



RADIO ISLAM ANNUAL COMPLIANCE REPORT

MARCH 2018

RADIO ISLAM

Licence Period: 27 October 2013 to 26 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, the Electronic Communications Act³ (ECA) and the Broadcasting Act⁴ 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 licence, and any relevant legislation and regulations.

The purpose of the report is to give an account of Radio Islam's compliance with the terms and conditions, as set out in its licence, 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 and Conditions. The basis of the Authority's findings – as laid out in this report – is solely based on the Radio Islam's submissions and the active monitoring of 2 weeks ended on Friday 15 April 2016.

2. BACKGROUND

Radio Islam holds a Class Sound Broadcasting Service Licence which requires the Licensee to provide service to the geographic coverage area of Lenasia and surrounding areas in the Gauteng Province as set out in the licensee's radio frequency spectrum licence.

3. COMPLIANCE ASSESSMENT

3.1 Licensee

Clause 1 of the licence provides that:

"The Licence is issued to:

1.1 Name of Company/Entity: Radio Islam;

1.2 Name of the Station: Radio Islam; and

¹ The Constitution of the Republic of South Africa, No 108 of 1996

² Act No. 13 of 2000, as amended.

³ Act No. 36 of 2005.

⁴ Act No. 4 of 1999.

1.3 Control of the Licensee: Control shall vest in the Board of Directors of a Section 21 Company known as Radio Islam."

There were no reported changes to the controlling structure of the entity or the company name.

The Licensee was found to be in compliance with clause 1.1, 1.2 and 1.3 of its licence.

3.2 Licence Area

Clause 3 of the licence prescribes as follows:

"The Licensee shall provide services to Lenasia and surrounding areas in the Gauteng Province as set out in the licensee's radio frequency spectrum licence⁵."

During the year under review, the Authority did not receive any reports or complaints indicating that the radio station has interfered in areas that are outside its coverage area.

The Licensee was found to be in compliance with clause 3 of its licence.

3.3 Community

Clause 4.1 of the licence provides as follows:

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

The Licensee maintains that it still provides service to the Muslim community residing within Lenasia and the surrounding areas within Gauteng.

The Licensee was found to be in compliance with clause 4.1 of the Licence.

Clause 4.2 of 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) 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

⁵ Appendix A: Radio Islam's Broadcasting Service License

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

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, Radio Islam convened the two meetings with its members as required. The meetings were held on Wednesday 06 April 2016 and Wednesday 15 February 2017 respectively. The minutes⁶ of both meetings show that the forum discussed issues among others that were programming related. Radio Islam submitted minutes of both meetings and the attendance registers as proof that the meetings sat.

Further, the radio station convened its Annual General Meeting on Sunday 28 August 2016 to provide operational and financial feedback to the community. The minutes of the AGM and attendance register were duly submitted⁷.

The Licensee was found to be in compliance with clause 4.2 and the sub-clauses of its licence.

3.4 Programming

Clause 5.1 of the licence provides that the Licensee shall provide programming as follows:

3.4.1 News and Information:

Clause 5.1.1 of Radio Islam's licence provides that:

"The Licensee shall broadcast a total of fourteen (14) minutes of local, fourteen (14) minutes of national and twelve (12) minutes of international news per day."

The monitoring exercise revealed that Radio Islam broadcasts 14 full news bulletins every day between Monday and Sunday. Each news bulletin lasts for approximately 4 minutes and this translates to at least 56 minutes of news per day. On Radio Islam's news scheduling, the monitoring exercise shows that the Licensee broadcasts at least 22 minutes of local

⁶ Appendix B Minutes of meeting with Community

⁷ Appendix C: AGM minutes and attendance register

news, 18 minutes of national news and at least 16 minutes of international news per day, averaged out over a two week (14 day) period.

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

- *The High Court in Pretoria has dismissed the State's application for leave to appeal the release of Chris Hani's killer, Janusz Walus;*
- *The motive behind an arson attack on an ANC Councillor's Office in Phillipi in Cape Town is unclear at this stage. Mzuzile Mpondwana's office was attacked last night. This is the second such incident in recent months;*
- *The Communication Workers Union plans to march to the ANC's Headquarters today. The march has been prompted by job losses in the Communications and Technology Sector;*
- *Sources close to Winnie Madikizela Mandela say that she has been hospitalised for some weeks and there is no information of what ill's her but the former wife of the late Nelson Mandela has been hospitalised several times in recent years for a diabetic condition; and*
- *Two BBC radio presenters have been charged with child sex offences dating back to the 1990s. Warwickshire police say that the charges against Tony and Julie Wadsworth relate to 4 children, aged between 11 and 15. The couple, who have presented on BBC Radio Lester and BBC WM in Birmingham are expected to appear in court next month.*

The Licensee was found to be in compliance with clause 4.2 and the sub-clauses of its licence.

3.4.2 South African Music Content:

Clause 5.1.2 of Radio Islam's licence provides as follows:

"No music will be broadcasted except for recitals, songs and poetry with no instrumental accompaniment."

The monitoring exercise revealed that Radio Islam does not play music but Islamic recitals songs and poems with no instrumental accompaniment as contemplated above.

The Licensee was found to be in compliance with clause 5.1.2 of the licence.

3.4.3 Talk v Music:

Clause 5.1.3 of the licence provides that the Licensee's format shall be:
"100% talk."

Radio Islam submits that they are keeping to the format of being a 100% talk radio station.

