

# **IMPACT FM ANNUAL COMPLIANCE REPORT**

**MARCH 2024**

# **2022/2023 ANNUAL COMPLIANCE REPORT**

## **IMPACT RADIO**

**LICENCE PERIOD: 28 October 2023 to 27 October 2030**

### **1. PREFACE**

The Independent Communications Authority of South Africa ("the Authority") has a statutory mandate in terms of the Constitution, the Independent Communications Authority of South Africa Act<sup>1</sup> ("ICASA Act") and the Electronic Communications Act<sup>2</sup> ("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, and 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 licence<sup>3</sup> for the 2022/2023 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.

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<sup>1</sup> ICASA Act No 13 of 2000, as amended

<sup>2</sup> Electronic Communications Act No 36 of 2005

<sup>3</sup> Appendix A: Broadcasting Service Licence

### **3. COMPLIANCE ASSESSMENT**

#### **3.1 Control Structure**

Clause 1 of the schedule to the licence provides that:

*"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 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 is Impact Radio as provided in the licence.

**The Licensee complies with clause 1 of 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 licence"<sup>4</sup>.*

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**

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<sup>4</sup> Appendix B: Frequency Spectrum Licence.

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".*

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 its 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";*

Impact Radio submits that it held community meetings on 02 October and 10 October 2022 on programming and programme-related matters for the selection and provision of programmes, as required by the licence and submitted proof thereto.

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 also held an Annual General Meeting<sup>5</sup> on 20 July 2022. A Board of Directors which is constituted by members representing different Christian

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<sup>5</sup> Appendix D: Minutes of Annual General Meeting

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.

**The Licensee complies with clause 4.2 of its 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% 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 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 broadcasts over 78 (seventy-six) minutes of news, as per the licence requirements.

The monitoring exercise conducted for the period under review indicated that Impact Radio broadcasts news bulletins every hour at the 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.

Among the news stories covered for the period under review included the following:

- *"The Independent Electoral Commission (IEC) has launched an online registration system that will allow voters to register ahead of the local government elections without having to leave their homes. The municipal election is scheduled for late October, though issues around a potential postponement have been the subject of a special commission of inquiry..."; and*
- *"The Nelson Mandela Foundation has launched a special archive portal in commemoration of the 32nd anniversary of the late former president Nelson Mandela's release from prison. On 11 February 1990, Madiba walked out of Victor Verster Prison - now known as Drakenstein - after 27 years behind bars...";*
- *"Alleged parliament arsonist Zandile Mafe is expected in court this morning. Mafe faces charges of arson and terrorism relating to the January 2022 blaze that gutted the National Assembly chamber and damaged sections of the Old Assembly building".*

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

#### **The Licensee complies with clause 4.1.2.1 of 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, the economy, religion, culture, etc. The show involves discussions and interviews on topical issues.

#### **The Licensee complies with clause 5.1.2.2 of its licence.**

Clause 5.1.3 of the schedule to the licence provides that:

*"The Licensee shall broadcast a minimum of 80% South African music".*

The obligation in this clause is the same as the provisions made in the ICASA South African Music Content Regulations of 2016. Therefore, the details and findings regarding the Licensee's South African music content output are discussed in section 4.2 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 Licensee submits that it broadcasts for 24 hours a day.

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

**The Licensee complies with clause 5.1.5 of 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 Regulations<sup>6</sup>**

Regulation 3(3) of the ICASA South African Music Content Regulations as published in the Government Gazette No. 39844 dated 23 March 2016 provides that:

*"A holder of a Community Sound Broadcasting service licence must ensure that after eighteen months (18) from the date gazetting of these regulations, a minimum of 60% increasing by 10% annually to reach 80% 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 performance period".*

Impact Radio broadcasts a significant amount of South African music. The radio station broadcasts a variety of gospel music. The monitoring exercise confirmed that the Licensee broadcasts at least 50% local content music including interviews with local musicians and music by new local musicians. The local music played by the radio station includes among others: Khaya Mthethwa, Lebo Sekgobela, Dr Tumi, Joyous Celebrations, etc.

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

**4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences<sup>7</sup>**

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.

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<sup>6</sup> Appendix E: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No. 39844 dated, 23 March 2016.

<sup>7</sup> 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.



#### **4.4 Compliance Procedure Manual Regulations<sup>8</sup>**

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 complies with Compliance Procedure Regulations.**

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

Clause 3.1 (a) of the Code on People 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".<sup>9</sup>*

The Licensee confirmed that the Licensee's studios are easily accessible to the community and persons with disabilities.

**The Licensee complies with the Code on People with Disabilities.**

### **5. CONCLUSION**

Impact Radio complies with most of its licence terms and conditions and regulations. However, the Licensee does not comply with the ICASA Regulations on South African Music Content, as it does not broadcast 80% of local content music during the period under review. It should be noted that the Licensee applied for exemption with ICASA Regulations on South African Music on 27 June 2017 to reduce the obligation to 50% and the Authority found that the Licensee's application did not comply with the criteria to be exempted from compliance and subsequently rejected the request.

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<sup>8</sup> Appendix G: ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011

<sup>9</sup> Appendix H: Code on People with Disabilities as published in the *Government Gazette*, no 30441, 7 November 2007

## **6. TERMS OF REFERENCE**

Appendix A: Impact Radio's broadcasting service licence and frequency spectrum licence

Appendix B: Minutes and Attendance Registers of Community Meetings

Appendix C: AGM Minutes and Attendance Register

Appendix D: List of Board of Directors

Appendix E: Programme Schedule and Logsheets

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

Appendix G: Regulations on Standard Terms and Conditions for Individual Broadcasting & Individual Electronic Communications Services, 2010 as published in Government Gazette No. 33294 dated, 14 June 2010, as amended

Appendix H: Code of People with Disabilities