



# **INKONJANE COMMUNITY RADIO ANNUAL COMPLIANCE REPORT**

**MARCH 2023**

# **2021/2022 ANNUAL COMPLIANCE REPORT**

## **QAUKENI PEOPLE'S ORGANISATION BROADCASTING AS INKONJANE COMMUNITY RADIO**

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

### **1. PREFACE**

The Independent Communications Authority of South Africa ("Authority") has a statutory mandate in terms of the Constitution<sup>1</sup>, the Independent Communications Authority of South Africa Act (ICASA Act<sup>2</sup>), the Electronic Communications Act<sup>3</sup> (ECA) and the Broadcasting Act to regulate broadcasting activities in the public interest. The Authority has a mandate to ensure compliance by broadcasters with the terms and conditions of the licence, the ECA, the ICASA Act and any other relevant legislation and Regulations.

The purpose of the report is to give an account of Inkonjane Community Radio's ("the Licensee") compliance with the terms and conditions as set out in its licence for the 2021/2022 financial year. Aspects of compliance that are measured comprise of Geographic Coverage, Community participation, and Programming Obligations.

Further, the report will measure compliance with regulations that include South African Music Content, Standard Terms and Conditions, and the Compliance Procedure Manual Regulations.

### **2. BACKGROUND**

Inkonjane Community Radio is a class broadcasting service Licensee providing services to a geographic community residing in the OR Tambo District in the Eastern Cape Province. The radio station provides a programming format that is a mix of talk and music.

### **3. COMPLIANCE ASSESSMENT**

#### **3.1 Control Structure**

Clause 1 of the schedule to the licence provides that:

*"The Licence is issued to:*

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<sup>1</sup> The Constitution of the Republic of South Africa, 1996

<sup>2</sup> ICASA Act No 13 of 2000, as amended

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

1.1 *Name of company/entity: Qaukeni People's Organisation.*

1.2 *Name of Station: Inkonjane Community Radio.*

1.3 *Control of the Licensee: Control shall vest in the Qaukeni People's Organisation".*

There were no changes reported by the Licensee to its company name and control structure during the period under review.

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

### **3.2 Licence Period**

Clause 2 of the schedule to the licence provides that:

*"2.1 The effective date of the licence is 25 October 2018.*

*2.2 The licence shall expire on 24 October 2023."*

The licence remains valid as at date of compiling this report.

### **3.3 Licence Area**

Clause 3 of the schedule to the licence provides that Inkonjane Community Radio's coverage area is as follows:

*"The Licensee shall provide services to OR Tambo District Municipality in the Eastern Cape Province, as set out in the Licensee's radio frequency spectrum licence".*

In 2017 and 2021 respectively, the Licensing Division informed the Licensee that it was broadcasting outside its licensed coverage area of OR Tambo District Municipality. It was informed that it was providing broadcasting services to Alfred Nzo District Municipality.

The Licensee was advised to amend its geographic area in order to comply with regulation 3 of the Standard Terms and Conditions Regulations<sup>4</sup>, 2010, as amended, which state that:

*"(1) The Licence area for a Community Sound Broadcasting Service is the maximum possible area covered by a frequency/ies and power level allocated to a Licensee in terms of the Radio Frequency Spectrum Licence, which area may not exceed a District Municipality as defined in the Local Government Municipal Structures Act, No 117 of 1998. The specific licence area will be as defined by the Licence issued to a Licensee."*

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<sup>4</sup> Standard Terms and Conditions for Class Broadcasting Services, as published in *Government Gazette* No. 33296, dated 14 June 2010, as amended.

The Licensee did not apply to amend its licence as advised by the Authority.

**The Licensee does not comply with clause 3 of the schedule to its licence.**

### **3.4 Community**

Clause 4.1 of the schedule to the licence provides that:

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

The Licensee submitted and confirmed that its broadcasting services cover the Alfred Nzo District Municipality. However, it stated that this non-compliance was not its fault as it was the result of the changes in municipal demarcations. The Licensee was advised that in order to comply, it should amend its coverage area as advised by Licensing.

**The Licensee does not comply with clause 4.1 of the schedule to its licence.**

Clause 4.2 of the schedule to 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; and*

*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 hold programming meetings with community members during the period under review, it submitted that after the lifting of the suspension on community meetings, it focused on holding an elective AGM.

**The Licensee does not comply with clause 4.2 of the schedule to its licence.**

Further, clause 4.2.3 provides that:

*"The Licensee shall hold an Annual General Meeting 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 any Special Annual General Meeting as and when required by the Constitution; 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 held an elective AGM on 21 March 2022 and submitted proof thereof to the Authority.

### **The Licensee complies with clause 4.2.3 of the schedule to its licence.**

## **3.5 Programming**

Clause 5.1 of the schedule to the licence provides that:

*"The Licensee shall provide programming as follows":*

*5.1.1 News and Information: The Licensee shall broadcast a total seventy-five (75) minutes per day, of which sixty 60% shall be local, 30% shall be national and 10% international."*

The Licensee's submissions state that it provides approximately one hundred and forty (140) minutes of news per day, of which 60% is local, 20% regional and 20% national.

The Authority's monitoring exercise revealed that the Licensee broadcasts an average of seventy-five (75) minutes of news per day. It broadcasts approximately five-minute bulletins every hour from 7:00 to 21:00. The bulletins are broadcast mostly in isiXhosa, with some bulletins in isiMpondo and English. It covers cover local, regional and national news. No international news was identified during the monitoring exercise.

