



# **RADIO AL-ANSAAR PIETERMARITZBURG ANNUAL COMPLIANCE REPORT**

**MARCH 2018**

# **2016/2017 ANNUAL COMPLIANCE REPORT FOR AL ANSAAR MEDIA NETWORK BROADCASTING AS RADIO AL-ANSAAR - PIETERMARITZBURG**

**Licence Period: 23 May 2014 to 22 May 2019**

## **1. PREFACE**

The Independent Communications Authority of South Africa ("the Authority") has a statutory mandate in terms of the Constitution<sup>1</sup>, the ICASA Act<sup>2</sup>, the Electronic Communications Act<sup>3</sup> ("ECA") and the Broadcasting Act<sup>4</sup> to regulate broadcasting activities in South Africa in the public interest. One of the main tasks of the Authority, is to monitor compliance by broadcasters with the terms and conditions of their licence, and any relevant legislation and regulations.

The purpose of the report is intended to give account of Radio Al Ansaar Pietermaritzburg performance for the 2016/2017 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community, Programming Obligations, Complaints Received, South African Music Content Regulations, Regulations on Code on People with Disabilities and Regulations Regarding Standard Terms and Conditions.

## **2. BACKGROUND**

Radio Al Ansaar Pietermaritzburg holds a Class Sound broadcasting service Licence<sup>5</sup>. The radio station's mandate is to provide a sound broadcasting service to the Muslim community of Pietermaritzburg in the KwaZulu Natal Province as set out in the Licensee's frequency spectrum licence<sup>6</sup>.

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<sup>1</sup> The Constitution of the Republic of South Africa, No 108 of 1996.

<sup>2</sup> Act No. 13 of 2000, as amended.

<sup>3</sup> Act No. 36 of 2005.

<sup>4</sup> Act No. 4 of 1999.

<sup>5</sup> Appendix A: Radio Al-Ansaar's broadcasting service licence.

<sup>6</sup> Appendix A: Radio Al-Ansaar's broadcasting service licence.

### **3. COMPLIANCE ASSESSMENT**

#### **3.1 Control Structure**

Clause 1 of the licence states that:

*"The Licence is issued to:*

- 1.1 Name of Company/Entity: Al-Ansaar Media Network.*
- 1.2 Name of the Station: Radio Al-Ansaar Pietermaritzburg.*
- 1.3 Control of the Licensee: Control shall vest in the Board of Directors of a Section 21 Company known as Al\_Ansaar Media Network".*

There were no changes reported by the Licensee to its control structure during the period under review. The license is still Al Ansaar Media Network. The name of the Licensee's radio station is Radio Al Ansaar Pietermaritzburg and the control of the Licensee is in the hands of its Board of Trustees.

The Licensee's Board of Trustees that were elected on 28 April 2017 consists of following members:<sup>7</sup>

Mr Mia Ganie – chairperson  
Ms M Nghanya – secretary  
Mr A Goolam – treasurer; and  
Ms Slindile Vinolia Khwela – deputy secretary

**The Licensee was found to be in compliant with clauses 1.1 to 1.3 of the schedule to its licence.**

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<sup>7</sup> Appendix D: Radio Al Ansaar's 2016 – 2017 Compliance Report.

### **3.2 Licence Period**

Clause 2 of the schedule to the licence states that:

*"This licence is valid for period of five (5) years from the date of signature"*

Radio Al-Ansaar Pietermaritzburg's licence was issued on 23 May 2014 and will expire on 22 May 2019.

**The Licensee was found to be compliant with clause 2 of the schedule to its licence.**

### **3.3 Geographic Coverage Area**

Clause 3 of the schedule to the licence stipulates that:

*"The Licensee shall provide services to Pietermaritzburg in KwaZulu-Natal Province as set out in the Licensee's frequency spectrum licence".*

The Licensee confirms that it covers the areas stipulated in its licence.

