



Northern Cape
Provincial Legislature

Northern Cape Petitions Act, 2009



UMTHETHO

Ukuchaza isicelo, phakathi kwezinye izinto, ngokuphathelele injongo, umkhamo nezinto ezifunekayo; ukunikela imigaqo eqhelekileyo, inkqubo nomgaqo ukuze umntu acele iPalamente; ukunika amagunya nemisebenzi yeKomiti emele iqwalasele izicelo; ukucacisa indima nomsebenzi weOfisi yeZicelo; ukunikela ilungelo lokubhena isigqibo sesicelo kwiqumrhu lezibheni; nokulungiselela imiba engenamsebenzi kangako.

INTSHAYELELO

NGOXA icandelo 17 loMgaqo-siseko phakathi kwezinye izinto liqinisekisa ilungelo lomntu lokwenza isicelo;

YAYE NGOXA icandelo 115 loMgaqo-siseko lisiti iPalamente yephondo okanye nayiphi na kwiikomiti zayo inokufumana izicelo, iinkcazelo okanye iziphakamiso ezivela nakuwuphi na umntu onomdla;

YAYE NGOXA icandelo 116 loMgaqo-siseko lingachazi nkqubo okanye umgaqo-nkqubo waxa isicelo siye safunyanwa yiPalamente;

YAYE NOKUQONDA imo, indima nomsebenzi wamaZiko eSahluko 9 okanye naliphi na iqumrhu eliphandayo ngokuvisisana nawo nawuphi na umthetho;

ENOBA UMISELWE yiPalamente YePhondo YoMntla Koloni ngale ndlela ilandelayo: –

UKULUNGELELANISWA KWAMACANDELO

Icandelo

1. lingcaciso
2. Injongo yesicelo
3. Ilungelo lokucela
4. Umkhamo wesicelo
5. Iimfuneko zesicelo
6. IOfisi Yezicelo
7. Indima nomsebenzi weOfisi Yezicelo ngokuphathelele isicelo

8. Indima, umsebenzi nokunikela ingxelo kweKomiti
9. Amagunya EKomiti
10. Intlanganiso YeKomiti
11. Igqiza labameli
12. Ilungelo lokubhena
13. Iqumrhu lokubhena
14. Ukuphendula kweKomiti
15. Imimiselo
16. Umxholo omfutshane nokuqalisa

lingcaciso

1. (1) Kulo Mthetho, ngaphandle kokuba umongo ubonisa ngenye indlela –

“**isibheno**” sithetha ukubhena okuboniswe kwicandelo 12;

“**Iqumrhu lokubhena**” libhekisela kwiqumrhu lokubhena elimiselwe ngokuvisisana necandelo 13;

“**USihlalo**” ubhekisela kusihlalo weKomiti;

“**IZiko LeSahluko 9**” libhekisa kwiqumrhu elimiselwe ngokuvumelana neSahluko 9 soMgaqo-siseko, esixhasa idemokhrasi kumaziko ;

“**IKomiti**” ibhekisela kwiKomiti yePalamente ngokuvumelana neMigaqo Emiyo, ejongene nokuqwalasela izicelo ngokuvumelana nalo Mthetho;

“**UMgaqo-siseko**” ubhekisela kuMgaqo-siseko weRiphabliki yoMzantsi Afrika, we-1996;

“**usuku**” lubhekisela kusuku lokusebenza ngaphandle koMgqibelo, iCawa okanye iholide kawonke wonke;

“**ISigqeba Esiphezulu**” sibhekisela kwiSigqeba Esiphezulu sePhondo njengoko kuboniswe kwicandelo 132 loMgaqo-siseko;

“**IGazethi**” ibhekisela kwiGazethi YePhondo;

“**Indlu**” ibhekisela kwiPalamente yaseMntla Koloni;

“IPalamente” ibhekisela kwiPalamente YePhondo njengoko kuboniswe kwicandelo 104 loMgaqo-siseko;

“ilungu” libhekisela kwilungu lePalamente;

