

# COMPLIANCE REPORT

## 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<sup>1</sup>, the ICASA Act<sup>2</sup> and the Electronic Communications Act<sup>3</sup> (“EC Act”) to regulate broadcasting activities in South Africa in the public interest. The Authority is tasked with ensuring compliance by broadcasters with the terms and conditions of their License, the Electronic Communications Act (“EC Act”), the ICASA Act and any relevant legislation.

The following report is intended to give account of Ligwalagwala FM’s performance for the period 2009 – 2010. Aspects of compliance that are measured comprise of geographic coverage, languages, format, local content obligations, general programming obligations, training and skills development obligations, finances, South African music content regulations and regulations regarding standard terms and conditions.

### 2. BACKGROUND

Ligwalagwala FM is a public radio station of the South African Broadcasting Corporation (“the SABC”) as per the requirement of clause 4.1 of its licence. Ligwalagwala FM’s mandate is to provide a full spectrum service covering Carolina, Davel, Dullstroom, Hectorspruit, Hoedspruit, Lydenburg, Mbuzini, Middelburg, Nelspruit, Pretoria, Volkrust and Welgedacht (*see broadcasting service licence and*

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<sup>1</sup> The Constitution of the Republic no 108, 1996

<sup>2</sup> ICASA Act no 13 , 2000 as amended

<sup>3</sup> Electronic Communications Act no 36, 2005

*frequency spectrum licence as Appendix A).*

### **3. COMPLIANCE ASSESSMENT**

#### **3.1 Geographic Coverage Area**

Clause 2 of the schedule to the licence states that:

*“The coverage area is as defined in the map attached to the radio frequency spectrum licence”.*

According to the frequency spectrum licence, the radio station’s coverage area is Carolina, Davel, Dullstroom, Hectorspruit, Hoedspruit, Lydenburg, Mbuzini, Middelburg, Nelspruit, Pretoria, Volkrust and Welgedacht.

The radio station complies with clause 2 above.

#### **3.2 Language(s)**

Clause 3 of the schedule to the licence states that:

*“Principal Language: is isiSwati”.*

The radio stations broadcasts principally in isiSwati.

The radio station complies with clause 3 the above.

#### **3.3 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”.*

Further, clause 4.2 states 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 radio station complies with clauses 4.1 and 4.2 above.

### **3.4 Local Content Obligations**

Clause 5 of the schedule to the licence states that:

*“In each licence year, the Licensee shall, within thirty (30) days of end of the quarter, submit to the Authority written records indicating the extent of:*

*5.1 different genres; and*

*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”.*

Although the SABC submitted its quarterly reports for the period under review, the reports are reflective of a week’s sample for each quarter. The SABC is of the view that it is unlikely that programming would change in a week.

The figures below show a breakdown of Ligwalagwala FM’s compliance with the quotas set out by the Authority. These figures were verified during the Authority’s monitoring exercise, as detailed under paragraph 3.5 of the report.

First Quarter April – June 2009

<b>Content/ Genre</b>	<b>ICASA Quota</b> (Minutes Daily/Weekly)	<b>Ligwala-gwala</b> <b>FM's Provision</b> (Minutes Daily/Weekly)	<b>Ligwala-gwala</b> <b>FM's Compliance</b> (%)
News	60 min (Daily)	99min (Weekdays) 60min (Saturday) 60min (Sundays)	165% 100% 100%
Current Affairs	60min (Daily)	110min (Weekdays) 60min (Saturday) 60min (Sundays)	183% 100% 100%
IKB	180 min ( Weekly)	1870min (Weekly)	1039%
Educational	300min (Weekly)	355min (Weekly)	118%
Children's	60min (Daily)	60min (Weekdays) 60min (Saturday) 60min (Sunday)	100% 100% 100%
Drama	150min (Weekly)	240min (Weekly)	160%

