



# **MUNGHANA LONENE FM ANNUAL COMPLIANCE REPORT**

**MARCH 2017**

# **ANNUAL COMPLIANCE REPORT FOR MUNGHANA LONENE FM**

**License 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> and the Electronic Communications Act (ECA)<sup>3</sup> and the Broadcasting Act 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 ICASA Act, the EC Act, the terms and conditions of their licence, any relevant legislation and regulation.

The report is intended to give account of Munghana Lonene FM 's compliance for the 2015/2016 financial year. Aspects of compliance that are measured comprise of the service licence's conditions of Geographic Coverage Area, Language (s), Format, Local Content Obligations, General Programming Obligations, Training and Skills Development Obligations and Provision of Audited Financial Statements. Furthermore, the report will measure compliance with regulations that includes South African Music Content Regulations, Standard Terms and Conditions for Individual Licensees, Universal Service and Access Fund Regulations, Licence Fee Regulations, Regulations on the Code on People with Disabilities and Code of Conduct for Broadcasters.

## **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 radio spectrum service to the following provinces: Gauteng, Mpumalanga and Limpopo<sup>4</sup>. According to the South African Advertising Research Foundation (SAARF), the radio station's listenership figures for the last quarter of the year under review was 1 086 000<sup>5</sup>.

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

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

<sup>3</sup> Electronic Communications Act No 36, 2005

<sup>4</sup> See Appendix A

<sup>5</sup> <http://www.saarf.co.za/>

### **3. COMPLIANCE ASSESSMENT**

#### **3.1. Geographic Coverage**

Clause 2 of the service licence provides that:

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

According to the frequency spectrum licence, the radio station covers the areas of Gauteng, Mpumalanga and Limpopo with transmission sites in Hoedspruit, Johannesburg, Louis Trichardt, Nelspruit, Potgietersrus, Pretoria, Punda Maria and Tzaneen in order to cover the areas specified herein<sup>6</sup>.

**The Licensee was found to be in compliance with clause 2 of its licence.**

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

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

*"Principal Language: Xitsonga".*

Munghana Lonene FM broadcasts primarily in Xitsonga. There are segments especially in news sound bites and current affairs wherein English is used due to the source of the stories, but the presenters do provide a translation. The same goes for interviews where the guest is non-Tsonga speaking.

**The Licensee was found to be in compliance with clause 3 of the licence.**

#### **3.3 Format**

Clause 4.1 of the service licence provides that:

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

Clause 4.2 of the service licence provides that:

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<sup>6</sup> See Appendix A



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

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

**The Licensee was found to be in compliance with clause 4.1 and 4.2 of 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 Licensee 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 2015 – June 2015***

<b><i>Content/ Genre</i></b>	<b><i>ICASA Quota (Minutes Daily/Weekly)</i></b>	<b><i>Munghana Lonene FM's Provision (Minutes Daily/Weekly)</i></b>
<i>News</i>	<i>60 min (Daily)</i>	<i>85 mins (Daily)</i>
<i>Current Affairs</i>	<i>60 min (Daily)</i>	<i>575 min (Weekdays)</i>

		60 min (Saturdays) 60 min (Sundays)
Information Knowledge Building	180 min (Weekly)	1735 min (Weekly)
Education	300 min (Weekly)	330 min (Weekly)
Children	60 min (Weekly)	80 min (Weekly)
Drama	150 min (Weekly)	225 min (Weekly)

**Second Quarter: July 2015- September 2015**

<b>Content/ Genre</b>	<b>ICASA Quota (Minutes Daily/Weekly)</b>	<b>Munghana Lonene FM's Provision (Minutes Daily/Weekly)</b>
News	60 min (Daily)	85 min (Daily)
Current Affairs	60 min (Daily)	575 min (Weekdays) 60 min (Saturdays) 60 min (Sundays)
Information Knowledge Building	180 min (Weekly)	1735 min (Weekly)
Education	300 min (Weekly)	330 min (Weekly)
Children	60 min (Weekly)	80 min (Weekly)
Drama	150 min (Weekly)	225 min (Weekly)

