



# **RADIO KHWEZI ANNUAL COMPLIANCE REPORT**

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## **2021/2022 ANNUAL COMPLIANCE REPORT**

### **INKANYEZI YOKUSA RADIO BROADCASTING AS RADIO KHWEZI**

**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 (ECA)<sup>3</sup> and the Broadcasting Act<sup>4</sup> 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 licence, and any relevant legislation and regulations.

The purpose of the report is to give an account of Radio Khwezi's performance for the 2021/2022 financial year. Aspects of compliance that are measured comprise Geographic Coverage, Community participation, Programming Obligations and Standard Terms and Conditions.

Further, the report will measure compliance with regulations that include South African Music Content, Standard Terms and Conditions for Individual Licensees, Universal Service and Access Fund, General Licence Fee, Code of Conduct for Broadcasters, and applicable sections of the ICT Covid-19 National Disaster Regulations first published in April 2020 and the subsequent amendments following the proclamation of the State of National Disaster.

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<sup>1</sup> The Constitution of the republic of South Africa, No 108 of 1996

<sup>2</sup> Independent Communications Authority of South Africa Act, 2000 'ICASA Act' (Act No. 13 of 2000), as amended  
amended

<sup>3</sup> Electronic Communications Act, 2005 'ECA' (Act No. 36 of 2005), as amended

<sup>4</sup> Broadcasting Act ,1999 (Act No. 4 of 1999), as amended

## 2. BACKGROUND

Radio Khwezi hold a Class Sound broadcasting service licence<sup>5</sup>. The radio station's mandate is to provide sound broadcasting service to Kranskop, Ndwendwe, Maphumulo, Msinga, Nkandla, Lower Tugela, Lower Mfolozi and Umvoti in the KwaZulu-Natal Province as set out in the Licensee's radio frequency spectrum licence.<sup>6</sup>

## 3. COMPLIANCE ASSESSMENT

### 3.1 Control Structure

Clause 1 of the licence states that:

*"The Licence is issued to:*

*1.1 Name of Company/Entity: Inkanyezi Yokusa Radio.*

*1.2 Name of the Station: Radio Khwezi.*

*1.3 Control of the licensee: Control shall vest in the Board of Directors of an association known as Inkanyezi Yokusa Radio.*

There were no changes reported by the Licensee to its control structure during the period under review. The Licensee is still Inkanyezi Yokusa Radio. The name of the Licensee's radio station is Radio Khwezi. The control of the Licensee is still in the hands of an association known as Inkanyezi Yokusa Radio.

According to Inkanyezi Yokusa Radio's Constitution, the Board shall consist of eight (8) Board members. The first eight Board Members shall be founding members who shall act as an Interim Governing Body for a period of not longer than three (3) months. The board members shall serve for a period of two (2) years.

The Licensee submitted a list of three (3) Board Members that were elected in its last elective AGM. The control of the Licensee is still in the hands of the Board Members of an association known as Inkanyezi Yokusa.

**The Licensee complies with clauses 1.1 to 1.3 of the licence.**

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<sup>5</sup> Appendix A: Radio Khwezi broadcasting licence

<sup>6</sup> *Ibid.*

### **3.2 Licence Period**

Clause 2 of the licence states that:

*"2.1 The effective date of the licence is 27 October 2018*

*2.2 The licence shall expire on the 26 October 2023"*

Radio Khwezi's licence is effective from 27 October 2018 to 26 October 2023. The Licensee will be eligible to lodge its renewal application from 23 October 2022 until 23 April 2023.

**The Licensee complies with clause 2 of the licence.**

### **3.3 License Area**

Clause 3 of the licence stipulates that:

*"The Licensee shall provide services to Kranskop, Ndwendwe, Maphumulo, Msinga, Nkandla, Lower Tugela, Lower Mfolozi and Umvoti in the KwaZulu-Natal Province, as set out in the Licensee's radio frequency spectrum licence"*

Radio Khwezi provide services to the areas stipulated in its licence.

**The Licensee complies with clause 3 of the licence.**

### **3.4 Community**

Clause 4.1 of the licence states that:

*"The licensee shall provide services to geographic community residing within the geographic coverage specified herein"*

Radio Khwezi provides sound broadcasting services to the geographic community residing within the geographic coverage of Kranskop, Ndwendwe, Maphumulo, Msinga, Nkandla, Lower Tugela, Lower Mfolozi and Umvoti in the KwaZulu-Natal Province, as set out in the Licensee's radio frequency spectrum licence.

