

NOTICE 765 OF 2007

**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
(ICASA)**

**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
NOTICE OF INTENTION TO MAKE REGULATIONS IN RESPECT OF THE
ELECTRONIC COMMUNICATIONS, BROADCASTING AND POSTAL
SECTORS TO MEET THE NEEDS OF PEOPLE WITH DISABILITIES**

The Independent Communications Authority of South Africa ("the Authority") hereby gives notice that it intends making the following regulations in terms of section 70 read with section 4(1) of the Electronic Communications Act (Act No 36 of 2005) as well as section 2(h) of the Postal Services Act no 124 of 1998.

Interested persons are hereby invited to submit written representations with regards to the proposed regulations, to be received by no later than 16H00 on 20 July 2007 by post, hand delivery or facsimile and also in electronic format (Microsoft Word 6.0, Adobe PDF) transmission for the attention of:
Ms Nomadlozi Makhubu

Competition Analyst	or	Block A
Private Bag X 10002		Pinmill Farm
Sandton,		164 Katherine Street
2146		Sandton

Where possible, written representations should also be e-mailed to
NMakhubu@icasa.org.za and to TDube@icasa.org.za

Persons submitting written representations are further invited to indicate whether they require an opportunity to make oral representations and the estimated duration thereof, which duration shall not exceed one hour. Note that these draft regulations can be obtainable in Braille from the ICASA library.

PARIS MASHILE
CHAIRPERSON

REGULATIONS FOR ELECTRONIC COMMUNICATIONS, BROADCASTING AND POSTAL SECTORS TO MEET THE NEEDS OF PEOPLE WITH DISABILITIES

SCHEDULE

DEFINITIONS

1. In these regulations any word or expression to which a meaning has been assigned in the Act has the meaning so assigned, and unless the context otherwise indicates. The Act being the Electronic Communications Act "the ECA" (Act No. 36 of 2005) and the Postal Services Act, No. 124 of 1998;

"People with disabilities" mean individuals who are limited in one or more functional activities. This may be seeing, hearing, communicating, moving, learning or other intellectual and emotional activities. The impairment may be permanent, recurring or transitory. It may be sensory, physical, cognitive or psychological;

"the Act" means the Electronic Communications Act, 2005 (Act No. 36 of 2005) and the Postal Services Act, No. 124 of 1998;

PURPOSE OF THE REGULATIONS

2(1) These Regulations seek to prescribe the Code on people with disabilities to be adhered to by all licence categories licensed in terms of Chapter 3 of the ECA as well as the Postal Services Act No. 124 of 1998.

APPLICATION OF THE CODE

3(1) The Regulations prescribe a Code of Good Practice that defines the approach to be adopted by all licensees, in providing services to people with disabilities. This speaks to good corporate governance of all licences as they strive to advance the elimination of discrimination against people with disabilities.

BASIC STANDARDS TO BE ADHERED TO BY ALL BROADCASTERS

Employment equity and human resources development

4(1) People with disabilities find it difficult to break into broadcasting or film industry unless there are specific opportunities and initiatives in place to offer them experience and training. The following should therefore be considered when involving people with disabilities within the broadcasting sector -

- (a) Set up a regular trainee scheme for people with disabilities;
- (b) The portrayal of characters with disabilities should, whenever possible, be carried out by actors with disabilities;
- (c) Encourage the expansion of training funds to fund trainees who are disabled especially within the production industry;
- (d) Preferential procurement / commissioning;
- (e) Identify sources of matching funding for traineeships;
- (f) Engage other industry players like production houses to explore ways of promoting training for people with disabilities;

- (g) Open day sessions for young people with disabilities from schools and colleges increase their awareness of work experience and careers in broadcasting.

- (2) Involving people with disabilities means that people with disabilities have to actually take part, to their fullest potential, in programmes and activities meant for them.

Improving accessibility

- 5(1)
 - (a) Broadcasting services must ensure that programming is made available in a format that is accessible to people with disabilities.
 - (b) Broadcasters must investigate how technologies can make programming more accessible for people with disabilities and plan for the implantation of such technologies in a cost-effective and practicable manner.
- (2) Broadcasters must monitor the effectiveness of the service through contact with disability organisations and stakeholders. The following are the means of achieving this -
 - (a) Improve and/or increase subtitling and signing for deaf people;
 - (b) Expand knowlegde about various adjustments e.g. induction loops, Mincom / text phone, alternative computer keyboards, etc and how these could help in the employment and support more people with disabilities;
 - (c) Ensure that access to programme support (e.g. fact sheets, websites etc) does not exclude people with disabilities by offering a range of formats (e.g. electronic versions, Braille, audiotape etc);
 - (d) Where telephone numbers and addresses or details of goods and services are shown on-screen, they should be spoken as well;
 - (e) For deaf and hard of hearing people, providing access to television requires the provision of subtitles and/or sign language.

