

**PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION: 3153**

**DATE OF PUBLICATION: 16 SEPTEMBER 2022**

**QUESTION PAPER NO: 33**

**Ms T Bodlani (DA) to ask the Minister of Communications and Digital Technologies:**

1. What are the details of the amounts that are still owed to the SA Post Office creditors in the past five financial years;
2. Whether the SA Post Office has been dealing with any court actions in the past five financial years; if not, what is the position in this regard; if so, what are the relevant details?

 **NW3863E**

**REPLY**

**I have been informed by SAPO as follows:**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Liabilities in 'R million** | **Mar-18** | **Mar-19** | **Mar-20** | **Mar-21** | **Mar-22** |
|  |  |  |  |  |  |
| Trade Creditors and accruals | 577 | 669 | 692 | 1,088 | 1,422 |
| Rental | 190 | 124 | 89 | 243 | 364 |
| Statutory | 102 | 150 | 108 | 1,396 | 2,443 |
| Salary Debt |  |  |  | 150 | 150 |
| **Total** | **869** | **943** | **889** |  **2,877**  |  **4,379**  |

1. In the past five years (2018/2019 to 2021/2022) SAPO has been dealing with the following, ongoing, court actions:

|  |  |  |
| --- | --- | --- |
| MATTER | BRIEF DESCRIPTION | STATUS |
| Mrwetyana Family(Uyinene Mrwetyana) | The Mrwetyana family issued a summons in November 2020 against SAPO and Others following the murder of Uyinene Mrwetyana allegedly by an employee of SAPO at Clareinch Post Office, Cape Town. The claim is for delictual and consequential damages. | Matter is still in progress with settlement negotiations underway. The initial settlement offer was rejected. |
| Postnet (PN) | SAPO lodged a complaint with ICASA around 2019 to challenge unlawful competition contrary to the Postal Services Act for doing business in the reserved area of under 1kg. SAPO was successful and the ICASA tribunal (Complaints and Compliance Committee – “CCC”) recommended a ruling against PN, which ICASA endorsed for PN to stop its unlawful competition. But PN and their professional association, SAEPA, is challenging the ruling/order, by having it reviewed. They also lodged an High Court application to interdict SAPO from implementing the ruling/order, and not allowing PN to do business whilst the matter is continuing. There are currently interlocutory and counter-applications between ICASA, PN and SAEPA.  | Matters are still in progress. The Interdict against SAPO is still in place. |
| VC IT Insight (VCII) (BMC Management Tools & CHM Vuwani) | VCII sued SAPO in 2017 for approximately R14.9 million, for purchasing BMC Management Tools. It was not indicated that the actual purchase was from VCII instead of CHM VUWANI, whom was a BMC Partner. SAPO applied to the High Court to have the “contract” set aside, declared invalid, reviewed and to reclaim R10.38m from VCII, which has been paid. SAPO did not pay the balance of R14.9 million pending the outcome of investigations and the Court’s decision as to the validity of the contract.  | Matter still in progress. The judicial review application by SAPO will be heard in the High Court when a date has been set for trial. |
| Koninklijke JOH Enschede B.V | SAPO was issued with a summons in 2015 for non-payment in respect of Madiba Stamps and Folders under a verbal agreement. SAPO made some partial payment in this regard. There were staff members disciplined and dismissed for this. SAPO had issued a judicial review to review and set aside the “agreement”. SAPO filed its founding affidavit, the plaintiff filed its answering affidavit and SAPO thereafter filed its replying affidavit. A trial date will be applied for at the Registrar of High Court, South Gauteng. SAPO is also claiming back the partial payment which was made previously. Delays in concluding the legal matters were mainly caused by SAPO being unable to pay its Attorneys in due time. | Matters still in progress in the High Court. |
| Medipos | A Settlement Agreement involving post-retirement medical aid benefits was made an Order of Court by the Supreme Court of Appeal. On 25 August 2022 the Constitutional Court reaffirmed the decision and declined to grant SAPO leave to appeal the Supreme Court judgement. On 6 September 2022, Medipos brought an application in terms of Rule 8 seeking urgent relief to enforce the original Court judgement. | On 11 September 2022, the SAPO Board reached out to the Medipos Board of Trustees regarding the implementation of the Constitutional Court judgement. Engagements are still ongoing. |
| Redefine Properties Limited | A liquidation application was brought by Redefine Properties (Pty) Ltd which is SAPO’s landlord in some postal outlets.  | The matter was settled between the parties. |
| Blue Turtle Technologies (Pty) Ltd | The IT software provider filed a liquidation application and a provisional liquidation order was granted on 6 June 2022, with a *rule nisi*. Final liquidation was scheduled for 24 August 2022.  | The matter was settled between the parties. |
| Zaliwa (Pty) Ltd | SAPO received a Notice of Motion for liquidation on 22 August 2022. SAPO is currently dealing with the matter and a court date has not yet been allocated. | The matter is pending. |

**Authorised for submission by**

**MR TINYIKO NGOBENI**

**DIRECTOR-GENERAL (ACTING)**

**DATE:**

**Recommended/not recommended**

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**HON. PHILLY MAPULANE, MP**

**DEPUTY MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES**

**DATE:**

**Approved/ not approved**

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**HON. KHUMBUDZO NTSHAVHENI, MP**

**MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES**

**DATE:**