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We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

Prevention is the cure

INDEPENDENT BROADCASTING AUTHORITY**APPLICATION TO AMEND BROADCASTING LICENCE:
MIDI TELEVISION PTY LTD TRADING AS e-tv**

The Independent Broadcasting Authority hereby gives notice in accordance with section 52(2)(a) of the Independent Broadcasting Authority Act No.153 of 1993 (as amended), that an application has been received in terms of section 52(1)(c) to amend the Licence conditions of Midi Television (Pty) Ltd. "Midi" trading as e-tv issued by the Independent Broadcasting Authority on the 02 October 1998.

1. The nature of amendments which Midi seek is aimed at ensuring the following:

1.1 The nature of the amendments which Midi seeks is an attempt to ensure that:

1.1.1 The licence conditions reflect the promises or undertakings which Midi made in its Promise of Performance;

1.1.2 The licence conditions are sufficiently clear to avoid possible confusion about programming and other obligations;

1.1.3 Certain licence conditions are reformulated as a result of legislative changes;

- 1.1.4 All the relevant licence conditions, with the exception of the promises of performance, reflect the terms and conditions generally applying to licensees in the category of commercial television broadcasters;
- 1.1.5 Any obligations imposed on Midi after the licence was awarded on 31 March 1998 are appropriate and that the imposition of certain licence conditions which were not the subject of the application process are reformulated; and,
- 1.1.6 The formulation of licence conditions, in particular the condition relating to the Shareholding Structure, takes account of the Shareholders' Agreement.

THE PROPOSED AMENDMENTS TO MIDI'S CURRENT LICENCE CONDITIONS ARE AS FOLLOWS:

1. Insert new definition under Clause 1

Information programming means current affairs, documentary, informal knowledge-building, magazine programmes and talk-shows and any other programme which, directly or indirectly, has as its purpose the communication of facts and events of interest to viewers.

2. Clause 9

In procuring programming produced in South Africa, the licensee shall make a reasonable effort to commission and source programming from the different provinces and which reflects the diversity of South African provincial diversity, cultures and characters.

3. Clause 11.2

Delete entire clause.

[With effect from 1 December 1998 until 31 January 1999 and for as long as the licensee broadcasts 6 hours per day, the licensee shall broadcast news and information programming during the performance period in Zulu, Xhosa, SeSotho and SeTswana on a pro rata basis,

calculation whereof, will be based on the hours of news and information programming stated in sub-clause 11.3 (infra). Provision for sign language translation on screen during the prime time news bulletin must be made.]

4. Clause 11.3

Delete entire clause.

[With the increase in broadcast hours in accordance with the provisions of clause 8, the pro rata portion mentioned above shall increase accordingly.]

5. Clause 11.4

With effect from 1 February 1999 and for the remainder of the licence period, the licensee shall broadcast a minimum of two hours of news and information programming per week during the performance period in [Zulu, Xhosa, SeSotho and SeTswana] official languages other than English and shall make provision for sign language translation on screen during the prime time news bulletin.

6. Clause 11.5

Delete entire clause.

[With effect from the effective date until 31 January 1999 the licensee shall broadcast, during the performance period, a pro rata weekly minimum hours of programming other than news and information programming in Zulu, Xhosa, SeSotho and SeTswana, calculation whereof shall be based on the hours stated in 11.6 infra. These hours shall increase in proportion with the increase in hours of broadcast as provided in Clause 8.]

7. Clause 11.6

With effect from 1 February 1999 the licensee shall broadcast, during the performance period, [a weekly minimum of] 4 hours per week of programming other than news and information in

[Zulu, Xhosa, SeSotho and SeTswana] official languages other than English. Compliance with this clause shall be measured as a weekly average over the period 1 February to 30 September in the first licence year and thereafter as a weekly average over the full licence year.

8. Clause 11.7.1

During the entire licence period, the licensee shall broadcast [ensure that at least 10% of the broadcasting time allocated to] South African drama productions at least 10% of which shall [be devoted to] include [Zulu, Xhosa, SeSotho and SeTswana] official languages other than English, provided that, in meeting this requirement, the licensee shall not be required to broadcast entire programmes in official languages other than English. Programming satisfying this requirement shall also be included in calculating compliance with the language quota set out in Clause 11.6.

