



# **JACARANDA FM ANNUAL COMPLIANCE REPORT**

**MARCH 2019**

## **2017/2018 ANNUAL COMPLIANCE REPORT**

### **JACARANDA FM 94.2**

Licence Period: 17 December 2008 to 16 December 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 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 report is intended to give a detailed account of Jacaranda FM's performance for the period 2017/2018. Aspects of compliance that are measured comprise of Ownership and Control, Geographic Coverage, Language, Format, Local Content Obligations, General Programming Obligations, Training and Skills Development Obligations, Regulations on the Code on People with Disabilities, South African Music Content Regulations, Complaints, Regulations on Standard Terms and Conditions for licences and General Licence Fee Regulations.

#### **2. BACKGROUND**

Jacaranda FM is an Individual Broadcasting Service Licensee licensed on 17 December 2008 to broadcast in parts of Gauteng, Limpopo; North West and Mpumalanga Provinces. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review was 954 000<sup>5</sup>, a 19% decline from the previous reporting period.

---

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

<sup>5</sup> <https://brcsa.org.za/brc-ram-radio-listening-oct17-mar18-ian18-jun18/>

### **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 Broadcasting (Pty) Ltd – 80%*

*Lagardere Active Radio International – 20%*

*Ownership held by persons from historically disadvantaged groups:*

*Kagiso Broadcasting (Pty) Ltd – 51.11%*

For the reporting period, there were no changes brought by the Licensee to the Authority's attention, however, the Licensee has recently submitted a notice of change to its shareholder company name and the Authority is in the process of assessing the notice.

**The Licensee complies with clause 1 of its licence**

#### **3.2 Geographic Coverage**

Clause 2 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".*

Jacaranda FM has a footprint in the Gauteng; Limpopo, North West and Mpumalanga provinces<sup>6</sup>. The Licensee confirms that its footprint has not changed.

**The Licensee complies with clause 2 of the schedule to its licence.**

---

<sup>6</sup> Attachment A contains service and frequency spectrum licence for further details

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

Clause 3 of the schedule to the licence stipulates that Jacaranda FM's languages of broadcast are:

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

The Licensee's submission confirms that it is bilingual. The monitoring exercise confirms this through its programming line-up where news is read in both English and Afrikaans, as well as presenters interchange between the two languages during shows. The rest of the language split is achieved through its programming department that controls the branding package or imaging material using an automated software.

**The Licensee complies with clause 3 of its licence.**

### **3.4 Format**

Clause 4.1 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 Licensee's submission reflects a format of music and information that is community based. The monitoring exercise found shows such as *Workzone* and *The Scenic Drive* that are a testament of the Licensee's adherence to its format factor. Furthermore, the Licensee undertook community initiatives such as the *ProjectWaterDrop* initiative undertaken by the Licensee in partnership with Loftus Versveld and the Vodacom Blue Bulls versus DHL Stormers derby to raise funds to help vulnerable Western Cape schools affected by the Cape Town drought disaster. This, along with the *Good Morning Angles* initiative are classic examples of the Licensee's commitment to community work.

**The Licensee complies with clause 4.1 of the schedule to its licence.**

Clause 4.2 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 Licensee reports that its format does not change. This was confirmed by the Authority's monitoring exercise as there was no change of 15% of its format.

**The Licensee complies with clause 4.2 of the schedule to its licence.**

### **3.5 Local Content Obligations**

Clause 5 of the schedule to the licence provides 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 Licensee submits that it held several live music concerts featuring a wide range of South African artists. This was confirmed during the monitoring exercise where a packed line-up of music festivals are held from the beginning of the year to end, including but not limited to the following: *Rock and Comedy Cruise* held in February; *Liefde by Die Dam* held during April at Johannesburg's Emmarentia Dam; the station's biggest annual event, *Jacaranda Day* held during May and *Innibos Concert* held during the month of June in Mbombela, Mpumalanga Province. These are just some of the station's many music festivals showcased by Jacaranda FM every calendar year.

