

2011/12 ANNUAL 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,¹ the Broadcasting Act,² the ICASA Act of 2000,³ and the Electronic Communications Act ("EC Act") of 2005⁴ to regulate broadcasting activities in South Africa in the public interest. The Authority is tasked with ensuring compliance by broadcasters with the ICASA Act, the EC Act, the terms and conditions of their licence and any relevant legislation and regulations.

The following report is intended to give account of Ligwalagwala FM's performance for the 2011/2012 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, South African Music Content Regulations, Regulations Regarding Standard Terms and Conditions, Universal Service and Access Fund obligations, 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 radio spectrum service to the geographic areas of Mpumalanga.

The radio station's principal language of broadcast is isiSwazi (*See Appendix A*).

¹ The Constitution No, 108 of 1996,

² The Broadcasting Act No,4 of 1999

³ The ICASA Act No, 13 of 2000,

⁴ The Electronic Communications Act No, 36 of 2005

3. COMPLIANCE ASSESSMENT

3.1 Ownership and Control

Clause 1.2 of the licence stipulates as follows:

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

Clause 1.2 of the licence stipulates 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 clause 1.1, 1.2 and 1.3 of its licence.

3.2 Geographic Coverage

Clause 2 of the schedule to the licence stipulates that:

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

According to the frequency spectrum licence, the radio station covers the following areas: Carolina, Davel, Dullstroom, Hectorspruit, Hoedspruit, Ludenburg, 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 Authority's monitoring exercise confirmed that Ligwalagwala FM broadcasts its programmes principally in isiSwazi.

The Licensee complies with clause 3 of its licence.

3.4 Format

Clause 4.1 of the schedule to the licence stipulates that:

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

Clause 4.2 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 Licensee complies with clauses 4.1 and 4.2 of its licence.

3.5 Local Content Obligations

Clause 5 of the schedule to the licence stipulates 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 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 demonstrate a breakdown of Ligwalagwala FM's compliance with the quotas set out by the Authority. The figures were verified during the Authority's monitoring exercise from the recordings submitted by the radio station for the period under review.

First Quarter April – June 2011

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Ligwalagwala FM's Provision in week 26 (Minutes Daily/Weekly)	Ligwalagwala FM's Compliance (%)
<i>News</i>	<i>60min (Daily)</i>	<i>99min (Week Days) 60min (Saturdays) 60min (Sundays)</i>	<i>165% 100% 100%</i>
<i>Current Affairs</i>	<i>60min (Daily)</i>	<i>110min (Week Days) 60min (Week Days) 60min (Week Days)</i>	<i>183% 100% 100%</i>
<i>IKB</i>	<i>180min (Weekly)</i>	<i>1870min (Weekly)</i>	<i>1038%</i>
<i>Education</i>	<i>300min (Weekly)</i>	<i>355 min (Weekly)</i>	<i>118%</i>
<i>Children</i>	<i>60 min (Weekly)</i>	<i>405min (Weekly)</i>	<i>675%</i>
<i>Drama</i>	<i>150min (Weekly)</i>	<i>250min (Weekly)</i>	<i>166%</i>

Second Quarter July – September 2011

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Ligwalagwala FM's Provision in week (Minutes Daily/Weekly)	Ligwalagwala FM's Compliance (%)
News	60min (Daily)	99min (Week Days) 60min (Saturdays) 60min (Sundays)	165% 100% 100%
Current Affairs	60min (Daily)	110min (Week Days) 60min (Week Days) 60min (Week Days)	183% 100% 100%
IKB	180min (Weekly)	1870min (Weekly)	1038%
Education	300min (Weekly)	355 min (Weekly)	118%
Children	60 min (Weekly)	405min (Weekly)	675%
Drama	150min (Weekly)	250min (Weekly)	166%

Third Quarter October – December 2011

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Ligwalagwala FM's Provision in week (Minutes Daily/Weekly)	Ligwalagwala FM's Compliance (%)
News	60min (Daily)	99min (Week Days) 60min (Saturdays) 60min (Sundays)	165% 100% 100%
Current Affairs	60min (Daily)	110min (Week Days) 60min (Week Days) 60min (Week Days)	183% 100% 100%
IKB	180min (Weekly)	1870min (Weekly)	1038%
Education	300min (Weekly)	355 min (Weekly)	118%
Children	60 min (Weekly)	405min (Weekly)	675%
Drama	150min (Weekly)	250min (Weekly)	166%

