



THOBELA FM ANNUAL COMPLIANCE REPORT

MARCH 2023

2021/2022 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BROADCASTING AS THOBELA 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 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. Among the responsibilities of the Authority is the task to ensure compliance by broadcasting service Licensees with the terms and conditions of their licence and any relevant legislation and/or Regulations.

The purpose of the report is to give an account of Thobela FM's compliance with the terms and conditions as set out in its licence for the 2021/2022 financial year. Aspects of compliance that are measured include Format, Local Content Obligations, General Programming Obligations and Training and Skills Development.

Additionally, 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 Fee and the Code of Conduct for Broadcasters.

2. BACKGROUND

Thobela FM is an Individual Sound Broadcasting Service Licensee of the South African Broadcasting Corporation (SABC). The radio station's mandate is to provide a full spectrum service to the geographic areas⁵ of Gauteng, Mpumalanga, and Limpopo. The radio station is located in Polokwane, in the

¹ The Constitution of the Republic of South Africa Act, 1996 (Act 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 Thobela FM Frequency Spectrum Licence

Limpopo Province. For the period 2021/2022, the listenership figures for the reporting period was 2, 630 000⁶.

3. COMPLIANCE ASSESSMENT

3.1 Ownership and Control

Clause 1 of the licence stipulates that:

1.1 Name of company/entity: The South African Broadcasting Corporation

1.2 Shareholders: The State: 100%

1.3 Ownership by persons from historically disadvantaged groups: N/A

For the period under review, there were no changes in the name and shareholding of the Licensee. Thobela FM forms part of the public service division of the SABC and continues to be fully owned by the State.

The Licensee complies with clause 1 of the Schedule to its licence

3.2 Geographic Coverage Area

Clause 3 of the Schedule to the licence states that:

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

The radio frequency spectrum licence indicates the radio station's coverage areas to be in Gauteng, Mpumalanga, and Limpopo Province. The Licensee's transmitter sites are stationed in *Blouberg; Dullstroom; Ga-Mabula; Haenertsburg; Hoedspruit; Johannesburg; Kwaggafontein; Louis Trichardt; Middleburg; Nylstroom; Potgietersrus; Pretoria; Thabazimbi; Tolwe and Tzaneen*. The Licensee maintains that its coverage area is as defined in the frequency spectrum licence and no changes to the coverage area have been reported.

The Licensee complies with clause 3 of the Schedule to its licence

3.3 Language(s)

⁶ <https://brcsa.org.za/rams-amplify-radio-listenership-report-oct21-sep22/>

Clause 4 of the Schedule to the service licence states that the language of broadcast is as follows:

"Principal Language: Sepedi".

The Authority's monitoring exercise confirmed that Thobela FM's principal language of broadcast is Sepedi. This is applicable on all programmes including news, sports, advertisements, and other general programming.

The Licensee complies with clause 4 of the Schedule to its licence.

3.4 Format

Clause 5.1 of the Schedule to the licence states that:

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

Thobela FM forms part of the public service stations of the SABC and offers a full-spectrum service to its audience as outlined in the licence. Further, the principle of editorial independence is entrenched in the SABC's revised Editorial Code, which states that *"The scope of the public service mandate means that the SABC has to provide consistent, relevant, useful and high-quality content, including information and analysis"*.

The Licensee is consistent in providing up to date news and information that is delivered in an unbiased manner, whilst providing a platform for the public to participate and air their different views.

Clause 5.2 stipulates that:

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

The monitoring exercise found that the Licensee is consistent in its provision of content that covers a diversity of listeners from various backgrounds. This is evident in its broad selection of programmes as well as the music selection.

The Licensee complies with clause 5 of the Schedule to its licence in its entirety

3.4 Local Content Obligations

Clause 6 of the schedule to the licence stipulates that:

"In each licence year, the Licensee shall, within thirty (30) days of the end of the quarter, submit to the Authority written records indicating the extent of:

Clause 6.1 different genres; and

Clause 6.2 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's Thobela FM submitted its quarterly reports for the period under review. The submission was verified during the Authority's monitoring exercise.

