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**KWAZULU-NATAL WET OP PETISIËS, 2003**  
(Wet No. 4 van 2003)

Goedgekeur op 2003-12-05

# WET

Om voorsiening te maak vir die reg om 'n petisie by die Parlement van KwaZulu-Natal in te dien; om die prosedure te vestig wat gevolg moet word by die indiening van 'n petisie by die Parlement; om voorsiening te maak vir die funksies van die vaste komitee van die Parlement oor private lede se wetgewende voorstelle, pensioene en petisies; om die algemene beginsels en prosedures vir openbare deelname aan die regeringsproses in die provinsie te bepaal; en om vir aanverwante aangeleenthede voorsiening te maak.

**DAAR WORD** soos volg deur die Parlement van die provinsie KwaZulu-Natal bepaal:-

## 1. Omskrywings

In hierdie Wet beteken —

“**Grondwet**” die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996);

“**Kabinet**” die uitvoerende raad van die provinsie KwaZulu-Natal soos bedoel in artikel 132 van die Grondwet;

“**komitee**” die vaste komitee van die Parlement vir private lede se wetgewende voorstelle, pensioene en petisies;

“**lid**” 'n lid van die Parlement van KwaZulu-Natal wat ingevolge artikel 105 en 106 van die Grondwet verkies is om 'n lid te wees;

“**Parlement**” die Provinsiale Wetgewer van KwaZulu-Natal soos bedoel in artikel 104 van die Grondwet;

“**petisie**” 'n klagte, versoek, verhoog of voorlegging wat 'n petitioner aan die komitee rig en kan die vorm aanneem van —

- (a) 'n enkele petisie wat 'n individuele voorlegging van een petitioner is betreffende 'n bepaalde klagte of versoek;
- (b) 'n gesamentlike petisie wat 'n versameling is van handtekeninge van 'n aantal petitionerse betreffende 'n bepaalde klagte of versoek;
- (c) 'n groeppetisie saamgestel uit individuele of groeppvoorleggings van 'n aantal petitionerse betreffende dieselfde of wesenlik soortgelyke klagtes of versoeke; of
- (d) 'n assosiasie-petisie wat 'n individuele voorlegging van 'n vereniging of 'n individu is aan wie 'n mandaat verleen is deur 'n vereniging, betreffende 'n bepaalde klagte of versoek;

“**petitionaris**” 'n persoon wat 'n petisie aan die komitee gerig het en sluit 'n natuurlike of regs persoon in wat optree —

- (a) in sy of haar eie belang;
- (b) in die belang van 'n ander persoon of liggaam wat nie by magte is om verligting in sy of haar eie naam te soek nie;
- (c) as 'n lid van of in die belang van 'n groep of klas persone; of
- (d) in die openbare belang, en sluit 'n vereniging in wat in die belang van sy lede optree;

“**plaaslike regering**” die plaaslike regeringsfeer in die provinsie soos bedoel in artikel 151 en 155 van die Grondwet;

“**provinsie**” die provinsie KwaZulu-Natal gevestig ingevolge artikel 103 van die Grondwet;

“**Reglement van Orde**” die vaste reëls en orders opgestel vir die verrigting van die sake van die Parlement van KwaZulu-Natal ingevolge artikel 116 van die Grondwet;

“**sekretaris**” die Sekretaris van die Provinsiale Parlement van KwaZulu-Natal;

“**Speaker**” die Speaker van die Parlement verkies ingevolge artikel 111 van die Grondwet; en

“**voorsitter**” die voorsitter van die komitee.

## 2. Algemene beginsels van die Wet

(1) Die komitee moet —

- (a) behoudens subartikel (3) toepaslike stappe doen om deelname deur die publiek, en veral gemeenskappe wat voorheen polities, maatskaplik en ekonomies uitgesluit was, aan die regeringsproses in die provinsie en veral aan die wetgewende en ander prosesse van die Parlement, aan te moedig en te fasiliteer;
- (b) demokrasie bevorder deur die maksimum toerekenbaarheid en deursigtigheid uit te oefen;
- (c) petisies van 'n petitioner ontvang; en
- (d) die regte van petitionerse respekteer.

(2) 'n Reg wat by hierdie Wet verleen word, moet uitgeoefen word op 'n wyse wat redelik en regverdigbaar is.

(3) Die komitee moet alle redelike stappe, binne sy beskikbare bronne, doen om die progressiewe verwesenliking van die regte van openbare deelname, soos in subartikel (1) uiteengesit is te bereik.

## 3. Samestelling van komitee

Die komitee bestaan uit lede soos van tyd tot tyd deur die Regselement van Orde bepaal.

## 4. Reg om petisie in te dien

(1) Behoudens die bepalinge van hierdie Wet en enige ander wet, besit 'n petitioner die reg om 'n petisie aan die komitee te rig.

- (2) 'n Petisionaris kan slegs 'n petisie aan die Parlement rig ingevolge waarvan die wysiging van provinsiale wetgewing versoek word kragtens artikel 7(2)(a) of die herooringing van 'n algemene of administratiewe besluit kragtens artikel 7(2)(b), nadat die petisionaris alle ander administratiewe weë vir verligting uitgeput het.
- (3) 'n Petisionaris kan 'n petisie aan die Parlement rig ingevolge waarvan enige ander vorm van verligting, soos in artikel 7 beoog, versoek word.
- (4) Die administratiewe ondersteuningsdiens bedoel in artikel 15 moet bystand aan 'n voornemende petisionaris verleen wat 'n petisie aan die komitee wil rig, met inbegrip van, maar nie beperk nie, tot —
- die versekering van die nakoming van die formaat van die petisie kragtens artikel 6; en
  - die regstelling van 'n petisie kragtens artikel 16(1)(c)(i).

### 5. Jurisdiksie van komitee

- (1) Die Speaker of enige ander persoon wat deur hom of haar daartoe gemagtig word, moet 'n petisie ontvang.
- (2) Die Speaker moet 'n petisie ingevolge hierdie Wet na die komitee verwys.
- (3) Die komitee moet elke petisie wat ingevolge hierdie Wet na hom verwys word, oorweeg.

### 6. Formaat van petisie

'n Petisie moet in die formaat wees wat in die eerste bylae uiteengesit word.

### 7. Inhoud van petisie en verligting versoek

- (1) 'n Petisionaris moet 'n vorm van verligting versoek wat —
  - grondwetlik is; en
  - binne die provinsiale wetgewende bevoegdheid ressorteer. Dit beteken dat die onderwerp van die petisie binne óf 'n Funksionele Gebied van Bydraende Nasionale en Provinsiale Wetgewende Bevoegdheid kragtens bylae 4 by die Grondwet, óf binne 'n Funksionele Gebied van Eksklusiewe Provinsiale Wetgewende Bevoegdheid kragtens bylae 5 by die Grondwet moet ressorteer.
- (2) 'n Petisionaris kan —
  - die wysiging van provinsiale wetgewing, hangende of verorden, versoek;
  - die herooringing van 'n algemene of administratiewe besluit wat die petisionaris raak, versoek;
  - versoek dat stappe gedoen word om verligting vir die petisionaris te verkry; en/of
  - enige ander vorm van verligting versoek wat deur die Speaker, handelende ooreenkomstig die goedkeuringsprosedure bepaal kragtens artikel 10, geag word redelik te wees.

### 8. Ondertekening van petisies

- (1) Behoudens subartikel (2) en (3) moet 'n petisie deur elke petisionaris onderteken word.
- (2) Die Speaker kan afstand doen van die nakoming van subartikel (1) indien hy of sy sodanige afstanddoening nodig en redelik ag.
- (3) Indien 'n petisionaris nie sy of haar naam kan teken nie, kan hy of sy 'n merk op die petisie aanbring, en twee ander persone moet albei hulle handtekeninge as getuie langs die merk aanbring.

### 9. Taal van petisies

- (1) 'n Petisie kan in enige van die elf amptelike tale wat in artikel 6(1) van die Grondwet erken word, ingedien word.
- (2) Na indiening moet die Speaker verseker dat —
  - die petisie binne twee weke in Afrikaans, Engels en isiZulu vertaal word; en
  - elke vertaling deur 'n beëdigde vertaler as 'n ware en korrekte vertaling van die oorspronklike petisie gewaarmerk word.

### 10. Goedkeuring deur die Speaker of komitee om petisie ter tafel te lê

- (1) 'n Petisie moet vir minstens een werksdag by die Speaker ingedien word, waarna die Speaker moet verseker dat artikel 9(2) nagekom word.
- (2) Die Speaker moet dadelik die vertaalde petisie aan die komitee voorlê deur elke komiteelid met 'n afskrif van die petisie en enige ondersteunende dokumentasie te voorsien vir oorweging en verslag voordat dit in die Huis ter tafel gelê word.
- (3) Die Speaker of komitee mag nie 'n petisie wat in die Huis ter tafel gelê moet word, goedkeur —
  - wat verligting strydig met die Grondwet versoek nie;
  - wat verligting versoek wat die Parlement nie bevoeg is om te verleen ingevolge sy jurisdiksie, soos uiteengesit in artikel 104(1), saamgelees met bylae 4 en 5 tot die Grondwet nie;
  - wat poog om die verrigtinge of uitspraak van 'n bevoegde hof te hersien of om te keer nie;
  - wat poog om tussenbeide te tree in 'n saak wat *sub judice* is nie;
  - wat van 'n gevangene afkomstig is en met sy of haar saak verband hou nie;
  - wat 'n aangeleentheid behels wat voor 'n kommissie van ondersoek is, ingestel ingevolge die KwaZulu-Natal Wet op Kommissies, 1999 (KZN Wet No. 3 van 1999), en ander betrokke liggame nie; of
  - wat die wysiging van provinsiale wetgewing kragtens artikel 7(2)(a) of die herooringing van 'n algemene of administratiewe besluit kragtens artikel 7(2)(b) versoek nie, indien die petisionaris versuim het om alle ander administratiewe weë vir verligting uit te put.
- (4) Wanneer goedkeuring vir die tertafellegging van 'n petisie in die Huis deur die Speaker geweier word, moet die Speaker die aangeleentheid na die komitee vir herooringing en finale besluit verwys.
- (5) Die komitee moet 'n verslag aan die Speaker voorsien waarin die tertafellegging van die petisie in die Huis, met redes, goedgekeur of afgekeur word.

