



# **PHALAPHALA FM ANNUAL COMPLIANCE REPORT**

**MARCH 2018**

## **2016/2017 ANNUAL COMPLIANCE REPORT FOR PHALAPHALA 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 Constitution<sup>1</sup>, the ICASA Act<sup>2</sup>, the Electronic Communications Act<sup>3</sup> (ECA) and the Broadcasting Act<sup>4</sup> to regulate broadcasting activities in South Africa in the public interest. One of the main tasks of the Authority, is to ensure compliance by broadcasters with the terms and conditions of their licence, and any relevant legislation and regulations.

The purpose of the report is to give an account of Phalaphala FM's compliance with the terms and conditions as set out in its licence for the 2016/2017 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 For 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**

Phalaphala FM is an Individual Broadcasting Service Licensee of the South African Broadcasting Corporation (SABC). The radio station's mandate is to provide a full spectrum radio service to the Gauteng, Mpumalanga and Limpopo province<sup>5</sup>. According to the Broadcast Research Council of South Africa, the listenership figures for the last quarter of the period under review was 785 000<sup>6</sup>.

### **3. COMPLIANCE ASSESSMENT**

#### **3.1 Geographic Coverage**

Clause 2 of the licence provides that:

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

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

<sup>3</sup> Act No. 36 of 2005.

<sup>4</sup> Act No. 4 of 1999.

<sup>5</sup> See Appendix A

<sup>6</sup> <http://www.brcsa.org.za/brc-ram-radio-listening-jul-16-dec-16-oct-16-mar-17/>

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

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

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

*"Principal Language: Tshivenda".*

Phalaphala FM broadcasts primarily in Tshivenda. For news extract and interviews with non-Tshivenda speaking guests, the presenters always provide translation in the principal language of broadcast.

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

### **3.3 Format**

Clause 4.1 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 4.2 of the schedule to the service provides that:

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

Phalaphala 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 was found to be in compliance with clause 4.1 and 4.2 of the schedule to 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 SABC submits its quarterly reports in accordance with the template and frequency provided in the Compliance Procedure Manual Regulations. It should be noted that the SABC applies for exemption to comply with certain obligations during the coverage of sporting events or any other event of national interest which might affect their compliance with certain obligation.

#### **First Quarter: April – June 2016**

<b>Content/ Genre</b>	<b>ICASA Quota (Minutes Daily/Weekly)</b>	<b>Phalaphala FM's Provision (Minutes Daily/Weekly)</b>	<b>Phalaphala FM's Compliance (%)</b>
News	60 min (Daily)	96 min (Daily)	160%
Current Affairs	60 min (Daily)	600 min (Weekly) 60 min (Saturdays) 60 min (Sundays)	1000% 100% 100%
Informal Knowledge Building	180 min (Weekly)	2595 min (Weekly)	1442%
Education	300 min (Weekly)	350 min (Weekly)	117%
Children	60 min (Weekly)	150 min (Weekly)	250%
Drama	150 min (Weekly)	205 min (Weekly)	137%

#### **Second Quarter: July – September 2016**

<b>Content/ Genre</b>	<b>ICASA Quota (Minutes Daily/Weekly)</b>	<b>Phalaphala FM's Provision (Minutes Daily/Weekly)</b>	<b>Phalaphala FM's Compliance (%)</b>
News	60 min (Daily)	91 min (Daily)	152%
Current Affairs	60 min (Daily)	600 min (Week Days) 60 min (Saturdays) 60 min (Sundays)	1000% 100% 100%
Informal Knowledge Building	180 min (Weekly)	2575 min (Weekly)	1430%

<b>Content/ Genre</b>	<b>ICASA Quota (Minutes Daily/Weekly)</b>	<b>Phalaphala FM's Provision (Minutes Daily/Weekly)</b>	<b>Phalaphala FM's Compliance (%)</b>
Education	300 min (Weekly)	350 min (Weekly)	117%
Children	60 min (Weekly)	150 min (Weekly)	250%
Drama	150 min (Weekly)	205 min (Weekly)	137%

### Third Quarter: October – December 2016

<b>Content/ Genre</b>	<b>ICASA Quota (Minutes Daily/Weekly)</b>	<b>Phalaphala FM's Provision (Minutes Daily/Weekly)</b>	<b>Phalaphala FM's Compliance (%)</b>
News	60 min (Daily)	91 min (Daily)	152%
Current Affairs	60 min (Daily)	600 min (Week Days) 60 min (Saturdays) 60 min (Sundays)	1000% 100% 100%
Informal Knowledge Building	180 min (Weekly)	2595 min (Weekly)	1442%
Education	300 min (Weekly)	350 min (Weekly)	117%
Children	60 min (Weekly)	150 min (Weekly)	250%
Drama	150 min (Weekly)	175 min (Weekly)	117%

