



RADIO iGAGASI 99.5 (PTY) LTD ANNUAL COMPLIANCE REPORT

MARCH 2023

2021/2022 ANNUAL COMPLIANCE REPORT

RADIO iGAGASI 99.5 (PTY) LTD BROADCASTING AS iGAGASI 99.5

Licence Period: 17 December 2018 – 16 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. One of the main tasks of the Authority, is to monitor compliance by broadcasters with the terms and conditions of their licences, the three Acts and any other relevant legislation and Regulations.

The purpose of the report is to give an account of Radio iGagasi 99.5 (Pty) Ltd (“iGagasi 99.5”/ “the Licensee”)’s compliance for the 2021/2022 financial year. Aspects of compliance measured comprise of the geographic coverage, language(s) of broadcast, broadcast content format, training and skills development equity, staff development and employment equity plan, general programming obligations, ownership by individuals from historically disadvantaged groups, Regulations regarding Standard Terms and Conditions for Individual Broadcasting Services, General Licence Fees Regulations, Regulations in respect of the Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund and South African Music Content Regulations.

2. BACKGROUND

iGagasi 99.5 holds Individual Commercial Sound Broadcasting Service (“I-CSBS”) and Radio Frequency Spectrum (“RFS”) licences (collectively referred to

¹ The Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)

² ICASA Act, 2000 (Act No. 13 of 2000), as amended

³ Electronic Communications Act, 2005 (Act No. 36 of 2005)

⁴ Broadcasting Act, 1999 (Act No. 4 of 1999)

as “licences”) for the provision of services to the Durban Metropolitan, Ulundi, Glencore, Port Shepstone and Greytown in the Province of KwaZulu-Natal. The Authority first issued iGagasi 99.5 with its licences on 17 December 2018.

3. COMPLIANCE ASSESSMENT

3.1. Ownership and Control

Clause 1.1 of the service licence provides that:

“Name of Company/Entity: Radio iGagasi 99.5 (Pty) Ltd.”

The Licensee is Radio iGagasi 99.5 (Pty) Ltd as stipulated in its licences.

The Licensee complies with clause 1.1 of its service licence.

Clause 1.2 of the service licence provides that:

“Shareholders: MRC Media (Pty) Ltd (100%).”

The Licensee is 100% owned and controlled by MRC Media (Pty) Ltd⁵.

The Licensee complies with clause 1.2 of its service licence.

Clause 1.3 of the service licence provides as follows:

“Ownership held by persons from historically disadvantaged groups:

<i>Tsiya Radio (Pty) Ltd</i>	<i>41.48%</i>
<i>Kagiso Media Investments (Pty) Ltd (“LWI”)</i>	<i>14.39%</i>
<i>Victory Parade Trading 55 (Pty) Ltd</i>	<i>8.69%”</i>

The equity ownership held by historically disadvantaged groups (HDGs) in the Licensee has not changed and remains at 65%.

The Licensee complies with clause 1.3 of its service licence.

3.2. Geographic Coverage Area

Clause 3 of the schedule to the service licence stipulates that the geographic coverage area is:

⁵ Appendix B: Gagasi FM - ICASA Report Mar 21 – Feb 22

"Durban Metropolitan, Port Shepstone, Ulundi, Glencore and Greytown as per the technical specifications attached to the Licensee's radio frequency spectrum licence."

The Licensee confirms that the geographic coverage area remains as defined and specified in its licences⁶.

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

3.3. Broadcast Language(s)

Clause 4 of the schedule to the service licence states that:

"Principal languages

4.1 English - 50%; and

4.2 isiZulu – 50%."

The monitoring exercise confirmed that the Licensee broadcasts interchangeably in English and isiZulu and there is proportional representation of both languages. The frequency in broadcasting in both languages is demonstrated when presenters converse among themselves and with guests during broadcasts; news, weather, traffic and sport are read in English and isiZulu and the Licensee identifies itself in both languages of broadcast. Further, comments and messages posted by listeners on the Licensee's social media platforms and are read out during broadcasts are a mix of isiZulu and English.

