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**Vodacom (Pty) Limited's written submission in response to the  
Authority's invitation for comments on the Draft Code for Persons with  
Disabilities for further public comments in Government Gazette No.  
41265 of 20 November 2017**

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## INTRODUCTION

Vodacom (Pty) Limited (“**Vodacom**”) welcomes the opportunity to submit our written representations in response to the Draft Code for persons with Disabilities Regulations. And herewith confirms its willingness to participate in any further consultative process which the Authority may undertake regarding the Draft Regulations, including any oral hearings which the Authority may wish to convene.

The written representation consists of the following parts:

- Part A: General Comments; and
- Part B: Specific comments.

## **PART A: GENERAL COMMENTS**

Vodacom has been providing accessible communication solutions to disabled consumers since 2004 as we recognize that technology has become a lifeline for persons with disabilities. Its approach of digital inclusion ensures that Vodacom leaves no one behind as it strives to meet the needs of the disabled and elderly consumers segments.

Vodacom has a dedicated team of specialists who exclusively focus on investigating how it can best meet the needs of consumers with disabilities. In partnership with various disability organizations and disabled individuals it places focus on providing customers who are physically, speech, hearing and/or visually impaired and senior citizens, easy access to a range of products and services designed to meet their specific needs.

From Apr to June 2017, Vodacom ran a huge marketing campaign via television, cinemas and social media channels highlighting its commitment to disabled consumers.

For more information see - <https://www.youtube.com/watch?v=N6ACzIzF0WQ>

Vodacom website contain information about Specific Needs products and services.

For more information see - <http://www.vodacom.co.za/vodacom/services/specific-needs>

## **PART B: SPECIFIC COMMENTS ON THE PROVISIONS OF THE DRAFT REGULATIONS**

### **1. DEFINITIONS**

#### **Persons with Disabilities**

Vodacom recommends the amendment of definition in line with 'Disability definition of the UN Convention on the Rights of Persons with Disabilities', by adding definition for "*Persons with Disabilities*"

*This means a persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.*

#### **'Third Part Channel'**

It is not clear what is implied or meant by 'produced' or 'packaged' by relevant broadcasting service licensee or its affiliate. The definition of produced or packaged needs to be clarified.

### **BASIC STANDARDS FOR BROADCASTING SERVICE LICENCEES**

#### **Section 4(3) Subtitles**

The practical implications of the requirements, allied in the concurrently, needs to be considered. For example, with reference to section 4. (3)(a) to (e), if a subtitles needs to reflect 'the spoken word' (by implication cannot divert for word spoken), and at the same time 'contain easily read sentences', how will this be achieved? The requirement should be phased as an option i.e. an 'or' and not an 'and'.

#### **Section 4(4), (5) and (6) Subtitling, Captioning and Audio Description**

The implications of imposing the minimum requirements in section 4 (4), (5) and (6) of the proposed regulations need to be determined. The practical implications may place an undue and costly burden on the provisioning of the services. This may result an increase in broadcasting service cost.

### **BASIS STANDARDS FOR ELECTONIC COMMUNICATIONS SERVICE PROVIDERS**

#### **Section 5(1) Universal Design products and Services**

It is not practical to ensure that "*all electronic communication devices ready for purchase are Universally Designed to cater for the needs of people with disabilities*".

Devices are developed by independent global companies. And although some of the devices will address the needs of people with disabilities, not all of the devices will be designed to accommodate the needs of people with disabilities nor for all possible disabilities. Vodacom does not have the ability nor the authority to enforce such a requirement on international manufactures.

Vodacom would support the requirement that ECS licensees communicate the universal design features and benefits of a selection of electronic devices ready for purchase to people with disabilities. This will enable people with disabilities to make an informed choice in selecting a device which will meet their

needs.

### **Section 5(2) Hearing aid compatibility Requirements for Fixed Line Handsets**

It is not practically possible to ensure that all fixed line telephones being offered to the public have hearing aid compatibility as detailed in the proposed code.

Vodacom would support the requirement that ECS licensees, providing fixed line and mobile services, communicate the universal design features, level of compatibility and benefits of electronic devices ready for purchase to people with disabilities. This will enable people with disabilities to make an informed choice in selecting a device which will meet their needs.

Vodacom, to the greatest extent possible, are assisting people with disabilities to make the best use of devices and full use of Vodacom's services. However, it will not be possible, as a general requirement, to enable applications and software, developed for people with disabilities that will function and operate on all devices, including computers used on the network. For example, provide text-to-speech software which enables visually impaired persons to listen to text based information to function on all computers. This functionality could not be guarantee to work on all devices.

With reference to section 5(2)(m) (n) and (o). Whilst Vodacom supports the need to meet these needs and requirements by people with disabilities, it will not be possible to provide these on all of the devices offered. Vodacom will support the requirement that ECS licensees - which are to provide information to people with disability as to which and to what level specific devices will be able to meet their specific needs i.e. voice interaction and recognition, automatic answering and redial.

### **Section 6 - General Requirements of Communications and Information provision to persons with disabilities.**

#### **Section 6(1) – Free directory enquiries**

Vodacom provides a directory enquiry services at a fee to its subscribers, which includes the provisioning of a directory service to people with a disability. Furthermore note, Vodacom does not provide a printed directory.

Vodacom opposes the proposal, for providing a free directory service to people with disabilities for the following reasons:

- Forcing Vodacom to provide a service for free to a segment of the market would constitute a form of price regulation, which cannot be done through the publication of a code. There would be no economic basis for providing a directory service for free to people with a disability, while charging other subscriber a fee for the same service.
- Furthermore, if Vodacom is forced to provide the directory service for fee, would incur a loss in the provisioning of the service, given the cost incurred in providing the service. The requirement to provide the service for free to people with a disability seems arbitrary, not based on economic reasoning, nor based on a marker review in terms of chapter 10 of the EC Act.

Vodacom, thus request the Authority to reconsiders this requirement.

## **Section 6(2) – Emergency Services**

Vodacom provides emergency services to its subscriber base inclusive of disabled customers via the number 112, in accordance with the relevant regulations.

Vodacom opposes the proposal to provide special number for emergency service calls for persons with disability for the following reasons:

- Providing a separate emergency number for people with a disability would likely create confusion and a possible delay in the provisioning of an appropriate response.
- No clear justification has been provided by the Authority for requiring the provisioning of a special number for emergency services for people with disabilities.

Vodacom, thus request the Authority to reconsider this requirement.

Notwithstanding, Vodacom will support the requirement for ECS licensees to ensure that the emergency service, provided via 112 number, makes provision for most types of disabilities. For example, such a service should enable a person with a speech impairment to report an emergency or request emergency service without the requirement to do it via a voice call.

## **Section 10 - Contraventions and penalties**

In Vodacom's view, a fine not exceeding R5 million, seems disproportionate to the impact or effect of noncompliance. Vodacom request the Authority to reconsider the extent of the fine.