



PHALAPHALA FM ANNUAL COMPLIANCE REPORT

MARCH 2023

Y Kedama (Acting Chairperson), T Faye, Dr. C Lewis, Adv. LS Mkumatela, C Mushi, N Nontombana,
N Sithole, P Zimri (Councillors), T Maluleka – Disemelo (CEO)

2021/2022 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 Constitution¹, the Independent Communications Authority of South Africa Act (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 2021/2022 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, 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 province⁵.

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

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 coverage area is as per the coverage map on the frequency spectrum licence. The signal distribution is provided 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 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 an 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 its programming adequately reflects the diversity of South Africa's Religion".

Phalaphala FM broadcast "Lutendo" on Sundays between 19H00 and 20H00 which is a programme discussing faith-related topics. The programme format consists of a guest expert on the different religious denominations and would be addressing the topic from their religion's point of view with listeners' interaction.

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."

Phalaphala FM broadcasts "Vhurerele ha hashu" on Sundays between 20H00 and 21H00 with content focused on Tshivenda culture, tradition, and customs. The programme format includes having an expert on Tshivenda cultural matters with listeners' interaction.

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 broadcast a lifestyle and magazine programme "Nne na vhone" weekdays between from 09H00 and 12H00 which has different topical and segments scheduled for different days of the week covering topics such as health, infomercials, nutrition, religion and informal knowledge building content amongst others.

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 (540) news per week during weekdays, with seventy-five (75) minutes of news on Saturday and Sunday, respectively.

The Licensee broadcasts news bulletins every hour from 06h00 to 22h00 for an average of five minutes for total average of eighty-five minutes of news per day. The following are some of the news stories identified:

- *"Vhadzangano la Jacob Zuma Foundation vho tangedza zwa u vhofhololwa ha Phuresidennde wa kale vho Jacob Zuma nga parula nga nthani ha mutakalo wavho u si wavhudi. Muambeli wa dzangano Vho Mzwanele Manyi vha ri iyo tsheyo I khou sumbedza zwa uri muvhuso u na vhuthu.*
- *Vha muhasho wa zwa pfunzo vha ri vha gudiswa vha Matric vha vho do nwala mulingo wavho wa English, Business Studies na Paper 1 ya nyambo dzisili nga la fumbili sumbe na la fumbili malo la nwedzi wa Tshimedzi hu si nga la u thoma la nwedzi wa Lara sa zwe zwavha zwo dzudzanyisiwa zwone mathomoni; and*
- *Ramilayo wa Phuresidennde wa vhahatuli Western Cape Muhatuli vho John Hlophe vho Barnabus Xulu vhari vha khou lavhelesa themendelo dzo swikiswaho phalamenndeni nga Khomishini ya zwa vhulamukanyi. Khomishini yo swikisa themendelo kha mulanga dzulo wa phalamennde uri hu bviswe tshiduloni muhatuli vho Hlophe hu tshi khou shumiswa tshitenwa tsha vhudana fusumbe kha ndayoteo ya shango."*

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 and sixty (60) minutes over the weekend.

Phalaphala FM broadcasts its current affairs programme "Ndevhe Tsini" weekdays in the morning between 06h00 and 07h00 and later in the evening between 18h00 and 19h00 with the weekend broadcast 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 an of sixty (60) minutes of children programming on a weekly basis.

The Authority's monitoring confirmed that the Licensee broadcasts a weekly programme called "Nalibali" between 11H10 and 11H15 and "Denzhe and State Your Mind" on Fridays between 14H00 and 15H00 which addressed all aspects with kids' involvement by calling with an expert addressing whatever is the topic of discussion.

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 educational content in the evenings between 20H00 and 21H00 focusing on topics related to learners' development, educators support, legal matters amongst others with science and technology broadcasts on Thursday between 14H30 and 15H00. The programme format is that there is a topic for the day with a guest to engage on the topic who is usually an expert or works in that particular field with listeners engagement.

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 13H15 and 13H30 called "*Ndi yone mini yeneyi*", with a repeat in the evening after the 21h00 news. There is also a specialist educational sponsored drama on Wednesday called "*Eskom Medupi*" at 09H30 and 09H40 for a total of five mins. The weekly drama output inclusive of repeats is one hundred and fifty-five (155) minutes.

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 programme such as “Teen Zone” and “Vhaswa ndi Vhone” through their SABC education desk on Saturday between 11H00 and 12H00. The Licensee broadcasts more than three (3) hours.

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 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 revised its Employment Equity and Transformation plan⁶ during the 2021/22 financial year and submitted the updated plan and its Training and Skills Development that provides a detailed breakdown of its compliance with

⁶ Appendix C: SABC Employment Equity and Transformation: Report to ICASA, Reporting period: 1 April 2021 – 31 March 2022.

the above requirements to the Authority for the period under review⁷ within 30 days of the end of the financial year.

These reports indicate that the Licensee has adopted and implemented equal opportunity employment Practices and showed that the Licensee has remained committed to diversity and inclusion in the workplace.

The SABC employment equity profile remains healthy, and all groups are well represented in the organisation. The SABC's employment practices and non-discriminatory environment promote reasonable progress towards a fair and equitable representation from both a gender and race perspective at all occupational levels and decision-making positions.

This is confirmed by the following statistics:

- Females represent 51.5% of the entire workforce and at Skilled level 53.18% of the workforce are females. At a Professional Qualified, Experience Specialist and Middle Management level females represent 50.33%; and
- Employees living with disabilities represent 2.35% of the entire workforce. These employees are employed across the organisation on different occupational levels and in all SABC provinces.

Further, the SABC is well represented in the Black Executive Managers and Black Senior Managers as well as Female Black Middle Managers.

In terms of training and skills development, the SABC delivered 967 training interventions for 810 employees during the reporting period. This is despite of challenges resulting from its section 189 process, procuring suitable service providers and COVID-19. Statistically, the 810 employees who received training were 84.44% African, 6.81% Coloured, 4.24% Indian and 4.51% were White employees. Further, 56% of the employees who were trained were women and 2% were employees living with disabilities.

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

⁷ Appendix D: Skills and Development Report.

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.

4.5 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-five percent (75%) of local music during the South African performance period. Some of the artists that were monitored include *Darlene Rofhiwa, Fortunator, Muofhe, Takalani Band* amongst others. Furthermore, the Licensee have a programme called "*Nambi ya Dzinambi*" broadcast Saturdays between 09H00 and 11H00 which plays Tshivenda music and also would have artists interviews.

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

5. CONCLUSION

During the period under review Phalaphala FM complied with the service 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: Skills and Development Report

END