



THOBELA FM ANNUAL COMPLIANCE REPORT

MARCH 2017

2015/2016 ANNUAL COMPLIANCE REPORT

THOBELA 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 Constitution, the ICASA Act, the Electronic Communications Act (ECA) 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 terms and conditions of their licence, and any relevant legislation and 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 license for the 2015/2016 financial year. Aspects of compliance that are measured comprise of Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligations, Language(s), South African Music Regulations, Regulations Regarding Standard Terms and Conditions, Universal Service and Access Fund (USAF) and Complaints.

2. BACKGROUND

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

3. COMPLIANCE ASSESSMENT

3.1 Ownership and Control

Clause 1.1 of the schedule to the licence states that:

"Name of the Company/Entity: The South African Broadcasting Corporation"

Clause 1.2 of the schedule to the licence states that the shareholders are as follows:

"Shareholders: The State: 100%"

Clause 1.3 of the schedule to the licence states as follows:

"Ownership held by persons from historically disadvantaged groups: NA"

Thobela FM forms part of the public service division of the SABC and is 100% owned by the State through the SABC.

The Licensee has complied with clauses 1.1, 1.2 and 1.3 of the Schedule to the licence.

3.2 Geographic Coverage Area

Clause 2 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".

According to the frequency spectrum licence, the radio station's coverage areas are: Gauteng, Mpumalanga and Limpopo. The Licensee maintains that its coverage area is as defined in the frequency spectrum licence.

The Licensee complied with clause 2 of the schedule to its licence.

3.3 Language(s)

Clause 3 of the schedule to the 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.

The Licensee has complied with clause 3 above.

3.4 Format

Clause 4.1 of the schedule to the licence states that:

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

Clause 4.2 stipulates that:

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

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. This was confirmed during the Authority's monitoring exercise. The monitoring exercise revealed that the radio station broadcasts different topical issues of national interest. During a programme called *"Ditla le Meso"* broadcast between 07h00 and 09h00, the discussion centred around history of human rights in South Africa, in line with *"Letsatsi la Ditokelo tsa Botho"* or Human Rights Day. The Sharpeville Massacre, where black demonstrators who were protesting pass laws, were massacred by the Apartheid police and 69 people were killed, was discussed at length.

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

3.4 Local Content Obligations

Clause 5 of the schedule to the licence stipulates 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 submitted its quarterly reports for the period under review as reflected in the tables below in line with the Compliance Procedure Manual Regulations. The figures show Thobela FM’s compliance with the quotas set out by the Authority. These figures were verified during the Authority’s monitoring exercise.

First Quarter April – June 2015

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	THOBELA FM’s Provision in week 26 (Minutes Daily/Weekly)	THOBELA FM’s Compliance (%)
<i>News</i>	<i>60 min (Daily)</i>	<i>61 (Weekly)</i>	<i>110%</i>
<i>Current Affairs</i>	<i>60 min (Daily)</i>	<i>85 (Weekly)</i>	<i>120%</i>
<i>IKB</i>	<i>180 min (Weekly)</i>	<i>220 min (Weekly)</i>	<i>140%</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>80 min (Weekly)</i>	<i>120%</i>
<i>Drama</i>	<i>150 min (Weekly)</i>	<i>245 min (Weekly)</i>	<i>150%</i>

Second Quarter July – September 2015

Content/ Genre	ICASA Quota <i>(Minutes Daily/Weekly)</i>	THOBELA FM's Provision in <i>(Minutes Daily/Weekly)</i>	THOBELA FM's Compliance (%)
<i>News</i>	<i>60 min (Daily)</i>	<i>87 (Weekly)</i>	<i>127%</i>
<i>Current Affairs</i>	<i>60 min (Daily)</i>	<i>85 (Weekly)</i>	<i>125%</i>
<i>IKB</i>	<i>180 min (Weekly)</i>	<i>390 min (Weekly)</i>	<i>210%</i>
<i>Education</i>	<i>300 min (Weekly)</i>	<i>480 min (Weekly)</i>	<i>165%</i>
<i>Children</i>	<i>60 min (Weekly)</i>	<i>80 min (Weekly)</i>	<i>110%</i>
<i>Drama</i>	<i>150 min (Weekly)</i>	<i>245 min (Weekly)</i>	<i>150%</i>

