



HIGHWAY RADIO ANNUAL COMPLIANCE REPORT

MARCH 2025

2023/2024 ANNUAL COMPLIANCE REPORT

HIGHWAY CHRISTIAN OUTREACH ASSOCIATION BROADCASTING AS HIGHWAY RADIO

Licence Period: 24 October 2023 to 23 October 2030

1. PREFACE

The Independent Communications Authority of South Africa ("Authority") has a statutory mandate in terms of the Constitution, the Independent Communications Authority of South Africa Act¹ ("ICASA Act"), the Electronic Communications Act² and the Broadcasting Act³ 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 licences, the three Acts and any relevant legislation and Regulations.

The purpose of this report is to give an account of the compliance report of the Highway Christian Outreach Association Broadcasting ("Highway Radio"/"Licensee") for the 2023/2024 financial year. Aspects of compliance that are measured comprise the geographic coverage, community participation, programming obligations, language(s) of broadcast, broadcast content format, Compliance Procedures Manual Regulations, South African Music Content Regulations and Regulations regarding Standard Terms and Conditions for Class Broadcasting Services.

2. BACKGROUND

Highway Radio holds a Class Community Sound Broadcasting Service ("C-CSBS") licence and a Radio Frequency Spectrum ("RFS") licence (collectively referred to as "licences") for the provision of services to the Greater Durban and surrounding areas in the KwaZulu-Natal Province.

3. COMPLIANCE ASSESSMENT

¹ ICASA Act, 2000 (Act No. 13 of 2000), as amended.

² Electronic Communications Act, 2005 (Act No. 36 of 2005).

³ Broadcasting Act, 1999 (Act No. 4 of 1999).

3.1 Control Structure

Clause 1 of the schedule to the service licence provides as follows:

"The Licence is issued to:

- 1.1 *Name of Company/Entity: Highway Christian Outreach Association.*
- 1.2 *Name of the Station: Highway Radio.*
- 1.3 *Control of the Licensee: Control shall vest in the Board of Directors of a Section 21 Company known as Highway Christian Outreach Association".*

There were no changes reported by the Licensee to its control structure during the period under review. The entity is still Highway Christian Outreach Association and the Licensee goes by the name, Highway Radio. The control of the Licensee is still in the hands of Highway Christian Outreach Association.

The Licensee complies with clause 1 of the schedule to its service licence.

3.2 Licence Period

Clause 2 of the schedule to the service licence states that:

- "2.1. The effective date of the licence is 24 October 2023*
- 2.2. The Licence shall expire on 23 October 2030".*

The Licensee's licences were renewed and issued on 27 March 2023 and expire on 23 October 2023.

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

3.3 Licence Area

Clause 3 of the schedule to the service licence stipulates that:

"The Licensee shall provide services to the Greater Durban and surrounding areas in the KwaZulu-Natal Province as set out in the Licensee's radio frequency spectrum licence".

The licensed area remains as is prescribed and specified in the RFS licence.

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

3.4 Community

Clause 4.1 of the schedule to the service licence states that:

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

The Licensee confirms that its services are offered to the Christian community that resides within the Greater Durban area.

The Licensee complies with clause 4.1 of the schedule to its service licence.

Clause 4.2 of the schedule to the service 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) general meetings annually with its community focusing on programming and programe-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.

The Licensee did not provide the Authority with a record or proof of the two (2) programming meetings held with the community for the period under review. Further, the Licensee submitted minutes and an attendance register of a staff meeting labelled *"staff meeting/training on programming and workshop"* held on 18 August 2023 as proof of a programming meeting with its community.

The Licensee does not comply with clause 4.2 and sub-clauses 4.2.1 and 4.2.2 of the schedule to its service licence.

The clause on the Annual General Meetings (AGMs), in the service licence stipulates that:

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 reported that it held its reporting AGM on 24 November 2023 and submitted the AGM minutes and attendance register.

The Licensee does comply with sub-clause 4.2.3 of the schedule to the service licence.

3.5 Programming

Clause 5.1 of the schedule to the service licence states that:

"The Licensee shall provide programming as follows:

5.1.1 Local News and Information: *The Licensee shall broadcast a total of fifty-six (56) minutes of news per day, of which thirty-five (35) minutes shall be local news, fifteen (15) minutes shall be national news and six (6) minutes shall be international news. The Licensee shall broadcast ten (10) news bulletins and six (6) news headlines.*

Highway Radio broadcasts eleven (11) news bulletins from 07h00 to 11h00 and then continues from 13h00 to 18h00 on weekdays. Each news bulletin is between four (4) and five (5) minutes long. However, Highway Radio does not broadcast news on weekends as is required by sub-clause 5.1.1 above.

The Authority's monitoring exercise confirmed that the Licensee broadcasts fifty-six (56) minutes of news on weekdays and does not broadcast news on weekends.

