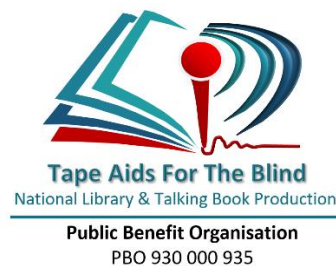




Public Benefit Organisation
PBO 930 001 713

Mr Lewis Nzimande
Phone: 012 452 3811
Mobile: 060 427 5571
Email: ned@sancb.org.za
www.sancb.org.za



Ms Elza-lynn Kruger
Ph: 021 689 5983 / 031 309 4800
Mobile: 082 561 7190
Email: director@tapeaids.org.za
www.tapeaids.com

29 November 2024

Attention: Mothibi G Ramusi

Chairperson: Conveyance of Mail Council Committee

Email Transmission – mailconveyance@icasa.org.za

Block B, 350 Witch-Hazel Avenue, Eco Point Office Park, Centurion

ICASA INVITATION FOR WRITTEN REPRESENTATIONS ON THE DRAFT REGULATIONS ON THE CONVEYANCE OF MAIL, 2024

SUBMISSION BY THE FOLLOWING TWO REPRESENTATIVE ENTITIES & COMMENTATORS:

1. **TAPE AIDS FOR THE BLIND (Tape Aids)** – Commentator: Ms Elza-lynn Kruger (National Executive Director [NED] of Tape Aids & Active member of several subcommittees of the ICT Chamber for persons with Disabilities).
2. **SOUTH AFRICAN NATIONAL COUNCIL FOR THE BLIND (SANCb)** – Commentator: Mr Lewis Nzimande (NED of SANCb and Chairman of African Union for the Blind Southern Region) & Ms Elza-lynn Kruger (National Treasurer & National Management Committee of SANCb)

Refer to Profiles for Entities & Commentators at the end of this document.

In addition to our commentary herein, both Tape Aids and SANCb respectfully indicate our interest in making oral representations to the Committee at the ICASA Public Hearings to be held on 10 December 2024 at the ICASA Head Office (Block C, EP-CG Kgotla) 08h30 to 16h00.

On the Advice of the Project Leader, this written submission is comprised of two parts:

- **Part One:** Tape Aids & SANCb Letter to the Committee outlining their disappointment and dissatisfaction that the Draft Regulations failed to incorporate provisions for the Disability Sector and specifically as required under the ITU Treaty of which South Africa was a signatory mandating Postal Services worldwide deliver Free Literature for the Blind
- **Part Two:** Commentary on specific Clauses within the Draft Regulations on the Conveyance of Mail, 2024.

Both the Letter and the Written Representation make reference to the following Annexures:

- **Annexure A:** Tape Aids Written Commentary (28 June 2023) in Response to ICASA Government Gazette No: 48254 (17 March 2023) Review on the Conveyance of Mail
- **Annexure B:** ICASA Findings Government Gazette No: 50327 (22 March 2024) Findings on the review of Conveyance of Mail Regulations, 2009
- **Annexure C:** SANCb & Tape Aids Submission (19 March 2024) NCOP Public Enterprises & Communication – SAPO Soc Ltd Amendment Bill
- **Annexure D:** Tape Aids Email to ICASA (27 March 2024) noting a minor irregularity in the published findings G.G. No: 50327 regarding Tape Aids response to Question 11 (item 4.8.1) regarding the safety of Mail in its original submission to G.G.: 48254

29 November 2024

Attention: Mothibi G Ramusi

Chairperson: Conveyance of Mail Council Committee

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LETTER OUTLINING DISAPPOINTMENT & DISSATISFACTION FOR OMISSIONS REGARDING THE DISABILITY & SPECIFICALLY THE BLINDNESS SECTORS IN THE DRAFT REGULATIONS FOR MAIL CONVEYANCE, 2024

