



RADIO AL-ANSAAR - PIETERMARITZBURG ANNUAL COMPLIANCE REPORT

MARCH 2020

2018/2019 ANNUAL COMPLIANCE REPORT

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 an account of Radio Al Ansaar Pietermaritzburg’s performance for the 2018/2019 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 radio frequency spectrum licence.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the licence states that:

“The Licence is issued to:

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

² ICASA Act No. 13 of 2000, as amended.

³ Electronic Communications Act No. 36 of 2005.

⁴ Broadcasting Act No. 4 of 1999.

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

- 1.1 *Name of 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 states that the next elective AGM will be in the year 2021

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:

"2.1 The effective date of the Licence is 23 May 2014.

2.2 The Licence shall expire on 22 May 2019."

The Licensee was issued a new service licence on 25 July 2019. The licence is up to date.

The Licensee complies with clause 2 of the schedule to its licence.

3.3 Licence 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 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

Sub-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 to the Muslim Community of interest in the Pietermaritzburg area.

The Licensee complies with sub-clause 4.1 of the schedule to its licence.

Sub-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 programme-related matters for the selection and provision of programmes;

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 submitted that it held two (2) meetings with the community focusing on programming and programming policies. The proof of the meetings was submitted to the Authority. The Licensee's programming meetings with the community were held on 14 April 2019 and 24 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), provides as follows:

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 21 October 2019. During the AGM, community members were provided with feedback on the Licensee's compliance with licence conditions, the Licensee's operational and financial performance.⁶ (See annexures 1 and 5 of the PMB Annual Compliance 2018 – 2019).

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

⁶ Appendix B: PMB Annual Compliance 2018 – 2019.

3.5 Programming

Clause 5.1.1 of the schedule to the licence states that:

"Local News and Information:

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. Each news bulletin is for an average of five (5) minutes, totalling to between seventy (70) and seventy five (75) minutes of news per day.

The monitoring exercise confirmed that Al-Ansaar Radio - PMB broadcasts fifteen (15) news bulletins per day. The news bulletins are for an average duration of five (5) minutes and a total duration of seventy (70) minutes of news per day.

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

- *"Umphathi webanki lombuso I South African Reserve Bank, u Lesetja Kganyakgo unyuse I repo rate ngo 25 basis points okusho ukuthi isuke ku 6.5% yaba ngu 6.75%. I repo rate ke yimali ekhokwa ngamabhanki abe aboleke imali e SARB";*
- *"Usotswephu we ANC u Jackson Mthembu usole amaqembu aphikisayo ngothanda ukubukwa no dumo emva kokuthi ephakamise ukuthi u Mongameli u Cyril Ramaphosa a hoqe esikhundleni sakhe ngokukhohlisa isizwe ne Palamente.*
- *U Ramaphosa watyela amalungu e Palamente ukuthi indodana yakhe u Andile yakhokelwa yinkamapni yakwa Bosasa ngomsebenzi owayewenzile, kodwa wasihoqisa lesi statemente emuva kokuthola ukuthi I Bosasa yayi xhase umkhenketho wakhe wokhetho";and*
- *"Kuphazamiseke ukusebenza kwesibhedlela sase Limpopo, kuhlaselwa o Dokotela abathathu. Kwisibhedlela I Letapa kudutyulwe o Dokotela abathathu balimala kwindawo abahlala kuyo kelesi sibhedlela ngolwesine. Amaphoyisa esaqalile uphenyo"*

The Licensee complies with clause 5.1.1 of the schedule to its licence.

Clause 5.1.2 of the schedule to the licence stipulates as follows:

"South African Music Content: 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 5.1.3 provides for format as follows:

"Talk vs. Music: 80% talk and 20% music".

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

The Licensee complies 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% (approximately 20 hours) of the broadcast is in English; 9% (2 hours) in isiZulu and 5% in Urdu (which comprises of 3 weekly Urdu shows). The remaining 2% in other African languages is made of two (2) weekly programmes in Chichewa and in Swahili. This was further confirmed during the monitoring exercise that the radio station does comply with the prescribed languages of broadcast.

The monitoring exercise confirms that the Licensee broadcasts 15 hours (84%) in English; 1 and half hours (9%) in isiZulu; 5% in Urdu and 2% in Chichewa and in Swahili.

The Licensee complies with clause 5.1.4 of the schedule to its licence.

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 a monthly basis within the agreed upon time frame.

The Licensee complies with clause 5.2 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 lodged 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, 2016⁷

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 gazetting 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's submits that it broadcasts local music. According to the Licensee, around 70% of naaths, nazams and nasheeds (local music) is broadcast daily.

The Licensee's music schedule features Naaths, Nazams and Nasheeds, these are repeated throughout the programme schedule. Monitoring exercise confirmed that on average, the Licensee broadcasts 70% of Naaths, Nazams and Nasheeds.

The Licensee complies with the South African Music Content Regulations.

⁷ Published in *Government Gazette* No. 39844 dated, 23 March 2016. Copy of Regulations included as Appendix C.

4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences⁸

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 2(1) and 9, respectively.

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-Petermaritzburg was found to be compliant with all provisions of its licence conditions and applicable regulations. The Licensee is a good example to other community broadcasting services, on how to comply with licence terms and conditions and other Regulations.

6. TERMS OF REFERENCE

- 6.1** Appendix A: Radio Al-Ansaar-Petermaritzburg's broadcasting service licence;
- 6.2** Appendix B: PMB Annual Compliance 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;
- 6.5** Appendix E: ICASA Compliance Procedure Manual Regulations, 2011

⁸ Published in *Government Gazette* No. 33296 dated, 14 June 2010, as amended Copy of Regulations included as Appendix D.