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*Mvulo, 31 Meyi 2010**Registered at the Post Office as a Newspaper**As 'n Nuusblad by die Poskantoor Geregistreer**Ibhaliswe ePosini ngengePhephandaba***CONTENTS****PROVINCIAL NOTICE**WESTERN CAPE PETITIONS ACT,  
2006 (ACT 3 OF 2006)Regulations for the Western Cape on  
the Western Cape Petitions Act:

P.N. 232/2010 31 May 2010

The Regulations signed by Speaker Sha-  
hid Esau on 27 May 2010 is hereby pub-  
lished for notification.**INHOUD****PROVINSIALE KENNISGEWING**WES-KAAPSE WET OP PETISIËS,  
2006 (WET 3 van 2006)Regulasies vir die Wes-Kaap op die  
Wes-Kaapse Wet op Petisies:

P.N. 232/2010 31 Mei 2010

Die Regulasies wat op 27 Mei 2010 deur  
Speaker Shahid Esau onderteken is, word  
hierby vir kennisname gepubliseer.**IZIQULATHO****ISAZISO SEPHONDO**UMTHETHO WEZIKHALAZO WENT-  
SHONA KOLONI, 2006 (UMTHETHO  
3 KA 2006)IMimiselo yeNtshona Koloni kuM-  
thetho weZikhalazo weNtshona  
Koloni:

P.N. 232/2010 31 Meyi 2010

IMimiselo etyikitywe nguSomlomo  
uShahid Esau ngowama-27 Meyi 2010  
kungokunje ipapashelwa isaziso.

**PROVINCIAL NOTICES**

The following Provincial Notices are published for general information.

HONORABLE SHAHID ESAU  
SPEAKER  
WESTERN CAPE PROVINCIAL  
PARLIAMENT

**PROVINSIALE KENNISGEWINGS**

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

AGBARE SHAHID ESAU  
SPEAKER  
WES-KAAPSE PROVINSIALE  
PARLEMENT

**IZAZISO ZEPHONDO**

Ezi zaziso zilandelayo zipapashelwa ulwazi jikelele.

OHLONIPHEKILEYO USHAHID ESAU  
USOMLOMO  
WEPALAMENTE YEPHONDO  
LENTSHONA KOLONI

P.N. 232/2010

31 May 2010

**WESTERN CAPE PETITIONS ACT, 2006****ACT No. 3 OF 2006****REGULATIONS IN TERMS OF ACT NO 3 OF 2006**

I, Shahid Esau, Speaker of the Western Cape Provincial Parliament, acting in terms of section 8 of the Western Cape Petitions Act, 2006 (Act No. 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 complaint or request; or
- (d) an association petition, which is an individual or group submission 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**

(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 No. 23 of 1994), if the conduct of a person or body against whom a petition has been referred, is unsatisfactory.

**Rights and obligations of a petitioner**

(1) A petitioner has the right to—

- (a) submit a petition in accordance with 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 Parliament;
- (e) be assisted by the administrative staff of the Provincial Parliament 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 of the Committee determines otherwise and has in writing prior to that meeting informed him or her of that determination and the reasons therefor;
  - (h) be given written reasons if the Committee refuses to consider a petition;
  - (i) be advised in writing of the outcome of the consideration by the Committee 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; and/or
  - (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.

#### **Administrative 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 staff in processing petitions**

- 6(1) The administrative 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 the petition complies with the requirements of the Act and these regulations in order to be considered by the Committee.
- (2) The administrative 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 administrative staff must, within five working 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 by—
- (a) registered mail;
  - (b) delivering it at the Provincial Parliament in the designated box;
  - (c) e-mail to the designated e-mail address; or
  - (d) completing the relevant column on the website of the Provincial Parliament.
- (3) The form Annexure A, which must be completed by the petitioner, as contemplated in subregulation (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 advice or opinion on the matter furnished by a legal adviser contemplated in regulation 9(4); and
  - (d) any relevant information recorded by the administrative staff.
- (2) The petition file must record whether the petition is acceptable or not acceptable as contemplated in terms of section 4(1) and (2) of the Act.
- (3) The Committee must keep record of every petition received by it.

**Preliminary investigation into petition**

- Ø1) The administrative staff, within ten days of registration of a petition, must conduct a preliminary investigation and report in respect of that petition.
- (2) The administrative staff, in conducting the preliminary investigation contemplated in subregulation (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 administrative staff must, where required by the Committee, obtain a translation of the petition and any other document relevant thereto.
- (4) Where the petition pertains to a question of law or the interpretation of legislation the administrative 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 subregulation (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 the information within five working days from the date of request by the Secretary.
- (7) The Secretary must, within five working days of completion of the preliminary investigation, 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.

