

2011/12 ANNUAL COMPLIANCE REPORT

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,¹ the Broadcasting Act,² the ICASA Act of 2000,³ and the Electronic Communications Act (“EC Act”) of 2005⁴ to regulate broadcasting activities in South Africa in the public interest. The Authority is tasked with ensuring compliance by broadcasters with the ICASA Act, the EC Act, the terms and conditions of their licence and any relevant legislation and regulations.

The following report is intended to give account of Munghana Lonene FM's compliance for 2011/2012 financial year. Aspects of compliance that are measured comprise of the Format, Local Content Obligations, General Programming Obligations, Training and Skills Development Obligations, Finances, South African Music Content Regulations, Standard Terms and Conditions, Universal Service and Access Fund Regulations and Licence Fee Regulations.

2. BACKGROUND

Munghana Lonene FM is an Individual Public Sound 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 Provinces (*See broadcasting service licence and spectrum licence attached as Appendix A*). According to the South African Advertising Research Foundation's (SAARF), the radio station's

¹ The Constitution No, 108 of 1996,

² The Broadcasting Act No, 4 of 1999

³ The ICASA Act No, 13 of 2000,

⁴ The Electronic Communications Act No, 36 of 2005

listenership figures for the last quarter of the year under review was 1 135 000⁵.

3. COMPLIANCE ASSESSMENT

3.1 Geographic Coverage

Clause 2 of the 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 following areas: Hoedspruit, Johannesburg, Louis Trichardt, Nelspruit, Potgietersrus, Pretoria, Punda Maria and Tzaneen (*See Appendix A*). The Licensee confirms that its coverage area is as defined in its frequency spectrum licence.

The Licensee complies with clause 2 of its licence.

3.2 Language(s)

Clause 3 of the licence provides that Munghana Lonene FM's language of broadcast is as follows:

"Principal Language is Xitsonga".

Munghana Lonene FM broadcasts in various dialects of Xitsonga.

The Licensee complies with clause 3 of its licence.

3.3 Format

⁵ <http://www.saarf.co.za/>

Clause 4.1 and 4.2 of the licence provides that:

"(1) The service authorised by this licence forms part of the public service division of the licensee" and (2) "The licensed service shall be a full-spectrum service".

Munghana Lonene FM is categorised as a public radio station of the SABC and offers a full-spectrum service to its audience, as outlined in the licence. This was confirmed during the Authority's monitoring exercise.

The Licensee complies with clauses 4.1 and 4.2 of its service licence.

3.4 Local Content Obligations

Clause 5 of the schedule to the licence provides that:

"The Licensee shall submit quarterly reports to the Authority which shall include the licensee's compliance measured on:

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 5h00 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 submitted its quarterly reports for the period under review. The reports are reflective of a week's sample for each quarter. The SABC is of the view that it is unlikely that programming would change in a week. The figures were verified during the Authority's monitoring, from the recordings submitted by the radio station (See Appendix B).

First Quarter: April 2011 – June 2011

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Munghana Lonene FM's Provision (Minutes Daily/Weekly)	Munghana Lonene FM's Compliance (%)
News	60min (Daily)	80 min (Weekdays) 80 min (Saturdays) 75 min (Sundays)	133% 133% 125%
Current Affairs	60min (Daily)	115 min (Weekdays) 60 min (Saturdays) 60 min (Sundays)	192% 100% 100%
IKB	180min (Weekly)	1565 min (Weekly)	2608%
Education	300min (Weekly)	420 min (Weekly)	140%
Children	60 min (Weekly)	420 min (Weekly)	700%
Drama	150min (Weekly)	160 min (Weekly)	106%

Second Quarter: July 2011- September 2011

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Munghana Lonene FM's Provision (Minutes Daily/Weekly)	Munghana Lonene FM's Compliance (%)
News	60min (Daily)	80 min (Weekdays) 80 min (Saturdays) 75 min (Sundays)	133% 133% 125%
Current Affairs	60min (Daily)	115 min (Weekdays) 60 min (Saturdays) 60 min (Sundays)	192% 100% 100%
IKB	180min (Weekly)	1055 min (Weekly)	586%
Education	300min (Weekly)	360min (Weekly)	120%
Children	60 min (Weekly)	180 min (Weekly)	300%
Drama	150min (Weekly)	175 min (Weekly)	117%

