

Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 521

Pretoria, 13 November 2008

No. 31594

CONTENTS • INHOUD*No.**Page
No. Gazette
No.***GENERAL NOTICE****Independent Communications Authority of South Africa***General Notice*

1414	Postal Services Act (128/1998): Notice in terms of section 61.....	3	31594
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GENERAL NOTICE

NOTICE 1414 OF 2008



NOTICE IN TERMS OF SECTION 61 OF THE POSTAL SERVICES ACT OF 1998 (ACT NO. 128 OF 1998) READ WITH THE ICASA ACT OF 2000 (ACT NO. 13 OF 2000)

- (1) The Independent Communications Authority of South Africa ("ICASA") hereby gives notice in terms section 61 of the Postal Services Act No. 128 of 1998, of its intention to prescribe Integrity of Mail Regulations.
- (2) A copy of the proposed regulation is available on the Authority's website at <http://www.icasa.org.za> and in the ICASA Library at the 164 Katherine Street, Pinmill Farm, Ground floor, Block D, between 10h00 and 16h30, Monday to Friday.
- (3) Interested persons are invited to submit written representations on the draft Integrity of Mail Regulation by the 30th of December 2008.
- (4) Persons making written representation are requested to indicate if they wish to make oral submissions in the event that ICASA decides to conduct oral hearings, the estimated duration thereof not exceeding one (1) hour.
- (5) All written representations made to ICASA pursuant to this notice will be made available for inspection by interested persons at the ICASA library and copies of such representations will be obtainable on payment of the prescribed fee.
- (6) At the request of any person who submits written representations pursuant to this notice, ICASA will determine whether such representations or any portion thereof is confidential in terms of section 4D of the ICASA Act. If the request for confidentiality is refused, the person making the request will be allowed to withdraw such representation or portion thereof.

- (7) The final regulations will be published in Government Gazette.
- (8) Written representations can be submitted by post, hand delivery, facsimile transmission, and/or electronically (in Microsoft Word) for the attention of:

Mr. O Tlhabi

Project leader

ICASA

Private Bag X 10002

2146

or Block C

Pinmill Farm

164 Katherine Street

Sandton

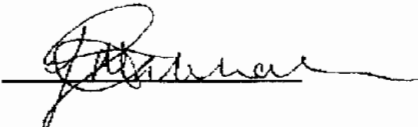
Tel: (011) 566 - 3405

Fax: (011) 566 - 3406

e-mail: OTlhabi@icasa.org.za

DRAFT REGULATIONS ON THE INTEGRITY OF MAIL

Thabo Makhakhe, Acting Chairperson of the Independent Communications Authority of South Africa ("The Authority") acting on behalf of the Council of the Authority hereby publish Draft Regulations on the Integrity of the Mail for comments in terms of section 61 of the Postal Services Act 124 of 1998.

A handwritten signature in black ink, appearing to read 'Thabo Makhakhe', is written over a horizontal line.

Thabo Makhakhe

ACTING CHAIRPERSON

SCHEDULE

1. DEFINITIONS

In these Regulations any word or expression to which a meaning has been assigned in the Postal Services Act, 1998 (Act No. 128 of 1998) has the meaning so assigned and, unless the context otherwise specifies:

“Act” means the Postal Services Act, 1998 (Act No. 128 of 1998).

“Damage” means any physical damage to mail occurring after the time of acceptance of that mail by a licensee and before its delivery to the person to whom or at the premises to which it is addressed.

“ICASA Act” means the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000).

“Integrity” means that the mail is received by the recipient in whole, complete and unimpaired.

“Loss” means physical loss of mail other than as a result of it having been incorrectly addressed.

“Mail Security Coordinator” means a person in the employ of a licensee who is responsible for coordinating all security issues.

2. PURPOSE OF THE REGULATIONS

The purpose of these regulations is to:

- 2.1 Eradicate exposure of mail to the risk of loss, theft, fraud, damage and/or tampering,
- 2.2 Set out the requirements to be followed in order to satisfy the mail integrity objectives.

3. SCOPE AND APPLICATION OF THE REGULATIONS

The regulations apply to all postal services licensees.

4. GENERAL PROVISIONS ON THE INTEGRITY OF THE MAIL

4.1 A licensee must:

- a) appoint a Mail Security coordinator;
- b) train personnel in policies and procedures in relation to mail security;
- c) at their outlets publish information on how to deal with dangerous goods and prohibited substances;
- d) must exercise due care in handling and processing mailed articles to prevent damage and/or harm;
- e) put measures in place to ensure that its employees do not engage in conduct that damages the property of its customers;
- f) make timeous arrangements and advise its customers of its inability to deliver their mail on set timelines; and
- g) develop and submit a six-monthly reviewed and updated, Security procedures to the Authority.