(6) Die Speaker moet 'n petisie wat nie deur hom of haar of die komitee vir tertafellegging in die Huis goedgekeur is nie, terug na die petitioner verwys, tesame met redes en 'n aanbeveling, waar toepaslik, dat die petitioner die petisie by die Nasionale Vergadering indien.

### 11. Tertafellegging

(1) Onderworpe aan sy of haar oortuiging dat die petisie aan hierdie Wet voldoen, moet die Speaker die petisie in die Huis ter tafel laat lê sodra dit redelik prakties uitvoerbaar is en na goedkeuring vir tertafellegging in die Huis deur die Speaker of die komitee.

(2) Geen debat mag in die Huis oor die tertafellegging van 'n petisie gevoer word nie.

(3) Nadat 'n petisie ter tafel gelê is, kan 'n kennisgewingsmosie betreffende die petisie voorgestel en bespreek word.

### 12. Mondelinge voorleggings

(1) Behoudens subartikel (2) moet 'n petitioner 'n petisie skriftelik, geskryf in die petitioner se verkose taal, by die Speaker of enige persoon wat deur hom of haar daartoe gemagtig is, indien.

(2) Die komitee kan 'n petitioner toelaat om 'n skriftelike petisie met mondelinge voorleggings aan te vul.

(3) Voordat die komitee 'n petisie oorweeg, moet hy mondelinge voorleggings bedoel in subartikel (2) opteken en op skrif plaas.

### 13. Bevoegdhede en funksies van die komitee

(1) Die komitee moet —

(a) 'n petisie wat ter tafel gelê is met die doel om die aangeleentheid te besleg, oorweeg; en

(b) waar van toepassing, 'n petitioner in kennis stel van ander toepaslike middele wat aan hom of haar beskikbaar is.

(2) Die komitee kan die petisie na 'n toepaslike portefeuljekomitee verwys, wat 'n verslag moet opstel waarin 'n mening oor die petisie verskyn, vir voorlegging aan die komitee binne vier weke na die verwysing.

(3) Die komitee kan enige toepaslike munisipale raad van 'n plaaslike regering in die provinsie, 'n instelling wat grondwetlike demokrasie ondersteun, vermeld in hoofstuk 9 van die Grondwet, organisasie, unie, liggaam of staatsdepartement nooi om —

(a) die petisie te oorweeg en binne vier weke na die datum van die verwysing 'n memorandum in te dien wat 'n mening en aanbevelings oor die petisie bevat; en/of

(b) 'n verteenwoordiger te stuur om 'n vergadering van die komitee by te woon ten einde bykomende inligting te verskaf.

(4) Indien die komitee van mening is dat die gedrag van 'n persoon of liggaam na wie 'n petisie ingevolge hierdie artikel verwys is, onbevredigend is en dat die omstandighede sodanige optrede regverdig, kan die komitee 'n klage by die Openbare Beskermer aanhangig maak of ander toepaslike stappe doen.

(5) Behoudens die bepalings van hierdie Wet, kan die komitee, indien aldus versoek deur 'n petitioner, deur middel van bemiddeling of onderhandeling 'n geskil bylê, 'n handeling omkeer of 'n versuim regstel.

(6) Die komitee kan 'n aanbeveling aan 'n persoon of liggaam oor die basis van 'n petisie doen.

(7) Die komitee kan sy oorweging van 'n petisie beëindig indien hy van oordeel is dat —

(a) geen stappe of geen verdere stappe gedoen kan word om die aangeleentheid te skik nie; of

(b) die aangeleentheid geskik is soos deur die petitioner versoek.

(8) Die komitee moet —

(a) kwartaalike verslae van verwysings, soos in subartikel (2) en (3) bedoel, by die Parlement indien; en

(b) aan die Parlement verslag doen oor 'n petisie indien die komitee sy ondersoek afgehandel het en 'n aanbeveling gedoen het, tydens die volgende sitting wat onmiddellik op die komitee se finale besluit oor die petisie volg.

(9) Behoudens die bepalings van hierdie Wet, kan die komitee, in oorlegpleging met die Speaker, sy verrigtinge reguleer en sy funksies verrig op 'n wyse wat hy goed dink.

### 14. Sitting van die komitee

(1) Die komitee kan met die doel om getuienis te ontvang of vir bespreking, op 'n tyd en plek in die provinsie sitting hou soos deur die voorsitter bepaal.

(2) Getuienis wat aan die komitee voorgelê word, moet in die openbaar aangehoor word, tensy dit redelik en regverdigbaar is om die publiek en die media in 'n oop en demokratiese gemeenskap daarvan uit te sluit.

(3) Die voorsitter moet die petitioner en alle belanghebbende partye en partye wat daardeur geraak word, minstens een week voor die datum van die vergadering skriftelike kennis van die datum, tyd en plek van 'n komiteevergadering gee, waarin die betrokke petisie as 'n item op die agenda aangetoon word.

### 15. Administratiewe ondersteuningsdiens

Die sekretaresse moet administratiewe ondersteuningspersoneel aan die komitee voorsien om hom in staat te stel om sy funksies en pligte te verrig.

### 16. Prosedures betreffende petisies

(1) Die administratiewe ondersteuningsdiens moet —

(a) elke petisie wat ontvang word, in 'n petisieregister aanteken;

(b) 'n lêer vir elke petisie open;

(c) ingevolge artikel 4(4) van hierdie Wet elke petisie wat vir oorweging deur die komitee ontvang word, voorberei wat die volgende kan insluit —

(i) regstelling, indien moontlik, van die petisie, in oorlegpleging met die petitioner, om te verseker dat 'n petisie aan die bepalings van hierdie Wet voldoen; en

(ii) die vertaling van 'n petisie;

- (d) 'n volledige lys van uitstaande petisies wat aan die Parlement gerig is, opstel en dit aan elke vergadering van die komitee beskikbaar stel; en
- (e) 'n petisie, voorberei kragtens paragraaf (c), aan die voorsitter gee, wat die petisie binne twee weke na die datum waarop die voorsitter die petisie ontvang het, by 'n vergadering van die komitee vir oorweging ter tafel moet lê.
- (2) Die komitee moet 'n petisionaris binne vier weke na die datum waarop 'n petisie ter tafel gelê is, in kennis stel van –
- (a) die wyse waarop 'n petisie gehanteer word; en
- (b) die redes waarom dit op daardie bepaalde wyse gehanteer word.
- (3) Behoudens die reg van die komitee om voort te gaan met sy optrede in verband met die klage of versoek indien die komitee die aangeleentheid in die openbare belang ag, kan 'n petisionaris 'n petisie terugtrek.
- (4) Na die afhandeling van sy oorweging van 'n petisie ingevolge artikel 13(7), moet die komitee die petisielêer en sy aanbeveling by die Speaker indien.
- (5) Na die indiening van 'n petisie kragtens subartikel (4), moet die Speaker die inhoud van die lêer binne twee weke nagaan.
- (6) 'n Lid is daarop geregtig om die lêer en die aanbeveling van die komitee na te gaan.
- (7) Die Speaker mag –
- (a) die lêer na die komitee vir heroorweging verwys; of
- (b) die lêer na die komitee vir sluiting verwys, moet skriftelike redes vir sodanige optrede verstrek.
- (8) 'n Lid kan teen die sluiting van die lêer beswaar aanteken en moet redes vir sy of haar beswaar verskaf.
- (9) Die Speaker kan hierdie prosedure by wyse van regulasies aanvul.

### 17. Inhoud van komiteeverslag

Die komitee kan in sy verslag kragtens artikel 13(8)(b) by die Huis aanbeveel dat –

- (a) daar gehoor gegee word aan die versoek in die petisie of dat 'n ander vorm van verligting toegestaan word;
- (b) hy nie die versoek in die petisie kan ondersteun nie; of
- (c) die petisie na die Nasionale Vergadering vir oorweging verwys word.

### 18. Besluit deur die Huis

- (1) Die Parlement kan die komitee se aanbeveling oor die petisie bespreek.
- (2) Na oorweging van die komitee se verslag en moontlike bespreking kragtens subartikel (1), kan die Huis kragtens besluit, besluit om –
- (a) die komitee se aanbeveling, met of sonder wysiging, te aanvaar;
- (b) die komitee se aanbeveling in sy geheel of gedeeltelik van die hand te wys;
- (c) die komitee se aanbeveling of die petisie ingevolge artikel 104(5) van die Grondwet na die Nasionale Vergadering te verwys; of
- (d) die aangeleentheid terug na die komitee vir verdere oorweging en verslag te verwys.
- (3) Die sekretaresse moet die petisionaris binne sewe dae na die besluit deur die Huis skriftelik van die besluit van die Huis in kennis stel met betrekking tot 'n bepaalde petisie en die redes daarvoor.

