

2011/2012 ANNUAL COMPLIANCE REPORT

IKWEKWEZI FM

Licence Period: 18 December 2008 - 17 December 2018

1. PREFACE

The Independent Communications Authority of South Africa ("the Authority") has a statutory mandate in terms of the Constitution,¹ the Broadcasting Act,² the ICASA Act of 2000,³ and the Electronic Communications Act ("EC Act") of 2005⁴ to regulate broadcasting activities in South Africa in the public interest. The Authority is tasked with ensuring compliance by broadcasters with the ICASA Act, the EC Act, the terms and conditions of their licence and any relevant legislation and regulations.

The following report is intended to give account of Ikwewezi FM's performance for the period 2011/2012 financial year. Aspects of compliance that are measured comprise of Geographic coverage, Language, Format, Local Content Obligations, General Programming Obligations, Training and Skills Development Obligations, Finances, South African Music Content Regulations, Standard Terms and Conditions, Universal Service and Access Fund Regulations and License Fee Regulations.

2. BACKGROUND

Ikwewezi FM is a public broadcasting service licensee of the South African Broadcasting Corporation ("the SABC"). The radio station's mandate is to provide a full radio spectrum service to Davel, Dullstroom, Johannesburg Kwaggafontein, Kwamhlanga Middelburg, Nylstroom Potgietersrus and Pretoria.

The radio station's principal language is IsiNdebele (*see broadcasting service licence and spectrum licence attached as Appendix A*).

¹ The Constitution No, 108 of 1996,

² The Broadcasting Act No,4 of 1999

³ The ICASA Act No, 13 of 2000,

⁴ The Electronic Communications Act No, 36 of 2005

3. COMPLIANCE ASSESSMENT

3.1 Ownership and Control

Clause 1.1 of the licence stipulates that:

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

Clause 1.2 of the licence provides that the shareholders are as follows:

"Shareholders: The State: 100%"

Clause 1.3 of 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 its licence.

3.2 Geographic Coverage Area

Clause 2 of the schedule to the licence stipulates that:

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

According to the frequency spectrum 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 in its licence.

The radio station complies with clause 2 of its frequency spectrum licence.

3.3 Language(s)

Clause 3 of the schedule to the licence stipulates that the radio station's language of broadcast is as follows:

"Principal Language: isiNdebele".

The monitoring exercise confirmed that the radio stations principal language of broadcast is isiNdebele.

The radio station complies with clause 3 of its licence.

3.4 Format

Clause 4.1 of the schedule to the licence stipulates that:

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

Clause 4.2 stipulates that:

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

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

The radio station complies with clauses 4.1 and 4.2 above.

3.5 Local Content Obligations

Clause 5 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 relevant details both as an aggregate in minutes and as a percentage of the total of all such programming material".*

Although the SABC submitted its quarterly reports for the period under review, the reports are reflective of a week's sample for each quarter. The SABC is of the view that it is unlikely that programming would change in a week.

The figures below show a breakdown of Ikwewezi FM's compliance with the quotas set out by the Authority. These figures were verified during the Authority's monitoring exercise, as detailed under paragraph 3.5 of the report.

First Quarter April – June 2011

Content/ Genre	ICASA Quota <i>(Minutes Daily/Weekly)</i>	Ikwewezi FM's Provision <i>(Minutes Daily/Weekly)</i>	Ikwewezi FM's Compliance (%)
<i>News</i>	<i>60 min (Daily)</i>	<i>135min (Weekdays) 65min (Saturday) 65min (Sundays)</i>	<i>225% 108% 108%</i>
<i>Current Affairs</i>	<i>60min (Daily)</i>	<i>135min (Weekdays) 60min (Saturday) 60min (Sundays)</i>	<i>225% 100% 100%</i>
<i>Informal Knowledge Building</i>	<i>180 min (Weekly)</i>	<i>1675min (Weekly)</i>	<i>930%</i>
<i>Educational</i>	<i>300min (Weekly)</i>	<i>345min (Weekly)</i>	<i>115%</i>
<i>Children's</i>	<i>60min (Weekly)</i>	<i>80min (Weekly)</i>	<i>133%</i>
<i>Drama</i>	<i>150min (Weekly)</i>	<i>200min (Weekly)</i>	<i>133%</i>

