



VOICE OF THE CAPE ANNUAL COMPLIANCE REPORT

MARCH 2020

2018/2019 ANNUAL COMPLIANCE REPORT

MUSLIM BROADCASTING CORPORATION BROADCASTING AS VOICE OF THE CAPE

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. Among the responsibilities of the Authority is the task to ensure compliance by broadcasting service licensees with the terms and conditions of their licence and any relevant legislation and/or Regulations.

The purpose of the report is to give an account of Voice of the Cape's compliance with the terms and conditions, as set out in its license, for the 2018/2019 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, Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Voice of the Cape was the 1st Muslim Community Radio Station in South Africa. This project has seen immense success over the years since its inception as a Special Event Licensee in the mid-90s. In June 2002, Voice of the Cape was granted its first 4-year licence and has since grown from strength to strength. To date, the Licensee remains the biggest source of information and community development to the Muslim Community in the Western Cape Province.

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

3. COMPLIANCE ASSESSMENT

3.1 Licensee

Clause 1 of the Licence⁵ provides that:

"The Licence is issued to:

- 1.1 Name of Entity: Muslim Broadcasting Corporation*
- 1.2 Name of the Station: Voice of the Cape*
- 1.3 Control of the Licensee: Control shall vest in the Board of Trustees of a Trust known as the Muslim Broadcasting Corporation."*

The reports submitted by the Licensee to the Authority confirm that the Licensee still goes by the name Voice of the Cape. Active monitoring of the Licensee's programme recordings also confirmed that the name is still as per the licence.

Furthermore, during the period under review, the Authority did not receive any communication from the Licensee indicating a change in the control of the Muslim Broadcasting Corporation.

The Licensee complies with clause 1 and the sub-clauses of the licence.

3.2 Licence Area

Clause 3 of the licence prescribes as follows:

"The Licensee shall provide services in the Greater Cape Metropolis in the Western Cape Province as set out in the Licensee's radio frequency spectrum licence⁶."

Voice of the Cape's 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 its licence.

3.3 Community

Clause 4.1 of the schedule to the licence gives the following prescription:

⁵ Appendix A: Voice of the Cape Broadcasting Service Licence

⁶ Appendix B: Voice of the Cape's Frequency Spectrum Licence

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

Voice of the Cape submits that it continues to provide broadcasting service as prescribed in the licence.

During the year under review, the Authority's monitoring exercise identified that Voice of the Cape's programming profile is indeed targeted at the community of interest residing in the Cape Metropolis.

The Licensee complies with clause 4.1 of its licence.

While clause 4.2 of the schedule to the licence prescribes as follows:

"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 programme policies of the station.

The Licensee has held the two meetings with its community as prescribed. Proof of the meetings⁷ suggests that the two meetings were held on 14 April 2018 and 02 February 2019, respectively. Upon perusal of the attendance register, it shows that the Licensee admits organisations in different residential areas within the coverage area. The organisations are then represented by at least one person in the meetings. The minutes submitted show that the contents of the meeting had to mostly with programming.

The Licensee complies with clause 4.2.1 of its licence.

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.

The Licensee submitted the proof of all meetings it has held in the year under review.

The Licensee complied with clause 4.2.2 of its licence.

While clause 4.2.3 of the licence prescribes that:

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

⁷Appendix C: Minutes and attendance register to the two programming meetings.

- 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".*

The Licensee's Annual General Meeting for the year under review was held on Saturday 21 September 2019. The Licensee subsequently submitted proof of AGM and all the reports⁸ from the meeting.

This year's reporting shows an improvement by the Licensee from the previous reporting period. The previous annual compliance report concluded that the Licensee failed to comply with the clause pertaining to community participation and this was brought to the Licensee's attention. The Licensee made an undertaking to rectify the areas of non-compliance.

The Licensee complies with the entire clause 4 of the Licence.

3.4 Programming

Clause 5.1 of the schedule to the licence stipulates that:

"The Licensee shall provide programming as follows:

5.1.1 Local News and Information: "The Licensee shall broadcast 30% local, 30% national and 20% sports news per day. 60% of news shall include news from the community produced by the station on issues affecting the identified community."

