

2011/ 2012 ANNUAL COMPLIANCE REPORT : PHALAPHALA FM

License 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 ("EC Act")³ to regulate broadcasting activities in South Africa in the public interest. The Authority is tasked with ensuring compliance by broadcasters with the ICASA Act, the EC Act, the terms and conditions of their licence, any relevant legislation and regulation.

The following report is intended to give account of Phalaphala FM's performance for the 2011/2012 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Language(s), Format, Local Content Obligations, General Programming Obligations, Training and Skills Development Obligations, Finances, South African Music Content Regulations and Regulations Regarding Standard Terms and Conditions, Regulations in Respect of Prescribed Annual Contributions of Licensees to The Universal Service and Access Fund Regulations and General Licence Fees Regulations.

2. BACKGROUND

Phalaphala FM is an Individual Broadcasting Service Licensee of the South African Broadcasting Corporation ("the SABC"). The radio station provides a full spectrum service to the following Provinces: Gauteng and Limpopo. According to the South African Advertising Research Foundation's (SAARF), the radio station's listenership figures for the last quarter of the year under review was 926 000⁴.

¹ The Constitution of the Republic of South Africa Act No 108, 1996

² ICASA Act No 13 , 2000 as amended

³ Electronic Communications Act No 36, 2005

⁴ <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 Licensee has transmitter sites at the following areas: Dzamba, Gaba, Malamba, Molema, Louis Trichardt, Punda Maria, Mokopane (formerly Potgietersrus), Sibasa, Tzaneen and Tshamavhudzi in the Limpopo province and Johannesburg which is in the Gauteng Province. The Authority is not aware of any information received from the radio station indicating that the coverage area has changed. In its annual report for the period under review, the Licensee indicated that *"broadcasting out of Polokwane, Phalaphala FM talks to the ...black people living in the Northern province"*.

The Licensee complies with clause 2 of its licence.

3.2 Language(s)

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

"Principal Language: Tshivenda".

The monitoring exercise confirmed that Phalaphala FM broadcasts principally in Tshivenda.

The Licensee complies with clause 3 of its licence.

3.3 Format

Clause 4.1 of the licence provides that:

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

Clause 4.2 provides that:

"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.

The Licensee complies with Clause 4.1 and 4.2 of its licence.

3.4 Local Content Obligations

Clause 5 of 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:

5.1 different genres; and

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 has submitted its quarterly reports for the period under review as reflected below. The reports are reflective of a week's sample for each quarter.

The SABC is of the view that it is unlikely that programming would change in a week.

First Quarter: April 2011– June 2011

Content/ Genre	ICASA Quota <i>(Minutes Daily/Weekly)</i>	Phalaphala FM's Provision <i>(Minutes Daily/Weekly)</i>	Phalaphala FM's Compliance (%)
<i>News</i>	<i>60 min (Daily)</i>	<i>85 min (Week Days)</i> <i>80 min (Saturdays)</i> <i>80 min (Sundays)</i>	<i>142%</i> <i>133%</i> <i>133%</i>
<i>Current Affairs</i>	<i>60 min (Daily)</i>	<i>110 min (Week Days)</i> <i>60 min (Saturdays)</i> <i>60 min (Sundays)</i>	<i>183%</i> <i>100%</i> <i>100%</i>
<i>IKB</i>	<i>180 min (Weekly)</i>	<i>2540 min (Weekly)</i>	<i>1414%</i>
<i>Education</i>	<i>300 min (Weekly)</i>	<i>390 min (Weekly)</i>	<i>130%</i>
<i>Children</i>	<i>60 min (Weekly)</i>	<i>145 min (Weekly)</i>	<i>242%</i>
<i>Drama</i>	<i>150 min (Weekly)</i>	<i>220 min (Weekly)</i>	<i>147%</i>

Second Quarter: July 2011- September 2011

Content/ Genre	ICASA Quota <i>(Minutes Daily/Weekly)</i>	Phalaphala FM's Provision <i>(Minutes Daily/Weekly)</i>	Phalaphala FM's Compliance (%)
<i>News</i>	<i>60min (Daily)</i>	<i>85 min (Week Days)</i> <i>85 min (Saturdays)</i> <i>85 min (Sundays)</i>	<i>142%</i> <i>142%</i> <i>142%</i>
<i>Current Affairs</i>	<i>60min (Daily)</i>	<i>110 min (Week Days)</i> <i>60 min (Saturdays)</i> <i>60 min (Sundays)</i>	<i>183%</i> <i>100%</i> <i>100%</i>
<i>IKB</i>	<i>180min (Weekly)</i>	<i>2465 min (Weekly)</i>	<i>1369%</i>
<i>Education</i>	<i>300min (Weekly)</i>	<i>335 min (Weekly)</i>	<i>112%</i>
<i>Children</i>	<i>60 min (Weekly)</i>	<i>150 min (Weekly)</i>	<i>250%</i>
<i>Drama</i>	<i>150min (Weekly)</i>	<i>175 min (Weekly)</i>	<i>117%</i>

