



# **PHALAPHALA FM**

## **ANNUAL**

### **COMPLIANCE REPORT**

**MARCH 2021**

# **2019/2020 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 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 2019/2020 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

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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.

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 804 000<sup>6</sup>.

### **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 or complaints suggesting the Licensee broadcasts outside the defined coverage area.

**The Licensee complies with its coverage obligations.**

#### **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. When the presenters broadcast news and current affairs content in any other language than the principal language of broadcast, they are able to translate the content 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:

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<sup>5</sup> See Appendix A

<sup>6</sup> [https://brcsa.org.za/brc-ram\\_listenership-report-apr19-mar20/](https://brcsa.org.za/brc-ram_listenership-report-apr19-mar20/)

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

Phalaphala FM forms part of the public service radio stations of the SABC and offers a full spectrum of content to the listeners as outlined in the service licence.

**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 provided for in the Compliance Procedure Manual Regulations<sup>7</sup>. 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 has morning devotion before the 06H00 news on weekdays that consist of scripture reading and a sermon. Furthermore, their Sunday programming from 07H00 and 10H00 is dedicated to gospel music and religious

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<sup>7</sup> Appendix B

content which includes Sunday school for children, sermons, and discussion about Christianity.

**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."*

The Licensee's broadcast a programme on Sundays called "Vhurerele ha hashu" which focuses on the cultural, traditional and customary aspects of its target audience. The programme's focus is on lifestyle related topics and traditional medicine amongst others. The Licensee also playlists traditional Venda music throughout their programme, that helps with culture and language preservation.

**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".*

The Licensee has several informal knowledge building programmes that focus on issues pertaining to health, gender as per the service licence. The lifestyle programme "Nne na vhone" broadcast weekday between 09H00 and 12H00 has segments during different times of the week that speaks to health, nutrition, motivational talk about current societal challenges.

**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 five hundred and forty-five (545) minutes of news during weekdays and seventy-five (75) minutes of news per day over the weekend.

The Licensee broadcasts an average of six (6) news bulletins every hour from 06h00 to 22h00 during weekdays for an average of hundred and two (102) minutes of news per day. The following are some of the news stories identified:

- *"Minister wa muhasho wa mutakalo Dokotela Zweli Mkhize vhari munna wa minwaha ya furaru malo a bvaho vunduni la Kwazulu Natal we a khwathisedza zwa uri o kavhiwa nga tshitshili tsha Corona ha ngo sumbedza tsumbadwadzwe na nnthihi dza Covid 19 musi a tshi vhuya u bva shangoni la Italy. Vho Mkhize vho vha vha tshi khou amba na vho ramafhungo Phalamenndeni zwi tshi tevhela u khwathisedzwa ha tshiwo tsha u thoma tsha u taha ha tshitshili Afurika Tshipembe;*
- *Vhashumi vha inwe hodela Polokwane fhanu Limpopo vha ri vho dadziswa fomo dza u rula mutholi vhudifhinduleli arali hanga bvelela zwinwe khavho nga tshifhinga tshine vhadzulapo vha Afurika Tshipembe vhane vha khou vhuya China vha dovha vha tshi khou dzula hone. Hodela i khou di lugisela u do dzudzwa khayi vhadzulapo vha Afurika Tshipembe vha dana fumbili nnthihi vhane vha khou vhuiswa nga Lavhutanu u bva China doroboni ya Wuhan; and*
- *Vhadvhi vha zwa ekonomi vha ri vha khou lavhelela uri ndeme ya rannda I do divha I fhasi ha mutsiko musi tshelede I kha di lingedza u di sungusedza nga murahu ha u tsitsiwa ha vhuimo ha shango ha u kona u koloda nga vhazhendedzi la Moodys. Rannda yo wa zwa divha zwakale nga murahu ha tsheo ya vha Moodys ya u tsitsa vhuimo ha Afurika Tshipembe ha u kona u koloda masheleni."*

### **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 broadcast an average of six hundred (600) minutes of current affairs programming weekdays and sixty (60) minutes on weekends.

Phalaphala FM broadcasts its current affairs programme "Ndevhe Tsini" weekdays in the morning between 06h00 and 07h00 and again in the evening between 18h00 and 19h00. Their weekend current affairs programmes are broadcast between 06h00 and 07h00 on Saturday and Sunday respectively. The monitoring exercise confirm 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 three hundred (300) minutes of children programming on a weekly basis.

The Authority's monitoring confirmed that the Licensee broadcasts a weekly programme called "Denzhe" and another programme called "State your mind" on Fridays starting between 14H00 and 15H00.