The Licensee further demonstrates its commitment to local artists by hosting live events in studio, dedicating a full hour with the artists. Some featured artists include: Tarryn Lamb; Fokofpolisiekar; Corlea Botha and Irene Louise van Wyk.

**Jacaranda FM complies with clauses 5.1 and 5.2 of the schedule to its licence.**

### 3.6 General Programming Obligations

Clause 6.1 of the schedule to the licence provides 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*

Clause 6.2 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 confirmed that the Licensee broadcasts news on weekdays between 05h00 – 19h00. The newscasts are broken up into national news; provincial news and international news. On an average, the total amount of news output is 55 minutes of news per day. On weekends news can be heard from 07h00 – 18h00.

The following is an example of news items found during the period monitored:

- *"Adjunkpresident David Mabuza sal vandag die eerste keer vroe in die Nasionale Vergadering moet beantwoord. Die voorsitter van die Kommissie vir die Bevordering van Godsdienst, Kultuur en Geloofsregte, Thoko Mkhwanazi-Xaluva. sal ook die eerste keer in die Parlement verskyn. Sy sal die LP's inlig oor die Seven Angels-kerk in Ngcobo in die Oos-Kaap gee. Sy het vroeër gesê die Parlement moet verantwoordelikheid daarvoor aanvaar dat hulle nie genoeg gedoen het om die Ngcobo-tragedie te voorkom nie. Die Komitee oor Finansies sal ingelig word oor Capitec, die VBS-bank en ander kwessies by die Inkomstediens. Die komitee het onlangs verslae oor die voormalige adjunkkommissaris van die Suid-Afrikaanse Inkomstediens, Jonas Makwakwa, se inkomste ontvang. Hy het verlede week bedank.*

- *Die voormalige Springbokkaptein, Rassie Erasmus is as die nuwe afrigter van die Springbokke aangewys. Hy sal tot aan die einde van 2023 wêreldbekertoernooi aan die hoof staan van die Springbokke se bestuursplan. Erasmus sal sy rol as afrigter kombineer met dié as Direkteur van Rugby by SA Rugby. Die 45-jarige Erasmus neem die afrigterspos oor by Allister Coetzee wat dié pos die afgelope twee jaar beklee het. Erasmus se assistentafrigters is Jacques Nienaber, Pieter de Villiers en Mzwandile Stick, terwyl Aled Walters by die bestuursplan aansluit as fiksheidsafrigter*
- *Die hooggeregshof in Pretoria het bevind dat die vorige president, Jacob Zuma se aandeel in die ontbinding van die SAOG-tribunaal in 2012, onregmatig, irrasioneel en ongrondwetlik was. Die Tribunaal van die Suider Afrikaanse Ontwikkelingsgemeenskap het in 2005 tot stand gekom as regsplegende instelling wat geskille tussen lande, en tussen lande en hulle burgers besleg. Zuma was een van die SAOG-leiers wat oor die ontbinding besluit het. Verskeie partye, insluitend Afriforum en die Prokureursorde het aangevoer dat Zuma geen grondige rede namens die regering gehad het om die besluit te neem nie."*

**Jacaranda FM complies with clause 6.1 and 6.2 of the schedule to its licence.**

Clause 6.3 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".*

Following the previous year's reporting on this specific clause, the Licensee met with the Authority and mentioned that it understood the requirement to mean that if sources other than itself sourced news, this must be kept in case it is required. The Licensee mentioned that it has licensing agreements with various news agencies and therefore were not aware that this must be disclosed during newscasts. The Licensee confirmed that corrective measures will be taken in this regard.

**Jacaranda FM partially complies with clause 6.3 of the schedule to its licence.**

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

Clause 7.1 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'.*

In response to clause 7.1 of its licence, the Licensee reports that it has adopted three community sound broadcasting within its coverage area through the Wits Radio Academy programme; Boston Media house and internships at Jacaranda FM through a partnership with Voice of Wits. The assistance comes in various forms from internships; to career days and full on news courses offered by the Licensee.

