DR AB XUMA LOCAL MUNICIPALITY

PETITION POLICY
2026/27

Contents

1. INTRODUCTION 3
2. DEFINITIONS 3
3. RIGHT TO PETITION 4
4. GENERAL PRINCIPLES 4
5. SUBMISSION OF PETITIONS 5
6. REQUIREMENTS OF PETITIONS 5
7. FUNCTIONS OF COMMITTEE 7
8. POWER OF THE COMMITTEE- 7
9. SITTING OF COMMITTEE 9
10. WITNESSES AND MATERIAL EVIDENCE 10
11. RETENTION OF MATERIALS OF EVIDENCE 10
12. DELEGATION 10
13. OBSTRUCTION 11
14. POLICY ADOPTION 12
15. POLICY REVIEW 12

1. INTRODUCTION

1.1. The aim of this policy is;

a. To provide for the right to submit a petition to the council of DR AB XUMA Local Municipality;
b. to provide for the general principles and procedures for the submission of a petition to the Council;
c. to provide for the consideration of a petition by the Petitions Committee of Council and to provide for incidental matters.

2. DEFINITIONS

2.1. In this draft policy, unless the context otherwise indicates; -

"Administrative support service" mean employees of the Council assigned for the purpose of the effective implementation of this policy

"Chairperson" means the chairperson of the Committee

"Committee" means a committee of the council established by the Council to be responsible for the consideration of the petitions in terms of this policy, consisting of members Council who were appointed by the council to this committee, i.e. Petitions, Rules & Ethics committee;

"Constitutions" means the Constitution of Republic of South Africa, 1996;

"Council" means –

(a) DR AB XUMA Local Municipality exercising its legislative and executive authority Through its municipal Council; or

(b) Its successor in title; or
(c) A structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an

instruction given as contemplated in section 59 of the Local Government: Municipal Systems Act 2000 (Act No. 32 of 2000); or

(d) A service provider fulfilling a responsibility under the Council by-laws, assigned to in terms of section 81 (2) of the local Government: Municipal Systems Act, or any other law, as the case may be.

"Executive Committee" means the Executive committee of the Council contemplated in section 80 of the Government: Municipal Structures Act, 1998

"Municipality" means the area under the control a jurisdiction of the council;

"Petition" means a complaint or request or a representation or submission addressed by a petitioner to the committee in terms of this policy;

"Petitioner" means the Speaker of the Council elected in section 36 of the Government: Municipal Structure Act, 1998;

"Speaker" means the Speaker of the Council elected in terms this policy, and includes a natural juristic person;

"Standing Rules" means the rules for the conduct of meeting of the council, which have been approved by the Council by resolution;

3. RIGHT TO PETITION

Any person may submit a petition of this draft policy.

4. GENERAL PRINCIPLES

4.1. A petitioner may submit a petition in any the official languages of the Republic of South Africa

4.2. The Committee must-

a. respect, protect and promote the rights of a petitioner provided for in this policy;

b. Enhance democracy by exercising maximum accountability and transparency in its consideration of petitions.
c. The Speaker must promote and facilitate a fair and equitable process of considering petitions submitted to the Council in terms of this policy.

5. SUBMISSION OF PETITIONS

5.1. A petitioner must be submitted strictly in accordance with this policy.
5.2. A petitioner may be delivered to any of the peoples Centre's, administrative Centre's of the Council, office of the Mayor, to a Councilor, a member of the Executive Committee, the of the Council Speaker, the office of the Municipal Manger and or any of the land or any of the relevant service providers Council.
5.3. The administrative support service must render all reasonable assistance, excluding financial assistance, to any person who is unable to submit a petition meeting all the requirements imposed by this policy so that person may properly submit a petition.
5.4. The administrative support service must take all prescribed steps to prepare the petition for consideration by the committee.
5.5. The administrative support service must after a petition has been received, promptly inform the ward councilor thereof when the subject matter the petition relations relates to a matter in that councilors ward.

