



MUNGHANA LONENE FM ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/2018 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION BROADCASTING AS MUNGHANA LONENE FM

Licence 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 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 2017/2018 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Language(s), Format, Local Content Obligations, General Programming Obligations, Training and Skills Development Obligations, Finances, Regulations on the Code on People with Disabilities, South African Music Content Regulations, Regulations regarding Standard Terms and Conditions, Regulations in respect of Prescribed Annual Contributions of Licensees to The Universal Service and Access Fund and General Licence Fees Regulations.

2. BACKGROUND

Munghana Lonene FM is an Individual Broadcasting Service Licensee of the South African Broadcasting Corporation (SABC). The radio station's mandate is to provide a full spectrum radio service to the Gauteng, Mpumalanga and Limpopo provinces⁵. According to the Broadcast Research Council of South Africa, the listenership figures for the last quarter of the period under review was 914 000⁶.

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 Appendix A

⁶ <https://brcsa.org.za/brc-ram-radio-listening-oct17-mar18-jan18-jun18/>

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".

The Authority has not received any reports suggesting the Licensee broadcasts outside the defined coverage area. The Licensee's signal distributor is Sentech.

The Licensee complies with clause 2 of the licence.

3.2. Language(s)

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

"Principal Language: XITSonga".

The Licensee's main language of broadcast is as per the service licence, and when there is content that uses another language the presenters are able to translate the contents thereof to the language of broadcast.

The Licensee complies with the language of broadcast.

3.3. Format

Clause 4.1 of the licence provides that:

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

Clause 4.2 of the licence 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 5 of 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 SABC submits its quarterly reports in accordance with the template and frequency as 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 obligation⁷.

First Quarter: April – June 2017

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Munghana Lonene FM's Provision (Minutes Daily/Weekly)
News	60 min (Daily)	85 min (Weekdays) 70 min (Saturdays) 70 min (Sundays)
Current Affairs	60 min (Daily)	110 min (Weekly) 60 min (Saturdays) 60 min (Sundays)
Informal Knowledge Building	180 min (Weekly)	1485 min (Weekly)
Education	300 min (Weekly)	360 min (Weekly)
Children	60 min (Weekly)	80 min (Weekly)
Drama	150 min (Weekly)	225 min (Weekly)

Second Quarter: July – September 2017

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Munghana Lonene FM's Provision (Minutes Daily/Weekly)
News	60 min (Daily)	85 min (Weekdays) 75 min (Saturdays) 75 min (Sundays)
Current Affairs	60 min (Daily)	115 min (Week Days) 60 min

⁷ Appendix B

		(Saturdays) 60 min (Sundays)
Informal Knowledge Building	180 min (Weekly)	1240 min (Weekly)
Education	300 min (Weekly)	330 min (Weekly)
Children	60 min (Weekly)	135 min (Weekly)
Drama	150 min (Weekly)	205 min (Weekly)

Third Quarter: October – December 2017

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Munghana Lonene FM's Provision (Minutes Daily/Weekly)
News	60 min (Daily)	83 min (Weekdays) 75 min (Saturdays) 75 min (Sundays)
Current Affairs	60 min (Daily)	440 min (Week Days) 60 min (Saturdays) 60 min (Sundays)
Informal Knowledge Building	180 min (Weekly)	1240 min (Weekly)
Education	300 min (Weekly)	330 min (Weekly)
Children	60 min (Weekly)	95 min (Weekly)
Drama	150 min (Weekly)	205 min (Weekly)

Fourth Quarter: January – March 2018

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Munghana Lonene FM's Provision (Minutes Daily/Weekly)
News	60 min (Daily)	85 min (Weekdays) 75 min (Saturdays) 75 min (Sundays)
Current Affairs	60 min (Daily)	600 min (Week Days) 60 min (Saturdays) 60 min (Sundays)
Informal Knowledge Building	180 min (Weekly)	1280 min (Weekly)
Education	300 min (Weekly)	330 min (Weekly)
Drama	150 min (Weekly)	205 min (Weekly)

3.5. GENERAL PROGRAMMING OBLIGATIONS

3.5.1.General

Clause 6.1.1 of the licence provides that:

"The licensee shall ensure that its programming adequately reflects the diversity of South Africa's Religion".

Munghana Lonene FM broadcasts weekday morning devotions from 05h55 until 06h00 which is mainly of Christianity and Muslim faith. Furthermore, the Licensee dedicates its Thursday edition to a programme called "Gongomela" broadcast between 22H05 and 23H00 where different topics are discussed from faith-based perspectives with clerics and/or experts from Muslim, Christianity and African culture.

The Licensee complies with clause 6.1.1 of the licence.

Clause 6.1.2 of the licence provides that:

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

The Licensee through their specialist programme on "Gongomela" broadcast weekdays between 22H05 and 23H00 has certain days wherein the focus is purely on African cultural and tradition with an expert to engage the listeners' on the topic of the day.

The Licensee complies with clause 6.1.2 of the licence.

