



CONSUMER ADVISORY PANEL

The CAP Advisory Report 2019/20 Submitted March 2020

March 2020

TABLE OF CONTENTS

FOREWORD	3
PROFILES OF CONSUMER ADVISORY PANEL MEMBERS	5
CONSUMER ADVISORY MANDATE	15
EXECUTIVE SUMMARY OF CAP ADVISORY	17
REVIEW OF CAP OPERATING PERFORMANCE APP 2019/20	26

FOREWORD

It is indeed an honour to present this Council Consumer Advisory Report on behalf of the Consumer Advisory Panel (CAP) for the period 2019/20, which is presented in terms of the Consumer Advisory Panel Regulations Government Gazette 40725 of March 2017, as amended. The report aims to not only offer a set of constructive recommendations by the Panel but also provides a defined account of the performance of CAP in line with its mandate and strategic plan during the period under review.

This document is informed by the Panel's execution of its Annual Performance Plan (APP) activities and key performance targets with particular focus on the mandate for consumer protection and empowerment. For the period under review, the report takes into consideration the project activities under the following categories: namely, Stakeholder Engagements, Advocacy Initiatives, Identification of Consumer Trends, Commenting on Consumer Regulations, the Identification of Topical Areas for Consumer Research, the CAP Planning and Reporting processes.

In the 2nd year of the Panel, the hallmark of our focus was characterised mainly by enhancement of delivery on the Annual Performance Plan targets we had set for ourselves as a Panel, including strengthening relations with all relevant support structures and thus improving the efficacy of stakeholder engagement ensuring that we reach our target groups within our mandate. Consequently, this has resulted in significant

delivery improvements compared to our first year of operation. It is therefore from these improvements and challenges experienced, that as the Panel we have come up with insightful conclusions and recommendations for the future work of the CAP.

In conclusion, I would like to once again express my appreciation to the Panel for their support and commitment on delivering excellent service to the sector and stakeholders through performance of their tasks as outlined in the APP for the period 2019/20. I have no doubt that the work of the outgoing Panel will further contribute positively to the South African consumer agenda for protection and empowerment. We also recognize the sterling effort and contribution to CAP of the late Mr George Maluleke, a fellow CAP member, passionate consumer activist and compatriot.

Ms. Noxolo Gogo (APR)

Chairperson of CAP

PROFILES OF CONSUMER ADVISORY PANEL MEMBERS



MS NOXOLO (NOXIE) GOGO

Noxie Gogo is an accredited public relations' practitioner (APR) of Public Relations Institute of Southern Africa (PRISA) with over 30+ years' experience in the public, private and non-profit sectors. She is presently Chairperson of Consumer Advisory Panel (CAP) of the Independent Communications Authority of South Africa (2019-2021).

Noxie Gogo is the ex-Chairperson of the PRISA Gauteng Committee, a representative on the Board. She represented the PR Industry on the National Chamber of Communication Management Services at the Services SETA, now recognised as a member of the Community of Expert Practitioners in the discipline of public relations.

She is managing and Consulting for Nondyebo PR & Communication since 2003, where she is charged of overall management of the company. Her accomplishments include collaborations and partnerships with NGO dialogue events, the coordination of high-profile campaigns such as Anti-Child Pornography during the 2010 World Cup, and the 2001-2005 Giving & Sharing - It Starts with Me (philanthropic giving/ubuntu) project as well as the "Plough back" project for the Chancellor of the Walter Sisulu University.

She attended a Strategic PR Management Course (PRISA-1996), PR Consulting Course (PRISA-1997), Resource Mobilisation (SAIF-2003), Community Project Management (GIBS - 2009). She is presently pursuing a BA Communication at UNISA, as well as a Management Diploma. She holds a Teaching Diploma from Lovedale Training College.

 Ms JOSEPHINE KWENA MABOTJA	Josephine Mabotja holds a Master of Arts in Economics (USA), BCom Hons in Economics (RSA), Bachelor of Commerce (RSA), Diploma in General Nursing and Midwifery (RSA). She is a Certified Ethics Officer (The Ethics Institute) and a Member of the Institute of Directors South Africa (IODSA). Josephine Mabotja has extensive regulatory and corporate governance experience from a regulator's perspective, having worked at the Office of Health Standards Compliance (OHSC) regulating Health Establishments, at the Financial Services Board regulating Collective Investment Schemes and as a Member of the Consumer Affairs Committee protecting consumer rights. She has also acquired regulatory and corporate affairs experience from a regulated entity perspective, having worked at Telkom ensuring compliance with the Electronic Communications Act and other Acts. She currently serves as a Member of the Prescribed Minimum Benefits (PMB) Review Advisory Committee at the Council for Medical Schemes (CMS), is a Member of the Gauteng Consumer Court and a Member of the Consumer Advisory Panel at ICASA.
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MR MONGEZI MENYE

Mongezi Menye has a B. Juris (Law) degree, Master of Philosophy (MPhil) degree in Conflict Management, African Ombudsman Mediation Certificate and numerous certificates in Forensic and Investigative Auditing. He is currently studying towards his second master's degree, Master of Law (LLM), majoring in International Human Rights Law and Consumer Law. He has vast leadership experience in both private and public sectors. He has worked, amongst others for entities like South African Micro-Finance Apex Fund (SAMAF), ABSA, Competition Commission of South Africa and Community Schemes Ombud Service.