### Fourth Quarter: January – March 2017

<b>Content/ Genre</b>	<b>ICASA Quota (Minutes Daily/Weekly)</b>	<b>Phalaphala FM's Provision (Minutes Daily/Weekly)</b>	<b>Phalaphala FM's Compliance (%)</b>
News	60 min (Daily)	82 min (Daily)	137%
Current Affairs	60 min (Daily)	600 min (Week Days) 60 min (Saturdays) 60 min (Sundays)	1000% 100% 100%
Informal Knowledge Building	180 min (Weekly)	2595 min (Weekly)	
Education	300 min (Weekly)	350 min (Weekly)	117%

<b>Content/ Genre</b>	<b>ICASA Quota (Minutes Daily/Weekly)</b>	<b>Phalaphala FM's Provision (Minutes Daily/Weekly)</b>	<b>Phalaphala FM's Compliance (%)</b>
Children	60 min (Weekly)	150 min (Weekly)	250%
Drama	150 min (Weekly)	175 min (Weekly)	117%

### **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".*

Phalaphala FM broadcasts daily morning devotions from 05h45 until 06h00 and dedicates the Thursday mid-morning magazine show to faith focus related content including music. Furthermore, there is a segment called "Lutendo" on alternative Sunday's broadcasts between 19H00 and 20H00 which focus on religion, from Muslim scriptures and Christianity amongst others.

**The Licensee complies with clause 6.1.1 of the schedule to 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."*

Phalaphala FM's target audience is primarily the Tshivenda speaking people and they cater for tradition and cultural aspect of their audience. The Licensee introduced a specialised programme called "vhufa hashu" which was broadcast on Fridays as a segment on the afternoon current affairs programme "Tshiko" from 12H00 until 13Hh00 focusing on the Vhavenda culture, history and traditions.

**The Licensee complies with clause 6.1.2 of the schedule to 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”.*

Phalaphala FM’s programme content reflects the issues affecting South Africans such as the one’s presented in partnership with SABC education which focus on health, finance and legal matters and other informal knowledge building programmes.

**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 ninety (90) minutes of news daily with news bulletins from 06h00 to 22h00. The news bulletins are approximately five (5) minutes in duration and include local, national and international news. The following are some of the news stories identified:

- *Mufaragwama wa kale wa lihora livhusi la African National Congress Vho Matthews Phosa vha khou ita khuwelelo ya uri President Jacob Zuma vha bve tshiduloni. Izwi zwi khou tevhela khatulo ya mulovha nga khothe ya ndayotewa ya uri Phuresidennde na Phalamennde vho pfuka ndayotewa ya shango nga u nyadza themendelo dza mutsireledzi wa tshitshavha malugana na u vusuludziwa ha mudi wa Phuresidennde Nkandla vunduni la Kwazulu Natal;*
- *Vha muhasho wa vhulimi fhano Limpopo vha ri a vha tshena masheleni a u thusa vho rabulasi vho kwameaho kha gomelelo fhano vundini. Vundu la Limpopo ndi linwe la mavhundu o kwameaho vhukuma. Zwo rali, muambeli wa muhasho vho Sipho Dikgale vha ri masheleni a u thusa vho rabulasi o fhela, fhedzi vha do humbela manwe kha muhasho wa gwama wa lushaka.”; and*
- *Phalamennde ya la Greece yo rwela tari mulayo wa uri tshavhi dzine dza khou dzhena shangoni lavho u bva shangoni la Turkey dzi humiswe. Nga musumbuluwo tsavhi dza tshivhalo dzi do humiselwa Turkey. Fhedzi zwo ralo, mazhendendi a u thusa vhadzulapo vha khou vhilaedzwa ngauri tshavhi dzi nga vha dzi sa khou fariwa zwavhudi.”*

**The Licensee complies with clause 6.2.1 of the schedule to 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."*

Phalaphala FM submits that they broadcast a minimum of six hundred (600) minutes of current affairs programming on weekdays and sixty (60) minutes during the weekend.

The Authority's monitoring confirmed that Phalaphala FM broadcasts its current affairs programme "Ndevhe Tsini" weekdays in two editions, one in the morning from 06h00 and 07h00 and the second one in the evening between 18h00 and 19h00. The Licensee broadcasts the same programme over the weekend with all the editions between 06H00 and 07h00. The Licensee also broadcast a weekly current affairs format show called "Tshiko" which deals with current affairs matters and other topical issues with experts and analysts engaged on those topics with listeners' interaction as well. The Licensee broadcasts more than sixty minutes of current affairs daily.

**The Licensee complies with clause 6.2.2 of the schedule to 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 it broadcasts hundred and fifty (150) minutes of children programming on a weekly basis.

The Authority's monitoring confirmed that the Licensee broadcasts a weekly programme called "Nal'ibali" for an average of ten (10) minutes at 11H15 which is focused on folklore



storytelling and another programme called “Denzhe” broadcasts once a week starting 14H10 until 14H30 focusing on specific topics related to the target audience with guests to address the matter and engage with the target audience. The total minutes of the children’s programming monitored was over an hour on a weekly basis.

