



# **JACARANDA FM ANNUAL COMPLIANCE REPORT**

**MARCH 2023**

# **2021/2022 ANNUAL COMPLIANCE REPORT**

## **JACARANDA FM 94.2**

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

### **1. PREFACE**

The Independent Communications Authority of South Africa (“Authority”) has a statutory mandate in terms of the Constitution<sup>1</sup>, the Independent Communications Authority of South Africa Act (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 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 2021/2022 financial year. Aspects of compliance that are measured comprise of Format, Local Content Obligations, General Programming Obligations, Training and Skills Development, Finances and Complaints.

Additionally, the report will measure compliance with Regulations that include South African Music Content, Standard Terms and Conditions for Individual Licensees, Universal Service and Access Fund, General Licence Fees, and the Code of Conduct for Broadcasters.

### **2. BACKGROUND**

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<sup>1</sup> The Constitution of the Republic of South Africa, 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

Jacaranda FM is an Individual Broadcasting Service Licensee that is licensed to broadcast in parts of Gauteng, Limpopo, North West and Mpumalanga Province. The radio station is located in Midrand, Gauteng Province and provide an adult contemporary hit radio format. For the period 2021/2022 the listenership figures for the reporting period was 1,129 000<sup>5</sup>.

### **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 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".*

The radio frequency spectrum licence outlines the radio station's coverage area to be parts of Gauteng; Limpopo, North West and Mpumalanga provinces<sup>6</sup>. For the period

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<sup>5</sup> <https://brcsa.org.za/rams-amplify-radio-listenership-report-oct21-sep22/>

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

under review, there were no complaints that were lodged against the Licensee regarding its coverage area. The Licensee maintains that its coverage area is as defined in the frequency spectrum licence.

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

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

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

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

The Authority's monitoring exercise confirmed that the Licensee has a language split of English and Afrikaans throughout its programme offering.

The language consistency can be found during regular programming, news items as well as advertisements.

**The Licensee complies with clause 4 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 confirmed that the station broadcasts an adult contemporary/golden oldies format, and did not deviate from its Contemporary Hit Radio format during the period under review.

**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".*

The monitoring exercise found that the Licensee is consistent in its provision of content that caters to its target market and did not deviate from its adult contemporary golden oldies format during the period under review.

**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 continues to be a platform for local artists to promote their music through various initiatives such as live concerts; new music promotions, interviews and other means. During the period under review, certain live performances were streamed virtually on different online platforms such as Facebook and YouTube. Artists who have performed at the popular Carols by Candlelight include Jo Black, Elandre, Swing City, Elvis Blue, Tarryn Lamb, Kelly Khumalo, Zolani Mahola, Mzansi Youth Choir, Refentse and Charlize Berg.

**The Licensee complies with clauses 6.1 and 6.2 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 found the following extracts of news during the period under review:

- *"Dudula Movement belooft om Alex te sluit te midde van voortdurende spanning. 'n Wegbreekbeweging van die omstrede Operasie Dudula het belowe om Alexandra te sluit te midde van voortdurende spanning tussen plaaslike inwoners en buitelandse burgers. Dit nadat 'n groep gemeenskapslede wat onder die vaandel Dudula Movement georganiseer is, Maandag deur die Alex CBD getrek het en 'n beroep op buitelandse burgers gedoen het om hul winkel in te pak. Lede van die Dudula-beweging, vermoedelik Alex-inwoners, beweer die oproepe is deel van 'n groter beweging om die township skoon te maak en die ekonomie te herbou.*
- *Maar winkeleienaars sal nie geïntimideer word deur die groot skares wat klippe dra en paaie met brandende bande versper nie. Die optog, soortgelyk aan dié wat in dele van Soweto gesien is, het swaar polisie teenwoordigheid gelok. 'n Lid van die Dudula-beweging in Alex, Agnes Malatji, het bewerings ontken dat die optog xenofobiese ondertone gehad het. "Die beweging is nie xenofobies nie, ons is lief vir ons Afrikaanse broers en susters, maar ons pleit by die regering dat dinge op die regte manier gedoen moet word omdat die toestroming van buitelandse burgers in ons land baie skrikwekkend is. "Soveel as wat ek 'n Suid-Afrikaner is, kan ek nie net na 'n vreemde land, byvoorbeeld Zimbabwe, gaan en daar kom en 'n kapperswinkel op die straathoek bestuur nie. Daar is wette, daar is regulasies, daar is prosedures waarop ek moet aansoek doen, maar nie in Suid-Afrika nie. "In Suid-Afrika kom mense hierheen en laat hulle asseblief gemak die regering toe. Die regering oortref die Suid-Afrikaanse burgers," het Malatji gesê..*

