



IKWEKWEZI FM ANNUAL COMPLIANCE REPORT

MARCH 2023

2021/2022 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 ("Authority") has a statutory mandate in terms of the Constitution,¹ the Broadcasting Act,² the Independent Communications Authority of South Africa Act (ICASA Act³) and the Electronic Communications Act⁴ 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 purpose of report is to give an account of Ikwewezi FM ("Licensee")'s performance for the 2021/2022 financial year. Aspects of compliance measured comprise 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

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

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

² Broadcasting Act, 1999 (Act No. 4 of 1999)

³ ICASA Act, 2000 (Act No. 13 of 2000), as amended

⁴ Electronic Communications Act, 2005 (Act No. 36 of 2005)

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 service licence stipulates that:

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

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

"Shareholders: The State: 100%."

Furthermore, clause 1.3 of the schedule to the service 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 service licence.

3.2 Geographic Coverage Area

Clause 3 of the schedule to the service 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, 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 service licence.

3.3 Broadcasting Language(s)

Clause 4 of the schedule to the service 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 service licence.

3.4 Format

Clause 5.1 of the schedule to the service 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 service 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 service licence.

3.5 Local Content Obligations

Clause 6 of the schedule to the service 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 service licence.

3.6 General programming obligations

3.6.1 General

Clause 7.1.1 the schedule to the service licence stipulates that:

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

Furthermore, clause 7.1.2 the schedule to the service 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 confirmed 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, "Umvumo" a gospel clap and tap program at 09h05 to 09h30, "Nginomelusi" at 10h30 to 12h00 and "Thaba Nathi" 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 and a choral music show "Khalela Sizwe" at 21h05 to 22h00.

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

Clause 7.1.3 the schedule to the service 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 Midmorning Show" on weekdays from 09h05 to 12h00. The programme deals with various topics catering for different sectors of society, such as fashion trends, family issues, values, entrepreneurship, socio-economic issues, women, business and health matters. During the monitoring exercise, the guest on the segment "Ngelezempilo" on Mondays, Matron Masilela gave advice on infidelity in relationships and marriages. Listeners were invited to partake in the discussion by calling in and by commenting through social media platforms of the Licensee.

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

3.6.2 News and Current Affairs

Clause 7.2.1 of the schedule to the service 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 fifteen (15) news bulletins on weekdays from 06h00 to 21h00 and thirteen (13) news bulletins between 07h00 and 21h00 on weekends.

The duration of news bulletins is approximately five (5) minutes long which adds up to about seventy-five (75) minutes of news on weekdays and sixty-five (65) minutes of news 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 ANC iqinisekisa abasebenzi bayo kunamalungiselelo ewenzileyo ukuqinisekisa ukuthi bawuthola umrholo wabo. Lokhu kwenzeka kokwahluleka ngokubhadela abasebenzi bayo enyangeni embini edluleko. Umphathi malisayo u Paul Mashatile uzwakalise lokhu*

– Firstly, we are going to raise membership fees and levies because we want to dispel the culture where our members and supporters pay for their own organisation rather than relying on the private sector. We are also introducing crowd funding and asking Government to increase Political Party funding.”;

- *"Kanti inkomishini yokhetho ivekele kubonisana ngehlelo elilandelako ngemva kwesixhino se court yomthetho wesisekelo sokuthi ukhetho lubanjwe phambi kokuthoma kwasinikhaba njengombana bekuhleliwe phambilini.”;and*
- *"Khaue village, e Matatiele, e Eastern Cape, umfundi obulewe lisokana lakhe enzumnyaka wokugcina wemfundo zomthetho e University of Fort Hare u Nosicelo Mtebeni. Umndeni wakhe umemezele umenzele umsebenzi wesintu ngaphambi kokuthi ubulunge abantu wendawo beze ngobuningi bezokuvalelisa ngokugcina.”*

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

Clause 7.2.2 the schedule to the service 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 150 minutes of current affairs per weekday. The monitoring exercise also confirmed that the Licensee broadcasts an hour-long current affairs program, *"Ngezeveke Le"* on Saturdays and Sundays between 06h00 and 07h00.

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

Zamaswazi Zintle Majozi who was arrested in connection with inciting violence on social media platform Twitter, during the July unrests has been released on R2000 bail and will be making her second court appearance in 2 weeks.

Residents of Matatiele in the Eastern Cape are calling for the reinstatement of the death penalty following the murder of 23-year-old Fort Hare student Nosiselo Matebese. Minister of Women, Children and Persons with Disabilities, Maite Nkoana-Mashabane visited the Matebese family.

The Licensee complies with clause 7.2.2 of the schedule to its service licence.

Clause 7.2.3 of the schedule to the service 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 the 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 service 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 service licence.

3.6.3 Programming targeted at Children

Clause 7.3.1 of the schedule to the service 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 service 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 Abentwana Beze Kimi" serves as an educational and entertainment show, where children are taught everyday life lessons in a fun way. The programme includes phoning in where children sing, recite poems and Bible verses and open 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 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 service licence.

3.6.4 Educational Programming

Clause 7.4 of the schedule to the service 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. Estate planning, dividing assets among beneficiaries, what happens when someone dies without leaving a will and the responsibilities of an Executor of an estate was a topic of discussion. Tate Skhosana who is an executor of estates was a guest on the programme. The Licensee broadcasts over eight (8) hours of educational programming per week.

