



CONSUMER ADVISORY PANEL

The CAP Advisory Report 2020/21 Submitted March 2021

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FOREWORD

It is an honour to present this Council Consumer Advisory Report ("the Report") on behalf of the Consumer Advisory Panel (CAP) for the period 2020/21. It is presented in terms of the Consumer Advisory Panel Regulations Government Gazette 40725 of March 2017, as amended. The Report aims contains various recommendations by the Panel which have been informed by our experience in implementing the CAP Work Plan during the period under review.

The 2020/21 performance has been a unique one for CAP dominated by an unprecedented pandemic which has altered the way we work. The COVID-19 crisis disrupted human and business behaviour, requiring members to observe National Disaster Regulations while carrying on our functions. We started with virtual meetings, and later on a hybrid system subject to ICASA's COVID 19 plans when attending physical meetings in Centurion. Our stakeholder engagements were initially virtual; our first physical engagement only took place in March 2021. I am pleased to declare that despite these challenges, CAP achieved an overall annual performance of 133% against its pre-determined Work Plan targets.

I would like to extend my sincere gratitude and appreciation to the CAP team for their support and commitment in delivering excellently on the targets for our Work Plan.



Ms Noxolo Gogo (APR)
Chairperson: Consumer Advisory Panel

PROFILES OF CONSUMER ADVISORY PANEL MEMBERS



MS NOXOLO (NOXIE) GOGO

Noxolo Gogo is an accredited public relations' practitioner (APR) according to the Public Relations Institute of Southern Africa (PRISA) with over 30+ years' experience in the public, private and non-profit sectors. She is the Chairperson of CAP.

She serves on several boards including Services SETA, and former chairperson of the PRISA Gauteng Committee, a representative on the Board. She has been managing partner for Nondyebo PR & Communication since 2003. She has vast experience in public relations and communication, skills transfer, community development, resource mobilisation and fundraising development.




She holds a Teaching Diploma from Lovedale Training College. She is presently pursuing a BA Communication at UNISA, as well as a Management Diploma.



MS AIFHELI MAKHWANYA

Aifheli is an independent consultant & researcher in the cultural and creative industries (CCIs). Aifheli worked in the public sector between February 2004 - March 2018 for the Independent Communications Authority of South Africa (ICASA) and the National Film and Video in legal, research and management roles.

She holds an undergraduate Bachelor of Laws degree and Master of Laws (Communications) from the University of the Witwatersrand and various postgraduate certificates in management and law. She is reading for her MA in Cultural Policy & Management at Wits School of the Arts.

 <p>MS PRETTY DIBAKOANE</p>	<p>Pretty Dibakoane is an on-air personality/content contributor at RISE FM Nelspruit, Mpumalanga. She was formerly a Researcher in the Office of the Speaker at the City of Mbombela, Mpumalanga; and Media Liaison Officer at the Mpumalanga Provincial Legislature (Office of the Speaker).</p> <p>She holds a National Diploma in Public Management.</p>
 <p>MS SIBABALWE MQHAYI</p>	<p>Sibabalwe Mqhayi holds an LLB Degree & a Compliance Management Certification (University of Cape Town). She is registered with the Compliance Institute of Southern Africa (CISA).</p> <p>She has previously worked as a Consumer Advisor at the Department of Economic Development and Environmental Affairs and Tourism and has a strong passion for Consumer Rights. She has completed her Attorneys Board examinations and is currently in the process of completing her articles of clerkship.</p>
 <p>MS ZANYIWE ASARE</p>	<p>Zanyiwe Asare is a founder director of Digitally Legal, specialising in digital and technology law advisory, policy framework development, regulatory compliance, organisational cyber security, and data protection literacy.</p> <p>She holds a Bachelor of Laws - LLB and Post Graduate Diploma in ICT Law.</p>



MR FANIE SWANEPOEL

Fanie Swanepoel is part of the National Council of Persons with Disabilities and currently holds the position of Disability Information Coordinator. He assists with Universal Access Audits, Disability Equity Training and Children's Programs. Fanie is Partially Sighted.