**Committee process**

- Ø1) 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; and
  - (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 Parliament for consideration in accordance with the recommendations 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 Parliament—
  - (a) inform the petitioner of the final outcome of the petition; and
  - (b) where the petition has been rejected in terms of section 5(6) of the Act, inform the petitioner of such decision with reasons therefor, in accordance with the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

**Short title**

12. These regulations are called the Western Cape Petitions Regulations, 2010.

**Date of commencement**

13. These regulations come into effect from 8 June 2010.



<b>3. STEPS TAKEN BY PETITIONER TO RESOLVE THE MATTER</b>	The petitioner is requested to provide full details of steps taken to resolve the matter, apart from lodging this petition.
<b>4. DESCRIPTION OF ANY EVIDENCE NOT IN PAPER FORM SUBMITTED WITH PETITION</b>	
<b>5. TOTAL NUMBER OF PAGES APPENDED TO THIS PETITION FORM</b>	
<b>6. TITLE AND NUMBER OF PAGES OF ANNEXURE TO THE PETITION FORM</b>	
<b>7. NATURE OF ASSISTANCE REQUIRED BY PETITIONER TO SUBMIT THIS PETITION</b>	
<b>8. DECLARATION OF PETITIONER</b>	
<p>By signing this petition or making a mark on this petition, the petitioner declares that–</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; and/or</p> <p>(iv) pending before a commission of inquiry appointed in terms of the Western Cape Provincial Commissions Act, 1998 (Act No. 10 of 1998).</p>	
Signature or mark of Petitioner	
Signature of witnesses where Petitioner affixed a mark	Witness 1
	Witness 2
Date	
Place	

**WES-KAAPSE WET OP PETISIËS, 2006****WET NO. 3 VAN 2006****REGULASIES INGEVOLGE WET NO. 3 VAN 2006**

Ek, Shahid Esau, Speaker van die Wes-Kaapse Provinsiale Parlement, handelende ingevolge artikel 8 van die Wes-Kaapse Wet op Petisië, 2006 (Wet No. 3 van 2006), vaardig die regulasies uit soos in die Bylae by hierdie kennisgewing uiteengesit.

**BYLAE****Woordomskrywing**

1. In hierdie regulasies, tensy uit die samehang anders blyk, het 'n woord of uitdrukking waaraan 'n betekenis in die Wet toegeskryf word die betekenis aldus toegeskryf, en beteken—

“**die Wet**” die Wes-Kaapse Wet op Petisië, 2006 (Wet No. 3 van 2006), ingevolge waarvan hierdie regulasies afgekondig word;

“**petisie**” 'n klagte, versoek, vertoog of voorlegging deur 'n petisionaris aan die Komitee gerig, en kan in die vorm wees van—

- (a) 'n enkele petisie, wat 'n individuele voorlegging is van 'n enkele petisionaris aangaande 'n bepaalde klagte of versoek;
- (b) 'n gesamentlike petisie, wat 'n versameling handtekenings is van 'n aantal petisionarisse aangaande 'n bepaalde klagte of versoek;
- (c) 'n groepspetisie, saamgestel uit individuele of groepsvoorleggings van 'n aantal petisionarisse aangaande dieselfde of wesenlik dieselfde klagte of versoek; of
- (d) 'n verenigingspetisie, wat 'n individuele voorlegging of groepsvoorlegging is van 'n vereniging of 'n individu wat magtiging van 'n vereniging ontvang het aangaande 'n bepaalde klagte of versoek;

“**petisielêer**” die lêer beoog ingevolge regulasie 8 van hierdie regulasies.

**Toepassing van regulasies**

2. Hierdie regulasies is van toepassing op enige petisie ingevolge die Wet voorgelê.

**Verantwoordelikhede van die Komitee**

1) Die Komitee moet—

- (a) redelike stappe doen om die burgers van die Provinsie oor hul regte ingevolge die Wet in te lig;
- (b) redelike stappe doen om die burgers van die Provinsie in kennis te stel wat die fisieke adres, faksnommer of e-pos- of posadres is waar 'n petisie ingedien kan word;
- (c) toesien dat persone of kategorieë van persone wat voorheen deur onbillike diskriminasie benadeel is, ten volle kan deelneem aan die staatsbestuursproses; en
- (d) die grootste mate van verantwoordelikheid en deursigtigheid moontlik in die oorweging van petisië openbaar.

(2) Die Komitee kan—

- (a) 'n geskil besleg deur middel van bemiddeling of onderhandeling, waar toepaslik, of indien deur 'n petisionaris versoek om dit te doen; en
- (b) waar toepaslik, 'n klagte indien by die Openbare Beskermer ingevolge die Wet op die Openbare Beskermer, 1994 (Wet No. 23 van 1994), indien die gedrag van 'n persoon of liggaam teen wie 'n petisie verwys is, onbevredigend is.

