



MUNGHANA LONENE

FM

ANNUAL COMPLIANCE

REPORT

MARCH 2020

2018/2019 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BROADCASTING AS MUNGHANA LONENE FM

Licence Period : 18 December 2018 - 17 December 2028

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 to give an account of Munghana Lonene FM's compliance with the terms and conditions as set out in its licence for the 2018/2019 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 province⁵. According to the Broadcast Research

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.

⁵ See Appendix A

Council of South Africa, the listenership figures for the last quarter of the period under review was 1 020 000⁶.

3. COMPLIANCE ASSESSMENT

3.1. Geographic Coverage

Clause 3 of the licence provides that:

"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 4 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, few interviews, particularly during the Current Affairs show, were done in English and the interviewer/presenter would then translate the contents of the interview.

The Licensee complies with its language obligations.

3.3. Format

Clause 5.1 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 5.2 of the schedule to the service provides that:

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

⁶ <https://brcsa.org.za/brc-ram-listenership-report-oct18-mar19/>

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. This was confirmed during the monitoring exercise.

The Licensee complies with its format.

3.4. Local Content Obligations

Clause 6 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 6.1 different genres; and

Clause 6.2 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.

3.5. GENERAL PROGRAMMING OBLIGATIONS

3.5.1. General

Clause 7.1.1 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 05h50 until 06h00 which includes Christian related content and has recently also introduced indigenous religion for its target audience. Further, the Licensee introduced spiritual and religious programmes which include discussions and rituals by Pastors, Apostles and/or Prophets on Mondays after the 22H00 news, for thirty (30) minutes.

Furthermore, on alternative days of the week, the Licensee would focus of traditional religion.

The Licensee complies with clause 7.1.1 of the schedule to its licence.

Clause 7.1.2 of the schedule to the licence provides that:

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

Munghana Lonene FM's broadcast a specialist programme called "*Ripfumelo ra Ndavuko*" on Thursday between 22H00 until 23H00 that focuses on spirituality in accordance with African religion's point of view. The format of the programme includes a topic for discussion with the in studio guest engaging with listeners on the chosen topic.

The Licensee complies with clause 7.1.2 of the schedule to its licence.

Clause 7.1.3 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 broadcast their lifestyle magazine programme weekdays between 09H00 and 12H00 with content mainly aimed at women with topics covering cooking, nutrition, fashion amongst others. Although there are other segments that focused on health matters for both men and women. Furthermore, the Licensee broadcast a programme for teenagers on Saturdays with a main focus on issues related the challenges faced by teenagers including teenage pregnancy amongst others.

The Licensee complies with clause 7.1.3 of the schedule to its licence.

3.5.2. News and Current Affairs

Clause 7.2.1 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. The news output for weekdays and weekends differ by at three (3) to five (5) minutes, due to live sports content dominating the weekends' programming.

The monitoring exercise confirmed the Licensee broadcasts news bulletins from 06h00 to 22h00, with each bulletin averaging five (5) minutes, for a total of more than eighty (80) minutes of news per day. The following are some of the news stories identified:

- *"Nhlngano wa va ongori wa DENOSA u vule le swaku loko mfumo wu ti yimiserile mayelana na ku sungula pfhumbha ra National Health Insurance wu fanele wu vona leswaku vaongori vana vuswikoti dzwo nyika vukorokeri dzwa rihanyo. Nhlngano wa DENOSA wuleka nhlengeletano ya vu nungu le yinga khomeriwa axi fundeni kulu xa Durban. Murhangeri wa nhlngano Simon Hlungwani u vula le swaku va seketela mapfhumbha ya xikimi xa NHI;*
- *Murhangeri wa vandla ra DA Mmusi Maimane uri swi khomisa tingana ku vona ma Afrika Dzonga va kari va hanya hansi ka vusweti endzaku ka makhume ntlanu wa malembe yaxi demokirasi. Maimane a vula leswi aka ntirho wa ku gangisa tivoti ta nhlawulo wa mani na mani tolo a ndawini ya Burgersdal evuxeni bya doroba ra Joni loko tiko ri kari ri tlangela siku ra timpfanelo ta ximunhu; and*
- *Palamende leyi yi fambisiwaka hi vandla ra Republicans ya xifunzankulu xa Georgia yi pasise nawo mbisi lowu wu alelaku vaka manana ku rhula ndwalo wa vuyimani loko dokodela a kota u vona ku ba ka mbilu."*

The Licensee complies with its news obligations.

Clause 7.2.2 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 hundred and twenty minutes (120) of current affairs programming on weekdays and sixty (60) minutes on weekends.

Munghana Lonene FM broadcast their current affairs programming during the morning breakfast show for an hour between 06H00 – 07H00 and later in the evening after the drive time show between 18H00 – 19H00. The current affairs programme “*Tiko a xi etleli*” also has one (1) hour segments on Saturday and Sunday respectively.

The Licensee complies with its current affairs obligations.

3.5.3. Programming targeted at Children

Clause 7.3.1 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 7.3.2 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 submitted that it broadcasts one hundred and thirty-five (135) minutes of children programming on a weekly basis.

The Authority’s monitoring found that the Licensee broadcasts a weekly programme called “*Pfukani*” for an average of ten (10) minutes from 09H35 which is focused on children’s’ stories.

