

GENERAL NOTICE

NOTICE 254 OF 2014

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

CODE FOR PEOPLE WITH DISABILITIES REGULATIONS

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. 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, Sandton Block D, during the Authority's normal office hours.
3. Interested persons are invited to submit written representations on the draft regulations within thirty (30) 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 Thenjiwe Dube, Code for People with Disability Project Leader at:

ICASA
Private Bag X10002
Sandton
2146
Or

ICASA
Block A
Pinmil Farm
164 Katherine Street
Sandton
2146

Or

Fax: (011) 566 3408
Telephone: (011) 566 3407
Or
E-mail: tdube@icasa.org.za

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.

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.
6. Persons who make such representations must indicate in their written representations whether they require an opportunity to make oral representations in the event the Authority decides to hold public hearings.
7. The Authority will publish the final regulations in the government gazette.


WILLIAM CURRIE
ACTING: CHAIRPERSON

DATE----- 25 March 2014

DRAFT REGULATIONS ON CODE FOR PEOPLE WITH DISABILITIES (PWD)**SCHEDULE****1. DEFINITIONS**

In these regulations, any word or expression to which a meaning has been assigned in the Act has the meaning so assigned, unless the context indicates otherwise:

“Act” means the Electronic Communications Act 2005 (Act No. 36 of 2005);

“Accessibility” means the ability by people with disabilities to equally access and benefit from broadcasting, telecommunications and postal services (including basic services in terms of Schedule 1 of Postal Services Act (Act No. 124 of 1998));

“Audio description” means a verbal explanation of key visual elements in media and live productions;

“Captioning” means a process of converting the audio content of television broadcast or other productions into text and displaying the text on a screen or monitor;

“Disability” means long-term or recurring physical, speech, hearing and visual impairment;

“National Relay System” means devices that translate between text-to-speech or speech-to-text usually for people with speech, hearing and/or visual impairment;

"Sign language" means a language that uses a system of manual, facial, and other body movements as the means of communication;

"Subtitle" means text which represents what is being said on the television screen;

"Regulations" means these Regulations on People with Disabilities, as amended from time to time;

"Universal design" means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

2. PURPOSE OF THE REGULATIONS

The purpose of these regulations is to prescribe a code for people with disabilities, which should be adhered to by Electronic Communications Service ("ECS") and Broadcasting Service (BS).

- (a) ensuring that people with disabilities have access to ECS and BS;
- (b) ensuring that ECS and BS licensees comply with the code; and
- (c) ensuring that ECS and BS licensees do not discriminate on the basis of disability.

3. SCOPE OF REGULATIONS

These regulations apply to ECS and BS licensees.

4. BASIC STANDARDS FOR AUDIO VISUAL BROADCASTING SERVICE LICENSEES

SUBTITLES

- (1) Broadcasting service licensees must:
 - (a) provide subtitles as near synchronous to speech as is practicable;
 - (b) reflect the spoken word with the same meaning;
 - (c) construct subtitles to contain all obvious speech and sound effects;
 - (d) construct subtitles which contain easily read sentences, and commonly used sentences in a tidy and sensible format;
 - (e) give proper contrast between foreground and background colours.

AUDIO CAPTIONING

- (2) A broadcasting service licensee must ensure that they provide audio captioning in their programmes to benefit those who are deaf or hard of hearing.
- (3) A broadcasting service licensee must implement 50% (fifty percent) of audio captioning in its first year of the Regulations coming into effect on all its channels.
- (4) In the second year of the Regulations coming into effect, a broadcasting service licensee must ensure that there is 100% (one hundred percent) implementation with regard to audio captioning.

- (5) Licensees must submit quarterly reports to the Authority on the progress of their implementation of audio captioning. Reports should indicate the extent to which compliance with the regulations has taken place.

