
GENERAL NOTICE

NOTICE 125 OF 2010



NOTICE IN TERMS OF SECTION 95 OF THE ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005) AND SECTION 4B OF THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA ACT, 2000 (ACT NO. 13 OF 2000)

The Independent Communications Authority of South Africa ("the Authority") hereby gives notice in terms of section 95 read with Section 60(1) and (2) of the Electronic Communication Act, 2005 ("the Act") and further read with section 4B of the Independent Communications Authority of South Africa, 2000 ("the ICASA Act") of its intention to review the 2003 ICASA Sport Broadcasting Rights Regulations setting out the criteria for determining national sporting events.

- (1) A copy of the proposed regulation will be made available on the Authority's website at <http://www.icasa.org.za> and in the ICASA Library at No. 164 Katherine Street, Pin Mill Farm, (Ground Floor at Block D), SANDTON between 10h00 and 16h00, Monday to Friday only.
- (2) Interested persons are invited to submit written comments or written representations with regard to the proposed regulations, to be received **by no later than 16h00 on 05 March 2010** by post, hand delivery, facsimile transmission, or electronically (in Microsoft Word) and marked specifically **Attention: Ms Refilwe Ramatlo**. Further enquiries in that regard may also be directed to her via e-mail at: rramatlo@icasa.org.za or hmashapha@icasa.org.za or by facsimile: 011 566-3252 or by telephone: 011 566 3251; between 10h00 and 16h00, Monday to Friday only.
- (3) Any person who wishes to make a written representation is requested to indicate if s/he would also like to make oral submissions in the event that ICASA

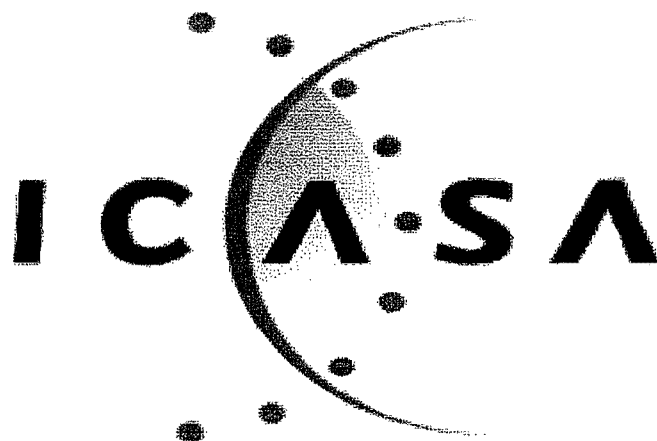
conducts public hearings in terms of Section 4(6) of the Act. The estimated duration of an oral submission at the hearing may not exceed one (1) hour.

- (4) Any written representation(s) submitted to ICASA pursuant to this notice, will be made available for inspection by interested persons at the ICASA library and copies of such representations will be obtainable upon payment of the prescribed fee.
- (5) At the request of any person who submits written representations pursuant to this notice, ICASA may determine that such representations or any portion thereof is confidential in terms of section 4D of the ICASA Act. Where the request for confidentiality is refused, the person who made the request will be allowed to withdraw such representations or portion thereof.
- (6) With respect to written representations or portions thereof determined to be confidential in terms of paragraph 5 above, ICASA may direct that the public or any member or category thereof, not be present while any oral submissions relating to such representations or portions therefore are being made; provided that interested parties will have been notified in that regard and allowed to object thereto. The Authority will consider the objections and notify all interested parties of its decision.
- (7) The final regulations following the conclusion of the consultative process including any hearing that may be held, will be published in the Government Gazette and made available on the website referred to under (1) above.



PARIS MASHILE

CHAIRPERSON



**PRELIMINARY FINDINGS AND
CONCLUSIONS DOCUMENT**

ON THE

**REGULATION OF SPORT BROADCASTING
RIGHTS**

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A. INTRODUCTION

1. Aims of the Preliminary Findings Document

The primary purpose of this Document is to highlight key issues raised by stakeholders during the consultation process on sport broadcasting rights. The document is referred to as the Preliminary Findings Document because the Authority envisages publishing a final document after consultation on the draft regulations, herewith attached.

In particular, the document deals with the issues raised in the Discussion Document on Sport Broadcasting Rights published in Government Gazette No 31483 dated 02 October 2008 and the public hearings which took place on 22 and 23 January 2009. Both processes sought to solicit input from stakeholders before the Authority publishes draft regulations for further consultation.

In October 2008 the Authority published a discussion document inviting stakeholders and the general public to submit written comments. The 2008 Discussion Document raised a number of competition issues as a way to locate a review of the current regulations within a broader context, taking into account the implications of chapter 10 of the Electronic Communications Act, 2005 (ECA).

Although competition issues were raised for the purposes of sketching the broader context, the Authority was aware that any competition matters can only be addressed through the process outlined in Chapter 10 of the ECA. It is for this reason that the draft regulations do not carry forward the competition issues raised in the Discussion Document. The Authority is embarking on a separate process to deal with competition issues in broadcasting.

In order to deal with the complex and competing needs of various stakeholders, the Authority also relied on benchmarking with other countries. In particular, the Authority's approach to dispute resolution has been influenced by other