**Regte en verpligtinge van 'n petisionaris**

1) 'n Petisionaris het die reg—

- (a) om 'n petisie ooreenkomstig Aanhangsel A by hierdie regulasies in te dien;
- (b) om uit sy of haar eie beweging 'n petisie terug te trek;
- (c) om 'n petisie in enige van die amptelike tale van die Provinsie in te dien;
- (d) om sy of haar petisie elektronies by wyse van e-pos of via die webwerf van die Provinsiale Parlement in te dien;
- (e) om deur die administratiewe personeel van die Provinsiale Parlement bygestaan te word met die indiening van 'n petisie;
- (f) dat die Komitee sy of haar petisie moet oorweeg, tensy die petisie onderworpe is aan 'n diskwalifikasie wat in die Wet of hierdie regulasies beoog word;
- (g) om 'n Komiteevergadering waar sy of haar petisie oorweeg word, by te woon, tensy die voorsitter van die Komitee anders bepaal en voor daardie vergadering hom of haar skriftelik in kennis gestel het van daardie bepaling en die redes daarvoor;
- (h) om van skriftelike redes voorsien te word indien die Komitee weier om 'n petisie te oorweeg;
- (i) om skriftelik in kennis gestel te word van die uitslag van die oorweging deur die Komitee van die petisie;
- (j) om, waar toepaslik, deur die Komitee verwittig te word van ander regsmedele tot sy of haar beskikking; en
- (k) te eniger redelike tyd toegang te hê tot die petisielêer.

- (2) 'n Petisionaris het die reg om te eniger tyd voordat die Komitee sy oorweging van die petisie afsluit—
- bykomende inligting aan die Komitee voor te lê ten opsigte van die inhoud van die petisie;
  - 'n skriftelike weerlegging teen enige verklaring, mening of aanbeveling wat deur enige persoon of liggaam ten opsigte van daardie petisie uitgespreek is, voor te lê indien die petisionaris die geleentheid deur die Komitee gebied word om dit te doen; en/of
  - op versoek aan die Komitee, enige inligting of getuienis wat ten opsigte van die inhoud van die petisie aangevoer is, te verkry, en daardie inligting of getuienis moet in die petisielêer ingesluit word.
- (3) 'n Petisionaris moet die Komitee in kennis stel indien enige persoon of liggaam ná die indiening van die petisie die aangeleentheid met betrekking waartoe die petisie ingedien is, aangepak het.

#### Administratiewe personeel

5. Die Sekretaris moet sodanige werknemers vir die Komitee aanwys wat nodig is sodat die Komitee sy werk kan verrig wat voortspruit uit of verband hou met petisies.

#### Verpligtinge van die administratiewe personeel in die afhandeling van petisies

- 6(1) Die administratiewe personeel moet, wanneer 'n petisie ontvang word—
- toesien dat die vorm Aanhangsel A by hierdie regulasies behoorlik ingevul en onderteken word deur die petisionaris of enige persoon wat gemagtig is om namens die petisionaris op te tree;
  - bystand verleen aan enige persoon wat nie in staat is nie om 'n petisie in te dien wat voldoen aan al die vereistes wat deur die Wet en hierdie regulasies opgelê word; en
  - bepaal of die petisie aan die vereistes van die Wet en hierdie regulasies voldoen ten einde deur die Komitee oorweeg te word.
- (2) Die administratiewe personeel moet—
- 'n petisielêer oopmaak vir elke petisie wat ontvang word;
  - 'n lêernommer aan die petisie toeken; en
  - 'n petisie registreer deur die besonderhede daarvan in 'n register aan te bring.
- (3) Die administratiewe personeel moet, binne vyf werksdae van ontvangs van die petisie, die petisionaris in kennis stel van die stand van sake met betrekking tot sy of haar petisie en van die petisie se lêernommer.

#### Prosedure vir die indiening van 'n petisie

- 7(1) 'n Petisionaris moet die vorm Aanhangsel A volledig invul as 'n voorvereiste met die oog op die indiening van sy of haar petisie.
- (2) 'n Petisie moet ingedien word—
- per geregistreerde pos;
  - deur dit by die Provinsiale Parlement af te lewer in die houer daarvoor aangewys;
  - per e-pos aan die aangewese e-posadres; of
  - deur die tersaaklike kolom op die webwerf van die Provinsiale Parlement in te vul.
- (3) Die vorm Aanhangsel A, wat deur die petisionaris ingevul moet word soos in subregulasie (1) beoog, moet onderteken word deur die petisionaris of deur enige ander persoon wat gemagtig is om namens die petisionaris op te tree.

#### Die petisielêer

- 8(1) Die petisielêer moet die volgende bevat:
- 'n Behoorlik voltooide petisievorm soos in Aanhangsel A beoog;
  - die verslag van die voorlopige ondersoek soos in regulasie 9 beoog;
  - enige advies of mening oor die aangeleentheid wat voorsien is deur 'n regsadviseur in regulasie 9(4) beoog; en
  - enige tersaaklike inligting wat deur die administratiewe personeel aangeteken is.
- (2) Die petisielêer moet vermeld of die petisie aanvaarbaar is of nie aanvaarbaar is nie soos beoog ingevolge artikel 4(1) en (2) van die Wet.
- (3) Die Komitee moet elke petisie wat deur hom ontvang word op rekord hou.

