



JACARANDA FM 94.2

ANNUAL

COMPLIANCE REPORT

MARCH 2022

2020/2021 ANNUAL COMPLIANCE REPORT

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Licence Period: 18 December 2018 - 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 purpose of the report is to give an account of Jacaranda FM's compliance with the terms and conditions as set out in its licence for the 2020/2021 financial year. Aspects of compliance that are measured comprise of Format, Local Content Obligations, General Programming Obligations, Training and Skills Development, Finances, Complaints, ICT COVID-19 National Disaster Regulations; South African Music Content Regulations, Regulations Regarding Standard Terms and Conditions, Universal Service and Access Fund (USAF) Regulations, and General Licence Fees Regulations.

2. BACKGROUND

Jacaranda FM is an Individual Broadcasting Service Licensee with a renewed licence granted on 18 December 2018, to broadcast in parts of Gauteng, Limpopo, North West and Mpumalanga Provinces. For the period 2020/2021 (peak COVID-19), there was no audience measurement report from the Broadcast Research Council of South Africa (BRC). However for the licensee, the listenership figures for the previous reporting period was 1,032 000⁵.

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-oct18-mar19/>

3. COMPLIANCE ASSESSMENT

3.1 Licensee Details

Clause 1 of the service licence stipulates that:

"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%

For the period under review, there were no changes in the name and shareholding of the Licensee.

The Licensee complies with clause 1 of its licence

3.2 Geographic Coverage

Clause 2 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".

The radio frequency spectrum licence outlines the radio station's coverage area to be parts of Gauteng; Limpopo, North West and Mpumalanga provinces⁶. There were no changes to the above during the period under review.

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%".

The monitoring exercise confirmed that the Licensee has a language split of English and Afrikaans throughout its programme offering. The language split can be found in ordinary programming, news items as well as advertisements.

⁶ Attachment A Jacaranda FM frequency spectrum licence.

The Licensee complies with clause 3 of its licence.

3.4 Format

Clause 4.1 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 Licensee takes the shape of an adult contemporary/golden oldies format, which is spread throughout its programming lineup. Further, its signature charitable are the most prominent in the industry and have been on-going for many years.

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

Clause 4.2 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".

For the period under review and in line with the ICT COVID-19 National Disaster Regulations, the performance period was shortened by a period of at least four (4) hours, which resulted in some programmes not airing as per regular programming schedule.

3.5 Local Content Obligations

Clause 5 of the schedule to the licence provides that:

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

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

For the period under review and in line with the ICT COVID-19 National Disaster Regulations, the performance period was shortened by a period of at least four (4) hours, which resulted in some programmes not airing as per regular programming schedule.

Further, due to COVID-19 related restrictions on gatherings, the above mentioned obligation could therefore not be fulfilled under those circumstances.

3.6 General Programming Obligations

Clause 6.1 of the schedule to the licence provides that:

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

6.1.1 twenty-seven (27) minutes of national news;

6.1. 2 thirteen (13) minutes of news related to coverage area; and

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

Clause 6.2 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".

For the period under review and in line with the ICT COVID-19 National Disaster Regulations, the performance period was shortened by a period of at least four (4) hours, which resulted in some programmes not airing as per regular programming schedule. However, extracts of news that was found by the monitoring exercise, are the following:

- *"The Democratic Alliance (DA) says Higher Education Minister Blade Nzimande's comments, classifying Afrikaans as a foreign language in South Africa, are hateful and unconstitutional. The party's filed a complaint with the South African Human Rights Commission. This after the Constitutional Court ruled last week that the University of South Africa (UNISA) had to change its language policy to reintroduce Afrikaans from 2023. The institution discontinued Afrikaans as a language of instruction five years ago.*
- *"Given that Nzimande has ignored us so far in this matter and continuous to insist on defining Afikaans as a foreign language despite what the Constitutional Court has said, it is now time for the Human Rights Commission to step in, says DA MP toon Schreiber. "We employ the*

commission to take up this matter with Nzimande and force him to include Afrikaans in the police frameworks definition of indigenous languages so that it can take its rightful place as an official of indigenous and equal South African language language.” Meanwhile, the Economic Freedom Fighters (EFF) has rejected the Constitutional Court ruling that allows for Afrikaans to be reinstated as a dual medium of instruction at Unisa.

