



LIGWALAGWALA FM ANNUAL COMPLIANCE REPORT

MARCH 2020

2018/19 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BROADCASTING AS LIGWALAGWALA FM

Licence Period : 18 December 2018 - 19 December 2028

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 monitor 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 Ligwalagwala 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 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 Mpumalanga Province.

3. COMPLIANCE ASSESMENT

3.1 Ownership and Control

Clause 1.1 of the licence states 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

⁴ Act No. 4 of 1999

"Name of the Company/Entity: The South African Broadcasting Corporation"⁵.

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 complies with clauses 1.1, 1.2 and 1.3 of its licence.

3.2 Geographic Coverage

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"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 complies with clause 2 of its frequency spectrum licence.

3.3 Language(s)

Clause 3 of the schedule to the licence stipulates 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 complies with clause 3 of its licence.

⁵ Appendix A: Ligwalagwala FM's broadcasting service.

⁶ Appendix B: Ligwalagwala FM's frequency spectrum licence.

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".

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 complies 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 provides 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 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.

The Licensee complies with the set quotas during the 2018/19 financial year.

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 detected during the monitoring exercise, as follows:

"Siyadumisa" between 07h00 and 9h00 a worship inserts, Islamic Religion broadcast between 21h00 and 22h00.

The Licensee complies 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 educating listeners about polygamy. The advice provided by expert explained the history of polygamy and how it was practice in the olden days. How it is viewed today as well as how it should be practised. During this programme, listeners become active participants in that they phone in and pose questions regarding the issues. During the programme, the programme expert is invited in studio to educate listeners about the dynamics of Swati culture.

The Licensee complies with clause 6.1.2 of its licence.

Clause 6.1.3 of the schedule to the licence provides that:

"The Licensee shall, during the South African performance period, provide programme material that caters and has due regard for the interests of all sectors of South African society and shall provide programming on health related issues, gender issues relevant to all age groups".

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

- *"Tfokomala Nami"* is a women's magazine programme broadcast between 09h00 and 12h00. It deals with various women programmes and health related issues that affect women. Gospel music programme is played during the show.

The Licensee complies with clause 6.1.3 of its licence.

3.7 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 SABC submitted its quarterly written records indicating the news for the period under review. The information contained in the quarterly reports indicates that Ligwalagwala FM broadcasts 90 minutes of news on weekdays and 60 minutes on weekends

The monitoring exercise revealed that Ligwalagwala FM broadcasts a total of sixteen (16) news bulletins week days and weekends a total of (12) news bulletins during the South African performance period. At least eighty (80) minutes of news was monitored daily on week days and on weekends at least (60) minutes of news was monitored.

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

- *"Mnculi lo watiwako Bongekile Simelane lo watiwa ngola Babes Wodumo akalivuli icala lekushaya ngemva kwe video lemkhombise eshawa yisingami sakhe lesi wumculi Mandla Maphumulo lo watiwa ngela Mampintsha";*
- *"Inhlangano yabo make nabo babe lebalwa nokuhlukumetwa kwabantwana ithi ti kolo ati lanzeli imogomo yokuhlukumeta ngekwamacasi"; and*

- *"Litiko le ti mali esifunzeni se Free State lithi luphakelo timali lwalo lutoduka kahkulu ukucokelela intzela umphatiswa waleli tiko Elsabe Robman ulindzeleke ukuthi ethule tiphakelo ti mali lwesifundza kusasa".*

The Licensee complies with clause 6.2.1 of the schedule to its licence.

Clause 6.2.2 of the schedule to the licence provides that:

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

The quarterly reports submitted indicated that Ligwalagwala FM broadcasts one hundred and twenty (120) minutes of current affairs programming on weekdays; sixty (60) minutes on Saturdays and Sundays during the South African performance period.

The monitoring exercise monitored four Current Affairs programmes as follows:

- *"Tiphuma Imphunga"* broadcast Mondays to Fridays between 05h30 and 06h30;
- *"Letiphuma Embiteni"* broadcast Mondays to Fridays between 18h00 and 19h00; and
- *"Tiphuma Imphunga"* broadcast on Saturday and Sundays between 06h00 and 07h00.

A total of one hundred and twenty (120) minutes of Current Affairs programming was monitored on weekdays. One hundred and twenty (120) minutes of Current Affairs programming was monitored on weekends.

The Licensee complies 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 is required, in terms of Section 6 of the Broadcasting Act (as amended), to develop editorial policies that are intended to ensure compliance with the Authority's Code of Conduct, the Corporation's licence conditions, and the provisions of the Act. 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 that form part of the SABC's Charter and monitoring of Ligwalagwala FM's news and current affairs programmes for the period under review, revealed that Ligwalagwala FM complies with clause 6.2.3 of its licence and the Charter as contained in the Broadcasting Act of 1999.

The Licensee complies with clause 6.2.3 of its licence.

3.8 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".