“IBhunga Lesizwe LamaPhondo” libhekisela kwiBhunga ekuthethwe ngalo kwicandelo 42 loMgaqo-siseko;

“isicelo” sibhekisela kwisikhalazo, isicelo, inkcazelo okanye isiphakamiso esifakwa ngumceli kuSomlomo ngokuvumelana nalo Mthetho;

“umceli” ubhekisela kumntu ofaka isicelo ngokuvumelana nalo Mthetho;

“IOfisi Yezicelo” ibhekisela kubaqeshwa basePalamente abajongene nokumisela nokuphumeza ngempumelelo lo Mthetho;

“IPhondo” libhekisela kwiPhondo LaseNtshona Koloni ekuthethwa ngalo kwicandelo 103 (1)(g) loMgaqo-siseko;

“umthetho wephondo” uquka -

- (a) umthetho ongaphantsi owenziwe ngokuvumelana nomthetho wephondo; kwakunye
- (b) nomthetho owawusebenza xa uMgaqo-siseko wawuqalisa ngophunyezwa ngurhulumente wephondo;

“iziko lephondo likarhulumente” libhekisela -

- (a) iziko lephondo likarhulumente licandelo lephondo likarhulumente; okanye
- (b) umsebenzi okanye iziko elinegunya kuwonke wonke okanye elenza umsebenzi kawonke wonke ngokuvumelana nomthetho wephondo;

“iholideyi kawonke wonke” ibhekisela kwiintsuku eziboniswe kwiShedyuli yoMthetho Weeholideyi Zikawonke wonke, ka-1994 (UMthetho 36 ka-1994);

“UMkhuseli Woluntu” ubhekisela kuMkhuseli Woluntu njengoko kuboniswe kuMthetho Womkhuseli Woluntu, ka-1994 (UMthetho 23 ka-1994);

“UNobhala” ubhekisela kwelona gosa liphezulu kwiPalamente elikhethwa ngokuvumelana nomthetho ofanelekileyo;

“USomlomo” ubhekisela kuSomlomo wePalamente onyulwa ngokuvumelana necandelo 111 loMgaqo-siseko;

“ImiGaqo Emiyo” ibhekisela kwimigaqo nemiyalelo eyenzelwe ukuqhutywa kwemisebenzi yePalamente ngokuvumelana necandelo 116 loMgaqo-siseko;

“Io Mthetho” uquka imimiselo eyenziwe ngokuvumelana nayo; kwakunye

“nolwimi olusetyenziswayo” lubhekisela kulwimi olusemthethweni olusetyenziswa yiKomiti ezintlanganisweni ngenjongo zolawulo.

Injongo yesicelo

2. Injongo yesicelo kukucela isiqabu kwiPalamente emva kokuba zonke ezinye iindlela ezifanelekileyo nezisemthethweni ziye zasetyenziswa ngumceli.

Ilungelo lokucela

3. (1) Umntu unako, ngokuvumelana necandelo 4 no-5, afake isicelo ngokuvumelana nalo Mthetho.
 - (2) Isicelo sinokufakwa ngumntu osenza –
 - (a) ngokweemfuno zakhe;
 - (b) ngokweemfuno zomnye umntu othi ngenxa yaso nasiphi na isizathu angakwazi ukufaka isicelo ngegama lakhe;
 - (c) njengelungu okanye ngokweemfuno zeqela okanye udidi lwabantu; okanye
 - (d) ngokweemfuno zikawonke wonke.
 - (3) Ilungu elifaka isicelo umele acele ukungabikho xa siqwalaselwa ekomitini.
 - (4) IOfisi Yezicelo imele inikele uncedo olufanelekileyo, kungekhona olwemali, kumntu ofuna ukufaka isicelo yaye imele iqinisekise ukuba isicelo sivumelana nalo Mthetho.
 - (5) IOfisi Yezicelo imele ibhale, yalathisele umntu onesicelo esithi ngomlinganiselo othile siwele ngaphandle kombandela ekuthethwe ngawo kwicandelo 4(1), kwiziko, igunya okanye icandelo likarhulumente elililo ukuba limncede loo mntu.