**Third Quarter October 2015 – December 2015**

<b>Content/ Genre</b>	<b>ICASA Quota (Minutes Daily/Weekly)</b>	<b>Munghana Lonene FM's Provision (Minutes Daily/Weekly)</b>
News	60 min (Daily)	93 min (Daily)
Current Affairs	60 min (Daily)	575 min (Weekdays) 60 min (Saturdays) 60 min (Sundays)
Information Knowledge Building	180 min (Weekly)	1255 min (Weekly)
Education	300 min (Weekly)	770 min (Weekly)
Children	60 min (Weekly)	80 min (Weekly)
Drama	150 min (Weekly)	225 min (Weekly)

**Fourth Quarter January 2016 – March 2016**

<b>Content/ Genre</b>	<b>ICASA Quota (Minutes Daily/Weekly)</b>	<b>Munghana Lonene FM's Provision (Minutes Daily/Weekly)</b>
News	60 min (Daily)	88 mins (Daily)
Current Affairs	60 min (Daily)	575 min (Weekdays) 60 min (Saturdays) 60 min (Sundays)
Information	180 min (Weekly)	1255 min (Weekly)

<i>Knowledge Building</i>		
<i>Education</i>	<i>300 min (Weekly)</i>	<i>770 min (Weekly)</i>
<i>Children</i>	<i>60 min (Weekly)</i>	<i>80 min (Weekly)</i>
<i>Drama</i>	<i>150 min (Weekly)</i>	<i>210 min (Weekly)</i>

### **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 Christian related programmes on Sunday mornings comprised of sermons from different pastors of different congregations together with gospel music from 05h30 until 09h00. Further, the Licensee broadcasts morning devotions on Mondays until Saturdays around 05h50 and inspirational and bereavements sermons after the funeral announcements on weekdays before 21h00 amongst others.

There a few segments on different programmes that address African culture and way of living without getting much into the religious aspect of it. It should be noted that Munghana Lonene's programming does not reflect the diversity of the South African religion since it only focuses only on Christian related content.

**Accordingly, it is the Authority's assessment that the Licensee does not fully comply with clause 6.1.1 of its licence.**

Clause 6.1.2 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."*

The Authority's monitoring confirmed that Munghana Lonene FM programming schedule caters for cultural and traditional needs of the primary audience. There is a weekly programme called "*Ripfumelo ra Ndzavuko*" broadcast between



22h00 and 23h00 with a discussion of cultural practises by an expert on the issue with participation by listeners through comments and questions.

**The Licensee was found to be in compliance with clause 6.1.2 of 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 comprises content that includes current affairs programmes that educational programme that addresses health related, gender issues, culture and religious matters and other related matters for all the age groups.

**The Licensee was found to be in compliance with clause 6.1.3 of 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 82 minutes of news daily every hour from 06h00 to 22h00. The news bulletins are approximately 5 minutes in duration and include local, national and international news. It should be noted that at times the SABC lodges an application for exemption to comply with certain obligations in the event of coverage of sporting events during the week and weekends.

The Authority's monitoring exercise confirms that the licensee broadcasts 80 minutes of news during weekdays and 70 minutes on weekends. The following are some of the news stories identified:

- *"Huvo nkulu ya vandla ra ANC yiti lulamisele ku kanela hi mhaka leyi ya nhlangeletano leyi yinga ta khomeriwa eIrene e Centurion namuntla. Naswona nhlangeletano wutava kona tani hi leswi ku nga na ku thsukiselano mahlo exikarhi ka swiro swa vandla. Swiviko swikomba leswaku xikongomelo xo vaka ndangu waka Gupta va ngenelela eka ku thoriwa ka swiro swa Palamennde hi leswi swinga pfunaka ku va olovela na ku va vuyeriwa hi tlelo ra mabindzu";*
- *"Phuresidende Jacob Zuma u fikile entsinda wa doroba ra Fura eLyon ku rangela emahleni nhlangeletano ya commission ya nhlango wa matiko yatishaka leyi yi langutanaka na mintirho ya xienge xa rihanyo na ku ndhandhamuka ka economy. Puresidende Zuma na ntanga yakwe hi ntirho wa tiko ra Fura Francois Hollande va hlawuriwe hi matsalani nkulu wa UN Ban Ki Moon kuya rhangela emahlweni commission. Puresidende Zuma u ta tlela a va na minkanerhisano ya le xihundleni na Puresidende Hollande".*
- *"Maphorisa ya tiyisisile le swaku yile ku suhi swinene na ku khoma muehleketeriwa e ka nandu wa ku dlawa ka khale ka nwatipala tlelo kapteni wa xipanu xa Orlando Pirates Senzo Meyiwa. Meyiwa u baleseriwile a lovha a ndlwini ya mhana nwana wakwe xiyimbelerile Kelly Khumalo e Vosloorus e Gauteng hi lembe ra magidi mbirhi na khume mune. Maviki mabirhi lawa ya hundeke, xiyenge xa Hawks na xipano xa vativi va yile endlwini leyi ava hlanganile na Khumalo na ndisana yakwe Zandi lava a vhari e ndlwini hi siku lerhi mhangu yo dlawa yi nga humelela hi rona."*