4.2 The procedures should include:

- a) regular risk assessment;
- b) the maintenance of records so that licensees can identify, as far as is reasonably practicable, which Relevant Employees were responsible for the conveyance, receipt, collection, sorting, delivery or handling of specific mail that has been tampered with; and
- c) the measures to be taken, including monitoring, to prevent or detect loss or theft of, damage to, or tampered with, mail from or at premises, vehicles or equipment.

4.3 A licensee must on an annual basis review the policies and, where necessary, update or amend those policies and procedures to ensure that they continue to meet the Mail Integrity Objectives.

5. SECURITY OF MAIL

Licensees must:

5.1 maintain strict access control to the mail centre and postal outlets; and

5.2 ensure that proper records of the amount of mail off-loaded and loaded are maintained.

6. CONFIDENTIALITY OF INFORMATION

A licensee must maintain customer confidentiality in accordance with section 3.8 of the Regulations on the Code of Conduct (Government Gazette No. 30558 of 7 December 2007).

7. COMPLAINTS PROCEDURES

The licensee must, in accordance with the Regulations on Minimum Customer Care Standards and Complaints handling procedure, (Government Gazette No. 30690 dated 23 January 2008), publish the contents of the complaints handling procedure.

8. OFFENCES AND PENALTIES

A licensee who fails to comply with these regulations is guilty of an offence and is subject to the imposition of a fine of a maximum of R50 000 by the Authority, in addition to any other sanctions as provided for in section 17E of the ICASA Act (Act No. 13 of 2000, as amended).

9. DANGEROUS GOODS

- 9.1 A licensee must for the purpose of consumers publish a Schedule on Dangerous Goods/Substances which must not be delivered through mail.
- 9.2 A Schedule of Dangerous Goods must include but is not limited to goods in the schedule as attached (see Schedule A: Dangerous Goods).

10. PROHIBITED GOODS

- 10.1 A licensee must for the purpose of consumers publish a list on all goods prohibited from being conveyed by the mail.
- 10.2 The list of prohibited goods must include, but is not limited to the goods in the schedule as attached (see Schedule B: Prohibited Goods).

11. SHORT TITLE

These regulations are called Regulations on the Integrity of Mail 2008.

12. COMMENCEMENT DATE

These regulations will become effective on the day of publication in a Government Gazette.

SCHEDULE "A"**SCHEDULE OF DANGEROUS GOODS:**

Explosives - ammunition, fireworks, igniters.

Compressed Gas - aerosol products, carbon dioxide gas, cigarette lighter, butane.

Flammable liquids - alcohol, flammable paint and thinners, flammable varnish removers, turpentine, petroleum products, benzene

Flammable solids - metallic magnesium, matches, zinc powder.

Oxidising material - some adhesives, some bleaching powders; hair or textile dyes made of organic peroxides, fibreglass repair kits, chlorine

Poison including drugs and medicines - although some are acceptable in prescription quantities, and non-infectious perishable biological substances are accepted when packed and transmitted appropriately.

Radioactive material

Corrosives - corrosive cleaning liquid, paint or varnish removers, mercury filled thermometer.

Miscellaneous - magnetised materials, oiled paper, polymerisable materials.

SCHEDULE "B"**SCHEDULE OF PROHIBITED GOODS:**

- Bank notes - including all South African notes of whatever issue or denomination, and the bank notes or currency notes of any other country.
 - Asbestos
 - Bees, leeches, silkworms or any other animal or living organism
 - Biological substances, infectious or non infectious
 - Coins
 - Firearms, or parts thereof
 - Furs
 - Human or animal remains, including ashes
 - Ivory
 - Jewellery
 - Perfumery products
 - A film or publication which falls in the category of XX or X18 in terms of the Films and Publications Act 65 of 1996 as amended
 - Perishable items
 - Watches valued in excess of R1 000.00
 - Precious metals
 - Precious stones, which means, all valuable natural mineral stone, silica or substances extracted from the group, whether in their natural state or refined, processed, set or treated and includes semi-precious stones and any other natural or synthetic mineral, stone, silica or substance whether in a natural state, cut or uncut, refined, processed, set or treated.
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