



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

**MARCH 2020**

# 2018/2019 ANNUAL COMPLIANCE REPORT

## AL-ANSAAR MEDIA NETWORK BROADCASTING AS RADIO AL-ANSAAR - DURBAN

**LICENCE PERIOD: 17 JULY 2017 TO 16 JULY 2022**

### 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 a account of Radio Al Ansaar's performance for the 2018/2019 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community, Programming Obligations, Complaints Received, South African Music Content Regulations 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 eThekweni Municipality in the KwaZulu Natal Province, as set out in the Licensee's frequency spectrum licence.

### 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 Entity: Al-Ansaar Media Network.*

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

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

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

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

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

1.2 *Name of Station: Radio Al-Ansaar*

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 name and control structure during the period under review (April 2018 to March 2019). According the Licensee's submission, the new Board members were elected on 30 October 2019 outside of the period under review<sup>6</sup>.

**The Licensee complies with clause 1 and its sub-clauses 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."*

The Licensee was issued a new service licence on 17 July 2017, the licence will expire on 16 July 2022. The Licensee will be reminded of its eligibility to submit a renewal application in accordance with the prescribed regulatory timeframes.

### **3.3 Licence Area**

Clause 3 of the schedule to the licence states that:

*"The Licensee shall provide services to the Durban area in eThekweni Municipality in KwaZulu-Natal Province as set out in the Licensee's radio frequency spectrum licence".*

The Licensee confirms that its coverage area remains as prescribed in the licence terms and conditions.

In the year under review, the Authority did not receive any reports or complaints indicating that the radio station has gone beyond its licenced area.

**The Licensee complies 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 as specified herein".*

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<sup>6</sup> Appendix B: DBN Annual Compliance 2018 - 2019

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 complies with sub-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) meetings annually with its community on programming and programming policies of the radio 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.*

During the year under review, the Licensee states that two (2) meetings were held with its community focusing on programming and programming policies. The proof of the meetings was submitted to the Authority. The Licensee’s meetings with the community were held on 17 February 2019 and 06 July 2019.

**The Licensee complies with sub clauses 4.2.1 and 4.2.2 of its licence.**

The clause on the Annual General Meetings (AGM), in the licence stipulates that:

*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”.*

Further, the Licensee held its AGM on 30 October 2019. 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>7</sup>

According to the Licensee’s submission, the next elective general meeting, as per their founding documents, will be in year 2021.

**The Licensee complies with sub-clauses 4.2.3 of the schedule to its licence.**

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<sup>7</sup> Appendix B: DBN Annual Compliance 2018 - 2019.

### 3.5 Programming

Clause 5.1.1 of the schedule to the licence states that the Licensee shall provide format as follows:

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

The Licensee submits that it broadcasts in the prescribed format.

The monitoring exercise confirmed that Radio Al-Ansaar - Durban broadcasts 20% music and 80% talk.

#### **The Licensee complies with sub-clause 5.1.1 of the schedule to its licence.**

Clause 5.2 of the schedule to the licence provides for **"News and information obligation:"**

Clause 5.2.1 of the licence stipulates that:

*"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 fifteen (15) news bulletins per day. Each news bulletin is for an average duration of seven (7) minutes. The monitoring exercise confirmed that Radio Al-Ansaar Durban broadcasts fifteen (15) news bulletins per day that for a duration of (6) minutes. In total, the Licensee broadcasts a total average of ninety (90) minutes of news per day. For the period under view, the monitoring exercise made use of the September, October and November 2018 recordings.

According to the Licensee's submission, the AGM held on 30 October 2019 resolved to apply for an amendment to reduce the one hundred (100) minutes of news per day requirement.

