



THOBELA FM

ANNUAL COMPLIANCE

REPORT

MARCH 2020

2018/2019 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 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 2018/2019 financial year. Aspects of compliance that are measured comprise of Format, Local Content Obligations, General Programming Obligations, Training and Skills Development, Finances, Complaints, South African Music Content Regulations, Regulations Regarding Standard Terms and Conditions, Universal Service and Access Fund (USAF) Regulations, Code on People with Disabilities and General Licence Fees Regulations.

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 in Polokwane, Limpopo Province. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review was 2, 887 000⁶, retaining its position as South Africa's 5th biggest radio station by listenership, a growth of 4.1% from the previous reporting period.

¹ The Constitution of the Republic of South Africa, 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 Per Frequency Spectrum Licence

⁶ <https://brcsa.org.za/brc-ram-listenership-report-oct18-mar19/>

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 shall hold one hundred (100%) percent of the shares of the Corporation*
- 1.3 Ownership by persons from historically disadvantaged groups: N/A*

There were no changes reported on the name and shareholding of the Licensee. Thobela FM forms part of the public service division of the SABC and it is 100% owned by the State.

The Licensee complied with clauses 1.1, 1.2 and 1.3 of its 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. Its transmitter sites are located 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.

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

3.3 Language(s)

Clause 3 of 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. This is applicable to all programmes including news and other general programming.

The Licensee 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 offers a full-spectrum service to its audience as outlined in the licence. The monitoring exercise found that the station broadcasts a broad range of public interest matters throughout its line-up.

The Licensee complied with clause 4.1 of 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 the 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's Thobela FM submitted its quarterly reports for the period under review. The submission was verified during the Authority's monitoring exercise.

The quarterly submissions indicate compliance by Thobela FM with the set quotas during the 2018/2019 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 policy⁷ stipulates that:

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

Thobela FM's religious programmes are diverse and reflect the demographics of its target audience within the Limpopo region particularly. The diversity of sermons provided by different churches demonstrate that the licensee has taken into account, the regional factors in the specified coverage area. *Lentswe ke bophelo* is an example of the diverse religious programming found on Thobela FM. It features a mixture of sermons and gospel music.

The Licensee complied with clause 6.1.1 of 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".

The monitoring exercise found the programme *Ma-Afrika Tumelong* broadcast on Sunday evenings between 20:00 – 21:00. The show is a mixture of traditional Sepedi music and educational discussions of the origins of some practices and musical inspirations. Artists are interviewed at length and their music is also promoted on the show.

The Licensee complied with clause 6.1.2 of 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".

The licensee's programming offers a broad range of topics and issues of national importance throughout its line-up. The monitoring exercise found different health topics in several shows as well as specific shows that tackle societal issues of South Africa. The

⁷ An extract from the Licensee's Editorial Policy

following programme is an example of the type of programming that deals with societal matters:

- *Sedibeng*: a lifestyle and health show that discusses various issue from poverty; unemployment; healthy living and other societal topics of public interest. The show is broadcast on weekdays between 09h00 – 11h45.

The Licensee complied with clause 6.1.3 of 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 approximately two hundred and eight (208) minutes of news each day.

The monitoring exercise identified on average, eighty-five (85) minutes of news on each day of the week. News is broadcast each hour from 06h00 until 22h00 and at the bottom of each hour throughout the day. The following news sample was monitored:

- *"Go letetswe gore Commission ya go nyakishisha mabarebare ago goga mmusho ka nko, e tla theeletsa bohlatse gotswa go bahlankedi ba gotswa go la Eskom, Gert Opperman le Johan Bester mesong ya lehono ka Parktown, Johannesburg. Pejana bekeng ye, Snehal Nagar, wa Primary Energy Division ka go Eskom, o rile mokgwa wa Eskom wa ditefo, o ile waa tsenelwa gore go phethagatswe tefo ya diranta tse di million tse makgolo tshela go Tegeta Exploration and Resources, ya ba lapa la Gupta. Nagar o rile o laetswe go phethagatsa tefo eo mo sebakeng sa di iri morago ga kgopelo. "Nagar says there were no supporting evidence for the requests, and the whole transaction went against Eskom's procurement processes. The Commission's evidence leader and senior counsel, Advocate Mokoena said that an assessment by the state brought forward by Nagar, indicated that Eskom's tender board committee resolved to give Tegeta the R600 million prepayment without Tegeta ever having asked for the funds"*

