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No. 51803

THE PRESIDENCY

No. 5722 **20 December 2024**

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No.19 of 2024: South African Post Office SOC LTD Amendment Act, 2024

DIE PRESIDENSIE

No. 5722 **20 Desember 2024**

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 19 van 2024: Wysigingswet op die Suid-Afrikaanse Poskantoor Mis BPK, 2024

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Amendment of section 2 of Act 22 of 2011

2. Section 2 of the principal Act is hereby amended by the deletion of the word “and” at the end of paragraph (d), by substitution for a full stop at the end of paragraph (e) of “; and” and by the addition of the following paragraph:

“(f) expand the objects and mandate of the Post Office to include services that respond to the needs of the users and customers.” 5

Amendment of section 4 of Act 22 of 2011

3. Section 4 of the principal Act is hereby amended—

(a) by the substitution for the heading of the following heading:

“**Duties and mandate of Post Office**”; 10

(b) by the deletion in subsection (1) of the word “and” at the end of paragraph (k);

(c) by the substitution in subsection (1) for paragraph (l) of the following paragraph:

“(l) ensure compliance with international commitments relevant to the postal [industry.] and related industries in the provision of postal, courier and other related services to the extent that is permitted by domestic laws;”; and 15

(d) by the addition after paragraph (l) of the following paragraphs:

“(m) provide logistics and e-commerce services and serve as a logistics partner for e-commerce and other logistics players, including SMMEs and informal traders; 20

(n) serve as digital hub for businesses and communities;

(o) serve as a Designated Authentication Authority that also fulfils its role as a national Trust Centre in the age of digital identity and services; 25

(p) serve as a hub for government services and other agency services;

(q) provide different services at the post offices and service points based on the needs assessments for a particular area and to ensure the effective usage and enhancement of the retail offerings and services;

(r) continuously adjust its business model in line with the technological and industry developments in the provision of postal services and other services and to enhance the provision of Universal Services Obligation; including the roll-out of service points and the use of third-party infrastructure and other related services, subject to the approval of the Minister; 30

(s) ensure the implementation of national address system and development and maintenance of national address database; and 35

(t) provide any business that is responsive to the needs of users, consumers and citizens and make the best use of the infrastructure capacity to extract value and forge partnerships with other stakeholders with the approval of the Minister.” 40

Amendment of section 7 of Act 22 of 2011

4. Section 7 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Parliament may fund the normal expenditure of the Post Office to ensure universal postal services and any other social mandate services as determined by the Minister, out of money appropriated for the purpose.”; 45
and

(b) by the addition after subsection (4) of the following subsection:

“(5) Government institutions which include national and provincial departments, national and provincial government components and municipalities are encouraged to utilise Post Office infrastructure in the delivery of their services and set aside certain services to be provided by the Post Office to assist in eliminating over-reliance on government funding by the Post Office and ensure efficient utilisation of Post Offices.” 50
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Amendment of section 8 of Act 22 of 2011, as amended by section 3 of Act 38 of 2013

5. Section 8 of the principal Act is hereby amended—

- (a) by the substitution for subsection (2) of the following subsection:
 “(2) The Board consists of—
 (a) not more than **[10]** nine and not less than five non-executive members appointed in terms of section 11; and”;
- (b) by the substitution for subsection (3) of the following subsection:
 “(3) The Chairperson **[and Deputy Chairperson]** must be appointed by the Minister from the non-executive members of the Board.”;
- (c) by the substitution for subsection (4) of the following subsection:
 “(4) The Board may designate any other non-executive member to act as chairperson if **[both]** the Chairperson **[and Deputy Chairperson are]** is absent or unable to perform **[their]** his or her functions.”; and
- (d) by the deletion of subsections (5) and (6).

Amendment of section 9 of Act 22 of 2011, as amended by section 3 of Act 38 of 2013 15

6. Section 9 of the principal Act is hereby amended by the insertion after paragraph

(a) of the following paragraph:

- “(aA) must develop a credit plan facility wherein—
 (i) the Post Office shall enter into an agreement and negotiate payment arrangements with its creditors; and
 (ii) such plan must include evaluation of the Post Office debts, source funding either from the fiscus or in the market and appropriate steps to cancel ever green contracts;”.

