



PHALAPHALA FM ANNUAL COMPLIANCE REPORT

MARCH 2017

2015/16 ANNUAL COMPLIANCE REPORT FOR PHALAPHALA FM

LICENCE PERIOD : 18 DECEMBER 2008- 17 DECEMBER 2018

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution¹, the ICASA Act² and the Electronic Communications Act (ECA)³ and the Broadcasting Act 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 ICASA Act, the ECA, the terms and conditions of their licence, any relevant legislation and regulation.

The report is intended to give an account of Phalaphala FM's compliance for the 2015/2016 financial year. Aspects of compliance that are measured comprise of the service licence's conditions of Geographic Coverage Area, Language (s), Format, Local Content Obligations, General Programming Obligations, Training and Skills Development Obligations and Provision of Audited Financial Statements. Furthermore, the report will measure compliance with regulations pertaining to South African Music Content, Standard Terms and Conditions for Individual Licensees, Universal Service and Access Fund Regulations, Licence Fee Regulations, Regulations on the Code on People with Disabilities 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 radio spectrum service to Gauteng, Mpumalanga and the Limpopo province⁴. According to the South African Advertising Research Foundation (SAARF), the listenership figures for the last quarter of the year under review was 923 000⁵.

¹ The Constitution of the Republic No 108, 1996

² ICASA Act No 13, 2000 as amended

³ Electronic Communications Act No 36, 2005

⁴ See Appendix A

⁵ <http://www.saarf.co.za/>

3. COMPLIANCE ASSESSMENT

3.1. Geographic Coverage

Clause 2 of the licence provides that:

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

According to the frequency spectrum licence, the radio station covers the areas of Gauteng and Limpopo. They have transmitter sites in Dzamba, Gaba, Johannesburg, Louis Trichardt, Malamba, Potgietersrus, Sibasa, Punda Maria, Tshamavhudzi and Tzaneen in order to cover the areas specified herein subject to amendments⁶.

The Licensee was found to be in compliance with clause 2 of its licence.

3.2 Language (s)

Clause 3 of the service licence provides that the language of broadcast is as follows:

"Principal Language: Tshivenda".

Phalaphala FM broadcasts primarily in Tshivenda except in interviews with non-Tshivenda speaking guests, news sound bites and current affairs stories sourced from other news sources. The presenters always provide translation in the principal language of broadcast.

The Licensee was found to be in compliance with clause 3 of the licence.

3.3 Format

Clause 4.1 of the service licence provides that:

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

Clause 4.2 of the service licence provides that:

⁶ See Appendix A

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

Phalaphala FM forms part of the public service station of the SABC and offers a full-spectrum service to its listeners as outlined in the service licence.

The Licensee was found to be in compliance with clause 4.1 and 4.2 of its licence.

3.4 Local Content Obligations

Clause 5 of the 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 5.1 different genres; and

Clause 5.2 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".

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 not 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.

First Quarter: April 2015 – June 2015

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Phalaphala FM's Provision (Minutes Daily/Weekly)
<i>News</i>	<i>60 min (Daily)</i>	<i>85 min (Daily)</i>
<i>Current Affairs</i>	<i>60 min (Daily)</i>	<i>600 min (Weekdays)</i> <i>60 min (Saturdays)</i>

		60 min (Sundays)
<i>IKB</i>	<i>180 min (Weekly)</i>	<i>2400 min (Weekly)</i>
<i>Education</i>	<i>300 min (Weekly)</i>	<i>350 min (Weekly)</i>
<i>Children</i>	<i>60 min (Weekly)</i>	<i>150 min (Weekly)</i>
<i>Drama</i>	<i>150 min (Weekly)</i>	<i>225 min (Weekly)</i>

Second Quarter: July 2015 - September 2015

<i>Content/ Genre</i>	<i>ICASA Quota (Minutes Daily/Weekly)</i>	<i>Phalaphala FM's Provision (Minutes Daily/Weekly)</i>
<i>News</i>	<i>60 min (Daily)</i>	<i>85 min (Daily)</i>
<i>Current Affairs</i>	<i>60 min (Daily)</i>	<i>600 min (Weekdays)</i> <i>60 min (Saturdays)</i> <i>60 min (Sundays)</i>
<i>IKB</i>	<i>180 min (Weekly)</i>	<i>2620 min (Weekly)</i>
<i>Education</i>	<i>300 min (Weekly)</i>	<i>350min (Weekly)</i>
<i>Children</i>	<i>60 min (Weekly)</i>	<i>150 min (Weekly)</i>
<i>Drama</i>	<i>150 min (Weekly)</i>	<i>175 min (Weekly)</i>

