



KNYSNA
Municipality
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KNYSNA MUNICIPALITY PETITIONS POLICY

WHEREAS section 17(2) of the Municipal Systems Act 32 of 2000(MSA) states that: “A municipality must establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality, and must for this purpose provide for the receipt, processing and consideration of petitions and complaints lodged by members of the local community”.

WHEREAS Section 17 (3) of the MSA states that: “When establishing mechanisms, processes and procedures in terms subsection (2) the municipality must take into account the special needs of people who cannot read or write, people with disabilities, women and other disadvantaged groups.”

THEREFORE THE KNYRNA MUNICIPALITY in order to **facilitate a fair and equitable process of receiving, processing and consideration of petitions has developed this Petitions policy.**

In terms of this policy, a petition refers to a written complaint, request, a representation or a submission addressed by a petitioner (a person who submits a petition in terms of this policy) to the Executive Mayor or the Municipal Manager. The general principles and requirements for petitions are as follows:

1. Submission of Petitions

- 1.1 A petition may be delivered to any administrative office of the Council, office of the Executive Mayor, to a Councillor or the office of the Municipal Manager.
- 1.2 The Corporate Services Directorate must render all reasonable assistance, excluding financial assistance, to any person who is unable to submit a petition conforming to all the requirements outlined in this policy.
- 1.3 The person who receives a petition, must immediately forward the original petition to the office of the Municipal Manager, who will in turn forward copies thereof to the Speaker, the Executive Mayor and the Director involved. If the subject matter of the petition relates to a specific ward, a copy of the petition will also be forwarded to the Ward Councillor involved. The said Director will as soon as possible prepare and submit a report on the matter to the Municipal Manager, who will submit a report to the appropriate committee constituted in terms of Section 80 Committee, Executive Mayoral Committee or Council, as is necessary in his discretion.

2. Requirements of Petitions

- 2.1 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 a petitioner who is

unable to write:

- (i) Who has made a mark on the petition as a symbol of his or her authority to submit the petition; and
 - (ii) That mark was made in the presence of two witnesses who are able to write and who by signing the petition certify that the mark is that of the petitioner;
- (d) Be formulated in at least one of the three official languages of the Western Cape (i.e Xhosa, Afrikaans and English);
- (e) Relate to a matter within the legal competence of the Council in terms of the Constitution;
- (f) 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 the petitioner/s;
- (g) not concern a matter pending in a 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;
- (h) Not be in connection with the conviction and sentencing by a criminal court of law of a person to a period of imprisonment; and
 - (i) Not address a matter, which falls within the scope of a commission of inquiry established by the National or Provincial Government or committee of enquiry established by the Council or any other Local Government institutions.
- (j) Not address a matter previously considered Council except if that petition contains new information that may materially impact on the outcome of the consideration of the matter.

- (k) Not be in connection with a matter where the public was specifically afforded an opportunity to comment/object and for which prescribed mechanisms, processes and/or procedures exist (i.e. Town Planning applications, acceptance of by-laws, alienation of municipal land etc.).

3. Types of Petitions

3.1 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 an individual submission from an association or single petitioner mandated by an association to submit that petition, concerning a particular complaint or request;
- (c) A collective petition, which is a collection of signatures from a number of petitioners, concerning a particular complaint or request; or
- (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 requests.