



PHALAPHALA FM ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/2018 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION BROADCASTING AS 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 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 Phalaphala 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 Regulations 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 province⁵. According to the Broadcast Research Council of South Africa, the listenership figures for the last quarter of the period under review was 901 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 See 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 did not receive reports suggesting the Licensee broadcasts outside the defined coverage area.

The Licensee complies with clause 2 of its service licence.

3.2. Language(s)

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

"Principal Language: Tshivenda".

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

The Licensee complies with its language of broadcast.

3.3. Format

Clause 4.1 of the schedule to 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 schedule to the service licence 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 complies with its format.

3.4. Local Content Obligations

Clause 5 of the schedule to the service 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 Regulations⁷. 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 2017

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Phalaphala FM's Provision (Minutes Daily/Weekly)
News	60 min (Daily)	85 min (weekdays) 75 min (weekends)
Current Affairs	60 min (Daily)	600 min (Weekdays) 60 min (Weekends)
Informal Knowledge Building	180 min (Weekly)	2620 min (Weekly)
Education	300 min (Weekly)	350 min (Weekly)
Children	60 min (Weekly)	150 min (Weekly)
Drama	150 min (Weekly)	175 min (Weekly)

Second Quarter: July – September 2017

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Phalaphala FM's Provision (Minutes Daily/Weekly)
News	60 min (Daily)	85 min (Daily) 75 min (weekends)
Current Affairs	60 min (Daily)	600 min (Week Days) 60 min (Weekends)
Informal Knowledge Building	180 min (Weekly)	2620 min (Weekly)
Education	300 min (Weekly)	350 min (Weekly)
Children	60 min (Weekly)	150 min (Weekly)
Drama	150 min (Weekly)	175 min (Weekly)

⁷ Appendix B

Third Quarter: October – December 2017

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Phalaphala FM's Provision (Minutes Daily/Weekly)
News	60 min (Daily)	60 min (Daily) 75 min (weekends)
Current Affairs	60 min (Daily)	600 min (Week Days) 60 min (Weekends)
Informal Knowledge Building	180 min (Weekly)	2595 min (Weekly)
Education	300 min (Weekly)	350 min (Weekly)
Children	60 min (Weekly)	150 min (Weekly)
Drama	150 min (Weekly)	175 min (Weekly)

Fourth Quarter: January – March 2018

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Phalaphala FM's Provision (Minutes Daily/Weekly)
News	60 min (Daily)	60 min (Daily) 75 min (weekends)
Current Affairs	60 min (Daily)	120 min/600 (Week Days) 60 min (Saturdays) 60 min (Sundays)
Informal Knowledge Building	180 min (Weekly)	2610 min (Weekly)
Education	300 min (Weekly)	350 min (Weekly)
Children	60 min (Weekly)	150 min (Weekly)
Drama	150 min (Weekly)	175n (Weekly)

3.5. GENERAL PROGRAMMING OBLIGATIONS**3.5.1 General**

Clause 6.1.1 of the schedule to the service licence provides that:

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

The Licensee broadcasts a show on alternative Sundays called "Lutendo" between 19H05 and 20H00 with a focus on faith related content from a Christian perspective and African culture and tradition.

The Licensee complies with clause 6.1.1 of the licence.

Clause 6.1.2 of the schedule to the service 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 it caters for traditional and cultural aspect of its audience. The Licensee broadcasts a show on Sundays called *"Vhurereli ha hashu"* which touches on the target audience's customs and traditions amongst others. Furthermore, the Licensee has an annual competition with the focus on traditional dances which it reports as needed to preserve the culture and tradition of its target audience.

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".

Phalaphala FM's broadcasts a lifestyle and magazine show weekdays from 09h05 until 12H00 called *"Nne na vhone"* with content that focus on health and lifestyle matters for both men and women for the target 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 an average of ninety (90) minutes of news daily. The monitoring exercise confirmed that the Licensee has news bulletins from 06h00 to 22h00 with each bulletin averaging five (5) minutes. On average, eighty (80) minutes of news is broadcast each day, during the South African performance period. The following are some of the news stories identified:

