



PHALAPHALA FM ANNUAL COMPLIANCE REPORT

MARCH 2025

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2023/24 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 (Authority) has a statutory mandate in terms of the Constitution, the ICASA Act¹, the Electronic Communications Act² (ECA) and the Broadcasting Act³ 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 2023/24 financial year. Furthermore, the report will measure compliance with regulations that include South African Music Content, Standard Terms and Conditions for Individual Licensees, Universal Service and Access Fund, General Licence Fees and Code of Conduct for Broadcasters.

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 provinces⁴.

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".

¹ Act No. 13 of 2000, as amended.

² Act No. 36 of 2005.

³ Act No. 4 of 1999.

⁴ See Appendix A

The coverage area is as per the coverage map on the frequency spectrum licence. The signal distribution is provided for by Sentech.

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 with a translation of sound bites of news, current affairs and interviews with non-Tshivenda speaking guests 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.

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 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 obligations.

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 it's programming adequately reflects the diversity of South Africa's Religion".

Phalaphala FM broadcasts "Vhureleli" on Sundays between 19H00 and 21H00 with a talk show format having guests from different religious denominations or faith-based organisations engaging on the respective topic for that particular day with listeners' engagements.

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 traditional needs of the audience."

Phalaphala FM throughout their Sunday's programme between 19H00 would have topical issues that focus on spiritual discussions looking at it from the Tshivenda tradition and customs. Furthermore, in their morning devotion, have representatives perform rituals and teachings that are specific to the traditions of Vhavenda.

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 broadcasts a lifestyle and magazine programme "Nne na vhone" weekdays between 09H00 and 12H00 which caters for topical issues for discussion on different days of the week. The format of the show is that they would have a guest topic on the subject matter for the day and then allow listeners' engagement with the topic and the guest expert.

The Saturday programming dedicated to the youth broadcast between 11H00 and 12H00 called "Teen Zone and Vhaswa ndi Vhone" with an exclusive focus on topical issues related to the youth.

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 in their quarterly submission that it broadcasts an average of five hundred and forty-five (545) news per week, which equates during weekdays which gives an average of hundred and nine (109) minutes per day and with seventy-five (75) minutes of news on Saturday and Sunday respectively.

The Licensee broadcasts news bulletins every hour from 05h00 to 21h00 for an average of five minutes and half minutes for a total average of over a hundred minutes of news per day on weekdays and from 06H00 until 22H00 on the weekend. The following are some of the news stories identified:

- *"Vha lihora la DA na EFF vunduni la Northern Cape vha ri tshiimo tshi si tshavhudi tsha muvhundu wa Majeng hune ha vha khilomithara dza furaru u bva vhuponi ha Warrenton ndi nwambo wa muvhuso wo feilaho. Izwo ndi nga murahu ha muvhigo wa vho ramavhungo vha SABC tshifhingani tsha mafhelo a vhege a u di nwalisela u khetha.*
- *Vhazhendedzi la dzi bada Sanral vha ri pulane dzavho dza u khwinisa bada ya N11 i no tumanya lino shango na shango la Botswana fano vunduni la Limpopo dzi khou tshimbila zwavhudi. Bada ya N11 ndi inwe ya dzibada dza ndeme siani la zwa makwevho ine ya tumanya shango la Afurika Tshipembe na mashango a vhahura., and*

- *Vhamuhasho wa zwa pfunzo vunduni la Limpopo vha ri vha khou vhavhiwa nga bulayo la mugudiswa tshikoloni tsini na ha Malamulele. Mugudiswa wa minwaha ya fumi na mitanu o thavhiwa nga munwe ngae a lovha musu wa mushumo wa tshikolo sekondari ya Potani ha Mlamula."*

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 on their quarterly submission that they broadcast an average of six hundred and thirty (630) minutes of current affairs programming on weekdays which equates to one hundred and twenty-six (126) minutes per day and sixty (60) minutes over the weekend.

Phalaphala FM broadcasts its current affairs programme "Ndevhe Tsini" on weekdays in two editions, the morning edition between 05h00 and 06h00 and the evening edition between 18h00 and 19h00, whilst the weekend broadcast consists only of the morning edition between 06h00 and 07h00. The monitoring exercise confirms that the Licensee broadcasts more than sixty (60) minutes of current affairs daily.

The Licensee complies with its News and Current Affairs programming 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".

Phalaphala FM submits on their quarterly submission that they broadcast sixty (60) minutes of children's programming on a weekly basis.

The Authority's monitoring confirmed that the Licensee broadcasts a programme called "Nalibali" between 11H10 and 11H15 from Monday until Wednesday and "State Your Mind" on Fridays between 14H00 and 15H00 which are focused on topical issues affecting the targeted age group, inviting them to call for engagement and have experts' guests to address the topical issues.

The Licensee complies with its programming targeted at children's 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".