Dear Chairperson Mothibi Ramusi

1. Whilst we appreciate ICASA incorporating selected aspects of Tape Aids for the Blind's (Tape Aids) written commentary sent on 28 June 2023 (**Refer to Annexure A¹**) in response to ICASA's call for Review on the Conveyance of mail (Government Gazette No: 48254 - 17 March 2023) in the current Draft Regulations for Mail Conveyance, 2024, we are deeply disappointed at the total lack of SPECIFIC MEASURES and disregard for compliance with International Treaties in the Draft Regulations to ensure the rights of persons with disabilities, particularly those with visual and print disabilities.
2. ICASA acknowledged Tape Aids' input on behalf of the Disability Sector in its Findings published in Government Gazette No: 50327 on 24 March 2024 (**Refer to Annexure B² and Annexure D³**) in approximately 38 instances. As well as the requirement to incorporate Postal Services solutions to challenges encountered by persons with disabilities, which were likewise presented at ICASA's Consumer Advisory Panel (CAP) Gauteng Stakeholder and Consumer Advocacy Meeting held on 20 June 2023, at the South African National Council for the Blind's Optima College Hall at 514 White Street, Pretoria.
3. Furthermore, there does not appear to be cooperation nor synergy between parliamentary bodies such as the NCOP Public Enterprises and Communications Select Committee and ICASA

¹ **ANNEXURE A** - Tape Aids Written Commentary (28 June 2023) in Response to ICASA Government Gazette No: 48254 (17 March 2023) Review on the Conveyance of Mail

² **ANNEXURE B** - ICASA Findings Government Gazette No: 50327 (22 March 2024) Findings on the review of Conveyance of Mail Regulations, 2009

³ **ANNEXURE D** - Tape Aids Email to ICASA (27 March 2024) noting a minor irregularity in the published findings G.G. No: 50327 regarding Tape Aids response to Question 11 (item 4.8.1) regarding the safety of Mail in its original submission to G.G.: 48254

where the responsibilities and obligations of mail conveyance by State Owned Companies (SOC Ltd) is concerned. In response to the NCOP's call on 22 February 2024, for comment on the "SA Post Office SOC Ltd Amendment Bill (B11B-2023)" (**Refer to Annexure C⁴**) valuable and resourceful recommendations and solutions were made by the South African National Council for the Blind (SANCB), which is the umbrella entity advocating and supporting the rights and needs on behalf of its 111 Member Organisations within the Blindness Sector (incorporating approximately one million citizens) and Tape Aids which is one of those Member Organisations and which currently serves over 18,000 of its own beneficiaries and potentially will serve millions of learners with difficulty reading for meaning with its dual reading method through its various initiatives with the Department of Basic Education.

4. The Draft regulations fail to incorporate the Universal Service Obligations (USOs) to underserved, vulnerable and remote communities and persons with disabilities and international treaties whilst also fulfilling the United Nations' Universal Postal Union (UPU) obligations of "Free literature for the Blind"⁵. State Owned Companies (SOC Ltd), are required to comply with International Commitments made by the South Africa Government under the various International Treaties and National Government Policies it adopted and ratified which include:
 - a. The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) ratified in 2007 and entered into force on 3 May 2008 prior to our national laws accommodating the principles enshrined in this first human rights International Treaty for Persons with Disabilities. The principles of the UNCRPD have been implemented by various Departments whilst the process of domestication was, and still is, unfolding in South Africa today.
 - b. United Nations Universal Postal Union (UPU) Free-Post Literature for the Blind which was implemented by South Africa in 1953 as a member country to the Convention. This in accordance with the UPU Treaty adopted at its Congress held in Brussels in 1952. However, South Africa has not updated nor modernised its regulations to allow for new forms of communication or assistive devices as provisioned at the UPU Convention held in Qatar in 2012.⁶

⁴ **ANNEXURE C** - SANCB & Tape Aids Submission (19 March 2024) NCOP Public Enterprises & Communication – SAPO Soc Ltd Amendment Bill

⁵ **Free Literature for the Blind** – In 1953 SAPO granted a free postage concession for the delivery and return of literature in accessible formats such as audio and braille. This free postage exemption was in compliance with an ACT implemented by the United Nation's Universal Postal Union (UPU), of which South Africa is a country member, at its Congress held in Brussels in 1952 – Revised in Hamburg in 1984 and Annotated by the International bureau.

⁶ **UPU Act 2012 Decisions Doha Convention**

Article 7 – Exemption from Postal Charges – **Clause 3 Items for the Blind**

Clause 3.2 In this Article:

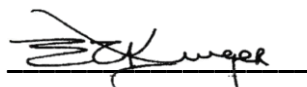
- 3.2.1 a blind person means a person who is registered as blind or partially sighted in his or her country or who meets the World Health organisation's definition of a blind persons or a person with low vision;
- 3.2.2 an organisation for the blind means an institution or association serving or officially representing blind persons.
- 3.2.3 items for the blind shall include correspondence, literature in whatever format including sound recordings, and equipment or materials of any kind made or adapted to assist blind persons in overcoming the problems of blindness, as specified in the Letter Post Regulations.