- The bail application of former Mpumalanga MEC for Agriculture Mandla Msibi was abruptly adjourned following a bomb threat at the Nelspruit Magistrate’s Court on Wednesday. “The matter did not proceed. The trial only sat for only about 10 minutes today, after that the magistrate got a message that there is a bomb threat, then we had to evacuate the building,” says spokesperson for the National Prosecuting Authority in Mpumalanga Monica Nyuswa. Msibi was arrested earlier this week on two counts of murder and one of attempted murder. Nyuswa says the matter is set to continue on Thursday. Msibi was on Wednesday sacked from provincial cabinet. “The decision to release MEC Msibi has been taken in consideration of the seriousness of the charges he is facing, as well as the impact that same will have on his work as an Executive Authority in government. After all, it is to be expected that he should dedicate a fair amount of time to the case he is facing,” Mpumalanga Premier Refilwe Mtshweni-Tsipane said.*
- The N3 national route between Cedara and Heidelberg has been cleared for traffic after disruptions on Tuesday. Protesting truck drivers had blocked the busy national road around the Montrose area in the Free State late on Tuesday evening. N3 Toll Concessions operations manager, Thania Dhoogra says a load of manganese from a truck was dumped across the southbound lanes. It took until the early hours of Wednesday morning to clear the scene. “All incidents disrupting traffic between Cedara and Heidelberg have been cleared. Traffic is flowing freely on the N3 Toll Route this morning after a day of ongoing disruptions yesterday.*
- N3TC is grateful for the ongoing assistance of all road incident management services and their efforts to help clear the route of obstructions. Your support is appreciated and highly valued,” says Dhoogra. However, Dhoogra warns of drizzling weather, affecting visibility. “It is currently*

drizzling between Cedara and Mooi River with overcast conditions reported over most of the route. Poor visibility has been reported along Van Reenen's Pass due to thick mist. Road users are advised to switch headlights on and increase their following distances."

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

Clause 6.3 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 found that most of the news coverage is self generated by the licensee and for the period under review, other sources could not be found.

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

3.7 Training and Skills Development Obligations

Clause 7.1 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'.

For the period under review, there was an exemption on the above-mentioned obligation under the provisions of the ICT COVID-19 National Disaster Regulations.

Clause 7.2 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.

For the period under review, there was an exemption on the above-mentioned obligation under the provisions of the ICT COVID-19 National Disaster Regulations.

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".

For the period under review, and in line with the ICT COVID-19 National Disaster Regulations, the performance period was shortened by a period of at least four (4) hours, which resulted in some programmes not airing as per regular programming schedule.

Further, broadcasting service Licensees were exempted from compliance with specific programming requirements and promises of performance in terms of licence conditions during the National State of Disaster

4 REGULATIONS

4.1 ICT COVID-19 National Disaster Regulations

Following the government's declaration of the National State of Disaster under the Disaster Management Act, 2002, the Authority published the ICT COVID-19 National Disaster Regulations in April 2020, and its subsequent Amendments.

The purposes of the Regulations was, among others to prescribe minimum standards for Licensees in line with the National State of Disaster. The Regulations generally provided for the relaxation of some obligations for Licensees under circumstances prevailing then. The exemptions and/or suspensions for Broadcasting Licensees include:

- *The performance period was shortened from 05h00 – 23h00 to 07h00 – 21h00;*
- *The requirement for licensees to submit programming logs and recordings to the Authority quarterly was suspended;*
- *Television broadcasting service Licensees were exempted from compliance with the local television content quotas and specific advertising and programming requirements in terms of licence conditions during the National State of Disaster;*

- *Sound broadcasting service Licensees were exempted from compliance with specific programming requirements and promises of performance in terms of licence conditions during the National State of Disaster;*
- *Sound broadcasting service Licensees to comply with the local content music quotas; and*

There were no incidents of non-compliance with the ICT COVID-19 National Disaster Regulations for the period under review.

4.2. 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 monitoring exercise found that the Licensee broadcasts in excess of 35% of SA Music Content. Featured artists on Jacaranda FM's playlist include Jeremy Loops and Ladysmith Black Mambazo; Amy Jones; Zebraman; Bernice West; Nic Billington; William Wolf; Tasché; Sunset Sweatshop; Cara Frew and many others.

The licensee complies with the South African Music Content Regulations

4.3. 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 found against the licensee during the period under review.

4.4 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.

4.5 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".

A confirmation of the Licensee's annual contribution to the MDDA was received from the Licensee and this was done within the stipulated timeframes.

The Licensee complies with the USAF regulations.

5. COMPLAINTS

Form 12A: Complaints Report of the Compliance Procedure Manual Regulations read with the Code of Conduct for Broadcasters requires that broadcasters complete the form bi-annually in accordance with the Licensees' Financial Year.

The Licensee is affiliated to the National Association of Broadcasters ("NAB") and as such, any complaints related to this Licensee is administered through the Broadcasting Complaints Commission of South Africa ("BCCSA"). For the period under review, there were no complaints escalated to the Authority.

6. CONCLUSION

The licensee has complied with the Regulations and the terms and conditions of its licence, during the period under review.

7. TERMS OF REFERENCE

Attachment A:	Jacaranda FM Service and Spectrum Licence
Attachment B:	Jacaranda FM Compliance Submission
Attachment C:	Regulations on South African Music Content
Attachment D:	Standard Terms and Conditions for Individual Licences
Attachment E:	General Licence Fees Regulations
Attachment F:	Universal Service and Access Regulations
END	