**The Licensee complies with clause 6.3.1 of the schedule to 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 Licensee submits that it broadcasts three hundred and fifty (350) minutes of educational programming on a weekly basis. The Licensee through SABC’s education desk broadcasts a variety of specialised educational programmes and educational features on other programmes.

Phalaphala FM broadcasts specialised educational programmes weekdays after the 20H00 news until 21H00. The format of the specialised programmes is that they have two segments each day for thirty minutes to focus on a specific topic such as financial and learners support amongst others. They always have an experts to address the topics of the day with listener’s interaction. They also broadcast Teen Zone and “Vhaswa ndi vhone” on Saturday between 11h00 and 12H00 aimed at youth education with a focus on different topical matters.

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

**The Licensee complies with clause 6.4 of the schedule to 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 two hundred and five (205) minutes of drama on a weekly basis. The Licensee broadcasts two drama programmes called “Ndi yone mini yeneyi” and “Ndi mulambatai, ito la khuhu” weekdays at 05H35 for five (5) minutes and

at 13h15 for fifteen (15) minutes respectively with repeats at 20H45. They also have drama programming after 14h30 on the midday current affairs show Tshiko on different days of the week with a certain focus on financial and labour related matters.

The total average including repeats is around hundred and seventy-five (175) which is more than the amount stipulated in the licence.

**The Licensee complies clause 6.5 of the schedule of their licence.**

### **3.5.6 Informal Knowledge Building**

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 Licensee submits that it broadcasts an average of two thousand five hundred and seventy-five (2575) minutes of informal knowledge building programming on a weekly basis<sup>7</sup>.

The Licensee broadcasts religious programmes on Sundays from 07H00 until 09H00 and during the mid-morning segments of the programme "Nne na vhone" which is a magazine programme with a special focus on spiritual theme on Thursday aimed at women. Both religion and non-formal educational programmes are categorised under informal knowledge building programmes. The Licensee broadcasts more than five (5) hours of information knowledge building programming when we include some of the educational programming.

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

### **3.5.7 Training Skills Development Obligations**

Clause 7 of the schedule to the licence provides that:

*7.1 The Licensee must adopt and implement equal opportunity employment practices;*

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<sup>7</sup> Ibid

*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; and*

*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 training and skills development report indicating that its management and staff is representative of South African society. Further, for the period under review there was reasonable participation by historically disadvantaged people with respect to its management and skills development.

The SABC ensured that the learning and development needs are strategically aligned to business needs to bring about positive business impact and increases in the productivity level at large.

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 submits that it has exceeded most of the quotas prescribed by its licence conditions. However, the Licensee submits that it is unable to reach their 50% target of females in the organisation. The Licensee fell short by less than 1% from reaching this

target as it is currently sitting on 49.14%. Although 78% of females in management are black.

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<sup>8</sup>.

**The Licensee complies with clause 7 of the schedule to its licence.**

### **3.7 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 Licensee submitted its Audited Financial Statements (AFS) for the 2016/17 financial year as required by clause 8 of the schedule to its licence.

**The Licensee complies with clause 8 of the schedule to 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>9</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).

**The Licensee complies with the Regulations regarding the Code of Conduct for Broadcasting Services Licensees.**

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<sup>8</sup> Appendix C

<sup>9</sup> Appendix C

## **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, stipulates that:

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

Clause 3.1 (c) stipulates 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 2.13% 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: Code for Persons with Disabilities to use for content when the need arises.

**The Licensee complies with the Code for Persons 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 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 subsequent to negotiations with the MDDA to pay the USAF in two instalments and proof duly submitted to the Authority.

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

### **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. Phalaphala FM is part of the SABC's Public Broadcasting Services and is exempt from paying licence fees.

### **4.6 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".*

Phalaphala FM plays an average of eighty percent (80%) local music during the South African performance period. Some of the artists that were monitored include Black Coffee, Colbert Mukwevho, Faceboy feat Sedzi, Tshivhangwaho na Dzatsha amongst others. Furthermore, the Licensee broadcasts "*Muimbi wa vhege*" which features the artist of the week broadcast on Sunday from 09h00 until 10H00 and playing music from the latest album.

**The Licensee was found to be in compliance with regulation 3.1 of the South African Music Content Regulations.**

## **5. CONCLUSION**

During the period under review Phalaphala FM was found to be fully compliant with licence terms and conditions and applicable Regulations.

## **6. TERMS OF REFERENCE**

- 6.1** Appendix A: Phalaphala FM's Service licence;
- 6.2** Appendix B: Phalaphala FM's Quarterly Reports;
- 6.3** Appendix C: Form 12A of the Compliance Procedure Manual Regulations;
- 6.4** Appendix D: Training and Skills Development Report;
- 6.5** Appendix E: Complaints Report; and
- 6.6** Appendix F: MDDA Payment