
PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 310 OF 2016**GAUTENG**
LEGISLATURE**PUBLICATION OF THE GAUTENG PETITIONS REGULATIONS**

Notice is hereby given that the Speaker of the Gauteng Provincial Legislature, Hon. L H Mekgwe, has in terms of section 17 of the Gauteng Petition Act, 2002 (Act No. 5 of 2002), made Petitions Regulations.

The above mentioned Regulations is hereby published in English in the Gauteng Provincial Extraordinary Gazette No. 125, dated 07 April 2016 for public comments and general information.

Any person or organization wishing to comment on these proposed Regulations may lodge written comments to:

Office of the Secretary
Principal Table Assistant (Adv. Keaobaka Senkokile)
Gauteng Provincial Legislature
Private Bag X52
Johannesburg
2000

Tel: (011) 498 5973
Mobile: (071) 3655627
Fax: (011) 498 5720

Comments must reach the above office on or before 29 April 2016.

Copies of the *Gazette* may be obtained from Government Printers, Publications Section, Vermeulen and Bosman Streets, Pretoria at R2.50 per copy

GAUTENG PETITIONS ACT, 2002 (Act No. 5 of 2002)**REGULATIONS RELATING TO THE SUBMISSION AND CONSIDERATION OF THE PETITIONS**

The Speaker of the Gauteng Provincial Legislature has in terms of section 17 of the Gauteng Petition Act, 2002 (Act No. 5 of 2002), made the regulations contained in the Schedule.

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Definition

1. In these regulations unless the context indicate otherwise, a word or expression to which a meaning has been assigned in the Act has the meaning so assigned, and—

“**Appeal**” means an appeal in terms of regulation 10;

“**Committees**” means a standing or Portfolio Committee of the Legislature, and include an ad hoc Committee established in terms of the Standing Rules and Orders

“**Petitions**” means a Compliant, request, representation or submission addressed by a petitioner to the legislature, and may take the form of—

- (a) a single petition which is an individual submission from a single petitioner concerning a particular complaint or request,
- (b) a collective petition, which is a collective of signatures from a number of petitioners concerning a particular complaint or request,
- (c) a group petition made up of individual or group submissions from a number of a petitioners concerning the same or substantially similar complaint or request, or
- (d) an association petition, which is an individual or group submission from an association or individual mandated by an association, concerning a particular complaint or request;

“**Petition file**” means the file contemplated in terms of regulation 9

“**The Act**” means the Gauteng Petition Act No. 5 of 2002,

“**Petition register**” means the register contemplated in regulation 8.

Application of regulations

2. These regulations apply to any petition submitted in terms of the Act.

Procedure for submitting a petition

3. (1) A petitioner must complete the form Annexure A in full as a prerequisite in order to submit a petition.

(2) A petition must be submitted in either of the following:

- (a) by post ;
- (b) by delivering it at the Provincial Legislature building ;
- (c) by electronic and social platforms
- (d) by fax

(3) The form Annexure A, which must be completed by the petitioner, as contemplated in sub-regulation (1), must be signed by the petitioner or by any other person authorised to act on behalf of the petitioner.

(4) The legislature must—

(a) take reasonable steps to inform the people residing in the Province of Gauteng of the physical/ postal address, fax number, electronic and social media platform where a petition may be submitted;

(b) exercise accountability and transparency in the consideration of a petition;

(c) ensure that persons or categories of persons previously disadvantaged by unfair discrimination enjoy full participation in the process of governance.

Administrative support service

4 The secretary must designate employees to the committees as may be necessary for the committee to perform its work arising from or connected with petition.

Processing of Petitions

5(1) The administrative support service must on receipt of a petition—

(a) ensure that the form Annexure A to these regulations are duly completed and signed by the petitioner or any person authorised to act on behalf of the petitioner;

(b) determine whether a petition complies with the requirements of the Act and the regulations in order to be considered by the committee.

