



# **MUNGHANA LONENE FM ANNUAL COMPLIANCE REPORT**

**MARCH 2018**

## **2016/2017 ANNUAL COMPLIANCE REPORT FOR MUNGHANA LONENE FM**

**Licence Period: 18 December 2008 - 17 December 2018**

### **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 ensure compliance by broadcasters with the terms and conditions of their licence and any relevant legislation and regulations.

The purpose of the report is to give an account of Munghana Lonene FM's compliance with the terms and conditions as set out in its licence for the 2016/2017 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Language(s), Format, Local Content Obligations, General Programming Obligations, Training and Skills Development Obligations, Finances, Regulations on the Code on People with Disabilities, South African Music Content Regulations, Regulations regarding Standard Terms and Conditions, Regulations in respect of Prescribed Annual Contributions of Licensees to The Universal Service and Access Fund and General Licence Fees Regulations.

### **2. BACKGROUND**

Munghana Lonene FM is an Individual Broadcasting Service Licensee of the South African Broadcasting Corporation (SABC). The radio station's mandate is to provide a full spectrum radio service to the Gauteng, Mpumalanga and Limpopo provinces<sup>5</sup>. According to the Broadcast Research Council of South Africa, the listenership figures for the last quarter of the period under review was 1 098 000<sup>6</sup>.

### **3. COMPLIANCE ASSESSMENT**

#### **3.1 Geographic Coverage**

Clause 2 of the licence provides that:

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

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

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

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

<sup>5</sup> See Appendix A

<sup>6</sup> <http://www.brcsa.org.za/brc-ram-radio-listening-jul-16-dec-16-oct-16-mar-17/>

*"The coverage area is as defined in the map attached to the radio frequency spectrum licence".*

The Authority did not receive reports suggesting the Licensee broadcasts outside the defined coverage area.

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

### **3.2 Language(s)**

Clause 3 of the schedule to the licence provides that the language of broadcast is as follows:

*"Principal Language: XiTsonga".*

Munghana Lonene FM broadcasts primarily in XiTsonga. The Licensee's presenters provide for translation for news extracts and interviews that they conduct with non-XiTsonga speaking guests to the principal language of broadcast.

**The Licensee complies with clause 3 of the schedule to its licence.**

### **3.3 Format**

Clause 4.1 of the schedule to the licence provides that:

*"The service authorised by this licence forms part of the public service division of the Licensee".*

Clause 4.2 of the schedule to the service provides that:

*"The licensed service shall be a full-spectrum service".*

Munghana Lonene FM forms part of the public service stations of the SABC and offers a full-spectrum service to its listeners as outlined in the service licence.

**The Licensee complies with clause 4.1 and 4.2 of the schedule to its licence.**

### **3.4 Local Content Obligations**

Clause 5 of the schedule to the licence provides that:

*"In each licence year, the Licensee shall, within thirty (30) days of end of the quarter, submit to the Authority written records indicating the extent of:*

*Clause 5.1 different genres; and*

Clause 5.2 South African Music Content, in programme material broadcast in the licensed service during that quarter, in each instance, distinguishing between genres, providing the relevant details in relation to prime time and the period between 05h00 and 23h00 daily ("the South African broadcast period"), and expressing relevant details both as an aggregate in minutes and as a percentage of the total of all such programming material".

The SABC submits its quarterly reports in accordance with the template and frequency provided in the Compliance Procedure Manual Regulations. It should be noted that the SABC applies for exemption to comply with certain obligations during the coverage of sporting events or any other event of national interest which might affect their compliance with certain obligation.

#### **First Quarter: April – June 2016**

<b>Content/ Genre</b>	<b>ICASA Quota (Minutes Daily/Weekly)</b>	<b>Munghana Lonene FM's Provision (Minutes Daily/Weekly)</b>	<b>Munghana Lonene FM's Compliance (%)</b>
News	60 min (Daily)	80 min (Daily)	133%
Current Affairs	60 min (Daily)	575min (Weekly) 60 min (Saturdays) 60min (Sundays)	958% 100% 100%
Informal Knowledge Building	180 min (Weekly)	1255min (Weekly)	697%
Education	300 min (Weekly)	770 min (Weekly)	257%
Children	60 min (Weekly)	80 min (Weekly)	133%
Drama	150 min (Weekly)	210 min (Weekly)	140%