Further, the Licensee has a programme called "Nalibali" as a segment on different days of the week after 11H00 for an average of five (5) minutes.

The total minutes of children's programming monitored amounted to a weekly average of eight five (85) minutes. The programmes are presented and aimed at kids of the age as per the service licence condition.

**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 thirty (330) minutes of educational programming on a weekly basis.

Phalaphala FM through the SABC education platform broadcasts educational programmes on weekdays between 20H00 and 21H00 with a focus on civic education, legal matters, financial and business-related content, among others. There are other SABC education content for the youth on Saturdays between 11H00 and 12H00 which focus on the youth.

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 they broadcast two hundred (200) minutes of drama on a weekly basis. The monitoring exercise found that Phalaphala FM has two daily dramas, the first is called

"Ndi yone mini henei" broadcast after the 11H30 news headline, whilst the second drama called "Dumbu Masiari" is broadcast between 13H15 and 13H30



with a repeat in the evening after the 21H00 news for a total of two hundred and twenty-five (225) minutes including the repeat programmes.

**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 (2000) 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 example, 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, and through their SABC education desk a series of programme midweek between 20H00 and 21H00, and on Saturday between 11H00 and 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:

- 8.1 *The Licensee must adopt and implement equal opportunity employment practices;*
- 8.2 *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;*

- 8.3 *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*
- 8.4 *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 submitted its Employment Equity and Transformation report for the period under review (2019/2020) to the Authority. The report acknowledges the importance of diversity in the workplace and that employment equity is an imperative business driver. The Licensee implements various education and awareness campaigns with the intention to create and to maintain a respectful, inclusive and non-discriminatory workplace.

The report indicates that the management and staff of the Licensee are representative of South African demographics, including 83 employees living with disabilities. The Licensee further endeavours to ensure that female employees are well represented at all occupational roles and especially in decision making positions.

The Licensee through its Learning and Development department implements a workplace skills programme in alignment with the needs of the organisation. During the period under review 87% of the people that were trained were from historically disadvantaged backgrounds, with female employees representing 54,5% of the overall total. The total amount spent on training for the period under review was R10 332 040.

The training included among others, customer service, effective presentation skills, stress management, office administration and time management.

The report shows the extent to which historically disadvantaged people are represented throughout the organisation. Further, the Licensee has a National employment equity forum that continues to monitor and evaluate the implementation of the Licensee’s employment equity objectives.

The Licensee submitted both its Employment Equity and Transformation plan report as well as its Training and Skills Development report, that respectively provide a detailed breakdown of its compliance with the above requirements to the Authority for the period under review. Both reports were submitted within 30 days of the end of the financial year as required<sup>8</sup>.

**The Licensee complies with its training and skills development obligations.**

### **3.7 Provision of Audited financial statements to the Authority**

Clause 9 of the service licence provides that:

*"The Licensee shall provide the Authority with the audited annual financial statements of the licensed service within six (6) months of the end of the Licensee's financial year, provided that the Licensee may on good cause apply to the Authority for an extension."*

The Licensee submitted its audited annual financial statements. However, due to the Covid-19 pandemic, the submission of the Licensee's audited financial statements was delayed and could not be submitted within six (6) months of the end of the Licensee's financial year and informed the Authority accordingly.

**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).

### **4.2 Regulations regarding Standard Terms and Conditions for Individual Broadcasting Licences**

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<sup>8</sup> Appendix C

During the period under review, there was no non-compliance with the Standard Terms and Conditions for Individual Licences as amended, the Authority came across.

#### **4.3 Regulations in respect of the Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund**

Regulation 3 of the Regulations in respect of Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund (USAF), published in Government Gazette, No. 34010 of 10 February 2011, 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 made the prescribed payment and submitted proof thereof to the Authority.

**The Licensee complies with Regulation 3 of the USAF 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 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-four (74%) percent of local music during the South African performance period. Some of the artists that were monitored include *Rofhiwa Manyaga, Roxley Masevhe, Cornerstone, Irene Mawela*. amongst others. Furthermore, the Licensee conducts interviews and promote new music which adds to their local content output.

**The Licensee complies with the ICASA South African Music Content Regulations.**

## **5. CONCLUSION**

During the period under review Phalaphala FM complied with their 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
- 6.5 Appendix D: South African Music Content Regulations;
- 6.6 Appendix E: Regulations Regarding Standard Terms and Conditions;
- 6.7 Appendix F: Proof of payment- USAF; and
- 6.8 Appendix G: General Licence Fees Regulations.

**END**

**March 2021**