AUDIO DESCRIPTION

- (6) A broadcasting service licensee must provide audio description to public service announcements or emergencies.
- (7) A broadcasting service licensee must implement 50% (fifty percent) of audio description in its first year of the Regulations coming into effect on all its channels, except for public service announcements or emergencies which must be 100% (one hundred percent).
- (8) In the second year of the Regulations coming into effect, a broadcasting service licensee must ensure that there is 100% (one hundred percent) implementation with regard to audio description.
- (9) Licensees must submit quarterly reports to the Authority on the progress of their implementation. Reports should indicate the extent to which compliance with the regulations has taken place.
- (10) A broadcasting service licensee must implement 50% (fifty percent) of close captioning in its first year of the Regulations coming into effect.
- (11) In the second year of the Regulations coming into effect, a broadcasting service licensee must ensure that there is 100%

(one hundred percent) implementation with regard to close captioning.

- (12) Licensees must submit quarterly reports to the Authority on the progress of their implementation of audio description. Reports should indicate the extent to which compliance with the regulations has taken place.

5. BASIC STANDARDS FOR ELECTRONIC COMMUNICATIONS SERVICES (ECS)

NATIONAL RELAY SYSTEM (NRS)

- (1) ECS licensees must provide for a National Relay System which translates voice to text and vice-versa, on calls made by people who are deaf or have a hearing or speech impairment.
- (2) The NRS should address the following services but not limited to:
- (a) Type and read;
 - (b) Speak and listen;
 - (c) SMS relay;
 - (d) Video relay (Limited to specific times);
 - (e) Captioned relay.

UNIVERSAL DESIGNED PRODUCTS AND SERVICES

- (3) ECS licensees must ensure that all telecommunications devices are compliant with the needs of people with disabilities:

Hearing Aid Compatibility Requirements

- (a) ECS licensees must ensure that telecommunications devices make provision for all telephones to have hearing aids, compatible with the needs of people with disabilities. Features, among others, to be included on the phones are:
- (i) a standard rental telephone handset which includes one-touch dial memory, a lightweight handset and a built-in hearing aid coupler (e.g. Touchfone 400);
 - (ii) a telephone which amplifies the incoming caller's voice to suite the listener (e.g. Touchfone 400 volume control);
 - (iii) a telephone which amplifies the speaker's voice, allowing the speaker to adjust the speech level to suite the listener (e.g. Touchfone 200 voice aid);
 - (iv) a handsfree telephone for a person who cannot hold a telephone handset (e.g. Access 35 Handsfree Telephone or T200 Executive);
 - (v) an ancillary telecommunications product which has adjustable volume, tone and pitch controls to assist the user to hear the telephone ringing (e.g. an extension ringer or general purpose alarm);
 - (vi) an ancillary telecommunications product which allows the connection of a second piece of equipment (e.g. a visual signal alert) in parallel with the existing telephone (e.g. double adaptor);

- (vii) an ancillary telecommunications product in which the telephone handset is cradled, providing the handsfree operation (e.g. a Holdaphone);
- (viii) a telephone adapting device which allows a person with cochlear implant to have access to the standard telephone service (e.g. TLP-1027 OR TRP-100T).

Visually impaired or Blind Aid Compatibility Requirement for Handsets

- (4) **Customizable Displays** - ECS licensees must make provision for wireless device screens with better contrast, illumination, larger font size, zoom-in and magnifying functionalities;
- (5) **Alternate formats** – ECS licensees must make provision for product information and billing in alternate formats (Braille, large print, electronic (plain text or HTML), audiocassette etc.)) upon request. Accessible manuals should be available from the operators or accessed through the operators' website;
- (6) **Audio, Visual and Vibrating Features** – ECS licensees must make provision for specific audible, visual, and vibrating alerts for different functions including incoming calls or messages, calendar events, confirming keyboard inputs. Provision should be made for assigning, creating, purchasing, and downloading of distinctive ringtones;

- (7) **Braille** – ECS licensees must make provision for phones that have built-in, or that make use of applications that have the capability of connecting via BlueTooth to a Braille device. When set up, it should support navigation and text input from a Braille keyboard;
- (8) **Screen Reader** – ECS licensees must make provision for a screen access application that provides individuals, who are blind or visually impaired, with the ability to read the text that is displayed on the computer screen with a speech synthesizer;
- (9) **Tactile or Clearly Defined Keys** – ECS licensees must make provision for tactile keys for both functions and alphanumeric keys. The keys should be designed for ease of feel and marking nibs;
- (10) **Voice Output** – ECS licensees must make provision for a Voice Output feature, with read-aloud function and feature information on a phone device. This is also called text-to-speech (“TTS”);
- (11) **Voice Recognition** – ECS licensees must provide options for consumers to interact with their phone using their voice, or voice recognition;
- (12) **Automatic Responses** - ECS licensees must provide program on wireless devices to answer automatically or redial certain calls or messages;