Third Quarter October 2011 – December 2011

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Munghana Lonene FM's Provision (Minutes Daily/Weekly)	Munghana Lonene FM's Compliance (%)
News	60min (Daily)	70 min (Weekdays) 70 min (Saturdays) 65 min (Sundays)	116% 116% 108%
Current Affairs	60min (Daily)	115 min (Weekdays) 60 min (Saturdays) 60 min (Sundays)	192% 100% 100%
IKB	180min (Weekly)	1195 min (Weekly)	663%
Education	300min (Weekly)	330 min (Weekly)	110%
Children	60 min (Weekly)	180 min (Weekly)	300%
Drama	150min (Weekly)	160 min (Weekly)	106%

Fourth Quarter January 2012 – March 2012

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Munghana Lonene FM's Provision (Minutes Daily/Weekly)	Munghana Lonene FM's Compliance (%)
News	60min (Daily)	80 min (Weekdays) 80 min (Saturdays) 75 min (Sundays)	133% 133% 125%
Current Affairs	60min (Daily)	115 min (Week Days) 60 min (Saturdays) 60 min (Sundays)	192% 100% 100%
IKB	180min (Weekly)	1165 min (Weekly)	647%
Education	300min (Weekly)	330 min (Weekly)	110%
Children	60 min (Weekly)	180 min (Weekly)	300%
Drama	150min (Weekly)	155 min (Weekly)	103%

The above quarterly submissions indicate compliance by Munghana Lonene FM with the set quotas during the 2011/2012 financial year.

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".

The SABC's editorial policy provides that:

"Religious programmes should take account of regional factors, target audiences, language and cultural preferences, and the devotional needs of specific groups".

Munghana Lonene FM broadcasts religious content dominated wholly by Christian related content. As in the Christian religion, the programmes are broadcast on Sunday mornings and include sermons by priests from different church denominations. Although Munghana Lonene FM's religious programmes only focus on one facet of religion, that is Christianity, pastors are from different Christian denominations with different beliefs. The religious programmes are in line with the SABC's editorial policy.

The Licensee complies 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".

Munghana Lonene FM's target audience is primarily the Xitsonga speaking people. The Authority's monitoring confirmed that the radio station's programming line-up caters for cultural and traditional needs of its audience.

"Ripfumelo ra Ndavuko", which is broadcast on Thursdays after the 22h00 news bulletin or subsequent to the broadcast of eulogies for an average of twenty minutes, deals with cultural beliefs and traditions. The programme invites cultural experts and traditional healers, to engage and interact on the topic of the day that is related to the culture of the Tsonga people.

The Licensee complies 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 is comprised of a variety of material that has due regard for the interest of all South Africans from health to political and economic related issues. Some of these programmes are discussed in detail under educational, informal knowledge building and children's programmes.

The Licensee complies 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 eighty (80) minutes of news weekdays and eighty (80) and seventy five (75) minutes on Saturdays and Sundays respectively (See Appendix B). The Authority's monitoring confirmed that Munghana Lonene FM broadcasts news every hour on the hour from 06h00 to 22h00 on weekdays. On weekends news is broadcast from 06h00 until 22h00.

Headlines news is broadcast every half hour from 05H30 to 21h30. The news bulletins are approximately five (5) minutes in length and include local, national and international news. Eight five (85) minutes of news was monitored during weekdays and seventy (70) minutes was monitored on weekends. The following are some of the news stories identified:

- *"Seventeen people have died after an accident between a minibus taxi and a truck in the early hours near Belfast in Mpumalanga. Most of the passengers in the taxi were burned beyond recognition. The taxi was travelling from Mozambique enroute Johannesburg whilst the truck carrying meat was travelling from Johannesburg to Mpumalanga. Spokesperson for the public safety department Jacob Mabuza says the truck dragged the taxi a few metres before both vehicles caught fire";*

- *"Cabinet is still adamant that tolling in Gauteng freeways will go ahead even though they were protests against the move. Minister in the Presidency Collins Chabane says that government will still engage relevant stakeholder to explain the steps taken to ease of the financial burden of the tolls such as a subsidy by government and also exemption of mini bus taxis and buses";*
- *"Journalist and ordinary members of the public are demonstrating at the ANC headquarters at Luthuli House in Johannesburg. This was in protest of the proposed Secrecy Bill which is to be voted today in the National Assembly. One placard reads, "Hands of our democracy"; and*
- *"ANC chief whip Mathole Motshekga says that those who are not in favour of the Protection of State Information Bill have failed to use the time that Parliament has allocated for public comment and consultation. He says that a majority of the people are happy".*

The Licensee complies 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 quarterly reports submitted by the SABC indicate that the radio station broadcasts one hundred and fifteen (115) minutes of current affairs programming on weekdays and sixty (60) minutes on Saturdays and Sundays during performance period.