- *"Gautrein-busbestuurders begin met 'onwettige' staking. Duisende Gautrein-buspendelaars is Dinsdagoggend gestrand gelaat weens 'n betoging deur busbestuurders. Kasagee Nayager, Gautrein-woordvoerder, sê busdienste werk nie – met die uitsondering van Parkstasie en twee busse in Midrand. "Ongelukkig as gevolg van onbeplande onwettige protesoptrede deur busbestuurders is die busdiens nie by alle stasies behalwe vir Parkstasie in werking nie en ons het net twee busse wat by die Midrandstasie werk." Nayager voeg by dat trein- en midi-busdienste nie deur die staking geraak word nie. "Ons sal passasiers op hoogte hou en ons doen 'n beroep op diegene wat geraak word om alternatiewe reëlins te tref."*
- *Eskom hoop beurtkrag sal nie tot langnaweek voortduur nie. André de Ruyter, uitvoerende hoof van Eskom, hoop meer opwekkingseenhede sal voor die begin van die langnaweek weer aanlyn wees. e Ruyter het die media Dinsdag ingelig oor die huidige stelseluitdagings te midde van ontrullende stroomonderbrekings. Die sukkelende kragvoorsiener het Maandag beurtkrag teruggekeer nadat Eenheid 5 van Medupi Kragstasie gestruikel het, wat sowat 700 MW se kapasiteit van die netwerk verwyder het. Die eenheid is sedertdien oornag weer in diens, maar drie opwekkingseenhede by die Camden-kragstasie het gedurende die nag uitgeskakel.*
- *Dit het gelei tot Eskom se plan om Dinsdagmiddag fase 2-beurtkrag te implementeer – 'n situasie wat na alle waarskynlikheid deur die week sal voortduur. De Ruyter het gesê hoewel die swaar reën in dele van die land tot sy uitdagings bygedra het, het dit nie sy steenkoolvoorraad beïnvloed nie. "Daar is genoeg steenkool, ons het nie probleme met steenkoolvoorsiening nie, ons steenkoolvoorraad is gesond – so ons het nie groot probleme wat die beskikbaarheid van steenkool betref nie."*

**The Licensee complies with clauses 7.1 and 7.2 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 monitoring exercise found that most of the news coverage is self-generated and the Licensee discloses news material that is not self-generated.

**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 provides a 12-month internship programme in partnership with the Wits Radio Academy, where students alternate between Jacaranda FM and Voice of Wits during the course of the internship to get exposure and practical training in their Advanced Radio Certificate. The Licensee further assisted Mix FM; Pretoria FM; Radio Pulpit; Fine Music Radio, Radio Veritas, Magic 828 and Radio Islam on the DAB+ trial broadcast in Gauteng.

Clause 8.2 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, the licensee already spent over R1 500 000 on training and skills development, thus exceeding the minimum requirement on the above clause.

**The Licensee complies with clause 8 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 Provinces as set out in its licence conditions.

**The Licensee complies with clause 9 of the schedule to 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 monitoring exercise confirmed at least 35% of SA Music Content during the period under review. Artists found on the playlist include *Bobby van Jaarsveld* *Shekhinah* *Tholwana Elvis Blue*; *Black Coffee* *Mathew Mole*; *Gangs of Ballet* and many others.

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

### **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".*

A confirmation of the Licensee's annual contribution to the MDDA was received from the Licensee and this was done within the prescribed 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 complied fully with its licence terms and conditions and related Regulations for individual broadcasting licensees during the period under review.

## **7. TERMS OF REFERENCE**

Annexure A: Jacaranda FM Service and Spectrum Licence

Annexure B: Jacaranda FM Compliance Submission

Annexure C: Regulations on South African Music Content

Annexure D: Standard Terms and Conditions for Individual Licences

Annexure E: General Licence Fees Regulations

Annexure F: Universal Service and Access Regulations

**END**