



# **IKWEWEZI FM**

## **ANNUAL**

### **COMPLIANCE REPORT**

**MARCH 2022**

## **2020/2021 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 report is intended to give an account of Ikwekwezi FM's performance ("Licensee") for the 2020/2021 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, Compliance Procedure Manual Regulations and ICT Covid-19 Regulations first published in April 2020 and the subsequent amendments following the proclamation of the State of National Disaster.

The ICT Covid-19 Regulations as amended have introduced exemptions with specific service licence conditions and/or revised quotas and such will be reflected in the body of the report accordingly.

#### **2. BACKGROUND**

Ikwekwezi FM holds an Individual Public Sound Broadcasting Service ("I-PSBS") licence and a Radio Frequency Spectrum ("RFS") licence (collectively referred to

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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)

as “licences”) for provision of services to the geographical areas of Davel, Dullstroom, Johannesburg, Kwaggafontein, KwaMhlanga, Middelburg, Nylstroom, Potgietersrus and Pretoria. Ikwekwezi FM forms part of the South African Broadcasting Corporation (“SABC”) and was issued its licences on 18 December 2018.

### **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 schedule to its licence.**

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

Clause 3 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 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, it 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".*

Ikwewezi 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:*

*6.1 different genres; and*

*6.2 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".*

Regulation 4(11) of the ICT COVID -19 National Disaster Regulations, as published in *Government Gazette* No. 43207 dated, 06 April 2020, stipulates that:

*"The requirement for licensees to submit programming logs and recordings to the Authority quarterly is suspended. Licensees are however still required to keep the requisite programming logs for submission at the Authority's request".*

However, the SABC submitted Ikwekwezi FM's quarterly reports for the period under review, the reports reflect a week's sample for each quarter.

### **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".*

Furthermore, 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".*

#### **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".*

Further, 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".*

Furthermore, 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”.*

### **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”.*

### **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”.*

### **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".*

### **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".*

Regulation 4(7) of the ICT COVID -19 National Disaster Regulations, as published in *Government Gazette* No. 43207 dated, 06 April 2020, stipulates that:

*"The performance period for both sound and television broadcasting shall run from 07h00 to 21h00".*

Further, Regulation 4(8B) of the ICT COVID -19 National Disaster Amendment Regulations, as published in *Government Gazette* No. 43279 dated, 05 May 2020, provides that:

*"Sound broadcasting service Licensees are exempted from compliance with specific programming requirements in terms of licence conditions during the National State of Disaster".*

### **The Licensee is exempt from complying with the General Programming Obligations of its licence during the National State of Disaster.**

## **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 and its Annual Skills Development report for the period under review (2020/2021) to the Authority.

However, Regulation 4(8B) of the ICT COVID -19 National Disaster Amendment Regulations, as published in *Government Gazette* No. 43279 dated, 05 May 2020, provides that:

*“Sound broadcasting service Licensees are exempted from compliance with promises of performance in terms of licence conditions during the National State of Disaster”.*

**The Licensee is exempt from complying with clause 8 and its sub-clauses of the schedule to its licence during the period under review.**

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

Clause 9 of the schedule to licence stipulates that:

*“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 to the Authority within the prescribed timelines.

**The Licensee complies with clause 9 of the schedule to its 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>5</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 reported that on 19 November 2020, it received a complaint from a listener on a comment made by another listener that suggests that women get raped because of how they dress. The complainant claimed the presenter did not make it clear to the listener that, it was not the position or view of the radio station. The complaint was resolved on 26 November 2020.

**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".*

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, Bongo Beats ft Nomcebo "*Thando Unamanga*", L Vovo ft Heavy K "*Solalanini*", Klip Gang ft Mega "*Amadoda Anemizi*", DJ Tira ft Nomcebo, Joocy & Prince Bulu "*Nguwe*", Bob Ezy ft Noma Khumalo & Mzukulu "*Wensizwa*" and many more.

**The Licensee complies with the ICASA South African Music Content Regulations.**

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<sup>5</sup> Published in *Government Gazette* No. 34863 dated, 15 December 2011.

#### **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 Ikwewezi FM, with the Regulations on Standard Terms and Conditions for Individual Broadcasting Services, 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 directly to the MDDA 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 2020/2021 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, Transformation and Skills Development reports;
- 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;
- 6.7** Appendix G: ICASA Compliance Procedure Manual Regulations 2011, published in *Government Gazette* No. 34863 dated, 15 December 2011; and
- 6.8** Appendix H: ICT COVID – 19 National Disaster Regulations as published in *Government Gazette* No. 43207 dated, 06 April 2020 as amended.  
(Amendments published in *Government Gazette* No. 43279 dated, 05 May 2020; *Government Gazette* No. 43707 dated, 11 September 2020; *Government Gazette* No. 43945 dated, 27 November 2020 and *Government Gazette* No. 44374 dated, 31 March 2021.

**END**