Amendment of section 11 of Act 22 of 2011, as amended by section 4 of Act 38 of 2013 25

7. Section 11 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for the words following paragraph (b) of the following words:
 “to submit, within the period and in the manner mentioned in the notice, the names of persons fit to be appointed as members of the Board **[, with due regard to section 8(5)].**”;
- (b) by the deletion in subsection (4) of paragraph (a)(vi);
- (c) by the deletion in subsection (4) of paragraph (c); and
- (d) by the substitution in subsection (7) for paragraph (a) of the following paragraph:
 “(a) The Minister must appoint—
 (i) two non-executive members of the Board from suitable persons nominated by trade unions contemplated in subsection (1)(b) with required skills, knowledge, qualifications and experience as contemplated in subsection (4); and
 (ii) the other non-executive members of the Board from suitable persons as contemplated in subsection (4).”.

Amendment of section 12 of Act 22 of 2011

8. Section 12 of the principal Act is hereby amended—

- (a) by the substitution in subsection (2) for paragraph (e) of the following paragraph:
 “(e) neglected to properly perform the functions of his or her office and based on negative assessment during annual general meetings;”;
 and
- (b) by the deletion in subsection (2) of paragraph (f).

Insertion of sections 14A to 14F in Act 22 of 2011

9. The following sections are hereby inserted after section 14 of the principal Act:

“Appointment and composition of Stamp Advisory Committee

14A. (1) The Minister must establish a Stamp Advisory Committee and appoint not more than nine persons as members of the Stamp Advisory Committee. 5

(2) The Stamp Advisory Committee consists of—

- (a) two members appointed from the non-executive members of the Board;
- (b) one representative from departments responsible for communications and digital technologies, arts, sports and culture and basic education; and 10
- (c) not more than four persons appointed on the basis of their knowledge, experience and expertise in the areas referred to in subsection (8). 15

(3) The Minister must appoint a non-executive member contemplated in subsection (2)(a) as Chairperson of the Stamp Advisory Committee. 15

(4) For the purposes of appointing the persons contemplated in subsection (2)(c), the Minister must, by notice in the *Gazette* and in two national newspapers, publish an invitation to the public to submit nominations for membership of the Stamp Advisory Committee. 20

(5) The notice contemplated in subsection (4) must specify a period of at least 30 days for nominations to be submitted to the Minister.

(6) The Minister must appoint a panel to consider the nominations received in terms of subsection (5).

(7) The panel must compile a shortlist of not more than 8 candidates to be considered by the Minister and the Board for appointment as members of the Stamp Advisory Committee. 25

(8) The panel must ensure that the candidates—

- (a) are representative of the South African society and represent the public and private sectors, academic or research institutions, non-governmental organisations and philately organisations; and 30
- (b) have appropriate expertise in the areas of—
 - (i) arts and culture;
 - (ii) marketing;
 - (iii) environmental development; 35
 - (iv) education;
 - (v) history;
 - (vi) graphic design; or
 - (vii) any other field of expertise relevant to stamp design. 40

(9) The Minister and the Board must ensure that the members contemplated in subsection (2)(c) represent a sufficient spread of skills, knowledge, qualifications and expertise referred to in subsection (8). 40

(10) The Minister must, within 30 days after appointing the members, publish a notice in the *Gazette* containing the names of the persons appointed as members of the Stamp Advisory Committee. 45

(11) A member of the Stamp Advisory Committee contemplated in subsection (2)(c)—

- (a) holds office for a period not exceeding five years;
- (b) may be reappointed after his or her term of office has expired, but may not serve for more than two consecutive terms; 50
- (c) is appointed on a part-time basis; and
- (d) must be paid from the revenue of the Post Office such remuneration and such allowances as may be determined by the Minister with the concurrence of the Minister of Finance. 55

(12) A member of the Stamp Advisory Committee contemplated in subsection (2)(c) may resign by giving 30 days written notice to the Minister through the Board.

(13) The Stamp Advisory Committee that exists immediately before the South African Post Office SOC Ltd Amendment Act takes effect continues to exist for a period of six months or for such period until the new committee is established and members are appointed.

(14) The members appointed under subsection (2)(a) and (b) will be serving for a period of five years as long as they are under the employ of the organisation that has nominated them or any period as provided by the respective organisation.

(15) The organisations referred to in subsection (2) must inform the Minister when a member that has been appointed can no longer serve in the committee and provide a substitute for that member.

Functions of Stamp Advisory Committee

14B. The Stamp Advisory Committee must—

- (a) advise the Board on the implementation, monitoring and evaluation of a philatelic strategy;
- (b) provide the Board with advice on events and themes that may be celebrated on stamps and ensure that selection of themes reflects the broad spectrum of South African culture, history, environment economic and social development;
- (c) assist in identifying, articulating and prioritising themes for the annual stamp programme and commemorative stamps and make recommendations to the Board; and
- (d) encourage and facilitate stakeholder participation in the development of themes for the annual stamp programme.