#### **Second Quarter: July – September 2016**

<b>Content/ Genre</b>	<b>ICASA Quota (Minutes Daily/Weekly)</b>	<b>Munghana Lonene FM's Provision (Minutes Daily/Weekly)</b>	<b>Munghana Lonene FM's Compliance (%)</b>
News	60 min (Daily)	91 min (Daily)	152%
Current Affairs	60 min (Daily)	550 min (Week Days) 60 min (Saturdays) 60 min (Sundays)	917% 100% 100%
Informal Knowledge Building	180 min (Weekly)	1280 min (Weekly)	711%
Education	300 min (Weekly)	390 min (Weekly)	130%
Children	60 min (Weekly)	80 min (Weekly)	133%

Drama	150 min (Weekly)	210 min (Weekly)	140%
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### Third Quarter: October – December 2016

<b>Content/ Genre</b>	<b>ICASA Quota (Minutes Daily/Weekly)</b>	<b>Munghana Lonene FM's Provision (Minutes Daily/Weekly)</b>	<b>Munghana Lonene FM's Compliance (%)</b>
News	60 min (Daily)	100 min (Daily)	167%
Current Affairs	60 min (Daily)	550 min (Week Days) 60 min (Saturdays) 60 min (Sundays)	917% 100% 100%
Informal Knowledge Building	180 min (Weekly)	1285 min (Weekly)	714%
Education	300 min (Weekly)	770 min (Weekly)	257%
Children	60 min (Weekly)	80 min (Weekly)	133%
Drama	150 min (Weekly)	210 min (Weekly)	140%

### Fourth Quarter: January – March 2017

<b>Content/ Genre</b>	<b>ICASA Quota (Minutes Daily/Weekly)</b>	<b>Munghana Lonene FM's Provision (Minutes Daily/Weekly)</b>	<b>Munghana Lonene FM's Compliance (%)</b>
News	60 min (Daily)	82 min (Daily)	137%
Current Affairs	60 min (Daily)	115 min (Week Days) 60 min (Saturdays) 60 min (Sundays)	192% 100% 100%
Informal Knowledge Building	180 min (Weekly)	1285 min (Weekly)	714%
Education	300 min (Weekly)	330 min (Weekly)	110%
Children	60 min (Weekly)	80 min (Weekly)	133%
Drama	150 min (Weekly)	225 min (Weekly)	150%

## 3.5 GENERAL PROGRAMMING OBLIGATIONS

### 3.5.1 General

Clause 6.1.1 of the schedule to the licence provides that:

"The licensee shall ensure that its programming adequately reflects the diversity of South Africa's Religion".

Munghana Lonene FM broadcasts daily morning devotions from 05h45 until 06h00 and Christian related programmes on Sundays from 07H00 until 10H00. Furthermore, the Licensee dedicates their Thursday edition of a programme called "Gongomela" with a segment on multi faith broadcasts between 22H00 and 23H00 where different topics are discussed from different religious perspectives. The segment is an engagement by clerics from Muslim, Christianity and an expert on African and traditional religion.

**The Licensee complies with clause 6.1.1 of the schedule to its licence.**

Clause 6.1.2 of the schedule to the licence provides that:

*"The Licensee shall take reasonable steps to provide programming that reflects the cultural and tradition needs of the audience."*

Munghana Lonene FM's caters for the needs of their target audience who are primarily Xitsonga speaking listeners through programming which focus on traditional and cultural aspects. There is a specialist programme on "Gongomela" once a week that focuses on spirituality from an African religion's point of view and on topical matters affecting the target audience. Furthermore, there are certain cultural topics that get discussed in midday programmes such as traditional circumcision amongst others with a focus on the cultural rituals aspect.

**The Licensee complies with clause 6.1.2 of the schedule to its licence.**

Clause 6.1.3 of the schedule to the licence provides that:

*"The Licensee shall, during the South African performance period, provide programme material that caters and has due regard for the interests of all sectors of South African society and shall provide programming on health related issues, gender issues relevant to all age groups".*

Munghana Lonene FM's programme content which reflect the issues affecting South Africans is similar to those presented in partnership with SABC education. The programmes focus on health, civic education, commerce, legal matters and other informal knowledge building programmes such as those that focus on children and the youth so as to cater for all age groups.

