

# COMPLIANCE REPORT

## JACARANDA FM 94.2

Licence Period : 17 December 2008- 16 December 2018<sup>1</sup>

### 1. PREFACE

The Independent Communications Authority of South Africa (“the Authority”) has a statutory mandate in terms of the Constitution<sup>2</sup>, the ICASA Act<sup>3</sup> and the Electronic Communications Act<sup>4</sup> (“EC Act”) to regulate broadcasting activities in South Africa in the public interest. The Authority is tasked with ensuring compliance by broadcasters with the terms and conditions of their license, the Electronic Communications Act (“EC Act”), the ICASA Act and any relevant legislation.

The report is intended to give a detailed account of Jacaranda FM’s performance for the period 2008 – 2009. The report focuses on the following aspects: ownership and control, management, geographic coverage, languages, format, local content obligations, general programming obligations, training and skills development obligations, and transmitter split, people with disabilities, complaints, South African music content regulations and standard terms and conditions.

### 2. BACKGROUND

Jacaranda FM is a regional commercial radio station that was licensed to broadcast in parts of Gauteng, Limpopo; North West and Mpumalanga Provinces. Jacaranda FM has an adult contemporary and golden oldies format that includes various types of music, as well as current affairs and other topical issues.

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<sup>1</sup> Appendix A- Jacaranda FM’s Licence terms and conditions

<sup>2</sup> The Constitution of the Republic no 108, 1996

<sup>3</sup> ICASA Act no 13 , 2000 as amended

<sup>4</sup> Electronic Communications Act no 36, 2005

### **3. COMPLIANCE ASSESSMENT**

#### **3.1 Shareholding Structure**

Clause 1 of the service licence stipulates that:

*“The licence is issued to:*

- a. *Name of Company: Jacaranda FM (Pty) Ltd*
- b. *Shareholders: Kagiso Media ( through KMI) – 80%*  
*Lagardere Active Radio International – 20%*
- c. *Ownership held by persons from historically disadvantaged groups:*  
*Naledi Media Investment Holding Pty Ltd – 60%*  
*Little Swift Investments 36 Pty Ltd – 20%*

During the period under review, the Authority did not receive any information regarding Jacaranda FM’s change to its shareholding structure.

##### **3.1.1 Board and Management**

The Board of directors of Jacaranda FM is comprised of the following people:

- Mr A Manderstam – White male (foreign)
- Miss F Roji – Black female
- Mrs S Radebe – Black female
- Mr M Morobe – Black male
- Mr N Khan – Asian male
- Miss S Magingxa – Black female
- Mr Omar Essack - Indian male

The Board is comprised of 42.8% female and 57.1% male

### **3.1.2 Management Structure**

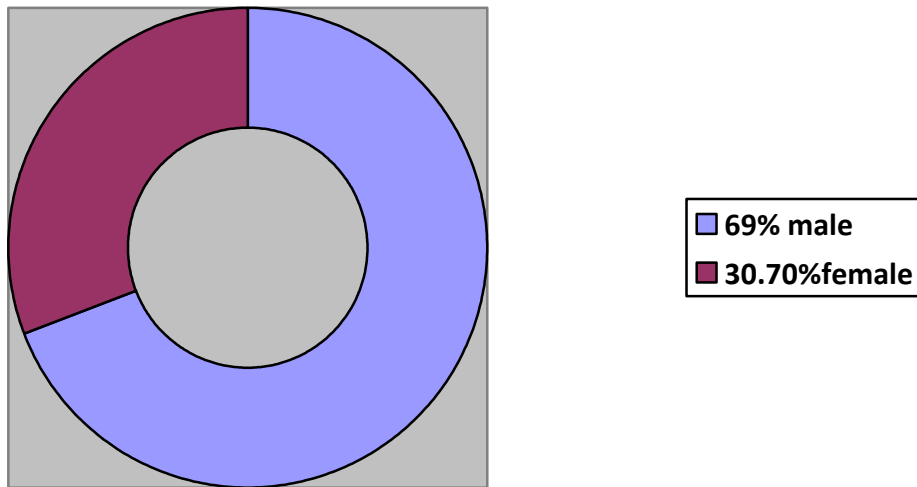
Senior management at Jacaranda FM is as follows:

- Mr N Khan – CEO, Indian male
- Miss S Magingxa – CFO, black female
- Mr W Bedil – Commercial Sales Manager, white male
- Mrs L Ndevu – Marketing Manager, black female
- Mrs B Clur- Trade Marketing Manager, white, female
- Mrs A van Rensburg, white, female
- Mr A Cornielssen – News editor, white female
- Mr L Madurai – Programmes Manager, indian male
- Mr A Pike – Technical Manager, white male
- Mr D Hatting – General Manager – RMFM, white male