9. Clause 11.7.2

During the entire licence period, the licensee shall broadcast [ensure that at least 20% of the broadcasting time allocated to] South African children's programming at least 20% of which shall [be devoted to] include [Zulu, Xhosa, SeSotho and SeTswana] official languages other than English, provided that, in meeting this requirement, the licensee shall not be required to broadcast entire programmes in official languages other than English. Programming satisfying this requirement shall also be included in calculating compliance with the language quota set out in Clause 11.6.

10. Clause 11.7.3

During the entire licence period, the licensee shall endeavour to dub [ensure that 20% of] some of the children's programming acquired from abroad and broadcast by the licensee [shall be dubbed] into official languages other than English. [Zulu, Xhosa, SeSotho and SeTswana.] Programming satisfying this requirement shall also be included in calculating compliance with the language quota set out in Clause 11.6.

11. Clause 12.1

Delete entire clause.

[With effect from the effective date to 31 January 1999, 10% of the broadcast time shall consist of local television content measured over a period of a week.]

12. Clause 12.2

With effect from 1 February 1999 and for the remainder of the first licence year, 30% of the [broadcast time] Performance Period, shall consist of local television content measured as a weekly average over the period 1 February 1999 to 30 September 1999. [a maximum of 4% whereof shall be rebroadcasts.]

13. Clause 12.3

With effect from the commencement of the third licence year, 45% of [broadcast time] the Performance Period shall consist of local television content, [a maximum of 15% whereof shall be rebroadcast, measured over a period of one year] measured as a weekly average over the period of the licence year.

14. Clause 13.2

Delete entire clause.

[With effect from 1 December 1998 until 31 January 1999 the licensee shall broadcast, at least 30 minutes of news packaged as a single programme, during prime time.]

15. Clause 14.1

With effect from the effective date to 31 January 1999 the licensee shall broadcast two hours of information programming [on a pro rata basis calculations whereof shall be based on the

hours of information programming stated in sub-clause 14.2 (infra)] per week. [These hours will increase in accordance with the provisions of clause 8.]

16. Clause 15.1

Delete entire clause.

[With effect from the effective date to 31 January 1999 the licensee shall broadcast children's programming on a pro rata basis calculations whereof shall be based on the hours of children's programming stated in sub-clause 15.2 (infra). These hours will increase in accordance with the provisions of clause 8.]

17. Clause 15.2

[At the effective date] From 1 February 1999 and for the remainder of the first licence year, the licensee shall broadcast [a minimum of] 14 hours 30 minutes of children's programming per week, a maximum of 1 hour 30 minutes whereof may consist of rebroadcast children's programmes. At least 20% thereof must comply with local television content, which is the minimum requirement as per the Regulations on local television content. Compliance with this obligation shall be measured as a weekly average over the period 1 February 1999 to 30 September 1999.

18. Clause 15.3

With effect from the commencement of the second licence year, the licensee shall broadcast [a minimum of] 17 hours 30 minutes of children's programming per week, a maximum of 4 hours whereof shall consist of rebroadcast children's programmes. At least 20% thereof shall consist of local television content. Compliance with this obligation shall be measured as a weekly average over the period of the licence year.

19. Clause 15.4

With effect from the commencement of the third licence year, and for the remainder of the licence period, the licensee shall broadcast [a minimum of] 16 hours of children's programming per week, of which at least 20% shall consist of local television content. Compliance with this obligation shall be measured as a weekly average over the period of each licence year.

20. Clause 15.5

With effect from 1 February 1999 the licensee shall broadcast [the] children's programming [referred to above] between the hours of 15h00 and 17h00 or within the period 13h00 to 18h00 on weekdays and between the hours of 08h00 to 10h00 or within the period 07h00 to 13h00 on weekends. The licensee may, on occasion, broadcast other programming during the children's programming timeslots if a particular broadcast event necessitates that the children's programming is interrupted.

21. Clause 15.6

Delete entire clause.

