



JOZI FM ANNUAL COMPLIANCE REPORT

MARCH 2022

2020/2021 ANNUAL COMPLIANCE REPORT

SOWETO MEDIA RESOURCE CENTRE BROADCASTING AS JOZI FM

LICENCE PERIOD: 28 October 2018 to 27 October 2023

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 Act (ECA)³ and 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, and any relevant legislation and regulations.

The purpose of this report is to give an account of Jozi FM performance for the 2020/2021 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community participation, Programming Obligations and Standard Terms and Conditions.

Further, the report will measure compliance with regulations that include South African Music Content, Standard Terms and Conditions, and the ICT Covid-19 National Disaster Regulations⁵ first published in April 2020 and the subsequent amendments following the proclamation of the State of National Disaster.

The ICT Covid-19 National Disaster Regulations as amended have introduced exemptions with specific service licence conditions and/or revised quotas and such will be reflected in the body of the report accordingly.

¹ The Constitution of the republic of South Africa, No 108 of 1996

² Independent Communications Authority of South Africa Act, Act No. 13 of 2000, as amended

³ Electronic Communications Act No. 36 of 2005

⁴ Broadcasting Act No. 4 of 1999

⁵ The ICT COVID-19 National Disaster Regulations, 2020 as published in *Government Gazette* No. 43207 dated, 06 April 2020, as amended.

2. BACKGROUND

Jozi FM hold a Class Sound broadcasting service licence⁶. The radio station's mandate is to provide sound broadcasting service to Soweto and surrounding areas in Gauteng, as set out in the Licensee's radio frequency spectrum licence.⁷

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the licence states that:

"The Licence is issued to:

1.1 Name of Company/Entity: Soweto Media Resources Centre.

1.2 Name of the Station: Jozi FM.

1.3 Control of the licensee: Control shall vest in the Board of Directors of Soweto Media Resource Centre.

There were no changes reported by the Licensee to its control structure during the period under review. The Licensee is still Soweto Media Resource Centre. The name of the Licensee's radio station is Jozi FM. The control of the Licensee is still in the hands of an association known as Soweto Media Resource Centre.

According to Jozi FM's MOI, the Board shall consist of a minimum of five (5) and maximum of seven (7) Directors. The board members are elected in an Annual General Meeting and the first three directors shall have a permanent term of office and the alternate directors shall serve for a period of five (5) years.

The Licensee submitted a list of six (6) Board of Directors that were elected in its last elective AGM. The control of the Licensee is still in the hands of the Board of Directors of an association known as Soweto Media Resources Centre.

The Licensee complies with clause 1.1 to 1.3 of the licence.

3.2 Licence Period

Clause 2 of the licence states that:

⁶ Appendix A: Jozi FM broadcasting licence

⁷ Ibid

"2.1 The effective date of the licence is 28 October 2018

2.2 The licence shall expire on the 27 October 2023"

Jozi FM's licence is effective from 28 October 2018 to 28 October 2023.

The Licensee complies with clause 2 of the licence.

3.3 Geographic Coverage Area

Clause 3 of the licence stipulates that:

"The Licensee shall provide services to Soweto and surrounding areas in the Gauteng Province, as set out in the Licensee's radio frequency spectrum licence"

Jozi 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 geographic community residing within the geographic coverage specified herein"

Jozi FM provides a sound broadcasting services to the geographic community residing within the geographic coverage of Soweto and surrounding areas in the Gauteng Province, 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 the participation of community members in the affairs of the station in the following ways:

4.2.1 The Licensee shall hold at least two (2) meetings annually with its community 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 attendance thereof by members of the community; and

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 any special annual general meeting as and when required by the constitution; 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."*

Regulation 4 (12A) of The ICT COVID-19 National Disaster Second Amendment Regulations, provides for the suspension of the requirement for licensees to hold any community meetings or AGMs and be required to submit proof of holding the meetings.

Therefore, findings on compliance with this clause of the licence were not made by the Authority for the period under review. The suspension was made by the Authority to mitigate the risk of non-compliance by the community broadcaster due to Covid 19 pandemic.

3.5 Programming

Clause 5.1 The Licensee shall provide programming as follows:

5.1.1 *"Local News and information:*

The Licensee shall broadcast a total of forty-eight (48) minutes of news per day, which shall consist of twelve (12) hourly news bulletins of four (4) minutes duration each.

The Licensee submitted their log-sheet Form 8A, indicating that the radio station broadcasts an average of thirty-seven (37) minutes of news programming per day.

The monitoring exercise revealed that Jozi FM broadcasts news bulletins every hour at the top of the hour between 06h00 to 18h00 in weekdays. The bulletins are broadcast for approximately five (5) minutes with headlines broadcast at half hour for less than a minute. On average, a total of sixty (60) minutes including

community news is broadcast each day, during the South African performance period. The monitoring exercise revealed that Jozi FM does not broadcast any news during weekends.