The monitoring exercise confirmed the Licensee's submission in this regard. Radio Islam was found to carry approximately 90% talk in their programming profile, this is besides the occasional recitals or songs that were identified during monitoring. The monitoring exercise further found that in every three hour talk show, the licensee would schedule, at most, twenty (20) minutes of Koranic recitals.

The Licensee was found to be in compliance with clause 5.1.3 of the licence.

3.4.4 Language(s) of Broadcast:

Clause 5.1.4 of the licence provides that Radio Islam's languages of broadcast shall be:

- (a) *English 95%;*
- (b) *Afrikaans 1%;*
- (c) *IsiZulu and isiXhosa 2%; and*
- (d) *Urdu 2%.*

The monitoring exercise revealed that Radio Islam provides programming content in all languages of broadcast. The programme recordings revealed that English was the dominant language of broadcast for Radio Islam. Programming in Afrikaans, IsiZulu, isiXhosa and Urdu were identified on Saturdays between 15h00 and 22h00, on a small scale.

In previous years' reporting, the Authority found that Radio Islam carried news in English only and no news content was found in other languages. In this regard, the Authority had concluded that the Licensee failed to comply with this clause. This year again, the Licensee failed to produce and present news in Afrikaans, IsiZulu, isiXhosa and Urdu. An ongoing engagement with the Licensee seeking to assist the licensee to remedy their non-compliance saw Radio Islam employing several members of the community to feed the scheduling of news in other licensed languages. Radio Islam reports to have subsequently lost those employed for this service and that their attempts to comply with this clause are proving fruitless. As a result of their failed attempts, the Authority, through the Compliance and Consumer Affairs Division ("CCA") advised that they apply for an amendment of their

language split or even an exemption in terms of their news output. Radio Islam submitted their application for amendment of this clause in July 2017.

In the year under review, Radio Islam was found to have failed to comply with clause 5.1.4 of the licence.

Clause 5.2 of Radio Islam's licence states 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."

Radio Islam keeps a programming log sheet⁸ and submits same on a monthly basis and by the seventh day of the following calendar month.

The Licensee was found to be in compliance with clause 5. 2 of the licence.

4. REGULATIONS

4.1 Code on People with Disabilities

Clause 3.1 (a) of the Code for People with Disability of 2007 provides as follows:

"Broadcasting service Licensees must ensure that their services are made available and accessible to people with disability."

The Authority's general observation concluded that Radio Islam's services do not discriminate against people with disabilities. The radio station was found to cater for people with disabilities in terms of access to the facilities and in its programming.

The Licensee was found to be in compliance with the above-mentioned regulation.

Compliance Procedure Manual – Form 12A

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A which reports on all complaints received in the course of each financial year. In the year that is currently under review, Radio Islam submitted its Form 12As indicating that the Licensee did not receive any complaints for the year under review.

⁸ Appendix D: Latest Programme Log sheet submitted by Radio Islam

The Licensee was found to be in compliance with the Compliance Procedure Manual.

4.2 South African Music Content Regulations

Regulation 3.3 of the Regulations on South African Music Content as published on 31 January 2006 provides 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"⁹.

Radio Islam's Broadcasting Service Licence exempts the Licensee from complying with the South African Music Content Regulations. The Licensee has an obligation not to play music "except for recitals, songs and poetry with no instrumental accompaniment".

4.3 Regulations regarding Standard Terms and Conditions for Class Licensees

Regulation 2 (1) (d) of the Regulations Regarding Standard Terms and Conditions for Class Licensees¹⁰ provides two fundamental Regulations that are constantly and continuously used to measure a Licensee's compliance. The two Regulations are Regulation 2(1) and the sub clauses, along with Regulation 9 in its entirety.

In terms of the provisions made by Regulation 2(1) of the Regulations Regarding Standard Terms and Conditions for Class Licensees; Radio Islam has had no changes to its Licensee details and information in the year that is currently under review.

Furthermore, Radio Islam makes it a point that all information required of them is submitted as per given format and by the given deadline. In an event where the Licensee cannot meet the required deadline, they make it a point to ask for an extension to be allowed to submit.

Radio Islam was found to be in compliance with Regulations 2(1) and 9 of the Standard Terms and Conditions for Class Licensees.

⁹ Appendix E: Regulations on South African Music Content

¹⁰ Appendix F: Regulations regarding the Standard Terms and Conditions

5. CONCLUSION

Radio Islam has for the year in review sufficiently complied with its licence terms and conditions. Subsequent to all the engagements the Authority had with the Licensee with regards to their non-compliance with clause 5.1.4, it is clear now that Radio Islam's struggles with sourcing, producing and presenting news in other licensed languages are real. The Licensee has subsequently applied for an exemption from producing and presenting news in the other licensed languages. This application does not seek to exempt the Licensee from providing programming in the other licensed languages but only the production and presenting of news. The Authority's Licensing Department is attending¹¹ to this application.

6. TERMS OF REFERENCE

Appendix A: Radio Islam's Broadcasting Service License;

Appendix B: Minutes of meeting with Community;

Appendix D: Latest Programme Log sheet submitted by Radio Islam;

Appendix E: Regulations on South African Music Content;

Appendix F: Regulations regarding the Standard Terms and Conditions; and

Appendix G: Communication between Licensing and the Licensee regarding the application for exemption.

¹¹ Appendix: Communication between Licensing and the Licensee regarding the application for exemption.