#### Voorlopige ondersoek na die petisie

- 9(1) Binne tien dae na die registrasie van 'n petisie moet die administratiewe personeel 'n voorlopige ondersoek en verslag doen ten opsigte van daardie petisie.
- (2) Wanneer die voorlopige ondersoek beoog in subregulasie (1) deur die administratiewe personeel gedoen word, moet hulle—
- alle inligting of dokumente, waar sodanige inligting beskikbaar is, verkry wat ter sake is vir die petisie wat gehou word deur die uitvoerende gesag van die Provinsie, 'n munisipale raad, enige persoon of amptelike liggaam waarna of na wie in die petisie verwys word; en
  - die amptelike kommentaar van die tersaaklike departement, munisipale raad of amptelike liggaam wat verantwoordelik is vir die funksie wat die inhoud van die petisie uitmaak, verkry.
- (3) Die administratiewe personeel moet, waar dit deur die Komitee vereis word, 'n vertaling bekom van die petisie en enige ander dokument wat daarmee in verband staan.



- (4) Waar die petisie verband hou met 'n regspraak of die uitleg van wetgewing, moet die administratiewe personeel die regsadviseur van die Provinsiale Parlement versoek om advies te verskaf of 'n mening uit te spreek oor die inhoud van die petisie.
- (5) Die Sekretaris kan enige persoon of entiteit, buiten dié in subregulasie (2)(a) en (b) beoog, skriftelik versoek om inligting te verstrek wat deur hom of haar gehou word, op die inhoud van die petisie betrekking het en redelikerwys nodig mag wees om die voorlopige ondersoek na die petisie af te handel.
- (6) Die persoon of entiteit in subregulasie (5) beoog, moet die inligting verstrek binne vyf werksdae vanaf die datum waarop die Sekretaris dit versoek het.
- (7) Die Sekretaris moet die petisielêer binne vyf werksdae na die afhandeling van die voorlopige ondersoek na die Speaker verwys.

#### **Verwysing**

10. Die Speaker moet by ontvangs van die petisielêer die petisielêer vir oorweging en besluit na die Komitee verwys.

#### **Komiteeproses**

- (1) Die Komitee moet die petisie wat ooreenkomstig die Wet, hierdie regulasies en die Reglement deur die Speaker na hom verwys is, oorweeg en afhandel.
- (2) Die Komitee moet die petitioner in kennis stel—
  - (a) van vordering wat gemaak word met die verwerking van sy of haar petisie;
  - (b) van die datum, plek en tyd wanneer die petisie oorweeg sal word; en
  - (c) daarvan of die Komitee enige mondelinge voorleggings oor die petisie van die petitioner en/of enige ander tersaaklike partye sal verlang of sal oorweeg.
- (3) Die Komitee moet ná oorweging van die petisie 'n verslag oor die petisie aan die Speaker voorlê met enige van die aanbevelings in artikel 5(3) van die Wet beoog.
- (4) Die Speaker moet sodanige verslag in die Provinsiale Parlement ter tafel lê vir oorweging ooreenkomstig die aanbevelings deur die Komitee gedoen.
- (5) Die Komitee moet die petitioner en, indien nodig, enige ander persoon of entiteit wat 'n belang het by die inhoud van die petisie skriftelik in kennis stel van—
  - (a) enige ontwikkelings met betrekking tot die petisie, met inbegrip van verrigtinge van die Komitee; en
  - (b) enige tersaaklike besluit van die Provinsiale Parlement aangaande die petisie.
- (6) Die Sekretaris moet, binne vier weke vanaf die datum van die besluit deur die Provinsiale Parlement—
  - (a) die petitioner in kennis stel van die finale uitslag met betrekking tot die petisie; en
  - (b) waar die petisie ingevolge artikel 5(6) van die Wet verwerp is, die petitioner van sodanige besluit en die redes daarvoor in kennis stel ooreenkomstig die bepalinge van die "Promotion of Administrative Justice Act, 2000" (Wet No. 3 van 2000).

