

10. THE FOLLOWING CAN BE USED IN THE PROTECTION FROM
HARASSMENT BILL (B1- 2010)

- 10.1. PROMOTION OF ADMINISTRATIVE JUSTICE ACT (NO: 3 OF 2000) PAJA.
- 10.2. PROMOTION OF ACCESS TO INFORMATION ACT (PAIA)
- 10.3. PROMOTION OF EQUALITY AND PREVENTION OF UNFAIR
DISCRIMINATION ACT (NO: 4 OF 2000)
- 10.4. SECTION (10 OF 1996)
- 10.5. SECTION (25 AND 26 OF 1996)
- 10.6. COMMUNAL LAND RIGHTS ACT (NO: 11 OF 2004)
- 10.7. EXTENSION OF SECURITY OF TENURE ACT (SECTION 62 OF 1997)
- 10.8. PUBLIC SERVICE AND MUNICIPAL SERVICE DELIVERY.

FOR INFORMATION PLEASE CONTACT :

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072 2900 769	:	JAN KGASI
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HOPING THIS WILL BE CONSIDERED

YOURS FAITHFULLY

PULENG KOBO
(SECRETARY GENERAL)

MICHAEL KOTSOKOANE
(PRESIDENT)

7. 24 HOURS NOTICE GIVEN TO THE OCCUPIERS BY SECURITY COMPANIES CONTRACTED IN TERMS OF THE PREVENTION OF ILLEGAL EVICTIONS AND UNLAWFUL OCCUPATION OF LAND ACT (NO: 19 OF 1998) HAS NO POWERS TO EVICT THE OCCUPIERS, DUE TO THE FACT THAT IT IS NOT A LEGAL DOCUMENT AND IS PART OF HARASSMENT AND INTIMIDATION.

DEMOLISHING AND TAKING PEOPLE'S PROPERTIES WITHOUT PRODUCING AN ORDER OF COURT IS AGAINST THE LAW, MALICIOUS DAMAGE TO PROPERTIES MUST NOT BE ALLOWED BY THIS ACT, THE PROTECTION FROM HARASSMENT BILL (B1 - 2010) AS LONG AS THE CONTRACTOR IS USING 24 HOURS NOTICE FOR DEMOLISHING THE PROPERTY, IT MUST BE USED FOR NOTICE ONLY NOT FOR DEMOLISHING.

8. COMMUNITY PROSECUTIONS MUST BE IMPLEMENTED TO NARROW THE GAP BETWEEN THE JUSTICE SYSTEM AND COMMUNITY IN TERMS OF THE PROTECTION FROM HARASSMENT BILL (B1 - 2010).

A GRASSROOTS APPROACH TO LAW ENFORCEMENT OR DISPUTES RESOLUTIONS AT THE GRASSROOTS LEVEL AND REFERING CASES ABOVE ITS LEVEL TO THE OFFICE OF THE CHIEF PROSECUTOR FOR DECISION, MONITORING AND RESTORATIVE JUSTICE CAN ALSO BE THE MECHANISM.

PROJECT OWNER: ADV SHAMILA BATOHI, DIRECTOR OF PUBLIC PROSECUTIONS, NATAL PROVINCIAL DIVISION.

COMMUNITY PROSECUTIONS IS ONE OF THE NPA STRATEGIC PROJECTS PRESENTED DURING THE NPA STAKEHOLDER CONFERENCE 2007 HELD AT GALLAGHER ESTATE IN MIDRAND BY THE FORMER NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS, ADV VUSI PIKOLI ASSISTED BY ADV MOKOTEDI MPSHE, FORMER DEPUTY NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS AND HEAD OF THE NATIONAL PROSECUTIONS SERVICES (NPS) AND OTHERS.

9. MONITORING AND ENFORCING LAW IN TERMS OF THE PROMOTION OF ADMINISTRATIVE JUSTICE ACT (NO: 3 OF 2000) MUST ALSO BE IMPLEMENTED AT THE GRASSROOTS, TO BE INSTITUTED BY THE COMMUNITY PROSECUTIONS AND INDEPENDENT TRIBUNALS BEFORE THE MATTER (OFFENCE IN RELATING TO THE PROTECTION FROM HARASSMENT) IS REFERING TO THE OFFICE OF THE CHIEF PROSECUTOR IN THE MAGISTRATE COURT, TO TAKE THE DECISION TO PROVIDE THE ISSUING OF THE PROTECTION ORDER PROTECTING THE VICTIMS OF HARASSMENT, FOR THE MATTER TO BE INSTITUTED IN THE HIGHER LEVEL OF PROSECUTIONS.

