



# **MUNGHANA LONENE FM ANNUAL COMPLIANCE REPORT**

**MARCH 2021**

## **2019/2020 ANNUAL COMPLIANCE REPORT**

### **SOUTH AFRICAN BROADCASTING CORPORATION 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 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 2019/20 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Language(s), Format, Local Content and 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 the 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 province<sup>5</sup>.

According to the Broadcast Research Council of South Africa, the listenership figures of Munghana Lonene FM for the last quarter of the period under review was 1 208 000<sup>6</sup>.

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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> [https://brcsa.org.za/brc-ram\\_listenership-report-apr19-mar20/](https://brcsa.org.za/brc-ram_listenership-report-apr19-mar20/)

### **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, with news inserts and interviews which are on other languages being translated by the presenters.

**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".*

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 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 05h55 until 06h00 with representatives from Islam, Christianity, traditional healers among others aimed at the target audience.

**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 special segment that addresses cultural and traditional matters on "Gongomela" which is broadcast once a week between 22H00 until 23H00.

**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 broadcasts their lifestyle magazine programme during weekdays between 09H00 and 12H00. The programme content is mostly made of lifestyle topics including cooking, nutrition, health matters amongst others. Furthermore, the Licensee broadcast a programme for teenagers on Saturdays between 12H30 and 13H00.

### **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 their news output on a weekly basis with an average five hundred and seventy-five (575) which equates to an average of eighty-two (82) minutes per day. The monitoring exercise confirmed that they have news bulletins from 06h00 to 22h00 with each bulletin averaging five (5) minutes in duration for a total of more than eighty (80) minutes of news per day. The following are some of the news stories identified:

- *“Holobye wa ndzawulo ya mintirho ya mfumo Patricia De Lille u byele swiro swa Palamende le swaku u yimele xiboho ku suka ka Mufambasi wa tiko Cyril Ramaphosa mayelana na makungu yo yimisa nyana mulawuri nkulu wa ndzawulo Sam Vukela ku tirha. Tolo, De Lille na vurumiwa bya ndzawulo va burisane na komiti ya tikota ta mfumo ePhalamende (Scopa) mayelana na xiviko xa lembe na lembe xa lembe ximali ra 2019/20 xa ndzawulo;*
- *Mavhengele lama kulu etikweni ya kombela vanhu ku tsika ku xavetela swilo swo tala ku tlula mpimo ematshanweni yo xava swilo leswi va swilavaka hi nkarhi wa lowo. Vanhu va le ku xaveteleni ka nhundzu yo tala leyi katsaka na swakuda hi ndlela ya xiyimo xa le henhla lava va nga le ku chaveni kuri swilo swi nga ha hela emavhengeleni hi kwalaho ka ntshikelelo wa xitsongwa tsongwana xa Corona.; and*
- *Vanhu vambiri vanwana va lovile hi xitsongwa tsongwani xa Corona eAfrika Dzonga leswi swi fikisaka nhlayu eka ntlanu wa vanhu lava nga lova hi xitswongwa tsongwana*

*lexi etikweni. Leswi swi tiyisisiwilewe hi holobye wa nzawulo ya rihanyo Zweli Mkhize ka nhlengeletano wa mahungu a Durban namutlha."*

### **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 per day on weekdays and sixty (60) minutes during the weekend.

Munghana Lonene FM broadcasts their current affairs programming before 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 an hour segments between 06H00 and 07H00 on Saturdays and between 18H00 and 19H00 on 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 programme called two kiddies programmes on alternate days of the week called "Nalibali" and "Pfukani" respectively. The programmes are broadcasts for an average of ten (10) minutes from 09H35 with a focus on children's stories and informal knowledge building content aimed at the target audience. The Licensee also broadcasts a thirty (30) minutes segment of a kiddie's programme on Saturdays between 12H00 and 12H30 and Sunday school service 06H45 on Sunday with religious content aimed at kid of the target age group.

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

### **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 broadcasts their educational programme called "Tidyondzo" presented weekdays between 21h00 and 22h00 which covers topics such finance, health, science and technology, among others.

The Licensee broadcasts 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 submitted 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, and the second drama programme broadcast after the

20H00 news for fifteen (15) minutes. An omnibus on “*Mhina hi Mhina*” is broadcast on Saturdays between 05H00 and 06H00.

