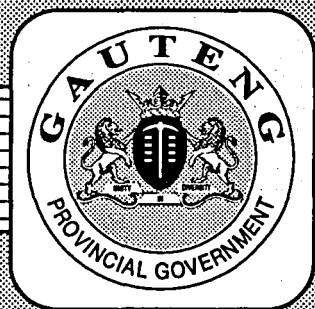


THE PROVINCE OF  
GAUTENG



DIE PROVINSIE  
GAUTENG

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MAART 1999

No. 18

## GENERAL NOTICE ALGEMENE KENNISGEWING

### NOTICE 1399 OF 1999

#### GAUTENG PROVINCIAL LEGISLATURE

#### PUBLICATION OF GAUTENG PETITIONS AMENDMENT BILL

Notice is hereby given that the member of the Provincial Legislature (Acting Chairperson, Mr M. E. Radebe) of Petitions and Public Participation Committee intends to introduce the Gauteng Petitions Amendment Bill in the Legislature as published in this Extraordinary Gazette.

Any person or organisation wishing to comment on this proposed Legislation may lodge written comments or representations on or before **16 March 1999** by posting, faxing or handing them in at the following address:

The Secretary to the Legislature  
Gauteng Provincial Legislature  
c/o Committee Co-ordinator (Ms Z. Govender)  
Private Bag X52  
Johannesburg  
2000

Physical Address:

Gauteng Provincial Legislature  
Corner President and Loveday Street  
Johannesburg  
Tel. No.: (011) 498-5548  
Fax No.: (011) 498-5719

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**NOTICE 1399 OF 1999****GENERAL EXPLANATORY NOTE:**

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

\_\_\_\_\_        **Words underlined with a solid line indicate insertions in existing enactments.**

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**BILL**

**To amend the Gauteng Petitions Act, 1998 (Act No. 14 of 1998), so as to make provision for the substitution of the word "Premier" for the word "Speaker" and to amend the heading "Scope of Petitions" to read "Lodgement of Petitions"; and to provide for matters incidental thereto.**

**BE IT ENACTED** by the Provincial Legislature of Gauteng, as follows: -

**Amendment of the heading to section 6 of Act 14 of 1998**

1.        The heading to section 6 of the Gauteng Petitions Act, 1998 (hereinafter referred to as "the principal Act") is hereby amended by the substitution of the word "Scope" for the word "Lodgement of petitions".

**Amendment of section 17 of Act 14 of 1998**

2.        Section 17 of the principal Act is hereby amended by the deletion of the following subsection:

      "**[(9) The Premier may supplement this procedure by way of regulations]."**

**Amendment of section 18 of Act 14 of 1998**

3.        Section 18 of the principal Act is hereby amended by the substitution for section 18 of the following section:

**"18. The [Premier] Speaker must make regulations required for carrying out the provisions of this Act."**

**Short title and commencement**

**4. This Act shall be called Gauteng Petitions Amendment Act, 1999.**

## MEMORANDUM ON THE OBJECTS OF THE GAUTENG PETITIONS AMENDMENT BILL, 1999

### 1. Reasons for the Bill

1.1 Section 18 of the Gauteng Petitions Act, 1998 (Act No. 14 of 1998, hereinafter referred to as the principal Act) provides that the Premier must make the regulations required for carrying out the provisions of this Act. In view of the fact that the principal Act was not piloted by the Executive but rather by a private member of the Legislature, and also in view of the constitutional provision empowering legislatures to pass legislation connected with its own operations, it is imperative that the Speaker be empowered to make regulations.

1.2 Section 17(9) of the principal Act provides that "the Premier may supplement this procedure by way of regulations". In view of the fact that section 18 already provides that regulations must be made for carrying out the provisions of the Act, section 17(9) is therefore unnecessary.

### 2. Financial Implications

None.

### 3. Constitutional Implications

None.

### 4. Personnel Implications

None.

### 5. Clause-by-clause analysis

5.1 Clause 1 of the Bill proposes to change the heading of section 6 of the principal Act so as to make it appropriate with the provisions of the section.

5.2 Clause 2 of the Bill proposes to delete subsection (9) of section 17 of the Principal Act.

5.3 Clause 3 of the Bill proposes to substitute the word "Premier" with the word "Speaker" in section 18 of the principal Act.

