



RADIO KHWEZI ANNUAL COMPLI- ANCE REPORT

MARCH 2025

2023/2024 ANNUAL COMPLIANCE REPORT

INKANYEZI YOKUSA RADIO BROADCASTING AS RADIO KHWEZI

LICENCE PERIOD: 27 October 2023 to 26 October 2030

1. PREFACE

The Independent Communications Authority of South Africa (Authority) has a statutory mandate in terms of the Constitution, the Independent Communications Authority of South Africa Act¹ ("ICASA Act"), the Electronic Communications Act (ECA)² and 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 licence, and any relevant legislation and regulations.

The purpose of this report is to give an account of Khwezi FM's performance for the 2023/2024 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 the Regulations that include South African Music Content, Standard Terms and Conditions for Class Licensees, Compliance Procedure Manual Regulations and Code of Conduct for Broadcasters.

2. BACKGROUND

Khwezi FM hold a Class Sound broadcasting service licence⁴. The radio station's mandate is to provide sound broadcasting service to the communities of Kranskop, Ndwedwe, 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.⁵

¹ Act No. 13 of 2000, as amended

² Act No. 36 of 2005

³ Broadcasting Act No. 4 of 1999

⁴ Appendix A: Khwezi FM broadcasting licence

⁵ Ibid

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 licence: 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 Radio Khwezi's constitution, the Board shall consist of not less than nine (9) members. The board members are elected in an Annual General Meeting and shall serve for a period of three (3) years.

The Licensee submitted a list of nine (9) Board of Directors that were elected in its last elective AGM. The control of the Licensee is still in the hands of the Board of Directors of an association known as Inkanyezi Yokusa Radio.

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

3.2 Licence Period

Clause 2 of the licence states that:

"2.1 The effective date of the licence is 27 October 2023

2.2 The licence shall expire on the 26 October 2030"

Radio Khwezi's licence is effective from 27 October 2023 to 26 October 2030.

The Licensee complies with clause 2 of the licence.

3.3 Geographic Coverage Area

Clause 3 of the licence stipulates that:

“The Licensee shall provide services to Kranskop, Ndwedwe, Maphumulo, Msinga, Nkandla, Lower Tugela, Lower Mfolozi and uMvoti in the Kwazul-Natal Province, as set out in the Licensee’s radio frequency spectrum licence”

Radio Khwezi provides 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 a sound broadcasting service to the geographic community residing within the geographic coverage of Kranskop, Ndwedwe, 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

During the year under review, the Licensee submitted proof of two meetings that were held with the community on 13 May 2023 and 26 August 2023. However, the meetings were not for programming and programming-related matters.

The Licensee does not comply with clauses 4.2.1 and 4.2.2 of its sub-clauses of the licence.

4.2.3 The Licensee shall hold an 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 submitted proof of AGM minutes of a meeting held on 07 September 2023. The minutes provide feedback on compliance issues with licence conditions and also provide feedback on the overall financial performance of the radio station. Additionally, new board members were elected during the AGM as per Licensee 's founding documents. A total of nine (9) board members were elected by more than two-thirds.

The Licensee complies with clause 4.2.3 and its sub-clauses of the licence.

3.5 Programming

Clause 5.1 of the licence states that 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 Licensee submitted their log-sheet Form 8A, indicating that the radio station broadcasts an average of four hundred and thirty-five (435) minutes of news programming during weekdays including weekends.

The monitoring exercise revealed that Khwezi FM broadcasts news bulletins every hour at the top of the hour between 05h00 to 13h00 and 16h00 to 22h00 on weekdays, between 06h00 to 13h00 and 18h00 to 21h00 on Saturdays and

Sundays Khwezi has seven (7) slots of news broadcast on different times of the day.

The bulletins are broadcast for approximately five (5) minutes with headlines broadcast at half an hour for less than a minute. On average, a total of eighty (80) minutes including community news is broadcast each weekday day and even less on weekends, during the South African performance period.

Below are some of the news excerpts monitored.

