

Only Study guide for

PUB1601



Author: Prof JS Wessels

Project Leader: Prof F Uys

Academic Support team: Dr CJ Auriacombe
VA Clapper
BV de Giorgi
CA Theunissen

Critical reader: Dr MMV Mongake

Didactic editing: Mrs M Nöthling

Language editing: Mrs MMJ Gerber

Translation: Mrs S Kennedy

Revisor: Prof SR Malefane

University of South Africa, Pretoria

© 1998 University of South Africa

All rights reserved

Revised edition 2000, 2006, 2009, 2012

Printed and published by the
University of South Africa
Muckleneuk, Pretoria

PUB1601/1/2013–2019

98921215

3B2

The story of Thulamela

Thulamela, which existed in Southern Africa in medieval times was a prosperous place where the community lived in harmony with each other and their environment. This state of affairs did not, however, come about by accident, but was the result of efficient management by those who governed Thulamela.

In order to govern efficiently and provide for the needs of the community, the rulers of Thulamela had to distribute certain governing functions among themselves. This resulted in a situation where different authority figures had different governing functions. Some were involved in the development of new ideas, as well as the making of the rules of the society which often had to be adapted in order to fit the changing circumstances of the environment. The authority figures tasked with this aspect of government were themselves members of the community and had to always make certain that the ideas and rules were supported by as broad a spectrum of the community as possible. Such ideas and rules dealt with, among others, aspects such as agriculture, defence, education, water and housing provision, and protection of the individual.

Other authority figures were more involved in practically implementing the rules and new ideas in order to make sure that they functioned in the community and were beneficial to all the people. Finally, there were those authority figures who made sure that the rules of the society were adhered to and that the new ideas were properly implemented.

However, the rulers of Thulamela could not fulfil all the above functions by themselves. They therefore delegated many of the tasks to members of the community. These people (or officials) had to make certain that the rules and new ideas were implemented and followed throughout Thulamela's realm. This meant that people from the entire region ruled by the walled complex of Thulamela had to implement the new ideas and rules in their own respective areas.

When implementing the rules and new ideas those involved had to make certain that they had the means to do their tasks. This included a plan of action, the arrangement of people and resources in a way that best reflected the task to be done, and the development of techniques and ways to do specific tasks both routine and otherwise. Lastly they had to ensure that those things which were to be done were done, and that they were done properly.

In Thulamela itself and the outlying regions those who were tasked with governing had to govern as efficiently as possible. This was because they were doing work that had to benefit the entire community, and were rewarded in turn by the community. Without community support in the form of human and natural resources, Thulamela and the surrounding regions would have been impossible to govern and this would have led to chaos and disorder in this prosperous society.

As those involved in governing used the resources of the community and were there to be of service to society as a whole, they always had to be sure that they had the trust and respect of all the people. They therefore always had to take care

that they provided good quality services and in the process used as little of the community's resources as possible. This efficiency in providing services was closely linked to the honesty and integrity of each individual who worked on behalf of the entire community and for the greater good – attributes that are necessary to this day for those involved in government

CA Theunissen

Public services

STRUCTURING AND FUNCTIONING

	FOREWORD	viii
--	----------	------

THEME		1
-------	--	---

1	How is public service provision organised?	
1	STUDY UNIT	5
	The three divisions of government authority	
2	STUDY UNIT	27
	Three different spheres of government	
3	STUDY UNIT	39
	Types of public institutions	

THEME		57
-------	--	----

2	Who provides public services?	
4	STUDY UNIT	61
	Public officials: the facts	

5

S T U D Y U N I T	77
Public officials: some thoughts	

T H E M E

3

Management of public service provision

6

S T U D Y U N I T	97
What is necessary to provide a public service?	

7

S T U D Y U N I T	111
Who is responsible for managing public services?	

8

S T U D Y U N I T	123
Skills necessary of managing a public service	

T H E M E

4

Requirements for public service provision

9

S T U D Y U N I T	139
Are the services effective, efficient and economical?	

10

S T U D Y U N I T	149
Is it permissible?	

T H E M E	165
5	<i>Power and public functions</i>
11	S T U D Y U N I T 169 <i>What is enforceable state authority?</i>
12	S T U D Y U N I T 179 <i>Protection against the abuse of power</i>
	L I S T O F S O U R C E S 185
	G L O S S A R Y 188
	M O D E L A N S W E R S 190

Foreword

Welcome to the only study guide of module PUB1601, The structuring and functioning of public services.

This module will help you to get to know and understand more about the structure and operation of public services. To help you master this new knowledge and insight, this study guide has been divided into five themes.

Before reading any further, answer the following question: Have you read the Thulamela story on page iii? If not, read it before going on.

You may have asked yourself: Why did I have to read this story? What is the use of a story like this at the beginning of a study guide on public service provision?

Let me explain. *Thulamela* is a cognitive pointer, an *advance organiser*. We use it to help you order and integrate the material you are going to learn in this module, to understand it better and to remember it longer. You should therefore “learn” this story, not to enable you to reproduce all the facts, but so that you can use its structure as a base on which you can build new knowledge and insights. Although *Thulamela* really existed and archeological finds have revealed some interesting information about it, the story we are using here is only fictional.

Each theme focuses on a specific component of the structuring and functioning of public services. Theme 1, for example, starts with the question: How is the provision of public services organised? In theme 2 we look at the providers of public services. Theme 3 focuses on the management of public service provision. Theme 4 deals with a very topical subject, namely the requirements for public service provision. This refers to the quality requirements and the requirements of permissibility. In theme 5 we take a closer look at power and its exercise in public functions.

These themes also represent the learning outcomes of this module. After working through the five themes, you are expected to

- describe how public service provision is organised (learning outcome 1)
- summarise and interpret the most important facts about public officials (learning outcome 2)
- explain how public service provision is managed (learning outcome 3)
- identify the requirements for public service provision (learning outcome 4)
- describe and explain the enforceable authority of the state and its government institutions (learning outcome 5)

Purpose of module:
Structuring and functioning of public services

Thulamela: advanced organiser

Themes

Learning outcomes

Outline of the module

Module PUB1601 The structuring and functioning of public services

FOREWORD

T H E M E 1 How is public service provision organised?

STUDY UNIT 1: The three divisions of government authority

STUDY UNIT 2:	Three different spheres of government
STUDY UNIT 3:	Types of public institutions
T H E M E 2	Who provides public services?
STUDY UNIT 4:	Public officials: the facts
STUDY UNIT 5:	Public officials: some thoughts
T H E M E 3	Management of public service provision
STUDY UNIT 6:	What is necessary to provide a public service?
STUDY UNIT 7:	Who is responsible for managing public services?
STUDY UNIT 8:	Skills necessary for managing a public service
T H E M E 4	Requirements for public service provision
STUDY UNIT 9:	Are the services effective, efficient and economical?
STUDY UNIT 10:	Is it permissible?
T H E M E 5	Power and public functions
STUDY UNIT 11:	What is enforceable state authority?
STUDY UNIT 12:	Protection against the abuse of power

LIST OF SOURCES

GLOSSARY

MODEL ANSWERS

Each theme consists of

- an overview of the theme, including key questions and key concepts
- a number of study units, including activities
- a self-evaluation section for the theme as a whole, including references to additional reading material

Activities

You will come across many activities in the study units of this module. Their purpose is to guide you through the learning process. This means that you are going to learn by means of activities. Activities are not optional exercises that can be ignored; they are important assignments without which you will not be able to master the learning content. It is important to allow yourself enough time to do all the activities. The activities also provide valuable preparation for the assignments. The skills are discussed in detail in the recommended study aid, *Effective study*.

Effective study contains many sections on different methods of study, memory techniques, writing of assignments, answering of multiple-choice questions, and how to study for the examinations.

Annotations Glossary

You will come across many new words in this study guide. Some words may seem familiar, but you may find that they have a special meaning in this context. To help you, we provide brief explanations of words in the form of annotations in the margin alongside the text of the study guide. There is also a glossary, which is a list of words and their meanings, at the back of the study guide. Model answers to some of the activities appear at the end of the study guide.

While you are going to learn more about the nature, content and scope of public service provision, this study package will also help you think about practical problems and work out solutions to them. You are then expected to

- gather, analyse and order information and to evaluate it critically
- write down your ideas and opinions effectively
- see public service provision as part of a larger whole, and not in isolation
- be culturally sensitive and to show patience and tolerance towards various viewpoints
- be able to contribute to society as a responsible citizen

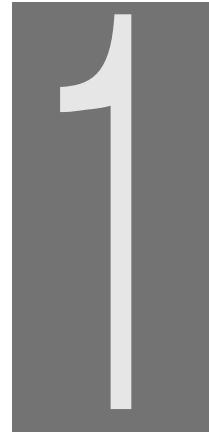
- master various learning strategies in order to learn more effectively
- become a scholar for life

The self-evaluation section at the end of each theme will give you an indication of the competencies (a combination of knowledge, skills and values) that you should have gained in that particular theme. Test yourself by carefully working through the questions and instructions. Your success depends on your own participation. At the end of each theme we shall list a number of references for (optional) further reading.

Self-evaluation

We wish you every success with your journey to more competencies!

How is public service provision organised?



O V E R V I E W

Key questions	3
Key concepts	4

S T U D Y U N I T



The three divisions of government authority	5
1.1 Introduction	5
1.2 Different forms of democracy	7
1.3 Three categories of government authority	10
1.3.1 The legislature	10
1.3.2 The executive	15
1.3.3 The judiciary	21
1.3.4 The three divisions of government authority: a model	23
1.4 Review	25

Three different spheres of government	27
2.1 Introduction	27
2.2 Public service provision at the different spheres of government	27
2.2.1 National sphere of government	28
2.2.2 Provincial sphere of government	29
2.2.3 Local sphere of government	31
2.3 At which sphere of government should a service be provided?	33
2.4 Summary	36
2.5 Review	36

Types of public institutions	39
3.1 Introduction	39
3.2 A typology of public institutions	40
3.3 Departments (national/provincial/municipal)	40
3.4 Parastatal institutions	43
3.4.1 Advisory institutions	44
3.4.2 Regulatory institutions or bodies	44
3.4.3 Judiciary institutions	46
3.4.4 Institutions for tertiary education	48
3.4.5 Research and development institutions	50
3.4.6 Cultural and environmental management institutions	50
3.4.7 Commercial and industrial enterprises	51
3.4.8 Social service institutions	52
3.4.9 Constitutional support institutions	53
3.5 Review	54

How is public service provision organised?

1

OVERVIEW

This module will help you gain a better understanding of the structure and operation of public services.

Bearing this in mind, the first question we may ask is: “How is public service provision organised?” There are three possible answers to this question:

It is organised:

- according to the tripartite division (three divisions) of government authority
- at three different spheres of government
- into different public institutions

All three these answers are correct. We may regard them as three ways or dimensions of looking at the organisation or structuring of public service provision.

KEY QUESTIONS

The following key questions will guide the search for an answer to the theme question:

- What are the three parts into which government authority may be divided?
- At which spheres of government are public services provided?
- What are the different categories of public institutions that provide public services?

KEY CONCEPTS

- the legislature
- the executive
- the judiciary
- national sphere of government
- provincial sphere of government
- local sphere of government
- department
- parastatal institution
- subsidiarity
- the trias politica principle

The three divisions of government authority

Introduction 1.1

The question guiding this theme is: “How is the provision of public services organised?” It is very likely that this question has evoked images of many different public institutions and personalities in your mind, such as

- the facade and pillars of the houses of parliament in Cape Town
- the face of a familiar minister or even of the president
- police officers in uniform patrolling the streets
- the court building behind a television news reporter reporting on a court case

If you think for a few moments about these images, you may understand their meaning. Think, for example, of the following:

- Behind the facade of the houses of parliament are representatives of society who debate new legislation for the country. The president and the ministers probably also participate in these debates.
- As political heads of their departments, the ministers are responsible for satisfying specific needs of society by providing public services. Protective services provided by the police service are an example of such a service.
- Inside the court building, magistrates and judges ensure, among their other duties, that the laws made by legislators are obeyed by everyone including public officials!

All the people mentioned above form part of government. Everyone does something different.

This has not always been the case. In Britain, for example, the monarch originally performed all government functions. The monarch

- made all the laws
- governed the country according to those laws
- was the sole judge of the fair enforcement of the laws.

The monarch therefore was the government in all respects. This was bound to change.

In the year 1215 the barons in England revolted against the taxes levied by King John (Einzig 1959:33). One of the consequences of this uprising was the signing of the *Magna Carta* during June 1215 at Runnymede. This established the principle that no taxes would be levied without the consent of parliament as representative of the population. Although this had no immediate benefits for the common people, in the long run it provided the basis for rights such as trial by jury, equality before the law and parliamentary control over taxes. In other words, it provided the basis for a separate

monarch: a single figure within a state in whom the supreme authority is vested, eg a king or queen – the status of such a person is usually inherited. In other words, this is a form of government in which a state or polity is ruled or controlled by an individual who typically inherits the throne by birth, and occasionally rules for life or until abdication.

- judiciary authority and
- legislative authority

The executive authority remained in the hands of the King. Later on, ministers were appointed to help the monarch carry out (execute) his functions. This led to the development of the well-known British cabinet system which eventually came to function under the leadership of a prime minister. The cabinet gradually took over more and more of the monarch's powers and finally became accountable to parliament, and no longer to the monarch. Subsequently, assistants were assigned to the ministers to help them carry out their functions. This is how the public sector that we have today, based on departments under direct supervision of a minister, started taking shape at the beginning of the 18th century. The French philosopher Montesquieu, in his book *The spirit of laws* (translated title) published in 1748, called this distinction between the legislature, executive and judiciary, the *trias politica* principle. According to him, such a tripartite separation was necessary to prevent the abuse of authority. Although the trias politica principle is an important constitutional principle today, it is not embodied to the same extent in all constitutions.



A C T I V I T Y

Read the above discussion once more and then do the following activity:

- (1) Government authority may be divided into three categories. Mark the correct three categories:
 - (a) administrative authority
 - (b) judicial authority
 - (c) executive authority
 - (d) ecclesiastical authority
 - (e) provincial authority
 - (f) legislative authority
 - (g) constitutional authority
 - (h) royal authority
- (2) Next to each of the three divisions of authority that you marked above, write down the most important function, in your opinion, of the particular institution of authority. Write only one sentence in each case.
- (3) Write a paragraph expressing your view on whether in a state such as South Africa there should be a watertight separation between the three institutions of authority.



Were you able to do the activity?

Check your selection and the summary of the main function of each of the institutions of authority against the following:

- Legislative authority: They make all the laws (statutes) for the particular country.
- Executive authority: They make policy according to which they govern the country within the statutory framework of the legislative authority
- Judiciary authority: They must enforce the Constitution and the law

Although the organisation of public service provision in society may be looked at from many different angles, the tripartite division of government authority is a fundamental division.

How did you do in the third assignment? Were you able to identify any overlapping?

Different forms of democracy 1.2

Democracy is a form of government in which the supreme power is held by the people under a free electoral system. Democracy describes related forms of government. Even though there is no universally accepted definition of “democracy”, there are two principles that any definition of democracy includes. The first principle is that all members of the society have equal access to power and the second that all members enjoy universally recognised freedoms and liberties. The two main criteria for a democracy are, firstly, that the officials exercising power have legitimate authority because they have been elected, as opposed to inheriting that authority or holding it by force; and, secondly, the mechanism for changing the government is through peaceful and regular elections, as opposed to revolts, coups or civil war. South Africa’s system of government has been typified as a democracy. This means that South Africa has a system of government based on the principle of popular sovereignty, political equality, popular consultation and majority government (Ranney 1993:100).

The systems of government of both the United States of America (USA) and Great Britain are also based on these principles. The systems of government of both states may therefore be typified as democratic. In spite of their common basis, however, there are prominent differences between the systems of government of these two states.

popular sovereignty:
supreme authority of the voting public
popular consultation:
consulting the voters on issues of national importance
majority government:
the party that receives the support of the majority of voters governs the country

ACTIVITY

Test your general knowledge!

Mark the statement that is correct in your opinion:

- (1) The President of the USA is elected by
 - (a) Congress (their federal legislature)
 - (b) the federal judiciary
 - (c) all citizens of the country who are entitled to vote
- (2) The president of the USA
 - (a) is a member of Congress
 - (b) is directly accountable to the voters of the country
 - (c) is directly accountable to Congress
- (3) The Prime Minister of Britain
 - (a) is the leader of the majority party in the legislature
 - (b) is appointed by the judiciary
 - (c) is elected directly by all citizens of the country who are entitled to vote
- (4) The Prime Minister of Britain
 - (a) is a member of the legislature
 - (b) is directly elected as prime minister by all the citizens of the country who are entitled to vote
 - (c) is directly accountable to the voters of the country

Check your answers against the correct answers that appear at the end of this study guide.

presidential democracy: The president is directly elected by all the citizens of the country who are entitled to vote and is not a member of the legislature

Did you manage to do the activity? You will notice that the main difference between the USA and Great Britain relates to the executive authority. The executive in the USA consists of the president. The president is elected directly by the citizens of the country. The president is not a member of the legislature. The USA is a typical example of a presidential democracy (Ranney 1993:240–243).

In Britain, the executive authority is vested primarily in the prime minister and the cabinet who govern the country on behalf of the monarch. The prime minister and members of cabinet are all members of the legislature (the British House of Commons and House of Lords). They are therefore not elected directly as members of the executive by the citizens of the country. Britain is a typical example of a parliamentary democracy (Ranney 1993:240–243).

parliamentary democracy: Members of the executive are also members of the legislature

Ranney (1993:240–242) has identified two criteria that may be used to determine whether a state is a parliamentary or a presidential democracy:

- (1) Is there a separation or an overlapping of functionaries (office bearers)?
- (2) In which of the institutions of authority does the formal sovereignty reside?

From the preceding we may conclude the following:

A presidential democracy is characterised by

- the separation of functionaries
- checks and balances between the three institutions of authority (legislature, executive and judiciary) who possess relatively equal powers

Do you understand that?

It means that the president or members of the cabinet, as in the case of the USA, cannot at the same time also be members of the legislature. It also means that not one of the three institutions of authority has unlimited powers. On one hand, the legislature cannot, for example, adopt a statute without having it signed by the president. On the other hand, the president's budget has to be approved by the legislature before money may be spent by the executive. Both the legislature and the executive may appeal to the judiciary in case of a dispute. Even members of the public may appeal to the judiciary if they feel that they are being wronged by the legislature or the executive.

A parliamentary democracy is characterised by

- the overlapping of functionaries
- formal sovereignty (supreme power) of parliament

What does this tell you?

It indicates that members of the executive, with a few exceptions, also have to be members of the legislature. As a result, the legislature formally has supremacy over the executive. In a parliamentary system, it is the legislature that grants a minister power over, for example, a department (Ranney 1993:242). The legislature is therefore empowered to remove the cabinet or the executive from office simply by carrying (accepting) a motion of no confidence (Ranney 1993:242).

Make sure that you are able to explain to someone else how to distinguish between a presidential and a parliamentary democracy.

What is the position in South Africa? In the rest of this study unit we look for the answer to this question.

1.3 *Three categories of government authority*

You will probably agree with a statement that government authority in a democracy may be divided into three categories: legislative, executive and judiciary. The constitution of the Republic of South Africa (1996) makes provision for, among others, how the three branches of government (sometimes referred to as categories of government of authority), namely the legislature (parliament, provincial legislatures and municipal councils), the executive authority and the judiciary authority should conduct their business. The type of democracy parliamentary or presidential determines the relationship between the three categories.

After reading through the discussion of the different forms of democracy, you may have noticed that South Africa has already been typified as a democracy. This means that the tripartite division of government authority is also found in South Africa. However, it is not that obvious whether South Africa is a parliamentary democracy or a presidential democracy.

How can we find out? The most accessible and probably the most reliable source is the Constitution of the Republic of South Africa of 1996. You probably have your own copy of the Constitution by now. If you look at the table of contents of the 1996 Constitution of the Republic of South Africa, you will notice that

- chapter 4 deals exclusively with parliament (the legislature)
- chapter 5 deals exclusively with the president and national executive authority
- chapter 8 describes the courts and the judiciary

1.3.1 *The legislature*

The legislature makes all the statutes for a country. This is surely not enough information to satisfy your curiosity. It leaves many questions unanswered. For example:

- What does the legislature look like?
- Where do the powers of the legislature come from?
- What are the powers of the legislature?

The legislatures of different states certainly do not all look the same. In order to understand the concept of a legislature, we concentrate, for the purposes of this study unit, on the South African example.

The composition of the legislature in the Republic of South Africa

ACTIVITY 1.3

A C T I V I T Y

Read the following quotations from the Constitution of the Republic of South Africa of 1996 and then do the activities that follow.

43. In the Republic, the legislative authority –
- (a) of the national sphere of government is vested in Parliament, as set out in section 44;
 - (b) of the provincial sphere of government is vested in the provincial legislatures, as set out in section 104; and
 - (c) of the local sphere of government is vested in the Municipal Councils, as set out in section 156.
42. (1) Parliament consists of –
- (a) the National Assembly; and
 - (b) the National Council of Provinces.
104. (1) The legislative authority of a province is vested in its provincial legislature ...
105. (1) A provincial legislature consists of women and men elected as members in terms of an electoral system that –
- (a) is prescribed by national legislation;
 - (b) is based on that province's segment of the national common voters roll;
 - (c) provides for a minimum voting age of 18 years; and
 - (d) results, in general, in proportional representation.
- (2) A provincial legislature consists of between 30 and 80 members. The number of members, which may differ among the provinces, must be determined in terms of a formula prescribed by national legislation.
151. (1) The local sphere of government consists of municipalities, which must be established for the whole of the territory of the Republic.
- (2) The executive and legislative authority of a municipality is vested in its Municipal Council.

■ Mark the answer that is correct in your opinion:

- (1) The legislative authority in the Republic of South Africa is vested in
- (a) parliament
 - (b) the National Assembly and the National Council of Provinces
 - (c) parliament, the provincial legislatures and the municipal councils
- (2) A municipal council in the Republic of South Africa has legislative powers
- (a) over all municipal affairs in the Republic of South Africa
 - (b) over municipal affairs within its municipal boundaries
 - (c) over all municipal affairs within the province within which the particular municipality is situated
- (3) A provincial legislature in the Republic of South Africa has legislative powers over
- (a) affairs within the sphere of the particular province
 - (b) all provincial affairs within the Republic of South Africa
 - (c) all municipal affairs within the Republic of South Africa

Compare your answers to the model answers that appear at the end of this study guide.

municipality: local
authority

The above quotations from the Constitution of the Republic of South Africa of 1996 are fairly clear about the composition of the legislature. You may also have noticed that legislative authority in South Africa is vested in all three spheres of government.

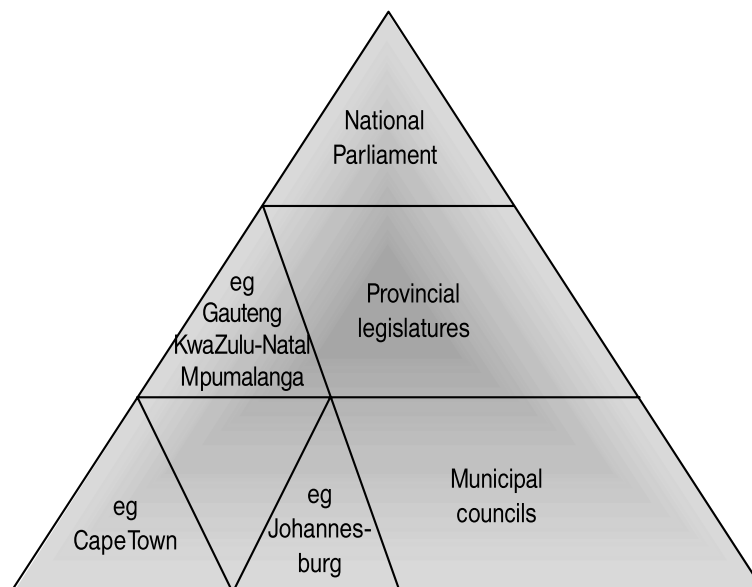
Parliament, consisting of the two houses, namely; the National Assembly and the National Council of Provinces, has legislative powers over affairs within the sphere of national government. The legislative powers of a provincial legislature are limited to the boundaries of the particular province. A municipal council has legislative powers for the particular municipality.

The legislature of one province has no legislative powers over another province. Accordingly, a municipal council of one municipality has no legislative powers over another municipality. Parliament, however, has certain legislative powers over provincial and municipal affairs. Similarly, a provincial legislature also has certain powers over municipal affairs within the boundaries of the particular province.

We may summarise as follows: The legislative authority in South Africa is vested in parliament in the national sphere of government, it is vested in the various provincial legislatures in the provincial sphere of government, and in the municipal councils in the local sphere of government (see figure 1.1).

FIGURE 1.1

Legislative authority in the RSA



Powers of the legislature

You have seen above that legislative authority in the Republic of South Africa may be found at all three levels of government. It is also obvious that the legislatures at the different levels of government have different legislative powers. Each is said to have its own jurisdiction (sphere of authority). In other words, there are limits or boundaries to the powers of each. We now need to find out what the exact powers of each of the legislatures are.

A C T I V I T Y

The Constitution of the Republic of South Africa, 1996, outlines the powers of the legislatures at the different spheres of government. Read the following quotations from the Constitution and then do the tasks:

44. (1) The national legislative authority as vested in Parliament –
- (a) confers on the National Assembly the power –
 - (i) to amend the Constitution;
 - (ii) to pass legislation with regard to any matter, including a matter within a functional area listed in Schedule 4, but excluding, subject to subsection (2), a matter within a functional area listed in Schedule 5; and
 - (iii) to assign any of its legislative powers, except the power to amend the Constitution, to any legislative body in another sphere of government; and
 - (b) confers on the National Council of Provinces the power –
 - (i) to participate in amending the Constitution in accordance with section 74;
 - (ii) to pass, in accordance with section 76, legislation with regard to any matter within a functional area listed in Schedule 4 and any other matter required by the Constitution to be passed in accordance with section 76; and
 - (iii) to consider, in accordance with section 75, any other legislation passed by the National Assembly.
- (2) Parliament may intervene, by passing legislation in accordance with section 76(1), with regard to a matter falling within a functional area listed in Schedule 5, when it is necessary –
- (a) to maintain national security;
 - (b) to maintain economic unity;
 - (c) to maintain essential national standards;
 - (d) to establish minimum standards required for the rendering of services; or
 - (e) to prevent unreasonable action taken by a province which is prejudicial to the interests of another province or to the country as a whole.
- (3) Legislation with regard to a matter that is reasonably necessary for, or incidental to, the effective exercise of a power concerning any matter listed in Schedule 4 is, for all purposes, legislation with regard to a matter listed in Schedule 4.
- (4) When exercising its legislative authority, Parliament is bound only by the Constitution, and must act in accordance with, and within the limits of, the Constitution.
104. (1) The legislative authority of a province is vested in its provincial legislature, and confers on the provincial legislature the power –
- (a) to pass a constitution for its province or to amend any constitution passed by it in terms of sections 142 and 143;
 - (b) to pass legislation for its province with regard to –
 - (i) any matter within a functional area listed in Schedule 4;
 - (ii) any matter within a functional area listed in Schedule 5;
 - (iii) any matter outside those functional areas, and that is expressly assigned to the province by national legislation; and
 - (iv) any matter for which a provision of the Constitution envisages the enactment of provincial legislation; and
 - (c) to assign any of its legislative powers to a Municipal Council in that province.

