

LIGWALAGWALA FM ANNUAL COMPLIANCE REPORT

MARCH 2018

2016/17 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BROADCASTING AS

LIGWALAGWALA 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, 1 the ICASA Act of 2000, 2 the Electronic

Communications Act3 (ECA) and the Broadcasting Act4 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 this report is to give an account of Ligwalagwala FM's compliance with the

terms and conditions as set out in its licence for the 2016/2017 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, Regulations on the Code on People with Disabilities,

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 and General Licence Fees Regulations.

2. BACKGROUND

Ligwalagwala FM is an individual public 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 areas of the Mpumalanga Province.

3. **COMPLIANCE ASSESMENT**

3.1 **Ownership and Control**

Clause 1.2 of the licence provides as follows:

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

1

ICASA

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

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

"Shareholders: The State: 100%"

Clause 1.3 of the licence stipulates that:

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

Ligwalagwala FM forms part of the public service of the SABC and is 100% owned by the State. The Licensee does not have persons from historically disadvantaged groups in its

ownership.

The Licensee was found to be in compliance with clauses 1.1, 1.2 and 1.3 of its

licence.

Geographic Coverage

Clause 2 of the schedule to the licence stipulates that:

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

spectrum licence"6.

According to the frequency spectrum licence, the radio station covers the following areas: Carolina, Davel, Dullstroom, Hectorspruit, Hoedspruit, Lydenburg, Mbuzini, Middelburg, Nelspruit, Pretoria and Volksrust. The Licensee confirms that its coverage area is as

defined in its frequency spectrum licence.

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

3.3 Language(s)

Clause 3 of the schedule to the licence provides that Ligwalagwala FM's language of

broadcast is as follows:

"Principal Language: isiSwazi".

The monitoring exercise confirmed that the radio station's principal language of broadcast

is as prescribed in clause 3 of its the licence terms and conditions.

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

S Appendix A: Ligwalagwala FM's broadcasting service
Appendix B: Ligwalagwala FM's frequency spectrum licence

2

3.4 Format

Clause 4.1 of the schedule to the licence stipulates 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".

Ligwalagwala FM is categorised as a public radio station of the SABC and offers a full-spectrum service to its audience as outlined in the licence.

The monitoring exercise confirmed that the radio station is a public radio station of the SABC.

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

3.5 Local Content Obligations

Clause 5 of the schedule to the licence states that:

"The Licensee shall submit quarterly reports to the Authority which shall include the licensee's compliance measured on:

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 5h00 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. The reports reflect a week's sample for each quarter. The figures below demonstrate a breakdown of Ligwalagwala FM's compliance with the quotas set out by the Authority. The figures were confirmed during the Authority's monitoring exercise from the recordings submitted by the radio station for the period under review.

First Quarter: April - June 2016

Content/	ICASA Quota	Ligwalagwala FM's	Ligwalagwala
Genre	(Minutes	Provision in week	FM's Compliance
	Daily/Weekly)	26 (Minutes	(%)
		Daily/Weekly)	
News	60min (Daily)		
Current Affairs	60min (Daily)	85min (Week Days)	141%
		60 min (Saturday)	100%
		60 min (Sunday)	100%
Informal	180min (Weekly)	1680min (Weekly)	933%
Knowledge			
Building			
Education	300min (Weekly)	360 min (Weekly)	120%
Children	60 min (Weekly)	285min (Weekly)	475%
Drama	150min (Weekly)	225min (Weekly)	150%

Second Quarter: July - September 2016

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Ligwalagwala FM's Provision in week (Minutes Daily/Weekly)	Ligwalagwala FM's Compliance (%)
News	60min (Daily)		
Current Affairs	60min (Daily)	85min (Week Days) 60 min (Saturday) 60 min (Sunday)	141% 100% 100%
Informal Knowledge Building	180min (Weekly)	1680min (Weekly)	933%
Education	300min (Weekly)	360min (Weekly)	120%
Children	60 min (Weekly)	285min (Weekly)	475%
Drama	150min (Weekly)	225min (Weekly)	150%

Third Quarter: October - December 2016

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Ligwalagwala FM's Provision in week (Minutes Daily/Weekly)	Ligwalagwala FM's Compliance (%)
News	60min (Daily)		
Current Affairs	60min (Daily)	85min (Week Days) 60 min (Saturday) 60 min (Sunday)	141% 100% 100%
Informal Knowledge Building	180min (Weekly)	1680min (Weekly)	933%

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Ligwalagwala FM's Provision in week (Minutes Daily/Weekly)	Ligwalagwala FM's Compliance (%)
Education	300min (Weekly)	390 min (Weekly)	130%
Children	60 min (Weekly)	285min (Weekly)	475%
Drama	150min (Weekly)	225min (Weekly)	150%