Third Quarter October – December 2015

Content/ Genre	ICASA Quota <i>(Minutes Daily/Weekly)</i>	THOBELA FM's Provision in <i>(Minutes Daily/Weekly)</i>	THOBELA FM's Compliance (%)
<i>News</i>	<i>60 min (Daily)</i>	<i>87 (Weekly)</i>	<i>127%</i>
<i>Current Affairs</i>	<i>60 min (Daily)</i>	<i>85 (Weekly)</i>	<i>125%</i>
<i>IKB</i>	<i>180 min (Weekly)</i>	<i>390 min (Weekly)</i>	<i>210%</i>

<i>Education</i>	<i>300 min (Weekly)</i>	<i>480 min (Weekly)</i>	<i>165%</i>
<i>Children</i>	<i>60 min (Weekly)</i>	<i>80 min (Weekly)</i>	<i>110%</i>
<i>Drama</i>	<i>150 min (Weekly)</i>	<i>245 min (Weekly)</i>	<i>150%</i>

Fourth Quarter January – March 2016

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	THOBELA FM's Provision in (Minutes Daily/Weekly)	THOBELA FM's Compliance (%)
<i>News</i>	<i>60 min (Daily)</i>	<i>87 (Weekly)</i>	<i>127%</i>
<i>Current Affairs</i>	<i>60 min (Daily)</i>	<i>85 (Weekly)</i>	<i>125%</i>
<i>IKB</i>	<i>180 min (Weekly)</i>	<i>390 min (Weekly)</i>	<i>210%</i>
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<i>Children</i>	<i>60 min (Weekly)</i>	<i>80 min (Weekly)</i>	<i>110%</i>
<i>Drama</i>	<i>150 min (Weekly)</i>	<i>245 min (Weekly)</i>	<i>150%</i>

The above quarterly submissions indicate compliance by Thobela FM with the set quotas during the 2015/2016 financial year.

3.5 General programming obligations

3.5.1 General

Clause 6.1.1 stipulates that:

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

The SABC's editorial policy¹ stipulates that:

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

The monitoring exercise concluded that Thobela FM broadcasts various shows that cater for Christian religions of all denominations. The shows also feature Rastafarian content and music geared at the diverse group of Rastafarians. "Reggae ke mmimo", that not only plays music but also profiles of artists with Rastafarian beliefs.

The Licensee was found to be compliant with clause 6.1.1 of the Schedule to its licence.

Clause 6.1.2 of the licence stipulates that:

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

Thobela FM's programming is reflective of the cultures and traditions of the Limpopo Province community, particularly the Sepedi speaking people. The monitoring exercise revealed that "Mekgolokwane", a programme broadcast every Saturday between 08h00 and 09h00, is a participatory programme tackling amongst others wedding invitations, rich culture and traditional wedding

¹ An extract from the Licensee's Editorial Policy

songs. The topics discussed by the radio station **demonstrate the licensee's compliance with clause 6.1.2 of the Schedule to its licence.**

Clause 6.1.3 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".

Monitoring of Thobela FM's programming profile confirmed that the radio station caters for the interests of all sectors of the South African public. The following programmes were monitored:

- "Notsa Todi," a programme broadcast on Saturdays between 11h00 and 13h00;
- "State your mind", a programme broadcast every Saturday between 09h00-9h30, tackling children's issues, with the assistance of SABC Education;
- "TabaKgolo Evening, a Current Affairs programme broadcast between 20h00 and 21h00; and
- "Rea Kgona", a programme broadcast on Saturdays between 13h05 and 14h00, focusing on disability issues.

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

3.5.2 News and Current Affairs

Clause 6.2.1 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 SABC's quarterly submissions report that the Licensee broadcasts at least eighty (80) minutes of news on each day.

At least 80 minutes of news was monitored each day examples of which are listed below as follows:

- *"Most economists expect ratings firm, Moody's, to downgrade South Africa's sovereign credit rating later this year to one notch above junk status. The firm is in SA to assess the situation after it put the country's rating under review".*
- *"President Jacob Zuma has spoken out against the scourge of early indulgence in sexual activity. The President was addressing learners attending a convention organised by the Congress of South African Students (Cosas) at Orlando stadium in Soweto on Friday"; and*
- *"The Minister of Transport Dipuo Peters has urged motorists to make safety their number one priority this Easter long weekend."*

The Licensee has, during the period under review, complied with clause 6.2.1 of the Schedule to its licence.

Clause 6.2.2 stipulates that:

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

The Licensee's quarterly reports indicate that Thobela FM broadcasts at least eighty-five minutes (85) minutes of current affairs programming per week during the South African performance period.