**The Licensee was found to be compliant with clause 3 of the schedule to its licence.**

### **3.4 Community**

Clause 4.1 of the schedule to the licence states that:

*"The Licensee shall provide services to a Muslim community residing within the geographic coverage area specified herein".*

Radio Al Ansaar confirms that it provides sound broadcasting to the Muslim Community of interest in the Pietermaritzburg area.

**The Licensee was found to be compliant with clause 4.1 of the schedule to its licence.**

Clause 4.2 of the schedule to the licence stipulates 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) general meetings annually with its community focusing on programming and programming policies of the station.*

*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.*

*4.2.3 The Licensee shall hold Annual General Meetings (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 any Special Annual General Meeting as and when required by the constitution; 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".*

During the year under review, the Licensee held two meetings with community focusing on programming and programming policies. The proof of the meetings were duly submitted by the Licensee. The Licensee's Meetings with community were held on 26 August 2017 and 9 September 2017. Further, the Licensee held its AGM on 28 April 2017. During the AGM, the community members were provided with feedback on the Licensee's compliance with licence conditions. Further, the

community members were provided with feedback on the Licensee's operational and financial performance.<sup>8</sup>

**The Licensee was found to be compliant with clause 4.2 and its sub-clauses of the schedule to the licence.**

### **3.5 Programming**

Clause 5.1.1 of the schedule to the licence states that:

*"The Licensee shall broadcast a total of 70 minutes of news per day, of which 60% shall be local news generated from the community, 25% shall be national and 15% international news. News shall be broadcast in English".*

The Licensee states that it broadcasts fifteen (15) news bulletins per day on weekdays. Al Ansaar Radio states that its news bulletin's duration varies from five (5) –seven (7) minutes. Out of these news stories, 42 minutes are local, 17.5 minutes are national and 10.5 minutes are international.<sup>9</sup>

Among the news stories covered for the period under review were excerpts from certain broadcasts, as follows:

- "Despite an increase in dam level due to the recent rainfall, the 15% water restriction currently in KZN will not be lifted just yet";
- "Gauteng says goodbye to water restrictions this week after the Vaal Dam reached its full capacity"
- "Fees must fall activist, Bonginkosi Khanyile is heading to the highest court in the land to challenge the refusal to grant him bail";
- "Local media say it is going to be another two weeks before four UKZN students, security guard and a cleaner will know when their trial is to begin"; and

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<sup>8</sup> Appendix D: Radio Al Ansaar's 2016 – 2017 Compliance Report.

<sup>9</sup> Appendix D: Radio Al Ansaar's 2016 – 2017 Compliance Report.

- "Eskom has confirmed that the truck drivers' strike that is causing the massive traffic backlogs in and around Pretoria is related to the power utility's decision to make use of more renewable energy instead of coals".

**The Licensee was found to be compliant with clause 5.1.1 of the schedule to the licence.**

Clause 5.1.2 of the schedule to the licence provides that:

*"The Licensee shall broadcast a minimum Of 45% South African music".*

The Licensee confirms that it broadcasts approximately 50% local music. According to the Licensee, this music is sourced from South Africa in various languages, which include English, Arabic, Zulu, Xhosa and Urdu.

The monitoring confirmed that the radio station broadcast local music as required by clause 4.1.3.1 of the schedule to its licence. The music artists whose music is played by the radio station include *Farhan Sayed, Muzammil Sayed, Naseeruddeen Khan, Hafiz Idris, Muhammed Shaikh Hyder, Azhar Sattar, Uzair Ismail, Afzal Khan, Waseem Sheik, Moin Cassim, Ahmed Feroz Osman, Hassan Raj Mahommed, Nawaaz Adam and Moulana Saleh Joosab Arbee*. At least 45% South African music was monitored.

**The Licensee was found to be compliant with clause 4.1.3.1 of the schedule to its licence.**

Clause 5.1.3 of the schedule to the licence stipulates that the Licensee shall provide format as follows:

*"80% talk and 20% music".*

The Licensee has confirmed that it broadcasts in the prescribed format.