Fourth Quarter: January - March 2017

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Ligwalagwala FM's Provision in week (Minutes Daily/Weekly)	Ligwalagwala FM's Compliance (%)
News	60min (Daily)		
Current Affairs	60min (Daily)	85min (Week Days)	141%
		60 min (Saturday)	100%
		60 min (Sunday)	100%
Informal	180min	1680min (Weekly)	933%
Knowledge	(Weekly)		
Building			
Education	300min	390 min (Weekly)	130%
	(Weekly)		
Children	60min (Weekly)	285min (Weekly)	475%
Drama	150min (Weekly)	225min (Weekly)	150%

The above information indicates compliance by Ligwalagwala FM with the set quotas during the 2016/17 financial year, save for daily minutes of news from the first quarter to the fourth quarter that were not provided by the Licensee.

3.6 General programming obligations

3.6.1 General

Clause 6.1.1 of the schedule to the licence provides that:

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

The SABC's editorial policy stipulates that:

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

Ligwalagwala FM broadcasts religious sermons every Sunday as follows:

"Siyadumisa" between 07h00 and 9h00; and "Moment of Power: The Breakfast of the Giants" which is a worship insert, broadcast between 8h00 and 9h00. It was confirmed during the monitoring exercise that ministers from various denominations are invited in the studio to provide sermons.

The Licensee was found to be in compliance with clause 6.1.1 of its licence.

Clause 6.1.2 of the schedule to the licence provides that:

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

Ligwalagwala FM's target audience is primarily the isiSwazi speaking people. Monitoring of Ligwalagwala FM's programming content confirmed that the radio station caters for the cultural and traditional interests of its audience.

"Sidla Ngaloludzala" is broadcast on Sundays between 19h30 and 21h00. The programme deals with the dynamics of the Swati culture. The programme monitored focused on understating words and translating them into siSwati. During this programme, listeners become active participants in that they phone in and pose questions regarding the issues.

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

Clause 6.1.3 of the schedule to the licence 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".

Ligwalagwala FM broadcasts a variety of programmes focusing on health and gender issues such as the following:

 "Asikhuleni" broadcast on weekdays between 9h10 and 9h20 focuses on the health and development of a child. • "Tfokomala Nami" is a women's magazine programme broadcast between 10h00 and 12h00. It deals with various women programmes and health related issues that affect women. Gospel music is played during the show.

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

3.6.2 News and Current Affairs

Clause 6.2.1 of the schedule 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 revealed that Ligwalagwala FM broadcasts a total of sixteen (16) news bulletins every hour on the hour from 06h00 to 21h00. At least eighty (80) minutes of news was monitored daily during the South African performance period.

Among the news stories covered for the period under review were excerpts from certain broadcasts, as follows:

- "Le Nhlangano i-DA seyiyile lapha kulelikomishana lelitimele nelibukene netolikhetho kulelive i-Independent Electoral Commission ukuyofaka lesikhalo sayo lesimayelana nalamahlebeti athi lenhlangano i-ANC beyinemikhankaso wemshosha phansi lebiyiwuchuba ngembi kwalokubanjwa kwalolukhetho lwalohulumende basemakhaya lolubengese kulonyaka ophelile kulelive";
- "Le nhlangano i-DA icela ukuba kuthi londunankulu walesifundza sase-Gauteng, umnumzane uDavid Makhura esule kulesosikhundla lekakuso, ithi lesicelo sayo silandela lesehlakalo sokushona kwalezigulana zengcondo letingamashumi ayimfica nane";
- "Itabe ibanjelwe e-Loftus stadium ePitoli ngoLwesihlanu inkonzo yesikhumbuto salowo ebengumdlali we-Rugby, Joost van der Westhuizen"; and
- "Lisekela lekamengameli umnumzane uCyril Ramaphosa ucinisekise-ke i-Progressive Professionals Forum eKapa ukuthi angeke abantshontshele yena abantu".

For the period under review and notwithstanding the Licensee's submission, the Licensee was found to be in compliance with clause 6.2.1 of the schedule to its licence.

Clause 6.2.2 of the schedule to the licence stipulates 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 indicated that Ligwalagwala FM broadcasts a minimum of eighty-five (85) minutes of current affairs programming on weekdays; sixty (60) minutes on Saturdays and Sundays during the South African performance period.

The monitoring exercise identified three Current Affairs programmes as follows:

- "Tiphuma Impunga" broadcast Mondays to Fridays between 05h30 and 06h30;
- "Tiphuma Embiteni Tishisa" broadcast Mondays to Fridays between 18h00 and 19h00;
- "Tiphuma Impunga" broadcast on Saturdays between 06h00 and 07h00; and
- "Telive Atipheli" broadcast on Sundays between 06h00 and 07h00.

A total of eighty-five (85) minutes of Current Affairs programming was monitored on week days. Sixty (60) minutes of Current Affairs programming was monitored on weekends.

