

**ADL2601**

May/June 2012

**ADMINISTRATIVE LAW**

Duration 2 Hours

100 Marks

**EXAMINERS**  
FIRST  
SECONDMS E RAUBENHEIMER  
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This paper consists of THREE (3) pages

**PLEASE PAY CAREFUL ATTENTION TO THE FOLLOWING:**

1. **ANSWER ALL THE QUESTIONS**
2. **DO NOT SEPARATE SUBSECTIONS OF THE QUESTIONS**
3. **TAKE NOTE OF THE WAY IN WHICH THE MARKS ARE ALLOCATED AND ADAPT YOUR ANSWERS ACCORDINGLY**
4. **REFER TO RELEVANT CASE LAW WHERE APPLICABLE.**

The MEC for Roads and Transport, the appointed representative in control of the Department of Roads and Transport in the Gauteng Province, decides to close all taxi routes and the portion of the taxi ranks operated by the Witwatersrand African Taxi Owners Association (WATA). The MEC plans to introduce a new bus service system, which has commonly become known as the Bus Rapid System (BRT). The purpose of the BRT is to improve public transport in the Gauteng Province. WATA is aggrieved by the decision of the MEC and points out that the BTR can be implemented on other routes where no form of transport is available and furthermore that the consequence would be that its 1200 members would be without jobs. WATA has persistently tried to make these representations to the MEC. The MEC has refused to receive their representations and has made no attempt to give reasons for the decision to close all taxi routes and the portion of the taxi ranks operated by WATA.

WATA contacts you. Advise WATA on the following and **give well-substantiated reasons for all your answers.**

**QUESTION 1**

- (a) Briefly explain what an administrative law relationship is. Do you think WATA is a subject of an administrative law relationship? (7)
- (b) Identify the administrative action in the set of facts. In your answer you should give a full definition of the concept "administrative action" with reference to the provisions of the Promotion of Administrative Justice Act (PAJA) 3 of 2000. (13)
- (c) Identify the organs of state in the set of facts and substantiate your answer with reference to the definition of "organ of state" as provided in the Constitution. (5)

**[25]****QUESTION 2**

- (a) Does the decision to close all taxi routes and the portion of the taxi ranks operated by WATA constitute procedurally fair administrative action in terms of PAJA? (15)
- (b) Explain the concept of proportionality with reference to the reasonableness of the decision to close all taxi routes and the portion of the taxi ranks operated by WATA. (10)

**[25]****QUESTION 3**

- (a) Was WATA entitled to reasons? Discuss fully with reference to PAJA, including whether reasons are important and why? (15)
- (b) When will the decision by the MEC take effect? (3)

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- (c) Would the MEC be able to change his or her decision? Discuss with regard to the rules of principle of *functus officio* (the task having been completed) (7)  
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**QUESTION 4**

- (a) List the forms of internal control and briefly outline the advantages thereof (7)
- (b) Does WATA have *locus standi*? Why? (3)
- (c) Name which remedy/ (ies) you would advise WATA to pursue and give reasons for your answer? (8)
- (d) List the orders that a court may make in terms of section 8 of PAJA (7)  
[25]

**TOTAL: {100}**