



PHALAPHALA FM ANNUAL COMPLIANCE REPORT

MARCH 2020

2018/2019 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BROADCASTING AS PHALAPHALA FM

Licence Period: 18 December 2018 - 17 December 2028

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 2018/2019 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

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 778 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-listenership-report-oct18-mar19/>

3. COMPLIANCE ASSESSMENT

3.1 Geographic Coverage

Clause 3 of the schedule to the service 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 3 of its service licence.

3.2 Language (s)

Clause 4 of the schedule to the service licence provides that the language of broadcast is as follows:

"Principal Language: tshiVenda".

The Licensee's primary language of broadcast is as per the licence condition. Wherein there is content that has been sourced from the central SABC news content in English or other news services and interviews for any of the programmes in any of the languages, the presenters would translate the contents to the principal language of broadcast.

The Licensee complies with its language of broadcast.

3.3 Format

Clause 5.1 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 5.2 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 of content to the listeners as outlined in the service licence. This was confirmed during monitoring of the radio station's programming profile.

The Licensee complies with its format.

3.4 Local Content Obligations

Clause 6 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 6.1 different genres; and

Clause 6.2 the 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 for 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.

3.5 GENERAL PROGRAMMING OBLIGATIONS

3.5.1 General

Clause 7.1.1 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".

Phalaphala FM broadcast Christian religion content on Thursday on the Lifestyle programme "Nne na Vhone" and morning devotion on weekdays before "Ndevhe Tsini" which a current affairs programme. Furthermore, the Licensee dedicates three (3) hours of programming between 07H00 and 10H00 on Sundays to Christian related programming including bible studies and gospel music.

The Licensee complies with clause 7.1.1 of the schedule to its service licence.

Clause 7.1.2 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."

⁷ Appendix B

The Licensee broadcasts a show on Sundays called “*Vhurerei ha hashu*” with a focus on the Vhavenda people’s customs and traditions. As part of playing a role in social cohesion and culture preservation for their target audience, Phalaphala FM has partnered with other organisations, to host an annual traditional dance competition with some of the content being broadcast on the radio station.

The Licensee complies with clause 7.1.2 of the schedule to its service licence.

Clause 7.1.3 of the schedule to the service 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 programme on weekdays from 09h05 until 12H00 called “*Nne na vhone*” with content that focus on health and lifestyle matters. The presenter would invite in studio guests to discuss various topical issues and allow listeners to engage with the in-studio guest.

The Licensee complies with clause 7.1.3 of the schedule to its service licence.

3.5.2 News and Current Affairs

Clause 7.2.1 of the schedule to the service 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 eighty-five (85) minutes of news daily. The news output for weekdays and weekends differ by at least three (3) to five (5) minutes, due to live sports content dominating the weekends’ programming.

The monitoring exercise confirmed that the Licensee broadcasts news bulletins from 06h00 to 22h00 with each bulletin averaging five (5) minutes for a total of more than eighty (80) minutes. The following are some of the news stories identified:

- *“Minister wa muhasho wa mapholisa Vho Bheki Cele vho thola vho Victor Senna sa muhulwane o tou farelaho kha tshiimiswa tshi todulusaho vhutshinyi vhuno itiwa nga mapholisa tsha IPID. Zwi khou ralo huna nndwa ya mulayo ine muhulwane wa tshiimiswa wa kale Vho Robert McBride na vhanwe vhanwe vha khou itela khaedu*

tsheo ya komiti ya muhasho wa mapholisa phalamendeni vhe vha tikedza tsheo ya Vho Cele ya u sa vusuludza thendelelano ya mushumo ya vho McBride;

- Vha muta wa mugudiswa wa minwaha ya fumi tahe tshikoloni tsha nntha tsha Mondeor we a thavhiwa a vhulwa nga lavhuraru vha ri vhulamukanyi a vhungo vha fara zwone. Izwi zwi khou tevhela zwe ha vhofhololwa vhahumbulelwa vhararu malugana na bulayo lenelo uri vha vhe vha nga fhasi ha thogomelo ya vhabebi vhavho.; and*
- Vha Africa Change Academy vho ana u sa do tikedza fhungo la uri bannga khulwane ya Reserve Bank I langwe nga muvhuso. Lihoro ili lo dzivhadza zwipikwa zwa khetho li Mthatha vunduni la Eastern Cape. Kha zwipikwa zwalo, lihora la ACA lo fulufhedzisa u dovha na shango lo fhovholowaho kha vhuada line la dovha na nyaluwo ya ikonomi, pfunzo ya mahala u bva kha murele wa fhasisa u ya na university khathihi na tshumelo ya mutakalo yo khwinifhadzeaho.”*

The Licensee complies with its news obligations.

Clause 7.2.2 of the schedule to the service 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 comply with the minimum requirement for current affairs per day during the South African Performance Period by broadcasting more than two hours of current affairs programming weekdays and the minimum of sixty (60) minutes on weekends.