Middle management is made up of the following people:

- Mr. A Campbell- Manager, white male
- Mr G Greyling- Music Manager, white male
- Ms M. Van Os- Projects Manager, white female ( to end of September 2009)
- Mr H van Niekerk - Accountant, white, male

The figure below represents gender breakdown at senior and middle management level excluding the projects manager:



### 3.2. Geographic Coverage

Clause 2 of the schedule of the licence stipulates that:

*“Parts of Gauteng, Limpopo, North West and Mpumalanga as defined in map attached to the radio frequency spectrum licence”.*

Jacaranda FM covers Blouberg, Carolina, Davel, Dullstroom, Enzelberg, Groot Marico, Hoedspruit, Louis Trichardt, Lydenburg, Menlo Park, Middelburg, Nelspruit, Nylstroom, Piet Retief, Potgietersrus, Pretoria, Rustenburg, Sabie, Thabazimbi, Tzaneen, Volksrust and Zeerust (*Refer to service and frequency spectrum licence for further details marked as Appendix A*).

The radio station complies with clause 2 of its licence.

### 3.3. Broadcast Language/s

Clause 3 of the schedule to the licence stipulates that:

*“English 50% and Afrikaans 50%”.*

The language split of the radio station is 50% English and 50% Afrikaans (*See Appendix B for further details on language split details*).

Jacaranda FM complies with clause 3 above.

### **3.4. Format**

Clause 4.1 of the schedule to the licence stipulates 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 radio station has an adult contemporary and golden oldies format including a mix of music and information. Music format is categorised as adult contemporary genre. The songs are sourced from the 70's, 80's and 90's era, as the core audience is in their mid to late 30's.

Clause 4.2 of the schedule to the licence stipulates that:

*“The Licensee may not change more than fifteen percent (15%) of its format between 05h00 and 23h00”.*

Monitoring conducted on the radio station's programming profile indicated that the radio station does deviate from its format but deviation is not more than 15% during performance period (05h00- 23h00).

Jacaranda FM complies with clause 4.1 and 4.2 of its licence.

### **3.5 Local Content Obligations**

Clause 5 of the schedule to the licence stipulates 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”.*

The following are some of the live concerts held by the radio station during the period under review:

- The Loveboat Cruise with Live music performances featuring Kurt Darren.
- Deurimikke Concert @ Loftus in PTA featuring Steve Hofmeyr, Theuns Jordan, Eden, Kurt Darren, Dozi and host of up and coming Afrikaans bands.
- Innibos Concert in Nelspruit featuring Izak Davel, DJ Ossewa, Kurt Darren, Lianie May, Anton Goosen, Juanita du Plessis, Steve Hofmeyr, Johnny Clegg and a host of local acts.
- Carols in Nelspruit featuring the Holy Jerusalem Choir and Kurt Darren & Romanz.
- Carols in PTA featuring Kurt Darren & Romanz, Holy Jerusalem Choir and Nianell.
- Carols in JHB featuring, Kurt Darren & Romanz, Loyiso, Nianell and the Holy Jerusalem Choir.
- Sister with Blisters concert featured unsigned bands including “NKD”.

In addition, the radio station indicated that it pioneered an online music platform at its own expense to promote un-signed musicians and bands called Jacaranda 94.2 Demo Station on [www.jacarandafm.com](http://www.jacarandafm.com). According to the radio station this is designed to showcase young unsigned musical talent. Furthermore, the radio station maintains that it showcased over 400 new songs and bands during the period under review. The bands are showcased on air and allow listeners to vote for their favourite band.

Based on the information submitted by the radio station, the radio station has complied with its local content obligations in terms of clause 5.1 and 5.2, respectively.

### **3.6 General Programming Obligations**

Clause 6.1 of Jacaranda FM’s license stipulates 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*

6.3 *Should the licensee source news material from a source other than itself, the source(s) thereof shall be disclosed during the news broadcast”.*

Recordings monitored for the period 18 to 24 November 2009 indicated that Jacaranda FM broadcasts 14 news bulletins and 7 news headlines during week days every hour on the hour from 05h00 to 19h00. During weekends Jacaranda FM broadcasts 12 news bulletins from 07h00 to 18h00. The broadcast of news is in English and Afrikaans.