The Licensee complies with clause 6 of the Schedule to its licence

3.6 General programming obligations

3.6.1 General

Clause 7.1.1 stipulates that:

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

The SABC's Editorial Policy on Religious Content⁷ stipulates that:

"Religious programmes should take account of regional factors, target audiences, language and cultural preferences, and the devotional needs of specific groups."

The Licensee's revised Editorial Policy states, on clause 9.2.8 under matters of Policy on Religious Content as follows:

'The content should take account of regional factors, target audiences, language and cultural preferences, and the devotional needs of specific groups.

⁷ An extract from the Licensee's Editorial Policy

The monitoring exercise found that a certain amount of consideration of the regional demographics of the radio station, as well all editorial provisions were catered for in providing religious content that is unbiased and in keeping with licensee's public mandate.

Clause 7.1.2 of the licence stipulates that:

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

The monitoring exercise found diverse programming that seeks to address the diversity of traditions and cultures enjoyed by the licensee's target audience. The show *Tsa Bo Rena* is an exemplary exhibition of Thobela FM's dedication to the cultural and traditional needs of its audience. The show profiles and promotes local musicians, performers and groups, old and new in a manner that instils pride and nostalgia. The show airs on Sundays between 17:30 – 19:00, and alternatively at 15:00 – 17:30 when there are no Premier Soccer League (PSL) games.

Clause 7.1.3 stipulates 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".

The monitoring exercise found the show *Tabakgolo* (weekdays between 12:00 – 13:00), discussing the phenomenon of violence in schools committed by learners amongst themselves, particularly girl-children and solutions that can be explored.

The Licensee complies with clause 7.1 of the Schedule to its licence in its entirety

3.5.2 News and Current Affairs

Clause 7.2.1 of the schedule attached to the licence stipulates that:

"The Licensee shall broadcast at least sixty (60) minutes of news programming each day during the South African performance period".

The monitoring exercise found the following news extracts:

- *"Mongwaledipharephare wa African National Congress (ANC) yo a fegilwego Ace Magashule o gannwe tumelelo ya go dira boipiletšo bja go fegwa ga gagwe mokgatlong wo o bušago. Magashule o be a tsentshe kgopelo ya tumelelo ya go dira boipiletšo kgorongkgolo ya tsheko ka Johannesburg a re e dirile phošo ka go thekga go emišwa ga gagwe. ANC e ile ya mo fega ka kgwedi ya Motsheganong morago ga go gana go ya ka thoko go ya ka sephetho sa mokgatlo. Go ya ka sephetho se, maloko a mokgatlo ao a latofaditšwego ka diofisi tša bosenyi bjo bogolo a swanetše go gata mogato go fihlela melato ya bona e phethwa.*
- *Taba ya banna ba tshela bao ba swerwego mabapi le polao ya mohlankedi yo mogolo wa Kgoro ya Maphelo ya Gauteng, Babita Deokaran e bušeditšwe kgwedding ye e tlogo gore go therišanelwe. Ba lebane le ditatofatšo tša go tloga go polao, maitekelo a polao, go loga maanomabe a go dira polao le go swara dithunya le dithunya tšeo di se nago mangwalo a tumelelo. Deokaran e bile hlatse ye bohlokwa ka dinyakišišo tša Yuniti ye e Kgethegilego ya Dinyakišišo ka ga bomenetša bja dithendara tša didirišwa tša tšhireletšo tša R300-million ka kgorong ye. Mmoleledi wa Bolaodi bja Botšhotšhisi bja Bosetšhaba, Phindi Mjonondwane, "Tšhireletšo e laeditše kgorong ya tsheko gore ga se ba kgona go rerišana le moreki wa bona ka fao kgopelo ya go bušetšwa morago gape. Gomme taba ye e beilwe fase matšatši a mabedi la mathomo le la bohlano la Diphallane 2021 gore kgopelo ya peile e thome gape. Re itokišeditše gomme se se re fa nako ye ntši le go feta ya go dira ditokišetšo tše di tseneletšego go tsena tshepedišong ya kgopelo ya peile.*
- *Kgoro ya Maphelo e boletše gore le ge go dikadika ga meento go sa dutše e le selo seo se tshwenyago, e holofela go tšwela pele go akgofiša lebelo la go phatlalatšwa. Ga bjale naga e nea ditekanyo tše ka bago tše 135 000 ka letšatši. Lega go le bjalo, bahlankedi ba leka go fihlelela leswao la 200 000 kgaufsinyane le go swana le pakane ya mopresidente ya go jab 300 000 letšatši le letšatši mafelelong a August. Ngaka Nicholas Crisp wa Kgoro ya Maphelo o boletše gore go dikadika ga*