Third Quarter October 2011 – December 2011

Content/ Genre	ICASA Quota <i>(Minutes Daily/Weekly)</i>	Phalaphala FM's Provision <i>(Minutes Daily/Weekly)</i>	Phalaphala FM's Compliance (%)
<i>News</i>	<i>60min (Daily)</i>	<i>60 min (Week Days)</i> <i>60 min (Saturdays)</i> <i>60 min (Sundays)</i>	<i>100%</i> <i>100%</i> <i>100%</i>
<i>Current Affairs</i>	<i>60min (Daily)</i>	<i>110 min (Week Days)</i> <i>60 min (Saturdays)</i> <i>60 min (Sundays)</i>	<i>183%</i> <i>100%</i> <i>100%</i>
<i>IKB</i>	<i>180min (Weekly)</i>	<i>2840 min (Weekly)</i>	<i>1577%</i>
<i>Education</i>	<i>300min (Weekly)</i>	<i>305 min (Weekly)</i>	<i>101%</i>
<i>Children</i>	<i>60 min (Weekly)</i>	<i>150 min (Weekly)</i>	<i>250%</i>
<i>Drama</i>	<i>150min (Weekly)</i>	<i>220 min (Weekly)</i>	<i>147%</i>

Fourth Quarter January 2012 – March 2012

Content/ Genre	ICASA Quota <i>(Minutes Daily/Weekly)</i>	Phalaphala FM's provision <i>(Minutes Daily/Weekly)</i>	Phalaphala FM's Compliance (%)
<i>News</i>	<i>60min (Daily)</i>	<i>85 min (Week Days)</i> <i>85 min (Saturdays)</i> <i>85 min (Sundays)</i>	<i>142%</i> <i>142%</i> <i>142%</i>
<i>Current Affairs</i>	<i>60min (Daily)</i>	<i>110 min (Week Days)</i> <i>60 min (Saturdays)</i> <i>60 min (Sundays)</i>	<i>183%</i> <i>100%</i> <i>100%</i>
<i>IKB</i>	<i>180min (Weekly)</i>	<i>2620 min (Weekly)</i>	<i>1455%</i>
<i>Education</i>	<i>300min (Weekly)</i>	<i>335 min (Weekly)</i>	<i>112%</i>
<i>Children</i>	<i>60 min (Weekly)</i>	<i>120 min (Weekly)</i>	<i>120%</i>
<i>Drama</i>	<i>150min (Weekly)</i>	<i>220 min (Weekly)</i>	<i>147%</i>

The above quarterly submissions indicate compliance by Phalaphala FM with the set quotas during the 2011/2012 financial year.

3.5 General Programming Obligations

3.5.1 General

Clause 6.1.1 provides that:

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

Phalaphala FM broadcasts its religious programmes on Thursdays during mid-morning shows as well as Sunday morning shows. These programmes include gospel music and sermons by priests from different denominations. The only concern is that the religious programming is dominated by the Christianity, evident from the music that is played, the sermons and any discussions during such programming. "Gundo vhugala" is one of the religious programmes identified. The programme is broadcast on Sundays between 06H00 until 10h00.

The Licensee complies with clause 6.1.2 of its licence.

Clause 6.1.2 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. The Authority's monitoring confirmed that the radio station's programming content and line up, cater for cultural and traditional needs of its audience. "Vhurereli ha hashu" is broadcast on Sundays from 20h05 until 21h00 and deals with cultural rituals, practices and health related matters. The programme invites traditional healers and cultural experts as studio guests to provide listeners with advices on topic of the day.

The Licensee complies with clause 6.1.2 of its licence.

Clause 6.1.3 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 programmes that focus on health and environmental related matters on its programme called "Mutakalo na mupo" which is broadcast on Tuesdays just after the 21h00 news bulletin until 21h30. Some of the topics

that were discussed during the period under review included Tuberculosis treatment and living with HIV/Aids. The programme also deals with different gender specific health related matters.

The Licensee complies with 6.1.3 of its licence.

3.5.2 News and Current Affairs

Clause 6.2.1 of 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 quarterly reports submitted by the SABC indicate that the radio station broadcasts a minimum of sixty (60) minutes of news weekdays and sixty (60) minutes of news on Saturdays and Sundays.

The Authority's monitoring confirmed that Phalaphala FM broadcasts news every hour on the hour from 06h00 to 22h00 on weekdays. On weekends, news is broadcast from 06h00 until 22h00 every hour, although on weekends during sporting programming between 15h00 and 18h00, the radio station adjusts the news time accordingly. Headline news is broadcast every half hour from 05h30 to 21h30. The news bulletins are approximately five (5) minutes in duration.