151. (4) The national or a provincial government may not compromise or impede a municipality's ability or right to exercise its powers or perform its functions.
156. (2) A municipality may make **and administer by-laws for the effective administration of the matters which it has the right to administer.**

■ Mark the answer that is correct in your opinion:

- (1) The National Assembly has the power to
- (a) amend the Constitution, pass legislation and to devolve (transfer, entrust) legislative powers to a legislative body in a different sphere of government
 - (b) participate in amending the Constitution, pass legislation and to consider legislation that has been approved by the National Council of Provinces
 - (c) promulgate by-laws
- (2) The National Council of Provinces has the power to
- (a) amend the Constitution, pass legislation and devolve legislative powers to a legislative body in a different sphere of government
 - (b) participate in amending the Constitution, pass legislation and to consider legislation that has been approved by the National Council of Provinces
 - (c) promulgate by-laws
- (3) A provincial legislature has the power to
- (a) amend the Constitution, pass legislation and devolve legislative powers to a legislative body in a different sphere of government
 - (b) adopt or amend a constitution for its province, to pass legislation, and devolve some of its legislative powers to a municipal council in its province
 - (c) promulgate by-laws
- (4) A municipal council has the power to
- (a) amend the Constitution, pass legislation and devolve legislative powers to a legislative body in a different sphere of government
 - (b) adopt a constitution for its province, pass legislation and devolve some of its legislative powers to a municipal council within that province
 - (c) promulgate by-laws

Compare your answers to the model answers provided at the end of this study guide.



ACTIVITY 4

How did you fare?

The answers may be summarised as follows:

The national legislative authority is vested in parliament which consists of the National Assembly and the National Council of Provinces. The core of the joint powers of these two bodies is to

- amend the Constitution
- pass legislation
- devolve powers to a legislative body in a different sphere of government

A provincial legislature has the powers to

- adopt or amend a constitution for its province
- pass legislation
- devolve some of its legislative powers to a municipal council in that province

A municipal council has the power to promulgate by-laws.

A municipal council may not devolve powers to its provincial legislature or to parliament. Similarly, the provincial legislature may not devolve any of its powers to parliament, but it may devolve powers to a municipal council. The devolution of power therefore always takes place downwards.

Subsection 151(4) of the Constitution prohibits the national or a provincial government from compromising or obstructing a municipality's capacity or right to exercise its powers or to perform its functions. The Constitution therefore protects municipalities against unlawful interference in the exercise of their powers. Lawful intervention may be required in terms of subsection 44(2) of the Constitution. Intervention would be lawful when it is in the interest of

- national security
- economic unity
- essential national standards
- other provinces
- the country as a whole

The executive 1.3.2

By now you should have a clear picture of the composition and powers of the legislature in the Republic of South Africa.

What do the composition and powers of the executive look like?

ACTIVITY
1.5

A C T I V I T Y

Read the following quotations from the Constitution of the Republic of South Africa of 1996 and then do the activities that follow:

85. (1) The executive authority of the Republic is vested in the President.
(2) The President exercises the executive authority, together with the other members of the Cabinet, by –
 - (a) implementing national legislation except where the Constitution or an Act of Parliament provides otherwise;
 - (b) developing and implementing national policy;
 - (c) co-ordinating the functions of state departments and administrations;
 - (d) preparing and initiating legislation; and
 - (e) performing any other executive function provided for in the Constitution or in national legislation.
86. (1) At its first sitting after its election, and whenever necessary to fill a vacancy, the National Assembly must elect a woman or a man from among its members to be the President.
87. When elected President, a person ceases to be a member of the National Assembly and, within five days, must assume office by swearing or affirming faithfulness to the Republic and obedience to the Constitution, in accordance with Schedule 2.
91. (1) The Cabinet consists of the President, as head of the Cabinet, a Deputy President and Ministers.
(2) The President appoints the Deputy President and Ministers, assigns their powers and functions, and may dismiss them.
(3) The President –
 - (a) must select the Deputy President from among the members of the National Assembly;
 - (b) may select any number of Ministers from among the members of the Assembly; and
 - (c) may select no more than two Ministers from outside the Assembly.
(4) ...
102. (1) If the National Assembly, by a vote supported by a majority of its members, passes a motion of no confidence in the Cabinet excluding the President, the President must reconstitute the Cabinet.
(2) If the National Assembly, by a vote supported by a majority of its members, passes a motion of no confidence in the President, the President and the other members of the Cabinet and any Deputy Ministers must resign.
125. (1) The executive authority of a province is vested in the Premier of that province.
(2) The Premier exercises the executive authority, together with the other members of the Executive Council, by –
 - (a) implementing provincial legislation in the province;
 - (b) implementing all national legislation within the functional areas listed in Schedule 4 or 5 except where the Constitution or an Act of Parliament provides otherwise;
 - (c) administering in the province, national legislation outside the functional areas listed in Schedules 4 and 5, the administration of which has been assigned to the provincial executive in terms of an Act of Parliament;
 - (d) developing and implementing provincial policy;
 - (e) co-ordinating the functions of the provincial administration and its departments;
 - (f) preparing and initiating provincial legislation; and
 - (g) performing any other function assigned to the provincial executive in terms of the Constitution or an Act of Parliament.
(3) A province has executive authority in terms of subsection (2)(b) only to the extent that the province has the administrative capacity to assume effective responsibility. The national government, by legislative and other measures, must assist provinces to develop the administrative capacity required for the effective exercise of their powers and performance of their functions referred to in subsection (2).
(4) Any dispute concerning the administrative capacity of a province in regard to any function must be referred to the National Council of Provinces for resolution within 30 days of the date of the referral to the Council.
(5) Subject to section 100, the implementation of provincial legislation in a province is an exclusive provincial executive power.
128. (1) At its first sitting after its election, and whenever necessary to fill a vacancy, a provincial legislature must elect a woman or a man from among its members to be the Premier of the province.

132. (1) The Executive Council of a province consists of the Premier, as head of the Council, and no fewer than five and no more than ten members appointed by the Premier from among the members of the provincial legislature.
- (2) The Premier of a province appoints the members of the Executive Council, assigns their powers and functions, and may dismiss them.
141. (1) If a provincial legislature, by a vote supported by a majority of its members, passes a motion of no confidence in the province's Executive Council excluding the Premier, the Premier must reconstitute the Council.
- (2) If a provincial legislature, by a vote supported by a majority of its members, passes a motion of no confidence in the Premier, the Premier and the other members of the Executive Council must resign.
151. (2) The executive and legislative authority of a municipality is vested in its Municipal Council.
156. (1) A municipality has executive authority in respect of, and has the right to administer
- (a) the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5; and
 - (b) any other matter assigned to it by national or provincial legislation.

You have no doubt noticed that the above extracts from the Constitution of the Republic of South Africa 1996 are very long. You will have to keep cool when reading and analysing these extracts. One of the techniques that you may use is to scan. I'll explain the scanning technique:

Suppose you want to answer a question on the Provincial Executive Council. Follow these steps:

- First read quickly through the entire source text (eg the quotations from the Constitution).
- While you are reading, circle the words "Provincial Executive Council" wherever they appear in the particular text.
- Once you have read quickly through the entire piece, you can go back to those bits that you have marked.
- Now read those parts again carefully and then formulate your answer to the question.

Bearing the above in mind, mark the appropriate answers below:

- (1) The executive authority of the Republic of South Africa is vested in
- (a) the president and other members of cabinet
 - (b) the president alone
 - (c) the president and the National Assembly
- (2) The executive authority of a province is vested in
- (a) the premier and other members of the Executive Council
 - (b) the premier alone
 - (c) the premier and the provincial legislature
- (3) The executive authority of a municipality is vested in
- (a) the municipal council
 - (b) the chairman of the management committee
 - (c) the mayor alone

- (4) The president
 - (a) is elected from the ranks of the National Assembly and then ceases to be a member of the Assembly
 - (b) is elected from the ranks of the National Assembly and still is a member of the National Assembly
 - (c) is a member of both the legislature and the executive
- (5) The deputy president and the ministers
 - (a) are, with the possible exception of no more than two ministers, all members of the National Assembly
 - (b) are all members of the National Assembly
 - (c) are not members of the National Assembly
- (6) If the National Assembly passes a motion of no confidence in the president
 - (a) the president has to reconstitute the cabinet
 - (b) the members of the cabinet and any deputy ministers must resign
 - (c) the president and the other members of the cabinet as well as any deputy ministers have to resign
- (7) The Premier of a province
 - (a) is appointed by the president
 - (b) is elected by the executive council of the particular province from its ranks
 - (c) is elected by the provincial legislature from its ranks
- (8) Members of the executive council of a province
 - (a) are elected by the provincial legislature from its ranks
 - (b) are elected to the council by the enfranchised voters of the province
 - (c) are appointed by the premier from the ranks of the provincial legislature
- (9) If a provincial legislature passes a motion of no confidence in the premier
 - (a) the Executive Council of the province, excluding the premier, must resign
 - (b) the Executive Council of the province, including the premier, must resign
 - (c) only the premier has to resign

Compare your answers to the model answers at the end of this study guide.

■ Is the Republic of South Africa a parliamentary or a presidential democracy?

- (1) Answer the question in approximately one page.
- (2) Start planning your answer by briefly listing the criteria for presidential and parliamentary democracies as set out in section 2 of this study unit.
- (3) Read the extracts from the Constitution of the Republic of South Africa in activities 1.4 and 1.5.
- (4) Next to each criterion in your list, write down the aspect that applies to South Africa, for example:
Presidential democracy
 Separation of functionaries: president
 Checks and balances of institutions of authority: ...
- (5) On the basis of your list, write down in one sentence what you think the answer to the following question will be: Is South Africa a presidential democracy or a parliamentary democracy?

(6) Now answer the question by writing down your opinion and substantiating it by using the list to provide reasons for your opinion.

- Summarise the main powers of the executive authority at the three levels of government.



How did you fare?

Two aspects of the executive authority are important: its composition and its powers.

Composition

As in the case of the legislature, you may have noticed that the executive may be found at all three levels of government. At national and provincial levels of government, the executive as an institution is separate from the legislature. At local government level, both executive authority and legislative authority are vested in the municipal council.

At the level of national government, the executive authority is vested in the president. At provincial level of government the executive authority is vested in the premier. Both are elected from the ranks of the legislature at the relevant level of government from its own ranks. The only difference is that the President then ceases to be a member of the legislature. The membership of the Premier continues.

The president constitutes the cabinet mainly from members of the legislature. They retain their membership of the legislature. The premier, in turn, constitutes the provincial executive council from members of the provincial legislature. They also retain their membership of the legislature.

It seems that the legislature at both national and provincial levels of government may force the executive to resign by passing a motion of no confidence in the president or the premier. With this in mind, as well as the overlapping of membership between the legislature and the executive at the different levels of government, we can certainly conclude that South Africa has a parliamentary democracy, and not a presidential democracy.

Powers

What exactly are the powers of an executive? Does it have the power only to execute legislation, or does it have wider jurisdiction? Once again the Constitution is the most reliable source in our search for the answer. Remember to use the scanning technique.

National sphere of government

In terms of section 85 of the Constitution of the Republic of South Africa, 1996 the executive in the national sphere of government has five distinct areas of jurisdiction. The almost obvious area of jurisdiction is that of carrying out national legislation – except where the Constitution or statutes indicate otherwise. In other words, it has jurisdiction to provide those public services prescribed by legislation.

A second area of jurisdiction is the development and implementation of national policy. This is the field of jurisdiction that lends the executive in South Africa some degree of independence from the legislature.

bill: proposed new law; legislation submitted to the legislature for consideration but not yet passed

Imagine a situation in which the executive does not have this specific jurisdiction and is authorised only to implement national legislation. Would the executive that came into power following the 1994 elections in the Republic of South Africa have been able to implement their party's policy immediately? Probably not until parliament had amended many statutes or passed new legislation. As you know, the executive was indeed able to develop and implement national policy without delay – even before the legislature had amended any statutes or passed any new legislation! The interim Constitution (of 1993) made this possible. The executive therefore makes policy on the provision of public services and then implements such policy.

A third area of jurisdiction of the executive at the national level of government (the president and the cabinet) is that of coordinating the functions of state departments and administrations, in other words, coordinating the provision of public services. Each minister is usually the political head of a state department. The Minister of Health, for example, is the political head of the Department of Health. This places the state departments and administrations squarely within the sphere of the executive. Although the work they perform has 100 per cent political implication, they are regarded as the nonpolitical section of the executive.

A fourth area of jurisdiction is to draft and introduce legislation. You have probably noticed that this does not mean that the executive passes legislation. This remains part of the area of jurisdiction of the legislature. Because the executive is involved in the implementation of statutes, it is also the first to be aware of the shortcomings of existing statutes. To eliminate such shortcomings, amendments to existing statutes or new legislation is drafted, mostly by the executive. This is then submitted to the legislature in the form of a bill for consideration and approval.

You may also have noticed that the Constitution provides the executive with a back door to perform any other executive function for which provision is made by the Constitution and national statutes.

A fourth area of jurisdiction is to draft and introduce legislation. You have probably noticed that this does not mean that the executive passes legislation. This remains part of the area of jurisdiction of the legislature. Because the executive is involved in the implementation of statutes, it is also the first to be aware of the shortcomings of existing statutes. To eliminate such shortcomings, amendments to existing statutes or new legislation is drafted, mostly by the executive. This is then submitted to the legislature in the form of a bill for consideration and approval.

You may also have noticed that the Constitution provides the executive with a back door to perform any other executive function for which provision is made by the Constitution and national statutes.

Provincial sphere of government

You will see that the executive in the provincial sphere of government has comparable categories of jurisdiction to that of the executive in the national sphere of government. The main difference is that the powers of a provincial executive are limited to the particular province. A provincial executive therefore also implements legislation, including provincial and even certain national statutes.

Where a national statute charges a province with the administration of a national function, the provincial executive will also administer that national statute. Furthermore, a provincial executive is responsible for

- coordinating the provincial administration and its departments
- drafting and introducing provincial legislation
- any other function with which it is charged by the Constitution or by way of legislation.

Local sphere of government

In the sphere of local government, municipalities have executive powers over any local government matter with which it is charged by the Constitution or in terms of national or provincial legislation. In other words, municipalities may provide any public service with which they are charged under the Constitution, national or provincial legislation

Do you agree that the provision of public services is the responsibility of the executive at all three levels of government?

The judiciary 13.3

The third category of government authority is judiciary authority. South Africa has an independent judiciary, subject to the Constitution and the law. The judiciary is required, among other functions, to enforce the Constitution and the law. It interpretes the law.



A C T I V I T Y

The following quotation from the Constitution of the Republic of South Africa of 1996 will tell you more about the judiciary in South Africa. Read the quotation and then do the activities that follow:

165. (1) The judicial authority of the Republic is vested in the courts.
(2) The courts are independent and subject only to the Constitution and the law, which they must apply impartially and without fear, favour or prejudice.
(3) No person or organ of state may interfere with the functioning of the courts.
(4) Organs of state, through legislative and other measures, must assist and protect the courts to ensure the independence, impartiality, dignity, accessibility and effectiveness of the courts.
(5) An order or decision issued by a court binds all persons to whom and organs of state to which it applies.
166. The courts are –
(a) the Constitutional Court;
(b) the Supreme Court of Appeal;
(c) the High Courts, including any high court of appeal that may be established by an Act of Parliament to hear appeals from High Courts;
(d) the Magistrates' Courts; and
(e) any other court established or recognised in terms of an Act of Parliament, including any court of a status similar to either the High Courts or the Magistrates' Courts.

Mark the most appropriate answers:

- (1) The judiciary authority in the Republic of South Africa is vested in
(a) the Constitutional Court
(b) the Supreme Court of Appeal
(c) the courts

- (2) The judiciary in the Republic of South Africa is subject to
 - (a) the legislature and the Minister of Justice
 - (b) the Constitution and the statutes of the legislature
 - (c) the Constitution and the law
- (3) The courts must comply with the following requirements:
 - (a) independence, impartiality, inaccessibility, dignity and efficiency
 - (b) independence, impartiality, dignity, accessibility and efficiency
 - (c) independence, partiality, dignity, accessibility and efficiency

Compare your answers to the model answers at the end of this study guide.

Explain in one paragraph

- the composition of the judiciary in South Africa
- the powers of the judiciary in South Africa



ACTIVITY 1

For the purposes of this study unit, two aspects of the judiciary in the Republic of South Africa are important, namely its composition and its powers.

Composition

The provisions in the Constitution clearly spell out the composition of the judiciary. The judiciary authority is vested in the courts. There are five types of courts. The highest court is the Constitutional Court. In descending order of jurisdiction, the other courts are as follows:

- the Supreme Court of Appeal
- the Supreme Courts
- the Magistrate's courts
- any other court of comparable status to the Supreme Courts or magistrate's courts which has been instituted or is recognised by an act of parliament

Powers

As far as the powers of the judiciary are concerned, the Constitution is again very clear. In the first place, the courts are independent. You may have asked yourself: Independent of whom or what? The courts are independent of any person or state institution that may impede on their functions. The judiciary is subject only to the Constitution and the law. This means that the powers of the judiciary may be restricted only by the Constitution and the law.

The judiciary has the power to enforce the Constitution and the law. Within this framework, each of the different courts has distinct jurisdictions as set out in the Constitution and the Acts of Parliament, among others. The Constitutional Court, the Supreme Court of Appeal, and the Supreme Courts have inherent jurisdiction to protect and regulate their own proceedings and to develop common law.

How does the judiciary influence the provision of public services by the executive?

What do you think members of society can do if the executive provides a public service in such a way that it affects their Constitutional rights? Would you agree that they may appeal to the judiciary? The judiciary may therefore test all actions of the

executive against the Constitution and the law. Think of what may have happened if the executive were allowed to interpret the Constitution and other laws as it saw fit!

The three divisions of government authority: a model

1.3.4

You have now been introduced to the legislature, the executive and the judiciary as they occur in South Africa. Do you understand how the three institutions of authority may be distinguished from one another? Do you also understand how they are linked?

In the introduction to this study unit we referred to the British example where sovereign state authority was originally vested entirely in the monarch. In reading the extracts from the Constitution of the Republic of South Africa of 1996 you must have realised that South Africa has moved far from the absolute monarchy of Britain. A government that has to bring about the “good life” for society as a whole faces the challenge of finding a way past two main threats (Ranney 1993:240). On the one hand the government with its legitimate authority and capability of physical force poses a permanent threat to the freedoms of society. On the other hand, the lawlessness and anarchy that awaits if a government is too weak are equally threatening.

The main aim 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 (Ranney 1993:240). This study unit has indeed shown how this may be done, namely by placing the three fundamental powers of the government into separate and independent branches of the government. There is nevertheless still some overlapping in certain fields. When an executive authority is promulgating regulations, for example, it is performing a legislative function. Similarly, there are many examples of judiciary functions performed by the executive. We need only think of the Industrial Courts and the Special Income Tax Courts. Any concentration of government authority in one branch is tyrannical.

Moreover, in South Africa the sovereign power of government ultimately vests in the Constitution. All three branches of government authority in South Africa are subject to the Constitution of the Republic of South Africa of 1996.

In a recent article on “The doctrine of separation of powers and its application in South Africa” Labuschagne (2004:99) concluded the following:

The separation of powers doctrine in South Africa is securely embedded in constitutional law developed in the post-1993 period. The supremacy of the constitution and the constitutional principle of the separation of powers, as part of the new constitutional arrangement, is and was a ‘contractual’ guarantee that the trias politica doctrine is part and parcel of the constitutional future of South Africa.

ACTIVITY
1.7

ACTIVITY

- Draw a sketch or diagram to illustrate the three parts of government authority in South Africa.

- Use the tripartite division of government authority in South Africa in an essay to show why you would typify South Africa as a democracy.

- (1) First write down your unevaluated thoughts in your own language.
- (2) Then arrange those thoughts in main points or reasons why you think a tripartite division of government authority is necessary in a democracy.
- (3) Prepare your own framework for answering the question. Make provision for the following headings, among others:
 - 1 Introduction (give the question and the plan according to which you will be answering it.)
 - 2 Reasons (this is the body of your answer and is the most important part. Use a different heading for each reason, for example:
 - 2.1 Sovereignty of the Constitution;
 - 2.2 Direct election of the legislature; etc)
 - 3 Conclusion (summarise all the reasons in one final answer. All the reasons therefore build up to this answer.)
- (4) Now write an essay of approximately two pages in the language of instruction in which you answer the question.



ACTIVITY 1

In preparing the diagram you undoubtedly had to work through this study unit again. Your diagram will not look the same as one prepared by a fellow student. The diagram is a method whereby you make the work more understandable for yourself. Check whether you have included the following:

- (1) the Constitution as comprehensive framework
- (2) the name of each division of government authority
- (3) the composition of each division of government authority
- (4) the powers of each division of government authority
- (5) the interaction between the different divisions of government authority

The diagram is also a useful way of illustrating the “how” of the tripartite division of government authority. It will help us to describe this division. However, when we are expected to defend or explain this division, as in the question in activity 1.7, we need a different technique. We need to argue or give reasons.

How did you fare with the essay? Make sure that you did indeed first write down your unevaluated thoughts in your own language. Did you notice that this helped you be creative because you could write down your thoughts without first evaluating them?

When arranging those thoughts into main points, you probably deleted some thoughts and added others. In doing so, you identified the reasons why you typify South Africa as a democracy. The following are reasons that you may have mentioned:

- supreme authority of the Constitution
- direct election of the legislature
- public accountability of the executive
- independence of the judiciary
- checks and balances between the legislature, executive and judiciary

Also check that the framework for answering the question made provision for an introduction, a body (that is the part in which you will discuss the reasons) and a conclusion.



Make sure that you are able to

- distinguish and name the three classes into which government authority is divided
- give reasons for the division of government authority
- illustrate the composition and powers of the three classes of government authority in South Africa by using a diagram
- identify and name the institutions involved in exercising the three classes of government authority
- typify South Africa in one paragraph as a presidential or a parliamentary democracy
- furnish reasons in an essay to explain why the tripartite division of government authority in South Africa means that the country is a democracy

.....



Three different spheres of government

2

Introduction 2.1

Do you still remember the question guiding this theme? It is: “How is the provision of public services organised?”

Study unit 1 answered: within the framework of the tripartite division of government authority. We have seen that the provision of public services is the task of one of those spheres of authority, namely the executive.

We have also seen that executive authority is found in the following three spheres of government:

- national
- provincial
- local

This study unit’s answer to the theme question is: The provision of public services is organised at three different spheres of government.

You probably knew that already, didn’t you? But do you know why? Why not simply have the executive at the national sphere of government provide all the services? Why is it preferable for a municipality (and not the national government) to be responsible, for example, for refuse removal?

Before we reply to all the “why” questions, let us first take a look at “how”. How is the provision of public services in South Africa distributed across the different spheres of government?

Public service provision at the different spheres of government 2.2

In study unit 1 we frequently made use of the Constitution of the Republic of South Africa of 1996. In this study unit it is an equally important source document. We give a fairly detailed definition of the powers of the executive at the different spheres of government to provide public services. Whether the Constitution deals with these powers adequately and to the satisfaction of everyone is a different issue altogether.

2.2.1 National sphere of government

The powers of the executive to provide public services depend largely on the powers of the legislature. Does this make sense?



A C T I V I T Y

Read the following quotations from the Constitution of the Republic of South Africa of 1996 and then answer the questions that follow.

85. (2) The President exercises the executive authority, together with the other members of the Cabinet, by –
- (a) implementing national legislation except where the Constitution or an Act of Parliament provides otherwise;
 - (b) developing and implementing national policy;
 - (c) co-ordinating the functions of state departments and administrations;
 - (d) preparing and initiating legislation; and
 - (e) performing any other executive function provided for in the Constitution or in national legislation.
44. (1) The national legislative authority as vested in Parliament –
- (a) confers on the National Assembly the power –
 - (i) to amend the Constitution;
 - (ii) to pass legislation with regard to any matter, including a matter within a functional area listed in Schedule 4, but excluding, subject to subsection (2), a matter within a functional area listed in Schedule 5; and ...

■ Mark the answer which is correct in your opinion:

- (1) Which public services may be provided by the national executive?
- (a) only those services that cannot be provided by the provincial executive
 - (b) only those services listed in a schedule to the Constitution
 - (c) any services authorised by an act of parliament or for which there is a national policy
- (2) Which public services may not be provided by the national executive?
- (a) No public services are excluded from being provided by the national executive.
 - (b) Those services listed in Schedule 5 of the Constitution are excluded, namely the functional areas of exclusive provincial legislative powers.
 - (c) Those services listed in Schedule 4 of the Constitution are excluded, namely functional areas of concurrent national and provincial legislative jurisdiction.



Let us look at the statement again: “The powers of the executive to provide public services depend largely on the powers of the legislature.”

What does the Constitution say about the powers of the executive when it comes to providing public services? According to the Constitution, the executive has to implement national legislation and develop and implement national policy.

Who makes national legislation? According to the Constitution this is the responsibility of parliament.

What are the powers of parliament? According to the Constitution, parliament has the power to pass legislation on

- anything
- except on issue which is regarded by the Constitution to be an exclusively provincial legislative power

The implication of this for the powers of the national executive to provide public services is that the national executive

- may make national policy on the provision of any public services, and administer such policy
- may implement any legislation made by parliament.

The national executive may therefore implement only those statutes that have been passed by the national legislature. The national legislature may pass legislation only on matters provided for by the Constitution.

This does not mean that the national executive simply has to look on while provinces neglect to provide the necessary public services to their societies. Do read section 100(1) of the Constitution:

100. (1) When a province cannot or does not fulfil an executive obligation in terms of legislation or the Constitution, the national executive may intervene by taking any appropriate steps to ensure fulfilment of that obligation ...

To summarise: The national executive is ultimately responsible for the provision of public services to the country as a whole.

Look again at your answers to the questions in activity 2.1 above. If you are still uncertain, compare the answers with the model answers at the end of this study guide.

Provincial sphere of government 2.2.2

You should return to study unit 5 in the study guide for *PUB1018*. You will notice that you listed all nine provinces of the Republic of South Africa. Look again at the location of the different provinces on the map of the Republic of South Africa. When we refer to the provincial sphere of government, we are referring to each of those nine provinces.

You have probably noticed that the national executive is responsible for the provision of virtually any public service. The Constitution therefore does not list public services for which the national government is specifically responsible. However, there is such a list for the provincial executive: Schedules 4 and 5 of the Constitution. To gain some background, read schedules 4 and 5 in your copy of the Constitution.

The list of powers means that a provincial executive may provide or deliver only

concurrent: joint

those services listed in the schedules. What do you think will happen if, for example, the need for a new public service emerges in Gauteng, for example a service that is not yet being provided by the national, provincial or local government? Who will be responsible for providing such a service?

Such a service may be related to an existing service already being provided by local or provincial government. If not, it will in all probability be the responsibility of the national executive to provide the service. The national executive may, however, delegate its responsibilities to an executive committee of a province or a municipal council (section 99 of the Constitution). The executive committee of a province may similarly delegate to a municipal council some of its powers to provide public services (section 126). In practice, the local government will then be providing a service that is, in terms of the Constitution, the responsibility of the provincial government. What type of public services are the responsibility of the provincial governments?

The Constitution of the Republic of South Africa of 1996 makes provision for four categories of services. The first two categories are listed in schedule 4 and the other two in schedule 5.

Schedule 4 describes those functional areas in respect of which the national and provincial governments have concurrent jurisdiction. This schedule is also divided into two parts

The functional areas in part A include the following:

- housing
- health services
- agriculture
- environment
- education
- tourism
- welfare services

The functional areas in part B of schedule 4 are actually local government affairs over which the provincial and national governments also have jurisdiction. They include the following:

- building regulations
- fire-fighting services
- municipal health services
- municipal public transport
- flood water management systems in built-up areas
- water and sanitation services

Schedule 5 consists of a list of public services over which provinces have exclusive jurisdiction. The functional areas have also been divided into two parts. Part A consists of functional areas such as the following:

- abattoirs
- ambulance services
- liquor licences
- provincial roads and traffic

Part B consists of local government functions that have to be monitored and supported by provincial government. The provincial government is also responsible for ensuring that municipalities meet their obligations in these areas. The following are examples of public services listed in part B:

- cemeteries, morgues and crematoriums
- noise pollution

- markets
- municipal roads
- refuse removal, dumps and waste disposal

To summarise:

- Some public services provided by provincial governments are provided in cooperation with the national government.
- Other services are entirely the responsibility of provincial governments. As far as those services are concerned, the national government may become involved in the interest of society in some way or other.
- Some public services are provided by provincial governments in collaboration with local authorities.
- In the latter instance, a provincial government may, under certain circumstances and in the interest of the particular community, become involved in public services that are, in fact, the responsibility of a local government.