Jacaranda FM's main news bulletins last for approximately four (4) minutes; amounting to fifty six (56) minutes of news per day excluding headline news. Of the 14 news bulletins, 27 minutes of news is local news, 14 minutes is regional news and 15 minutes is dedicated to international news which includes news, from the African Content.

During the period monitored, the following is an example of African content news item broadcast by the radio station: *‘In African news Nigeria’s president Umaru Yaradua has been admitted to hospital in the Saudi Red Sea city of Jedah. According to reports the 58 year old Yaradua is to undergo medical tests, the nature of which is not known’.*

Information submitted by the radio station to the Authority indicated a breakdown of news broadcast as follows:

- Total minutes weekdays = 45.33 minutes
- Total minutes Saturday= 34 minutes
- Total minutes Sunday = 32 minutes ( see Appendix C – news breakdown)

The radio station is complying with all the requirements in respect of news.

### **3.7 Training and Skills Development Obligations**

Clause 7.1 requires 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'.*

Below is a list of the three class sound broadcasters assisted by Jacaranda FM for the period under review:

- VCR (Vaal Community Radio) ;
- University of Limpopo; and
- Voice of Wits (VOW).

Jacaranda FM provided job-shadowing exercises for VCR students at Jacaranda RMFM, Polokwane, and an on-air mixing desk, to the value of R35 000 (See *Appendix D for further details on Training and skills development*).

The radio station has complied clause 7.1 of its licence.

According to Clause 7.2 of Jacaranda FM's license conditions, *"the licensee is required to train or develop members of staff and commit to a total amount of R1 500 000 00 (one million five hundred thousand Rand) over its licence period on training and skills development.*

During the year under review, Jacaranda FM has spent R231 335, 65 on training and development. Therefore, the radio station has complied with clause 7.2 of the licence.



### **3.7 Transmitter Split**

Clause 9 of Jacaranda FM's licence provides as follows: "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 and the North West Province, as is set out in the radio frequency spectrum. Monitoring conducted on Jacaranda FM's programming profile revealed that the licensee is compliant with clause 9 of its licence.

On 09 July 2009, Jacaranda FM applied for an amendment to its licence with regard to frequency or technical spectrum. The amendment included an increase of transmitter power and the closure of Menlo Park transmitter. The reason for the amendment was that, increasing the power output of the main transmitter on 94.2MHz, from the level of 3KW to a level 10KW, would serve the purpose of filling most of the dead areas in their licensed broadcast footprint and sufficiently increase signal levels in Pretoria East to service new suburbs.

In addition, the radio station wanted to remove the existing gap-filler at Menlo Park on 93.5MHz. This would have an added advantage of freeing up the gap-filler's frequency to be reallocated to the national frequency plan.

### **3.8 People with Disabilities**

Jacaranda FM has in its employ, people with disabilities. During the year under review, the radio station reported that Mr Alan Khan who lost his one eye at birth is the radio station's Chief Executive Officer (CEO) and Mr Alan Tison who has an advanced near sighted condition that cannot be surgically corrected is employed as a Sound Engineer .

### **3.9 Complaints**

Jacaranda FM is member of the National Association of Broadcasters (NAB) and all Complaints related to the code of conduct are adjudicated by the Broadcasting Complaints Commission of South Africa (BCCSA).

During the monitoring of recordings the BCCSA complaints announcement was identified once in every show. There are also internal complaints procedures in place. The CEO is the complaints official. In the year under review, there have not been any judgements brought against Jacaranda FM.

#### **4. REGULATIONS**

##### **4.1. South African Music Content Regulations**

Regulation 3.2 of the Regulations on South African Music Content as published on 31 January 2006 stipulates that:

*“Every holder of a commercial sound broadcasting licence to which these regulations apply must ensure that a minimum of 25% 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 Appendix E).*

Jacaranda FM plays approximately 26% South African music including interviews with local musicians and is in compliance with the regulation above.

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

During the year under review, the Authority did not identify any non compliance by the Jacaranda FM with the standard terms and conditions for individual licensees (See *Regulations regarding Standard Terms and Conditions for Individual Licences attached as Appendix F*).

## **5. CONCLUSION**

Jacaranda FM has complied with the terms and conditions of its licence.

## **6. APPENDICES:**

**Appendix A:** Jacaranda Service and Frequency Spectrum

**Appendix B:** Language Split

**Appendix C:** News Breakdown

**Appendix D:** Skills development

**Appendix E:** Regulations on South African Music Content

**Appendix F:** Regulations regarding Standard Terms and Conditions for Individual Licences