



JACARANDA FM 94.2 ANNUAL COMPLIANCE REPORT

MARCH 2021

2019/2020 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 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 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 2019/2020. 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, with a renewed broadcasting licence valid from 18 December 2018 to 17 December 2028. The radio station is licensed 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 period under review was 1,079 000⁵.

3. COMPLIANCE ASSESSMENT

3.1 Licensee Details

Clause 1 of the service licence stipulates that:

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

⁵ <https://brcsa.org.za/brc-ram-listenership-report-jan19-dec19/>

"The licence is issued to:

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

Shareholders: Kagiso Media (Pty) Ltd – 100%

Ownership held by persons from historically disadvantaged groups:

Kagiso Broadcasting (Pty) Ltd – 43.39%

The were no changes reported on the ownership structure during 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 provinces⁶. The Licensee confirms that its footprint remained unchanged.

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

3.3 Broadcast Language

Clause 4 of the schedule to the licence stipulates that Jacaranda FM's languages of broadcast are:

"English 50% and Afrikaans 50%".

The monitoring exercise found that the licensee does utilize both English and Afrikaans, in a 50/50 split.

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

3.4 Format

Clause 5.1 of the Schedule to the licence provides that:

⁶ Attachment A Jacaranda FM frequency spectrum licence with Technical Specifications

"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 found that the licensee is consistent in its format of an adult contemporary/ golden oldies format. The music selection appeals to a more mature audience with artists such as *Phill Collins; Celine Dion; Sher; Bryan Adams* and other similar artists. The licensee's programme offering is also of an informative and localised nature, with community announcements and initiatives such as the *Off the Beat'n Track!*, an annual mountain biking event that is also family friendly with live performances and other activities.

The Licensee complies with clause 5.1 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".

During the period under review, the licensee did not deviate from its format.

The Licensee complies with clause 5.2 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, through various music events and concerts, provided a platform for artists such as *Prime Circle; Refentse; Paxton; Riana Nel; Jo Black; Early B; Soweto Gospel Choir* and more. New local artists are regularly featured on a weekly basis, on Fridays during the breakfast show, whereby artists perform their new music live. The monitoring exercise found a live performance, in studio, by the artist Mathew Mole. The performance could also be accessed live online on Jacaranda FM's website.

The Licensee complies with clause 6 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 06h00 – 19h00. The newscasts are broken up into national news; provincial news and international news. of the average news output is fifty five (55) minutes per day. On weekends news is broadcast between 07h00 – 18h00.

The Licensee broadcasts news from 06h00 instead of 05h00 as per its licence.

Below are few snippets of news broadcasts during the period under review:

- *Two people died on Tuesday morning when a taxi lost control on the M1 North at the Glenhove offramp in Melrose Estate, Johannesburg. Netcare 911 spokesperson Shawn Herbst says reports indicate the driver of the taxi lost control and the vehicle rolled. "When medics assessed the scene, they found that multiple occupants had been ejected during the rollover. An adult male and an adult female were assessed however found to have no signs of life," says Herbst. Herbst says a number other occupants were found on the scene with multiple injuries ranging from moderate to severe. "The patients were all treated on scene and once stabilised were transported by private ambulance to hospital for further treatment," says Herbst.*
- *The eff is leading a march to the Pholoshong hospital in Braakpan. An East Rand family is threatening legal action against Pholosong Hospital for incorrectly discarding the body of a stillborn infant. Zandile Nzolo (21) gave birth at the hospital early last month to a stillborn baby girl. This would have been her first child. Zandile's mother Thembane says her daughter was left traumatised after she woke up at the hospital and found out from the nurses that her baby's body had been accidentally discarded with hospital waste. She says her daughter gave*

birth at 8 months and told her that the nurses showed her the baby, but she couldn't tell whether the newborn was alive or deceased. "When the nurses arrived here to apologise, we had already arranged for the funeral and had paid R1700. We informed them that we had prepared for everything and we borrowed the money we got to prepare for the funeral, so it was too late." Nzolo says the CEO of the hospital did apologise but her daughter is struggling to cope. The Gauteng Department of Health's Kwara Kekana confirmed that Nzolo delivered a 1.5kg stillborn baby and the hospital has offered her counseling. "Internal investigations are underway and labour processes will be instituted against those involved," said Kekana. Nzolo says counselling is not enough as her daughter needs to be compensated."

The Licensee complies with clause 7.1 However the radio station does not fully comply with clause 7.2 as it starts airing news from 06:00 instead of 05h00 as per 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 monitoring exercise confirmed news items externally sourced, are cited during bulletins.

The Licensee complies with clause 7.3 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 to assist in the development of broadcasting knowledge and skills amongst historically disadvantaged groups in the industry by "adopting" at least three community sound broadcasters within the broadcasting coverage area and providing them with, among other things, managerial and technical training through the holding of workshops and hands –on experiential training at Jacaranda FM'.

The licensee submits that it has worked with Voice of Wits/ Wits Radio Academy, on a skills development opportunity. This is done through a 12 month internship program.

The requirement is that the Licensee adopts at least three community sound broadcasters. The Licensee has only adopted one Licensee, in this case, Voice of Wits.

The licensee partially complies with clause 8.1 of its licence.

Clause 8.2 states that the licensee:

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

The licensee confirms it has provided two News internships during the period under review.

The licensee complies with clause 8.2 of its licence

Clause 8.3 states that the licensee:

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

The licensee confirms that it provided two Radio internships as per the promise of performance.

The licensee complies with clause 8.3 of its licence.

Clause 8.4 state that the licensee:

"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 submits that it has embarked on staff training during the period under review. However, it is unclear as to the breakdown of staff development dedicated to employees from the previously disadvantaged group.

The licensee partially complies with clause 8.4 of its licence.

Clause 8.5 states that:

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

The licensee confirms the training and development spend amounting to R732 500. This is for the period under review, meaning the licensee is already on course to meet and exceed this requirement.

The licensee complies with clause 8.5 of 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.

The licensee complies with clause 9 of its licence.

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 submitted that, it promotes local artists and provides them with a platform to showcase new music. Further, the licensee submitted that it has met and exceeded its music requirement, playing over 35% of SA Music Content. Local artists identified during the monitoring exercise include: Matthew Mole; Cutting Jade; Arno Carstens and Martin Bester.

The licensee complies with the South African Music Content Regulations

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

There were no incidents of non-compliance with the Standard Terms and Conditions for Individual Licences Regulations committed by the licensee during the period under review.

The Licensee complies with the Regulations on 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"

The Licensee 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".

The Licensee submitted confirmation of its annual payment contribution to the MDDA. The submission was made within the regulated timeframes.

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 complied with its licence terms and conditions and related Regulations that govern commercial broadcasting during the period under review. The Licensee however, did not comply with its obligation to adopt at least three community sound broadcasters. Compliance will take up the matter with Jacaranda FM, to rectify the situation and comply in full, with the licence obligation.

7. TERMS OF REFERENCE

- 7.1** Attachment A: Jacaranda FM Service and Spectrum Licence;
- 7.2** Attachment B: Jacaranda FM Compliance Submission;
- 7.3** Attachment C: Regulations on South African Music Content;
- 7.4** Attachment D: Standard Terms and Conditions for Individual Licences;
- 7.5** Attachment E: General Licence Fees Regulations; and
- 7.6** Attachment F: Universal Service and Access Regulations.

END

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