The monitoring exercise confirmed that Ligwalagwala FM broadcast one (1) of programming targeted at children during South African Period.

Ligwalagwala FM broadcast programme focusing on children such as the following:

- Teen Zone and State your Mind between 09h00 and 10h00

The Licensee complies with clause 6.3.1 of its licence.

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:

- Broadcast at times of the day when children are available to listen;*
- Targeted at and appropriate for children between the ages of nought (0) to six (6) years and seven (7) to twelve (12) years respectively;*
- 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 forty-five (245) minutes (4 hours weekly) of children's programming weekly.

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

- "Asikhuleni - Vukani" broadcast on Wednesday between 09h10 and 09h20 targets children between zero to six (6) years of age. The programme aims at entertaining and educating children. Children are being educated there after they interact with the each other and express what they have learned on the topic.
- "Side by Side" Wednesday between 09h30 and 09h50, this programme is aimed to help parents with child care, health and education. During the show an expert is invited for a discussion and to answer question from parents. The programme targets children between zero to six (6) years of age and their parents.
- "State Your Mind" and "Teenzone" broadcast between 09h00 and 10h00 on Saturday. This programme targets children from seven (7) to twelve (12) years and teenagers. The programme is presented by a teenager. The programme monitored focused on the challenges faced by youth with the current economy and the high rate of unemployment. There were young people invited to come and share their thoughts and challenges such as teenage pregnancy.

In total, one hundred and thirty (130) minutes of programming targeted at children was monitored per week, during the South African performance period.

The Licensee complies with clauses 6.3.1 and 6.3.2 of its licence.

3.9 Educational Programming

Clause 6.4 of the schedule to the licence provides that:

"The Licensee shall broadcast at least five (5) hours of educational programming (as contemplated in section 10(1) (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 seventy-five (375) minutes (6 hours and twenty-five minutes) of educational programming per week during the South African performance period.

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

- "Sakha Sive" broadcast between 21h00 and 20h30 on weekdays.

In total, three hundred (300) minutes (5 hours) of educational programming per week, was monitored during the South African performance period.

The Licensee complies with clause 6.4 of its licence.

3.10 Local Drama

Clause 6.5 of the schedule to licence stipulates that:

"The Licensee shall broadcast at least two and a half (2½) hours of drama per week within the South African Performance period".

The SABC's quarterly reports indicated that Ligwalagwala FM broadcast one hundred and fifty (150) 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, one hundred and fifty (152) minutes of drama programming per week was broadcast.

The Licensee complies with clause 6.5 of the schedule to its licence.

3.11 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 minimum 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:

- "Asikhuleni" broadcast on weekdays between 9h25 and 10h00.

- “State Your Mind” broadcast between 09h00 and 10h00 on Saturday.
- “Tfokomala Nami” broadcast weekdays 11h00-12h00
- “Teen Zone” broadcast between 09h00 and 10h00 on Saturday.
- “SABC Education” broadcast from Monday to Wednesday between 09h00 and 09h20

In total, one hundred and eighty (180) minutes of Informal Knowledge Building was monitored.

The Licensee complies with clause 6.6 of schedule to its licence.

3.12 Training and Skills Development Obligations

Clause 7 of the schedule to the SABC’s licence stipulates that:

7.1 The Licensee must adopt and implement equal opportunity employment Practice.

The Licensee has developed an Employment Equity Plan to assist the Licensee to be an equal opportunity employer. The Licensee met all its targets regarding the plan except for female representation. Female representation however increased to 49,82% since the last reporting period.

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 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 plan^{7[1]}.

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 employees that were trained were from the designated groups (Black, Coloured, Indian). 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 review^{8[2]}.

The Licensee complies with its training and skills developments obligations.

3.13 Audited financial statements

Clause 8 of the schedule to Ligwalagwala FM's 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 ground shown 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 has complied with clause 8 of the schedule to its licence.

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

8 Appendix C: Training and Skills Development Obligations

4. REGULATIONS

4.1 Complaints Received

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, 2011 to submit a Form 12A 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 subscribes to the Broadcasting Complaints Commission of South Africa and all complaints related to the Code of Conduct directed at the Licensee come through this commission except for complaints related to licence conditions and other relevant legislations.

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

The Licensee complies with Compliance Procedure Manual Regulations.

4.2 South African Music Content Regulations, 2016

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

The monitoring conducted by the Authority confirmed that Ligwalagwala FM broadcast at least 70% of South African music.

The Licensee complies with the regulations on South African Music Content.

4.3 Regulations regarding Standard Terms and Conditions for individual Broadcasting Licences

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

The Licensee complies with the Standard Terms and Conditions of Licences Regulations.

4.4 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 submitted to the Authority proof of payment for 2018/19 indicating that an amount equivalent to 0.2% of the Licensee's annual turnover was paid to the fund.

The Licensee complies with Regulation 3 of the USAF Regulations.

4.5 General Licence Fees Regulations

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

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 all licence terms and conditions and applicable Regulations.

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.