Below are some of the news items that were heard the licensee broadcast:

- *"Umbutho wabasebenzi bezempilo kwizwelonke iNehawu kulindeleke ubangomso babambe umngcelele ontsuku-mbini kweliphondo leMpuma-Kapa, apho lomngcelele uzaqala phambi kwesibhedlele iOR and Adelaide Tambo Memorial Hospital eMbizana ngomso; zengoLwesihlanu lomngcelele uzakuthi uqhubeke ngaphandle kweZiko Lemisebenzi kaWonke-wonke kwisixeko saseMthatha. uNobhala walombutho kuzwelonke uZola Saphetha, uzakuthi akhokhele lomngcelele. Oku kuza emva kwesigwebo seNkundla yoMgaqo-Siseko, nalapho ithe yakhaba isibheni mayelana nombhodamo wokonyuswa kwemivuzo yabasebenzi bakaRhulumente phezolo.*

- *The Department of Education MEC, Fundile Gade visits OR Tambo Coastal District to resolve the SGB and the Department dispute subsequent to schools' shutdown. Meanwhile, tempers flared during the engagement between the Department and the SGB as well as parents' meeting at Flagstaff this morning. This follows parents' shutdown of school for almost a week as of today. The SGB, assistant teachers and other stakeholders came out in numbers to listen to the Department answering their demands they submitted in a petition a month ago.*
- *uMasipala weNtab'enggquza uzithethelele kwisizathu sokubambela umsitho looMasipala eMthatha kweliphondo leMpuma-Kapa. Kanti loMasipala uthi akukho ziseko neendawo ezikumngangatho ophezulu wokubamba umsitho ololuhlobo kuzozombini iidolophu eziphantsi kwaloMasipala iFlagstaff neLusikisiki. Kanti loMasipala ubutyelelwe yiNkulubapathiswa yeliphondo, uOscar Lubabala Mabuyane malunga nenkqubela kwindlela yokuza nezicwangciso ezicacileyo zoba ingaba lizawuthini inyathelo lokuphuhlisa utyalo lwentsango ukuze kuhlume uqoqosho".*

The Licensee does not comply with its news split as it does not broadcast international news, instead it broadcasts regional news which is not provided for in the licence.

### **The Licensee does not fully comply with its news obligation.**

*Clause 5.1.2 of the licence provides that:*

*"South African Music Content: 80%"*

The Authority's monitoring exercise confirmed that the radio station broadcasts approximately eighty percent (80%) South African Music content.

### **The Licensee complies with clause 5.1.2 above.**

*Clause 5.1.3 of the licence provides that the format is as follows:*

*"60% Talk and 40% Music"*

The monitoring exercise revealed that the Licensee's programmes are a mixture of music and talk, with more talk. The station holds discussions throughout the day and interviews with experts and leaders on a variety of issues that affect the community. Some of the discussion topics included parenting challenges, gender-based violence, career guidance, motivational talk, community development and health matters such as diabetes and depression.

It also broadcasts quizzes, short stories for children and holds interviews with entrepreneurs from the community. Listeners are also given a platform to interact with guests and share their concerns on any other matters that affect them.

The monitoring exercise confirmed that the Licensee's format is as prescribed in the licence.

**The Licensee complies with its prescribed format.**

Clause 5.1.4 of the licence provides that:

*Language(s) of broadcast:*

*5.1.4.1 isiMpondo – 70%;*

*5.1.4.2 isiXhosa – 20%; and*

*5.1.4.3 English– 10%;*

The monitoring exercise revealed that the Licensee broadcasts all its programmes mainly in isiXhosa and isiMpondo; however, isiMpondo is used at approximately 50% and isiXhosa at an average of about 40%. There is minimal use of English which is used interchangeably with the other languages or during interviews.

**The Licensee does not comply with its languages of broadcast obligation.**

Clause 5.2 of the schedule to 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 pro-forma of the log to be kept will be supplied by the Authority".*

The Licensee did not submit programming logs on a monthly basis during the period under review.

**The Licensee does not comply with clause 5.2 of the schedule to its licence.**

## **4. REGULATIONS**

### **4.1 ICASA Regulations on South African Music**

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

*"A holder of a community sound broadcasting licence must ensure that after eighteen (18) months of the 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 said period".*

For the period under review, the obligation in accordance with the SA Music regulations above, provides for at least eighty percent (80%) of South African music content to be played by community sound broadcasting Licensees.

The Authority's monitoring exercise revealed that the Licensee broadcasts approximately 80% of South African music content, including interviews with new artists from the coverage area. Various genres were identified on the station's music line-up including House, Hip-Hop, Gospel, Afro-Soul and Kwaito with artists such as *Nathi, Soul Brothers, Yvonne Chaka Chaka, Kelly Khumalo, Lady Zamar, Lusanda Spiritual Group, Ntombi G, Chimora, Shekhina, Meddy and SeaBee.*

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

#### **4.2 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences**

The Licensee did not adhere to the Standard Terms and Conditions for Class Licences as it does not provide broadcasting services to the licensed geographic coverage area, as specified in its Radio Frequency Spectrum Licence.

**The Licensee does not comply with the Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences.**

### **5 CONCLUSION**

The Licensee did not comply with some of its licence terms and conditions, the Compliance Procedure Manual Regulations and Standard Terms and Conditions for Class Licences Regulations.

The Licensing and Compliance Division will advise the Licensee of its non-compliance and endeavour to assist the Licensee to comply. However, should the Licensee not improve its



performance it will be advised of the Authority's intention to refer them to the Complaints and Compliance Committee (CCC), for hearing and adjudication.

## **6 TERMS OF REFERENCE**

Appendix A: Inkonjane Community Radio's Service Licence;

Appendix B: Standard Terms and Conditions for Broadcasting Services Regulations, 2010 as published in *Government Gazette* No. 33296 dated, 14 June 2010, as amended;

Appendix C: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No. 39844 dated, 23 March 2016, and

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

**END**