Clause 6.1.3 of 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 broadcast a lifestyle and magazine programme called "Gingirikani" which has content related to nutrition and health related content mainly aimed at women. The topic of discussion on the programme is inclusive as much as possible to all age groups.

The Licensee complies with clause 6.1.3 of the licence.

3.5.2. News and Current Affairs

Clause 6.2.1 of 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 on average eighty-five (85) minutes of news daily. The monitoring exercise found that the radio station broadcast news bulletins from 06h00 until 22h00 with each bulletin being on average of five (5) minutes, for an overall total of more than seventy-five (75) minutes of news on weekdays. The weekend bulletins get affected by sports programming but it's always more than the required sixty (60) minutes. The following are some of the news stories identified:

- *"Muvulavuleri wa vandla ra ANC Zizi Kodwa u sole swinene madzolonga lawa ya veke kona ka siku ra vumbiri ra nhlengeletano wa vandla ra ANC wa vunhungu waku hlawula vurhangeri eEastern Cape la makume mbiri wa swiro swinga vaviseka. Lewi swive kona nkari lowu mutshami wa xitulu wa vandla Phumulo Masualle na matsalani wa xifundza nkulu Oscar Mabuyane a va phikizanela xivandla xa mutshama xitulu;*
- *Tidyondzo ti tava ta ha yimisiwe eUniversity ya Cape Town exifundza nkulu xa Western Cape. Leswi swi ta e ndaku ka mapfumba wa machudeni wo kombisa ku vilela lowunga sungula viki le ri hundzeke. Hambi swi ri tano, mu vulavuleri wa University Elijah Moholola u vula leswaku machudeni va ti dyondo ta le ka xiyenge xa rihanyo na mabindzu vataya e mahlweni na ku dyondza namutla"; and*
- *Va aka tiku va Zimbabwe va le ku tlangeleni ka ntirho wo hlambanyisa President wa tiko ra Zimbabwe Emmerson Mnangagwa. Vahlonipheki va swiyimo swale henhla ku katsa na murangeri wa vandla ra MDC Morgan Tsvangirai se va fikile a revaleni ra mintlangu a Harare."*

The Licensee complies with clause 6.2.1 of the licence.

Clause 6.2.2 of 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 one hundred and twenty (120) minutes of current affairs programming on weekdays and sixty (60) minutes during the weekend.

The Authority's monitoring confirmed that Munghana Lonene FM broadcasts its current affairs programme *"Tiko a xi etleli"* between 06h00 and 07h00 and an evening edition of the same programme between 18h00 and 19h00 weekdays. The weekend edition is

broadcasts on Saturday after the 06h00 news until 07h00 and after the 18h00 news on Sundays until 19h00 respectively.

The Licensee complies with clause 6.2.2 of the licence.

3.5.3. Programming targeted at Children

Clause 6.3.1 of 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 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 Authority's monitoring confirmed that the Licensee broadcasts a weekly programme called "Nalibali and Takalani Sesame" with the content aimed at children of the target age for an average of ten (10) minutes from 09H35. On Sundays, they broadcast a religious programme aimed at children of the target age between 07H50 and 08H00 with a focus Christianity teachings and counsel.

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

The Licensee complies with clause 6.3.1 and 6.3.2 of the service licence.

3.5.4. Educational Programming

Clause 6.4 of 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 an average of three hundred and thirty (330) minutes of educational programming on a weekly basis. The monitoring exercise confirmed

that the Licensee broadcasts specialised educational programmes weekdays after the 21H00 news until 22H00 called "Tidyondzo" in partnership with SABC education. There is a focus on different topics on different days and the show is broadcast in two segments in the hour to cater for specific topic such as commerce, financial matters, legal advice, educator's development, amongst others.

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

The Licensee complies with clause 6.4 of the licence.

3.5.5.Drama

Clause 6.5 of 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 it broadcasts two hundred and ten (205) minutes of drama on a weekly basis. The monitoring exercise confirmed that the Licensee broadcasts a drama series "Mhina hi mhina" between 11:45 until 12h00 for an average of fifteen (15) minutes, and the second drama broadcast weekdays after the 20H00 news for fifteen (15) minutes. There is also a drama omnibus on Sunday from 09H05 until 10H00.

The total average of minutes including repeats is two hundred and five (205) which to more than three (3) hours.

The Licensee complies with clause 6.5 of the licence.

3.5.6.Informal Knowledge Building

Clause 6.6 of 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 forty (1240) minutes of informal knowledge building programming on a weekly basis.

The Licensee broadcasts religious programmes on Sundays from 06H00 until 09H00 which with non-formal educational programmes such as "Youth ke yona" broadcast on Sundays between 11h05 and 12H00 and Saturdays between 10H05 and 11h00 form part of informal knowledge building programmes. The Licensee broadcasts more than five (5) hours of information knowledge building programming.

The Licensee complies with clause 6.6 of the licence.

3.5.7. Training Skills Development Obligations

Clause 7 of the licence provides that:

- 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 take 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 Licensee has developed an Employment Equity Plan to assist the Licensee to be an equal opportunity employer. The Licensee met all its targets regarding the plan except for female representation. Female representation however increased to 49,82% since the last reporting period.

