



# **LIGWALAGWALA FM ANNUAL COMPLIANCE REPORT**

**MARCH 2024**

## **2022/2023 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, the Independent Communications Authority of South Africa<sup>1</sup> (ICASA Act) the Electronic Communications Act<sup>2</sup> ("ECA") and the Broadcasting Act<sup>3</sup> 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 2022/2023 financial year. Aspects of compliance that are measured comprise 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.

#### **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.

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<sup>1</sup> ICASA' Act' (Act No. 13 of 2000, as amended)

<sup>2</sup> No. 36 of 2005, as amended

<sup>3</sup> (Act No. 4 of 1999 as amended)

### **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"<sup>4</sup>.*

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 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"<sup>5</sup>.*

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.**

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<sup>4</sup> Appendix A: Ligwalagwala FM's broadcasting service.

<sup>5</sup> Appendix B: Ligwalagwala FM's 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 of 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 of 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”.*

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 clause 6 of the schedule of its licence.**

**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 it’s 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 09h00 a worship insert. It was confirmed during the monitoring exercise that ministers from various denominations are invited to the studio to provide sermons.

**The Licensee complies with clause 7.1.1 of the schedule of 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 traditional 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 Ngololudzala*" is broadcast on Sundays between 19h00 and 20h00. The programme deals with the dynamics of the Swati culture. The programme monitored focused on family issues educating listeners about exposing children to information or things they should not have at their age at home. The advice provided by the host explained how parents should monitor what things they allow their children to know or have at a certain age, for example, the use of cell phones and giving children information about the salary pay of each parent in the household while they are still young. During this programme, listeners become active participants, in that, they phone in and pose questions and share their opinions regarding the issues.

**The Licensee complies with clause 7.1.2 of the schedule of 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 issues such as drug abuse to different genders, and marital issues which are of interest to different groups of society, it is broadcast between 09h00 and 12h00. Gospel motivation and music is broadcast during the show.

**The Licensee complies with clause 7.1.3 of the schedule of 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 21h00. The bulletins are broadcast for approximately five (5) minutes. On average, a total of eighty (80) minutes is broadcast each day, during the South African performance period.

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

- *"Mhlathi wet indaba te politiki Bheki Mngomezulu uthi Iningizumu Afrika isengawulungeli ukubusa kwe politika ngoku bhambisana. Uthi letivumelana yokubusa ngoku bhambisana kuholela ekuphazamisekeni kokuthola okunsita kanti ke sondolaphi wase Jozi lofakwe ngalelo hle loto bhambisana lenhlangano le politika lwezele ukuba afungiswe Iwanamuhla Thapelo Amand ugene kulesi sikhundla ngo lwesihlanu ngokulekelelwa yi ANC, EFF netelinye tinhlangano ti ncane kulomkhandlo. Loku kuze emva koku khishwa ko Mpho Phalatsi we DA ngeshukumiso sokungamethembi. Mngomezulu uthi kuba ngobhambisana yinkinga enkulu kulelive lase Ninigizimu Afrika."*
- *"Umkhakhs wetomfunod kanye nomphakathi wase Maphophe eduze nase Malamlela esifundweni sase Limpopo. Uvakase ngokushaqeka ngokulandela kwetithombe ta makhale ekhukhwini tomfundi egagabula thishela ngetinhamba. Le video lekukholwela ukuthi ithathwe esikoleni yi Basobha Secondary School kulendawo. Ikhombisa lomfana ehlekisa ngalo thishela kula banye bafundi ngendlela engayo ke enhloko. Lesi singameko senzeka ngeyanya ka Nciki kngalo nyaka ophelile. Amalungu omphakathi asichaze ke ngesenzakalo sekhombisa sobudlova nobuqaba salomfundi. Ngakolunye uhlangothi sihlalo se yuniyoni yobo thishela iProfessional Educators Union uthi isenzo salolu hlobo sibangelwa ukuthi ke kude indlela yokuqondisa abafundi kanti ezokuphepha kuya ntengantenga etikolweni "; and*
- *"Sekela mongameli David Mabuza uthi mongamenli Cyril Ramaphosa wemkele kwesula kwakhe esikhundleni kanto ke uta wenza simemetelo lakhona madute. Mabuza umemetele kwesula khwakhe izolo. Labanye bahlati bathi ukwesula kwa*

*Mabuza bekuvele kulindelekile ngemva kwemiphumela ye conva ye ANC yamashumi esihlanu nesihlanu bebanjelwe eNasrec e Jozi ngo December kulonyaka lo ophelile. Mabuza makabuyisela sikhundleni sobuholi balenhlagano le ebusayo, lo obeyi gcina mafa we ANC Paul Mashatile wakhethwa abe yisekela lamongameli we ANC. "*

**The Licensee complies with clause 7.2.1 of the schedule of 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 forty-four (144) 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 Saturdays and Sundays between 06h00 and 07h00.