moento go fapana go ralala le dihlopha tša mengwaga le mafapha ao a nago le maswanedi a go thibela malwetši. "Palo ya batho bao ba ka se tlego go enta e ka ba godimo go fihla go 30% ka mafapheng a mangwe, e ka ba go feta seo, gomme ka mafapheng a mangwe, ruri e ka fase ga seo," a realo. O boletše gore ba na le kgopolo ye e tla dula e le tlhohlo gomme a fa kgonthišišo ya gore ba ka se tsoge ba kgoromeletša batho go dira selo seo ba awee ba sa phuthologago ka sona.

Clause 7.2.2 stipulates that:

"The Licensee shall broadcast at least sixty (60) minutes of current affairs programming each day during the South African performance period".

The monitoring exercise found *"Tabakgolo* airing on weekdays in the morning, afternoons, and evening for a duration of an hour hosted by various hosts at each time.

Clause 7.2.3 stipulates that:

"The Licensee shall in the production of its news and current affairs programming:

- (i) Exercise full editorial control in respect of the contents of such programming;*
- (ii) Include matters of international, national, regional and where appropriate, local significance*
- (iii) Meet the highest standards of journalistic professionalism;*
- (iv) Provide fair, unbiased, impartial and balanced coverage independent from governmental, commercial or other interference; and*
- (v) Provide reasonable opportunity for the public to receive a variety of points of view on matters of public concern".*

The Licensee has maintained an unbiased reporting that the public can rely on. The monitoring exercise found *Hlokwa la Tsela* (weekdays between 06:00 – 07:00), a current affairs programme that is objective, engaging and informative to the audience.

The Licensee complies with clause 7.2 of the Schedule to its licence

3.5.3 Programming targeted at Children

Clause 7.3.1 of the licence stipulates that:

"The Licensee shall, in the provision of the licensed service, broadcast at least one (1) hour programming targeted at children (as contemplated in section 10(1) (g) of the Broadcasting Act) per week during the South African performance period".

Lesang Bana, is a children-oriented programme that is not only entertaining but educational in its content. The show is broadcast on Sundays between 07:00 – 08:00. Children are given opportunity to phone-in and participate in the learning of the scripture of the day.

The Licensee complies with clause 7.3.1 of the Schedule to its licence

Clause 7.3.2 stipulates that:

"In the production of its children's programming, the Licensee shall ensure that children's programming is:

- (i) broadcast at the times in 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; and*
- (iii) educational and is made from a children's point of view".*

The monitoring exercise confirmed that children's programmes are provided from a point of view of children, who are then able to engage in topics discussed. The host came across as considerate when conversing with the children and made the whole experience comfortable and safe.

The Licensee complies with clause 7.3.2 of its licence

3.5.4 Educational Programming

Clause 7.4 of the licence stipulates that:

"The Licensee shall broadcast at least five (5) hours of educational programming (as contemplated in section 10(1) (e) of the Broadcasting Act) per week within the South African performance period".

The Authority's monitoring exercise found programmes such as *Mofahlushi*; *Teen Zone*; and *Moswa le Bokamoso* as some of the long-standing educational offerings provided by the Licensee in its effort to meet its educational programming mandate. These shows offer a wide range of topics from teen education topics such as university entrance discussions, health matters, and alcohol and substance abuse issues are covered.