Fourth Quarter January – March 2012

Content/ Genre	ICASA Quota <i>(Minutes Daily/Weekly)</i>	Ligwalagwala FM's Provision in week <i>(Minutes Daily/Weekly)</i>	Ligwalagwala FM's Compliance <i>(%)</i>
<i>News</i>	<i>60min (Daily)</i>	<i>99min (Week Days) 60min (Saturdays) 60min (Sundays)</i>	<i>165% 100% 100%</i>
<i>Current Affairs</i>	<i>60min (Daily)</i>	<i>110min (Week Days) 60min (Week Days) 60min (Week Days)</i>	<i>183% 100% 100%</i>
<i>IKB</i>	<i>180min (Weekly)</i>	<i>1870min (Weekly)</i>	<i>1038%</i>
<i>Education</i>	<i>300min (Weekly)</i>	<i>355 min (Weekly)</i>	<i>118%</i>
<i>Children</i>	<i>60 min (Weekly)</i>	<i>405min (Weekly)</i>	<i>675%</i>
<i>Drama</i>	<i>150min (Weekly)</i>	<i>250min (Weekly)</i>	<i>166%</i>

The above quarterly submissions indicate compliance by Ligwalagwala FM with the set quotas during the 2011/2012 fiscal year.

3.6 General programming obligations

3.6.1 General

Clause 6.1.1 of the schedule to the licence stipulates 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 sermon between 5h00 and 5h30 on Sunday during the programme called *"Take it easy"*. *"Siyadumisa"* is broadcast every Sunday between 07h00 and 9h00. This programme features gospel music.

There is also a worship insert programme called *"Moment of Power: The Breakfast of the Giants"* which is broadcast between 8h00 and 9h00. Ministers from various denominations are invited in the studio to provide sermons. The foregoing is reflective of the diversity of South Africa's religions.

The Licensee complies with clause 6.1.1 of its licence.

Clause 6.1.2 of the schedule to the licence stipulates 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 20h00 and 21h00. The programme deals with the dynamics of the Swazi culture. One of the topics identified was about who keeps the grandmother's (gogo) belongings after she has passed on. The studio guest highlighted stages from the arrival of a female as a bride to, marry her husband until she becomes an important figure called "gogo" in the husband's family who owns most things. The guest stated that according to Swazi Culture, all grandmothers' belongings are taken to her family of birth. The family is the one that divides and allocates belongings such as clothes to the deceased grandmother's sisters. The guest further stated that the deceased's biological children are not allowed to wear their mother's clothes but share other belongings.

The Licensee complies with clause 6.1.2 of its licence.

Clause 6.1.3 of the schedule to the licence stipulates that:

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

Ligwalagwala FM broadcasts a variety of programmes focusing on health and gender issues. "Conover" and "Rama Growth Show" broadcast on week days between 09h00 and 12h00 were some of the programmes identified that deal and focus on health and gender related issues.

The Licensee complies with clause 6.1.3 of its licence.

3.6.2 News and Current Affairs

Clause 6.2.1 of the schedule to the licence stipulates that:

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

The quarterly reports submitted by the SABC indicate that during performance period the radio station broadcasts an average of ninety nine (99) minutes of news on weekdays, sixty (60) minutes of news on Saturdays and Sundays.

The Authority's monitoring exercise confirmed that Ligwalagwala FM broadcasts a total of sixteen (16) news bulletins every hour on the hour from 06h00 to 21h00. At least eighty (80) minutes of news was monitored daily. The following are examples of news items identified during the monitoring exercise:

- *"ANCYL in KwaZulu Natal Supports the ANC/DCA decision to expel Julius Malema";*
- *"NFP's President Zanele Magwaza-Msibi has pleaded with T-Section residents in uMlazi to calm down and make sure that everyone is safe";*
- *"ANCYL NEC meets to discuss the way forward following the dismissal of its president, Julius Malema";*
- *"Jimmy Manyi says Government has no plans to change e-toll system";*
and
- *"National Police Commissioner Mr Bheki Cele says when he was informed about the building that led to his suspension, he did not know where was it located".*

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

Clause 6.2.2 of the schedule to the licence stipulates that:

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

The quarterly reports submitted indicate that Ligwalagwala FM broadcasts one hundred and ten (110) minutes of current affairs programming on weekdays sixty (60) minutes on Saturdays and Sundays during the South African performance period.

The Authority's monitoring exercise identified three Current Affairs programmes as follows:

"Tiphuma Impunga" broadcast Monday to Friday between 05h30 and 06h30;
"Tiphuma Embiteni Tishisa" broadcast Monday to Friday between 18h00 and 19h00; and

"Telive Atipheli" broadcast on Sunday between 06h00 and 07h00.