The Licensee also broadcasts a thirty (30) minutes segment of children’s programme on Saturdays between 08H30 and 09H00, with topical issues relevant to the targeted age group and a children’s Sunday school service for fifteen (15) minutes, until 09H00.

The Authority’s monitoring exercise found that the Licensee broadcasts at least one (1) hour of children’s programming per week, during the South African Performance Period.

The Licensee complies with its children programming obligation.

3.5.4. Educational Programming

Clause 7.4 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 thirty (330) minutes of educational programming on a weekly basis. Munghana Lonene FM's main educational programme called "Tidyondzo" presented through the SABC education platform. The programme covers topics such finance, health, science and technology amongst others. The programmes are presented on weekdays after the 21H00 news until 22H00 in two (2) format splits of thirty (30) minutes per segments.

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

The Licensee complies with clause 7.4 of the schedule to its licence.

3.5.5. Drama

Clause 7.5 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 five (205) minutes of drama on a weekly basis. The Licensee broadcast its weekly daily drama series "Mhina hi mhina" between 09H15 until 09H30 for an average of fifteen (15) minutes.

The second drama programme "Ndilo vota" broadcast on weekdays after the 20H00 news for fifteen (15) minutes and the segment is related to elections. An omnibus for the main weekly drama is broadcast on Sunday after the 19H00 until 20H00.

The total average including repeats is more than two hundred (200) minutes which is more than the amount stipulated in the licence

The Licensee complies with its drama obligations.

3.5.6. Informal Knowledge Building

Clause 7.6 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 ninety (1290) minutes of informal knowledge building programming on a weekly basis⁷.

The ICASA Regulations on Local Television Content of 2016 defines knowledge building programming as programming acquired through personal experience, outside of the formal learning environments such as schools and training courses which provides information on subjects such as for examples, science, technology, health, law and citizen’ rights, religion, culture, business, finance and the natural or built environment

The Licensee broadcasts a lifestyle magazine programme which also includes religious segments on Sundays from 06H00 until 09H00 and lifestyle magazine programme on Thursday between 09H00 and 12H00. Further, they have other programmes such as “Gongomela” which is broadcast on alternative weekdays, from 22H00 until 23H00 with a focus on spirituality and religious matters on Mondays and Thursdays. The Licensee broadcasts more than four (4) hours of information knowledge building (IKB), programming.

The Licensee complies with its informal knowledge building obligations.

3.5.7. Training Skills Development Obligations

Clause 8 of the schedule to the licence provides that:

The Licensee must adopt and implement equal opportunity employment practices;

8.1 The 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 Ibid

- 8.2 *The 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*
- 8.3 *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 Licensee is in its third year of its three (3) year employment equity plan. During the period under review, the Licensee submits that it successfully implemented employment equity and transformation objectives in line with the relevant legislation which ensured that diversity and inclusion is managed in a non-discriminatory environment. The Licensee implemented various initiatives that were aligned to its employment equity plan and was intended to create awareness, to educate and to challenge employees understanding on different topics relating to diversity and inclusion.

The Licensee submitted its Employment Equity and Transformation report for the period under review. The report indicated that the Licensee made significant progress against its employment equity targets and goals as set out in the employment equity plan.

The Licensee during the period under review achieved a level two (2) BBBEE status and received a total score of 19,61 out of 20 for its Management Control/Employment equity element.

The Licensee delivered 2534 training interventions to 1567 employees during the period under review. Of the 1567 employees, 1088 was trained in accordance with the Workplace Skills Programme and 479 were trained based on operational requirements.

The Licensee submitted that 88% of employees that were trained were from the designated groups (Black, Coloured, Indian). 54,56% were females and 2,55% were employees with disabilities.

The Licensee submitted its Training and Skills Development that provides a detailed breakdown of its compliance with the above requirements, for the period under review, to the Authority for the period under review⁸.

The Licensee complies with its training and development obligations.

3.7 Provision of Audited financial statements to the Authority

Clause 9 of the schedule to the licence provides that:

“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 2018/19 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 review⁹. 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

⁸ Appendix C

⁹ Appendix C

4.2 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.

4.3. 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 MDDA and proof duly submitted to the Authority.

The Licensee complies with the Universal Service and Access Fund Regulations.

4.4. 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.

4.5. South African Music Content

Regulation 3 (1) of the ICASA South African Music Contents Regulations published on 23 March 2016 stipulates that:

"Every holder of a public sound broadcasting service licence must ensure that after eighteen (18) months from the date of gazetting of these Regulations, a minimum of 60%, increasing to 70% in the following year, 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 seventy-one percent (71%) of local music during the South African performance period. Some of the artists that were monitored include *Paston Chauke*, *Eckson Maluleke* and *Joe Shirimani* amongst others. Further, the Licensee on Fridays between 22h00 and 23H00 plays exclusively Xitsonga music. As part of their promotion of their Xitsonga music awards, the Licensee had different artists' that were interviewed on the build up to the awards and also playlist their music which contributes to the local music output.

The Licensee complies with the ICASA South African Music Content Regulations.

5. CONCLUSION

During the period under review Munghana Lonene FM was found to be fully compliant with its 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: Training and Skills Development Report;
- 6.4.** Appendix D: Complaints Report; and
- 6.5.** Appendix E: MDDA Payment.