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

3.6.5 Drama

Clause 7.5 of the schedule to the service 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 from 11h30 – 11h45 with a repeat broadcast from 19h40 to 19h55. The Licensee broadcasts 150 minutes (two and a half (2 ½)) hours of drama per week.

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

3.6.6 Informal Knowledge-Building Programmes

Clause 7.6 of the schedule to the service 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 Midday Show"*, broadcast on weekdays from 12h05 to 15h00 is a lifestyle programme that deals with education, nation-building, current affairs, youth development and infotainment. The question of the day was, is the Ndebele nation in Zimbabwe the same as the Ndebele nation in South Africa. Brancho Nkambule was a guest on the show and explained the origins of the two Ndebele nations. The Licensee broadcasts more than three (3) hours of informal knowledge-building programming per week.

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

3.7 Training and Skills Development Obligations

Clause 8 of the schedule to the service 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 revised its Employment Equity and Transformation plan⁵ during the 2021/22 financial year and submitted the updated plan and its Training and Skills Development that provides a detailed breakdown of its compliance with the above requirements to the Authority for the period under review⁶ within 30 days of the end of the financial year.

These reports indicate that the Licensee has adopted and implemented equal opportunity employment Practices and showed that the Licensee has remained committed to diversity and inclusion in the workplace. The SABC employment equity profile remains healthy, and all groups are well represented in the organisation. The SABC's employment practices and non-discriminatory environment promote reasonable progress towards a fair and equitable representation from both a gender and race perspective at all occupational levels and in decision-making positions. This is confirmed by the following statistics:

- Females represent 51.5% of the entire workforce and at Skilled level 53.18% of the workforce are females. At a Professional Qualified, Experience Specialist and Middle Management level females represent 50.33%; and
- Employees living with disabilities represent 2.35% of the entire workforce. These employees are employed across the organisation on different occupational levels and in all SABC provinces.

Further, the SABC is well represented in Black Executive Managers and Black Senior Managers as well as Female Black Middle Managers.

In terms of training and skills development, the SABC delivered 967 training interventions for 810 employees during the reporting period. This is despite challenges resulting from its section 189 process, procuring suitable service providers and COVID-19. Statistically, the 810 employees who received training were 84.44% African, 6.81% Coloured, 4.24% Indian and 4.51% White employees. Further, 56% of the employees who were trained were women and 2% were employees living with disabilities.

⁵ Appendix C: SABC Employment Equity and Transformation: Report to ICASA, Reporting period: 1 April 2021 – 31 March 2022.

⁶ Appendix D: SABC Annual Skills and Development Report (2021/2022 FY).

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

3.8 Provision of Audited financial statements to the Authority

Clause 9 of the schedule to service 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 time.

The Licensee complies with clause 9 of the schedule to its service licence.

4. REGULATIONS

4.1 ICASA Compliance Procedure Manual Regulations, 2011

Ikwewezi FM is required, in terms of the 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. The SABC submitted its complaints report in accordance with the Regulations regarding the Code of Conduct for Broadcasting Service Licensees.

The Licensee received a complaint on 26 April 2021. The complainant heard on the current affairs programme *"Zibuya Na Bazumi"* (broadcast on 20 April 2021) that he was implicated by a female guest on the show of having been involved in the murder of her husband. The complainant felt aggrieved as the show went on air without him being afforded the right of reply. The Licensee responded to the complainant on 03 May 2021.

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 77% South African music and identified the following local artists, Aya "As A Woman", Vuyina "Let You Be You", Amanda Black ft Kwesta "Kutheni", Tshepo Tshola "Ho Lokile", Joyous Celebration "Ziyosulwa", Lusanda Spiritual Group "Fakaza" and many more. The Licensee promotes local music regularly throughout the day and broadcasts "Siyatjhagala", a traditional isiNdebele music programme at 07h05 to 09h00, 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, the Authority did not identify any 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 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 2021/2022 financial year, the Licensee has fully complied with all its I-PSBS licence terms and conditions and applicable Regulations.

6. TERMS OF REFERENCE

- 6.1 Appendix A: Ikwekwezi 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: SABC Annual Skills Development Report (2021/2022 FY)
- 6.5 Appendix E: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No.39844 dated, 23 March 2016. (**Repealed** entirely the *ICASA South African Music Content Regulations, 2006 as published in Government Gazette No. 28453 dated, 31 January 2006*);
- 6.6 Appendix F: Regulations on Standard Terms and Conditions for Individual Broadcasting Services, 2010 as published in *Government Gazette* No. 33294 dated, 14 June 2010. **1st Amendment**, 2016 published in *Government Gazette* No. 39875, dated 30 March 2016. **2nd Amendment**, 2016 published in *Government Gazette* No. 40372, dated 26 October 2016;
- 6.7 Appendix G: USAF Regulations 2011, published in *Government Gazette* No. 34010 dated, 10 February 2011; and

6.8 Appendix H: ICASA Compliance Procedure Manual Regulations 2011, published in *Government Gazette* No. 34863 dated, 15 December 2011.