

Limpopo, South Africa

## Limpopo Petitions Act, 2003

Act 4 of 2003

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# Limpopo South Africa

## Limpopo Petitions Act, 2003

### Act 4 of 2003

Published in Limpopo Provincial Gazette 1076 on 4 February 2005

**Assented to on 15 December 2004**

**Commenced on 4 February 2005**

*[This is the version of this document from 4 February 2005  
and includes any amendments published up to 21 May 2024.]*

(English text signed by the Premier)

## ACT

**To provide for the right to submit a petition to the Provincial Legislature of Limpopo, to lay down the general principles and procedure for public participation in the process of government in the Province; to provide for the establishment and functions of the relevant Standing Committee of the Legislature assigned to deal with petitions; and to provide for matters connected therewith.**

BE IT ENACTED by the Legislature of the Limpopo, as follows:-

### 1. Definitions

In this Act, unless the context indicates otherwise -

"**Chairperson**" means the chairperson of the Committee;

"**Committee**" means the relevant Committee of the Provincial Legislature established in terms of [Section 3](#), assigned to deal with petitions;

"**Constitution**" means the [Constitution of the Republic of South Africa, 1996 \(Act No. 108 of 1996\)](#);

"**Executive Council**" means the Executive Council of the Province as contemplated in section 132 of the [Constitution](#);

"**Legislature**" means the Legislature of the Province as contemplated in Section 104 of the [Constitution](#);

"**Local Government**" means the local sphere of government in the Province as contemplated in Section 151 and 155 of the [Constitution](#);

"**Member**" means a member of the Legislature elected to a seat in the Legislature in terms of Sections 105 and 106 of the [Constitution](#);

"**Petition**" means either a complaint, a request, a representation or a 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; or
- (b) a collective petition, which is a collection of signatures from a number of petitioners concerning a particular complaint or request; or
- (c) a multiple or group or mass 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 -

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

"**Secretary**" means the person appointed in terms of Section 12(1)(a) of the Northern Province Legislature Service Act, 1997 ([Act No.3 of 1997](#));

"**Speaker**" means the Speaker of the Provincial Legislature elected in terms of section 111 of the [Constitution](#);

"**Standing Rules**" means the standing rules, regulations or orders made in terms of Section 116 of the [Constitution](#) for the conduct of the business of the Provincial Legislature; and

"**State Institutions**" means state institutions supporting constitutional democracy as established by section 181 of the [Constitution](#).

## 2. General principles of Act

- (1) The Committee must -
- (a) take appropriate steps to encourage and facilitate participation by the public in the process of governance in the Province, particularly, previously politically, socially, and economically excluded communities;
- (b) enhance democracy by exercising maximum accountability and transparency; and
- (c) respect the rights of petitioners, and those affected by the petition.
- (2) A right conferred by this Act must be exercised in a manner which is reasonable and justifiable.
- (3) A petitioner shall have the right to submit a petition in the official language of the petitioner's choice.
- (4) The Committee must ensure that persons or groups or categories of persons previously disadvantaged by unfair discrimination, enjoy full participation in the process of governance.

## 3. Establishment of Committee

A Committee consisting of members of the Legislature, as determined from time to time by the Standing Rules of the Legislature, is hereby established.

## 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) The administration support service of the Legislature must render assistance to a prospective petitioner who wishes to submit a petition to the Committee.

## 5. Jurisdiction of Committee

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

## 6. Form of petition

- (1) Subject to subsection (2), a petitioner must submit a petition in writing, written in the petitioner's preferred official language.
- (2) The Committee may allow a petitioner to supplement a written petition with oral submissions.
- (3) The Committee must, before it considers a petition, record and reduce to writing the oral submissions contemplated in subsection (2).

## 7. Consideration of settled petition

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

## 8. Powers and functions of Committee

- (1) The Committee must -
  - (a) consider a petition, with a view to settling the matter to the satisfaction of the petitioner; or
  - (b) where applicable, advise a petitioner of other appropriate remedies available.
- (2) The Committee may recommend the referral of a petition, in whole or in part, to the Speaker for consideration by any of the following persons or bodies:
  - (a) the Legislature;
  - (b) a Standing Committee of the Legislature;
  - (c) a member of the Executive Council of the Province;
  - (d) the Municipal Council of local government in the Province; or
  - (e) an institution supporting constitutional democracy mentioned in Chapter 9 of the [Constitution](#).
- (3) If a petition has been referred to a member of the Executive Council or a local government, the Committee must -
  - (a) request a response within four weeks of the referral; and
  - (b) direct the person or body to whom the petition was referred, to consider it, make a decision or recommendation, or otherwise dispose of the matter by any means expedient in the circumstances; and
  - (c) request such body to furnish the Committee with a report detailing and providing reasons for the steps taken within the stipulated period.
- (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 such action, the Committee may lodge a complaint with the appropriate State Institution, 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, or rectify an omission, by means of mediation, negotiation or reverse an act.
- (6) The Committee may make a recommendation to a person or a body on the basis of a petition.
- (7) The Committee may conclude its consideration of a petition if the Committee 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 may refuse to consider a written petition that -
  - (a) is illegible; or
  - (b) does not reflect the name and contact address of the petitioner; or
  - (c) has not been signed by the petitioner: Provided that a petitioner who is unable to write must make her or his mark on the petition in the presence of two witnesses, who must sign the petition in that capacity.
- (9) The Committee must refuse to consider a petition that -
  - (a) concerns a matter pending in a court of law;
  - (b) originates from a prisoner and is connected to his or her case; or
  - (c) involves the subject matter that is before a commission of inquiry and other relevant bodies.
- (10) In the event where the Committee refuses to consider a petition as contemplated in subsection (9), the Committee must give written reasons for the refusal to the petitioner.
- (11) The Committee must-
  - (a) submit quarterly reports of referrals as contemplated in subsections (2) and (3) to the Legislature; and
  - (b) inform a petitioner of its decisions with regard to a particular petition and reasons, within four weeks.
- (12) 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 it deems fit.

