



# **UJ FM ANNUAL COMPLIANCE REPORT**

**MARCH 2021**

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# **2019/2020 ANNUAL COMPLIANCE REPORT**

## **UNIVERSITY OF JOHANNESBURG BROADCASTING AS UJ FM**

**LICENCE PERIOD: 27 October 2013 to 28 October 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 (ECA)<sup>3</sup> and 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 monitor compliance by broadcasters with the terms and conditions of their licence, and any relevant legislation and regulations.

The purpose of this report is to give an account of UJ FM performance for the 2019/2020 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community participation, Programming Obligations and Standard Terms and Conditions.

### **2. BACKGROUND**

UJ FM hold a Class Sound broadcasting service licence<sup>5</sup>. The radio station's mandate is to provide sound broadcasting service to the community of interest being students of the University of Johannesburg residing within the geographic coverage area, as set out in the Licensee's radio frequency spectrum licence.<sup>6</sup>

### **3. COMPLIANCE ASSESMENT**

#### **3.1 Control Structure**

Clause 1 of the licence states that:

*"The Licence is issued to:*

*1.1 Name of Company/Entity: University of Johannesburg.*

*1.2 Name of the Station: UJ FM.*

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

<sup>2</sup> Independent Communications Authority of South Africa Act, Act No. 13 of 2000, as amended

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

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

<sup>5</sup> Appendix A: UJ FM broadcasting licence

<sup>6</sup> Ibid

1.3 *Control of the licensee: Control shall vest in the University of Johannesburg.*"

The name of the of the entity is still the University of Johannesburg and the name of the station is still UJ FM.

According to UJ FM's constitution, the Board members shall consist the University Council members of not less than six (6) members. The Council members are elected as per section 27 (4) of the Higher Education Act.

The Licensee did not submit a list of Council members who form part of the Board members of the station. The monitoring exercise could not confirm if the control of the Licensee is still vested in the University of Johannesburg.

**Compliance with the above clause could not be confirmed due to limited information submitted.**

### **3.2 Licence Period**

Clause 2 of the licence states that:

*"2.1 The effective date of the licence is 27 October 2013*

*2.2 The licence shall expire on the 28 October 2018"*

UJ FM's licence has expired, however UJ FM submitted a renewal application with the Authority. The Authority has issued a letter of approval of the renewed licence and informed UJ FM that the Authority is in a process of issuing a copy which will be sent to UJ FM once issued.

**At the time of finalising this report, the Licensee had not received a renewed licence.**

### **3.3 Geographic Coverage Area**

Clause 3 of the licence stipulates that:

*"The Licensee shall provide services to the University of Johannesburg (Johannesburg Campus) and the surrounding areas in the Gauteng Province as set out in the Licensee's radio frequency spectrum licence".*

UJ FM provide services to the areas stipulated in its licence.

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

### **3.4 Community**

Clause 4.1 of the licence states that:

*"The licensee shall provide services to the community of interest being students of the University of Johannesburg residing within the geographic coverage specified herein"*

UJ FM provides a sound broadcasting services to the geographic community residing within the geographic coverage of interest, being the students of the University of Johannesburg residing within the geographic coverage area specified therein, as set out in the Licensee's radio frequency spectrum licence.

**The Licensee complies with clause 4.1 of the licence.**

Clause 4.2 of the licence provides that:

*"The Licensee shall provide for participation of community members in the affairs of the station in the following ways:*

*4.2.1 The Licensee shall hold two (2) general meetings annually with its community through listener's forums 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.*

During the year under review, the Licensee did not submit proof that it held meetings as outlined in the above clause.

**The Licensee did not comply with clause 4.2.1 and 4.2.2 of its sub clauses of the licence.**

*4.2.3 The Licensee shall hold Annual General Meeting (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 did not submit proof of AGM meeting as per the licence obligation.

**The Licensee does not comply with clause 4.2.3 and its sub clauses of the licence.**

### **3.5 Programming**

Clause 5.1 of the licence states that the Licensee shall provide programming in the following format:

*5.1.1 "Local News and information: The Licensee shall broadcast a total of 86 minutes of news per day. This shall be made up of 36 minutes of news from the community produced by the station on issues affecting the community, 30 minutes of national news and 20 minutes of international news.*

*5.1.2 South African Music Content: 40%.*

*5.1.3 Talk vs. Music: 35% Talk and 65% Music.*

*5.1.4 Language(s) of broadcast:*

*5.1.4.1 English – 73%;*

*5.1.4.2 Afrikaans – 19.8%;*

*5.1.4.3 Sesotho/Nguni – 3.25%;*

*5.1.4.4 Arabic – 1.6%.; and*

*5.1.4.5 Hebrew – 1.6%."*

The Licensee did not submit a log of programmes it broadcasts, indicating total minutes per week and the monthly percentage of talk the radio station is broadcasting. Submission of information for the annual compliance report must be in line with Form 8A as per the regulations.