The Authority's monitoring confirmed that Munghana Lonene FM broadcasts current affairs programmes. *"Tiko a xi etleli"* is broadcast Mondays to Saturdays between 06h00 and 07h00 and Sundays between 18h00 and 19h00. The duration of the programmes is one (1) hour.

In total, eight (8) hours of current affairs programming was monitored.

The Licensee complies 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) 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 quarterly reports submitted by the SABC indicate that the radio station broadcasts a minimum of one hundred and eighty (180) minutes of children programming on a weekly basis (See Appendix B).

During the period under review, the Authority's monitoring confirmed that during the weekly magazine programme called "*Gingirikani*" broadcast between 09h05 and 11h45, there is a segment dedicated to children between 09h30 and 10h00.

The presenter invites children to call in for approximately ten (10) minutes and allow them to send birthday wishes, dedications and have a brief conversation on issues related to them.

Another programme "State Your Mind" is broadcast on Sundays just after the 13h30 news headlines until 14h00. This is an interactive programme with studio participation by the invited and also includes a guest to address the varying topics and offer advice accordingly.

Munghana Lonene FM broadcasts programmes that cater for the different age groups as outlined in section 10 (1) (g) of the Broadcasting Act. However, the midweek programme is broadcast at the time when most children are at school.

An average of hundred and twenty (120) minutes (2 hours) of programming targeted at children, was monitored during the South African performance period.

The Licensee has complied with clauses 6.3 (1) and 6.3 (2) 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".

The quarterly reports submitted by the SABC indicate that the radio station broadcasts a minimum of three hundred and thirty (330) minutes of educational programming on a weekly basis.

During the period under review, the Authority's monitoring confirmed that the SABC together with different government departments and private companies have educational programmes from Mondays to Thursdays dealing with different educational topics. The topics range from financial matters to science. These are interactive programmes. The following are some of the educational programmes identified:

"Be financially Smart" broadcast on Mondays;

"Learner support" broadcast on Tuesdays;

"Justice on the airwaves" in conjunction with the Department of Justice broadcast on Wednesdays; and

"Science and Technology" broadcast on Thursdays.

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

The Licensee complies 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 quarterly reports submitted indicate that the radio station broadcasts a minimum of one hundred and fifty five (155) minutes of drama on a weekly basis.

The Authority's monitoring exercise confirmed that the radio station broadcasts drama programmes. *"Mhina hi mhina"* is one of the drama programmes identified. The programme is broadcast on weekdays between 11h50 and 12h00 and in the evenings between 19h50 and 20h00. On Sundays, there is an omnibus of all the week's episodes after the 12h00 news bulletins. The omnibus lasts for approximately one hour. During this drama programme, the radio station intersperse amongst others, with English and a Sepedi dialect spoken in the Bulobedu area.

In total, two and half hours (2 hours 30 minutes) of local drama programming was monitored.

The Licensee complies 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:

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

The quarterly reports submitted indicate that the radio station broadcasts a minimum one thousand and fifty five (1065) minutes of informal knowledge building programming on a weekly basis.

The Authority's monitoring exercise identified the following programmes as some of the informal knowledge building programmes broadcast by Munghana Lonene FM:

"Afrika wa vulavula", broadcast on weekdays between 20H05 and 21h00 which deal with topical issues of the days, from current affairs and any topical events;

"Gogo Getters", broadcast on Sundays between 13h05 and 13h30.

"Teen Zone" broadcast on Saturdays between 12h30 until 13h00 which deals with youth related matters.

In total, an average of eight hundred (800) minutes (13 hours 20 minutes) of informal knowledge building programming was monitored.

The Licensee has complied with clause 6.6 of its licence.

3.5.7 Training and Skills Development Obligations

Clause 7 of the schedule to the licence provides 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;

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”.

