



IKWEKWEZI FM ANNUAL COMPLIANCE REPORT

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2018/2019 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BROADCASTING AS IKWEKWEZI FM

Licence Period : 18 December 2008 to 18 December 2018

1. PREFACE

The Independent Communications Authority of South Africa (“the Authority”) has a statutory mandate in terms of the Constitution,¹ the Broadcasting Act,² the ICASA Act of 2000,³ and the Electronic Communications Act (“EC Act”) of 2005⁴ to regulate broadcasting activities in South Africa in the public interest. The Authority is tasked with ensuring compliance by broadcasters with the ICASA Act, the EC Act, the terms and conditions of their licence and any relevant legislation and regulations.

The following report is intended to give account of Ikwekwezi FM’s performance for the period 2018/2019 financial year. Aspects of compliance that are measured comprise of Geographic coverage, Language, Format, Local Content Obligations, General Programming Obligations, Training and Skills Development Obligations, Finances, South African Music Content Regulations, Standard Terms and Conditions, Universal Service and Access Fund Regulations and License Fee Regulations.

2. BACKGROUND

Ikwekwezi FM is a public broadcasting service licensee of the South African Broadcasting Corporation (“the SABC”). The radio station’s mandate is to provide a full radio spectrum service to Davel, Dullstroom, Johannesburg, Kwaggafontein, KwaMhlanga, Middelburg, Nylstroom, Potgietersrus and Pretoria.

¹ The Constitution No, 108 of 1996,

² The Broadcasting Act No,4 of 1999

³ The ICASA Act No, 13 of 2000,

⁴ The Electronic Communications Act No, 36 of 2005.

The radio station's principal language is IsiNdebele (see *broadcasting service licence and spectrum licence attached as Appendix A*)⁵.

3. COMPLIANCE ASSESSMENT

3.1 Ownership and Control

Clause 1.1 of the licence stipulates that:

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

Clause 1.2 of the licence provides that the shareholders are as follows:

"Shareholders: The State: 100%"

Clause 1.3 of the licence stipulates that:

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

IKwekwezi 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 licence.

3.2 Geographic Coverage Area

Clause 2 of the schedule to the licence stipulates 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 areas are: Davel, Dullstroom, Johannesburg Kwaggafontein, KwaMhlanga Middelburg, Nylstroom, Potgietersrus and Pretoria. The Licensee confirms that its coverage area is as defined in its licence.

The Licensee complies with clause 2 of the schedule to its service licence.

⁵ Appendix A: Ikwekwezi's service licence and frequency spectrum licence.

3.3 Language(s)

Clause 3 of the schedule to the licence stipulates that the radio station's language of broadcast is as follows:

"Principal Language: isiNdebele".

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

The Licensee complies with clause 3 of its licence.

3.4 Format

Clause 4.1 of the schedule to the licence stipulates that:

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

Clause 4.2 stipulates that:

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

Ikwewezi FM is categorised as a public radio 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

The Licensee complies with clauses 4.1 and 4.2 of the schedule to its licence.

3.5 Local Content Obligations

Clause 5 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:

5.1 different genres; and

5.2 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 5h00 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”.

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 5 of the schedule to its licence.

3.6 General programming obligations

3.6.1 General

Clause 6.1.1 the schedule to the licence stipulates that:

“The Licensee shall ensure that its programming adequately reflects the diversity of South Africa’s religions”.

Clause 6.1.2 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”.

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. “Avulekile Amasango” which features church sermons and indigenous gospel music was identified on Sundays between 07h300 and 09h00.

Other Christian sermons and religious music programming that were identified are “Umvumo”, “Amadlelo Alihlaza” and a choral music show “Khalela Sizwe”. “Thaba Nathi” is an interactive programme that tackles issues reflecting the African culture and ways to preserve these cultures.

“Ithungelwa Ebandla” that is broadcast on Sundays between 18h00 and 19h00 addresses cultural issues and broadcasts traditional music.

The Licensee complies with the clauses 6.1.1 and 6.1.2 of its licence.

Clause 6.1.3 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".

The Authority's monitoring exercise identified a programme called "Ngimi Nawe" presented by Busisiwe Mathebula weekdays at 09h05 to 11h30. The programme dealt with various topics catering for different sectors of society, such as fashion trends, family issues, values, entrepreneurship, socio economic issues, women and business and health matters. During the monitoring exercise, the guest on the programme, Thembi Skosana gave advice on how to select the correct bra size and health issues that are associated with a woman wearing the wrong size bra.

The Licensee complies with clause 6.1 of its licence.

