



THOBELA FM ANNUAL COMPLIANCE REPORT

MARCH 2021

2019/2020 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION BROADCASTING AS THOBELA 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. Among the responsibilities of the Authority is the task to ensure compliance by broadcasting service Licensees with the terms and conditions of their licence and any relevant legislation and/or Regulations.

The purpose of the report is to give an account of Thobela 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 Format, Local Content Obligations, General Programming Obligations, Training and Skills Development, Finances, Complaints, South African Music Content Regulations, Regulations Regarding Standard Terms and Conditions, Universal Service and Access Fund (USAF) Regulations, Code on People with Disabilities and General Licence Fees Regulations.

2. BACKGROUND

Thobela FM is an Individual Sound Broadcasting Service Licensee of the South African Broadcasting Corporation (SABC). The radio station's mandate is to provide a full spectrum service to the geographic areas⁵ of Gauteng, Mpumalanga and Limpopo.

The radio station is located in Polokwane, Limpopo Province. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review was 2, 963 000⁶, retaining on its position as South Africa's fifth biggest radio stations by listenership, a growth of 2.6% from the previous reporting period.

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 Frequency Spectrum Licence

⁶ <https://brcsa.org.za/brc-ram-listenership-report-jan19-dec19/>

3. COMPLIANCE ASSESSMENT

3.1. Ownership and Control

Clause 1 of the licence stipulates that:

1.1 Name of company/entity: The South African Broadcasting Corporation

1.2 Shareholders: The State: 100%

1.3 Ownership by persons from historically disadvantaged groups: N/A

There were no changes reported on the name and shareholding of the Licensee. Thobela FM forms part of the public service division of the SABC and continues to be fully owned by the State.

The Licensee complies with clauses 1 of its licence.

3.2. Geographic Coverage Area

Clause 3 of the Schedule to the licence states that:

"The geographic coverage area is as defined in the map attached to the radio frequency spectrum licence".

According to the frequency spectrum licence, the radio station's coverage areas are Gauteng, Mpumalanga and Limpopo. The Licensee's transmitter sites are located in Blouberg; Dullstroom; Ga-Mabula; Haenertsburg; Hoedspruit; Johannesburg; Kwaggafontein; Louis Trichardt; Middleburg; Nylstroom; Potgietersrus; Pretoria; Thabazimbi; Tolwe and Tzaneen. The Licensee maintains its coverage area as defined in the frequency spectrum licence.

The Licensee complies with clause 3 of the Schedule to its licence.

3.3. Language(s)

Clause 4 of the licence states that the language of broadcast is as follows:

"Principal Language: Sepedi".

The Authority's monitoring exercise confirmed that Thobela FM's principal language of broadcast is Sepedi. This is applicable to all programmes including news, advertisements and other general programming.

The Licensee complies with clause 4 above.

3.4. Format

Clause 5.1 of the Schedule to the licence states that:

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

According to SABC's Editorial Policy *"The scope of the public service mandate means that the SABC has to provide consistent, relevant, useful and high-quality content, including information and analysis"*.

This is evident in its various shows that covers information that is relevant; useful and of high-quality. The monitoring exercise found the shows to be timely with subject matter experts continuously secured for interviews. The weekly current affairs show, *Hlokwa la Tsela*, airing between 06:00 – 07:00 daily.

Clause 5.2 stipulates that

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

Thobela FM forms part of the public service stations of the SABC and offers a full-spectrum service to its audience as outlined in the licence. The monitoring exercise found a broad range of topics covered, which align to the themes of sports; music and health news.

Various opinions; perspectives and comment forms part of Thobela FM programming which offers the listeners an opportunity to engage in an informative manner.

The Licensee complies with clause 5.1 and 5.2 of the Schedule to its licence.

3.5. Local Content Obligations

Clause 6 of the schedule to the licence stipulates that:

"In each licence year, the Licensee shall, within thirty (30) days of the end of the quarter, submit to the Authority written records indicating the extent of:

Clause 6.1 different genres; and

Clause 6.2 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".

Thobela FM submitted its quarterly reports for the period under review. The submission was verified during the Authority's monitoring exercise.