- *"Democratic Alliance ere sephetho sa National Energy Regulator of South Africa sa go dumelela Eskom go oketsa ditefo tsa mohlagase ka di persente tse lesome tharo fegelwana seswai, ke sa go leboga ANC ya bo menetsa.*

Ditego tseo di okeditswego, ditla thoma go phethagatswa go thoma letsatsing la pele kgwedding ye etlago. Commission ya go nyakishisha mabarebare ago goga mmusho ka nko, ekwele mabapi le bo menetsa bjo bo atilego kago Eskom, kudu mabapi le di kontraka tsa malahla le company ya ba lapa la Gupta. Mohlankedi wa DA mererong ya dikgwebo tsa setshaba Natasha Mazonne, ore ma Afrika Borwa a shetse a itemogela mathata a motshelo ka lebaka la taolompe le bo menetsa tsa ANC magareng a tse dingwe.

- *DA ere Eskom e swanetse go shetsa go kgoboketsa tshelete yeo ee kolotwang gona le gore, e otle badirishi bao ba lefago ka go oketsa ditefo."*
- *"Batho ba go tuma, le bao ba atlegilego, gaba tshedishwe mahlo go ba eleng bao ba melato, goba batswa sehlabelo ba tlaisho ya thobalano goba dikgaruru tsaka malapeng. O ke molaetsa gotswa go hlogo ya merero ya basadi kawo mokgahlo wa mashaba kopano, Phumzile Mlambo Ngcuka, yoo a kgopetswego go tsena seemo kabogare melatong ya tlaisho ya basadi, yeo e amago seopedi R Kelly ka United States le go bethwa ga seopedi sa Afrika Borwa, Babes Wodumo diatleng tsa lesogana la gagwe Mampitsha. "It shows that people who are famous, actually, are not exempt from being perpetrators, but also it also shows that sometimes it takes a long time before women who complain can be listened to. I want due process obviously for him, but also, when you have a long list of women making the same complaint, it is actually important that we stand and listen, and that some process that listens and takes action in support of the women, actually does happen"- Mlambo Ngcuka."*

The Licensee complied with clause 6.2.1 of 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 on average, one hundred and twenty-two (122) minutes of current affairs programming per day during the

South African performance period. The Authority's monitoring exercise found at least eighty-five (85) minutes of current affairs per day.

The monitoring exercise found, amongst others, the following current affairs programmes, namely:

- " *Tabakgolo*": Current Affairs programme between 20:00 – 21:00. When there are no Premier Soccer League (PSL) games, the programme runs as per the schedule.
- " *Hlokwa la Tsela*": Current Affairs Morning between 06:05 – 07:00.

The current affairs programme, *Hlokwa la Tsela*, is also broadcast on Saturdays and Sundays, between 06:00 and 07:00.

The Licensee complied with clause 6.2.2 of 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. The editorial policy provides fair, unbiased and impartial coverage independent from government, commercial or other interference.

During the period under review, the monitoring exercise revealed that Thobela FM broadcasts matters of national and international significance. This was found in its current affairs programmes where the radio station provides an opportunity for its listeners to provide and receive a plurality of views on matters of public concern. The Licensee's Editorial Policies form part of the SABC's Charter.

The licensee complied with clause 6.2.3 of 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 submits that it has broadcast at least seventy-five (75) minutes of children's programming per week.

Lesang Bana, is a programme aimed at children who are keen on learning more religious scripture through interactions on radio. The children who phone in are confident and display interest in learning and interacting with others on radio. The show is broadcast on Sundays between 07:00 – 08:00.

The Licensee complied 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 monitoring exercise confirmed that the children's programmes are provided from a point of view of children where they be interested to engage in topics discussed. The host is patient and considerate when taking calls from the children and makes the whole experience for them comfortable and exciting at the same time.

The Licensee complied with clause 6.3.2 of its licence.

3.5.4 Educational Programming

Clause 6.4 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 Licensee's quarterly submissions indicate Thobela FM achieves on average seven (7) hours of educational programming weekly. The Authority's monitoring exercise found at least six (6) hours of educational programming weekly. The following are examples of educational programmes, which include academic education, religious education and traditional education:

Mofahlushi; Teen Zone; Ma-Afrika Tumelong and Moswa le Bokamoso. These shows offer a broad range of topics from youth education topics where matters of university issues are discussed; to traditional knowledge where the listeners are given a broad history of some of the cultural practices in Sepedi culture.