## 9. **Sittings of 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 the Chairperson determines otherwise.
- (3) The Chairperson must give public notice of all sittings determined by the Standing Rules.

## 10. **Witnesses**

- (1) For the purpose of ascertaining a matter relating to the subject of its investigation, the Committee may-
  - (a) 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; 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 if the Committee requires it.
- (2) A subpoena contemplated in subsection (1) 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 authorised thereto by the Chairperson or by any method determined by the Speaker in the form of the Standing Rules.
- (3) A witness must, before giving evidence, take an oath or make an affirmation administered by the Chairperson or such member of the Committee, as the Chairperson may designate.
- (4) A person who has been subpoenaed to attend a sitting of the Committee as a witness, or who has given evidence before the Committee, is entitled to the same witness fees as if he or she has been subpoenaed to attend, or had given evidence at a criminal trial in the High Court.

## 11. Offences

- (1) A person duly subpoenaed in terms of [section 10](#) 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,is guilty of an offence.
- (2) A person called as a witness under [section 10](#), who without sufficient cause -
  - (a) refuses to be sworn in or to make an affirmation as a witness after that person has been requested to do so by the Chairperson; or
  - (b) after having been sworn in or having made an affirmation, fails to answer fully and satisfactorily any question lawfully put to her or him; or
  - (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;
  - (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; or
  - (e) uses abusive language or behaves in a contemptuous manner,is guilty of 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; or
  - (b) threatens, obstructs or unduly influences a witness not to produce a paper, book, record or document before the Committee; or
  - (c) with the intent to deceive the Committee, produces before the Committee a false, untrue, fabricated or falsified paper, book, record or document; or
  - (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) willfully furnishes the Committee with information, or make a statement before it, which is false or misleading,is guilty of an offence.

## 12. Penalties

A person convicted of an offence in terms of [section 11](#), is liable to a fine or imprisonment for a period not exceeding 12 months, or to both such fine and imprisonment.

## 13. Retention of books, documents or objects by Committee

The Committee may retain, for a reasonable period after a sitting, a book, document or object that it has requested or subpoenaed a person to produce in terms of [section 10](#) and issue a receipt in respect of such material.

## 14. Delegation of powers by Committee

- (1) The Committee may delegate its powers to a Member or Members of the Committee or other Members of the Legislature; provided that -
  - (a) no fewer than two members must conduct each sitting; and
  - (b) the members must be representative of political parties.
- (2) The Chairperson must provide the members referred to in subsection (1) with a written and signed authorization.
- (3) On completion of the sitting or sittings, the members referred to in subsection (1) must report their findings to the Committee.
- (4) Nothing shall prevent the Committee from exercising powers delegated to persons referred to in subsection (1).

## 15. Accountability to Legislature

- (1) The Committee must prepare a quarterly report on every petition it has adjudicated upon for submission to the Legislature for consideration.
- (2) The Committee must prepare and submit, an annual written report of its activities, to the Legislature.
- (3) The annual written report of the Committee must provide for an evaluation of the responsiveness, efficiency and timeousness with which petitions referred to under [section 8\(2\)](#), were finalized.
- (4) The Legislature may refer a matter emanating from a report of the Committee back to the Committee for reconsideration.

## 16. Administrative support service

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

## 17. Procedures relating to petitions

- (1) The administrative support service must-
  - (a) register every petition received in a petitions register and keep a register of all books, documents and objects retained in terms of [section \(13\)](#);
  - (b) open a file for every petition;



- (c) in terms of [section 4\(2\)](#) of this Act, prepare every petition received for consideration by the Committee, which may involve -
    - (i) correction, if possible, 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 the Legislature 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 weeks of the date on which the Chairperson received the petition when the House is sitting.
- (2) The Committee must notify a petitioner within four weeks of the date on which a petition was tabled, of the -
- (a) manner in which a petition is being dealt with; and
  - (b) reason why it is being dealt with in that particular manner.
- (3) A petitioner may withdraw a petition: Provided that if the Committee deems the matter to be of public importance, it may continue to act on the complaint or request after the withdrawal.
- (4) The Committee must, after concluding its consideration of a petition in terms of [section 8\(7\)](#), submit the petition file and its recommendation to the Speaker.
- (5) After the submission of a petition in terms of subsection (4), the Speaker must scrutinize the contents of the file within two weeks when the House is sitting.
- (6) A member of the Legislature is entitled to scrutinize the file and the recommendation of the Committee.
- (7) A member of the Legislature may object to the closing of the file and must provide reasons for such objection.
- (8) The Speaker may refer the file to the Committee for-
- (a) reconsideration; or
  - (b) closure.
- (9) The Speaker may supplement this procedure by way of the Standing Rules.

## 18. Standing Rules

The Speaker may make Standing Rules required for carrying out the provisions of this Act.

## 19. Short title and commencement

This Act is called the Limpopo Petitions Act, 2003 and comes into operation upon publication in the *Provincial Gazette*.