Umkhamo wesicelo

4. (1) Isicelo simele –
 - (a) siwele kwigunya lomthetho lePhondo;
 - (b) siwele kwigunya eliphezulu lePhondo;
 - (c) sivumelane nombandela owabelwe ilungu leSigqeba Esiphezulu;
 - (d) sivumelane nokubek' esweni kwephondo oorhulumente basekhaya; okanye

- (e) okanye bavumelane necandelo lephondo likarhulumente.
- (2) Isicelo sinokuba –
- (a) sisicelo esinye, nto leyo ethetha ukuba sifakwa ngumceli omnye, ngokuphathelele umbandela othile;
 - (b) isicelo sombutho, nto leyo ethetha ukuba sifakwe ngumbutho okanye ngumceli omnye othunywe ngumbutho ukuba afake eso sicelo, ngokuphathelele umbandela othile;
 - (c) isicelo sabantu abaninzi, nto leyo ethetha ukuba yingqokelela yotyobelo kubaceli abaninzi, ngokuphathelele umbandela othile; okanye
 - (d) isicelo seqela, esiquka isicelo somntu omnye okanye ezifakwe liqela labaceli esiphathelele umba ofanayo okanye umba onezinto ezifanayo.
- (3) Isicelo simele sivisisane neemfuneko ezichazwe kwicandelo 5.
- (4) Isicelo simele sibhekiswe kuSomlomo size sifakwe kuNobhala.
- (5) UNobhala umele ngaphandle kokulibazisa –
- (a) athumele isicelo asifumeneyo kwiOfisi Yezicelo; aze
 - (b) afake isicelo ngasinye esithi ngokuvumelana neOfisi Yezicelo sivumelane neemfuneko zeli candelo kunye necandelo 5 kwiNdlu ukuze isibhekise kwiKomiti.

Iimfuneko zesicelo

5. (1) Isicelo simele –
- (a) sibe phakathi kwemiba eboniswe kwicandelo 4(1);
 - (b) singabandakanyi umba ongekagqitywa kwinkundla yomthetho, enye ingqungquthela okanye iforam okanye iziko eliphandayo eliboniswe kuMgaqo-siseko okanye komnye umthetho;
 - (c) singaquki ukubanjwa nokugwetywa komntu yinkundla ejongene nolwaphulo-mthetho okanye isigwebo esiwiswe yinkundla yomthetho yelizwe;
 - (d) sivumelane nazo zonke iimfuneko ezibhalwe kulo Mthetho; yaye
 - (e) ukuba sifakwe lilungu, singabandakanyi umba osele uphambi kweKomiti yePalamente.
- (2) Ukongezelela isicelo simele -
- (a) sifundeke;
 - (b) singabi nenkcazelo ethukayo okanye ulwimi olungafanelekanga;
 - (c) sibe namagama akhethwe kakuhle ukuze iPalamente ithathe amanyathelo okanye iphephe ukuthatha amanyathelo athile ukuphendula eso sicelo;

- (d) sityobelwe ngumceli, okanye kwimeko yomceli othi nangasiphi na isizathu angakwazi ukubhala, umele enze uphawu phambi kwamangqina amabini, nabo abamele basayine bangqine;
 - (e) sibe asizange siqwalaselwe yiKomiti ngaphambili, ngaphandle kokuba eso sicelo, ngokwembono kaSihlalo, siqulethe inkcazelo entsha enokuthi ngokuvakalayo ibe negalelo kwiziphumo zokuqwalaselwa kwakhona kwaloo mba; yaye
 - (f) singaquki umba umceli angekawusi kwingqalelo yequmrhu elifanelekileyo, okanye ukuba umceli uwusile kwiqumrhu elifanelekileyo, elo qumrhu alikanikwa ithuba elaneleyo lokuwuqwalasela.
- (3) IKomiti inokuthi, ngokuvumelana necandelo 3(4), ingavumi ukuqwalasela isicelo esingavumelaniyo necandelo elingaphantsi (1) nelesi-(2), yaye ngokubhala ichazele umceli ngeso sibakala ize imnike izizathu zesigqibo sayo.

