

Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 549

Pretoria, 10 March 2011
Maart

No. 34097

IMPORTANT NOTICE

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

CONTENTS • INHOUD

No.

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

- 131 Postal Services Act (124/1998) and the ICASA Act (13/2000): Code of Practice for the South African Postal Industry:
Invitation to submit written representations

3 34097

GENERAL NOTICE

NOTICE 131 OF 2011



INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA (ICASA)

NOTICE IN TERMS OF SECTION 61 OF THE POSTAL SERVICES ACT OF 1998 (ACT NO. 124 OF 1998) READ WITH SECTION 4(3)(j) OF THE ICASA ACT, 2000 (ACT NO. 13 OF 2000).

1. The Independent Communications Authority of South Africa ("ICASA") hereby gives notice in terms of section 61 of the Postal Services Act of 1998 (Act No. 124 of 1998) Read with Section 4(3) (j) of The ICASA ACT, 2000 (Act No. 13 Of 2000) of its intention to prescribe Code of Practice for the South African Postal Industry.
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 parties are invited to submit written representations on the draft Code of Practice for the South African Postal Industry on or before 30 March 2011 at 16h00 by post, hand delivery, facsimile transmission, and/or electronically (in Microsoft Word) for the attention of:

Charles Mabena & Julieth Nofemela

Postal Compliance

or

Block D

ICASA

Pinmill Farm

Private Bag 10002

164 Katherine Street

Sandton

Sandton

2146

Tel: (011) 566 3725/3711

Fax: (011) 5663726/3712

Email: cmabena@icasa.org.za/ JNofemela@icasa.org.za

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.
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 any party 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 party making the request will be allowed to withdraw such representation or portion thereof.
7. The final regulations will be published in Government Gazette.



DR. STEPHEN MNCUBE

CHAIRPERSON

Date: 04/03/2011

THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA (THE AUTHORITY) IN TERMS OF SECTION 61 OF THE POSTAL SERVICES ACT OF 1998 (ACT NO. 128 OF 1998) READ WITH SECTION 4(3)(j) OF THE ICASA ACT, 2000 (ACT NO. 13 OF 2000) HEREBY GIVES NOTICE OF ITS INTENTION TO PRESCRIBE THE CODE OF PRACTICE FOR THE SOUTH AFRICAN POSTAL INDUSTRY.

1. PREAMBLE

The Code is set to codify and strengthen relationships between the Independent Communication Authority of South Africa (ICASA) and Postal Operators. The Code is applicable to the reserved as well as the unreserved Postal Operators. It is a guide for the determination of common values, principles and commitments that shape the postal service's future. The Code shall be a tool for intensifying the working relations among the relevant stakeholders within the industry.

The Code, whilst setting the minimum standards of conduct within the postal industry, shall take into account, provisions of the Postal Services Act 124 of 1998 ("the Act") and other relevant legislation and regulations governing the Postal Industry.

ICASA recognizes that it has a regulatory function to promote a universal postal that will ensure equal access for all citizens to a basic better service that is reasonable and accessible to all people in the country regardless of their physical location and at a uniform rate and affordable prices of postage.

2. SCOPE AND APPLICATIONS OF THE CODE

The code commits the reserved as well as the unreserved Postal Operators to promote and expand the postal industry. The Code shall further promote competition and communication within the industry. With reference to this Code, "Postal Operator" shall represent business entities operating in either the reserved or unreserved domain of the postal environment.

2.1 The Code regulates the conduct of both reserved and unreserved operators in the interest of

all customers of the postal services;

- 2.2 The Code prescribes broad principles of acceptable practices to Enhance the relationship between reserved and unreserved postal operators in the postal industry;
- 2.3 The Code shall not regulate any contractual relationship within the industry, as commercial relationships are governed by Principles of Common Law and the Law of Contracts;
- 2.4 The Code shall promote healthy commercial ventures within the Industry;
- 2.5 The Code shall be incorporated into the corporate strategy of Postal operators;
- 2.6 The Code shall form the basis of individual codes of practice to be developed by operators for their own postal business assets and outlets;
- 2.7 The Code shall be applied in accordance with relevant legislation and regulations governing the industry; and
- 2.8 All operators shall ensure that the Code is applied consistently and in a uniform manner within the industry.

3. OBJECTIVES OF THE CODE

The main objectives are:

- 3.1 to codify guidelines that will ensure acceptable standards of conduct by postal operators, will contribute to synergies among operators and set uniform standards of service for consumers.
- 3.2 to uphold professionalism, responsiveness, honesty, trust, respect, excellence, quality, commitment to client satisfaction and compliance; and

- 3.3 to promote harmonious interaction and relationship between the reserved and unreserved operators in the postal industry.

