



# Wes-Kaapse Provinsiale Parlement Western Cape Provincial Parliament IPalamente yePhondo leNtshona Koloni

## **DIRECTIVE ON PETITIONS AND EXECUTIVE UNDERTAKINGS ISSUED BY THE HONOURABLE SPEAKER, MASIZOLE MNQASELA, IN ACCORDANCE WITH RULE 1 OF THE STANDING RULES OF THE WESTERN CAPE PROVINCIAL PARLIAMENT**

### **1. INTRODUCTION**

This directive is issued in accordance with Standing Rule 1 of the Western Cape Provincial Parliament (WCPP) and provides direction with regard to the processing of petitions at the WCPP and, furthermore, pursues all assurances, undertakings and commitments given by the Executive on the floor of the House and also determines the extent to which these assurances must be fulfilled.

### **2. LEGISLATIVE FRAMEWORK**

- a. Section 23(4)(f) of the Western Cape Constitution, 1997 (the Provincial Constitution), provides that the Provincial Parliament in its rules and orders provides for the receipt of petitions, representations or submissions from any interested persons or institutions.
- b. Section 43(2) of the Provincial Constitution provides that Provincial Ministers are accountable collectively and individually to the Provincial Parliament for how they exercise their powers and carry out their functions.
- c. Rule 117 of the Standing Rules provides that the Petitions Committee shall carry out the functions assigned to it in accordance to Rule 1 of the Standing Rules of the WCPP.

### **3. DEFINITIONS**

- a. **Petition** is a formal written request signed by one or many people, which complies with the requirements referred to in paragraph 5 below, appealing to WCPP in respect of a particular cause for intervention in a matter. It can take the form either of a request for assistance with a specific issue or of a request for redress of a grievance; however, it exclude issues that fall outside the jurisdiction and mandate of the WCPP.
- b. **Executive undertakings** referred to in this directive are an undertaking, a commitment, a promise, and assurance made by a member of the Executive in relation to a petition; and during a sitting of the WCPP.
- c. **Undertakings register** is a list of all issues raised by communities in petitions and the Executive's response and commitment to address those issues. The register must note the lead Minister or department and supporting Minister or department (where the ancillary issues fall within the mandate of another department) who undertake to respond to the issues with clear time frames and reasons for non-response or mitigation measures. (Responsibility must be sensitive to the cluster arrangements of government in Western Cape.)

#### **4. REQUIREMENTS FOR PETITION**

- a. For the petition to be processed it has to meet the following requirements:
- i. The petition must:
    1. be submitted in the prescribed format in accordance with the WCPP's directives;
    2. contain details of the petitioner or petitioners;
    3. clearly identify the issue or issues; and
    4. be signed.
  - ii. The petition must be submitted to the WCPP:
    1. by registered mail;
    2. by email to a designated email address and in cases where it is submitted to another email address of the WCPP, that office must forward the petition to the **Petitions Office** within three (3) days (the WCPP must have a standard in its business processes, APP or service standards to forward these petitions to the relevant office);
    3. by walking in or delivery by hand to a **designated official** of the WCPP, **committee of the WCPP** and/or the **Office of the Speaker**;
    4. on the website or mobile application of the WCPP.
- b. Petitions made to the WCPP will fall within the scope of the WCPP if it relates to:
- i. an area that the WCPP has the power to legislate on or falls within its jurisdiction or mandate;
  - ii. the failure of a Member of the Executive to address issues raised by the community through the relevant channels in his/her department;
  - iii. the failure of the Member of the Executive to honour the commitments he/she undertook during his/her community outreach programmes that form the basis of the petition; and
  - iv. the exhaustion of all avenues available to citizens for the resolution of the complaint or petition.
- c. The WCPP will not consider petitions that:
- i. falls outside the scope referred to in paragraph 4(b);
  - ii. interferes in matters that are subject of judicial proceedings;
  - iii. are subject of investigation by a Chapter 9 or Chapter 10 institution;
  - iv. are subject of an investigation by the State Security Agency;
  - v. is currently being investigated by a commission of inquiry appointed by the President or the Premier of the Western Cape.

#### **5. ADMINISTRATIVE PROCESS**

- a. The Petitions Committee must be supported by dedicated administrative staff, with the following duties, but not limited to:
- i. conducting preliminary investigations into the petition, including but not limited to the seeking of legal and other advice, language services and relevant documentation;
  - ii. providing administrative support to the Committee throughout the processing of the petition;
  - iii. documenting and incorporating in the committee report the executive undertakings;
  - iv. ensuring the report is adopted by the legislature before the final outcome is communicated to the petitioner;
  - v. communicating to the petitioner the findings or reports of the Committee; and

- vi. communicating through the Secretary to the WCPP to the petitioner the final outcome of the petitions process and advising the petitioner of further steps that could be taken by the petitioner.

**b. The Petitions Committee:**

- i. may conduct oversight visits to establish facts as a follow-up to the submitted petition;
- ii. must act in a transparent and accountable manner;
- iii. must resolve a matter through a process of conciliation, mediation or negotiation;
- iv. must consider petitions referred to it by the Speaker; and
- v. must submit to the Speaker the findings or outcomes of the Committee's consideration of the petition and executive undertakings made by a Member of the Executive.

- c. The Speaker must table the report in the Western Cape Provincial Parliament for consideration.

**6. SCOPE OF EXECUTIVE UNDERTAKING**

- a. Any matter that falls within the mandate of the relevant Member of the Executive.
- b. If the matter is outside his/her mandate, but within the mandate of provincial government, the Member of the Executive must forward the matter to the relevant Member for consideration and report to the Provincial Parliament.

**7. REGISTERING OF EXECUTIVE UNDERTAKING**

- a. Executive undertakings, which are reflected in the adopted committee report, must be registered in the undertakings register or database handled by the Petitions Committee or administrative employee.
- b. The prescribed format for monitoring and reporting of these undertakings is reflected in the table below.
- c. The reporting on these undertakings must be quarterly or as and when required until the matter is resolved.

**8. MONITORING AND REPORTING ON EXECUTIVE UNDERTAKINGS**

Petitioner	Issue	Date submitted	Responsible Minister	Leading department	Supporting department	Time frame	Progress

- 9. This directive will be effective from ...25 June 2021



**HON M MNGASELA**  
**SPEAKER**