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WESTERN CAPE PROVINCIAL PARLIAMENT**WESTERN CAPE PETITIONS ACT, 2006 (ACT 3 OF 2006)****Draft Regulations for the Western Cape on the Western Cape Petitions Act: publication for comment**

The Speaker of the Provincial Parliament intends to make the following Regulations in terms of the Western Cape Petitions Act, 2006 (Act 3 of 2006): Western Cape Regulations on Petitions. The draft regulations and forms are published in English. Interested parties are invited to make representations or submit comments on these draft regulations. Such representations or comments should be submitted in writing before or on 23 June 2008 by faxing, e-mailing or handing them in at the following addresses/numbers.

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WESTERN CAPE PETITIONS ACT, 2006

REGULATIONS IN TERMS OF ACT NO 3 OF 2006

I, Shaun Byneveldt, Speaker of the Western Cape Provincial Parliament, acting in terms of section 8 of the Western Cape Petitions Act, 2006 (Act 3 of 2006), make the regulations set out in the Schedule to this notice.

SCHEDULE

Definitions

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

“**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 request; or
- (d) an association petition, which is an individual or group submissions from an association or an individual mandated by an association, concerning a particular complaint or request;

“**Petition file**” means the file contemplated in terms of regulation 8 of these regulations;

“**the Act**” means the Western Cape Petitions Act, 2006 (Act No. 3 of 2006), in terms of which these regulations are promulgated.

Application of regulations

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

Responsibilities of the Committee

3. (1) The Committee must—

- (a) take reasonable steps to inform the citizens of the Province of their rights in terms of the Act;
- (b) take reasonable steps to inform the citizens of the Province of the physical address, fax number, e-mail or postal address where a petition may be submitted;
- (c) ensure that persons or categories of persons previously disadvantaged by unfair discrimination enjoy full participation in the process of governance; and
- (d) exercise maximum accountability and transparency in the consideration of petitions.

- (2) The Committee may—
- (a) resolve a dispute by means of mediation or negotiation, where appropriate, or if requested to do so by a petitioner; and
 - (b) where appropriate, lodge a complaint with the Public Protector in terms of the Public Protector Act, 1994 (Act 23 of 1994), if the conduct of a person or body against whom a petition has been referred, is unsatisfactory.

Rights and obligation of a petitioner

4. (1) A petitioner has a right to—
- (a) submit a petition in accordance with the annexure A to these regulations;
 - (b) withdraw a petition at his or her own volition;
 - (c) submit a petition in any of the official languages of the Province;
 - (d) submit his or her petition electronically by means of e-mail or via the website of the Provincial Government;
 - (e) be assisted by the administrative support services of the legislature in submitting a petition;
 - (f) have his or her petition considered by the Committee, unless the petition is subject to a disqualification as contemplated in the Act or these regulations;
 - (g) attend a Committee meeting where his or her petition is considered, unless the Chairperson determines otherwise and has in writing prior to that meeting informed him or her of that determination and the reasons thereof;
 - (h) be given written reasons if the Committee refuses to consider a petition;
 - (i) be advised in writing by the Committee of the outcome of the petition;
 - (j) be advised by the Committee, where appropriate, of other remedies available to him or her; and
 - (k) have access at any reasonable time to the petition file.
- (2) A petitioner has a right, at any time before the Committee concludes its consideration of the petition, to—
- (a) submit additional information to the Committee in respect of the subject matter of the petition;
 - (b) submit a written rebuttal against any statement, opinion or recommendation expressed by any person or body in respect of that petition, if invited to do so by the Committee;
 - (c) obtain, upon request to the Committee, any information or any evidence which has been led in respect of the subject matter of the petition, and that information or evidence must be included in the petition file.
- (3) A petitioner must inform the Committee if any person or body has, subsequent to the submission of the petition, addressed the matter in respect of which the petition was submitted.

Administration staff

5. The Secretary must designate such employees for the Committee, as may be necessary for the Committee to perform its work arising from or connected with petitions.

Obligations of the administrative services staff in processing petitions

6. (1) The administration staff must, on receipt of a petition—
- (a) ensure that the form Annexure A to these regulations is duly completed and signed by the petitioner or any person authorised to act on behalf of the petitioner;
 - (b) render assistance to any person who is unable to submit a petition complying with all the requirements imposed by the Act and these regulations; and
 - (c) determine whether a petition complies with the requirements of the Act and these regulations in order to be considered by the Committee.
- (2) The administration staff must—
- (a) open a petition file for each petition received;
 - (b) allocate a file number to the petition; and
 - (c) register a petition by entering the details thereof in a register.
- (3) The administration staff must, within five days of receipt of the petition, inform the petitioner of the status of his or her petition and the file number thereof.