The Licensee complied with clause 6.4 of the licence document.

3.5.5 Drama

Clause 6.5 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 Licensee's quarterly submissions reflect that Thobela FM broadcasts at least two hours and thirty minutes (2½) of drama per week, during 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 complied with clause 6.5 of its licence.

3.5.6 Informal Knowledge-Building Programmes

Clause 6.6 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".

The Licensee's quarterly submission indicates that Thobela FM broadcast at least twenty-six (26) hours of Informal Knowledge Building (IKB) programming per week. The

Authority's monitoring exercise found at least twelve (12) hours per week of IKB content weekly.

The following are examples of informal knowledge building programmes on the licensee's line-up:

Re ka kgona; Mofahloshi; Moribo wa Afrika; Lesang bana; and Jazz yeo e phelago. These shows combine both music and talk and deal with wide ranging topics for their different target audiences, while imparting valuable informal knowledge building information.

The Licensee complied with clause 6.6 of the licence document.

3.6 Training and Skills Development Obligations

Clause 7 of the schedule to SABC licence stipulates that:

"7.1 The Licensee must adopt and implement equal opportunity employment practice.

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

The Licensee is in its third year of its three (3) year employment equity plan. During the period under review, the Licensee submits that it successfully implemented employment equity and transformation objectives in line with the relevant legislation which ensured that diversity and inclusion is managed in a non-discriminatory environment. The Licensee implemented various initiatives that was aligned to its employment equity plan and was intended to create awareness, to educate and to challenge employees understanding on different topics relating to diversity and inclusion.

The Licensee submitted its Employment Equity and Transformation report for the period under review. The report indicated that the Licensee made significant progress against its employment equity targets and goals as set out in the employment equity plan⁸.

The Licensee during the period under review achieved a level two (2) BBBEE status and received a total score of 19,61 out of 20 for its Management Control/Employment equity element.

The Licensee delivered 2534 training interventions to 1567 employees during the period under review. Of the 1567 employees, 1088 was trained in accordance with the Workplace Skills Programme and 479 were trained based on operational requirements.

The Licensee submitted that 88% of its employees who were trained, were from the designated groups (Black, Coloured, Indian). The other 54,56% were females and 2,55% were employees with disabilities.

The Licensee submitted its Training and Skills Development that provides a detailed breakdown of its compliance with the above requirements, for the period under review, to the Authority for the period under review¹⁰.

The Licensee complies with its training and skills developments obligations.

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 2018/2019 financial year within the stipulated timeframe.

The Licensee complied with clause 8 of its licence

⁸ SABC Employment Equity and Transformation: Report to ICASA, Reporting period: 1 April 2018 – end March 2019.

4. REGULATIONS

4.1 ICASA South African Music Content Regulations

Regulation 3 (2) of the South African Music Content¹¹ 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 85% of South African Music. Artists featured on Thobela FM's music schedule include *DJ Zinhle; Lumka Music; Casper Nyovest; Busiswa and many others.*

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

There were no incidents of non-compliance with the Standard Terms and Conditions for Individual Licences Regulations found for the period under review.

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

4.3 Universal Service and Access Fund Regulations

Regulation 3 of the USAF Regulations¹² 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".*

¹² Universal Service and Access Fund Regulations.

- (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 of USAF from the MDDA and the Licensee submitted proof of payment¹³ thereof, to the Authority. The submission was made within the regulated timeframes.

The Licensee has complied with the USAF Regulations, 2011.

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.

There were no complaints received by the licensee during the period under review and none were escalated to the Authority in this regard. The Licensee complied with the Code of Conduct for Broadcasters.

5. CONCLUSION

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

6. TERMS OF REFERENCE

- 6.1** Annexure A: Thobela FM's Broadcasting Service Licence;
- 6.2** Annexure B: Thobela FM's Frequency Spectrum Licence;
- 6.3** Annexure C: Extract from the Licensee's Editorial Policy;
- 6.4** Annexure D: Training & Skills Development Report;
- 6.5** Annexure E: Regulations regarding the standard terms and condition;
- 6.6** Annexure F: Universal Service and Access Fund Regulations;and
- 6.7** Annexure G: Proof of SABC's Contribution to USAF .

¹³ Proof of SABC's contribution to the USAF.