Phalaphala FM broadcasts its current affairs programme "Ndevhe Tsini" on weekdays in the mornings from for an hour between 06h00 until 07h00 and later in the evening between 18h00 and 19h00. Their weekend current affairs programmes are broadcast for an hour on Saturday and Sunday respectively.

The monitoring exercise confirmed that the Licensee broadcasts more than sixty (60) minutes of current affairs daily.

The Licensee complies with its current affairs obligations.

3.5.3 Programming targeted at Children

Clause 7.3.1 of the schedule to the service 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 7.3.2 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 exercise confirmed that the Licensee broadcasts a weekly programme called "Vuwani" for an average of ten (10) minutes at 11H15 and another programme called "Denzhe" which is broadcast on Fridays, from 14H05 until 14H30 both the programmes are aimed at the toddlers based on the content that is being discussed.

The Authority's monitoring exercise found that the Licensee broadcasts at least one (1) hour of children's programming per week, during the South African Performance Period.

The Licensee complies with its children programming obligations.

3.5.4 Educational Programming

Clause 7.4 of the schedule to the service 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.

Phalaphala FM, through the SABC education platform, broadcasts educational programmes which include topics such as learners support, educator's development, science and technology. The programmes are presented on weekdays after the 20H00 news until 21H00 and on

Thursday between 14H30 and 15H00, as two (2) format splits of thirty (30) minutes per segments. The Licensee broadcasts more than five (5) hours of educational programming per week.

The Licensee complies with clause 7.4 of the schedule to its service licence.

3.5.5 Drama

Clause 7.5 of the schedule to the service 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 monitoring exercise found that Phalaphala FM broadcasts their first daily weekday drama called "Ndi yone mini henei" after the 10H00 news and later between 13H15 and 13H30 on a show called "Mapfuvhini a democracy" with a repeat after the death notices, after 21H45. The total average of two hundred (200) minutes including repeats was monitored.

The Licensee complies clause 7.5 of the schedule to their service licence.

3.5.6 Informal Knowledge Building

Clause 7.6 of the schedule to the service 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 six hundred and ten (2610) minutes of informal knowledge building programming on a weekly basis.

The ICASA Regulations on Local Television Content of 2016 defines knowledge building programming as programming acquired through personal experience, outside of the formal learning environments such as schools and training courses which provides information on subjects such as for examples, science, technology, health, law and citizen' rights, religion, culture, business, finance and the natural or built environment.

The Licensee broadcasts religious programmes on Sundays from 07H00 until 10H00. Further, broadcasts content which focuses on health, parenting and other lifestyle matters on their lifestyle magazine show on weekdays after the 09H00 news until 12H00.

The Licensee complies with clause 7.6 of the schedule its service licence.

3.5.7 Training Skills Development Obligations

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

The Licensee must adopt and implement equal opportunity employment practices;

- 8.1 *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;*
- 8.2 *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*
- 8.3 *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 is in its third year of its three (3) year employment equity plan. During the period under review, the Licensee submits that it successfully implemented employment equity and transformation objectives in line with the relevant legislation which ensured that diversity and inclusion is managed in a non-discriminatory environment. The Licensee implemented various initiatives that was aligned to its employment equity plan and was intended to create awareness, to educate and to challenge employees understanding on different topics relating to diversity and inclusion.

The Licensee submitted its Employment Equity and Transformation report for the period under review. The report indicated that the Licensee made significant progress against its employment equity targets and goals as set out in the employment equity plan.

The Licensee during the period under review achieved a level two (2) BBBEE status and received a total score of 19,61 out of 20 for its Management Control/Employment equity element.

The Licensee delivered 2534 training interventions to 1567 employees during the period under review. Of the 1567 employees, 1088 was trained in accordance with the Workplace Skills Programme and 479 where trained based on operational requirements.

The Licensee submitted that 88% of employees that were trained were from the designated groups (Black, Coloured, Indian). 54,56% were females and 2,55% were employees with disabilities.

The Licensee submitted its Training and Skills Development that provides a detailed breakdown of its compliance with the above requirements, for the period under review, 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 9 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 2018/19 financial year.

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

4. REGULATIONS

4.1 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.

⁸ Appendix C

4.2 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 as amended.

4.3 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 duly submitted to the Authority⁹.

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

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

4.5 South African Music Content

Regulation 3 (1) of the ICASA South African Music Contents Regulations published on 23 March 2016 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

⁹ Appendix D

performance period consist of South African music and that such South African music is spread reasonably evenly throughout the said period”.

Phalaphala FM broadcasts an average of seventy one percent (71%) of local music during the South African performance period. Some of the artists that were monitored include *Vho David Mmbi, Honey Mutele, Makhadzi* amongst others. Furthermore, the Licensee broadcasts “*Phenyadzinwe*” on Saturdays between 09H00 and 11H00 which is a local chart show.

The Licensee complies with the ICASA 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: Training and Skills Development Report;
- 6.4** Appendix D: Complaints Report; and
- 6.5** Appendix E: MDDA Payment.