Phalaphala FM submits on their quarterly submission that they broadcast an average of five hundred and ten (510) minutes of educational programming on a weekly basis.

Phalaphala FM through the SABC education platform broadcasts different educational programmes on weekdays 20H00 and 21H00. The shows have different focus topics for different days of the week, which range from learners' support with matters that have to do either with challenges learners face at schools, how to study better and/or educational support, educators' development with a focus on teachers in terms of challenges in their profession, development in the sector and teaching techniques amongst other topics. Other programmes focus on civic dedication, science and technology and law related matters.

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

The Licensee complies with its educational programming obligations.

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".

Phalaphala FM submits on their quarterly submission that they broadcast an average of hundred and fifty (150) minutes of local drama per week.

The monitoring exercise found that Phalaphala FM broadcast their drama between 13H10 and 13H25 called “*Ndi yone mini yeneyi*”, with a repeat in the evening after the 21h00 news for an overall total of hundred and fifty (150) minutes per week.

The Licensee complies with its local drama obligations.

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”.

Phalaphala FM submits on their quarterly submission that they broadcast an average of two thousand (2000) minutes of informal knowledge-building programming on a weekly basis.

The Licensee broadcasts religious programmes on Sundays from 07H00 until 10H00, with educational programmes such as “*Mulayo uri mini*” broadcast on weekdays and a youth magazine programme called “*Vhaswa ndi Vhone*” and other SABC education banner programmes and are categorised under informal knowledge building programming for an overall total of more than three (3) hours weekly output.

The Licensee complies with its Informal Knowledge Building programming obligations.

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 regards 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’s commitment to a skilled and trained workforce is evident in its efforts to provide development for its employees. The SABC’s Annual Skills and Development Report 2023/2024 boasts that bursaries, previously only reserved for employees identified by the Licensee’s 2019/2020 Skills Audit, were now extended to all SABC employees.

In the year under review, the Licensee facilitated at least one thousand and ninety-one (1091) training interventions; in response to one thousand two hundred and seventeen (1217) training needs identified in its Workplace Skills Plan for the year ended. At least nine hundred and twenty-three (923) individuals received training, and ninety-nine percent (99%) of the training recipients were people from previously disadvantaged groups.

The Licensee continues to prioritise the employment of women and Black people. Women continue to serve in high-level positions within the Licensee and people from previously disadvantaged groups still make up the majority at an executive level.

The analysis of the Licensee’s Employment Equity report shows a decline in the occupancy of Black people within the Licensee’s Board of Directors for the year under review. However, this cannot be seen as indicating a decrease in the Licensee’s efforts to maximise the presence of Historically Disadvantaged Individuals in its executive. The year ended March 2024 saw the Licensee left with around sixty six percent (66%) Black People at the Executive Level, a decline of around nineteen percent (19%) from last year’s reporting.

The Licensee has already reached its 2025 Employment Equity target; currently, Historically Disadvantaged Individuals make up the majority at levels.

Table 1: SABC’s 2025 Employment Equity Targets (Control/Management Echelon) measured against the last two financial years’ progress.

Employment Category	September 2025 Target	February 2023 Actual	March 2024 Actual
Black Board of Directors with Voting Rights	50%	85.72%	66.6%
Female Board of Directors with Voting Rights	25%	33%	33.3%
Black Executive Directors (GCEO, COO, CFO)	50%	66.67%	33.3%
Black Female Executive Directors (GCEO, COO, CFO)	25%	0%	33.3%
Black Executive Managers / Senior Management	60%	88 %	74.1%
Black Female Executive Managers/Senior Management	30%	32%	38.7%
Black Middle Management	75%	83%	71.2%
Black Female Middle Management	38%	42%	36.2%
Black Junior Managers	88%	93%	81.9%
Black Female Junior Managers	44%	49%	42%
Black People with Disabilities	2%	2%	2.5%

The SABC’s reports on employment equity and skills development were received within the time frame specified in the License, thus complying with clause 8.4.

The Licensee complies with clause 8 of the Schedule of its Licence.

3.7 Submission 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 to the Authority within the prescribed time.

The Licensee complies with clause 9 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

During the period under review, the Authority did not find any non-compliance with the Standard Terms and Conditions for Individual Licences as amended.

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 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 submits on their quarterly submission that they broadcast an average of seventy- four percent (74%) of local music during the South African performance period. Some of the artists that were monitored include *Thendelo Shalom Davhana – Gonyongo, Adziambei Band – Midzimu ya Madimoni, Vhavenda Cultural Group – Dziyafhiritana, Worth V Voculz – Athinga Neti* amongst others. Further, the Licensee has a programme called "*Nambi ya Dzinambi*" broadcast on Saturdays between 09H00 and 11H00 which exclusively plays Tshivenda music.

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

5. CONCLUSION

During the period under review, Phalaphala FM complied with its 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

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