Local sphere of government 2.2.3

In line with the principles of cooperative government, national and provincial governments must support and strengthen local government (municipalities) to manage their own affairs. The local sphere of government consists of municipalities instituted for the entire territory of the Republic. In study unit 1 you saw that the executive authority and legislative powers of a municipality are vested in the municipal council in terms of section 151 of the Constitution.

Whereas there are only nine provincial governments in the Republic of South Africa, there are 278 municipalities in South Africa. These municipalities can be grouped into three categories, namely (South Africa 2003:19)

- Category A: The metropolitan municipalities of which there are, after the 2011 local government elections, eight metropolitan municipalities, namely, (Tshwane, eThekweni, Johannesburg, Ekurhuleni, Nelson Mandela, Cape Town, Mangaung and Buffalo City).
- Category B: A local municipality that shares municipal executive and legislative authority in its area with a Category C municipality within whose area it falls (Currently there are 226).
- Category C: A district municipality that has municipal executive and legislative authority in an area that includes more than one municipality (Currently there are 44).

Municipalities' responsibilities include, among other things, local tourism, municipal health services, municipal public transport, local markets and cemeteries (South Africa 2003:19).

Have you noticed which services you receive from your local government?

ACTIVITY 2.2

ACTIVITY

Read the following extracts from the Constitution of the Republic of South Africa of 1996 and then do the activity.

152. (1) The objects of local government are –

- (a) to provide democratic and accountable government for local communities;
- (b) to ensure the provision of services to communities in a sustainable manner;
- (c) to promote social and economic development;
- (d) to promote a safe and healthy environment; and
- (e) to encourage the involvement of communities and community organisations in the matters of local government.

What are the aims of a local government?

- Answer the question in approximately 200 words.
- Use the preceding extract as source for your answer.
- Use your own words and sentences to answer the question.



It appears from activity 2.2 that one of the main aims of a local government is to provide public services

- in a democratic manner
- according to the specific needs of the particular society

Decide whether you agree or not with the following statement:

- Local governments should provide those services that a provincial or the national government will not be able to provide equally well.



A C T I V I T Y

In your copy of the Constitution of the Republic of South Africa of 1996, page to part B of schedule 5, you will notice that approximately 24 different public services or functions have been listed in this part as being “local government affairs”.

- Select one, for example refuse removal and solid waste disposal.
- Explain in one paragraph why you think that a local government will be better able than a provincial or the national government to provide the particular service to the community.



You could probably have written several pages on reasons why a local government is better able to provide a typical local government service such as refuse removal and solid waste disposal, but you had only one paragraph in which to explain why. How did you go about writing that paragraph?

Perhaps you first listed all the possible reasons, and then arranged them in order of importance. In order to arrive at a paragraph, you probably selected only one or two of the main reasons to substantiate your point of view.

Some of your reasons may have been based on the aims of local governments, as set out in section 152(1) of the Constitution. You may even have compared the ability of a local government to provide such a service with the ability of provincial governments and even of the national government to do so.

There is no “correct answer”. The way in which you put your case will determine whether you will convince someone to support your point of view or not.

<i>At which sphere of government should</i>	23
<i>a service be provided?</i>	

In study unit 1 as well as in this study unit we have analysed parts of the Constitution of the Republic of South Africa of 1996, and in particular schedules 4 and 5. We have come across several references to the powers of the different spheres of government. These references have indicated that the responsibility for several public services is shared to a lesser or greater extent between the three different spheres of government.

A good example of such a shared public service is health services. An analysis of the practical provision of health services at the different spheres of government will show that each sphere of government is involved in providing a different part of health services. The question is: How can we determine which sphere of government is to provide which aspect of health services?

A rule that may be applied in this respect and that justifies the sphere of government at which a service should be provided is the rule of subsidiarity (Loxton 1993:80). What does this rule involve? This rule stipulates the following:

- There is no valid reason for institutions at either national or provincial spheres of government to provide a public service that may be provided satisfactorily by local institutions.

This implies that a public service is to be provided by the local institution of a society that is able to provide it adequately, effectively, and for the benefit of the wellbeing of the whole

In this way, those who are closest to the problem or need will be responsible for its solution without burdening a higher sphere of government. In this context it means that the sphere of government closest to the societal need is responsible for satisfying such need.

ACTIVITY

Use the rule of subsidiarity to establish which sphere of government will be appropriate for providing the following public services:

- street lighting
- ambulance services
- tertiary education
- noise pollution

Remember, the facts are not important here, but your ability to apply the rule. If you are able to obtain information on the services in question it will be useful.

- (1) Start by first describing the reason or need for each service in one or two sentences. (Dark streets, for example, increase the likelihood of crime at night. As a result, street lighting is necessary at night. It is necessary to replace fused lamps regularly in order to keep up the service.)
- (2) Take as your point of departure the assumption that all the services can be provided at local government sphere.
- (3) Then ask yourself to what extent the national and provincial spheres of government will contribute to the services in order to improve them. In other words, what can they do to deliver the public service adequately, effectively and for the benefit of the wellbeing of that particular community.
- (4) Evaluate your own assumptions and draw a conclusion.



Consult schedules 4 and 5 of the Constitution to see which sphere of government is responsible for the different public services. How does it compare with your argument? You will notice that there are few public services that are provided at one sphere of government only. Although it is the responsibility of local government to provide many of the public services, the provincial and national governments are responsible, in terms of the Constitution, for ensuring that those services are indeed provided where they are needed and in accordance with certain standards. Communities are therefore not left to their own devices.

You have probably noticed that the different spheres of government do not exist in isolation from one another. In terms of the Constitution, the different spheres of government are “distinctive, interdependent and interrelated” (section 40(1)). Cooperation between the governments at the different spheres is therefore necessary.

Subsidiarity is not the only rule or principle which underlies the assignment of responsibilities for public services to a sphere of government. In a recent doctoral thesis on “The assignment of responsibilities for the performance of public functions to levels or spheres of government in South Africa” Robson identified, in addition to the principle of subsidiarity, another eight principles which

“would appear to underlie the assignment of public function responsibilities” (Robson 2006:327). These principles are the following:

- the principle of national unity
- the principle of economic unity
- the principle of equality
- the principle of co-operation
- the principle of provincial autonomy
- the principle of self-determination
- the principle of exclusivity
- the principle of asymmetry

These nine principles and the methodology underlying their application are discussed in length in the thesis. Are any scientific methods for the assignment of responsibilities applied in practice? After his research, Robson came to the conclusion that “a scientific approach to the assignment question is in evidence only to a limited extent” (Robson 2006:349).

ACTIVITY
2.5

A C T I V I T Y

Read the following extract from the Constitution of the Republic of South Africa of 1996 and the extract from an English translation of the basic law of the Federal Republic of Germany and then do the rest of the activity.

“41(1) All spheres of government and all organs of state within each sphere must –

- (h) co-operate with one another in mutual trust and good faith by –
 - (i) fostering friendly relations;
 - (ii) assisting and supporting one another;
 - (iii) informing one another of, and consulting one another on matters of common interest;
 - (iv) co-ordinating their actions and legislation with one another;
 - (v) adhering to agreed procedures; and
 - (vi) avoiding legal proceedings against one another.

(South Africa 1996: Section 41(1)(h))

“Article 91a (Participation of the Federation)

- (1) The Federation shall participate in discharging the responsibilities of the Länder in the following areas provided that they are relevant to the community as a whole and that its participation is necessary in order to improve living conditions (joint responsibilities):
 1. building and extension of institutions of higher education including university clinics;
 2. improvement of regional economic structures;
 3. improvement of agricultural structure and coastal preservation
- (2) Joint responsibilities shall be specified by federal law requiring the consent of the Bundesrat. Such legislation should include general principles governing the discharge of responsibilities.

...

Article 91b (Cooperation between the Federation and the Länder)

The Federation and the Länder may, pursuant to agreements, cooperate in educational planning and in the promotion of research institutions and projects of supraregional importance. The apportionment of costs shall be regulated by the relevant agreements.” (Basic Law of the Federal Republic of Germany: Grundgesetz (GG) of 23 May 1949 (as amended until 1993)

- (1) Write down briefly what you believe to be the essence of the stipulations of the South African Constitution?
- (2) Write down briefly what you believe to be the essence of the extract of the German basic law.
- (3) What similarities have you noticed between the two extracts?
- (4) Write a paragraph explaining the concept “cooperative government” in terms of the two constitutional examples.



.....

The concept “cooperative government” is apparently not typical of the USA type of federation. However, it is one of the fundamental characteristics of the German basic law. In Germany this concept implies the central government’s legal and financial control over the constituent states, and also a process of standardisation (Siedentopf 1988:317). Is it not perhaps this very concept that causes many to doubt the federal character of the South African constitution? Would you agree that both extracts reflect a desire for a high quality of life in all spheres of the federal state? If so, this probably explains the fact that the South African Constitution provides for matters such as mutual assistance and support, the exchange of information and consultation on matters of common interest and the coordination of action and legislation.

24 *Summary*

Public services in South Africa are provided by different spheres of government. Some services are the exclusive responsibility of a specific sphere of government. The responsibility for other services is shared. Although there are certain public services for which each sphere of government is primarily responsible, no sphere of government can act independently of others.

In spite of South Africa being a federal state, the different spheres of government assume responsibility for ensuring that public services are provided adequately, effectively, and for the benefit of the particular community or society. According to the rule of subsidiarity the ideal is for a service to be provided by the sphere of government closest to the need.

25 R · E · V · I · E · W

Test yourself!

- Do you know what the difference is between the different spheres of government?

- Do you know what the functions of each sphere of government in South Africa are?
- Are you familiar with the rule of subsidiarity and can you apply it?
- Do you know other principles which can be applied in the assignment of responsibilities for the rendering of public services?
- Can you explain the concept of “cooperative government” to someone else?

.....



Types of public institutions

Introduction 31

“How is the provision of public services organised?”

Public services are provided within the framework of the tripartite division of government authority. Moreover, it appears to be the primary responsibility of the executive. The executive is in turn distributed over three spheres of government: national, provincial and local. This study unit focuses specifically on those institutions that actually deliver the services.

Few people think about the particular sphere of government involved in providing a specific service. The recipient of the services is more aware of the person (eg the traffic officer) or institution (eg the traffic department) that provides the services than of the sphere of government (local or provincial) at which they are provided.

ACTIVITY
31

A C T I V I T Y

- List the public services that you receive or use from time to time. Next to each service, write down which government institution is responsible for delivering the service.

Example:

public transport (train)	— Metro Commuter Trains
school education	— Gauteng Department of Education
drinking water	— Department of Water and the Environment of the City of Tshwane

ACTIVITY
32

You will notice that the institutions involved in the delivery of public services are distributed across all three spheres of government. You may also have noticed that the institutions differ in other respects as well. Tertiary education, for example, is provided by a university, university of technology or further education and training (FET) college, public rail transport is provided by an institution that appears to be a business enterprise, and school education is provided by a provincial department of education. Apparently, different types of public institutions are involved in the provision of public services.

You will agree that your list is not in any way complete. Many other institutions that do not appear on your list are also involved in some way or the other in public service provision. These institutions may all be classified in one group or another, such as groups or types of institutions with different modes of operation, for example direct implementation of government policy, specialised advice, tertiary education, etc.

3.2 *A typology of public institutions*

When we refer to types or groups of institutions, we mean that the institutions in one group differ from the institutions in another group. Different criteria may be used to distinguish between them. One criterion is the way in which they perform their duties (how they operate).

The implications of such a distinction is that the method of operations in one group differs from the way in which institutions operate in another group. To facilitate the distinction between different groups of institutions, we give a different name to each group. This process of distinction and designation (naming) is broadly known as a typology.

It is generally accepted that there are two main groups of institutions that are involved in public service provision.

- The first group consists of the national, provincial and municipal departments.
- The second group is known as parastatal institutions, quasi-ouonomous institutions or public entities. You will notice that the parastatal institutions may be divided into different subgroups on the basis of their distinctive methods of operation.

parastatal institutions: government institutions that exist alongside state departments; “para”: Greek word meaning next to, alongside, parallel

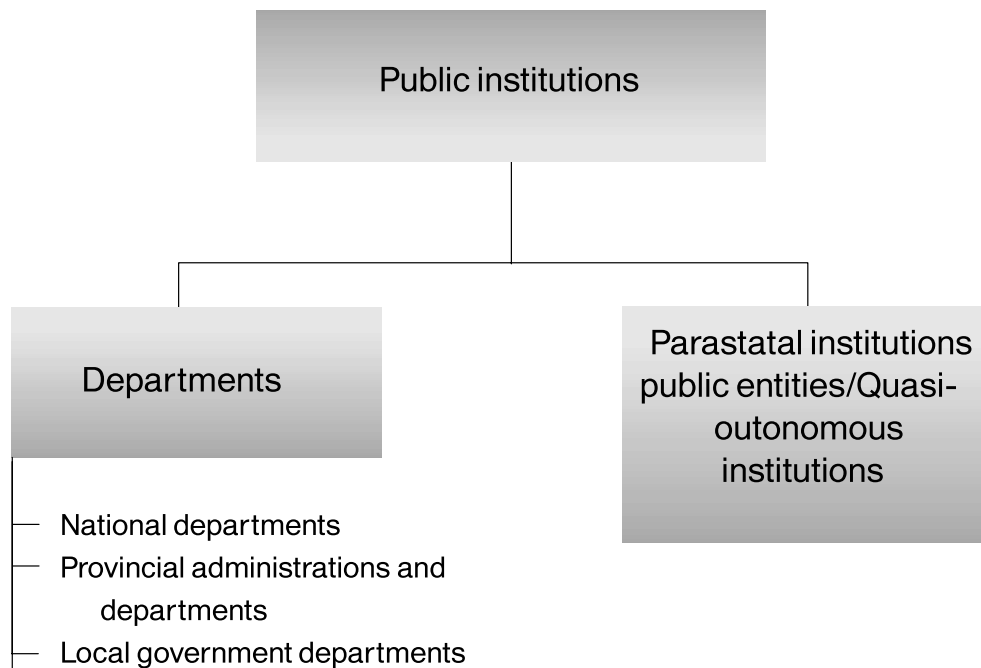
3.3 *Departments (national/provincial/municipal)*

The first group of institutions that we deal with are departments and institutions known as “administrations”. Which institutions are included in this group? Because we focus on public administration at all three spheres of government, this group includes:

- all departments at national sphere of government
(see <http://www.info.gov.za/aboutgovt/dept.htm>)
- administrations and departments at provincial sphere of government
- departments at local sphere of government

FIGURE 3.1

A typology of public institutions



ACTIVITY
3.2

ACTIVITY

- (1) Give three examples of each of the following:
 - a department at the national sphere of government
 - an administration at the provincial sphere of government
 - a department at the provincial sphere of government
 - a department at the local sphere of government
- (2) Give examples of departments on the different spheres of government that are responsible for providing the following services:
 - protection services
 - public health, welfare and housing services
 - education and cultural services
 - environment preservation services
- (3) What would you say is the characteristic method of operation that all the institutions listed above have in common? Describe it in a short paragraph of about four sentences.

ACTIVITY

You could have picked your examples from any of the approximately 30 national departments. A well-known example is the Department of Health. The political

head of the Department of Health at national sphere of government is the Minister of Health. The chief executive officer of such a national department is the Director-General. In some countries they are called Permanent Secretaries. The Director-General is a public official and not a politician. The Director-General is ultimately responsible to the particular minister and the legislature for the activities of the entire department.

Each of the nine provinces has its own administration, for example the provincial administration of the Northern Cape. At the head of a provincial administration we also have a Director-General who is responsible to the executive council of the province for the activities of the administration as a whole.

A provincial administration is in turn composed of different departments. An example of such a department is the Gauteng Department of Education with a Superintendent-General as its head. The Superintendent-General of Education (an official) is in turn accountable to the Member of the Executive Council (MEC) for Education (the responsible political office bearer).

At the local sphere of government, we also have executive departments (such as the Department of Culture and Recreation), each with its own head (eg an Executive Director). The overall head of all the executive departments is the chief executive officer or municipal manager. As an accountable official, the municipal manager is responsible for the activities of the entire municipal administration to the executive committee of the municipal council.

The names of state departments change all the time. If you are unsure which departments provide the different types of services, you could consult the publication *South Africa Yearbook* which is published annually by the South African Communication Service. You could also look at the internet homepage of Government Communications at <http://www.gov.za/dept/index.html>.

Who can decide to establish or abolish a department or any organisational component? As head of the executive authority, the final decision lies with the president. In the case of departments and organisational components in the national sphere, he or she has to work together with the Minister for Public Service and Administration while in the provincial sphere he or she has to work together with the premier of the respective province (South Africa 2003:57).

When can a new department be formed? Usually there are three reasons or conditions, namely (South Africa 2003:57):

- If a new portfolio for which the President or a Premier, in terms of the Constitution, has appointed a Minister or an MEC requires the establishment of a new department.
- After the functions of an existing department have been reviewed, it could be decided that where necessary, the department be split into two departments, for example a split of the Department of Education into two components (Basic and Higher education).
- After a review of the functions of two or more existing departments, the departments can be merged into one department

How did you summarise the characteristic common methods of operation of the departments at the different spheres of government? You may have used the following key words in your paragraph:

- political milieu
- direct supervision
- public interest
- effective, efficient and economical
- public accountability

A national, provincial or municipal department or administration functions within a political milieu consisting, among others, of voters, legislative and executive authorities. It functions under **direct supervision** of a political office bearer such as a minister or an MEC. When a service is concerned purely with the **public** or collective **interest**, a state, provincial or municipal department is the appropriate institution to provide such a service. Such a department is geared to being **effective, efficient and economical**, but it is at the same time **accountable** to the **public** for its actions.

Parastatal institutions 34

All institutions with executive authority that are not government departments are considered to be parastatal institutions. Parastatal institutions exist alongside government departments (see fig 3.1). They are also known as quasi-autonomous institutions (the quangos) or public entities. These institutions do not function under the same strict public supervision as government departments. They also enjoy more “management freedom” than departments.

According to the Department of Public Service and Administration (South Africa 2003:58) public entities are established in the public sector, but outside the public service, for reasons of

- strategic, social or economic intervention by the state, or to deal with strategic risk and dangers that the state or society faces to its security, health, prosperity or wellbeing; and/or
- adopting commercial and business principles in service delivery when it is required; and/or
- signalling that there is need for objectivity and more operational autonomy, yet retaining accountability in the delivery of services

Public sector: refer to persons who are employed –

- (1) in national and provincial departments
- (2) in parastatal institutions
- (3) in municipalities

Public service: refer to persons who are employed –

- (1) in posts on the establishment of national and provincial departments; or
- (2) additional to the establishment of national and provincial departments.

ACTIVITY 3.3

ACTIVITY

Make a list of all the parastatal institutions which you can think of.

After making your list, check it against the list of parastatal institutions that appears at the end of this study guide.

ACTIVITY

As you may have noticed, the list of parastatal institutions is long. To typify them simply as institutions that are not government departments is not enough. The Department of Public Service and Administration categorises these institutions in only two categories, namely “Government Business Enterprises” and “other than the government Business Enterprises” (South Africa 2003:58). In a research project done at the Human Sciences Research Council during 1991/92 Loxton (1992:296–297) typified those institutions referred to above as “Government Business

enterprises” as “commercial and industrial enterprises”. Those institutions referred to above as institutions “other than the Government Business Enterprises” are categorised by Loxton (1992:196-197) into eight distinct categories. Loxton’s nine categories of parastatal institutions (public entities) are as follows:

- advisory institutions
- regulatory institutions or bodies
- judiciary institutions
- tertiary education institutions
- research and development institutions
- cultural and environmental management institutions
- commercial and industrial enterprises
- institutions for social services
- constitutional support institutions

3.4.1 *Advisory institutions*

Why would the state need specialised advisory institutions? Probably because the task of the government has become so complicated and difficult. Do you agree?

By now you are probably aware of the variety and specialised nature of the fields in which public services are provided. Surely one cannot expect a government to have authoritative knowledge, insight and experience, or expertise in every field (Loxton 1992:310). For this reason, advisory institutions have been established and linked to specific departments. This enables them to provide specialised advice to the minister or head of department concerned on matters of policy and policy implementation.

The following are examples of advisory institutions:

Advisory Council for Universities and Technikons
Advisory Council for Occupational Health and Safety
National Planning Commission (South Africa)
National Archives Advisory Council

3.4.2 *Regulatory institutions or bodies*

There has been a significant change in the roles of regulatory institutions – commonly referred to as regulatory bodies. Most of them have undergone rigorous reviews and as a result – old ones were replaced with new ones. The central function of the regulatory body is to ensure that the regulations or agreements that have been put into place are complied with.

The regulatory function of the state may be regarded as one of its most important functions. What kind of institutions are involved in regulatory activities?

A list below shows some of the most recent regulatory institutions in South Africa, however this list is not exhaustive.

South African Council for the Architectural Profession (SACAP)
National Energy Regulator of South Africa
South African Bureau of Standards
The South African National Accreditation System
Mine Health and Safety Council

ACTIVITY

Read through the following list of examples of regulatory institutions, and then do the activities.

South African Council for the Architectural Profession (SACAP)
National Energy Regulator of South Africa
South African Bureau of Standards
The South African National Accreditation System
Mine Health and Safety Council

- Draw three columns next to the list of regulatory institutions.
- Next to each institution, write down the following in the different columns:
 - (1) What is the rule, or ideal, in your opinion, that is advanced by the particular regulatory institution?
 - (2) Whose actions are restricted by the particular institution?
 - (3) Whose interests, wellbeing or rights are protected or promoted by the particular institution?

Government regulation is often characterised by the following:

- *It sometimes takes place in highly specialised fields* (such as price levels and exchange rates in the case of the South African Reserve Bank). Establishing a special institution that has the necessary specialised expertise at its disposal makes it possible to leave discretionary decision-making to true experts who are not necessarily public servants.
- *It restricts the actions of people* (eg Independent Communications Authority of South Africa as an independent regulatory body regulates both the telecommunications and broadcasting sectors in the public interest).
- *It takes place in the interest of other people* (in all cases).
- *It is an action to bring something in line with an accepted principle, rule or condition* (eg in regulating a profession such as architects the council sets a standard for professional conduct and ensures that architects comply with such standard).

Why can the state itself not assume responsibility for performing that particular function through some executive department?

The main reason why a state department does not assume responsibility is that it is likely that a parastatal institution can do the specific type of regulation better than a department.

What makes such an institution better at it?

A parastatal institution is usually closer to those who are regulated than a department would be. In the spirit of the rule of subsidiarity, those who are being regulated are often included in the process of regulation. The result is self-regulation.

You should investigate the composition of any regulatory body, such as the SACAP. Architects, for example, serve in SACAP, together with other interested parties. Such body therefore has the necessary expertise and is at the same time representative of the various interest groups.

The following are the well known judiciary institutions in South Africa:

- (a) Special Income Tax Court
- (b) Industrial Courts and Labour Appeal Courts
- (c) Medicines Control Council and Appeal Committees



A C T I V I T Y

Read the descriptions of institutions below and then do the activities.

- *Special Income Tax Court*: This court hears the appeals of taxpayers against decisions of the South African Revenue Service (SARS). It has as its president a judge of the Supreme Court. The rules of this court are the same as in the ordinary courts.
- *Industrial Courts and Labour Appeal Courts*: These courts adjudicate mainly in disputes between employers and employees. Each court consists of a president, a deputy president and other members. A court of appeal has as its chairman a judge of the Supreme Court as well as two assessors.
- *Medicines Control Council and Appeal Committees*: Their task is to protect the public at large by evaluating the safety, quality and effectiveness of medicines. The council is made up of experts. The Appeal Committees also consist of experts. The chairperson is a retired judge or an advocate of the Supreme Court.

Do the following tasks:

- (1) According to the discussion in study unit 1, government authority may be divided into three parts, namely legislative, executive and judiciary authority. In which of the three categories would you classify the above institutions?
- Put a cross under the appropriate option

	Legislative	Executive	Judiciary
Special Income Tax Court			
Industrial Courts and Labour Appeal Courts			
Medicines Control Council and Appeal Committees			

- (2) Each of the above institutions (*Special Income Tax Court*, *Industrial Courts and Labour Appeal courts* and the *Medicines Control Council and Appeal Committees*) is related to one of the following functional fields of the executive authority.
- Write the name of the appropriate institution in the column next to the following functional fields:

Functional fields	Parastatal institutions
Industrial peace and job creation	
Enabling	
Protection	



.....

We have looked at only three examples of parastatal institutions that are involved in judiciary administration. There are many more examples of similar institutions.

Remember: some of the examples above could cease to exist or could acquire new names. Update the list for yourself.

You may have been puzzled by the classification of these institutions in terms of the tripartite division of government authority. You were right if you thought that the functions of all three institutions may be typified as judiciary.

How can that be? This whole theme deals with the organisation of public services provision. The provision of public services is, after all, the domain of the executive authority. How does the typification of the functions of these three parastatal institutions as being part of the judiciary authority fit in?

To add to this apparent discrepancy, you linked the institutions in question to executive government functions in the second part of the activity. It makes sense that

- the *Special Income Tax Court* is involved in the government’s enabling function
- *Industrial Courts and Labour Appeal Courts* are part of the government’s function to bring about industrial peace
- the *Medicines Control Council and Appeal Committees* are related to the government’s function to promote health (In this case you may have argued that it is related to the government’s function to protect society against a possible threat to their health or lives.)

Because institutions such as these are, in fact, responsible for the administration of justice in the functional fields of the executive, they are judiciary institutions that adjudicate administrative issues.

Why cannot the judiciary do this itself? Or why cannot this function be part of an executive department?

In both cases the answer is that a parastatal institution established for the specific purpose of fulfilling the particular function will be better at it. Because we are dealing with specialised fields, these institutions are better able to concentrate on this function than the general courts in the judiciary. As the executive departments are often a party in the cases to be adjudicated by the particular court, it is in the interest of the impartial administration of justice for the particular function to be performed by a separate institution.

You have most probably received your schooling at a state school. The school was therefore under the control of one of the departments of education. The syllabuses were prescribed by the particular department, the teachers were paid by the department and the standard of education was guaranteed by the department. The pattern of education by an education *department* probably applied to both your primary (primary school) and your secondary (high school) education.

As a student at Unisa you are now receiving higher education and training. Unisa is only one of the many institutions that offer higher education and training. Apart from the other universities, there are also universities of technology involved in providing

- a high-level corps of workers to the business world, industries, professions and government sector, as well as
- the leadership to guide the path of development of the country.

Institutions for higher education and training therefore have the following aims:

- promoting knowledge by teaching, training and evaluating students in academic and scientific, professional and technical disciplines
- undertaking scientific research
- community involvement

ACTIVITY

ACTIVITY

- (1) Imagine that you are employed by the national Department of Higher Education and Training (DHET). The minister has received the following question from parliament and is required to respond with a written answer:

“Why can’t the Department of Higher Education and Training provide tertiary education itself?”

The parliamentary office of your department has asked several experts in the department for their inputs to answer the question. You have also been requested to prepare a memorandum of approximately 300 words explaining **why tertiary education should not be provided by a state department**. You have also been requested to substantiate your statements by referring to experts.