The total average including repeats is more than two hundred 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 shall broadcast at least three (3) hours of informal knowledge building programming per week within the South African Performance Period”.*

The Licensee submitted that it broadcasts an average of one thousand two hundred and ninety (1290) minutes of informal knowledge building programming, on a weekly basis<sup>7</sup>.

The Licensee broadcasts religious programmes which content is defined as informal knowledge building programmes on Sundays from 06H00 until 09H00 and further between 19H00 and 21H00. Further, the Licensee broadcasts a programme such as “*Gongomela*” on alternative weekdays from 22H00 until 23H00, with a focus on spirituality and religious matters on Mondays and Thursdays, for a total of over five (5) hours of 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 service licence provides that:

- 8.1 *The Licensee must adopt and implement equal opportunity employment practices;*
- 8.2 *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;*
- 8.3 *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;*

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<sup>7</sup> [https://brcsa.org.za/brc-ram\\_listenership-report-apr19-mar20/](https://brcsa.org.za/brc-ram_listenership-report-apr19-mar20/)



*(c) Enterprise development; and*

*(d) Procurement*

*8.4 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 Licensee submitted its Employment Equity and Transformation report for the period under review (2019/2020), to the Authority. The report acknowledges the importance of diversity in the workplace and that employment equity is an imperative business driver. The Licensee implements various education and awareness campaigns with the intention to create and to maintain a respectful, inclusive and non-discriminatory workplace.

The report indicates that the management and staff of the Licensee are representative of South African demographics, including 83 employees living with disabilities. The Licensee further endeavours to ensure that females are well represented at all occupational roles and especially in decision making positions.

The Licensee through its Learning and Development department implements a workplace skills programme in alignment with the needs of the organisation. During the period under review 87% of the people that were trained were from historically disadvantaged backgrounds, with females representing 54,5% of the overall total. The total amount spent on training for the period under review was R10 332 040. The training included amongst others customer service, effective presentation skills, stress management, office administration and time management.

The report shows the extent to which historically disadvantaged people are represented throughout the organisation. Further, the Licensee has a National employment equity forum that continues to monitor and evaluate the implementation of the Licensee’s employment equity objectives.

The Licensee submitted both its Employment Equity and Transformation plan report as well as its Training and Skills Development report, that respectively provide a detailed breakdown of its compliance with the above requirements, to the Authority, for the period under review. Both reports were submitted within 30 days of the end of the financial year as required<sup>8</sup>.

**The Licensee complies with its training and skills development obligations.**

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<sup>8</sup> See Appendix C

### **3.6. Provision of Audited financial statements to the Authority**

Clause 9 of the service licence provides that:

*"The Licensee shall provide the Authority with the audited annual financial statements of the licensed service within six (6) months of the end of the Licensee's financial year, provided that the Licensee may on good cause apply to the Authority for an extension."*

The Licensee submitted its audited annual financial statements. However, due to the Covid-19 pandemic, the submission of the Licensee's audited financial statements was delayed and could not be submitted within six (6) months of the end of the Licensee's financial year and informed the Authority accordingly.

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

## **4. REGULATIONS**

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

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

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

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

### **4.3. Regulations in respect of the Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund**

Regulation 3 of the Regulations in respect of Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund (USAF), published in Government Gazette, No. 34010 dated, 10 February 2011, 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 made the prescribed payment and submitted proof thereof to the Authority.

### **The Licensee complies with Regulation 3 of the USAF 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. Phalaphala 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, 2016 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-eight (78%) percent of local music during the South African performance period. Some of the artists that were monitored include *Themba Nyathi, Sunglen, Mxadzi, Ben Mayengane* amongst others. The Licensee also invite artists for live music sessions on Sundays between 11H00 and 12H00 with some of the sessions including artists such as *Kenny Shibambu, Nolha*, among others 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 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: Training and Skills Development Report;

- 6.4.** Appendix D: MDDA Payment;
- 6.5.** Appendix E: Regulations regarding the standard terms and condition;
- 6.6.** Appendix F: Universal Service and Access Fund Regulations; and
- 6.7.** Appendix G: SA Music Content Regulations

**END**

**March 2021**