
GAUTENG PROVINCIAL LEGISLATURE

**GAUTENG PETITIONS
AMENDMENT ACT, 2025**

ASSENTED TO



PREMIER

ENGLISH TEXT SIGNED BY THE PREMIER

ASSENTED TO ON 15/07/25

CERTIFIED CORRECT AS PASSED BY
THE GAUTENG PROVINCIAL LEGISLATURE

SIGNED 

SPEAKER

DATE 24 JUNE 2025

No 3, 2025

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.
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ACT

To amend the Gauteng Petitions Act, 2002, so as to correct certain definitions and insert a new definition; introduce a provision on the objects of the Act; clarify the duties of the Legislature and responsible Committee in respect of petitions; require a petitioner to exhaust internal remedies before submitting a petition; further regulate the procedures for the consideration of petitions; determine in greater detail the accountability of the Committee responsible for the consideration of petitions and the responsiveness of the Executive in respect of petitions; clarify the responsibilities of witnesses before the Committee responsible for the consideration of petitions; and provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Province of Gauteng, as follows:—

Amendment of section 1 of Act 5 of 2002

1. Section 1 of the Gauteng Petitions Act, 2002 (Act No. 5 of 2002) (hereinafter referred to as the principal Act), is amended— 5
- (a) by the substitution for the definition of administrative support service of the following definition: 10
- “‘*administrative support service*’ means the responsible employees of the Legislature **[assigned by the Secretary for purposes of the effective implementation and execution of this Act];**”;
- (b) by the substitution for the definition of “Committee” of the following definition: 15
- “‘*Committee*’ means **[a committee of the Legislature assigned by the Speaker to be responsible for the consideration of petitions in terms of this Act, consisting of members of the Legislature as determined from time to time in accordance with the Standing Rules]** the Committee of the Legislature responsible for the consideration of petitions referred to in section 3(2);”;
- (c) by the substitution for the definition of “Constitution” of the following definition: 20
- “‘*Constitution*’ means the Constitution of the Republic of South Africa, 1996 **[Act No. 108 of 1996];**” and
- (d) by the insertion after the definition of “Standing Rules” of the following definition: 25
- “‘*subpoena*’ means the legal document requiring a person to appear before the Committee issued by the Committee in terms of section 13(1) and (2);”.

Substitution of section 2 of Act 5 of 2002

2. The following section is substituted for section 2 of the principal Act:

“Objects of the Act

2. The objects of the Act are—
- (a) to accelerate the development of a culture of participatory democracy and promote public participation in decision-making in the province; 5
 - (b) to give effect to the right to present petitions in section 17 of the Constitution, and the authority of the Legislature to receive petitions in terms of section 115(d) of the Constitution, by establishing effective mechanisms and procedures for the consideration of petitions submitted to the Legislature; 10
 - (c) to ensure the business of the Legislature in respect of petitions is conducted in an open and transparent manner;
 - (d) to implement effective accountability and responsiveness of the Legislature and the Executive to the people of the province in respect of petitions; and 15
 - (e) to ensure that petitioners obtain a fair hearing in respect of their petitions as simply and affordably as possible.”.

Substitution of section 3 of Act 5 of 2002

3. The following section is substituted for section 3 of the principal Act: 20

“General principles

3. (1) Any person may submit a petition to the Legislature in terms of this Act and may do so in any of the official languages of the Republic of South Africa.
- (2) The Speaker must refer every petition submitted to the Legislature to the Committee assigned by the Speaker to be responsible for the consideration of petitions and consisting of members of the Legislature as determined from time to time in accordance with the Standing Rules. 25
- (3) The Committee must—
- (a) respect, protect, promote and fulfil the right to submit petitions in accordance with this Act; 30
 - (b) consider every petition referred to the Committee in accordance with this Act; and
 - (c) take appropriate steps in accordance with applicable legislative and other measures to promote and facilitate public participation in the consideration of petitions, particularly by persons disadvantaged by unfair discrimination. 35
- (4) The Speaker must promote and facilitate a fair and equitable process of considering petitions submitted to the Legislature in terms of this Act.”.