The monitoring exercise identified 3 Current Affairs programmes broadcast Mondays to Fridays as follows:

- *"Hlokwa la Tsela: Ntshabele. Motho o sebela ke wabo", between 06h00 and 07h00;*
- *Hlokwa la Tsela:Mantsiboa, 18h00 and 19h00; and*
- *"TabaKgolo" Evening, between 20h00 and 21h00*

The duration of all current affairs programmes listed above is 60 minutes each.

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

Clause 6.2.3 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's editorial policies indicate that the Licensee exercises full editorial control in respect of contents of its programming. The editorial policies further indicate that the Licensee endeavours to meet the highest standards of journalistic professionalism. Furthermore, it provides fair, unbiased and impartial coverage independent from government, commercial or other interference

The programme line-up of the radio station reflects the provisions of the above clauses. In addition, the programming content of Thobela FM is made up of a variety of material that is aimed to cater for the interest of South Africans and to cover a wide range of topical, social, economic and environmental issues

In its current affairs broadcast, the radio station provides an opportunity for the public to receive a variety of points of view on matters of public concern. The Licensee's Editorial Policies form part of the SABC's Charter and monitoring of Thobela FM's news and current affairs programmes during the year under review

not only demonstrated compliance with clause 6.2.2 of its licence but the Charter as contained in the Broadcasting Act of 1999.

During the period under review, the Licensee was found to be in compliance with clause 6.2.3 of the Schedule to its licence.

3.5.3 Programming targeted at Children

Clause 6.3.1 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".

The Licensee submitted that it has broadcast at least four hundred (400) minutes of children's programming per week during the South African performance period during the period in review.

The monitoring exercise confirmed that children's programmes are broadcast throughout the week and on weekends. A programme called "State your mind" is an example of an educational programme that is for children and broadcast by children. It is an exciting and vibrant show broadcasts Saturdays between 09h00 and 09h30. The nature of the show is that children from various schools across Limpopo province are invited into studio to share experiences about their lives and challenges they face at school. It is a very popular programme. Another show that was monitored was "Teen Zone", which is broadcast on Saturdays between 09h30 and 10h00, and tackles teenage issues and shares advice with the listeners.

The Licensee was found to be in compliance with clause 6.3.1 of the Schedule to its licence.

Clause 6.3.2 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 following programmes were monitored during the period under review:

- "Lesang bana "between 07h00 and 08h00 on Sundays;
- "State your mind": A weekly show between 09h05 and 09h30 on Saturday; and
- "Teen zone" every Saturday between 09h30 and 10h00.

The above programmes were broadcast from children's point of view and catered for the age groups as mentioned above. The programmes were broadcast at the times when children were expected to be home.

The Licensee was found to be in compliance with clause 6.3.2 of its licence.

3.5.4 Educational Programming

Clause 6.4 of the schedule to 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 Licensee's quarterly submissions indicate Thobela FM achieves on average four hundred and eighty (480) minutes of educational programming weekly.

The Authority's monitoring exercise identified the following educational programmes, amongst others: "Teen Zone" and Mofahloshi as Educational Programming broadcast by the Licensee.

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

3.5.5 Drama

Clause 6.5 of the schedule to 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 Licensee's quarterly submissions report that Thobela FM broadcast at least two hundred and forty-five (245) minutes of drama per week, during the South African performance period.

During the period under review, the monitoring exercise confirmed that the radio station broadcasts a drama programme each day of the week during the South African performance period. The soapies are broadcast for 10 minutes each.

The following drama was monitored:

- *"Mahlaku"* broadcast weekdays between 19h45 and 20h00 and repeated in the mornings of every day of the week between 11h45 and 12h00

In total, at least 140 minutes of drama programming was monitored during the South African performance period in each week.

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

3.5.6 Informal Knowledge-Building Programmes

Clause 6.6 of the schedule to 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".

The Licensee's quarterly submission reports that Thobela FM broadcast at least twenty-six (26) hours of Informal Knowledge Building programming per week within the South African Performance Period.

The monitoring exercise monitored the following informal knowledge building programmes:

- "Moswa le bokamoso" broadcast between 14h05 and 14h50 weekdays. This is a mixture of music together with social issues affecting the youth, such as teenage pregnancy, drugs and alcohol; and
- "Tabakgolo" broadcast between 20h05 and 21h00 from Mondays until Fridays- discussing various topics of any nature and issues that are topical at the time.

In total, at 5 hours of informal knowledge building programming per week was monitored.

The Licensee was found to be in compliance with clause 6.6 of the Schedule to the licence document.