3.6.2 News and Current Affairs

Clause 6.2.1 of the schedule to the 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 every hour on weekdays from 06h00 to 21h00 (sixteen (16) news bulletins) and thirteen (13) news bulletins on weekends. The duration of news is approximately five (5) minutes which adds up to about seventy-five (75) minutes and sixty (60) minutes respectively. News bulletins are read in IsiNdebele with English sound bites. The following are examples of news items monitored during the period under review:

- *"Umndeni ka tisheri ohlathywe ba wahlungakala ahlathywa ngumfundi weminyaka elishumi ne khomba ubudala esikolweni se Ramutshale Secondary School e Zeerust e North West uthi asikalindi isigwebo seminyaka elishumi. Umfundi lo ugwethywe e court kwa magistrate Willy Horotse izolo, uvume icala lobulala uKgadimang Mokolobate ngo September nyakanye. Mokolobate babeke ilihlo*

abafundi abahlu intlahlo. Abulanako u Magistrate Willy uthe umsolwa uthengise ukuzisola ngesohlakalo leso”; and

- *"I Black Management Forum ithi zonke imfundiswa ezitholwe zithinteka ekugoleni uMbuso kufudze zilethwe phambi ko mthetho. Nangena kunjalo kanti lela kwi ANC labo bonke abangalendeli intlangano ithile zepolitiki kufudze kuqalelelwe kwinkampani zombuso. Ikhulu ze ANC zihlangene nabantu abanzima e Sandton e Johannesburg ukulungisa ungaboni ngelihlo linye okuhlubana nombiko we phepha ndaba. Kanti, ngeveki ephelileyo iBMF ihlabe kumbi ilunga lekomiti u Senzo Mchunu no Pravin Gordhan ngemva kokuthi I phepha ndaba I City Press libike bona bobabili. As BMF we stand firm that Black professionals who were put under duress by politicians and ended up succumbing to being part of the state capture. If there is any criminality against them, they must be brought to book. Their own ethical standing must never be excused by the fact that they couldn't withstand the pressure".*

The Licensee complies with clause 6.2.1 of the schedule to its licence.

Clause 6.2.2 the schedule to the 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 iKwekwezi FM broadcasts three (3) current affairs programmes on weekdays, "Ezibhula Umbethe" at 06h05 to 07h00, "Sidemba Zemini" at 13h05 to 13h45 and "Zibuya Nabazumi" at 18h05 to 19h00. The Licensee broadcasts 130 minutes of current affairs during the week.

A wide range of topics were covered during the current affairs programmes, such as:

The in-studio interview with the Chairperson of the National Youth Development Agency Sifiso Mtsweni, the gruesome murder of Thoriso Themane and the court appearance of former acting National Police Commissioner Khomotso Phahlane for his alleged involvement in an R86 million-rand tender fraud. The monitoring exercise also confirmed that the Licensee broadcasts an hour-long current affairs program, "Ngezevekele" on Saturdays and Sundays between 06h00 and 07h00.

The Licensee complies with clause 6.2.2 of the schedule to its licence.

Clause 6.2.3 of the schedule to the 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 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 IKwekwezi FM 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 6.2.1 and 6.2.2 above). The SABC's Editorial Policies form part of the SABC's Charter and monitoring of IKwekwezi FM's news and current affairs programmes for the period under review demonstrated compliance with clause 6.2.3 of its licence and the Charter as contained in the Broadcasting Act of 1999.

The Licensee complies with clause 6.2.3 of its licence.

3.6.3 Programming targeted at Children

Clause 6.3.1 of the schedule to the 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".

Clause 6.3.2 the schedule to the 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, iKwekwezi FM broadcasts a total of twenty-five (25) minutes of programming targeted at children on Sundays at 07h05 to 07h30. "Vumelani Abantwana Beze Kimi" serves as an educational and entertainment show, where children are taught everyday life lessons in a fun and energetic way. The programme includes phoning in and opening the programme with a prayer. The age group of children vary from four years to twelve years. Various topics are discussed including safety and children's rights. The Licensee also broadcasts a ten (10) minute storytelling programme "Vukani" at 09h50 from Mondays to Fridays.

The Licensee complies with clauses 6.3.1 and 6.3.2 of the schedule to its licence.

3.6.4 Educational Programming

Clause 6.4 of the schedule to the 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 educational programmes on weekdays, "Hlala Nami" at 19h05 to 19h45 and "Sizigedlile" at 21h05 to 22h00. "Hlala Nami" covered the dangers of consuming excessive amounts of sodium. "Sizigedlile" covers a variety of educational topics such as civic issues, commerce, health,

finance and science and technology. The Licensee broadcasts almost eight (8) hours of educational programming per week.

The Licensee complies with clause 6.4 of the schedule to its licence.

3.6.5 Drama

Clause 6.5 of the schedule to the 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 "Osemsamo Limphosa Emnyango" on weekdays at 11h30 – 11h45 with a repeat broadcast at 19h40 and "Wayihlaba Awuyidli" at 14h30 – 14h45 with a repeat broadcast at 22h00. The Licensee broadcasts five (5) hours of drama per week.

The Licensee complies with clause 6.5 of the schedule its licence.

