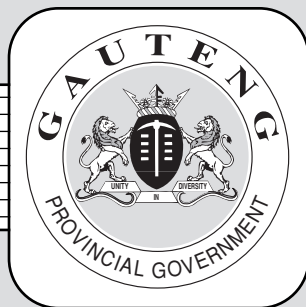


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

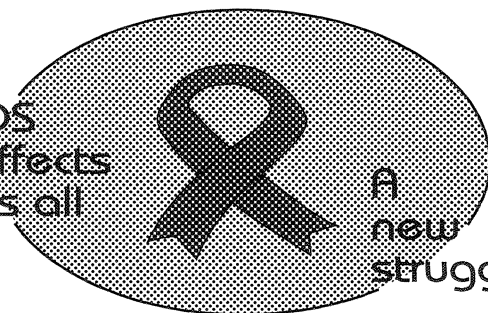
Vol. 21

**PRETORIA, 31 MARCH
MAART 2015**

No. 94

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

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GENERAL NOTICE

NOTICE 1039 OF 2015

GAUTENG PROVINCIAL LEGISLATURE

Speaker of the Gauteng Provincial Legislature Hon L H Mekgwe, hereby publish this regulations in the provincial gazette for public information and comments.

Any person who wishes to make a submission or comments may do so in writing to the Office of the Secretary c/o:

House Proceedings Manager

Ralph Chiloane

Email address: rchiloane@gpl.gov.za or

Submit to the Legislature: Gauteng Provincial Legislature Building, Corner City Hall street and President; Johannesburg; 2000.

All submissions must be made on or before 28 April 2015.

GAUTENG PETITIONS REGULATIONS, 2014

The Speaker of the Legislature has under Section 17 of the Gauteng Petitions Act, 2002 (Act no 5 of 2002) made the Regulations contained in the Schedule.

SCHEDULE

CHAPTER 1

1. Definitions

In this schedule any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context otherwise indicates-

“Act” means the Gauteng Petitions Act, 2002 (Act no 5 of 2002);

“Statement of Complaint” means the subject matter of a petition and any information provided by the petitioner in support thereof;

“Rapporteur” means a Member of the Petition Committee assigned to facilitate a specific petition;

CHAPTER 2

2. Application of the regulations

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

CHAPTER 3

3. General Provisions

3.1 Responsibility of the Committee

3.1.1 The Committee must take reasonable steps to:

- (a) Inform the public of their rights in terms of Section 2 and 3 of the Act;
- (b) Inform the public of the contact details where a petition may be submitted;
- (c) ensure that everyone enjoys full participation in the process of governance;
- (d) exercise maximum accountability and transparency in the consideration of petitions; and
- (e) Resolve a dispute by means of mediation, if requested to do so by a petitioner or where the Committee deems appropriate.

3.2 Rights of a petitioner

3.2.1 A petitioner has a right to:

- (a) submit a petition in accordance with the requirements of the Act and the format prescribed in a form attached as annexure A of these Regulations;
- (b) withdraw a petition at any stage of the petition process;
- (c) be notified within seven days of the registration number of his/her petition , its referral to the relevant authorities

3.2.2 A petitioner may at any time before the Committee concludes its consideration of the petition:

- (a) submit new information to the Committee in respect of the subject matter of the petition;
- (b) make a written submission to rebut any statement, opinion or recommendation expressed by any person or body in respect of that petition;
- (c) Inform the Committee if any person or body has subsequent to the submission of a petition, attended to the matter in respect of which the petition was submitted.

4. Consideration of the Petition

4.1 Upon decision on any petition, the petitioner must be notified that his/her petition cannot be considered by the Committee in terms of the Act or these regulations and be furnished with written reasons for such a decision.

4.2 The petitioner may attend any Committee meeting where his or her petition is consider, unless the Chairperson of the Petitions Standing Committee after consulting Members determines otherwise and has in writing prior to that meeting informed the petitioner and furnished him or her with reasons.

4.3 The petitioner shall be advised by the Committee where appropriate of other remedies available to him or her.

5. Administrative Support

5.1 The Secretary to the Legislature may designate such employee(s) to the Committee as necessary to perform the work arising from or connected to the Committee.

