



MUNGHANA LONENE

FM

ANNUAL

COMPLIANCE REPORT

MARCH 2022

2020/2021 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BROADCASTING AS MUNGHANA LONENE

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 2020/21 financial year. Furthermore, the report will measure compliance with regulations that includes South African Music Content, Standard Terms and Conditions for Individual Licensees, Universal Service and Access Fund, General Licence Fees, Code of Conduct for Broadcasters and the ICT Covid-19 Regulations first published in April 2020 and the subsequent amendments following the proclamation of the State of National Disaster.

The ICT Covid-19 Regulations as amended have introduced exemptions with specific service licence conditions and/or revised quotas and such will be reflected in the body of the report accordingly.

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.

3. COMPLIANCE ASSESSMENT

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.

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 ICT Covid Regulations exempt Licensee's from submitting quarterly reports as stipulated in their licence terms and conditions. However, Licensees were required to keep the information and submit to the Authority upon request. The SABC submitted its quarterly reports for the period under review in line with the ICT Covid Regulations. The Reports indicated the different genres, the South African music content and programming material for the period under review.

Further, sound broadcasting Licensees were exempt from compliance with specific programming requirements and promises of performance during the National State of Disaster and thus findings on compliance with clauses under such obligations of the licence will not be determined.

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 at 05h55 until 06h00 and religious content on Sunday between 06H00 and 09H00 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 traditional matters on "Gongomela" by having a traditional healer addressing aspect of traditional medicine and herbs 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 broadcast their lifestyle magazine programme weekdays between 09H00 and 12H00. The programme content is mostly made of lifestyle topics including health and mental wellness, motivational talk, infomercials and any topical issues amongst others. Further, the Licensee broadcasts a programme for teenagers on Saturdays between 12H05 and 13H00 aimed at teenagers.

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 their weekday news output is four hundred and twenty-five (425) which equates to an average of eighty (80) minutes per day, with a weekend output of seventy-five (75) minutes. 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:

- *"Xiyenge xa tiHawks xi vula leswaku xi ta khoma vanhu vo tala mundzuku mayelana na swihello swo fambelana na manyala ya switirisiwa swa mphalalo wa ntungu wa Covid 19. Xiyenge xa tiHawks xa vulavisisi byo hlawuleka na huvo ya vutshutshisi bya tiko (National Prosecuting Authority) a swi ri emahleni ka komiti yati kota ta mpfumo SCOPA ku*

andlalela komiti vushokoshoko bya vulavusisi bya vona eka timhaka leti fambelanaka na mphalalo wa ntungu wa Covid 19.;

- *Muhlayeli wa swavurhangeri Mazwi Majola uri hambani leswi Premier wa xifindza nkulu xa Gauteng David Makhura a ti kombaka a ri ku lwisaneni na vu kungundwane, uri swinwani swa swiboho a swi tekaka swi nga endla leswaku vo tala va sola vurhangeri bya yena. Tolo Makhura u hlongole MEC Bandile Masuku endzaku ka loko shiviko xo sungula xa SIU xi kombise leswaku Masuku a nga vangeni na xandla eka migingiriko ya ku nika ka ti tender ta PPE. ; and*
- *Vandla ra WNC ri nyikiwe rasiti yo koma leswaku ri hakela mali yo ringana dzana na ntsevu wa magidi ya tirandi mayelana na rhendzo ra vurhumiwa bya vandla roya eZimbabwe laha ku tirhisiweke xihahampfuka xa masocha e xikarhi ka siku ra vunungu na vunkaye nhweti leyi yi nga hunda. Eka xiviko lexi xi nga rhumeriwa President, holobye wa vusireleli Nosiziwe Mapisa Ngcakula u hlayele mali leyi yi ngavhaka yi tirhile eka ntlangu wa swiro swa vandla."*

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 that their weekday current affairs output is six hundred (600) which equates to an average of one hundred and twenty (120) minutes per day, with a weekend output of sixty (60) minutes.

Munghana Lonene FM broadcast their current affairs programming between 06H00 – 07H00 in the morning and another edition in the evening between 18H00 – 19H00. The current affairs programme *"Tiko a xi etleli"* also has an hour segment between 06H00 and 07H00 on Saturdays and between 18H00 and 19H00 on Sunday respectively.

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 submits 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 “*Pfukani*” for an average of ten (10) minutes from 09H35 with a focus on kiddies’ stories and informal knowledge building content aimed at the target audience. The Licensee also Sunday school service at 06H45 with religious content aimed at kids of the target age group.

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

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’ broadcast their educational programme called “*Tidyondzo*” weekdays between 21h00 and 22h00 which covers topics such finance, health, science and technology amongst others. They also broadcasted a school catch up programme for different grade of learners between 14H30 until 15H00 and 20H00 and 21H00.

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

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 at 09H15 and the second drama called "Hi yena" after the 20H00 news for fifteen minutes each, for a weekly average of one hundred and fifty (150) minutes.

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 basis⁶.

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 for a total weekly output of over five (5) hours of IKB programming.

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,*

⁶ *Ibid*

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;

(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 plan report and its Training and Skills Development. The latter provides a detailed breakdown of its compliance with the above requirements to the Authority for the period under review.

These reports indicate that the Licensee has adopted and implemented equal opportunity employment practices and showed that the Licensee has remained committed to diversity and inclusion in the workplace. Its workforce represents the different groups of South African society.

The report further shows that the licensee delivered 765 training interventions for 690 employees. Of the total 690 employees, 491 were Africans, 67 were Coloureds, 41 were Indians, 91 were whites and 14 employees living with disabilities. The Licensee further endeavours to ensure that females are empowered and therefore 53,62% of the total employees trained were female. Thus, confirming that the Licensee’s policies consider the development of managerial, production, technical and other skills and expertise, particularly regarding the historically disadvantaged persons.

Fair and reasonable participation by historically disadvantaged persons is evident at all occupational levels and in decision-making positions.

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 administered 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 of 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. 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”.

It should be noted that ICT Covid 19 National Disaster Regulation published on 06 April 2020 under Minimum Standard, Regulation 4 (7) stipulates that:

“The performance period for both sound and television broadcasting shall run from 07h00 to 21h00”.

(Munghana Lonene FM submits that its broadcast an average of seventy-six (76%) percent of local music during the South African performance period. Some of the artists that were monitored include *Mr Post – Tuku Tuku, Somefree – Aku Tleleki, Joe Shirimani na Vana va Ndoda – Pepe* amongst others. The also includes interviews with artists such as *Lungisa Xhamela, Hapisto and Masallo* amongst others which contributes to the local music output.

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

5. CONCLUSION

The ICT Covid 19 National Disaster Regulation as referred to in the preface introduced exemptions and suspended specific terms and conditions in the licences and regulations and thus the compliance assessment with such conditions and regulation will be conducted in the next review wherein most of the exemption had been lifted by the subsequent amendment.

During the period under review Munghana Lonene FM complied with the service 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

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