He has also served on a part time basis as the member of the Fraud and Corruption Prevention Committee of the Competition Tribunal of South Africa and as the Panel Member of the Estate Agency Affairs Board, Committee of Inquiry that was investigating racism and discrimination in the Property Sector. He was the Board Member of the Anti-Corruption Centre for Education and Research of the University of Stellenbosch (ACCERUS). He was also the member of the International Ombudsman Institute (IOI). He is a Panel Member of the Consumer Advisory Panel of the Independent Communications Authority of South Africa (ICASA).

Mongezi is the former Ombudsman of the City of Cape Town and currently employed as the Chief Compliance Officer (Executive Manager) of the National Gambling Board.

 MR FANIE SWANEPOEL	Fanie Swanepoel is part of the National Council of for Persons with Disabilities and currently hold the position of Disability Information Coordinator where he assists with Universal Access Audits, Disability Equity Training and Children's Programs. Fanie is Partially Sighted and has only 10% vision. He was diagnosed with Multiple Sclerosis in 2006. Fanie was born in Bloemfontein on July 14th and studied Teaching and Music at the University of the Free State. He was a cabin crew member for SAA between 1981 and 1994, when Fanie was put on early retirement due to his loss of vision. Fanie joined the Disability Sector in July 1996, where he still is actively involved. He was part of the delegation to the Economic Empowerment Training in Japan during January 2012 and served on the following committees/forums: - (i) ICT Sub Committee for Accessibility at the National Department of Transport (Current). (ii) ICT Working group (Current). (iii) ICT Education Committee - Education Sub Committee of the Working Group on Affordable and Accessible ICT for Persons with Disabilities (Current). (iv) ICASA: Consumer Advisory Panel (Current). (v) Access Committee (Gauteng Provincial Association for Persons with Disabilities) - 2013 to 2015. (vi) Gauteng Disability forum (Premiers Office) - 2000 to 2017. Fanie loves music and enjoys relaxing. Since losing his vision, Fanie adapted his lifestyle in order to lead as normal a life as possible, but he does not allow his disabilities to
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	control his life. Fanie rather lives his life, controlling his disabilities.
 MR RAJESH JOCK	Rajesh Jock has a Masters in Philosophy Degree; A Higher Postgraduate Diploma in Marketing, a Higher Postgraduate Diploma in Company Law as well as a B. Com (Hon) degree. He also holds a Diploma in Technology. He completed his Accredited Certified Meta-Coach (ACMC) training in 2007 and went on to specialise in Executive and Performance Coaching. Rajesh Jock served as a former Deputy Director-General in Government. He is presently the Chairperson of Karuna Home, a Not-For-Profit company that offers accommodation to girls and women with mental disabilities. He currently serves on several State Entity Boards: The Community Schemes Ombud Services (CSOS), The Companies Tribunal, The Artscape Theatre Company and the Consumer Advisory Panel of ICASA. He previously served on five other Boards in both the private and public sector. Rajesh Jock is also a consultant who specialises in leadership development, emotional intelligence, executive coaching, goal setting and personal motivation, culture improvement, team development, strategic influence, diversity management and workplace justice, and change management.

 MR TIRHANI ISMAEL HLOMANE	Ishmael Hlomane holds a Bachelor of Administration Degree, Post Graduate Diplomas in Brand Leadership and Innovation, IMM Sales and Marketing, Leadership Essentials, Performance Management and Project Management. He has a strong passion for Consumer Advocacy, Leadership and Management. Ishmael Hlomane is an astute entrepreneur. He is an experienced Business Leader whose career spans over twenty years, most of which were spent working in the Telecommunications and Postal Industries. He is currently the CEO of RMDP Management Consulting Firm and a Managing Consultant for Vari Holdings (Pty) Ltd. Ishmael Hlomane is also an Industry Transition Technical Advisor for the City of Polokwane Integrated Rapid Public Transport System, Project Leader for Thulamela Municipality Local Economic Development Strategy Review and Development Project. He serves in Compliance Committees and Business Advisory Structures of various well established SMMEs.
 MR JEREMIAH SIKHOSANA	Jeremiah Sikhosana holds a Master's in Business Administration (MBA) and BA Social Science (majoring in Economics & Public Administration). He is a seasoned business executive with over 20 years' experience in the South African ICT sector having worked in various capacities at IBM SA, Sentech SOC Limited, Neotel (Liquid Telecoms). In addition, Jeremiah Sikhosana has worked in the skills training development sector providing strategic planning support at the Culture Art Tourism Hospitality Sport (CATHSETA) SETA Education and Training Authority.