The SABC submitted a skills development and training report of the entity as a whole, indicating that its management and staff are representative of South African society. The SABC submits that it is in the process of vetting information which relates to its implementation of equal opportunity employment practices. This information will detail the SABC’s management and control structures and procurement allocations. The information will be submitted as soon as the process is complete.

The Licensee further submits that Skills Development is not only a national priority, but that of the SABC at large. The Licensee submits that the technological landscape that keeps on evolving calls for the SABC to continually equip its employees with the necessary skills in order to remain competitive and

sustainable. The Licensee states that in the year 2011/12, there have been a number of positive developments in response to the myriad challenges posed by the change in technology (migration from analogue to a digital space). The SABC submits that more than half of the total SABC employee population (2049) was trained in the respective divisions/clusters. Furthermore, its total expenditure on training amounted to twenty two million, nine hundred and eight thousand, seven hundred and sixty three rand (R22, 908, 763) spread across various divisions for 4612 interventions which included Learnerships/Internships. Of the 2049 employees that were trained, 47% are females and 53% are males.

Further, the SABC states that a total of 93 new bursaries were awarded in 2011/2012, bringing a total number of bursaries to 231, which includes bursaries awarded under the SABC foundation. According to SABC, the amount invested to maintain these new and existing bursaries was three million two hundred thousand rand (R3, 200 000); and were awarded in line with the critical and scarce skills identified within the broadcast industry (*See Appendix C*).

The Licensee complies with clause 7 of its licence.

3.5.8 Provision of Audited Financial Statements to the Authority

Clause 8 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 SABC submitted its Audited Financial Statements for the 2011/12 financial year within the stipulated timeframe.

The Licensee has complied with clause 8 of the schedule to its licence.

4. REGULATIONS

4.1 South African Music Content Regulations

The Regulations on South African Music Content as published on 31 January 2006 provide that:

"Every holder of a public sound broadcasting licence to which these regulations apply must ensure that after eighteen months of gazetting of these regulations, a minimum of forty percent (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 a minimum of forty five percent (45%) local music during the South African performance period. Some of the artists that were monitored include George Maluleke, General Muska, Thomas Chauke and Matswa Bemuda. There is also a programme called "*Timintsu ta Xitsonga*" between 07h05 and 08h00 on Saturdays which profiles local Xitsonga artists and play their music from their latest release. Some of the artists that were profiled and interviewed include Morris Tshabalala and Sunglen Tshabalala amongst others.

Another programme that was monitored include "*Mindzhumba ya Afrika*" broadcast from 10h05 until 12h00 on Saturdays which plays local and African music. Another programme that plays exclusively Xitsonga music is "*Xiseveseve*" broadcast on Saturdays after the 22h00 news until 23h00 was identified. All of these programmes contribute to the Licensee's South African music content.

The Licensee complies with the South African Music content regulations.

4.2 Standard Terms and Conditions for Individual Licensees

During the period under review, the Authority did not identify any non-compliance by Munghana Lonene FM with the Standard Terms and Conditions for Individual Licensees.

4.3 Universal Service Access Fund

Regulation 3 (1) of the Universal Service Access Fund dated 10 February 2011 Gazette no: 34010 provides that:

"every holder of a licence granted in terms chapter 3, 4 and/or 9 or converted in terms of chapter 15 of the act, must pay an annual contribution of 0.2% annual turnover to the Fund."

Regulation 3 (2) of the Universal service Access Fund provides that:

"a BS licensee who has paid an annual contribution to the MDDA must set off that contribution against its USAF contribution against which it is set off are for the same financial-year".

The Licensee paid its annual contribution fee of eight million fifty seven thousand, seven hundred and fifty two rand (R 8, 057 752. 00) to the fund and received confirmation of payment in a form of a Section 18A certificate from the MDDA.

The Licensee submitted proof of payment to the Authority in March 2012.

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 Public Broadcasting Services and is thus exempted from paying licence fees.

5. CONCLUSION

During the period under review Munghana Lonene FM complied with its licence terms and conditions and relevant regulations.

6. APPENDICES

Appendix A: Munghana Lonene FM's Service and Frequency Spectrum licence

Appendix B: SABC Quarterly Reports

Appendix C: Training and Skills Development Report

Appendix D: South African Content Music Regulations

Appendix E: Standard Terms and Conditions for Individual Licensees

Appendix F: Universal Service Access Fund Regulations

Appendix G: General Licence Fees Regulations