



# **IGAGASI FM ANNUAL COMPLIANCE REPORT**

**MARCH 2018**

## **2016/2017 ANNUAL COMPLIANCE REPORT: RADIO IGAGASI (Pty) Ltd 99.5 FM**

**LICENCE PERIOD: 18 December 2008 - 17 December 2018**

### **1. PREFACE**

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution<sup>1</sup>, the ICASA Act<sup>2</sup>, the Electronic Communications Act<sup>3</sup> (ECA) 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 ensure compliance by broadcasters with the terms and conditions of their licence and relevant legislation and regulations.

The purpose of the report is to give an account of Radio iGagasi 99.5 (Pty) Ltd's performance for the 2016/2017 financial year. Aspects of compliance that are measured comprise of Geographic Coverage, Broadcasting Languages, Format, General Programming Obligations, Training and Skills Development, Community-Related Obligations, South African Music Regulations, Regulations Regarding Standard Terms and Conditions, Universal Service and Access Fund (USAF) Regulations and General Licence Fee Regulations.

### **2. BACKGROUND**

iGagasi FM is an Individual Commercial Sound Broadcasting Service Licensee licensed on 18 December 2008<sup>5</sup>. The radio station's mandate is to provide sound broadcasting services to Durban Metropolitan, Port Shepstone, Ulundi, Glencoe, Greytown and surrounding areas in the KwaZulu Natal Province as outlined in the Licensee's broadcasting service licence. According to the Broadcast Research Council of South Africa, the listenership figures for the last quarter of the period under review is 1 393 000<sup>6</sup>.

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

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

<sup>3</sup> Act No. 36 of 2005

<sup>4</sup> Act No. 4 of 1999

<sup>5</sup> Appendix A: Broadcasting Service licence

<sup>6</sup> <http://www.brcsa.org.za/brc-ram-radio-listening-jul-16-dec-16-oct-16-mar-17/>

### **3. COMPLIANCE ASSESSMENT**

#### **3.1 Control Structure**

##### **3.1.1 Ownership and Control**

Clause 1.1 of iGagasi FM's licence stipulates that:

*"Name of Company/Entity: Radio iGagasi (Pty) Ltd".*

The Licensee is Radio iGagasi (Pty) Ltd as stipulated in its licence.

**The Licensee was found to be in compliance with clause 1.1 of its licence.**

Clause 1.2 of iGagasi FM's licence stipulates as follows:

*"Shareholders: Makana Radio Communication (Pty) Ltd (100%)".*

The Licensee is 100% owned and controlled by Makana Radio Communications (Pty) Ltd.

**The Licensee was found to be in compliance with clause 1.2 of its licence.**

Clause 1.3 of iGagasi FM's licence stipulates that:

*"Ownership held by persons from historically disadvantaged groups:*

<i>Tsiya Radio</i>	<i>59.96%</i>
<i>Victory Parade Trading 55 Pty Ltd</i>	<i>20.02%</i>
<i>Kagiso Media Ltd</i>	<i>20.02%"</i>

**The Licensee was found to be in compliance with clause 1.3 of its licence.**

#### **3.2 Geographic Coverage**

Clause 2 of the schedule to iGagasi FM's licence stipulates that:

*"The coverage area is as defined in the map attached to the radio frequency spectrum licence".* According to the frequency spectrum licence, the radio station covers the following areas: Durban, Port Shepstone, Ulundi, Glencoe, Greytown and surrounding areas in the KwaZulu Natal Province. The Licensee confirms that its coverage area is as defined in the licence and it services the areas as specified in the frequency spectrum licence.

**The Licensee was found to be in compliance with clause 2 of the schedule to its licence.**

### **3.3 Language (s)**

Clause 3 of the schedule to iGagasi FM's licence provides that the broadcast language(s) are as follows:

*English – 50%; and IsiZulu – 50%”.*

The monitoring exercise revealed that the Licensee broadcasts in both English and isiZulu and uses both languages interchangeably. The language split, as per the Authority's findings, is an equal split between English and isiZulu.