The Licensee was informed by Broadcasting Compliance of its intention to compile the Annual Compliance Report and the required submission for the 2019/2020 financial year on 26 February 2020, for the Licensee to submit the required compliance information and programme recordings.

The licensee failed to furnish Broadcasting Compliance with relevant documentation and related programme recordings.

The monitoring exercise revealed that the recordings submitted for the year being reviewed by the Authority are incorrect therefore, the content of programmes broadcast could not be monitored. The Licensee submitted programme recordings for the period 23 October 2020 to 01 November 2020.

**The licensee does not comply with clause 5.1 of its licence.**

Clause 5.2 of the licence provides that:

*"The Licensee shall keep a log of programmes broadcast which must be submitted on a monthly basis to the Authority. A proforma of the log to be kept will be supplied by the Authority."*

The Licensee did not submit the log of programmes broadcast to the Authority as required by clause 5.2.

**The licensee does not comply with clause 5.2 of the licence.**

#### **4 PROMISE OF PERFORMANCE**

Clause 8.1 of the licence provides that:

*"The licensee shall establish and maintain a coordinating body that consist of representatives of student-based organisations, cultural organisations and individual members from its coverage area in the promotion its aims and objectives."*

The Licensee failed to submit any information regarding the above requirement to the Authority. Therefore, compliance with the clause could not be established.

**The Licensee does not comply with clause 8.1 of the licence.**

Clause 8.2 of the licence provides that:

*"60% of the Licensee talk content shall be aimed at education, promotion of literacy, academic activities and information. This shall informal education such as skills development".*

Since the Licensee failed to submit programme recordings, compliance with the above clause could not be monitored.

**The Licensee does not comply with clause 8.2 of the licence.**

Clause 8.3 of the licence provides that:

*"The Licensee shall broadcast programmes related to members of the community, children, students and youth between 18-26 age groups".*

Since the Licensee failed to submit programme recordings, compliance with the above clause could not be monitored.

**The Licensee does not comply with clause 8.3 of the licence.**

Clause 8.4 of the licence provides that:

*The Licensee shall in addition to the University's financial statements, draw up a separate audited financial statement to be approved by the AGM.*

The Licensee did not provide Broadcasting Compliance with a separate audited financial statement.

**The Licensee does not comply with clause 8.4 of the licence.**

## **5 REGULATIONS**

### **5.1 Complaints Received**

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A which reports on all complaints received during the financial year under review,

For the year under review, the Licensee did not submit any report on the complaints it may have received. Therefore, Broadcasting Compliance cannot make any inference or conclusion that the licensee did not receive any complaints.

**The Licensee did not comply with the Compliance Procedure Manual Regulations.**

## **5.2 South African Music Content Regulations<sup>7</sup>**

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

*"A holder of a community sound broadcasting service licence must ensure that after eighteen months of the gazetting of these regulations, a minimum of 60%, increased by 10% annually to reach 80% of the musical work in the performance period, consist of South African music and that such South African music is spread evenly throughout the performance period<sup>8</sup>"*

Since the Licensee failed to submit programme recordings, compliance with the above clause could not be monitored.

**The licensee did not comply with the Regulations.**

## **5.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Services Licences<sup>9</sup>**

During the year under review, the Licensee did not comply with the standard terms and conditions for class licences

The Licensee failed to submit information as required by Broadcasting Compliance.

**UJ FM does not comply with Standard Terms and Conditions for Class Broadcasting Service Licences.**

## **6 CONCLUSION**

UJ FM is operating under the University of Johannesburg which is governed by the University Council.

The founding documents of UJ are not along the lines of non-profit entities. UJ FM is in serious non-compliance with most of its licence conditions and with certain Regulations and therefore, they will be advised of the intention to refer them to the Complaints and Compliance Committee (CCC), for a hearing.

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<sup>7</sup> Appendix B: ICASA South African Music Content Regulations, 2016

<sup>8</sup> *Ibid*

<sup>9</sup> Appendix C: Standard Terms and Conditions for Class Licences, 2016



## **7 TERMS OF REFERENCE**

7.1 Appendix A: UJ FM broadcasting licence

7.2 Appendix B: ICASA South African Music Content Regulations 2016

7.3 Appendix C: Regulations Regarding Standard Terms and Conditions for Class  
Licences 2016

**End**

**March 2021**