The SABC submitted a training and skills development report indicating that its management and staff is representative of South African society. Further, for the period under review 87% of its employees are from designated groups.

The SABC states that its Learning and Development delivery during the period under review was slow due to financial constraints and that the delivery was on urgent and critical needs of the organisation. The SABC submits that under the period of review, it delivered 701 training interventions to 515 employees. Of the 515 employees that were trained, 379 were trained in accordance with the SABC's Work Skills Plan and 136 were trained based on operational requirements.

Further, the majority of these employees were from designated groups which 87% were black, 49,5% were female and 1,75% were persons with disabilities.

According to the Licensee's report on its Annual Employment Equity and Skills Development plan, the Licensee strives for the creation of an "equitable working environment, in which the dignity of all individuals is respected, and the diversity of all employees are valued." In this report, the SABC further advances that at least 86% of their overall staff complement are Black people; while 78% of its management are people from historically disadvantaged backgrounds.

The Licensee further submits that it intends to adhere to its BBBEE obligations and remains committed to contributing to the growth of the South African Economy through the empowerment of previously disadvantaged individuals. The Licensee submitted its Training and Skills Development Plan to the Authority for the period under review⁸.

The Licensee complies with its training and skills development obligations.

3.7 Provision of Audited financial statements to the Authority

Clause 8 of the schedule to the service licence provides that:

"The Licensee shall provide the Authority with the audited annual financial statements of the licensed service within four (4) months of the end of the licensee's financial year, provided that the licensee may on good cause apply to the Authority for extension".

The Licensee submitted its Audited Financial Statements (AFS) for the 2017/18 financial year

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

4. REGULATIONS

4.1. Code on People with Disabilities

Clause 3.1 (a) of the Code on People with Disabilities 2007⁹, states that:

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

⁸ Appendix C

⁹ as published in the Government Gazette, no 30441, 7 November 2007

The SABC conducted different campaigns to encourage disability declarations for the reasonable accommodation of employees with disabilities. Further, accessibility audits were conducted and the SABC has started to implement the audit findings to ensure that the physical workplace is accessible for persons with disabilities.

Clause 3.1 (c) of the licence 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".

During the period under review, the Licensee conducted the SABC National Disability Committee quarterly meetings to monitor and evaluate progress against its Disability mainstreaming objectives. The Licensee hosted National Disability Rights Awareness Month from 3 November until 3 December. During this period the SABC created internal disability awareness.

The following were some of the disability awareness campaigns hosted by the Licensee:

- National Bind Buddy Day;
- 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 career exposure initiatives through its Take A Girl To Work initiative that focused on scholars with disabilities.

The SABC also reported that employees with disabilities represent 2.34%, an increase from the previous reporting period. Employees with disabilities are employed on different occupational levels with majority representation on the Skilled, Technical and academically qualified levels.

Further, Producers are encouraged to establish relationships with organisations for people with disabilities to use for content when the need arises.

To improve the representation of employees with disabilities, the SABC's recruitment efforts will remain targeted. The SABC also intend to accelerate disability declaration

campaigns that will aid in the improvement of employees with disability representation as well as providing reasonable accommodation.

The Licensee complies with the Code on People with Disabilities.

4.2. 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).

The Licensee complies with the Code of Conduct for Broadcasting Services.

4.3. Regulations regarding Standard Terms and Conditions for Individual Broadcasting Licensees

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

4.4. Universal Service and Access Fund Regulations

Regulation 3 of the USAF Regulations stipulates that:

- (1) *"Every holder of a licence granted in terms of Chapters 3, 4 and/or 9 or converted in terms of Chapter 15 of the Act, must pay an annual contribution of 0.2% of its Annual Turnover to the Fund".*
- (2) *"A BS licensee who has paid an annual contribution to the MDDA must set off that contribution against its USAF Contribution, provided that the MDDA contribution and the USAF contribution against which it is set off are for the same financial year".*

The Licensee paid its annual contribution to the USAF and proof was duly submitted to the Authority¹⁰.

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

¹⁰ Appendix E

4.5. 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.

4.6. South African Music Content Regulations

The Authority has on 23 March 2016 published ICASA South African Music Contents Regulations which repealed ICASA South African Music Content regulations published on 31 January 2006. The regulations were to be effective eighteen (18) months after publication i.e. 23 September 2017 which falls within the period under review. The quotas were revised from 40% to the 60% for public sound broadcasting services.

Regulation 3 (1) of the ICASA South African Music Contents Regulations 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 submits that it broadcasts an average of seventy-five (75%) percent of local music during the South African performance period which was confirmed during the monitoring exercise. Some of the artists that were monitored include *Thomas Chauke na Shinyori Sisters, Benny Mayengani, HIV Makhense and Dj Maphorisa* amongst others.

The Licensee complies with the South African Music Content Regulations.

5. CONCLUSION

During the period under review Munghana Lonene FM was found to be fully 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: Form 10: Munghana Lonene FM's Quarterly Reports;**
- 6.3. Appendix C: Training and Skills Development Report; and**
- 6.4. Appendix E: MDDA Payment.**