**The Licensee was found to be in compliance with clause 3 of the schedule to its licence.**

### **3.4 Format**

Clause 4 of the schedule to iGagasi FM's licence stipulates that:

*"The Licensee shall have a programming format of music in an adult contemporary jazz format”.*

The Licensee confirms that it offers a programming format of music in an adult contemporary jazz format which includes R&B, Soul, Adult contemporary, Classic Soul and Pop.

During the period under review, artists featured included Robbie Malinga, The Soil, Black Coffee, Zandi Khumalo, Gugu Zulu, Musa, Liquid Deep, Dj Zinhle, Khaya Mthethwa, Lemar, Pharrell Williams, Drake, Joyous Celebration and Sphumelele Mbambo amongst others.

**The Licensee was found to be in compliance with clause 4 of the schedule to its licence.**



## 4. GENERAL PROGRAMMING OBLIGATIONS

### 4.1 General

Clause 5.1 of the schedule to iGagasi FM's licence stipulates them:

*"To broadcast at least 30 minutes of News per day during the South African Performance Period".*

The Licensee submits that it broadcasts at least forty (40) minutes of news daily during weekdays and at least thirty (30) minutes of news on weekends.

The monitoring exercise confirmed that news is broadcast from 06h00 to 18h00 and comprise local, national and international news. The duration of the news in general, throughout the day is three (3) to four (4) minutes on the hour and one (1) minute headlines during the breakfast and late afternoon show on the half hour. On average the Licensee broadcasts forty (40) minutes of news per day during the performance period.

The following are some of the news items monitored:

- *"The state prosecutor, Gerrie Nel announcing his resignation and has 24 hours to leave and join the group, Afriforum. The reasons for his departure is to set up a unit that is parallel to the NPA and take on cases declined by the NPA.";*
- *"Suspended Police Commissioner Riah Phiyega says she plans on opposing a report by the Claassen enquiry that has recommended that she be removed. The enquiry focused on the role she played in the Marikana Massacre and her fitness to hold office. She has stated that she intends to contest the findings of the enquiry.";*
- *"SABC former CEO, Hlaudi Motsoeneng says South Africa should start supporting local artists for the betterment of the industry. Speaking at the memorial service of the late gospel singer, Lundi Tyamara, which was held at Grace Bible Church in Gauteng, Motsoeneng says commercial radio stations should also follow the 90% local content. Motsoeneng says South Africans don't believe in themselves.";* and
- *"The United Nations Prevention of Genocide says the setting up of the International Criminal Court was a reckoning for those who have long disregarded the lives and dignity of their people. The U.N Special Adviser of the Prevention of Genocide Adama Dieng, has warned withdrawing from the tribunal could have grave implications for*

*victims seeking redress for serious Human Rights Violations, he says courts like the ICC need to be assisted to ensure justice."*

**The Licensee was found to be in compliance with clause 5.1 of the schedule to its licence.**

Clause 5.2 of the schedule to iGagasi FM's licence stipulates that:

*"Should the Licensee source news material from a source other than itself the source(s) thereof shall be disclosed".*

The Licensee submits that it generates news from the following sources amongst others, DSTV news channels, News Flash radio news agency, local tip-offs, Police and Emergency Services and stringers.

**The Licensee was found to be in compliance with clause 5.2 of the schedule to its licence.**

Clause 5.3 of the schedule to iGagasi FM's licence stipulates that:

*"The Licensee shall broadcast news for an average six (6) minutes every hour between 06h00 and 09h00 on all weekday mornings. News shall be broadcast in English and isiZulu".*

The monitoring exercise confirmed that the duration of news is six (6) minutes on an hourly basis between 06h00 and 09h00, broken down in the following manner; four (4) to five (5) minutes and one (1) to two (2) minute(s) headlines during the breakfast shows. The Licensee broadcasts news in both languages daily, in certain instances, they use both languages interchangeably.