Second Quarter July – September 2011

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Ikwewezi FM's Provision (Minutes Daily/Weekly)	Ikwewezi FM's Compliance (%)
News	60min (Daily)	133min (Weekdays) 70min (Saturday) 65min (Sunday)	221% 116% 108%
Current Affairs	60min (Daily)	135min (Weekdays) 60min (Saturday) 60min (Sunday)	225% 100% 100%
Informal Knowledge Building	180min (Weekly)	1445min (Weekly)	802%
Educational	300min (Weekly)	315min (Weekly)	105%
Children's	60min (Weekly)	165min (Weekly)	275%
Drama	150min (Weekly)	180min (Weekly)	120%

Third Quarter October – December 2011

Content/ Genre	ICASA Quota <i>(Minutes Daily/Weekly)</i>	Ikwewezi FM's Provision <i>(Minutes Daily/Weekly)</i>	Ikwewezi FM's Compliance (%)
<i>News</i>	<i>60min (Daily)</i>	<i>131min (Weekdays) 65min (Saturday) 60min (Sunday)</i>	<i>218% 108% 100%</i>
<i>Current Affairs</i>	<i>60min (Daily)</i>	<i>65min (Weekdays) 60min (Saturdays) 60min (Sundays)</i>	<i>108% 100% 100%</i>
<i>Informal Knowledge Building</i>	<i>180min (Weekly)</i>	<i>1370min (Weekly)</i>	<i>716%</i>
<i>Educational</i>	<i>300min (Weekdays)</i>	<i>215min (Weekdays)</i>	<i>71%</i>
<i>Children's</i>	<i>60min (Weekly)</i>	<i>105min (Weekly)</i>	<i>175%</i>
<i>Drama</i>	<i>150min (Weekly)</i>	<i>225min (Weekly)</i>	<i>150%</i>

Fourth Quarter January 2012 – March 2012

Content/ Genre	ICASA Quota (Minutes Daily/ Weekly)	FM's Provision (Minutes Daily/ Weekly)	Ikwekwezi FM's Compliance (%)
<i>News</i>	<i>60min (Daily)</i>	<i>135min (Weekdays)</i> <i>70min (Saturdays)</i> <i>70min (Sundays)</i>	<i>225%</i> <i>116%</i> <i>116%</i>
<i>Current Affairs</i>	<i>60min (Daily)</i>	<i>134min (Weekdays)</i> <i>60min (Saturdays)</i> <i>60min (Sundays)</i>	<i>223%</i> <i>100%</i> <i>100%</i>
<i>Informal Knowledge Building</i>	<i>180min (Weekly)</i>	<i>1190min (Weekly)</i>	<i>661%</i>
<i>Educational</i>	<i>300min (Weekly)</i>	<i>365min (Weekly)</i>	<i>121%</i>
<i>Children's</i>	<i>60min (Weekly)</i>	<i>105min (Weekly)</i>	<i>175%</i>
<i>Drama</i>	<i>150min (Weekly)</i>	<i>210min (Weekly)</i>	<i>140%</i>

The above quarterly submissions indicate compliance by iKwekwezi FM with the set quotas during the 2011/2012 fiscal year.

3.6 General programming obligations

3.6.1 General

Clause 6.1.1 the schedule to the licence stipulates that:

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

Clause 6.1.2 the schedule to the licence stipulates that:

"The Licensee shall take reasonable steps to provide programming that reflects the cultural and tradition 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 revealed that the radio station caters for different cultures and religious groups. "Rakela Phambili" was identified on Sundays between 09h00 and 10h00. This is a Muslim sermon presented by Imam Masango. Another Christian sermon was identified when the radio station crossed over for a live broadcast of a local church service. "Thaba Nathi" presented by Mayingi Skhosana was also identified. The programme is interactive and tackles issues reflecting the African culture and ways to preserve these cultures.

