



PHALAPHALA FM ANNUAL COMPLIANCE REPORT

MARCH 2024

2022/23 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, 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 2022/23 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.

¹ Act No. 13 of 2000, as amended.

² Act No. 36 of 2005.

³ Act No. 4 of 1999.

⁴ 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 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 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 "Lutendo" on Sundays between 19H00 and 20H00 with a talk show format having guests from different religious denominations or faiths making inputs on a single topic for the day from their religious perspective 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 broadcasts a show on Sundays between 20H00 and 21H00 with a focus on Tshivenda culture, tradition, and customs. The programme is called "Vhurereli ha hashu" with an expert on Tshivenda culture and traditions 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 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, with the presenter engaging with guests on topics or experts on different fields ranging from health, fashion, lifestyle, infomercials, nutrition, and religion amongst others. Over the weekend, there are shows dedicated to the youth broadcast on Saturday 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 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 ANC vha ri vha do vhumba muvhuso wa tanganelo arali vha tshi khou shuma na mahoro ane a vha na muhumbulo muthihi na wavho zwi tshi da kha u disa tshanduko na mvelaphanda. Izwo ndi tshipida tsha thandululo ya vha khomishini ya lihora yo swikelelwaho tshifhingani tsha u khunyeledza luta lwa vhuvhili lwa khuvhangano ya futhanu thanu Bloemfontein namusi nga madautsha.*
- *Nedorobo wa Masipala wa Johannesburg vho Mpho Phalatse vho bvisiwa vhuimoni havho nga likumedzwa la u shaya fulufhelo khavho. Li kumedzwa ilo lo swikiswa mithethe I si gathi yo fhiraho. Vhakhantselara vha dana fu ina vho voutha vha tshi khou tikedza likumedzwa lenelo, ngeno vha dana fumbili vho voutha vha sa khou li tikedza, and*
- *Vha mita i swikaho mitanu fhala Bloemfontein vunduni la Free State a vhe tshena nndu nga murahu ha zwe dza swa nga zwine ha khou pfi ndi nnthani ha u khauwa ha mudagasi. Munwe wa mudzulapo Vho Maliki Pitso vha ri mulilo wo fhisa nndu yavho wa taha na nndu yothe nga nnthani ha mudagasi u tsi khou di tou bva u vhuya."*

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 05h00 and 06h00 and evenings 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 sixty (60) minutes of children's 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 are focused on topical issues affecting the targeted age group, invite them to call for engagement and also 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 banner has different educational programmes broadcast on weekdays between 20H00 and 21H00. The shows have different educational focuses on different days of the week divided into half-hour segments, with the focus on topics such as learner support which would include teachers and/or educators addressing school subjects, how students can improve their study methods and or techniques and exams preparation strategies for the different subjects, with other educational programme focused on educators' development, civic education amongst others with listeners engagements with science and technology broadcasts on Thursday between 14H30 and 15H00.

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 and an omnibus on Sundays between 14H00 and 15H00 with the overall total inclusive of repeats two hundred and twenty-five (225) 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 "Teen Zone" and "Vhaswa ndi Vhone" and other SABC education banner programmes and are categorised under informal knowledge building programming with 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 SABC’s Employment Equity and Transformation report for the year ended February 2023 zooms in on the licensee’s efforts to comply with clause 8 and the subclauses. Notably, the Licensee continues to maximise its employment of people from historically disadvantaged backgrounds. In the year that ended March 2023, the SABC absorbed, into its workforce, one hundred and twenty six (126) interns out of one hundred and sixty-three (163) that completed the 2022/2023 internship programme with the Licensee.

Women continue to get into high positions within the Licensee and people from previously disadvantaged groups make up the majority at an executive level. The Licensee’s five-year target is to have at least 51.7% women making up the entire workforce by September 2025. The SABC has already reached the 2025 target; currently, women make up 52% of the Licensee’s employees, and they are represented at all occupational levels. The SABC’s Employment Equity report shows that the Licensee’s employment practices strive to promote a fair and equitable representation of race and gender at all levels.

Table 1: SABC's 2025 Employment Equity Targets (Control/Management Echelon) against 2023 Actuals

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

Towards its obligation as laid out in clause 8.3 (b) and its Workplace Skills Plan, the SABC delivered one thousand three hundred and sixty-eight (1368) training interventions in the past reporting year. Eight hundred and seventy-six (876) employees took part in the training interventions and 96.5% of the participants were persons from historically disadvantaged groups.

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-eight (78%) percent of local music during the South African performance period. Some of the artists that were monitored include *Berita – Jikizinto*, *Dupa Masuvhelele – Ndi Wanga feat Davic*, *Paul Ndlovu – Hita Famba Moyeni*, *Rofhiwa Gabara – Pfunzo ndi Mahala* amongst others. Further, the Licensee has a programme called “*Nambi ya Dzinambi*” broadcast on Saturdays between 09H00 and 11H00 which plays Tshivenda music and has artists’ interviews with artist.

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

5. CONCLUSION

During the period under review, Phalaphala FM did comply 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
- 6.4 Appendix D: Skills and Development Report

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