MR DYLAN THOMAS

Dylan Thomas is a Telecommunications and Information Technology lawyer advising JSC listed companies on Cyber Risks and Digital Commercial contracting and negotiation.

 MS MARIZA JURGENS	Mariza Jurgens, BA (Hons) International Politics Nelson Mandela University, is a past chairperson of Retina South Africa Northern Gauteng and a former National Vice-Chairperson of Retina South Africa. She is a well-respected member of the disability community in South Africa, has served as Chairperson of the Working Group on Affordable and Accessible ICT for Persons with Disabilities, and convened the Subcommittee on Taxation Matters for Persons with Disabilities. She Currently serves on the Technical Committee on ICT Equipment for Persons with Disabilities of the SABS. She is visually impaired, and currently resides in London where her spouse is attached to the South African High Commission. Mrs Jurgens has experience in the International arena, having served as a diplomat at the South African Foreign Service, she is also a registered JSE Securities Trader and Compliance Officer, and is in possession of an International Capital Markets Qualification from the Royal Institute and other Investment Management Qualifications from the University of Witwatersrand. Furthermore, Mrs Jurgens is a former President of the United Nations Women's Guild of Rome.
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 MS MALETLATSE MONICA LEDINGWANE	Ms 'Maletlatse Monica Ledingwane is an admitted attorney. She holds degrees in BA Law, and LLB and an Honours in Presidential Strategic Leadership Development Program. She has also completed several certificates and diplomas with other Universities and institutions. She worked for the Department of Mineral Resources, (DMR) for a period of ten years, 1997-2007, during which she was placed at different locations including Welkom, Kimberley, Klerksdorp, and Pretoria. At DMR she was a member of several committees and forums and acted in various capacities including chairing and facilitation, record keeping and reporting. She participated in the legal drafting of the Minerals and Petroleum Resources Development Act, 2002, implementation of the Mining Charter, discussions on the Royalty Bill, and led the team that drafted the Precious Metals and Diamond Beneficiation legislation for DMR. In addition to legislation drafting, her work at the DMR involved interpretation and implementation of legislation, drafting of standard mining rights, implementing documents, submissions and circulars and registering and recording of mineral rights. Her job as a Regulator at DMR enabled her to interact with various levels of government at national, provincial and local, as well as many mining companies and organizations locally and internationally. She was also involved in negotiation and drafting of bilateral agreements with several countries including Belgium and India. During her employment at Shell Energy South Africa as Head: Corporate Affairs, she assisted the business to manage issues such as climate change, energy efficiency, petroleum products supply and distribution issues, corporate social investment, risk/crisis management and events
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	management. She was also involved in some project management. As Vice President: Legal [Governance and Compliance] at Gold Fields South Africa she was responsible for legal, Compliance and Governance matters. As the Secretary, Limpopo Legislature she was responsible for managing the staff that support members of the legislature in the performance of their various duties. As a consulting attorney at Hogan Lovells Attorneys she assisted the mining industry clients with compliance with the mining legislation. Before taking up her new role as the Chief Operating Officer (COO) of the Companies Tribunal, she was practicing as a consultant and a sole proprietor of Ledingwane Attorneys at Pretoria with a focus on commercial law and boards' governance. She holds board, trustee and committee positions in various other entities including South African Diamond Regulator, Consumer Advisory Panel, and Thusano Trust.
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CONSUMER ADVISORY MANDATE

The Consumer Advisory Panel (CAP) was established by the Independent Communications Authority of South Africa (ICASA) in terms of Section 4 read with Section 71 of the Electronic Communications Act, 2005 (Act No. 36 of 2005, as amended) and the Amended Regulations on the establishment of CAP, Government Gazette, no 40725 of 2017.

The CAP performs the following functions:

1. To advise the Authority in a report submitted annually on consumer issues resulting from Electronic Communications, Broadcasting and Postal Services usage, which includes: a) critical concerns of consumers; b) consumer protection research to be conducted by the Authority; and c) proposed annual priorities for the Authority;
2. To provide a consumer perspective through commentary on relevant regulations and regulatory projects when published for public comment;
3. To liaise with consumers on an annual basis to understand their perspectives on issues impacting the sector;

4. To promote the interest of consumers, with particular emphasis on persons with disabilities, senior citizens and people living in under-serviced areas when commentary is submitted or in the annual report;
5. To prepare an annual plan and budget for the Panel for approval by the Authority; and
6. To report quarterly and annually to the ICASA Council through the Panel's Chairperson on activities and findings for the year or as required.

