaphina asetyenziswe kwakho. Uthi lamalinge sele eqhuba kwabanye ooMasipala abangaphndle kwesiXeko saseKapa. Ukanti amadama akwiPhondo leNtshona Koloni ngoku ame kumyinge wamashumi amathathu eepesenti ekhulwini, kwaye amagosa athi abahlali abakenzi ngokwaneleyo ukonga amanzi. Abahlali besisiXeko babongozwa ukuba bacuthe ukusebenzisa kwabo amanzi ukuthintentela ukufika komhla wokuphela kwamanzi ngomhla weshumi elinesibini kwinyaka kaTsahazimpunzi kulo nyaka. uSekela soDolophu lwesisiXeko, uIan Nelson, uthibaxhaalabile malunga nokugutyulwa kwelindle kwimibhobho ngrnxa yokunqongophala kwamanzi. Uthi iSebe lamanzi kuZwelonke libonelele ngesixa mali*

*samashumi amabini ezigidi seerant, kumalinge okucocwa kwamanzi kwesisiXeko. Lo ka Neslo uthi, le mali incinane kakhulu nanjengoko esisiXeko sidinga iiBiliyoni zeeranti ukuqubusana nale ntlekele yamanzi egqubayo kwesisiXeko.*

- *Community Crime Fighting Body, the Table Mountain Security Action Group, says it will meet with Law Enforcement Officials to address the prevalence of attacks on hikers. A 56 year old man was stabbed to death while hiking with his wife at the Echo Valley above Kalk Bay yesterday. This comes 2 weeks after a group of 5 people were ambushed by knife wielding attackers in the Silver Mine Nature Reserve. Attacks on hikers seem to be on the increase and many residents now say that they have had enough. At least 85 attacks on hikers have been reported over the past 12 months. According to the police, the perpetrators in this latest attack was dressed in a Security Uniforms. The recently established Table Mountain Security Action Group's, Andrew Van Schalkwyk, says it is time for decisive action to be taken to stop these attacks.*
- *Imibutho ephikisayo kwibhunga lesiXeko saseKapa ithi ifuna ukuba uMphicothi ziNcwadi Jikelele aqwaalasele iingxelo zezimali zonyaka mali ogqithileyo, nanjengoko ekhuphe ingxelo yakutsha nje nephakamise imiba yolawulo kwesisiXeko. Esi siXeko sifumene uphicotho olungenachaphaza kunyaka mali ka 2016 no 2017, nalapho uMphicothi ziNcwadi Jikelele ekhankanye ubugwexa kwabasemagunyeni ngokunganiki ingqwalasela eyaneleyo kwinqubo yezinikimaxabiso. UMphicothi ziNcwadi uthi kubekho ukusilela kolawulo kwingeniso enxulumene nenkonzo yeebhasi zeMy City, kwaye kubekho umkhethe ekunikezelweni kwesiniki maxabiso seebhasi. Umbutho weANC kunye neSADP ithi uluvo malunga nophicotho lwakutsha nje luphakamisa inkxalabo malunga neengxelo zezimali zonyaka mali ophelileyo kwesi siXeko.*

Furthermore, the bulk of the Licensee's news content is news of local nature. The Licensee prides itself in the employment made up of full time interns and volunteer personnel of a fully functional news room. More than 60% of the Licensee's news

content is generated by the Licensee's own newsroom while the balance is from online sources and local newspapers.

**The Licensee complied with the obligation to "*include news from the community produced by the station on issues affecting the community.*"**

**Radio Zibonele complied with the obligation to broadcast 10 minutes of news per day.**

### **3.4.3 Talk vs Music:**

Clause 5.1.3 of the Radio Zibonele's Licence prescribes that the Licensee's format shall be:

*60% Talk and 40% Music*

In this regard, the Authority found that Radio Zibonele's format is as prescribed by the licence document. The monitored programming output would differ from day to day in terms of measurements. On some days, the monitoring exercise would measure a little bit more music than talk, this was found mostly on weekends. However, the Licensee sticks to the prescribed format.

**The Licensee complied with clause 5.1.3 of the schedule to the licence.**

Clause 5.1.3.1 makes the following prescription:

*"The Licensee shall continue "Program Summit", wherein non-governmental, community-based organisations and community members make input on the Licensee's programming."*

The Licensee's submission could not be retrieved by the Authority. The Authority's IT department advised that we ask the sender to send in another format and at the time of the submission of the report, the information was still outstanding.

Due to the fact that the Licensee's proof in this regard could not be verified because of the format it was transferred in, the Authority is unable to make a



determination on whether or not Radio Zibonele did convene a Programme Summit in the year under review.

Clause 5.1.4 of the Radio Zibonele's Licence prescribes that the Licensee's languages of Broadcast shall be:

5.1.4.1 *isiXhosa 80%;*

5.1.4.2 *Afrikaans 10%; and*

5.1.4.3 *English 10%.*

In the year under review, the Authority's monitoring exercise revealed that Radio Zibonele observed the provisions of the above-mentioned clause in their on air language breakdown. IsiXhosa was observed to be a dominant language of broadcast on Radio Zibonele. Programming in Afrikaans and English was also found in all aspects of the Licensee's programming.