Follow these steps to prepare the memorandum:

- Read the aims of higher education and training institutions in section 3.4.4 above again.
- Make your own list on the basis of those aims.
- Also read the statements and quotations on tertiary institutions below.
- From these, formulate a main thought or reason why you would say that higher education and training should not be provided by a state department.
- Use the aims of higher education and training institutions in your list as well as the statements and quotations below as supporting ideas or reasons for your main thought.

- Arrange those supporting ideas or reasons in a sequence that makes sense to you.
- Now write a memorandum of approximately 300 words.

Statements and quotations on tertiary institutions

- (1) The government is responsible for structuring a single, coordinated and educationally accountable system of education for the country as a whole.
- (2) Scientific teaching and experimental investigation can flourish only in an environment
 - of unbiased research and thinking
 - free of religious and scholastic dogma or political and economic pressure
 - of free discourse in which findings may be shared with students and the public without fear of intimidation or subordination
- (3) Academic freedom is defined by Lovejoy (1953:384) as “the freedom of the teacher or research worker in the higher institutions of learning to investigate and discuss the problems of his science and to express his conclusions, whether through publication or in the instruction of students, without interference from political ecclesiastical authority, or from the administrative officials of the institution in which he is employed, unless his methods are found by qualified bodies of his own profession to be clearly incompetent or contrary to professional ethics”.
- (4) “Recognition by the state of the autonomy, academic freedom, and individuality that institutions of higher learning have traditionally enjoyed ... has seen the establishment and incorporation of such bodies, each under its own private act of parliament, as parastatal institutions attached to the responsible state department of education ...” (Loxton 1992:332).
- (5) “Each higher educational institution is empowered to govern its own affairs by means of a council and senate, with the vice-chancellor and principal (or rector) acting as chief executive officer” (Loxton 1992:332).
- (6) The council of a higher education institution is responsible for appointing all staff required for teaching and administrative purposes.

Bronnelys:

Lovejoy, AO. 1953. Academic freedom, in *Encyclopaedia of the Social Sciences*, vol 1, edited by ERA Seligman & A Johnson. New York: MacMillan & The Free Press, 384–388.

Loxton, A. 1992. Criteria for determining the functions and organisation of central government administration in South Africa. Report PAN-4B. Pretoria: Human Sciences Research Council.

ACTIVITY

How did you fare in this activity? Check whether your answer meets the following requirements, among others:

- The answer has been structured into
 - an introduction consisting of the problem statement (that is the question that was asked) and the main thought (that is the core of the reply)
 - a central part (the supporting thoughts set out in a logical manner) and — a conclusion (the summary and conclusion relating to the main thought)
- The statements and quotations have been rewritten in your own words

- You have used the prescribed reference techniques (in this respect you should consult Tutorial Letter PASALLP/301 again).
- A bibliography has been included at the end.

345 *Research and development institutions*

South Africa has numerous research and development institutions that commission research for social, scientific and technological development. The roles of research and development institutions are explained in South Africa's National Research and Development Strategy, 2002.

Research and development institutions are closely related to institutions for higher education. The following are some examples of research and development institutions:

Human Sciences Research Council (HSRC)
 Council for Scientific and Industrial Research (CSIR)
 Council for Geosciences
 South African Medical Research Council
 National Research Foundation (NRF)
 Water Research Commission
 What do these institutions have in common?

Loxton (1992:335) comes to the conclusion that these institutions

- are all involved, unlike state departments, in mainly private goods and services
- operate within the free market
- require a more flexible organisational environment than that of a state department
- should function as parastatal institutions

Each of these institutions has been established in terms of a different act of parliament. Members of the management board are usually appointed from the ranks of qualified, expert and experienced persons in the particular field. The board in turn appoints the chief executive officer who will be responsible for appointing members of staff. The income of these institutions comes from parliamentary grants, the sale of goods and services as well as other forms of income. Because these institutions have been established in terms of an act of parliament and are substantially funded by the government, they are also under parliamentary control.

346 *Cultural and environmental management institutions*

South Africa is a multi-ethnic country and has diverse cultures. Provision for the establishment of cultural institutions is made in the Cultural Institutions Bill of 1998.

What do the following institutions have in common, in your opinion?

South African National Parks Board (SANPARK)
 National Botanical Institute of South Africa
 South African Cultural History Museum

The South African National Parks Board and the National Botanical Institute of South Africa clearly have to do with nature, and the other four institutions are involved in culture. You may find it interesting to look up the words “nature” and “culture” in an English language dictionary and compare their meanings.

If you were to investigate the particular institutions further, you will find that they are all strongly involved in some way or another in

- conservation
- public information

They are furthermore involved in promoting

- cultural activities
- opportunities and facilities for the community

It is the research and conservation components of their activities that are a collective service and as such dependent on government funding. The other services that are provided to the public are typically individual services. These are delivered for a set fee. Make sure that you will be able to answer questions on

- the aim of this type of institution
- the reasons why an ordinary state department would not be able to provide these specific services

Commercial and industrial enterprises

34.7

Wealth creating services are services involved in the production, distribution and consumption of everything that people need to provide in their basic needs but also to satisfy their highest aspirations. They include all services relating to the production, distribution and consumption of goods and services. These services also promote people’s right to earn an income. Furthermore, they include the development of a fundamentally sound national economy. In brief, these services affect the economy of the country directly.

The government meets its obligations in this field by becoming involved in two ways. The first is by means of state enterprises, the second by public utility companies.

The following are examples of state enterprises:

- enterprises that resulted from the inability of the private sector to establish such undertakings: Sasol Ltd
- strategic enterprises: Armaments Corporation of South Africa (Armcor) and the Central Energy Fund
- joint public and private enterprises: Tweefontein Timber
- economic development enterprises: Development Bank of Southern Africa

These state enterprises are involved in providing purely individual services. They operate according to purely business principles within the market mechanism. These enterprises are established in terms of acts of parliament. They are characterised by a combination of public ownership and accountability and business management in the public interest.

Examples of public utility companies are the SA Post Office, Transnet, Telkom SA Ltd, Eskom and the Rand Water Board. All these companies provide private goods and services that are indispensable to sustain and enrich life as well as to create wealth for society as a whole.

The chairman and members of the management board of all two categories of institutions are appointed by the government from the ranks of qualified, expert and experienced people in the particular field.

34.8 *Social service institutions*

Social service institutions overlap in a certain sense with the three categories of institutions that have been discussed, namely advisory institutions, regulatory institutions and judiciary institutions. These institutions are the result of the community's involvement with those members of the community who are temporarily or permanently unable to look after themselves.

Which institutions are involved?

- Advisory institutions:
 - South African Housing Advisory Board
 - National Advisory Board for Rehabilitation Issues
 - National Advisory Board for Correctional Services
- Regulatory institutions:
 - Regional Welfare Boards
 - Council for Social and Associated Workers
- Judiciary institutions:
 - Fund-raising Appeals Committee
 - Welfare Appeal Committee
- Administrative and management institutions:
 - Correctional Boards
 - Various fundraising boards

In the rapidly changing environment of today, new institutions are established all the time. Some of the examples mentioned above may in the meantime have been replaced by other institutions. The specific institutions are therefore not as important as the overall category and its purpose.

ACTIVITY

3.7

ACTIVITY

To be able to understand the roles and characteristics of constitutional support institutions, you need to refer to Chapter 9 of the Constitution of the Republic of South Africa and read specifically subsections 196(2) and (3) of the same Constitution. Seven institutions are identified to be playing a meaningful role in supporting and strengthening constitutional democracy. Those seven institutions are:

- The Public Protector
- South African Human Rights Commission
- The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities
- The Commission for Gender Equity
- The Auditor-General
- The Electoral Commission

ACTIVITY

These above seven institutions are involved in maintaining or reinforcing the constitutional democracy in our country. One of the central characteristics of these institutions is that they must be independent of any influence by the executive or legislative authority, or by any individual or group within society. The executive authorities which include state departments are often themselves investigated by these institutions. For that reason these institutions are not ordinary state departments under control of a minister. Neither do the employees employed by these institutions form part of the public service.

These institutions are required to report on their activities annually to the National Assembly. This means that breaches of constitutional values and principles cannot be covered up. In this way, public accountability is promoted across a wide range of fields.

These institutions are required to report on their activities annually to the National Assembly. This means that breaches of constitutional values and principles cannot be covered up. In this way, public accountability is promoted across a wide range of fields.

3.5

R · E · V · I · E · W

This has been a long study unit. Do you still remember:

- the different categories of public institutions?
- the distinct characteristics of each category?

Make sure that you are able to distinguish between:

- departments and parastatal institutions
- the various parastatal institutions

Can you still identify the primary functions for which the particular categories of institutions are responsible (eg advise, regulate, etc)?

Can you explain why the services provided by the various parastatal institutions cannot be provided by state departments? Moreover, will you be able to defend the existence of the different categories of institutions?

SELF-EVALUATION

Theme 1: *How is public service delivery organised*

The purpose of this theme was to give an overview of the organisation of public service provision. Let's look at the picture you have of the macro-organisation of public service delivery.

- (1) The provision of public services has three dimensions.
 - Name all three dimensions.
 - Describe each dimension separately in about two sentences.
- (2) Government authority may be divided into three classes.
 - Name the three classes.
 - Give a very brief summary of each class.
 - Illustrate it by drawing a brain chart.
- (3) South Africa may be typified as a presidential democracy or a parliamentary democracy.
 - How would you typify South Africa?
 - Substantiate your choice in a short paragraph by using one of the main criteria.
 - Look again at your answer to a similar question in activity 1.5.
- (4) Give a description of the composition and powers of the judiciary in the Republic of South Africa.
- (5) You are an official of an imaginary Department of Government Organisation. You are required to make a recommendation to the head of your department indicating the appropriate sphere of government that should assume responsibility for street lighting.
 - Use the rule of subsidiarity.
 - Write an essay in the form of a submission of approximately 400 words.
- (6) What do you understand by the term "cooperative government"?
 - Write your answer in approximately 300 words.
- (7) National, provincial or municipal departments or administrations have certain characteristics.
 - Describe and analyse these characteristics.
- (8) There are different categories of parastatal institutions.
 - Name them and discuss each category separately.
- (9) Make sure that you can categorise public-service provision in terms of:
 - the three divisions of government authority
 - the three spheres of government
 - the various types of public institutions

If you want to know more about organising public service delivery, you are welcome to read the following:

- Labuschagne, P. 2004. The doctrine of separation of powers and its application in South Africa. *Politeia, Journal for Political Science and Public Administration*, 23(3):84–102.
- Loxton, A. 1994. Public functions and public institutions: a criteriological approach. *SAIPA – Journal of Public Administration* 29(2):87–147.
- Rautenbach, IM & Malherbe, EFJ. 1998. *What does the constitution say?* 1st edition, 2nd impression. Pretoria: JL van Schaik Academic.
- Robson, IH. 2006. *The assignment of responsibilities for the performance of public functions to levels or spheres of government in South Africa*. An unpublished thesis for the degree Doctor of Literature and Philosophy. University of South Africa: Pretoria.
- Smith, BC. 1997. The decentralisation of health care in developing countries: organizational options. *Public Administration and Development* 17(4):399–412.
- South Africa. 1998. *Cultural Institutions Bill*. Government Communication and Information System: Pretoria.
- South Africa. 2002. *South Africa's National Research and Development Strategy*. Department of Science and Technology: Pretoria.
- South Africa. 2003. *The machinery of government: structure and functions of government*. Department of Public Service and Administration: Pretoria.
- Thynne, I. 1998. Government companies as instrument of state action. *Public Administration and Development* 18(3):217–228.
- Thynne, I. 1998. Government companies: ongoing issues and future research. *Public Administration and Development* 18(3):301–305.
- Toulemonde, J. 1996. Can we evaluate subsidiarity? Elements of answers from the European practice. *International Review of Administrative Sciences* 62(1):49–62.
- Van de Ven, ALTM. 1998. Structural adjustment and state-owned companies in The Netherlands. *Public Administration and Development* 18(3):257–263.
- Venter, A (ed). 1998. *Government & politics in the new South Africa*, Pretoria: JL van Schaik Academic (or any later edition of the book).
- Wettenhall, R. 1998. The rising popularity of the government-owned company in Australia: problems and issues. *Public Administration and Development* 18(3):243–255.

.....

THEME

Who provides public services?

2

.....

O V E R V I E W

Key question59

Key concepts60

.....

S T U D Y U N I T

4

Public officials: the facts61

4.1 Introduction61

4.2 Public officials: factual data and their sources61

4.3 Public officials63

4.4 The public service67

4.5 Officials in parastatal institutions73

4.6 Officials at the local sphere government74

4.7 Review76

.....

S T U D Y U N I T

5

Public officials: some thoughts77

5.1 Introduction77

5.2 *A representative public sector* 79

5.3 *Rightsizing and the distribution of personnel between provincial
administrations and national departments* 82

5.4 *Review* 84

S E L F - E V A L U A T I O N

.....



Who provides public services?

2

OVERVIEW

Theme 1 of this study guide provided us with an overview of the macro-organisation of public service provision. We learnt the following:

- The provision of public services within the trias politica principle forms part of the responsibilities of the executive authority.
- Public services in South Africa are provided at three different spheres of government
- Public services are provided by a variety of government institutions

This brings us to the question that logically follows theme 1: Who provides those public services?

- the executive authority?
- the authorities at the different spheres of government?
- the various institutions?

What we really want to know is “who does the work?” Who delivers the services?”

The answer in this theme is: “public officials”.

Officials employed by executive government institutions at the different spheres of government are therefore responsible for delivering public services. In this theme you will get the opportunity to gain more detailed information on public officials.

After having worked through this theme, you are expected to summarise and interpret the most important facts about public officials

KEY QUESTIONS

This theme is guided by the following key questions:

- Which criteria may be used for classifying public officials?
- What are the different sectors in which public officials may be found?
- How should the personnel statistics, tables and graphs in the various official reports be interpreted?
- What is the current thinking on public officials?

KEY CONCEPTS

- pie chart
- economically active population
- public sector
- public service
- parastatal institutions/public entities
- local authorities
- departments
- national departments
- provincial departments
- provincial administration
- public officials
- public servants
- municipal officials
- parastatal personnel
- population group
- gender
- salary
- management cadre
- affirmative action
- rightsizing

Public officials: the facts

Introduction 4.1

When we think of officials in the public sector, we invariably imagine many people in government institutions all over the country busy providing some government service or another. You may be one of those officials yourself, or perhaps you know such an official or will soon be one.

Although each official is a unique human being with unique characteristics, officials do have certain characteristics in common, such as gender, population group and salary bracket. In order to construct a representative picture of all public officials, we therefore need to classify them according to the particular characteristics that they have in common. This makes it possible, for example, to determine how many public officials are women, black and in the management cadre.

Because almost all the students enrolled for this course live in South Africa, we use South Africa as our example throughout, as we did in theme 1. The purpose of this study unit is to look at the facts concerning South African officials in the public sector.

facts: information that is actually true and can be checked or verified

Public officials: factual data and 4.2

their sources

In your studies you will often be required to collect factual data on things. The same will happen in your work situation.

There are two main questions in this respect:

- Which type of factual data is important?
- Where can one obtain factual data on South African public officials?

The importance of factual data is determined by the person or institution that requires the data. Deciding whether data are important or not is highly subjective.

In other words, something that may be important to you as a student may not be important to a member of the opposition party in parliament, and vice versa.

With that in mind, we focus instead on the sources of data on public officials.

4.1 ACTIVITY

ACTIVITY

Quickly write down the following information next to each question:

(1) **Students who are working:** For which department/administration/employer do you work?

Full-time students: Ignore this question and go to question (2).

(2) **Students who are working:** How many staff members are employed by your department/administration/employer?

Full-time students: How many students were registered at Unisa in the previous academic year?

(3) How many men and how many women does the figure in (2) constitute?

ACTIVITY

Was it easy to find the answers to the questions? If you had the necessary sources at your disposal to look up the data, it would have been easy. If you did not have the necessary statistical sources, however, you were probably not able to give the answers. This activity is merely an illustration of the fact that it is not possible to give reliable statistical data without the necessary sources.

There are many sources for data on public officials. An important source is the annual report of the Department of Public Service and Administration. Another source is the statistical releases of the Central Statistical Service. Many executive government institutions as well as parastatal institutions publish an annual report every year. It usually contains information on officials employed by the particular institution.

Each of the publications presents its data according to those information categories that are of importance to the compiler and to the potential readers of the publication.

For the purposes of this study unit, we use only the following eight sources:

South Africa. 1998. Public Service Commission. Annual Report 1998. RP 221/1998.

South Africa. 1999a. Department of Public Service and Administration. Annual Report 1998. RP 56/1999.

- South Africa. 1999b. Department of Public Service and Administration. Exchequer Personnel 1998.
- South Africa. 2005. Statistics South Africa. Mid-year population estimates, South Africa 2005. Statistical release P0302. Online: <http://www.statssa.gov.za>. (accessed Dec 2011)
- South Africa (Republic). 2006a. *An audit of affirmative action in the public service*. Pretoria: Public Service Commission. Available at: www.psc.gov.za/home_docs/Low-rez%20Document.pdf (accessed on 2/2/2009).
- South Africa (Republic). 2006b. *Gender mainstreaming initiative in the public service*. Pretoria: Public Service Commission. Available at: www.psc.gov.za/docs.reports/2007/gender_streaming/gender_mainstream.pdf (accessed on 2/2/2009)
- South Africa (Republic). 2008a. *State of the public service report 2008*. Pretoria: Public Service Commission. Available at: www.psc.gov.za/docs.reports/2008/SOPS%20Report.pdf (accessed on 29/1/2009).
- South Africa (Republic). 2008b. Statistics South Africa. Mid-year population estimates, 2008. Statistical release P0302. Available at: www.statssa.gov.za/publications/P0302/P03022008.pdf (accessed on 29/1/2009).

All eight sources are official publications of the South African government. You should try to get hold of the latest annual reports and statistical releases and compare the data in those publications with the data in these. The institution that employs you has probably also published an annual report. Get hold of a copy and page through it. Look specifically at the data that it contains on personnel who are involved in service provision by the institution.

Public officials 4.3

How many officials are involved in the provision of public services in a country such as South Africa? The public at large usually thinks there are “too many”. Before we can judge, we need to find out in which fields are officials involved in providing public services.

ACTIVITY 4.2

ACTIVITY

It is once again time for a conference. Your minister, the Minister of Public Service and Administration, has been invited to open an academic conference. The theme for his opening address is: “Officials in the public sector: the facts”. The minister would like to give his audience a brief overview of the basic facts on officials in the public sector. The department has received a memorandum from his office requesting that a speech be written for him.

Your deputy director has been instructed to write the speech. He or she has asked a number of officials to provide her with the information. You have been asked to

provide, within a day, the statistics, together with explanatory notes, on the public service as a percentage of

- the total population
- the economically active population
- the public sector

The only official source that you have at your disposal is the 1998 Annual Report of the Department of Public Service and Administration and its addendum *Exchequer Personnel* 1998.

- (1) Study figures 4.1 to 4.4 as published in the appendix (Exchequer Personnel) to the 1998 Annual Report of the Department of Public Service and Administration
- (2) Draw up a table in which you express the public service as a percentage of the total population, the economically active population and the public sector, respectively.
- (3) Then write your explanatory notes.

FIGURE 4.1

Comparative statistics (South Africa 1999b:8)

A = Total population
B = Economically active population
C = Public sector
D = Public service

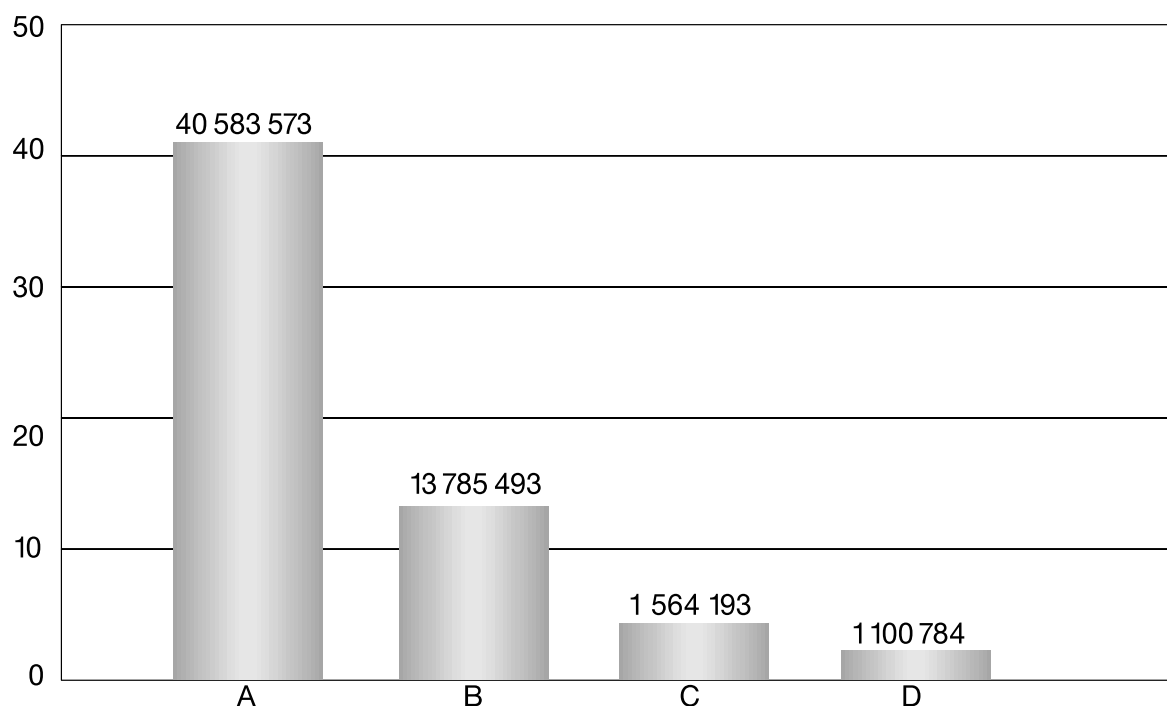


FIGURE 4.2
Public sector (South Africa 1999b:8)
 (1 564 193)

31 DECEMBER 1998

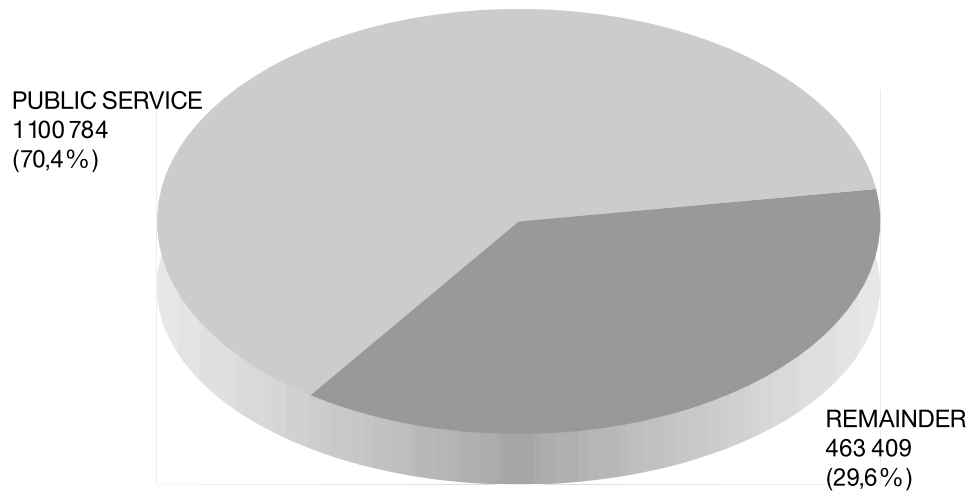


FIGURE 4.3
Economically active population (South Africa 1999b:8)

(13 785 493)

31 DECEMBER 1998

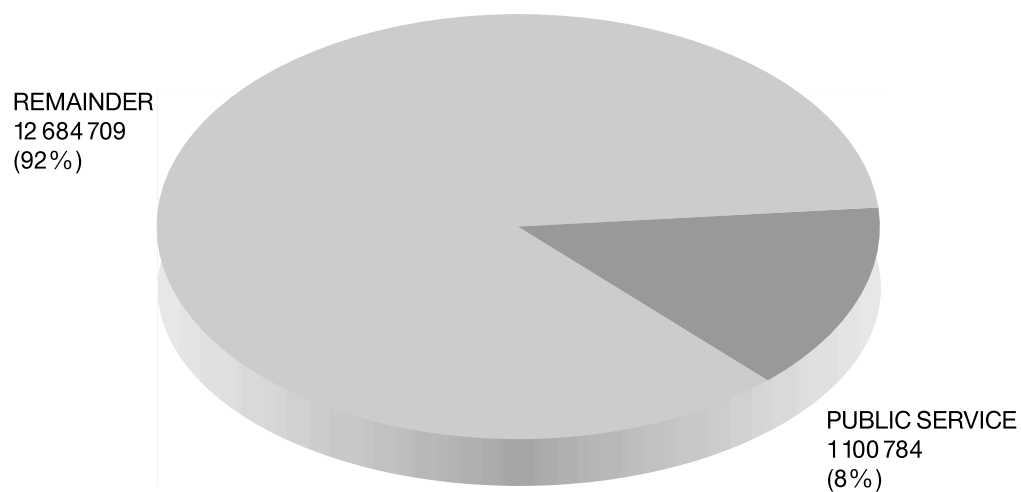
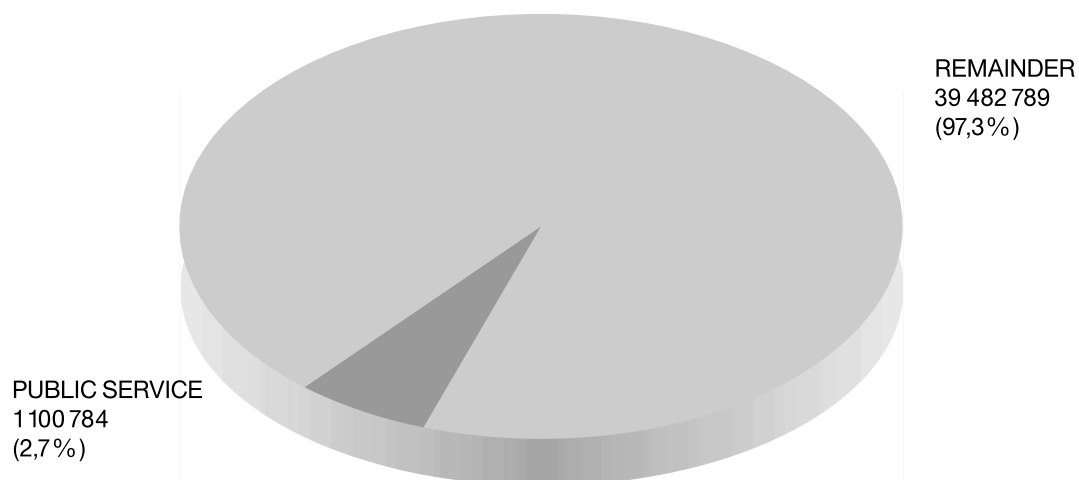


FIGURE 4.4

Total population (South Africa 1999b:8)

(40 583 573)
31 DECEMBER 1998



Your table may have looked as follows:

TABLE 4.1

The South African Public Service as a percentage of ...

The South African Public Service constitutes	
? %	of the total population
?%	of the economically active population
?%	of the public sector

Figure 4.1 is called a bar graph. As you will have noticed, figure 4.1 does not show percentages, but the numbers of the total population, the economically active population, the public sector and the public service, respectively. Each item for which a statistic is given is represented by a bar. The numbers listed on the left-hand side of the diagram show the quantities in units of ten million people.

In your notes to the deputy director, you may have pointed out that less than half (approximately 34 per cent) of the total population is considered to be *economically active*. This means that approximately 66 per cent of the population are children and old people who are not capable of being productive, and housewives whose family obligations prevent them from participating in economic activities. Think of the implications that this has: approximately one third of the total population has to support the entire population!