**The Licensee complies with clause 6.1.3 of the schedule to its licence.**

**3.5.2 News and Current Affairs**

Clause 6.2.1 of the schedule to the licence provides that:

*"The Licensee shall broadcast at least sixty (60) minutes of news per day during the South African Performance Period".*

The Licensee submits that it broadcasts an average of eighty five (85) minutes of news daily with news bulletins from 06h00 until 22h00. The news bulletins are approximately five (5) minutes in duration and include local, national and international news. The following are some of the news stories identified:

- *"Xeyenge xa maphorisa xati Hawks xi tiyisise ku vanhu vambiri languteriwake ku ya tengisiwa ecourt ya Magistrate yale Pietermaritzburg namuntla, mayelana na ku balesela wa dlaya swirho swa vandla ra ANC vhiki leringa hundza. Loko vata hlaseriwa a va kongoma akaya va huma enhlangaletanhwini ya vandla e Imbali exifunzeni nkulu xa Kwazulu Natal. kuva na swiviko swa ku dyayeteriwa ka va nwapolitiki va swiyimo xa le henhla;*
- *Khomixini ya nhlawulo wa tiku kunga IEC yi vula leswaku nhlayo ya vanhu lava va ti tsariseleke nhlawulo wa mifumo ya miganga yile henhla swinene ku tlula nhlayo ya lava a va ti tsarisele nhlawulo wa mifumo ya miganga eka lembe ra magidi mbirhi na khume-nwe. Mulawuri nkulu Mosotho Moepa u vule leswaku va enetekile hi nhlayo ya vanhu lava va ti tsariseleke nhlawulo mahele ya vhiki."; and*
- *Vanhu vo hlayo ku katsa na va tirila mfumo va xifundza nkulu xa Limpopo va hlengelanelile e holweni ya Jack Botes ePolokwane e ka ntirho wo tsunduka MEC wa vurimi Joyce Matshoge loyi a nga hundza emisaveni. U hundze emisaveni hi Saturday na madambu e ka Ngozi ya mohva hi nkarhi lowu a kongeme ekaya eModimolle."*

**The Licensee complies with clause 6.2.1 above.**

Clause 6.2.2 of the schedule to the licence provides that:

*"The Licensee shall broadcast at least sixty (60) minutes of current affairs programming each day during the South African Performance Period."*

Munghana Lonene FM submits that they broadcast a minimum of six hundred (600) minutes of current affairs programming on weekdays and sixty (60) minutes during the weekend.

The Authority's monitoring confirmed that Munghana Lonene FM broadcasts its current affairs programme *"Tiko a xi etleli"* after the 06h00 news until 07h00 and after the 18h00 news until 19h00 weekdays. The weekend edition is broadcasts on Saturday after the

06h00 news until 07h00 and after the 18h00 news on Sundays until 19h00 respectively. Furthermore, the Licensee broadcasts a midday talk programme called "Afrika wa vulavula" on weekdays between 12h00 and 13h00 with a focus on topical current affairs issues.

**The Licensee complies with clause 6.2.2 of the schedule to its licence.**

### **3.5.3 Programming targeted at Children**

Clause 6.3.1 of the schedule to the licence provides that:

*"The Licensee shall in the provision of licensed service, broadcast at least one (1) hour of programming targeted at children (as contemplated in section 10 (1) (g) of the Broadcasting Act) per week during the South African performance period".*

Clause 6.3.2 of the schedule to the licence provides that:

*"In the production and presentation of its children's programming the Licensee shall ensure that such children's programming is (i) broadcast at times of the day when children are available to listen; (ii) Targeted at and appropriate for children between the ages of nought (0) to six (6) years and seven (7) to twelve (12) years respectively; (iii) Educational and is made from children's point of view".*

The Licensee submits that it broadcasts eighty (80) minutes of children programming on a weekly basis.

The Authority's monitoring confirmed that the Licensee broadcasts a weekly programme called "Nal'ibali" for an average of ten (10) minutes from 09H35 which is focused on folklore storytelling. There are two other programmes on the weekends aimed at children of the target age, one on Saturdays called "Endlela Mabonele ya wena" broadcast between 12H00 and 12H30 and a religious programme aimed at children on Sundays from 07H30 until 08H00 which focuses on children Christianity teachings and counsel. The programmes are presented from the viewpoint of the target audience.

The total minutes of the children's programming monitored was over an hour on a weekly basis.

**The Licensee complies with clause 6.3.1 and 6.3.2 of the schedule to its licence.**

### **3.5.4 Educational Programming**

Clause 6.4 of the schedule to the licence provides that:



*"The Licensee shall broadcast at least five (5) hours of educational programming as contemplated in section 10 (1) of the Broadcasting Act per week within the South African performance period".*

The Licensee submits that it broadcasts between three hundred and ninety (390) and seven hundred and seventy (770) minutes of educational programming on a weekly basis. The Licensee through SABC's education desk broadcasts a variety of specialised educational programmes.