The Licensee complies with the clauses 6.1.1 and 6.1.2 of its licence.

Clause 6.1.3 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 programme called "Ngimi Nawe" presented by Busi "Busai" Mathebula. The programme dealt with various topics catering for different sectors of society. On one occasion, the show had an extensive report on COP17. The show crossed over to a live broadcast of President Jacob Zuma's opening speech at the international conference of COP17

which was held in Durban at the international convention centre. Another topic monitored dealt with healthy eating. The programme targeted women as they are, in most cases, the people that prepare food for their families, especially their children.

The Licensee complies with clause 6.1 of its licence.

3.6.2 News and Current Affairs

Clause 6.2.1 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".

According to quarterly reports submitted by the SABC, iKwekwezi FM broadcasts, a minimum of one hundred and thirty one (131) minutes of news on weekdays, sixty (65) minutes of news on Saturdays and sixty (60) minutes of news on Sundays during the performance period.

The Authority's monitoring exercise confirmed that the radio station broadcasts news every hour on the hour each day from 06h00 to 21h00 and headlines at the bottom of the hour. News bulletins include international, national, regional and in certain instances local news. The duration of news is approximately five (5) minutes. The following are examples of news items monitored during the period under review:

- *"The provincial government of Mpumalanga are looking into ways of dealing with the high accident statistics in the province, and also to launch the Arrive Alive campaign (Phepha e'ndleleni)"; and*
- *"Freedom Park will unveil a wall of remembrance for the Mamelodi 13 victims of a massacre that took place in 1985 (Mamelodi Massacre)".*

The Licensee complies with clause 6.2.1 of the schedule of its licence.

Clause 6.2.2 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".

According to quarterly reports submitted by the SABC, iKwekwezi FM broadcasts a minimum of sixty five (65) minutes of current affairs programming on weekdays and a minimum of sixty (60) minutes on Saturdays and Sundays during the South African performance period.

The Authority's monitoring exercise confirmed that iKwekwezi FM broadcasts at least three (3) hours of current affairs programmes each day. One of the current affairs programmes identified was *"Zibuya Nabazumi"* presented by Joseph Pirakgomo. The programme dealt with the coverage of the international conference of COP17 which was hosted by the City of Durban.

The Licensee complies with clause 6.2.2 of its schedule to the licence.

Clause 6.2.3 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) meets the highest standards of journalistic professionalism;*
- (iv) provide fair, unbiased, impartial and balanced coverage independent from governmental, commercial or other interference*

(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 6.2.1 and 6.2.2 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 6.2.3 of its licence and the Charter as contained in the Broadcasting Act of 1999.

The Licensee complies with clause 6.2.3 of its licence.

3.6.3 Programming targeted at Children

Clause 6.3.1 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”.

Clause 6.3.2 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".*

According to quarterly reports submitted by the SABC, iKwekwezi FM broadcasts a minimum of eighty (80) minutes (1hour 20 minutes) of programming targeted at children on weekdays during performance period.

The Authority's monitoring exercise confirmed that the radio station broadcasts children's programmes. "Vumelani Abantwana" is one of the children's programmes broadcasts by the radio station. The programme serves as an educational and entertainment show, where children are taught everyday life lessons in a fun and energetic way. The age group of children vary from one year to twelve years. The children are given opportunity to phone-in and answer questions as well as sending dedications. Various topics are discussed including safety, school and religion.

Approximately one (1) hour, thirty (30) minutes of children's programming per week was monitored.

The Licensee complies with clauses 6.3.1 and 6.3.2 of its licence.

3.6.4 Educational Programming

Clause 6.4 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".