Public officials are those who are employed in the *public sector* according to the figures above. They are represented by the third bar in figure 4.1 and constitute approximately 11,35 per cent of the economically active portion of the population. Look again at the percentage of the total population made up of public officials as you have entered it in the table. This is the percentage of the population that is responsible for making the “good life” possible for the entire population. The population of officials includes all officials

- in the public service
- employed by parastatal institutions
- in the local government service

Figures 4.2, 4.3 and 4.4 are known as pie charts. They remind one of a pie with a slice cut out. In figure 4.2 the “pie” is the public sector, in other words all officials in the public sector. You will notice that the public service constitutes almost two thirds of the “pie”.

You may have explained in your notes that the public service in the Republic of South Africa includes all persons employed by the national departments and the nine provincial administrations in terms of schedules 1 and 2 of the Public Service Act of 1994. You may also have pointed out that approximately two thirds of all public officials are involved in service provision at national and provincial levels of government.

There is not much more to be said in the notes other than to explain the different categories of officials. Because you did not have the necessary comparative statistics and data at your disposal, you would not have been able to make statements such as the following:

- The public sector is too large in comparison with the economically active population.
- The public service employs too many officials in comparison with the other institutions in the public sector.

One therefore cannot say more than what the data allow one to say.

The public service
4.4

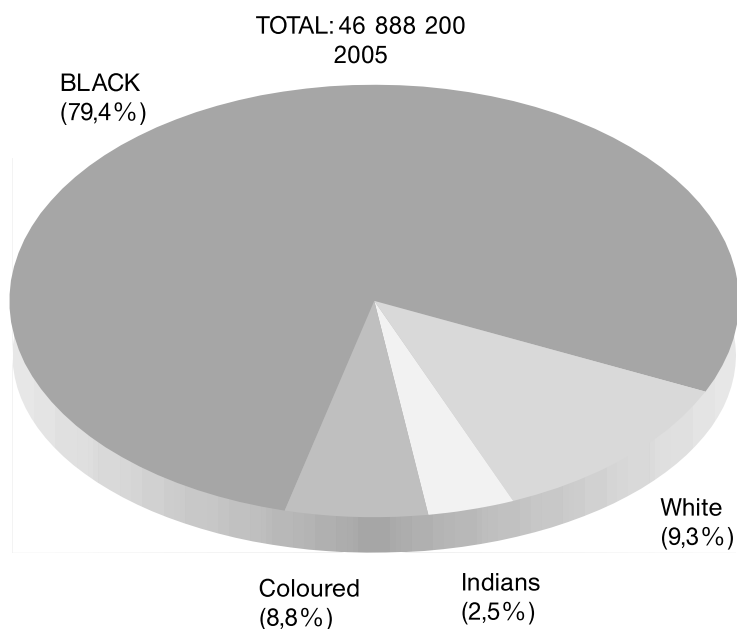
Figure 4.2 showed that the public service constitutes approximately 70 per cent of all officials in the public sector. What more can we find out about the public service?

ACTIVITY

The annual reports mentioned above contain many figures and tables on the composition of the South African Public Service. Different factors are used to analyse the Public Service. Study the following graphs (figures 4.5 to 4.8) and then do the activity that follows

FIGURE 4.5

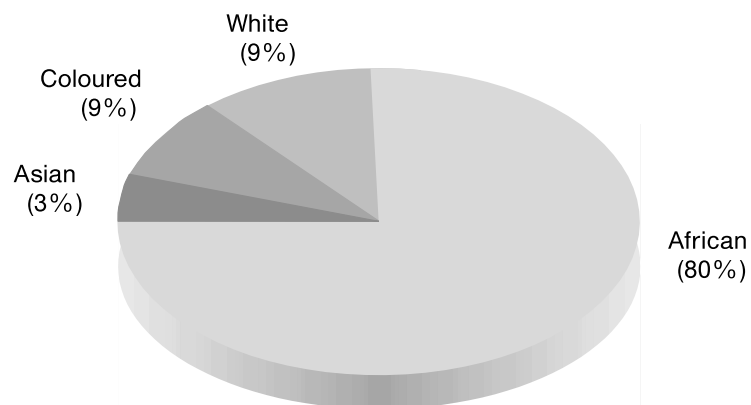
The population composition of South Africa (2008)



(Source: South Africa 2008b:9)

FIGURE 4.6a

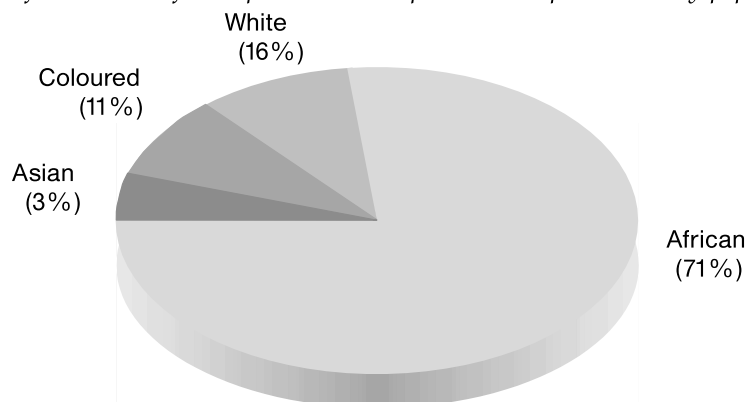
The composition of the South African public service (national departments) by population group (2007)



(Bron: South Africa 2006a:86.)

FIGURE 4.6b

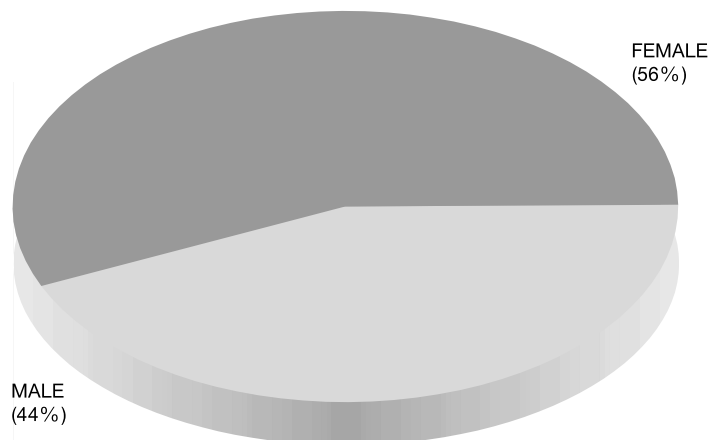
The composition of the South African public service (provincial departments) by population group (2007)



(Bron: South Africa 2006a:86.)

FIGURE 4.7

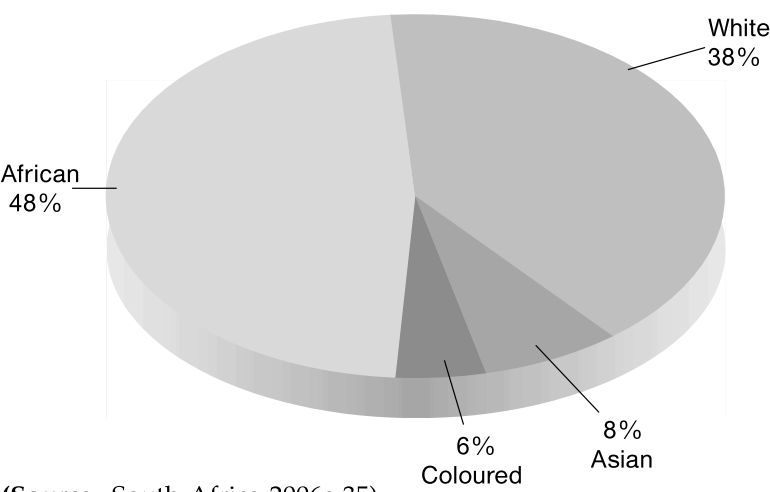
The composition of the South African Public Service by gender (2006a)



(Bron: South Africa 2006a:viii.)

FIGURE 4.8

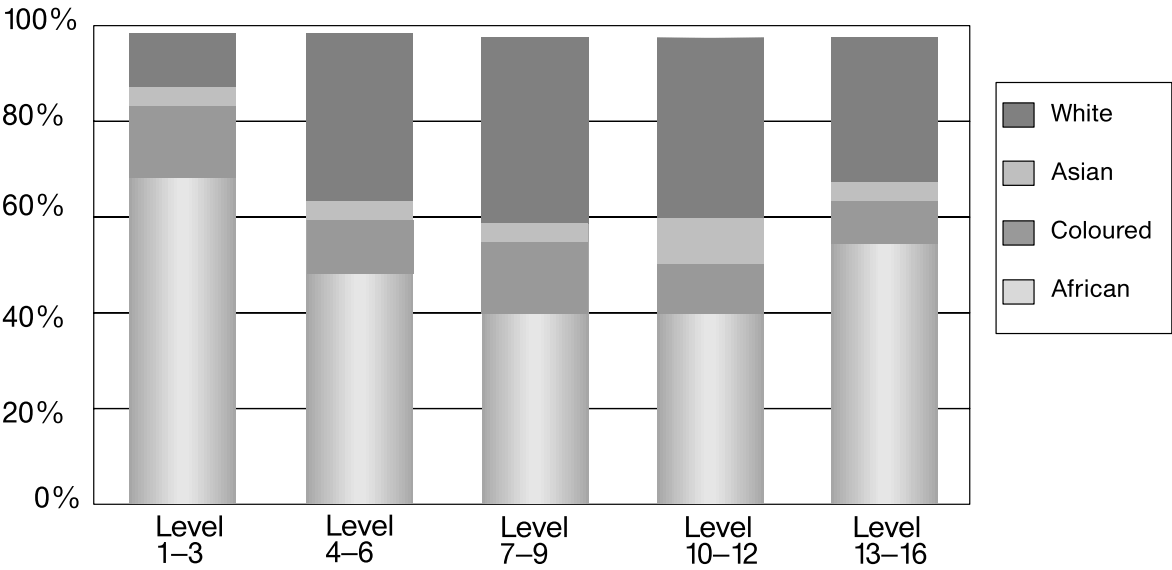
Racial composition of Women at Management Levels (10–16) in National Departments



(Source: South Africa 2006a:35)

FIGURE 4.9

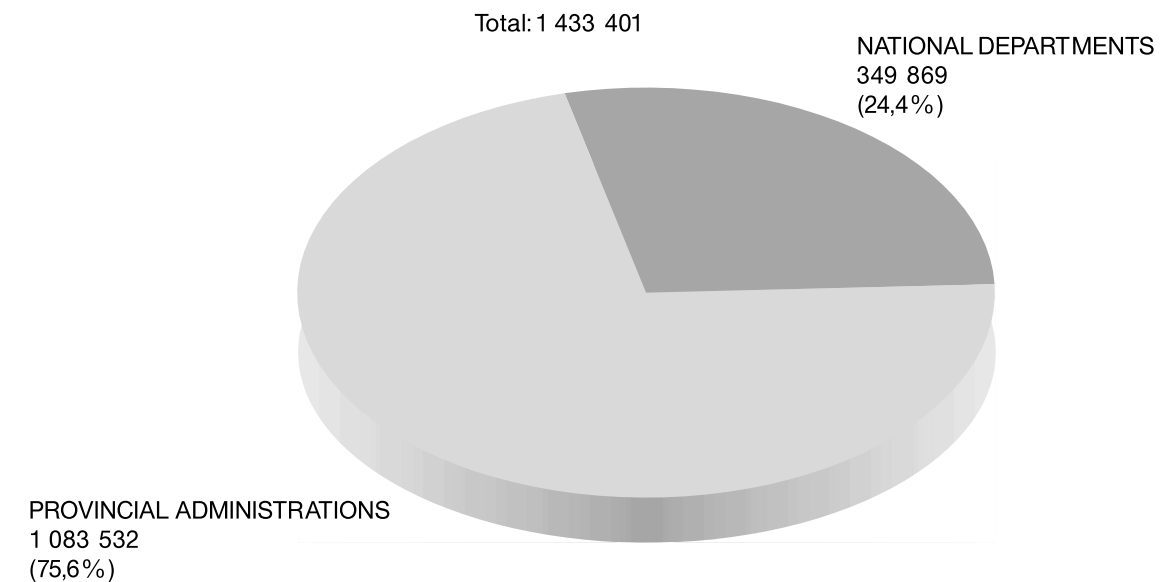
Racial composition of Women Across Different Salary Levels in National Departments



(Source: South Africa 2006a:35.)

FIGURE 4.10

The distribution of the South African Public Service between national departments and provincial administrations (2008)



(Source: South Africa 2008a:80.)

- (1) You have probably noticed that graphs are but one way of representing factual data on something. There are many other methods, such as tables. Use the figures above to complete the following tables:

TABLE 4.2

A comparison of the population composition of South Africa and the South African Public Service

	South African population %	South African Public Service %	
		National	Provincial
Black			
Coloured			
Indian			
White			

- (2) If the population composition of the South African public service (national and provincial) is expected generally to reflect the composition of the South African population, what adjustments, in your opinion, need to be made to the population composition of the South African public service in order to achieve the “desired” reflection? Write your answer in a short paragraph.
- (3) Use the above figures to complete the following table:

TABLE 4.3

The composition of women at management levels in the South African public service by population group

	%
Black	
White	
Coloured	
Indian	
Total	

- (4) Another method of presenting factual data is by expressing them in words, sentences and paragraphs. Complete the missing information in the following sentence:

Approximately per cent of members of the South African public service are employed in national departments, while approximately 76 per cent are employed in the various From this one may conclude that the vast majority of public services are provided by public servants at the level of government.

- (5) The salary brackets in the public service correspond more or less with the different levels of work performed by public servants (South Africa 1999b:6). Complete the following sentence:

As indicated in figure 4.9 the racial composition of women in the national departments differs from salary levels to salary level. The percentage of White women increase from salary level to salary levels, but drops at the highest salary levels. The inverse holds true for women. The percentage of coloured women decreases from the low to the high salary levels, but improves at the highest salary level. The percentage of Asian women shows a steady increase from the lowest to the highest salary level (South Africa 2006a:35).

- (6) Give your own opinion. How do you feel about the following:
- How representative is the South African public service in respect of gender and population group?
 - How are public servants distributed across the various salary brackets and job classes?
 - How are public servants distributed between the national departments and the provincial administrations?

How did you fare in this activity? Did you manage not to confuse the percentages and the numbers? You have probably noticed that it is easier to compare different groups of personnel when using percentages.

What more have you learnt about the public service? The most important is probably that the concept “public service” refers to people (and not to institutions). By using the different figures, you have seen that people who constitute the public service

- are employed in national departments and provincial administrations
- are members of all the main population groups of South Africa
- consist of both men and women
- form part of different salary categories and job classes

You will now also be able to take each of the above categories of analysis and describe them in more detail in your notes.

The important aspect here is not the numbers and percentages. By the time that you read this study guide, these will in any case have changed. The basic trends are likely to remain unchanged. Make sure that you know what the various factors or categories of analysis are. Also make sure that you are able to read and understand graphs and tables.

Officials in parastatal institutions 45

You were introduced to parastatal institutions, also known as quasi-autonomous institutions or public entities, in theme 1 of this study guide. You have also noted the fact that these institutions, unlike state departments, are not government institutions. Although the staff employed by these institutions are not public servants, they are involved in public service provision.

ACTIVITY 4.4

A C T I V I T Y

Since officials employed by the various parastatal institutions are not public servants, the Annual Reports of the Public Service Commission and the Department of Public Service and Administration do not contain any information on them. The statistical releases of the Central Statistical Service do give statistics on parastatal institutions. The Central Statistical Service gives separate statistics for

- parastatal institutions (including councils for scientific research)
- universities and universities of technology
- agricultural marketing boards
- public corporations

Note that this classification is not the same as the one we used in theme 1. When we refer to parastatal institutions, we include all four of the above categories.

The table below gives the statistics for only those public officials who were employed by the councils for scientific research on 30 September 1996. Study the table and then do the activity.

TABLE 4.4

Personnel composition of the councils for scientific research in South Africa as at 30 September 1996
(South Africa 1997d)

Total	Black	Coloured	Indian	White	Unspecified
10781	2603	474	61	4057	3586
100%	24,1%	4,4%	0,6%	37,6%	33,3%

- (1) Draw a freehand pie chart to illustrate the population composition of personnel employed by the scientific councils.



How did you fare with the pie chart? It need not look as neat as the graphs printed in the study guide. The important question is whether you were able to graphically illustrate the statistics given in the table. These days, many word processing programs, accounting and graphics computer programs make it easy for any user to present statistical data in graphs and charts.

Did you take your lead from the percentages in the bottom row of the table? Make sure that your chart consisted of five sections (or slices). The first column of the table therefore does not constitute a separate slice of the pie chart, because it is the grand total of the whole pie chart. Each slice represents the percentage of the total for the particular column, and all the slices together add up to the 100 per cent in the first column.

4.6 *Officials at the local sphere government*

According to the 1998 Exchequer Report of the Department of Public Service and Administration (South Africa 1999b), approximately 1 564 193 officials are employed in the South African public sector. In figure 4.2 we saw that public officials are divided into the public service (some 70 per cent) and the “rest” (some 30 per cent). One part of the “rest” is the officials employed by parastatal institutions, and the other part is officials employed at local sphere of government in other words, municipal officials. What does the distribution of public officials tell us about public service provision at the respective spheres of government in South Africa?

ACTIVITY

Table 4.5 sets out the statistics for the distribution of officials in the South African public sector. As there are no recent statistics available on the municipal service and the parastatals, all the statistics used in this activity are rather outdated, although the comparative weights are still valid.

TABLE 4.5
Public officials: a comparison

	Total	%
Public officials	1 564 193	100
National departments	315 507	20,2
Provincial administrations	785 277	50,2
Municipal service	243 775*	15,6
The rest (parastatal)	219 634	14

* (Source: South Africa 2000)

- (1) Use table 4.5 to justify the following statement in about 100 words:
"Compared with the provincial administrations, municipalities in South Africa are involved in the provision of only a limited number of public services."
- (2) Consider the following questions in giving reasons to support your main idea to justify the statement:
 - At which sphere of government is the majority of public officials concentrated?
 - At which sphere of government is the least number of public officials concentrated?
 - Which sphere of government, in your opinion, is most suited to satisfying particular societal needs?

You may have argued that since the greatest concentration of officials is employed by the provincial administrations, one may conclude that they are engaged in providing most of the public services. You may furthermore have argued that although the smallest percentage of officials is employed by the municipalities, this does not reflect the importance of the services they provide.

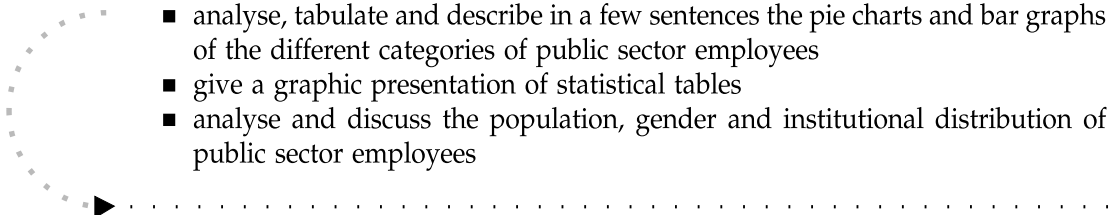
Services provided by municipal officials are specific to communities. The quality of their service provision is very important to their communities. Services that are less community specific are therefore provided at the sphere of provincial government. It is likely that they can provide these services more efficiently than the national departments and, because of the greater scope, they can provide these services more inexpensively than individual municipal departments.

This table is a good example of the fact that one should not draw hasty conclusions from statistical data. The fact that the smallest number of officials is employed by the municipalities therefore does not mean that the services they provide are less important.



In this study unit you have been flooded with factual data on public officials. You may have had the same experience in your work situation or perhaps this still awaits you. The art of using statistical data is to understand such data. By now you should be able to

- identify and name some of the sources for statistical data on employees in the public sector
- identify and name the three main categories into which public sector employees may be classified
- know the basic facts on officials in the South African public sector
- analyse, tabulate and describe in a few sentences the pie charts and bar graphs of the different categories of public sector employees
- give a graphic presentation of statistical tables
- analyse and discuss the population, gender and institutional distribution of public sector employees



Public officials: some thoughts

Introduction 5.1

Study unit 4 introduced you to the basic facts on officials in the South African public sector. Behind these tables and figures, however, you will find many stimulating and divergent thoughts.

What does that mean?

ACTIVITY 5.1

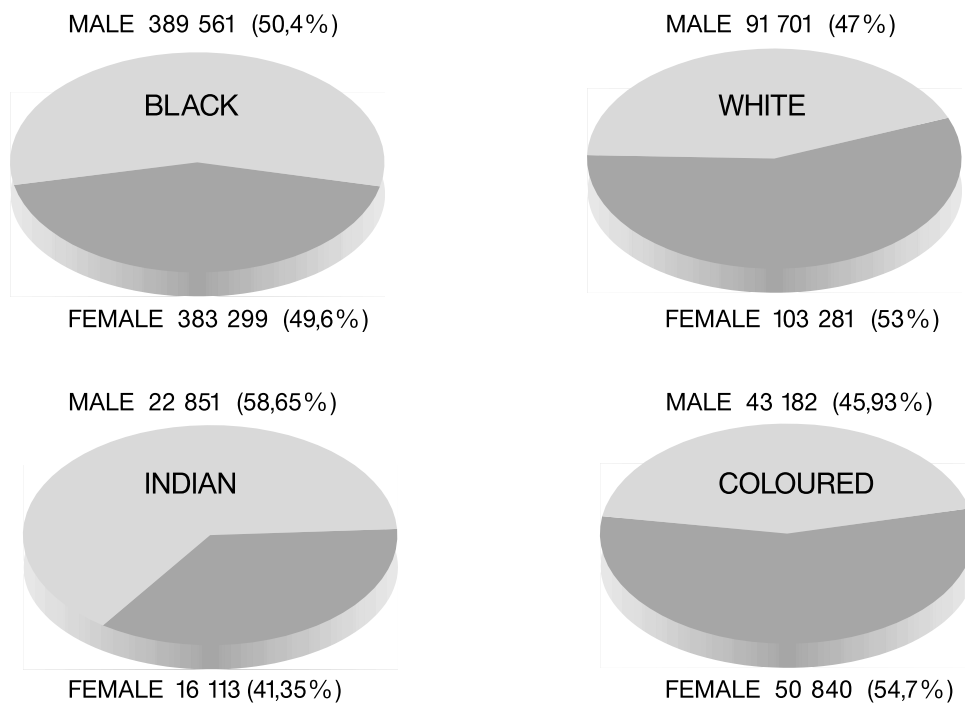
A C T I V I T Y

Look carefully at the following two figures and then answer the questions that follow.

- (1) Name the main thoughts underlying each of the figures.
- (2) Briefly state your opinion on each of these main thoughts.

FIGURE 5.1

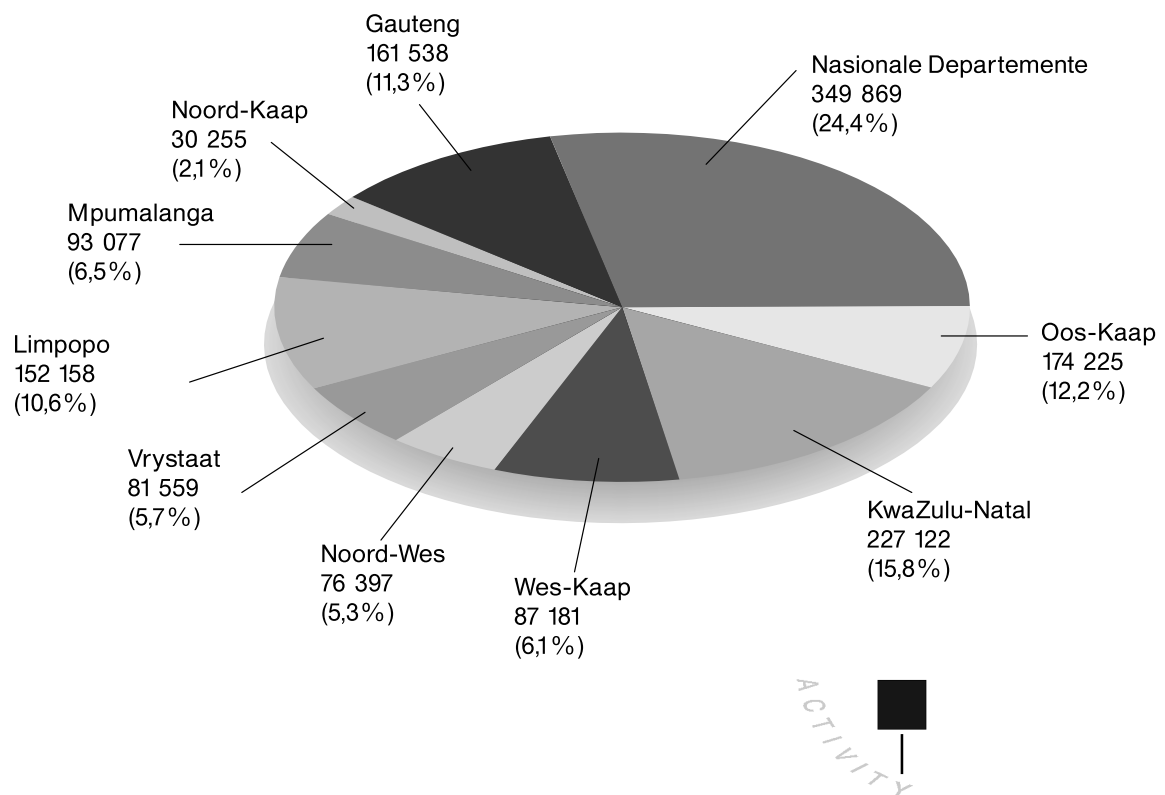
The composition of the South African public service by population group and gender
30 SEPTEMBER 1996



(Source South Africa 1999b:5)

FIGURE 5.2

Comparative personnel statistics of national departments and provincial administrations (South Africa 2008a:80)



Each of the figures contains a number of stories, debates and lines of thought. Figure 5.1 analyses the public service according to gender and population group. What are the main thoughts that you wrote down about this analysis? Perhaps they included one or more of the following:

- affirmative action
- representativeness by gender
- representativeness by population group
- training and development
- “Jobs for South Africa”
- equal opportunities
- discrimination

If we think about it much more carefully, this figure can generate considerably more thoughts and insights.

We now look at the thoughts generated by figure 5.2. The following may have appeared on your list:

- public services
- government functions
- the 1996 Constitution
- *rightsizing*
- voluntary severance packages

In this way, each of the figures that appear in study unit 4 also contains a rich variety of topics for discussion. You are entitled to your own point of view on each of these topics. If you would like other people to take note of your points of view, it will help if you can support them with facts and logical arguments.

In this study unit we consider only two of those topics for discussion, namely

- representativeness
- rightsizing

These are not necessarily the most important topics. In other states these may not even be topics that warrant discussion. At this point in time they are nevertheless very topical in South Africa. In your second and especially in your third year of studies you will be introduced to additional topics and become involved in greater detail.

A representative public sector 5.2

The facts on public officials in South Africa are usually looked at with a specific purpose in mind, namely comparison. One of the popular bases for comparison is the population and gender composition of the public sector. To what extent is the public sector comparable to or representative of the society it serves?

ACTIVITY

Read the following quotations and then do the tasks.

"Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation." Article 195(1)(i) of the Constitution of the Republic of South African Act 108 of 1996)

"The process of legislative reform during 1996 was split into three distinct conceptual phases. The first phase was to remove all discriminatory provisions in the Public Service Act of 1994 to bring it in line with the Constitution, 1993. This was a significant achievement, for no longer could the law or any person or authority discriminate against public servants on the basis of status, race, colour, creed, disability or gender. In this manner we made the service more human and accessible to women, the disabled and people of colour simultaneously bringing it up to date with global thinking as we approach the end of the 20th Century." Dr Paseka Ncholo. Director-General: Department of Public Service and Administration (South Africa 1997b:2).