### 19. Oorweging van 'n afgehandelde petisie

'n Petisie ten opsigte van 'n aangeleentheid waarvoor 'n besluit geneem is, mag nie deur die komitee heroorweeg word nie, tensy daardie petisie nuwe feite of tersaaklike getuienis aan die dag bring wat 'n heroorweging van die aangeleentheid regverdig.

### 20. Getuies

- (1) 'n Petisionaris kan op sy of haar eie koste en slegs met die toestemming van die komitee getuienis ter ondersteuning van die petisie by 'n vergadering van die komitee lewer.
- (2) Met die doel om hom te vergewis van 'n aangeleentheid betreffende die onderwerp van sy ondersoek, kan die komitee –
- (a) 'n persoon inroep om 'n sitting van die komitee as 'n getuie by te woon ten einde getuienis te lewer of enige boek, dokument of voorwerp wat deur die komitee benodig word, voor te lê; of
- (b) 'n persoon as 'n getuie dagvaar om 'n sitting van die komitee as 'n getuie by te woon ten einde getuienis te lewer of enige boek, dokument of voorwerp aan die komitee voor te lê op die tyd en plek wat in die getuiedagvaarding vermeld word.
- (3) 'n Getuiedagvaarding bedoel in subartikel (2)(b) moet deur die voorsitter onderteken en uitgereik word en aan die persoon wat as 'n getuie gedagvaar is, per aangetekende pos beteken word, of afgelewer word deur 'n persoon wat daartoe deur die voorsitter gemagtig is, of deur middel van enige metode wat die Speaker in die vorm van regulasies bepaal.
- (4) 'n Getuie moet voordat hy of sy getuienis lewer, 'n eed of 'n plegtige verklaring voor die voorsitter, 'n lid of 'n werknemer van die komitee, wat deur die voorsitter aangewys word, aflê.
- (5) Die sekretaresse van die Parlement moet aan 'n persoon, behalwe 'n werknemer van 'n provinsiale departement, wat as getuie gedagvaar is om 'n sitting van die komitee as 'n getuie by te woon of wat getuienis voor die komitee afgelê het, die bedrag betaal vir reis- en bywoningstyd en vir vervoerkoste wat werklik aangegaan is en waarop sodanige persoon geregtig sou gewees het as 'n getuie in 'n landdroshof.

### 21. Misdrywe

- (1) Iemand wat behoorlik ingevolge artikel 20(2)(b) en (3) as 'n getuie gedagvaar is en sonder voldoende rede –
- (a) versuim om 'n vergadering van die komitee by te woon op die tyd en plek wat in die getuiedagvaarding vermeld word; of
- (b) versuim om aanwesig te bly op 'n vergadering van die komitee tot die afhandeling van die ondersoek voor die komitee of totdat hy of sy deur die voorsitter van verdere deelname verskoon word, begaan 'n misdryf.
- (2) Iemand wat kragtens artikel 20(2)(a) of (b) as 'n getuie gedagvaar is en sonder voldoende rede –
- (a) weier om as 'n getuie beëdig te word of om 'n plegtige verklaring af te lê nadat hy of sy deur die voorsitter versoek is om aldus te doen;

- (b) nadat hy of sy beëdig is of 'n plegtige verklaring afgelê het, versuim om volledig of bevredigend 'n vraag wat wettiglik aan hom of haar gestel word, te beantwoord;
- (c) nadat hy of sy beëdig is of 'n plegtige verklaring afgelê het, valse getuienis voor die komitee oor 'n aangeleentheid aflê, wetende dat die getuienis vals is of nie glo dat dit waar is nie; of
- (d) versuim om 'n boek, dokument of voorwerp wat in sy of haar besit of bewaring is of onder sy of haar beheer is, en wat hy of sy aangesê is om voor te lê, voor te lê, begaan 'n misdryf.

(3) Iemand wat —

- (a) 'n getuie dreig, dwarsboom of onbehoorlik beïnvloed om getuienis te weerhou of om valse getuienis voor die komitee af te lê;
- (b) 'n getuie dreig, dwarsboom of onbehoorlik beïnvloed betreffende die voorlegging van 'n geskrif, boek, rekord of dokument aan die komitee;
- (c) met die bedoeling om die komitee te mislei, 'n valse, onware, versinde of vervalste geskrif, boek, rekord of dokument aan die komitee voorlê;
- (d) 'n boek, dokument of voorwerp wat na sy of haar wete die komitee van hulp kan wees in enige aangeleentheid betreffende die onderwerp van sy ondersoek, vernietig of verberg; of
- (e) opsetlik inligting aan die komitee verstrek of 'n verklaring voor hom aflê wat vals of misleidend is, begaan 'n misdryf.

## 22. Strawwe

Iemand wat skuldig bevind word aan 'n misdryf ingevolge artikel 21, is strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met sowel 'n boete as gevangenisstraf.

## 23. Behoud van boeke, dokumente of voorwerpe deur die komitee

Die komitee kan vir 'n redelike tydperk na 'n vergadering 'n boek, dokument of voorwerp, wat hy versoek het of 'n persoon wat hy gedagvaar het om ingevolge artikel 20(2)(a) of (b) voor te lê, behou.

## 24. Delegasie van bevoegdhede deur komitee

- (1) Die komitee kan sy bevoegdhede aan 'n subkomitee van die komitee ingevolge die Reglement van Orde van die Parlement deleger.
- (2) By die voltooiing van sy mandaat, moet die subkomitee sy bevindinge skriftelik aan die komitee rapporteer.
- (3) Niks verhoed die komitee om die bevoegdhede wat aan 'n subkomitee ingevolge subartikel (1) gedelegeer is, uit te oefen nie.

## 25. Aanspreeklikheid teenoor Parlement

- (1) Die komitee moet 'n kwartaalverslag oor elke petisie wat hy bereg het, aan die Parlement vir oorweging opstel.
- (2) Die komitee moet 'n skriftelike jaarverslag oor sy aktiwiteite opstel en aan die Parlement voorlê.
- (3) Die skriftelike jaarverslag van die komitee moet voorsiening maak vir 'n evaluering van die responsiwiteit, doeltreffendheid en tydigheid waarmee petisies volgens die prosedure bepaal ingevolge artikel 13(3) gehanteer is, besleg is.
- (4) 'n Bespreking van 'n aangeleentheid wat in 'n verslag van die komitee aan die Parlement geopper is, moet plaasvind indien meer as vyf lede aldus versoek.
- (5) Die Parlement kan 'n aangeleentheid wat uit 'n verslag van die komitee voortspruit, terug na die komitee vir heroorweging verwys.

## 26. Regulasies

Die Speaker moet, na oorlegpleging met die komitee, regulasies wat nodig is vir die uitvoering van die bepalinge van hierdie Wet, uitvaardig.

## 27. Kort titel en inwerkingtreding

- (1) Hierdie Wet heet die KwaZulu-Natal Wet op Petisies, 2003.
- (2) Hierdie Wet tree in werking op 'n datum wat die Speaker by proklamasie in die *Provinsiale Koerant* bepaal.

## EERSTE BYLAE

### VORM VAN PETISIE VOORGESKRYF DEUR DIE REGLEMENT VAN ORDE VAN DIE PARLEMENT VAN KWAZULU-NATAL

## PETISIE

.....  
*Handtekening van lid wat die petisie indien*

**Aan die agbare Speaker en lede van die Parlement van KwaZulu-Natal:**

Die petisie van die ondergetekende

*[Verstrek die naam van die petitioner/se of 'n beskrywing van die groep petisionarisse en woonplek of besigheidsplek]*

versoek met eerbied dat.

*[Gee 'n uiteensetting van die feite en verhoë waarop die aandag van die Huis gevestig moet word en besonderhede van die verligting wat versoek word]*

Die petitioner/se versoek dat die Huis sy, haar of hulle voorleggings gunstig oorweeg en die verligting wat die Huis goed vind, toestaan.

*[Handtekening of beëdigde merk van elke petitioner]*

**UMTHETHO WAMAPHETHISHINI WAKWAZULU-NATALI, 2003**  
(UMthetho No. 4 ka 2003)

Uvunywe ngomhlaka 2003-12-05

# UMTHETHO

Wokuhlinzeka ilungelo lokwethula iphethishini ePhalamende laKwaZulu-Natali, ukusungula inqubo okumele ilandelwe ekwethulweni kwephethishini ePhalamende; wokuhlinzekela imisebenzi yeKomidi eliMile leMithetho ePhakanyiswa ngamaLungu Ngasese, iziMpesheni kanye namaPhethishini; wokubeka izimiso kanye nezinqubo zokubanjwa kweqhaza wumphakathi ezinhlelweni zikaHulumeni wesiFundazwe; kanye nokuhlinzekela okunye okuphatelene nalokho.