Part II; Chapter 1; Provision of services; Article 13; Basic services:

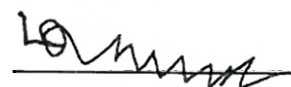
- 1 Member countries shall ensure that their designated operators accept, handle, convey and deliver letter-post items... 2.3 **items** for the blind, up to 7 kilogrammes;
- 7 Any member country whose designated operator does not undertake the conveyance of parcels may arrange for the provisions of the Convention to be implemented by transport companies. It may, at the same time, limit this service to parcels originating in or addressed to places served by these companies.

- c. White Paper on the Rights of Persons with Disabilities adopted by South Africa on 9 March 2016. The White Paper is a call to action for government, civil society, and the private sector to work together to ensure the socio-economic inclusion of persons with disabilities.
5. The SANCB and Tape Aids respectfully request that the Conveyance of Mail Council Committee kindly acquaints itself with the commentary and recommendations made by those entities in their written submissions to the NCOP (**Refer to Annexure C**) and ICASA (**Refer to Annexure A**) which accommodate ICASA's Universal Service Obligations, under the various International and Local Treaties; White Papers and Domestic Laws and the responsibilities of State Owned Companies like the South Africa Post Office in redrafting its Draft Regulations on the Conveyance of Mail, 2025. Furthermore, that it considers incorporating the various provisions such as inter alia Courier conveyancing companies undertaking the ITU Free Literature for the Blind Universal Service Obligation in lieu of Court Action relating to SAPO's preserve of 1 Kilogram conveyance and the zero-rated websites for National Libraries for the Blind, enabling data-free downloading of talking books in accessible formats for Blind, vision impaired and print disabled members of their libraries.

Yours faithfully



Elza-lynn Kruger

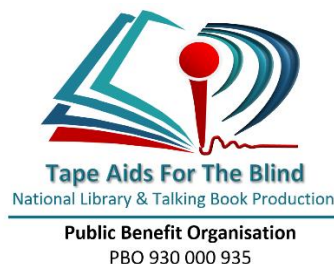


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Public Benefit Organisation
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Mr Lewis Nzimande
Phone: 012 452 3811
Mobile: 060 427 5571
Email: ned@sancb.org.za
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Ms Elza-lynn Kruger
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29 November 2024

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TAPE AIDS FOR THE BLIND & SOUTH AFRICAN NATIONAL COUNCIL FOR THE BLIND WRITTEN REPRESENTATIONS ON THE DRAFT REGULATIONS ON THE CONVEYANCE OF MAIL, 2024

1. INTRODUCTION

- 1.1 The Independent Communications Authority of South Africa ("the Authority") published the Draft Regulations on the Conveyance of Mail, 2024 on 27 September 2024 in the Government Gazette No. 51316, with the intention to invite interested persons to submit written electronic representations on the Draft Regulations by no later than 16h00 on 29 November 2024.
- 1.2 The SANCB and Tape Aids thanks the Authority for the opportunity to provide written representation and in addition, respectfully indicates our combined interest in making oral representations to the Committee at the ICASA Public Hearings to be held on 19 December 2024 at the ICASA Head Office in Centurion.
- 1.3 Tape Aids and the SANCB are grateful to the Authority for incorporating many of the points raised in Tape Aids' commentary in response to Government Gazette No. 48254 (March 2023) in the Draft Regulations, however, it is extremely disappointed that the provisions it included in its response that are required for the Disability Sector and in particular, the Blindness sector in compliance to the ITU and UPU requirements, were completely ignored.