"The terms *black advancement*, *affirmative action*, *equal opportunities* and *managing diversity* are all labels employed to describe the process by which specific people are given to opportunity to participate fully in the organisations and the societies in which they work and live ..."

"The term *affirmative action* was probably first used in the United States of America where it initially occurred in President Kennedy's 1961 Executive Order (EO) 10925 and gained substance after President Johnson's EO 11264 in 1965 ... The terms stems from the belief that non-discrimination alone is not enough, and the something more positive is required to undo past discrimination and to place minorities on a n equal footing." (Wessels 1992:45–46)

"The purpose of affirmative action is apparently to (a) publicly recognise that previous social practices have been discriminatory; (b) reduce collective guilt by admitting past wrongs; (c) dismantle prior patterns of employment discrimination; (d) increase the opportunities of those who where previously subjected to discrimination; (e) increase the opportunities of those who were previously subjected to discrimination; (e) prevent the same kind of discrimination in future; and (f) rectify immediately society's social and economic inequalities by apply fairness of consequences rather than fairness of opportunity." (Wessels 1992:46)

"The concept of retroactive advancement and development suggests the redressing of past practices, of underdeveloping and marginalising the skills capacity of the majority of the population which must make a contribution to the development and transformation processes. As such, it puts emphasis on education and training as well as on the creation of employment opportunities. It also postulates the systematic reintegration of the majority of the population into South Africa's labour market at all levels through massive training and skills development." (Vil-Nkomo 1995:138)

"... any form of discrimination should be prohibited and that equal employment opportunities, based on merit, should be acceptable throughout government institutions as well as private enterprise. Affirmative action, based on quotas or transfers, however seems to be an unacceptable though an alluring *instant* solution to a historical problem (Andrews 1992:42).

"Equality as an ultimate end of the Bill of Rights (Republic of South Africa 1996, ch 2) seems to entail more than just representativeness as only one criterion for equal employment opportunities. Equality means the equal enjoyment of rights and freedoms guaranteed by the Constitution. If we accept this, it means that equal employment opportunities ... must be balanced by the right of the citizens of the country 'to full and equal enjoyment of all rights and freedoms'... Transformation in the South African public service is a reality. In order to achieve real equality in the country, a more inclusive set of assessment criteria than just representativeness will be necessary to evaluate the successes and shortcomings of the interventions used in this regard" (Wessels 2005:139).

Write an essay of approximately 450 words in which you explain how a public sector may be made representative of its society.

(1) Use the quotations above as sources for this task.

- (2) Write down your main thoughts and supporting ideas in your mother tongue.
- (3) Prepare a framework or a diagram for the essay. The following are some of the features that you should include:
 - introduction: origin of the idea; reason why the public sector should be representative of the population
 - criteria for representativeness: gender, population group, etcetera
 - different methods/programmes/approaches that may be followed to make a public sector more representative, together with the aim or goal of each (affirmative action, black empowerment, etc)
 - advantages and disadvantages
 - your own opinion; conclusion
- (4) Now write your essay. Use the main thought as a starting point. Use your supporting ideas to write down your arguments in simple language. Remember to acknowledge the sources that you have consulted for the purposes of the essay.
- (5) Study Tutorial Letter PASALLP/301 to get the technical requirements.
- (6) Obtain the complete references for the sources of quotations in the bibliography at the end of this study guide.



How did you fare with the essay? As far as the technical aspects are concerned, it is important that you follow the prescriptions in PASALLP/301 very closely. Why is this so important? The technical presentation is intended to make it possible for the reader to check the truth, reliability and validity of your facts and statements. Why is this important? Because we are engaged in science. In a science, we pursue true, valid and reliable knowledge. To achieve this, we must be able to check our knowledge.

As you will have noticed, the representativeness of the public sector in South Africa is a very relevant topic. Even the 1996 Constitution make provision for it. The process of making the public sector more representative of the population has different names:

- equality
- affirmative action
- black advancement
- equal-opportunities employment
- managing diversity
- retroactive advancement
- representativeness.

Each of these has its own definition, but the end goal appears to be the same for all of them. The Public Service Commission published two important reports in this regard, namely *An Audit of affirmative Action in the Public Service* (South Africa 2006a) and *Gender Mainstreaming Initiative in the Public Service* (South Africa 2006b).

Although the representativeness of the public sector and more specifically affirmative action have been discussed in the South African context, the concept

originated in the United States of America. As topic for discussion, it has become indigenous to South Africa and has a bearing on many other topics within the new public sector, for example the principle of merit, effectiveness and efficiency, as well as training and development.

5.3 *Rightsizing and the distribution of personnel
between provincial administrations and national
departments*

The concept of rightsizing is a fairly new term in public administration. The implications of the process of rightsizing in South African context are not as new. In the past, different names were used and different criteria and strategies were applied, but its fundamental aim has remained unchanged.

5.3 ACTIVITY

A C T I V I T Y

Read the following quotations and then do the task.

"The targets on right-sizing the Public Service must be met if we are to achieve an affordable and more effective service." Dr Zola Skweyiya, former Minister of the Public Service and Administration (South Africa 1997b:iii).

"After amalgamating the eleven separate Public Services of one hundred and seventy-six departments into thirty-two new departments at national level and nine new provincial administrations, it was necessary to commence with the actual right-sizing!

Right-sizing is aimed at creating an efficient, streamlined, affordable and acceptably remunerated Public Service ... In consultation with various departments, the main focus of the initial phase of the right-sizing programme was the abolition of funded vacant posts — these being posts that are currently unoccupied, but budgeted for ... The savings on these posts will assist in effecting the proper remuneration levels for public servants.

"The next step will be the examination of the actual number of personnel employed in posts that have become redundant or additional to the new establishment that is posts that are occupied but have no place in the new organograms. For these voluntary packages have been put on offer ... The approach will be to determine the 1997/1998 establishment staffing needs of departments and provincial administrations.

"Redeployment of staff is also envisaged to make the service more coherent and to effect the right-sizing programme in as humane as possible ...

"The approach taken by this current administration to the problems of right-sizing and service delivery are, in fact, novel. For the first time in the history of the South African Public Service, the issue of the proper remuneration of workers was linked to the achievement of the appropriately sized service ..." Dr. Paseka Ncholo, Director-General: Department of Public Service and Administration (South Africa 1997b:5–6)

Select the most appropriate answer:

- (1) The aim of the process of rightsizing, according to the Minister of Public Service and Administration, is to:
 - (a) achieve the targets of rightsizing the public service
 - (b) balance the public service budget

- (c) make the public service more effective and efficient
 - (d) make the public service more affordable and efficient
- (2) The process of rightsizing the South African public service has been preceded by
- (a) the amalgamation of all 11 individual public services
 - (b) the amalgamation of 176 departments into 32 new departments and nine provincial administrations
 - (c) none of the above
 - (d) options (a) and (b)
- (3) The first phase in the process of rightsizing was aimed at the following:(a) consultation with different departments
- (b) abolishing funded vacancies
 - (c) abolishing filled posts that have become redundant
 - (d) humane redeployment of personnel
- (4) The next step in the process of rightsizing consisted of
- (a) consultation with various departments
 - (b) due remuneration of state officials
 - (c) abolishing filled posts that have become redundant
 - (d) humane redeployment of personnel
- (5) The measure for the process of rightsizing is
- (a) the financial constraints on the public service
 - (b) due compensation of all personnel
 - (c) appropriate size for service provision
 - (d) compensation and performance of officials



Check your answers against the model answers at the end of your study guide.

The entire process of rightsizing the South African public service is probably equally relevant at the level of municipal administration and in the case of parastatal institutions. If the process of rightsizing succeeds, an analysis of personnel statistics of individual state departments or provincial administrations in one or two years' time should show declining personnel numbers. This means, briefly, that the numbers of personnel in public institutions will be reduced to the numbers of people who are actually necessary to provide such services.

For the purposes of our discussion in this study unit, the South African public service has been selected as a case study for the two topics of discussion. You probably noticed that the discussion may just as easily be applied to parastatal or municipal officials. Moreover, these are topics that will also be relevant elsewhere in Africa and even in the United States of America.

Test yourself by checking whether you are able to

- explain the concept “affirmative action”
- explain where the concept “affirmative action” originated
- identify the concepts that are related to affirmative action
- explain what the concept “rightsizing” involves
- summarise the steps followed in implementing the process of right-sizing in the South African public service
- give your point of view on the concepts “affirmative action” and “right-sizing”
- consider and respect other points of view on the concepts “affirmative action” and “rightsizing”

SELF-EVALUATION

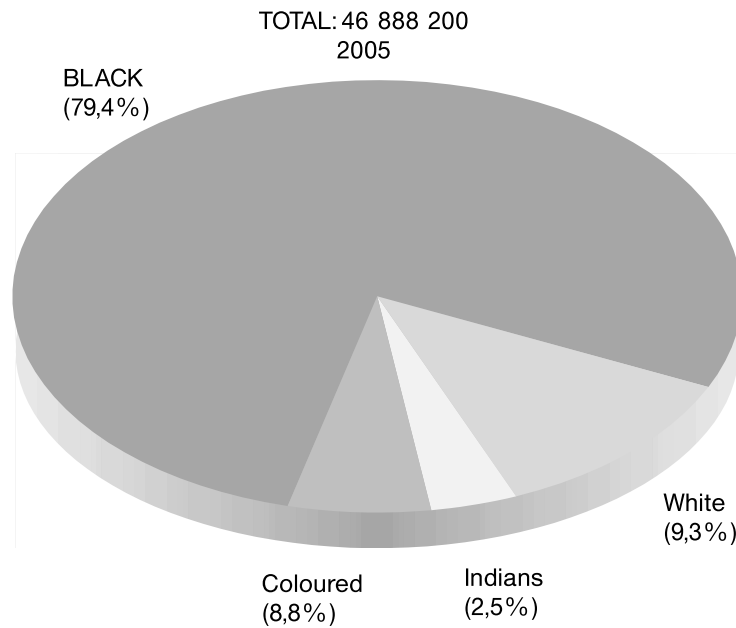
Theme 1: *Who provides public services?*

You have now reached the end of theme 2 of this study guide. The aim of this theme has been to give an overview of the most important facts on public officials. In addition, it has introduced some thoughts relating to the facts on public officials.

- (1) What do you understand about the concept “economically active” population?
- (2) Study figures 4.5 (The population composition of South Africa) and 4.6 (The composition of the South African public service by population group) again. If the population composition of the South African public service is expected to be a broad reflection of the composition of the South African population, which adjustments are necessary in your opinion in the population composition of the South African public service in order to achieve the “desired” reflection? Write down your answer in one short paragraph.
- (3) Complete the following sentence by inserting the missing information:
Approximately per cent of the South African public service are employed in national departments whereas approximately 72 per cent are employed in the various From this one may conclude that the vast majority of public services provided by public service officials is provided at the level of government.
- (4) Give your own opinion. Explain how you feel about the following:
 - How representative is the South African public service in terms of gender and population group?
 - How are public service officials distributed across the different salary brackets and job classes?
 - How are public service officials divided between the national departments and the provincial administrations?
- (5) The table below gives the statistics for only those public officials employed by the councils for scientific research. Study the figures and then do the activity.

FIGURE 4.5

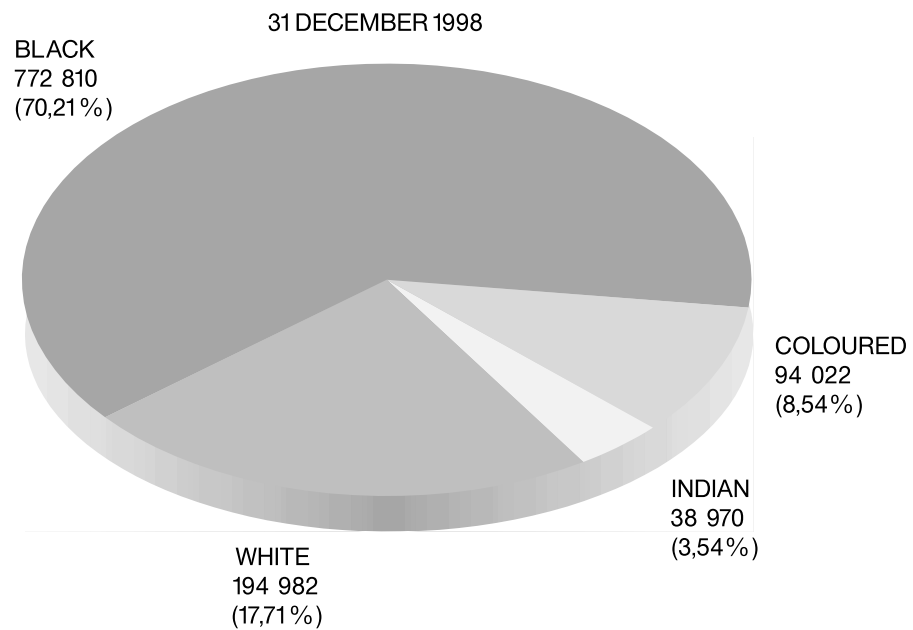
The population composition of South Africa



(Source: South Africa 2005)

FIGURE 4.6

The composition of the South African public service by population group



(Source: South Africa 1999b:5)

*Personnel composition of the councils for scientific research in South Africa as at 30 September 1996
(South Africa 1997d)*

Total	Black	Coloured	Indian	White	Unspecified
10781	2603	474	61	4057	3586
100%	24,1%	4,4%	0,6%	37,6%	33,3%

- Draw a freehand pie chart in which you represent the population composition of personnel employed by the scientific councils.

(6) The table below gives statistical data on the distribution of officials in the South African public sector.

Public officials: a comparison

	Total	%
Public officials	1 564 193	100
National departments	315 507	20,2
Provincial administrations	785 277	50,2
Municipal service	243 775	15,6
The rest (parastatal)	219 634	14

- (a) Use the table to defend (justify) the following statement in approximately 100 words: "Compared with the provincial administrations, the local authorities in South Africa are involved in providing only a limited number of public services."
- (b) Consider the following questions when giving reasons to support your main point:
 - At which level of government is the majority of public officials concentrated?
 - At which level of government is the least number of public officials concentrated?
 - Which level of government is the most suited, in your opinion, for satisfying particular societal needs?

(7) Select the most appropriate answer:

- (a) The process of rightsizing the South African public service was preceded by
 - (1) the amalgamation of all 11 individual public services
 - (2) the amalgamation of 176 departments into 32 new departments and nine provincial administrations
 - (3) none of the above
 - (4) options (1) and (2)
- (b) The aim of the process of rightsizing, according to the Minister of Public Service and Administration, is to
 - (1) make the public service more effective and efficient
 - (2) make the public service more affordable and efficient
 - (3) balance the public service budget
 - (4) achieve the targets of rightsizing the public service

- (c) The first phase in the process of rightsizing was aimed at
 - (1) abolishing funded vacancies
 - (2) consultation with different departments
 - (3) abolishing filled posts that have become redundant
 - (4) the humane redeployment of personnel
- (d) The measure for the process of rightsizing is
 - (1) the financial constraints on the public service
 - (2) the appropriate size for service provision
 - (3) due compensation of all personnel
 - (4) compensation and performance of officials
- (e) The next step in the process of rightsizing consisted of
 - (1) the humane redeployment of personnel
 - (2) scrapping filled posts that have become redundant
 - (3) due remuneration of state officials
 - (4) consultation with various departments
- (8) Make sure that you can analyse and describe the composition of the public service
 - (a) by means of tables, pie charts and bar graphs
 - (b) in terms of various categories of employment
 - (c) in terms of representativeness
 - (d) in terms of rightsizing.

This theme touched on only a few issues with regard to officials in public service. If you want to know more about it, you are welcome to read the following:

Macgregor, J, Peterson, S & Schuftan, C. 1998. Downsizing the civil service in developing countries: the golden handshake option revisited. *Public Administration and Development* 18(1):61–76.

Masujima, T. 1997. Controlling the size of the Japanese public service. *International Review of Administrative Sciences* 63(2):247–250.

Muthien, Y. 1999. Race and gender inequalities in public administration, in *Reflective Public Administration: views from the South*, edited by JS Wessels & JC Pauw. Cape Town: Oxford University Press.

Peters, L. 1998. Downsizing the civil service in developing countries: golden handshakes or smiling farewells? *Public Administration and Development* 18(4):381–386.

South Africa (Republic). 2006a. *An audit of Affirmative Action in the Public Service*. Pretoria: Public Service Commission. Available at: http://www.psc.gov.za/home_docs/Low-rez%20Deocument.pdf (accessed Dec 2011).

South Africa (Republic). 2006b. *Gender Mainstreaming Initiative in the Public service*. Pretoria: Public Service Commission. Available at: http://www.psc.gov.za/docs.reports.2007/gender_streaming/gender_mainstream.pdf (accessed Dec 2011).

Wessels, JS. 2005. Equal employment opportunities. a conceptual puzzle. *Politeia – Journal of the Political Sciences and Public Administration* 24:125–141.

Wessels, JS. 2008. Transforming the public service to serve a diverse society: can representativeness be the most decisive criterion? *Politeia – Journal of the Political Sciences and Public Administration* 27(3):21–36.

Management of public service provision

3

O V E R V I E W

Key questions	95
Key concepts	95

S T U D Y U N I T

6

What is necessary to provide a public service?	97
6.1 Introduction	97
6.2 Political leadership	99
6.3 Management of public service provision	101
6.4 Sufficient funding	104
6.5 Sufficient adequately qualified personnel	106
6.6 Facilities and equipment	108
6.7 Review	109

Who is responsible for managing public services?	111
7.1 <i>Introduction</i>	111
7.2 <i>Political office bearers</i>	113
7.3 <i>Public officials in management positions</i>	115
7.4 <i>Managers outside the department</i>	119
7.5 <i>Review</i>	122

Skills necessary for managing a public service	123
8.1 <i>Introduction</i>	123
8.2 <i>Leadership skills</i>	125
8.3 <i>Interdependency skills</i>	129
8.4 <i>Review</i>	131

Management of public service provision

3

Dear student

Imagine yourself in the following situation:

You have just been appointed as a consultant to advise the Department of Health on the management of its services to the South African society. Congratulations and good luck in your job!

consultant: an expert that earns money by giving advice

I have noticed that, as is expected of a good consultant, you are keen to bring yourself up to date on all the information relating to the management of health services in South Africa as quickly as possible. The first task that you have set for yourself is to survey or take stock of the main factors that will provide you with a picture of the management of public health services in South Africa. This survey will be in the form of a short report.

As a regular reader of newspapers, you are no doubt already aware of some of the key issues facing the Department of Health. You have found a number of reports on the internet that have provided valuable background information on management issues relating to the delivery of health services.

I have selected the following reports for you to read. Use the reports as your first or preliminary source of data on issues in the field of public health. Try to identify some of the key issues relating to the management of health service provision to South African society. On reading these reports, I have underlined a few concepts that seemed important to me and have made some notes in the margin.

underline: mark key concepts in the newspaper reports

You should now do the same:

- Read the report.
- Underline the concepts that seem important to you.
- Write brief notes to explain the concepts.

Jenny Viall of the *Business Times* reported as follows on 1 December 1996:

News report 1

Health department has plan for united action

There is no doubt that the spread of HIV is reaching alarming proportions. The Department of Health recently released the latest results on HIV incidence in pregnant women in South Africa.

One out of every 10 young mothers reporting to antenatal clinics in Soweto is testing HIV-positive. Predictions are that by the year 2005 one-fifth of South Africa's population-men, women and children-could test HIV positive.

In the light of statistics such as these, many people are questioning whether the government is taking the fight against HIV/AIDS seriously enough.

Rose Smart, consultant to the Department of Health's HIV/AIDS and STDs directorate, says the department has a clear-cut plan for the workplace based on "A National Aids Plan for South Africa", and has begun

working within departments in an attempt to get a truly united government response.

The key focus during 1996 was to continue the process of forming partnerships with five sectors the directorate views as its key partners: government (national departments, provincial government, and local government structures); business (employer and employee representative bodies); nongovernmental organisations; the community and civil society.

On the public sector side, efforts are being made to establish an interdepartmental committee to bring together top decision makers from all the national government departments.

To assist departments with developing, managing and monitoring policies and programmes, the directorate has come up with an information guide outlining a six-part process for developing an AIDS policy. It also holds one-day AIDS education workshops for HIV/AIDS committee members and a management presentation on the economic impact of AIDS.

HIV incidence in pregnant women: need in society: need for government intervention

government: showing the necessary leadership?

STDs: Sexually Transmitted Diseases

plan: this plan is probably a policy

key partners: participants in the management process

decision makers: decision makers come from different departments

policies: policies are developed, implemented (managed) and monitored

AIDS policy: policy for dealing with the Aids issued

Business Times; 1996/12/01; <http://cs.ru.ac.za/cgi-bin/goggasearch.cgi>

Carol Cambell reported as follows on 21 July 1997:

News report 2

programme: the way in which policy on a specific issued is implemented as a practical work programme

national and provincial health departments: different levels of government involved

national drive: perhaps national leadership?

fund: funding is essential for implementing policy

Lack of funds halts Aids plan

An AIDS and lifeskills programme for high school pupils in the Western Cape has collapsed because the national health department has failed to pay the provincial health department R1 million to fund the project.

The project is part of a national drive by the Health Department to educate two teachers in every high school about Aids prevention. Money to fund the initiative is supposed to come from a grant by the European Union. Other provinces are also struggling to get their promised money, which apparently is being held up by bureaucracy in the State Treasury, but they are continuing with training regardless. The Western Cape Education Department (WCED) has pulled out of the training programme at the eleventh hour and, according to health workers, torpedoed months of good work.

Ms Nicky Schaay, provincial co-ordinator for the National Aids Convention of South Africa (Nacosa), said teacher training was due to begin today but the WCED refused to make the teachers available.

"This is the last chance we have to train teachers this year because next term they will be too busy with exams," she said.

Yesterday Ms Nomkhita Makosana, spokesman for the WCED, said it was not unreasonable to delay a project if funding was not forthcoming. "We have had to cut back so much in education because of budget cuts that I can understand that people want the money to be secure before they continue with their work."

When the project will begin again is not known, but Dr Faried Abdullah, the province's chief director of health care, will appeal to the WCED top brass today to resolve the problem.

Already NGOs like the Planned Parenthood Association of South Africa, Family and Marriage Society of South Africa, and Nacosa have spent hours coaching "principal trainers" in school clinics about Aids prevention so that they in turn can train teachers.

Ms Karin Webberz, a spokesman for the Planned Parenthood Association, said the project had stopped before training reached the rural school clinics where it was most needed.

On Friday a 13-member Aids review team, tasked with assessing how well the Western Cape is coping with the Aids pandemic, presented its findings to the health authorities. They said surveillance was inconclusive and had to be improved if the virus was to be controlled.

principal trainers: teachers are the "people" or personnel on whom the project depends

assessing: evaluating the success of the project

All material copyright Independent Newspapers 1997.

<http://www.inc.co.za/online/News3/south.africa/medical/sho.html>

The final report is dated 18 April 1997, again by Jenny Viall:

News report 3

Basic health care for all 'within 10 years'

The new national health system will focus on primary health care at community level and aims to provide basic health care for all South Africans within 10 years.

Health Minister Nkosazana Zuma unveiled the proposals yesterday in a white paper policy document tabled in Parliament.

They include a compulsory national health insurance scheme for formally employed people to finance public hospitals. Even those on medical aid will have to join the scheme.

The plans make provision for a fundamental transformation of the health care system which includes decentralised management of services, emphasis on the district health system and increased access to primary health care.

Although South Africa spends about 8,5 percent of its budget on health services, distribution is inequitable and wasteful, according to the white paper.

Spending had been weighted heavily in favour of certain provinces, urban areas and curative hospital-based care while two-thirds of the

population had deficient health care. Because of this imbalance, resources would in future be redistributed from high technology hospitals to district health services.

"This policy will require continuous defence in the political arena," says the white paper.

"There is a major disjunction between established policy and popular demand. Health policy worldwide prioritises prevention and primary health care. But everywhere demand is mainly for curative and hospital services."

"Popular demand for high technology hospitals tends to be translated into political decisions to use funds for hospital provision, hence the relative over-provision of hospitals all over the world."

The emphasis on primary health care would include integrated preventive, promotive and curative services for children and women.

South Africa would be able to afford the new system only through a redistribution of public health resources and finding new sources of finance, according to the white paper. These were a national health insurance plan and a system whereby health services could keep the fees collected by public hospitals.

redistributed: new priorities for the distribution of funds

aims: national vision

Health Minister: provides political leadership at national level

white paper policy document: policy of the national minister

finance: hospitals needed money to function

decentralised management: way in which health services are managed

budget: money approved for health services

KEY QUESTIONS

Did you find all the issues raised in the three newspaper reports clear and easy to understand? Or did some questions come to mind on aspects that you did not understand? If you have questions to ask, you are well on your way to succeed as consultant. It is the task of a consultant to ask questions first, before offering answers and solutions.

You will have noticed that the government's mission (aim) in providing health services is to make primary health care available to all South Africans within 10 years. This is a good start for your first, and perhaps most important, question:

- What is necessary to provide primary health care for all South Africans?

In answering this question, you will need to identify the main factors that will be necessary to realise the government's mission or aim in public health care.

A question that almost logically follows the first one is:

- Who is responsible for realising such mission? In other words: Who is responsible for managing a public service such as health services?

A third question will then be the following:

- What skills are needed for a manager of a public service facility (such as public health care)?

Each of these questions may form a section in your report.

Taking stock of the existing state of the management of a public service (such as health services) in South Africa now appears to be a particularly challenging task. Remember, your advice will not necessarily be given from the perspective of a physician or nurse, but from the perspective of a management expert. The advice that you will present to this particular department will apply to any other department or institution as well. The expertise that you will gain in this assignment will therefore equip you for your next task in a totally different department.

KEY CONCEPTS

We have underlined many concepts in the three newspaper reports. They are important in understanding the management of a public service such as health services. You have probably noticed that when certain concepts are underlined, other concepts that do not appear in the particular report come to mind almost automatically. The following are a few of the concepts that appeared to be important:

- government
- key partners

- decision makers
- policy
- programmes
- national departments
- provincial departments
- evaluation
- aims
- white paper
- financing
- decentralised management
- Health Minister

There are no doubt many more. Which concepts seemed important to you? Mark them on the list above or add them to the list.

You have already been introduced to some of the concepts in previous themes (eg national departments, provincial departments, and minister). You should now apply that knowledge in performing your task as management consultant.

What is necessary to provide a public service?

Introduction 6.1

As management consultant for the Department of Health, you can formulate the question even more specifically: What is necessary to provide primary health care for all South Africans within 10 years? This relates directly to the mission stated at the beginning of the third newspaper report.

Where can we find the answer to this question?

ACTIVITY 6.1

A C T I V I T Y

Go back to the newspaper reports and read them carefully once again.

- Make a list of everything that appears to be necessary to provide some form of health care to all South Africans.

ACTIVITY

Did you also find that you discover new information every time you read the reports with new questions in mind? Let's look at what we were able to find in the reports.