According to quarterly reports submitted by the SABC, iKwekwezi FM broadcasts, a minimum of two hundred and fifteen (215) minutes, (3 hours 35 minutes) of educational programming per week.

The Authority's monitoring confirmed that the radio station broadcasts educational programmes every day of the week. "Amathunzi Anabile" is one of the drama programmes identified. During this programme, an interview was conducted with the South African Youth Water Prize, which is a competition targeting South African Youth at a provincial and national level. The youth conduct intensive research on water and water purification. It also encourages youth to take the subjects of Maths and Science. The programme targets learners from grade 9 to grade 12. Educational programmes are broadcast.

In total, six (6) hours of educational programming was monitored per week.

The Licensee complies with clause 6.4 of its licence.

3.6.5 Drama

Clause 6.5 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".

According to quarterly reports submitted by the SABC, iKwekwezi FM broadcasts, a minimum of one hundred and eighty (180) minutes (3 hours) of drama programming per week.

The Authority's monitoring exercise indicated that the radio station broadcasts a drama called "Umdlalo Olilungelunge" on weekdays in the morning; evening and late evening.

In total, two (2) forty (40) minutes of drama programming was monitored.

The Licensee complies with clause 6.5 of its licence.

3.6.6 Informal Knowledge-Building Programmes

Clause 6.6 of the schedule to the licence stipulates that:

"The Licensee shall broadcast at least three hours of informal knowledge building programming per week within the South African performance period".

According to quarterly reports submitted by the SABC, iKwekwezi FM broadcasts, a minimum of 1190 minutes (19 hours 50 minutes) of informal knowledge building programming per week during the performance period.

The monitoring exercise identified the following Informal Knowledge Building programming topics:

- *"Ngezevekele"*, presented by Nompumelelo Mahlangu, a topic of 16 Days of Activism for No Violence against Women and Children was discussed. The Minister in the Department of Women, Children and People with Disabilities, Ms Lulu Xingwana was interviewed at the launch of a new park in Soshanguwe, dedicated to the memory of a woman named Masego Kgomo who was brutally murdered in that area.
- A discussion on teenage pregnancies at schools in Limpopo was also identified. Mthunzi Mhaga from the NPA was interviewed and he talked about the laws and avenues dealing with abuse of children. Also highlighted were the risks the teenage girls are exposed to in engaging in unprotected sex.

At least six (6) hours of informal knowledge building programming was monitored during the South African performance period

The Licensee complies with clause 6.6 of its licence.

3.7 Training and Skills development Obligations

Clause 7 of schedule to the licence stipulates as follows:

- "7.1 The Licensee must adopt and implement equal opportunity employment practices;*
- 7.2 The Licensee must ensure that its management and staff are representative of South African society and that its human resource policies takes into account the development of managerial, production, technical and other skills and expertise, particularly with regard to the historically disadvantaged persons;*
- 7.3 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*
- 7.4 The Licensee must, within thirty (30) days of the end of each financial year, provide the Authority with written information regarding its compliance with the above requirements".*

The SABC submitted a skills development and training report of the entity as a whole, indicating that its management and staff are representative of South African society. The SABC submits that it is in the process of vetting information which relates to its implementation of equal opportunity employment practices.

This information will detail the SABC's management and control structures and procurement allocations. The information will be submitted as soon as the process is complete.

The Licensee further submits that Skills Development is not only a national priority, but that of the SABC at large. The Licensee submits that the technological landscape that keeps on evolving calls for the SABC to continually equip its employees with the necessary skills in order to remain competitive and sustainable. The Licensee states that in the year 2011/12, there have been a number of positive developments in response to the myriad challenges posed by the change in technology (migration from analogue to a digital space). The SABC submits that more than half of the total SABC employee population (2049) was trained in the respective divisions/clusters. Furthermore, its total expenditure on training amounted to twenty two million, nine hundred and eight thousand, seven hundred and sixty three rand (R22, 908, 763) spread across various divisions for 4612 interventions which included Learnerships/Internships. Of the 2049 employees that were trained, 47% are females and 53% are males.