1.4 This submission focuses on aspects raised in Clauses 1,2,3,4,5,6,7,10,12,13,14 & 15. Majority of the omissions raised in these Clauses is the requirement that websites⁷, information and policies administered and provided by conveyances are in accessible formats to accommodate persons with disabilities such as blind, visually impaired and neuro diverse persons in order that they can independently access and download relevant policies and claim forms. This requirement for inclusive and accessible formats relates to the following Clauses:

- CLAUSE 1: DEFINITION – Should include persons with Special Needs
- CLAUSE 2: PURPOSE OF THE REGULATIONS (b) the general powers and duties of conveyors. CLAUSE 2 also omits to include regulations relating to SAPO and other State Owned Companies Ltd that are involved in conveyancing mail
- CLAUSE 4: GENERAL POWERS AND DUTIES OF A CONVEYOR (2); (3); (4); (5) & (6) CLAUSE 4 also omits to specify recourse and accommodation for delivery to the correct person identified in the delivery address and the related penalties and retrieval as well as re-delivery for incorrectly delivered mail
- CLAUSE 5: LEGAL POSSESSION AND OWNERSHIP OF MAIL: Draft regulations don't include an Ombudsman or reporting mechanism for consumers to report undelivered or damages mail. Experience within the Disability Sector has shown that in such instances the Conveyancer does not have reporting mechanisms that are accessible to persons with disabilities.
- CLAUSE 6: LIABILITY: Policies and documents should be in accessible formats. The Digital register and publishing of all necessary information should be available online in accessible formats. Including Websites (**Refer to Annexure A**).
- CLAUSE 7: COMPENSATION: (3) Compensation Policy and documents in accessible formats & (7) The Authority should have accessible format mechanisms for persons with disabilities to lodge complaints and Conveyancers do not follow through.
- CLAUSE 12: MAIL OPERATIONS SECURITY (2) Digital register must accommodate notification of sender / receiver being a person with special needs. Similar to Airline Bookings where "Special Assistance" is offered. There should be a clause requiring persons with special needs to be identified and accommodated.
- CLAUSE 14: DANGEROUS GOODS – Documents should be available in accessible formats.

⁷ **WEBSITES** - Web Content Accessibility Guidelines (WCAG) 2.2 Draft is scheduled to be finalized in 2023. WCAG 2.1 was published in 5 June 2018. The Guidelines are developed through the W3c process in cooperation with individuals and Organisations around the world, with a goal of providing a single shared standard for web content accessibility that meets the needs of individuals, organisations, and governments internationally. Web "content" generally refers to the information in a web page or web application including: (a) natural information such as text, images, and sounds; (b) code or markup that defines structure and presentation etc.

- **CLAUSE 15: PROHIBITED GOODS** - Documents should be available in accessible formats.

1.5 **CONCLUSION**

The SANCB and Tape Aids are grateful for the opportunity of making this written representation on behalf of the blindness sector, which seeks to ensure the inclusion of persons with special needs and information and communication in accessible formats.

We urge the Regulator to take cognisance of the various commentaries and solutions made in Annexures A,C,C & D appednded to this submission.

Both SANCB and Tape Aids are also available to make oral submissions at the Public Hearing on 10 December 2024 at ICASA Centurion and to answer follow-up questions and work on developing further solutions if required.

3. SANCB & TAPE AIDS ENTITES & COMMENTATORS REFERENCES

8.1 SOUTH AFRICAN NATIONAL COUNCIL FOR THE BLIND (SANCB):

Registration: 001-422 NPO / PBO 930 001 713

Founded in 1929 the SANCB strives to meet the needs of all blind and partially sighted people. Working with its membership of over 111 member organisations to facilitate a network of organisations throughout South Africa who collaborate towards the prevention of blindness, education and securing the full participation and inclusion of blind and partially sighted people in all aspects of a diverse society. Actively advocating for and on behalf of the varied interests of its 111 community-based member organisations and enterprises comprising over 1 million citizens.

COMMENTATOR 1: LEWIS NZIMANDE in his capacities as National Executive Director (NED) of SANCB; Southern Africa Regional Chairman of the African Union for the Blind; President of the South African Braille Authority (SABA); Executive member of the South African Disability Alliance (SADA); Board of Directors of the KwaZulu Natal Society for the Blind; Provincial Executive Committee member of Disabled People of South Africa and South African Disability Trust;

A lifetime dedication to the emancipation of people of disabilities with 20 years' legislative and policy experience as a member of parliament. Serving on the Joint Monitoring Committee on the Improvement of Quality of Life and Status of Youth, Children and Persons with Disability in the National Assembly; as provincial whip at the National Council of Provinces; and later Co-Chairperson of the Joint Constitutional Review Committee in Parliament. He was Secretary General of the KZN Federal Council on Disability. He has been actively involved in government transformation and policy development, contributing to the likes of the Employment Equity Act and the Constitution. He participated at NEDLAC as a representative of disability Organisations to influence policy making as well as the Section 5 Sub- Committee of SA Human Rights Commission (SAHRC). Also serving as a board member at the Southern African Federation of the Disabled People South Africa, and African Decade of the Disabled.

