



VOICE OF THE CAPE ANNUAL COMPLIANCE REPORT

MARCH 2022

2020/2021 ANNUAL COMPLIANCE REPORT

MUSLIM BROADCASTING CORPORATION BROADCASTING AS VOICE OF THE CAPE

Licence Period: 27 October 2018 to 26 October 2023

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, it is to ensure compliance by broadcasting service licensees with the terms and conditions of their licence and any relevant legislation and Regulations.

This report will lay out Voice of the Cape’s compliance with the terms and conditions, as set out in its license⁵, in the financial year that ended March 2021. Aspects of compliance that are measured by this report will be different to the norm. The deviation from the norm is brought about by the introduction of the ICT Covid-19 Regulations in April 2020, following the proclamation of the State of National Disaster.

This regulation considered the envisaged effect of the National Lockdown on the Broadcasting sector and exempt Licensees from compliance with most of their obligations. Apart from the exemptions provided by the ICT Covid-19 Regulations⁶; the shortened South African Performance Period, is likely to distort the licensees’ programming output when measured against the license obligations.

Consequently, therefore, this report will measure and conclude on lesser aspects of compliance compared to ordinary annual compliance reports.

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 2000

⁴ Act No. 4 of 1999

⁵ Appendix A: Voice of the Cape Broadcasting Service Licence

⁶ Appendix B: ICT Covid-19 Regulations as amended

2. BACKGROUND

Voice of the Cape is the first Muslim Community Radio in Station South Africa. The Licensee 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, it remains the biggest source of information and community development to the Muslim Community in the Greater Cape Metropolis.

3. COMPLIANCE ASSESSMENT

3.1 Licensee

Clause 1 of the Licence 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. Further, during the period under review the Authority did not receive any communication from Voice of the Cape 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 licence⁷."

⁷ Appendix C: Voice of the Cape's Frequency Spectrum Licence

Voice of the Cape's coverage area is still as prescribed in the licence. In the year that this report seeks to review, the Authority received no reports or complaints against the Licensee that it has interfered in areas that are outside its coverage 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:

"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.

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.

To curb the spread of the Corona Virus, the ICT Covid-19 Regulations sought to exempt all broadcasting service licensees from complying with this clause during the State of National Disaster. As a result the Authority will not measure compliance with this clause as there is no expectation that the Licensee would have held the two meetings during the year under review.

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.

There is no expectation that the Licensee would have held the two meetings during the year under review. No proof of meetings is necessary.

While 4.2.3 prescribes that:

"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".

The ICT Covid-19 Regulations exempted all broadcasting service licensees from complying with this clause during the State of National Disaster. As a result, the Authority will not – in the year under review – measure compliance with this clause as there is no expectation that the Licensee would have held their AGM.

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."

Voice of the Cape Programming Log Sheets⁸ record that the Licensee schedules at least 50 News Bulletins in a week. The Licensee further submits to carrying more local and national news content in its programming profile. According to the Programming Log Sheets, the major news source for Voice of the Cape is the Licensee's News team.

The Licensee Complies with clause 5.1 of its licence.

5.1.2 South African Music Content: 80%

According to Voice of the Cape's music schedule, music provides for approximately a quarter of the Licensee's 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 Africa by Muslim South

⁸ Appendix D: Voice of the Cape's Programming Log sheet

African Musicians. Voice of the Cape plays approximately 85% South African music in that the recital renditions are repeated throughout the programme schedule.

The Licensee complies with clause 5.1.2 of its licence.

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

Voice of the Cape's programming log sheets suggest that the Licensee's talk content provides for most of the programming profile. The Licensee records – in the monthly log sheets – that their talk content is at approximately 73% of the overall programming profile while 27% is attributed to music.

The monitoring exercise has taken into consideration the impact of the reduced performance period on compliance with this clause and therefore, findings on compliance with this clause of the licence has not been determined.

5.1.4 Languages of broadcast:

5.1.4.1 English;

5.1.4.2 Afrikaans;

5.1.4.3 isiXhosa; and

5.1.4.4 Arabic.

Voice of the Cape provides programming in all four licensed languages. The Authority is satisfied that the language breakdown is reflective of the Licensee's listenership.

The Authority has taken into consideration the impact of the reduced performance period on compliance with this clause and therefore findings on compliance with this clause of the licence has not been determined.

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."

Voice of the Cape religiously submits its programming log sheets monthly. In an event where the Licensee is experiencing problems with the deliveries (Voice of

the Cape uses hard copy and delivers via courier), Voice of the Cape would communicate the delays yet still comply accordingly.

The Licensee complies with clause 5.2 of the Licence.

3.5 Promises of Performance

The ICT Covid-19 Regulations exempt broadcasting service Licensee's from compliance with this clause. However, this report will still monitor the Licensee's output, while no conclusion will be drawn from it. The monitoring of the Licensee's compliance with the clause is due to historical non-compliance and is an effort to ensure the Licensee's consistency.

According to clause 8.1 of the Licence...

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

The expectation presented by this clause is that the Licensee provides at least 6 hours (calculated over the 18-hour performance period) of isiXhosa programming per week. The Authority's monitoring found 30 minutes – everyday – of isiXhosa programming on Voice of the Cape's "Thuhr Package". In essence, the "Thuhr Package" offers at least 210 minutes of isiXhosa programming per week. The balance is provided for in the different segments, in different languages that are scattered throughout the day-to-day programming.

Clause 8.2 provides the following prescription:

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

Voice of the Cape's programming profile is totally educational. The monitoring exercise found that all health and lifestyle issues are generally an everyday topic. In the year that this report seeks to review, Voice of the Cape programme discussions were mostly around the Corona Virus.

However, the Licensee did not neglect discussions and interventions related to their promise to create awareness around HIV/AIDS.

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. The Licensee is always looking out for means and ways in which they can maximise on developing skills in their employees.

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" at Voice of the Cape is dominated by Muslim recitals which make up for about a quarter of the Licensee's overall programming. According to the Licensee, the recitals are rendered and performed by Muslim South Africans and as such are South African Music. Voice of the Cape plays approximately 85% South African music in that the recital renditions are repeated throughout the programme schedule.

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

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, Essa Alexander, Taliep Petersen, Kinders van die Ses and others.

Voice of the Cape complied with regulation 3 of the ICASA South African Music Content Regulations 2016.

⁹ Appendix E: ICASA South African Music Content Regulations

4.2 Regulations regarding Standard Terms and Conditions for Class Licensees

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 2(1) and the sub clauses, along with Regulation 9 in its entirety.

In terms of the provisions made by Regulation 2(1) of the Regulations Regarding Standard Terms and Conditions for Class Licensees, Voice of the Cape has had no changes to its Licensee details and information in the year under review.

Further, Voice of the Cape makes it a point that all information required of them is submitted as per given format and by the stipulated deadline. In an event where the Licensee cannot meet the stipulated deadline, they request an extension to submit.

The Licensee complies with Regulations 2(1) and 9 of the Standard Terms and Conditions for Class Licensees.

5. CONCLUSION

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

6. TERMS OF REFERENCE

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

Appendix B: ICT Covid-19 Regulations as amended

Appendix C: Voice of the Cape's Frequency Spectrum Licence

Appendix D: Voice of the Cape's Programming Log Sheets

Appendix E: ICASA South African Music Content Regulations

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

¹⁰ Appendix F: Regulations regarding the Standard Terms and Conditions