12

Using Web-Based Group Support Systems to Enhance Procedural Fairness in Administrative Decision Making in South Africa

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1 Introduction

The Republic of South Africa's Promotion of the Administrative Justice Act, No. 3 (2000), or the 'PAJA', mandates that government decision making be justified to those negatively affected by administrative decisions. The PAJA has been put forward as a demonstration to democratic ideals, social fairness, and fundamental human rights.

We are investigating whether Web-based Group Support System (GSS) tools can support and enhance procedural fairness in administrative decision making in South Africa. We report here on work that emanates from a masters dissertation by the first author. The work formed part of a larger project led by the second author that investigates the use of Web-based collaboration processes and tools to enable citizens to interact effectively with government and public bodies in South Africa.

2 The Promotion of the Administrative Justice Act 3 of 2000

The PAJA, whose Code of Good Administrative Conduct is similar to the European Code of Good Administrative Behaviour, has its origin in section 33 of the 1996 Constitution of South Africa (South Africa 1996). The PAJA both empowers and constrains the power of administration, aiming for a delicate balance between paralyzing effective administration and encouraging lawful, reasonable, and procedurally fair decision making. The goal of procedural fairness is to reach decisions which are impartial or free from any real or apparent bias.

Currently, there are no online tools for an individual to communicate with the government when affected adversely by administrative decision making. Procedural fairness is accomplished through a letter sent by post to the affected person. On the other hand, the government encourages and extensively uses Web-based applications as a medium of communication within itself and with the public (Department of Public Service and Administration 1997).

3 Group Support Systems and their Potential in Facilitating the Implementation of PAJA

In this study, we define a GSS as a combination of approaches, software, and technology constructed to bring together and reinforce the dialogue, deliberations, and decision making of groups (Shen et al. 2004; see also Denis et al. 2001). We considered two case participants, one with a disability grant and the other with a child welfare grant. Because of the unavailability and possible costs of formal Web-based GSS tools, we used Web-based email.[1] Thus, we were able to facilitate interaction between the participants and the administrator to deal with the application process.

Key findings included:
- Web-based GSS resulted in lower costs and lower time in the appeal process;
- Case participants had an increased awareness of PAJA;
- There was faster feedback on the application progress;
- There is a lack of technology infrastructure, and where it exists there are no skills to fully utilize it;

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[1] The key available infrastructure that could be used to facilitate online deliberations in South Africa is the Multi Purpose Community Centre framework (MPCC) and the Batho Pele Gateway Portal. Our continuing work recognizes this.

- Case participants need training for using the technology;
- There is a fear of challenging those in authority;
- Case participants generally appreciated being included in the study as they could see the benefits thereof;
- The rejection letter was misinterpreted due to illiteracy;
- The information in the rejection letters as required by the PAJA was incomplete.

4 Limitations

The research described here was limited in its scope to two case participants. A larger sample size in terms of demography and gender would have generated a better representation of the potential of Web-based GSS to enhance procedural fairness in administrative action. Additionally, we did not use a formal GSS tool such as GroupSystems© for reasons given in the previous section. The use of a wider demographic sample and a formal Web-based GSS tool are currently being pursued.

References

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