



# **IKWEKWEZI FM ANNUAL COMPLIANCE REPORT**

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# **2019/2020 ANNUAL COMPLIANCE REPORT**

## **SOUTH AFRICAN BROADCASTING CORPORATION BROADCASTING AS IKWEKWEZI FM**

**Licence Period : 18 December 2018 to 17 December 2028**

### **1. PREFACE**

The Independent Communications Authority of South Africa ("the Authority") has a statutory mandate in terms of the Constitution,<sup>1</sup> the Broadcasting Act,<sup>2</sup> the ICASA Act<sup>3</sup> and the Electronic Communications Act<sup>4</sup> to regulate broadcasting activities in South Africa in the public interest. The Authority is tasked with ensuring compliance by broadcasters with the terms and conditions of their licences, the three Acts and any other relevant legislation and Regulations.

The following report is intended to give an account of Ikwekwezi FM ("the Licensee")'s performance for the 2019/2020 financial year. Aspects of compliance that are measured comprise of the geographic coverage, language(s) of broadcast, broadcast content format, local content obligations, general programming obligations, training and skills development obligations, finances, South African Music Content Regulations, Regulations regarding Standard Terms and Conditions for Individual Broadcasting Services, Regulations in respect of the Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund and Compliance Procedure Manual Regulations.

### **2. BACKGROUND**

Ikwekwezi FM holds an Individual Public Sound Broadcasting Service ("I-PSBS") licence and a Radio Frequency Spectrum ("RFS") licence (collectively referred to as "licences") for provision of services to the geographical areas of Davel, Dullstroom, Johannesburg, Kwaggafontein, KwaMhlanga, Middelburg, Nylstroom, Potgietersrus and Pretoria.

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<sup>1</sup> The Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)

<sup>2</sup> Broadcasting Act, 1999 (Act No. 4 of 1999)

<sup>3</sup> ICASA Act, 2000 (Act No. 13 of 2000), as amended

<sup>4</sup> Electronic Communications Act, 2005 (Act No. 36 of 2005)

Ikwekwezi FM forms part of the South African Broadcasting Corporation ("SABC") and was issued its licences on 18 December 2008.

### **3. COMPLIANCE ASSESSMENT**

#### **3.1 Ownership and Control**

Clause 1.1 of the schedule to the licence stipulates that:

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

Further, clause 1.2 of the schedule to the licence provides that:

*"Shareholders: The State: 100%"*

Furthermore, clause 1.3 of the schedule to 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 the schedules to its licence.**

#### **3.2 Geographic Coverage Area**

Clause 3 of the schedule to the I-PSBS licence stipulates that:

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

According to the RFS licence, the radio station's coverage areas are: Davel, Dullstroom, Johannesburg Kwaggafontein, KwaMhlanga Middelburg, Nylstroom, Mokopane (formerly Potgietersrus) and Pretoria. The Licensee confirms that its coverage area is as defined and specified in its RFS licence.

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

#### **3.3 Broadcasting Language(s)**

Clause 4 of the schedule to the licence stipulates that:

*"Principal Language: isiNdebele".*

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

**The Licensee complies with clause 4 of the schedule to its licence.**

### **3.4 Format**

Clause 5.1 of the schedule to the licence stipulates that:

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

Further, clause 5.2 of the schedule to the licence stipulates that:

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

Ikwekwezi FM is a public radio station of the SABC and offers a full-spectrum service to its audience as outlined in its licences. This was confirmed during the Authority's monitoring exercise.

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

### **3.5 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:*

*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 6 of the schedule to its licence.**

### **3.6 General programming obligations**

#### **3.6.1 General**

Clause 7.1.1 the schedule to the licence stipulates that:

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

Further, clause 7.1.2 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 provides 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 07h30 and 09h00.

Other Christian sermons and religious music programming that were identified are "Nginomelusi" at 09h05 to 12h00 and a choral music show "Khalela Sizwe" at 21h05 to 22h00 on Sundays. "Thaba Nathi" is an interactive programme that tackles issues reflecting the African culture and ways to preserve these cultures at 19h05 to 21h00 on Sundays.

"Sithini IsiNdebele" is broadcast on Sundays between 18h05 and 19h00, tackles cultural topics (customs and traditions) and broadcasts traditional isiNdebele music.

**The Licensee complies with the clauses 7.1.1 and 7.1.2 of the schedule to its licence.**

Clause 7.1.3 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 magazine programme called "Ngimi Nawe" on weekdays at 09h05 to 11h30. 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. During the monitoring exercise, the guest on the programme, gave advice on children that are born with birth defects. A second guest discussed termination of employment due to underperformance and unfair dismissals.