EXECUTIVE SUMMARY OF CAP ADVISORY

The main findings of the CAP Consumer Engagement Dialogues [Mthatha - Eastern Cape, Nelspruit-Mpumalanga]; Advocacy Initiatives which included specific visits to schools for learners with disabilities [Kwa-Zulu Natal - Richards Bay, Limpopo - Thohoyandou, and Cape Town Visits to 9 Postal Outlets for safety and security]; research and compilation of positions; and approaches on the Panel's commentary on regulations and the identification of topical areas for research by ICASA. Other general consultations undertaken by the Panel in various platforms and interactions with target audiences consistently underscore the importance of rural consumer pre-occupation with issues of network coverage and quality of services. Added to this observation is the recurring theme of inadequate attention to the consumer protection needs of consumers with disabilities. Not surprisingly then, the Panel comes to the conclusion of the importance of prioritising of the needs of those who are not literate and those who live in rural areas are clearly identified as requiring increased attention.

The Panels interactions with the consumers outlined in the foregoing also suggest that consumers have a strong but not necessarily well-informed views on operators and the services they provide. There seems to be a limited knowledge of ICT consumer rights and responsibilities among the various stakeholders on scene.

The Panel's consultations with the various target audience members also captured a range of issues, including amongst others consumers facing the difficulty of walking distances to get mobile signal due to vandalism of mobile phone tower infrastructure and the consequent difficulty to access emergency services such as police and ambulances services, problems of inadequate suitable and affordable handsets and or

assistive devices for consumers with disabilities which limit their participation in all the aspect of our economy.

While CAP is aware of the regulatory action on end-user charters or guidelines but follow up will be needed to ensure that these move from words on paper into actions that change things for consumers in the country.

Accordingly, the Panel is making the following overall recommendations for the attention of the regulator and the incoming Panel for the next cycle:

a) Prioritise Key Complaints Issues

While the Mthatha-Nelspruit Dialogues, Richards Bay and Thohoyandou Advocacy Initiatives are but just four consumer issues solicitation platforms utilised by the CAP during the period, we are aware that they may not be a sufficient nationally representative view. A number of problem areas for **consumers of ICT goods and services seem to feature prominently around the lack of coverage in certain (mainly rural) areas, and the quality of service**. Furthermore, ICASA CCA Complaints Data Analysis indicated that 45% of complaints relate to quality of service and that telco operators account for 82% of complaints in the category. Also, this view was triangulated by ICASA Quality of Service Mobile Measurement Reports 2018/19- Mpumalanga and Eastern Cape which concluded that **all network operators failed most of ICASA's network quality key performance indicators in monitoring tests Call-Set-Up-Ratio of 98%**, and on another indicator only Vodacom met the Drop-Call-Ratio of 3% (Eastern Cape). Accordingly, an appreciation and validation of this trend and **findings would assist the regulator to identify priority areas and deployment of resources for regulatory intervention to protect consumers**.

b) Prioritise Rural Consumers

It is clear from the Mthatha-Nelspruit Consumer Issues Dialogues, and Richards Bay and Thohoyandou Advocacy Initiatives show that the level of consumer awareness and degree of customer empowerment is considerably lower in the rural areas, and it is our informed view that issues of network access across all ICT services disproportionately affect the rural consumers. This also includes postal services and broadcasting issues, too. While urban consumers because of concentration can be efficiently and cost effectively reached, the regulatory interventions to protect consumers in rural areas may be more challenging and costly, but nevertheless rural consumers and their issues should be seen as a priority.

c) Review Target Groups for Efficiency:

As a Panel, we have learnt the following regarding organisation of stakeholder engagements and these are vital for the success:

- *Segmenting of target groups for efficiency* - The impact of stakeholder engagements could be improved through the appropriate and proper segmenting of the target groups. For instance, SMMEs tend to have issues different to those of ordinary consumers, they are time conscious, schools of children with disabilities must be dealt with separately.

d) Postal Services – Improved Physical Access, Service Reliability and Safety-Security

Without a doubt, the postal service plays a key role for rural consumers. From the Panel's interactions with stakeholders during the period consumers have indicated as major source of dissatisfaction the issue of

physical access to the postal offices. For the persons with disabilities and the elderly, the absence of ramps, supporting handrails, including safety and security were a sources of major concern.

- *Limited services provided by Postal Agents* – other post offices were cited as not handling international letters; and
- *Reliability of Service* – due to unreliable power supply or network connectivity the service is often at times not operational for a day, resulting not only in lost time for users but also costly for those that had incurred travelling costs to conduct their business with the postal outlet.
- *Safety and Security* – This became eminent after visiting 9 post offices in Cape Town where the late Uyinenne Mrwetyana was killed by a post office employee. An urgent appeal for the Regulator to review the Postal Regulation on the safety and security for a better life. That also talks new or old employees being vetted to avoid a similar occurrence from that Cape Town Post Office.

d) Response to Trends Identified

During the period four key trends were identified by the Panel, namely:

- **The explosion of on-line shopping:** The trend towards on-line was identified by the 2019 Consumer Digital Experience Report, reporting a growth of 71% on year-o-year basis.
- **Increase in identity fraud cases:** A huge increase of 99% in cases of identity fraud compared to 2018, according to the Southern African Fraud Prevention Report.