Further, the SABC states that a total of 93 new bursaries were awarded in 2011/2012, bringing a total number of bursaries to 231, which includes bursaries awarded under the SABC foundation. According to SABC, the amount invested to maintain these new and existing bursaries was three million two hundred thousand rand (R3, 200 000); and were awarded in line with the critical and scarce skills identified within the broadcast industry. The SABC ensured that the learning and development needs are strategically aligned to business needs so as to bring about positive business impact and increases in the productivity level at large.

The Licensee submits that it has exceeded most of the quotas prescribed by licence conditions. The Licensee further submits that it intends to adhere to its BBBEE obligations and remains committed to contributing to the growth of the South African Economy through the empowerment of previously disadvantaged individuals (*See Skills and Development report attached as Appendix C*).

3.8 Provision of Audited financial statements to the Authority

Clause 8 of the schedule to the licence stipulates that:

"The Licensee shall provide the Authority with the audited annual financial statements of the licensed service within four (4) months of the end of the licensee's financial year, provided that the licensee may on good cause apply to the Authority for extension".

The SABC submitted their Audited statements for the 2011/2012 financial year within the stipulated timeframe.

The Licensee has complied with clause 8 of its licence.

4. REGULATIONS

4.1 South African Music Content Regulations

The Regulations on South African Music Content as published on 31 January 2006 stipulate that:

"All public sound licensees must play a minimum 40% South African music".

The monitoring conducted indicated that the radio station plays approximately 68% South African music. Some of the local artists featured during the period under review were: Zahara; Judith Sephuma; Dj Cleo; IPCC; Soweto Spiritual Singers, Amakhosikazi amahle, NoThembi; NoPinki Nomakati and many others.

Further, the radio station promotes local content in regularly throughout the day. During the show called *"Siyatshakala"* presented by John Skhosana, traditional isiNdebele music is broadcast; it is called the Traditional Top 20.

Other genres include local gospel music and local house music; which feature artists featured include *"Amakhosikazi amahle"*; NoThembi; NoPinki Nomakati and many others.

The Licensee complies with the 40% local music content quota, as prescribed by the South African Music Content Regulations (*See Regulations on South African Music Content attached as Appendix D*).

4.2 Standard Terms and Conditions for Individual Licences

During the year under review, the Authority did not identify any non-compliance by iKwekwezi FM with the standard terms and conditions for individual licensees (*See Regulations Regarding Standard Terms and Conditions for Individual Licences attached as Appendix E*).

4.3 Universal Service Access Fund

Regulation 3 of the USAF Regulations stipulates that:

- (1) *"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.*
- (2) *A Broadcasting Service Licensee who has paid an annual contribution to the 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 paid its annual contribution fee of eight million fifty seven thousand, seven hundred and fifty two rand (R 8, 057 752. 00) to the fund and received confirmation of payment in a form of a Section 18A certificate from the MDDA. The Licensee submitted proof of payment to the Authority in March 2012.

The Licensee has complied with the USAF regulations.

4.4 General License Fees Regulations

Regulation 4(b) of General Licence Fees Regulations provides for the exemption of Individual Licences for Public Broadcasting Services.

iKwekwezi FM is part of Public Broadcasting Services and is exempted from paying licence fees.

5. CONCLUSION

iKwekwezi FM has generally complied with its licence terms and conditions and applicable regulations.

6. APPENDICES

Appendix A: Sound broadcasting service and frequency spectrum licences

Appendix B: SABC's Editorial Policy

Appendix C: Skills Development Report

Appendix D: Regulations on South African Music Content

Appendix E: Regulations Regarding Standard Terms and Conditions for Individual Licences

Appendix F: Regulations in Respect of Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund;

Appendix G: General Licence Fees Regulations