5.2 The administrative support staff must:

- (a) on receipt of the petition ensure that the form in the annexures to these regulations is duly completed and signed by the petitioner;
- (b) Render assistance to the petitioner as contemplated by Section 5(2) of the Act, excluding financial assistance in order to comply with all the requirements imposed by the Act and these regulations;
- (c) Determine whether the petition complies with the Act and these regulations in order to be considered by the Committee, and enter an opinion in this regard on the petition file;

- (d) Acknowledge receipt of the petition; and
- (e) Inform the petitioner about preliminary investigation processes and oversight visits.

6. Submission of a petition

The petitioner or another person acting on the petitioner's behalf must submit to the Legislature a petition by hand, registered mail and electronic mail.

7. Registration of a petition and opening of a petition file

- 7.1 The administrative support staff upon receiving a petition must register it in the petition office.
- 7.2 The administrative support staff must open a file and put all documents supporting the petition.
- 7.3 The petition file may contain:
 - (a) a duly completed petition form;
 - (b) a report on the preliminary investigation into the statement of complaint;
 - (c) any opinion held or recommendation in respect of the petition;
 - (d) any opinion or statement of facts by a legal advisor;
 - (e) the steps taken in processing the petition; and
 - (f) The name of any person or institution requested to provide information in respect of the petition.

8. Preliminary Investigation

8.1 The administrative staff must:

- (a) If applicable, obtain all information or documents relevant to the petition held by any person or institution referred to in the statement of complaint in question;
- (b) Obtain all information or documentation relevant to the petition held by the Executive Authority of the Province referred to in the statement of complaint in question;
- (c) If applicable, obtain all information or documents relevant to the petition held by the municipality referred to in the statement of complaint in question; and
- (d) Render advice or express a legal opinion on the matter.

9. Referral by the Speaker

The Speaker must, upon receipt of the petition refer it to the Petition Standing Committee for consideration and reporting.

10. Consideration by the Committee

- 10.1 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.
- 10.2 The Committee must appoint a Rapporteur, who will be allocated the petition and liaise with the petitioner throughout the consideration process.

11. Conclusion of the petition

- 11.1 After concluding its consideration on the petition the Committee must:
 - (a) sign a consent form through the Chairperson together with the petitioner;
 - (b) advise the administrative support to notify all the parties involved in writing of the outcome of the petition;
 - (c) close the petition;
 - (d) include the findings thereof in its quarterly report as contemplated in the Act; and
 - (e) Archive the petition file in accordance with any applicable law pertaining to archiving of documents.

12. Process and procedures of appeals

- 12.1 The petitioner who is not content with the decision of the Committee not to consider his or her submission or any decision after petition has been escalated and considered, may formally submit in writing an appeal to the Speaker.
- 12.2 The Speaker upon receiving an appeal shall deal with it in terms of Section 9(3) of the Act and the rules of natural justice.

13. Processes and procedures during recess and dissolution

- 13.1 The Chairperson of the Committee may in writing and after consulting the Speaker authorise the Rapporteur and the administrative support staff to continue with processing the petition and submit a written report to the Committee post recess period.
- 13.2 Prior to the dissolution of the Legislature and the Committees the administrative support staff may seek permission in writing to continue with administrative work on the petition.

14. Procedure to deal with conflict of interest

- 14.1 Any Member of the Committee or administrative support staff dealing with a petition who has direct or indirect interest in any petition or in respect of any petition or in the outcome thereof must immediately upon becoming aware of such.
 - (a) notify the Committee in writing of that interest and provide details thereof; and
 - (b) File a copy that notification in the petition files and rescues himself or herself.

15. Procedure to appoint the Rapporteurs

- 15.1 The Petition Standing Committee decides to consider or not to consider the Petition after receiving the original petition, supporting document, all correspondence and progress report.
- 15.2 If the committee agrees to consider a petition, a rapporteur for the petition is appointed.

