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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**NOTICE 245 OF 2020****NUMBERING PLAN AMENDMENT REGULATIONS**

The Independent Communications Authority of South Africa ("the Authority") hereby publishes amendments to the Numbering Plan Regulations, 2016 (Notice No. 370 of 2016) in terms of section 4 read with section 68 of the Electronic Communications Act, 2005, as amended ("ECA") to the extent reflected in the Schedule.

Dr. Keabetswe Modimoeng
Acting Chairperson

Date: 04/04/2020

SCHEDULE

1. Definition

In these Regulations "the Regulations" means the Regulations published under Government Notice No. 370 (Government Gazette No. 39861 of 24 March 2016), as amended in Government Notice No. 240 (Government Gazette No. 40723 of 27 March 2017).

2. Amendment of regulation 17(4) of the Regulations

2.1 Regulation 17 of the Regulations is hereby amended by the addition to sub-regulation (4) of the following paragraph:

"(j) the service code "116" is mandated for Child Helpline service. The Child Helpline service accessed, either by call or short messaging services, through the service code "116" shall incur no charges to the caller or sender."

2.2 Regulation 17 of the Regulations is hereby amended by the insertion of sub-regulation (6) of the following paragraph:

"(6) nine (9) months after the publication of these Regulations, the code "116" will be the exclusive number for Child Helpline services."

3. Short Title and Commencement

These Regulations are called the Numbering Plan Amendment Regulations, 2020 and will come into force three (3) months after the date of publication in the Government Gazette.

REASONS DOCUMENT

On 01 March 2019, the Independent Communications Authority of South Africa ("the Authority") published a notice in Government Gazette No. 42272 notifying its intention to amend the regulation 17 of the Numbering Plan Regulations, 2016 ("the Regulations") to give effect to the implementation of the short code "116" for the provision of Child Helpline services; following a Communications Regulatory Association of Southern Africa's ("CRASA") Resolution. Stakeholders were given a period of thirty (30) working days, from the date of publication, to make submission to the Authority on the proposed amendment.

By the deadline the Authority received written submissions which contributed to the proposed amendment to the Numbering Plan Regulations as follows:

1. Telkom SA Ltd "Telkom";
2. Cell C Limited "Cell C"; and
3. Vodacom Pty Ltd "Vodacom".

Below we outline the Authority's decisions and reasons.

1. IMPLEMENTATION OF THE SHORT CODE "116" FOR CHILD HELPLINE SERVICES

- 1.1.** The third ("3rd") Annual CRASA General Meeting held on 24 - 28 March 2014 in Lesotho, resolved that CRASA Member States were to harmonize and reserve a three (3) digit code "116" for the provision of Child Helpline services.

The abovementioned resolution provides for the following pertaining to the short code "116":

- (a) Member States were required to consider the allocation of the short code "116" to give access to Child Helplines services run by organizations dedicated to the welfare of children and accredited by the Ministry responsible for children in their respective countries;

- (b) Member States that have existing Child Helplines services operating on a variety of telephone numbers needed to consider introducing the "116" number in parallel to other numbers being used;
- (c) Member States were required to consider providing free of charge communication services to persons using Child Helpline services in order to assist a child in distress; and
- (d) Member States were required to conduct education campaigns to promote awareness of these numbers.

1.2. The abovementioned Resolution was subsequently tabled before Southern African Development Community (SADC) Ministers responsible for Communications, Postal and ICT services in Mangochi, Malawi on 24 November 2014¹.

1.3. In determining and assessing the applicability of the abovementioned resolution for implementation in South Africa, the Authority considered, in part, the following factors:

- (a) the legislative mandate:

Section 4(3)(i) of the Independent Communications Authority of South Africa Act No 13 of 2000 ("ICASA Act"), as amended and cited as follows:

the Authority" May attend conferences convened by the relevant United Nations Specialized Agencies and any other bodies and, where applicable, must implement any decisions adopted by such Agencies and other bodies to which the Republic is a party".

Section 4(3)(i) provides the Authority with, not only, the legislative mandate but the discretion to apply such resolutions subject to applicability.

- (b) the status of the existing Child Help line services:

¹ Media statement on the meeting of SADC Ministers responsible for Communications, Postal and ICTs Mangochi, Malawi, 21st November 2014.

South Africa has a Child helpline utilizing the ten-digit number; 0800 055 555.