MAKUMISWE UMTHETHO yiPhalamende lesiFundazwe saKwaZulu-Natali kanje:-

**Izincazelo**

Kulo Mthetho —

“iKhabhinethi” kusho uMkhandlu oPhethe wesifundazwe saKwaZulu-Natali njengokusho kwesigaba 132 soMthethosisekelo;

“iKomidi” kusho iKomidi eLimile leMithetho ePhakanyiswa ngamaLungu Ngasese, iziMpesheni kanye namaPhethishini lePhalamende lesiFundazwe;

“iLungu” kusho iLungu lePhalamende lesiFundazwe saKwaZulu-Natali elikhethelwe isihlalo ngokwezigaba 105 no 106 zoMthethosisekelo;

“iMithetho eMile” kusho imithetho emile nemiyaelo ebekelwe ukwenziwa komsebenzi wePhalamende lesiFundazwe ngokwesigaba 116 soMthethosisekelo;

“iPhalamende” kusho iSishayamthetho sesiFundazwe saKwaZulu-Natali njengoba kusho isigaba 104 soMthethosisekelo;

“iphethishini” kusho isikhalazo, isicelo, isethulo noma umbiko okuthunyelwa ngumfakiphethishini eKomidini, futhi singaba kulesi simo —

- (a) sephethishini eyodwa, ukuba yisethulo esisodwa esivela kumfakiphethishini oyedwa esimayelana nesikhalazo noma nesicelo;
- (b) iphethishini ehlanganyele, ehlanganise amasiginesha avela kubafakiphethishini abaningi mayelana nesikhalazo noma isicelo esithize;
- (c) iphethishini yeqeqeba, elihlanganise izethulo zabantu ngabanye noma iqembu iyeqeqeba kubafakiphethishini imbandakanya izikhalazo ezifanayo noma ezihambelanayo noma izicelo; noma
- (d) iphethishini kasoseshini; eyisethulo esisodwa esivela kusosesheni noma kumuntu ogunyazwe ngusosesheni noma mayelana nesikhalazo noma isicelo esithize;

“isiFundazwe” kusho isiFundazwe saKwaZulu-Natali esasungulwa ngokwesigaba 103 soMthethosisekelo;

“oHulumeni baseKhaya” kusho izinga lohulumeni basekhaya esiFundazweni ngokwezigaba 151 no 155 zoMthethosisekelo;

“umfakiphethishini” usho umuntu othumele iphethishini eKomidini, futhi kumbandakanya umuntu-qobo noma umuntu womthetho omele —

- (a) ozimele noma omele umthetho;
- (b) omele omunye umuntu engaqonde ukwenza inzuzo ngokwakhe;
- (c) njengalungu noma ngenhloso yoquqaba noma uhlobo lwabantu; noma
- (d) omele intando yomphakathi, futhi kumbandakanya usosesheni olwela ilungelo lamalunga awo;

“uMthethosisekelo” kusho uMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996 (uMthetho 108 ka 1996);

“uNobhala” kusho uNobhala wePhalamende lesiFundazwe saKwaZulu-Natali;

“uSihlalo” kusho usihlalo weKomidi; kanti

“uSomlomo” kusho uSomlomo wePhalamende lesiFundazwe okhethwe ngokwesigaba 111 soMthethosisekelo.

**2. Imlgomo ejwayelekile yoMthetho**

(1) IKomidi kumele —

- (a) kuncike esigatshaneni (3), lithathe izinyathelo ezifanele ukukhuthaza futhi liqalise ukubanjwa kweqhaza wumphakathi ohlelweni lukaHulumeni esiFundazweni, ikakhulukazi leyo miphakathi eyayincishwe amathuba kwezomnotho;
- (b) lithuthukise intando yeningi ngokuqhakambisa ukubophezeleka ukuphendula ngezimali kanye nokwenzelaa izinto obala;
- (c) lamukele iphethishini evela kumfakiphethishini; futhi
- (d) lihloniphe amalungelo abafakiphethishini.

(2) Ilungelo eligunyazwe yilo Mthetho kumele lisetshenziswe ngendlela efanele nenobulungiswa.

(3) IKomidi kumele lithathe zonke izinyathelo ezifanele, ngokusemandleni alo, ukuphumelela ukufezekiswa okunenqubekela phambili kwamalungelo okubamba iqhaza komphakathi njengoba kubekiwe ngaphansi kwesigatshana (1).

**3. Ukubumbeka kweKomidi**

IKomidi lakhiwe yilawo malungu amiselwe ukwenza lokho yiKomidi eliMile lezinqubo izikhathi ngezikhathi.

**4. Ilungelo lokuthumela iphethishini**

(1) Kweyame ezihlinzekweni zalo Mthetho kanye nanoma yimuphi omunye umthetho, umfakiphethishini unelungelo lokubhekisa iphethishini eKomidini.

(2) Umfakiphethishini angafaka iphethishini ePhalamende kuphela uma ecela kuchitshiyelwe umthetho wesifundazwe ngaphansi kwesigaba 7(2)(a) noma ukuba kucutshunguliswe isinqumo esithathwe kwezokuphatha noma isinqumo nje esejwayelekile ngaphansi kwesigaba 7(2)(b) lapho umfakiphethishini esezihambe zonke izinhloko zokuphatha ukuze athole usizo.

(3) Umfakiphethishini angafaka iphethishini ePhalamende ecela noma yiluphi usizo lwezokuphatha kumele lunikezele ngosizo kozimisele ukwethula iphethishini eKomidini.

(4) Abemisebenzi yokweseka ezokuphatha abahlongozwayo ngaphansi kwesigaba 15 kumele bahlinzeke usizo kongahle afake iphethishini ofisa ukufaka iphethishini eKomidini, kubandakanya kodwa kungacini lapho —

(a) ukuze kuqinisekwe ukuthi uyahambisana nendlela okumele iphetheshini ibhalwe ngayo ngaphansi kwesigaba 6; futhi

(b) ukuze kulungiswe iphethishini okukhulunywe ngayo ngaphansi kwesigaba 16(1)(c)(i).

#### 5. Amandla eKomidi

(1) USomlomo noma namuphi umuntu ogunyazwe nguye kumele emukele iphethishini.

(2) USomlomo kumele edlulisele iphethishini eKomidini ngokwalo Mthetho.

(3) IKomidi kumele lidingide noma iyiphi iphethishini elethwe kulo ngokwezimiso zalo Mthetho.

#### 6. Indlela yokubhala iphethishini

Iphethishini kumele ibhalwe ngendlela ebekwe kwiSheduli yokuQala.

#### 7. Okuqukethwe yiphethishini kanye nosizo oludingekayo

(1) Umfakiphethishini kumele acele uhlobo losizo —

(a) oluhambisana noMthethosisekelo; futhi

(b) olungena ngaphansi kwemithetho yesifundazwe. Lokhu kusho ukuthi udaba oluyindikimba yephethishini kumele lungene ngaphansi kwemithetho esebenza ngokuhambisana phakathi kwezifundazwe nozwelonke ngaphansi kukaSheduli 4 woMthethosisekelo noma lapho amandla okushaya umthetho kungawesifundazwe kuphela ngaphansi kukaSheduli 5 woMthethosisekelo.

(2) Umfakiphethishini angacela —

(a) ukuchitshiyelwa komthetho wesifundazwe, osalindelwe noma osumisiwe;

(b) ukucutshungulwa kabusha kwesinqumo esijwayelekile sokuphatha esithinta umfakiphethishini;

(c) izinyathelo ezinokuthathwa ekunikezeleni ngosizo kumfakiphethishini; kanye/noma

(d) naluphi olunye uhlobo losizo uSomlomo alubona lufanelekile, esebenza ngokuhambisana nenqubo yokugunyaza enqunywe ngaphansi kwesigaba 10.

#### 8. Ukusayinwa kwamaphethishini

(1) Kweyame ezihlinzekweni zezigatshana (2) no (3), iphethishini kumele isayinwe yilowo nalowo ongumfakiphethishini.

(2) USomlomo angadedela ilungelo lokuhambisana nesigatshana (1) lapho ebona kunesidingo futhi kufanelekile.

(3) Lapho umfakiphethishini ehluleka ukusayina igama lakhe, angenza uphawu kwiphethishini, lolo phawu okumele lufakazelwe ngabanye abantu ababili, bobabili okumele basayine njengofakazi eduze kophawu.

#### 9. Ulimi lwamaphethishini

(1) Iphethishini ingabhalwa nganoma yiluphi ulimi olusemthethweni ezilimini eziyishumi nanye ezivunyelwe ngokwesigaba 6(1) soMthethosisekelo.

(2) Emva kokufakwa kwayo, uSomlomo kumele aqiniseke ukuthi —

(a) iphethishini ihunyushelwa esiNgesi, esiBhunjini kanye nasesiZulu engakapheli amasonto amabili; futhi

(b) lokho nalokho kuhumusha kuqinisekiswa ngumhumushi ofungisiwe njengokuliqiniso kanye nokuhumusha iphethishini engumsuka njengoba injalo.

#### 10. Ukwamukelwa nguSomlomo noma yiKomidi ukuba yethulwe

(1) Iphethishini kumele ishiywe kuSomlomo okungenani usuku olulodwa lwezinsuku zokusebenza, emva kwalokho uSomlomo kumele aqiniseke ukuthi iyahambisana yini nesigaba 9(2).

(2) USomlomo kumele ngokushesha ethule iphethishini ehunyushiwe eKomidini, ngokunikeza wonke amalungu ekomidi ikhophi yephethishini nanganoma yimuphi umbhalo oyesekeyo, ukuze ucutshungulwe futhi kwenziwe nombiko ngaphambi kokuba yethulwe eNdlini.

(3) USomlomo noma iKomidi akumele bavumele iphethishini ukuba yethulwe eNdlini —

(a) ecela usizo olushayisana noMthethosisekelo;

(b) ecela usizo iPhalamende elingenawo amandla okulunikeza ngokwamandla alo njengokulawula kwesigaba 104(1), sifundeka namaSheduli 4 no 5, koMthethosisekelo;

(c) efuna kubuyezwe noma kuguqulwe okuqhubeka noma isinqumo senkantolo yomthetho;

(d) efuna ukungenelela odabeni olusezithebeni zenkantolo;

(e) esuka esiboshweni futhi exhumene necala laso;

(f) ebandakanya udaba oluphambi kwekhomishana yopheno esungulwe ngokoMthetho wamaKhomishana waKwaZulu-Natali, 1999 (uMthetho No. 3 ka 1999), kanye neminye imigwamanda efanele; noma

(g) ethinta ukuchitshiyelwa komthetho wesifundazwe ngaphansi kwesigaba 7(2)(a) noma ukuba kucusngulwe ngabusha isinqumo esejwayelekile noma sazezokuphatha ngaphansi kwesigaba 7(2)(b) lapho umfakiphethishini esehlulekile kuzo zonke izinyathelo zokuthola usizo kwabezokuphatha.