Third Quarter: October 2015 – December 2015

<i>Content/ Genre</i>	<i>ICASA Quota (Minutes Daily/Weekly)</i>	<i>Phalaphala FM's Provision (Minutes Daily/Weekly)</i>
<i>News</i>	<i>60 min (Daily)</i>	<i>93 min (Daily)</i>

<i>Current Affairs</i>	<i>60 min (Daily)</i>	<i>600 min (Weekdays)</i> <i>60 min (Saturdays)</i> <i>60 min (Sundays)</i>
<i>IKB</i>	<i>180 min (Weekly)</i>	<i>2400 min (Weekly)</i>
<i>Education</i>	<i>300 min (Weekly)</i>	<i>350 min (Weekly)</i>
<i>Children</i>	<i>60 min (Weekly)</i>	<i>150 min (Weekly)</i>
<i>Drama</i>	<i>150 min (Weekly)</i>	<i>205 min (Weekly)</i>

Fourth Quarter: January 2016 – March 2016

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Phalaphala FM's Provision (Minutes Daily/Weekly)
<i>News</i>	<i>60 min (Daily)</i>	<i>88 min (Daily)</i>
<i>Current Affairs</i>	<i>60 min (Daily)</i>	<i>600 min (Week Days)</i> <i>60 min (Saturdays)</i> <i>60 min (Sundays)</i>
<i>IKB</i>	<i>180 min (Weekly)</i>	<i>2575 min (Weekly)</i>
<i>Education</i>	<i>300 min (Weekly)</i>	<i>350 min (Weekly)</i>
<i>Children</i>	<i>60 min (Weekly)</i>	<i>150 min (Weekly)</i>
<i>Drama</i>	<i>150 min (Weekly)</i>	<i>255 min (Weekly)</i>

3.5 GENERAL PROGRAMMING OBLIGATIONS

3.5.1 General

Clause 6.1.1 of the licence provides that:

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

Phalaphala FM broadcasts daily morning devotions from 05h45 until 06h00 and dedicate the Thursday mid-morning to Christian based related content including music. Further, there is a segment called "Bivhili iri mini" on Sundays between 08H00 and 09H00 that focuses on discussion of the different topics from the bible with different pastors. It should be noted that the focus of the radio station's programming is predominantly Christian based, and does not adequately reflect the diversity of South African religion as contemplated in clause 6.1.1 above.

The Licensee does not fully comply with clause 6.1.1 of the licence.

Clause 6.1.2 of the licence provides that:

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

Phalaphala FM's target audience is primarily the Tshivenda speaking people and they cater for tradition and cultural aspects of their audience with programme such as "vhurereli ha hashu" which focuses on Venda customs and practices broadcast on Sunday after the 20h00 news bulletins until 21h00 with listeners' interaction. The programme also includes broadcast of traditional Venda music.

The Licensee was found to be in compliance with clause 6.1.2 of the licence.

Clause 6.1.3 of the schedule to the 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 programme content reflects the issues affecting South Africa which includes health, culture and religious matters, political and economic related issues, formal and informal education for adults, children and teens and information knowledge building programmes.

The Licensee was found to be in compliance with clause 6.1.3 of the schedule to the licence.

3.5.2 News and Current Affairs

Clause 6.2.1 of the schedule to the 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 85 minutes of news on weekdays and 70 minutes of news on weekends. The with news bulletins commence from 06h00 to 22h00. News bulletins are approximately 5 minutes in duration and include local, national and international news. The following are some of the news stories identified:

- *"Mufarisa muhulwane wa kale wa mapholisa a masipala a Tshwane o farelwa zwauri o vha a tshi khou reila o kambiwa ngei Pretoria. Senior Superintendent Isaac Mahamba vha mapholisa a masipala a Tshwane vha ri vho farwa nga murahu ha musu vho kwamea khomboni ye ya bvelela. Musu vha tshi lingwa, zwo do wanala uri vho kambiwa, uyo munwe ra modoro o vha a songo kambiwa;*
- *"Nedorobo wa Cape Town Vho Patricia De Lille vha ri dorobo I kha mushumo wa mveledziso u vhona uri i vhe musanda u farelewaho khawo mushumo ya zwa vhudimvumvusi nga vhathu vho fhambanaho dzhangoni la Afurika. Vhathu vha zwigidi vho kuvhangana doroboni iyo madekwe u dzhenela Cape Town carnival he zwigwada zwifhiraho futhanu zwa vhudimvumvusi na vhaimbi vha vha vha tshi khou mvumvusa vhathu"; and*
- *"Muthusa phuresidende vho Cyril Ramaphosa vha ri vhalanguli vha khamphani ya Eskom vho rumelwa u ya u shuma zwititshini zwo fhambanaho zwa mudagasi. Vho vhudza vha NCOP uri vha khou toda vhalanguli vha tshi guda mushumo une wa shumiwa zwititshini kha ndingedzo dza u fhelisa thaidzo dza Eskom. Vho Ramaphosa vha ri izwi zwi tou vha tsumbo ya uri vha muvhuso vha khou dzhiela nntha thaidzo dza khamphani ya Eskom".*

The Licensee was found to be in compliance with clause 6.2.1 of the schedule to Licence.

