



# **JOZI FM ANNUAL COMPLIANCE REPORT**

**MARCH 2018**

## **2016/2017 ANNUAL COMPLIANCE REPORT**

### **JOZI FM COMMUNITY RADION STATION – 105.8 FM**

**Licence Period: 30 AUGUST 2013 – 30 AUGUST 2018**

#### **1. PREFACE**

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution<sup>1</sup>, the ICASA Act<sup>2</sup>, the Electronics Communications Act<sup>3</sup> (ECA) and the Broadcast Act<sup>4</sup> to regulate broadcasting activities in South Africa in the public interest. One of the main tasks of the Authority, is to ensure compliance by broadcasters with the terms and conditions of their licence, the three (3) Acts mentioned already and any other relevant legislation and Regulations.

The purpose of the report is to give account of Jozi FM's performance with the terms and conditions as set out in its licence for the 2016/2017 financial year. Aspects of compliance that are measured comprise of Licence Area, Community Participation, Annual General Meeting (AGM), Local News and Information, Programming, Languages, Broadcast Hours, Promises of Performance, South African Music Content Regulations, Regulations on Standard Terms and Conditions and Code on People with Disabilities.

#### **2. BACKGROUND**

Jozi FM is a geographically founded community radio station; serving the interests and needs of Soweto and surrounding areas in the Gauteng Province. The radio station went officially on air on 01 August 1995. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review was 537 000.<sup>5</sup>

#### **3. COMPLIANCE ASSESSMENT**

##### **3.1 LICENSEE**

Clause 1 of the licence terms and conditions stipulates that:

*"The Licence is issued to:*

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<sup>1</sup> The Constitution of the Republic of South Africa Act No 108, 1996

<sup>2</sup> ICASA Act No: 13, 2000 as amended

<sup>3</sup> EC Act No: 36 of 2005

<sup>4</sup> Broadcasting Act No:4 of 1999

<sup>5</sup> <http://www.brcsa.org.za/brc-ram-radio-listening-jul-16-dec-16-oct-16-mar-17/>

- 1.1 *Name of the Company/Entity: Soweto Media Resource Centre.*
- 1.2 *Name of the Station: Jozi FM.*
- 1.3 *Control of the Licensee: Control shall vest in the Board of Directors of a Section 21 Company known as Soweto Media Resource Centre.*

The Licensee confirmed that the name of the radio station is still as stipulated in the licence and also that control is still with the Board.

**The Licensee has complied with clauses 1.1, 1.2 and 1.3 respectively.**

### **3.2 LICENCE PERIOD**

Clause 2 of the licence stipulates that:

*2.1 The effective date of the Licence is 24 October 2013*

*2.2 The licence shall expire on 23 October 2018*

At the time of writing this report, the licence was up to date.

**The Licensee has complied with the clauses 2.1 and 2.2 respectively.**

### **3.3 LICENCE AREA**

Clause 3 of the licence stipulates that:

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

The Licensee confirmed that the radio station is still broadcasting in the areas as stipulated in the licence.

**The Licensee has complied with clause 3 of its licence.**

### **3.4 COMMUNITY PARTICIPATION**

Clause 4.1 of the licence stipulates that:

*"The Licensee shall provide services to a geographic community residing within the geographic coverage area specified herein".*

The Licensee confirmed that it caters for the areas as stipulated in the licence.

**The Licensee has complied with clause 4.1 of its licence.**

Clause 4.2 of the licence stipulates as follows:

*"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 the attendance thereof by members of the community".*

The Licensee confirmed that it has a Listeners Forum that meets with the station's management on programming. The Authority notes that such meeting was only held once a year on 28 February 2017<sup>6</sup> as opposed to twice as stipulated above. This has been the case even in the previous reporting years. Proof of such a meeting as well as attendance register was duly submitted to the Authority.

**The Licensee did not fully comply with clauses 4.2.1 and 4.2.2 respectively.**

Clause 4.3 of the licence stipulates as follows:

*"The Licensee shall hold Annual General Meetings (AGM) for the following purposes:*

*4.2.3.1 To provide feedback on the Licensee's compliance with the 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.*

*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".*

The last AGM of the station was held on 11 March 2017, it was a reporting AGM. However, the Licensee did not submit the minutes and attendance register of the afore-said AGM due to theft that they experienced at the station. The Chairperson of the Board said in the report that the minutes of the AGM were captured in the laptop of the station that was stolen by their long time scribe. He further said that they eventually found the laptop but it had no information in it hence they were unable to send through the minutes. Please see attached the report from Chairperson of the Board in this regard<sup>7</sup>.