Fanie studied Teaching and Music at the University of the Free State. Fanie joined the Disability Sector in July 1996. He was part of the delegation to the Economic Empowerment Training in Japan during January 2012. Fanie also serves on the following committees: the ICT Sub Committee for Accessibility at the National Department of Transport; ICT Working Group; and the ICT Education Committee - Education Sub Committee of the Working Group on Affordable and Accessible ICT for Persons with Disabilities.



MR RAJESH JOCK

Rajesh Jock has a B. Com (Hon) & Masters (Philosophy) degrees and higher postgraduate diplomas in Marketing, & Company Law and 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.



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.

He is an astute entrepreneur & an experienced Business Leader whose career spans over twenty years, mostly in Telecommunications and Postal Industries. He is currently the CEO of RMDP Management Consulting Firm and a Managing Consultant for Vari Holdings (Pty) Ltd.

He serves in Compliance Committees and Business Advisory Structures of various well established SMMEs.



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.



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 extensive 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 (CATHSSETA) SETA Education and Training Authority.

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 findings of the Consumer Advisory Panel are informed from the experience of executing its Work Plan during the period, which includes the conducting of stakeholder engagements and consumer advocacy initiatives; the provision of commentaries on ICASA regulations; the identification of topical areas for research by ICASA, and general interactions with CAP consumers in various platforms.

The key consumer concerns and recommendations for this fiscal period are focused on the following areas:

- I. Concern about the importance of the postal service to rural communities and negative impact of operational instability and sustainability crisis of the South African Post Office;
- II. The need for cost-effective transmission for community broadcasters: broadcast signal distribution costs versus geography and ruralness;
- III. Adequacy issue of broadband packages for schools in general and particularly for schools of Persons with Disabilities and the unreliability of existing connectivity experienced by rural consumers and SMEs;
- IV. Concern about the inadequacy of content programming directed at Persons with Disabilities;
- V. Concern about the need to include Persons with Disability related transformation conditions in licenses to advance their empowerment;
- VI. Concern that some features of mobile phone devices are disabled before being made available to consumers with disabilities;
- VII. Concern about the alleged theft and or /unexplainable disappearance of consumer data;

- VIII. Identification of three consumer protection research areas: consumer access to diverse Programming; the need for an inquiry into service provision by the South Africa Post Office; and the need for a feasibility study of introducing an accessibility report of mobile phone handsets” as part of the Type Approval requirements; and
- IX. Consumer protection implications for identified consumer trends which the regulator should note: COVID-19 driving in e-commerce in South Africa; increased uptake in e-learning and content creation for on-line audiences; proliferation of fake news and disinformation; and increase in consumer complaints by telecommunications sector reported by the Consumer Goods and Services Ombud (CSGO).

CAP ADVISORY FOR THE PERIOD FY2020/21

For the fiscal period under review, the Consumer Advisory Panel is accordingly bringing to the attention of the regulator the following consumer critical concerns and recommendations:

a) *Consumer Concern: The Importance of the Postal Service to Rural Communities and Negative Impact of Operational Instability and Sustainability Crisis of the South African Post Office*

CAP has consistently picked up from all of the stakeholder engagements and consumer advocacy activities is the central importance of the postal service to rural communities. Furthermore, the general decline of the Post Office has led to dire consequences for consumers, particularly the poor, persons with disabilities and live in rural South Africa. The interactions and site visits of the rural Free State and the vast rural Northern Cape's experience corroborate the view that the Postal Office is not only a public service but a "lifeline" for most remote rural communities as they are heavily reliant on the South African Post Office for:

- Opportunities for social connection;
- Chronic medication delivery;
- Business opportunities, such as application for job opportunities;
- People with Disabilities, who cannot afford private courier delivery for their daily necessities; and
- Access to other key services such as social and disability grants payment.

The postal services crisis is causally linked to inadequate funding of the South African Post Office. Based on our interactions with the Northern Cape's Kalahari Postal Branches (Upington, Keimos, Kakamas, Poffader, Port Nolloth and Alexander Bay) and Free State's postal outlets (CBD Bloemfontein, Rocklands Township and Batho Township), the issues raised by management and based on inspections can be grouped as follows:

- Inadequate postmen resources: The issue of street delivery is affected by the shortage of postmen to adequately cover the vast rural region. Consequently, the team is unable to meet its daily standards of delivery;
- Inadequate vehicle resources hamper the expansion of the delivery service to the rural areas;
- Insufficient street address by local municipalities affects the correct and timely delivery of mail to consumers; and
- Tools of trade: In order to be able to function optimally, the postal agencies lack the requisite tools of the trade in order to function properly.