In the year under review, the Authority's monitoring exercise found that the Licensee schedules at least fifty-two (52) minutes of news per week. Further, news offering carries more local news than news from other regions. The Licensee's on the scene reporting also gave weight to its attempts to produce more local news. The Licensee was found to carry news of national interest on a larger scale compared to news of international scale. Sports reporting was also found in most news bulletins.

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

⁸ Appendix D: AGM Reports for the 2018/19 AGM

- *"South Africans can expect some relief over the weekend after Eskom – last night – announced that it will be implementing stage two load shedding for today. Stage one was implemented overnight and will be escalated to stage 2 after Nine AM this morning until Eleven PM tonight. In a statement, the power utility says it is, however, still suffering from the shortage of capacity. Cyclone Ida in Mozambique has – last weekend – severely affected the power imports and the Utility has reportedly been forced to implement the more severe power cuts; but a 13 million litre of diesel shipment which arrived on Thursday provided some relief. South Africa has been relying on diesel powered gas turbines to meet energy demands while coal generating units are down.*
- *President Cyril Ramaphosa says that the revelations being made at the State Capture Commission of Enquiry will hurt the ANC and some individuals. Speaking at an election campaign in Cape Town, he say there has been mistakes but it is important that accountability must take force and those found to be responsible for any wrong doing must face the full might of the law. He is, however, confident that load shedding will not cost the party votes at the polls on May the eight. Amid concerns that load shedding will affect tolling booths, he says the electricity supplies will be stabilised by the time elections come.*
- *A tip off from neighbourhood watch led police to five arrests in Bo-Kaap yesterday. The City's, Wayne Thyssen says that the male suspects were questioned, and a search had uncovered a cell phone, a wallet, a knife and drugs. [Crossover to a live recorded interview/response from the City of Cape Town's Wayne]. Thyssen says a case of robbery was later opened.*
- *The Western Cape Community Safety Department has launched a programme which will be observing the progress of gang related cases. The programme titled "Watching Briefs" follows collaboration between National and Provincial Community Safety Authorities who plan to reduce the amount of time violent crime cases take to get through the courts. Officials have identified incomplete investigations and delays in obtaining forensic reports as key factors affecting such cases. A recent report reveals that, between October and December of last year, more than three hundred cases were stuck off the roll.*

The Licensee complied with clause 5.1.1 of its licence.

Clause 5.1.2 of the licence provides that:

South African Music Content: 80%

The Licensee music was measured for a quarter of the overall programming profile. Licensee's music schedule features mostly Muslim recitals, which according to the Licensee, are of South African origin as they were produced and recorded in South African by Muslim South African Musicians. The Licensee broadcasts approximately 85% South African music in that the recital are repeated throughout the programme schedule.

The following local artists were identified as enjoying airplay on Voice of the Cape:

We are Unity, Nurul Mubeen, Ijaaz, Imaan, Alwiedaa Qasieda group, Raihan2, An Nisaa Qasieda group, Zain Bhika, Ismail Galant, Toyer Abrahams, Shamsu Parker, Maleier Koor Klanke, Adiel Dante, Cape Malaysians, Darul Arkham Nasheed group, Aswaatul Islam Nasheed group, Sugaybaat Nasheed group, Wahied Kannemeyer, Esa Alexander, Taliep Petersen, Kinders van die Ses and others.

The Licensee with clause 5.1.2 of the licence.

Clause 5.1.3 of the licence provides that:

Talk vs. Music: 75% Talk and 25% Music

The Authority's monitoring exercise identified that the Licensee's programming profile is dominated by Talk and that music is a quarter of the Licensee's programming profile.

The Authority monitoring exercise found that the format is at least 75 % talk and 25% music.

The Licensee complies with clause 5.1.3 of the licence.

Clause 5.1.4 of the licence provides that:

Languages of broadcast:

5.1.4.1 English;

5.1.4.2 Afrikaans;

5.1.4.3 isiXhosa; and

5.1.4.4 Arabic.

In the past reporting year, the Authority found that Voice of the Cape did not schedule programming in isiXhosa and as such the Licensee was found to be non-compliant with Clause 5.1.4. The Licensee attributed the non-compliance from the last reported year to personnel problems that affected their programming output somehow. The monitoring

exercise carried out on the Licensee's programming profile found that the Licensee now carries programming in all licensed languages.

