



LIGWALAGWALA FM ANNUAL COMPLIANCE REPORT

MARCH 2022

2020/2021 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 2020/2021 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, General Licence Fees Regulations and The ICT Covid-19 Regulations first published in April 2020 and the subsequent amendments following the proclamation of the State of National Disaster.⁵

The ICT Covid-19 Regulations as amended have introduced exemptions with specific service license conditions and/or revised quotas and such will be reflected in the body of the report accordingly.

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 The ICT COVID-19 National Disaster 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 ASSESSMENT

3.1 Ownership and Control

Clause 1.1 of the licence states as follows:

"Name of the Company/Entity: The South African Broadcasting Corporation"⁶.

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: N/A"

Ligwalagwala FM forms part of the public broadcasting 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 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"⁷.

According to the frequency spectrum licence, the radio station covers the following areas: Carolina, Davel, Dullstroom, Hectorspruit, Hoedspruit, Lydenburg, Mbuzini,

⁶ Appendix A: Ligwalagwala FM's broadcasting service.

⁷ Appendix B: Ligwalagwala FM's frequency spectrum licence.

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.

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: Clause 6.1 different genres; and

Clause 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".

Regulation 4, sub-regulation 11 of The ICT COVID-19 National Disaster Regulations, provides for the suspension of the requirement for licensees to submit programming logs and recordings to the Authority quarterly.

Therefore, the requirement for the SABC to submit its quarterly reports for the period under review was suspended by the Authority to mitigate the risk of non-compliance by the public broadcaster due to Covid 19 pandemic.

The Licensee's compliance with the set quotas during the 2020/2021 financial year was suspended. Therefore, findings on compliance with this clause of the licence was not made/determined during this review period.

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 a worship insert. It was confirmed during the monitoring exercise that ministers from various denominations are invited in the studio to provide 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 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 how monarchy operates as a form of government. The advice provided by the expert explained how ancestors use to follow the rules of the kings for them to know their place in the society. That history is important especially to the future generation for them to learn how to respect kings. During this programme, listeners become active participants, in that, they phone in and pose questions regarding the issues.

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 were not submitted by the SABC due to Covid 19 regulations. Therefore, there was no indication of minutes of news programming that the radio station broadcasts during weekdays and weekends.

The monitoring exercise that was done based on recordings only, revealed that Ligwalagwala FM broadcasts news bulletins every hour at the top of the hour from 07h00 to 20h00 weekdays. During weekends news bulletins are broadcast between 07h00 to 15h00 and 18h00 to 20h00 at the top of each hour. The bulletins are broadcast for approximately five (5) minutes. On average, a total of sixty-seven (67) 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:

- *"Mongameli Cyril Ramaphosa uvumile kwekutsi likhono lahulumende lekwetfwula tinsita ebantfwini balelive kumele liciniswe kumbe liftwutfwukiswe. Mengameli beka khuluma emhlanganweni weli gotla ye ANC ngempelasontfo lapho kukhulunywe ngetinhlelo tekuvuselela umnotfo ngale kwelubhubhano lwe Covid-19";*
- *"Indvuna yelitiko lemaphoyisa Bheki Cele utawuvakashela umndeni walomniniplazi lobulewe eFree State Brendan Horner. Njengobe kulindeleke kwekutsi kuvele ekantolo emadvodza lamabili lasolwa ngalokubulala. "; and*
- *"Litiko lwetempilo litsi bangetulu kwenkulungwane nemakhulu lasitfwupha bantfwu lebesuleleke ngalelingciwane iCorona nalemplela sibalo sebantfwu labanalegciwane lapha eNingizumu Africa kulaba ngetulu kwetinkulungwane letingemashumi lasihlanu. "*

Regulation 4 (7) of the ICT COVID-19 National Disaster Regulations, provides that the performance period for both sound and television broadcasting shall run from 07h00 to 21h00.

Regulation 4 (8B) provides that Sound broadcasting service Licensees are exempt from compliance with specific programming requirements and promises of performance in terms of licence conditions during the National State of Disaster.

Therefore, findings on compliance with this clause of the licence was not made/determined during this review period.