- "Uyamukele ngo elethu inkulumo ka nqonqoshe wezokuthutha izwe lonke u Sinidile Chikunga ayethule ngesikhathi sokuqala kwenyanga yokwezokuthutha okungu October. Phakathi kwabantu abaye bayi jabulela inkulumo ka nqonqoshe kubalwa abashayeli abasebenzisa umgwaqo kanjalo nama lungu ompakathi. Njengoba unqonqoshe eveza ukuth sizo qina kakhulu isandla sama poyisa ongwaqo kusukela manje kuze kufike isikhathi sama holide ka kisimusi. Ngesikhathi ethula inkulumo yakhe unqonqoshe umemezele inzinhlelo enzintsha zokuvimba inzingozi zomkwaqo njengoba ku jwalekile ukuthi kube nezingozi eziningi ngesikhathi sama holide ka kisimusi. Uthi umthetho uzoqina kuzona zonke izifundazwe zakuleli njengoba amapoyisa azobe athe saka."
- "Umnyango wezomfundo kulesi sifundazwe uzwakalise ukushaqeka kulandela ngoku shona kwezi ngane ezine engozini yemoto eyenzeke e Groontvlei enyakatho yesifundazwe. Lengozu iyenzeke namuhlanje ntatakusa ngesikhathi lezi zingane zibuyela emakhaya ngemva komshado obengempela sonto. Kulengozu kulimele abafundi abangu 11 abaphuthumiselwe ezibhedlela ezahlukahlukene. Emotweni ebebe hamba ngayo bebe ngu 30 ngaphakathi. Labafundi abaneminyaka pakathi kuka 14 kuya ku 16 ubudala bafunda esikoleni I Groontvlei Combine ngaphansi kwesifunda amaJuba. Okhulumela umnyango wezomfundo esifundazweni u Muzi Mahlami uthi umpathiswa womnyango wezomfundo usendlulise amazwi enduduzo kulabo abalahlekelwe."

The licensee does not comply with sub-clause 5.1.1 of the licence as it does not broadcast a total of two hundred and eighty-two (282) minutes daily as per the licence.

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

According to the Form 8A submitted by the Licensee, an average of seven hundred and forty-three (743) tracks of South African music is broadcast each week.

The monitoring exercise revealed that Khwezi FM broadcasts an average of four (4) South African tracks per hour and most of the genre broadcast is Gospel music. The Licensee broadcasts an average of more than two thousand (2 000) minutes per week as per the South African music content quota, which is equivalent to 80%.

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%) of talk during the performance period weekly, is equal to four thousand five hundred and thirty-six (4 536) minutes.

The log-sheet submitted by the Licensee indicate that on average five thousand two hundred and thirty-seven (5237) minutes per week is broadcast by Khwezi FM.

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%.”

During the performance period, four hundred and fifty-four (454) minutes is to be broadcast in Afrikaans, two hundred and twenty-seven (227) minutes in German and five hundred and forty-four (544) minutes in English.

The monitoring exercise revealed that Khwezi FM broadcasts four hundred and twenty (420) minutes in Afrikaans and German between 14h00 and 15h00 weekly. The rest of the broadcast is in isiZulu.

The Licensee complies with sub-clause 5.1.4.1 of the licence and partially complies with sub-clauses 5.1.4

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 submits the log of programmes broadcast to the Authority as required by clause 5.2.

The Licensee complies 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 the Listeners club throughout the licence period."

The Licensee has a communication participation structure such as Masibambane and the community is actively involved in different branches.

The Licensee complies with clause 8.1 of the licence.

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 Regulations⁶

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 period, consist of South African music and that such South African music is spread evenly throughout the performance period⁷".

The Licensee broadcasts an average of more than two thousand (2 000) minutes per week as per the South African music content quota, which is equivalent to 80%.

The Licensee complies with the Regulations.

5.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Services Licences⁸

During the year under review, the Licensee complied with the standard terms and conditions for class licences

6 CONCLUSION

Radio Khwezi was generally non-compliant with most provisions of its licence conditions and applicable Regulations in the past. However, since the last report, Radio Khwezi has made improvements in addressing the non-compliance issues. The Licensee is commended for taking compliance seriously.

7. TERMS OF REFERENCE

Appendix A: Khwezi FM broadcasting licence

Appendix B: ICASA South African Music Content Regulations 2016

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

⁶ Appendix B: ICASA South African Music Content Regulations 2016

⁷ Ibid

⁸ Appendix C: Standard Terms and Conditions for Class Licences 2016