These are good opportunities that young people in the radio industry can look towards. However, the Licensee must endeavour to include sound broadcasters from other regions under its coverage areas, including Mpumalanga; Limpopo and North West. For many years, most of the Licensee's adopted stations can be found in the Gauteng region, and therefore the Licensee must diversify in this instance.

**Jacaranda FM complied with clause 7.1 of the schedule to its licence.**

Clause 7.2 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.*

Jacaranda FM reports that it spent R1 500 702,38 on training and development for the period under in review and have subsequently exceeded its spend on training and skills development over its licence period.

**Jacaranda FM complies with clause 7.2 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".*

It is unclear whether the Licensee still operates the transmitter split service or essentially, programme syndication in Limpopo, Mpumalanga and North West. The Authority will engage the Licensee on this matter.

**The Licensee's compliance with clause 9 of the schedule to its licence is undetermined.**

## **4 REGULATIONS**

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

On 23 March 2016, the Authority published the ICASA South African Music Content Regulations which repealed ICASA South African Music Content regulations published on 31 January 2006. The regulations were to be effective eighteen (18) months after publication i.e. 23 September 2017 which falls within the period under review. The quotas were revised from 25% to 35% for commercial sound broadcasting services.

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 E).*

The Licensee reports that it broadcast more than 35% of South African Music Content through airplay as well as through hosting various music concerts and interviewing South African artists. The monitoring exercise confirmed that the Licensee plays approximately 39% South African music including interviews with local musicians. Artists found on the Licensee's playlist include Jack Parrow; Bok van Blerk; Mzansi Youth Choir; Refentse 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**

During the period under review, the Authority did not identify any non-compliance by the Jacaranda FM with the standard terms and conditions for individual Licensees.

#### **4.3 General Licence Fee Regulations**

Regulation 3 (1) (a) of the General Licence Fee 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"*

Jacaranda FM paid their annual licence fees on 14 December 2018 in accordance with the applicable regulations.

**The Licensee complies with the General Licence Fee Regulations.**

#### **4.4 Universal Service and Access Fund (USAF) Regulations**

Regulation 3 (1) of the prescribed annual contribution of Licensees 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".*

Jacaranda FM paid their USAF payment to the MDDA on 14 December 2018 within the stipulated period in accordance with the applicable regulation.

**The Licensee complies with the USAF regulations.**

#### **4.5 Regulations on the Code on People with Disabilities**

Following the Authority's meeting with the Licensee on compliance with the above regulations, the Licensee committed to implementing corrective measures of reporting on initiatives it has in place to ensure compliance with the code for people with disabilities. However, for the period under review, the Licensee still did not report on any matters that relate to the Code on People with Disabilities.

**Therefore, the radio station did not comply with the Regulations on the Code on People with Disabilities.**

## **5. COMPLAINTS**

The Licensee is a member of the National Association of Broadcasters ("NAB") and complaints in relation to the Code of Conduct by Broadcasters are administered by the Broadcasting Complaints Commission of South Africa ("BCCSA").

## **6. CONCLUSION**

The Licensee has generally complied with the terms and conditions of its licence and in instances where there was non-compliance, the Broadcasting Compliance Unit will raise other the matters that needs the Licensee's attention.

## **7. TERMS OF REFERENCE**

<b>Attachment A:</b>	Jacaranda FM Service and Spectrum Licence
<b>Attachment B:</b>	Language Split Submission
<b>Attachment C:</b>	News Submission
<b>Attachment D:</b>	Skills Development Submission
<b>Attachment E:</b>	SA Music Content Submission
<b>Attachment F:</b>	Regulations on South African Music Content
<b>Attachment G:</b>	Standard Terms and Conditions for Individual Licences
<b>Attachment H:</b>	General Licence Fees Regulations
<b>Attachment I:</b>	Universal Service and Access Regulations
<b>Attachment J:</b>	Regulations on the Code for People with Disabilities