Amendment of section 4 of Act 5 of 2002 40

4. Section 4 of the principal Act is amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

- “(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.”. 45

Amendment of section 5 of Act 5 of 2002

5. Section 5 of the principal Act is amended by the addition of the following subsection:

- “(4) A person must—
- (a) exhaust internal remedies before submitting a petition to the Legislature; 50
 - (b) inform the Legislature in writing of any steps taken to exhaust internal remedies when submitting a petition to the Legislature.

- (c) Must provide evidence of the steps taken to exhaust internal remedies.”

Amendment of section 6 of Act 5 of 2002

6. Section 6 of the principal Act is amended—

- (a) by the substitution for subparagraph (ii) of paragraph (d) of the following subparagraph: 5
- “(ii) require the person or body to whom that petition was referred to furnish the Committee within [four weeks] 30 working days of that referral in writing with a detailed report on the steps taken by that person or body to address the complaint, request, recommendation or instruction by the Committee, as the case may be, and the reasons for those particular steps;” 10
- (b) by the deletion of paragraph (f); and
- (c) by the addition of the following subsection, the existing section becoming subsection (1):
- “(2) If more time to process a petition is needed by the Executive or the responsible municipality than the 30 working days referred to in paragraph (d) of subsection (1), the relevant member of the Executive Council or Speaker of the relevant municipal council— 15
- (a) must in writing inform the Committee through the Speaker of— 20
- (i) the reasons why more time is needed; and
- (ii) the date by which the matter is expected to be finalised, which date may not be later than fourteen working days after the date on which the period prescribed in paragraph (d) of subsection (1) expires; and
- (b) must make its decision on or before that date.” 25

Amendment of section 7 of Act 5 of 2002

7. Section 7 of the principal Act is amended by the substitution for paragraph (h) of the following paragraph:

- “(h) if a petition has been referred to a member of the Executive Council or a municipal council in terms of [section 6(d)] section 6(1)(d) and that person or body has failed to comply with [section 6(d)] section 6(1)(d) or section 6(2), if applicable, or that person or body’s conduct or response is unsatisfactory 30
- (i) make a complaint to the Public Protector or the Premier;
- (ii) take any other appropriate steps that the Committee may lawfully deem necessary;” 35

Amendment of section 12 of Act 5 of 2002

8. The following section is substituted for section 12 of the principal Act:

“Accountability

12. (1) The Committee must report at least quarterly to the Legislature on the petitions submitted to it during that period and all activities of the Committee in respect thereof. 40
- (2) The Committee must submit to the Legislature an annual written report on the activities of the Committee, which report must include an evaluation of:
- (a) the responsiveness, efficiency and promptness with which petitions were dealt with; and 45
- (b) the efficacy of the petitions process and procedures.
- (3) The Legislature may refer back to the Committee for reconsideration any matter contained in a report submitted by the Committee to the Legislature. 50
- (4) A member of the Legislature may access a petition file at any reasonable time.
- (5) A member of the Legislature may whilst the Committee is considering a petition only put a question in respect of that petition relating to the process of considering the petition and not in respect of the merits thereof. 55

- (6) The relevant member of the Executive Council must—
- (a) ensure the prompt consideration of and response to a petition referred to the member as contemplated in section 6(1)(d);
 - (b) ensure, on the invitation of the Committee, that the Executive member of the department or an official(s) with the appropriate authority attend Committee meetings on a petition relevant to that department; and
 - (c) report quarterly and annually to the Legislature on how the member's department dealt with all petitions referred to that member during the period covered by the report."

Amendment of section 13 of Act 5 of 2002

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9. Section 13 of the principal Act is amended—

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
 - “(a) summon a person to attend a sitting of the Committee as a witness, in order to give evidence, or produce any book, document, object or other material of evidence [if the Committee requires it] before the Committee at a time and place specified in the summons;”;
 - and
- (b) by the substitution for subsection (5) of the following subsection:
 - “(5) A person appearing before the Committee to give oral evidence may be assisted by a representative of their choice at their own cost.”

Short title

10. This Act is called the Gauteng Petitions Amendment Act, 2025.