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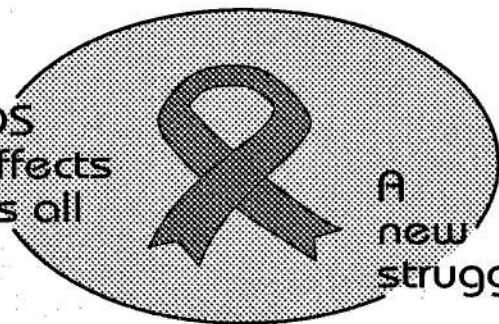
Vol. 422

PRETORIA, 11 AUGUST
AUGUSTUS 2000

No. 21470

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPUNE**

0800 012 322

DEPARTMENT OF HEALTH

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GENERAL NOTICE

NOTICE 2844 OF 2000

DEPARTMENT OF JUSTICE

PROMOTION OF ADMINISTRATIVE JUSTICE ACT, 2000 (ACT No. 3 OF 2000)

INVITATION TO MAKE SUBMISSIONS FOR PURPOSES OF THE IMPLEMENTATION OF THE PROMOTION OF ADMINISTRATIVE JUSTICE ACT, 2000 (ACT No. 3 OF 2000)

1. The Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) (the Act), gives effect to the constitutional right to administrative action that is lawful, reasonable and procedurally fair and to the right to written reasons for administrative action. The Act was published in *Government Gazette* No. 20853 of 3 February 2000. It is intended to put the Act, with the exception of sections 4 and 10 thereof, into operation on 15 October 2000. Sections 4 and 10 of the Act will be put into operation as soon as possible after this date depending on the finalisation of regulations to be made under the Act.

2. The implementation of the Act will have far reaching implications in respect of the day to day administrative functions of State organs and persons exercising a public power or performing a public function, and notice should be taken of the following :

- All State organs and persons exercising a public power or performing a public function will have to ensure that mechanisms are in place so that effect can be given to the provisions of the Act.
- Section 1 contains a number of important definitions and amongst others sets out the meaning of "administrative action", "administrator" and "decision".
- Section 3 (Procedurally fair administrative action affecting any person), section 4 (Administrative action affecting public) and section 5 (Reasons for administrative action) are important since they set out the minimum requirements that all administrative actions must comply with in order to be lawful and fair.
- In terms of section 2, however, the Minister of Justice may by notice in the Gazette -
 - (a) exempt an administrative action or a group or class of administrative actions from the application of any of the provisions of the above-mentioned sections 3, 4 and 5, if it is reasonable and justifiable in the circumstances; or
 - (b) permit an administrator to vary any of the requirements referred to in section 3(2), 4(1)(a) to (e), (2) and (3) or 5(2), in any manner specified in the notice in order to promote an efficient administration and if it is reasonable and justifiable in the circumstances.

Such an exemption or permission must be approved of by Parliament before publication thereof in the Gazette.

- Sections 6 to 9 contain provisions regarding judicial review of administrative action.
 - In terms of section 10 the Minister of Justice must make regulations regarding a number of matters and has a discretion to make regulations with regard to other matters. Particular attention should be given to section 10(1)(a) which obliges the Minister to make regulations concerning the procedures to be followed by designated administrators or in relation to classes of administrative action in order to promote the right to procedural fairness.
3. Any suggestions, comments, proposals or requests supported by proper motivation in respect of the following will be appreciated :
- The intended date of commencement of the Act.
 - Exemptions from and permissions to vary requirements under section 2 of the Act.
 - Designation of administrators or classes of administrative action and procedures to be followed by such administrators or in respect of such classes of administrative action in terms of section 10(1)(a) of the Act.
4. Please submit your suggestions, comments, proposals or requests, on or before 4 September 2000, to:
- Postal address : **The Director: Secondary Legislation
Department of Justice
Private Bag X81
PRETORIA
0001**
- OR**
- Delivery address: **Room 403
Saambou Building
Church Square
PRETORIA**
- OR**
- Fax number: **(012) 328-5567**
- OR**
- E-mail: **Jeanvanrensburg@justice.gov.za**

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