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

**3.6.2 News and Current Affairs**

Clause 7.2.1 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 Licensee broadcasts news every hour on weekdays from 06h00 to 21h00 (sixteen (16) news bulletins) and from 07h00 to 21h00 on weekends (fifteen (15) news bulletins). The duration of news bulletins is approximately five (5) minutes which adds up to about eighty (80) minutes on weekdays and seventy-five (75) minutes on weekends. News bulletins are read in IsiNdebele with English sound bites. The following are some of the news items monitored during the period under review:

- *"Inhlangano ye DA ibethekile kudu kumkhandlo we dolobha I Johannesburg. Umrholi wentumba yenhlangano u Funzela Ngubeni uthokozile ukuyojoyina inhlangano ka Herman Mashaba I People's Dialogue. UNgubeni bekulilunga lekomiti yobu Mayor ngesikathi soburhulu buka Mashaba njenge Mayor. - Ngubeni confirmed his resignation from the DA to SABC News, he says he will be joining Mashaba from tomorrow to help build a party that will challenge the ANC in next year's Municipal Elections. Mashaba says he is happy to have a person of Ngubeni's calibre.";*
- *"Kukethuke ibhesi belilayisha abakhweli bebuya ku Centane e Butterworth e Mpumalanga Kapa. Ingozi yenzeke hlanu kwesibhedlele Ithafalofefe.";*
- *"Ungqongqoshe wendaba zamanzi no khucukhucu u Lindiwe Sisulu uhlathulule lokungakalungu kahlatshwa ngokuqasha kwakhe umnqophisi waloku ebandleni lokushushiswa I NPA u Menzi Simelane nesi phathiswa saloku zokuhlolwa u Mo Sheik njengabaluleki"; and*

- *"Abasolwa abalishumi nambini babuyiselwe ejele ngemwa kokuvela e court yehlabane e North West. Basolwa ngokudlelezela ono gada abathathu abazokuvikela imaliengaziwayo kuyimalini beqeda ukuyithatha e supermarket e Zionsville e Rustenburg evekeni edlulileko. Abasolwa babotshwele isenzo sohluthula kwemali ethuthwako."*

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

Clause 7.2.2 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 meeting between the ANC and the IFP Presidents Cyril Ramaphosa and Mangosuthu Buthelezi to mend fences and join forces as they have the same constituency which is mainly Black and African in particular. 151 South Africans who live in Wuhan in China have to be repatriated back to South Africa due to the coronavirus. 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 7.2.2 of the schedule to its licence.**

Clause 7.2.3 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) 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 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 7.2.1 and 7.2.2 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 7.2.3 of its licence and the Charter as contained in the Broadcasting Act of 1999.

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

#### **3.6.3 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 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".*

Further, clause 7.3.2 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 where children sing, recite poems and Bible verses 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 "Nalibali" at 09h05 from Mondays to Fridays. The Licensee broadcasts seventy-five (75) minutes of children's programming per week.

**The Licensee complies with clauses 7.3.1 and 7.3.2 of the schedule to its licence.**

### **3.6.4 Educational Programming**

Clause 7.4 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 continues at 20h30 to 21h00 and "Sizigedlile" at 21h05 to 22h00. "Sizigedlile" covers a variety of educational topics such as civic issues, commerce, health, finance and science and technology. Sipho Shongwe who is an Assistant Director at the Department of Agriculture and Rural Development was a studio guest to discuss water as a resource. The Licensee broadcasts over twelve (12) hours of educational programming per week.

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

### **3.6.5 Drama**

Clause 7.5 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 Lymphosa Emnyango" on weekdays at 11h30 – 11h45 with a repeat broadcast at 19h40 to 19h55 and "Serial Drama" which addresses different themes at 14h30 – 14h45 with a repeat broadcast at 22h00 to 22h15. The Licensee broadcasts five (5) hours of drama per week.

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

### **3.6.6 Informal Knowledge-Building Programmes**

Clause 7.6 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 monitoring exercise identified the following Informal Knowledge Building programming:

- *"Sidityhile", broadcast on weekdays at 12h05 to 15h00 is a lifestyle programme that deals with education, nation building and infotainment. The rights of consumers were identified as one of the topics discussed and Judas Msiza from the Office of Consumer Protection Services in Mpumalanga was a studio guest.*

**The Licensee complies with clause 7.6 of the schedule to its licence.**

### **3.7 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 Practices".*

*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 Licensee submitted its Employment Equity and Transformation report for the period under review (2019/2020) to the Authority. The report acknowledges the importance of diversity in the workplace and that employment equity is an imperative business driver. The Licensee implements various education and awareness campaigns with the intention to create and to maintain a respectful, inclusive and non-discriminatory workplace.

