

Annexure A: Proposed City of Johannesburg Petition Process By-Law

Introduction

This by-law is proposed in order to:

- a) recognise the lack of a standardised process for petitioning within the City of Johannesburg
- b) recognise the lack of standardised information about drafting and submitting petitions within the City of Johannesburg
- c) recognise the potential subjectivity of a petition officer in deciding upon the validity of petition matters, as well as to avoid any potential bias
- d) acknowledge that the City of Johannesburg is dealing with a backlog in responding to and acting on petitions
- e) ensure compliance within the City of Johannesburg with the Gauteng Petition Act No. 5 of 2002
- f) provide a standardised, transparent and efficient procedure for petitioning in the City of Johannesburg

Definitions:

“signatory” means a resident of the City of Johannesburg over the age of 18

“minor signatory” means a resident of the City of Johannesburg under the age of 18 who has an interest in the subject matter of the petition

“petition” means a complaint or request or a representation or a submission by a petitioner in terms of this By-Law

“petitioner” means a person who submits a petition in terms of this By-Law and includes a natural or juristic person

“relevant authority” means a provincial department, municipal council, ward council or other government institution

“referendum” means a referendum referred to in Referendums Act of 1983;

Petition format:

1. A petition must have a covering document detailing the complaint or request or representation or submission made by the petitioner(s)
 - a. Should further information be required, annexures may be added after the signatures
 - b. Signatures to the petition must begin on the same page as the end of the covering document
2. A petition may be submitted in any of the official languages of the Republic of South Africa.
3. A petition may be submitted in accordance with Section 4 of the Gauteng Petitions Act No. 5 of 2002.
4. A petition may be signed by signatories as defined in the Section “Definitions” as well as minor signatories.

Petitions with less than 5000 signatories:

5. The petition must be received by a petition officer who will ensure that the petition
 - a. is not a private matter and that
 - b. it falls under the jurisdiction of the City of Johannesburg
6.
 - a. A petition satisfying the conditions set out in Section 5 must be passed on to the petitions committee at its next sitting who must
 - i. consider the validity of the complaint.
 - ii. convey the petition to the relevant authority.
 - b. The relevant authority must then take a decision on how to address the petition
 - c. The petitioner(s) must receive a response from the petitions committee and the relevant authority within 60 days of submission.
 - i. The response must detail actions to be taken to resolve the subject matter;
 1. The petition committee and relevant authority must provide regular progress reports every 90 days until the matter is resolved
 - ii. or notify the petitioner that no action will be taken, with reasons
 - d. The matter will only be considered resolved with the written consent of the lead petitioner(s)
 - e. If a petition has not been resolved after 12 months from the date of submission it must be referred to a sitting of City Council for discussion.

Petitions with a minimum of 5'000 signatories:

7. The petition must be received by a petition officer who will ensure that the petition
 - a. is not a private matter and that
 - b. it falls under the jurisdiction of the City of Johannesburg
8. A petition satisfying the conditions set out in Section 7 must be passed on to the petitions committee at their next sitting who must
 - a. convey the petition to the City Council.

- b. The petition must be put up for formal debate at the next sitting of the City Council
- c. A non-binding decision must be taken on the matters contained within the petition.
- d. The petitioner(s) must receive a response from the petitions committee and the City Council within 60 days of submission.
 - i. The response must detail actions to be taken to resolve the subject matter;
 - 1. The petition committee and City Council must provide regular progress reports to the petitioner(s) every 90 days until the matter is resolved
 - ii. or notify the petitioner that no action will be taken with reasons.
- e. The matter will only be considered resolved with the written consent of the lead petitioner(s)

Petitions with a minimum of 10'000 signatories:

- 9. The petition must be received by a petition officer who will ensure that the petition
 - a. is not a private matter and that
 - b. it falls under the jurisdiction of the City of Johannesburg
- 10. a. A petition satisfying the conditions set out in Section 9 must be passed on to the petitions committee who must convey the petition to the City Council
 - b. The petition must then be put up for formal debate at the next sitting of the City Council
 - c. A binding decision must be taken on the matters contained within the petition
 - d. The petitioner(s) must receive a response from the petitions committee and the City Council within 60 days of submission.
 - i. The response must detail actions to be taken to resolve the subject matter;
 - 1. The petition committee and City Council must provide regular progress reports every 90 days to the petitioner(s) until the matter is resolved
 - ii. or notify the petitioner that no action will be taken with reasons.
 - e. The matter will only be considered resolved with the written consent of the lead petitioner(s)

Petitions with a minimum of 100'000 signatories:

- 11. The petition must be received by a petition officer who will ensure that the petition
 - a. is not a private matter and that
 - b. it falls under the jurisdiction of the City of Johannesburg
- 12. A petition satisfying the conditions set out in Section 11 must be passed on to the petitions committee who must convey the petition to the Mayor of the City of Johannesburg.
- 13. The petition must be presented to the Mayor of the City of Johannesburg who must then submit it to the President of South Africa for consideration of a city-wide referendum on the issue
- 14. Any by-laws created or amended by city referendum can only be repealed or amended by referendum.

Access to Information:

- 15. All petitions and their responses must be recorded and this record must be made publicly available physically and electronically on the City of Johannesburg website.
- 16. The petitions processes as referred to in this By-Law must be made available on the City of Johannesburg website as a guide for citizens.