4. GUIDELINE TO THE CODE OF PRACTICE

4.1. KEY COMMITMENTS

All Postal Operators shall:

- 4.1.1. Treat customers with respect and dignity;
- 4.1.2. Display utmost courtesy and care when dealing with the aged and disabled persons;
- 4.1.3. Endeavour to communicate with customers in the language of their choice as far as it is practicable and possible.
- 4.1.4. Display at their outlets in the public area, information pertaining to customer complaints resolution procedures, including information on insurance policies for lost and or damaged parcels and letters;
- 4.1.5. Ensure that all complaints received are recorded appropriately and resolved in a courteous, efficient and fair manner;
- 4.1.6. be responsible to their customers for a healthy, safe and secure environment when conducting their business;
- 4.1.7. Timeously communicate queuing times and other relevant customer information to customers; and
- 4.1.8. Make customers aware of insurance policies for lost and or damaged letters and parcels when entering into transactions.

4.2 HARMFUL BUSINESS PRACTICE

Postal Operators shall not engage in the following business practices:

- 4.2.1 Dishonestly in their dealings with customers.
- 4.2.2 Unfair pricing;
- 4.2.3 Misrepresentation of facts in their dealings with customers;
- 4.2.4 Intentionally damaging the image of another operator, the industry, or customers;
- 4.2.5 Packaging of the reserved postal services, in terms of Schedule 1 of Act 124 of 1998, in a misleading way to evade the weight and dimensions restriction so as to make it suit requirements of the unreserved postal services; and
- 4.2.6 Conducting business in an area reserved for another postal operator.

5. COMPLAINT HANDLING RESOLUTION AND ESCALATION FOR CUSTOMERS

5.1 Complaints handling for domestic mail

- 5.1.1 Customers who experience unsatisfactory postal services should in the first instance lodge a complaint at the outlet concerned;
- 5.1.2 In the event that the complaint is not resolved, the customer must reduce the complaint to writing and submit the complaint to the manager / owner of the outlet;
- 5.1.3 If no resolution can be reached after a period of fourteen (7) working days, after lodgment

of the complaint, the customer may then approach ICASA for resolution.

5.2 Complaints handling for international mail

5.2.1 Customers who experience unsatisfactory postal services should in the first instance lodge a complaint at the outlet concerned;

5.2.2 In the event that the complaint is not resolved, the customer must reduce the complaint to writing and submit the complaint to the manager / owner of the outlet;

5.2.3 If no resolution can be reached after a period of fourteen (14) working days, after lodgment of the complaint, the customer may then approach ICASA for resolution.

5.3 Escalation of complaint to ICASA

Complaints must be forwarded to ICASA. ICASA will acknowledge receipt of complaint within 24 hours and shall include a reference number of the complaint. When investigating complaints, ICASA shall follow the following procedure:

5.3.1 request all relevant information in writing as well as supporting documentation that will assist in the investigation process;

5.3.2 after collecting all the relevant information on the matter, the complaint analyzed and a suitable recommendations made;

5.3.3 should there be a possible contravention of this regulation ICASA will refer the complaint to the Complaints and Compliance Committee for adjudication;

5.3.4 the Complaints and Compliance Committee shall after reaching a decision, recommend an appropriate sanction to the Council of ICASA for implementation; and

5.3.5 the complainant shall be informed of progress on the matter by ICASA throughout the process.

6. RESOLUTION OF DISPUTES / COMPLAINTS BETWEEN OPERATORS

6.1 Where there is a dispute between operators, they must firstly attempt to settle the dispute;

6.2 Should no satisfactory resolution be attained, the parties may approach ICASA;

6.3 Should the matter not be resolved, ICAA will refer the matter to the Complaints and Compliance Committee for adjudication.

7. OPERATIONAL / IMPLEMENTATION AND EVALUATION ARRANGEMENTS

7.1 all operators / employers shall be responsible for ensuring that their Employees are familiar with the contents of the Code;

7.2 all operators / employers shall display a copy of the Code in a conspicuous area in order to inform customers of the standards and quality of services to expect. Further to inform customers of the existence and role of ICASA in the event of a postal complaint.

8. AMENDMENT AND REPEAL

The Authority may amend or repeal these regulations by notice in the Gazette.

9. PENALTIES

The Authority may, upon a determination or finding of non-compliance by the Complaints

compliance Committee, impose a fine not exceeding Fifty Thousand Rands (R50, 000.00).

10. SHORT TITLE AND COMMENCEMENT

These regulations are called Code of Practice for the South African Postal Industry, 2011 and will come into operation on date of publication in the Gazette.
