



# **RADIO KHWEZI ANNUAL COMPLIANCE REPORT**

**MARCH 2021**

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# 2019/2020 ANNUAL COMPLIANCE REPORT

## INKANYEZI YOKUSA RADIO BROADCASTING AS RADIO KHEWEZI

**LICENCE PERIOD: 27 October 2018 to 26 October 2023**

### 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 (ECA)<sup>3</sup> and 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 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 Khwezi FM performance for the 2019/2020 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community participation, Programming Obligations and Standard Terms and Conditions.

### 2. BACKGROUND

Khwezi FM holds a Class Sound broadcasting service licence<sup>5</sup>. The radio station's mandate is to provide 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 radio frequency spectrum licence.<sup>6</sup>

### 3. COMPLIANCE ASSESSMENT

#### 3.1 Control Structure

Clause 1 of the licence states that:

*"The Licence is issued to:*

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

<sup>2</sup> Independent Communications Authority of South Africa Act, Act No. 13 of 2000, as amended

<sup>3</sup> Electronic Communications Act No. 36 of 2005

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

<sup>5</sup> Appendix A: Khwezi FM broadcasting licence

<sup>6</sup> *Ibid*

1.1 *Name of Company/Entity: Inkanyezi Yokusa Radio.*

1.2 *Name of the Station: Radio Khwezi.*

1.3 *Control of the licence: 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 two (2) years.

The Licensee submitted a list of nine (9) Board of Directors that were elected in its last elective AGM. The 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 clause 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 2018*

*2.2 The licence shall expire on the 26 October 2023"*

Radio Khwezi's licence currently up to date and only expires 26 October 2023.

**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 services to Kranskop, Ndwedwe, Maphumulo, Msinga, Nkandla, Lower Tugela, Lower Mfolozi and uMvoti in the Kwazulu-Natal Province, as set out in the Licensee's radio frequency spectrum licence".*

Radio Khwezi provide services to 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 geographic community residing within the geographic coverage specified herein"*

Radio Khwezi provides a sound broadcasting services to the geographic community residing within the geographic coverage of Kranskop, Ndwedwe, Maphumulo, Msinga, Nkandla, Lower Tugela, Lower Mfolozi and uMvoti in the Kwazulu-Natal Province, as set out in the Licensee's radio 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) 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 attendance thereof by members of the community; and*

During the year under review, the Licensee submitted proof of at least one meeting that was held with the community on the 23 November 2019 at DSS school hall. Approximately 357 delegates attended the programming meeting and signed the attendance register.

#### **The Licensee partially complies with clause 4.2.1 and 4.2.2 of its sub clauses of the licence.**

*4.2.3 The Licensee shall hold Annual General Meeting (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 compliance with licence conditions;*

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

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

The Licensee submitted proof that it held an AGM through the submission of AGM minutes. The minutes provide feedback on compliance issues with licence conditions, also provide feedback on the overall financial performance of the radio station. The new board members were also elected during the AGM as per Licensee 's founding documents. In total a complete list of nine (9) board members were elected by more than two thirds.

**The Licensee complies with clause 4.2.3 and sub clauses of the licence.**

### **3.5 Programming**

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

*5.1.1 "Local News and information: The Licensee shall broadcast a total of two hundred and eighty-two (282) minutes, of which one hundred and forty (140) minutes shall be local news, sixty-seven (67) minutes national and seventy-five (75) minutes international news per day. This shall include community news.*

The Licensee submitted their log-sheet Form 8A, indicating that the radio station broadcasts an average of one hundred and eighty-eight (188) minutes of news programming during weekdays including weekends.

The monitoring exercise revealed that Khwezi FM broadcasts news bulletins every hour at the top of the hour between 05h00 to 13h00 and 16h00 to 22h00 during weekdays, between 06h00 to 13h00 and 18h00 to 21h00 on weekends. The bulletins are broadcast for approximately five (5) minutes with headlines broadcast at the bottom of the hour for less than one (1) minute. On average, a total of three hundred and seven (307) minutes including community news is broadcast each day, during the South African performance period.

The following are some of the news excerpt monitored:

- *"Ungqongqoshe wezokuthutha kuleli uMnumzane uFikile Mbalula uthi abasolwa abantshotsha ama cable ngesonto eledlule kumele bathole amacala okudicilela phansi umnotho, lokhu kuza ngemva kokuthi ngesonto eledlule kuntshontshwe ama cable, okuholele ekutheni izitimela zingafiki ngesikhathi eGermiston eGoli. uMbalula uthe, u'msebenzi womphakathi ubambisene nawonogada bakwa Prasa okuhelele ekutheni kuboshwe labasolwa, uthi bazobhekana nobugebengu njengoba abanye sebebaniwe, abathathu ukubalwa, nobesebenza kulenkampani, njengoba abanye besagcwele amathafa."*
- *"Iqembu le EFF lithi selime ngomumo ukuphazamisa inkulumo kaMengameli iState of the Nation Adress i SONA okulindwe ukuba ithulwe ngoLwesine kulelisonto. Lokhu kushiwo uMongameli we EFF ngesikhathi ebize isithangami nabezindaba e Centurion eGoli izolo."*
- *"Baphindiselwe emakhaya abasebenzi basemahovisi nasemafemini edolobheni lase China iHuhan namhlanje, njengoba uhulumeni esefake imingcele kwezinye izindawo. Lokhu kuza ngemva kokuthi isibalo sabantu esebulawe igciwane iCorona Virus sesinyuke safinyelela ku 900 njengoba sinyuke ngekhulu usuku."*

### **The licensee complies with sub clause 5.1.1 of the licence**

*5.1.2 South African Music Content: The Licensee shall broadcast a South African music content of 80%.*

According to the Form 8A submitted by the Licensee, an average of one thousand four hundred and eighteen (1 418) tracks of South African music is broadcast each week.

The monitoring exercise revealed that Khwezi FM broadcast an average of more than eighty percent (80%) of South African Music per week as per the South African music content quota, most of the music broadcast is Gospel.

### **The licensee complies with sub clause 5.1.2 of the licence**

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

Sixty per cent (60%) talk during the performance period weekly, is equal to four thousand five hundred and thirty-six (4 536) minutes.

The log-sheet submitted by the Licensee indicate that on average, four thousand nine hundred and forty-nine (4 949) minutes of talk per week is broadcast by Khwezi FM.

**The licensee complies with sub clause 5.1.3 of the licence**

*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%.”*

During the performance period, four hundred and fifty-four (454) minutes is to be broadcast in Afrikaans per week, two hundred and twenty-seven (227) minutes in German, five hundred and forty-four (544) minutes in English per week and three thousand three hundred and eleven (3 311) minutes in isiZulu per week.

The monitoring exercise revealed that Khwezi FM broadcasts, four hundred and twenty (420) minutes in Afrikaans and German between 14h00 and 15h00 weekly. The rest of the broadcast is in isiZulu

**The licensee complies with sub clause 5.1.4.1 of the licence and partially complies with sub clauses of 5.1.4**

Clause 5.1.5 of the licence provides that:

*“Broadcasting hours: The Licensee shall broadcast 20 hours a day”*

Radio Khwezi’s Broadcast hours are 20 hours as stipulated in the licence and as per the programming schedule submitted by the Licensee.

**The licensee complies with clause 5.1.5 of the licence**

Clause 5.2 of the licence provides that:

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

The Licensee submitted the log of programmes broadcast to the Authority as required by clause 5.2.

### **The licensee complies with clause 5.2 of the licence**

## **4 PROMISE OF PERFORMANCE**

Clause 8.1 of the licence provides that:

*"The licensee shall maintain community participation structures such as "Masibambane" and the Listeners club throughout the licence period."*

The licensee has confirmed that it still maintains the community participation structure such as Masibambane and the community is actively involved in different branches.

### **The licensee complies with clause 8.1 of the licence.**

## **5 REGULATIONS**

### **5.1 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 receive any complaints.

### **The Licensee complies with the Compliance Procedure Manual Regulations**

### **5.2 South African Music Content Regulations<sup>7</sup>**

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

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<sup>7</sup> Appendix B: ICASA South African Music Content Regulations 2016



*"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%, increased by 10% annually to reach 80% of the musical work in the performance period, consist of South African music and that such South African music is spread evenly throughout the performance period"<sup>8</sup>*

The monitoring exercise revealed that the Radio Khwezi broadcast predominantly gospel music. Some of the music artists that were monitored include *Khanyisa, Themba Ntuli, Baboo, Lindani Gemedede, Bheki Gwala and Abanqobi* amongst others.

### **The licensee complies with the Regulations**

### **5.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Services Licences<sup>9</sup>**

During the year under review, the Licensee complies with the Regulations above.

### **Radio Khwezi complies with the Regulations on Standard Terms and Conditions for Class Broadcasting Service Licences.**

## **6 CONCLUSION**

Radio Khwezi did comply with most provisions of its licence conditions and applicable Regulations, during the year under review. Since the last report, Radio Khwezi has made improvements in addressing the non-compliance issues outlined in the previous compliance report.

## **7 TERMS OF REFERENCE**

7.1 Appendix A: Khwezi FM broadcasting licence

7.2 Appendix B: ICASA South African Music Content Regulations 2016

7.3 Appendix C: Regulations Regarding Standard Terms and Conditions for Class Licences 2016

**End**

**March 2021**

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<sup>8</sup> *Ibid*

<sup>9</sup> Appendix C: Standard Terms and Conditions for Class Licences 2016