- **Increased annoyance of consumers caused by silent calls/machine calls;** The increase in implementation of automated calling systems by marketers' / call centres is expected to increase silent calls, causing increased annoyance to consumers.
- **Rural consumers disproportionately affected by network access issues:** Rural consumers continued experiencing network access issues across all ICT services categories disproportionately, mostly mobile access given its dominance in market share. This affects government departments and municipality services for them. The Regulator to review the access monitoring of signals.

The regulator is to assess these trends and ascertain the adequacy of existing consumer protection measures. CAP is recommending:

- *Consumer Protection and Empowerment Specific Survey:* It is recommended that consumer views be sought by the regulator by carrying out regular survey work to constantly assess consumer representation; and
- *Leverage the ICASA Website for Polling Visitors:* The ICASA website can be used effectively to poll visitors' views users on a dynamic and continuous basis.

e) *No Fee for Usage of Gender-Based Violence Command Centre*

The Panel's representatives visited the Gender-Based Violence Command Centre during the period under review. Outcome was that the CAP will in the future use its stakeholder engagement platforms to build awareness on the existence of the Gender Based Violence Command Centre, and recommends that ICASA

investigates how it can assist in making the command centre available free of charge to all consumers.
Currently Deaf users who use the SMS system have to pay to contact the Centre.

f) Regulator to Consider Identified Topical Consumer Protection Research Areas

As part of its mandate, the Panel is required to identify and advise Council on topical consumer protection research areas. The Panel identified following two topical issues were identified:

- (i) Consumer benefits from reforming the South African Postal Code System; and
- (ii) Emergency call centres for mobile networks.

The following findings came out of the research on the two topical issues:

- Blind and visually impaired consumers complained that the new handsets had LED Screens, without audio output, rendering them inaccessible. This matter is also problematic to the elderly, as was reported by representatives of this sector present at the event.
- New handsets rolled-out by Telkom cannot interface with technology used by Deaf and hard of hearing consumers, rendering the handsets inaccessible to them.

Additional research areas: -

- It was found that the postal codes regime in South Africa has not been updated since the 1970s, and thus it is difficult to integrate with newer technologies, for example: location finder technologies like GPS, and newer postal sorting machine technologies. This negatively affects the consumer in that: (a) postage deliveries are often late, (b) many people do not have a physical address as they live in informal settlements and rural communities without proper street names, and (c) small businesses in

the e-commerce sector are affected negatively as many persons who order online cannot be located easily.

- It was found that the benefits of reforming the postal codes system in South Africa has benefits far beyond the consumer, as currently less than 10% of all retail sales occur online, and thus a reformed postal codes system will assist in igniting huge economic growth in this vital sector.

g) ICT in Education: -

The Case Studies of Ikhwezi Lokusa (Mthatha, Eastern Cape); KaMagugu Comprehensive School (Mpumalanga) These were both public schools that have not benefitted from Service Provider because they were not the chosen; Helen Frans School for Special Needs (Limpopo), one of the chosen groups to be allocated best technology for a pilot project; Nawe-Zifunze Centre for the Disabled (KZN)

The following were key observations:

- The ICTs play a vital role in facilitating learning for this School with special needs learners. However, budgetary constraints do not allow the procuring of the appropriate handsets for learners who require that equipment (estimated to be around R45, 000 for a pc with special software).
- Furthermore, due to budgetary limitations access to broadband data is also a challenge.

ICT and SMMEs

- **Switching off of copper by Telkom:** Discontinuation of Telkom data land lines are a source of concern and this happens without consultation;

- **Long term contracts:** Rural SMMEs/ NPOs locked in 5-year long term contracts enforced by unscrupulous service providers (the entity named was BizTech)
- **Governance Issues in Community Radios:** ICASA intervention in assisting with restoring governance in the community radios sector. The current system cited as leading to the appointment of ill-equipped individuals running the community radio stations.

FUTURE OUTLOOK:

- a) 4th Industrial Revolution Issues
- b) Transformation of opportunities for SMME as consumers
- c) Inclusive and Accessible Communication Platforms
- d) Benchmarking

REVIEW OF CAP OPERATING PERFORMANCE APP 2019/20

Project 1: Stakeholder Engagement (Dialogues)

Output	Output Indicator	Annual Target Planned	Annual Target Actual	Activities
Stakeholders engaged	Number of stakeholder engagements	02	02	Conduct consumer dialogues

The purpose of the stakeholder engagement project was to engage various stakeholders on topical consumer matters in the space ICASA regulates and to allow CAP to advise on issues pertaining to the sector. Two dialogues were conducted in Mthatha (Eastern Cape) and in Nelspruit (Mpumalanga) as per the plan. The Dialogues were attended by approximately 250 consumers from organisations' that represented persons with disabilities, senior citizens, SMMEs and people living in under-served areas (from two regions).

The following topics were discussed:

(1) Mthatha:

- The critical concerns of consumers.
- Obtaining a consumer perspective through facilitation on relevant regulations and regulatory projects when published for public comment.