The Licensee complies with clause 4 of the schedule to its service licence.

3.4. Format

Clause 5 of the schedule to the service licence provides as follows:

"The Licensee shall have a programming format of music in an adult contemporary jazz format."

The monitoring exercise confirmed that the Licensee offers an adult contemporary jazz playlist ("popular music") that includes, Rhythm and Blues with Rock influences, Soul, Pop, Gospel and Easy Listening.

⁶ Appendix B: Gagasi FM - ICASA Report Mar 21 – Feb 22

The following artists were featured: Marvin Sapp "Yes, You Can", Various Artists for Haiti "We are the World", DJ Maphorisa "Izolo", Teeks "First Time", Jordin Sparks "One Step At A Time", Mariah Carey "Bye Bye", Justin Bieber "Yummy" and many more.

The Licensee complies with clause 5 of the schedule to its service licence.

4. GENERAL PROGRAMMING OBLIGATIONS

Clause 6.1 of the schedule to the service licence stipulates that:

"The Licensee shall broadcast a minimum of thirty (30) minutes of news per day between 05h00 and 23h00."

The Authority's monitoring exercise confirmed that iGagasi 99.5 broadcasts news bulletins on top of the hour from 06h00 to 18h00 during weekdays; at 07h00, 09h00, 11h00, 13h00 and 17h00 on Saturdays and Sundays and news headlines at 06h30, 07h30, 08h30, 16h30 and 17h30. Each news bulletin is averaging between four (4) and five (5) minutes. The monitoring exercise also determined that, during some news bulletins there are live crossings to a reporter who is interviewing a public representative (Political party representative, Councillor, Mayor, Member of the Executive Council etc) and the live crossings lengthen the news bulletins to between seven (7) and eight (8) minutes. On average, the Licensee broadcasts fifty-four (54) minutes of news on weekdays and over thirty (30) minutes of news on weekends.

The following are some of the news items monitored:

- *"Ziyisithupha kuphela intsuku ezisele ngaphambi kokuba i Ngizimu Afrika iyekhethweni bohulumeni basekhaya nolubhekwe ngamehlo abomvu. Amaqembu aphikisayo asanda kusungulwa kanjalo nalaba abalungenele ngokuzimela;"*
- *"Amaqembu amaningi achithekile kulempelasondo esiphuma kuyo echitheseka emphakathini eyahlukene ekhankasela amavoti. Izithembiso zempilo engcono, amanzi, ugesi, amathuba emisebenzi avuleleke kuwo wonke umuntu kanjalo nempucuzeko emphakathini ngezinye zezinto ezihamba phambili kwezithembiso ezibikwa emphakathini;"*and

- *"Still on election news, One South Africa movement leader Mmusi Maimane says that this country needs a complete overhaul of leadership from Local to Provincial and even at National level. Maimane has been leading the campaign alongside Independent Candidates in Mpumalanga. He says corruption and a lack of care by current leaders has led to a dire state of South African municipalities. – Our politics is rotten to a point that its time now for the community to come forward. The struggle requires that the people must govern, the people must be in charge."*

The Licensee complies with clause 6.1 of the schedule to its service licence.

Clause 6.2 of the schedule to the service licence states 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 Authority's monitoring exercise confirmed the Licensee does disclose the source(s) of news material acquired elsewhere. The Licensee reported sources such as ENCA (channel 403), SABC (channel 404), News24, IOL and BBC News.

The Licensee complies with clause 6.2 of the schedule to its service licence.

Clause 6.3 of the schedule to the service licence provides that:

"The Licensee shall broadcast news for an average of six (6) minutes every hour between 06h00 and 09h00 on all weekday mornings. News shall be broadcast in English and isiZulu."