#### **Kort titel**

12. Hierdie regulasies word die Wes-Kaapse Petisieregulasies, 2010, genoem.

#### **Datum van inwerkingtreding**

13. Hierdie regulasies tree in werking op 8 Junie 2010.



<b>3. STAPPE DEUR DIE PETISIONARIS GEDOEN OM DIE AANGELEENTHEID OP TE LOS</b>	Die petitioner word versoek om volledige besonderhede te verstrek van stappe gedoen, uitgesonderd die indiening van hierdie petisie, om die aangeleentheid op te los.
<b>4. BESKRYWING VAN ENIGE GETUIENIS WAT NIE IN PAPIERVORM IS NIE EN SAAM MET DIE PETISIE INGEDIEN WORD</b>	
<b>5. TOTALE GETAL BLADSYE BY HIERDIE PETISIEVORM AANGEHEG</b>	
<b>6. TITEL EN GETAL BLADSYE VAN AANHANGSEL BY DIE PETISIEVORM</b>	
<b>7. AARD VAN BYSTAND DEUR PETISIONARIS VERLANG OM HIERDIE PETISIE IN TE DIEN</b>	
<b>8. VERKLARING VAN PETISIONARIS</b>	
<p>Deur hierdie petisie te onderteken of 'n merk op hierdie petisie te maak, verklaar die petitioner dat –</p> <p>(a) die inhoud van die petisie waar en korrek is; en</p> <p>(b) die petisie nie 'n aangeleentheid is nie wat –</p> <p>(i) verband hou met enige aangeleentheid wat die basis vorm van 'n hangende petisie of 'n petisie wat voorheen behandel is;</p> <p>(ii) hangende is voor die hof;</p> <p>(iii) ten opsigte waarvan 'n geregshof 'n finale uitspraak gegee of 'n finale beslissing gemaak het; en/of</p> <p>(iv) hangende is voor 'n kommissie van ondersoek aangestel ingevolge die Wes-Kaapse Provinsiale Kommissiewet, 1998 (Wet No. 10 van 1998).</p>	
Handtekening of merk van Petisionaris	
Handtekening van getuies waar Petisionaris 'n merk aangebring het	Getuie 1  Getuie 2
Datum	
Plek	

**UMTHETHO WEZIKHALAZO WENTSHONA KOLONI, 2006****UMTHETHO Nomb. 3 KA 2006****IMIMISELO NGOKWEMIGAQO YOMTHETHO NOMB 3 KA 2006**

Mna, Shahid Esau, uSomlomo wePalamente yePhondo leNtshona Koloni, ndisebenza ngokwemigaqo yecandelo 8 loMthetho weZikhalazo weNtshona Koloni, 2006 (uMthetho nomb 3 ka 2006), ndenza imimisele ebekwe kwiShedyuli kwesi saziso.

**ISHEDYULI****Iinkcaza**

1. Kule migaqo, ngaphandle kokuba umxholo uthetha okanye, ilizwi okanye imbono enikwe intsingiselo emthethweni yaza yanikwa lo intsingiselo, kwaye—

“Uxwebhu lwezikhalazo” ithetha isikhalazo. Isicelo, umelo, okanye intetho ebhaliweyo yathunyelwa ngumfaki-sikhalazo kwiKomiti, kwaye inokuthatha olu hlobo—

- Uxwebhu lwezikhalazo lomntu oyedwa, oluyintetho ebhaliweyo yomntu esuka kumfaki-sikhalazo oyedwa ngokunxulumene nesikhalazo okanye isicelo esithile;
- Uxwebhu lwezikhalazo lwabo bonke ababandakanyekayo, yingqokelela yezigqibo ezibophelelayo zasayinwa zisuka kubafaki-zikhalazo abathile ngokunxulumene nesikhalazo okanye isicelo esithile;
- Uxwebhu lwezikhalazo lweqela, olwenziwe yintetho ebhaliweyo yeqela okanye umntu; esuka kubafaki-zikhalazo abathile ngokunxulumene nesikhalazo okanye isicelo esifanayo okanye esiyeloleneyo ;okanye
- Uxwebhu lwezikhalazo lombutho, oluyintetho ebhaliweyo yeqela okanye umntu evela embuthweni okanye umntu onikwe igunya ngumbutho, ngokunxulumene nesicelo okanye isikhalazo esithile;

“Ifayile yoxwebhu lwezikhalazo” ithetha ifayile ecingiweyo ngokomgaqo wommiso wesi-8 yale mimisele;

“uMthetho” ithetha uMthetho waMaxwebhu eZikhalazo weNtshona Koloni,ka- 2006 (uMthetho Nomb. 3 ka 2006), ngokwemigaqo apho le mimisele iyakuthi ibhengezwe.

**Ukusetyenziswa kwemigaqo**

2. le migaqo isebenza nakoluphi na uxwebhu lwezikhalazo olufakiweyo ngokwemigaqo yoMthetho.

**UXanduva lweKomiti**

β) IKomiti kufuneka—

- ithabathe amanyathelo oxanduva ukwazisa abemi bePhondo ngamalungelo abo ngokwemigaqo yalo Mthetho;
- ithabathe amanyathelo oxanduva ukwazisa abemi bePhondo ngedilesi, inombolo yefeksi, i-imeyile okanye idilesi yeposi apho isikhalazo singangeniswa khona;
- iqinisekise ukuba abantu okanye izintlu zabantu ababehlelekileyo ngaphambili lucalulo olungenabuhle baxhamla intathoxaxheba eph-eleleyo kwinkqubo yolawulo; kwaye
- isebenzise ukunika inkcaza nokungafihli okukhulu ekuqwalaseleni izikhalazo.

