



LIGWALAGWALA FM ANNUAL COMPLIANCE REPORT

MARCH 2021

2019/2020 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BROADCASTING AS LIGWALAGWALA 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 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 2019/2020 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 complies with clauses 1.1, 1.2 and 1.3 of its licence.

3.2 Geographic Coverage

Clause 3 of the schedule to the licence states that:

"The geographic coverage area is as defined in the map attached to the radio frequency spectrum licence"⁶.

According to the frequency spectrum licence, the radio station covers the following areas: Carolina, Davel, Dullstroom, Hectorspruit, Hoedspruit, Lydenburg, Mbuzini, Middelburg, Nelspruit, Pretoria, Volksrust, Louwsburg, Piet Retief, Ubombo, Sabie, Tjakastad, Wakkerstroom, Chrissiesmeer, Ekulindeni, Josephsdal and Steynsdorp.

The Licensee confirms that its coverage area is as defined in its frequency spectrum licence.

The Licensee complies with clause 3 of the schedule in its frequency spectrum licence.

3.3 Language(s)

Clause 4 of the schedule to the licence stipulates that Ligwalagwala FM's language of broadcast is as follows:

"Principal Language: isiSwati".

The monitoring exercise confirmed that the radio station's principal language of broadcast is as prescribed in clause 4 of its licence terms and conditions.

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

⁵ Appendix A: Ligwalagwala FM's broadcasting service.

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

3.4 Format

Clause 5.1 of the schedule to the licence states that:

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

Clause 5.2 stipulates that:

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

The monitoring exercise confirmed that 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 Licensee complies with clauses 5.1 and 5.2 of the schedule to its licence.

3.5 Local Content Obligations

Clause 6 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:

6.1 different genres; and

6.2 South African Music Content in programme material broadcast in the licensed service during that quarter, in each instance, distinguishing between genres, providing the relevant details in relation to prime time and the period between 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, with the figures demonstrating 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 2019/2020 financial year.

3.6 General programming obligations

3.6.1 General

Clause 7.1.1 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 which are worship inserts, Islamic Religious programming which is broadcast between 21h00 and 22h00. It was confirmed during the monitoring exercise that ministers from various denominations are invited in the studio to deliver sermons.

The Licensee complies with clause 7.1.1 of the schedule to its licence.

Clause 7.1.2 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 isiSwati 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 a programme broadcast on Sundays between 19h30 and 21h00. The programme deals with the dynamics of the Swati culture. The programme monitored, focuses on educating listeners about negative effect of alcohol on youth when practicing their culture. The advice provided by the expert who was invited onto the show, explained the end results of abusing alcohol while practicing cultural rituals. The expert said under the circumstances of abuse of alcohol, cultural laws risk not being followed properly. During the programme, listeners become active participants in that, they phone in and pose questions regarding the issues dear to them.

The Licensee complies with clause 7.1.2 of the schedule to its licence.

Clause 7.1.3 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 programme dealing with health and gender issues relevant to all age groups, broadcast between 09h00 and 12h00. Gospel music programme is played during the show.

The Licensee complies with clause 7.1.3 of the schedule to its licence.

3.7 News and Current Affairs

Clause 7.2.1 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 quarterly reports submitted by the SABC indicate that the radio station broadcasts a maximum of ninety (90) minutes of news programming during weekdays and sixty (60) minutes on Saturdays and Sundays.

The monitoring exercise revealed that Ligwalagwala FM broadcasts news bulletins every hour at the top of the hour from 06h00 to 22h00. The bulletins are broadcast for approximately five (5) minutes. On average, a total of eighty-one (81) minutes is broadcast each day, during the South African performance period.

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

- *“President Ramaphosa has announced that 132 South Africans will be evacuated from China following the outbreak of Corona Virus. The National defence force will lead the operation to bring back South African citizen who want to come back home. Two South African citizens have tested positive for the Corona Virus after working on Japanese Cruiseship.”;*
- *“Kushone bantu abathathu esehlakalweni sokudubulana ekhoneni lemigwaco iWeber ne Bicon eLinden eGermiston eMpumalanga eJozi. Kubonakala ukuthi lesehlakalo esokubamba inkunzi. ”; and*

- *"Sikole iUnited Hezelius School ivale amaCampus aso asiphohlongo eCape Town liviki lonke. Lokhu kuza emva kokuthi kube netinsolo kuthi kunomtali onomkhuhlane we Corona Virus. Lomtali ucalile kukhombisa timpawu toku gula."*

The Licensee complies with clause 7.2.1 of the schedule to its licence.

Clause 7.2.2 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 indicate 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 confirmed that the radio station broadcasts 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.

The Licensee complies with clause 7.2.2 of the schedule to its licence.

Clause 7.2.3 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, 1999 (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 Electronic Communications Act, 2005.

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 revealed that Ligwalagwala FM complies with clause 7.2.3 of its licence and the Charter as contained in the Broadcasting Act No.4 of 1999.

The Licensee complies with clause 7.2.3 of the schedule to its licence.