5.4 Clause 4 of the Bill provides for the name of the Act.

**NOTICE 1399 OF 1999****HLALOSO YA KAKARETSO**

Mantsu ao a lego ka mangwalo a makoto ka mo masakaneng a bontsha gore a tlogetswe mo ditaolwaneng tseo di lego tirisong.

Mantsu ao a thaletswego ka mothalo o mokoto a bontsha ditsentshwa mo ditaolwaneng tse di lego tirisong.

**MOLAOKAKANYWA**

Go kaonafatsa Molao wa Gauteng Petitions Act, 198 (Molao wa 14 wa 1998), go kgonagatsa go tlosa ga lentsu la "Premier" ka la "Seboledi" le go tlalletsa hlogo ya "Scope of the Petitions" go bala "Lodgements of Petitions", le go direla le merero yeo e tla latelago.

E tsweletswe ke Lekgotlatheramelao ya Gauteng, ka mokgwa wo o latelago:-

**Kaonafatso ya hlogo ya karolo 6 ya molao 14 wa 1998**

1. Hlogo ya karolo 6 ya Molao wa Diphethisene wa 1998 ( wo go tla thwego ke molao wa hlogo) ka gore bjale o a kaonafatswa ka go tloswa ga lentsu "Scope" ka lentsu la "Lodgement of Petitions"

**Kaonafatso ya karolo ya 17 ya Molao 14 wa 1998**

2. Karolo 17 ya molao wa hlogo e tla kaonafatswa ka go tloswa ga karolwana yeo e latelago:

"[(9)Tonakgolo e ka tlaleletsa tsamaiso ye ka mokgwa wa melawana]."

**Kaonafatso ya karolo 18 ya Molao 14 wa 1998**

3. Karolo 18 ya molao wa hlogo e tla kaonafatswa ka go tlosa karolo 18 ya karolo yeo e latelago:

"18. Seboledi [Tonakgolo] e swanetse go dira melawana yeo e nyakegago go tswetsa pele dinyakwa tsa molao o"

**Hlogo e kopana le mathomo a tiriso**

4. Molao wo o tla bitswa Molao wa Tlaleletso wa Diphethisene wa Gauteng, 1999.

**MOLAETSA WA MAIKEMISETSA A MOLAOKAKANYWA WA  
TLALELETSO WA DIPHETHISENE WA GAUTENG, 1999.****1. Mabaka a molaokakanywa**

1.1 Karolo 18 ya Molao Diphethisene wa Gauteng, wa 1998 (Molao 14 wa 1998, wo o bitswago molaohlogo) o bolela gore Tonakgolo e swanetse go dira melawana yeo e nyakegago gore go tswetswe pele dikganyogo tsa molao tsa molao o. Ka ge molao wa hlogo o ile wa se ke wa lekwa ke Khuduthamaga eupsa ke leloko la Theramelao, gape le go ya ka dinyakwa tsa molaotheo tseo di fago lekgotlatheramelao matla go tswelisa molao wo o swaraganeng le ditirelo tsa lona, go bohlokwa gore Seboledi se fiwe matla go dira melawana.

1.2 Karolo 17(9) ya molaohlogo e kgonagatsa gore gore "Tonakgolo a ka tlaletsa tsamaiso ye ka mokgwa wa melawana". Ka ge karolo 18 e setse e kgonagatsa gore mmelawana es swanetse go dirwa go tswetsa pele dinyakwa tsa Molao, ka fao karolo 17(9) ga e hlokege.

**2. Ditlmorago go ditshetele**

A digo

**3. Ditlamorago go molaothero**

A digo

**4. Ditlamorago go badiredi**

A digo

**5. Tshekatsheko ya karolwana ka karolwana**

5.1 Karolwana 1 ya molaokakanywae sisinyaga gore go be le phetogo go hlogo ya karolo 6 ya molaohlogo go dira gore dinyakwa tsa karolwana e di a kgotsofatswa

5.2 Kaorolwana ya 2 ya molaokakanywa e tla phumola karolwana (9) ya karolo 17 ya molaohlogo.

5.3 Karolwana 3 ya molaokakanywa e tla phumola lentsu "Tonakgolo" ka lentsu "Seboledi" mo karolong ya bo 18 ya molaohlogo.