(2) IKomiti—

- ingasombulula imbambabano ngokusebenzisa ulamlo okanye uthethathethwano, apho kuyimfuneko, okanye xa icelwe ukuba yenze njalo ngulowo ufake isikhalazo; kwaye
- apho kufanelekileyo, ingenise isikhalazo kuMkhuseli woLuntu ngokwemigaqo yoMthetho woMkhuseli woLuntu, 1994 (uMthetho nomb 23 ka 1994), ukuba ukuziphatha komntu okanye iqumrhu ekungeniswe ngakulo, akwanelisi.

**Amalungelo noxanduva lomfaki-sikhalazo**

β) Umfaki-sikhalazo unelungelo—

- lokungenisa isikhalazo ngokuhambelana nesihlomelo A kule mimisele;
- lokurhoxisa isikhalazo ngokuzithandela;
- lokungenisa isikhalazo ngalo naluphi na ulwimi olusemthethweni lwePhondo;
- lokungenisa isikhalazo sakhe ngekhompyutha esebenzisa i-imeyile okanye iwebhsayithi kaRhulumente wePhondo;
- lokuncediswa ngabasebenzi base-ofisini yePalamente yePhondo ekungeniseni isikhalazo;
- lokuba isikhalazo sakhe siqwalaselwe yiKomiti, ngaphandle kokuba isikhalazo singachithwa njengoko kuxeliwe kuMthetho okanye le mimisele;
- lokuzimasa intlanganiso yeKomiti apho isikhalazo sakhe siqwalaselwa khona, ngaphandle kokuba uSihlalo weKomiti ugqiba ngolunye uhlobo kwaye uthetha wamazisa ngaphambi kwalo ntlanganiso malunga neso sigqibo kwakunye nezizathu zaso;
- lokunikwa izizathu ezibhaliweyo ukuba iKomiti iyala ukuqwalasela isikhalazo;
- lokucetyiswa ngembalelwano ngesiphumo soqwalaselo yiKomiti lwesikhalazo;
- lokucetyiswa yiKomiti, apho kufanelekileyo, ngamanye amacebiso afumanekayo kuye; kwakunye

- (k) nelofikelelo ngalo naliphina ixesha kwifayile yesikhalazo.
- (2) Umfaki-sikhalazo unelungelo, ngalo naliphina ixesha phambi kokuba iKomiti igqibe ngoqwalaselo lwayo lwesikhalazo, ukuba
  - (a) angenise ulwazi olongezelelweyo kwiKomiti ngokumayela nombaba wengxoxo yesikhalazo;
  - (b) angenise impikiso ebhaliweyo ngakuyo nayiphina intetho, uluvo okanye isindululo esivakaliswe nguye nawuphina umntu okanye iqumrhu ngokumayela nesa sikhalazo, ukuba umenyiwe ukuba enze njalo yiKomiti; kunye/okanye
  - (c) afumane, nje ukuba acelwe yiKomiti, nalo naluphina ulwazi okanye ubungqina obuthe bakhokelwa ngokumayela nombaba wengxoxo yesikhalazo, kwanokuba olwa lwazi okanye ubungqina mabuqkwe kwifayile yesikhalazo;
- (3) Umfaki-sikhalazo makazise iKomiti ukuba kukho umntu okanye iqumrhu, emva kokungeniswa kwesikhalazo, lathetha ngalo mba apho isikhalazo sangeniswa;

#### Isitafu sezolawulo

- 5. UNobhala makayalele abaqeshwa abanjalo kwikomiti, njengoko kunokuba yimfuneko kwiKomiti ukuba yenze umsebenzi wayo obangelwa okanye onxulumene nezikhalazo.

#### Uxanduva lwabasebenzi base-osisini ekusebenzeni izikhalazo

- (1) Isitafu sezolawulo masithi, xa sifumana isikhalazo—
  - (a) siqinisekise ukuba ifomu iSihlomo A kule mimiselelo iyazaliswa kwaye ityikitywe ngumfaki-sicelo okanye nawuphina umntu ugunyaziswe ukuba enze njalo egameni lomfaki-sicelo;
  - (b) sinikezele ngoncedo kuye nawuphina umntu ongakwaziyo ukungenisa isikhalazo esihambelana nazo zonke iimfuno ezigunyaziswa nguMthetho nale mimiselelo; kwaye
  - (c) simisele ukuba ingaba izikhalazo ziyahambelana neemfuno zoMthetho kwakunye nale mimiselelo ukuze zibe nokuqwalaselwa yiKomiti.
- (2) Isitafu sezolawulo kufuneka—
  - (a) sivule ifayile yesikhalazo kwisikhalazo ngasinye esifunyenweyo;
  - (b) sinikezele ngenombolo yefayile kwisikhalazo; kwaye
  - (c) sibhalise isikhalazo ngokungenisa iinkcukacha ke ngoko kwirejista.
- (3) Isitafu sezolawulo masithi, zingadlulanga iintsuku ezintlanu zokusebenza zokufumana isikhalazo, sazise umfaki-sikhalazo ngemeko yesikhalazo sakhe kwakunye nenombolo yefayile ke ngoko.