Based on the above, the Authority is unable to measure compliance with all the clauses mentioned above.

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<sup>6</sup> Minutes of Programme Meeting

<sup>7</sup> Chairpersons' report

**The Licensee did not fully comply with clause 4.3 of its licence.**

### **3.5 PROGRAMMING**

*Clause 5.1 of the licence stipulates that the Licensee shall provide programming in the following format:*

Clause 5.1.1 of the licence stipulates that:

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

The Authority's monitoring exercise revealed that the radio station broadcasts a total of thirteen (13) news bulletin every day. Each news bulletins is broadcast for at least five (5) minutes. The total number of news monitored during the period under review is ninety (90) minutes which exceed the above-mentioned quota. The first news bulletin commences from 06h00 and the last from 18h00 weekdays. The Licensee submitted that the news is sourced from the Police station, community, correspondents and press release.

The following are some of the news extracts covered during the period under review:

- *"Gauteng MEC of Health, Qedanin Mahlangu will today open up government plans to the public of a children's clinic at Chris Hani Hospital in Soweto. The clinic is set to accommodate about 2000 children who will be sleeping over and about 300 who are not going to sleep overnight. Spokesperson of the clinic, Steve Mabona said that they are excited about this project because it is going to help with service delivery. He said that they are also going to build a surgery clinic where children from infants to 10 years will be able to undergo operations".*
- *"COSATU was reported to say that they are concerned with the strikes that are taking place in Pretoria. The federation said that they are concerned about the allegations that these strikes are as a result of those people that want tenders and position in the City of Tshwane. They have called on the police to investigate these allegations so that those responsible must be arrested. This they said has caused division within the community and they are going to intervene in order to bring about peace in the City especially since the local elections are around the corner".*
- *"SANCO branch of Orlando said that it will continue to fight for those people that are chased out from their homes and they are also going to teach society on the process*

*of owning homes. Chairperson of SANCO, Sydney Dlamini said that they are saddened to see how people get to lose their houses due to lack of information and not knowing their rights as well as those that are inheriting family houses. He said that as an organisation that stands up for people's right, they are going to ensure that they assist the public in knowing their rights and understanding the legality of owning a home. He said they should know what is a title deed and letter of Authority and how to handle disputes within families. He said that they have invited the Department of Justice and Legal Aid to come and assist them in imparting legal information".*

- *"There was chaos today at the IEC offices in Auckland Park in Johannesburg, apparently the workers threw the boxes with votes in the air complaining that since yesterday nobody directed them on how they should count the votes. They said they have waited all night and did not know what to do and yet today they are supposed to be at work. IEC spokesperson Mashigo Shiburi said that the verification process ran smooth for most of the workers who properly completed the results slips and diaries. He said that those that did know how to complete the slips and diaries got delayed. And now they have to ensure that everything is done properly and accordingly so that they can account. He further said that they understand the unsavoury situation they witnessed this morning".*

**The Licensee has complied with clause 5.1.1 of its licence.**

Clause 5.1.2 of the licence stipulates that:

*"The Licensee shall broadcast 70% South African music content".*

The Authority's monitoring exercise revealed that the radio station broadcasts at least 85% of South African music content which exceed the quota mentioned above.

The following are some of the South African Artists identified through the perusal of the programme recordings: Judith Sephuma – '*Smile cry and dance*'; Hugh Masekela – '*Khawuleza*'; DJ Ganyani – '*Free*'; Ntokozo Masinga – '*All I need*'; Caiphus Semenya – '*Mme Matswale*'; Lazarus Kgakgodi – '*Stop*'; Lucky Dube – '*Slave*'; Chiskop – '*Claimer*'; Chicco – '*Don't stop the people*'; Kwesta – '*Ngudu*'; etc.

**The Licensee has complied with clause 5.1.2 of its licence.**

Clause 5.1.4 of the licence stipulates that the languages of broadcast are as follows:

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 Authority's monitoring exercise revealed that all the languages stipulated above are broadcast in all the programmes of the radio station. The languages were also identified in the news and current affairs programmes.