The report indicates that the management and staff of the Licensee are representative of South African demographics, including 83 employees living with disabilities. The Licensee further endeavours to ensure that females are well represented at all occupational roles and especially in decision making positions.

The Licensee through its Learning and Development department implements a workplace skills programme in alignment with the needs of the organisation. During the period under review 87% of the people that were trained were from historically disadvantaged backgrounds, with females representing 54,5% of the overall total. The total amount spent on training for the period under review was R10 332 040. The training included amongst others customer service, effective presentation skills, stress management, office administration and time management.

The report shows the extent to which historically disadvantaged people are represented throughout the organisation.

Further, the Licensee has a National employment equity forum that continues to monitor and evaluate the implementation of the Licensee's employment equity objectives. The Licensee submitted both its Employment Equity and Transformation plan<sup>5</sup> report as well as its Training and Skills Development report, that respectively provides a detailed breakdown of its compliance with the above requirements to the Authority for the period under review. Both reports were submitted within 30 days of the end of the financial year as required.

**The Licensee complies with clause 8 of the schedule to its licence.**

### **3.8 Submission of Audited financial statements to the Authority**

Clause 9 of the schedule to licence stipulates that:

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<sup>5</sup> SABC Employment Equity and Transformation: Report to ICASA, Reporting period: 1 April 2018 – end March 2019.

*"The Licensee shall provide the Authority with the audited annual financial statements of the licensed service within six (6) months of the end of the licensee's financial year, provided that the licensee may on good cause apply to the Authority for an extension".*

The Licensee submitted its audited annual financial statements. However, due to the Covid-19 pandemic, the submission of the Licensee's audited financial statements was delayed and could not be submitted within six (6) months of the end of the Licensee's financial year.

The Authority was duly informed of the delay by the Licensee and considers the covid-19 pandemic good cause for an extension of the submission deadline.

**The Licensee complies with clause 9 of the schedule to its I-PSBS licence.**

## **4. REGULATIONS**

### **4.1 ICASA Compliance Procedure Manual Regulations, 2011**

Ikwekwezi FM is required, in terms of the Compliance Procedure Manual Regulations, 2011<sup>6</sup> to submit a Form 12A which reports on all complaints received during the financial year. 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 complies with the ICASA Compliance Procedure Manual Regulations.**

### **4.2 ICASA South African Music Content Regulations, 2016**

Regulation 3(1) of the ICASA South African Music Content Regulations as published in the *Government Gazette* No. 39844 on 23 March 2016 state 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".*

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<sup>6</sup> Published in *Government Gazette* No. 34863 dated, 15 December 2011.

The Authority's monitoring exercise determined that the Licensee's playlist is made up of over 80% South African music and identified the following local artists, Mafikizolo "*Ngekhe Balunge*", Lusanda Beja "*Jesu Ulidwala*", Berita "*Surprises*", Khanyi Nokwe "*Brand New*", Letang ft Dido and Devine Brothers "*Vusani*" 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 ICASA South African Music Content Regulations.**

**4.3 Regulations on Standard Terms and Conditions for Individual Broadcasting Services, 2010**

During the year under review, there were no incidents of non-compliance by Ikwekwezi FM, with the Regulations on Standard Terms and Conditions for Individual Broadcasting Services as published in *Government Gazette* No. 33294 dated, 14 June 2010 as amended.

**4.4 Universal Service and Access Fund Regulations, 2011**

Regulation 3(1) of the Regulations in respect of the Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund ("USAF") as published in the *Government Gazette* No. 34010 on 10 February 2011, stipulates that:

*"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".*

Further, regulation 3(2) provides that:

*"A BS Licensee who has paid an annual contribution to the Media Development and Diversity Agency (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 and submitted proof thereof to the Authority.

**The Licensee complies with Regulations 3(1) and 3(2) of the Regulations in respect of the Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund.**

## **5. CONCLUSION**

For the 2019/2020 financial year, the Licensee complies with all its I-PSBS licence terms and conditions and applicable Regulations.

## **6. TERMS OF REFERENCE**

- 6.1 Appendix A: Ikwewezi FM's I-PSBS licence and RFS licence;
- 6.2 Appendix B: SABC's Editorial Policy;
- 6.3 Appendix C: SABC Employment Equity and Transformation Report;
- 6.4 Appendix D: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No.39844 dated, 23 March 2016;
- 6.5 Appendix E: Regulations on Standard Terms and Conditions for Individual Broadcasting Services, 2010 as published in *Government Gazette* No. 33294 dated, 14 June 2010, as amended;
- 6.6 Appendix F: USAF Regulations 2011, published in *Government Gazette* No. 34010 dated, 10 February 2011; and
- 6.7 Appendix G: ICASA Compliance Procedure Manual Regulations 2011, published in *Government Gazette* No. 34863 dated, 15 December 2011.