#### Umgaqo wokungenisa isikhalazo

- (1) Umfaki-sikhalazo makazalise ifomu yeSihlomo A ngokupheleleyo njengemfuno ukuze angenise isikhalazo sakhe.
- (2) Isikhalazo masingeniswe ngo:
  - (a) ncwadi ebhalisiweyo;
  - (b) kusisa kwiPalamente yePhondo kwibhokisi eyenzelwe oko;
  - (c) meyile kwidilesi ye-imeyile eyenzelwe oko; okanye
  - (d) kuzalisa ikholam efanelekileyo kwiwebhsayithi yePalamente yePhondo.
- (3) Ifomu yeSihlomo A, emayizaliswe ngumfaki-sikhalazo, njengoko kuxeliwe kummiselwana (1), mayityikitywe ngumfaki-sikhalazo okanye nawuphina umntu ogunyaziswe ukuba enze njalo egameni lomfaki-sicelo.

#### Ifayile yesikhalazo

- (1) Ifayile yesikhalazo mayibe noku kulandelayo:
  - (a) Ifomu ezalisiweyo yesikhalazo njengoko kuxeliwe kwiSihlomo A;
  - (b) ingxelo yokuqala yophando njengoko kuxeliwe kummiselo 9;
  - (c) naliphina icebo okanye uluvo ngomba onikezelwe ngumcebisi wezomthetho njengoko kuxeliwe kummiselo 9(4); kwakunye
  - (d) naluphina ulwazi olurekhodwe ziinkonzo zenkxaso yezolawulo lwabasebenzi.
- (2) Ifayile yesikhalazo mayirekhode ukuba ingaba isikhalazo samkelekile okanye asamkelekanga njengoko kuxeliwe ngokwemigaqo ye candelo 4(1) no (2) yoMthetho.
- (3) IKomiti mayigcine irekhodi yazo zonke izikhalazo ezifumeneyo.

#### Uphando lokuqala kwisikhalazo

- (1) Abasebenzi base-osisini, kungadlulanga iintsuku ezili-10 zobhaliso lwesikhalazo, mabaqhuba uphando lokuqala nengxelo ngokumayela nesikhalazo.
- (2) Abasebenzi base-osisini, ekuqhubeni uphando lokuqala njengoko kuxeliwe kummiselwana (1), masithi—
  - (a) sifumane lonke ulwazi okanye amaxwebhu afanelekileyo kwisikhalazo akugunyaziwe wesigqeba wePhondo, ibhunga likamasipala, nawuphina umntu okanye iqumrhu ekubhekiswe kulo kwisikhalazo, apho kukho ulwazi olunjalo; kwaye
  - (b) sifumane iintetha ezisemthethweni zesebe elifanelekileyo, ibhunga likamasipala okanye iqumrhu elisemthethweni, elinoxanduva lomsebenzi oyinxalenye yomba wengxoxo yesikhalazo.

- (3) Abasebenzi base-osisini mabathi, xa kufunwa njalo yiKomiti, bafumane uguqulo lolwimi lwesikhalazo namanye amaxwebhu afanelekileyo ke ngoko.
- (4) Xa isikhalazo sinxulumene nombaba wezomthetho okanye utoliko lwezomthetho, isitafu sezolawulo masicele umcebisi wezomthetho wePalamente yePhondo ukuba abonelele ngengcebiso okanye avakalise uluvo kumba wengxoxo wesikhalazo.
- (5) UNobhala angacela ngembalelwano nawuphina umntu okanye iqumrhu, ngaphandle kwalawo axelwe kummiselwana (2)(a) no (b), ukuba abonelele ngolwazi olusezandleni zakhe ngokunxulumene nombaba wengxoxo wesikhalazo, olungafunekayo ukugqibezela uphando lokuqala kwisikhalazo.
- (6) Umntu okanye iqumrhu, elixelwe kummiselwana (5), malingenise zingadlulanga iintsuku ezintlanu zokusebenza ukususela kumhla wesicelo kuNobhala.
- (7) UNobhala makathi, zingadlulanga iintsuku ezintlanu zokusebenza zogqityezelo lophando lokuqala, athumele ifayile yesikhalazo kuSomlomo.

#### **Ukuthumela**

10. USomlomo makathi, nje ukuba afumane ifayile yesikhalazo, athumele isikhalazo kwiKomiti ukwenzela uqwalaselo nesigqibo.