- To engage with consumers to understand their perspectives on issues impacting the sector.
- (2) Nelspruit:
- To obtain input from all consumer sectors.
 - To promote the interest of consumers by addressing their rights first and foremost.
 - To emphasise the importance of the role persons with disabilities, senior citizens and people living in under-served areas, in the sector.
 - To focus on education and empowerment of consumers thus assisting ICASA fulfil its mandate.

The following resolutions were taken:

(3) Mthatha

- Creating a platform where CAP's target audiences and ICASA stakeholders can jointly find solutions to advise the ICASA Council.
- ICT support and equipment would be beneficial to teaching and learning in schools that have pupils with disabilities. An appeal was made to ICASA and the Panel to facilitate sponsorships (donors), given that ICASA does not have a Corporate Social Investment (CSI) budget.
- The design of equipment such as cell phones, tablets and mouse for the PC be done in conjunction with occupational specialists so that the needs of persons with disabilities can be incorporated into the design.
- Participants revealed that they had limited knowledge of consumer rights and did not know about the responsibilities of the various stakeholders in the ICT sector.

(4) Nelspruit

That ICASA prioritises addressing key complaints such as: -

- The needs of those who are not literate and those who live in rural areas are clearly identified as requiring increased attention.
- Network coverage, quality of services in rural areas is completely poor and needs fundamental improvement.
- Given the difficulty to access emergency services such as the police and ambulances services; signal strength must be improved.
- Limited postal services in rural areas.

Project 2: Consumer Advocacy Workshops

Output	Output Indicator	Annual Target Planned	Annual Target Actual	Activities
Advocacy Workshops	Number of engagements	04	06	Short educational programmes

The purpose of the Consumer Advocacy Workshops project was to primarily enable CAP to identify Critical Consumer Concerns through a conducive and enabling platform. The secondary objective was to promote interests of the consumer as a function of CAP according to CAP Regulation section 4(4). Four workshops were planned and six were conducted. The reason for exceeding the target by a high margin was because Consumer Advocacy is at the core of the CAP's functions and as such it cut across many other project activities of CAP.

i. KaMagugu Comprehensive School (Mpumalanga)

The School is for learners with a mix of disabilities from around Mpumalanga Province. The purpose of the visit to the school was to understand the concerns of the learners with disabilities with regards to the sectors that ICASA regulates. The attendees were the School Management led by the Principal.

ii. *Helen Frans School for Special Needs (Limpopo)*

The Helen Franz Special School is one of four Schools in South Africa that was chosen for the Universal Service Obligation in terms of internet connectivity and assistive learning devices for learners with disabilities.

Under the Universal Service Obligation (USO), Network Operators are obliged to provide Assistive Learning Devices and internet connectivity as per the school's requirements. The Panel undertook the visit to get an understanding of how the USO was implemented at the school and also whether it was addressing the special needs of students and the general connectivity for the school.

iii. *Advocacy in Thohoyandou (Limpopo)*

Interactions with target audiences in Thohoyandou was to underscore the importance of the rural consumer centred on issues of network coverage and quality of services. The purpose of the workshop was to gather information on the recurring theme of inadequate attention to consumer protection needs of those who are not literate and those who live in rural areas, as well as consumers with disabilities.

iv. *Roodeplaat in Tshwane*

The Panel was unable to complete the advocacy workshop in as a final agreed date could not be secured with the target group. There were also logistics challenges.

v. *KZN Richards Bay Advocacy*

- **Interviews Community Radio Stations:** The task team on advocacy, as part of their advocacy drive in the KZN province held Community Radio Interviews coordinated by ICASA's Spokesperson with North Coast Community Radio and ICORA Community Radio.
- **Visit to school learners with special needs - Nawe Zifunze Disabled Centre**
The main objective of the event was to listen to Consumers Concerns within ICASA's regulatory areas of Postal, Telecommunications and Broadcasting

vi. *Visits to 9 Cape Town Postal Outlets*

Cape Town Post Office Consumer Critical Issues

An inspection and visit to nine (9) Cape Town SA Post office outlets was conducted during the period and the following were key issues that were raised:

- **Safety of Customer and staff is a major concern** - In shopping centres/Mall the Post Office relies solely on mall/complex security
- **Infrastructure** - point of sale equipment maintenance
- **Technology** - Opportunity to embrace the last leg Online shopping
- **Toilets and water specifically SASSA Grants:** Some offices make provision.

vi. *Visit to Gender-Based Violence Command Centre*

The Panel's representatives visited the Gender-Based Violence Command Centre during the period under review. Outcomes were that the CAP will in the future use its platforms to build awareness on the existence on the Gender Based Violence Command Centre, and recommends that ICASA investigates how it can assist in making the command centre available free of charge to all consumers. Currently Deaf users who use the SMS system have to pay to contact the Centre.

Project 3: Consumer Protection Research Areas

Output	Output Indicator	Annual Target Planned	Annual Target Actual	Activities
Consumer protection research areas identified	Number of consumer protection research areas identified	02	02	- Conduct trend analysis. - Conduct perception surveys. - Conduct benchmarking studies.

