



**GAUTENG**  
**LEGISLATURE**  
Your View ~ Our Vision

**20** Years of a  
Democratic Legislature  
*Let Us Forget*

# Gauteng Provincial Legislature (GPL) Petitions Guide

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## Abbreviations and Terms

<b>GPL</b>	Gauteng Provincial Legislature
<b>GPG</b>	Gauteng Provincial Government
<b>MPL</b>	Member of the Provincial Legislature
<b>MEC</b>	Member of the Executive Council
<b>PSC</b>	Petitions Standing Committee
<b>PEC</b>	Provincial Executive Council
<b>Proportional Representation</b>	The number of votes obtained by a political party in an election determines how many seats the party will get from the total allocation of seats in the provincial parliament. The Gauteng Provincial Legislature has a total of 73 seats.
<b>Rapporteur</b>	A Member of the Petitions Standing Committee assigned to deal with a petition

# Petitions

## The Petitions Standing Committee

The Petitions Standing Committee (PSC) is responsible for considering all admissible petitions lodged with the Gauteng Provincial Legislature.

## Legislation Governing Petitions

The Constitution of the Republic of South Africa, 1996 stipulates the following with regards to petitions.....

<b>Chapter 2:</b>	<b>Section 17:</b> Assembly, demonstration, picket and petition.	Everyone has the right, <u>peacefully and unarmed</u> , to assemble, to demonstrate, to picket and to present petitions.
<b>Chapter 6:</b>	<b>Section 118:</b> Public access to and involvement in provincial legislatures.	A provincial legislature <u>must</u> facilitate public involvement in the legislative and other processes of the legislature and its committees.
	<b>Section 115:</b> Evidence or information before provincial legislatures.	Receive petitions, representations or submissions from any interested persons or institutions.

## The Gauteng Petitions Act 5 of 2002

### Purpose of the Act



To provide for...

- The right to submit a petition to the Gauteng Provincial Legislature of the Province of Gauteng.
- The consideration of a petition by the Standing Committee of the Legislature assigned to deal with petitions.
- Right to petition - Any person may submit a petition in terms of this Act.

## Petitions

### What is a petition?



A petition is a written request or complaint made by a member or members of the public to the GPL on policy or service delivery matters that relate to the departments or department entities and the municipalities in the Province of Gauteng.

## Types of Petitions

A petition may be one of the following types:

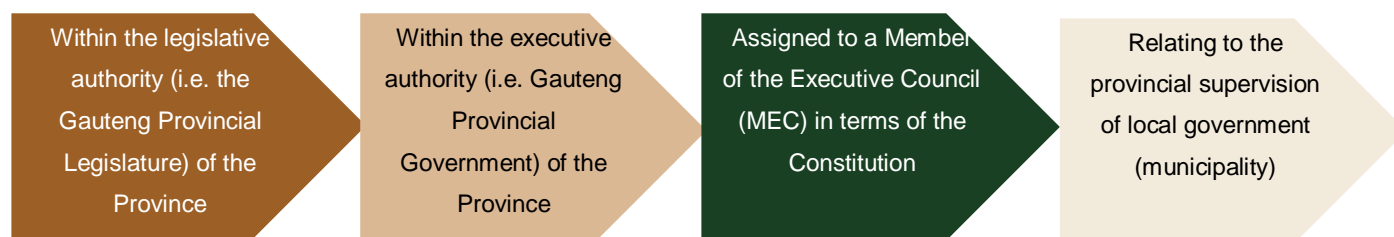
<b>A Single petition</b>	Which is an individual submission from a single petitioner, concerning a particular complaint or request.
<b>An association petition</b>	Which is an individual submission from an association or single petitioner mandated by an association to submit that petition, concerning a particular complaint or request.
<b>A collective petition</b>	Which is a collection of signatures from a number of petitioners, concerning a particular complaint or request.
<b>A mass or group petition</b>	Which is made up of individual or group submissions from a number of petitioners, concerning the same or substantially similar complaints or requests.