5.4 Karolwana 4 ya molaokakanywa e fa leina la molao.

**NOTICE 1399 OF 1999**

**IZINCAZELO ZAMAGAMA:**

[ ] Amagama abhalwe ngokumnyama okugqame kakhulu futhi ekokelezwe akhombisa izingxenye ezisusiwe emthethweni osebenzayo njengamanje.

Amagama adwetshele ngomugqa omkhulu akhombisa izingxenye ezifakelwe emthethweni osebenzayo njengamanje.

**UMTHETHO-SIVIVINYWA**

**Ukuchibiyelwa komthetho wase-Gauteng wokudlulisela kwezikhhalazo wango nyaka-ka 1998 (umthetho weshumi nane wonyaka -ka 1998), lokhu kwenzelwa ukuthi kushintshwe igama elithi "uNdunankulu" ngelithi "uSomlomo" nanokuthi kushintshwe isihloko esithi "Izinto eziphatelene nezikhhalazo" nanokubhekela izinto ezithuka zivela-nje.**

**UYOGUNYAZWA isiShayamthetho sesifunda sase-Gauteng ngalendlela elandelayo:-**

**Ukuchitshiyelwa kwesihloko sesigaba sesithupha somthetho weshumi nane wonyaka-ka 1998.**

1. Isihloko sesigaba sesithupha somthetho wase-Gauteng okudluliselwa kwezikhhalo, wonyaka-ka 1998 (kuwo losomqulu lomthetho uzobizwa "ngomthetho omkhulu") bese uphinde uchibiyela igama elithi "okuphatelene" ngelithi "ukufakwa kwezikhhalo".

**Ukuchitshiyelwa kwesigaba seshumi nesikhombisa somthetho weshumi nane wonyaka-ka 1998**

2. Isigaba seshumi nesikhombisa somthetho omkhulu sichitshiyelwa ngokususwa kwalesisigatshana esilandelayo:

**"[(9) uNdunankulu anganezelela lenqubo ngokubeka imigomo ]"**

**Ukuchitshiyelwa kwesigaba seshumi nesishagalombili somthetho weshumi nane wonyaka-ka 1998**

3. Isigaba seshumi nesishagalombili somthetho omkhulu sichitshiyelwa ngokususwa kwalengxenye yesigaba seshumi neshagalombili:

**"18. [uNdunankulu] uSomlomo wesiShayamthetho kumele enze imigomo edingakalayo ekuphumeleliseni izimiso zalomthetho."**

**Igama oyobizwa ngalo, nosuku lokuqala ukusebenza**

**4. Lomthetho uyokwaziwa ngokuthi umthetho wokuchibiyela wase-Gauteng ekudluliseleni izikhalazo wonyaka-ka 1999.**



## **ISAZISO NGENHLOSO YOKUCHIBIYELA UMTHETHO SIVIVINYWA WASE-GAUTENG WOKUDLULISELA IZIKHALAZO, WONYAKA-KA 1999**

### **Izizathu zokudingeka kwalomthetho sivivinywa**

- 1.1 Isigaba seshumi nesishagalombili somthetho wokudluliselwa kwezikhalo wase-Gauteng, wonyaka-ka 1998, ( umthetho weshumi nane wonyaka-ka 1998, kuwo losomqulu lomthetho uzobizwa ngomthetho omkhulu) futhi ugunyaza uNdunankulu ukwenezela imigomo edingakalayo ekuphumeleliseni ukusebenza kwalomthetho.

Ngokubona ukuthi lomthetho awusungulwanga iKhabhinethi kodwa uqalwe ilungu lesiShayamthetho, nanokuthi futhi umthetho-sisekelo unikeza iziShayamthetho zezifunda amandla okuphasisa imithetho ephathelene nokusebenza kwazo, kubalulekile-ke ukuthi uSomlomo anikezwe amandla okwenza imigomo.

- 1.2 Isigaba seshumi nesikhombisa nesigatshana sesishagalolunye somthetho omkhulu sinikeza uNdunankulu amandla okwandisa inqubo yokwenza imigomo. Ngokubona futhi ukuthi isigaba seshumi nesishagalombili sithi kumele kwenziwe migomo yokuphumelelisa lomthetho, ngakho-ke isigaba seshumi nesikhombisa nesigatshana sesishagalolunye asisadingeki.

### **2. Izidingo zezimali**

Azikho.

### **3. Izidingo zomthetho-sisekelo**

Azikho.

### **4. Izidingo zabasebenzi**

Azikho.