IOfisi Yezicelo

6. (1) IOfisi Yezicelo ePalamente imele iqinisekise ukuphunyezwa okusebenzayo nokumiselwa kwalo Mthetho.
- (2) IOfisi Yezicelo imele ngokuvumelana necandelo 15, ilandele inkqubo yolawulo ngokuphathelele ukufunyanwa, ukuphandwa nokuqukunjelwa kwenkqubo yezicelo.

Indima nomsebenzi weOfisi Yezicelo ngokuphathelele isicelo

7. (1) IOfisi Yezicelo imele ngokuvumelana necandelo 3(4) ithathe onke amanyathelo afanelekileyo okuvumela iKomiti ukuba iqwalasele isicelo.
- (2) IOfisi Yezicelo imele ibhale, yazise uSihlalo ngeentsuku ezisi-7 zokufumana isicelo kuNobhala.
- (3) IOfisi Yezicelo imele yazise umceli kuselithuba –
- (a) ukuba umceli umenywe yiKomiti ukuba aze kuzithethela ngomlomo okanye abize ingqina;
 - (b) ngomhla, ixesha nendawo xa kuza kuqwalaselwa isicelo kwanokuba umceli unokuya kusini na kwintlanganiso yeKomiti;
 - (c) ngokubhekiselwa kwesicelo komnye umntu okanye iqumrhu elichazwe kulo Mthetho;
 - (d) ngenkqubela eyenziweyo ngokuphathelele ukuqwalaselwa kwesicelo;
 - (e) ngeendlela zokulungisa ezifumaneka kumceli;
 - (f) nokuba yena, ngokuvisisana nemithetho efanelekileyo angayibona ifayile ethile yesicelo ekhethekileyo ngawo onke amaxesha afanelekileyo; kwakunye

- (g) nesigqibo seKomiti ngokuphathelele isicelo yaye ukuba umceli ufuna njalo, isizathu zeso sigqibo.

Indima, umsebenzi nokunikela ingxelo kweKomiti

8. IKomiti imele –

- (a) iqwalasele ize igqibe ngesicelo ngasinye iNdlu eye yabhekisela kuso;
- (b) yenze ingxelo ngesicelo somlomo esenziwe ngumceli okanye ubungqina bengqina ngokuvumelana necandelo 9(a);
- (c) **inikele ingxelo ngekota kwiPalamente** ngezicelo ezifakwe kuyo ebudeni belo xesha, nayo yonke imisebenzi yayo ngokuphathelele oko, kuquka:
 - (i) Intsabelo, ukuhamba ngokutyibilikayo nokugcinwa kwexesha xa bekuqwalaselwa izicelo; kwakunye
 - (ii) nokuhamba ngokutyibilikayo kwenkqubo yezicelo.

Amagunya EKomiti

9. (1) IKomiti inokuthi ngokuvumelana nomthetho ofanelekileyo -

- (a) imeme umceli ukuba –
 - (i) ongeze kwisicelo inkcazelo yomlomo okanye inkcazelo ebhaliweyo;
 - (ii) abize ingqina ukuba linikele ubungqina bomlomo okanye obubhaliweyo kwiKomiti;
- (b) icele ukuba kuye umntu phambi kweKomiti ukuze aveze naliphi na iphepha, incwadi, ingxelo okanye uxwebhu elikulawulo lwakhe okanye olwayo;
- (c) incomele kumntu okanye kwiqumrhu elifanelekileyo ukuba liqwalasele isicelo ukuze lenze ubulungisa kumceli;
- (d) incomele kumntu okanye iqumrhu elifanelekileyo indlela eqhelekileyo emele ilandelwe kwixa elizayo xa kulungiswa isicelo okanye isikhalazo esifanayo;
- (e) ukuba icelwe ngumceli, isombulule ingxabano okanye isikhalazo, ibuyisel' umva isenzo okanye ilungise into engakhange yenziwe, ngokuphathelele umba ongalawulwa ngumthetho ngokuthi ilamle okanye ithethane;
- (f) iqkumbele ukuqwalasela isicelo ukuba igqiba kwelo akukho manyathelo, okanye amanyathelo abhekele phayaa, ngokweemeko, anokuthathwa ukuzinzisa loo mba ukuze kwaneliseke umceli;
- (g) idlulisele nawuphi na kwimisebenzi okanye Amagunya ayo ngokuvumelana necandelo 11; okanye
- (h) ivale ifayile yesicelo ukuba isicelo siye saqwalasela ngendlela emkholisayo umceli.