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

Clause 6.2.3 of the schedule to the licence provides that:

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

- (i) Exercise full editorial control in respect of 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 a reasonable opportunity for the public to receive a variety of points of view on matters of public concern".

The SABC's editorial policy (2004) which are currently under review, states that the licensee must exercise full editorial control in respect of contents of its programming. The editorial policy further indicates that the licensee endeavours to meet the highest standards of journalistic professionalism. Further, the policy provides for fair, unbiased and impartial coverage independent from government, commercial or other interference. In its news and programming content it includes matters of international, national, regional and local significance.

The monitoring exercise confirmed that Ligwalagwala FM broadcasts matters of international, national, regional and local significance. In its current affairs broadcast, the radio station provides an opportunity for the public to receive a variety of points of view from different analysts and experts on matters of public concern. The SABC's Editorial Policies form part of the SABC's Charter and monitoring of Ligwalagwala FM's news and current affairs programmes for the period under review demonstrated compliance with clause 6.2.3 of its licence and the Charter as contained in the Broadcasting Act of 1999.

The Licensee was found to be in compliance with clause 6.2.3 of its licence.

3.6.3 Programming targeted at Children

Clause 6.3.1 of the schedule to the licence stipulates that:

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

Clause 6.3.2 of the schedule to the licence stipulates 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 SABC's quarterly reports indicate that Ligwalagwala FM broadcast a minimum of two hundred and eighty-five (285) minutes of children's programming weekly.

The monitoring exercise confirmed that the radio station broadcasts children's programmes as follows:

- "Sunday School" broadcast on Sunday between 7h00 and 7h30. This is an informal educational programme aimed at teaching children about religion, the existence of God and Jesus Christ.
- "Takalani Sesame" broadcast on Tuesday, Thursday and Friday between 09h00 and 09h20 targets children between zero to six (6) years of age. The programme aims at entertaining and educating children.
- "Nalibali" broadcast on Monday and Wednesday between 09h00 and 09h20, where children are empowered with educational entertainment. During the programme children are told different stories.
- "Asikhuleni" broadcast on weekdays between 9h25 and 9h50 focuses on health and development of a child. During the programme, birthday wishes are read on air. Further, the programme educates children about listening skills. For example, the children are given an opportunity to call the presenter to share their understanding of Nalibali and Takalani Sesame.
- "State Your Mind" broadcast between 09h00 and 10h00 on Saturday. This programme targets children from (7) to twelve (12) years and teenagers. The programme is presented by a teenager. The programme encourages learners from different schools to come in studio and share different experiences. The programme monitored was educating children about different careers in the aviation field.

In total, one hundred and fifty (150) minutes of programming targeted at children was monitored per week, during the South African performance period.

The Licensee was found to be in compliance with clauses 6.3.1 and 6.3.2 of its licence.

3.6.4 Educational Programming

Clause 6.4 of the schedule to the licence reads:

"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 SABC's quarterly reports indicated that Ligwalagwala FM broadcasts a minimum of three hundred and sixty (360) minutes (6 hours) of educational programming per week during the South African performance period.

The monitoring exercise confirmed that Ligwalagwala FM broadcasts educational programmes as follows:

- "SABC Education" broadcast between 21h30 and 22h00 on Tuesdays; and
- "Sakha Sive" broadcast between 21h00 and 21h30 on weekdays.

In total, three hundred and thirty (360) minutes (6 hours) of educational programming per week was monitored during the South African performance period.

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

3.6.5 Local Drama

Clause 6.5 of the schedule to the licence stipulates that:

"The Licensee shall broadcast at least two and a half $(2\frac{1}{2})$ hours of drama per week within the South African Performance period".

The SABC's quarterly reports indicated that Ligwalagwala FM broadcast one hundred and sixty (160) minutes of drama programming per week during the South African performance period.

The monitoring exercise identified a drama programme as follows:

• "Ngaluthota lolumandi" broadcast on weekdays between 11h15 and 11h30 in the morning and in the evenings between 19h10 and 19h30.

In total, two (2) hours and thirty (30) minutes of drama programming per week was broadcast.

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

3.6.6 Informal Knowledge Building

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 SABC's quarterly reports indicated that Ligwalagwala FM broadcast a maximum of one thousand six hundred and eighty (1680) minutes (28 hours) of Informal Knowledge Building programming per week during South African performance period.

During the period under review, the monitoring exercise confirmed that Ligwalagwala FM broadcast Informal Knowledge Building programmes. The Informal Knowledge Building programmes monitored are as follows:

- "Ingalo Yomthemtho" broadcast on Thursdays between 20h50 and 21h00;
- "SABC Education" broadcast between 21h30 and 22h00 on Tuesdays;
- "Brothers For Life" broadcast between 21h30 and 22h00 on Mondays; and
- "Sakha Sive" broadcast between 21h00 and 21h30 on weekdays.