A total of one hundred and ten (110) minutes of Current Affairs programming was monitored from Monday to Friday. Sixty (60) minutes of Current Affairs programming was monitored on Sunday.

The Licensee complies with clause 6.2.2 of its licence.

Clause 6.2.3 of the schedule to the licence stipulates that:

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

- (i) Exercise full editorial control in respect of contents of such programming;*
- (ii) Include matters of international, national, regional and where appropriate, local significance;*

- (iii) *Meet the highest standards of journalistic professionalism;*
- (iv) *Provide fair, unbiased, impartial and balanced coverage independent from governmental, commercial or other interference; and*
- (v) *Provide a reasonable opportunity for the public to receive a variety of points of view on matters of public concern”.*

The SABC’s editorial policy provides that the licensee must exercise full editorial control in respect of contents of its programming. The editorial policy further indicates that the licensee endeavours to meet the highest standards of journalistic professionalism. Further, the policy provides for fair, unbiased and impartial coverage independent from government, commercial or other interference.

The Authority’s 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 (See 6.2.1 and 6.2.2 above). The SABC’s Editorial Policies form part of the SABC’s Charter and monitoring of Ligwalagwala FM’s news and current affairs programmes for the period under review demonstrated compliance with clause 6.2.3 of its licence and the Charter as contained in the Broadcasting Act of 1999.

The Licensee complies with clause 6.2.3 of its licence.

3.6.3 Programming targeted at Children

Clause 6.3.1 of the schedule to the licence stipulates that:

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

Clause 6.3.2 of the schedule to the licence stipulates that:

"In the production and presentation of its children's programming, the Licensee shall ensure that such children's programming is:

- (i) broadcast at times of the day when children are available to listen;*
- (ii) targeted at and appropriate for children between the ages of nought (0) to six (6) years and seven (7) to twelve (12) years respectively;*
- (iii) educational and is made from children's point of view".*

The SABC's quarterly reports indicate that Ligwalagwala FM broadcasts four hundred and five (405) minutes of children's programming weekly.

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

- "Takalani Sesame" broadcast on weekdays between 09h00 and 10h00, where children are empowered with educational entertainment.
- "Wotani Ekhaya" broadcast on Sundays between 09h00 and 09h30. This is an informal educational programme aimed at teaching children about the existence of God and Jesus Christ. Further, the programme teaches children about the Bible and focuses on faith and morals.

"*Takalani Sesame*" targets children between the ages of nought (0) to six (6) years. "*Wotani Ekhaya*" targets children between the ages of seven (7) to twelve (12) years.

In total, four hundred and five (6hours, 45min) of children's programming 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.

3.6.4 Educational Programming

Clause 6.4 of the schedule to the licence stipulates 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 Ligwalagwala FM broadcasts three hundred and fifty five (355) minutes (5 hours 55 minutes) of educational programming per week during the South African performance period.

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

"Learner Support" broadcast Mondays to Fridays between 14h30 and 15h00.

There was a studio guest from South African Qualifications Authority. The topic discussed on 5 March 2012 was "*Khetha Kahle*". This was a career guidance programme educating listeners about life after matric or graduation. The importance of internships and learnerships was discussed as well. The focus of the programme on 6 March 2012 was on English paper one (1). The intention was to assist grade ten (10) to grade twelve (12)/matric learners to prepare for their examination. Other programmes focused on Accounting and Geography.

"Educator Development" broadcast on weekdays between 21h15 and 22h00.

This programme sought to advise or educate listeners about many issues including health. The programme also provided the importance of school feeding programme and the role it has on enrolment. The studio guest explained that since the introduction of the programme, there is improvement in school participation by learners and the level of absentees' has decreased. The speaker elaborated that poverty and hunger are the reasons of school drop-outs.

Therefore, it was important for government to introduce school feeding programmes in order to encourage and support education.

In total, three hundred and fifty five (355) minutes (5 hours 55 minutes) of educational programming per week was monitored during the South African performance period.

The Licensee complies with clause 6.4 of its licence.

3.6.5 Local Drama

Clause 6.5 of the schedule to licence stipulates that:

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

The SABC's quarterly reports indicate that Ligwalagwala FM broadcasts two hundred and fifty (250) minutes of drama programming per week during the South African performance period.