The monitoring exercise revealed that Al-Ansaar Radio broadcasts 20% music and 80% talk. This in line with clause 4.1.1 of the schedule to its licence conditions.

**The Licensee was found to be compliant with clause 5.1.3 of the schedule to its licence.**

Clause 5.1.4 of the schedule to the licence lists the Language(s) of broadcast as follows:

*"5.1.4.1 84% English;  
5.1.4.2 9% isiZulu;  
5.1.4.3 5% Urdu; and  
5.1.4.4 2% African Languages".*

The Licensee states that 84% of the broadcast is in English; 9% in isiZulu; 5% in Urdu and 2% in African Languages. This was further confirmed during the monitoring exercise that the radio station complies with the language requirement.

**The Licensee was found to be compliant with clause 5.1.4 of the schedule to its licence conditions.**

Clause 5.2 of the schedule to the licence provides that:

*"The Licensee shall keep a log of programmes broadcast which must be submitted on a monthly basis to the Authority. A pro-forma of the log to be kept will be supplied by the Authority".*

The Licensee does keep a log of programmes broadcast and submit the same to the Authority.

**The Licensee was found to be compliant with clause 5.2 of the schedule to its licence.**

#### **4. REGULATIONS**



#### **4.1 Complaints Received**

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A<sup>10</sup> which reports on all complaints received during the financial year under review.

For the year under review, the Licensee reported that it did not receive complaints from its listeners or any member of the public.

#### **The Licensee was found to be compliant with the Compliance Procedure Manual Regulations**

#### **4.2 South African Music Content Regulations<sup>11</sup>**

Regulation 3.3 of the Regulations on South African Music Content as published on 31 January 2006 stipulates 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".*

Al Ansaar Radio broadcasts above 45% of local music per day. This music is sourced from South Africa in various languages, which include English, Arabic, Zulu, Xhosa and Urdu.

#### **The Licensee was found to be compliant with the Regulations on South African Music Content.**

#### **4.3 Regulations on a Code on People With Disabilities**

Clause 3.1(a) of Regulations on a Code on People With Disabilities states that:

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<sup>10</sup> Appendix D: Radio Al Ansaar's 2016 – 2017 Compliance Report.

<sup>11</sup> Appendix B: South African Music Content Regulations.

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

The Licensee states that Radio Al Ansaar is closely associated with various organisations of people with disabilities. The Licensee states that during the year under review, Radio Al Ansaar Pietermaitzburg partnered with a wonderful organisation called "Treasures of Heaven"; a registered non-profit organisation initiated in September 2012. The radio station's services are accessible to people with disabilities. Further, its premises and studio are accessible to people with disabilities.

**The Licensee was found to be compliant with clause 3.1(a) of Regulations on a Code on People with Disabilities.**

Clause 3.1(c) of Regulations on a Code on People with Disabilities states that:

*"Broadcasting service licensees must monitor the effectiveness of their service through surveys as well as contact with organisations of and for people with disability and stakeholders".*

The Licensee submitted information indicating that surveys were conducted.

**The Licensee was found to be compliant with clause 3.1(c) of Regulations on a Code on People with Disabilities.**

**4.4 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences<sup>12</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 licences.

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<sup>12</sup> Appendix C: Regulations regarding Standard Terms and Conditions for Class licences

**The Licensee was found to be compliant with the Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences.**

## **5. CONCLUSION**

The Licensee was found to be compliant with all provisions of its licence terms and conditions and applicable regulations. This is a good example on how to comply its licence terms and conditions and applicable regulations.

## **6. TERMS OF REFERENCE**

Appendix A: Radio Al-Ansaar's broadcasting service licence;

Appendix B: South African Music Content Regulations; and

Appendix C: Regulations Regarding Standard Terms and Conditions for Class Licensees

Appendix D: Radio Al Ansaar's 2016 – 2017 Compliance Report