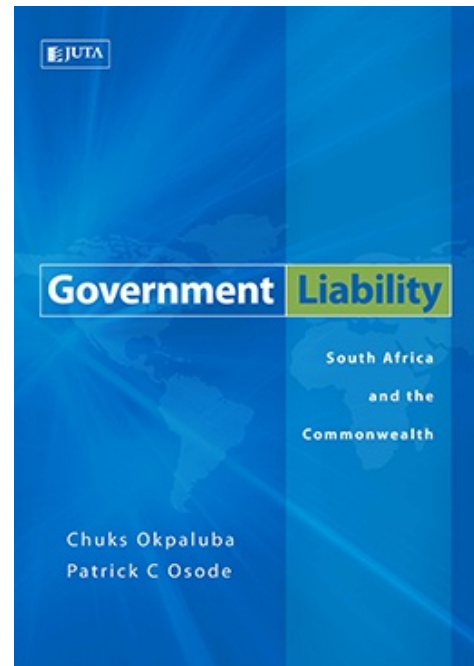


Government Liability: South Africa and the Commonwealth

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About this Publication:

This work analyses in comparative terms the law of government liability and bureaucratic negligence in South Africa, England, Australia, Canada, and New Zealand, drawing extensively upon case law from these courts. The authors examine the impact of the Constitution on developments in the common law of public authority liability and government vicarious liability in South Africa, and link these developments to the changes that have taken place in Canada and England. The study also provides a comparative analysis of the correlation between fraud, bad faith and misfeasance in public office as grounds upon which damages can be awarded when constitutional and administrative justice rights are breached by public functionaries.

Key Benefits

- The first text to analyse in comparative terms the law of bureaucratic negligence in England, Australia, Canada, New Zealand & South Africa.
- Commonwealth sources are extensively drawn upon (Canada, United Kingdom, Australia and New Zealand)
- An exposition of the impact of the Constitution on the development of the common law of public authority liability and governmental vicarious liability in South Africa.
- A comparative analysis of the correlation between fraud, bad faith and misfeasance in public office as grounds upon which damages could be awarded in breaches of constitutional and administrative justice rights.
- A systematic investigation into the century-old question of holding the employer, in this instance, the public employer, vicariously liable for the illegal acts of its servants.
- The first text to tackle the problematic issue of quantum of damages in public law.

Contents Include:

Part One: Constitutional Dimensions of Government Liability

- Constitutional and Juridical Basis for the Revolutionary Trend
- The Constitutional Cause of Action
- Statutory Cause of Action

Part Two: Liability at Common Law

- Bureaucratic Negligence
- Negligent Performance of Statutory Duty
- Deliberate and Dishonest Conduct
- Causation, Damage and Contributory Fault

Part Three: Limits of Public Authority Liability

- Police Investigative Duties and Public Interest Immunity
- Police Investigative Duties: The Canadian Approach
- Common-Law Immunities
- Statutory Limitations

Part Four: Government Vicarious Liability

- The Common Law of Vicarious Liability
- Scope And Course of Employment
- Contemporary Comparative Developments

Part Five: The Problem of Quantum

- Contemporary Perspectives on Public Law Damages
- Constitutional Damages
- England, Australia and New Zealand
- Punitive Damages and Other Awards: Canada
- Delictual Damages: South Africa

Of Interest and Benefit to:

- Practising lawyers, especially those working for government and quasi-government entities, NGOs, public interest law firms, etc whose work requires them to frequently provide legal opinion on non-contractual claims against government and quasi-government entities.
- Masters students in Law Faculties or Schools whose coursework modules include courses such as Advanced Delict; Advanced Constitutional Law; Comparative Constitutional & Administrative Law, etc.
- Students and legal academics across the Commonwealth with an interest in understanding the nature and extent of the liability of government and quasi-government entities from a comparative perspective.