The Licensee complies with clause 5.1.4 of the licence.

Clause 5.2 of the Schedule to the licence requires 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 endeavours to keep to the monthly basis submission. However, it is not always the case that the Licensee submits its monthly programming log sheets "on a monthly basis". In an event where the Licensee fails to submit for a certain month, the Licensee would make the submission in the subsequent months and make up for missed submissions.

The Licensee complies with clause 5.2 of the Licence.

3.5 Promises of Performance

According to clause 8.1 of the Licence;

"The Licensee shall ensure that 5% of its programming is isiXhosa calculated on a weekly basis."

Last year's report recorded that the Authority could not find any isiXhosa Programming on its programming. The Licensee then attributed this failure to personnel problems and promised to rectify the non-compliance.

The Licensee now offers isiXhosa programming, on a daily basis, except for Fridays. The Programme is part of the Licensee's "*Thuhr Package*" and isiXhosa features for at least 30 minutes on each day. The monitoring exercise found that the programme would sometimes broadcast from different mosques including those of the isiXhosa speaking communities and on such days the programme would be more on isiXhosa than on any other language.

The Licensee complied with Clause 8.1 of its licence.

Clause 8.2 of the licence provides as follows:

"The Licensee shall broadcast programme content which will be educational. Tis will include informal education such as skills development, HIV/AIDS awareness and basic literacy."

The Authority's monitoring exercise found that the Licensee's programming profile is entirely educational. The Licensee's programme line up is consistent in discussing topics that are related to health issues and lifestyles. Referrals to certain books and authored on lifestyle issues to religious compilations were observed during monitoring. On the issue of skills development, the Licensee submits that the mere service is a way of developing skill within individuals in the employ of Voice of the Cape.

In addition to that, the topic of skills development remained prominent in the Licensee's Board of Trustees meetings.

The Minutes of the meetings held by the Licensee are constantly trying to find ways to maximise the Licensee's output on skills development.

The Licensee complies with clause 8.2 of the licence.

4. REGULATIONS

4.1 ICASA South African Music Content Regulations

Regulation 3 of the ICASA South African Music Content Regulations 2016⁹ stipulates that: *"A holder of a community sound broadcasting service licence must ensure that after eighteen (18) months from the date of gazetting of these regulation, a minimum of 60%, increasing by 10% annually to reach 80% of the musical works broadcast in the performance period, consist of South African music and that such South African music is spread evenly throughout the performance period."*

Music was measured at a quarter of the overall programming profile. Licensee's music schedule features mostly Muslim recitals which, according to the Licensee, are of South African origin as they were produced and recorded in South African by Muslim South African Musicians. The Licensee broadcasts approximately 85% South African music in that the recital are repeated throughout the programme schedule.

⁹ Appendix E: ICASA South African Music Content Regulations

The following local artists were identified as enjoying airplay on Voice of the Cape:

We are Unity, Nurul Mubeen, Ijaaz, Imaan, Alwiedaa Qasieda group, Raihan2, An Nisaa Qasieda group, Zain Bhika, Ismail Galant, Toyer Abrahams, Shamsu Parker, Maleier Koor Klanke, Adiel Dante, Cape Malaysians, Darul Arkham Nasheed group, Aswaatul Islam Nasheed group, Sugaybaat Nasheed group, Wahied Kannemeyer, Esa Alexander, Taliep Petersen, Kinders van die Ses and others.

The Licensee complies with regulation 3 of the ICASA South African Music Content Regulations 2016.

4.2 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.

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 Licensees.

5. CONCLUSION

Voice of the Cape complied with all license terms and conditions and all Regulations that govern the existence of the community broadcasting sector.

6. TERMS OF REFERENCE

6.1 Appendix A: Voice of the Cape's Broadcasting Service License;

6.2 Appendix B: Voice of the Cape's Frequency Spectrum Licence;

6.3 Appendix C: Minutes and attendance registers to Programming related;

6.4 Appendix D: Minutes and attendance registers to the AGM; and

6.5 Appendix E: ICASA South African Music Content Regulations.

6.6 Appendix F: Regulations regarding the Standard Terms and Conditions for Class Licensees

¹⁰ Appendix F: Regulations regarding the Standard Terms and Conditions