(c) render assistance to any person to submit a petition complying with all the requirements imposed by the Act and these regulations;

(2) The administrative support service must—

(a) open a petition file for each petition received;

(b) allocate a file number to the petition;

(c) acknowledge receipt of the petition within 24 hours; and

(d) register a petition by entering the detail thereof in a register.

(3) The administrative support service must inform the petitioner of the status of the petition, within 7 working days of registration of a petition,

Rights and obligations of petitioner

6(1) A petitioner has a right to—

- (a)** submit a petition in accordance with the annexure A to these regulations;
- (b)** withdraw a petition at volition of his or her at any stage of the petition process;
- (c)** Submit a petition in any of the official languages;
- (d)** submit a petition electronically by means of email or via the website of the Provincial Legislature;
- (e)** be assisted by the administrative support services of the Legislature in submitting a petition;
- (f)** have a petition considered by the committee, unless the petition is disqualified as contemplated in the Act or these regulation;
- (g)** attend a committee meeting where his or her petition is considered, unless the chairperson determines otherwise and has in writing prior to that meeting informed the petitioner of that determination and the reasons thereof;
- (h)** be given written reasons *if the* committee refuses to consider a petition;
- (i)** be advised in writing by the committee of the outcome of the petition;
- (j)** be advised by the committee, where appropriate, or other remedies are available; and
- (k)** have access at any reasonable time to the petition file.

(2) A petitioner has a right, at any time before the committee concludes its consideration of the petition, to—

- (a)** to submit additional information to the committee in respect of the petition;
- (b)** submit a written rebuttal against any statement, opinion or recommendation expressed by any person or body in respect of that petition if invited to do so by the committee.

(3) A petitioner must inform the committee if any person or body has, subsequent to the submission of the petition, addressed the matter in respect of which the petition was submitted.

Registration of Petition

7. (1) The administrative support service must—

- (a)** register a petition by entering the details thereof in an official Petitions Register;

(b) open a petition file which must contain the information detailed under regulation 3;

(c) assign a file number to the petition file contemplated in (b); and

(d) inform the petitioner of the registration of the petition and the file number assigned to the petition within seven days after submission of a petition in terms of regulation 3

Petition file

8. The petition file must contain—

- (a) a duly completed petition in the format of the schedule A of these regulations;
- (b) a duly completed form contemplated in regulation 3;
- (c) The preliminary investigation into the statement of complaint;
- (d) any opinion held or recommendation made by the administrative support service in respect of the petitioner;
- (e) any opinion or comment on the matter furnished by a legal adviser;
- (f) steps taken by administrative support services in accordance with regulations;
- (g) the name of any person or body who was requested to provide information in respect of or comment on the petition as contemplated in regulation 6(3) and or which failed or refused to do so and, if available, their reasons for failing or refusing to do so.

Preliminary investigation into petition

9 (1) The secretary must conduct a preliminary investigation in respect of a petition within 10 days of registration of that petition.

(2) The Secretary in conducting the preliminary investigations contemplated in sub-regulation (1) must—

(a) obtain all information or documents relevant to the petition held by the executive authority of the province; a municipal council, any person or official body referred to in the petition where there is such information available; and

(b) obtain the official comments of the relevant department; municipal council or official body, which is responsible for the function which forms the subject matter of the petition

(3) The secretary may request in writing any person or entity, other than those contemplated in sub-regulation (2) (a) and (b) to provide information relating to the subject matter of the petition; which may reasonably be required to complete the preliminary investigation into the petition.

(5) The required information contemplated in sub-regulation (3); must be submitted within five working days from the date of request by the secretary.

(6) The Secretary must within seven working days of completion of preliminary investigation submit the petition to the Speaker.

Referral

10. The Speaker must, upon receipt of the petition file, refer the petition file to the Committee for consideration and adoption.

11. Conflict of interest

11(1) Any member of the committee or Administrative support service must if he or she has a pecuniary interest in any petition in respect of any petition; or outcome of a petition immediately upon becoming aware of that interest—

(a) notify the Speaker and the committee in writing of the interest and the details thereof; and

(b) cause a copy of that notification under paragraph (a) to be lodged in the petition file.