Clause 6.2.2 of the schedule to the 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 a minimum of 600 minutes of current affairs programming on weekdays and 60 minutes during the weekend.

The Authority's monitoring confirmed that Phalaphala FM broadcasts its current affairs programme "Ndevhe Tsini" weekdays in two segments, one from 06h00 and 07h00 and the other between 18h00 and 19h00 weekdays. The Licensee also broadcasts a weekly current affairs format show called "Tshiko" which deals with current affairs matters and other topical issues with experts and analysts engaging on those topics. Listener participation is also evident during this programme. The Licensee broadcasts more than 60 minutes of current affairs daily.

In total, 300 minutes of current affairs programming was monitored on weekdays and 60 minutes on weekends.

The Licensee was found to be in compliance with clause 6.2.2 of the schedule to the licence.

3.5.3 Programming targeted at Children

Clause 6.3.1 of the schedule to the 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 6.3.2 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 during the period under review, it broadcast 150 minutes of children programming on a weekly basis.

The Authority's monitoring confirmed that the Licensee broadcasts a weekly programme called ""Nal'ibali"" for an average of ten (10) minutes after 11h00 news bulletins. The format of the show includes stories narrated with messages aimed at kids of school going age. The total minutes of the children's programming monitored was 50 minutes.

The Licensee does not comply with clause 6.3.1 of the schedule to the licence.

3.5.4 Educational Programming

Clause 6.4 of the schedule to the 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 350 minutes of educational programming on a weekly basis. The SABC's education desk provides different educational programmes on different days of the week. The programmes format is hourly based separated into two thirty minutes' segments. Monday is dedicated to educators' development and legal matters; Tuesday focuses on learners support and health and environment, with Wednesday dedicated to Finance and Commerce, Thursdays is another focus on learners Support and Science and Technology with Friday focusing on civic education. The Licensee broadcasts more than 5 hours of educational programming per week.

The Licensee was found to be in compliance with clause 6.4 of the schedule to the licence.

3.5.5 Drama

Clause 6.5 of the schedule to the 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 225 minutes of drama on a weekly basis. Phalaphala FM broadcasts their drama programme after the 13h00 news for an average of 15 minutes with first repeat in the evening at 21h45 until 22h00 with a total of more than two and half hour of drama programming.

The Licensee was found to be in compliance with clause 6.5 of the schedule to the licence.

3.5.6 Informal Knowledge Building

Clause 6.6 of the schedule to the 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 a total of 2575 minutes of informal knowledge building programming on a weekly basis⁷.

The monitoring exercise confirmed that Phalaphala FM broadcasts programmes such as "Teen Zone" on Saturdays between 11h00 and 11h30 followed by "Vhaswa ndi vhone" both dealing with youth related matters. There are also religious programmes on Sundays which form part of informational knowledge programmes from 07h00 until 10h00. The Licensee broadcasts more than the stipulated number of hours required. In total, 5 hours of information knowledge building programming was monitored.

The Licensee was found to be compliance with clause 6.6 of the schedule to the licence.

3.5.7 Training Skills Development Obligations

Clause 7 of the schedule to the licence stipulates as follows:

⁷ Ibid

- 7.1 *The Licensee must adopt and implement equal opportunity employment practices;*
- 7.2 *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;*
- 7.3 *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*
- 7.4 *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”.*

According to the Licensee’s report on its annual Employment Equity and Skills Development plan, the Licensee strives for the creation of an “*equitable working environment, in which the dignity of all individuals is respected and the diversity of all employees are valued*”. The SABC submits that at least 85% of its overall staff complement is people from historically disadvantaged backgrounds, with more than 95% occupying skilled to top management positions.

The SABC reports to have delivered 1755 training interventions in the year that ended March 2016 and at least 1505 of the trained staff were persons from historically disadvantaged backgrounds. The SABC also recruited 153 interns in various professional disciplines and 10% of them have been absorbed internally and others externally⁸.