16. Procedure and processes to conduct hearing

- 16.1 The Petition Standing Committee invites the Petitioner, the Relevant Authority and the stake-holders to the hearing session.
- 16.2 The Committee Administrator prepares summaries, progress report and status of each petition for the hearing.
- 16.3 The committee hearing receives submission and deliberate on them.

17. Administering an oath or affirmation

- 17.1 The Chairperson of the Committee shall administer the oath or affirmation.
- 17.2 An oath is administered by causing the Petitioner to utter the following words: "I swear that the evidence that I shall give shall be the truth and nothing but the truth, so help me God".
- 17.3 An affirmation is administered by causing the Petitioner to utter the following words "I truly affirm that the evidence that I shall give shall be the truth and nothing but the truth"
- 17.4 Before a Commissioner of Oath administer to any person the Oath or Affirmation prescribed by 18(2)(3) he or she shall ask the deponent –
 - (a) whether he or she knows and understand the contents of the declaration;
 - (b) whether he or she has any objections to taking the prescribed Oath or Affirmation; and
 - (c) whether he or she considers the prescribed Oath or Affirmation to be binding on his or her conscience
- 17.5 The deponent shall sign the declaration in the presence of the Commissioner of Oath.

18. Escalation processes and timeframes to be adhere to

- 18.1 Acknowledgement of receipt and communication with the petitioner shall be done within 7 working days of submissions by the petitioner.
- 18.2 Referral of the petition by the Speaker in 5 days.

19. Short Title

These regulations are called the **Gauteng Petitions Regulations, 2015**

ANNEXURE A(PETITIONS REGISTRATION FORM)

<p align="center">GAUTENG PROVINCIAL LEGISLATURE</p> <p align="center">PETITIONS REGISTRATION FORM</p>
--

Registration Number:

Committee Referred to: Petitions Standing Committee

Name of Chairperson:

Title of Petition:

Summary of the Petition:

Action required by Petitioner:

Analysis by the Petitions Office

Recommendations by Petitions Office:

PETITIONERS' CONTACT DETAILS

Contact Person:

Contact Number:

Fax Number:

Email:

Address:

DRAFT

ANNEXURE B (SUBPOENA)

Pro-forma of subpoena for the Petitions Act Regulations

In the Hearing for the Petitions Standing Committee of

held at

Petition Reference No:of 20.....

In the matter between Petitioner(s)

and

..... Authority (ies)

.....

To:

.....

(1) of

(2) of

(3) of

(4) of

You are hereby required to appear in person before this Committee at on the

..... day of20..... at(time) in the above-mentioned

action to give evidence or to produce papers or documents on behalf of the

and bring with you and then produce to the Committee the documents specified in the list hereunder.

Dated at this day of 20.....

LIST OF PAPERS OR DOCUMENTS TO BE PRODUCED

<i>Date</i>	<i>Description</i>	<i>Original or Copy</i>

ANNEXURE C (CLOSURE FORM)**GAUTENG PROVINCIAL LEGISLATURE****PETITION CLOSURE FORM****Registration Number:****Committee Referred to:****Name of Chairperson:****Title of Petition:****Summary of the Petition:****Action required by Petitioners:****Process:****Recommendations:****Reasons in Support of Closure:****Committee Resolution:**

Committee agreed on closure of the Petition on the

Chairperson :

Signature :_____

Date :_____

Petitioner's Consent:- on closure of the petition

Name :

Signature :_____

Date :_____

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Estates@gpw.gov.za	+27 12 334 5840
LegalGazette@gpw.gov.za	+27 12 334 5819
ProvincialGazetteGauteng@gpw.gov.za	+27 12 334 5841
ProvincialGazetteECLPMPNW@gpw.gov.za	+27 12 334 5839
ProvincialGazetteNCKZN@gpw.gov.za	+27 12 334 5837
TenderBulletin@gpw.gov.za	+27 12 334 5830

To submit your notice request, please send your email (with Adobe notice form and proof of payment to submit.egazette@gpw.gov.za or fax +27 12-748 6030.

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GPW does not accept responsibility for notice requests submitted through the discontinued channels as well as for the quality and accuracy of information, or incorrectly captured information and will not amend information supplied.

Thank you!

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info.egazette@gpw.gov.za (only for queries).

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