(2) Sub-regulation (1) does not in any way derogate from the provisions of—

(a) the Powers; Privileges and Immunities of Parliament and Provincial legislature Act; 2004 (Act No.4 of 2004); or

(b) any code of ethics or code of conduct applicable to any member of the committee or administrative support service of petition office.

Consideration by the Committee

12 (1) The Committee must consider and process the petition referred to it by the Speaker in accordance with the Act, these regulations and the Standing Rules.

(2) The must consider and deal with the petition referred to it by the Speaker, not later than 5/10 working days of such referral.

(3) The committee must inform the petitioner of—

(a) progress made in the processing of the petition;

(b) the date, venue and time when the petition will be considered;

(c) whether the committee would require or consider any oral submission on the petition from the petitioner or any other relevant parties.

(4) The committee must in writing notify the petitioner, and if necessary, any other person or entity who has an interest in the subject matter of the petition of any developments in respect of the consideration and resolution of a particular petition.

(5) The Secretary must within four weeks from the date of the adoption of the petition by the Committee—

(a) inform the petitioner of the final outcome of the petition; and

(b) where a petition has been rejected, inform the petitioner with reasons thereof.

Closure and Archiving of the petition

13(1) The administrative support services must after the final resolution by the Committee and compliance with sub-regulation (6)(a) (b)—

(a) close the petition file; and

(b) archive the petition file in accordance with any applicable law pertaining to the archiving of the documents.

Right of appeal

14(1) A petitioner may appeal against—

(a) a refusal by the committee to consider a petition;

(b) a determination by the chairperson to consider the petition submitted by the petitioner behind closed doors.

(2) (a) A petitioner who intends to appeal must within 7 working days of receipt of written notification of any matter contemplated in sub-regulation(1), submit a document recording the appeal to be known as the appeal document;

(b) The document contemplated in paragraph (a) must be submitted in the same manner as a petition, as provided for in the Act and these regulations;

(c) a petitioner may at any time withdraw an appeal, by written notice; and

(d) the administrative support service must, upon request, render reasonable assistance to a petitioner in the lodging of an appeal.

(3) The appeal document must be, with reference to—

(a) the process of the consideration of the petition by the committee, or

(b) the written reason furnished by the committee for its decision set out—

(i) the reasons for the appeal;

(ii) the matters in respect of the ; and

(iii) the decision, recommendation or conclusion the committee should in the opinion of the petitioner, have made or arrived at.

(4) The appeal document may not contain information which before the conclusion of the consideration of the petition by the committee was not included in the petition file.

(5) The administrative support service must forthwith upon receipt of the appeal document—

(a) in writing acknowledge receipt of the appeal document;

(b) enter the details of the appeal document in the petitions register;

(c) include the appeal document in the appeal file;

(d) in writing notify the committee and any person or body who has in any way been involved in the petition; of the appeal and provide the committee or that person or body with a copy of the appeal document; and

(e) refer the appeal document and the petition file to the Speaker.

(6) The Speaker must within 15 working days of receipt of the appeal document and the petition file consider the appeal document and the petition file and may thereafter—

(a) dismiss the appeal;

(b) table the appeal document and refer it to committee for re-consideration;

(c) refer the appeal document and the petition file with a recommendation to——

(i) Parliament;

(ii) a standing committee of parliament;

(iii) the premier or a member of the executive of the province;

(iv) the municipal council of a local government; or

(v) an institution supporting constitutional democracy; or

(vi) make any other determination which the Speaker is competent in law to make in respect of the petition.

(7)(a) In the event that the Speaker has made a declaration of personal interest in the petition; the Deputy Speaker must conduct the appeal process.

(b) The Speaker or Deputy Speaker must provide written reasons for such decision.

