



# **JACARANDA FM ANNUAL COMPLIANCE REPORT**

**MARCH 2024**

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# **2022/2023 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, the Independent Communications Authority of South Africa Act (ICASA Act<sup>1</sup>), the Electronic Communications Act<sup>2</sup> (ECA) and the Broadcasting Act<sup>3</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 2022/2023 financial year. Aspects of compliance that are measured comprise 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**

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 it provides adult contemporary radio format. For the period 2022/2023 the listenership figures for the radio station was, 1,283,000<sup>4</sup>.

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<sup>1</sup> Act No. 13 of 2000, as amended

<sup>2</sup> Act No. 36 of 2005

<sup>3</sup> Act No. 4 of 1999

<sup>4</sup> <https://brcsa.org.za/rams-amplify-radio-listenership-report-may22-apr23/>

### **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%*

The information relating to the ownership and control of the Licensee remained unchanged during the period under review.

**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>5</sup>. For the period under review, there were no complaints that were lodged against the Licensee regarding its coverage area. The Licensee's geographic coverage meets the requirements of the geographic coverage area as defined in the map attached to the radio frequency spectrum licence of its 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%"*.

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<sup>5</sup> Attachment A Jacaranda FM frequency spectrum licence.

The Authority's monitoring exercise has verified that the Licensee adheres to a bilingual programming policy, consistently employing both English and Afrikaans throughout its program offerings. The Licensee's commitment to linguistic consistency extends to regular programming, news segments and even advertising content.

**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 conducted during the review period verified that the station adheres to a consistent programming format, blending elements of adult contemporary and golden oldies genres. There were no observed deviations from this established format throughout the review period.

**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 confirmed the Licensee's consistent adherence to its adult contemporary golden oldies format, which caters to its target market. This commitment to the established format was evident throughout the review period, ensuring program consistency and alignment with audience preferences.

**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 concerts featuring South African artists, and*
- 6.2 *The Licensee shall provide new local artists with a platform to promote their music".*

The Licensee remains a dedicated platform for local artists, actively promoting their music through diverse initiatives including live concerts, new music showcases, interviews, and other avenues. Notably, during the period under review, select live performances were performed across various platforms such as on-stage, online and in-studio, further amplifying the reach of these artists. Renowned South African artists such as: Jo Black, Kelly Khumalo, Elandre, Elvis Blue, Zolani Mahola and Martin Bester were featured.

**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:

- *"Portia Derby, uitvoerende hoof van Transnet, het bedank. Haar bedanking volg op 'n jaar van steunwerwing deur sakeondernemings en, meer onlangs, georganiseerde arbeid, terwyl die prestasie van die staatslogistieke*

*maatskappy onder haar toesig gedraai het. Michelle Phillips, hoof van Transnet Pipelines en die langsdienende uitvoerende beampte wat by Transnet aanbly, is as waarnemende HUB aangestel.*

- Onderbrekings het Maandagoggend die hervatting van Tshwane Bus Service en A Re Yeng-busse geteister. Die busdienste is gestaak weens die voortslepende arbeidsgeskil tussen die stad en munisipale werkers. Werkers het in Julie gereedskap neergesit ter ondersteuning van hul eis om betaal te word salarisverhogings waarvoor ooreengekom is by die SA Plaaslike Regering Bedingingsraad. MMC vir paaie en vervoer in Tshwane, Katlego Mathebe, het gesê die stad en wetstoepassingsagentskappe het verskeie maatreëls ingestel om die gladde werking van busse te verseker..*
- 'n Man wat volgens aanklaers die moord op rapper Tupac Shakur in 1996 beveel het, is Vrydag gearresteer en aangekla van moord in 'n langverwagte deurbraak in een van hip-hop se mees blywende raaisels. Duane "Keffe D" Davis is lank reeds aan ondersoekers bekend as een van vier verdagtes wat vroeg in die ondersoek geïdentifiseer is. Hy is nie die beskuldigde gewapende man nie, maar is Vrydag op 'n nuuskonferensie en in die hof deur die owerhede as die groep se hoofleier beskryf. In Nevada kan jy aangekla word van 'n misdaad, insluitend moord, as jy iemand help om die misdaad te pleeg."*

**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 revealed that a significant portion of the Licensee's news coverage originates from internal production efforts. However, it was also observed that the Licensee adheres to transparency standards by disclosing the origin of non-self-generated news material.

**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'.*

As part of its commitment to fostering future talent in the radio industry, the Licensee offers a comprehensive 12-month internship program. This program is conducted in partnership with the Wits Radio Academy, providing students with invaluable exposure and practical training in advanced radio production through rotational placements at Jacaranda FM and Voice of Wits.

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.*

During the review period, the Licensee demonstrably exceeded the minimum training and skills development requirements stipulated in the relevant clause. This commitment is evidenced by the expenditure of over R1,500,000 on initiatives designed to enhance the knowledge and competencies of its staff.

**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 adheres to the transmitter distribution outlined in its licence conditions, operating a strategic split across the Limpopo, North-West, and Mpumalanga

Provinces. This strategic distribution ensures optimal signal coverage and accessibility for the Licensee's audience within the designated regions.

**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 verified that at least 35% of the music content aired by the Licensee consisted of South African music. Artists found on the playlist include *Stefan Jansen, Miloh Ramai, Appel, Sho Majozi, Refentse, Tarryn Lamb* 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**

The Authority is satisfied that during the period under review the Licensee did not contravene the regulation in respect of the Standard Terms and Conditions for Individual Licences.

### **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 within the stipulated timeframes.

#### **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".*

The Licensee fulfilled its statutory obligations by making the requisite payment to the MDDA 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 as per the Licensees' Financial Year.

The Licensee maintains membership in the National Association of Broadcasters ("NAB"). By this affiliation, any complaints lodged against the Licensee are processed through the established grievance mechanism of the Broadcasting Complaints Commission of South Africa ("BCCSA"). During the review period, no complaints were escalated to the Authority.

## **6. CONCLUSION**

The monitoring exercise as undertaken during the period under review found that the Licensee did comply in fully, with its regulatory obligations as outlined in this report.

## **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**