3.8 Programming targeted at Children

Clause 7.3.1 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 quarterly reports submitted by the SABC indicate that the radio station broadcasts a maximum of two hundred and forty-five (245) minutes of children's programming each week.

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

The following broadcast programme focusing on children was monitored:

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

The Licensee complies with clause 7.3.1 of the schedule to its licence.

Clause 7.3.2 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 monitoring exercise confirmed that the radio station broadcasts children's programmes at the time of the day when children are available and the programming is made from the children's point of view.

The following programmes were monitored for the period under review:

- "Nali ibali - Vukani" broadcast on Wednesday between 09h30 and 09h40 and targets children between zero (0) to six (6) years of age. The programme aims at entertaining and educating children. Children are being educated thereafter they interact with each other and express what they have learned on the topic.
- "Side by Side" is broadcast on Wednesday between 09h50 and 10h00, this programme is aimed at helping parents with childcare, health and education. During the show an expert is invited for a discussion and to answer questions from parents. The programme targets children between zero (0) 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 such as peer pressure and the importance of choosing your friends wisely. There were young people invited to come and share their thoughts and challenges they face, such as peer pressure.

The Licensee complies with clauses 7.3.1 and 7.3.2 of the schedule to its licence.

3.9 Educational Programming

Clause 7.4 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 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:

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

The Licensee complies with clause 7.4 of the schedule to its licence.

3.10 Local Drama

Clause 7.5 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 minutes (2 hours, 30 minutes) of drama programming per week was broadcast.

The Licensee complies with clause 7.5 of the schedule to its licence.

3.11 Informal Knowledge Building

Clause 7.6 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

The Licensee complies with clause 7.6 of schedule to its licence.

3.12 Training and Skills Development Obligations

Clause 8 of the schedule to the SABC's licence stipulates that:

8.1 "The Licensee must adopt and implement equal opportunity employment Practice.

8.2 The Licensee must ensure that its management and staff are representative of South African society and that its human resource policies take into account the development of managerial, production, technical and other skills and expertise, particularly with regard to the historically disadvantaged persons.

8.3 The Licensee shall endeavour to achieve fair and reasonable participation by historically disadvantaged persons with respect to:

- (a) its management and control structures;*
- (b) skills development;*
- (c) enterprise development; and*
- (d) procurement.*

8.4 The Licensee must, within thirty (30) days of the end of each financial year, provide the Authority the written information regarding its compliance with the above requirements."

The Licensee submitted its Employment Equity and Transformation report for the period under review (2019/2020) to the Authority. The report acknowledges the importance of diversity in the workplace and that employment equity is an imperative business driver. The Licensee implements various education and awareness campaigns with the intention to create and to maintain a respectful, inclusive and non-discriminatory workplace.

The report indicates that the management and staff of the Licensee are representative of South African demographics, including 83 employees living with disabilities. The Licensee further endeavours to ensure that females are well represented at all occupational roles and especially in decision making positions.

The Licensee through its Learning and Development department implements a workplace skills programme in alignment with the needs of the organisation. During the period under review 87% of the people that were trained were from historically disadvantaged

backgrounds, with females representing 54,5% of the overall total. The total amount spent on training for the period under review was R10 332 040. The training included amongst others customer service, effective presentation skills, stress management, office administration and time management.

The report shows the extent to which historically disadvantaged people are represented throughout the organisation. Further, the Licensee has a National employment equity forum that continues to monitor and evaluate the implementation of the Licensee's employment equity objectives.

The Licensee submitted both its Employment Equity and Transformation plan⁷ report as well as its Training and Skills Development report, that respectively provide a detailed breakdown of its compliance with the above requirements to the Authority, for the period under review.⁸ Both reports were submitted within 30 days of the end of the financial year as required.

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 (6) months of the end of the licensee's financial year, provided that the licensee may on good cause apply to the Authority for extension".

The Licensee submitted its audited annual financial statements. However, due to the Covid-19 pandemic, the submission of the Licensee's audited financial statements was delayed and could not be submitted within four (4) months of the end of the Licensee's financial year.

The Authority was duly informed of the delay by the Licensee and considers the covid-19 pandemic good cause for an extension of the submission deadline.

The Licensee complies with clause 9 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 Report.

4. REGULATIONS

4.1 Complaints Received

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A⁹ 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 ("Commission"). And all complaints related to the Code of Conduct directed at the Licensee, go to the Commission except for complaints related to non-compliance with licence conditions and relevant legislation.

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 the Compliance Procedure Manual Regulations.

4.2 South African Music Content Regulations

Clause 3.1 of the Regulations on South African Music Content as published on 23 March 2016 require the licensee to broadcast 70% local music.

"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 and that such South African music is spread evenly throughout the performance period".

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.

⁹ SABC Form 12A

4.4 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 Regulations on Standard Terms and Conditions for Individual Licences, 2010 as amended.

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 USAF in instalments and duly submitted proof to the Authority. The Licensee received confirmation of payment in the form of a Section 18A certificate from the MDDA.

The Licensee complies with Regulation 3 of the USAF 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 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: SABC's Training and Skills Development Report;
- 6.4** Appendix D: The Religious section as contained in the SABC's Editorial Policy;
- 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.