



IGAGASI FM ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/2018 ANNUAL COMPLIANCE REPORT

RADIO IGAGASI (PTY) LTD 99.5 FM BROADCASTING AS IGAGASI 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 Constitution¹, the ICASA Act², the Electronic Communications Act³ (ECA) and the Broadcasting Act⁴ 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, the three Acts and any 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 2017/2018 financial year. Aspects of compliance that are measured comprise of Geographic Coverage, Language(s), Format, Training and Skills Development Equity, Staff Development and Employment Equity Plan, General Programming Obligations, Ownership by Individuals from historically disadvantaged groups, Financial Year, Regulations Regarding Standard Terms And Conditions For Individual Licensees, General Licence Fees Regulations, USAF Regulations, South African Music Content Regulations and the Code on People with Disabilities.

2. BACKGROUND

iGagasi FM is an Individual Sound Broadcasting Service Licensee broadcasting to the Durban Metropolitan, Ulundi, Glencoe, Greytown and surrounding areas in the Kwa-Zulu Natal Province. The Authority issued iGagasi FM with its licence on 18 December 2008. According to the Broadcast Research Council of South Africa, iGagasi FM is the seventh

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

² ICASA Act No 13, 2000 as amended

³ Electronic Communications Act No 36, 2005

⁴ Broadcasting Act No 4 of 1999

(7th) most listened to commercial radio station and the listenership figures between April 2017 and December 2017 grew from 1 514 000 to 1 680 000⁵.

3. COMPLIANCE ASSESSMENT

3.1. Ownership and Control

Clause 1.1 of the licence provides that:

*"Name of Company/Entity: Radio Igagasi 99.5 (Pty) Ltd"*⁶.

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

The Licensee complies with clause 1.1 of its licence.

Clause 1.2 of the licence provides that:

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

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

The Licensee complies with clause 1.2 of its licence.

Clause 1.3 of the licence provides for:

"Ownership held by persons from historically disadvantaged groups:

<i>Tsiya Radio</i>	<i>59.96%</i>
<i>Victory Parade</i>	<i>20.02%</i>
<i>Kagiso Media</i>	<i>20.02%</i>

The Licensee complies with clause 1.3 of its licence.

3.2. Geographic Coverage Area

Clause 2 of the licence stipulates that the geographic coverage area is:

"Durban Metropolitan, Port Shepstone, Ulundi, Glencoe and Greytown as defined in the coverage map attached to the Licensee's radio frequency spectrum licence".

⁵ Appendix A: <http://www.brcsa.org.za/BRC-RAM-Radio-Listening-Apr17-Sep17vsJul17-Dec17>

⁶ Appendix B: IGagasi FM's Service Licence

The Licensee confirms that the geographic coverage area remains as is defined in service licence and specified in the frequency spectrum licence.

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

3.3. Broadcast Language(s)

Clause 3 of the licence states that:

"Principal languages are 50% isiZulu and 50% English"

The monitoring exercise confirmed that the Licensee broadcasts in both English and isiZulu interchangeably. For example, a presenter will converse in English and then switch to isiZulu; during a news bulletin, a news reader will read the first story in English and the next story will be read in isiZulu.

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

3.4. Format

Clause 4 of the licence provides:

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

The monitoring exercise confirmed that the Licensee offers an adult contemporary jazz format that includes, Rhythm and Blues, Soul, Pop and Classic Soul. The following artists were featured: Vusi Nova "Ndikuthandile", Ringo Madlingozi "Into Yam", Sisi "Ngidinge", Liqui Deep "Fairytale", Zahara "Inameva", Zonke "Feelings", Amanda Black "Amazulu" and Sun-El Musician ft. Simmy "Ntaba Ezikude", Mariah Carey "We Belong Together" and Miley Cyrus "Adore".

The Licensee complies with clause 4 of the schedule to its licence.

4. GENERAL PROGRAMMING OBLIGATIONS

Clause 5.1 of the licence stipulates that:

"The Licensee shall broadcast a minimum of thirty (30) minutes of news per day between 05h00 and 23h00".

The Authority's monitoring exercise confirmed that iGagasi FM broadcasts news bulletins on the hour from 06h00 to 18h00 during weekdays and from 07h00 to 17h00 on Saturdays and Sundays. The monitoring exercise also confirmed that each news bulletin is averaging between three (3) and four (4) minutes. On average, the Licensee broadcasts forty-five (45) minutes of news during the week and thirty-eight (38) minutes on weekends.

