



# **RADIO AL ANSAAR DBN ANNUAL COMPLIANCE REPORT**

**MARCH 2019**

# **2017/2018 ANNUAL COMPLIANCE REPORT FOR AL ANSAAR MEDIA NETWORK BROADCASTING AS RADIO AL-ANSAAR - DURBAN**

**Licence Period: 17 July 2012 to 16 July 2017**

## **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 an account of Radio Al Ansaar's performance for the 2017/2018 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 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 Durban area in the eThekweni Municipality in the KwaZulu Natal Province as set out in the Licensee's radio 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-Durban's broadcasting service licence.

<sup>6</sup> Ibid.

### **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: Al Ansaar Media Network.*
- 1.2 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 Licensee is Al -Ansaar Media Network 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 10 April 2017 consists of following members:<sup>7</sup>

Mr MAG Joosab – Chairperson;  
Ms T K Diadla - Board Member;  
Mr Sayed Mohamed Shabir Basha - Board Member;  
Ms M Happy Majola - Board Member;  
Prof. Ebrahim Mohseen - Board Member;  
Ms B Amina Phili - Board Member;  
M Khan - Board Member;  
Ms Riyazunnisa Mia Ahmed Shaik- Board Member;  
Ms Toleni Khethiwe Diadla - Board Member;  
Mrs Iran Osman - Board Member;  
Mr Alim Akburally - Board Member;

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<sup>7</sup> Appendix D: Radio Al Ansaar-Durban's 2017 – 2018 Compliance Report.

Mr E S Ally – Board Member; and  
Mr Irfan Bux – Board Member.

The Licensee is still male dominated constituting 53.8% males and 46.2% females. This is an improvement from previous financial year. However, resignation of three female Directors and two male Directors has further changed gender representation at Board level. The Board currently consists of three (3) women and five (5) men. During the previous financial year, women constituted only 31%. After the change caused by resignation of some Directors, women percentage stands at 37.5%.

**The Licensee was found to be compliant with clauses 1.1 and 1.2 of the schedule to its licence.**

### **3.2 Geographic Coverage Area**

Clause 2 of the schedule to the licence states that the radio station's geographic coverage area is as follows:

*"Durban area in eThekweni Metropolitan Municipality 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. This was confirmed during the monitoring exercise

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

### **3.3 Community**

Clause 3.1 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 Durban confirms that the radio station is dedicated to providing services which would educate and uplift the Muslim Community in the Durban area.

**The Licensee was found to be compliant with clause 3.1 of the schedule to its licence.**

Clause 3.2 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:*

*3.2.1 The Licensee shall hold at least two (2) general meetings annually with its community focusing on programming and programming policies of the station.*

*3.2.2 The Licensee shall furnish the Authority with proof of such meetings as well as the attendance thereof by members of the community.*

*3.2.3 The Licensee shall hold Annual General Meetings (AGM) for the following purposes:*

*3.2.3.1 To provide feedback on the Licensee's compliance with licence conditions,*

*3.2.3.2 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*

*3.2.3.3 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 states that three (3) meetings were held 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 members were held on 19 May 2018, 23 June 2018 and

20 October 2018. Further, the Licensee held its AGM on 31 October 2018. During the AGM, the community members were provided with feedback on the Licensee's compliance with licence conditions, the Licensee's operational and financial performance.<sup>8</sup>

The Licensee's last election for Board of Trustees was on 10 April 2017. The founding documents provide for a two year term for the Board of Trustees. Clause 12.1 of Al Ansaar Durban's Memorandum of Association provides for Directors to be elected every two years. During the AGM held on 10 April 2017, additional Board Members were elected.<sup>9</sup>

**The Licensee was found to be compliant with clause 3.2 and its sub-clauses of the schedule to the licence.**

### **3.4 Programming**

Clause 4.1.1 of the schedule to the licence states 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 Durban broadcasts 20% music and 80% talk. This in line with clause 4.1.1 of the schedule to its licence conditions.

**The Licensee complies with clause 4.1.1 of the schedule to its licence.**

Clause 4.1.2 of the schedule to the licence provides that:

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<sup>8</sup> Appendix D: Radio Al Ansaar-Durban's 2017 – 2018 Compliance Report.

<sup>9</sup> Ibid.

*"The Licensee shall broadcast a total of 100 minutes of news per day, of which 60% shall be local news generated from the community, 20% shall be national and 15% international news. News shall be broadcast in English".*

The Licensee submits that it broadcasts 15 news bulletins per day. Al Ansaar Radio-Durban states that its news bulletin's duration is 7 minutes.<sup>10</sup> The monitoring exercise confirmed that Al-Ansaar Durban Radio broadcasts 15 news bulletins per day. However, the news bulletins are 5 -6 minutes in duration. In total, the Licensee broadcasts about 90 minutes of news per day.

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

- *"Premier Willies Mchunu is paying his respect to King Goodwill Zwelithini Zulu following the passing of the King's son";*
- *"The mystery of who fired the first shot that killed little Sardia Sukhraj in Chartsworth lingered";*
- *"The Metrorail services in KZN have been suspended until further notice"; and*
- *"President Cyril Ramaphosa arrives in New York, in the United States this afternoon to attend the 73<sup>rd</sup> session of the United Nations General Assembly from September the 25<sup>th</sup> to the 27<sup>th</sup>".*

**The Licensee was found to be partially non-compliant with clause 4.1.2.1 of the schedule to the licence.**

Clause 4.1.2.2 of the schedule to the licence states that:

*"Current affairs shall be broadcast from Monday to Friday for (30) minutes. On Wednesday it will be broadcast in the evening for one hour thirty minutes (1hour*

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<sup>10</sup> Ibid.