The Authority's monitoring exercise identified the following drama programme as some of the drama programmes broadcast by Ligwalagwala FM:

- *"Kanti Inje"* broadcast from Monday to Friday during the day between 13h15 and 13h30 and in the evenings between 19h45 and 20h00.

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

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

3.6.6 Informal Knowledge Building

Clause 6.6 of the schedule to the licence stipulates that:

"The Licensee shall broadcast at least three (3) hours of informal knowledge building programming per week within the South African performance period".

The SABC's quarterly reports indicate that Ligwalagwala FM broadcasts one thousand, eight hundred and seventy (1870) minutes (31 hours 10 minutes) of Informal Knowledge Building programming per week during South African performance period.

During the period under review, the Authority's monitoring exercise confirmed that Ligwalagwala FM broadcasts Informal Knowledge Building programmes as follows:

"Youth Ke Yona" was monitored on 8 March 2012. The programme's focus was on the impact of piracy in the music industry. There were studio guests from Music Production Company, the Department of Trade and Industry, and Anti-piracy. The studio guests encouraged listeners to buy legal CDs and not pirated ones. They explained the disadvantages of the pirated CDs and the advantages the original CDs have in the music industry and the country's economy. They pleaded with listeners to refrain from buying pirated CDs. The following were amongst the programmes identified:

Other programmes included *"The Rajar Sisters Show"*, *"Vukahlale"*, *"Conover"*, *"Be Financial Smart"*, *"Rama Growth Show"* and *"Love Life"*. In total two hundred and sixty seven (4 hours 27 minutes) of Informal Knowledge Building was monitored.

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

3.6.7 Training and Skills development Obligations

Clause 7 of the schedule to the licence stipulates as follows:

7.1 The Licensee must adopt and implement equal opportunity employment practices;

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

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 skills development and training report of the entity as a whole, indicating that its management and staff are representative of South African society. The Licensee submits that Skills Development is not only a national priority, but that of the SABC at large. The Licensee submits that the technological landscape that keeps on evolving calls for the SABC to continually equip its employees with the necessary skills in order to remain competitive and sustainable. The Licensee states that in the year 2011/12, there have been a number of positive developments in response to the myriad challenges posed by the change in technology (migration from analogue to a digital space). The SABC submits that more than half of the total SABC employee population (2049) was

trained in the respective divisions/clusters. Furthermore, its total expenditure on training amounted to twenty two million, nine hundred and eight thousand, seven hundred and sixty three rand (R22, 908, 763) spread across various divisions for 4612 interventions which included Learnerships/Internships. Of the 2049 employees that were trained, 47% are females and 53% are males.

Further, the SABC states that a total of 93 new bursaries were awarded in 2011/2012, bringing a total number of bursaries to 231, which includes bursaries awarded under the SABC foundation. According to SABC, the amount invested to maintain these new and existing bursaries was three million two hundred thousand rand (R3, 200 000); and were awarded in line with the critical and scarce skills identified within the broadcast industry (*See Appendix D*).

The Licensee has during the period under review, complied with clause 7 of the schedule to its licence.

3.7 Provision of Audited financial statements to the Authority

Clause 8 of the licence stipulates that:

"The Licensee shall provide the Authority with the audited annual financial statements of the licensed service within four (4) months of the end of the licensee's financial year, provided that the licensee may on good cause apply to the Authority for extension".

The SABC submitted its Audited Financial Statements for the 2010/11 financial year within the stipulated timeframe.

During the period under review 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 stipulates that:

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

The Licensee complies with the regulations on South African Music Content

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 F*).

4.3 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 fee of eight million fifty seven thousand, seven hundred and fifty two rand (R 8, 057 752. 00) to the fund and

received confirmation of payment in a form of a Section 18A certificate from the MDDA.

The Licensee submitted proof of payment to the Authority in March 2012.

The Licensee has complied with the regulations in respect of Universal Service and Access Fund.

4.4 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 exempted from paying licence fees.

5. CONCLUSION

Ligwalagwala FM is a full- spectrum service licensee. During the period under review, the Licensee has exceptionally complied with the applicable regulations and licence terms and conditions.

6. APPENDICES

Appendix A: Ligwalagwala FM's broadcasting service

Appendix B: Ligwalagwala FM's frequency spectrum licence

Appendix C: The Religious section as contained in the SABC's Editorial Policy

Appendix D: SABC's Training and Skills Development Report

Appendix E: South African Music Content Regulations

Appendix F: Regulations Regarding Standard Terms and Conditions

Appendix G: USAF Regulations

Appendix H: General Licence Fees Regulations