As a result of the afore-mentioned issues, branches are unable to meet their daily delivery standards. This affects the distribution of tapes for the blind, delivery of assistive devices for persons with disabilities, and chronic medications distribution for those who rely on the Post Office. Furthermore, the environment is not always Universally Accessible for all (for instance no signage, counters too high, no Sign Language interpreters etc)

(b) Consumer Concern: The Need for Cost-Effective Transmission for Community Radios: Broadcast Signal Distribution vs Geography and Rural Character

During the period under review, the Panel visited Free State and Northern Cape provinces to engage and consult with stakeholders. The Panel got first-hand experience of the interplay of twin challenges facing community radios in rural settings: namely, how the rural character and geographical vastness combine to increase cost of signal distribution.

The Northern Cape province covers nearly one-third of the country's land area with a population of 1,2 million. We met with management at Radio Riverside (Upington) and Namaqua FM (Springbok). They both cited the increased costs of broadcast signal distribution as a major operating cost impacting on effective coverage of their coverage areas.

While we have noted that there is intervention by Media Development and Diversity Agency (MDDA) and Department of Communication and Digital Technologies to subsidize the transmission costs of transmitter installation for community radios capital costs upfront and making Sentech allege that their tariffs are 60% cheaper than commercial tariffs, there is a strong contention by community radios that these tariffs are not affordable particularly for rural community radios with very vast coverage areas:

- Consequently, Radio Riverside (Upington) is unable to cover its broader target area of Upington, Keimos and Kakamas; and
- The Namaqua FM coverage area is quite vast, reaching into deep rural areas of Namaqualand. The challenge therefore is that the station does not have adequate funding to switch on its additional broadcast

frequencies to be able to optimally cover the whole of the Namaqua region.

Recommendation: Cost-Effective Transmission for Community Radios

- Cost effective broadcast signal transmission for community radio stations. It is advised that a cost-effective broadcast signal distribution study for the community radio station sector. Furthermore, to reduce cost, a possible partnership with Media Development and Diversity Agency (MDDA), the statutory development agency for promoting and ensuring media development and diversity, as there is a mandate synergy on this matter and therefore would be mutually beneficial for both bodies.
- Explore the introduction of more players in the signal broadcast distribution sector: There is a strong view by the community radio sector that Sentech is a monopoly player and that perhaps if more players were operating in the sector, the broadcast signal distribution tariffs would be kept in check and consequently be more affordable for the community broadcasters in the sector.
- ICASA special out-reach targeting improved compliance: Compliance with ICASA requirements for community broadcasters is one of the key elements of the conditions for assistance. It therefore stands to reason that an improvement in this aspect would go a long way towards assisting community broadcasters to secure funding. Therefore, a strengthened intervention to improve compliance by

ICASA would assist community broadcasters to be successful. This is corroborated by the MDDA that one of the challenges faced in distributing funding to community broadcasters is poor compliance with ICASA requirements.

*(c) Issue of Adequate Broadband for Schools (Universal Service Obligations) and Reliability of Connectivity Experienced
by Consumers and SMEs*

Universal Service Obligations Rollout to Schools

During the period under review, CAP interacted with three schools for children with disabilities: Bartimea School in Thaba Nchu, Marcus Mbetha Sindisa Secure Care Centre (Upington) and Kleinsee Special Care School (Kleinsee).

The issue of limited broadband and slow data speeds were cited as key concerns by the schools. The schools indicated that their current data or broadband packages were adequate for the school needs. In the case of Klensee, the donated computer equipment had not yet been connected to the server. Secondly, CAP was informed that the critical software and gadgets required for use by learners with multi-disabilities were more costly for the schools than the donated hardware equipment. For instance, JAWS (Job Access with Speech) a computer screen reader program for Microsoft Windows that allows visually impaired learners to read the screen either with a text-to-speech output or by a refreshable Braille display. NVDA (NonVisual Desktop Access) is software that makes computers accessible and usable by learners

with disabilities such as blindness, and braille display software. Fully functional software often costs more than a computer itself.