*30 minutes) and on Saturday it will be broadcast for one hour fifteen minutes (1hour 15 minutes)".*

The Licensee states that current affairs programmes are broadcast from Mondays to Fridays. Al Ansaar Durban states that the duration for current affairs programmes is 30 minutes. The current affairs programmes are broadcast during the programmes called "Morning Rush" and "Drive Home Experience". The Licensee states that the "**Bottom Line**" is broadcast on Wednesday for a duration of 90 minutes (1 hour 30 minutes). Further, Radio Al Ansaar Durban broadcasts a current affairs programme on Saturdays called "**The Big Picture**" from 11h30 – 13h00. The monitoring confirmed that the Licensee broadcasts current affairs programmes on weekdays and Saturdays.

**The Licensee was found to be compliant with clause 4.1.2.2 of the schedule to its licence.**

Clause 4.1.3.1 of the schedule to the licence states that:

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

The Licensee confirms that it broadcasts local music. According to the Licensee, naaths, nazams and nasheed this music is broadcast daily.

The monitoring confirmed that the radio station broadcasts 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 Mohammed Sheik, Mohammed Fuzail, Farzeen Nazeer, Suleman Bismillah and many more. 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 4.1.3.2 of the schedule to the licence provides that:



*"The Licensee shall broadcast programmes that show case local Muslim artists and performers, reciters (naath, nazms, anasheed and that of the Quran (professional reciters of the Holy Quran) and broadcast upcoming bands and performers or those not recorded or distributed by major record companies".*

Radio Al Ansaar states that "The Weekend Vibe"; "Sana E'Muhammad"; "Ni'elite"; "Tazkiyah" "The Breakfast Rush"; and "Bazme Adab"; are shows that focus on showcasing upcoming bands and performers, and those not recorded or distributed by major record companies is broadcast.

The monitoring exercise confirmed that the radio station broadcasts the above mentioned programmes.

**The Licensee was found to be compliant with clause 4.1.3.2 of the schedule to the licence.**

Clause 4.1.4 of the schedule to the licence stipulates that Language(s) of broadcast are as follows:

- "(a) 80% English;*
- (b) 10% isiZulu;*
- (c) 5% Arabic; and*
- (d) 5% Urdu".*

The Licensee states that 80% of the broadcast is in English; 10% in isiZulu; 5% in Urdu and 5% in Arabic. 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 4.1.4 of the schedule to its licence conditions.**

Clause 5.1.1 of the schedule to the licence states that:

*"The Licensee shall teach, train, and assist interested members of the community how to produce programmes and provide facilities to learn and practice the technical and aesthetic aspects of radio".*

The Licensee states that workshops and training on broadcasting , programmes production and other items in terms of the licence condition was met. The Licensee states that the training programmes extends to accredited campuses such as Damelin Journalism Department and Durban University of Technology. Further, Radio Al Ansaar-Durban states that the training is ongoing and members of the community are encouraged to participate. The Licensee points out that Radio Al Ansaar-Durban also conducted workshop with Minara Chamber, which was open to the public.

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

Clause 5.1.2 of the schedule to the licence provides that:

*"The Licensee shall set up a listener's forum comprising of a variety of suburbs or zones in the broadcast area".*

The Licensee states that a listener's forum was setup comprising of a variety of suburbs or zones. According to the Licensee, during the year under review, its listener's forum covered suburbs or zones such as Overpoort; Sydenham; Mayville; and Sherwood. Further, the Licensee submitted proof of the meeting.

**The Licensee was found to be compliant with clause 5.1.2 of the schedule to its licence.**

Clause 5.1.3 of the schedule to the licence states that:

*"The Licensee shall ensure that other ways of feedback from the community shall be considered as well, such as various means of the social media, faxes, telephone and letters".*

According to the Licensee, the community is aware of many channels to contact the radio station. Further, the Licensee states that the radio station broadcasts adverts informing the community of the various ways to get in contact with the radio station. These ways include contact via telephone, email, mail, social media, WhatsApp and via its website.

**The Licensee complies with clause 5.1.3 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>11</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>12</sup>**

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".*

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<sup>11</sup> Ibid.

<sup>12</sup> Appendix B: South African Music Content Regulations.

The monitoring confirmed that 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 Regarding Standard Terms and Conditions for Class Broadcasting Licences<sup>13</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.

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

### **5. CONCLUSION**

Radio Al Ansaar-Durban was found to be compliant with most provisions of its licence conditions and applicable regulations. However, the Licensee failed to comply with clause 4.1.2 of the schedule to the licence because the method used to calculate minutes of news is not in line with the one used by the Authority. The compliance by the Licensee is a good example on how to comply with licence terms and conditions and other relevant regulations.

### **6. TERMS OF REFERENCE**

Appendix A: Radio Al-Ansaar Durban's broadcasting service and frequency spectrum licences;

Appendix B: South African Music Content Regulations;

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

Appendix D: Radio Al Ansaar's 2017 – 2018 Compliance Report.

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<sup>13</sup> Appendix C: Regulations regarding Standard Terms and Conditions for Class licences