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

- *"African National Congress MPs in Parliament Standing Committee on Finance say they will lobby for VBS Mutual Bank to be saved. The South African Reserve Bank says it has no option but to act against the bank which is now R 372 000 000 in debt following wide spread looting by its executives and shareholders";*

- *"Irregular appointments, questionable travel claims and possible prosecutions were back in the spotlight last night when the South African Broadcasting Corporation appeared before Parliament's money watch dog SCOPA for a briefing by the special investigating unit on its investigations into the organisation";*
- *"EFF leader Julius Malema and DA Chief Whip John Steenhuisen were ordered out of the National Assembly. This after they refused to withdraw insults hurled at each other on Tuesday."; and*
- *"Thirty five (35) NGO's called for an immediate cessation of hostilities in Yemen where they warned that the Saudi led coalition has put fourteen (14) million people on the brink of famine.".*

The Licensee does not broadcast one hundred (100) minutes of news per day, as required in the licence.

**Therefore, the Licensee partially complies with clause 5.2.1 of the licence.**

Clause 5.2.2 further stipulates that:

*"Current affairs shall be broadcast from Monday to Friday for thirty (30) minutes. On Wednesday it will be broadcast in the evening for one hour thirty minutes (1hour 30 minutes) and on Saturday it will be broadcast for one hour fifteen minutes (1hour 15 minutes)".*

The monitoring exercise confirmed that the Licensee broadcasts current affairs programmes on weekdays and Saturdays. The current affairs programmes were identified on Mondays to Fridays during the show *"Alternative Voice"* for 30 minutes. The *"Bottom Line"* is broadcast on Wednesdays for a duration of 1 hour 30 minutes. Further, Radio Al Ansaar - Durban broadcasts a current affairs programme on Saturdays that focuses on news that impact the Muslim faith called *"The Big Picture"* from 11h00 – 12h45.

**The Licensee complies with sub-clause 5.2.2 of the schedule to its licence.**

Clause 5.3.1 of the schedule to the licence states that:

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

The obligation carried by this clause is repealed and replaced with the provisions made in the ICASA South African Music Content Regulations of 2016. As such, the Licensee's

compliance with this clause will only be measured under the South African Music Content Regulations 2016 herein below.

Clause 5.4 of the schedule to the licence stipulates that the 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% (20 hours) of the broadcast is in English; 10% (2 hours) in isiZulu; 5% (1 hour) in Urdu and 5% (1 hour) in Arabic.

The monitoring exercise confirms that, during the South African Performance Period (the period between 05h00 and 23h00) the Licensee broadcasts 16 hours (80%) in English; 1 hour (10%) in isiZulu; 5% in Arabic and 5% in Urdu.

**The Licensee complies with sub-clause 5.4 of the schedule to its licence.**

Sub-clause 5.5 of the schedule to the 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 submits monthly logs to the Authority by the agreed upon submission date every month.

**The Licensee complies with sub-clause 5.5 of the schedule to its licence.**

Clause 8 of the schedule to the licence provides for "**PROMISE OF PERFORMANCE**" details of which, are all as listed below.

*8.1 "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 submits that workshops and training on broadcasting, programmes production and other items in terms of the licence condition are adhered to. The Licensee states that their training programmes extend to accredited campuses such as Damelin

Journalism Department and Durban University of Technology. Further, the Licensee has also teamed up with NEMISA.

**The Licensee complies with sub-clause 8.1 of the schedule to its licence.**

8.2 *"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, its listener's forum covered suburbs or zones such as Overport; Sydenham; Asherville; Sherwood; Westville; Durban Central; Durban North; South Beach and North Beach. Further, the Licensee submitted proof of the meetings to the Authority.

**The Licensee complies with sub-clause 8.2 of the schedule to its licence.**

8.3 *"The Licensee shall provide programming that engages the community on a range of issues that affect the community"*

The Licensee has a wide variety of programming in its line-up that engages the community. Programming such as, *"Community Buzz", "Kidz Zone", "Disability in focus", "Medical Files", "Cooking with Gold Keys, "16<sup>th</sup> Day of Activism"* and many more.

**The Licensee complies with sub-clause 8.3 of the schedule to its licence.**

8.4 *"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 include contact via telephone, email, mail, social media, whatsapp and via website.