**The Licensee has complied with clause 5.1.4 of its licence.**

### **3.6 CONTACT DETAILS**

5.1 "The contact person for the Licensee shall be:

6.1.1. Name : Mr Hector Mpho Mhlongo

6.1.2 Tel : (011) 982 4134

6.1.3. Fax : (011) 982 7003

6.1.4. Cell : N/A

6.1.5. Email : [njomane@jozifm.co.za](mailto:njomane@jozifm.co.za)

6.2 "Should the Licensee propose to replace the person so designated, the Licensee shall notify the Authority within seven (7) working days after appointing the new designated person."

### **3.7 NOTICES AND ADDRESSES**

7.1 The Licensee chooses the following as its principal addresses:

7.1.1 Physical Address: 2212 Khaya Centre  
Cnr Mahalefele Drive and Mncube  
Dube  
Soweto

7.1.2 Postal Address: P.O. Box 23  
Dube  
1800

The Licensee confirmed that there has not been any change with regard to notices and addresses as per clause 6 and 7 respectively. The Authority also confirms that there are no changes as this was also verified during the station visit by the Authority.

**The Licensee has complied with clauses 6 and 7 respectively.**

### **3.8 PROMISES OF PERFORMANCE**

Clause 8.1 of the licence stipulates that:

*8.1 "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."*

The Licensee submitted that it uses the same forum of programming together with its entire members of the station for advice on broadcasting policies and election of its Board.

**The Licensee has complied with clause 8.1 of its licence.**

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

The Authority's monitoring exercise confirms that the programmes of the radio station are produced within South Africa. The following are amongst others the programmes that are produced within South Africa:

- 1. 'The morning chat' broadcast weekdays between 09h00 and 12h00*
- 2. 'The Discussion', a current affairs show broadcast weekdays between 18h00 – 20h00*
- 3. 'Faces of Faith', a gospel show broadcast on Thursday only between 20h00 – 22h00*
- 4. 'Sowetalk' a social discussion show broadcast weekdays between 20h00 – 22h00*
- 5. 'Fountains of Life' broadcast on Sundays only between 05h00 and 10h00*
- 6. 'Izigi', a cultural show broadcast on Saturday only between 08h00 – 11h00*

All of the above-mentioned programmes are interactive, listeners call in, and some participate on the social media platforms like Facebook and twitter. It also includes guest speakers that come and share their knowledge and expertise.

**The Licensee has complied with clause 8.1 of its licence.**

## **4. REGULATIONS**

### **4.1 Regulations Regarding Standard Terms and Conditions**

Clause 6 (1) and 10A (3) of the Standard Terms and Conditions stipulates that:



*"A Licensee must provide broadcast services for twenty four (24) hours per day unless the Authority has been notified of a shorter schedule of daily broadcast operations".*

*"A Licensee must clearly identify itself at intervals of not more than thirty (30) minutes".*

The Authority's monitoring exercise through the perusal of the programme recordings reveals that the radio station broadcast for 24 hours. The performance period which the Authority monitors compliance is from 05h00 to 23h00.

The radio station clearly identifies itself in all programmes as "Jozi FM".

**The Licensee has complied with regulations 6(1) and 10A (3) of Standard Terms and Conditions.**

## **4.2 Code for Persons with Disabilities**

Clause 3.1 (a) of the Code for Persons with Disability of 2007 stipulates that:

*"Broadcasting service Licensees must ensure that their services are made available and accessible to people with disability."*

The programming content does not discriminate against people with disabilities.

However, during the station visit, the Authority observed that the premises of the radio station are not accessible to people that are on wheel chairs. The radio station is situated on the upper floor of the building, there are no means to elevate persons on wheel chairs. Able people walk up the stairs to get to the radio station.

**The Licensee has not fully complied with regulation 3.1 of the Code on People with Disabilities.**

## **5. CONCLUSION**

The Licensee has complied with most of the requirements as set out in its licence however the Licensee must improve in the following clauses:

1. Clause 4.2 and 4.3 in relation to Community participation and programming meetings held twice a year as stipulated in the licence.
2. Clause 3.1 (a) of the Code for Persons with Disabilities – Radio stations premises must be accessible to people with disability.

The Authority will endeavour in ensuring that the Licensee comply in full with its licence terms and conditions as well as the Code on People with Disability.

## **6. REFERENCE**

APPENDIX A: Sound broadcasting service licence;

APPENDIX B: Community participation minutes and attendance register;

APPENDIX C: Report from Chairperson of the Board; and

APPENDIX D: Regulations on Standard Terms and Conditions for Class Licences.