



JOZI FM ANNUAL COMPLIANCE REPORT

MARCH 2017

2015/16 ANNUAL COMPLIANCE REPORT

JOZI FM

LICENCE PERIOD: 24 October 2013-23 October 2018

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution¹, the ICASA Act², the Electronics Communications Act³ (ECA) and the Broadcast Act⁴ to regulate broadcasting activities in South Africa in the public interest. One of the Authority's main tasks is to ensure compliance by broadcasters with the terms and conditions of their licence and any relevant legislation and regulations.

The purpose of this report is to give account of Jozi FM's performance with the terms and conditions as set out in its licence for the 2015/2016 financial year. Aspects of compliance that are measured comprise Licence Area, Community Participation, Annual General Meeting (AGM), Local News and Information, Programming, Languages, Broadcast Hours, Promises of Performance, South African Music Content Regulations, and Regulations on Standard Terms and Conditions for Class Licences.

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 is one of the oldest licensees in the community sector and went on air on 01 August 1995. During the period under review, the Licensee estimated its listenership is to be 53 396.

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

² ICASA Act No: 13, 2000 as amended

³ EC Act No: 36 of 2005

⁴ Broadcasting Act No:4 of 1999

3. COMPLIANCE ASSESSMENT

3.1 LICENSEE

Clause 1 of the licence terms and conditions stipulates that:

"The Licence is issued to:

- 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 and the control structure are as stipulated in the licence.

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

3.2 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.

3.3 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".

Jozi FM broadcasts from Dube, in Soweto, and provides its services to the geographically founded community residing within its coverage area. The Authority

did not receive complaints against the licensee alleging that it does not comply with its frequency spectrum specifications.

The Licensee complies 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 twice with the station's management on programming. Proof of such meetings as well as attendance register were duly submitted to the Authority.

The Licensee has complied with clause 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; and

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 21 November 2015, it was a reporting AGM. Feedback on organisational and financial performance was provided to the meeting, however, no compliance matters were reported at the AGM as stipulated in the licence. The elective AGM took place in 2014.

The following are the list of names of Board members that were elected in 2014:

1. Mr Rapitsi Montsho – Chairperson
2. Rev. Dorcas Mabitsela – Deputy Chairperson
3. Dr Thulani Mhlongo – CSI
4. Ms Carol Dyanji – CSI
5. Ms Mantshadi Moralo – Treasury
6. Mr Vusi Thusi – Programming

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

4. PROGRAMMING

Jozi FM broadcasts for 24 hours a day, seven days a week. Clause 4.1.1 of the licence stipulates that the radio station's programming format is 60% talk and 40% music.

The monitoring exercise confirmed that the radio station broadcasts 60% talk and 40% music comprising a variety of programme genres which are reflective of the demographic nature of the coverage area.

The Licensee was found to be in compliance with clause 4.1.1 of its licence.

5.1.1 LOCAL NEWS and INFORMATION

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 13 news bulletins from 06h00 to 18h00. Each news bulletin is approximately 4 minutes. In total, 55 minutes of news was monitored which exceeds the above-mentioned requirement. The Licensee submitted that the news is sourced from the Police station, community, correspondents and press release.

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

- *"Students and the youth of Pimville, Klipspruit and Diepkloof were very angry yesterday and said that they will start up the 1976 uprisings if Eskom does not resolve their electricity problems";*
- *"A young boy of 18 years who lives in Chiawelo whose name is Themba Masondo is scared that he might not write his Matric exams because he does not know his mother and has never seen her before since he was born. He says her mother left him with his granny without any documentation that will make him get an ID, without an ID Themba will not be able to write matric exams";*
- *"Suzan Shabangu in the Presidential office said that to place women in the workplace and leadership is not intended to just fill in the seats. But it is meant for women to lead effectively, this she said at a gender commission 2 day conference that was ending today"; and*
- *"A 51-year-old man is expected to appear at the Roodepoort Magistrate Court for murder allegations today. The accused is alleged to have shot a 21-year-old boy at Doornkop in SOWETO. The boy was taken to the Leratong Hospital where he later died. The police say the investigation is still continuing."*

The Licensee has complied with clause 5.1.1 of its licence.

5.1.2 SOUTH AFRICAN MUSIC CONTENT

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 played 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*'; Aifani– '*Shake*'; Bongo Maffin – '*Sgubhu*'; Letta Mbuli – '*Ngiphendule*'; Caiphus Semenya – '*Mme Matswale*'; Ringo Madlingozi – '*Ntombazane*'; Jabu Khanyile– '*Malowe*'; Zuluboy

featuring Tumi; Heavy K – ‘Celebrations’; Malaika – ‘Mhla uphele amandla’; Kwesta – ‘Ngudu’; Robby Malinga featuring Musa – ‘Mthande’ and others.

The Licensee has complied with clause 5.1.2 of its licence.

5.1.4 LANGUAGE(S) of BROADCAST

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 programme.

The Licensee has complied with clause 5.1.4 of its licence.

6. 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.”

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 programming of the radio station is produced within South Africa. The following are amongst others the programmes that are produced within South Africa:

- 1. ‘The Discussion’, a current affairs show broadcast weekdays between 18h00 – 20h00*

2. *'Faces of Faith', a gospel show broadcast on Thursday only between 20h00 – 22h00*
3. *'Izigi', a cultural show broadcast on Saturday only between 08h00 – 11h00*
4. *'Sowetalk' a social discussion show broadcast weekdays between 20h00 – 22h00*

All 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 and 8.2 of its licence.

7. BROADCAST HOURS

Regulation 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 confirmed that the Licensee broadcasts for 24 hours. However, the Authority monitors the performance period from 05h00 to 23h00 as prescribed in the Regulations.

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.

8. COMPLAINTS

During the period under review, the Authority has received two (2) complaints regarding the radio station. The complaints were amongst others on fraud, maladministration, mismanagement of finances and the radio station refusing to give complainants recordings of some interview that took place.

Both these complaints do not fall within the jurisdiction of the Authority. It is also important to note that most of the allegations were unfounded because the complainant did not provide proof (any evidence) of all the allegations against the station. The Authority responded accordingly, to the complainant and the matter was closed.

The Authority's monitoring exercise revealed that the radio station is not broadcasting the complaints announcement in the programmes.

The complaints announcement is important to enable listeners to know who to contact whenever a complaint arises.

9. CONCLUSION

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

- Clause 4.3 – Non-reporting at the AGM on compliance matters as stipulated in the licence.

The Authority will engage the Licensee with a view to assisting it to comply fully with its obligations.

10. TERMS REFERENCE

10.1 APPENDIX A: Sound broadcasting service licence

10.2 APPENDIX B: AGM minutes and attendance register

10.3 APPENDIX C: Community participation minutes and attendance register

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