6. REQUIREMENTS OF PETITIONS

6.1. A petition must-
   a. Be in legible writing;
   b. State the full name/s and contacts of one of the petitioner/s;
   c. Be signed by the petitioner/s, except in the case of petitioner who is unable to write
   d. Who has made a mark on the petition as a symbol of his or her authority to submit the petition; and

e. That mark was made in the presence of two witness who are able to write and who by signing that petition certify that the mark is that of the petitioner
f. Be formulated in one of the official languages on the Republic of South Africa;
g. Related to a matter within the legal competence of the council in terms of Constitution;
h. Relate to a matter that has been brought to the attention of the council before and that has not been attended to, to the satisfaction of petitioner/s;
i. Not concern a matter pending in court of law or other tribunal or forum contemplated in the Constitution or a matter pending in a committee, tribunal or other forum of the Council in respect of which legally prescribed appeal procedures exist;
j. Not be in connection with the conviction and sentencing by criminal court of law of a person to a period of imprisonment; and
k. Not address a matter, which falls within the scope of a commission of inquiry established by the local Government;
l. Not address a matter previously considered by the committee expect if that petitions contain new information that may materially impact on the outcome of the consideration of the matter.

6.2. A petition may be-

a. A single petition, which is an individual submission from a single petitioner, concerning a particular complaint or request;
b. An association petition, which is individual submission from a single petitioner of the consideration of the matter
c. A collective petition, which is a collection of signatures from a number of petitioners, concerning a particular complaint or request
d. A mass or group petition, which is made up of individual or group submissions from a number of petitioners, concerning the same or substantially similar complaints or request.
e. A petition may be submitted by person acting
f. In his or her own interest

g. In the interest of another person who is not a position for whatever reason to submit a petition in his, her or its own name.
h. As a member of or in the interest of a group or class of persons; or (d) In the public interest.

7. FUNCTIONS OF COMMITTEE

7.1. The Committee must-

(a) Received and consider every petition properly submitted in terms of the policy;

(b) Record the oral submission or evidence of a petitioner given in terms paragraph 7

(c) Report to the council at intervals not exceeding six months on the petitions submitted to it during that period and all is activities in respect thereof, including

I. The responsiveness, efficiently and timorousness with which petitions were dealt with; and
II. The efficacy of the petitions process and procedures
III. Instruct the administrative support service to inform a petitioner timeously-
IV. If the petitioner has been invited by the committee to make an oral submission or call a witness;
V. Of the date, time and venue when the petitioner is to be considered and that the petitioner may attend that sitting the Committee.

8. POWER OF THE COMMITTEE-

8.1. The Committee may-

(a) Refuse to consider a petition, which has not been submitted in terms of this draft policy.

(b) Refuse to consider a petition that contains defamatory statements or improper language.

(c) Does not state the name and contact details of the petitioner and, where applicable, the name of the association or group on whose behalf the petition has been submitted.

(d) If it refuses to consider a petition in terms of paragraph7 (1) the Committee must in writing inform the petitioner of that fact as well as the reasons for its decision.

8.2. The Committee may-

(a)Invite a petitioner to-

(i) Supplement his or her petition with additional oral or written submissions
(ii) Call a witness to present oral or written evidence to the Committee;

(b) Make a recommendation to an appropriate person or body with a view to settling the request or complaint contained in the petition to the satisfaction of the petitioner;

(c) Make a recommendation to an appropriate person or body in respect of the general approach to be followed in future in setting a request or complaint;

(d) If request to do so by a petitioner, resolve a dispute or complaint or rectify an omission, regarding matters other than those prescribed by legislation by means of mediation or negotiation;

(e) Refer the petition and recommendation, if any, to a member of the Executive Committee or employee of the council for consideration and decision in respect of the complaint or request contained in the petition;

(f) If a petition has been referred to a member of the Executive Committee or a Committee or employee of the council in terms of paragraph 7(e)-

(i) direct the person or body to whom the petition was referred, to consider that petition, make a decision or recommendation in respect of that petition or otherwise attend to the complaint raised in that petition; and

(ii) require the person or body to whom that petition was referred to furnish the Committee within fourteen days of that referral in writing with a detailed report on the steps taken that person or body to address the complaint, request recommendation or instruction by the Committee, as the case may be, and the reasons those particular steps;

(g) if a petition has been referred to a member of the Executive Committee or a Committee in terms of paragraph 7 (e) and that member of the Executive

Committee or Committee has failed to comply with paragraph 7 (f) or that the conduct or response of that member of the Executive Committee or Committee is unsatisfactory, make a complaint to the Mayor;

(h) If a petition has been referred to an employee of Council in terms of paragraph 7 (f) or that employee conduct or response is unsatisfactory, make a complaint to the Municipal Manger;

(i) Finalize its consideration of petition by resolving that no steps, or no further steps, as the case may be, can be taken to settle the matter to the satisfaction of the petitioner and by informing the petitioner(s) of the outcome of the petition.