Second Quarter July – September 2009

<b>Content/ Genre</b>	<b>ICASA Quota</b> <i>(Minutes Daily/Weekly)</i>	<b>Ligwala-gwala FM's Provision</b> <i>(Minutes Daily/Weekly)</i>	<b>Ligwala-gwala FM's Compliance</b> <i>(%)</i>
<i>News</i>	<i>60min (Daily)</i>	<i>99min (Weekdays)</i> <i>60min (Saturday)</i> <i>60min (Sunday)</i>	<i>165%</i> <i>100%</i> <i>100%</i>
<i>Current Affairs</i>	<i>60min (Daily)</i>	<i>110min (Weekdays)</i> <i>60min (Saturday)</i> <i>60min (Sunday)</i>	<i>183%</i> <i>100%</i> <i>100%</i>
<i>IKB</i>	<i>180min (Weekly)</i>	<i>1870min (Weekly)</i>	<i>1039%</i>
<i>Educational</i>	<i>300min (Weekly)</i>	<i>355min (Weekly)</i>	<i>118%</i>
<i>Children's</i>	<i>60min (Daily)</i>	<i>60min (Weekdays)</i> <i>60min (Saturdays)</i> <i>85min (Sundays)</i>	<i>100%</i> <i>100%</i> <i>142</i>
<i>Drama</i>	<i>150min (Weekly)</i>	<i>240min (Weekly)</i>	<i>160%</i>

Third Quarter October – December 2009

<b>Content/ Genre</b>	<b>ICASA Quota</b> <i>(Minutes Daily/Weekly)</i>	<b>Ligwala-gwala FM's Provision</b> <i>(Minutes Daily/Weekly)</i>	<b>Ligwala-gwala FM's Compliance</b> <i>(%)</i>
<i>News</i>	<i>60min (Daily)</i>	<i>99min (Weekdays)</i> <i>60min (Saturday)</i> <i>60min (Sunday)</i>	<i>165%</i> <i>100%</i> <i>100%</i>
<i>Current Affairs</i>	<i>60min (Daily)</i>	<i>110min (Weekdays)</i> <i>60min (Saturdays)</i> <i>60min (Sundays)</i>	<i>183%</i> <i>100%</i> <i>100%</i>
<i>IKB</i>	<i>180min (Weekly)</i>	<i>1870min (Weekly)</i>	<i>1039%</i>
<i>Educational</i>	<i>300min (Weekdays)</i>	<i>355min (Weekdays)</i>	<i>118%</i>
<i>Children's</i>	<i>60min (Weekdays)</i> <i>60min (Saturdays)</i> <i>60min (Sundays)</i>	<i>60min (Weekdays)</i> <i>60min (Saturdays)</i> <i>85min (Sundays)</i>	<i>100%</i> <i>100%</i> <i>142%</i>
<i>Drama</i>	<i>150min (Weekly)</i>	<i>240min (Weekly)</i>	<i>160%</i>

Fourth Quarter January 2010 – March 2010

<b>Content/ Genre</b>	<b>ICASA Quota</b> <i>(Minutes Daily/ Weekly)</i>	<b>Ligwala-gwala</b> <b>FM's Provision</b> <i>(Minutes Daily/ Weekly)</i>	<b>Ligwala-gwala</b> <b>FM's Compliance</b> <i>(%)</i>
News	60min (Daily)	99min (Weekdays) 60min (Saturdays) 60min (Sundays)	165% 100% 100%
Current Affairs	60min (Daily)	110min (Weekdays) 60min (Saturdays) 60min (Sundays)	183% 100% 100%
IKB	180min (Weekly)	1870min (Weekly)	1038%
Educational	300min (Weekly)	355min (Weekly)	118%
Children's	60min (Weekdays)	445min Weekdays	741%
Drama	150min (Weekly)	240min (Weekly)	160%

The above information indicates compliance by Ligwalagwala FM in the 2009/10 financial year.

### 3.5 General programming obligations

### 3.6 General

Clause 6.1.1 of the schedule to the licence states that:

*“The Licensee shall ensure that its programming adequately reflects the diversity of South Africa’s Religion”.*

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”. (see an extract on SABC's editorial policy attached as Appendix B).*

During the Authority's monitoring exercise conducted from 01 June – 07 June 2010, religious programmes broadcast in isiSwati language were identified. The programmes lasted for approximately thirty (30) minutes. On Sundays the radio station also has a religious programme. A number of religious songs were identified during monitoring.