Recommendations: Broadband Rollout to Schools

- Guidelines on basic broadband packages for schools: ICASA and/or the Department of Basic Education ought to consider prescribing basic broadband packages for schools.
- Hardware/software balance: Universal Service Obligation rollout to schools should be reviewed as critical software/assistive device costs for Persons with Disabilities have been found to be higher than the hardware. Computer equipment donations should be reviewed to ensure an increased and balanced weighting towards inclusion of essential software. The dumping of hardware only is unhelpful as they cannot be utilised without software. Thus, some school computer laboratories are unusable without the appropriate software for learners with special needs. Each school has its own unique needs.

Rural SMME Businesses and Broadband Connectivity

During the period under review, interactions with rural-based SMMEs highlighted the adequacy and improved reliability of broadband connectivity for these enterprises.

- Perceptions of neglect of rural-based SMMEs in the deployment of communications infrastructure/ slow pace of deployment: As mostly rural provinces and particularly those with vast geographical challenges such as the Northern Cape, they are presented with

- challenges in accessing reliable broadband communications infrastructure. For instance, in the Uppington area entities rely on wireless mobile broadband but the information provided by service providers such as CompuFin, indicates that there are currently insufficient cell phone towers in the Uppington area, and this situation is characterized by slow pace in deployment.
- Poor quality of mobile network service: The service quality of mobile broadband provided through mobile networks is not satisfactory. This is attributed to inadequate number of tower infrastructure. International connectivity for purposes of communicating with not only domestic but also foreign markets negatively impact their business.

Recommendations: Rural SMME Businesses and Broadband Connectivity

- Prioritizing the release of high demand spectrum: Expedition of the current processes to release high demand spectrum as the need to expand coverage quickly and keep the market competitive is long overdue. The need to boost coverage in rural areas gives this the current auction process of 2021 added relevance.
- Explore other options to drive low-cost rural broadband: While the release of spectrum in high demand will substantially go a long way towards reducing the digital divide between urban and rural, there are concerns that it may further entrench this divide. One of the unintended consequences of this process may see urban areas benefiting from new networks, given our geography and

wealth imbalance. Assessment of other low-cost technologies such as white space technology, which relies on under-utilised spectrum within television broadcast bands can be key in closing digital divide particularly in a country such as ours, where millions live outside the planned coverage of mobile or fixed networks. Key learnings from trials and experience in other jurisdictions should be leveraged in this regard.

(d) Concern: Accessibility of mobile devices

There is a concern that some features are disabled in mobile devices before it being available to consumers with disabilities. For instance, the analogue and digital radio capability that comes standard with most mobile phones is often disabled or removed before the phone is offered for type approval, making them inaccessible; Bluetooth functionality is sometimes removed from certain mobile devices imported to South Africa. This functionality is critical to persons with disabilities as they require Bluetooth technology to integrate their assistive technologies with their smart phones.

Furthermore, Global Positioning System (GPS) - most smartphones are equipped with an independent GPS which allows access to map and way-finder technologies without the usage of data ("Offline Maps"), at the expense of using a large portion of their mobile device storage. It is important that consumers are made aware of the existence of these technologies as they can curtail the usage of mobile data. Offline Maps can also provide way-finder technology in areas of South Africa where access to mobile data is limited. It is a concern that mobile phone providers could ask that this capability be

removed to force people to make use of mobile data when using way-finder applications.

Recommendation: Accessibility of mobile devices

- Introducing a “Accessibility Report of Mobile Phone Handsets” as part of the Type Approval requirements. By ICASA conducting the feasibility of introducing an “Accessibility Rating of End User Equipment” as part of the mobile phone Type Approval requirements would provide information for Persons with Disabilities and act as a pro-competitive measure among vendors for their equipment to this segment of the market.

(e) *Concern: Increased Content Programming Directed at Persons with Disabilities with Disabilities*

The consistent message from interaction with the sector is that there is a need to have radio programs that deal with Persons with Disability issues. In the promotion of inclusivity, such programmes are to not only cater for learners with special needs and to address and sensitize citizens around the barriers brought on by various types of disability.

(f) *The need to include Persons with Disability related transformation conditions in licences*

As part of the mainstreaming issues for Persons with Disabilities to advance participation and economic empowerment in new licences, the inclusion of

contractual conditions promoting the empowerment of Persons with Disabilities should be encouraged by the regulator.

