Petitions Guidelines for Departments and MoEs

Issued by the Petitions Standing Committee
April 2017
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1. Purpose of the Guide

The purpose of this guide is to orientate officials who were appointed as Petitions Liaison Officers (PLO) by familiarising them with the CoJ’s Petitions system and the Petitions Standing Committee (PSC). It also serves as a quick reference to processes and requirements of the petitions system.

2. What is a “petition”?

A petition is a request, representation, submission or complaint lodged by a member/s of the public with the City of Johannesburg about an issue that the petitioner/s would like council to attend to. The Constitution guarantees the right to present petitions in section 17. Both the Petitions Management System and the terms of reference of the Petitions Standing Committee were issued in fulfilment of Chapter 4 of the Local Government: Municipal Systems Act, 32 of 2000. The Act requires a municipality to develop a culture of governance that complements formal representative government with a system of participatory governance. To this end the Act enjoins a municipality to “establish appropriate mechanisms, processes and procedures to provide for the receipt, processing and consideration of petitions and complaints lodged by members of the local community”.

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3. Who are the custodians of the petitions process?

The **Office of the Speaker** is the custodian of Petitions. It is therefore the duty of the Speaker to promote and facilitate a fair and equitable process of considering petitions submitted to the **Council** in terms of the current petitions process and policy.

The Petitions Standing Committee (PSC) – a Section 79 Committee of Council is responsible for dealing with petitions. Paramount to the functions of the Committee is the consideration of all petitions with the intention of resolving them through referral to affected **Departments and Municipal-Owned-Entities (MOEs)**.

Petitions are therefore, a way of ensuring that the views, needs and grievances of the **public** are attended to by the City. The petition process does not, however, guarantee that the petitioner achieves what she/he wants. It nevertheless, provides one channel through which persons may exercise their democratic right to participate in the affairs of the City of Johannesburg.

4. The Petitions Unit and PSC support staff in the Office of the Speaker (Legislature)

**Petitions Unit:**
- **Assistant Director: Petitions**
  - Peter Kute
- **Senior Administrator:**
  - Jeanette Khubisa
- **Senior Administrator:**
  - Moeder Sebetseba
- **Information Officer:**
  - Tieniel Samual
- **Administrator:**
  - Boitumelo Alamu

**PSC support staff:**
- **Cllr S Kotze:**
  - Chairperson of PSC
- **Committee Coordinator:**
  - Eric Monhla
- **Committee Legal Advisor:**
  - Mpho Komane
5. The petitions process: Generally

Steps followed when a Petition is received:

➢ Support staff in the Petitions Unit receives all petitions lodged with the City from their various entry points
➢ The petition is checked and assessed
➢ The petition is registered and given reference number
➢ A letter of acknowledgement is sent to the petitioner
➢ The relevant Ward Councillor is informed of the petition in his/her ward
➢ The petition is referred to the affected Department or a Municipal Owned Entity (MOE) for consideration and response
➢ The Department/MoE considers the petition and submits either a progress report or a report and closure form to the PSC
➢ Reports and closure forms are considered by PSC at PSC meeting
➢ The petitioner(s) is given feedback on the Department / MoE's response / report and the outcome of the PSC meeting

6. Petitions Liaison Officers (PLOs)

Each Department and MoE has to appoint two PLOs to serve as the primary contact point between the PSC/Petitions Unit and the Department/MoE. The duties of PLOs include:

❖ Receiving, recording and responding to petitions by facilitating the submission of reports and closure forms to the PSC through the Petitions Unit
❖ Attending PSC meetings to respond to questions on petitions referred to the Department/MoE
❖ Managing their Department/MoE’s petitions database and comparing information with the Petitions Unit.
❖ Attending Technical Task Team meetings as arranged by the Chairperson of the PSC

NOTE! When there is a change in an official appointed as a PLO, Departments/MoEs should inform the PSC as soon as possible.
7. PSC Committee meetings and Technical Task Team meetings

❖ The PSC meets once per month as per the *Council’s Annual Year Planner*

❖ Extraordinary PSC meetings and roundtable discussions are also arranged

❖ Technical Task Team (TTT) meetings are convened by the Chairperson of the PSC in preparation for PSC meetings. PLO’s and the Petitions Unit are expected to attend TTT meetings.

❖ At PSC meetings, two standing reports are tabled every month:

   1) A New Petitions Report
   2) Progress Reports on Petitions

8. Process flow for receipt of petitions and submission of reports

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<thead>
<tr>
<th>STEP</th>
<th>ACTION</th>
<th>PROCESS</th>
<th>TIMEFRAME / FREQUENCY</th>
<th>RESPONSIBLE PERSON / PERSON TO CONTACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A “New Petitions Report” is compiled and tabled at each PSC meeting.</td>
<td>Depts/MoEs and their PLOs should scrutinise the list of new petitions and note petitions applicable to them.</td>
<td>Monthly</td>
<td>Petitions Unit and PSC Secretariat</td>
</tr>
</tbody>
</table>
| 2    | New petitions are submitted to MMCs and PLOs will be copied. | - Petitions will be sent via email.  
- Depts/ MoEs must confirm receipt of petition AND must confirm in writing that it is in fact the Dept/MoE responsible for the matter raised in the petition. | Within 5 days of PSC meeting  
Within 2 days of submission by Petitions Unit | Petitions Unit: Jeanette Khubisa  
0114077350  
jeanettekh@joburg.org.za |
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<td></td>
<td>Should the Dept/MoE for some reason not receive the petitions listed in the “New Petitions Report”, it should contact the Petitions Unit.</td>
<td>Within 2 days of PSC meeting</td>
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<td>Petitions Unit will track confirmation of receipt by Dept/MoEs</td>
<td>Ongoing</td>
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<td>3</td>
<td>Departments/MoEs prepare reports and submit to Petitions Unit</td>
<td>Reports must adhere to requirements listed in Section B below.</td>
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<td>Reports must be submitted via email.</td>
<td>Reports must be submitted no later than 10 days before next PSC meeting</td>
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<td></td>
<td>Petitions Unit must acknowledge receipt of reports</td>
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<td>Should reports not adhere to requirements listed in Section B (for example reports are not signed), the Petitions Unit will refer the report back to the Dept/MoE</td>
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<td>4</td>
<td>Dept/MoE reports are tabled at PSC meeting</td>
<td>PLOs</td>
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<td></td>
<td>PSC to scrutinise reports and decide on closure</td>
<td>Petitions Unit</td>
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<td></td>
<td>2x PLOs from each Dept/MoE to attend PSC meeting to respond to questions on reports.</td>
<td>Moeder Sebetseba; 011 407 7349</td>
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<td>e-mail: <a href="mailto:moeders@joburg.org.za">moeders@joburg.org.za</a></td>
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<td>PLOs</td>
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9. Requirements for Departments’ and MoEs’ reports on Petitions

✓ The report must be compiled using the official CoJ reporting format

✓ It must be clearly indicated whether the report is:

a) A progress report; or

b) A report recommending closure of the petition – this report must be accompanied by a signed closure form (refer to section on “Closure Forms”)

a) **A progress report must elaborate on the following:**

   i) Why is the Department / MoE not able to recommend closure of the petition at the time of reporting?
   
   ii) What steps are being taken to bring the petitioner’s demand to a conclusion?
   
   iii) What are the expected timelines for concluding on the petitioner’s demand?
   
   iv) Is there any recourse available to the petitioner in the meantime?

b) **A report recommending closure of the petition must elaborate on the following:**

   i) Did the Department / MoE accede to the petitioner’s demands?
   
   ii) How did the Department / MoE accede to the petitioner’s demands?
   
   iii) If the Department / MoE could not accede to the petitioner’s demand, then what are the reasons for that?
   
   iv) If the Department has put plans or measures in place to accede to the petitioner’s demands, then what are the associated timelines?
   
   v) What evidence can be provided to indicate that the petition was adequately responded to?
   
   vi) Is there further recourse available to the petitioner?

✓ If the report recommends closure of a petition, it must be accompanied by a signed closure form. The closure form must be signed by either the Lead Petitioner or the relevant Ward Councillor.

✓ The report must clearly indicate a relevant recommendation, i.e. if it is a progress report, that the PSC notes the report; or recommend that the petition be closed.

✓ The report must be signed by two senior officials (for example, Executive Director, Head of Department, Managing Director, Executive Manager, Director, Deputy Director or similar) or by one senior official and the relevant MMC. Use of electronic signatures...
10. What to do if...

? If a petitioner brings a petition directly to a Department / MoE:

Do not accept petitions directly from the public. Advise petitioners to submit their petitions to either a Regional Office, to their Ward Councillors or to the Petitions Unit at the Metro Centre in Braamfontein. It is important that the Petitions Unit assigns a Petition reference number to the petition, therefore it can not be submitted directly to Departments/MoEs.

? How can a PLO escalate challenges / queries with regards to Petitions Unit processes:

Through escalating queries to the AD: Petitions and as a final resort to the Chairperson of the PSC.

? Names of Departments & Entities not responding to Petitions

All Departments & Entities do not sufficiently respond to petitions but lots of improvement is beginning to be discernible.
11. Petitions Unit Officials and PSC support staff contact details

<table>
<thead>
<tr>
<th>Designation</th>
<th>Name</th>
<th>Contact details</th>
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| Chairperson of Petitions Standing Committee | Cllr Steven Kotze  | 083 654 6547  
                                  |                     | Stevek817@gmail.com               |
| Committee Coordinator             | Eric Monhla         | 011 407 7246  
                                  |                     | EricMon@joburg.org.za             |
| Assistant Director: Petitions     | Peter Kute          | 011 407 6262  
                                  |                     | PeterKu@joburg.org.za             |
| Senior Administrator: Petitions   | Jeanette Khubisa    | 011 407 7350  
                                  |                     | JeanetteKh@joburg.org.za         |
| Senior Administrator: Petitions   | Moeder Sebetseba    | 011 407 7349  
                                  |                     | MoederS@joburg.org.za            |
| Information officer: Petitions    | Tieniel Samual      | 011 407 6897  
                                  |                     | tieniels@joburg.org.za           |
| Administrator: Petitions          | Boitumelo Alamu     | 011 407 7338  
                                  |                     | BoitumeloA@joburg.org.za        |