The radio station complies with clause 6.1.1 of its licence.

Clause 6.1.2 states that:

*“The Licensee shall take responsible steps to provide programming that reflects the cultural and tradition needs of the audience.”*

Clause 6.1.3 states 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”.*

During monitoring exercise conducted by the Authority from 01- 07 July 2009, the radio station's programme profile and line up revealed that the radio station's programming caters for the cultural and traditional needs of the radio station's audience. Further, Ligwalagwala FM programming caters for health and gender issues relevant to all age groups. For example, on the days monitored, the women's programmes were broadcast daily (on weekdays) between 13h30 and 14h00. The programmes discussed a variety of issues from health, to cultural and traditional issues. Although most of the programmes were aimed at the mature audience, some of the issues tackled were generic issues relevant to all age groups.

During the period under review Ligwalagwala FM complied with clauses 6.1.2 and 6.1.3 of its licence.



## **News and Current Affairs**

### **3.6.1**

Clause 6.2.1 of the schedule to the licence states 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 99 minutes of news programming during weekdays and 60 minutes on weekends.

The monitoring exercise conducted revealed that at least ninety nine (99) minutes of news is broadcast each day during the performance period. News bulletins include international, national, regional and in instances local news. News is broadcast every hour on the hour and headlines at the bottom of the hour. Further, news is broadcast in isiSwati language. The duration of news is approximately 4 minutes. The following are examples of news broadcast by Ligwalagwala FM during the period monitored:

- “Michael Jackson’s funeral to take place at 17h00 on 07 July 2009.”
- ‘COSATU calls for the SABC’s Board to be dissolved’.

The radio station complies with clause 6.2.1 of the schedule of its licence.

Clause 6.2.2 of the schedule to the licence states 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 indicate that the radio station broadcasts hundred and ten (110) minutes of current affairs programming on weekdays and sixty (60) minutes Saturdays and Sundays respectively during performance period.

The monitoring exercise conducted revealed that there are current affairs shows called 'Itindzaba' and 'Tiphuma Embiteni Tishisa' broadcast by the radio station. The programme is broadcast five days a week. The programme lasts for one hour. Topical issues such as Equity, Labour, Legal and Human Rights, Financial Management and Medical Fund are discussed. Issues monitored included the following:

- 'South African Parliament appointed the interim SABC's Board'.
- 'Doctors' protest for salary increase came into an end'.
- 'Uganda to temporary chair the UN Peace keeping Force', African Union Conference.

The radio station complies with clause 6.2.2 of its licence.

Clause 6.2.3 of the schedule to the licence states that:

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

- (i) Exercise full editorial control in respect of the contents of such programming;*
- (ii) include matters of international, national, regional and where appropriate local significance;*
- (iii) meets the highest standards of journalistic professionalism;*
- (iv) provide fair, unbiased, impartial and balanced coverage independent from governmental, commercial or other interference*
- (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 provides that the licensee must exercise full editorial control in respect of contents of its programming. The editorial policy further indicate 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. Furthermore, in its news and programming content, it includes matters of international national, regional and local significance.

During monitoring, the radio station broadcast matters of international, national, regional and local significance. In its current affairs broadcast, the radio station provides an opportunity for the public to receive different points of view on matters of public concern.

The radio station complies with clause 6.2.3 of its licence.

### **3.6.2 Programmes Targeted at Children**

Clause 6.3.1 of the schedule to the licence states 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 states 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 the radio station broadcasts 60 minutes (1hour) of children’s programme each week.

The recordings monitored revealed that the radio station broadcasts children’s programmes from 09h00 to 12h00 weekdays. A children’s programme called ‘Asikhuleni’ broadcast in isiSwati language was monitored. The programme is participatory in that children are encouraged to phone in and express their opinions on various topics.

