

Submission to The Independent Communications Authority of South Africa ("ICASA")
by
Liquid Telecom
on
Proposed amendments to the Draft Code for Persons with Disabilities Regulations

INTRODUCTION

1. Liquid Telecom thanks the Independent Communications Authority of South Africa ("the Authority") for the opportunity to comment on the "Code for persons with disabilities regulations" published in Government Gazette No. 41265, Notice 902 of 2017, 20 November 2017, herein referred to as the "Draft Regulations".
2. ICASA has invited interested persons to submit written comments on the Draft Regulations, which comments follow.
3. To avoid confusion, Liquid Telecom notes that it previously operated under the name "Neotel", which name has been changed to Liquid Telecom. The necessary amendments have been filed with the Authority. References to Liquid Telecom are to both the former-Neotel as well as Liquid Telecom Operations which is also licensed by the Authority.

PART A: GENERAL COMMENTS

4. Liquid Telecom commends the Authority for the continuous commitment in addressing the overall needs of persons with disabilities. Liquid Telecom supports the promotion of accessibility to all electronic communications services.
5. We commence this written submission with comments on Section 1 which covers the definitions, then we proceed with comments on the basic standards for electronic communications services as well as the general requirements for information and communication provisioning to persons with disabilities. We further make additional comments on the promotion of the awareness and compliance, the complaints process and lastly we conclude our submission with closing remarks.
6. Liquid Telecom' submission is limited to the sections relevant to Electronic Communications Services (ECS) licensees. Due to lack of expertise we refrained from commenting on sections that cover broadcasting services.

PART B: SPECIFIC COMMENTS

Section 1 - Definitions

7. The Authority's definition of the term "Accessibility" is in line with the general definition used in numerous industries, however we propose deletion of the term 'equally'. In promoting accessibility equal access may be a challenge, but adequate access is more achievable.
8. Liquid Telecom supports the definition of the term "Disability" in the Draft Regulations. In this respect the Authority limited the forms of disabilities to only those that are relevant to recipients or consumers of the electronic communications services.
9. Liquid Telecom still proposes an amendment or deletion of the definition of 'universal design' in the Draft Regulations. Our suggestion is that the Authority should rather use the general definition of the term "universal design", which is *"generally involves designing products that can be used by the widest range of people possible"*. As such, most end-user devices have the button number five (5) with the Braille character which caters for basic disability needs. However, to cater for specialised needs of different categories of consumers, certain products, programmes and devices will need adaptation to be more suitable and to specifically meet the dissimilar needs.
10. There are two definitions of "Year 1" in the Draft Regulations, the Authority should amend the first "Year 1" definition to "effective period" and the second "Year 1" to "Migration period for broadcasters".

Section 5– Basic Standards for electronic communications service (ECS) licensees

UNIVERSAL DESIGNED PRODUCTS AND SERVICES

11. The Authority requires all licensees to ensure that all telecommunications devices are compliant with the needs of persons with disabilities. As stated on our previous submission, although Liquid Telecom supports endeavours to fulfil the objective of promoting accessibility, the Authority should also be cognisant of the fact that disabilities are largely different.
12. Moreover, Liquid Telecom submitted that the process of designing and manufacturing devices has massive cost implications. There are different categories of disabilities with unique needs and the Authority should rather encourage manufacturing of specialised devices with features for diverse classes of consumers.

HEARING AID COMPATIBILITY REQUIREMENT FOR FIXED LINE HANDSETS

13. Liquid Telecom supports the minimum requirements for handset features outlined in the Draft Regulations. Nevertheless, the lightweight requirement for standard rental handset is too prescriptive. Handsets offered in the fixed market are desk- phones and other cordless or mobile handsets. The design of handsets is largely determined by customer preference.
14. Liquid Telecom suggests deletion of subsection 5(2)(g), the requirement of hands-free operation is covered in subsection 5(2)(d)

Section 6 – General requirements for communication and information provision

FREE DIRECTORY ENQUIRIES

15. Clause 5.1 of the Neotel I-ECS licence (Licence no. 004/IECS/JAN/09), reads as follows:

The Licensee shall provide directory services, inclusive of directory enquiries and printed directories of other subscribers to each of its subscribers on request and with the consent of such other subscribers, in return for such charges as may be levied.

The licence obligation allows licensees to levy a reasonable charge for access to Directory services. Which may be provided by means of a live voice operator or direct on-line access via the internet.

16. In the Draft Regulations, regulation 6(1) proposes free directory enquiries service. Liquid Telecom's view is that licensees should not be obligated to render the Directory services free or without any charge, as licensees incur considerable costs to directly provide the service or to route the calls to other operator's networks for example the 1023 directory services.

EMERGENCY SERVICES

17. The emergency number 112 currently used was allocated to cater specifically for persons with disabilities due to the proximity of the buttons on a telephone handset.

Section 7 - The promotion of awareness and compliance

18. Liquid Telecom continues to support awareness campaigns on products and services of electronic communications devices for persons with disabilities. However, we still believe that the focus of promoting awareness of the rights of persons with disabilities should remain the function of the ICASA Public Awareness department in collaboration with the licensees and other stakeholders. Moreover, the Authority should coordinate and continue fulfilling this role through the ICASA Disability Consultative Forum, which we are an active member of.

Section 8 – The complaints processes for all categories of disabilities

19. In the Draft Regulations, the Authority requires licensees to develop complaints processes specifically for complaints from persons with disabilities who depend on the functionality of certain electronic services because of their disability.
20. Liquid Telecom submits that the complaints procedure outlined in the Regulations, in terms of section 4 read with section 69 (3) of the ECA, setting out the minimum standards for end-user and subscriber service charters, published 1 April 2016 in government gazette no. 39898 are sufficient. Nevertheless, we support prioritization of complaints from persons with disabilities.

CONCLUSION

21. Liquid Telecom believes that the Draft Regulations and implementation thereof is critical and we undertake to continue making our services more accessible and inclusive.
22. Liquid Telecom remains at the Authority's disposal to clarify any issue that may arise regarding this submission or to assist in the finalisation of these Draft Regulations.