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GENERAL NOTICE

NOTICE 1613 OF 2007



INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA HEREBY PRESCRIBES REGULATIONS FOR ALL LICENSEES IN CHAPTER 3 OF THE ECA ON A CODE ON PEOPLE WITH DISABILITIES

The Independent Communications Authority of South Africa ("the Authority") hereby prescribes the following regulations in terms of section 70 read with section 4(1) of the Electronic Communications Act (Act No 36 of 2005).

**PARIS MASHILE
CHAIRPERSON**

REGULATIONS ON A CODE ON PEOPLE WITH DISABILITIES APPLICABLE TO ALL LICENSEES IN TERMS OF THE ELECTRONIC COMMUNICATIONS ACT, 2005

1. PURPOSE OF THE REGULATIONS

These regulations prescribe a Code on People with Disabilities with regard to the provision of services and products by all licensees who are licensed in terms of the Act

2. DEFINITIONS

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

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

“Code on People with Disabilities” means a Code contemplated in section 70 of the Act.

“Complaints and Compliance Committee” ‘the CCC’ means the committee contemplated in section 17A of the ICASA Act 2000.

“ICASA Act” means the Independent Communications Authority of South Africa Act 2000 (Act 13 of 2000).

“People with disabilities” means individuals who have a long term or recurring physical and/or mental impairment where a physical impairment includes a partial or total loss of bodily function or part of the body and mental impairment includes a clinically recognized condition or illness which affects a person’s thought process, judgment and/or emotions

3. BASIC STANDARDS FOR BROADCASTING SERVICE LICENSEES

3.1. Improving accessibility

- (a) Broadcasting service licensees must ensure that their services are made available and are accessible to people with disabilities.
- (b) Options for making broadcasting services more accessible may include the following:-
 - (i) Improve and/or increase subtitles and sign language;
 - (ii) Expand knowledge on various adjustments such as induction loops, Minicom/text phones and alternative computer software;
 - (iii) Access to programme support such as fact sheets;
 - (iv) Websites to offer a range of formats (such as electronic versions, Braille and audiotape);
 - (v) Use of spoken language where economic indicators, weather details, telephone numbers and addresses or details of goods and services are shown on-screen;
 - (vi) Use of non-scheduled services such as access via Personal Video Digital Recorders (PVRs) and TV Anytime.
- (c) Broadcasting service licensees must monitor the effectiveness of their service through surveys as well as contact with organisations of and for people with disability and stakeholders.

3.2. Broadcasting service licensees must ensure that the broadcasting content does not stereotype people with disabilities

- 3.2.1. Broadcasting service licensees must consult organizations of and for people with disabilities on the way disability is portrayed in programming.

In this regard active measures to be addressed during this consultation must include, but not limited to:-

- (a) Proactive efforts to engage people with disabilities in programming of every genre;
- (b) Establishing links with local disability organizations to generate story ideas and to identify potential contributors. For instance broadcasting service licensees can establish a database of people with disabilities in their regions;
- (c) Including people with disabilities in studio audiences (reach them through disability websites or publications);

3.3. Licensees must report on an annual basis on the progress of implementation of the above.

4. BASIC STANDARDS FOR ELECTRONIC COMMUNICATIONS SERVICE AND ELECTRONIC COMMUNICATIONS NETWORK LICENSEES

- (a) Licensees must ensure that their services are accessible and available to people with disabilities.
- (b) Options for making services more accessible may include the following:-

4.1. Text Telephones

The licensees must:-

- (i) make available quick dial access to emergency services, operator assistance and directory enquiries upon request;
- (ii) provide access to a relay system to connect text phone users with those who use a voice phone; - provide call progress information (such as phone engaged or ringing);

4.2. Public Access Devices

(1) Requirements to be complied with by licensees who provided Public Pay-Telephones

(a) With effect from the date on which the regulations come into force, the licensees must:-

- (i) Install and keep installed at least 50% of public pay-telephones at which it provides Public Pay-Telephone Services apparatus which enable persons using hearing aids designed for use in conjunction with public pay-telephones;
- (ii) Provide adequate test phone services;
- (iii) Lower 50% of counters for public payphones to be installed to cater for people who use wheelchairs;
- (iv) Provide 70% of telephones with amplification;
- (v) Where necessary an access ramp must be included to facilitate wheelchair access;
- (vi) Provide for proper visible signage.

(2) Requirements to be complied by licensees who provided Community Service Telephones

(b) With effect from the date on which the regulations come into force, the licensees must:-

- (i) make provision for wheelchair access to the community service telephone centres;
- (ii) provide phones with amplification;
- (iii) supplement the provision of Community Service Telephone with commercial data offerings, e.g. SMS.

(3) Licensees must report on an annual basis on the progress of implementation of the above.

4.3. Information

- (i) Licensees must provide operator assistance and other services at all call centres, which includes applying for a mobile telephone service, queries on the use of equipment, making account queries and a number of other services, in the customer's preferred official language;
 - (ii) Telephone bills, contracts with the customers (including publicly available terms and conditions) and information about the services provided to comply with the licence conditions should be made available to the visually impaired customers in appropriate formats, upon request;
 - (iii) Advertisements and promotions for products and services specifically designed for people with disabilities should be made available in accessible formats to relevant organizations of and for people with disabilities in every province and upon request
- (a) Licensees must report on an annual basis on the progress of implementation of the above.

5. SHORT TITLE AND COMMENCEMENT

This regulation will be referred to a Code on People with Disabilities and will come into force by publication thereof in the Government Gazette.

6. REVIEW OF REGULATIONS

The Authority may from time to time review these regulations.

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