



IZWI LETHEMBA CHRISTIAN COMMUNITY RADIO ANNUAL COMPLIANCE REPORT

MARCH 2020

2018/2019 ANNUAL COMPLIANCE REPORT

IZWI LETHEMBA CHRISTIAN COMMUNITY RADIO FM

LICENCE PERIOD: 22 JUNE 2016 TO 21 JUNE 2021

1. PREFACE

The Independent Communications Authority of South Africa ("the Authority") has a statutory mandate in terms of the Constitution¹, the ICASA Act², the Electronic Communications Act³ ("ECA") and the Broadcasting Act⁴ to regulate broadcasting activities in South Africa in the public interest. Among the many tasks of the Authority is to ensure compliance by broadcasting service licensees with the terms and conditions of their licence, Regulations and any relevant legislation.

This report is intended to give an account of Izwi Lethemba Christian Community Radio's compliance with the terms and conditions, as set out in its license, for the 2018/2019 financial year. Aspects of compliance that are measured comprise of Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligations, Language(s), South African Music Content Regulations, Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Izwi LeThemba Christian Community Radio holds a Class Sound Broadcasting Service Licence. The radio station's mandate is to provide a sound broadcasting service to a Christian community of common interest residing within the Buffalo City Municipality in the Eastern Cape Province, as outlined in the licensee's radio frequency spectrum licence.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the licence reads as follows:

¹ The Constitution of the Republic of South Africa, No 108 of 1996

² Act No. 13 of 2000, as amended

³ Act No. 36 of 2005

⁴ Act No. 4 of 1999

"The Licence⁵ is issued to:

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

In the year under review, there were no changes reported by the Licensee indicating a change in any of the above recorded information. The Licensee's submissions carry the names and information as recorded here above and the control of the Licensee still vests in a legally constituted Board of Directors.

The Licensee complies with clauses 1.1, 1.2 and 1.3 of the licence.

3.2 Licence Period

Clause 2 of the schedule to the licence states that:

"2.1 The effective date of the Licence is 22 June 2016.

2.2 The Licence shall expire on 21 June 2021."

Izwi Lethemba licence is up to date. The Licensee shall be reminded of its eligibility to submit a renewal application in accordance with the prescribed regulatory timeframes.

The Licensee complies with clause 2 of the schedule to its licence.

3.3 Licence Area

Clause 3 of the Schedule to the Licence states that:

"The Licensee shall provide services in the Buffalo City Municipality in the Eastern Cape Province as set out in the Licensee's radio frequency spectrum licence⁶."

The Licensees coverage area remains as prescribed in the licence terms and conditions. In the year under review, the Authority did not receive any reports or complaints indicating that the radio station has gone beyond its licenced area.

The Licensee complies with clause 3 of the schedule to the licence.

⁵ Appendix A: Izwi LeThemba's Broadcasting Service Licence

⁶ Appendix B: Izwi Lethemba Frequency Spectrum Licence

3.4 Community

Clause 4 of Schedule A to the licence provides as follows:

4.1 *"The Licensee shall provide services to a Christian Community of common interest residing within the geographic coverage area specified herein".*

Izwi Lethemba Christian Community Radio FM still provides service to the Christian community residing in the Buffalo City Municipality in the Eastern Cape Province. However, the Licensee is in talks with Sentech on the coverage of their King Williams Town audience. This is because it was previously discovered that Izwi Lethemba is unable to reach the King Williams Town Listenership because of the town's deep terrain.

The Licensee complies with clause 3.1 of the Licence.

Clause 4.2 of the licence stipulates 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 focusing on programming and programming policies of the station.*

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 admitted to not convening the two meetings as prescribed by clause 4.2.1.

The Licensee failed to comply with clause 4.2.1 of its licence.

The clause on the Annual General Meetings (AGM) in the 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 convened its first successful Elective Annual General Meeting (AGM) in May 2019 and proof⁷ of that AGM was subsequently submitted to the Authority. The Authority's

⁷ Appendix C: Minutes and attendance register for Izwi LeThemba' S 2018/19 AGM

interventions proved to be critical, after the Licensee experienced serious challenges that might have resulted in its collapse in 2015. An investigation carried out by the Authority found that the Licensee lacked control structures at all levels of management.

