



RADIO AL ANSAAR PMB ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/2018 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 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 intended to give account of Radio Al Ansaar Pietermaritzburg's performance for the 2017/2018 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community, Programming Obligations, South African Music Content Regulations and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Radio Al Ansaar Pietermaritzburg holds a Class sound broadcasting service licence⁵. 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 licence⁶.

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.

⁵ Appendix A: Radio Al-Ansaar-Pietermaritzburg's broadcasting service licence.

⁶ Ibid.

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 Licensee 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:⁷

Mrs S V Khwela - Board Member;
Mrs M Nghanya - Board Member;
Mr A Goolam - Board Member; and
Mr MIA Ganie - Board Member.

The Licensee reported that Mrs Nghanya and Mrs Khwela have resigned. This forced the Licensee to hold an early elective AGM in 2018. The new Board of Directors of Al Ansaar Pietermaritzburg consists of the following directors:

Mr MIA Ganie - Board Member;

⁷ Appendix D: Radio Al Ansaar's 2017 – 2018 Compliance Report.

Mr A Goolam - Board Member; and
Dr Andrew Melrose - Board Member.

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

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 Pietermaritzburg confirms that it provides sound broadcasting services 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 states that two (2) meetings were held with community focusing on programming and programming policies. The proof

of the meetings was duly submitted by the Licensee. The Licensee's meetings with community were held on 29 March 2018 and 15 July 2018. Further, the Licensee held its AGM on 29 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.⁸

The Licensee was found to be compliant with clause 3.2 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, 25% national and 15% international news.

The Licensee submits that it broadcasts fifteen (15) news bulletins per day on weekdays. Al Ansaar Radio states that its news bulletin's duration is 5 minutes. The radio station broadcasts a total of 75 minutes of news per day.⁹

The monitoring exercise confirmed that Al-Ansaar Radio broadcasts fifteen (15) news bulletins per day. The news bulletins are five (5) minutes in duration. This calculates to seventy five (75) minutes of news per day

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

- "Five (5) people were injured, one child critically, when a car got out of control on the road from the N2 South bound to the N2 North bound in Durban";
- "The former school governing body member in Rustenburg Girls Junior School, Andrew Frost has spoken out in support of former teacher, Nozipho Mthembu";

⁸ Appendix D: Radio Al Ansaar-Pietermaritzburg's 2017 – 2018 Compliance Report.

⁹ Ibid.

- “Minister of Police, Bheki Cele has commended security forces for swiftly making arrest in recent high profile cases”; and
- “Dan Plato has been elected as Cape Town’s new mayor during a special council sitting today”.

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

Clause 5.1.2 requires the Licensee to broadcast 45% of South African Music Content.

The Licensee has confirmed that it broadcasts approximately 50% of local music monthly. Radio Al Ansaar Pietermaritzburg sources its music from various languages including English, isiZulu and isiXhosa.

The monitoring exercise revealed that Radio Al Ansaar Pietermaritzburg broadcasts music as required by clause 5.1.2.

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

Clause 5.1.3 provides for format as follows:

“Talk vs. Music: 80% talk and 20% music”.

The Licensee submits that 20% of the airtime is used for music and 80% for talk. This was further confirmed during the monitoring exercise.

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 stipulates that Language(s) of broadcast are as follows:

- "5.1.4.1 English – 84%;*
- 5.1.4.2 isiZulu – 9%;*
- 5.1.4.3 Urdu – 5%; and*
- 5.1.4.4 Other African languages – 2%".*

The Licensee states that 84% of the broadcast is in English; 9% in isiZulu; 5% in Urdu and 2% in other African languages. It was further confirmed during the monitoring exercise that the radio station does comply with the language requirements.

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 stipulates 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 keeps a log of programmes and submits to the Authority on monthly basis without fail.

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 12A¹⁰ which reports on all complaints received during the financial year under review.

¹⁰ Ibid.

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 Regulations¹¹

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”.

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, isiZulu, isiXhosa 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 Licensees¹²

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 Standard Terms and Conditions for Class Broadcasting Licensees.

¹¹ Appendix B: South African Music Content Regulations.

¹² Appendix C: Regulations regarding Standard Terms and Conditions for Class Licensees

5. CONCLUSION

Radio Al Ansaar Pietermaritzburg was found to be compliant with all provisions of its licence conditions and applicable regulations. 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-Pietermaritzburg'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-Pietermaritzburg's 2017 – 2018 Compliance Report