



IMPACT RADIO ANNUAL COMPLIANCE REPORT

MARCH 2018

2016/2018 ANNUAL COMPLIANCE REPORT

IMPACT RADIO OPERATING AS IMPACT RADIO

LICENCE PERIOD: 28 October 2013 to 27 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 Electronic Communications Act³ (ECA) and the Broadcasting Act 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 license, the ECA, the ICASA Act, any other relevant legislation and Regulations.

The purpose of the report is to give an account of Impact Radio's compliance with the terms and conditions as set out in its broadcasting service licence⁴ for the 2016/2017 financial year. Aspects of compliance that are measured comprise of geographic coverage, community participation, programming, format, news and information, local content obligations, language(s), South African Music Content Regulations, Regulations Regarding Standard Terms and Conditions and the Code for persons with Disabilities.

2. BACKGROUND

Impact Radio is a Class Sound Broadcasting Licensee providing service to the Christian Faith community residing in Pretoria and surrounding areas, as specified in and required by its radio frequency spectrum licence. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review was 23 000.⁵

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the schedule to the licence provides that:

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

² ICASA Act No 13 of 2000, as amended

³ Electronic Communications Act No 36 of 2005

⁴ Appendix A: Broadcasting Service Licence

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

"The Licence is issued to:

1.1 Name of Company/Entity: Impact Radio

1.2 Control of the Licensee: Control shall vest in the Board of Directors of a Section 21 Company known as Impact Radio".

There were no changes reported by the Licensee to its company name and control structure during the period under review.

The Licensee was found to be in compliance with clauses 1.1 and 1.2 of its licence.

Clause 1 of the schedule to the licence provides as follows:

"Name of the radio station: Impact Radio".

The radio station's name is Impact Radio as provided in the licence.

The Licensee was found to be in compliance with clause 1 of the schedule to its licence.

3.2 Geographic Coverage Area

Clause 3 of the schedule to the licence provides that Impact Radio's coverage area is as follows:

"Pretoria in Gauteng as set out in the Licensee's radio frequency licence⁶".

The Licensee confirms that it provides a service in Pretoria in the Gauteng Province as set out in the Licensee's radio frequency licence.

The Licensee was found to be in compliance with clause 3 of its licence.

3.3 Community

Clause 4.1 of the schedule to the licence provides that:

"The Licensee should provide services to the people of Christian Faith residing within the geographic coverage area specified herein".

⁶ Appendix B: Frequency Spectrum Licence

The monitoring exercise confirmed that Impact Radio provides a class sound broadcasting service from Waterkloof Glen in Pretoria, and provides its services to a Christian Faith community residing within its coverage area.

The Licensee was found to be in compliance with clause 4.1 of the schedule to the licence.

Clause 4.2 of the schedule to the licence provides that:

"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 on programming and programme related matters for the selection and provision of programmes.*
- 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".*

Further, clause 4.2.3 provides that:

"The Licensee shall hold an Annual General Meeting (AGM) for the following purposes:

- 4.2.3.1 To provide feedback on the Licensee's compliance with licence conditions,*
- 4.2.3.2 To provide feedback on the Licensee's operational and financial performance,*
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".*

Impact Radio held community meetings⁷ on 29 September and 05 October 2016 on programming and programme related matters for the selection and provision of programmes, as required by the licence and submitted proof thereto.

Impact Radio also held an Annual General Elective Meeting⁸ on 21 July 2016. A Board of Directors which is constituted by members representing different Christian denominations was elected. The directors hold regular meeting to discuss and provide feedback on the Licensee's compliance with licence conditions, operational and financial performance.

⁷ Appendix C: Attendance Registers of Community Meetings

⁸ Appendix D: Minutes of Annual General Meeting

The Licensee was found to be in compliance with clause 4.2 of the schedule to the licence.

3.4 Programming

Clause 5.1 of the schedule to the licence provides that:

"The Licensee shall provide programming as follows:

4.1.1 Format:

40% talk and 60% music".

Impact Radio submits that it broadcasts 40% talk and 60% music daily as required by its licence. The monitoring exercise confirmed that the Licensee's format is 40% talk and 60% music as stipulated.

The Licensee was found to be in compliance with clause 5.1.1 of the schedule to its licence.

Clause 4.1.2 of the schedule to the licence provides that:

4.1.2.1 "The Licensee shall broadcast a total of seventy eight (78) minutes of news per day, of which 30 minutes shall be local news, 30 minutes national news and 18 minutes international news".

The Licensee submits that it broadcast 76 (seventy six) minutes of news, which is less than what the licence requires.

The monitoring exercise conducted for the period under review indicated that Impact Radio broadcasts news bulletins every hour at top and bottom of the hour from 06h00 to 18h00. The monitoring exercise revealed that the licensee broadcasts an average of four (4) minutes during each news bulletin and just over 78 minutes of news per day. Approximately 40% of the news is local, 20% regional, 30% national and 10% is international.

The following were among the news stories covered for the period under review:

1. *"The National Student Financial Aid Scheme (NSFAS) has said that the criteria for deserving students will remain the same in this year. During the media briefing yesterday NSFAS Chairperson, Sizwe Nxasana, said the criteria will only change*

next year when the new funding and comprehensive model which will include the so called missing middle, is added to the programme”.