**The Licensee was found to be in compliance with clause 5.3 of the schedule to its licence.**

Clause 5.4 of the schedule to iGagasi FM's licence stipulates that:

*"The Licensee must in the compiling of news and information reflect on news from the Continent".*

The Licensee broadcasts news and information from the Continent as per clause 5.4 above.

**The Licensee was found to be in compliance with clause 5.4 of the schedule to its licence.**

## **5. TRAINING AND SKILLS DEVELOPMENT OBLIGATIONS**

Clause 6.1 of the schedule to iGagasi FM's licence stipulates that:

*"The Licensee shall put particular emphasis on the training and development of staff from historically disadvantaged groups".*

During the period under review, the Licensee reported that emphasis on training and development of staff was in respect of people from historically disadvantaged groups.

The Licensee confirms that it puts emphasis on the training and development of staff from historically disadvantaged groups. The training was undertaken in the following areas: Marketing Seminar, Digital news training and Management and DJ Coaching<sup>7</sup>.

**The Licensee was found to be in compliance with clause 6.1 of the schedule to its licence.**

Clause 6.2 of the schedule to iGagasi FM's licence stipulates that:

*"The Licensee shall establish an employee training programme and shall spend a minimum of R500 000 (five hundred thousand Rand) over the licence period thereon".*

The Licensee submits that for the year under review, it has spent four hundred and seventy three thousands, three hundred and twenty eight rands and seventy three cents (R473 328.73) on training.

The requirement of R500 000, is measured over the Licensee's licence period. To date the Licensee has spent almost two million rands and full determination with the above clause can only be reached at the end of the licence period.

**However, thus far the Licensee has exceeded its obligation as per the above-mentioned clause.**

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<sup>7</sup> Appendix B: Training development schedule

Clause 6.3 of the schedule to iGagasi FM's licence stipulates that:

*"The onus is on the Licensee to pursue the appointment of more women on-air presenters".*

The Licensee has, during the year under review, confirmed that it has nine (9) female on-air presenters and eighteen (18) male presenters.

**The Licensee was found to be in compliance with clause 6.3 of the schedule to its licence.**

Clause 6.4 of the licence schedule stipulates that:

*"The Licensee shall regularly receive and train interns and students from tertiary institutions across South Africa".*

During the period under review, the Licensee reported that it has employed four (4) interns at the radio station. Interns are employed for a minimum period of six (6) months to a maximum period of twelve (12) months.

**The Licensee was found to be in compliance clause 6.4 of the schedule to its licence.**

## **6. REGULATIONS**

### **6.1 South African Music Content Regulations**

The Regulations on South African Music Content, as published on 31 January 2006, stipulates that:

*"Every holder of a commercial sound broadcasting licence to which these regulations apply must ensure that a minimum of 25% 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".<sup>8</sup>*

Monitoring conducted confirmed that iGagasi FM plays a minimum of 48% South African music. The music genres range from gospel, Kwaito, R&B, Afro Pop, Classic Soul, Hip Hop and House. The local music played by the radio station include, amongst others, Black Coffee, Dj Zinhle, Durban's Finest, Babes Wodumo, Robbie Malinga, Big Nuz, Lloyd Cele,

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<sup>8</sup> Appendix C: South African Music Content Regulations



Uhuru, Kelly Khumalo, Joyous Celebration, Khaya Mthethwa, Siphokazi, Thandiswa, and Ringo amongst others.

