



13 August 2015

The Independent Communications Authority of South Africa  
Block A Pinmill Farm  
164 Katherine Str  
Sandton

For Attention : Mamedupe Kgatshe

Per: email: [mkgatshe@icasa.org.za](mailto:mkgatshe@icasa.org.za); [KMokitle@icasa.org.za](mailto:KMokitle@icasa.org.za)

Dear Sir or Madam

**RE : Written representation by Impact Radio to ICASA, concerning the draft South African Music Content Regulations.**

Please find attached the written representations in response to the Draft Regulations on South African Music content.

Kind Regards

Peter Roebert  
Station Manager



### **Written representations in response to the Draft Regulations on South African Music content.**

In terms of Section 4B of the Independent Communications Authority of South Africa Act (Act No 13 of 2000), ICASA has invited interested persons to submit their written representations regarding draft regulations on South African Music Content. This invitation was dated 18 June 2015 (Gazette Nr 38890) and written representations are to be submitted by no later than 16h00 on 14 August 2015.

Impact Radio's submission is made in response to the invitation by ICASA (Gazette Nr 38890). It highlights our concerns as a "Community of Interest" licensee.

Section 1 of the EC Act Further defines a community as follows:

"**community**" includes a geographically founded community or any group of persons or sector of the public having a specific, ascertainable common interest;

Impact Radio is licenced by the Authority as a "Community Of Interest" Class Broadcasting Service Licensee

Part 4.1 of our Licence indicates the following:

The Licensee shall provide services to a Christian Faith community of common interest residing within the geographic coverage area specified herein.

### **Impact Radio's concerns with the Draft Regulations on South African Music Content**

- The licence conditions which Impact Radio received from the Authority state that Impact Radio must broadcast 95% English to a Christian Faith community of "common interest" residing within the geographic coverage area specified herein.

The music content broadcast would therefore have to be Christian only, in keeping with the Statement of Faith of Impact Radio

- This has an impact of limiting the supply of music that the licensee may accept and schedule for broadcasting. The attention of the Authority is respectfully drawn to this fact and the effect that this must have on the nature of programming and content which the licensee broadcasts and the reasonability of the amount of the South African music content quota itself.
- With regards point 4.1 of gazette 38890.  
"A sound broadcasting service licensee that cannot meet the local content requirements must apply to the Authority for exclusion, and must submit proof that there is a limited music supply in their defined format"  
Can the ICASA clearly indicate to Impact Radio, what proof would they deem sufficient to grant an exclusion.
- At present for Impact Radio to comply with the quotas is a challenge. Content is a limited resource. The music available to Impact Radio is limited due to its specific "common interest" nature and Impact Radio relies heavily on

its ability to source content from around the world. Only what is available is available and the added pressure of an 18 month transition period makes it even more difficult. Impact Radio believes it will not be possible to obtain 80% local content and also remain financially sustainable..

- With respect to the Authority's intent in the draft regulations, the practicality of pressuring the already overburdened community broadcasting sector into procuring music content to a quota of 80%, which is higher than any other broadcast sector, must by necessity be regarded with scepticism as to its practicality.
- Practically all community radio broadcasters struggle financially to meet their commitments already. Most of them operate as public benefit organizations, resulting in the licensee resorting to financial injections such as donations from the general public and grants from government organizations. Impact Radio believes that this would negatively affect our sustainability as well as that of other Community Radio Stations.
- With regards to the point system. (Point 6 – Gazette No 38890)

We want to put forward the following example:

If a "Community of Interest" radio station, keeps its Local music content at 40% and the balance of the suggested 80% (the other 40%) is combined into interviews with local artists.

The broadcaster has to consider the following:

- For every 5 minutes of coverage of live music, they get 2 points *(Most community radio stations do not broadcast live concerts, as there is a sound quality issue's, connection issues and many artists do not want stations to broadcast their concerts live, as this will take away income that would be derived from the gate)*, Impact Radio has firsthand experience with this in dealing with various artists

so, live concerts aside, the broadcaster also has to consider.

- For an interview with South African musician(s) or composer(s) with a normal minimum of five 5 minutes, they get 2 points

So if the broadcaster is at 40% Local Music and has to get to the 80%, with interviews of a minimum of 5 minutes.

5 minute plus interview = 2 points

10 points = 1% local content

So

5 interviews = 10 point's with equates to 1% local content

So

200 interviews = 400 points which equates to 40% local content

So taking the performance period into account, the performance period equates to 126 hours per week. This would be approximately 504 hours per month.

So Impact Radio would be expected to broadcast 200 interviews in 30 days during the performance period. This equates to an interview with South African musician(s) or composer(s) with a normal minimum of five 5 minutes, every 2.5 hours for the entire month.

This equates to approximately 6-7 interviews every day of the month (between 5am and 11pm), every month. Surely this is not achievable and as far as good radio practice goes, this is contrary to good radio.

## **Impact Radio's suggestions regarding the Draft Regulations on South African Music Content**

- Impact Radio suggests that ICASA amend the draft regulations to include an exemption in the case of "Community of Interest" broadcast licensees as to the necessity to include, or alternatively, at the minimum, leaving the South African content quotas at 40% currently in place.
- Impact Radio further recommends that further consultation take place. The Local Content Draft Regulation workshop (held at ICASA offices on 31 July 2015) was insufficient, as many of the questions asked were not answered fully.

A point must be noted further from this workshop. One panel member from ICASA, on responding to the question on sufficient music availability, indicated that a "Survey of Supply and Availability" was done with broadcasters and this survey indicated that there would be no problem with supply of South African music to reach the 80% Local Content quota.

Impact Radio would like to raise 3 points on this issue:

1. At the ICASA workshop on South African Local content draft regulation. We were not given the opportunity to respond to this issue regarding this "Survey of Supply and Availability".
2. Impact Radio has been in discussions with numerous Community Radio stations and none of them indicated that they were included in this "Survey of Supply and Availability". Can the ICASA please provide us of the list of Community radio stations that were included in this "Survey of Supply and Availability". Impact Radio itself was also not consulted on this issue.
3. Can the ICASA please provide Impact Radio with a copy of the results of the "Survey of Supply and Availability" as mentioned at the workshop and which seemed to have a large bearing on the recommendation to increase the local content requirement from 40% to 80%.

Further discussion with ICASA is also warranted regarding the actual definition of local content. During the Local Content workshop this question came up numerous times and there seems to be a general vagueness on the issue of the defining of the term "local content"

Kind Regards

Peter Roebert  
Station Manager