The engagements between the Licensee and the Authority dating back to 2016, focused on the importance of the Licensee putting control structures in place. As such, emphasis was put on the importance of convening an Elective Annual General Meeting.

The Licensee complies with clause 4.2.3 of its licence.woyisa

3.5 Programming

Clause 5.1 of the licence provides that the Licensee shall provide programming as follows:

Clause 5.1.1 of the licence stipulates that:

"Local News and Information:

The Licensee shall broadcast a total of fifty-five (55) minutes of news per day, of which 50% shall be local, 25% national and 15% International news."

The Authority's findings were that the Licensee schedules eleven (11) news bulletins daily. Each news bulletin is for a duration of at least six (6) minutes and a total average of news broadcast per day is sixty-six (66) minutes. News Bulletins are broadcast in all 3 licenced languages.

Hereto follow are excerpts from some news bulletins found during monitoring:

- *"Easter Cape Police have arrested a wanted suspect in Komani – formally known as Queenstown – following the disappearance and later, murder of three people in Tsomo November last year. Provincial Police Spokesperson, Brigadier Thembinkosi Kinana, says three people went missing under mysterious circumstances and without a trace. He says a seventy-one-year-old grandmother and two girls aged between 16 and 17, one of them who was 9 months pregnant were last seen in their home.*
- *The family was later found floating in the Tsomo river by a shepherd and a motor vehicle which was believed to have been used in the commission of crime was found abandoned at Mahlubini Administrative Area. Kinana says a 35-year-old suspect who was arrested last week Friday in Ezibeleni Township outside Komani. The motive for*

the killing is still unknown and the suspect is expected to appear in the Tsomo Court today on a charge of murder.”

- *ISEbe lezeMfundo eMpuma Koloni iqinisekisile okokuba alisayi kuyisebenzisa intlanzi ekwinkonkxa de ibe lixesha elithile. Oku kususela ekubeni kuthe kwabhengezwa okokuba uhlobo luthile lwentlanzi enkonxiweyo kufunyaniswe okokuba alikulungelanga okokuba lusetyenziswe okanye lutyiwe ngabantu.*
- *Kwezinye zeevenkile ezithe zachaphazeleka singabala uShoprite, uCheckers kwakunye noOK. Ukanti abemi beli bavakalise inxalabo nangoko besithi uninzi lwananti sele kukudala luyitya lentlanzi; kwaye bathi esisibhengezo sokhutshwe emveni kwexesha elide abantu sele kukudala beqhubeka nokuyithenga kwaye beyitya lentlanzi.”*
- *Lonyuke layakutsho ngaphaya kwamashumi amabini ananye inani labantu abathe basweleka ngalentseni emveni kwengozi yebhasi neyehle kude kufuphi nedolophu yakuCentane. Ngokwengxelo ekhutshe lisebe lezoThutho kwiPhondo; lebhasi – nebithwele uninzi lwabantu abadala – ibisingise kwidolophu yakuCentane ngeliyakufumana imali yabo yesibonelelo sikaRhulumente kwabo badala, ngethuba umqhubi webhasi ephulukana nolawulo lwayo yaza yaya kutshona kwityholo elikufuphi. Isithethi seSebe lezoThutho, nguUnathi Binqose [cross over to Dept’s Spokesperson].*

The Licensee complies with sub-clause 5.1.1 of its licence.

Clause 5.1.2 of the licence provides that:

"South African Music Content: 85%"

The Licensee’s Music Log Sheet⁸ suggests that the Licensee schedules at least 85% South African Music Content.

In the year under review, the monitoring exercise found that the Licensee plays approximately 90% South African Music.

The Licensee plays mostly South African Gospel Music; music from Eastern Cape based gospel groups and artists was observed on a large scale. The following artist were found to be enjoying airtime on Izwi LeThemba’s music playlist Benjamin Dube, Kelly Khumalo, Rebecca Malope, Bethusile Mcinga, Amadodana aseWesile, Butho Vuthela, Nkomfa

⁸ Appendix D: Izwi Lethemba Music Log Sheet.