3.6 Training and Skills Development Obligations

Clause 7 of the schedule attached to the licence stipulates 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 Licensee submits that it conducted several projects directed at achieving transformational targets and Employment Equity plan. Amongst others, the licensee implemented capacity building workshops for the National Disability Committee members to ensure that the members are able to perform their roles with regards to implementation of EE objectives of the SABC. This is an important step as the licensee still has not achieved its target of 2% for people with disabilities for the second successive year. The licensee must do better to achieve and exceed this target. The licensee continues to provide training for its employees with 87.54% having attended training.

Further, the Licensee embarked on a talent acquisition strategy to increase the number of females, in particular black female employees with disabilities. Projects such as the Take A Girl Child To Work were meant to give work exposure to young girls. Another project was Man in the Making Day, which was aimed at young boys with disabilities to be interested in working for the SABC.

Lastly, the licensee submits that it embarked on the SABC Techno Girl programme. Its purpose was to expose young learners to the SABC Technology Division and align them to choose in-demand careers and skills in the ICT sector. (See Skills and Development report attached as Attachment 4).

The Licensee was found to be in compliance with clause 7 of the Schedule to its licence

3.7 Provision of Audited Financial statements to the Authority

Clause 8 of the schedule to 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 SABC submitted its Audited Financial Statements for the 2015/2016 Financial year within the regulated timeframe. According to the AFS, 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 its licence.

4. REGULATIONS

4.1 ICASA South African Music Content Regulations

Regulation 3.1 of the South African Music Content² 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.”

During the period under review, Thobela FM’s music content constituted at least 60% of South African Music. Thobela FM’s playlist is dominated by South African artists. Among those enjoying air play on Thobela FM’s music schedule are: Brenda Fassie; Ishmael Hlatswayo (Spokes H); Stimela; Dr Victor and Siphon Hotstix Mabuse.

The Licensee complied with regulation 3 .2 of the South African Music Content Regulations.

4.2 Regulations regarding Standard Terms and Conditions for individual licences

Regulation 11 (3) of the standard terms and conditions³ stipulates that:

² South African Music Content Regulations

"A station must clearly identify itself at intervals of not more than thirty (30) minutes."

Thobela FM's promos were identified frequently during the period under review and these were broadcast at intervals of not more than ten (10) minutes apart. The promos carried the name of the station and frequency details.

Furthermore, there was no incident of non-compliance with the standard terms and conditions for individual licenses found.

The Licensee complied with the Regulations on Standard Terms and Conditions for Individual Licences.

4.3 Universal Service and Access Fund Regulations

Regulation 3 of the USAF Regulations⁴ 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 Authority received confirmation of payment in a form of a Section 18A certificate from the MDDA and the Licensee submitted proof of payment to the Authority.

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

³ Regulations regarding the Standard Terms and Conditions for Individual Licensee's

⁴ Universal Service and Access Fund Regulations

4.4 Regulations on the Code for People with Disabilities

Form 7C in respect of the Code for People with Disabilities contained in the Compliance Procedure Manual Regulations requires broadcasting licensees to annually complete the form in accordance with the Licensee's financial year end.

The monitoring exercise revealed that on each Saturday, Thobela FM has a programme on issues of disabilities called "*Re ka kgona*". A local group of artists from Limpopo Artists Movement were interviewed and talked about their initiative and how they would like to partner with other stakeholders to make various festivals accessible for people of disabilities. The organisation is concerned that a lot of government organised events do not have artists with disabilities, and appeals for change from all corners of society. Furthermore, the artists call for respect of artist with disabilities and that they must be treated the same way and be remunerated for work done.

The SABC submitted its report on employee disability management as follows: Employees with disabilities represent 1.90% of the entire workforce. This was due to the fact that some employees left the organisation, which affected its target of 2%.

The licensee states that this area will remain a key focus for it. Of the 1.90% of employees with disabilities, 58% of those were female and 77% were black. Additionally, the licensee hosted the National Blind Buddy Day; Albinism Awareness; Deaf Awareness and Casual Day. These are some of the initiatives aimed at and encouraging disability self-disclosure by employees.

4.5 COMPLAINTS

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

There were no complaints submitted to ICASA on the SABC's compliance with its licence terms and conditions for the year under review. The complaint/s lodged with the CCC regarding the SABC's revised editorial policy fall outside of this period and will be dealt with in the 2016/17 report.

5. CONCLUSION

The Licensee complied with its licence terms and conditions and related regulations that governs public broadcasters during the period under review.

6. TERMS OF REFERENCE

- 6.1 Appendix A: Thobela FM's Broadcasting Service Licence and Frequency Spectrum Licence