- (4) Lapho ukugunyazwa kokwethulwa kwephethishini eNdlini kwenqatshelwa nguSomlomo, uSomlomo kumele udaba alwedlulisele eKomidini ukuze ludingidwe kabusha kukhishwe nesinqumo esingujuqu.
- (5) IKomidi kumele linikeze uSomlomo umbiko ovumela noma ophikisana nokwethulwa kwephethishini eNdlini, nezizathu ngalokho.
- (6) USomlomo kumele abuyisele iphethishini angayemukelanga noma engemukelwanga yiKomidi ukuba yethulwe eNdlini kumfakiphethishini, nezizathu kanye nesincomo, lapho kufanelekile, sokuthi umfakiphethishini ukuba akayithumele kwiNdlu yesiShayamthetho kaZwelonke.

### 11. Ukwethulwa

- (1) Kuncike ekuzaneliseni kwakhe ukuthi iphethishini iyahambisana nalo Mthetho, uSomlomo kumele enze amalungiselelo okwethulwa kwephethishini eNdlini ngokushesha okunokwenzeka emva kokugunyazwa kwephethishini ukuba yethulwe eNdlini nguSomlomo noma yiKomidi:
- (2) Ngeke kwenziwa nkulumompikiswano eNdlini nxa kwethulwa iphethishini.
- (3) Emva kokwethulwa kwephethishini, kungaphakanyiswa isaziso mayelana nesethulo bese kwenziwa inkulumbo-mpikiswano.

### 12. Izaziso ngomlomo

- (1) Ngokwesigatshana (2), umfakiphethishini kumele ethule iphethishini ngokubhaliwe, ibhalwe ngolimi aziqokele lona, ibhekiswe kuSomlomo nakunoma yimuphi umuntu ogunyazwe nguSomlomo.
- (2) IKomidi lingamvumela umfakiphethishini ukuthi avale isikhala sephethishini ebhaliwe ngokwenza izethulo ngomlomo.
- (3) Ngaphambi kokudingida iphethishini, iKomidi kumele liqophe futhi libhale phansi izethulo ezenziwe ngomlomo ngokuhlinzekelwa yisigatshana (2).

### 13. Amandla nemisebenzi yeKomidi

- (1) IKomidi kumele —
- (a) lizidingide iphethishini ethulwe ngenhloso yokuxazulula udaba; futhi
- (b) lapho kunesidingo, leluleke umfakiphethishini ngezinye izixazululo angazisebenzisa.
- (2) IKomidi lingadlulisele iphethishini eKomidini lomnyango ofanele, okumele lenze umbiko oqukethe umbono walo ngephethishini ukuze wethulwe eKomidini engakapheli amasonto amane udluliselwe kulo.
- (3) IKomidi lingamema umkhandlu kamasipala kahulumeni wasekhaya ofanele esifundazweni, isikhungo eseseka intando yeningi ehlinzekelwe kuMthethosisekelo okukhulunywa ngayo eSahlukweni 9 soMthethosisekelo, inhlango, inyunyana, umgwamanda noma umnyango kahulumeni ukuba —
- (a) udingide iphethishini futhi uyethule, engakedluli amasonto amane idluliselwe, imemorandamu equkethe umbono nezincomo ngephethishini; futhi/noma
- (b) lithumele olimele ukuba ahambele umhlango weKomidi ukuze lihlinzeke ngolunye ulwazi olwengeziwe.
- (4) Uma iKomidi linombono wokuthi ukuziphatha komuntu noma uhlaka okuthunyelwe kulo iPhethishini ngokwalezi zigaba akwanelisi, kanye nokuthi izimo zivuna lesi sinyathelo, iKomidi lingakhalaza kuMvikeli woMphakathi, noma lithathe ezinye izinyathelo ezifanele.
- (5) Uma iKomidi libona ukuthi ukuziphatha komuntu noma umgwamanda iphethishini edluliselwe kuye noma kuwo ngokwalesi sigaba akugculisi, nokuthi izimo ziphoqa ukuba kuthathwe lesi sinyathelo, iKomidi lingafaka isikhaziso kuMvikeli woMphakathi, noma lithathe ezinye izinyathelo ezifanele.
- (6) Kuncike ezihlinzekweni zalo Mthetho, uma linxuswe ukuba lenze njalo ngumfakiphethishini, iKomidi lingaxazulula ukungaboni ngaso linye, liguqule isenzo noma lilungise iphutha ngendlela yokulamula noma yokubonisana.
- (7) IKomidi lingenza isincomo kumuntu noma umgwamanda ngephethishini.
- (8) IKomidi lingaphothula ukudingida kwalo iphethishini uma linombono wokuthi —
- (a) akunazinyathelo, noma ezinye izinyathelo ezingathathwa ukuze kusionjululwe lolo daba; noma
- (b) udaba selusionjululwe ngokwesicelo somfakiphethishini.
- (9) IKomidi kumele —
- (a) lenze umbiko wezinyanga ezintathu mayelana nokudluliselwa kwamaphethishini okukhulunywa ngakho ezigatshaneni (2) no (3); futhi
- (b) libikele iPhalamende ngephethishini lapho iKomidi seliphothule uphenyo khona lenza nezincomo, ngokushesha ekuhlaleni okulandelayo kusukela iKomidi lenze isinqumo sokugcina ngephethishini.
- (9) Kuncike ezihlinzekweni zalo Mthetho, iKomidi ngokubonisana noSomlomo, lingalawula izinqubo zalo futhi lenze imisebenzi yalo ngendlela eliyibona ifanele.

### 14. Ukuhlala kwekomidi

- (1) Ngezinhlalo zokwemukela ubufakazi noma ukudingida udaba, iKomidi lingahlala ngesikhathi nasendaweni esifundazweni lapho kunganquma uSihlalo.
- (2) Ubufakazi onunikezelwe eKomidini kumele bulalelwe emphakathini, ngaphandle uma kunesizathu futhi kwesekeleka ukuba umphakathi kanye nabezindaba bangabandakanywa emphakathini onenqubo yentando yeningi nowenzela izinto obala.
- (3) USihlalo kumele anikeze umfakiphethishini kanye nazo zonke izinhlangothi ezithintekayo nezinentshisekelo isaziso esibhaliweyo ngosuku, isikhathi kanye nendawo lapho kuzobanjelwa khona umhlango wekomidi siqukethe iphethishini ezodingidwa njengephuzu lohlelo lomhlango, okungenani isonto ngaphansi kosuku lomhlango.

**15. Imisebenzi yokweseka ezokuphatha**

UNobhala kumele ahlinzeke iKomidi ngabasebenzi abazoxhasa ezokuphatha ukuze likwazi ukwenza imisebenzi yalo.

**16. Izingqubo ezimayelana namaphethishini**

- (1) Abemisebenzi yokweseka ezokuphatha kumele —
  - (a) babhalise noma iyiphi iphethishini etholakele ohleni lokubhalisa amaphethishini;
  - (b) bavule ifayela lanoma iyiphi iphethishini;
  - (c) ngokwesigaba 4(4) salo Mthetho, balungise wonke amaphethishini atholakele ukuze adingidwe yiKomidi, okungabandakanya —
    - (i) ukulungiswa, uma kunesidingo, ngokubonisana nomfakiphethishini, ukuqinisekisa ukuthi iphethishini iyahambisana nezihlinzeko zalo Mthetho; kanye
    - (ii) nokuhunyushwa kwephethishini;
  - (d) balungise uhlu oluphelele lwamaphethishini asilele athunyelwe ePhalamende, baluhambise kuyo yonke imihlangano yeKomidi; futhi
  - (e) bethula iphethishini ehlelwe ngaphansi kwendima (c) eya kuSihlalo, okumele ayethule emhlanganweni weKomidi ukuze idingidwe engakapheli amasonto amabili eyitholile iphethishini.
- (2) IKomidi kumele lazise umfakiphethishini engakapheli amasonto amane kusukela ngosuku iphethishini eyethulwa ngalo —
  - (a) ngendlela iphethishini edingidwa ngayo; kanye
  - (b) nangezizathu zokuthi kungani idingidwa ngaleyo ndlela.
- (3) Kuncike elungelweni leKomidi lokuqhubeka nokubhekana nesikhalazo noma isicelo uma iKomidi libona lolo daba lufanele luthathwe njengolubalulekile emphakathini, umfakiphethishini angayihoxisa iphethishini.
- (4) IKomidi kumele, emva kokudingida kwalo iphethishini ngokwesigaba 13(7), lethule fayela yephethishini nezincomo zalo kuSomlomo.
- (5) Emva kokwethulwa kwephethishini ngaphansi kwesigatshana (4), uSomlomo kumele acubungulise okuqukethwe yilelo fayela engakedhuli amasonto amabili (2).
- (6) Ilungu linelungelo lokucubungulisa ifayela kanye nezincomo zeKomidi.
- (7) USomlomo —
  - (a) angadlulisela ifayela eKomidini ukuze lidingidwe kabusha; noma
  - (b) angadlulisela ifayela eKomidini ukuze livalwe, anikeze izizathu ezibhaliweyo ngokwenza njalo.
- (8) Ilungu lingaphikisana nokuvalwa kwefayela, futhi kumele linikeze izizathu ngokuphikisa kwalo.
- (9) USomlomo angenezela kule nqubo ngemithethonqubo.