Munghana Lonene FM broadcasts specialised educational programmes weekdays after the 21H00 news until 22H00 called "*Tidyondzo*". The format of the specialised programmes is in a form of two segments each day for thirty (30) minutes, each to focus on a specific topic such as financial matters, legal advice, science and technology amongst others. The same programme is broadcasts on Wednesday between 14h00 and 15H00 whereby the focus was on local government elections in partnership with the Independent Electoral Commission.

The Licensee broadcasts more than five (5) hours of educational programming per week.

**The Licensee complies with clause 6.4 of the schedule to its licence.**

### **3.5.5 Drama**

Clause 6.5 of the schedule to the licence provides that:

*"The Licensee shall broadcast at least two and half (2 1/2) hours of drama per week within the South African performance period".*

The Licensee submits that they broadcast two hundred and ten (210) minutes of drama on a weekly basis. The monitoring exercise confirmed that the Licensee broadcasts a drama series "*Mhina hi mhina*" between 11:45 until 12h00 for an average of fifteen (15) minutes, and the second drama programme "*Ncuva wa xingoni*" broadcast weekdays after the 20H00 news for fifteen (15) minutes. There is also a drama omnibus on Sunday from 10H45 until 12H00.

The total average of minutes including repeats is two hundred and twenty-five (225) which is more than the amount stipulated in the licence.

**The Licensee complies with clause 6.5 of the schedule to their licence.**

### **3.5.6 Informal Knowledge Building**

Clause 6.6 of the schedule to the licence provides that:

*"The Licensee to shall broadcast at least three (3) hours of informal knowledge building programming per week within the South African Performance Period".*

The Licensee submits that it broadcasts an average of one thousand two hundred and eighty-five (1285) minutes of informal knowledge building programming on a weekly basis<sup>7</sup>.

The Licensee broadcasts religious programmes on Sundays from 07H00 until 09H00 and alternative weekdays from 22H00 until 23H00. Both religious and non-formal educational programmes such as "Teen Zone" broadcast Saturdays from 12H30 until 13H00 and "Youth ke yona" broadcast on Sundays between 09h00 and 10H00, form part of informal knowledge building programmes. The Licensee broadcasts more than four (4) hours of information knowledge building programming.

**The Licensee complies with clause 6.6 of the schedule to its licence.**

### **3.5.7 Training Skills Development Obligations**

Clause 7 of the schedule to the licence provides that:

*7.1The Licensee must adopt and implement equal opportunity employment practices;*

*7.2The Licensee must ensure that its management and staff are representative of South African society and that its human resource policies take into account the development of managerial, production, technical and other skills and expertise, particularly with regard to the historically disadvantaged persons;*

*7.3The Licensee shall endeavour to achieve fair and reasonable participation by historically disadvantaged persons with respect to:*

- (a) Its management and control structures;*
- (b) Skills development;*
- (c) Enterprise development; and*
- (d) Procurement*

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<sup>7</sup> Ibid

*7.4 The Licensee must, within thirty (30) days of the end of each financial year, provide the Authority with written information regarding its compliance with the above requirements”.*

The SABC submitted a training and skills development report indicating that its management and staff is representative of South African society. Further, for the period under review there was reasonable participation by historically disadvantaged people with respect to its management and skills development.

The SABC ensured that the learning and development needs are strategically aligned to business needs to bring about positive business impact and increases in the productivity level at large.

According to the Licensee’s report on its Annual Employment Equity and Skills Development plan, the Licensee strives for the creation of an “equitable working environment, in which the dignity of all individuals is respected, and the diversity of all employees are valued.” In this report, the SABC further advances that at least 86% of their overall staff complement are Black people; while 78% of its management are people from historically disadvantaged backgrounds.

The Licensee submits that it has exceeded most of the quotas prescribed by its licence conditions. However, the Licensee submits that it is unable to reach their 50% target of females in the organisation. The Licensee fell short by less than 1% from reaching this target as it is currently sitting on 49.14%. Although 78% of females in management are black.

The Licensee further submits that it intends to adhere to its BBBEE obligations and remains committed to contributing to the growth of the South African Economy through the empowerment of previously disadvantaged individuals<sup>8</sup>.

**The Licensee complies with clause 7 of the schedule to its licence.**

### **3.7 Provision of Audited financial statements to the Authority**

Clause 8 of the schedule to the licence provides that:

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<sup>8</sup> Appendix C

*"The Licensee shall provide the Authority with the audited annual financial statements of the licensed service within four (4) months of the end of the licensee's financial year, provided that the licensee may on good cause apply to the Authority for extension".*

The Licensee submitted its Audited Financial Statements (AFS) for the 2016/17 financial year as required by clause 8 of the schedule to its licence.