(2) IKomiti inokubhekisela isicelo okanye nayiphi inxalenye yaso kunye nolwalathiso okanye uncomelo kwilungu leSigqeba eSiphezulu, isigqeba sikamasipala, iziko lephondo likarhulumente, iZiko elisekelwe kwiSahluko 9, iGunya Lotshutshiso Loluntu okanye iqumrhu eliphandayo elikho ngokuvumelana nomthetho ofanelekileyo ngokusabela kwalo ngexesha elifanelekileyo.

(3) IKomiti imele –

(a) inike ingxelo ngokusilela ukusabela okanye intsabelo enganelisiyo kwiNdlu; ize

(b) ithathe naliphi na elinye inyathelo elifanelekileyo elinokuthathwa yiKomiti ngokusemthethweni.

(4) INdlu imele yazise iNCOP ngokunganeliseki njengoko kubhekiselwe kuko kwicandelo elingaphantsi (3)(a).

INtlanganiso YeKomiti

10. (1) IKomiti inokuthi ukuze ive ubungqina ize iqwalaselee isicelo, ihlanganisane ngomhla, ixesha nakwindawo ekwiPhondo ngokokufuna kukaSihlalo.

(2) USihlalo unokwenza isaziso kuwonke wonke ngentlanganiso ngokuvumelana neMigaqo Emiyo.

(3) The IOfisi Yezicelo imele ngokukhawuleza -

(a) iqinisekise ukuba isimemo umyalelo okanye isamani yokubela phambi kweKomiti iye yakhutshwa ngendlela eyiyo yaza yasiwa;

(b) yazise umceli ngokumbhalela ukuba umceli unelungelo lokwaziswa ngokuvumelana nalo Mthetho okanye nawuphi na omnye umthetho;

(c) ukuba kuyimfuneko, iqinisekise ukuba iziqulatho zefayile yezicelo iguqulelwe ngolwimi olusetyenziswa yiKomiti; ize

(d) yenze nawuphi na omnye umsebenzi, ukuze yenze kube lula ngeKomiti ukuba iqwalasele isicelo ize yenze imisebenzi yayo ngokuvumelana nalo Mthetho.

(4) Ubungqina obunikelwa phambi kweKomiti bumele buviwe esidlangalaleni ngaphandle kokuba -

(a) oko kwenziwe ngenxa yezobulungisa; okanye

(b) ngenxa yokhuseleko lomceli okanye ingqina ukuze ubungqina buviwe ngokufihlakeleyo.

(5) IOfisi Yezicelo imele ngalo lonke ixesha iKomiti inentlanganiso inike uSihlalo uluhlu lwezicelo ezifakiweyo ezingekaqosheliswa yiKomiti.

Igqiza labameli

- (3) USihlalo enxibelelana neKomiti unokuthi ngalo naliphi na ixesha ngaphambi okanye ngoxa ilungu sele liqalile ukuqwalasela isicelo esithile asirhoxise eso sigunyaziso.
- (4) Ilungu limele emva kokugqiba ukuqwalasela isicelo, linikele ingxelo ebhaliweyo ngeziphumo zoko kwiKomiti.
- (5) Ayikho into ekweli candelo ethintela iKomiti ukuba isebenzise igunya okanye iphumeze umsebenzi odluliselwe ngokuvumelana neli candelo.
- (6) Ilungu elinyulwe ngokuvumelana neli candelo linamagunya onke njengoko kuchaziwe anokukwazi ukulivumela ukuba liphumeze umsebenzi eliwunikiweyo.