The following are some of the news items monitored:

- *"Minister for Women in the Presidency, Bathabile Dlamini and Minister of Communications Nomvula Mokonyane have arrived at the Port Elizabeth high court where Nigerian Pastor Timothy Omotoso's trial resumes. Omotoso and his two accused are facing sixty-three (63) charges and thirty-four (34) alternative charges including rape, sexual assault and racketeering. Meanwhile, Omotoso's church remains closed after protests yesterday calling for the church to be shut down";*
- *"Imindeni yabalisa ababini abashona emva kokushaywa ngumqashi wabo waza waba shisa, bathi bafuna umthetho udlale indima yawo. U Mxolisi Mkhize no Moses Magama babulawa ngu Mthokozisi Mbambo e Marianhill ngaphandle kwe Theku ngoba ebasola ngokweba u gearbox wakhe. U Mbambo uvelile enkantolo wathola I ball kanti icala liyaqhubeka ngomhla ka 28 ngenyanga ezayo";*
- *"International Cooperation Minister, Lindiwe Sisulu will host her counterpart of the United Arab Emirates Shaik Abdullah Ben Zawd for the second joint commission between the two countries today";*
- *"Nigerian President Muhammed Buhari says they have deployed a special police force to restore calm in Kaduna following fifty-five (55) people being killed. According to reports clashes between two tribes are the cause of the killings, so far twenty-two (22) have been arrested and more one hundred (100) people have died this year alone following the ongoing outbreaks of communal violence across Nigeria" and*
- *"Owesakuba nguMongameli u Jacob Zuma usancome indlela amalungu e ANC akudala nasadlulayo emhlabeni ayihlonipha ngayo I Freedom Charter. U Zuma ukhulume njalo emngcwabeni wesi shoshovu esidabuka esifundazweni u Eric Mtshali ofihlwe ngempela sonto".*

The Licensee complies with clause 5.1 of the schedule to its licence.

Clause 5.2 of the licence states that:

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

The Authority's monitoring exercise can confirm the Licensee does disclose the source(s) of news material acquired elsewhere. For example, the Licensee reported on a six (6) year old boy (Teddy Mazini) from Arizona in the United States of America who was left disappointed when all thirty-two (32) of his classmates failed to attend his birthday party. Professional sportsmen invited him to watch their matches and some celebrities wished him a happy birthday after his mother posted his picture sitting alone on social media. The Licensee reported the source of the news material as Sky News.

The Licensee complies with clause 5.2 of the licence.

Clause 5.3 of the licence provides that:

"The Licensee shall broadcast news for an average of 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 between 06h00 and 09h00, the Licensee broadcasts six (6) minutes news bulletins broken down into five (5) minutes on the hour and a one (1) minute headline. The Licensee broadcasts news in both English and isiZulu.

The Licensee complies with clause 5.3 of the licence.

Clause 5.4 of the licence stipulates that:

"In compiling news and information programmes, the Licensee shall reflect on news from the Continent".

The Licensee broadcasts news and information from the Continent as per clause 5.1 above.

The Licensee complies with clause 5.4 of the licence.

5. TRAINING AND SKILL DEVELOPMENT OBLIGATIONS

Clause 6.1 of the licence stipulates that:

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

During the period under review, the Licensee reported emphasis on training and development of staff was in respect of people from historically disadvantaged groups. Training was undertaken in areas of sales, branding, news staff digital training, HR VIP Training and Marketing⁷.

The Licensee complies with clause 6.1 of the licence.

Clause 6.2 of the licence provides 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 submitted in the compliance report⁸, that for the year under review it has spent one million seven hundred and thirty-two thousand, one hundred and forty eight Rands and fifty two cents (R1 732 148.52) on training.

The Licensee complies with clause 6.2 of the licence.

Clause 6.3 of the licence stipulates that:

"The Licensee shall actively pursue the appointment of more women on-air presenters".

According to the Licensee's submission, there are nineteen (19) male presenters and nine (9) female on-air presenters.

The Licensee complies with clause 6.3 of the licence.

Clause 6.4 of the schedule to the licence provides for:

⁷ Appendix C: ICASA Compliance Report

⁸ Appendix C: ICASA Compliance Report

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

During the period under review, the Licensee employed six (6) interns (2 males and 4 females).

The Licensee complies with clause 6.4 of the licence.

