



15 December 2020

SUBMISSIONS BY NETBALL SOUTH AFRICA (NETBALL SA) ON THE DRAFT SPORTS BROADCASTING SERVICES AMENDMENT REGULATIONS, 2020

A INTRODUCTION

1.

Netball South Africa (Netball SA) wishes to express its appreciation to the Independent Communications Authority of South Africa ("ICASA" or the "Authority") for the invitation to make written representations on the draft Sports Broadcasting Services Amendment Regulations, 2020 ("**2020 Amended Regulations**") as published on the 5th November 2020.

2.

Netball SA has previously made written submissions on the draft Sports Broadcasting Services Amendment Regulations, 2018 ("**2018 Amended Regulations**")¹, and Netball SA is pleased to acknowledge that the Authority appears to have heeded our strident plea that we are best-placed to decide how to sell our broadcast rights to the properties that we own and are steadily building with the support of our partners.

3.

Netball SA thus welcomes the opportunity to make submissions on the 2020 Amended Regulations. In summary, Netball SA is supportive of the 2020 Amended Regulations² and believes that in its current form, it best serves the interests of all stakeholders.

¹ Submission from Netball South Africa on the draft Sports Broadcasting Services Amendment Regulations, 2018, by the Independent Communications Authority of South Africa (ICASA)

² Draft Sports Broadcasting Services Amendment Regulations, 2020, as published in Government Gazette no 43877, on the 5th November 2020



Whilst Netball SA will certainly take the opportunity if presented by the Authority to make oral presentations, we do not believe that there is a need for such oral presentations, given the fact that a huge majority of stakeholders when responding to the 2018 Amended Regulations, expressed their satisfaction that the current Regulations³ have worked well and that there was no need for major changes to the current regulations.

B CONCERNS WITH THE DRAFT SPORTS BROADCASTING SERVICES AMENDMENT REGULATIONS, 2018

4.

The Authority is aware that Netball SA was aggrieved by the listing of “National Netball” as a compulsory Listed National Sporting Event and expressed our concern to the Authority that this listing will have a detrimental effect on the future of the sport.⁴ As is well-documented, Netball is the most popular sport for women in South Africa with more than 2 million players and in excess of 3.1 million adult followers⁵. In order to fund netball, the sale of our broadcast rights is crucial to the development and growth of the game in South Africa.

5.

The revenue derived from our limited sponsorships is intricately connected to the levels of television exposure we receive. Prior to our current broadcast rights’ agreements that we have, netball received little to no coverage on television despite it being by far

³ Sport Broadcasting Services Regulations, 2010 as published on the 7th April 2010 by ICASA

⁴ Submission from Netball South Africa on the draft Sports Broadcasting Services Amendment Regulations, 2018, by the Independent Communications Authority of South Africa (ICASA) – para 6

⁵ Submission from Netball South Africa on the draft Sports Broadcasting Services Amendment Regulations, 2018, by the Independent Communications Authority of South Africa (ICASA) – paras 17, 18



the most popular women's sport in the country. Today, our netball is broadcast throughout Sub-Saharan Africa with major spinoffs for many of our top players who are now exposed to global audiences. For the first time in the history of the sport, our domestic matches are now broadcast live.

6.

We were at pains to point out to the Authority that the proposed 2018 Amended Regulations will have both a negative and disastrous impact on the revenue streams of Netball SA. These Regulations were attempting to determine for us who our broadcast partners should be. If this should have been implemented, netball would have gone back to the dark days of blank television screens and empty coffers.

7.

To a great extent, it has been the ability to optimise our broadcast rights that has assisted us in weathering the Covid-19 pandemic that has hit all sports bodies. Without a broadcast partner that understood the dire consequences we faced Netball SA would have been reduced to a struggling, unsustainable sport. We would not have been able to compete at the highest level and netball would have declined into obscurity.

C. COMMENTS ON THE DRAFT SPORTS BROADCASTING SERVICES AMENDMENT REGULATIONS, 2020

8.

Netball SA is pleased that the Authority has heeded our calls in the 2020 Amended Regulations. Netball SA welcomes that the 2020 Amended Regulations do not propose any onerous and restrictive conditions on netball in South Africa, including the manner in which our broadcast rights may be sold.



9.

We appreciate that the Authority in drafting the 2020 Amended Regulations has remained consistent in its long-established principles relating to the identification of national sporting events.

10.

Netball SA supports the Authority in its decision to identify the Netball World Cup as a listed National Sporting Event⁶, in terms of s 60(1) of the ECA.⁷ and supports the consistency of the Authority in the implementation of the Criteria for identifying national sporting events of public interest.⁸

11.

Netball SA is appreciative of the Authority's stance that "the sports industry relies on the sale of broadcasting rights as the biggest source of their revenue".⁹ This is a huge source of comfort for Netball SA that the Authority recognises the dependence of netball on its ability to determine how best to sell its broadcast rights.

12.

Netball SA regards the 2020 Amended Regulations as a reasonable and justifiable manner by the Authority to the listing of national sporting events in terms of its constitutional mandate accorded to the Authority. We believe it is a reasonable and objective compromise between the needs of sports bodies to generate revenue and the need for greater exposure for sports such as netball.

⁶ Draft Sports Broadcasting Services Amendment Regulations, 2020, as published in Government Gazette no 43877, on the 5th November 2020

⁷ Electronic Communications Act 36 of 2005

⁸ Sport Broadcasting Services Regulations, 2010 as published on the 7th April 2010 by ICASA

⁹ Explanatory Memorandum of the 2020 Amended Regulations – para 2.4



13.

Netball South Africa supports the Authority in the finalisation of the 2020 Amended Regulations as published on the 5th November 2020. Whilst we do not see the need for further oral submissions, Netball SA respectfully requests that if the Authority decides to go ahead with public hearings, that Netball SA be permitted to participate in such a further public process.

14.

With South Africa due to host the 2023 Netball World Cup for the first time ever on African soil, Netball SA and its Proteas national team are well-placed to not only host a great event but also to be competitive in the game's greatest showpiece. This will be in no small measure due to the recognition by the Authority that netball deserves the right to be able to determine how best to manage its content and properties.

Regards



Blanche de la Guerre
Chief Executive Officer

Feel free to call or visit us at...

Cell: 083 447 1774
Tel: +2712 344 5971

blanche@netball-sa.co.za
www.netball-sa.co.za

846 Park Street, Arcadia Pretoria, 0083
PO BOX 12474, Hatfield, Pretoria 0028

Netball South Africa is Proudly Sponsored by



NETBALLSOUTHAFRICA

@NETBALL_SA

@NETBALLSA