## General Principles

A petitioner may submit a petition in **any of the official eleven (11) languages** of the Republic of South Africa.

### Jurisdiction and basis for rejection/refusal

A petition **MAY** subject to subsection (4) address any matter:



The Committee **MUST** refuse to consider a petition if it:

- Falls outside the scope of matters mentioned above.
- Concerns a matter pending in a court of law or other tribunal or forum contemplated in the Constitution.
- Is in connection with the conviction and sentencing by a criminal court of law of a person to a period of imprisonment.
- Addresses a matter falling within the scope of a commission of inquiry, established in terms of the Provincial Commissions Act, 1997 (Act No. 1 of 1997).

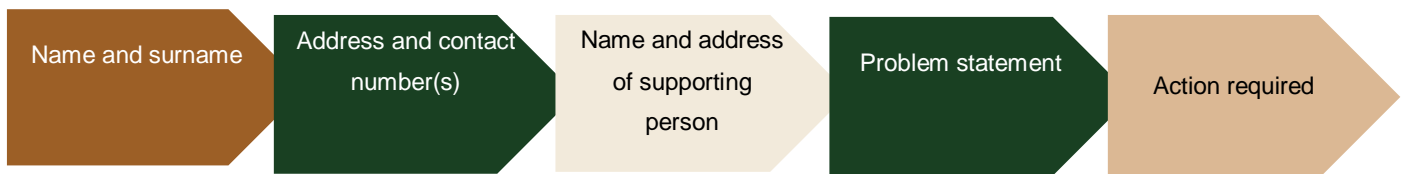
### Submission basis for rejection/refusal

The Committee **MAY** refuse to consider a petition that:

- Is illegible/unreadable.
- Does not state the correct name and contact details of the petitioner and, where applicable, the name of the association or group on whose behalf the petition has been submitted.
- Has not been signed by the petitioner, except in the case of a petitioner who is unable to write.





- Is from an individual who has made a mark on the petition as a symbol of his or her authority to submit the petition.
- That mark was made in the presence of one witness who are able to write and who by signing that petition certify that the mark is that of the petitioner.
- Addresses a matter previously considered by the committee except if that petition contains new information that may materially impact on the outcome of the consideration of the matter.
- Contains defamatory statements or improper language.
- If applicable, addresses a matter that the petitioner has not yet brought to the attention of the relevant authority, or if the petitioner has brought it to the attention of the relevant authority, the relevant authority has not been afforded reasonable time to consider the matter.

As a guide all petitions should clearly indicate the petitioners:



**NOTE:** Petition forms are obtainable from the Public Participation and Petitions Unit or any of the Parliamentary Constituency offices (PCO's).

### The Gauteng Petitions Regulations, 2016

<b>Regulation 1</b>	Provides for definitions.	
<b>Regulation 2</b>	Provides for application of regulations: meaning they apply to all petitions referred to the Legislature for consideration in line with the Act.	
<b>Regulation 3</b>	Regulation 3 provides for Procedure for submission of a petition, which requires completion of form A to be completed; and to be send via:	
	Post	
	Delivering it at the Provincial Legislature building	
	Electronic and social platform; and	
	By fax	

