



IZWI LOMZANSI RADIO STATION ANNUAL COMPLIANCE REPORT

MARCH 2024

2022/2023 ANNUAL COMPLIANCE REPORT

IZWI LOMZANSI RADIO STATION BROADCASTING AS IZWI LOMZANSI FM

Licence Period: 08 December 2018 to 07 December 2023

1. PREFACE

The Independent Communications Authority of South Africa ("Authority") has a statutory mandate in terms of the Constitution, the ICASA Act¹, 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 performance of Izwi Lomzansi Radio Station ("Izwi Lomzansi FM"/"Licensee") for the 2022/2023 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

Izwi Lomzansi FM 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 eThekweni Metropolitan Municipality and surrounding areas in the KwaZulu-Natal Province.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

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).

Clause 1 of the schedule to the service licence states that:

"The Licence is issued to:

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

There were no changes reported by the Licensee to its control structure during the period under review. The entity is still Izwi Lomzansi Radio Station. The name of the Licensee's radio station is Izwi Lomzansi FM. The control of the Licensee is still in the hands of Izwi Lomzansi Radio Station.

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 08 December 2018*
2.2. The Licence shall expire on 07 December 2023".

The Licensee was sent a courtesy licence renewal reminder on 15 March 2023 and was informed to submit its licence renewal application by 06 June 2023. The Licensee submitted its renewal application to the Licensing Department.

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 eThekweni Metropolitan Municipality 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 geographic community residing within a geographic coverage area specified herein".

The Licensee confirms that its services are offered to the community that resides within the eThekweni Metropolitan Municipal 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 programme-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 a record of what appears to be a staff meeting held at the radio station's boardroom as proof of a programming meeting with its community.

The Licensee is non-compliant with 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 is required to hold an AGM once every five (5) years and has not held an AGM in the last five (5) years since losing one of its founding members in 2019 and the Programmes Manager in 2020. The Licensee is required to hold an AGM every financial year and not once every five (5) years.

The Licensee does not 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 thirty (30) minutes of news per day, of which seventeen (17) minutes shall be local news, eight (8) minutes shall be national news and five (5) minutes shall be international news.

Izwi Lomzansi broadcasts thirteen (13) news bulletins from 06h00 and 18h00 on weekdays and broadcasts news bulletins at 07h00, 09h00, 11h00 and 13h00 on weekends. Each news bulletin is between four (4) and five (5) minutes long.

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

- *"Umkhandli wezikole zabaphila nokukhubazeka enkabeni yesifundazwe KwaZulu Natal uthi, ubona kufanele ukuthi zivalwe ukusebenza izikole zabaphila nokukhubazeka ngenxa yohlobo lezintselelo ezibhekene nazo. Le statimente siza njengoba abazali bezingane ezifunda kulezikole bathathe isinqumo sokugcina ingane zabo zingayi esikoleni. Bakhala kakhulu ngoncishwa kwesabelo mali nokuba nezithelelo ezimbi kakhulu njengoba sesinciphile isibalo sothisha nabasebenzi kulezikole",*

- *"Ungoti wezamandla e Nyuvesi ya KwaZulu Natal, u Dokotela Sanele Gumede uthi into ehlinzele ezibini inkampani ephakelugesi kuleli u Eskom ubayinkomo esengwa yiviyo kuzopolotiki kanjalo nakwezinye zezikhulu zayo. Njengoba lenkampani igubha iminyaka eyikhulu yasungulwa, usolwazi u Gumede uthi inkohlakalo izoyiguqisa ngamadolo lenkampani", and*
- *"I Mayor yakomasipala wase Mlalaze e Showe enyakatho yesifundazwe sa KwaZulu Natal uCouncillor Queen Xulu ubonge kakhulu abafundi bakutumeletsheni wangonyaka odlulile ngokwenza kahle ngoba besebenza ngaphantsi kwezimo ezingelula. Umasipala wakhe wenze umcimbi wokukromelisa abafundi bangonyaka odlulile".*

The Authority's monitoring exercise confirmed that the Licensee broadcasts sixty-five (65) minutes of news on weekdays and only twenty (20) minutes of news on weekends. Clause 5.1.1 requires the Licensee to broadcast news 30 minutes per day, the requirement is inclusive of weekends.

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

5.1.2 South African Music Content: 80%.

The Authority's monitoring exercise determined that the Licensee broadcasts between 85 and 87% of South African music content during the performance period.

Some of the South African artists identified are: Donny "Sengimdala", Trust In Christ "Uyabathwala Abakhe", Lucky Dube "Prisoner", Futhi Mhlongo ft Bethusile "Simile Umzuzwana", Brenda Fassie "Vulindlela", Ladysmith Black Mambazo "Nkosi Sikelel' I Africa", Thokozani Langa "Kumnyama Ezweni", 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: 60% Talk and 40% Music.

The Authority's monitoring exercise confirmed that the Licensee is compliant with the 60% talk and 40% music format. Talk-related content dominates in programmes such as *"Imbizo Breakfast Show"* from 06h00 to 09h00 and *"Ikusasa Lethu"* from 12h00 to 15h00. The state visit from the President of Uganda and grey listing of South Africa were some of the topics that were discussed. Listeners call in and voice their views or send in voice notes to comment on current issues. Local guests are also featured on the schedule such as Dion Mbayile, owner of Makhaya Stone Works which erects and installs tombstones.

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 – 80%;

5.1.4.2 isiXhosa – 10%; and

5.1.4.3 English – 10%".

The Licensee broadcasts mainly in isiZulu. All the news bulletins are read in isiZulu. The Prasa Metrorail traffic update is presented in isiZulu. The engagement between presenters and between presenters and guests, voice notes, messages and call-ins are predominantly in isiZulu. English is a secondary language of broadcast such as in soundbites during some news bulletins and general commentary during some programmes. On Saturdays the Licensee broadcasts *"Kumnandi Ekhaya"*, a programme presented in isiXhosa from 12h00 to 15h00.

The Licensee complies 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 complies with clause 5.2 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 year under review, the Licensee submitted that it received six (6) complaints related to the programming and general conduct of some presenters on air. The complaints were resolved within the Licensee's policy of a seven (7) day resolution time frame.

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 between 85% and 87% 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.

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

5. CONCLUSION

For the 2022/2023 financial year, the Licensee is non-compliant with its obligation to hold an Annual General Meeting and two (2) community programming meetings and submit proof to the Authority. Further, the Licensee is non-compliant with its weekend news minute obligation in that it broadcasts twenty (20) minutes of news instead of the daily requirement of thirty (30) minutes. The Licensee will be notified of the identified transgressions. The Authority will continue to monitor compliance by the Licensee during the next financial year.

6. TERMS OF REFERENCE

- 6.1 Appendix A: Izwi Lomzansi FM C-CSBS and RFS licences;
- 6.2 Appendix B: Izwi Lomzansi FM Complaints report;
- 6.3 Appendix C: ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011. (re: submission of Form 12A: ECN/S and BS Complaints Reporting);
- 6.4 Appendix D: 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*,

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

2006 as published in Government Gazette No. 28453 dated, 31 January 2006); and

- 6.5 Appendix E: **Standard Terms and Conditions for Class Licences, 2010** as published in *Government Gazette* No. 33296 dated, 14 June 2010.

1st Amendment, 2016 published in *Government Gazette* No. 39872, dated 30 March 2016.

2nd Amendment, 2021 published in *Government Gazette* No. 44328, dated, 25 March 2021.

End