**The Licensee was found to be in compliance with the Regulations on South African Music Content.**

## **6.2 Regulations regarding Standard Terms and Conditions for Individual Broadcasting Licences**

No areas of non-compliance with the standard terms and conditions for individual licences were identified during the period under review.<sup>9</sup>

## **6.3 Universal Service and Access Fund**

Regulation 3 (1) of the Regulations in respect of Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund (USAF) as published in the *Government Gazette, no 31499* of April 2009 stipulates that:

*"Every holder of the licence granted in terms of Chapter 3, 4 and /or 9 or converted in terms of Chapter 15 of the Act, must pay an annual contribution of 0.2 % of the annual turnover, to the Fund".*

Further, Regulation 3 (3) stipulates that:

*"A broadcasting service licensee who has paid an annual contribution to the Media Development and Diversity Agency (MDDA) must set off that contribution against its prescribed annual contribution to the Fund".*

The Licensee paid their USAF contribution and submitted proof of payment to the Authority on 31 August 2017. The Licensee's financial year end is February and therefore payment was made during the stipulated timeframe.

**The Licensee was found to be compliance with the USAF Regulations.**

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<sup>9</sup> Appendix D: Regulations regarding Standard Terms and Conditions for Individual licences

## 6.4 General Licence Fees

Regulation 3(1) of the General Licence Fees Regulations stipulates that:

*"The annual licence fees prescribed in these regulations and as set out in schedule 2 apply to holders of individual and class ECS licences, individual and class ECNS licences and individual commercial BS licences".<sup>10</sup>*

Schedule 2 of the General Licences Fees regulations provides for Individual Commercial Broadcasting Service Licensees to pay an annual licence fee of 1.5% of gross profit to the Authority.

Regulations 4 (b) and (c) of Schedule 3 stipulates that:

- (a) *In respect of payment, such are due and payable within 6 months from the end of the licensee's financial year; and*
- (b) *May only be paid by way of an electronic transfer or via direct deposit into the Authority's bank account".*

The Licensee paid their licence fees on 31 August 2017 for the period under review. The Licensee's financial year end is February and therefore payment was made during the stipulated timeframe

**The Licensee was found to be in compliance with General Licence Fees Regulations.**

## 6.5 Code on People with Disabilities

Regulation 3.1 (a) of the Code on People with Disabilities as published in the *Government Gazette, no 30441*, 7 November 2007, states that:

*"Broadcasting service licensees must ensure that their services are made available and are accessible to people with disabilities".<sup>11</sup>*

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<sup>10</sup> Appendix E: General Licence Fees Regulations

<sup>11</sup> Appendix F: Code on People with Disabilities

Regulation 3.1 (c) stipulates that:

*"Broadcasting service licensees must monitor the effectiveness of their service through surveys as well as contact with organisations of and for people with disability and stakeholders".*

The Licensee engaged with the promotion of disability rights awareness with organisations for people with disabilities to generate story ideas and to identify potential contributions. The Licensee has reported that it covers news stories and events pertaining to people with disabilities. Producers are encouraged to establish relationships with organisations for people with disabilities to use for content when the need arises.

**For the period under review the Licensee has demonstrated that it endeavours to comply with the Code on People with Disabilities.**

## **6.6 Compliance Procedure Manual – Form 12A**

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A<sup>12</sup> which reports on all complaints received in the course of each financial year. In June 2017, iGagasi FM submitted its complaints report in accordance with the Regulations regarding the Code of Conduct for Broadcasting Service Licensees. For the period under review, the Licensee did not receive complaints.

**The Licensee was found to be in compliance with the above requirement.**

## **7. CONCLUSION**

The Licensee was found to be in compliance with its licence terms and conditions and applicable regulations.

## **8. TERMS OF REFERENCE**

8.1 Appendix A: Broadcasting Service and Frequency Spectrum Licence;

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<sup>12</sup> Appendix E: iGagasi FM Form 12A

- 8.2 Appendix B: Training development schedule;
- 8.3 Appendix C: South African Music Content Regulations;
- 8.4 Appendix D: Regulations Regarding Standard Terms and Conditions for Individual Licences;
- 8.5 Appendix E: Universal Service and Access Fund Regulations; and
- 8.6 Appendix F: General Licence Fees Regulations Appendix F: Code on People with Disabilities