The monitoring exercise confirmed that between 06h00 and 09h00, the Licensee broadcasts six (6) minute news bulletins broken down into five (5) minutes on the hour and a one (1) minute headline. The Licensee broadcasts news in both English and isiZulu.

The Licensee complies with clause 6.3 of the schedule to its service licence.

Clause 6.4 of the schedule to the service licence stipulates that:

"In compiling news and information programmes, the Licensee shall reflect on news from the Continent."

The Licensee broadcasts news and information from mainly South Africa and the rest from the African Continent and these are some of the news items monitored:

- *"South African President Cyril Ramaphosa says the African Continental Free Trade Agreement must facilitate greater trade opportunities for women and focus on removing non-tariff barriers to trade;" and*
- *"u Cyril Ramaphosa uthi ukuthula noxolo ngekhe kubekhona emazweni ase Afrika uma ingethulwa inkinga ehlanganisa ezophepha nentuntukho."*

The Licensee complies with clause 6.4 of the schedule to its service licence.

5. TRAINING AND SKILL DEVELOPMENT OBLIGATIONS

Clause 7.1 of the schedule to the service licence stipulates that:

"The Licensee shall put particular emphasis on training and development of staff from historically disadvantaged groups."

The Licensee's submission for the period under review indicates that, training and development of staff was in respect of people from HDGs. Training was undertaken in various disciplines (Media Studies, news gathering and production, technical, sales, marketing and advertising)⁷.

The Licensee complies with clause 7.1 of the schedule to its service licence.

Clause 7.2 of the schedule to the service licence provides that:

"The Licensee shall establish an employee training programme and shall spend a minimum of R500 000 (five hundred thousand Rand) over the licence period thereon."

⁷ Appendix B: Gagasi FM - ICASA Report Mar 21 – Feb 22

The Licensee reported⁸, that for the year under review it has spent six hundred and seventy-four thousand four hundred and twenty-six Rands (R674 426.92) on training.

The Licensee complies with clause 7.2 of the schedule to its service licence.

Clause 7.3 of the schedule to the service licence stipulates that:

"The Licensee shall actively pursue the appointment of more women on-air presenters."

According to the Licensee's submission, there are twenty-three (23) male and eleven (11) female on-air presenters.

The Licensee complies with clause 7.3 of the schedule to its service licence.

Clause 7.4 of the schedule to the service licence provides for:

"The Licensee to regularly receive and train interns and students from tertiary institutions across South Africa."

During the period under review, the Licensee employed eight (8) interns.

The Licensee complies with clause 7.4 of the schedule to its service licence.

6. REGULATIONS

6.1. ICASA South African Music Content Regulations, 2016

Regulation 3(2) of the ICASA South African Music Content Regulations, as published in *Government Gazette* No. 39844 dated, 23 March 2016, stipulates that:

"A holder of a commercial sound broadcasting service licence must ensure that after eighteen (18) months from the date of gazetting these Regulations, a minimum of 35% of the musical works broadcast in the performance period,

⁸ Appendix B: Gagasi FM - ICASA Report Mar 21 – Feb 22

consists of South African music and that such South African music is spread evenly throughout the performance period."

The Authority's monitoring exercise confirmed that on any given day, the Licensee's playlist includes between 40 - 46% South African music. The music genres range from House, Classic Soul, Afro Pop, Gospel, Kwaito and Rhythm and Blues. The South African music played by the Licensee include, amongst others, B Sithembe "Ngegazi Lakhe", Nothando Hlophe "Yebo", Simmy "Umahlalela", Sho Madjozi "John Cena", Big Zulu ft. Lwah Ndlunkulu "Umuzi e Sandton" and many more.

The Licensee complies with the ICASA South African Music Content Regulations.

6.2. Regulations on Standard Terms and Conditions for Individual Broadcasting Services, 2010⁹ as amended.

No areas of non-compliance with the Regulations above were identified during the period under review.