The Licensee complies with clause 7.4 of its licence

3.5.5 Drama

Clause 7.5 of the licence stipulates 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 monitoring exercise confirmed the drama, "*Mahlakung*", which is broadcast on weekdays between 19:45 – 20:00 and repeated each morning on between 11:45 – 12:00.

The Licensee complies with clause 7.5 of its licence.

3.5.6 Informal Knowledge-Building Programmes

Clause 7.6 of the licence stipulates that:

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

Re ka kgona; *Moribo wa Afrika*; *Lesang bana*; and *Jazz yeo e phelago* are shows that combine both music and talk by touching on a wide topic selection for the different target audiences while imparting valuable informal knowledge-building information.

The Licensee complies with clause 7.6 of its licence

3.6 Training and Skills Development Obligations

Clause 8 of the Schedule to Thobela FM's licence stipulates that:

"8.1 The Licensee must adopt and implement equal opportunity employment

Practice.

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 the written information regarding its compliance with the above requirements."*

The Licensee revised its Employment Equity and Transformation plan⁸ during the 2021/22 financial year and submitted the updated plan.

Licensee also submitted its Training and Skills Development that provides a detailed breakdown of its compliance with the above requirements to the Authority for the period under review⁹ 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 in decision-making positions. This is confirmed by the following statistics:

⁸ Appendix C: SABC Employment Equity and Transformation: Report to ICASA, Reporting period: 1 April 2021 – 31 March 2022.

⁹ Appendix D: Skills and Development Report.

- 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 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% White employees. Further, 56% of the employees who were trained were women and 2% were employees living with disabilities.

The Licensee complies with the entirety of clause 8 of the Schedule of its 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 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 extension".

The Licensee submitted its audited financial statements within the prescribed timeframes.

The Licensee complies with clause 9 of its licence

4. REGULATIONS

4.1 ICASA South African Music Content Regulations

Regulation 3 (1) of the South African Music Content¹⁰ as published on 23 March 2016 stipulates that:

"A 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 South African music is spread evenly throughout the performance period."

During the period under review, Thobela FM's music content reflects at least 80% of South African Music. Artists featured on Thobela FM's music line-up include *Malatji; Sekhukhune TVET College Choir; Lesego; Sydney; Mahotella Queens and Mahlathini; Costa Tich; AKA* and many more.

4.2 Regulations regarding Standard Terms and Conditions for individual licences

There were no incidents of non-compliance with the Standard Terms and Conditions for Individual Licences committed by the licensee during the period under review.

The Licensee complies with the Regulations on Standard Terms and Conditions for Individual Licensees

4.3 Universal Service and Access Fund Regulations

Regulation 3 of the USAF Regulations¹¹ 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*

¹⁰ South African Music Content Regulations

¹¹ Universal Service and Access Fund Regulations

the MDDA contribution and the USAF contribution against which it is set off are for the same financial year”.

A confirmation of the Licensee’s annual contribution to the MDDA was received from the Licensee within the prescribed timeframes.

The Licensee complies with the regulations in respect of Universal Service and Access Fund

4.4 Complaints

Form 12A: Complaints Report of the Compliance Procedure Manual Regulations read with the Code of Conduct for Broadcasters require that broadcasters complete the form bi-annually in accordance with the Licensees’ Financial Year.

The Licensee is affiliated to the National Association of Broadcasters (“NAB”), and as such, any complaints related to this Licensee is administered through the Broadcasting Complaints Commission of South Africa (“BCCSA”). However, for the period under review, there were no complaints escalated to the Authority.

5. CONCLUSION

The Licensee generally complied with its licence terms and conditions and related Regulations for public broadcasting during the period under review.

6. TERMS OF REFERENCE

Annexure A : Thobela FM’s Broadcasting Service Licence

Annexure B : Thobela FM’s Frequency Spectrum Licence

Annexure C : Extract from the Licensee’s Revised Editorial Policy (2020)

Annexure D : Training & Skills Development Report

Annexure E : Regulations regarding the standard terms and condition

Annexure F : Universal Service and Access Fund Regulations

Annexure G : Proof of SABC’s Contribution to USAF

END