A children’s educational programme called ‘Takalani Sesame’ was also identified. Takalani Sesame educates children on various topics. During the programme children were educated about ‘itiphicaphicwano’, whereby a presenter asked them to

provide answers to 'itiphicaphicwano'. The programmes monitored covered the age groups between six and twelve years.

Ligwalagwala FM complies with clause 6.3.1 and 6.3.2 of its licence.

### **3.6.3 Educational Programming**

Clause 6.4 of the schedule to the licence states 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 indicate that the radio station broadcasts 355 minutes (6hours) of news per week.

The Authority's monitoring exercise revealed that the radio station broadcasts educational programmes between 11h00 and 12h30 on week days. The programmes feature book reviews and relevant educational and cultural issues. Educational programmes are broadcast every day of the week and amount to six (6) hours of educational programming.

The radio station complies with clause 6.4 of its licence.

### **3.6.3 Drama**

Clause 6.5 of the schedule to the licence states that:

*“The Licensee shall broadcast at least two and a half (2 ½) hours of drama per week within the South African Performance period”.*

According to the SABC's quarterly reports, the radio station broadcasts two hundred and forty (240) minutes of drama programming per week.

The monitoring exercise revealed that the radio station broadcasts three hours thirty minutes (3 hours 30 minutes) of drama programming per week. An example of a

drama programme monitored is 'Ingwijikhwebu'. The programme was broadcast in the mornings and in the evenings during weekdays.

The radio station complies with clause 6.5 above.

#### **3.6.4 Informal Knowledge-Building Programmes**

Clause 6.6 of the schedule to the licence states that:

*"The Licensee shall broadcast at least three hours of informal knowledge building programming per week within the South African performance period"*.

The SABC's quarterly reports indicate that the radio station broadcasts 1870 minutes (31hours) of informal knowledge building on a weekly basis.

The monitoring conducted revealed that at least six (6) hours of informal knowledge building programming was identified. Informal knowledge building programmes overlap with women programmes and youth programmes. From the recordings monitored, women's programmes were broadcast on weekdays between 13h30 and 14h00. Programmes included issues on health, environment and technology. Other programmes included youth programmes and these were broadcast on weekdays from 15h00-18h00. The programmes dealt with a variety of issues affecting the youth.

The radio station complies with clause 6.4 above.

#### **3.7 Training and Skills development Obligations**

Clause 7 of the schedule to the licence states that:

*"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;*

*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 SABC submitted a training and skills development report indicating that its management and staff are representative of South African society. The report further indicated that for the period under review there was reasonable participation by historically disadvantaged people in management and skills development.

The Authority confirms that the Licensee has complied with the provisions of this clause *(see skills development report attached as Appendix C)*.

### **3.7 Provision of Audited financial statements to the Authority**

Clause 8 of the licence provides 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 SABC submitted their Audited statements for the 2009/10 financial year.

The Licensee has complied with clause 8 of its licence.

## **4. REGULATIONS**

### **4.1. South African Music Content Regulations**

The Regulations on South African Music Content as published on 31 January 2006 provide that:

*“All public sound licensees must play a minimum 40% South African music”.*

The monitoring conducted indicated that the radio station plays at least 60% South African music.

The radio station complies with the regulations on South African Music Content (*See Regulations on South African Music Content attached as Appendix D*).

### **4.2. Regulations regarding Standard Terms and Conditions for individual broadcasting licences**

During the year under review, the Authority did not identify any non compliance by the Licensee with the standard terms and conditions for individual licensees (*See Regulations regarding Standard Terms and Conditions for Individual Licences attached as Appendix E*).

## **5. CONCLUSION**

The information submitted by the radio station indicates that during the period under review Ligwalagwala FM complied with its licence terms and conditions and regulations o standard terms and conditions. The Authority is satisfied with the radio station’s performance.

## **6. APPENDICES**

Appendix A: Sound broadcasting service and frequency spectrum licences

Appendix B: SABC's Editorial Policy

Appendix C: Skills Development Report

Appendix D: Regulations on South African Music Content

Appendix E: Regulations regarding Standard Terms and Conditions for Individual Licences