**17. Okuqukethwe wumbiko wekomidi**

IKomidi, embikweni walo ngaphansi kwesigaba 13(8)(b), lingancoma eNdlini ukuthi —

- (a) isicelo esiqukethwe yiphethishini semukelwe noma kunikezwe olunye usizo;
- (b) alikwazi ukweseka isicelo esenziwe kwiphethishini; noma
- (c) iphethishini idluliselwe eNdlini yesiShayamthetho sikaZwelonke ukuze iwudingide.

**18. Isinqumo seNdlu**

(1) IPhalamende lingenza inkulumo-mpikiswano ngesincomo seKomidi mayelana nephethishini.

(2) Emva kokuba seyiwudingidile umbiko weKomidi, futhi sekube nenkulumo-mpikiswano ngaphansi kwesigaba (1), iNdlu, ngokusebenzisa ivoti, inganquma ukuthi —

- (a) yamukele isincomo seKomidi siphelele noma sichitshiyelwe;
- (b) ichithe sonke noma ingxenywe yesincomo seKomidi;
- (c) idlulisele isincomo seKomidi noma iphethishini eNdlini yesiShayamthetho sikaZwelonke ngokwesigaba 104(5) soMthethosisekelo; noma
- (d) iphindisele udaba eKomidini ukuze liludingide kabusha lenze nombiko.

(3) UNobhala kumele azise umfakiphethishini ngokubhaliwe ngesinqumo seNdlu mayelana nephethishini ethile, nezizathu zaleso sinqumo, zingakapheli izinsuku eziyisikhombisa emva kwesinqumo seNdlu.

**19. Ukudingidwa kwephethishini esiphethiwe**

Iphethishini emayelana nodaba oseluthathelwe isinqumo ayinakudingidwa kabusha yiKomidi, ngaphandle uma leyo phethishini ihlinzeka ngamaqiniso amasha noma ubufakazi obufanele obuvumela ukuba udaba ludingidwe kabusha.

**20. Ofakazi**

(1) Umfakiphethishini, ngezindleko zakhe futhi uma iKomidi livuma, anganikeza ubufakazi emhlanganweni weKomidi ukweseka iphethishini yakhe.

(2) Ngenhloso yokuqinisekisa ngodaba oluphenywa yiKomidi, iKomidi —

- (a) lingathumela isamanisi kumuntu ukuba athamele umhlangano walo, njengofakazi, ukuze ethule ubufakazi noma aveze noma iyiphi incwadi, umbhalo noma wutho okudingwa yiKomidi; noma
- (b) lingabizela umuntu ukuba azovela emhlanganweni walo, njengofakazi, ukuze ethule ubufakazi noma aveze noma iyiphi incwadi, umbhalo noma wutho okudingwa yiKomidi ngesikhathi kanye nasendaweni okubekwe kumasamanisi.

(3) Amasamanisi okukhulunywa ngawo esigatshaneni (2)(b) kumele asayinwe futhi akhishwe nguSihlalo, bese ethunyelwa kumuntu obizelwa eKomidini ngokusebenzisa incwadi ebhalisiwe ethunyelwe ngeposi, noma ngokuba ihanjiswe mathupha ngumuntu ogunyazwe nguSihlalo, noma nangayiphi indlela enqunywe nguSomlomo ngokumisa imithethonqubo.

(4) Ufakazi kumele, ngaphambi kokwethula ubufakazi, afunge noma enze

isithembiso phambi kukaSihlalo, iLungu noma umsebenzi weKomidi, njengokuyalela kukaSihlalo.

(5) UNobhala wePhalamende kumele akhokhele umuntu ongeyena umsebenzi womnyango wesifundazwe, obizelwe phambi kweKomidi njengofakazi, noma owethule ubufakazi ngaphambi kweKomidi, isamba semali ebhekele ukuhamba kanye nesikhathi sokwethamela umhlangano kanye neyokugibela esebenzile, lowo muntu ayengaba nelungelo lokuyithola uma wayekade ebe ngufakazi wenkantolo.

## 21. Amacala

(1) Umuntu obizwe ngamasamanisi ngokwezigaba 20(2)(b) no (3), okuthi ngale kwesizathu esizwakalayo —

(a) ohluleka ukuhambela umhlangano weKomidi ngesikhathi nasendaweni okubekwe kumasamanisi; noma

(b) ohluleka ukuhlala alinde emhlanganweni weKomidi kuze kuphethwe uphenyo oluphambi kweKomidi, noma kuze kube udedelwa nguSihlalo ekuqhubekeni nokuhlala alinde, wenza icala.

(2) Umuntu obizwe njengofakazi ngaphansi kwesigaba 20(2)(a) noma (b), okuthi, ngale kwesizathu esizwakalayo —

(a) onqaba ukufungiswa noma ukuthembisa ukukhuluma iqiniso njengofakazi emva kukucelwa nguSihlalo ukuba enze njalo;

(b) emva kokufungiswa noma ukuthembisa ukukhuluma iqiniso, ohluleka ukuphendula ngokugcwele nangokwanelisayo namuphi umbuzo abuzwe wona ngokusemthethweni;

(c) emva kokufungiswa noma esethembisile ukukhuluma iqiniso, onikeza ubufakazi obungamanga ngaphambi kweKomidi odabeni lumbe, azi ukuthi lobo bufakazi bungamanga noma engakholwa ukuthi buyiqiniso; noma

(d) ohluleka ukuveza incwadi, umbhalo noma wutho olungakuye noma olugcinwe nguye noma olulawulwa nguye, acelwe ukuba aluveze, wenza icala.

(3) Umuntu —

(a) owesabisa, ovimba noma ofake umoya omubi ufakazi ukuba enqabe ukwethula ubufakazi, noma ukuba anike ubufakazi obungamanga phambi kweKomidi;

(b) owesabisa, ovimba noma afake umoya omubi ufakazi mayelana nokuveza iphepha, incwadi, irekhodi noma umbhalo phambi kweKomidi;

(c) ngenhloso yokwedusa iKomidi, ovezela kweKomidi iphepha, ibhuku, irekhodi noma umbhalo okungamanga, okungenabuqiniso, okwakhiwe noma okubunjwe;

(d) odabula noma ofihla incwadi, umbhalo noma wutho ngokolwazi lwakhe okungaba wusizo eKomidini kunoma yiluphi udaba oluphenywa yilo; noma

(e) ngamabomu onikeza iKomidi ulwazi, noma owenza isitatimende phambi kwalo, esingamanga noma esidukisayo, wenza icala.

## 22. Izinhlawulo

Umuntu olahlwe ngecala ngokwesigaba 21 angahlawuliswa noma aboshwe isikhathi esingeqile ezinyangeni eziyi-12, noma kokubili inhlawulo nokudonsa ejele.

## 23. Ukugcinwa kwezincwadi, imibhalo nezinto yiKomidi

IKomidi lingacina ibhuku, isikhathi esithile emva komhlangano, incwadi, umbhalo noma wutho ebelilicele noma elibhalele umuntu ukuba alulethe ngaphansi kwesigaba 20(2)(a) noma (b).

## 24. Ukudlulisela amandla kweKomidi

(1) IKomidi linganikezela amandla alo ekomidini elingaphansi kwalo ngokweMithetho eMile kanye neMiyalelo yePhalamende.

(2) Emva kokuqeda umsebenzi walo, iKomidi elingaphansi kumele libikele ikomidi elikhulu ngokubhaliweyo.

(3) Akukho okungavimba iKomidi ekusebenziseni amandla eliwanikezele eKomidini elingaphansi kwalo ngokwesigatshana (1).

## 25. Ukuphendula ePhalamende

(1) IKomidi kumele lihlele umbiko wezinyanga ezintathu nganoma iyiphi iphethishini elikhiphe isinqumo sayo ukuba wethulwe ePhalamende ukuze udingidwe.

(2) IKomidi kumele lihlele futhi lethule umbiko wonyaka obhaliwe wayo yonke imisebenzi yalo ePhalamende.

(3) Umbiko wonyaka obhaliwe weKomidi kumele uhlinzekele ukubuyezekwa kokuphendula ngokushesha, ubungcweti kanye nokugcinwa kwesikhathi uma kudingidwa amaphethishini ngokusebenzisa inqubo enqunywe ngaphansi kwesigaba 13(3).

(4) Inkulumbo-mpikiswano ngodaba oluphakanyiswe embikweni weKomidi othunyelwe ePhalamende kumele ibekhona uma amaLungu angaphezulu kwamahlanu efisa kanjalo.

(5) IPhalamende lingaphindisela eKomidini noma yiluphi udaba oluvuka embikweni weKomidi ukuba ludingidwe kabusha.

## 26. Imithethonqubo

USomlomo, emva kokubonisana neKomidi, kumele ashaye imithethonqubo edingekayo ukuze kugcinwe izihlinzeko zalo Mthetho.

## 27. Isihloko esifingqiwe kanye nokuqala ukusebenza

(1) Lo Mthetho waziwa njengoMthetho wamaPhethishini waKwaZulu-Natali, 2003.

(2) Lo Mthetho uyoqala ukusebenza ngosuku olunqunywe nguSomlomo ngesimemezelo kwiGazethi yesiFundazwe.