(8) The administrative support services must—

(a) upon instructions from the Speaker or the committee, from time to time inform the person who lodged the appeal of the status of; or progress in respect of the appeal; and

(b) within 15 working days after the final decision in respect of the appeal in writing advise the person who lodged the appeal of the outcome of the appeal; together with reasons.

Legislature not in session

15(1) The—

(a) provisions of the Act, these regulations or the Standing Rules, and (order, and

(b) the duties and obligations placed on a person or body including the committee or a member in terms of the Act, , are not suspended in respect of a petition

solely because the Legislature is in recess or at the end of a legislative term or for whatever other reason not in sitting.

(2) A petition submitted before the Legislature goes in recess or is at the end of a legislative term must be dealt with in accordance with the act, regulations, or standing rules as if the Legislature is still sitting.

(3) If—

(a) the term of office of the Legislature expires;

(b) the Legislature is dissolved;

(c) the Premier has called an election for the Legislature; and

(d) the committee has not yet finalised its consideration of the petition, the committee must immediately cease its consideration of the petition and refer the petition to the Speaker, who must instruct the petition office to hold over the petition until a new Legislature has been elected and has met for its first sitting.

(4) If the petition office is investigating a petition in a period during which a Legislature has not yet been elected, it must hold the petition over until the new Legislature has been elected and has met for the first sitting.

(5) Petition office must inform in writing a petitioner if a situation contemplated in sub-regulation (3) and (4) arises.

(6) The legislature may resolve a dispute by means of mediation or negotiation where appropriate, or if requested to do so by a petitioner.

Short title

16. These regulations are called the Gauteng Petitions Regulations, 2016

GAUTENG PROVINCIAL LEGISLATURE PETITION FORM (ANNEXTURE A) GAUTENG PETITION ACT, 2002 (ACT NO. 5 OF 2002)				
ANNEXTURE A				
PETITION FORM [Prescribed form in terms of Regulation 3 (1)]				
Date				
Full names		Surname		
Gender	Male	Female	Title	
ID number				
Address	Residential:		Contacts:	
	Postal:		Telephone:	
			Fax:	
			Cell:	
			Email	
Type of submission	Individual	Group	Are you employed	Yes No
How did you hear about Legislature or petitions office?				
What is your statement of complaint?				
What would you prefer the Legislature to do?		Where have you taken your complaint before?		
What would you prefer the Legislature to do?				
Home Language			Preferred language of communication:	
Did you attach additional statements in a separate document (s), if yes, how many?			Signature:	
FOR OFFICE USE ONLY				
Date received: Handled by:				
Appropriate register: FILE NUMBER:				

GAUTENG PROVINCIAL LEGISLATURE PETITION FORM (ANNEXTURE B) GAUTENG PETITION ACT, 2002 (ACT NO. 5 OF 2002)			
ANNEXTURE B PETITION APPEAL FORM [Prescribed form in terms of Regulation 10(1)]			
Date			
Reference number of a petition file			
Full names		Surname	
Gender	Male	Female	Title
ID number			
What are your reasons for appeal?			
What would you prefer the Speaker to do?			
Did you attach additional statements in a separate document (s), if yes, how many?		Signature:	
FOR OFFICE USE ONLY			
Date received: Handled by:			
Appropriate register: APPEAL NUMBER:			

**SUBPOENA TO APPEAR BEFORE THE PETITIONS STANDING COMMITTEE OF THE GAUTENG
PROVINCIAL LEGISLATURE**

Petitions No:

TO:

You are hereby given notice that, in terms of section 13 (1) (b) of the Gauteng Petitions Act 5 of 2002, you are required to appear before the Petitions Standing Committee at _____ on the _____ 20 ...to give evidence under oath or affirmation in respect of a petition relating to the following issues:

Your attention is further drawn to the provisions of section 4 of the Gauteng Petitions Act 5 of 2002.

This summons is to be served by _____

**Signed by the Chairperson of the Petitions Standing Committee at _____ this ____
day of _____ 20**

Chairperson of the Gauteng Legislature Petitions Standing Committee

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