This find is an improvement on the last compliance measure conducted by the Authority whereon the monitoring exercise found that the Licensee featured a news bulletin in Sesotho. Sesotho is not a licensed language of broadcast and the Licensee was advised to remove the Sesotho broadcasts until such a time they apply for an amendment of the licence to include the language. The monitoring of the year under review shows that the Licensee heeded the Authority's advice and took the language off air.

### **Radio Zibonele complied with clause 5.1.4 of the schedule to the licence.**

Clause 5.2 of Radio Zibonele's 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."*

Radio Zibonele keeps a programming log sheet<sup>7</sup> and submits same on a monthly basis and by the seventh day of the following calendar month. In an event where

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<sup>7</sup> Appendix D: Radio Zibonele's Programming Log sheet

the Licensee was late in their submission, the Authority would be informed of the reasons.

### **The Licensee complies with clause 5. 2 of the licence**

## **4. REGULATIONS**

### **4.1 Code on People with Disabilities**

Clause 3.1 (a) of the Code for People with Disability of 2007 provides as follows:

*"Broadcasting service Licensees must ensure that their services are made available and accessible to people with disability."*

Radio Zibonele's services and premises do not discriminate against people with disabilities. The Licensee's model is for the service of a community in all its forms regardless of physical orientation.

**The Licensee was found to be in compliance with the above-mentioned regulation.**

### **4.2 Compliance Procedure Manual – Form 12A**

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A which reports on all complaints received in the course of each financial year. According to Radio Zibonele's Form 12a, the Licensee received no complaints in the year that is currently under review.

**The Licensee complies with the Compliance Procedure Manual.**

### **4.3 South African Music Content Regulations<sup>8</sup>**

Regulation 3 of the ICASA South African Music Content Regulations 2016 stipulates that:

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<sup>8</sup> Appendix E: ICASA South African Music Content Regulations

*"A holder of a community sound broadcasting service licence must ensure that after eighteen (18) months from the date of gazetting of these regulation, 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."*

According to the Licensee's programming log sheet<sup>9</sup>, Radio Zibonele's ICASA South African Music Content output is at approximately 80%.

The monitoring exercise found that Radio Zibonele music play list is dominated by South African Music. Out of every 100 songs found during monitoring, at least 80 were South African Music. On average, the Authority found that Radio Zibonele plays at least 12 songs per 3 hour show and at least 9 would be South African music. While programmes featuring 100% international music were also found, the ratios still did not make up for a lesser percentage output against South African Music.

The following local artists were identified as enjoying airplay on Radio Zibonele: *HipHop Pantsula, Ringo Madlingozo, DJ Naves, Khwesta, Busi, Busiswa, Nathi Mankayi, Musa Sukwene Mampintsha, Sho Majozi, Black Coffee, DJ Tira, Prince Kaybee, Rude Boys, Malibongwe Gwabe, Zahara, Amadodana aseWesile, Joyous Celebration, Hlengiwe Mhlaba* and many others.

### **Radio Zibonele complied with Regulation 3 of the ICASA South African Music Content Regulations.**

#### **4.4 Regulations regarding Standard Terms and Conditions for Class Licensees**

Regulation 2(1)(d) of the Regulations Regarding Standard Terms and Conditions for Class Licensees<sup>10</sup> provides two fundamental regulations that are constantly and

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<sup>9</sup> Appendix D: Radio Zibonele's Programming Log sheet

<sup>10</sup>Appendix F: Regulations regarding the Standard Terms and Conditions

continuously used to measure a Licensee's compliance. The two regulations are regulation 2(1) and the sub clauses, along with regulation 9 in its entirety.

In terms of the provisions made by Regulation 2(1) of the Regulations Regarding Standard Terms and Conditions for Class Licensees; Radio Zibonele has had no changes to its licence details and information in the year that is currently under review.

Furthermore, the Licensee has always been keen to assist the Authority with any information that may be required of them.

### **Radio Zibonele complied with the Regulations regarding the Standard Terms and Conditions.**

## **5 CONCLUSION**

In the year that is currently under review, Radio Zibonele complied with all areas of compliance that could be measured by the Authority. On the issue of proof of meetings and "Programme Summit", the Authority will attach – to this report – a write up indicating the extent to which the Licensee would have proven to comply with clauses 4.2 and 5.1.3.1 as soon as the transfer of the information is resolved.

## **6. TERMS OF REFERENCE**

**Appendix A:** Radio Zibonele's Broadcasting Service Licence

**Appendix B:** Radio Zibonele's Frequency Spectrum Licence

**Appendix C:** Authority's Postmaster Email and the advice given to the Licensee via Email

**Appendix D:** Radio Zibonele's Programming Logsheet

**Appendix E:** ICASA South African Music Content Regulations

**Appendix F:** Regulations regarding the Standard Terms and Conditions