**The Licensee complies with sub-clause 8.4 of the schedule to its licence.**

8.5 *"The Licensee shall broadcast programmes that showcase local Muslim artists and performers, reciters, naath, nazms, anasheed, and that of the Qurra (professional reciters*



*of the Holy Quran) and broadcast upcoming bands and performers or those not recorded or distributed by major record companies”*

The Licensee submitted that it broadcasts programmes that showcase local Muslim artists and performers and those artists that have not been signed by major record companies. Programming such as: *“The Chill Zone”, “Nitelite”, “Sane E’ Muhammad”, “The Breakfast Rush”* and *“Bazme Adab”*.

**The Licensee complies with sub-clause 8.5 of the schedule to its licence.**

#### **4. REGULATIONS**

##### **4.1 ICASA Compliance Procedure Manual Regulations, 2011**

The Licensee is required, in terms of the ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011 to submit a Form 12A which report on all complaints received during the financial year under review.

For the year under review, the Licensee submitted a complaints report and reported that there were no complaints and other submissions as required by the Compliance Procedures Manual Regulations.

**The Licensee complies with the ICASA Compliance Procedure Manual Regulations.**

##### **4.2 ICASA South African Music Content Regulations, 2016<sup>8</sup>**

Schedule 3.3 of the Regulations on ICASA South African Music Content No. 39844 as published on 23 March 2016 provides that:

*“A holder of a Community Sound Broadcasting service licence must ensure that after eighteen months (18) from the date gazetted of these regulations, a minimum of 60% increasing by 10% annually to reach 70% 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 performance period”.*

The Licensee has submitted that it broadcasts local music. According to the Licensee around 80% Naaths, Nazams and Nasheed (local music), is broadcast daily. The artists that were featured include *Hafez Noor Mohamed, Tehzeeb Sayed, Idris Rajab, Dawood Desai, Rashid*

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<sup>8</sup> Published in *Government Gazette* No. 39844 dated, 23 March 2016. Copy of Regulations also attached as Appendix C.

*Kazi, Tafez Abraar* and many more. The Licensee states in its monthly submissions (logs) it also promotes unsigned local Muslim artists from the KwaZulu Natal local music scene in programmes such as "*Breakfast Rush*", "*Nitelite*" and "*Sane E-Muhammad*".

The Licensee's music schedule features Naaths, Nazams and Nasheeds, which was repeated throughout the programme schedule. Monitoring exercise confirmed that on average, the Licensee broadcasts 80% of local Naaths, Nazams and Nasheeds.

**The Licensee complies with the South African Music Content Regulations.**

#### **4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences<sup>9</sup>**

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

The Authority is satisfied that during the period under review the Licensee did not contravene the regulation in respect of the Standard Terms and Conditions for Class Licences.

**The Licensee complies with the Standard Terms and Conditions for Class Broadcasting Licences.**

## **5. CONCLUSION**

Radio Al Ansaar-Durban generally complies with most provisions of its licence conditions and applicable regulations. The area of non-compliance will be brought to the attention of the Licensee.

The Authority will continue to monitor the compliance of the Licensee during the next financial year. The Licensee has indicated its intentions to apply to amend the minutes of news requirements, with the Licensing Division.

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<sup>9</sup> Published in *Government Gazette* No. 33296 dated, 14 June 2010, as amended Copy of Regulations also included as Appendix D.

## **6. TERMS OF REFERENCE**

- 6.1** Appendix A: Radio Al-Ansaar Durban's broadcasting service licence;
- 6.2** Appendix B: DBN Annual Compliance Report 2018–2019;
- 6.3** Appendix C: ICASA South African Music Content Regulations, 2016;
- 6.4** Appendix D: Standard Terms and Conditions for Class Broadcasting and Electronic Communications Network Services, 2010, as amended; and
- 6.5** Appendix E: ICASA Compliance Procedure Manual Regulations, 2011.