**The Licensee was found to be in compliance with clause 6.2.1 of its licence.**

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."*

The Licensee's quarterly submission indicate that the radio station broadcasts a minimum of 575 minutes of current affairs programming on weekdays and 60 minutes during the weekends.

Munghana Lonene broadcasts their current affairs programme "*Tiko a xi etleli*" from 06h00 until 07h00 and again between 18h00 and 19h00 weekdays. The weekend editions comprise a broadcast on Saturday between 06h00 and 07h00 and between 18h00 until 19h00 on Sundays. The Licensee also broadcasts "*Afrika wa vulavula*" on weekdays between 12h00 and 13h00 which has guests discussing topical issues with listeners' interaction. During the period in review, The Licensee broadcast an average of 3 hours of current affairs on weekdays and 60 minutes over the weekends.

**The Licensee was found to be in compliance with clause 6.2.2 of 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 during the period under review it broadcast 80 minutes of children programming on a weekly basis<sup>7</sup>.

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<sup>7</sup> See Appendix B

Munghana Lonene broadcast weekly magazine programmes called “*Nal’ibali*” and “*Takalani Sesame*” after the 09h30 news headlines for an average of 10 minutes which includes educational dramas with messages related to the age groups stipulated in the licence. Another programme called “*Endlela Mabonelo ya Wena*” broadcast on Saturdays between 12H00 until 12H30 which is an interactive programme with studio participation of kids of the age group of up to 12 years. The programme also has experts on different files to discuss and advise on the topic of the day.

Further, the Licensee also broadcasts a programme on Sunday’s school format programme from 07h45 until 08h00 aimed at children in a church environment with teaching related to their age group and singing of church hymns from different kids at different churches.

In total, 90 minutes of children’s programming was monitored. The programmes were broadcast at the times when the children would be able to listen. Such programmes were made from their point of view.

**The Licensee was found to be in compliance with clause 6.3.1 of 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”.*

Munghana Lonene FM submitted that they broadcast 770 minutes of educational programming on a weekly basis<sup>8</sup>. The Licensee through SABC education broadcasts different educational programme weekdays from Monday until Thursday after the 21h00 news until 22h00 in two thirty minute segments dealing with different topics in different days.

The programmes schedule deals with commerce and finance and educators support on Mondays; Health matters and learners support on Tuesdays, Legal

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<sup>8</sup> See Appendix B

and Civic education on Wednesdays with Thursday dedicated to Science and technology and learners support. The segment about learner support also include preview of different career paths that learners can study and pursue. The programme always has guests who are experts on the topic of the day with listener's interaction.

In total, more than 5 hours of educational programming was monitored.

**The Licensee was found to be in compliance with clause 6.4 of 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 210 minutes of drama on a weekly basis<sup>9</sup>. Munghana Lonene FM broadcasts its drama programmes as follows:

- "Mhina hi mhina", broadcast between 11:45 until 12h00 for an average of 15 minutes;
- "Vulavuleka phela", broadcast after the 20h00 news until 20h15 for an average of 10 minutes;
- "Mhina hi Mhina" is repeated on Sundays between 10h45 until 11h45.

In total, 185 minutes which equates to 3 hours of local drama was monitored.