## ISHEDULI YOKUQALA:

UHLOBO LWEPHETHISHINI OLUNQUNYWE YIMITHETHO EMILE KANYE  
NEMITYALELO KWEPHALAMENDE LAKWAZULU-NATALI

## IPHETHISHINI

.....  
*Isignesha yeLungu elethula iphethishini*

**Ibhekiswe kuSomlomo oHloniphekile kanye namaLungu ePhalamende laKwaZulu-Natali:**

IPhethishini yosayine ngenzansi

*[gcwalisa igama lomfakiphethishini/labafakiphethishini noma incazelo ngeqoqo labafakiphethishini, kanye nendawo yokuhlala noma indawo lapho besebenza khona]*

wethula ngokuzithoba ukuthi

*[beka amaqiniso nezethulo okumele zaziswe iNdlu kanye neminingwane yosizo oludingekayo]*

Umfakiphethishini/abafakiphethishini ucela/bacela ukuba iNdlu idingide izethulo zakhe/zabo ngokwanelisayo, bese inikeza usizo eca-banga ukuthi lufanele.

No. 4, 2006

16 August 2006

**KWAZULU-NATAL PETITIONS ACT, 2003**  
(Act No. 4 of 2003)

Assented to on 2003-12-05

**ACT**

**To provide for the right to submit a petition to the Parliament of KwaZulu-Natal; to establish the procedure to be followed in submitting a petition to Parliament; to provide for the functions of the Private Members' Legislative Proposals, Pensions and Petitions Standing Committee of Parliament; to lay down the general principles and procedure for public participation in the process of government in the Province; and to provide for incidental matters.**

**BE IT ENACTED** by the Parliament of the Province of KwaZulu-Natal as follows:-

**1. Definitions**

In this Act —

“**Cabinet**” means the Executive Council of the province of KwaZulu-Natal as contemplated in section 132 of the Constitution;

“**Chairperson**” means the chairperson of the Committee;

“**Committee**” means the Private Members' Legislative Proposals, Pensions and Petitions Standing Committee of Parliament;

“**Constitution**” means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

“**Local Government**” means the local sphere of government in the Province as contemplated in sections 151 and 155 of the Constitution;

“**Member**” means a member of the Parliament of KwaZulu-Natal elected to a seat in terms of sections 105 and 106 of the Constitution;

“**Parliament**” means the Provincial Legislature of KwaZulu-Natal as contemplated in section 104 of the Constitution;

“**Petition**” means a complaint, request, representation or submission addressed by a petitioner to the Committee, 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 collection 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 petitioners concerning the same or substantially similar complaints or requests; or
- (d) an association petition, which is an individual submission from an association, or an individual mandated by an association, concerning a particular complaint or request;

“**Petitioner**” means a person who has addressed a petition to the Committee, and includes a natural or juristic person acting —

- (a) in his, her or its own interest;
- (b) in the interest of another person who, or body which, is not in a position to seek relief in his, her or its own name;
- (c) as a member of, or in the interest of, a group or class of persons; or
- (d) in the public interest, and includes an association acting in the interest of its members;

“**Province**” means the province of KwaZulu-Natal established in terms of section 103 of the Constitution;

“**Secretary**” means the Secretary of the Provincial Parliament of KwaZulu-Natal;

“**Speaker**” means the Speaker of Parliament elected in terms of section 111 of the Constitution; and

“**Standing Rules**” means the standing rules and orders made for the conduct of the business of the KwaZulu-Natal Parliament in terms of section 116 of the Constitution.

## **2. General principles of the Act**

- (1) The Committee must —
  - (a) subject to subsection (3), take appropriate steps to encourage and facilitate participation by the public, particularly previously politically, socially, and economically excluded communities, in the process of government in the Province, especially the legislative and other processes of Parliament;
  - (b) enhance democracy by exercising maximum accountability and transparency;
  - (c) receive petitions from a petitioner; and
  - (d) respect the rights of petitioners.
- (2) A right conferred by this Act must be exercised in a manner which is reasonable and justifiable.
- (3) The Committee must take all reasonable steps, within its available resources, to achieve the progressive realization of the rights of public participation as set out under subsection (1).

## **3. Composition of Committee**

The Committee consists of those Members as determined from time to time by the Standing Rules.

## **4. Right to petition**

- (1) Subject to the provisions of this Act and any other law, a petitioner has the right to address a petition to the Committee.
- (2) A petitioner may only petition Parliament requesting the amendment of provincial legislation under section 7(2)(a) or the reconsideration of a general or administrative decision under section 7(2)(b) where the petitioner has exhausted all other administrative avenues for relief.
- (3) A petitioner may petition Parliament requesting any other form of relief envisaged under section 7.
- (4) The administrative support service envisaged under section 15 must render assistance to a prospective petitioner who wishes to submit a petition to the Committee, including but not limited to —
  - (a) ensuring compliance with the format of the petition under section 6; and
  - (b) the correction of a petition under section 16(1)(c)(i).

## **5. Jurisdiction of Committee**

- (1) The Speaker, or any person authorised by him or her, must receive a petition.
- (2) The Speaker must refer a petition to the Committee in terms of this Act.
- (3) The Committee must consider every petition referred to it in terms of this Act.

## **6. Format of Petition**

A petition must be in the format set out in the First Schedule.

## **7. Content of Petition and Relief Sought**

- (1) A petitioner must request a form of relief which —
  - (a) is constitutional; and
  - (b) falls within the provincial legislative competence. This means that the subject matter of the petition must fall within either a Functional Area of Concurrent National and Provincial Legislative Competence under Schedule 4 to the Constitution or a Functional Area of Exclusive Provincial Legislative Competence under Schedule 5 to the Constitution.
- (2) A petitioner may request —
  - (a) the amendment of provincial legislation, pending or enacted;
  - (b) the reconsideration of a general or administrative decision affecting the petitioner;
  - (c) steps to be taken to grant relief to the petitioner; and/or
  - (d) any other form of relief deemed by the Speaker, acting in accordance with the approval procedure determined under section 10, to be reasonable.

## **8. Signing of Petitions**

- (1) Subject to subsections (2) and (3), a petition must be signed by every petitioner.
- (2) The Speaker may waive compliance with subsection (1) where he or she deems waiver necessary and reasonable.
- (3) Where a petitioner is unable to sign his or her name, he or she may make a mark on the petition, which mark must be witnessed by two other persons, both of whom must sign as witnesses next to the mark.

## **9. Language of Petitions**

- (1) A petition may be lodged in any of the eleven official languages recognized in section 6(1) of the Constitution.
- (2) After lodgement, the Speaker must ensure that —
  - (a) the petition is translated into English, Afrikaans and isiZulu within two weeks; and
  - (b) each translation is certified by a sworn translator to be a true and correct translation of the original petition.

## **10. Approval by the Speaker or Committee for Tabling**

- (1) A petition must be deposited for at least one working day with the Speaker, whereafter the Speaker must ensure compliance with section 9(2).
- (2) The Speaker must immediately submit the translated petition to the Committee, by providing every member of the Committee with a copy of the petition and any supporting documentation, for consideration and report before it is tabled in the House.

- (3) The Speaker or Committee must not approve a petition for tabling in the House —
- (a) requesting relief in conflict with the Constitution;
  - (b) requesting relief which Parliament is not competent to grant in accordance with its jurisdiction as set out in section 104(1) of, read with Schedules 4 and 5 to, the Constitution;
  - (c) that seeks to review or overturn the proceedings or judgement of a competent court;
  - (d) that seeks to intervene in a matter which is *sub judice*;
  - (e) originating from a prisoner and connected to his or her case;
  - (f) involving a subject matter that is before a commission of inquiry established in terms of the KwaZulu-Natal Commissions Act, 1999 (Act No. 3 of 1999), and other relevant bodies; or
  - (g) requesting the amendment of provincial legislation under section 7(2)(a) or the reconsideration of a general or administrative decision under section 7(2)(b) where the petitioner has failed to exhaust all other administrative avenues for relief.
- (4) Where approval for the tabling of a petition in the House is refused by the Speaker, the Speaker must refer the matter to the Committee for reconsideration and final decision.
- (5) The Committee must provide a report to the Speaker either approving or disapproving of the tabling of the petition in the House, with reasons.
- (6) The Speaker must refer a petition not approved for tabling in the House by him or her or the Committee back to the petitioner, together with reasons, and a recommendation, where appropriate, that the petitioner petition the National Assembly.

### 11. Tabling

- (1) Subject to his or her satisfaction that the petition complies with this Act, the Speaker must cause the petition to be tabled in the House as soon as is reasonably practicable after approval for tabling in the House by the Speaker or the Committee.
- (2) No debate may take place in the House on the tabling of a petition.
- (3) After tabling of a petition, a motion on notice relating to the petition may be moved and debated.

### 12. Oral Submissions

- (1) Subject to subsection (2), a petitioner must submit a petition in writing, written in the petitioner's preferred language, to the Speaker or any person authorised by him or her.
- (2) The Committee may allow a petitioner to supplement a written petition with oral submissions.
- (3) Before it considers a petition, the Committee must record and reduce to writing oral submissions contemplated in subsection (2).

