



**LIMPOPO**  
**PROVINCIAL GOVERNMENT**  
REPUBLIC OF SOUTH AFRICA

**DEPARTMENT OF SAFETY, SECURITY AND LIAISON**

**POLICY ON PROMOTION OF ADMINISTRATIVE JUSTICE**

**1. INTRODUCTION**

The right to just administrative act need to be enforced to give effect to Section 33 of the Constitution of the Republic, Act 108 of 1996. The Constitution required the Parliament to pass the Promotion of Administrative Justice Act (PAJA), Act 3 of 2003, in order to give effect to this constitutional right.

The PAJA forms part of a new approach to improve the growth of our Country's democracy. It is aimed at ensuring a much more effective and people centred public administration. It guarantees a reasonable, lawful and procedurally fair administrative action.

**2. PURPOSE**

- To give effect to Section 33 of the Constitution.
- To ensure procedurally fair administrative action.
- To give people the right to request reasons.
- To ensure accountability, openness and transparency.

**3. SCOPE OF APPLICATION**

This policy is applicable to all employees within the Department.

**4. OBJECTIVES**

- Adherence to the procedure laid done in the PAJA.

- Fair labour practice within the workplace.
- Harmonious working relation between the supervisor and supervisee and between the employer and the employee.
- Promotion of good relation with the community

## 5. LEGISLATIVE FRAMEWORK

- Promotion of Administrative Justice Act, 3 of 2000.
- The Constitution of the Republic of South Africa, Act 108 of 1996
- Labour Relations Act, 66 of 1995.
- Public Service Act, 103 of 1994.
- Public Service Regulations, 2001 (as amended).
- Basic Conditions of Employment Act, 75 of 1997 (as amended).
- Compensation for Occupational Injuries and Diseases Act, 130 of 1993 (as amended).
- Employment Equity Act, 55 of 1998.
- Promotion of Access to Information Act, 2 of 2000.
- Skills Development Act, 97 of 1998.

## 6. Promotion of Administrative Justice Act

### 6.1. Administrative action

Administration is made up of all Government Departments, Police and Army and Parastatals. Whenever the administration takes a decision that affects the rights of the people, they are performing an administrative action.

#### 6.1.1. Examples of Administrative action within the Department:-

- a negative decision on, for example
- acquisition of goods and services (procurement),
- an application for employment, study leave, housing subsidy, service benefits, training, etc.
- failure to take a decision to respond

#### 6.1.2. Examples of Administrative action to the general public

- Failure to provide services as promised.
- Failure to respond to a complaint within the required period.

## 6.2. The Rights to Just Administrative Action

- To have a decision made about you in a fair, just and open way;
- To be heard;
- To be given reasons;
- To challenge the decision and have it looked at again.

## 6.3. Procedural fairness for a Just Administrative action

### 6.3.1. Decisions that affecting the employees:-

6.3.1.1. The Department shall, **before** taking such a decision:

- Explain the decision to be taken.
- Inform the affected person(s) of the decision to be taken.
- Give people or employee(s) enough time to make representation.
- Consider the representations before taking a decision.

6.3.1.2. The Department shall, **after** taking such a decision:-

- respond to the affected employee(s) of the decision
- Inform the employee(s) of the right to ask for written reasons for the decision.
- Inform the employee(s) of the right to internal appeal within the Department.

### 6.3.2. Decision involving the general public:-

#### 6.3.2.1. Comments

The Department shall:-

- inform the people of what it is planning to do and invite comments from the public.
- consider the comments before taking the decision.

#### 6.3.2.2. Public Inquiry/Imbizo

- hear arguments from the people
- consider the arguments before taking the decision.

#### 6.3.2.3. Complaints

- respond to complaint within two working days
- communicate progress relating to investigation
- finalize the investigation within 30 days

### 6.4. Reasons for Administrative Decision

#### 6.4.1. Fair Procedure for **requesting** reasons

- request reasons within 90 calendar days after the decision was made.
- the request must be in writing
- state the decision you are requesting reasons for
- state reasons why you think the decision is wrong,
- state which right(s) of have been affected
- if the person cannot write, the administrator must assist him or her.

#### 6.4.2. Fair Procedure for **giving** reasons (by the Department)

- reasons must be in the language that is understood by the affected person.
- adequate reasons for the decision and how it was reached.
- reasons be provided, **in writing**, within 30 days of receiving the request.
- where reasons are given verbally, they must still be reduced to writing.
- Inform the person of the right for appeal, to the Appeal Authority.

## 7. DEFINITIONS

#### **Adminlstrator:**

- All government departments (at national, provincial and local levels)
- The police and army;
- Parastatals, like ESKOM, Telkom and the SABC;
- Private organizations that carries out a government function.

**General public:** members of the community – people utilizing services rendered by the government

8. **POLICY INCEPTION**

The inception date for the policy shall be the date of ratification by the Executing Authority of the Department.

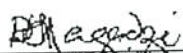
9. **TERMINATION OF THE POLICY**

- The policy shall be in force upon approval.
- The policy shall be reviewed annually or when necessary.

  
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**MAKIBELO M. (MS)**  
**HEAD OF DEPARTMENT**

DATE: 12/02/2010

**APPROVED / NOT APPROVED**

  
\_\_\_\_\_  
**MEC: HON. D.P. MAGADZI**  
**EXECUTING AUTHORITY**

2010/02/22  
**DATE**