Disqualification from membership of Stamp Advisory Committee

14C. A person may not be appointed as a member of the Stamp Advisory Committee contemplated in section 14A(2)(c) or remain a member if he or she—

- (a) is not a South African or permanent resident of the Republic;
- (b) is an unrehabilitated insolvent;
- (c) has been declared mentally ill by a competent court;
- (d) has at any time been convicted of an offence involving dishonesty whether in the Republic or elsewhere; or
- (e) has been removed from office on account of misconduct.

Removal from Stamp Advisory Committee

14D. The Minister may remove a member of the Stamp Advisory Committee contemplated in section 14A(2) from office—

- (a) on account of misconduct;
- (b) on account of inability to perform the duties of that member's office effectively;
- (c) if the member is absent from three consecutive meetings of the Stamp Advisory Committee without the prior permission of the chairperson, except on good cause shown; or
- (d) if the member has engaged in conduct, which brings or may bring the Stamp Advisory Committee or the activities of the Stamp Advisory Committee into disrepute or threatens the integrity of the Stamp Advisory Committee.

Vacancies in Stamp Advisory Committee

14E. (1) A member of the Stamp Advisory Committee vacates office if that member—

- (a) tenders resignation in terms of section 14A(12) and such resignation takes effect;
- (b) becomes subject to a disqualification referred to in section 14C; or
- (c) is removed from office in terms of section 14D.

(2)(a) If a member of the Stamp Advisory Committee dies or vacates his or her office before the expiration of his or her term of office, the Minister must appoint another person to hold office for the unexpired portion of the period for which that person's predecessor was appointed.

(b) In making an appointment in terms of paragraph (a), the Minister must comply with section 14A. 5

Meetings and recommendations by Stamp Advisory Committee

14F. (1) The Stamp Advisory Committee—

(a) must meet four times a year; and

(b) must determine its own procedures to be followed at its meetings. 10

(2)(a) A quorum for a meeting of the Stamp Advisory Committee is the majority of the total number of the members, which is 50% plus one.

(b) A decision by the majority of the members present at a meeting of the Stamp Advisory Committee constitutes a decision of the Stamp Advisory Committee. 15

(c) The decision of the Stamp Advisory Committee in relation to the stamp programme and commemorative stamps must be submitted to the Board for consideration and submission to the Minister for final approval.”

Amendment of section 17 of Act 22 of 2011

10. Section 17 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: 20

“(1) The appointment of the chief executive officer, **[chief financial officer and chief operating officer]** is subject to the conclusion of an annual performance agreement with the **[Post Office] Board**.”

Amendment of section 25 of Act 22 of 2011 25

11. Section 25 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“(1) The Minister may direct the **[Post Office] Board** to take any action specified by the Minister if the Post Office—”; 30

(b) by the substitution for subsection (3) of the following subsection:

“(3) If the **[Post Office] Board** fails to comply with the directive contemplated in subsection (1) within the stated period, the Minister may—

(a) after having given the **[Post Office] Board** a reasonable opportunity to be heard; and 35

(b) after having afforded the **[Post Office] Board** a hearing on any submissions received,

replace the members of the Board **[in the same manner as the departing members have been appointed]** or, where circumstances so require, appoint a person as an administrator to take over the relevant function of the **[Post Office] Board**.”; 40

(c) by the substitution in subsection (4) for paragraph (a) of the following paragraph:

“(a) the administrator may do anything which the **[Post Office] Board** might otherwise be empowered or required to do by or under this Act, **to the exclusion of the Post Office**; and”; 45

(d) by the deletion of subsection (4)(b);

(e) by the substitution in subsection (5) for paragraph (b) of the following paragraph: 50

“(b) within **[six] 12** months of appointing the administrator, table a report on his or her findings in the National Assembly.”; and

(f) by the substitution in subsection (7)(c) for subparagraph (ii) of the following subparagraph:

“(ii) must, as soon as it is feasible but not later than **[three] 12** months after the dissolution of the Board, replace the members of the 55

Board [**in the same way as the way in which they were appointed**] in accordance with section 11.".

Short title and commencement

12. This Act is called the South African Post Office SOC Ltd Amendment Act, 2024, and comes into operation on a date to be determined by the President by proclamation in the *Gazette*. 5