Eight five (85) minutes of news was monitored during weekdays and an average of seventy five (75) minutes of was monitored on weekend. The following are some of the news stories identified:

- *"Security officials say has been heighten at the UN COP17 before the arrival of world leaders. Officials say they were happy that there have not been any reported incidents since the beginning of the event being held the Inkosi Albert Luthuli International Convention Centre in Durban";*

- *"Lawyers for former police commissioner Jackie Selebi have requested a postponement/ample time from the NPA for Mr Jackie Selebi to hand himself over to start his prison sentence. The forty eight hours that was given to Mr Selebi to hand himself over to the nearest correctional service facility has lapsed 10h00 this morning. Mr Selebi has collapsed at his house on Friday after hearing that the Supreme Court has dismissed his appeal of his corruption conviction"; and*
- *"The South African national defence force says they have rejected a resignation letter of the commander of the airforce Carlo Gagiano as he was informed that the best way of taking responsibility was not to resign, but to remain and sort out the challenges. Yesterday, the department said that Gagiano is back at work and coordinating with planes that will be deployed to the DRC elections. Lt General Gagiano had resigned due to mishaps that lead to an emergency landing of the plane of Deputy President Kgalema Montlhanthe".*

The Licensee complies with clause 6.2.1 of its licence.

Clause 6.2.2 of 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."

The quarterly reports submitted by the SABC indicate that the radio station broadcasts one hundred and ten (110) minutes of current affairs programming on weekdays and sixty (60) minutes on Saturdays and Sundays.

The Authority's monitoring confirmed that Phalaphala FM broadcasts current affairs programmes. "Ndevhe Tsini" is one of the programmes broadcast by the radio station each day in the mornings between 06h05 and 07h00 and in the evenings between 18h05 and 19h00. The duration of the programme is fifty five (55) minutes.

In total, three hundred and eighty five (385) minutes which equates to six hours twenty five minutes (6 hours 25 minutes) of current affairs programming was monitored.

The Licensee complies with clause 6.2.2 of its licence.

3.5.3 Children's Programming

Clause 6.3.1 of 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 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 quarterly reports submitted indicate that the radio station broadcasts a minimum of one hundred and twenty (120) minutes of children programming on a weekly basis.

During the period under review, the Authority's monitoring confirmed that children's programmes are broadcast weekly from Monday to Friday after the 14h30 news headlines until 15h00. "Denzhe" is the only programming that is

focused on children. The duration is approximately twenty five (25) minutes which equates to one hundred and twenty five (125) minutes (2 hours 5 minutes).

The abovementioned programme is broadcast at times of the day when children are available to listen and caters for age groups as mentioned above.

The Licensee complies with clauses 6.3.1 and 6.3.2 of its 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 quarterly reports indicate that during the period under review, Phalaphala FM broadcast a minimum of three hundred and fifty (350) minutes of educational programming weekly.

Monitoring confirmed that the radio station broadcasts educational programmes as follows:

- *"Educator Development"* broadcast on weekdays between 21h00 and 21h30. The programme deals with development of teachers and learners.
- *"Thikhetsshedzo ya vhagudiswa"* broadcast on weekdays between 21h00 and 22h00. The programme deals with medical related issues.
- *"Science and Technology"* broadcast Thursdays in conjunction with SABC education on Thursdays after the 21h00 news until 22h00.

In total, more than three hundred (300) minutes which equates to five hours (5 hours) of educational programming was monitored.

The Licensee complies with clause 6.4 of its licence.

3.5.5 Local Drama

Clause 6.5 of the service license provides 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 quarterly reports indicate that Phalaphala FM broadcasts a minimum of one hundred and seventy five (175) minutes of drama programming per week, during the South African performance period.

The Authority's monitoring confirmed that Phalaphala FM broadcasts drama programmes. "I khou Khidzhana" is broadcast every weekday between 13H15 and 13H30 and between 20h05 and 20h20, of which the duration is fifteen (15) minutes. An 09000960909the omnibus is broadcast on Sundays between 12h05 and 13h00.

In total, two hundred and five (205) minutes which equates to three hours and twenty five minutes (3hours 5 minutes) of drama programming was monitored.

The Licensee complies with clause 6.5 of its service licence.

3.5.6 Informal Knowledge Building

Clause 6.6 of the service licence provides that:

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

The quarterly reports indicate that during the period under review, Phalaphala FM broadcast a minimum of two thousand, four hundred and sixty five (2465) minutes of informal knowledge building programming on a weekly basis.