The Licensee complies with the Standard Terms and Conditions for Individual Broadcasting Services.

6.3. Universal Service and Access Fund Regulations, 2011

Regulation 3(1) of the Regulations in respect of the Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund ("USAF") as published in the *Government Gazette* No. 34010 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."

⁹ Standard Terms and Conditions for Individual Broadcasting Services, 2010 as published in *Government Gazette* No. 33294 dated, 14 June 2010 as amended.

Further, Regulation 3(2) provides that:

"A BS Licensee who has paid an annual contribution to the Media Development and Diversity Agency (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 of the same financial year."

The Licensee has paid its USAF contribution as required by Regulations 3(1) and 3(2) by 30 August 2022.

The Licensee complies with Regulations 3(1) and 3(2) of the Regulations in respect of the Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund.

6.4. ICASA General Licence Fees Regulations, 2012¹⁰

Schedule 2 of the General Licence Fees Regulations provides for Individual Commercial Broadcasting Service Licensees to pay annually to the Authority a licence fee of between 0.15% to 0.35% of its licensed revenue (revenue from its licensed services).

Schedule 3(2) of the General Licence Fees Regulations provides that:

"All licence holders must submit within six (6) months of their financial year end:

- a) audited Annual Financial Statements, or;*
- b) financial statements signed by the accounting officer of the Licensee where the Licensee is not legally obliged to provide audited financial statements."*

Schedule 3(6) of the General Licence Fees Regulations provides that:

"All payments in respect of Annual Licence Fees are due annually."

The Licensee has submitted its audited Annual Financial Statements and has paid the annual licence fees by 30 August 2022 as required.

The Licensee complies with the ICASA General Licence Fees Regulations.

¹⁰ General Licence Fees Regulations, 2012 as published in *Government Gazette* No. 36323 dated, 28 March 2013.

6.5. ICASA Compliance Procedure Manual Regulations, 2011

The Licensee is required in terms of the Compliance Procedure Manual Regulations as published in the *Government Gazette* No. 34863 dated, 15 December 2011 to submit a Form 12A which reports on all complaints received during the financial year under review. According to the Licensee's submission, Gagasi FM did not receive complaints during the period under review.

The Licensee complies with the ICASA Compliance Procedure Manual Regulations

7. CONCLUSION

For the 2021/2022 financial year, the Licensee has fully complied with all its I-CSBS licence terms and conditions and applicable Regulations.

8. TERMS OF REFERENCE

- 8.1.** Appendix A: Radio iGagasi 99.5 (Pty) Ltd I-CSBS licence and RFS licence;
- 8.2.** Appendix B: ICASA Report March 21 – February 22;
- 8.3.** Appendix C: Reconciliation of Payments (USAF & GLF);
- 8.4.** Appendix D: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No.39844 dated, 23 March 2016; (**Repealed** entirely the *ICASA South African Music Content Regulations, 2006 as published in Government Gazette No. 28453 dated, 31 January 2006*);
- 8.5.** Appendix E: Regulations on Standard Terms and Conditions for Individual Broadcasting Services, 2010 as published in *Government Gazette* No. 33294 dated, 14 June 2010,
 - 1st Amendment**, 2016 published in *Government Gazette* No. 39875, dated 30 March 2016.
 - 2nd Amendment**, 2016 published in *Government Gazette* No. 40372, dated 26 October 2016
- 8.6.** Appendix F: USAF Regulations 2011, published in *Government Gazette* No. 34010 dated, 10 February 2011;

- 8.7.** Appendix G: ICASA General License Fees Regulations 2012, published in *Government Gazette* No. 36323 dated, 28 March 2013 as amended. **1st Amendment** published in *Government Gazette* No. 37521 dated, 02 April 2014; and
- 8.8.** Appendix H: ICASA Compliance Procedure Manual Regulations 2011, published in *Government Gazette* No. 34863 dated, 15 December 2011.