



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1121.

9 Junie 1982.

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

No. 80 van 1982: Poswysigingswet, 1982.

No. 1121.

9 June 1982.

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

No. 80 of 1982: Post Office Amendment Act, 1982.

Wet No. 80, 1982

POSWYSIGINGSWET, 1982

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die bepalings van die Poswet, 1958, ten einde ander voorsiening te maak betreffende die Ministers wat in belang van die veiligheid van die Republiek die onderskepping kan gelas van sekere posstukke of sekere mededelings per telekommunikasielyn; die tydperk waarvoor so 'n onderskepping gelas mag word, te beperk; en minimum vereistes voor te skryf ten opsigte van die beamptes in diens van die Departement van Pos- en Telekommunikasiewese of die ander persone in diens van die Staat wat vir sekere doeleindes gemagtig of aangewys kan word; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Junie 1982)

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van
artikel 118A van
Wet 44 van 1958,
soos ingevoeg deur
artikel 1 van
Wet 101 van 1972.

1. Artikel 118A van die Poswet, 1958, word hierby gewysig—
 - (a) deur subartikel (1) deur die volgende subartikel te vervang—
 - „(1) (a) Op versoek van 'n persoon bedoel in subartikel (2), kan—
 - (i) die Minister in beheer van die Nasionale Intelligensiediens, die Minister van Wet en Orde of die Minister van Verdediging, handelende met die instemming van die Minister; of
 - (ii) die Minister of 'n beampte deur die Minister daartoe gemagtig,
 (hieronder die funksionaris genoem) na gelang van die aard van die versoek gelas dat 'n bepaalde posstuk of 'n bepaalde mededeling wat per telefoon of op enige ander wyse oor 'n telekommunikasielyn versend is of word of bedoel is om aldus versend te word, onderskep word, of dat alle posstukke of alle sodanige mededelings aan of vanaf 'n bepaalde persoon, liggaam of organisasie onderskep word vir die tydperk, maar hoogstens ses maande, wat die betrokke funksionaris bepaal en in die lasgewing vermeld.
 - (b) 'n Lasgewing ingevolge paragraaf (a) uitgereik vir die onderskepping van 'n mededeling **[per telefoon]** bedoel in daardie paragraaf, word geag die beskikbaarstelling **[in te sluit]** te magtig van fasiliteite aan die persoon wat die betrokke versoek doen, om na die betrokke mededeling in te luister of insae daarin te verkry.”;
- (b) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

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POST OFFICE AMENDMENT ACT, 1982

Act No. 80, 1982

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the provisions of the Post Office Act, 1958, so as to make other provision relating to the Ministers who may direct that certain postal articles or certain communications by telecommunications line be intercepted in the interests of the security of the Republic; to limit the period for which it may be directed that such an interception be made; and to prescribe minimum requirements in respect of the officers in the service of the Department of Posts and Telecommunications or the other persons in the service of the State who may be authorized or designated for certain purposes; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 1 June 1982.)

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 118A of the Post Office Act, 1958, is hereby amended—

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

“(1) (a) At the request of a person referred to in subsection (2)—

10 (i) the Minister who administers the National Intelligence Service, the Minister of Law and Order or the Minister of Defence, acting with the concurrence of the Minister; or

15 (ii) the Minister or an officer authorized thereto by the Minister;

(hereinafter referred to as the functionary) may, depending on the nature of the request, direct that a particular postal article or a particular communication which has been or is being or is intended to be transmitted by telephone or in any other manner over a telecommunications line be intercepted, or that all postal articles or all such communications to or from any particular person, body or organization be intercepted for such period, but not exceeding six months, as the functionary concerned may determine and specify in the direction.

25 (b) A direction issued under paragraph (a) for the interception of any communication **[by telephone]** referred to in that paragraph, shall be deemed to **[include]** authorize the making available to the person making the request in question of facilities to listen in to or to examine the communication in question.”;

30 (b) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

Amendment of section 118A of Act 44 of 1958, as inserted by section 1 of Act 101 of 1972.