The quarterly submissions indicate compliance by Thobela FM with the set quotas during the 2019/2020 financial year.

3.6. General programming obligations

3.6.1. General

Clause 7.1.1 stipulates that:

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

The SABC's editorial policy⁷ stipulates that:

"Religious programmes should take account of regional factors, target audiences, language and cultural preferences, and the devotional needs of specific groups."

The SABC does not only broadcast the country's major faiths such as Christianity; Islam, Hinduism and others, it also seeks to educate listeners about African Traditions and their roles in society. *Moribo wa Afrika* is broadcast on Saturdays between 18:00 – 21:00 and is an example of a show that highlights African traditions and customs; music and culture.

The Licensee complies with clause 7.1.1 of its licence.

Clause 7.1.2 of the licence stipulates that:

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

The Licensee is consistent in its provision of cultural programmes and even drama shows that reflect its target audiences needs. These shows further contain an element of education and historical celebration.

The monitoring exercise found the programmes *Moribo wa Afrika* and *Ma-Afrika Tumelong* as shows that celebrate and highlight cultural needs of the audience.

The Licensee complies with clause 7.1.2 of its licence.

⁷ An extract from the Licensee's Editorial Policy

Clause 7.1.3 stipulates 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".

In an informative and engaging manner, the Licensee deals with a broad spectrum of topics ranging from health, finances and societal and political issues. This enables listeners with these varied interests to be able to engage on the topics discussed on air in a meaningful manner.

The monitoring exercise found an informative programme called *Mahlale Kgwebong*, airing on weekdays between 21:30 – 22:00, and deals with advice for small business owners on how to grow, maintain and protect their businesses.

The Licensee complies with clause 7.1.3 of its licence.

3.6.2. News and Current Affairs

Clause 7.2.1 of the schedule attached to the licence stipulates that:

"The Licensee shall broadcast at least sixty (60) minutes of news programming each day during the South African performance period".

The monitoring exercise identified on average, ninety (90) minutes of news per day. News is broadcast each hour from 06h00 until 22h00 and at the bottom of each hour throughout the day. The following news sample was monitored:

- *"Kgoro ya thuto ya Gauteng goya go tsewa magato a kgalemo kgahlanong le batho ka moka bao ba tatoditsweng pegong ya Enoch Mpianzi. Pego yeo e shetsaneng mabapi le ditiragalo tseo di hlotsego lehu la morutwana wa sekolo se phagamego sa Parktown Boys e lokollotswe ka sekolong seo ka Johannesburg maobane boshego. Kgoro e thwetse company ya Harry Smith and Molebatsi go nyakishisha taba yeo. Pego yeo e hweditse gore barutishi ba mmalwa babe ba sena hlokomelo le go shishinya gore tsewe magato kgahlanong nabo. Mpianzi wa mengwaga ye lesome-tharo, o hloketse morago ga gore sekepe sa maiterelo seo se dirilego ke yena le barutwana ka yena se nwelele ka Nokeng ya Crocodile ka lefelong la borobalo ka North West. Mpianzi o bolokilwe kgwedding ya go feta.*
- *Tona ya maphelo Zweli Mkhize o sotse bjo gobolelwago godimo, bjo arego ke ditaba tsa go sebe nnete malebana le twatsi ya corona. Mkhize ore gona le ditaba tseo di hlobaetsago tsa malebana le tshedimosho yeo esego ya nnete dikgokaganong tsa leago malebana le mabarebare a gore twatsi yeo e gona kamo*

nageng. O ipileditse go baemedi ba setshaba kamoka, go balwa le maloko a parliament go thekga seo eleng nnete.

- Komiti ya palamenteng mererong ya ditshetele tsa setshaba e tseere sephetho go bitsa khuduthamaga ya Eskom. Tona ya ditshetele Tito Mboweni, SALGA le kgoro ya puso tirishano go ahlaahla di billion billion tsa diranta tseo dikgoro tsa mmusho le mebaspala di kolotago company ya mohlagase yeo e aparetswego ke mathata. Kopano yeo e rulaganyeditswego ka la lesome seshwai kgwedding ye, gape eya go tsenelwa ke mebaspala yago kolota Eskom tshetele. Modula setulo wa komiti ya palamente mererong ya ditshetele tsa setshaba Mkhuleko Hlengwa ore ba nyaka go hlatha ge eba gona le di thulaganyo tsa go lefa sekoloto seo”.*

The Licensee complies with clause 7.2.1 of its licence.

