

**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA****NOTICE 1978 OF 2023****ELECTRONIC COMMUNICATIONS ACT, 2005 AS AMENDED (ACT NO. 36 OF 2005)****APPLICATION FOR AMENDMENT OF INDIVIDUAL COMMERCIAL TELEVISION BROADCASTING SERVICE LICENCE BY ETV (PTY) LTD**

1. The Independent Communications Authority of South Africa ("the Authority") hereby gives notice that it has received an application from e.tv (Pty) Ltd ("the Applicant") for an amendment of its Individual Commercial Television Broadcasting Service ("I-CTBS").
2. The application is submitted in terms of section 10 of the Electronic Communications Act No. 36 of 2005 as amended ("the EC Act") read with regulation 9 of the Processes and Procedures Regulations for Individual Licences, 2010 as amended.
3. In terms of section 10(2) read with section 9(2) of the EC Act, the Authority is required to give notice of the application in the Government Gazette and invite interested persons to submit written representations in relation to the application.
4. The Applicant submits that it holds eighty-one percent (81%) equity ownership from historically disadvantaged individuals as required in terms of section 9(2)(b) of the EC Act.
5. The application for amendment and any representations received pursuant to this notice, will be made available to any interested party on the Authority's website: [www.icasa.org.za](http://www.icasa.org.za).
6. Any interested party is invited to lodge written representations in relation to the application within fourteen (14) working days from the date of publication of this notice in the Government Gazette.

7. Persons who lodge representations must also indicate whether they wish to make oral submissions should the Authority decide to hold a public hearing in respect of the application.
8. All written representations, responses, and other correspondence in terms of this notice must be directed to the Licensing Department, at Block B, 350 Witch – Hazel Avenue, Eco Point Office Park, Eco Park, Centurion OR Private Bag X10, Highveld Park, 0169 OR by e-mail: [Licensing@icasa.org.za](mailto:Licensing@icasa.org.za).
9. Any person/s who lodge representations in terms of this notice, must also furnish proof to the Authority's satisfaction that a copy of the representation has been delivered to Mr Antonio Sergio Lee via email: [Antonio.Lee@etv.co.za](mailto:Antonio.Lee@etv.co.za) OR delivered by hand to e.tv (Pty) Ltd 4 Albury Road, Dunkeld West, Johannesburg, 2196.
10. The Applicant has the right to respond in writing to the written representations made by any interested person/s on the application. The written responses must be lodged with the Authority within twenty-eight (28) working days from the date of publication of this notice in the Government Gazette.
11. The Applicant must, at the time of lodging the written response/s, furnish proof to the Authority's satisfaction that it has delivered a copy of such response/s via email OR by hand to the relevant person/s having made the written representation.
12. e.tv seeks approval from the Authority to amend its I-CTBS as follows:

#### **Schedule on Existing Television Channel**

12.1 It thus reads as follows: *"The conditions contained herein are applicable to the e.tv channel only:*

1. Channel Name  
e.tv."

12.2 e.tv proposes that this clause be amended to read as follows:

*"Save as otherwise provided in this Schedule 2, the conditions contained herein are applicable to the e.tv channel only."*

**Schedule 2 Sub-Clause 2.2 – Languages**

- 12.3 Sub-Clause 2.2 reads as follows: *"The Licensee shall broadcast a minimum of two (2) hours of news and information programming per week during the performance period in a wide range of official languages other than English and shall make provision for sign language translation on screen during the prime time news bulletin. In complying with its obligations in respect of the use of official languages other than English, the Licensee shall not make excessive use of a single language, other than English, to the exclusion of other official languages."*
- 12.4 e.tv further proposes to add the following words at the end of sub-clause 2.2 to read as follows: *"The Licensee shall broadcast a minimum of two (2) hours of news and information programming per week during the performance period in a wide range of official languages other than English and shall make provision for sign language translation on screen during the prime time news bulletin. In complying with its obligations in respect of the use of official languages other than English, the Licensee shall not make excessive use of a single language, other than English, to the exclusion of other official languages shall be measured across all channels broadcast in terms of this Licence."*

