

GENERAL NOTICES

NOTICE 1007 OF 2014

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
(ICASA)

CODE FOR PERSONS 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 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

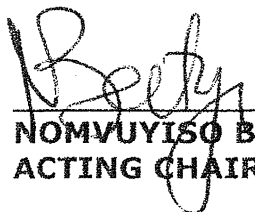
Or

Fax: (011) 566 3417
Telephone: (011) 566 3418
Or
E-mail: nhangwani@icasa.org.za

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



NOMVUYISO BATYI
ACTING CHAIRPERSON

DATE 27/10/2014

DRAFT REGULATIONS ON CODE FOR PERSONS 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 person 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;

“**Audio 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;

"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 Persons 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 Persons with disabilities, which should be adhered to by Electronic Communications Service ("ECS") and Broadcasting Service (BS) licensees aimed at:

- (a) ensuring that persons with disabilities have access to ECS and BS ;
- (b) ensuring that ECS and BS licensees comply with the Regulations; 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) A Broadcasting service licensee 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.

- (2) A broadcasting service licensee must implement 10% (ten percent) of subtitles in its first year of the Regulations coming into effect on all its channels and 10% for each remaining nine years.

AUDIO CAPTIONING

- (3) A broadcasting service licensee must ensure that they provide audio captioning in their programmes to benefit those who are hearing impaired or hard of hearing.

- (4) A broadcasting service licensee must implement 10% (ten percent) of audio captioning in its first year of the Regulations

coming into effect on all its channels and 10% for each remaining nine years.

- (5) A licensee must submit annual 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 ensure that they provide audio description in their programmes to benefit those who are blind and visually impaired.
- (7) A broadcasting service licensee must implement 10% (ten percent) of audio description in its first year of the Regulations coming into effect on all its channels and 10% for each remaining nine years except for public service announcements or emergencies which must be 100% all the times.
- (8) A licensee must submit annual reports to the Authority on the progress of their implementation. Reports should indicate the extent to which compliance with the regulations has taken place.

CLOSE CAPTIONING

- (9) A broadcasting service licensee must implement 10% (ten percent) of close captioning in its first year of the Regulations coming into effect and 10% for each remaining nine years.

UNIVERSAL DESIGNED PRODUCTS AND SERVICES

- (1) An ECS licensee must ensure that all telecommunications devices ready for purchase are universally designed in order to cater for the needs of persons with disabilities.

HEARING AID COMPATIBILITY REQUIREMENTS FOR FIXED LINE HANDSETS

- (2) An ECS licensee must ensure that all its fixed line telephones being offered to the public have hearing aid compatibility requirement, Features, among others, to be included on the phones are:
- (a) a standard rental telephone handset which includes one-touch dial memory, a lightweight handset and a built-in hearing aid coupler
 - (b) a telephone which amplifies the incoming caller's voice to suite the listener;
 - (c) a telephone which amplifies the speaker's voice, allowing the speaker to adjust the speech level to suite the listener;
 - (d) a handsfree telephone for a person who cannot hold a telephone handset ;

- (e) an ancillary telecommunications product which has adjustable volume, tone and pitch controls to assist the user to hear the telephone ringing);
- (f) 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 ;
- (g) an ancillary telecommunications product in which the telephone handset is cradled, providing the handsfree operation ;
- (h) a telephone adapting device which allows a person with cochlear implant to have access to the standard telephone service .

VISUALLY IMPAIRED OR BLIND AID COMPATIBILITY REQUIREMENT FOR MOBILE HANDSETS

- (i) **Customized Displays** – An ECS licensee must make provision for wireless device screens with better contrast, illumination, larger font size, and magnifying functionalities;
- (j) **Alternate formats** – An ECS licensee 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;

- (k) **Braille** – An ECS licensee 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;
- (l) **Screen Reader** – An ECS licensee 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;
- (m) **Voice Recognition** – ECS licensees must provide options for consumers to interact with their phone using their voice, or voice recognition;
- (n) **Automatic Responses** - ECS licensees must provide program on wireless devices to answer automatically or redial certain calls or messages;
- (o) **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;
- (p) Licensees must submit annual reports to the Authority on the progress of their implementation. Reports should indicate the extent to which compliance with the regulations has taken place.

5. GENERAL REQUIREMENTS FOR COMMUNICATION AND INFORMATION PROVISION TO PERSONS 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, ;
- (2) **Emergency services:** Licensees should provide special numbers for emergencies services for person with disabilities. Access should be provided to fire, police, disaster management and ambulance emergency services;

Priority fault repairs: A Licensee must prioritise an urgent need to repair a handset for a disable customer.

- (3) **Customer Service Staff:** A Licensee must ensure that there are trained employees who can provide customer service and communicate with persons with disabilities in their stores;
- (4) **Demonstration of equipment:** A Licensee must ensure that they provide a demonstration in respect of the use of the equipment to persons with disabilities who visit a store before they purchase, where reasonably necessary.
- (5) **Access to information:**
 - (a) Licensees must ensure that they provide printed material outlining accessible products for persons 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) Advertisements and promotions for products and services specifically designed for persons with disabilities should be made available in accessible formats to relevant organisations of and for persons with disabilities in every province and upon request;

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

6. PROMOTION OF AWARENESS AND COMPLIANCE

(1) A Licensee should conduct frequent awareness campaigns, which seek to address among others rights of persons with disabilities, issues of accessibility, design, affordability and information on products.

(2) A Licensee may collaborate with organisations and associations representing persons with disabilities on awareness programmes.

7. COMPLAINTS PROCESSES FOR ALL CATEGORIES OF DISABILITY

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

8. CONTRAVENTIONS AND PENALTIES

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

9. REPEALED REGULATIONS

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

10. SHORT TITLE AND COMMENCEMENT

These Regulations are called the Code for Persons with Disabilities Regulations and shall come into effect on the 1st April 2015 upon publication in the Government Gazette.

..... **END**