Clause 7.2.2 stipulates that:

"The Licensee shall broadcast at least sixty (60) minutes of current affairs programming each day during the South African performance period”.

The Authority’s monitoring exercise found at least one hundred and ten (110) minutes of current affairs per day.

The Licensee’s main and most popular current affairs programme is a morning show called *Tabakgolo*, loosely translated, Big Issue. The show is living up to its name, as it tackles the big issues in the country and mainly in the province directly affecting the licensee’s listeners. These can be local politics; mining and farming related issues; traditional house issues and many more.

The Licensee complies with clause 7.2.2 of its licence.

Clause 7.2.3 stipulates that:

"The Licensee shall in the production of its news and current affairs programming:

- (i) Exercise full editorial control in respect of the contents of such programming;*
- (ii) Include matters of international, national, regional and where appropriate, local significance;*
- (iii) Meet the highest standards of journalistic professionalism;*
- (iv) Provide fair, unbiased, impartial and balanced coverage independent from governmental, commercial or other interference; and*
- (v) Provide reasonable opportunity for the public to receive a variety of points of view on matters of public concern”.*

The Licensee's editorial policies indicate that the Licensee exercises full editorial control in respect of its programming. The editorial policies further indicate that the Licensee endeavours to meet the highest standards of journalistic professionalism.

The monitoring exercise found that Thobela FM broadcasts matters of national and international significance during the period under review. In the early stages of the discovery of the COVID-19 pandemic, the Licensee had a wide range of coverage of developments around this new public health emergency. The licensee's coverage was informative, inquisitive and sought to deliver facts from subject matter experts, to provide the listeners with credible information related to the pandemic.

The licensee complies with clause 7.2.3 of its licence.

3.6.3. Programming targeted at Children

Clause 7.3.1 of the licence stipulates that:

"The Licensee shall, in the provision of the licensed service, broadcast at least one (1) hour programming targeted at children (as contemplated in section 10(1) (g) of the Broadcasting Act) per week during the South African performance period".

The monitoring exercise found *Lesang Bana*, a programme aimed at children who are keen to learn religious scripture through interactions on radio and participating in quizzes. The show is broadcast on Sundays between 07:00 – 08:00.

The Licensee complies with clause 7.3.1 of the schedule to its licence.

Clause 7.3.2 stipulates that:

"In the production of its children's programming, the Licensee shall ensure that children's programming is:

- (i) broadcast at the times in 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; and*
- (iii) educational and is made from a children's point of view".*

The monitoring confirmed that the children's programmes are provided from a children's point of view. The host comes across as patient and considerate when taking calls from the children and makes the whole experience for them, comfortable and exciting at the same time.

The Licensee complies with clause 7.3.2 of its licence.

3.6.4. Educational Programming

Clause 7.4 of the licence stipulates that:

"The Licensee shall broadcast at least five (5) hours of educational programming (as contemplated in section 10(1) (e) of the Broadcasting Act) per week within the South African performance period".

The monitoring exercise found shows *Mofahlushi*; *Teen Zone*; *Ma-Afrika Tumelong* and *Moswa le Bokamoso*. These shows offer a broad range of topics targeting young people.

The Licensee complies with clause 7.4 of its licence.

3.6.5. Drama

Clause 7.5 of the licence stipulates that:

"The Licensee shall broadcast at least two and a half (2 ½) hours of drama per week within the South African performance period".

The monitoring exercise found *"Mahlakung"*, the licensee's long-running drama show broadcast on weekdays between 19:45 – 20:00 and repeated each morning, between 11:45 – 12:00.

The Licensee complies with clause 7.5 of its licence.

3.6.6. Informal Knowledge-Building Programmes

Clause .6 of the licence stipulates that:

"The Licensee shall broadcast at least three (3) hours of informal knowledge building programming per week within the South African performance period".

