

**NOTICE 1019 OF 2014**

Independent Communications Authority of South Africa  
Pinmill Farm, 164 Katherine Street, Sandton  
Private Bag X10002, Sandton, 2146

**EXPLANATORY MEMORANDUM ON THE DECISION TO AMEND THE  
DRAFT CODE FOR PERSONS WITH DISABILITIES REGULATIONS  
FOR PUBLIC COMMENTS****1. BACKGROUND AND REASONS**

The Independent Communications Authority of South Africa (“the Authority”) hereby wishes to clarify its decision to amend the draft regulations on the Code for People with Disabilities (“the Draft Regulations”) for further public consultation.

Acting in terms of section 70 of the Electronic Communications Act, 2005 (Act No. 36 of 2005) (ECA), the Authority published in *Government Gazette* No. 30441 of 7 November 2007, regulations for all licensees in Chapter 3 of the ECA on a code on people with disabilities. Moreover, section 2 (h) of the Objects of the ECA stipulates that the primary mandate of the Authority is to promote the empowerment of historically disadvantaged persons, including ... challenges for people with disabilities.

On 28 March 2014, the Authority published the draft regulations on the Code for People with Disabilities in *Government Gazette* No 37486 to engage with interested parties and afforded them an opportunity to make written and oral representations.

The draft Regulations are meant to address the gaps that were identified during the provincial workshops and public hearings with regards to services offered by Electronic Communications Service (ECS) and Broadcasting Service (BS) licensees.

The Authority had decided to amend the draft regulations for the following reasons:

- 1.1 The Authority decided to use the term "persons" instead of "people" as contained in the amended ECA of 2013.
- 1.2 The Authority was advised during the provincial workshop that the term hearing impaired should be used instead of deaf.
- 1.3 The Authority decided that the implementation for Audio Description and Close Captioning should be 10 percentage in its first year of the Regulations coming into effect on all its channels and 10% for each remaining nine years instead of 50 percentage as the latter (50%) is not practical.
- 1.4 The Authority decided to remove National Relay System (NRS) as the Authority further needs to conduct an investigation on how other countries operate and that government need to play a vital role in this. The Authority realised that to set up a NRS will be very costly and that the system is only available in very few developed countries.
- 1.5 The Authority deleted the examples as the Authority is technology neutral and that technology changes all the time. The Authority further deleted references to specific models as examples in sub regulations (a) (i) to (viii) as such may become redundant over time, which would create difficulties in interpreting these provisions.

- 1.6 The Authority removed the part on Tactile or Clearly Defined Keys as they are not practical for smartphones since the keys are 'virtual'.
- 1.7 The Authority deleted part on Billing management as it is covered under (Visually impaired or Blind Aid Compatibility Requirement for Handset) (Alternate formats).
- 1.8 The Authority added 01 April 2015 as the date for commencement as there was a concern that the Draft Regulations are silent on the commencement date of the final regulations.

## **2. INVITATION FOR WRITTEN REPRESENTATIONS**

- 2.1 The Independent Communications Authority of South Africa (hereinafter referred to as "the Authority") hereby gives notice in terms of sections 4(3)(j) of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000) (hereinafter referred to as the "ICASA Act") , read with sections 4(1), 4(4) and 70 of the Electronic Communications Act, 2005 (Act No. 36 of 2005), regarding its intention to prescribe a Code for People with Disabilities contained in the schedule attached herewith.
- 2.2 A copy of the proposed draft regulations is also available on the Authority's website at <http://www.icasa.org.za> and in the Authority's Library at 164 Katherine Street, Pinmill Farm, Block D, Sandton, during the Authority's normal office hours.
- 2.3 Interested persons are invited to submit written representations on the draft regulations within twenty one (21) days of the date of publication of this notice by either registered mail, hand delivery, facsimile transmission or electronically (in Microsoft Word) for the

attention of Nditsheni Hangwani, Code for People with Disability  
Project Leader at:

ICASA  
Private Bag X10002  
Sandton  
2146

Or

ICASA  
Block C  
Pinmil Farm  
164 Katherine Street  
Sandton  
2146

Or

Fax: (011) 566 3417  
Telephone: (011) 566 3418

Or

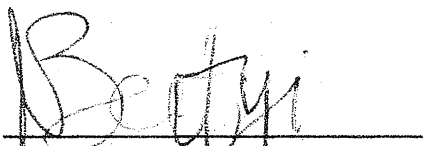
E-mail: [nhangwani@icasa.org.za](mailto:nhangwani@icasa.org.za)

2.4 All written representations submitted to the Authority pursuant to this notice will be made available for inspection by interested persons at the Authority's library and copies of such representations will be obtainable on payment of the prescribed fee.

2.5 At the request of any person who submits written representations

pursuant to this notice, the Authority will determine whether such representations or any portion thereof is confidential in terms of section 4D of the ICASA Act. If the request for confidentiality is refused, the person making the request will be allowed to withdraw such representations or portion thereof.

2.6 The Authority will publish the final regulations in the government gazette.

  
\_\_\_\_\_  
**MS NOMVUYISO BATYI**  
**ACTING CHAIRPERSON**

DATE

27/10/2014