The following are some of the news items that were monitored:

- *"The Congress of South African Trade Union has called on Government to do more in protecting workers and the economy from the inflation saying the rise in cost of living coupled with unemployment has taken a toll on workers and their families",*
- *"King Misizulu has fired the Chairperson of Ingonyama Trust Thandoyise Mzimela he appointed 9 months ago", and*

- *"U Shaka Marine workers belonging to SAMU to down tools saying the City failed to implement salary adjustments. The Durban Theme Park closed its doors on Monday this week. "*

The Licensee is partially compliant with sub-clause 5.1.1 of the schedule to its service licence.

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

Historically, Highway Radio struggled to meet the 80% South African music content obligation, they were hovering around 60 to 70% output as per their monthly reporting. The Licensee has been improving its South African music output. The Authority's monitoring exercise determined that the Licensee broadcasts over 82% of South African music content during the performance period.

Some of the South African artists identified are: Sbu Zindela *"Emhlabeni Nasemazulwini "*, Dr Tumi *"I Keep Winning"*, Ntokozo Mbambo *"Yi Naye"*, Gospel Goes Classic ft Hle *"Nguwena Omkhulu"*, Ntokozo Mbambo *"Because he is good and his mercies shall endure"*, Sifiso Ncwane *"Thula Moya Wami"*, True Vine Community Church *"Eyethu Indaba"* and many more.

The Licensee complies with sub-clause 5.1.2 of the schedule to its service licence

5.1.3 Talk vs Music: *45% Talk and 55% Music.*

The Authority's monitoring exercise confirmed that the Licensee is compliant with the 45% talk and 55% music format. Talk related content is dominated by sermons and devotion services by Pastors from the coverage area.

The Licensee complies with sub-clause 5.1.3 of the schedule to its service licence.

5.1.4 Language(s) of broadcast:

5.1.4.1 isiZulu – 42%;

5.1.4.2 English – 55%; and

5.1.4.3 Afrikaans – 3%".

The Licensee broadcasts only in English and IsiZulu. Further, the Licensee broadcasts eleven (11) news bulletins on weekdays, ten (10) news bulletins are read in English and one (1) news bulletin is read in isiZulu. However, the Licensee does not broadcast nor use the Afrikaans language in any of its programming during the performance period.

The Licensee does partially comply with sub-clause 5.1.4 of the schedule to its service licence.

Clause 5.2 of the schedule to the service licence stipulates 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".

The Licensee submits a log of programmes on a monthly basis on an agreed upon date.

The Licensee does comply with clause 5.2 of the schedule to its service licence.

3.6 Promise of Performance

Clause 8.1 of the schedule to the service licence provides as follows:

"The Licensee shall broadcast programmes related to children, youth, adults, the elderly and the disabled".

The Authority's monitoring exercise confirmed that the Licensee broadcasts content in relation to children, young people, adults and the disabled.

The Licensee complies with clause 8.1 of the schedule to its service licence.

4. REGULATIONS

4.1 ICASA Compliance Procedure Manual Regulations, 2011

The Licensee is required, in terms of the ICASA Compliance Procedure Manual Regulations as published in *Government Gazette* No. 34863 dated, 15 December

2011 to submit a Form 12A which reports on all complaints received during the financial year under review.

For the period under review, the Licensee reported that it 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(3) of the ICASA South African Music Content Regulations as published in the *Government Gazette* No. 39844 dated 23 March 2016 provides that:

“A holder of a Community Sound Broadcasting service licence must ensure that after eighteen months (18) from the date gazetting of these regulations, 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 reasonably evenly throughout the performance period”.

The Authority’s monitoring exercise confirmed that the Licensee broadcasts over 82% South African music. **See 3.5 (sub-clause 5.1.2 above).**

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

4.3 Regulations regarding Standard Terms and Conditions for Class Broadcasting Services⁴

During the period under review, there is no record that the Licensee did not adhere to the Regulations on Standard Terms and Conditions for Class Licensees

⁴ Standard Terms and Conditions for Class Broadcasting & Electronic Communications Network Services, 2010 as published in *Government Gazette* No. 33296 dated, 14 June 2010, as amended

The Licensee complies with the Standard Terms and Conditions for Class Broadcasting Services.

5. CONCLUSION

For the 2023/2024 financial year, the Licensee did not comply with its obligation to hold two (2) programming meetings with its community and did not submit proof to the Authority. Further, the Licensee does comply with its obligation to broadcast news on weekends and not only from Mondays to Fridays. Moreover, the Licensee has an Afrikaans language obligation in its service licence but does not broadcast content nor use the Afrikaans language. The Licensee will be notified of the identified areas of non-compliance to attend to those and rectify. The Authority will continue to monitor compliance by the Licensee during the next financial year.

6. TERMS OF REFERENCE

Appendix A: Highway Radio C-CSBS and RFS licences;

Appendix B: Highway Radio Complaints report;

Appendix C: ICASA Compliance Procedure Manual Regulations, 2011;

Appendix D: ICASA South African Music Content Regulations, 2016 and

Appendix E: Standard Terms and Conditions for Class Licences, 2010 as amended.

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