Mkhabile, Kholeka, Khanyisa Nkantsu, Veliswa Skeyi, Dumi Mkokstad, Nobathembu, Nduduzo, Thobekile, Hlengiwe Mhlaba, Malibongwe Gcwabe, Ncandweni Christ Ambassadors, Ruth and the Mighty Praise, Lord Comforters and many others.

The Licensee complies with sub-clause 5.1.2 of the licence.

Clause 5.1.3 of the licence stipulates that the Licensees format is as follows:

"Talk vs. Music: 80% Talk and 20% Music"

In an average three (3) hour show, which is the equivalent of one hundred and eighty (180) minutes, the Licensee would programme, thirty-five (35) minutes of music.

The monitoring exercise confirmed that the Licensee's adheres to the format of 80% talk and 20% music as prescribed by the licence.

The Licensee complies with sub - clause 5.1.3 of its licence.

Clause 5.1.4 of the licence provides for the languages of broadcast as follows:

"Language(s) of Broadcast:

5.1.4.1 IsiXhosa – 75%;

5.1.4.2 English – 15%;

5.1.4.3 Afrikaans – 10%.

The monitoring exercise found programming in all three languages of broadcast. The licensee's precision where the calculation of language allocation is concerned is commendable. The Licensee's carries 11 news bulletins on each day of the week and two of the eleven is in English and only 1 in Afrikaans. Consistency, in terms of language of broadcast allocation was found throughout the Licensee's Programming Profile.

The Licensee complies with clause 5.1.4 of its licence.

4. REGULATIONS

4.1 ICASA South African Music Content Regulations

Regulation 3 of the ICASA South African Music Content Regulations 2016⁹ stipulates that:

⁹ Appendix E: ICASA South African Music Content Regulations

"A holder of a community sound broadcasting service licence must ensure that after eighteen (18) months from the date of gazetting of these regulation, 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 evenly throughout the performance period."

In the year under review, the monitoring exercise found that the Licensee did broadcast, on average, 90% South African Music. The Licensee broadcast mostly South African Gospel Music; music from Eastern Cape based gospel groups and artists on a large scale.

The following artist were found to be enjoying airtime on Izwi LeThemba's music playlist: *Benjamin Dube, Kelly Khumalo, Rebecca Malope, Bethusile Mcinga, Amadodana aseWesile, Butho Vuthela, Nkomfa Mkhabile, Kholeka, Khanyisa Nkantsu, Veliswa Skeyi, Dumini Mkokstad, Nobathembu, Nduduzo, Thobekile, Hlengiwe Mhlaba, Malibongwe Gcwabe, Ncandweni Christ Ambassadors, Ruth and the Mighty Praise, Lord Comforters* and many others.

The Licensee complies with the South African Music Content Regulations, 2016.

4.2 Regulations regarding Standard Terms and Conditions for Class Licensees

Regulation 2 (1) (d) of the Regulations Regarding Standard Terms and Conditions for Class Licensees¹⁰ provides two fundamental regulations that are constantly and continuously used to measure a Licensee's compliance. The two Regulations are 2(1) and 9, respectively.

The Authority is satisfied that during the period under review the Licensee did not contravene the regulation in respect of the Standard Terms and Conditions for Class Licences.

The Licensee complies with Regulations 2(1) and 9 of the Standard Terms and Conditions for Class Licensees.

¹⁰ Appendix F: Regulations regarding the Standard Terms and Conditions

5. CONCLUSION

The Authority's previous report, in 2015, concluded that the Licensee needed assistance and guidance and the Authority provided the necessary interventions to the Licensee, which has attributed in its improvements as demonstrated in this report.

Izwi Lethemba has generally complied with most provisions of its licence conditions and applicable regulations. The areas of non-compliance will be brought to the attention of the Licensee. The Authority will continue to monitor the compliance of the Licensee during the next financial year.

6. TERMS OF REFERENCE

6.1 Appendix A: Izwi LeThemba's Broadcasting Service Licence;

6.2 Appendix B: Izwi LeThemba's Frequency Spectrum Licence;

6.3 Appendix C: Proof of 18/19 Annual General Meeting;

6.4 Appendix D: Izwi LeThemba's Music Log Sheet (Sample);

6.5 Appendix E: Regulations on South African Music Content; and

6.6 Appendix F: Standard Terms and Conditions for Class Licensees.