Interesting South African administrative law cases decided in 2024–2025

No.	Case Name (Year)	Court	Issue (Administrative Law Context)	Key paragraphs	SAFLII Link
1.	**Coca-Cola Beverages Africa (Pty) Ltd v Competition Commission** (2024)	CC	Whether a **special statutory review** under competition law must be interpreted consistently with the right to **just administrative action** (PAJA) in determining the applicable nature and standard of review. The Competition Appeal Court (CAC) overturned the Competition Tribunal's decision holding that section 27(1)(c) of the Competition Act only contemplated an "ordinary" judicial review of administrative action (read with rule 39 of the Competition Tribunal's Rules). The Constitutional Court held (para 93) that the Competition Appeal Court mischaracterised the nature of the appeal and applied the wrong tests in respect of both the standard of review and causation. The Constitutional Court held that "[s]tatutory review is often a wider power than ordinary review, and thus more akin to an appeal, but it may well be narrower, with the court being confined to particular grounds of review or particular remedies" (para 51). The Court held that a "more intrusive and less-deferential degree of review is appropriate where the reviewing court or tribunal enjoys specialised expertise in the area in question. The Tribunal is a specialist adjudicator in the competition field and is well-acquainted with the applicable law, economics and policy" (para 53). There was accordingly no basis in law or fact for the Competition Appeal Court to overturn the judgment of the Tribunal.	paras 47–57	[2024] ZACC 3 (17 April 2024) saflii.org
2.	**African Congress for Transformation & Others v Electoral Commission** (2024)	CC	**Failure to act** by the Electoral Commission – specifically, its refusal to amend an election timetable after an online submission portal malfunction – and whether this omission was **reviewable under PAJA** as a failure to take a decision. The Court held that the Commission had a **duty to consider** the complaints and possible timetable amendment.	paras 166–167	[2024] ZACC 7 (20 May 2024) saflii.org

3.	**Chief Rambuda v Tshibvumo Royal Family and Others** (2024)	CC	Validity of a Premier's decision in a traditional leadership dispute – the Premier failed to follow the **mandatory procedure** (consulting traditional leadership bodies) under statute. The Court found this **failure to consider required factors** was reviewable under section 6(2)(e)(iii) of PAJA, endorsing the High Court's conclusion that the Premier's decision was unlawful.	paras 56–57	[2024] ZACC 15 (17 July 2024) saflii.org
4.	**Centre for Child Law and Others v South African Council for Educators** (2024)	SCA	Lawfulness of SACE's disciplinary sanctions policy – SACE had adopted **mandatory minimum sanctions** for educators who assaulted learners. The Court held that this **unlawfully fettered SACE's discretion** and was **procedurally unfair**, as it denied affected children and parents an opportunity to be heard. The sanctions were set aside as being **materially influenced by an error of law** and imposed in a rigid, arbitrary manner.	paras 27–28	[2024] ZASCA 45 (9 April 2024) saflii.org
5.	**Minister of Mineral Resources v Sustaining the Wild Coast NPC** (2024)	SCA	Validity of decisions granting and renewing an offshore **exploration right**. Key issues were whether the **public was adequately consulted** (procedural fairness under PAJA) – the High Court had applied the test for individual notice (PAJA section 3) instead of public participation (section 4). The SCA found that regardless, **no proper notice or consultation** was given to affected communities, rendering the process unfair. The Court confirmed the setting aside of the grant and renewals, with an appropriate remedial order.	paras 10–11	[2024] ZASCA 84 (3 June 2024) saflii.org
6.	**IRBA and Others v East Rand Member District of Chartered Accountants** (2024)	SCA	Challenge to the Independent Regulatory Board for Auditors' (**IRBA**) decisions to impose new assurance fees (including a percentage levy) and to withdraw a 50% fee discount for senior auditors. The applicants contended the decisions were **unauthorised or irrational** and **procedurally unfair**. The SCA addressed whether the review was **time-barred under PAJA's 180-day rule** (it held it was not, since earlier notices were not final administrative actions), and found that IRBA's impugned decisions were reviewable under PAJA.	paras 33–34	[2024] ZASCA 114 (22 July 2024) saflii.org

7.	**Hutchinson-Wild v Legal Practice Council and Others** (2024)	SCA	Whether an **advisory note** issued by the Legal Practice Council on transitional arrangements (after the new Legal Practice Act) constituted "administrative action" under PAJA. The SCA held that the advisory note *did not* adversely affect rights or have a direct, external legal effect, and thus was **not administrative action reviewable under PAJA**.	paras 14–16	[2024] ZASCA 180 (19 Dec 2024) saflii.org
8.	**Minister of Rural Development and Land Reform v Bisset** (2024)	SCA	Whether a signed **settlement agreement** (compensating a family for an apartheid-era land dispossession) was a final **administrative decision** subject to review. The SCA concluded that because required concurrences were absent, the "agreement" was **never a valid final decision**, and thus there was **no administrative action** to review under PAJA. The High Court's order setting aside the "agreement" was overturned for lack of jurisdiction to review a non-decision.	para 7	[2024] ZASCA 164 (2 Dec 2024) saflii.org
9.	**Pretoria FM NPC v Chairperson of ICASA** (2024)	High Court	Review of ICASA's decision to **disqualify six applications** by a community radio broadcaster for failing to pay the full application fees. The applicant argued the disqualification (for short-paying fees) was **unduly punitive and should be reconsidered**. The Court set aside the disqualifications and **remitted the applications** to ICASA for fresh decisions. (Case decided under PAJA)	paras 20 – 24	[2024] ZAGPPHC 1340 (11 Dec 2024) www1.saflii.org
10.	**Lu v Minister of Home Affairs and Another** (2025)	High Court	The applicant (a foreign national) challenged the Minister's decision **refusing to uplift his "prohibited person" status** (which was imposed due to an allegedly fraudulent residence permit). The applicant contended that the Minister **failed to consider relevant factors** (e.g. his innocence in the fraud, long residence and family ties) and took irrelevant factors into account. The Court agreed, reviewing and setting aside the refusal for being **administratively unfair**, and remitted the matter for reconsideration.	paras 8–9	[2025] ZAGPPHC 181 (26 Feb 2025) saflii.org