The Authority's monitoring confirmed that Phalaphala FM broadcasts informal knowledge building programming. The following programmes were identified as some of the informal knowledge building programmes broadcast by Phalaphala FM:

- "Teen Zone" broadcast on Saturdays between 11h00 and 11h30 which deals with youth related matters;
- "Tshiko tsha ndivho na vhutali" broadcast on weekdays between 12h00 and 14h30. This is a talk show programme that deals with topical issues. The presenters always invites guests and expects to engage on the topic of the day and includes listeners as well;
- "Vhaswa ndi vhone" broadcast on Saturdays after the 11h30 news until 12h00 which is conjunction with government department like the Department of Trade and Industry if its matters related to trade and industry.

In total, a minimum of three hundred (300) minutes which equates to five hours (5 hours) of informal knowledge building was monitored.

The Licensee complies with the clause 6.6 of its licence.

3.5.7 Training and Skills Development Obligations

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

- 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 takes 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”.*

The SABC submitted a skills development and training report of the entity as a whole, indicating that its management and staff are representative of South African society. The Licensee submits that Skills Development is not only a national priority, but that of the SABC at large. The Licensee submits that the technological landscape that keeps on evolving calls for the SABC to continually equip its employees with the necessary skills in order to remain competitive and sustainable. The Licensee states that in the year 2011/12, there have been a number of positive developments in response to the myriad challenges posed by the change in technology (migration from analogue to a digital space). The SABC submits that more than half of the total SABC employee population (2049) was trained in the respective divisions/clusters. Furthermore, its total expenditure on training amounted to twenty two million, nine hundred and eight thousand, seven hundred and sixty three rand (R22, 908, 763) spread across various divisions for 4612 interventions which included Learnerships/Internships. Of the 2049 employees that were trained, 47% are females and 53% are males.

Further, the SABC states that a total of 93 new bursaries were awarded in 2011/2012, bringing a total number of bursaries to 231, which includes bursaries awarded under the SABC foundation. According to SABC, the amount invested to maintain these new and existing bursaries was three million two hundred thousand rand (R3, 200 000); and were awarded in line with the critical and scarce skills identified within the broadcast industry (*See Appendix B*).

The Licensee complies with clause 7 of its licence.

3.5.8 Provision of Audited Financial Statements to the Authority

Clause 8 of the schedule to the licence provides 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 SABC submitted its Audited Financial Statements for the 2011/12 financial year within the stipulated timeframe.

The Licensee has complied with clause 8 of the schedule to its licence.

4. REGULATIONS

4.1 South African Music Content Regulations

The Regulations on South African Music Content as published on 31 January 2006 provide that:

"Every holder of a public sound broadcasting licence to which these regulations apply must ensure that after eighteen months of gazetting of these regulations, a minimum of forty percent (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” (See Appendix C).

Phalaphala FM plays a minimum of 40% South African music, during the South African performance period and also interviews artist on a regular basis which enhance their local content obligations. There is a programme that is broadcast on Saturday morning between 09h05 until 12h00 called “*Nambi ya dzi nambi*” which plays Venda traditional music and conduct interviews with local musicians as well. Some of the artists that were interviewed included David Mmbi Mphaphuli and Tshifhiwa Rabambukwa amongst other, and the artists identified on the recording included T Man Gavin, Mukondeleli Netshiunda, and Godfrey Maligana amongst others.

The Licensee complies with the South African Music Content Regulations.

4.2 Standard Terms and Conditions for Individual Licensees

During the period under review, the Authority did not identify any non-compliance by Munghana Lonene FM with the Standard Terms and Conditions for Individual Licensees (*See Appendix D*).

The Licensee complies with the Regulations regarding Standard Terms and Conditions.

4.3 Universal Service Access Fund

Regulation 3 (1) of the Universal Service Access Fund dated 10 February 2011 Gazette no: 34010 provides that:

“every holder of a licence granted in terms chapter 3, 4 and/or 9 or converted in terms of chapter 15 of the act, must pay an annual contribution of 0.2% annual turnover to the Fund.”

Regulation 3 (2) of the Universal service Access Fund provides that:

"a BS licensee who has paid an annual contribution to the MDDA must set off that contribution against its USAF contribution against which it is set off are for the same financial-year".

The Licensee paid its annual contribution fee of eight million fifty seven thousand, seven hundred and fifty two rand (R 8, 057 752. 00) to the fund and received confirmation of payment in a form of a Section 18A certificate from the MDDA.

The Licensee submitted proof of payment to the Authority in March 2012.

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

4.5 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 Public Broadcasting Services and is thus exempted from paying licence fees.

5. CONCLUSION

During the period under review, Phalaphala FM has complied with its licence terms and conditions and applicable regulations.

6. APPENDICES

Appendix A: Phalaphala FM's Service and Frequency Spectrum licence

Appendix B: Training and Skills Development report

Appendix C: South African Music Content Regulations

Appendix D: Standard Terms and Conditions Regulations

Appendix E: Universal Service Access Fund Regulations

Appendix F: General Licence Fees Regulations