### 13. Powers and Functions of the Committee

- (1) The Committee must —
- (a) consider a petition that has been tabled with a view to settling the matter; and
  - (b) where applicable, advise a petitioner of other appropriate remedies available to him or her.
- (2) The Committee may refer the petition to a relevant Portfolio Committee, which must draft a report containing an opinion on the petition for submission to the Committee within four weeks of the referral.
- (3) The Committee may invite any appropriate municipal council of a local government in the Province, institution supporting constitutional democracy mentioned in Chapter 9 of the Constitution, organization, union, body or State department to —
- (a) consider the petition and submit, within four weeks of the date of the referral, a memorandum containing an opinion and recommendations on the petition; and/or
  - (b) send a representative to attend a meeting of the Committee to provide additional information.
- (4) If the Committee is of the opinion that the conduct of a person or body to whom a petition has been referred in terms of this section is unsatisfactory, and that the circumstances merit this action, the Committee may make a complaint to the Public Protector, or take other appropriate action.
- (5) Subject to the provisions of this Act, if requested to do so by a petitioner, the Committee may resolve a dispute, reverse an act or rectify an omission by means of mediation or negotiation.
- (6) The Committee may make a recommendation to a person or body on the basis of a petition.
- (7) The Committee may conclude its consideration of a petition if it is of the opinion that —
- (a) no steps, or no further steps, can be taken to settle the matter; or
  - (b) the matter has been settled as requested by the petitioner.
- (8) The Committee must —
- (a) make quarterly reports of referrals as contemplated in subsections (2) and (3) to Parliament; and
  - (b) report to Parliament on a petition where the Committee has completed its investigations and reached a recommendation, at the next Sitting immediately following the Committee's final decision on the petition.
- (9) Subject to the provisions of this Act, the Committee may, in consultation with the Speaker, regulate its proceedings and perform its functions in a manner as it deems fit.

### 14. Sitting of the Committee

- (1) The Committee may, for the purpose of receiving evidence or for deliberating, sit at a time and a place in the Province as the Chairperson determines.
- (2) Evidence presented to the Committee must be heard in public, unless it is reasonable and justifiable to exclude the public and the media in an open and democratic society.

(3) The Chairperson must give the petitioner and all interested and affected parties written notice of the date, time and venue of a Committee meeting containing the relevant petition as an agenda item, at least one week prior to the date of the meeting.

#### **15. Administrative Support Service**

The Secretary must provide administration support staff to the Committee to enable it to perform its functions and duties.

#### **16. Procedures relating to Petitions**

- (1) The administration support service must —
  - (a) register every petition received in a Petitions Register;
  - (b) open a file for every petition;
  - (c) in terms of section 4(4) of this Act, prepare every petition received for consideration by the Committee, which may involve —
    - (i) correction, if possible, of the petition, in consultation with the petitioner, to ensure that a petition complies with the provisions of this Act; and
    - (ii) the translation of a petition;
  - (d) prepare a full list of outstanding petitions addressed to Parliament, and make it available to each meeting of the Committee; and
  - (e) present a petition prepared under paragraph (c) to the Chairperson, who must table the petition at a meeting of the Committee for consideration within two (2) weeks of the date on which the Chairperson received the petition.
- (2) The Committee must notify a petitioner within four (4) weeks of the date on which a petition was tabled of —
  - (a) the manner in which a petition is being dealt with; and
  - (b) the reasons why it is being dealt with in that particular manner.
- (3) Subject to the right of the Committee to continue to act on the complaint or request if the Committee deems the matter to be of public importance, a petitioner may withdraw a petition.
- (4) The Committee must, after concluding its consideration of a petition in terms of section 13(7), submit the petition file and its recommendation to the Speaker.
- (5) After the submission of a petition under subsection (4), the Speaker must scrutinize the contents of the file within two (2) weeks.
- (6) A Member is entitled to scrutinize the file and the recommendation of the Committee.
- (7) The Speaker may —
  - (a) refer the file to the Committee for reconsideration; or
  - (b) refer the file to the Committee for closure, providing written reasons for such action.
- (8) A Member may object to the closing of the file, and must provide reasons for his or her objection.
- (9) The Speaker may supplement this procedure by way of regulations.

#### **17. Content of Committee Report**

The Committee, in its report under section 13(8)(b), may recommend to the House that —

- (a) the request contained in the petition be acceded to or that some other relief be granted;
- (b) it is unable to support the request made in the petition; or
- (c) the petition be referred to the National Assembly for consideration.

#### **18. Decision by the House**

- (1) Parliament may debate the recommendation of the Committee on the petition.
- (2) After consideration of the report by the Committee, and possible debate under subsection (1), the House may by vote resolve to —
  - (a) accept the recommendation of the Committee, with or without amendment;
  - (b) reject the recommendation of the Committee in whole or in part;
  - (c) refer the recommendation of the Committee or the petition to the National Assembly in terms of section 104(5) of the Constitution; or
  - (d) refer the matter back to the Committee for further consideration and report.
- (3) The Secretary must inform the petitioner in writing of the decision of the House with regard to a particular petition, and reasons therefore, within seven days of the decision by the House.

#### **19. Consideration of a Settled Petition**

A petition in respect of a matter on which a decision has been taken is not entitled to reconsideration by the Committee, unless that petition provides new facts or relevant evidence that justify a reconsideration of the matter.

#### **20. Witnesses**

- (1) A petitioner may, at his or her own expense and only with the consent of the Committee, give evidence in support of the petition at a meeting of the Committee.
- (2) For the purpose of ascertaining a matter relating to the subject of its investigation, the Committee may —
  - (a) summon a person to attend a sitting of the Committee, as a witness, in order to give evidence, or produce any book, document or object required by the Committee; or
  - (b) subpoena a person to attend a sitting of the Committee, as a witness, in order to give evidence, or produce any book, document or object, before the Committee at the time and place specified in the subpoena.
- (3) A subpoena contemplated in subsection (2)(b) must be signed and issued by the Chairperson, and served on the person subpoenaed either by a registered letter sent through the post, or by delivery by a person authorized thereto by the Chairperson, or by any method determined by the Speaker in the form of regulations.

(4) A witness must, before giving evidence, take an oath or make an affirmation administered by the Chairperson, a Member or an employee of the Committee, as the Chairperson may designate.

(5) The Secretary to Parliament must pay to a person, other than an employee of a provincial department, who has been subpoenaed to attend a sitting of the Committee as a witness, or who has given evidence before the Committee, the sum for traveling and attendance time and for transport expenses actually incurred which the person would be entitled to as a witness before a magistrate's court.

## 21. Offences

(1) A person duly subpoenaed in terms of section 20(2)(b) and (3) who, without sufficient cause —

(a) fails to attend the meeting of the Committee at the time and place specified in the subpoena; or

(b) fails to remain in attendance at the meeting of the Committee until the completion of the investigation before the Committee, or until he or she is excused by the Chairperson from further attendance, commits an offence.

(2) A person called as a witness under section 20(2)(a) or (b) who, without sufficient cause —

(a) refuses to be sworn in or to make an affirmation as a witness after she or he has been requested by the Chairperson to do so;

(b) after having been sworn in or having made an affirmation, fails to answer fully and satisfactorily any question lawfully put to him or her;

(c) after having been sworn in or having made an affirmation, gives false evidence before the Committee on a matter, knowing the evidence to be false or not believing it to be true; or

(d) fails to produce a book, document or object in his or her possession or custody or under his or her control, which he or she has been called to produce, commits an offence.

(3) A person who —

(a) threatens, obstructs or unduly influences a witness to refrain from giving evidence or to give false evidence before the Committee;

(b) threatens, obstructs or unduly influences a witness concerning the production of a paper, book, record or document before the Committee;

(c) with the intent to deceive the Committee, produces before the Committee a false, untrue, fabricated or falsified paper, book, record or document;

(d) destroys or conceals a book, document or object which to his or her knowledge might be of assistance to the Committee in any matter relating to the subject of its investigation; or

(e) wilfully furnishes the Committee with information, or makes a statement before it, which is false or misleading, commits an offence.

## 22. Penalties

A person convicted of an offence in terms of section 21 is liable to a fine or imprisonment for a period not exceeding 12 months, or both a fine and imprisonment.

## 23. Retention of books, documents or objects by the Committee

The Committee may retain, for a reasonable period after a meeting, a book, document or object that it has requested or subpoenaed a person to produce in terms of section 20(2)(a) or (b).

## 24. Delegation of powers by Committee

(1) The Committee may delegate its powers to a subcommittee of the Committee in terms of the Standing Rules and Orders of Parliament.

(2) On completion of its mandate, the subcommittee must report its findings to the Committee in writing.

(3) Nothing prevents the Committee from exercising powers delegated to a subcommittee under subsection (1).

## 25. Accountability to Parliament

(1) The Committee must prepare a quarterly report on every petition it has adjudicated upon for submission to Parliament for consideration.

(2) The Committee must prepare and submit an annual written report of its activities to Parliament.

(3) The annual written report of the Committee must provide for an evaluation of the responsiveness, efficiency and timeousness with which petitions dealt with via the procedure determined under section 13(3) were resolved.

(4) A debate on an issue raised in a report of the Committee to Parliament must take place if more than five Members so demand.

(5) Parliament may refer a matter emanating from a report of the Committee back to the Committee for reconsideration.

## 26. Regulations

The Speaker, after consultation with the Committee, must make regulations required for carrying out the provisions of this Act.

## 27. Short title and commencement

(1) This Act is called the KwaZulu-Natal Petitions Act, 2003.

(2) This Act comes into operation on a date fixed by the Speaker by proclamation in the *Provincial Gazette*.



**FIRST SCHEDULE:**

**FORM OF PETITION PRESCRIBED BY THE STANDING RULES AND  
ORDERS OF THE KWAZULU-NATAL PARLIAMENT**

**PETITION**

.....  
*Signature of Member introducing the petition*

**To the Honourable Speaker and Members of the KwaZulu-Natal Parliament:-**

The Petition of the undersigned

*[insert the name of the petitioner/s or a description of the group of petitioners, and place of residence or place of business]*

respectfully submits that

*[set out the facts and representations to be brought to the notice of the House and details of the relief sought]*

The petitioner/s requests / request that the House consider his, her or their submissions favourably, and grant the relief which it may deem fit.