### **5. Ukucutshungulwa kwesigaba-ngesigaba**

5.1 Isigaba sokuqala somthetho-sivivinywa sihlangoza ukushintsha isihloko sesigaba sesithupha somthetho omkhulu ukuze sifane nalesisigaba.

**5.2 Isigaba sesibili somthetho-sivivinywa sihlongoza ukususa isigatshana sesishagalolunye sesigaba seshumi nesikhombisa somthetho omkhulu.**

**5.3 Isigaba sesithathu somthetho-sivivinywa sihlongoza ukutshintsha igama elithi "uNdunankulu" ngegama elithi "uSomlomo" esigabeni seshumi nesishagalombili somthetho omkhulu.**

**5.4 Isigaba sesine somthetho sivivinywa sinika igama lawo.**

## KENNISGEWING 1399 VAN 1999

### ALGEMENE VERDUIDELIKENDE NOTAS:

[ ] Woorde in drukskrif en in vierkantige hakkies dui die weglatings in bestaande wetgewings aan.

Onderstreepte woorde met 'n reguitlyn dui die invoegings vir bestaande wetgewings aan.

### WETSONTWERP

Om die Gauteng Petisies Wet, 1998 (Wet No. 14 of 1998) te wysig om voorsorg te tref om die woord "Premier" met die woord "Speaker" te vervang en om die opskrif "Omvang van Petisies" te wysig wat moet lees "Inhandiging van Petisies"; en om voorsorg te maak vir sake onvoorsiens hierin.

**STEL IN WERKING** deur die Provinsiale Wetgewing van Gauteng, as volg:

#### Wysiging van die opskrif van afdeling 6 van Wet 14 van 1998

1. Die opskrif van afdeling 6 van die Gauteng Petisies Wet (hierna verwys as die "Hoof Wet") is hiermee gewysig deur die vervanging van die woord "Omvang" met die woord "Inhandiging van petisies".

#### Wysiging van afdeling 17 van Wet 14 van 1998

2. Afdeling 17 van die Hoof Wet word hiermee gewysig deur die weglating van die volgende onder afdeling:

"[(9)Die Premier mag hierdie prosedure byvoeg deur middel van regulasies]"

#### Wysiging van afdeling 18 van Wet 14 van 1998

3. Afdeling 18 van die Hoof Wet word hiermee gewysig deur die vervanging vir afdeling 18 van die volgende afdeling:

"Die [Premier] Speaker moet regulasies nodig maak vir die uitvoering van die voorsiening van die Wet."

#### Kort Titel en in werking treding

4. Die Wet sal die Gauteng Petisies Wysigings Wet, 1999 genoem word.

## **MEMORANDUM VAN DIE DOELSTELLING VAN DIE GAUTENG PETISIE WYSIGINGS WET, 1999**

### **1. Redes vir die wetgewing**

1.1 Afdeling 18 van die Gauteng Petisies Wet, 1998 (Wet No.14 van 1998, hierna verwys as die Hoof Wet) maak voorsiening dat die Premier moet vereiste regulasie maak vir die uitvoering van die voorsienings van die Wet. In die lig van die feit dat die Hoof Wet nie aangedryf deur die Uitvoerende kommittee maar deur 'n private lid van die Wetgewings raad, en ook in die lig van die konstitusionele voorsiening wat die Wetgewende Raad magtiging gee om Wetgewing in te stel met verwysing na hul eie werkings, dit is baie belangrik dat die Speaker gemagtig is om regulasies te maak.

1.2 Afdeling 17(9) van die Hoof Wet voorsien dat "die Premier die prosedure mag by voeg deur middel van regulasies". In die lig van die feit dat afdeling 18 alreeds voorsiening maak vir die feit dat regulasies gemaak moet word vir die uitvoering van die voorsienings die Wet, afdeling 17(9) word daarom onnodig.

### **2. Finansiële Implikasies**

Geen.

### **3. Konstitusionele Implikasies**

Geen.