Qualifications: Bachelor of Education Honours from University of KwaZulu Natal

SANCB COMMENTATOR 2: ELZA-LYNNE KRUGER in her capacities as member of the World Blind Union (WBU) Working Group on Copyright, Marrakesh Treaty & Accessible Books; Office Bearer (Treasurer) South African National Council for the Blind (SANCB) and member of its National Management Committee (NMC) and National Executive Committee (NEC); elected member of the SANCB Copyright Committee and Chairperson of the SANCB Education Committee as an active member on six sub-committees of the ICT Chamber for Persons with Disabilities Working Group for Affordable & Accessible ICTs established in September 2015, with the following having relevance to this commentary:

- a. Accessible Broadcasting sub-committee – (Convenor / chairperson)
- b. Inclusive Education subcommittee
- c. African Digital Voices ad hoc sub-committee

She is actively involved in collaborative research and Pilot Trials in Digital Radio with Thembeke & Associates, aiding development, and distance learning in rural communities through digital radio broadcasting and the establishment of digital Community Radio networks and a radio channel for the blind, using both DRM (Digital Radio Mondiale) and DAB (Digital Audio Broadcasting) standards.

Further actively involved in collaborative Research in digital indigenous voices with CSIR Marefa Institute for Human Language Technologies (HLT) provisioning text-to-speech synthetic voices. Also, HLT technologies synchronising Tape Aids' human narrated sound recordings with printed text and words highlighted in yellow to aid dyslexic persons.

Previous employment: Managing Director of Ocean Horizon (Pty) Ltd; Managing Director of Energy X (Pty) Ltd; General Manager of African Inter-Continental Enterprises (Pty) Ltd (AICE);

Director of MWD International Limited; Director of MultiVisio (Pty) Ltd. Advisor to the Minister of Water on the National Water Advisory Committee (NWAC) for two 4-year terms (over a period of 8 years).

Qualifications: Bachelor of Arts Honours graduate of the University of KwaZulu Natal. International Who's Who Society for Professionals.

8.2 TAPE AIDS FOR THE BLIND

Registration: 002-101 NPO / PBO 930 000 935

A Non-Profit Organisation established in 1958 offering National Audio Library and Accessible Audio Book Production Services for Blind and Print-Disabled Persons. The difference between the Tape Aids Avid Readers' Audio Library and other libraries is the fact that Tape Aids produces all the accessible audio books available in their library. Having thus transformed over 40,000 book titles over the past 65 years. They migrated from analogue tape cassette formats to digital formats in 2012 and their accessible audio books are available to their members in the universal mp3 standard format with unique navigational encryption features to assist place finding by blind users and providing copyright protection. Tape Aids' Education Outreach initiatives incorporated in its Campaign ***"It Takes a (Connected) Village to Educate a Nation"***, provides *Hear-to-Read* mini-libraries with accessible *Talking Books* in English and majority of South Africa's indigenous languages in rural community centres, underprivileged schools & preschools:

Tape Aids Governing Board includes senior educators in Basic Education; tertiary education and the National Library of South Africa (NLSA) as well as personnel with advocacy, international relations and financial management and leadership expertise to ensure that it fulfils the objectives enshrined in its Constitution of "Paying-it-Forward" by the Blind through its 'Dual Reading Method' to help raise literacy levels for all underserved communities and persons who have difficulty reading with meaning. Building a nation of Avid Readers with good comprehension skills in all official languages.

COMMENTATOR 2: ELZA-LYNNE KRUGER in her capacities as National Executive Director (NED) of TAB; World Blind Union (WBU) Working Group on Copyright, Marrakesh Treaty & Accessible Books; Office Bearer (Treasurer) South African National Council for the Blind (SANCB) and member of its National Management Committee (NMC) and National Executive Committee (NEC); elected member of the SANCB Copyright Committee and Chairperson of the SANCB Education Committee an active member on six sub-committees of the ICT Chamber for Persons with Disabilities Working Group for Affordable & Accessible ICTs established in September 2015, with the following having relevance to this commentary:

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