The ten-digit number is provided free of charge to the caller, subject to the toll-free framework, and is provisioned utilizing call location-based services for optimal routing and response to calls.

The ten-digit number has been in existence for sixteen (16) years and is well vested in the minds of children who are taught this number from early childhood.

Notwithstanding the institute embodied in the current ten-digit number, a shorter number will be easier to memorize considering the intended users of the code.

- (c) Global harmonisation trend of the short codes "116" or "116 111" for Child Helpline services:

In 2009 the International Telecommunication Union (ITU) published supplement 5 to the ITU Recommendation e.164 "the Recommendation". The Recommendation was published with the aim of inviting Regulators to consider available mechanisms that may assist to arrive at a globally harmonized national short number for helplines for and about children. To arrive at this objective the Recommendation further invited Regulators to consider, amongst others:

- i. the assignment of the short codes: "116" or "116 111" as a contact number for the provision of access to helplines run by organizations dedicated to the welfare of children; and
 - ii. in the event of existing child helplines operating on a variety of numbers, ways and means of introducing either the number "116" or "116 111" in parallel to the other numbers being used.
- (d) An easily identifiable number for Non-South African users due to Regional and global harmonisation of the short code "116":

Over 14 countries in Africa have harmonized the use of the code "116" for Child Helpline Services. This brings the idea of a regionally harmonized code for Child Helpline services closer to realization.

2. STAKEHOLDER SUBMISSIONS

In addition to the above, licensees, through their written submissions, submitted the following concerns and recommendations for consideration:

2.1. Current use and migration existing services on the short code "116"

Cell C sought clarity on whether the short code "116" is free and available for use across all ECS licensee networks, and if not clarity on the migration plans and timelines.

The Authority's Response

- (a) In terms of whether the short code "116" is free and available for use across all ECS licensee networks, submissions pertaining to the Numbering Audit as prescribed by section 68(6) of the Act and by the Numbering Audit Regulations GG 36506 as published on 29 May 2013, identified that a only one ECS licensee had implemented the short code "116" on its network for On-Net offerings to its subscribers.
- (b) Vodacom, who has implemented the short code "116" on its network, has advised the Authority with respect to the migration of existing services on the short code "116" and also provided proposals with respect to the timeframes that can be applied in implementing the short code to be between sixty (60) to a hundred and twenty (120) days.
- (c) Both Cell C and Telkom also made proposals with respect to the timeframes that can be applied in implementing the short code. Cell C proposed 3 months and Telkom proposed 1 month respectively.

- (d) The Authority, having taken into consideration the submissions with respect to the implementation timelines for the short-code, had to revise the provisions of the draft Notice² whereby Regulations would have come into effect on 1 April 2020 irrespective of the date of publication. This would have created a possibility in which licensees would have a shorter period to implement the code.
- (e) As a result of the above, the implementation timeline has been reviewed to (3) months from the date of publication.

2.2. Portability of the short code "116"

Cell C sought clarify on whether the short code "116" will be subject to the Number Portability Framework, and if so what arrangements apply.

The Authority's Response

- (a) In line with regulation 3 of the Functional Specification for Mobile Number Portability under the Number Portability Regulations Government Gazette No. 28091 as published on 30 September 2005 as well as regulation 3 of the Functional Specification for Geographic Number Portability under the Number Portability Regulations Government Gazette No.30089 as published 13 July 2007, Short codes, are not subject to the Number Portability framework. As such the short code "116" is not portable.
- (b) Should the consideration arise for the portability of short codes, the portability of such shall be addressed through the review of the Number Portability framework.

2.3. Assignment of the short code "116"

Cell C sought the Authority to clarify which child line entity the code be assigned to and thus routing of communication to the code "116" as well as the criteria for the determination of the Child Helpline entity.

² Notice 289 in Government Gazette No 42272 of 2019

The Authority's Response

- (a) The previously mentioned CRASA Resolution advised member states to assign the code to Child Helplines services run by organizations dedicated to the welfare of children and accredited by the Ministry responsible for children in their respective countries.
- (b) In establishing which entity/entities to whom the code shall be assigned, the following factors were taken into consideration:
 - a. The assignee had to be an organization dedicated to the welfare of children; and
 - b. The assignee had to be accredited and nominated by the Ministry responsible for children i.e. the Department of Social Services
- (c) Childline SA was thus identified as the entity to whom the code shall be assigned.