In the first news report it seems that many people question the government's sincerity in this particular issue. The consultant of the directorate in question emphasises, however, that the department has a clear **plan**! Further on in the same report we see that an interdepartmental committee is being established to bring together the **decision makers** who are involved. We also see that **policies** and **programmes** need to be developed, **managed** and monitored. We therefore see from the first report that the following are necessary in order to provide public health care:

- a clear plan
- decision makers
- policies and programmes
- management

The second article refers specifically to the **funding** problems of the projects. Did you take note of the concept of a **national drive**? It also appears that **health workers** are involved in some of the programmes. The same report also mentions that the project in question has been cut back as a result of **budget cuts**. It also seems that **principal trainers** have been trained to do extension work in Aids prevention in schools. At the end of that report we see that the particular project has been **evaluated**. Do you agree that according to this report the following are necessary?:

- funds
- personnel (health workers; principal trainers)
- leadership (national drive)
- management (evaluation)

In the last report I have marked the following as possible requirements or "necessities" for achieving the aim of the particular department:

- policy
- financing (money)
- a budget (which links up with the previous requirement)
- hospitals (facilities)

For the purposes of your report, you may discuss together those items that are similar. You may then group the different factors that are necessary to provide a public health service under the following headings:

- **Political leadership**: This refers to the direction taken in providing the service. You will probably want to know: What does leadership in providing health services involve? What are the implications of the government's and the department's vision, mission and policies for the provision of health services?
- **Management** of public health services: This includes concepts such as decision makers, plans of action and programmes by means of which the mission may be realised and policies implemented.
- **Funding** of health services: You have seen in the reports that without money, in other words funding, even the most deserving public service will falter.
- **Adequately qualified personnel** (eg health workers or trainers): Who will present an Aids and life skills programme if there are no people?
- **Facilities** for delivering public services in the broadest sense of the word: In this case, this includes not only buildings (such as hospitals) but all aids and equipment that may be necessary to provide such a public service.

A C T I V I T Y

Use the headings listed above as a guideline to draw up a framework for the first part of your report, which is the part dealing with the question: “What is necessary to provide a public service?” With your specific task in mind, you will look at the requirements for providing public health services in South Africa.



Did you manage to draw up your framework? See whether the following list mentions all the sections you need:

- political leadership
- management of public service provision
- sufficient funds
- enough appropriately qualified personnel
- facilities and equipment

You now have a framework for the first part of your report.

Political leadership 6.2

In this context, political leadership relates to the direction that will be followed in providing health services in South Africa. Some people will call this the government’s vision and mission. You have already identified it as a requirement for providing a public service such as public health care. The question to answer under this heading is: “What is the nature of political leadership for public health care in South Africa?” In other words, how does a public official know what the direction is for a public service such as public health care?

To find answers to the question, you need to consult reliable sources. Which sources can you consult for this purpose? Newspaper reports alone are surely not enough.

ACTIVITY

(1) Read the quotations below and then do the activities.

27. (1) Everyone has the right to have access to
- health care services, including reproductive health care;
 - sufficient food and water; and
 - social security, including, if they are unable to support themselves and their dependants, appropriate social assistance.
- (2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights.
- (3) No one may be refused emergency medical treatment.

(Constitution of the Republic of South Africa 108 of 1996)

The new national health system will focus on primary health care at community level and aims to provide basic health care for all South Africans within 10 years. Health Minister ... unveiled the proposals yesterday in a white paper policy document tabled in Parliament.

(Viall, Jenny. 18/4/1997. Basic health care for all 'within 10 years'. /Archives/9704/Apr%2023/health1.html)

The following major policy decisions were taken by the Minister and the MECs for Health during 1996:

4.1 DISTRICT HEALTH SYSTEMS

The establishment of a district based health system was supported by the Cabinet during 1996 ...

(Department of Health 1997:17)

- Name all the parties that provide political leadership and direction for a public service such as public health care. Your answer (one paragraph) will form part of your report.
 - In the next paragraph, describe the way in which the Minister of Health provides political leadership for public health care.
- (2) Briefly name (in another paragraph) a few sources that may be consulted to find out what the direction, vision and mission are for a public service (such as health services).

You will have been right if you questioned my choice of a quotation from the Constitution of the Republic of South Africa: the Constitution is not a political policy document. Should it be included under the heading of “political leadership”? I believe it should because it confirms the basic right of members of the South African society in respect of health care. It is a right that must be put into practice by the state. This right indicates the direction for the government’s policy on health care, namely access to health care for everyone in the country.

How did you describe the role of the minister? According to Cloete (1995:36) the role of the minister is mainly to lend legitimacy to the service as well as to provide direction and supervision from a political perspective, in other words to provide political leadership. You have probably noticed that the **minister** is the one who submits the **cabinet’s** policy on health care to **parliament** in the form of a **white paper** for consideration and discussion. The provincial **Members of the Executive Council** (MECs) may be mentioned in the same breath as the national Minister of Health. They all make decisions on the provision of public health services. They all provide political leadership.

Certain aspects of public health care, however, are so important to the government that the President provides personal leadership. Refer to the 1996 Annual Report of the Department of Health for the “Presidential lead projects” such as

- free care for pregnant mothers and children under the age of six years, and
- the primary schools feeding programme

You have probably noticed from the source that I have used that there are many **sources** that may be consulted in respect of the government’s vision for and policy on public health care. Before you continue with your consultation work, I would suggest that you obtain a copy of the **white paper** referred to in one of the newspaper reports. This will enable you to become familiar with the government’s vision and policy aims for public health care.

Check that you have now completed the part of your report dealing with the place of political leadership in providing public health services.

Management of public service provision 63

The second “requirement” for providing a public service such as public health care is its **management**. What is management? Many books have been written on this topic and this has resulted in many definitions of the concept of management. With your task as consultant in mind, we need to be more practical when looking at the management of health services, and we therefore confine ourselves to a few basic concepts.

ACTIVITY

Read the following extract from the first newspaper report used for this theme again:

One out of every 10 young mothers reporting to ante-natal clinics in Soweto is testing HIV-positive. Predictions are that by the year 2005 one-fifth of South Africa's population - men, women and children - could test HIV positive.

In the light of statistics such as these, many people are questioning whether the government is taking the

fight against HIV/AIDS seriously enough.

Rose Smart, consultant to the Department of Health's HIV/AIDS and STDs directorate, says the department has a clear-cut plan for the workplace based on "A National Aids Plan for South Africa", and has begun working within departments in an attempt to get a truly united government response.

- What does this news report consider to be a response to accusations that the government is not taking the fight against Aids seriously enough?

The main accusations in the report are clearly directed at the political leadership of the government. It is argued that, judged by the statistics on the incidence of Aids, the government is not taking the problem seriously. The government is therefore not being judged on its policy statements but on the results being achieved.

What is the consultant's reply to this accusation? The department has a clear **plan** to deal with the challenge. Note: it is not the minister or the government who has the plan: they have simply indicated the direction. The practical plan is that of the particular department under the political supervision and leadership of the minister in question.

The plan is only part of a greater process whereby the minister's direction and policies are implemented in practice. This process is known as **management**. Hanekom (1995:14-15) defines management as follows: "... Management ... is aimed at the effective performance of functional activities, the so-called line functions in an institution ..."

Management is defined as a continuous and integrated process whereby certain individuals with authority ensure institutional goal-setting and optimum realisation of objectives (Ströh 1999:7).

In an attempt to implement the political policy and direction of the minister and Cabinet in practice, the Director-General of that particular department and his or her management personnel are engaged in various management functions. What does this involve?

director-general: an official and not a politician; refer to study unit 3

ACTIVITY

6.5

ACTIVITY

Read what Prof Fanie Cloete (1995:32–33) writes on the management task of top officials, and then do the activity. For purposes of this analysis, the main functions of top officials can be classified and summarised as follows:

For purposes of this analysis, the main functions of top officials can be classified and summarised as follows:

- They are responsible for technical as well as political advice to the minister or government concerned ...
- **Policy and services management** [Cloete's emphasis] which comprises directing and co-ordinating the planning, implementation & evaluation of all the facets of the policy process ...
- **Resources management.** This includes the management of:
 - staff (macro direction and co-ordination)
 - finances
 - information
 - technology
 - communication
 - accommodation
 - supplies and
 - other support services.

- (1) Use Cloete's list of the management tasks of top officials in the public sector as a guideline and with your report in mind, make your own list of those management tasks that are necessary in your opinion to provide a public health service.
- (2) Read the three newspaper reports at the beginning of this theme again. Identify the management tasks that appear to be the greatest problem areas and that deserve special attention.

ACTIVITY

The **management tasks** listed by Cloete can be a valuable tool for you to analyse and evaluate management in the department. I have compiled the following short list of tasks for a public manager. Compare your list with mine below. Yours need not be exactly the same. You are welcome to add any tasks that you think I may have left out.

Management tasks necessary to provide a public health service

Tasks directed externally:

- liaison with the political head (eg in the case of certain senior public managers: advice, obtaining inputs for introducing own vision, reporting)
- liaison with the legislative authority (eg in the case of certain senior public managers, with portfolio committees and standing committees on public accounts)
- liaison with external partners of the institution
- negotiating the necessary funds and their allocation to the appropriate projects or programmes
- obtaining the resources (facilities, vehicles, equipment) necessary to do the work

Task directed internally:

- leadership
- division of work to be done between the various specialised branches of the department (Here you could refer to the organisation chart of the Department of Health.)
- necessary planning and drawing up work programmes
- guidance for personnel
- coordination of programmes carried out by various staff members, branches, departments and institutions
- checking that the end result agrees with the policy laid down by the minister

A public manager is therefore responsible for promoting the interests of his or her institution externally as well as for providing leadership internally. The task of a public manager is to provide a bridge between the vision and policy of the minister as political head of the department on the one hand, and the public service on the other – to provide an interim phase of sorts. You can imagine what would happen if this interim phase forms a bottleneck that hampers progress.

What are the management challenges that you have identified in each of the news reports?

- forming external partnerships (reports 1 & 2)
- planning (report 1)
- obtaining sufficient funds (reports 1 & 2)
- personnel shortages (report 2)
- expensive facilities and equipment (report 3)

You have now identified and written down the management tasks and problem areas for the purposes of your report, so you have progressed even further.

64 *Sufficient funding*

We have seen in activity 6.5 that one of the main management tasks of top officials in the public sector is to ensure that sufficient funds are available for providing public services. You have also seen in the news reports that some of the main problem areas in providing a public health service is inadequate funds. It is clear that sufficient funds are necessary for providing a public service.

What is the funding position of the Department of Health?

ACTIVITY

Read the following and study figure 6.1. Then do activities (1) and (2).

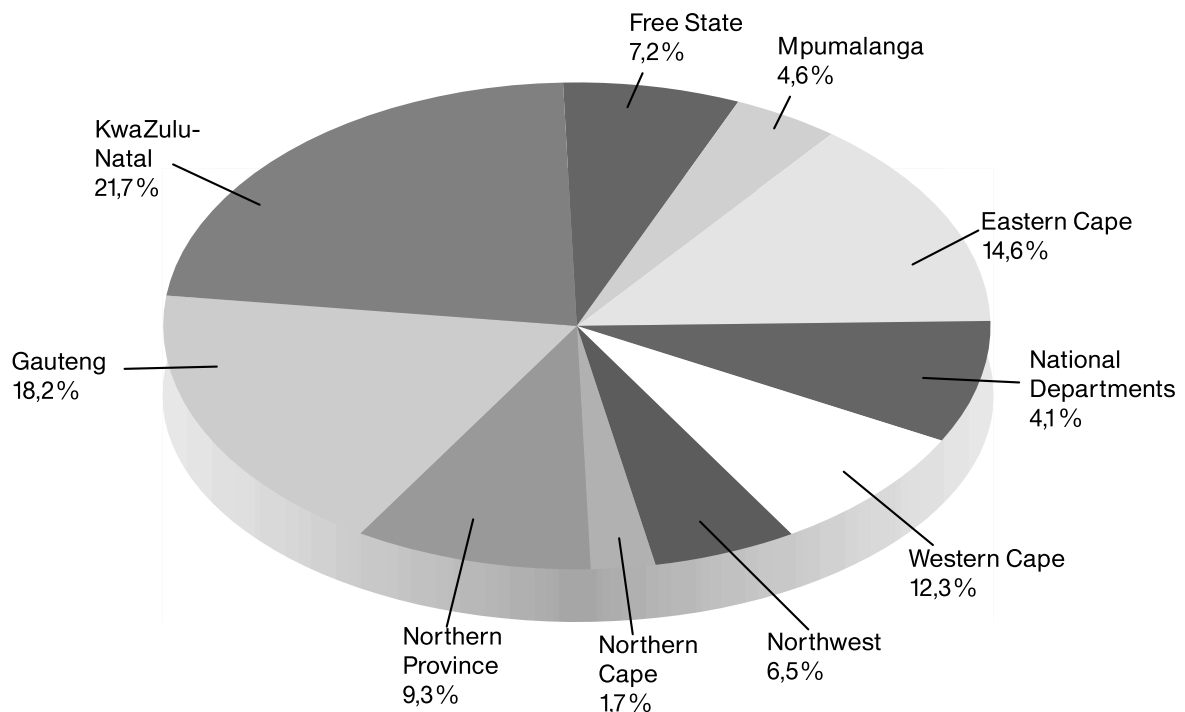
It appears from the 1996 Annual Report of the Department of Health (Department of Health 1997:27) that this Department was responsible during 1996 for the allocation of funds to nine provincial administrations for providing a public health service. Of a grand total of approximately R17 199 454 000 voted by Parliament for public health services in the Republic of South Africa for the 1996/7 financial year, the national Department of Health is itself responsible for spending R711 699 000 (4,1 percent) (see fig 6.1) in four programmes (Department of Health 1997:29), namely

voted: approved in the form of a budget

- policy and planning (developing a strategic and operational health policy and planning the allocation of health resources)
- regulation, services and programmes
- auxiliary services
- administration

FIGURE 6.1

Funds voted for health services: 1996/7



(Source: Department of Health 1997:28)

The budget for public health care is moreover being supplemented by funds obtained from various foreign donors for specific projects (Department of Health 1997:57).

- (1) Look again at the distribution of voted funds for public health care. For the purposes of your report, write two or three sentences outlining the distribution of funds for public health services. Name the specific level of government at which most of the public health services are provided.
- (2) In the second news report at the start of this theme, it is alleged that an Aids and life skills project for high school pupils in the Western Cape collapsed because the national Department of Health had failed to finance the particular provincial health department for the project. Bear this in mind, together with the information obtained from the annual report of the Department of Health. Now give a brief description of what you would regard as the main function of the national Department of Health in the provision of public health services (compared with, for example, the provincial Department of Health).



Figure 6.1 shows that the nine provincial administrations spend more than 95 per cent of the total funds voted for public health. One may therefore draw the conclusion that most public health services are provided by the provinces.

The national department nevertheless plays an important role in the macro management of funds for health care. It appears that the department plays a strong leadership role in determining priorities for health services as well as in allocating funds. The national department also negotiates with overseas donors and distributes donor funds to the provinces.

Would you say that this is a good thing? If you do, write it in your report.

65 *Sufficient adequately qualified personnel*

The next requirement for providing a public service is personnel. What is the position in respect of the availability of appropriately qualified staff for providing public health services? Let's see if activity 6.7 will make this clear.

ACTIVITY

The following quotations have been taken from the 1996 Annual Report of the Department of Health (1997:33–37):

The Department of Health recognises the importance of having adequately and appropriately trained health personnel and sufficient numbers of such personnel to meet the health care needs of the country...

In the case of doctors, the increase in the numbers of foreign doctors through government-to-government programmes has considerably improved the rural distribution of doctors especially in Northern Province and Eastern Cape.

- It appears from the 1996 Annual Report of the Department of Health that there is a serious shortage of general practitioners in Northern Province, North-West and East Cape. In contrast, there is a large number of general practitioners in the Western Cape and Gauteng.

general practitioners:
also known as family
doctors; not special-
lists

- (1) Give a short description of the main issue or problem in respect of the availability of sufficient appropriately qualified personnel for public health care.
- (2) Briefly set out how the Minister of Health and her department have attempted to solve the problem.
- (3) You should now be somewhat creative and make a list of other methods that may be employed to overcome the shortage. Add it to your report as a proposal for consideration.

The 1996 Annual Report of the Department of Health shows an uneven distribution of general practitioners, specialists, dentists, nursing staff and pharmacists across the various provinces (that is of the people necessary to provide public health care to the South African society).

It appears that the department has entered into agreements with the governments of other countries to “import” health workers to those provinces in which the need is the greatest. Which other options were available for consideration? The following are two possible options that you may consider:

- special grants for health workers taking up employment in the under-represented provinces
- special community services in those provinces for all health workers upon completing of their formal occupational training

Your own list may include many more creative proposals. Do not hesitate to include those in your report. As a consultant, that is what you are paid to do!

6.6 *Facilities and equipment*

The last aspect that may be regarded as necessary for providing public services is the infrastructure and equipment. Relatively expensive facilities and equipment are necessary to provide public health services.

6.8 ACTIVITY

A C T I V I T Y

- (1) Read the following newspaper report.
- (2) Mark the facilities and equipment discussed in the newspaper report.
- (3) Write a short paragraph for your report on how, in your opinion, these specific facilities can affect the quality of a public healthy service.

Health problems tackled

The Gauteng Department of Health says it is in the process of addressing shortcomings revealed in an auditor-general's report this week ...

The report stated that there were not enough ambulances to service Soweto's community health centres and that of the 151 approved vehicles, 61 had been stolen and 33 written off.

Mgijima [Superintendent-General of the Health Department] said that by means of full maintenance lease contracts with two major suppliers, the department had managed to put 133 new vehicles on the road in the past six months, while a further 120 vehicles had been ordered.

— Health Reporter

All material copyright: Independent Newspapers 1997

<http://www2.inc.co.za/Archives/9704/Apr%2029/healthcomment.html>

ACTIVITY

The newspaper report deals with the availability of ambulances. Can you imagine a situation where a seriously injured patient urgently requires hospital treatment ... and no ambulance is available?

Hospitals are another example of a crucial facility. In order to gain the greatest benefit from a scarce and expensive facility, hospitals are classified according to the following four categories according to the 1996 Annual Report of the Department of Health (1997:18–19):

- district hospitals
- regional hospitals
- central hospitals
- specialised hospitals

Each category of hospitals makes provision for a specific range of services. Regional hospitals, for example, will have more specialised and expensive equipment, whereas district hospitals will provide more basic health care.

Think also of other facilities and equipment used for delivering a public health service, such as

- sophisticated hospital equipment (heart-lung machines, etc)
- different types of vehicles (ambulances, etc)
- training equipment (video machines, etc)
- information technology (computers, etc)

You may expand on each of the examples so your list will be longer. Because you are limited as to the number of words included in your report, you need not include them all.

You have probably made a note of another important source of information on the state of management in the department, namely the reports of the Auditor-General.



By responding to the question: “What is necessary to provide a public service (such as a public health service)?”, you should now have completed the first part of your report. By now your report should deal with the following:

- the place of political leadership in providing a public service (such as public health services)
- the role of management in providing a public service
- the different management tasks necessary to provide a public health service
- funding as problem area in providing a public health service
- the main problem areas in providing sufficient qualified health care personnel and possible solutions
- the facilities and equipment necessary to provide a public health service

If you wish to make recommendations on one of the aspects listed above, you may do so at the end of the particular subsection.

.....

Who is responsible for managing public services?

Introduction 7.1

You now have a clear picture of the requirements for providing a public health service: political leadership, management, personnel, funds and facilities. Management is a prominent part of that picture, in other words certain management tasks need to be performed in order to deliver the public service (public health service). The next question is obviously: "Who is involved in the management of a public service?" Who is responsible for simultaneously furthering the interests of their institution externally and providing leadership internally?

The three newspaper reports at the beginning of this theme again provide a useful place to start.

ACTIVITY 7.1

A C T I V I T Y

- (1) Read the three newspaper reports again.
- (2) Make a list of everyone who is involved in some way or another in providing health services.
- (3) Mark those on your list who are responsible for performing one or more of the management tasks mentioned in study unit 6.
- (4) Next to each of the identified managers, write down the management tasks in which they are involved according to the newspaper reports.

- (5) Use these as headings for the part of your report dealing with the parties involved in the management of public health services



.....

This task was not as simple as it may have seemed! Judging purely by the three newspaper reports, many parties are involved in providing public health services. We now look at the information you could have obtained from the three newspaper reports.

Would you agree that the state department charged with providing the particular service (the national Department of Health) is the main roleplayer? Within that department, there are also other roleplayers, including the **Directorate HIV/Aids**. In order to carry out its tasks, this directorate enters into partnerships with relevant parties within

- the government sector (national departments, provincial departments and local governments)
- the **business sector**
- **nongovernmental organisations** (NGOs)
- **communities**
- **civil society**

It also appears that the department obtains advice from experts (**consultants**) outside the department.

The political head of the particular department is the minister, in this case the national Minister of Health. She in turn submits her policy document for the provision of the public service in question to **parliament** in the form of a White Paper for approval.

Then there are the foreign **donors** who give money for specific projects.

Compare your list with the list of possible parties involved in providing public health services in the model answers at the end of this study guide. That list has been based only on the three newspaper reports. Keep it to hand and add the names of other parties involved as you progress through this study unit.

Clearly, not everyone who is involved in providing public health services is involved in the management of the service. According to the list of management tasks we need not include all the parties involved in our list of managers of public health services, for example consultants, communities and society. Or are they in fact involved in some way in the management of the public service?

What should we do with political roleplayers such as the president, deputy president, the cabinet, provincial premiers, MECs and members of local management committees? In the previous study unit we typified their role as one of political leadership and policymaking. Are you quite sure that they are not also involved in the management of public services?

In view of your task as consultant it is important to know exactly which parties are involved in the management of public health services. Which parties have you identified? Compare your list with the following one:

- political office bearers
- public officials in management posts
- managers outside the department

We now look at each of these more closely.

Political office bearers 7.2

Before you can continue your report on the state of management in public health services, you will need to find answers to the following key questions:

- Are political office bearers also involved in the management of public service provision, or are they involved only in political leadership and policymaking?
- Do political leadership and policymaking include *management*?



ACTIVITY

Let's look at sections 85 and 125 of the Constitution of the Republic of South Africa 1996.

85. (2) The President exercises the executive authority, together with the other members of the Cabinet, by:
- (a) implementing national legislation except where the Constitution or an Act of Parliament provides otherwise;
 - (b) developing and implementing national policy;
 - (c) co-ordinating the functions of state departments and administrations;
 - (d) preparing and initiating legislation; and
 - (e) performing any other executive function provided for in the Constitution or in national legislation.
125. (2) The Premier exercises the executive authority, together with the other members of the Executive Council, by:
- (d) developing and implementing provincial policy;
 - (e) co-ordinating the functions of the provincial administration and its departments;
 - (f) preparing and initiating provincial legislation;

Also read the following quotations from the 1996 Annual Report of the Department of Health:

The following major policy decisions were taken by the Minister and the MECs for Health during 1996: ... (1997:17)

The Department's functions necessitate close collaboration with a number of national Departments and with the provincial Departments of Health. In terms of the latter the two structures that had been established in 1994 continue to be used viz., the Minister and the nine MECs of Health and the Provincial Health Restructuring Committee (composed of the heads of provincial Departments, the Surgeon General and the Director-General and Deputy Directors-General of the national Department of Health).

Collaboration with other government departments at the functional level occurs on an issue basis ... (1997:21).

As one of the Presidential Lead Programmes announced by the President at his inauguration, this programme is intended to eliminate user-fees as a barrier to health care to pregnant woman and lactating mothers and to children under 6 years of age ... (1997:39).

The Minister of Health signed a declaration of intent on cooperation with Flemish Government and an Agreement of Development Coordination with the Government of the Grand Duchy of Luxembourg ...

The Department is also in the process of making preparations for the signing of the agreement between the Government of South Africa and the United Nations Development Programme on the UN Volunteers Programme, under which medical personnel will be recruited to work in South Africa (1997:56).

- (1) Mark those words in the quotations above that refer to management tasks.
- (2) Write down the names of all parties who, according to the quotations, are involved in performing management tasks.



Which management tasks have you underlined? Can we say that the president and his Cabinet as well as the provincial premiers and their executive councils, among other tasks, make policy, provide leadership, coordinate public service provision (also with other states) and initiate legislation? If this is the case, does it not mean that they are involved in the management of public service provision?

When we look at the role of the Minister of Health in initiating, planning and coordinating the provision of health care in South Africa, can we also regard it as management of health care at political and policy level?

It would seem that political office bearers do not manage the day-to-day provision of public services. But it does seem that at macro policy level they

- need to be **sensitive** to the political implications of the activities of their departments
- **initiate** the direction to be taken in providing a particular public service
- are required to “**sell**” their department’s **policy** to their colleagues in the executive, to members of the executive authority, members of their political parties and other roleplayers in society
- **coordinate** the policy aims for public health services by means of the various institutions at the different levels of government
- **control** the results of the implementation of their policies

Do you agree that political office bearers are therefore also involved in management?



A C T I V I T Y

- In view of the discussion above, write the paragraph for your report in which you explain why you would say that political office bearers are involved in the management of public health care.
- Motivate your statement by referring also to the management tasks to be performed by them.



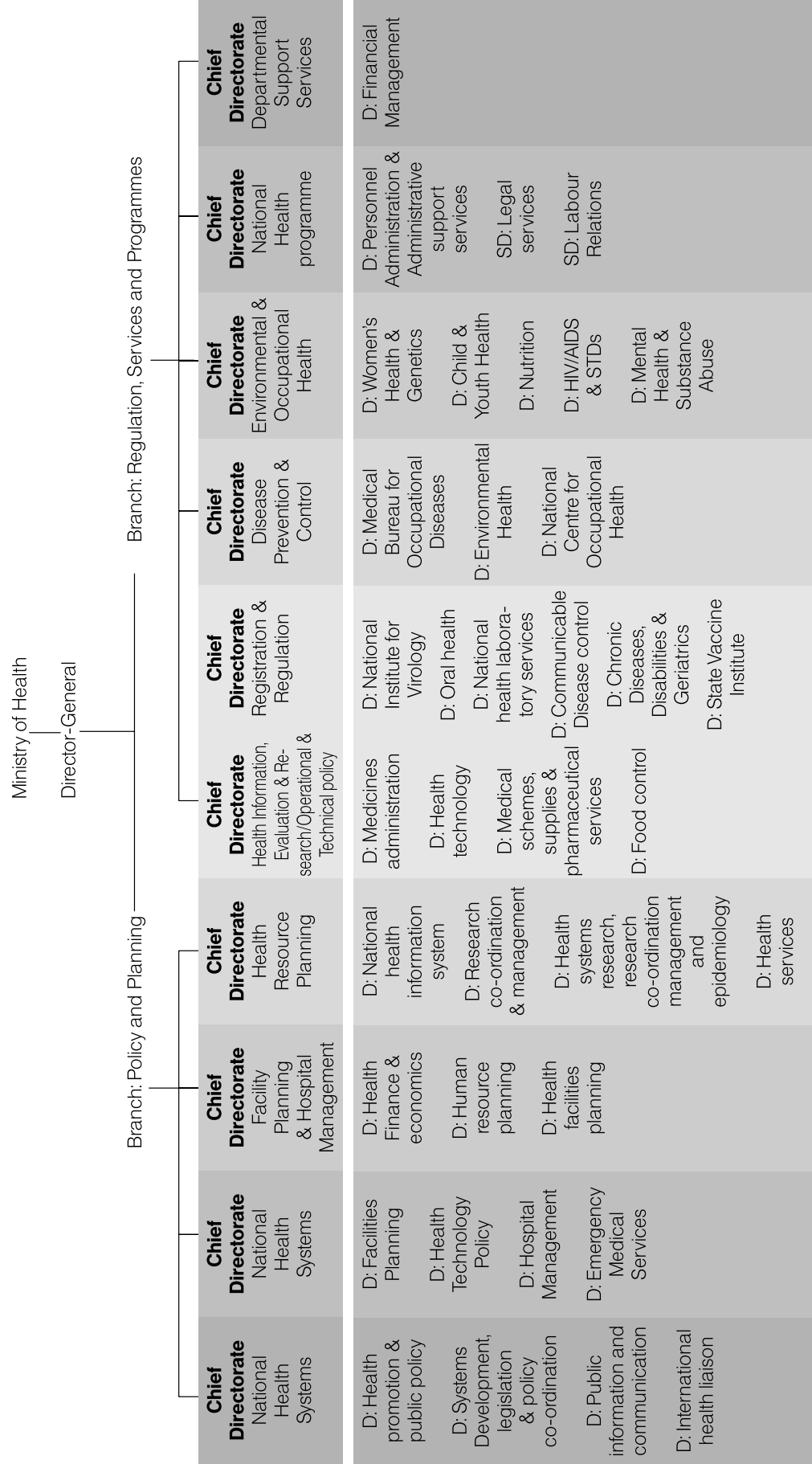
Public officials in management positions 7.3

Look at the results of your work at activity 7.1 again. You will notice that you identified several institutions that are responsible for specific management tasks. The following are examples that we have found:

- the **Department of Health** which, among other duties, is responsible at national level for leadership, planning, programming, coordination and funding of South African public health care
- the **HIV/Aids directorate** which, among other duties, is responsible for planning, programming and coordinating the HIV and Aids programmes
- **state departments** at national government level which are involved in health-related decisions
- **provincial departments of health** which fund HIV- and Aids-related projects, among other tasks

Are institutions (departments, directorates and provincial administrations) capable of management? Or does management involve actions that need to be carried out by specific individuals? Who are those individuals?

