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Administrative Law for State Functionaries

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VORENTOE**

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PHAMBILI**

**FORWARD
TOGETHER**



Gain information, insights and tools for understanding administrative-law implications for public decision makers and confidently navigate everyday governance and related administrative decisions in state affairs and review proof your everyday administrative decisions through this carefully designed short but rigorous legal education programme for government executives and legal advisors.

OVERVIEW

Administrative Law for State Functionaries is a three (3) day residential seminar offering participants an opportunity to understand administrative-law considerations that courts expect them and their principals to comply with and help them gain administrative-law insights from court jurisprudence, Public Protector and Auditor General reports with a view to minimizing the possibility of having their decisions or those of principals they advise successfully reviewed by courts and administrative oversight bodies.

The seminar will analyse a range of case studies in the typical areas within which public decision-makers function and illustrate what the law requires in each instance. The training will develop participants' competence in identifying the relevant administrative-law issues that may emerge in typical areas of public administration, how to address those issues, how a court or other oversight structure such as the Public Protector or Auditor General, may assess such conduct and how to design approaches to decision-making that will manage the legal risk in such instances.

The programme also provides basic leadership insights, including the understanding of lawyering as leadership, further aimed at improving good governance and minimizing unproductive encounters with oversight bodies or personnel that leads to case hardening and related adverse outcomes.

KEY BENEFITS

- Strengthen your good governance acumen, team compliance with good governance requirements in the Constitution, law and policies while reducing personal and institutional vulnerability to judicial reviews that cost money and time, thus sabotaging efficient and effective service delivery.
- Enhance your understanding of key constitutional and legal requirements that must be complied with when making administrative decisions in state affairs.
- Improve understanding of core legal principles to be complied with in everyday executive and administrative decision-making in state affairs.
- Acquire greater awareness of current fault lines in personal, team and organizational decision-making processes that could lead to successful judicial review.
- Gain insights into judicial thought processes when reviewing administrative decisions in state affairs and become the go-to person for advice on these matters.
- Improve your ability to identify everyday decision-making moments that have inherent vulnerabilities for review and most common mistakes as discerned from case law.
- Apply knowledge, skills and values learned to review systems and processes in your organization or unit with a view to review proofing same.
- Enhance your understanding of purpose-driven communication as part of leadership aimed at minimizing unproductive interactions that lead to case hardening and related adverse or counterproductive decisions.



WHO SHOULD ATTEND?

The seminar is a must for:

- Members of the Executive at National, Provincial and Local Government
- Senior Managers in government and related organs of state, including State Owned Enterprises and Administrative Oversight and Regulatory Bodies
- Lawyers in and outside government that advise or represent government in administrative review cases

PROGRAMME DETAILS

UNIT 1

INTRODUCTION TO ADMINISTRATIVE LAW

- What is administrative law
- The Constitution and other sources of administrative law
- Where do you find administrative law

UNIT 2

ADMINISTRATIVE JUSTICE

- Introduction to the Promotion of Administrative Justice Act (PAJA)
- The meaning of administrative action
- The requirements of just administrative action
- Legality beyond PAJA

UNIT 3

EVERYDAY AREAS OF ADMINISTRATIVE ACTION

- National,
- Provincial
- Local Government
- Regulatory Authorities
- Administrative Investigations

UNIT 4

UNDERSTANDING COMMON ADMINISTRATIVE LAW TRANSGRESSIONS THROUGH THE CASES

- Procurement
- Board Appointments
- Licenses
- Grants
- Subsidies
- Registration
- Certification
- Social Welfare Benefits
- Failure to Act

UNIT 5

LEADERSHIP TIPS FOR FRUITFUL INTERACTION WITH ACCOUNTABILITY AUTHORITIES

- The South African Public Accountability Architecture
- Dealing with the Auditor General
- Dealing with the Public Protector, Public Service Commission and other administrative oversight bodies
- Dealing with Parliament
- Dealing with the Courts
- Dealing with the media and the public

UNIT 6

REVIEW PROOF YOUR ADMINISTRATIVE DECISIONS AND ORGANIZATIONAL CULTURE

- Identify common or previous administrative law mistakes in your team
- Identify systems fault lines that enable transgressions
- Design an intervention to minimize transgressions and successful review



PREPARATION FOR THE SEMINAR AND RECOMMENDED READING

Participants will be given:

- A case study to prepare them for the seminar within 10 days before the course commences.
- Course notes that include a summary of relevant case law, on commencement of the seminar.

CERTIFICATION

Participants who complete the seminar will be given a certificate of attendance from the **University of Stellenbosch**. Assignments will not be graded but marked either competent or needs improvement.

FEES

R9,950.00 pp

COURSE PRESENTERS

The course leaders are **Prof Thuli Madonsela** and **Prof Geo Quinot**.

Other faculty members are:

- Prof Sope Williams-Elegbe
- Guest Lecturers

Prof Thuli Madonsela is the former Public Protector of South Africa, Former Full Time Law Commissioner and current Chair of Social Justice and founder of the Thuma Foundation for Democracy Leadership and Literacy. She has an extensive background in applied administrative law principles mainly based on her public service years and investigating improper conduct in state affairs. She was one of the drafters of the Constitution and a key participant in the conceptualization and drafting of several laws, including the Promotion of Administrative Justice Act. She also helped draft a number of international human rights instruments and country reports. She currently teaches constitutional law, administrative law, social justice law and democracy and has written and published extensively on these matters.

Prof Geo Quinot is a professor of law at Stellenbosch University where he teaches administrative law and public procurement law, both in the university's Law Faculty and its School of Public Leadership. Prof Quinot is also the founding director of the African Procurement Law Unit. Prof Quinot has more than a decade's experience in training lawyers and public administrators in administrative law. He has published widely in the areas of administrative law and public procurement law, including the books *Administrative Law Cases and Materials*, published by Juta & Co in 2008 and as the editor of *Administrative Justice in South Africa: An Introduction*, published by Oxford University Press in 2015.

Prof Sope Williams-Elegbe is a Professor and the deputy director of the African Procurement Law Unit, Stellenbosch University, South Africa. She specializes in public procurement, anti-corruption and development law. She is the author of the books: *Fighting Corruption in Public Procurement* (Hart, 2012) and *Public Procurement and Multilateral Development Banks: Law, Practice and Problems* (Bloomsbury/Hart 2017).

Sope has an LLB from the University of Lagos, an LLM (with distinction) from the London School of Economics and a PhD in public procurement and anti-corruption from the University of Nottingham. She has taught at the universities of Stirling, Nottingham and Lagos.



WHEN AND WHERE?

The seminar takes place on **18-20 November 2019**.

The venue is **Stellenbosch University, Stias, Marais Rd, Mostertsdrift, 7600**

APPLICATION FORM

Name:

Surname:

Date of birth:

Organisation:

Highest qualification:

Cell nr:

Email address:

Dietary Requirements:

BANKING DETAILS

Stellenbosch University

Standard Bank, Stellenbosch (050610)

Current Account

Account Number: 073006955

SWIFT address: SBZA ZA JJ

Reference: R2635 / Surname and name

TERMS AND CONDITIONS

Only 30 spaces are available for the seminar. Participants who complete the course successfully will be automatically eligible for the accredited more extensive short course on Administrative law For Public Functionaries.

Contact details for any enquiries:

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Project Coordinator: Law faculty trust chair in Social Justice

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