**The Licensee was found to be in compliance with clause 6.5 of their licence.**

### **3.5.6 Informal Knowledge Building Programmes**

Clause 6.6 of the schedule to the licence provides that:

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<sup>9</sup> See Appendix B

*"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 a total of 1255 minutes of informal knowledge building programming on a weekly basis<sup>10</sup>. The following programmes were identified as some of the informal knowledge building programmes broadcast by Munghana Lonene FM:

- *"Dzumba na Mina"* which is a midday actuality programme broadcast weekdays between 13H00 and 15H00 deals with lifestyle, gender based, health and empowerment topics;
- *"Teen Zone"* broadcast on Saturdays between 12h30 until 13h00- a participatory programme dealing with youth related matters.
- *"Youth ke Yona"* which deals with youth related matters in terms of societal issues, youth unemployment and inspirational talk. The Licensee broadcast more than 3 hours of information knowledge building programming which would also include some of the educational programming.

**The Licensee was found to be in compliance with clause 6.6 of its licence.**

### **3.6.7 Training and Skills Development Obligations**

Clause 7 of the schedule to the licence stipulates as follows:

- 7.1 *The Licensee must adopt and implement equal opportunity employment practices;*
- 7.2 *The Licensee must ensure that its management and staff are representative of South African society and that its human resource policies takes into account the development of managerial, production, technical and other skills and expertise, particularly with regard to the historically disadvantaged persons;*

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<sup>10</sup> Ibid

7.3 *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*

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”.*

As at the end of the 2015/16 financial year, the SABC submitted that they employed at least 85% black people in its staff complement while 48% in that number were female employees. Black people dominate the Licensee’s employment statistics in the management echelon at 77%, while females at management level are at 43.5%. In addition, 2% of the overall staff complement within the Licensee are people with disabilities. The SABC boasts of an award received from the Department of Labour in recognition of its Employment Equity practices.

In terms of training, the Licensee reports of having trained at least 1933 employees in the year under review. The statistical breakdown of these training interventions show that at least 88% of SABC’s trained personnel were people from previously disadvantaged backgrounds.

**The Licensee was found to be in compliance with clause 7 of its licence.**

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

Clause 8 of the licence stipulates 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 for the 2015/2016 financial year within the stipulated timeframe. The AFS indicate that the Licensee generated revenue of R7 978 841 000 and incurred a loss of R411 605 000.

**The Licensee was found to be in compliance with clause 8 of 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>11</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).

For the year under review, the Authority did not receive any complaint against the radio station on non-compliance with licence terms and conditions.

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

Clause 3.1 (a) of the Code on People with Disabilities as published in the Government Gazette, no 30441, 7 November 2007, states that:

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

Clause 3.1 (b) stipulates that:

*"Options for making broadcasting services more accessible may include the following:*

- i. Improve and/or increase subtitles and sign language;*

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<sup>11</sup> Appendix C



- ii. *Expand knowledge on various adjustments such as induction loops, Minicom/text phones and alternatives computer software;*
- iii. *Access to programme support such as fact sheet;*
- iv. *Website to offer a range of formats (such as electronic versions, Braille and audiotape);*
- v. *Use of spoken languages where economic indicators, weather details, telephone numbers and addresses or details of goods and services are shown on-screen; and*
- vi. *Use of non-scheduled services such as access via Personal Video Digital Recorders (PVR's) and TV anytime".*

Clause 3.1 (c) states 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".*

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 1.90% of the entire workforce as some employees left the organisation and as a result the

organisation did not meet its target of 2%. The SABC reported that 58% of all employees with disabilities are female and 77% are black. 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 has demonstrated that it complies with the Code on People 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 provides 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 USAF contribution to MDDA, and the proof of payment was submitted to the Authority.

**The Licensee was found to be in compliance with the regulations in respect of Universal Service and Access Fund.**

#### **4.5 South African Music Content**

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".*

The Licensee broadcasts an average of 70% South African music. Some of the local artists that are regularly play listed include Candy, Joe Shirimani Na Vana va Ndoda, Limpopo Roots, Connie Chauke amongst others. They also have a music chart show on Saturdays from 07h00 until 10h00 with predominantly South African music as well as interviews with artists such as Myza which contributes to their local music content.

**The Licensee was found to be in compliance with regulation 3.2 of the South African Music Content Regulations.**

## **5. CONCLUSION**

During the period under review Munghana Lonene FM complied with most of its licence terms and conditions and relevant regulations. The main issue that the Licensee should address is how they integrate other religious beliefs rather than focusing on Christianity only.

## **6. TERMS OF REFERENCE**

### **6.1 Appendix A: Munghana Lonene FM 's Service licence**