The Licensee's Informal Knowledge-Building shows vary in delivery, in that, some are musical while others are more in-depth discussion. Shows monitored include *Moribo wa Afrika*; *Mekgolokwane* and *Ma-Afrika Tumelong*.

The Licensee complies with clause 7.6 of its licence.

3.7. Training and Skills Development Obligations

Clause 8 of the schedule to SABC licence stipulates that:

"8.1 The Licensee must adopt and implement equal opportunity employment practice.

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 the written information regarding its compliance with the above requirements."

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

The report shows that the management and staff of the Licensee are a diverse mixture of South African society, including 83 employees living with disabilities. The Licensee further endeavours to ensure that females are well-represented at all occupational roles, especially in decision making positions.

The Licensee, through its Learning and Development department provides for 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 historically disadvantaged persons, with females 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 amongst 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 monitor and evaluate the implementation of the Licensee's employment equity objectives.

The Licensee submitted its Employment Equity and Transformation report and its Training and Skills Development plan. These provide a breakdown of the Licensee's compliance with clause 8 above for the period under review.

The Licensee complies with clause 8 of the Schedule to its licence

3.8. Provision of Audited Financial statements to the Authority

Clause 8 of the licence stipulates 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 extension".

The Licensee submitted its audited annual financial statements. However, the SABC has highlighted that due to the COVID-19 pandemic, work is taking unusually longer to be completed and therefore, the submission of its audited financial statements was delayed and could not be submitted within the regulatory timeframes. The Licensee kept the Authority up to speed on these delays for noting.

The Licensee complies with clause 9 of its licence

4. REGULATIONS

4.1. ICASA South African Music Content Regulations

Regulation 3 (1) of the South African Music Content Regulations⁸ as published on 23 March 2016 stipulates that:

"A 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 South African music is spread evenly throughout the performance period."

During the period under review, Thobela FM's music content reflects more than 70% of South African Music Content. Artists featured on Thobela FM's playlist include *Brian Themba; Makhadzi; Candy; Winnie Mashaba; Umtata Choral Society; Lebogang Sekgobela; Lesego and many others.*

⁸ South African Music Content Regulations, 2016 as published in *Government Gazette* No.39844 dated, 23 March 2016.

The Licensee complies with regulation 3.2 of the South African Music Content Regulations.

4.2. Regulations regarding Standard Terms and Conditions for individual licences

There were no incidents of non-compliance with the Standard Terms and Conditions for Individual Licences committed by the licensee during the period under review.

The Licensee complies with the Regulations on Standard Terms and Conditions for Individual Licensees.

4.3. Universal Service and Access Fund Regulations

Regulation 3 of the USAF Regulations⁹ 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 submitted confirmation of its annual payment contribution to the MDDA. The submission was made within the regulated timeframes.

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

4.4. COMPLAINTS

Form 12A: Complaints Report of the Compliance Procedure Manual Regulations, 2011 read with the Code of Conduct for Broadcasters, require that broadcasters complete the form bi-annually in accordance with the Licensees' Financial Year.

The Licensee is a member of the National Association of Broadcasters ("NAB") and complaints in relation to the Code of Conduct by Broadcasters are dealt with by the

⁹ Universal Service and Access Fund Regulations, 2011 published in *Government Gazette* No. 34010 dated, 10 February 2011.

Broadcasting Complaints Commission of South Africa ("BCCSA"). No complaints were received against Thobela FM or even escalated to the Authority during the period under review.

5. CONCLUSION

The Licensee complied with its licence terms and conditions as well as related Regulations that govern public broadcasters.

6. TERMS OF REFERENCE

- 6.1.** Appendix A: Thobela FM's Broadcasting Service Licence;
- 6.2.** Appendix B: Thobela FM's Frequency Spectrum Licence;
- 6.3.** Appendix C: Extract from the Licensee's Editorial Policy;
- 6.4.** Appendix D: Training & Skills Development Report;
- 6.5.** Appendix E: Regulations regarding the standard terms and condition;
- 6.6.** Appendix F: Universal Service and Access Fund Regulations; and
- 6.7.** Appendix G: Proof of SABC's Contribution to USAF

END

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