!lo lokubhena

- (1) Umceli unokuthi kwisithuba seentsuku ezingama-21 emva kokuba azisiwe ngesiphumo sesicelo, abhale, ebhena kuSomlomo nxamnye –
 - (a) nokwala kweKomiti ukuqwalasela isicelo;
 - (b) nokuzimisela kukaSihlalo ukuqwalasela isicelo ngokufihlakeleyo; okanye
 - (c) uncomelo, ukudluliselwa komnye umntu okanye esinye isigqibo seKomiti emva kokuqwalaselwa kwesicelo.
- (2) Isibheno simele sichaze -
 - (a) isizathu sesibheno;
 - (b) umba iKomiti okanye uSihlalo one kuwo; kwakunye
 - (c) nesigqibo, uncomelo okanye isiphumo iKomiti ebifanele ukuba ifikelele kuso, ngokwembono yomceli.

!hu lokubhena

- (1) USomlomo umele kwisithuba seentsuku ezingama-21 ukususela ekufumaneni isibheno,
Kumalungu angengawo lawo eKomiti okanye nawuphi na omnye umntu onobuchule obufunekayo, maxa wambi, ngokubhala anyule iQumrhu lokubhena, ukuze liqwalasele isibheno ngokuvumelana necandelo 12.
- (2) Iqumrhu lokubhena limele libe nabantu abathathu, kubo ababini e ngokuvumelana necandelo elingaphantsi (1), babe ngamalungu xa kumaqela awahlukeneyo ezopolitiko.

- (4) Iqumrhu lokubhena limele liqwalasele inkqubo elandelweyo neziseko zesigqibo seKomiti.
- (5) Iqumrhu lokubhena limele kwisithuba seentsuku ezingama-21 lifumene isibheno -
 - (a) lisigxotho isibheno;
 - (b) lisixhase isibheno;
 - (c) lisibuyisele kwiKomiti ukuba siphinde sihlolwe; okanye
 - (d) lenze esinye isigqibo ekufanelekileyo ukusenza ngokomthetho.
- (6) Iqumrhu lokubhena limele lifake oko likufumeneyo nezizathu zako ngokubhalela uSomlomo, omele angalibazisi ukuchazela umceli.

Ukuphendula kweKomiti

14. (1) IKomiti imele ngokuvumelana necandelo 4(5), ngekota inikele ingxelo ePalamente njengoko kuboniswe kwicandelo 8(c).
- (2) Ingxoxo ngomba ophakanyiswe kwingxelo yeKomiti imele iqhutywe ukuba amalungu eKomiti angaphezu kwamane athanda njalo.
- (3) IPalamente inokubhekisela umba ochazwe kwingxelo enikelwa kwiKomiti ukuba iphinde ihlolwe.
- (4) Ilungu lePalamente ngokuvumelana necandelo 3(3) linokubona ifayile yesicelo nangaliphi ixesha elifanelekileyo.
- (5) IPalamente inokuthi ngoxa iKomiti iqwalasela isicelo, icele ukuba kuchazwe indlela izinto ezimele zenziwe ngayo ngokuvisisana nomthetho.
- (6) Ilungu lePalamente linokuthi ngoxa iKomiti iqwalasela isicelo, liphakamise umbuzo kuphela ngokuphathelele eso sicelo mayela nenkqubo yokuqwalasela isicelo kungekhona ngokwemilinganiselo.

Imimiselo

15. USomlomo unokuthi ngokunxibelelana neKomiti enze iMimiselo **ukuze ayiphumeze kakuhle injongo** aze awuphumeze kakuhle lo Mthetho.

Umxholo omfutshane nokuqalisa

- 16.** Lo Mthetho ubizwa ngokuba nguMthetho Wezicelo WoMntla Koloni, 2009, yaye uza kusebenza ngomhla okhethwe yiNkulumbuso ngokuvakalisa kwi*Gazethi*.