Portrayal of and challenging of stereotypes

- 6 (1) Broadcasters must review and consult on the way disability is portrayed in programming. Active measures include, but not limited to -
- (a) Proactive efforts to engage people with disabilities in programming of every genre, as well as to include them as contributors on non-disability matters as well;
 - (b) Establishing links with local disability organizations to generate story ideas and to identify potential contributors. For instance broadcasters can establish a database of people with disabilities in their region with relevant experience/ knowledge of the industry;
 - (c) Include people with disabilities in studio audiences (reach them through disability websites or publications);
 - (d) Programmes on disability should endeavor to have people with disabilities addressing disability issues in programmes, and not to have others talk about people with disabilities;
 - (e) Consider / review on-screen or on-air representation of disability, including ensuring that people with disabilities are portrayed and treated in the same way as persons without a disability;
 - (f) Consider the language and terminology used in programming. People with disabilities are not necessarily "special" simply because of their disability, it is therefore important to avoid imagery which portrays them in extreme terms.

New technology

- 7 (1) The advent of digital television offers the possibility of visual and technical enhancement of subtitles, etc. One such way is the introduction of a clearer and more legible font and the use of symbols. The purpose of new technology is to enhance the pleasure in people with disabilities to enjoy both television and sound and all the facets that go with it regardless of their physical condition.

- (2) The technology as envisaged must not be introduced in a way that may detract from the prime purpose, which is to facilitate the understanding of programmes by deaf and hard of hearing people. Technology solutions that should be considered include the following -
- (a) Uniformity of access to subtitling via analogue teletext pages;
 - (b) Use of non-scheduled services such as access via Personal Video Digital Recorders (PVRs) and TV Anytime;
 - (c) Use of video recorders both analogue and digital
 - (d) The practicality of single multimodal devices bridging across all platforms and mediums connectivity to and between devices;
 - (e) Consider navigational controls particularly relating to those people with sensory impairments. These include but are not limited to –
 - Means of identifying services especially those provided by the broadcaster
 - Receiver controls - their ease of use and labeling
 - Receiver displays - the clarity and logical positioning
 - Remote controls - the size of buttons and functionality
 - The possibility of combining controls within a single wireless device
 - The possibility of voice driven commands
 - On-screen menus for visibility and simplicity of use

Programming and Portrayal for broadcasters

- 8 (1) Broadcasters should educate staff to develop an understanding of the need to be inclusive of people with disabilities in their programming and to debate storytelling techniques. There should be proactive efforts to include people with disabilities as interviewees and contributors in every genre, from news to documentaries to features to entertainment and game shows.

BASIC STANDARDS TO BE ADHERED TO BY ALL ELECTRONIC COMMUNICATIONS AND POSTAL LICENSEES

Employment equity and human resources development

9 (1) People with disabilities find it difficult to fully take part in the electronic communications and postal industry unless there are specific opportunities and initiatives in place to offer them experience and training. The following must be considered when involving people with disabilities within the electronic communications and postal sectors –

- (a) Make provision for people with disabilities in company wide trainee schemes;
- (b) Preferential procurement / commissioning;
- (c) Identify sources of matching funding for trainee schemes;
- (d) Engage other industry players like electronic communications technology and equipment manufacturers etc to explore ways of promoting training for people with disabilities;
- (e) Encourage awareness of opportunities and careers within the electronic communications and postal sectors among the young from different associations of people with disabilities, schools and other institutions of higher learning.