3.6.6 Informal Knowledge-Building Programmes

Clause 6.6 of the schedule to the licence stipulates that:

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

The monitoring exercise identified the following Informal Knowledge Building programming topics:

- The Authority's monitoring exercise identified a magazine show called "Ngimi Nawe" at 09h05 to 11h30 on weekdays. The programme deals with various topics catering for different sectors of society, such as fashion trends, family issues, values, entrepreneurship, socio economic issues, women and business and health matters. On the day of the monitoring, the author of the book "I Was Raped and You Were Born" Scelo Mncube was a studio guest and as South Africa celebrates human rights month in March, there was a discussion on the rights of each person within a marriage.

- "Siditjhile", broadcast weekdays at 12h05 to 13h00 is a lifestyle programme that deals with education, nation building and infotainment.

The Licensee complies with clause 6.6 of the schedule to its licence.

3.7 Training and Skills Development Obligations

Clause 7 of the schedule to the Ikwekwezi FM's licence stipulates that:

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

7.2 "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".

7.3 "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"*

7.4 "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 Licensee is in its third year of its three (3) year employment equity plan. During the period under review, the Licensee submits that it successfully implemented employment equity and transformation objectives in line with the relevant legislation which ensured that diversity and inclusion is managed in a non-discriminatory environment. The Licensee implemented various initiatives that was aligned to its employment equity plan and was intended to create awareness, to educate and to challenge employees understanding on different topics relating to diversity and inclusion.

The Licensee submitted its Employment Equity and Transformation report⁶ for the period under review. The report indicated that the Licensee made significant progress against its employment equity targets and goals as set out in the employment equity plan.

The Licensee during the period under review achieved a level two (2) BBBEE status and received a total score of 19,61 out of 20 for its Management Control/Employment equity element.

The Licensee delivered 2534 training interventions to 1567 employees during the period under review. Of the 1567 employees, 1088 was trained in accordance with the Workplace Skills Programme and 479 were trained based on operational requirements.

The Licensee submitted that 88% of employees that were trained were from the designated groups (Black, Coloured, Indian). 54,56% were females and 2,55% were employees with disabilities.

The Licensee submitted its Training and Skills Development that provides a detailed breakdown of its compliance with the above requirements, for the period under review, to the Authority.

The Licensee has complied with its training and skills development obligations.

3.8 Provisions of Audited financial statements

Clause 8 of the schedule to Ikwekwezi FM's 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 ground shown apply to the Authority for extension".

The Licensee submitted its Audited Financial Statements for the 2018/2019 financial year within the stipulated timeframe.

The Licensee has complied with clause 8 of the schedule to its licence.

⁶ SABC Employment Equity and Transformation: Report to ICASA, Reporting period: 1 April 2018 – end March 2019.

4. REGULATIONS

4.1 Compliance Procedure Manual – Form 12A

Ikwekwezi FM 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. In 2018, 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, Ikwekwezi FM did not receive any complaints.

The Licensee has complied with the Compliance Procedure Manual.

4.2 South African Music Content Regulations

The ICASA South African Music Content Regulations as published on 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 plays over 80% South African music and identified the following local artists, Letta Mbulu; Nthando; Lucky Dube; DJ Active & Mpumie; Jub-Jub & Jaziel Brothers; Mafikizolo and many more. The Licensee promotes local content regularly throughout the day and broadcasts "*Siyatjhagala*", a traditional isiNdebele music programme at 07h00 to 08h30 on Saturdays.

The Licensee complies with the 70% local music content quota, as prescribed by the ICASA South African Music Content Regulations, 2016.

4.3 Standard Terms and Conditions for Individual Licences

During the year under review, the Authority did not identify any non-compliance by Ikwekwezi FM with the standard terms and conditions for individual licensees (See

Regulations Regarding Standard Terms and Conditions for Individual Licences attached as Appendix E).

4.4 Universal Service Access Fund

Regulation 3 of the Universal Service Access Fund Regulations 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 Broadcasting Service 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 paid its annual contribution fee of eight million nine hundred and forty- two thousand, five hundred and thirty-six rand and twenty-seven cents (R 8, 942 536. 27) to the MDDA.

The Licensee has complied with the USAF regulations.

4.5 General License Fees Regulations

Regulation 4(b) of General Licence Fees Regulations provides for the exemption of Individual Licences for Public Broadcasting Services.

iKwekwezi FM is part of Public Broadcasting Services and is exempt from paying licence fees.

5. CONCLUSION

iKwekwezi FM has complied with its licence terms and conditions and applicable regulations.

6. TERMS OF REFERENCE

6.1 Appendix A: Sound broadcasting service and frequency spectrum licences;

6.2 Appendix B: SABC's Editorial Policy;

- 6.3** Appendix C: SABC Employment Equity and Transformation Report 2018/19;
- 6.4** Appendix D: Regulations on South African Music Content;
- 6.5** Appendix E: Regulations Regarding Standard Terms and Conditions for Individual Licences;
- 6.6** Appendix F: Regulations in Respect of Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund; and
- 6.7** Appendix G: General Licence Fees Regulations