2.4. Parallel provision of the short code "116" and the current numbers utilized for Child Helpline services

Cell C sought clarity with respect to the timelines for the parallel run of both the existing toll-free number and the short code "116" upon implementation.

The Authority's Response

- (a) In terms of the Regulations, nine (9) months from the date of publication the number: 0800 055 555 shall be withdrawn and the code "116" will be the exclusive number for Child help line services. This will allow for a six (6) month parallel run for both the 0800 055 555 and the short code "116".
- (b) The said six (6) months period was proposed as an adequate amount of time by Childline SA and the Ministries of Social Services as well as the

Ministry of Communication and Digital Technology considering the proposed launch of the code and envisioned awareness campaign.

2.5. Awareness campaign on the introduction of the short code “116”

Cell C sought clarity with respect to who shall be responsible for the Awareness campaign for the introduction of the new code.

The Authority’s Response

- (a) The assignee shall lead the awareness campaign in collaboration with the Ministry of Communication and Digital Technology and the Authority.
- (b) Licensees are however implored to join the Authority and its collaborating stakeholders to spread the campaign on its available platforms as a social cohesion initiative for the advancement of child protection services.

2.6. Toll Free Framework

Cell C submits that currently in line with the toll-free framework provided in the Numbering Plan Regulations, 2016, it routes 080x calls free of charge to the calling party. It further submits that due to almost all the 080x being assigned to Telkom SA, it has not been able to reach an agreement with Telkom SA on the origination rate for toll free services and thus requests the Authority to resolve this matter prior to implementing this Regulation.

The Authority’s Response

- (a) The Reasons Document of the Numbering Plan Regulations, 2016 went to length in reasoning the preferred and adopted toll-free model. The preferred toll-free model proposed zero rated wholesale termination fees and a billing mechanism of a commercially negotiated origination rate that is to be fair and non-discriminatory.
- (b) On the basis that Cell C submits that the origination rate proposed by Telkom SA is unfair or discriminatory, Cell C is advised to refer the matter

to the Complaints and Compliance Committee for adjudication in line section 17C of the ICASA Act.

3. AUTHORITY'S REASONS

3.1. In consideration of all the above, the Authority has resolved as follows:

- (a) The Authority, has through the provisions of section 4(3)(i) of the ICASA Act, resolved to resolved to implement the mandating of the short code "116" for Child Helpline service;
- (b) Mandating the short code "116" will not have any adverse effects on the National Numbering Plan and resources available within the short code framework;
- (c) The Authority shall assign the short code "116" to Child Line SA through its elected network provider.
- (d) The Authority has resolved to have a single number for Child Helpline services and thus the short code "116" shall be the exclusive number for the provision of Child Helpline services. This is to avoid confusion amongst users and duplication of numbering resources;
- (e) The Authority reviewed the intention of its draft Notice regarding implementation timeline for the short code. As such, the Regulations will come into force three (3) months after the date of publication in which the short code "116" will be provisioned for Child Help Line service.
- (f) Nine (9) months after the publication of the Regulations, the short code "116" will be the exclusive number for Child Helpline service. The nine months are as a result of the 3 months implementation of the Regulations as well as the 6 months parallel provision of both the short code "116" and the current 080 number utilized for Child Helpline services.

- (g) The awareness campaign shall be led by the respective assignee in collaboration with the Ministry of Communication and Digital Technology as well as the Authority.

4. MANDATING VS HARMONISATION

4.1. In the draft Regulations the Authority stated its intention to harmonize the short code "116". This in turn, and based on the submission received, created uncertainty as to the routing of communication to the short code "116".

4.2. In terms of the Regulations harmonisation is defined to mean:

" a number used to provide a service meeting a common description, as authorized by the Authority".

4.3. Telkom understood this to have meant that calls to the short code "116" would be routed to each licensee's respective child help line service provider as stipulated in its submission. This was not the intention. The provision sought to ensure that communication to the short code "116" are routed to a single Child Helpline entity accredited by the Ministry responsible for the wellbeing and rights of Children.

Authority's Decision

To give realization to the intended purpose of the amendment and to clarify the uncertainty created by the use of the term "harmonisation" in giving effect to the provision of the short code "116", the Regulations mandate the provision of the short code "116".