Procedure for submitting a petition

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

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

- (a) By registered mail;
- (b) by delivering it at the provincial Legislature Building in the designated box;
- (c) by e-mail to the designated e-mail address; or
- (d) by completing the relevant column in the website of the Provincial Legislature.

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

The petition file

8. (1) The petition file must contain the following:

- (a) A duly completed petition form as contemplated in Annexure A;
- (b) the preliminary investigation report as contemplated in regulation 9;
- (c) any opinion on the matter furnished by a legal adviser contemplated in regulation 9(4); and
- (d) any relevant information recorded by the administrative support services.

(2) The petition file must record whether the petition is acceptable or not acceptable as contemplated in terms of 4 (1) and (2) of the Act.

(3) The Committee must keep record of every petition received by it.

Preliminary investigation into petition

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

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

- (a) obtain all information or documents relevant to the petition held by the executive authority of the Province, a municipal council, any person or official body referred to in the petition, where there is such information available; and
- (b) obtain the official comments of the relevant department, municipal council or official body, which is responsible for the function which forms the subject matter of the petition.

(3) The administration staff must, where required by the Committee, obtain translation of the petition and any other relevant document thereto.

(4) Where the petition pertains to a question of law or the interpretation of legislation, the administration staff must request the legal adviser of the Provincial Parliament to provide advice or express an opinion on the subject matter of the petition.

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

(6) The person or entity, contemplated in sub-regulation (5), must submit within five working days from the date of request by the Secretary.

(7) The Secretary must, within five days of completion of the preliminary investigations, refer the petition file to the Speaker.

Referral

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

The Committee process

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

- (2) The Committee must inform the petitioner of—
- (a) progress made in the processing of his or her petition;
 - (b) the date, venue and time when the petition will be considered;
 - (c) whether the Committee would require or consider any oral submissions on the petition from the petitioner and or any other relevant parties.
- (3) The Committee must, after considering the petition, submit a report on the petition to the Speaker with any of the recommendations contemplated in section 5(3) of the Act.
- (4) The Speaker must table such report in the Provincial Legislature for consideration, in accordance with the recommendation made by the Committee.
- (5) The Committee must in writing notify the petitioner, and if necessary, any other person or entity who has an interest in the subject matter of the petition—
- (a) of any developments regarding the petition, including proceedings of the Committee; and
 - (b) any relevant resolution of the Provincial Parliament regarding the petition;
- (6) The Secretary must, within four weeks from the date of the resolution by the Provincial Legislature—
- (a) inform the petitioner of final the outcome of the petition; and
 - (b) where petition has been rejected in terms of section 5(6) of the Act, inform the petitioner of such decision with reasons thereof, in accordance with the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2008).

Short title

12. These regulations are called the Western Cape Petitions Regulations, 2008.

Date of commencement

13. These regulations take effect from
(please insert the date).



**WESTERN CAPE PROVINCIAL PARLIAMENT
PETITION FORM (ANNEXURE A)
(Western Cape Petitions Act, Act 3 of 2006)**

1. DETAILS OF PETITIONER	
1.1 Full names	
1.2 Name of person or group the Petitioner represents	
1.3 Address	
1.4 Telephone	
Home	
Work	
Cellphone	
1.5 Fax number	
1.6 E-mail address	
1.7 Identity number/ Registration number if a legal entity	
2. DETAILS OF PETITION	The Petitioner is required to provide a full description of the reasons for lodging the petition.
3. STEPS TAKEN BY PETITIONER TO RESOLVE THE MATTER	The Petitioner is requested to provide full details of steps taken to resolve the matter, apart from lodging this petition.

4. DESCRIPTION OF ANY EVIDENCE NOT IN PAPER FORM SUBMITTED WITH PETITION	
5. Total number of pages appended to this petition form	
6. Title and number of pages of annexure to the petition form	
7. Nature of assistance required by Petitioner to submit this petition	
8. DECLARATION OF PETITIONER	
<p>By signing this petition or making a mark on this petition, the Petitioner declares that to the best of his or her knowledge:</p> <p>(a) the contents of the petition are true and correct; and</p> <p>(b) the petition is not a matter:-</p> <p>(i) pertaining to any matter which forms the basis of a pending petition or a petition that was dealt with previously;</p> <p>(ii) pending in court;</p> <p>(iii) in respect of which a court of law has given a final judgment or made a final ruling;</p> <p>(iv) pending before a commission of inquiry appointed in terms of the Western Cape Provincial Commissions Act , Act 10 of 1998.</p>	
Signature or mark of Petitioner	
Signature of witnesses where Petitioner affixed a mark	Witness 1 Witness 2
Date	
Place	