- „(a) **[Bedoelde]** Die Staatsveiligheidsraad ingestel by die Wet op Veiligheidsinligting en die Staatsveiligheidsraad, 1972 (Wet No. 64 van 1972), wys van tyd tot tyd die persoon of persone in diens van die Staat aan wat die in subartikel (1) bedoelde versoek kan doen.”; 5
- (c) deur subparagraaf (iii) van paragraaf (b) van subartikel (2) deur die volgende subparagraaf te vervang:
- „(iii) voldoende besonderhede om enige betrokke posstuk **[, telegram]** of mededeling te identifiseer, met inbegrip van besonderhede betreffende die naam en, waar bekend, die adres van die betrokke persoon, liggaam of organisasie, en enige nommer wat deur die departement ten opsigte van enige betrokke **[telefoondiens] telekommunikasiediens** toegeken is.”; 15
- (d) deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:
- „(b) Die betrokke funksionaris of, indien hy nie beskikbaar is nie, enige ander funksionaris kan, op die skriftelike aansoek van die betrokke persoon, ’n tydperk **[verleng]** wat ingevolge subartikel (1) bepaal is, vir ’n tydperk van hoogstens ses maande op ’n keer verleng indien hy oortuig is dat die verlenging in belang van die veiligheid van die Republiek noodsaaklik is.”; 25
- (e) deur subartikel (4) deur die volgende subartikel te vervang:
- „(4) Waar ’n funksionaris ’n lasgewing ingevolge subartikel (1) uitreik, kan die persoon wat die betrokke versoek gedoen het of iemand uitdruklik deur hom daartoe gemagtig, besit neem van enige betrokke posstuk of telegram en dit ondersoek of, na gelang van die geval, inluister na of ’n opname maak van enige betrokke mededeling.”; en 35
- (f) deur die volgende subartikel by te voeg:
- „(7) Geen beampte wat ’n pos van ’n laer gradering as dié van die pos van Adjunk-posmeester-generaal in die departement beklee, word kragtens subartikel (1) (a) (ii) gemagtig nie en geen persoon wat ’n pos van ’n laer gradering as dié van Adjunk-direkteur-generaal in die staatsdiens beklee, word kragtens subartikel (2) (a) aangewys nie.”. 40

POST OFFICE AMENDMENT ACT, 1982

Act No. 80, 1982

- 5 “(a) The **[said]** State Security Council established under the Security Intelligence and State Security Council Act, 1972 (Act No. 64 of 1972), shall from time to time designate the person or persons in the service of the State who may make the request referred to in subsection (1).”;
- 10 (c) by the substitution for subparagraph (iii) of paragraph (b) of subsection (2) of the following subparagraph:
 “(iii) sufficient particulars to identify any postal article **[, telegram]** or communication involved, including particulars relating to the name and, where known, the address of the person, body or organization concerned, and any number allocated by the department in respect of any **[telephone] telecommunications** service involved.”;
- 15 (d) by the substitution for paragraph (b) of subsection (3) of the following paragraph:
 “(b) The functionary concerned or, if he is not available, any other functionary may, upon the written application of the person concerned, extend, for a period not exceeding six months at a time, any period **[specified]** determined under subsection (1) if he is satisfied that the extension is necessary in the interests of the security of the Republic.”;
- 20 (e) by the substitution for subsection (4) of the following subsection:
 “(4) Where a functionary issues a direction under subsection (1), the person who made the request in question or any person expressly authorized thereto by him may take possession of and examine any postal article or telegram in question or, as the case may be, listen in to or make a recording of any communication in question.”; and
- 25 (f) by the addition of the following subsection:
 “(7) No officer occupying in the department a post of a lower grading than that of the post of Deputy Postmaster General shall be authorized under subsection (1) (a) (ii) and no person occupying a post of a lower grading than that of Deputy Director-General in the public service shall be designated under subsection (2) (a).”
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2. This Act shall be called the Post Office Amendment Act, 1982. Short title.

