



# **JACARANDA FM ANNUAL COMPLIANCE REPORT**

**MARCH 2020**

# **2018/2019 ANNUAL COMPLIANCE REPORT**

## **JACARANDA FM (PTY) LTD BROADCASTING AS JACARANDA FM 94.2**

**Licence Period: 18 December 2018 to 17 December 2028**

### **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. Among the responsibilities of the Authority is the task to ensure compliance by broadcasting service Licensees with the terms and conditions of their licence and any relevant legislation and/or regulations.

The report is intended to give a detailed account of Jacaranda FM's performance for the period 2018/2019. Aspects of compliance that are measured comprise of Ownership and Control, Geographic Coverage, Language, Format, Local Content Obligations, General Programming Obligations, Training and Skills Development Obligations, South African Music Content Regulations, Complaints, Regulations on Standard Terms and Conditions for Individual Licences and General Licence Fees Regulations

### **2. BACKGROUND**

Jacaranda FM is an Individual Broadcasting Service Licensee licenced on 17 December 2008 to broadcast in parts of Gauteng, Limpopo; North West and Mpumalanga Provinces. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review was 1,032 000<sup>5</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> <https://brcsa.org.za/brc-ram-listenership-report-oct18-mar19/>

### **3. COMPLIANCE ASSESSMENT**

#### **3.1 Licensee Details**

Clause 1 of the service licence stipulates that:

*"The licence is issued to:*

*1.1 Name of Company/Entity: Jacaranda FM (Pty) Ltd*

*1.2 Shareholders: Kagiso Media (Pty) Ltd – 100%*

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

*Kagiso Broadcasting (Pty) Ltd – 43.39%*

The were no changes in the contact details of the licensee for the period under review.

**The Licensee complies with clause 1 of its licence**

#### **3.2 Geographic Coverage**

Clause 3 of the schedule of the licence provides that:

*"Parts of Gauteng, Limpopo, North West and Mpumalanga as defined in the map attached to the radio frequency spectrum licence".*

Jacaranda FM has a footprint in the Gauteng; Limpopo, North West and Mpumalanga provinces<sup>6</sup>. The Licensee confirms that its footprint has not changed.

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

#### **3.3 Broadcast Language/s**

Clause 3 of the schedule to the licence stipulates that Jacaranda FM's languages of broadcast are:

*"English 50% and Afrikaans 50%".*

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<sup>6</sup> Attachment A Jacaranda FM frequency spectrum licence

The licensee's submission indicate that the station is bilingual. The monitoring exercise confirms this through its programming line-up where news is read in both English and Afrikaans, as well as presenters interchanging between the two languages during shows. The presenters balance and blend English and Afrikaans to manage the bilingual split. The rest of the language split is achieved through its programming department that controls the branding package or imaging material using an automated software.

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

**3.4 Format**

Clause 5.1 of the schedule to the licence provides that:

*"The Licensee shall have a programming format of music in an adult contemporary/golden oldies format providing a mix of music and information that is community based".*

The monitoring exercise revealed that the licensee does adhere to the programming format of music and information that is community based. Shows such as *Workzone*, *Breakfast with Martin* and *The Scenic Drive* conforms to the approved format. The insert of *Good Morning Angels*, which is an initiative that was launched in 2014 to match donors to those in need is a popular segment on the programming schedule.

According to Jacaranda FM website, the point of *Good Morning Angels* is simply to "help inspire make the world around us a better place." Jacaranda FM continuously encourages a sense of community assistance by providing a platform to those who are in need with those who can provide and donate wheelchairs, funding, expertise etc.

**The Licensee complies with clause 4.1 of the schedule to its licence.**

Clause 5.2 of the schedule to the licence provides that:

*"The Licensee may not change more than fifteen percent (15%) of its format between 05h00 and 23h00".*

The monitoring exercise confirmed that the licensee did not change its format during the performance period.