	<p>A petition may be submitted to the <b><i>Petitions Office in the Public Participation &amp; Petitions (PPP) Unit</i></b> in hard copy or electronically.</p> <p><b><i>NOTE: All petitioners will be sent an acknowledgement in writing following receipt of their petitions.</i></b></p>
<b>Regulation 4</b>	Provides for Administrative support services and designation of employees to Committee by Secretary to the Legislature.
<b>Regulation 5</b>	Provides for processing of a petition and requires the completion of form Annexure A, compliance Act and Regulations, acknowledgement and registration of petition.
<b>Regulation 6</b>	Provides for Rights and obligations of a petitioner, which requires completion of form A, empowers petitioners to withdraw petition at any stage, to submit petition in any official languages- via email or Legislature's website and to be assisted by administrative support services.
<b>Regulation 7</b>	Provides for registration of petition, opening of petition.
<b>Regulation 8</b>	<p>Provides for opening of a petition file which must contain;</p> <ul style="list-style-type: none"> <li>a) A duly completed petition.</li> <li>b) Completed form.</li> <li>c) Preliminary investigation.</li> <li>d) Opinion on matter.</li> </ul>
<b>Regulation 9</b>	Provides for preliminary investigation into petition which requires the Secretary to conduct preliminary investigation upon submission of petition, obtain all information relevant to petition and comments from relevant department, municipality or official body.
<b>Regulation 10</b>	Provides for referral of petition file to the committee for consideration and adoption.
<b>Regulation 11</b>	Provides for conflict of interest which requires amongst others that any member of Committee or administrative support services to notify the Speaker and the Committee of any budgetary interest in the petition.
<b>Regulation 12</b>	Provides for consideration of petition by Committee and requires petition to be considered and processed in accordance with the Act and the Standing Rules.
<b>Regulation 13</b>	Provides for closure and archiving of petition.
<b>Regulation 14</b>	Provides for right of appeal against outcome of petition.
<b>Regulation 15</b>	Provides amongst others for processing of petition during recess period and end of a Legislative term.
<b>Regulation 16</b>	Provides for short title of the Regulations.

***NOTE: A copy of the Act and the Regulations is available on request, through the Petitions Office.***

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## How Will My Petition Be Considered?

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The PSC has several courses of action it may take. It can:

- Consider the petition and decide to take no further action.
- Refer the petition to another committee of the Legislature.
- Refer the petition to a person or body outside of the Legislature e.g. Member of the Executive Council (MEC), Provincial department or municipality.

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## Petitions Escalation Process

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The steps that the Legislature follows in trying to resolve the petition

11. The last stage involves closure of the petition and archiving for 5 years as per the National Archives Act and Records Services Act of South Africa (no. 43 of 1996).

10. In the event that the petitioner disputes the contents of the report or a report is still not submitted after the ten (10) days extension, the PSC may decide to convene either an internal or external petitions hearing

9. Upon receipt of a report sent to the petitioner for a written response within seven (7) working days

8. If a report on the referred petition is not submitted within twenty (20) working days – a follow up is made and a further ten (10) days extension is given

7. Referral to the relevant authority (provincial department or municipality) for investigation and reporting within twenty (20) working days

6. Feedback letter, on the outcome of tabling (petition is adopted or rejected) is written and sent through registered mail.

5. Rapporteur is appointed to an adopted petition

4. Tabling (present the petition) at Petitions Standing Committee (PSC) for adoption or rejection

3. Register and allocate a reference number, if the submission meets the requirements of the Petitions Act

2. Conduct preliminary investigation where necessary – to verify the contents of the submission

1. Petition received – acknowledged within two (2) working days upon receipt

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## How Can I Contact The Legislature?

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You can simply visit the Legislature at the Johannesburg City Hall – Corner of Helen Joseph (formerly President) and City Hall (formerly Loveday) Streets or call us on **011 498 5555**, fax: 086 518 7692 / 086 273 1921, email: [ppp@gpl.gov.za](mailto:ppp@gpl.gov.za) or you can also visit our website on [www.gpl.gov.za](http://www.gpl.gov.za). You can also contact us via the following social networks once you have registered: **Twitter:** @GPLegislature or **Facebook:** Gauteng Provincial Legislature



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### The Petitions Office Contacts

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<b>Name and Surname</b>	<b>Contact Number</b>	<b>Email Address</b>
Ms Jabulisile Shabalala	0826064103	<a href="mailto:JShabalala@gpl.gov.za">JShabalala@gpl.gov.za</a>
Mr Mbulaheni Likhade	0726300607	<a href="mailto:MLikhade@gpl.gov.za">MLikhade@gpl.gov.za</a>
Mr Senoto Teane	0716031663	<a href="mailto:STeane@gpl.gov.za">STeane@gpl.gov.za</a>