

PUB1601

May/June 2017

THE STRUCTURING AND FUNCTIONING OF PUBLIC SERVICES

Duration 2 Hours

100 Marks

EXAMINERS

FIRST

SECOND

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Closed book examination

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This examination paper consists of four pages

Write the number of each question answered clearly in the space provided on the cover of the examination answer book

Answer **ALL FOUR (4)** questions

[TURN OVER]

QUESTION 1

The Republic of South Africa is regarded as a representative constitutional democracy with a three-tier system of government and an independent judiciary, operating in a parliamentary system. The Constitution of the Republic of South Africa, 1996 (1996 Constitution) makes provision for, among others, how the three branches of government (sometimes referred to as categories of government of authority), namely the legislative authority (parliament, provincial legislatures and municipal councils), the executive authority (the executive is the structure that exercises authority in and holds responsibility for the governance of a state – it executes and enforces law) and the judiciary authority (interpreting the law) should conduct their business. In political systems based on the principle of separation of powers, authority is distributed among these three branches of government. The type of democracy, parliamentary or presidential, determines the relationship between the three branches. This implies a tripartite division of government authority (*trias politica* principle).

In light of the above, it is expected of you to write an essay on the legislative authority, the executive authority and the judiciary authority, and more specifically, we want you to concentrate on the following of each category:

- (a) Composition
- (b) Powers (authority)

NOTE It is important that you apply your answer to all three spheres of government (national, provincial and local)

[25]

QUESTION 2

It is generally accepted that there are two main groups of institutions that are involved in public service provision at executive level, namely (1) national, provincial and municipal departments, and (2) parastatal institutions (quasi-autonomous institutions, public entities, state-owned entities or government-owned corporations). A company or agency owned or controlled wholly or partly by the government, is usually referred to as a "parastatal institution". In South Africa, there are 135 of these institutions (for example, the National Planning Commission and the National Energy Regulator of South Africa - NERSA). In general, these institutions can be classified into nine distinct categories. It is expected of you to expand on the following nine categories:

[TURN OVER]

- (a) Advisory
- (b) Regulatory
- (c) Judiciary
- (d) Tertiary education
- (e) Research and development
- (f) Cultural and environmental management
- (g) Commercial and industrial enterprises
- (h) Constitutional support
- (i) Social service

More particularly, it is expected of you to explain each category's purpose and also provide at least two examples per category

[25]

QUESTION 3

Describe if the public services that are provided, is permissible by law. In this regard, it is expected of you to focus on the following

- (a) The need for ethical guidelines
- (b) Mutual agreement on what is permissible and what is not
- (c) Does my own value system allow it?
- (d) Do the codes of conduct allow it?
- (e) Is it lawful?
- (f) Is it constitutional?

[25]

[TURN OVER]

QUESTION 4

The government with its legitimate authority and capability of physical force poses a permanent threat to the freedoms of society. The challenge is therefore to have a government that is strong enough to maintain law and order, but that is sufficiently restricted to prevent it from turning into tyranny. Taking this statement into consideration, it is expected of you to write an essay to explain the following:

- (a) Where the government gets the authority to exercise its powers
- (b) How the abuse of power may be restricted

[25]**TOTAL: [100]**