2. *“Over a thousand business, economic and political leaders have gathered at the World Economic Forum annual meeting this week to discuss the state of the global economy. About eighty South Africans from government, business and Civil Society are there. According to President Jacob Zuma, the group will be promoting the country as an investment destination”.*
3. *“Last night Finance Minister, Pravin Gordhan, addressed an audience about South Africa’s outlook during an issue briefing in Davos. The South African economy has taken a drastic blow since December last year when President Jacob Zuma replaced the Finance Minister twice in one week”.*
4. *“Public hearings into Eskom’s application into an electricity tariff hike is taking place in Durban today. However National Energy Regulator of South Africa (NERSA) has cancelled hearings in three provinces. These are the Free State, Mpumalanga and Limpopo. It says there was a lack of public interest there”.*
5. *“Questions are being asked about the role and the status of the panel of experts set up to review and read out laws passed since 1994 that are hindering transformation. The Council for the Advancement of the Constitution (CATHIC), wants the National Assembly Speaker, Baleka Mbete, to clarify issues around the seventeen-member panel’s appointment and its budget”.*

The monitoring exercise confirmed that Impact Radio broadcast seventy eight (78) minutes of news per day.

The Licensee was found to be in compliance with clause 4.1.2.1 of the schedule to its licence.

5.1.2.2. “Current affairs shall be broadcast from Monday to Friday”.

Impact Radio has current affairs shows during weekdays at 08h40 and 18h10. The shows discuss a wide range of community issues including but not limited to, economy, religion, culture, etc. The shows involve discussions and interviews on topical issues.

The Licensee was found to be in compliance with clause 5.1.2.2.

Clause 5.1.3 of the schedule to the licence provides that:

"The Licensee shall broadcast a minimum of 40% South African music".

The Licensee submits that it broadcasts an average of forty five (45%) South African music. Impact Radio uses format factors contributing an average of 45% of South African music, on a monthly basis. Consequently, Impact Radio plays on average, a total of forty five (45%) South African Music Content.

Monitoring exercise confirmed that the Licensee broadcast local content music exceeding the required 40%, including interviews with local musicians and music by new local musicians. The local music played by the radio station includes among others: *Fierce by Freddie Wessels, Joyous Celebration, Louis Britz, Neville D, Benjamin Dube* amongst others.

The Licensee was found to be in compliance with clause 5.1.3 of the schedule to its licence.

Clause 5.1.4 of the schedule to the licence provides that the languages of broadcast are as follows:

- a) 95% English;
- b) 2.5% Afrikaans; and
- c) 2.5% Sesotho.

The Authority's monitoring exercise identified that the Licensee broadcasts 95% of its programmes in English, 2.5% in Afrikaans and 2.5% in Sesotho as outlined in the licence.

The Licensee was found to be in compliance with clause 5.1.4 of the schedule to its licence.

Clause 5.1.5 of the schedule to the licence provides that:

"The Licensee shall broadcast for 24 hours a day".

The Licensee submits that it broadcasts for 24 hours a day.

The monitoring exercise confirmed that the Licensee broadcasts its programmes for 24 hours a day.

The Licensee was found to be in compliance with clause 5.1.5 of the schedule to its licence.

4. REGULATIONS

4.1 Complaints

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A which reports on all complaints received during the financial year under review.

The Licensee is a member of the National Association of Broadcasters (NAB) and complaints relating to Code of Conduct are directed and adjudicated by the Broadcasting Complaints Commission of South Africa. However, the Licensee reported not to have received complaints for the period under review.

The Licensee was found to be in compliance with the Compliance Procedure Manual Regulations.

4.2 South African Music Content Regulations⁹

The Regulations on South African Music Content as published on 31 January 2006 provide that:

“Every holder of a community sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, a minimum of 40% 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”.

Impact Radio broadcasts a significant amount of South African music. The radio station broadcasts a variety of gospel music. Monitoring exercise confirmed that the Licensee broadcast local content music exceeding the required 40%, including interviews with local musicians and music by new local musicians. The local music played by the radio station includes among others: *Dr. Tumi, Judith Sephuma, Louis Brittz, Urban Matjila, Joyous Celebrations* amongst others.

⁹ Appendix E: SA Music Content Regulations

The Licensee was found to be in compliance with the South African Music Content Regulations.

4.3.1 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences¹⁰

During the year under review, the Authority did not identify instances of non-compliance by the Licensee with the standard terms and conditions for class licensees (See *Regulations regarding Standard Terms and Conditions for Class Licences, attached as Appendix D*).

4.4 Compliance Procedure Manual Regulations¹¹

Regulation 2 of the Compliance Procedure Regulations provides that:

- (1) *"The purpose of these regulations is to assist the Authority to proactively monitor compliance and to ensure that information is obtained in a consistent format".*

The Licensee has, the period under review, submitted the relevant forms and information as required by the regulations.

The Licensee was found to be in compliance with the above regulation.

4.5 Code for Persons with Disabilities

Clause 3.1(a) of the Code for Persons with Disabilities as published in the *Government Gazette* No 30441, 7 November 2007, states that:

"Broadcasting service licensees must ensure that their services are made available and are accessible to people with disabilities".¹²

During the radio station visit, it was confirmed that the Licensee's studios are easily accessible to the community and community persons with disabilities.

The Licensee has complied with the Code for Persons with Disabilities.

¹⁰ Appendix F: Regulations regarding Standard Terms and Conditions for Class Licences

¹¹ Appendix G: Compliance Procedure Regulations

¹² Appendix H: Code of People with Disabilities

5. CONCLUSION

Impact Radio has fully complied with of its licence terms and conditions and regulations.

6. APPENDICES

Appendix A: Impact Radio's broadcasting service licence;

Appendix B: Impact Radio's Frequency Spectrum Licence;

Appendix C: Attendance Registers of Community meetings;

Appendix D: AGM minutes;

Appendix E: SA Music Content Regulations;

Appendix F: Standard Terms and Conditions Regulation for Class licences;

Appendix G: Compliance Procedure Manual Regulations submission; and

Appendix H: Code for Persons with Disabilities.