In total, three hundred and twenty (320) minutes of Informal Knowledge Building was monitored.

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

3.6.7 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; and
- 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's employment equity report shows that there was an increase, by at least one percent its employment of Black people and females respectively. The SABC employed at least 86% black people compared to 85% for the previous financial year. For the period under review, while 49% were female employees, an increase by 15 from the previous financial year, the report shows that Black people are in the majority at management level at 78%. This, one may argue, is indicative of the fact that the Licensee is making strides to employing Black people and females. The SABC has set targets for itself to employ more Black people and women every year.

In addition, 2% of the overall staff complement within the Licensee are people with disabilities. The SABC intends growing the number of disabled people in its overall staff complement to 4% by the year ending 2019.

In terms of training, the Licensee reports to have trained at least 1785 employees in the year ended in March 2017. The statistical breakdown of these training interventions shows that at least 88% of SABC's trained personnel were people from previously disadvantaged backgrounds.

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

3.7 Audited financial statements

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 (AFS) for the 2016/17 financial year as required by clause 8 of the schedule to its licence.

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

4. REGULATIONS

4.1 Complaints Received

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A⁷ which reports on all complaints received during the financial year under review. The SABC submitted its complaints report in accordance with the Regulations regarding the Code of Conduct for Broadcasting Service Licensees.

The Licensee is a member of the National Association of Broadcasters (NAB). Complaints related to code of conduct are administered by the Broadcasting Complaints Commission of South Africa (BCCSA).

For the year under review, the Authority did not receive any complaint against the radio station from the public on non-compliance.

4.2 Regulations on the Code on People with Disabilities

Clause 3.1(a) of Regulations on the Code on People with Disabilities provides that:

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

Ligwalagwala FM is available and accessible to People with Disabilities.

The Licensee was found to be compliant with clause 3.1(a) of the Regulations on the Code on People with Disabilities.

Clause 3.1(c) of the Regulations on the Code on People with Disabilities states that:

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

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⁷ SABC Form 12A

The Licensee did not provide information regarding surveys conducted by the radio station.

The Licensee was found to be non-compliant with clause 3.1(c) of the Regulations on the Code on People with Disabilities.

4.3 South African Music Content Regulations

Clause 3.1 of the Regulations on South African Music Content as published on 31 January 2006 requires the licensee to broadcast 40% local music.

The monitoring conducted by the Authority confirmed that Ligwalagwala FM broadcast at least 80% of South African music.

The Licensee was found to be in compliance with the regulations on South African Music Content.

4.4 Regulations regarding Standard Terms and Conditions for individual Broadcasting Licences

The Authority is satisfied that the Licensee did not contravene the Standard Terms and Conditions for Individual Licences during the period under review.

Ligwalagwala FM complies with the Standard Terms and Conditions of Licences Regulations.

4.5 Universal Service and Access Fund Regulations

Regulation 3 of the USAF Regulations provides that:

- (1) "Every holder of a licence granted in terms of Chapters 3, 4 and/or 9 or converted in terms of Chapter 15 of the Act, must pay an annual contribution of 0.2% of its Annual Turnover to the Fund".
- (2) "A BS licensee who has paid an annual contribution to the MDDA must set off that contribution against its USAF Contribution, provided that the MDDA contribution and the USAF contribution against which it is set off are for the same financial year".

The Licensee paid its annual contribution to the USAF subsequent to negotiations with the MDDA to pay the USAF in two instalments and proof duly submitted to the Authority.

Ligwalagwala FM complies with the Universal Service and Access Fund Regulations.

4.6 General Licence Fees Regulations

Regulation 4(b) of General Licence Fees Regulations provides for the exemption of Individual Licences for Public Broadcasting Services.

Ligwalagwala FM is part of the SABC's Public Broadcasting Services and is exempt from paying licence fees.

5. CONCLUSION

Ligwalagwala FM has complied with its licence terms and conditions and applicable regulations, save for not providing minutes of news in its quarterly reports and failure to conduct surveys with organisations for people with disabilities. It is important to note that the monitoring exercise for the period under review, found the Licensee to be compliant with the minimum requirement of sixty minutes of news programming each day during the South African Performance period.

6. TERMS OF REFERENCE

- 6.1 Appendix A: Ligwalagwala FM's broadcasting service;
- 6.2 Appendix B: Ligwalagwala FM's frequency spectrum licence;
- 6.3 Appendix C: The Religious section as contained in the SABC's Editorial Policy;
- 6.4 Appendix D: SABC's Training and Skills Development Report;
- 6.5 Appendix E: South African Music Content Regulations;
- 6.6 Appendix F: Regulations Regarding Standard Terms and Conditions;
- 6.7 Appendix G: Proof of payment- USAF; and
- 6.8 Appendix H: General Licence Fees Regulations.