



IMPACT RADIO ANNUAL COMPLIANCE REPORT

MARCH 2020

2018/2019 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 and the Electronic Communications Act³ ("ECA") 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 Electronic Communications Act ("ECA"), the ICASA Act, any 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 Regulations and Regulations Regarding Standard Terms.

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.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the schedule to the licence provides that:

"The Licence is issued to:

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

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 complies 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 remains Impact Radio as per the licence.

The Licensee complies 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 licence⁵".

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 complies 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".

⁵ 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 complies 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 of the licence 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 meetings⁶ on 02 October and 10 October 2019 on programming and programme related matters for the selection and provision of programmes, as required by the licence and proof of the meetings was submitted.

Impact Radio has also held an Annual General Elective Meeting⁷ on 11 July 2019. A Board of Directors which is constituted by members representing different Christian denominations, was elected. The directors hold regular meetings to discuss and provide feedback on the Licensee's compliance with licence conditions, operational and financial performance matters.

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

⁶ Appendix C: Attendance Registers of Community Meetings

⁷ Appendix D: Minutes of Annual General Meeting

3.4 Programming

Clause 5.1 of the schedule to the licence provides that:

"The Licensee shall provide programming as follows:

5.1.1 Format:

"40% talk and 60% music".

Impact Radio submits that it broadcasts 40% talk and 60% 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 complies 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 over seventy-eight (78) minutes of news, which is above the licence requirements.

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 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:

- *"The Democratic Alliance's premier hopeful Solly Msimanga says he is confident his party will lead the polls in Gauteng. Msimanga was speaking outside a polling station in the Capital Park ahead of the 2019 National Elections in May";*
- *"The Institute of Race Relations has released its latest election poll predicting that the ANC will win with the majority of votes, the EFF continuing to grow, while the DA will remain stable. The poll was conducted earlier in April with a sample of over 2,000 registered voters...";*

- *"Legendary musician Hugh Masekela has passed away in a Johannesburg hospital. A few months ago, he announced that he was getting treatment for cancer. The Arts and Culture Department has confirmed the death. Masekela had been in and out of hospital. He had been receiving treatment since 2008";*
- *"Gauteng Premier David Makhura and Education MEC Panyaza Lesufi have been urged to urgently intervene and stop an illegal strike by South African Democratic Teachers Union (Sadtu) members that has resulted in the disruption of teaching and learning at some schools in the province. The Democratic Alliance (DA) visited Eldorado Park Secondary School in the south of Joburg on Wednesday following a teachers' strike on Monday".*

The monitoring exercise confirmed that Impact Radio broadcast approximately 40 (forty) minutes of news per day.

The Licensee complies 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 wide range of community issues including but not limited to, economy, religion, culture, etc. The show involves discussions and interviews on topical issues.

The Licensee complies 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 obligation per this clause, has since been repealed and replaced by the ICASA South African Music Content Regulations of 2016. Therefore, the Licensee's compliance with this clause will only be measured in terms of the said Regulations 2016 later below.

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

The Licensee complies 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 complies with the Compliance Procedure Manual Regulations.

4.2 South African Music Content Regulations⁸

Regulation 3 of the Regulations on South African Music Content as published on 23 March 2016 provides that:

"A holder of a community sound broadcasting service licence must ensure that after eighteen months of the gazetting of these regulations, a minimum of 60%, increasing by 10% annually to reach 80% of the musical works broadcast in the performance period,

⁸ Appendix E: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No. 39844 dated, 23 March 2016.

consist of South African music and that such South African music is spread evenly throughout the performance period”.

The Licensee submits that it broadcasts an average of 15% South African music. Further, submits that it utilises the format factors, which contribute towards the Licensee achieving an average of 45% South African music content, on a weekly basis. Consequently, Impact Radio plays on average, a total of 65% South African Music Content.

Impact Radio broadcasts a variety of gospel music. Monitoring exercise confirmed that the Licensee broadcasts local content of 65%, 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.*

The Licensee does not comply with the South African Music Content Regulations, 2016.

4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences⁹

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.

4.4 Compliance Procedure Manual Regulations¹⁰

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

The Licensee complies with Compliance Procedure Regulations.

⁹ Appendix F: Regulations Regarding Standard Terms and Conditions for Individual Licences Standard Terms and Conditions for Individual & Electronic Communications Network Services, 2010 as published in *Government Gazette* No. 33296 dated, 14 June 2010, as amended.

¹⁰ Appendix G: ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011

5. CONCLUSION

Impact Radio has generally complied with of its licence terms and conditions and regulations. The area of non-compliance, pertaining to the South African Music Content Regulations, will be brought to the attention of the Licensee. The Authority will continue to monitor the compliance of the Licensee during the next financial year. However, the Licensee could be referred to the Complaints and Compliance Committee (CCC), for non-compliance with the South African Music Content Regulations, 2016.

6. TERMS OF REFERENCE

- 6.1** Appendix A: Impact Radio's broadcasting service licence
- 6.2** Appendix B: Impact Radio's Frequency Spectrum Licence
- 6.3** Appendix C: Attendance Registers of Community meetings
- 6.4** Appendix D: AGM minutes
- 6.5** Appendix E: SA Music Content Regulations
- 6.6** Appendix F: Standard Terms and Conditions Regulation for Class licences
- 6.7** Appendix G: Compliance Procedure Manual Regulations submission
- 6.8** Appendix H: Code of People with Disabilities