**The Licensee complies with clause 4.2 of the schedule to its licence.**

### **3.5 Local Content Obligations**

Clause 6 of the schedule to the licence provides that:

6.1 *"The Licensee shall annually hold live music concert featuring South African artists, and*

6.2 *The Licensee shall provide new local artists with a platform to promote their music".*

The licensee submits that it held several live music concerts featuring a wide range of South African artists. The Licensee further states that it has held various music concerts such as *Carols by Candlelight, Liefde by die Dam, Spring Walk, Off the Beat 'n track* which feature South African artists. The licensee also promotes local talent on air, exceeding the 35% local music quota monthly. Featured artists include Refentse, Lloyd Cele, Paxton, Francois van Coke, Karen Zoid etc.

The monitoring exercise confirmed that the licensee provided a platform for local artists to showcase their talent.

**Jacaranda FM complies with clause 5.1 and 5.2 of the schedule to its licence.**

### **3.6 General Programming Obligations**

Clause 7.1 of the schedule to the licence provides that:

*"The Licensee shall, during each weekday, broadcast an average of:*

*7.1.1 twenty-seven (27) minutes of national news;*

*7.1. 2 thirteen (13) minutes of news related to coverage area; and*

*7.1.3 fifteen (15) minutes of international news, with particular emphasis on news from African Content*

Clause 7.2 of the schedule to the licence provides that:

*"The Licensee shall broadcast newscasts on all weekdays from 05h00-19h00 and on weekends from 07h00 to 18h00".*

The monitoring exercise revealed that the licensee broadcasts news on weekdays between 05h00 – 19h00. The newscasts are broken up into national news; provincial news and international news. On an average, the total amount of news output is approximately 55 minutes of news per day. On weekends news is broadcast from 07h00 – 18h00.

The following is an example of news items found during the period monitored:

- *"The Department of Transport in Gauteng has expressed concern over a spike in taxi violence in Soweto, allegedly between Nanduwe and Wara Taxi Associations. MEC Ismail Vadi says due to the violence he will give notice to close the two ranks and routes. "I am extremely concerned that over that past few weeks there have been a resurgence of violent actions between allegedly members of Nanduwe and Wata. "Few murders have taken place already; a number of vehicles have been damaged and very early this morning there was a shootout between alleged members of the two associations. "Six people have been hospitalized and up to 10 vehicles have been damaged." He says the provincial government has no choice but to act. "It's totally unacceptable that the lives of the ordinary commuter, residents in Soweto and taxi operators are placed at risk, so because of this resurgence to the violence. "It is my intention to publish a government gazette tomorrow indicating o the two associations that I intend to close down the ranks," Vadi says the associations' legal team has to respond to him. "And soon as I have applied mind after having received representation I might well close a number of taxi ranks and routes in the Soweto areas for a period of up to 90 days."*
- *Cele, Mantashe attempt to resolve Sibanye impasse. Police Minister Bheki Cele and his mineral resources counterpart Gwede Mantashe are engaged in meetings with mineworker unions NUM and Amcu over the ongoing violence at Sibanye Stillwater on the West Rand. The Association of Mineworkers and Construction Union has been on strike at Sibanye for the past three months. Cele says the meeting will look at ways to curb the violence at the mine.*
- *"The meeting comes from a request that was made to the police on 6 March, to say we must invite all the other ministers for the issues here. The main*

one is the violence that police are here for. But we believe that other departments can play very crucial roles." At least nine people have died since the strike began last year in November, with 62 houses reported to have been torched. Amcu president Joseph Mathujwa claimed on Wednesday that NUM members were behind the attacks and killings. He told media a media briefing in Johannesburg that he had requested Mantashe's intervention to try and resolve the strike. However, Mantashe says the situation is now out of his hands. "When there are negotiations and there is a deadlock, the minister that has facilities to facilitate is labour. That facility is to facilitate discussions. Once the strike becomes violent it ceases to be a strike it becomes a crime scene. I'm just running the department, I can't deal with industrial relations, I can't deal with criminals. If there are criminals I go to the minister of police." Amcu has shared images on its social media pages, showing people wearing red T-shirt's at a hostel armed with knobkerries and pangas