**The Licensee complies with clause 8 of the schedule to its licence.**

## **4. REGULATIONS**

### **4.1 Code of Conduct for Broadcasters**

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A which reports on all complaints received during the financial year under review<sup>9</sup>. The SABC submitted its complaints report in accordance with the Regulations regarding the Code of Conduct for Broadcasting Service Licensees.

The Licensee is a member of the National Association of Broadcasters (NAB). Complaints related to code of conduct are administered by the Broadcasting Complaints Commission of South Africa (BCCSA).

**The Licensee complies with the Code of Conduct for Broadcasting Services Regulations.**

### **4.2 Regulations on Code on People with Disabilities**

Clause 3.1 (a) of the Code For Persons With Disabilities as published in the Government Gazette, no 30441, 7 November 2007, stipulates that:

*"Broadcasting service licensees must ensure that their services are made available and are accessible to people with disabilities".*

Clause 3.1 (c) stipulates that:

*"Broadcasting service licensees must monitor the effectiveness of their service through surveys as well as contact with organisations of and for people with disability and stakeholders".*

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<sup>9</sup> Appendix C

The Licensee conducted the SABC National Disability Committee quarterly meetings to monitor and evaluate progress against its Disability mainstreaming objectives. The Licensee also commemorated and hosted the International Disability Day in the form of Leadership awareness breakfast session to challenge leadership to understand and create disability awareness.

Among others, the following disability awareness campaigns were hosted:

- National Bind Buddy Day;
- Autism Awareness;
- Albinism Awareness;
- Deaf Awareness; and
- Casual day.

The Licensee further conducted verifications of all declared disabilities and identification of reasonable accommodation needs, as well as participation in a career exposure initiative for scholars with disabilities.

The SABC also reported that Employees with disabilities represent 2.13% of the entire workforce as some employees left the organisation and thus the organisation met its target of 2%. It further reported that 77% of all employees with disabilities are white and 60% are female.

The SABC also encourage content producers to establish relationships with organisations for people with disabilities to use for content when the need arises.

**The Licensee complies with the Code for Persons With Disabilities.**

#### **4.3 Regulations regarding Standard Terms and Conditions for Individual Broadcasting Licences**

During the period under review, the Authority did not identify any non-compliance with the Standard Terms and Conditions for Individual Licences.

#### **4.4 Universal Service and Access Fund Regulations**

Regulation 3 of the USAF Regulations stipulates that:

- (1) *"Every holder of a licence granted in terms of Chapters 3, 4 and/or 9 or converted in terms of Chapter 15 of the Act, must pay an annual contribution of 0.2% of its Annual Turnover to the Fund".*

- (2) *"A BS licensee who has paid an annual contribution to the MDDA must set off that contribution against its USAF Contribution, provided that the MDDA contribution and the USAF contribution against which it is set off are for the same financial year".*

The Licensee paid its annual contribution to the USAF subsequent to negotiations with the MDDA to pay the USAF in two instalments and proof was duly submitted to the Authority.

**The Licensee complies with the Universal Service and Access Fund regulations.**

#### **4.5 General Licence Fees Regulations**

Regulation 4(b) of General Licence Fees Regulations provides for the exemption of Individual Licences for Public Broadcasting Services. Munghana Lonene FM is part of the SABC's Public Broadcasting Services and is exempt from paying licence fees.

#### **4.6 South African Music Content Regulations**

Regulation 3.1 of the Regulations on South African Music Content as published on 31 January 2006 stipulates that:

*"Every holder of a Public sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, a minimum of 40% 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 said period".*

Munghana Lonene FM plays an average of eighty-five percent (85%) of local music during the South African performance period. Some of the artists that were monitored include *Thomas Chauke, Penny Penny, Percy Mfana, Malatji, Sesi na Sesi, amongst others.* Furthermore, the Licensee broadcasts a local music chart show on Saturdays from 07H00 until 10H00.

**The Licensee was found to be in compliance with regulation 3.1 of the South African Music Content Regulations.**

### **5. CONCLUSION**

During the period under review Munghana Lonene FM was found to be fully compliant with licence terms and conditions and applicable regulations.

## **6. TERMS OF REFERENCE**

- 6.1 Appendix A: Munghana Lonene FM 's Service licence;
- 6.2 Appendix B: Munghana Lonene FM's Quarterly Reports;
- 6.3 Appendix C: Form 12A of the Compliance Procedure Manual Regulations;
- 6.4 Appendix D: Training and Skills Development Report;
- 6.4 Appendix E: Complaints Report; and
- 6.5 Appendix F: MDDA Payment