WRITTEN SUBMISSION

PROTECTION FROM HARASSMENT BILL (B1 - 2010)

COMMENTS:

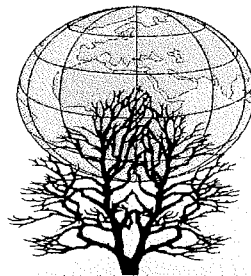
1. THE PROTECTION FROM HARASSMENT BILL (B1 - 2010) MUST NOT BE MAID ONLY FOR FAMILY DISPUTES BUT FOR EVERYONE OFFENDED IN TERMS OF THE PROTECTION OF HARASSMENT ACTIVITIES, AS AN AMMENDMENT OF THE DOMESTIC VIOLENCE ACT.
2. THE CONTRAVENSION AND OBSTRUCTION OF THE FUNDAMENTAL HUMAN RIGHTS AND BILL OF RIGHTS OR UNDERMINING ANY LAW IN THE CONSTITUTION OF THE REPUBLIC OF SOTH AFRICA, IS PART OF HARASSMENT.
3. THE PREVENTION OF ELLIGAL EVICTIONS AND UNLAWFUL OCUPATION OF LAND ACT (NO: 19 OF 1998) MUST NOT BE APPLIED IF THE OCCUPIRES ARE IN THE PROCESS OF REGISTERING THE PIECE OF LAND IN TERMS OF THE EXTENSION OF SECURITY OF TENURE ACT (NO: 62 OF 1997) AND THE COMMUNAL LAND RIGHT ACT (NO: 11 OF 2004), DUE TO THE FACT THAT THIS IS NOT AN UNLAWFUL OCCUPATION OF LAND ACCORDING TO THE TWO PIE ACTS.
4. THE PROTECTION FROM HARASSMENT ACT MUST NOT PROTECT ANY ONE USING THE PREVENTION OF ELLIGAL EVICTIONS AND UNLAWFUL OCCUPATION OF LAND ACT (NO: 19 OF 1998) AS LONG AS THAT PERSON IS NOT IN THE POSITION OF THE RELEVANT DOCUMENTS FOR THE EVICTION AS INDICATED BY THE EXTENSION OF SECURITY OF TENURE ACT (NO: 62 OF 1997) AND STEPS TO BE FOLLOWED IN TERMS OF THE ESTA.
5. A COMMUNITY COUNCIL ESTABLISHED IN TERMS OF ACT (NO: 31 OF 1996) MUST BE RESPECTED BY EVERYBODY IN TERMS OF THE COMMUNITY REPRESENTATIVE, DUE TO THE FACT THAT HARASSMENT ACTIVITIES MOSTLY IS PRACTICED AT THE GRASSROOTS LEVEL OR THE LOCAL SPHRERE OF GOVERNMENT.
6. THE OCCUPIRES OF LAND MUST BE GIVEN 90 DAYS BY THE INTENSION OF MOTION FOR INTENDING TO APPLY FOR AN APPLICATION OF EVICTION, TO BE ABLE TO CHALLENGE THE DECISION IN COURT OR INDEPENDENT TRIBUNALS IN TERMS OF THE PROMOTION OF ADMINISTRATIVE JUSTICE ACT (NO: 3 OF 2000) PAJA.

**MIDDLE-AFRICA
COMMUNITY REPRESENTATIVE COUNCIL
(CRC)**

“Monitoring & Law Enforcement”

Promotion of Administrative Justice Act (No. 3 of 2000)

SOUTH AFRICA



“Merafe e Kopane, Rainbow Nation, Imihlobo eHlangene”

REF NO: 11086

04/6TH AVENUE
MIDAS SQUARE
HEBRON 0193
FAX: (012) 701 5697

1589 EXT 1
SOSHANGUVE SOUTH
0152
28 SEPTEMBER 2010

ATT: MR. V. RAMAANO

COMMITTEE SECRETARY

PORTFOLIO COMMITTEE ON JUSTICE AND
CONSTITUTIONAL DEVELOPMENT
NATIONAL PARLIAMENT
P.O BOX 15
CAPE TOWN
8000

WRITTEN SUBMISSION

PUBLIC HEARING ON PORTFOLIO COMMITTEE ON JUSTICE AND
CONSTITUTIONAL DEVELOPMENT ON THE PROTECTION FROM HARASSMENT
BILL (B1 - 2010).

DEAR SIR

THE ABOVEMENTIONED INSTITUTION, FORMALLY KNOWN AS MIDDLE –
VILLAGE CRC REF: NO 11086, IS HEREBY INFORMING YOUR DEPARTMENT
THAT WE WILL DELIGATE MR. MICHAEL KOTSOKOANE AND OTHER DELIGATES
IF POSSIBLE, TO REPRESENT US IN THE PUBLIC HEARING SCHEDULED FOR
THE 19TH OCTOBER 2010 IN PARLIAMENT.