**The Licensee complies with clause 7.2.2 of the schedule of 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 the 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 of 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 the South African performance period.

The following broadcast programme focusing on children was monitored:

- Nali bali on weekdays and Teen Zone on Saturdays between 09h00 and 10h00.  
Sunday school on Sunday between 07h00 and 09h00

**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 bali - 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 educated on a topic and they are invited to read the story.
- *"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 questions 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. These programmes target children from (7) to twelve (12) years and teenagers. The programme is presented by a teenager.
- The programme monitored focused on *"Diarrhea"*. The expert who was invited to the show explained that most children get the sickness from unclean water supplied by parents for example not boiling water before drinking it and allowing children to eat things like sweets picked up from the floor by young children.

**The Licensee complies with clauses 7.3.1 and 7.3.2 of the schedule of 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 19h00 and 21h00 on weekdays during the performance period.

**The Licensee complies with clause 7.4 of the schedule of 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 19h15 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 of 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 the schedule of 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 SABC's Employment Equity and Transformation report for the year ended February 2023 zooms in on the licensee's efforts to comply with clause 8 and the subclauses.

Notably, the Licensee continues to maximise its employment of people from historically disadvantaged backgrounds. In the year that ended February 2023, the SABC absorbed, into its workforce, one hundred and twenty six (126) interns out of one hundred and sixty-three (163) that completed the 2022/2023 internship programme with the Licensee.

Women continue to get into high positions within the Licensee and people from previously disadvantaged groups make up the majority at the executive level. The Licensee's five-year target is to have at least 51.7% women making up the entire workforce by September 2025. The SABC has already reached the 2025 target; currently, women make up 52% of the Licensee's employees, and they are represented at all occupational levels. The SABC's Employment Equity report shows that the Licensee's employment practices strive to promote a fair and equitable representation of race and gender at all levels.

**Table 1:** SABC's 2025 Employment Equity Targets (Control/Management Echelon) against 2023 Actuals

Employment Category	September 2025 Target	February 2023 Actual
Black Board of Directors with Voting Rights	50%	85.72%
Female Board of Directors with Voting Rights	25%	33%
Black Executive Directors (GCEO, COO, CFO)	50%	66.67%
Black Female Executive Directors (GCEO, COO, CFO)	25%	0%
Black Executive Managers / Senior Management	60%	88 %
Black Female Executive Managers/Senior Management	30%	32%
Black Middle Management	75%	83%
Black Female Middle Management	38%	42%

<b>Black Junior Managers</b>	88%	93%
<b>Black Female Junior Managers</b>	44%	49%
<b>Black People with Disabilities</b>	2%	2%

Towards its obligation as laid out in clause 8.3 (b) and its Workplace Skills Plan, the SABC delivered one thousand three hundred and sixty-eight (1368) training interventions in the past reporting year. Eight hundred and seventy-six (876) employees took part in the training interventions and 96.5% of the participants were persons from historically disadvantaged groups.

The SABC's reports on employment equity and skills development were received within the time frame specified in the License, thus complying with clause 8.4.

**The SABC complies with its training and skills development obligations per the licence.**

### **3.13 Audited financial statements**

Clause 9 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 2022/2023 financial year within the stipulated timeframe.

**The Licensee complies with clause 9 of the schedule of its licence.**

## **4. REGULATIONS**

### **4.1 Complaints Received**

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A<sup>6</sup> 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.

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**

Regulation 3 of the ICASA South African Music Content Regulations 2016<sup>7</sup> stipulates that:

*"A holder of a public sound broadcasting 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 music and that such South African music is spread evenly throughout the performance period."*

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**

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<sup>6</sup> SABC Form 12A

<sup>7</sup> ICASA South African Music Content Regulations

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

### **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 made the prescribed payment directly to the MDDA and submitted proof thereof to the Authority.

### **The Licensee complies with Regulations 3(1) and 3(2) 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 F: South African Music Content Regulations
- 6.6 Appendix G: Regulations Regarding Standard Terms and Conditions
- 6.7 Appendix H: Proof of payment- USAF
- 6.8 Appendix I: General Licence Fees Regulations.

**END**