The purpose of the project was to advise Council on topical consumer protection research areas. The Panel planned to identify two topical issues and achieved the target. The following two topical issues were identified:

- (i) Emergency call. centres for mobile networks; and
- (ii) Consumer benefits from reforming the South African Postal Code System.

Further research areas: -

- **Emergency call centres for mobile networks:**

- In 2015, five Deaf school girls lost their lives in a hostel fire. This event highlighted the inaccessible nature of emergency call centres to persons with disabilities in South Africa. It was found that only Vodacom has made any significant efforts to make their emergency call centre accessible;
- This issue is further exacerbated by the fact that provisions in the Electronic Communications Act 2005 which mandate accessible services have still not been implemented; and
- Further research on what ICASA can do in the absence of a National Call Centre to ensure access to persons with disabilities is recommended.

- **Reforming the South African Postal Codes System**

- It was found that the postal codes regime in South Africa has not been updated since the 1970s, and thus it is difficult to integrate with newer technologies, for example: location finder technologies like GPS, and newer postal sorting machine technologies. This negatively affects the consumer in that: (a) postage deliveries are often late, (b) many people do not

have a physical address as they live in informal settlements and rural communities without proper street names, and (c) small businesses in the e-commerce sector are affected negatively as many persons who order online cannot be located easily; and

- It was further established that the benefits of reforming the postal codes system in South Africa has benefits far beyond the consumer, as currently less than 10% of all retail sales occur online, and thus a reformed postal codes system will assist in igniting huge economic growth in this vital sector.

Project 4: Identification of Industry Trends

Output	Output Indicator	Annual Target Planned	Annual Target Actual	Activities
Identified Industry Trends	Number of Types of Industry Trends Identified	04	04	• Comprehensive scanning of ICT environment in SA. • Review of upcoming regulations. • Analysis of consumer complaints data. • ICT consumer survey data. • Attend hearings and workshops.

The purpose of the project was to assess trends and ascertain the adequacy of existing consumer protection and empowerment measures. The trends assisting in determining whether the regulator is keeping abreast of market developments and on-going shifts in customer preferences and consumer patterns. The trends analysis was a pro-active intervention in that as ICT grows and evolve, so too should policy and regulatory interventions in order to protect the needs of consumers.

Comprehensive scanning of the ICT environment – Trends are identified, amongst other, in the upcoming regulations, analysis of consumer complaints data, and ICT consumer survey data. The Panel planned to identify at least four trends and four trends were identified.

The methodology followed involved reviewing of upcoming regulations, analysis of consumer complaints data and ICT survey data to identify trends. The following types of trends were identified: -

- i. Explosion of on-line shopping projected to grow to 24 million by 2021 *(2019 SA Digital Customer Experience Report by Rogerwilco Marketing Agency;*
- ii. Increase in identity fraud cases in SA *(SA Fraud Prevention Services (SAFPS) report that impersonation using real IDs and Names increased by 99% on 2018 figures)*
- iii. Increased annoyance of consumer by silent calls – voice calls, machine calls and messages as automation in call centres kicks into overdrive. *(The SA Call Centre Report projects 8% growth in automation since 2003); and*
- iv. Network issues disproportionately affecting the rural consumers *(triangulated by Panel dialogues, consumer complaints data from ICASA, QoS Mobile Measurement by ICASA of Eastern Cape and Mpumalanga Provinces).*

Project 5: Commentary on Regulations

Output	Output Indicator	Annual Target Planned	Annual Target Actual	Activities
Commentary on Regulations	Number of commentaries	03	03	• Making input into regulations. • Attend hearings and workshops.

The purpose of the project was to identify major problems that come up relevant suggestions and recommendations to Council.

The Panel planned to provide comment on three regulations namely: -

- i. The Code for Persons with Disabilities;
- ii. Reserved Postal Services Regulations; and
- iii. Unreserved Postal Services Regulations.

Over and above the three regulations, the Panel commented on the Sports Broadcasting Regulations; however, due to time constraints, CAP could not submit its assessment before the stipulated deadline. Furthermore, CAP prepared commentary on Spectrum Licensing but a meeting of the full panel, to discuss the information, was not approved.

Project 6: Planning, Meeting and Reporting

Output	Output Indicator	Annual Target Planned	Annual Target Actual	Activities
Planning	# of plans	01	01	Develop annual plan (APP).
Meeting	#of meetings	04	06	4Quarterly meetings 1 APP Adhoc Meeting 1 Advocacy Report writing meeting
Reporting	# of reports	04	04	Compilation of reports.

The purpose of the project is to ensure that the Panel complies with its planning, meetings and reporting obligations as stipulated in its mandate.

To deal with compliance and governance requirements, the following documents have been produced:

- Annual Performance Plan (APP);
- Quarterly Minutes
- Quarterly reports; and
- Annual Advisory Report

Summary of APP Performance

- All the eight **(8)** Performance Indicators were achieved during the period under review, of which there was super achievement on the Advocacy KPI of 150%.