- *Economic Freedom Fighters (EFF) leader Julius Malema has accused veteran journalist and analyst Karima Brown of working for state security. Malema made the allegations shortly after hosting a breakfast for the elderly at Cappello's in Brakpan on Wednesday morning. "I think she's a state agent, I think she's an operative. I think she's an intelligence. I say that she's an intelligence, she's an operative. I think she's working for state security. I think she works for state security. The questions were crafted in such a way they were so suspicious," says Malema. The exposure of Brown's phone numbers on twitter has resulted in her receiving excessive rape threats and threats of violence. However, Malema has denied that his party is involved in any of the threats. "There is no member of the EFF who has attacked her, worse through the mandate of the EFF. There is no such an instruction issued from the EFF." The EFF has condemned the threats to Brown.*
- *Meer kragprobleme vir Polokwane.. Polokwane-munisipaliteit woordvoerder Thipa Selala, sê soos gister, sê die beurtkrag sal binne twee uur tussenposes plaasvind, terwyl die res van die land wag om te hoor waar die rioolwater ook vandag 'n werklikheid sal word. Eskom het gisteraand gewaarsku dat die risiko vandag steeds groot is en die naweek wanneer*

*hulle veg om kragvoorsieningsmiddele aan te vul om noodwater- en dieselfreserwes aan te vul.*

- *"In India het duisende mense vergader aan die grens van Pakistan om die lugmagvlieënier wat deur Pakistan neergeslaan is, terug te verwelkom om vanoggend terug te besorg. Dit is vasgevang nadat vliegtoe in India 'n militante kamp in Pakistan gebombardeer het teen wraak teen 'n selfmoordbomaanval in Kashmir."*

**Jacaranda FM complies with clause 6.1 and 6.2 of the schedule to its licence.**

Clause 7.3 of the schedule to the licence provides that:

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

The licensee submits news items sourced from others are credited on air. The monitoring exercise confirmed news item sourced from *The Sunday Times* as one of its sources for news on a bulletin.

**Jacaranda FM complies with clause 6.3 of the schedule to its licence.**

**3.7 Training and Skills Development Obligations**

Clause 8.1 of the schedule to the licence provides that:

*"The licensee shall assist in the development of broadcasting knowledge and skills amongst historically disadvantaged groups in the industry by "adopting" at least two community sound broadcasters within the broadcasting coverage area and providing them with, amongst other things, managerial and technical training through the holding of workshops and hands on experiential training at Jacaranda FM"*

In response to clause 8.1 of its license, the licensee submits that it has adopted one community sound broadcasting within its coverage area through the Voice of Wits (VOW) 88.1 internship programme. The partnership is in the form of a 12 month internship focusing on programming, marketing and technical training.



For the period under review, the licensee only partnered with one community sound broadcaster instead of two as per clause 8.1 of its licence.

Another partnership formed with the licensee is Boston Media House where students are hosted by Jacaranda FM for a period of two weeks to expose them to various aspects of radio.

Although these are good opportunities that young people in the radio industry can look forward to each year and the licensee has been consistent in offering the training opportunities, the licensee, however, must endeavour to include sound broadcasters from other regions under its coverage areas, including Mpumalanga; Limpopo and North West as stated in the previous report. For many years, most of the licensee's adopted stations can be found in the Gauteng region, and therefore the licensee must diversify in this regard.

**Jacaranda FM partially complies with clause 8.1 of the schedule to its licence.**

Clause 8.2 of the schedule to the licence provides that:

*"Provide two (2) news internship for twelve (12) months in conjunction with Voice of Wits and Wits Radio Academy."*

The licensee confirms that it has a news internship partnership with Voice of Wits and Wits Radio Academy for two students, where for 12 months, where students are exposed to daily news coverage and current affairs shows. During the period under review, the licensee absorbed one of the students from the internship programme.

**The licensee complies with clause 8.2 of the schedule to its licence.**

Clause 8.3 of the schedule to the licence provides that:

*"Provide two (2) radio internship for twelve (12) months in conjunction with Voice of Wits and Wits Radio Academy."*

The licensee submits that it offers a 12 month radio internship with Voice of Wits and Wits Radio Academy. The intern's time is shared between both VOW and Jacaranda FM and through this programme the licensee has adopted many students over the years.

**The licensee complies with clause 8.3 of the schedule to its licence.**

Clause 8.4 of the schedule to the licence provides that:

*"Invest in staff development annually over the licence period of which 6% of total payroll shall be spent on training with 60% allocated to Jacaranda FM's previously disadvantaged groups employees."*

The licensee did not submit information relating to compliance with clause 8.4 above. Furthermore, the licensee's financial statements does not reflect figures that indicate compliance with this clause.

