

## THE CONCEPT OF A “DECISION” AS THE THRESHOLD REQUIREMENT FOR JUDICIAL REVIEW IN TERMS OF THE PROMOTION OF ADMINISTRATIVE JUSTICE ACT

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### SUMMARY

The Promotion of Administrative Justice Act 3 of 2000 defines *administrative action* as “any decision [of a specified kind]” taken by specified persons or entities. The Act goes on to define *decision* as “any decision of an administrative nature made, proposed to be made, or required to be made, as the case may be”, including certain specified categories of decision. The decision in *Bhugwan v JSE Ltd* 2010 3 SA 335 (GSJ) highlights the distinction between a “decision”, as so defined (which may be amenable to judicial review in terms of the Act) and an inchoate decision (that is not amenable to such review).. The judgment in this case is, to date, the only judicial authority in South Africa on this critical threshold requirement to be established by any applicant for judicial review in terms of the Promotion of Administrative Justice Act.

**KEYWORDS:** Administrative action; Constitution; Decision; Proposed decision; Review; Promotion of Administrative Justice Act 3 of 2000

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