### **5. Personeel Implikasies**

Geen

### **6. Klousule-by-klousule ontleding**

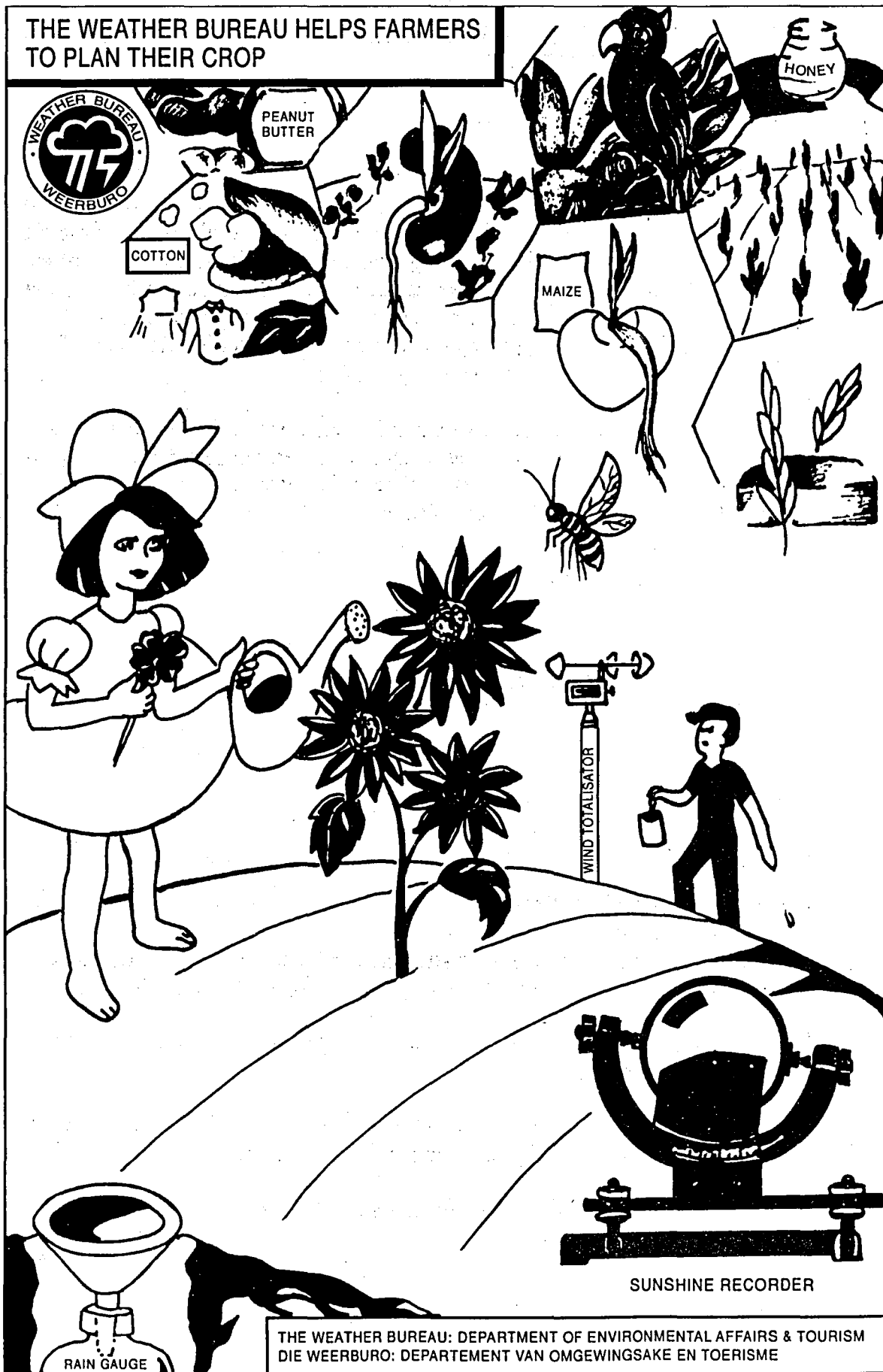
5.1 Klousule 1 van die Wetgewing stel voor dat die opskrif van afdeling 6 van Hoof Wet verander om die voorsienings van die Wet toepaslik te maak.

5.2 Klousule 2 van die Wet stel voor dat afdeling (9) van afdeling 17 van die Hoof Wet geskraap word.

5.3 Klousule 3 van die wetgewing stel voor dat die woord "Premier" vervang word deur die woord "Speaker" in afdeling 18 van die Hoof Wet.

5.4 Klousule 4 van die wetgewing voorsien vir die naam van die Wet.

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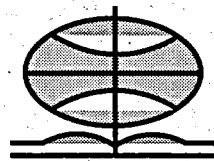
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