#### **Inkqubo yeKomiti**

- (1) IKomiti mayiqwalasele ize isebenze isikhalazo esithunyelwe kuyo nguSomlomo ngokuhambelana noMthetho, le mimiselo neMithetho eSisigxina.
- (2) IKomiti mayazise umfaki-sikhalazo—
  - (a) ngenkqubela eyenziweyo ekusetyenzweni kwesikhalazo sakhe;
  - (b) ngomhla, indawo nexesha apho isikhalazo siza kuqwalaselwa khona; kunye
  - (c) ukuba ngaba iKomiti ingathanda okanye iqwalasele iintetho zomlomo ngesikhalazo ezisuka kumfaki-sikhalazo kunye/okanye nawuphina amaqela afanelekileyo.
- (3) IKomiti mayithi, emva kokuqwalasela isikhalazo, ingenise ingxelo ngesikhalazo kuSomlomo kunye nezindululo ezixelwe kwicandelo 5(3) loMthetho.
- (4) USomlomo makandlale ingxelo enjalo kwiNdlu yoWiso-mthetho yePhondo ukulungiselela uqwalaselo, ngokuhambelana nesindululo esenziwe yiKomiti.
- (5) IKomiti mayithi ngembalelwano yazise umfaki-sicelo kwaye, ukuba kuyimfuneko, nawuphina omnye umntu okanye iqumrhu elinomdla kumba wengxoxo wesikhalazo—
  - (a) ngako nakuphina okwenzekayo malunga nesikhalazo, kuquka iinkqubo zeeKomiti; kwakunye
  - (b) nangasiphina isigqibo sePalamente yePhondo malunga nesikhalazo;
- (6) UNobhala makathi, zingadlulanga iintsuku ezine ukusuka kumhla wesigqibo seNdlu yoWiso-mthetho yePhondo—
  - (a) azise umfaki-sicelo ngesokugqibela isiphumo sesikhalazo; kwakunye
  - (b) nalapho isikhalazo sitha sakhatywa ngokwemigaqo yecandelo 5(6) loMthetho, azise umfaki-sikhalazo ngesigqibo esinjalo kunye nezizathi ngoko ke, ngokuhambelana nezibonelelo zoMthetho woPhakanyiso loBulungisa bezoLawulo, 2000 (uMthetho Nomb. 3 ka 2008).

#### **Isihloko esifutshane**

12. Le mimiselo ibizwa ngokuba yiMimiselo yeZikhalazo yeNtshona Koloni, 2010.

#### **Usuku lokuqalisa**

13. Le mimiselo izakuqala ukusebenza ukususela ngowe-8 Juni 2010.



<b>3. AMANYATHELO ATHATYATHWE NGUMFAKI-SIKHALAZO UKUSOMBULULA INYEWE</b>	Umfaki-sikhalazo kufuneka abonelele ngeenkukacha ezipheleleyo ngamanyathelo athatyathiweyo ukusombulula le nyewe, ngaphandle kokufaka esi sikhalazo.
<b>4. INKCAZA YOBUNQINA OBUNGEKHO SEPHEPHENI OBUNGENISWE NESIKHALAZO</b>	
<b>5. ITOTALI YENANI LAMAPHEPHA ANCANYATHISELWE KULE FOMU YESIKHALAZO</b>	
<b>6. ISIHLOKO NENANI LAMAPHEPHA ESIHLOMELO KWIFOMU YESIKHALAZO</b>	
<b>7. UBUME BONCEDO OBUFUNWA NGUMFAKI-SICELO UKUNGENISA ESI SIKHALAZO</b>	
<b>8. ISIBHENGEZO SOMFAKI- SIKHALAZO</b>	
<p>Ngokutyikitya esi sikhalazo okanye ukwenza uphawu kwesi sikhalazo, uMfaki-sikhalazo ubhengeza ukuba:</p> <p>(a) iziqulatho zesikhalazo ziyinyaniso kwaye zichanekile; kwaye</p> <p>(b) isikhalazo asingomba–</p> <ul style="list-style-type: none"> <li>(i) unxulumene nawuphina umcimbi oyinxalenye yesiseko sesikhalazo esingekagqitywa okanye isikhalazo esahoywa kwangaphambili;</li> <li>(ii) osesezinkundleni zamatyala;</li> <li>(iii) omayela apho inkundla yomthetho inikezele ngesigwebo sokugqibela; kunye/okanye</li> <li>(iv) ulinde phambi kwekomishoni yezophando eyenyulwe ngokwemigaqo yoMthetho weKomishoni yePhondo leNtshona Koloni, 1998 (uMthetho nomb10 ka 1998).</li> </ul>	
Umtyikityo okanye uphawu loMfaki-sicelo	
Umtyikityo wamangqina apho uMfaki-sikhalazo enze uphawu	Ingqina 1 Ingqina 2
Umhla	
Indawo	