Strategic Objective	Output	Performance Indicator	Annual Target	Annual Performance	Performance Level (RAG)	% Achievement
Stakeholder Engagement	Stakeholder Engagement	Number of stakeholder engagements	02	02	Achieved	100%
	Advocacy Initiatives	Number of advocacy initiatives	04	06	Achieved	150%
Industry Data Trends	Identified Trends	Types of data trends	04	04	Achieved	100%
Topical Research Areas	Identified Topical Areas	Number of identified topical areas	02	02	Achieved	100%

Strategic Objective	Output	Performance Indicator	Annual Target	Annual Performance	Performance Level (RAG)	% Achievement
Commentary on Relevant Regulations	Commentary on Relevant Regulations	Number of Commentary on Relevant Regulations	03	03	Achieved	100%
Annual Planning	Annual Plan and Budget	Number of Annual Plan and Budgets	01	01	Achieved	100%
Reporting	Quarterly Report	Number of Quarterly Reports Produced	04	04	Achieved	100%
	Council Advisory Report	Number of Council Advisories produced	01	01	Achieved	100%

LEGEND:

NA: Not applicable

NC: Not in compliance



Compliance Achieved

Compliance is possible but not fully achieved

Compliance is impossible or extremely difficult and not planned

GENERAL RECOMMENDATION:

Identified Issues that will Strengthen CAP's effectiveness through Internal Relations and Partnerships

a) Increase the Profile of ICASA and CAP in Consumer Issues

It is therefore necessary to consider how to increase ICASA's profile among ICT consumers – specific measurement to achieve this on a cost effective basis should be explored in relation to operators who are claiming greater public credit for the regulator's achievements and successes, particularly those in defence of consumer rights.

b) CAP to Leverage on Supporting Consumer Groups through Stakeholder (Consumer) Engagement Dialogues and Advocacy Initiatives

While CAP is by design a consumer panel with no provision for operational capability in a bid to drive the consumer protection agenda, the feasibility of providing a strategic support to associations dedicated to the cause of ICT consumer rights, identifying and publicising their issues whilst advancing the cause of the consumers of communications services – the following need to be looked at:

- CAP recommends that the **Regulator monitors the networks as a priority**, with a special focus on underserved areas to strengthen the cause of consumer protection.
- The stakeholder engagement Consumer Dialogues and Advocacy Initiatives experience revealed that there is a need for the **Advanced Consumer rights in ICT Sector**.

- With Youth being so techno-savvy, questioning the Regulators' plan in regulating the 5G with precautionary measures on the health hazard concerns? Special forecast on this as part of the regulation since it has been raised already (**Regulations and Research Issues**).

c) ***For the Panel – Better Mobilization and Logistics When Organising Stakeholder Engagements and Advocacy and Disability Sensitization Training***

- *Ensuring accredited Sign Language Interpreters availability:* Particularly when dealing with the target audience, this can immediately remove all credibility and respect people may have for the Panel when this is not available apart from the lack of sensitivity displayed by such an omission. It is vital to always procure the services of accredited South African sign language interpreters at all the CAP public engagements.
- *Disability Sensitization Training on Requirements Persons with Disabilities:* This is recommended as part of the Panels orientation programme to include Disability Sensitization Training on the requirements and needs of the vulnerable groups. This applies to the whole of ICASA organisation as well.

d) ***The Regulator to review / regulate Benchmarking for CAP's Continuous Improvement***

As the CAP is a relatively new entity, it is suggested that there must be benchmarking exercise with peers in other jurisdiction so that there can be learnings, best practices for consumer protection in the African Continent and worldwide is we are not operating in a vacuum. This may take the form of

not only desk research but also study tours to identified countries (BRICKS, SADC, East and West Africa including those ICASA has used for modelling other studies).

e) *Follow-Up Post Stakeholder Engagements*

Post Stakeholder Engagements: We have noted that, often times questions are posed by stakeholders requiring follow-up with answers or update once CAP has completed its engagements and advocacy work in a particular province.

It is therefore recommended that as part of the relationship building by regional coordinators, for better maintenance of the healthy relationship with ICASA/CAP and improving credibility, follow-up post stakeholder engagements and advocacy we work closely.

f) *Formal Feedback by Council on Panel's Work*

Recommending formal ongoing feedback for consistency, effectiveness, speedy feedback to consumers for efficient turnaround time.

g) ***Strengthening of Support Services:***

During the past two years ICASA has worked on a trial and error approach for a structure called CAP to take off, all things being equal, it worked. CAP being an unknown Committee to ICASA employees and management we were faced with resistance in gaining support.

“CAP recommends, strengthening all the support services as it is critical for both CAP and ICASA to fulfil mandates”.

A handwritten signature in black ink, appearing to read 'Noxolo Gogo', is written over a horizontal line.

Noxolo Gogo
CAP Chairperson

Date: 19 March 2020