**The Licensee complies with clause 4.1 of the licence.**

Clause 4.2 of 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;*

*4.2.2 The Licensee shall furnish the Authority with proof of such meetings as well as attendance thereof by members of the community; and*

*4.2.3 The Licensee shall hold Annual General Meeting (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 compliance with licence conditions;*

*4.2.3.3 To provide feedback on the Licensee's operational and financial performance; and*

*4.2.3.4 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 annual general meeting on 04 February 2021. Three (3) Board members were re-elected in that meeting. The Licensee submitted the minutes of the AGM meeting and an attendance register containing approximately forty-nine (49) attendees.

It is important to note that the Licensee convened an AGM despite the suspension placed on Community meetings through Regulation 4 (12A) of The ICT COVID-19 National Disaster Second Amendment Regulations in line with the Disaster Management Act, No 57 of 2002. The suspension of convening community meetings such as AGMs was lifted on 28 May 2021.

### **3.5 Programming**

Clause 5.1 The Licensee shall provide programming as follows:

*5.1.1 "Local News and information:*

*The Licensee shall broadcast a total of two hundred and eighty two (282) minutes, of which one hundred and forty (140) minutes shall be local news, sixty-seven*

*(67) minutes national and seventy-five (75) minutes international news per day. This shall include community news.*

The monitoring exercise revealed that Radio Khwezi broadcasts news bulletin between 05h00 to 13h00 and 16h00-22h00 with headlines at every half of the hour. The bulletins are broadcast for approximately five (5) minutes. On average, a total of eighty (80) minutes including community news is broadcast each day, during the South African performance period.

The following are some of the news excerpts monitored:

- *"Umnyango wabasebenzi kuleli usenxuse izakhamuzi zakuleli ukuba zibeke imibono yazo ngenani lemali okumelwe iholwe izisebenzi ngehora kulonyaka ka 2022 ngaphansi kwe National Minimum Wage NMW Act ngamafuphi ne National Minimum Wage Commission NMWC njalo ngo nyaka ibheka udaba loku nyuswa kwemali emelwe iholwe umsebenzi' ngehora. Ngondasa ngo nyaka odlule ungqongqoshe walomnyango umnumzane Thulas Nxesi wanyusa iminimum wage ngamaphesenti angu 4.5% obeke ukuthi imali okumelwe itholwe yizisebenzi kuleli lase Mzansi Afrika ngu R21,69 ihora ngalinye. Lesi siphakamiso sika hulumeni siza ngemva kokuba I NMWC iphakamise ukuthi imali okumelwe iholwe yizisebenzi zakuleli ngehora yenyuke ngephesenti eli lodwa kulo nyaka. Lokhu kusho ukuthi izisebenzi zingacishe zihole imali engu R23,10 nge hora. iNMWC iphinde yaphakamisa ukuthi izisebenzi zasendlini kumelwe zinyuselwe iholo lazo njenge zinye izisebenzi. Njengoba manje izisebenzi zase ndlini zihola R19,90 ngehora kanti le mali ingaphansi kwama pesenti angu 12% uma kuqhathaniswa nezinye izisebenzi kulelizwe lase Ningizimu Afrika."*
- *"Umnyango wezokuthuthukisa komphakathi kulesi sifundazwe sakwa Zulu Natal uthi ukhathazekile ngezi gameko zoku dlwengulwa noku bulawa kwabantu besifazane ezenzeka esifundazweni. Umyango uthi indawo yase Nyanda yindawo okwenzeka khona kakhulu lezi zigameko. Lokhu kuza ngemva kokuthi owesifazane osekhumile Enanda Emauoti kubikwa ukuthi udlwengulwe yiqembu labesilisa ngolwesithathu washonela emaphoyiseni ngesikhathi eyobika esiteshi sama phoyisa."*

The Licensee does not broadcast a total of two hundred and eighty-two (282) minutes per day.

**Therefore, the Licensee does not comply with sub-clause 5.1.1 of the licence.**

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

The Licensee did not submit Form 8A, indicating the average of the South African music content broadcast each week. Therefore, the monitoring exercise could not cross-verify the 80% of the South African music quota against the submissions by the licensee.

However, the monitoring exercise revealed that Radio Khwezi broadcast an average of more than eighty percent (80%) of South African music content and most of the music content broadcast is local music and some of the broadcast is local gospel music. Some of the music artists that were monitored include Thuma Mina choir, Nathi Zingwe, Glory of the last days, Joyous Celebration, Benjamin Dube, among others.