- *"Muhasho wa pfunzo dza fhasi uri u do thoma mbekanya mushumo ine ya do thusa vhagudiswa vha grade ya vhufumi na vhuvhili u funzwiwa mushumo we vha kundelwa u guda lwa vhege nna dzo fhiraho nga nnthani ha u valiwa ha tshumelo vhuponi ha Vuwani nga vhadzulapo. Vhagudiswa vha matric vha fhiraho tshigidi na madana matanu vho kwamea. Muambell vha muhasho vho Elijah Mhlanga vha ri mbekanya mushumo I do thoma matshelo;*
- *Vha dzangano la Mapholisa la SAPU vha ri vha khou vhilaedzwa nga zwine Minister wa muhasho wa Mapholisa vho Fikile Mbalula vha dzulela u shumisa malpfi a si avhudi musi vha tshi khou amba na lushaka. Vha dzangano vha ri vho Mbalula a vha tei u tou semana u sumbedza uri vho di emisela u swika gai u lwa na vhutshinyi; and*
- *Vhathu vho dzula vho vhea mato mukanoni Beit Bridge tsini na Musina vunduni la Limpopo musi huna mivhigo yo fhambanaho malugana na zwine zwa khou bvelela shangoni la Zimbabwe."*

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."

Phalaphala FM submits that it complies with the minimum requirement for current affairs per day during the South African Performance Period. The Authority's monitoring confirmed that Phalaphala FM broadcasts its current affairs programme "Ndevhe Tsini" weekdays in the morning from 06h00 until 07h00 and later in the evening between 18h00 and 19h00. The weekend current affairs programmes are broadcast between 06h00 and 07h00.

Furthermore, Phalaphala FM broadcasts a current affairs format show weekday called "Tshiko" with analysis on topical issues and news updates amongst others. The show has a call-in segment wherein listeners would comment on the topic of the day. The Licensee broadcasts more than sixty (60) minutes of current affairs daily.

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 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 and another programme called "Denzhe" broadcasts on Fridays starting 14H10 until 14H30. Over the weekend, they broadcast a show called "State your mind" between 14H30 and 15H00 which aimed at the target age group. 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 of the 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 three hundred and fifty (350) minutes of educational programming on a weekly basis. The educational content is presented through SABC's education desk.

Phalaphala FM broadcasts educational programmes weekdays after the 20H00 news until 21H00. The educational programmes are presented in two 30 minutes segments with

topics being discussed including finance, legal matters, education and learners support 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 one hundred and seventy-five (175) minutes of drama on a weekly basis. The Licensee broadcasts two drama programmes weekly with the first drama broadcast at 05H35 for five (5) minutes called "Ndi yone mini henei" with a repeat episode at 10H10 and a second drama broadcast called "Phulu I re na thunda" between 13H15 until 13H30 with a repeat episode from 21H45 until 22H00.

The total average of two hundred (200) minutes including repeats was monitored.

The Licensee complies 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 two thousand five hundred and ninety-five (2595) minutes of informal knowledge building programming on a weekly basis.

The definition of knowledge building programming includes amongst others religion, culture and health related content. The Licensee broadcasts religious programmes on Sundays from 07H00 until 10H00 and faith-based content on Sunday from 19H00 until 21H00 with a focus on different denomination of Christianity and also a focus on African culture and tradition respectively.

The Licensee complies with clause 6.6 of the licence.

3.5.7 Training Skills Development Obligations

Clause 7 of the schedule to the service 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 the report, the SABC further submits 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 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 2017/2018 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".

The SABC conducted different campaigns to encourage disability declarations for the reasonable accommodation of employees with disabilities. Further, accessibility audits

⁸ Appendix C

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

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) 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 Regulations regarding the Code of Conduct for Broadcasting Services Licensees.

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 MDDA and proof was duly submitted to the Authority¹⁰.

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

¹⁰ Appendix D

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

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".*

Phalaphala FM plays an average of seventy-three (73%) percent of local music during the South African performance period. Some of the artists that were monitored include *Emmanuel Mamphogoro, Paul Mulaudzi, Colbert Mukwevho, Worthvee* amongst others. Furthermore, the Licensee broadcasts "*Nambi ya dzinambi*" on Sundays between 10H05 and 12H00 with a focus on traditional Venda music and also interviews local artists such as *Avhaphani Ramovha, Bomo* amongst others.

The Licensee complies with 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: Form 10: Phalaphala FM's Quarterly Reports;**
- 6.3 Appendix C: Training and Skills Development Report; and**
- 6.4 Appendix D: MDDA Payment**