9. SITTING OF COMMITTEE

9.1. the Committee may for purpose of hearing evidence and considering a petition sit at a date and time at a place in the Municipality determined by the Committee

9.2. The administrative support service must-

(a) If necessary, ensure that the contents of a petition file are translated into a working language of the Committee;

(b) Provide the Chairperson with a list of submitted petitions, which have not been finalized by the Committee for tabling at each meeting of the Committee;

(c) Perform any additional duty, which must enable the Committee to properly consider a petition and exercise its other functions in terms of this policy.

9.3. Evidence presented before the Committee must be heard in public unless it is-

(a) In the interests of justice; or

(b) In the interest of the safety of the petitioner or a witness that the evidence must be heard behind closed doors

10. WITNESSES AND MATERIAL EVIDENCE

10.1. For the purpose of ascertaining a matter relating to the subject of its investigation, the Committee may request a person attend a sitting of the Committee, as a witness, in order to give evidence, produce any book, document, object or other material of evidence required by the Committee.

10.2. A person appearing before the Committee to give oral evidence must before be giving that evidence take an oath or make an affirmation administered by the Chairperson or any other person authorized by him or her to do so, to only speak the truth.

10.3. A person appearing before the Committee to give oral evidence may be assisted by a representative of his or her choice.

11. RETENTION OF MATERIALS OF EVIDENCE

11.1. The Committee must make a copy or reproduction in any format of materials of evidence submitted to it.

11.2. The Committee must retain such copy or reproduction for an indefinite period after conclusion of the consideration of a petition.

12. DELEGATION

12.1. Subject to the terms of reference of the Committee-

a. The Committee may delegate any of its duties, functions or powers in respect of a particular petition to a member of the Committee.

b. The Chairperson may at any time before the member has commenced his or her consideration of a particular petition withdraw the delegation contemplated in subsection (1) and must report such action and the reasons therefore to the first meeting of the Committee takes place after the said delegation was withdrawn.

c. The member must after he or she concluded his or her consideration of a petition report the outcome of his or her consideration of that petition to the Committee.

d. Nothing in this paragraph prevents the Committee from exercising any power or performing any duty delegated in terms of Paragraph 11.
e. A member appointed in terms of Paragraph 11 has all the power implication necessary to enable him or her to fulfil his or her function.

13. OBSTRUCTION

13.1. A person to whom a petition is referred in terms of paragraph 7 (e) who without sufficient cause-

(a)Fails to provide a report within the prescribed timeframes or

(b)Submits an unsatisfactory report;

Obstructs the purpose for which the Committee exists.

13.2. A person who is invited to attend the meeting of the Committee in terms of Paragraph 9(1) for the purpose of ascertaining a matter relating to the subject of the Committee's investigation, who without sufficient cause-

(a) Fails or refuses to attend the meeting of the Committee;

(b) Fails or refuses to give evidence before the Committee;

(c) Knowingly gives false evidence before Committee; or

(d) Refuses or Fails to produce any book, document, object or other material or evidence in his or her possession or under his or her control;

Obstructs the purpose for which the Committee exists.

This policy is adopted and approved by the Council of DR AB XUMA Local Municipality for implementation.

14. POLICY ADOPTION

The accounting officer must be the accountable custodian of the Petition policy and must ensure that this policy is submitted to the council for consideration and adoption.

15. POLICY REVIEW

This policy must be reviewed at least annually to ensure that it is adaptable to operational changes and it is aligned with the legislative environment.
When deemed necessary on ad hoc basis, the Accounting Officer must submit proposals of amendments of the policy to the Council for consideration and adoption.

SIGNATURES

MR K.L MULAUDZI
MUNICIPAL MANAGER

29/05/2026
DATE

ADOPTION OF POLICY BY DR AB XUMA MUNICIPAL COUNCIL

CLLR S ZANGQA
HONOURABLE MAYOR

29/05/2026
DATE

RESOLUTION NUMBER: 11/29/05/2026