The issues of unemployment and being overlooked in business opportunities of People with Disabilities were raised sharply by stakeholders in this CAP target constituency.

(g) Concern: Theft/disappearance of consumer data

This has been noted from media reports and various Technology Blogs. consumers of mobile technologies in have been reportedly experiencing data disappearing from their accounts due to alleged rogue WASPS billing; cheap smartphones loaded with malware; and mobile providers in South Africa themselves.

Consequently, levels of consumer satisfaction with mobiles is affected due to these consumer billing queries. Furthermore, non-adherence to end-user subscriber regulations is undermined.

(h) Consumer Trends -Implications on Consumer Protection

There is a necessity for the sector regulator to remain abreast of market developments, and on-going shifts in customer preferences and consumer patterns as they pose implications for consumer protection. By scanning the ICT environment, CAP has identified the following consumer related for consideration by the regulator data;

1. Covid 19 is a key driver of e-commerce in South Africa.

Following the hard lock down in March, the second wave and possible warnings of a third wave, one of the key trends of 2020/21 is the growth of e-commerce driven by Covid 19 (GetApp SA Consumer Experience Survey, 2020). Shoppers's behaviour has changed in response to lockdown restrictions and social distancing.

2. Uptake of e-learning in South Africa

The education system in South Africa, whether early childhood development, primary, secondary, and tertiary learning institutions have started and/or increased their online education offering. This was necessitated by the hard lock down in March 2020 when the entire education system was closed. Many institutions were forced to introduce online learning which highlighted challenges for many schools under-serviced and poor areas. The cost of data, access to smartphones and other technological devices was a major concern highlighting universal service and access issues in the South African ICTs space. Interventions such as universities providing poor students with laptops and a list of zero-rated websites introduced in June 2020 were some of the responses to this trend which will continue into the future.

3. The upsurge in creation of content for online audiences

The global entertainment industry has been negatively impacted by Covid 19. In order to reach audiences and tap into new audiences, creatives have been forced to go online. Online platforms have been used by the creative industries in South Africa as a performance platform to earn a living and to reach

audiences after COVID 19 related regulations led to the closure of public arts spaces such as galleries, theatres etc and restrictions on events.

4. Disinformation/Fake news

Disinformation and fake news continues to be a worrying trend for governments, media houses, regulators, and consumers. Covid 19 disinformation has been rife; the increasing use of bots on social networking sites and algorithms to this effect have been observed to spark the spread of fake news and disinformation.

5. Increase in consumer complaints by telecommunications sector

Based on the Consumer Goods and Services Ombud (CSGO) Report 2019/20, the Satellite/Telecoms Industry sector has the highest number of complaints reported to the Ombud for the period. The main complaint driver is disputes around Cell phone contracts terminations - unilateral increase in monthly fees within contract period.

The implication of this tendency is the resulting negation of Consumer Rights as stipulated in the CPA Act; the lack of transparency or non - disclosure in the true cost of subsidized handsets ahead of time; and inadequate consumer education to enable consumers to choose handsets in affordability range should they cancel prematurely.

(i) *Consumer Protection Areas for Research Identified*

The following three areas of consumer research were identified by the Panel during the period under review.

1. Feasibility of Introducing a “Accessibility Report of Mobile Phone Handsets” as part of the Type Approval requirements.

The purpose of the research proposal is to make a case for ICASA to consider conducting the feasibility of introducing a “Accessibility Rating of End User Equipment” as part of the mobile phone Type Approval requirements.

The main objective and desired result of this rating assessment is:

- To provide a guide on which features, and functionalities are available to South African consumers by suppliers versus in other countries. Hopefully, suppliers would make them available to South African consumers. The availability of such information will ensure accessibility of handsets and other devices to persons with disabilities and the elderly; and
- To serve as a basis for driving consumer education.