6. REGULATIONS

6.1. South African Music Content Regulations

The ICASA South African Music Content Regulations, as published on the 23 of March 2016, stipulates that:

"A holder of a commercial sound broadcasting service licence must ensure that after eighteen (18) months from the date of gazetting these Regulations, a minimum of 35% of the musical works broadcast in the performance period, consists of South African music and that such South African music is spread evenly throughout the performance period⁹".

The Authority's monitoring exercise confirmed that on any given day, the Licensee plays between 45 - 48% of South African music. The music genres range from House, Classic Soul, Afro Pop, Gospel, Kwaito and Rhythm and Blues. The South African music played by the Licensee include, amongst others, Ntokozo Mbambo, Noluthando Hlope, Simmy, Amanda Black and Zonke.

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

6.2. Regulations Regarding Standard Terms and Conditions for Individual Licences

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

The Licensee complies with the standard terms and conditions for individual licences.

⁹ Appendix D: ICASA South African Music Content Regulations, 2016

6.3. Universal Service and Access Fund Regulations

Regulation 3(1) of the Universal Service and Access Fund (USAF) Regulations as published in the Government Gazette No. 34010 of February 2011, provides 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".

Regulation 3(2) further provides that:

"A BS Licensee who has paid an annual contribution to the MDDA must set off that contribution against its USAF contribution, provided that the MDDA contribution and the USAF contribution against which it is set off are of the same financial year"

The Licensee has paid its USAF contribution as required by Regulations 3(1) and 3(2) of the Universal Service and Access Fund Regulation¹⁰.

The Licensee complies with the above Regulations.

6.4. General Licence Fees Regulations

Schedule 2 of the General Licence Fees Regulations provides for Individual Commercial Broadcasting Service Licensees to pay annually to the Authority a licence fee of between 0.15% to 0.35% of its gross profit.

Schedule 3(1) of the General Licence Fees Regulations provides for the format for submission of financial statements for the purpose of calculating licence fees.

Schedule 3(2) of the General Licence Fees Regulations provides that:

"All licence holders must submit within six (6) months of their financial year end:

- a) audited financial statements, or; and*
- b) financial statements signed by the accounting officer of the Licensee where the Licensee is legally obliged to provide audited financial statements"*

¹⁰ Appendix E: Recon of Payments

Schedule 3(6) of the General Licence Fees Regulations provides that:

"All payments in respect of Annual Licence Fees are due annually"

The Licensee has submitted its audited financial statements that are signed by their auditor and has paid the required annual licence fees. Further the Licensee's financial year ends on 28 February and they paid their licence fees on 31 December 2018 and submitted proof of payment¹¹ thereof

The Licensee complies with the General Licence Fees Regulations.

6.5. Regulations on the Code for Persons with Disabilities

Regulation 3.1(a) of the Code on People with Disabilities as published in the *Government Gazette, no 30441, 07 November 2007* states that:

"Broadcasting service Licensees to ensure that their services are made available and are accessible to people with disabilities".

On their submission, the Licensee answered *"not applicable"* to the above regulation.

Regulation 3.1(c) of the Code on People with Disabilities provides 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 responded to the above regulation, *"no links between the station and organisations for people with disabilities"*. The Licensee does cover a wide range of news stories involving people with disabilities which forms part of news bulletins not adherence to the regulations regarding people with disabilities.

The Licensee does not comply with regulations on people with disabilities.

¹¹ Appendix G

6.6. Compliance Procedure Manual - Form 12A

The Licensee is a member of the National Association of Broadcasters (NAB) and complaints in relation to the Code of Conduct for Broadcasters are administered by the Broadcasting Complaints Commission of South Africa (BCCSA).

The Licensee is required in terms of the Compliance Procedure Manual Regulations to submit a Form 12A which reports on all complaints received in the course of each financial year. According to the Licensee's submission, they did not receive any complaints.

The Licensee complies with the above requirement.

7. CONCLUSION

The Licensee is generally compliant with most of its terms, conditions and applicable regulations except the Code on People with Disabilities. The Licensee can establish relationships with organisations for people living with disabilities and invite them to their events and functions.

8. TERMS OF REFERENCE

- 8.1. Appendix A: BRC-RAM-Radio-Listening;
- 8.2. Appendix B: Service licence and frequency spectrum licence;
- 8.3. Appendix C: ICASA Compliance report;
- 8.4. Appendix D: ICASA South African Music Content Regulations, 2016;
- 8.5. Appendix E: Recon of Payments;
- 8.6. Appendix F: USAF Regulations;
- 8.7. Appendix G: General Licence Fees Regulations; and
- 8.8. Appendix H: Code on People with Disabilities.