⁸ Appendix C

The Licensee was found to be in compliance with clause 7 of the schedule to the licence.

3.7 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 four (4) 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 Financial Statements for the 2015/2016 financial year within the stipulated timeframe. The AFS indicate that the Licensee generated revenue of R7 978 841 000. Of this amount, some of the expenses were on broadcast costs, signal distribution and linking costs, marketing costs, professional and consulting fees. The Licensee incurred a loss of R411 605 000.

The Licensee was found to be in compliance with clause 8 of the schedule to the licence.

4. REGULATIONS

4.1 Code of Conduct for Broadcasters

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A which reports on all complaints received during the financial year under review⁹. The SABC submitted its complaints report in accordance with the Regulations regarding the Code of Conduct for Broadcasting Service Licensees.

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). For the year under review, the BCCSA did not receive any complaint against the radio station on non-compliance with licence terms and conditions.

⁹ Appendix C

4.2 Regulations on Code on People with Disabilities

Regulation 3.1 (a) of the Code on People with Disabilities as published in the Government Gazette, no 30441, 7 November 2007, states that:

"Broadcasting service licensees must ensure that their services are made available and are accessible to people with disabilities".

Regulation 3.1 (b) stipulates that:

"Options for making broadcasting services more accessible may include the following:

- i. Improve and/or increase subtitles and sign language;*
- ii. Expand knowledge on various adjustments such as induction loops, Minicom/text phones and alternatives computer software;*
- iii. Access to programme support such as fact sheet;*
- iv. Website to offer a range of formats (such as electronic versions, Braille and audiotape);*
- v. Use of spoken languages where economic indicators, weather details, telephone numbers and addresses or details of goods and services are shown on-screen; and*
- vi. Use of non-scheduled services such as access via Personal Video Digital Recorders (PVR's) and TV anytime".*

Regulation 3.1 (c) states that:

"Broadcasting service licensees must monitor the effectiveness of their service through surveys as well as contact with organisations of and for people with disability and stakeholders".

The Licensee conducted the SABC National Disability Committee quarterly meetings to monitor and evaluate progress against its Disability mainstreaming objectives. The Licensee also commemorated and hosted the International Disability Day in the form of Leadership awareness breakfast session to challenge leadership to understand and create disability awareness.

Among others, the following disability awareness campaigns were hosted:

- National Bind Buddy Day;
- Autism Awareness;
- Albinism Awareness;
- Deaf Awareness; and
- Casual day.

The Licensee further conducted verifications of all declared disabilities and identification of reasonable accommodation needs, as well as participation in a career exposure initiative for scholars with disabilities.

The SABC also reported that Employees with disabilities represent 1.90% of the entire workforce as some employees left the organisation and as a result the organisation did not meet its target of 2%. The SABC reported that 58% of all employees with disabilities are female and 77% are black. The SABC also encourage content producers to establish relationships with organisations for people with disabilities to use for content when the need arises.

The Licensee has demonstrated that it complies with the Code on People with Disabilities.

4.3 Regulations regarding Standard Terms and Conditions for Individual Broadcasting Licences

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

4.4 Universal Service and Access Fund Regulations

Regulation 3 of the USAF Regulations provides 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 paid its USAF contribution to MDDA, and the proof of payment was submitted to the Authority.

The Licensee was found to be in compliance with the regulations in respect of Universal Service and Access Fund.

4.6 South African Music Content

Regulation 3.1 of the Regulations on South African Music Content as published on 31 January 2006 stipulates that:

“Every holder of a Public sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, a minimum of 40% 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 70% local music during the South African performance period. Some of the artists that were monitored include Zano, Steve Group, T Man Gavin, Wilbur Madau, Alpheus Ramavhea and Christopher Mathogo amongst others. Furthermore, the Licensee broadcasts a chart show on Saturdays after the 07h00 news bulletins until 09h00 called *“Phenyadzinwe”* which plays exclusively South Africa music. There is programme called *“Nambi ya dzi nambi”* which comes after 09h00 news bulletins for two hours which plays exclusive Venda music and artists of the week with an interview and review of the music catalogue and promotion of new music.

The Licensee was found to be in compliance with regulation 3.1 of the South African Music Content Regulations.

5. CONCLUSION

During the period under review Phalaphala FM was found to have complied with most of its licence terms and conditions and relevant regulations. However, there is still a need for the radio station to review its programming content in so

far as diversity of the South African religion is concerned and compliance with children related programming. The Broadcasting Compliance will engage the Licensee to ensure Compliance with the licence terms and conditions.

6. TERMS OF REFERENCE

6.1 Appendix A: Phalaphala FM's service and frequency spectrum licences