



RADIO AL-ANSAAR PIETERMARITZBURG ANNUAL COMPLIANCE REPORT

MARCH 2022

2020/2021 ANNUAL COMPLIANCE REPORT

AL-ANSAAR MEDIA NETWORK BROADCASTING AS RADIO AL-ANSAAR - PIETERMARITZBURG

Licence Period: 23 May 2019 TO 22 May 2024

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 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 licences, the three Acts and any relevant legislation and Regulations.

The purpose of the report is intended to give an account of Al-Ansaar Media Network ("Radio Al-Ansaar-Pietermaritzburg"/"the Licensee")'s performance for the 2020/2021 financial year. Aspects of compliance that are measured comprise of the geographic coverage, community participation, language(s) of broadcast, broadcast content format, programming obligations, Compliance Procedure Manual Regulations, South African Music Content Regulations and Regulations regarding Standard Terms and Conditions for Class Broadcasting Services.

2. BACKGROUND

Radio Al-Ansaar-Pietermaritzburg holds a Class Community Sound Broadcasting Service ("C-CSBS") licence and a Radio Frequency Spectrum ("RFS") licence (collectively referred to as "licences") for provision of services to the Muslim community of Pietermaritzburg in the KwaZulu-Natal Province.

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

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

³ Electronic Communications Act, 2005 (Act No. 36 of 2005).

⁴ Broadcasting Act, 1999 (Act No. 4 of 1999).

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the schedule to the licence states that:

"The Licence is issued to:

- 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 complies with clause 1 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 2019.*
- 2.2 The Licence shall expire on 22 May 2024."*

The Licensee was issued new licences on 23 May 2019 and will be reminded to submit a renewal application in accordance with the prescribed regulatory timeframes

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 its licences. For the period 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 specified herein".

Radio Al-Ansaar-Pietermaritzburg confirmed that it provides sound broadcasting services to the Muslim community of interest in the Pietermaritzburg area.

The Licensee complies 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 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.

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".

Sub Regulation (12A) of the ICT COVID -19 National Disaster Second Amendment Regulations, as published in *Government Gazette* No. 43707 dated, 11 September 2020, stipulates that:

"The requirement for community broadcasting service licensees to hold any community meetings or AGMs and be required to submit proof of holding the meetings is suspended".

Further, Sub Regulation (12B) provides for:

"The suspension in sub regulation (12A) will automatically cease upon the expiry of the National State of Disaster".

The Licensee is exempt from complying with clause 4.2 and its sub-clauses of the schedule to its licence during the National State of Disaster.

3.5 Programming

Clause 5.1 of the schedule to the licence states that:

"The Licensee shall provide programming as follows":

5.1.1 **"News and Information obligations:** *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".*

5.1.2 **"South African Music Content:** *70%".*

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.

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

5.1.4 **"Language(s) of broadcast:**

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%".

Regulation 4(8B) of the ICT COVID -19 National Disaster Amendment Regulations, as published in *Government Gazette* No. 43279 dated, 05 May 2020, provides that:

"Sound broadcasting service Licensees are exempted from compliance with specific programming requirements in terms of licence conditions during the National State of Disaster".

The Licensee is exempt from complying with clause 5.1 and its sub clauses of the schedule to its licence during the National State of Disaster.

Clause 5.2 of the schedule to the C-CSBS 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 monthly, 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, 2016

Regulation 3(3) of the ICASA South African Music Content Regulations as published in the *Government Gazette* No. 39844 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 80% 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 submitted that it broadcasts local music. According to the Licensee, over 80% of South African music (Naaths, Nazams and Nasheed) 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 over 80% of 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 Services⁵

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

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

⁵ Standard Terms and Conditions for Class Broadcasting & Electronic Communications Network Services, 2010 as published in *Government Gazette* No. 33296 dated, 14 June 2010, as amended.

5. CONCLUSION

For the 2020/2021 financial year, Radio Al-Ansaar-Pietermaritzburg complied with all provisions of its C-CSBS and RFS licences and applicable Regulations.

6. TERMS OF REFERENCE

6.1 Appendix A: Radio Al-Ansaar-Pietermaritzburg's C-CSBS and RFS licences.

6.2 Appendix B: Annual Compliance 2021 PMB.

6.3 Appendix C: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No. 39844 dated, 23 March 2016.

6.4 Appendix D: Standard Terms and Conditions for Class Broadcasting and Electronic Communications Network Services, 2010 as published in *Government Gazette* No. 33296 dated 14 June 2010, as amended;

6.5 Appendix E: ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011. (re: submission of Form 12A: ECN/S and BS Complaints Reporting).

6.6 Appendix F: ICT COVID – 19 National Disaster Regulations as published in *Government Gazette* No. 43207 dated, 06 April 2020 as amended.
(Amendments published in *Government Gazette* No. 43279 dated, 05 May 2020; *Government Gazette* No. 43707 dated, 11 September 2020; *Government Gazette* No. 43945 dated, 27 November 2020 and *Government Gazette* No. 44374 dated, 31 March 2021.