Problem Statement

Any equipment used, or to be used, in connection with the provision of the electronic communications devices, unless explicitly exempted by the Authority, are subject to type approval by the Authority. There is great concern from telecommunications consumers regarding mobile phone type approval in South Africa. Consumers have noted that there are certain features that come

standardised with certain mobile phones where such features become inaccessible on mobile phones that are approved to be used in South Africa. These features include, among others:

- The analogue and digital radio capability that comes standard with most mobile phones is often disabled or removed before the phone is offered for type approval, making them inaccessible. Having a functioning radio on a mobile phone has now become more expensive for consumers, in that consumers have since resorted to downloading the FM Radio mobile applications onto their mobile phones and now live stream using data.
- Bluetooth functionality: It is reported that Bluetooth functionality would be removed from certain mobile devices imported to South Africa. This functionality is critical to persons with disabilities as they require Bluetooth technology to integrate their assistive technologies with their smart phones.
- Global Positioning System (GPS): most smartphones are equipped with an independent GPS which allows access to map and way-finder technologies without the usage of data ("Offline Maps"), at the expense of using a large portion of their mobile device storage. It is important that consumers are made aware of the existence of these technologies as they can curtail the usage of mobile data. Offline Maps can also provide way-finder technology in areas of South Africa where access to mobile data is limited. It is a concern that mobile phone providers could ask

that this capability be removed to force people to make use of mobile data when using way-finder applications.

- **Pre-loaded malware:** There is anecdotal evidence that some handsets imported into South Africa with pre-existing applications already downloaded, also include malware which uses the consumer's mobile data without the knowledge of the owner. The type approval process should also include the testing of pre-loaded applications to ensure the elimination of malicious malware.
- **Pro-competitive measure:** It is important that the type approval process also includes the importance of handsets for the accessibility of persons with disabilities. Efforts should be made to make handsets available at reasonable costs with full smart phone functionality to accommodate all possible requirements for persons with disabilities and the elderly.

In view of the above concerns, CAP would like to propose a research into the feasibility of introducing "Accessibility Rating of End User Equipment" as part of the mobile phone Type Approval requirements as this would assist with enhancing equipment supply competition, consumer education and ultimately consumer rights protection.

2. Survey into Consumer Access to Diverse Programming during COVID-19

Problem Statement

The introduction of Level 5 lockdown in March 2020 forced the independent production sector to halt filming. Subsequent to that, ICASA suspended compliance with broadcasters' local content quotas and licence conditions specific programming requirement sector was significantly impacted. These developments have a direct impact on consumer access to a diverse range of programming that informs, educates, and entertains. Actuality programmes of a public interest and programming specifically for the needs of children, women, the youth, and persons with disabilities have also been impacted.

Research Objectives

The proposed objective of the consumer survey is to establish the following:

- the extent to which consumers access to a diverse range of television programming was affected;
- the extent to which broadcasting licensee made provision for sign language interpretation, subtitles, and close captioning for blind and visually impaired consumers;
- the impact of ICASA ICT Covid-19 National State of Disaster Regulations on persons with disabilities access to information on broadcasting licensees;
- The extent to which the production (supply) and provision of regular actuality programmes of a public interest and programming for children, women, the youth, and persons with disabilities audiences has been affected;

- alternate platforms that consumers are using in order to have access to a diverse range of programmes and accessibility of these for vulnerable consumers;
- the percentage of local content flighted by television broadcasting licensees during this period in line with respective applicable licence conditions and quotas for various programming.

3. An Inquiry into Service Provision by the South Africa Post Office

CAP proposes three objectives that research in this area could achieve:

- an inquiry on the standard and quality of the South African Post Office's service delivery in general is important. This will assist to ascertain the overall service environment by determining whether postal services are effective and efficiently renders to users.
- establishing the state of physical and system security measures at post office branches will go a long way to ensure that users including women, persons with disabilities and other vulnerable consumers are safe.
- research findings will inform ICASA on the necessary course of action to address findings to ensure that postal services are universal and offered in line with regulatory prescripts for SAPO.
- Furthermore, CAP is interested in how the payment of social grants impacts on other postal services since SAPO took over this service.

CONCLUSION

The Consumer Advisory Panel the opportunity to present to Council the Advisory report containing consumer critical CAP stakeholder concerns, proposed recommendations, identified areas for consumer protection research and relevant trends with consumer protection implication for the period under review. It is hoped that this will assist the regulator in prioritising and focusing on the thematic issues raised in the report in the drive to advancing consumer protection and empowerment in the ICT sector.