Improving accessibility

10(1) Electronic communications and postal services providers must ensure that electronic communications and postal services are accessible to people with disabilities. The following are the means of achieving this -

- (a) Electronic communications services
 - Text Telephones
 - Quick dial access to emergency services, operator assistance and directory enquiries;

- Reduced charges to compensate for the fact that conversations by text phone takes longer;
 - Access to a relay system to connect text phone users with those who use a voice phone;
 - Call progress information (such as phone engaged or ringing);
 - Subsidised rental of text phones to customers.¹
- Public Payphones
 - install and keep installed at least 50% of public pay-telephones at which it provides Public Pay-Telephone Services apparatus which enable persons using hearing aids designed for use in conjunction with public pay-telephones;
 - Provide adequate test phone services over a phased period of 3 years
 - Lower 50% of public payphones to cater for children and for people who use wheelchairs over a phased period of 3 years;
 - Provide 70% of telephones with amplification over a phased period of 3 years.
- Reduced Charges
 - People with disabilities should qualify for reduced installation and monthly rental costs;
 - Customers that cannot utilise a telephone book and that cannot reasonably rely on others for assistance should qualify for a monthly call credit.

¹ Recognising that operators are required to contribute annually, in terms of section 89 of the Act, to the Universal Service and Access Fund which is mandated to provide subsidies, amongst others, to “needy people” towards the costs of provision to or the use of electronic communications services, the fixed and mobile electronic communications operators are encouraged to source funding to this through the Universal Service and Access Fund

- **Equipment**
 - Provide specialised equipment (such as a big button telephone with features to assist people that are blind or deaf) at no extra cost;
 - Landline SMS equipment to assist deaf people at no extra cost;
 - The Phone Amp, which amplifies incoming speech, at no extra cost;
 - An additional ringer, which is an extra loud ringer connected to a customer's telephone instrument, at no extra cost.
- **Information**
 - Provide directory information free of charge to all the blind
 - Provide operator assistance and other services at all call centres, which include assistance in explaining instruction manuals for equipment, applying for a telephone service, making account queries and a number of services, in all 11 official languages.
 - Telephone bills, contracts with the customer (including publicly available terms and conditions) and information about the services should be made available in different formats, such as large print and Braille;
 - Advertisements and promotions should be made available in accessible formats to every major disability organisation in every province and upon request.

(b) Mobile phone services

- **Community service telephones**
 - All mobile communications service operators required to roll out community service telephones must –
 - make provision for wheelchair access to the community service telephone centres;

- provide phones with amplification;
 - supplement the provision of Community Service Telephone with commercial data offerings, eg SMS.
- **Equipment**
 - Mobile operators must encourage the manufacturing and provision of handsets with features suitable to assist a person's particular needs.
 - Mobile phone features such as inductive coupling and a raised dot on the "5" of the keypad should be provided to assist people with partial hearing and help users orientate their fingers on the keypad by touch.
 - For hearing-impaired people there should be amplifiers, inductive couplers (fixed and portable), high volume tone ringers and flashing-light ringing indicators, loud- speaking telephones, pagers fitted with vibrating alerting device.
 - For visually impaired people there should be enlarged number telephones, enlarged dial surrounds and tactile accessories.
 - For people with weak voice, a telephone with outgoing amplification should be provided.
 - For people with speech problems, a keyboard-controlled voice synthesizer product should be provided.
 - For special cases equipment should be available enabling telephones to be operated by severely disabled people with the minimum of movement.
 - **Reduced charges**
 - Mobile operators must provide services at reduced costs to people with disabilities.
 - In order to achieve this, the Authority in consultation with mobile operators and the Universal Service and Access Agency must,

within three months of the coming into effect of this code, embark on a discussion with the purpose of introducing a framework to facilitate affordable access to electronic communications and postal services by people with disabilities.

- Mobile operators must protect consumers from SMS spam.
 - In addition to keylock, mobile operators must provide other feature(s) protecting unintentional dialing.
 - Mobile operators must find new ways to protect charges of unintentional SMS and calls as stated above.
 - Mobile operators must provide completely free customer service and not charge calls directed to a number starting with their range/code numbers for query purposes.
- Information
 - Mobile operators must provide operator assistance and other services at all call centres, which includes applying for a mobile telephone service, queries on the use of equipment, making account queries and a number of other services, in the customer's preferred official language.
 - Telephone bills, contracts with the customer (including publicly available terms and conditions) and information about the services provided to comply with the licence conditions should be available to the visually impaired customers in appropriate formats upon request.
 - Advertisements and promotions for products and services specifically designed for people with disabilities should be made available in accessible formats to relevant disability organizations representing people with disabilities in every province and upon request.

•Accessibility of Postal Facilities

All postal services must have accessibility through:

- Ramps for the disabled people
- Height of counters inside the post office
- Parking bays for the disabled people
- Properly visible signage