

PROPOSAL BY ASAMI FOR MONITORING OF LOCAL CONTENT QUOTA

1. All radio stations must maintain a daily log which will reflect all music played. Such log shall reflect the following details in respect of each song played:
 - song title;
 - artist;
 - record label;
 - duration of play;
 - time of play;
 - quota status – local / non-local.
2. Each such daily log shall reflect:
 - 2.1 the total number of tracks played during the monitoring period (05h00 – 23h00);
 - 2.2 the number of local content tracks played during such period; and
 - 2.3 the percentage of the total constituted by such local tracks.
3. The station shall not be required to submit such logs to the IBA but shall be required to maintain the originals of all such logs for a period of not less than three years from the date of each broadcast.
4. At the end of each week (which shall in all cases cover the period from Monday to Sunday) the station shall prepare a report which reflects:
 - 4.1 the total number of tracks played during the monitoring period during that week;
 - 4.2 the number of local content tracks played during that period during that week; and
 - 4.3 the percentage of the total constituted by such local tracks.
5. This weekly report must be delivered to the Monitoring and Complaints Unit (MCU) of the IBA by fax, e-mail, hand delivery or mail within two business days of the Sunday of the relevant reporting period.

6. Within seven business days of the last Sunday of each calendar month, the MCU will publish a report reflecting the percentage of local music played by every licensed station during that preceding month.
7. All radio stations shall be required to make recordings of all their broadcasts and to keep such recordings for not less than 30 days.
8. The MCU shall be entitled to give notice to any station, in writing (including by fax or e-mail) of its intention to carry out an audit of that station's log or logs for any day or days within the preceding 30 days.
9. On receipt of such notice, the radio station shall ensure that its recording/s of its broadcast / s on the day / s referred to in such notice shall not be deleted but shall be maintained without alteration for as long as shall be necessary to enable the IBA to complete the audit in respect of which notice has been given.
10. When giving notice to any station of its intention to carry out an audit, the MCU may direct the station to deliver copies to the MCU of all daily logs covering the day or days in question.
11. In carrying out any such audit, the MCU shall compare the station's logs against either the station's own recording / s of its broadcast / s or such other recording / s of such broadcast / s as the MCU may have made itself or which it may have commissioned any third party to make on its behalf.
12. If as a result of the carrying out of any such audit, there is a difference between the local content percentage reported by the station and the percentage determined in the course of such audit, the MCU shall inform the relevant station of the relevant details of such variation. The station shall have a period of seven business days within which to apply for the detail and result of such audit to be reviewed. Any such review shall be carried out under the direct supervision of the Chairman of the IBA who shall have the power to delegate responsibility to a competent person to make such factual enquiries as are necessary in order to review the matter in a fair and equitable manner.
13. The Chairman of the IBA shall be entitled to amend any report submitted to the MCU by a station to reflect the percentage of local content determined under audit if the station does not challenge such figure timeously or at all, or as determined during the review process if applicable.
14. Any licensed radio station shall be entitled to direct a written request to any record company from which it obtained a recording to state whether a specific track on such recording does or does not qualify as local content and, if it does qualify, the criteria by reference to which it so qualifies.

- (Any record company which is a member in good standing of ASAMI to which such a request is directed shall be required by ASAMI as a condition of membership to supply such information accurately and timeously.) The MCU and the Chairman of the IBA shall accept the correctness of any information supplied by any record company being a member in good standing of ASAMI to any licensed broadcaster in regard to any such track for the purposes of considering such station's compliance with the quota in regard to all past broadcasts. The MCU shall, however, be entitled to direct, after proper enquiry, that any particular track shall thereafter qualify or not qualify as the case may be as local content for the purpose of compliance with the quota. Details of any such ruling by the MCU shall be made known in writing to all licensed radio stations and shall take effect 30 days after the sending of written notice by the MCU to all licensed radio stations.
15. The IBA shall be entitled to impose a fine on any station of up to R100,000 for submitting a materially incorrect return in respect of a first or subsequent transgression. The imposition of any such fine shall be in addition to and separate from any other penalty which the IBA may impose on any station for its failure to comply with the local content quota per se. All reports submitted by a radio station, including the results of audits or audit reviews shall form part of the official records of the IBA and may be used by the station or the IBA or by any third party in regard to any investigation or proceedings regarding the issuing or renewal of the station's broadcast license at any time.