**Schedule 2 Sub-Clause 2.3 – Languages**

- 12.5 Sub-Clause 2.3 reads as follows: *"The Licensee shall broadcast four (4) hours of programming other than news and information per week in official languages other than English. Compliance with this sub-clause shall be measured accordingly over the licence year. In complying with the above obligations, the Licensee shall not make excessive use of a single language, other than English, to the exclusion of the other official languages."*
- 12.6 e.tv further proposes to add the following words at the end of sub-clause 2.2 to read as follows: *"The Licensee shall broadcast four (4) hours of programming other than news and information per week in official languages other than English. Compliance with this sub-clause shall be measured accordingly over the licence year. In complying with the above obligations, the Licensee shall not make excessive use of a single language, other than English, to the exclusion of the other official languages shall be measured across all channels broadcast in terms of this Licence."*

**Schedule 2 Clause 5 – Information Programming**

- 12.7 Clause 5 reads as follows: *"The Licensee shall broadcast at least nineteen (19) hours of information programming per week, at least two (2) hours of which shall be broadcast during prime time."*
- 12.8 e.tv further proposes to add the following words at the end of existing Clause 5 to read as follows: *"The Licensee shall broadcast at least nineteen (19) hours of information programming per week, at least two (2) hours of which shall be broadcast during prime time. The measurement of the obligations set out herein shall be measured across all channels broadcast in terms of this Licence."*

**Schedule 2 Sub-Clause 6.2 – News and Current Affairs**

- 12.9 Sub-Clause 6.2 reads as follows: *"The Licensee shall broadcast at least two (2) hours of news programming during the performance period, of which at least thirty (30) minutes, packaged as a single programme, shall be broadcast during prime time."*
- 12.10 e.tv further proposes to add the following words at the end of Sub-Clause 6.2 to read as follows: *"The Licensee shall broadcast at least two (2) hours of news programming during the performance period, of which at least thirty (30) minutes, packaged as a single programme, shall be broadcast during prime time. The Licensee shall make provision for sign language translation on screen during the prime time news bulletin."*

**Schedule 2 Sub-Clause 7.2 – Programming targeted at children.**

- 12.11 Sub-Clause 7.2 reads as follows: *"The Licensee shall broadcast the children's programming referred to in sub-clause (a) above, between the hours of 13h00 and 18h00 on weekdays and between 07h00 and 13h00 on weekends, provided that:"*
- 12.12 e.tv further proposes to amend and substitute certain wording of Sub-Clause 7.2 to read as follows: *"The Licensee shall broadcast the children's programming referred to in sub-clause 7.1 above, at appropriate times for children, provided that:*

*(i)...."*

- 12.13 e.tv also seeks amendment to add a new sub-clause to be numbered sub-clause 7.4 after sub-clause 7.3 to read as follows:

7.4 *"The measurement of the obligations set out in this clause 7, shall be measured across all channels broadcast in terms of this Licence."*

**Schedule Clause 8 – Limitations on Advertising and Provision of Advertising-related Information.**

12.14 Clause 8.1 reads as follows: *"The Licensee may not broadcast:*

- (a) more than an average of ten (10) minutes of advertisements per hour on the licensed service during any licence year, and*
- (b) advertisements in excess of twelve (12) minutes in any one hour."*

12.15 e.tv proposes the deletion of clause 8 in its entirety and that there be re-numbering of the existing clauses 9 and 10 to 8 and 9 respectively.

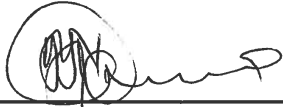
**Schedule Clause 10 – Skills and development obligations.**

12.16 Clause 10 reads as follows: *"The Licensee must invest 5.5% of its total annual salary cost escalating annually at the rate of inflation, in staff training."*

12.17 e.tv proposes the deletion of clause 10 in its entirety and substituted it with the following:

- "9.1 The Licensee must adopt and implement equal opportunity employment practices.
- 9.2 The Licensee must ensure that its management and staff are representative of South African society and that its human resources policies take into account the development and training of managerial, production, technical and other skills and expertise, particularly with regard to historically disadvantaged persons.
- 9.3 The Licensee shall endeavour to achieve fair and reasonable participation by historically disadvantaged persons following suitable training with respect to:
  - (i) its management and control structure;
  - (ii) skills development;
  - (iii) enterprise development; and
  - (iv) procurement.

- 9.4 The Licensee shall report to the Authority at the time when its annual compliance report is complied, the training undertaken by it for the previous year to reflect what training it has done for purposes of skills and enterprise development."



**YOLISA KEDAMA**  
**ACTING CHAIRPERSON**

Date: 16 / 08 / 2023