The following are some of the news excerpts monitored:

- *"Uyavela namhlanje eSouth Gauteng Court uMuzikayise Malapane oneminyaka engu 31 ubudala. Osolwa ngokubulala uTsegofatso Pule oneminyaka engu 28 ubudala owase Meadowlands Zone 3 owayenezinyanga ezintathu ekhulelwe. Owabulawa ngesihluku, isidumbu sakhe satholakala basilengise esihlahleni e Durban Deep sinamanxeba okugwazwa. Ngokwedlule lomndeni ngenxa kokubambezeleka okokhona, ngenxa yokuhlehliswa kwecala okuqhubekayo. NeJaji uRathamu Mokwatle wazwakalisa ukudumala naye ngenxa yabameli baka Muzikayise Malapane."*
- *"Uboshiwe umsolwa othintekayo osolwa ngokugqokeza esikoleni kwaMahlobo Secondary School. Lomsolwa uboshwa nje ngemva komkhankaso wamaphoyisa abakede ethungatha abasolwa ekade kunesikhathi eside befunwa amaphoyisa."*

The licensee does not comply with sub clause 5.1.1 of the licence

5.1.2 South African Music Content: The Licensee shall broadcast a South African music content of 80%.

According to the Form 8A submitted by the Licensee, an average of three hundred and forty (340) tracks of South African music is broadcast each week.

The ICT COVID-19 National Disaster Regulations, regulation 4 (7) provides that the performance period for both sound and television broadcasting shall run from 07h00 to 21h00

The ICT COVID-19 National Disaster Regulations, regulation 4 (8C) provides that Sound broadcasting service Licensees shall comply with the local content music quotas.

The monitoring exercise revealed that Jozi FM broadcasts an average of five (5) minutes per track and most of the genre broadcast is local music. The Licensee broadcasts an average of more than two thousand (2000) minutes per week

including interviews of local artist as per the South African music content quota, which is equivalent to 80%.

The licensee complies with sub clause 5.1.2 of the licence

5.1.3 Talk vs. Music: 60% Talk and 40% Music.

Sixty per cent (60%) talk during the performance period weekly, is equal to three thousand five hundred and twenty-eight (3528) minutes per week.

The log-sheet submitted by the Licensee indicates that on average three thousand six hundred and thirty-one (3631) minutes per week, is broadcast by Jozi FM.

The licensee complies with sub clause 5.1.3 of the licence

5.1.4 Language(s) of broadcast:

5.1.4.1 English – 60%;

5.1.4.2 isiZulu – 25%;

5.1.4.3 Setswana – 10%; and

5.1.4.4 Tshivenda – 5%.”

The monitoring exercise revealed that Jozi FM broadcasts all the four languages and the primary languages of broadcast being English and isiZulu. Other shows are broadcast in Setswana and Tshivenda.

The licensee complies with clause 5.1.4. of the 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 submitted the log of programmes broadcast to the Authority as required by clause 5.2.

The licensee complies 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 forum that is made up of a range of organizations from Soweto which must advise the Licensee and inform its broadcasting policies and participate in the election of its Board."

Clause 8.2 of the licence provides that:

"The Licensee shall ensure that at least 90% of its programming is produced within South Africa."

The ICT COVID-19 National Disaster Amendment Regulations, regulation 4 sub-regulation 8B provides that Sound broadcasting service Licensees are exempted from compliance with specific programming requirements and promises of performance in terms of licence conditions during the National State of Disaster.

Therefore, findings on compliance with this clause of the licence were not made by the Authority for the period under review.

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,

The ICT COVID-19 National Disaster Amendment Regulations, regulation 4 (1) provides that Licensees are exempt from the responsibility to resolve complaints received within the time frames prescribed by the Authority in its Regulations.

For the year under review, the Licensee did not submit any complaints.

The Licensee complies with the Compliance Procedure Manual Regulations

5.2 South African Music Content Regulations⁸

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%,

⁸ Appendix B: ICASA South African Music Content Regulations 2016

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 period⁹

The monitoring exercise revealed that Jozi FM broadcasts different genres like, gospel music, Amapiano music and a Afro Soul music, among others. Some of the music artists that were monitored include Shasha, Palesa, DJ Musique, Darque and Encore, among others. Most of the artist are South African. Further, the monitoring exercise found that the Licensee broadcasts on average 80% of South African music including interviews of South African artist.

The licensee complies with the Regulations

5.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Services Licences¹⁰

Regulations Regarding Standard Terms and Conditions for Class Licences 2016. Regulation 7 sub-regulation 7 (d) provides as follows:

"The Board of Directors/Trustees and station management must not occupy dual roles with regard to being managers/presenters at the radio station."

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

The monitoring exercise revealed that the station manager has dual roles at the station. The station manager is also presenting a show at the radio station.

The monitoring exercise also revealed that the programmes manager has dual roles at the station. The programmes manager is also presenting a show at the radio station.

Jozi FM does not comply with regulation 7 sub-regulation 7(d) of Standard Terms and Conditions for Class Broadcasting Service Licences.

⁹ *Ibid*

¹⁰ Appendix C: Standard Terms and Conditions for Class Licences 2016

6 CONCLUSION

Jozi FM did not comply with one of the provisions of its licence conditions. Some of the provisions were exempt or suspended due to the National State of Disaster during the year under review. The non-compliance with the Standard terms and conditions on dual role was addressed with the broadcaster. The broadcaster was given time to rectify the non-compliance up until December 2021. The areas of non-compliance are expected to be resolved and will be reported on, in the next review period failing which the Licensee will be referred to the Complaints and Compliance Committee for hearing and adjudication.

7. TERMS OF REFERENCE

Appendix A: Jozi FM broadcasting licence

Appendix B: ICASA South African Music Content Regulations 2016

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

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