[At least 20% of children's programming broadcast by the licensee shall be in Zulu, Xhosa, SeSotho and SeTswana].

22. Clause 15.7

[At the effective date] From 1 February 1999 and for the remainder of the first licence year the licensee shall broadcast at least 1 hour 30 minutes of youth drama [during prime time]. This one hour 30 minutes of youth drama is included in the children's programming quota referred to in Clause 15.2 (above) and shall be measured as a weekly average over the period 1 February 1999 to 30 September 1999.

23. Clause 15.8

With effect from the commencement of the second licence year and for the duration of the licence period [the] 1 hour 30 minutes of youth drama shall be broadcast during prime time and shall comprise of South African youth drama. This one hour 30 minutes of youth drama is included in the children's programming quota referred to in Clause 15.3 (above) and shall be measured as a weekly average over the period of each licence year.

24. Clause 16.1

By the end of the second licence year, the licensee shall broadcast [a weekly minimum of 3] 2 hours 30 minutes of South African drama per week, of which at least 2 hours [30] 20 minutes [thereof the above] shall be broadcast during prime time. Compliance with this obligation shall be measured as a weekly average over each licence year.

25. Clause 16.2

With effect from the commencement of the third licence year, the licensee shall ensure that [1-hour of the South African drama referred to in Clause 16.1] no more than 50% [shall consist of a maximum of 50%] of the South African drama broadcast requirement in Clause 16.1 [of rebroadcasts] consists of rebroadcasts.

26. Clause 16.3

The licensee shall ensure that at least [20%] 10% of South African drama productions broadcast by it during the Performance Period shall [be in] comprise [Zulu, Xhosa, SeSotho and SeTswana] official languages other than English.

27. Clause 17.1

The shareholding structure of the licensee is as follows:

[Hoskens Consolidated Investment Ltd	26,092%
Vula Communications Holdings	25,228%
Warner Bros	20,000%
Disabled Employment Concerns Trust	5,032%
Medumo Media (Pty) Ltd	5,032%
Mopani Media CC	4,024%
Mineworkers Investment Company	4,024%
SACTWU Investment Group	4,024%
Youth Development Trust	3,020%
African Pioneers Investment Trust	3,020%
R M Productions CC	0,504%]

PROPOSED SHAREHOLDING STRUCTURE

<u>Sabido Investments (Pty) Ltd</u>	<u>80%</u>
<u>South African Television Holdings LLC</u>	<u>20%</u>

28. Clause 17.2

The [shareholding and] control structures of the licensee may not be altered, control of the licensee or of the broadcasting service to be provided by the licensee in terms of the licence and the licence conditions may not be transferred . . .

29. Clause 18.1

With effect from the effective date and for the duration of the licence period, at least 40% of the licensee's staff complement shall consist of employees who are black as defined in the Employment Equity Act. [, at all levels, shall be Africans and African shall refer to Blacks excluding Coloureds and Indians.]

30. Clause 18.2

With effect from the effective date and for the duration of the licence period at least 35% of the licensee's staff complement [, at all levels,] shall be women.

31. Clause 18.3

With effect from the commencement of the fifth licence year, and for the remainder of the licence period at least 5% of the licensee's staff complement, [at all levels] shall be disabled people.

32. Clause 18.5

[The licensee shall ensure the following in its human resource practice:

18.5.1 an efficient human resources function supported by a competent human resource development function;

18.5.2 consultation between management and employees in decision-making processes;

18.5.3 fair labour practices;

18.5.4 a safe, healthy and accommodating working environment;

18.5.5 a well-resourced training arm with responsibility for the development of the licensee's core staff and major independent contractors.]

33. Clause 18.7

[All] The licensee shall ensure that 40% of local programming, other than news and current affairs, will be commissioned out to the independent production sector.

34. Clause 18.9

[The licensee's training commitment is to be in excess of 10% of the licensee's payroll.]

35. Clause 22.1

[With effect from the effective date until 31 January 1999, the licensee may broadcast a maximum of 4 minutes of advertising in any one hour of its 6-hour broadcast. For as long as the licensee broadcasts for 6 hours per day, it may broadcast an average of 3.3 minutes of advertising per day. This will increase in accordance with the provisions of clause 8 and in proportion to the increased broadcast hours.]