**The licensee complies with sub-clause 5.1.2 of the licence.**

***5.1.3 Talk vs. Music: 60% Talk and 40%.***

*Sixty per cent (60%) talk during the performance period weekly, is equal to three thousand five hundred and twenty-eight (3 528) minutes per week.*

The Licensee did not submit the log sheet indicating the average minutes of talk and music broadcast by Radio Khwezi per week.

However, the monitoring exercise revealed that in an hour there is an average of 60% talk and 40% music. The licensee does meet the format of 60% talk and 40%.

**The licensee complies with sub clause 5.1.3 of the licence.**

*5.1.4 Language(s) of broadcast:*

*5.1.4.1 IsiZulu – 73%;*

*5.1.4.2 Afrikaans – 10%;*

*5.1.4.3 English – 12%; and*

*5.1.4.4 German – 5%.”*

The monitoring exercise revealed that Radio Khwezi broadcasts in 3 languages which are isiZulu being the principal language of broadcast, English and German, isiZulu. The monitoring exercise also revealed that Radio Khwezi broadcast, four hundred and twenty (420) minutes in the German language between 14h00 and 15h00 weekly. However, the Licensee does not broadcast in Afrikaans as per the clause above.

**The licensee does not comply fully with its languages of broadcast as per the licence.**

Clause 5.1.5 of the licence provides that:

*“Broadcasting hours: The Licensee shall broadcast 20 hours a day”.*

Radio Khwezi’s Broadcast hours are 20 hours as stipulated in the licence and as per the programming schedule submitted by the Licensee.

**The licensee complies with clause 5.1.5 of the licence**

Clause 5.2 of 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 proforma of the log to be kept will be supplied by the Authority.”*

The Licensee did not submit the log of programmes broadcast to the Authority as required by clause 5.2.

**The licensee does not comply with clause 5.2 of the licence.**



## 4 PROMISE OF PERFORMANCE

Clause 8.1 of the licence provides that:

*"The Licensee shall maintain community participation structures such as "Masibambane" and Listeners club throughout the licence period."*

The ICT COVID-19 National Disaster Amendment Regulations, Regulation 4 sub-regulation 8B provides that Sound broadcasting service Licensees are exempt from compliance with specific programming requirements and promises of performance in terms of licence conditions during the National State of Disaster.

Therefore, findings on compliance with this clause of the licence were not made for the period under review.

## 5 REGULATIONS

### 5.1 Complaints Received

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A which reports on all complaints received during the financial year under review,

For the year under review, the Licensee did not submit any complaints.

**The Licensee complies with the Compliance Procedure Manual Regulations.**

### 5.2 South African Music Content Regulations<sup>7</sup>

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

*"A holder of a community sound broadcasting service licence must ensure that after eighteen months of the gazetting of these regulations, a minimum of 60%, increased by 10% annually to reach 80% of the musical work in the performance*

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<sup>7</sup> Appendix B: ICASA South African Music Content Regulations 2016

*period, consist of South African music and that such South African music is spread evenly throughout the performance period<sup>8</sup>*

The monitoring exercise revealed that Radio Khwezi broadcasts different genres like, gospel music, Gospel among others. Some of the music artists that were monitored include Thuma Mina choir, Nathi Zingwe, Glory of the last days, Joyous Celebration, Benjamin Dube, among others. Most of the artist are South African.

### **The licensee complies with the South African Music Content Regulations.**

### **5.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Services Licences<sup>9</sup>**

During the period under review, the Licensee did not contravene the Regulations in respect of the Standard Terms and Conditions for Class Licences.

## **6 CONCLUSION**

Radio Khwezi did not comply with several of the provisions of its licence conditions. The Division will engage the Licensee on all areas of non-compliance and continue to monitor the progress of the Licensee to ensure that the Licensee implements the required remedial action. Where any non-compliance may persist and remain unresolved, the Licensee will be referred to the Complaints and Compliance Committee for hearing and adjudication.

## **7. TERMS OF REFERENCE**

Appendix A: Radio Khwezi broadcasting licence

Appendix B: ICASA South African Music Content Regulations 2016

Appendix C: Regulations Regarding Standard Terms and Conditions for Class Licences 2016

**END**

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<sup>8</sup> *Ibid*

<sup>9</sup> Appendix C: Standard Terms and Conditions for Class Licences 2016