- (13) **Hands-free or One-Touch** - ECS licensees must provide a hands-free device with a speakerphone, or assign certain functions to one button for dialing or other pre-programmed functions;
- (14) **Non-Slip Keys And Controls** - ECS licensees must provide for devices with keys and controls that have a non-slip surface so they are easier to press and hold;
- (15) **Tactile Keys** - ECS licensees must provide specially marked keys to help a consumer to position to his or her fingers for specific functions like volume control, on/off, shortcuts for speed dialing, assignable ringtones and alerts or automatic answering. Predictive text and auto text features also help a consumer to quickly enter information;
- (16) **Voice Output** - ECS licensees must provide voice output features that "speak" to a consumer, offering information like battery level, Wi-Fi and cellular network signal levels, incoming calls or messages and contacts;
- (17) Licensees must submit quarterly reports to the Authority on the progress of their implementation. Reports should indicate the extent to which compliance with the regulations has taken place.

6. GENERAL REQUIREMENTS FOR COMMUNICATION AND INFORMATION PROVISION TO PEOPLE WITH DISABILITIES

- (1) **Free directory enquiries:** Licensees must provide free directory services for consumers who are unable to use a printed directory because of a disability, through-connection of calls;
- (2) **Emergency services:** Licensees should provide special numbers for emergencies services for people with disabilities. Access should be provided to fire, police and ambulance emergency services;
- (3) **Priority fault repairs:** Licensees must prioritise an urgent need for a repair for customers who are people with disabilities where they depend on a telephone as a result of their disability;
- (4) **Billing management:** Licensees must provide billing statements in manner reasonably acceptable to any form of disability as per request;
- (5) **Customer Service Staff:** Licensees must ensure that there are trained employees who can provide customer service and communicate with people with disabilities in their stores;
- (6) **Demonstration of equipment:** Licensees must ensure that they provide a demonstration in respect of the use of the equipment to people with disabilities who visit a store before they purchase, where reasonably necessary.

(7) **Access to information:**

- (a) Licensees must ensure that they provide printed material outlining accessible products for people with disabilities in simple and reader friendly languages in all stores. Brochures, videos and other information should be provided to organisations that work with deaf people on a regular basis to ensure information is displayed on information stands and targeted to deaf people.
- (b) Telephone bills, contracts with customers (including publicly available terms and conditions) and information about the services provided to comply with license conditions should be made available to people with disabilities in appropriate formats, upon request;
- (c) Advertisements and promotions for products and services specifically designed for people with disabilities should be made available in accessible formats to relevant organisations of and for people with disabilities in every province and upon request;
- (d) Licensees must ensure that there are trained employees who can provide customer service and communicate with deaf customers in their stores.

(8) **Access to facilities:** Licensees must ensure that they reasonably accommodate people with disabilities in all their facilities.

7. PROMOTION OF AWARENESS AND COMPLIANCE

- (1) Licensees should conduct frequent awareness campaigns, which seek to address among others rights of people with disabilities, issues of accessibility, design, affordability and information on products.
- (2) Licensees should collaborate with organisations and associations representing people with disabilities on awareness programmes.

8. COMPLAINTS PROCESSES FOR ALL CATEGORIES OF DISABILITY

Licensees should develop complaints processes for people with disabilities. These processes should be made available to all organisations representing persons with disabilities.

9. CONTRAVENTIONS AND PENALTIES

Failure to comply with the Regulations will result in a penalty not exceeding R1 000 000, 00.

10. REPEALED REGULATIONS

The Code on People with Disabilities Regulations published in Government Gazette No. 30441 of 2007 are hereby repealed.

11. SHORT TITLE AND COMMENCEMENT

These Regulations are called the Code for People with Disabilities Regulations and shall come into effect upon publication in the Government Gazette.

..... **END**