36. Clause 22.2

Subject to clause 22.3 and with effect from the effective date [1 February 1999], the licensee shall not, during any licence year, broadcast more than an average of 10 minutes of advertisements per hour. This average shall be measured over the period of each licence year.

THE PROPOSED AMENDMENTS TO MIDI'S SCHEDULE B2

Midi currently transmits from 49 transmitting stations of the 125 stations listed in Schedule B2 of the License Conditions. These transmitting stations are listed in Annexure 1 of this motivation. These transmitters currently provide coverage to 66% of the population of South Africa and constitute phase 1 of our transmission plans. The stations were selected to provide coverage of the most densely populated areas of South Africa in the LSM groups four to eight, whilst focussing on the major metropolitan areas.

1. Additional Gap Fillers

- 1.1 Subsequent to the installation of the transmitters listed in Annexure 1 by Sentech (Pty) Ltd, it has become apparent that there are areas within the main metropolitan areas of Cape Town, Durban and Johannesburg that receive a poor signal due to topographical limitations of the area. Midi has received numerous requests from viewers in these areas who are anxious to receive our signal. The areas under consideration are:

Amanda Glen

Aurora

Clifton

Linmeyer

Mulbarton

Verulam

Sentech's proposal in respect of the proposed gapfillers is annexed hereto.

The application, the relevant Schedules and any written representations received in respect of this application shall be open to public inspection by interested persons during the normal office hours of the Authority.

The effective date of the proposed amendment (if granted) shall be the date on which the decision is published by the Authority in the government gazette.

Interested parties are invited to submit their written representation in relation to the application to the Licensing Unit of the Authority at Khasho House, 26 Baker Street, Rosebank, Johannesburg OR Private Bag X31, Parklands, 2121 OR by Fax no. (011) 441 1401 within twenty one days of the date of publication of this notice.

Persons who submit representations in terms of this notice shall, when submitting such representations, provide proof to the satisfaction of the Authority that a copy of the representation submitted has been sent by registered post or delivered a copy of such representations to Midi Television (Pty) Ltd at 1 Longkloof Studios, Darters Road, Gardens, 8001 or P.O Box 12124, Mill Street 8010, Cape Town or Fax no. (021) 481 4510.

PROPOSED ADDITIONAL e.tv GAPFILLERS

STATION NAME	GEO. CO-ORDINATES						HEIGHTS			TRANSMITTER				ANTENNA						FEED		REMARKS
	EAST			SOUTH			SITE	MAST	ANT	FREQ	CH	OFF	PWR	GAIN	ERP	DIR	NULL	BEAM	POL	TYPE	FROM	
	Deg	Min	Sec	Deg	Min	Sec	m	m	m	MHz	No	SET	KW	dB	KW		FILL	TILT				
AMANDA GLEN	18	40	33	33	51	18	130	6	9	791.25	61	20P	0.001	13	0.02	D	N	0	V	RBR	C1	IBA to confirm TX Freq. Note offset!
AURORA	18	38	29	33	49	39	176	24	24	759.25	57	20P	0.001	9	0.01	D	N	0	V	RBR	C1	IBA to confirm TX Freq.
CLIFTON	18	22	37	33	56	30	36	12	11.5	471.25	21	0	0.001	10	0.01	D	N	0	H	RBR	C1.1	IBA to confirm TX Freq.
LINMEYER	28	4	16	26	16	8	1800	8	7	503.25	25	20M	0.001	3	0.002	D	N	3	H	RBR	T97	IBA to confirm TX Freq.
MULBARTON	28	3	56	26	17	36	1692	14	13.8	775.25	59	20P	0.010	4.8	0.03	N	N	0	V	RBR	T97	IBA to confirm TX Freq.
VERULAM	31	2	19	29	38	25	80	14	13.3	567.25	33	N	0.002	4.8	0.01	N	N	0	V	RBR	N53	IBA to confirm TX Freq.

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