**The licensee does not comply with 8.4 of the schedule to its licence.**

Clause 8.5 of the schedule to the licence provides that:

*"The Licensee shall spend at least R1 500 000 00 (one million five hundred thousand Rand) over its licence period on training and skills development."*

Jacaranda FM submits that it spent an equivalent of R1 974 503,00 on training and development for the period under in review and have subsequently exceeded its spending on training and skills development over its licence period.

**Jacaranda FM complies with clause 8.5 of the schedule to its licence.**

**3.8 Transmitter Split**

Clause 9 of the schedule to the licence provides that:

*"The Licensee is authorised to operate a transmitter split service known as RMFM for four (4) hours per day from 12h00 to 16h00 weekdays and 10h00 to 14h00 on Saturdays in Limpopo, parts of Mpumalanga and the North West Province, as is set out in the radio frequency spectrum licence".*

The licensee operates a transmitter split in Limpopo, North West and Mpumalanga as set out in its licence conditions.

**Tha the licensee complies with clause 9 of the schedule to its licence is undetermined.**

## **4 REGULATIONS**

### **4.1. South African Music Content Regulations**

Regulation 3(2) of the Regulations on South African Music Content as published on 23 March 2016 provides that:

*"Every holder of a commercial sound broadcasting licence must ensure that after eighteen (18) months from the date of gazetting of these Regulations, a minimum of 35% 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"* (Regulations on South African Music Content attached as Attachment C).

The Licensee reports that it broadcast more than 35% of South African Music Content through airplay as well as through hosting various music concerts and interviewing South African artists. The monitoring exercise confirmed that the licensee plays approximately 37% South African music including interviews with local musicians. Artists found on the licensee's playlist include Refentse, Jo Black, Ndlovu Choir, Paxton.

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

### **4.2. Regulations regarding Standard Terms and Conditions for individual broadcasting licences**

During the period under review, the Authority did not identify any non-compliance by Jacaranda FM with the standard terms and conditions for individual licensees.

### **4.3 General Licence Fees Regulations**

Regulation 3 (1) (a) of the General Licence Fees Regulations provides 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"*.

Schedule 2 under Annual Licences Fees provides that:

*"Individual Commercial Broadcasting Service Licensees to pay an annual licence fee of 1.5% of gross profit to the Authority".*

Schedule 3 (4) (b) and (c) provides that:

*"(b) in respect of payment, such are due and payable within 6 months from the end of the licensee's financial year;*

*(c) may only be paid by way of an electronic transfer or via direct deposit into the Authority's bank account"*

Jacaranda FM paid their annual licence fees in accordance with the applicable regulations.

### **The Licensee complies with the General Licence Fees Regulations.**

#### **4.4 Universal Service and Access Fund (USAF) Regulations**

Regulation 3 (1) of the prescribed annual contribution of licences to USAF regulations published on 10 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) stipulates 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 for the same financial year".*

Jacaranda FM paid their USAF payment to the MDDA within the stipulated period in accordance with the applicable regulation.

### **The Licensee complies with the USAF regulations.**

## **5. COMPLAINTS**

The Licensee is a member of the National Association of Broadcasters ("NAB") and complaints in relation to the Code of Conduct by Broadcasters are administered

by the Broadcasting Complaints Commission of South Africa ("BCCSA"). No complaints were escalated to the Authority during the period under review.

## **6. CONCLUSION**

The licensee has generally complied with the terms and conditions of its licence, the Broadcasting Compliance Unit will continue to engage the licensee on other matters that require clarification, for example on whether Jacaranda FM, does enforce the transmitter split under clause 9 of its licence.

## **7. TERMS OF REFERENCE**

6.1 Attachment A: Jacaranda FM Service and Spectrum Licence

6.2 Attachment B: Jacaranda FM Compliance Submission

6.3 Attachment C: Regulations on South African Music Content

6.4 Attachment D: Standard Terms and Conditions for Individual Licences

6.5 Attachment E: General Licence Fees Regulations

6.6 Attachment F: Universal Service and Access Regulations