



HOW TO USE PAJA

You apply for something from government – like a Child Support Grant.



If the administrator intends to turn down your application for some reason, they must inform you (a first notice). They must also tell you that you have the chance to put your point of view, and say why the decision should not be made.

If the administration decides to give you what you want, they should inform you. You then won't need to use PAJA to protect your rights!



You write to the administrator, stating how you understand the case differently to them, and supplying any missing information.

The administrator will give you the deadline to state your case in their First Notice letter.



After considering your views, and looking at the case again, the administrator may still decide not to give you what you want. They must send you a letter telling you this (a second notice), and clearly explaining the decision against you.

If the administrator agrees with your point of view (in the letter you sent), they should change their decision in your favour. If not, they must at least show they have considered your opinions.



If you still don't agree with the decision, you have the right to written reasons explaining the decision, in your own language.

You have 90 days after finding out about the decision to request reasons. The administrator has another 90 days to supply them.



If you are still not happy with the decision, because you think it is unfair, or you think that the government official has done something wrong (like they have been biased against you, or made a mistake in the case) you can challenge the decision.

You have 90 days after finding out about the decision to request reasons. The administrator has another 90 days to supply them.



Some government departments have an "internal appeal" which means you can challenge the decision within the department, and ask them to reconsider.

Each department has their own deadline for internal appeals. Check with the administrator.



If there is no internal appeal available, or you still disagree with their decision after an internal appeal, you can challenge the decision in court. You will need the help of a lawyer – if you cannot afford their fees, ask your local NGO to help with finding legal assistance.

You have 180 days from the end of the internal appeal (or from the date you get reasons, if there is no internal appeal) to start a court application. If you miss this deadline the case will be considered final!

If the internal appeal board agrees with your point of view, or finds that the administrator has done something wrong or made a mistake, the decision could be changed in your favour.

There are a number of other ways to challenge a decision without going to court. Your local NGO or advice office can help you with this.

NO DECISION

According to PAJA, if no decision is taken, or the delay is too long, it is the same as a decision being taken against you. For example: if, after 3 months you still have no decision on a child support grant, you can demand reasons why.

DEMAND YOUR RIGHTS

South Africa is a participative democracy, which means that we all play a part in governing our country. When an administrator doesn't follow the rules of PAJA, you can demand that they do. Stand up for your rights!

OWN LANGUAGE

PAJA says that you should be able to receive letters and reasons in a language you can understand. You can request this from an administrator.

DEADLINES

To make sure you get what you want, you must respect the time deadlines that have been decided in the Act. Our chart explains those deadlines clearly.

IN WRITING

It is very important that you keep copies of all letters from administrators, and written by yourself. If an administrator tells you something important, ask for it in writing. These may be needed later for an internal appeal or court case.

NGOS

NGOs & CBOs are there to help you. When you don't know how to write a letter asking for reasons, or how to start an internal appeal against a decision you don't agree with, approach your local advice office or NGO to help you.

CONTACT NUMBERS

Public Protector: 012 3222916
Human Rights Commission: 011 4848300
Legal Aid Board & Justice Centres: 012 4812700
Black Sash: 021 461 5607

ACCESS's CONTACT DETAILS

Office 1, 1st floor,
Findlay and Tait House
Corner of Main and Gabriel Roads
Plumstead, CAPE TOWN, 7800
Tel: 021 761 0117
Fax: 021 761 4938
Email: info@access.org.za

Copy by Ian Henderson 083-4455210
Design by rothko 021 447 3714