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 monitoring exercise revealed that Ligwalagwala FM broadcasts sixty (60) minutes of current affairs programming on weekdays during the South African performance period. No current affairs were broadcast during the South African performance period on weekends.

The monitoring exercise confirmed that the radio station broadcasts Current Affairs programmes as follows:

- *"Letiphuma Embiteni"* broadcast Mondays to Fridays between 18h00 and 19h00.

Regulation 4 (7) of the ICT COVID-19 National Disaster Regulations, provides that the performance period for both sound and television broadcasting will run from 07h00 to 21h00.

Regulation 4 (8B) provides that Sound broadcasting service Licensees are exempt from compliance with specific programming requirements and promises of performance in terms of licence conditions during the National State of Disaster.

Therefore, findings on compliance with this clause of the licence was not made/determined.

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 (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 ECA.

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 monitoring exercise confirmed that Ligwalagwala FM broadcasts one (1) hour of programming per day targeted at children during South African performance period.

The following broadcast programme focusing on children was monitored:

- Nali ibali on weekdays and Teen Zone on weekends between 09h00 and 10h00.

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 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 each other and express what they have learned on the topic.
- "Side by Side" Wednesday between 09h50 and 10h00, this programme is aimed to help parents with childcare, 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 (7) to twelve (12) years and teenagers. The programme is presented by a teenager.

- The programme monitored focused on young girls who initiated programmes of collecting food parcels and distributing to the needy community in their village. One of the girls was invited to the studio to discuss about the program and the importance of giving back to the community.

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

- "Sakha Sive" broadcast between 20h00 and 21h00 on weekdays during the performance period.

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 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".

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 17h30 and 18h00

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 plan⁸ report and its Training and Skills Development. It provides a detailed breakdown of its compliance with the above requirements, for the period under review⁹.

The reports indicate that the Licensee has adopted and implemented equal opportunity employment practices and showed that the Licensee has remained committed to diversity and inclusion in the workplace. Its workforce represents the different groups of South African society.

The report further shows that the licensee delivered 765 training interventions for 690 employees. Of the total 690 employees, 491 were Africans, 67 were Coloureds, 41 were Indians, 91 were whites and 14 employees living with disabilities. The Licensee further endeavours to ensure that females are empowered and therefore 53,62% of the total employees trained were female.

Thus, confirming that the Licensee's policies consider the development of managerial, production, technical and other skills and expertise, particularly regarding the historically disadvantaged persons.

Fair and reasonable participation by historically disadvantaged persons is evident at all occupational levels and in decision-making positions.

The Licensee complies with the entirety of clause 8 of the Schedule of its Licence.

⁸ Appendix B: SABC Employment Equity and Transformation: Report to ICASA, Reporting period: 1 April 2020 – 31 March 2021.

⁹ Appendix C: Skills and Development Report.

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 Financial Statements for the 2020/2021 financial year within the stipulated timeframe.

The Licensee complies with clause 9 of the schedule to its licence

4. REGULATIONS

4.1 Complaints Received

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A¹⁰ 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 (SABCC) and all complaints related to the Code of Conduct directed at the Licensee, are forwarded to the commission except for complaints related to licence conditions and other relevant legislations.

Regulation 4 (1) the ICT COVID-19 National Disaster Regulations, provides that the Licensees are exempt from the responsibility to resolve complaints received within the time frames prescribed by the Authority in its Regulations.

Regulation 4 (2) provides that notwithstanding the provisions of regulation 4 (1) above, licensees must ensure that all complaints received by them are resolved within twenty (20) working days from the date of receipt thereof.

¹⁰ SABC Form 12A

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.

Regulation 4 (8C) the ICT COVID-19 National Disaster Regulations, provides that Sound broadcasting service Licensees must comply with the local content music quotas.

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

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

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 Standard Terms and Conditions for Individual Licences, read with The ICT COVID-19 National Disaster Regulations.

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 submitted to the Authority proof of payment for 2020/2021 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.

4.6 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: 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: The ICT COVID-19 National Disaster Regulations
- 6.6 Appendix F: South African Music Content Regulations
- 6.7 Appendix G: Regulations Regarding Standard Terms and Conditions
- 6.8 Appendix H: Proof of payment- USAF
- 6.9 Appendix I: General Licence Fees Regulations.

END