FIGURE 7.1
Department of Health Organisational structure



ACTIVITY

Study the organisation chart of the Department of Health as set out in figure 7.1 and then do the activities.

- (1) The Department of Health is divided into organisational units at four different levels of hierarchy. Name the four levels.
- (2) According to the organisation chart, who is directly responsible for the management of the function of Health Technology?
 - (a) the Deputy Director-General: Policy and Planning
 - (b) the Chief Director: National Health Systems
 - (c) the Chief Director: Registration and Regulation
 - (d) the Director: Health Technology
- (3) Mark the option that does not fit. The following managers are responsible for the management of line functions of the department:
 - (a) the Director: Health Promotion and Operational Policy
 - (b) the Director: Environmental Health
 - (c) the Chief Director: Departmental Support Services
 - (d) the Chief Director: Health Resource Planning
- (4) A staff member of the Nutrition Directorate has made a serious error in carrying out her duties. This has had repercussions even in Parliament. Name all the parties who will be held responsible.

hierarchy: according to rank, for example seniority

line functions: tasks directly involved with the aim of the department; not ancillary/support functions

Did you find it easy to identify the four levels of the management hierarchy in the department's organisation chart? The Director-General (DG) is responsible for external high-level liaison on behalf of the department, and for the management of the department as a whole. Because it is impossible for him or her to do all the work alone and to manage all the activities of the department single-handedly, he or she performs one of the main management tasks, namely the division of work.

In this department, the current DG has divided her task into two branches, with a deputy director-general (DDG) as manager of each of the branches. The DDG: Policy and Planning, for example, is not concerned with the functioning of the National Institute for Virology. The reason for this is that it forms part of the field of responsibility of his colleague, the DDG: Regulation, Services and Programmes. The DG, on the other hand, is charged with responsibility for the activities of the particular Institute. Can you explain why?

Each branch is in turn divided into chief directorates, with a chief director as manager of each chief directorate. Each chief director is responsible only for the directorates and subdirectorates within his or her chief directorate.

Each chief directorate is in turn divided into directorates, and each directorate consists of subdirectorates. Directorates are managed by directors and subdirectorates are managed by deputy directors.

One important principle nevertheless applies throughout. This is the principle of hierarchic accountability. What does this mean? It means that the DG has the overall responsibility and accountability for the management of the entire department together with all its branches, chief directorates, directorates and subdirectorates and is accountable for such management to the particular minister and parliament. Each DDG is responsible only for his or her branch. The same principle applies to chief directors, directors and deputy directors. Each is therefore also responsible for promoting the interests of their various institutions externally.

Do the two multiple-choice questions now make more sense?

What is the chain of accountability that applies where a staff member of the Directorate: Nutrition has made an error?

- The staff member concerned has to explain to the Director: Nutrition.
- The Director: Nutrition has to explain to the Chief Director: National Health Programmes.
- The Chief Director explains to the DDG: Regulation, Services and Programmes
- The DDG explains to the DG of Health
- The DG explains to the Minister of Health.

Does that make sense to you?



A C T I V I T Y

- Write a paragraph for your report in which you briefly outline the hierarchy of managers within a state department such as the Department of Health.
- With a view to your report, draw a diagram in which you illustrate the hierarchy of accountability for the provision of a specific health service such as Nutrition.
- If you wish to make any recommendations on this issue, you should do so now.



Would you say that the same principle of hierarchy that applies in the Department of Health also applies to other departments, administrations and municipal administrations?

Managers outside the department 74

You have just analysed the organisation chart of the Department of Health, so you should have a fairly complete picture of who is responsible for the management of the department's activities.

In the three newspaper reports at the beginning of this theme, other possible roleplayers in the management of public health care were mentioned. The following are a few examples:

- top decision makers of all national state departments
- provincial departments
- business sector
- nongovernmental organisations (NGOs)

Where do you think they fit into the picture that you have constructed for yourself?

ACTIVITY 7.6

ACTIVITY

- Read the first newspaper report at the beginning of this theme again.
- Also read the quotation below from the 1996 Annual Report of the Department of Health (1997:40–42).

The prevalence of HIV infection has increased in South Africa ...

The budget for HIV/AIDS and the control of Sexually Transmitted Diseases (STDs) programme increased from R70 million in 1995/6 to R80 million in 1996/7. Of the total budget for HIV/AIDS 25% (R19 305 122) was allocated to fund Non-Governmental Organisations (NGOs) to extend the activities of the Department.

The services by these NGOs range from community outreach, training, education, counselling, care, networking, support, materials development and distribution.

...

In this regard, the achievements of the HIV/AIDS and STD control programme include the following:

- the development, in collaboration with the Department of Education, of curricula in preparation for the introduction of life skills programmes in secondary schools in 1997 and 1998.
- a Taxinet campaign involving 50 taxis per province which distributed condoms and information about HIV/AIDS ...

During December 1996, the Department of Health co-chaired the SADC/EU meeting in Malawi which identified regional strategies relating to HIV/AIDS and ways in which SADC countries could work together in a united way to respond to the epidemic. As a result of this meeting, cabinet has requested certain line ministries to develop their plans to contribute to the regional strategy to combat HIV/AIDS.

- (1) Write down the name or nature of the programme under discussion.
- (2) Make a list of everyone who is involved in the particular programme.
- (3) Delete the names of those who are part of the organisation structure of the national Department of Health (cf organisation chart). For the purposes of your report, make a list of managers outside the formal organisation structure of the department who are responsible for public health care.
- (4) Select one of the remaining people or institutions as example. Write one paragraph for your report, giving reasons why you are of the opinion that people and institutions outside the official structure of the department can also be responsible for the management of national health care services.



.....

This has not been the first time that you have read the newspaper report, but by reading it together with the extract from the department's annual report has probably enabled you to notice things that you may have missed before.

There is little doubt that the programme concerned is the programme for HIV/Aids and control of sexually transmitted diseases (STDs). If one were to use only the department's organisation chart as source, one may conclude that the programme is managed only by the director concerned, the chief director, DDG and DG, in other words by the managers within the official organisation structure of the department. Although they will certainly be ultimately accountable for the programme, it appears from the newspaper report and the quotation from the 1996 Annual Report of the department that many other roleplayers and therefore also managers outside the department are involved in the programme. The role of other departments in the "development, management and monitoring of policy and programmes" is emphasised in the newspaper report. In some instances, the national departments assist only by making an information guide available. The list that you have prepared also shows the involvement of other roleplayers.

Let us now look at the reasons you may have mentioned for the involvement of the following institutions in the management of the programme for HIV/Aids and control over STDs:

Individuals or institutions	Possible reasons
Managers in the provincial departments of health	The provincial departments of health are involved at grassroots level in the particular project. They also manage those aspects for which they assume responsibility on behalf of the national department. This may also be regarded as “decentralised management”.
Provincial departments of education	The provincial departments of education are partners of the national Department of Health in respect of the project. These particular departments will therefore manage those facets (eg organising life skills programmes for teachers and pupils) where the project operates in the field of education.
Local authorities	Local authorities run clinics for local communities (as an agency). Each community has its own needs and character. Consequently each local authority assumes full management responsibility, in view of its own unique circumstances, for providing the specific service.
Department of Education	The Department of Education is one of the partners of the Department of Health in the particular project. Where the project affects education policy issues, this department will be responsible for the management of those aspects.
Department of State Expenditure	In this instance the Department of State Expenditure is responsible for ensuring that donors’ money enters the system of accountability in the correct manner. They are therefore not involved in management of the project.
European Union (EU)	The European Union is an important sponsor or donor in this instance. They therefore provide money (and perhaps also expertise and advice) for the particular project. They are not likely to be involved in the management.
Southern African Development Community (SADC)	The Southern African Development Community (SADC) plays an important role in coordinating matters of mutual interest to member countries. This programme is probably an example of such a matter. The management of the project in the different countries is probably carried out by managers in the responsible state departments, such as the Department of Health, of member countries. Decisions by managers inside the Department of Health are therefore influenced by events, trends and needs that stretch far beyond the national borders of South Africa.
NGOs such as the National Aids Convention of South Africa (Nacosa), Planned Parenthood Association of South Africa, Family and Marriage Society of South Africa	It appears that NGOs receive a considerable portion of the budget for this particular programme. This implies that NGOs need to have expert and responsible managers at their disposal to manage the projects (within the framework of the larger programme). These managers are therefore responsible for the management of 25% of the state budget for the particular programme.
Private taxis	The taxi drivers have apparently provided only logistical assistance in the particular project. They were therefore not involved in programme management.

We have dealt with the management of only one programme of the national Department of Health. Other programmes may involve a different combination of managers. It may be advisable in later involvement with the particular department to investigate other programmes and other sources as well. For the purposes of this report, however, that will not be necessary.

This example has shown that public service provision is no longer managed only by managers in state departments and parastatal institutions. Managers outside the traditional public sector, in NGOs and even in the private sector are now also involved in the management of public services.

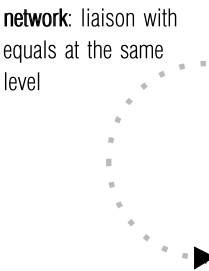
This may be one of the main findings in your survey of the state of management in the Department of Health.



Approximately two thirds of your report on management in the Department of Health should now be completed. You have clearly gained significant new insights into the management of a public service (such as public health care).

Your report should now contain information on

- the role of political office bearers in the management of public services (such as public health care)
- the hierarchy of managers in a state department (such as the Department of Health)
- the management of public services by managers outside the organisational structure of the department
- the reasons why a network of managers (in contrast with a simple hierarchy) is responsible for the management of a public programme such as the programme for HIV/Aids and control over sexually transmitted diseases (STDs)



Skills necessary for managing a public service

Introduction 8.1

Dear consultant

Let us start by looking at the progress of your report on the state of the management of health services in South Africa.

The first part of your report deals with the requirements for providing basic health care for all South Africans. In that part you have identified **management** as one of the requirements. You have even classified **management** into clearly distinguishable tasks or activities.

In the second part of your report, you made a survey of **all parties** that may be involved in the management of public health care in South Africa. You found, among other aspects, that people outside the traditional public sector are at present also involved in the management of public health services.

This brings us to the next important aspect of your report, namely the demands made of a manager of public services. In other words: What **skills** should a person possess in order to manage a public service (such as public health care)?

ACTIVITY
8.1

A C T I V I T Y

Let's look together for answers to the question. As a first step, it may be useful to think again of the news reports at the beginning of theme 3. To find the right answers to questions such as the one above, it is advisable to ask additional questions. Let's consider this.

homogeneous: all
more or less the
same

heterogeneous:
divergent and different

- (1) According to the first news report, people have questioned whether the government is taking the fight against HIV and Aids seriously. What would you say “the people” expect of the government in this regard?
- (2) In the second news report, reference is made to a “national drive”. Which skills would you say are involved in such a drive?
- (3) In the third report, the following comment is made on the distribution of spending on public health care:

Spending had been weighted heavily in favour of certain provinces, urban areas and curative hospital-based care while two-thirds of the population had deficient health care. Because of this imbalance, resources would in future be redistributed from high technology hospitals to district health services.

- (a) What does this tell you about the nature of the needs for public health services? Are these needs homogeneous or heterogeneous?
- (b) What does this demand of a public manager?



ACTIVITY

The statistics show that the number of South Africans who have contracted the HI Virus is increasing sharply. When people question whether the government is taking this seriously, one may conclude that they are expecting strong leadership from the government in this respect. They therefore expect the government to take the initiative in the fight against this feared epidemic. Is this what is meant by a “national drive” in the second news report?

It appears from this report that the department has taken the initiative by preparing a plan. In other words: the report shows that one or more managers inside the department have taken the initiative by preparing a plan or even by having a plan prepared by a consultant.

Someone has therefore provided leadership.

What did you learn from the third news report quoted? Do you agree that it indicates that there are fairly divergent (heterogeneous) needs for public health care? Meeting divergent needs with only limited funds at one’s disposal requires specific skills in public managers. Such skills should make it possible to utilise the interdependence of

- heterogeneous societal needs, and
 - service providers
- to the benefit of society as a whole.

There are undoubtedly many management skills that public managers need to possess in order to carry out their management tasks successfully. For the purposes of this part of your report, you need to focus only on the following two skills:

- leadership skills
- interdependency skills

Since you started your investigation into the Department of Health, you have probably become aware of the overwhelming challenges facing managers in the department. As you saw in study unit 9 of the study guide for PUB1018, one of these is the HIV/Aids epidemic which is taking on alarming proportions worldwide. A public manager in the Directorate HIV/Aids and Sexually Transmitted Diseases in the Department of Health is therefore facing challenges that stretch beyond the organisational structure of the institution within which he or she works, beyond the particular municipal area, provincial borders or even the national borders of South Africa.

Bearing in mind the questions answered in activity 8.1, what would you expect of the Director of the Directorate HIV/Aids and Sexually Transmitted Diseases in the Department of Health?

Would you expect him or her

- to solve the entire issue within a year?
- to take the first step on the way to finding a solution?
- to take the lead?
- to be **proactive** by starting some initiative or another that may lead to a solution for the problem?

Stephan Covey (1994:70–71) writes the following on the concept “proactive”:

“While the word *proactivity* is now fairly common in management literature, it is a word you won’t find in most dictionaries. It means more than merely taking initiative. It means that as human beings, we are responsible for our own lives.”

What does that mean? It means that the director of the particular directorate should not wait for the chief director, DDG, DG or minister to issue instructions on how to carry out the task of controlling the spread of HIV/Aids. He or she should be proactive by providing leadership to staff members in the development of draft policy, plans and programmes to face the challenge.

What does a public manager need in order to be proactive?

ACTIVITY

Read the first newspaper report at the beginning of theme 3 again.

- (1) Write one sentence explaining what “the people” expect from a government that takes the fight against the HIV/Aids epidemic seriously.
- (2) What would you say is the aim of A National Aids Plan for South Africa? Write it down in one or two sentences.
- (3) What do you think would happen if no National Aids Plan for South Africa has been formulated?



How did you answer the above questions? Are the people expecting the government to take the initiative? This was the answer that we came to in activity 8.1. Why do the people expect such initiative? What should the government take the initiative in doing?

The people apparently expect the government to take the initiative in fighting the spread of HIV/Aids in South Africa. If we accept that, can we accept that this is the reason for the existence of the Directorate HIV/Aids and Sexually Transmitted Diseases? The reason for the existence of the directorate in question may also be regarded as the **aim** of the directorate.

Therefore, if the directorate had no aim it would have no reason to exist. This means that all the activities carried out by the personnel of the directorate would have been aimless, without purpose and therefore useless. There would also be no reason for the existence of the activities of those people.

What skill do we therefore expect a public manager to possess in this regard? The answer is a sense of purpose! In other words, we expect the public manager to always act with the reason for the existence of the particular institution in mind. Do you agree?

Stephan Covey (1992:98) says the following in this regard:

To begin with the end in mind means to start with a clear understanding of your destination. It means to know where you’re going so that you better understand where you are now and so that the steps you are take are always in the right direction.

As a consultant, it is important that you evaluate the extent to which the managers in the department **understand and bear in mind** the *aim* or purpose of their respective institutions (subdirectorate, directorate, chief directorate, branch or department) in performing their tasks. If they do not do this, they are engaging in aimless actions!

You may have realised during your contact with the department that the managers at virtually all levels are very busy. They are either taking calls or attending to a steady stream of appointments where people come to see them personally, while also having to keep many appointments outside the office. They are also expected to attend or chair many regular and even unscheduled meetings. Through all this, there are piles of files that demand their attention.

All these activities relate to the reason for the existence of the institution, or the aim of the institution! The managers often do not have enough time to do it all.

What advice can you, as consultant, offer them?

You cannot go wrong by using Stephan Covey’s advice: “Effective management is putting first things first” (Covey 1992:148). It is therefore a skill to determine priorities. Covey (1992:151) explains this skill in table 8.1 below:

PC: production capacity

TABLE 8.1
The time management matrix

	Urgent	Not urgent
Important	I ACTIVITIES: Crises Pressing problems Deadline-driven projects	II ACTIVITIES: Prevention, PC activities Relationship building Recognising new opportunities Planning, recreation
Not important	III ACTIVITIES: Interruptions, some calls Some mail, some reports Some meetings Proximate, pressing matters Popular activities	IV ACTIVITIES: Trivia, busy work Some mail Some phone calls Time wasters Pleasant activities

What can you learn from this table? It shows that the activities (eg appointments, telephone calls, meetings and files) of a manager may be divided into four possible quadrants:

- Quadrant I: Important and urgent activities
- Quadrant II: Important but non-urgent activities
- Quadrant III: Unimportant but urgent activities
- Quadrant IV: Unimportant and non-urgent activities

ACTIVITY

(1) Which type of activity (urgent or not urgent) should a manager who wishes to act proactively avoid as far as possible?

- (2) Which type of activities (important or not important) would a manager who wishes to act purposefully prefer?
- (3) In your opinion, which segment of activities is the ideal focus for a successful manager?



Did you manage to answer the questions? The above activity has no doubt helped you in your task as consultant. Managers who wish to be proactive will naturally want to be in control of their situation. When having to deal with urgent matters, a manager tends to lose the initiative and to merely react to such matters.

Imagine the following situation: A manager is planning to implement a new Aids awareness programme. She is continually interrupted by telephone calls on crises in funding a life skills project in the Western Cape.

What does the manager do? She responds to the ringing telephone and to the crises that demand her attention (being urgent). In the process she loses the initiative. The work that she had actually planned to do is set aside. A successful manager will therefore attempt to avoid a situation where urgent activities will take up most of her time.

A manager wishing to act purposefully will therefore be engaged mainly in important activities, that is activities that are important in realising the aim of the particular institution. If we look at Covey's table, these are the Quadrant II activities: important but non-urgent activities. What was your answer?

Look again at the activities of managers in the department. How many of them are engaged in Quadrant I activities (important and urgent)? Do they appear to be in control of their situations?



A C T I V I T Y

Write a paragraph for your report under the heading "Leadership skills" in which you set out the three main leadership skills that public managers in the Department of Health need for their task.



Did you manage to write the paragraph? Make sure that you have referred to at least the skill to

- act proactively
- act purposefully
- determine priorities by putting first things first

Interdependency skills 8.3

You have seen in activity 8.1 that there are divergent (heterogeneous) needs for public health care. It also appears from the three newspaper reports as well as the annual report of the Department of Health that many different roleplayers are involved in providing and managing public health services.

Meeting divergent needs and views with limited funds and personnel demands particular skills of public managers. It requires managers to have the skills to

- convince all those involved, irrespective of the extent to which their needs have been satisfied, that they have gained from the situation (win-win)
- understand everyone involved in receiving and providing public services and to ensure that they themselves are understood by those involved
- establish synergy between the variety of divergent interests, needs and approaches

synergy: a relationship in which the whole is greater than its constituent parts

ACTIVITY 8.5

ACTIVITY

You should now write the part on interdependency skills for your report.

- (1) In preparation you should again read the second news report at the beginning of this theme:
 - Identify the different parties involved in the problem area of the life skills courses for the Western Cape Education Department, and list them.
 - Next to each party, write its interest in the matter.
 - Also write down the current position of each in terms of winning or losing.
 - In your opinion, what would be the ideal position (winning or losing)?
 - What would the result be for each party if everyone were to experience the ideal position (winning or losing)?
 - Which specific interdependency skills are involved?
- (2) What can the DG for Health do to resolve the problem area so as to bring about the ideal position for all parties involved in the programme? Which specific interdependency skill is involved?

- (3) It appears from the particular newspaper report as well as from the 1996 Annual Report of the Department of Health that different parties outside the Department (provincial administrations, other line function departments, local governments, pharmacies and even NGOs and private taxis) are involved in the provision of public health services.
- Should all these other roleplayers now fall in with the way that the Department of Health does things?
- (4) Now write a paragraph on the value of interdependency skills for the managers of public health care. Illustrate your statements with examples from items (1) to (3) above.

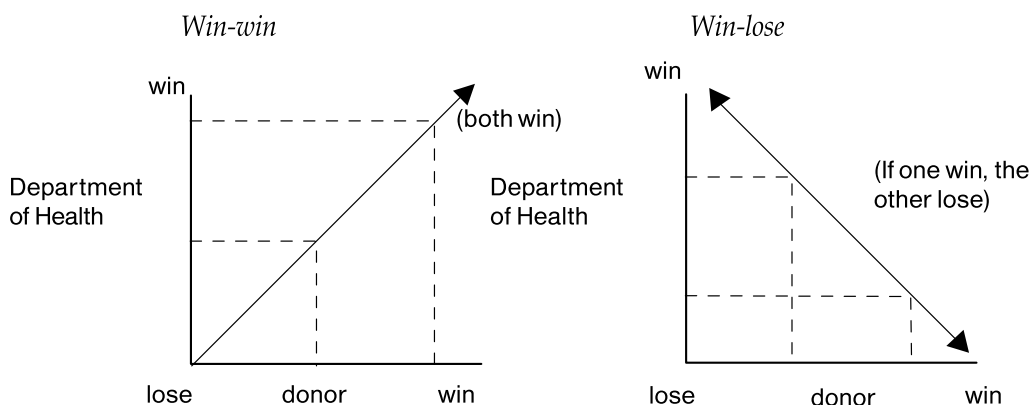


If you want to make sure that you have identified all the roleplayers, you can compare your list with the table following activity 7.6. Which criterion have you used to determine whether the respective roleplayers are winning or losing? This will differ for each roleplayer.

- For the national Department of Health, “winning” would mean that two teachers from each high school have completed the Aids prevention training.
- For the donors, “winning” would mean that their money is being used for the training programme.
- For the Western Cape Education Department, a “winning” situation will probably mean that the funds for the project have been received on time.
- For the NGOs, “winning” means that the training has also reached the rural schools and clinics.

The project will be truly successful only if everyone is experiencing the “win” situation and it becomes a win-win situation for everyone involved. In other words: the success of the project depends on the cooperation of everyone. If one of the parties feels that it cannot gain from the situation (cannot win), this will have a negative effect on the benefits for the other parties. (See figure 8.1.)

FIGURE 8.1



If the donors, for example, are not satisfied with the way in which their money is being used and therefore stop their donations, everyone will lose.

You would probably agree that the ability to provide everyone involved in the project with a win-win experience is an important management skill in the public management environment of today.

What advice would you give the DG in order to bring about the ideal position for everyone involved in the programme? Covey (1992:237) gives the following advice: “Seek first to understand, then to be understood.” In other words, listen before you speak. This is probably the most important characteristic of a good communicator!

The fact that the Department of Health has achieved so much success in the project in which private taxi drivers were used to distribute certain materials makes it obvious that involving a variety of parties may be very valuable.

Similarly, the different NGOs also offer a variety of qualities and abilities that the department does not have. The fact that almost 25 per cent of the department’s budget for fighting HIV/Aids has gone to NGOs confirms that they have achieved success by being “different”! It would therefore be counter-productive to turn everyone into little state departments only because they are involved in providing a public service.

You can congratulate the DG with the way in which a synergy has been established between the different roleplayers in pursuit of a common goal. You will undoubtedly also advise her to ensure that the necessary control measures are in place so that she can easily account for the utilisation of public funds – also by the NGOs.

Your report is now nearly complete. Have you provided an example for each of the interdependency skills?



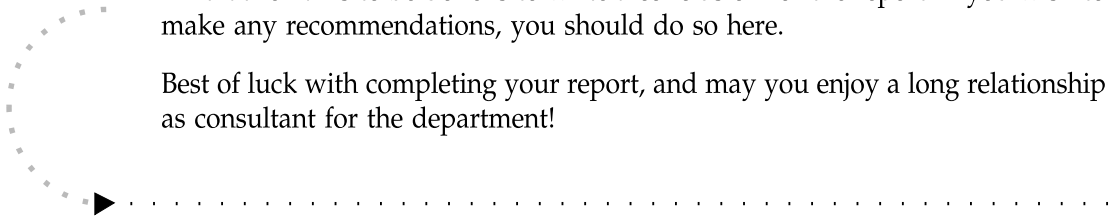
In this last part of your report you have provided an overview of those specific management skills that should enable a public manager to achieve success. You have pointed out that managers in the Department of Health (and therefore also in any other public institution) should at least have the following management skills:

- leadership skills, with specific reference to the skills to
 - act proactively
 - act purposefully
 - do the truly important tasks first
- interdependency skills, with specific reference to the skills to
 - place everyone involved in a public service in a win-win situation

- understand everyone involved, as well as to make his or her own goals understood (that is: good communication)
- bring about synergy between the various roleplayers

All that remains to be done is to write a conclusion for the report. If you wish to make any recommendations, you should do so here.

Best of luck with completing your report, and may you enjoy a long relationship as consultant for the department!



SELF-EVALUATION

Theme 3: *Management of public provision*

The aim of this theme has been to introduce you to the management of public services through a process of simulation. Did you enjoy being a consultant?

Remember that this theme was not about the Department of Health. The department merely provided the context within which to introduce you to the management of public services.

- (1) Look again at the key concepts identified at the beginning of this theme.
 - Do you still consider those concepts to be “key concepts” for this theme?
 - If not, page through the three study units again and list the concepts that now seem to be your key concepts.
- (2) In the story of Thulamela at the beginning of this study guide, the following statement is made: “When implementing the rules and new ideas those involved had to make certain that they had the means to do their tasks.”
 - Which “means to do their tasks” do you think may be involved here?
 - How would you describe the plans of action, arrangements for staff and resources and the development of techniques referred to in that story?
- (3) You have already completed a brief report on the state of management in the Department of Health.
 - (a) You should now make sure that you have paid attention to the following three questions in your report;
 - What are the requirements for providing basic health care for all South Africans?
 - Who is responsible for the management of a public service such as the health services?
 - Which skills are necessary to manage public services?
 - (b) Make sure that your report has been structured as follows (in this respect also refer to the technical prescriptions in Tutorial Letter PASALLP/301):
 - Title page
 - Table of contents
 - Introduction (formulating instructions)
 - What are the requirements for providing basic health care for all South Africans?# Who is responsible for the management of a public service such as the health services?
 - Which skills are necessary to manage public services?
 - Conclusions and possible recommendations
 - List of sources
 - (c) The body of the report (from introduction to recommendations) should consist of approximately 900 words.

process of simulation: process imitating a real situation

- (4) Make sure that you can explain the management of public services in terms of
 - (a) political leadership
 - (b) management tasks
 - (c) sufficient funding
 - (d) sufficient appropriately qualified human resources
 - (e) facilities and equipment
 - (f) the responsibilities of political office bearers
 - (g) the responsibilities of public officials as managers
 - (h) the responsibilities of managers outside the public service
 - (i) the skills necessary for managing a public service

If you want to reflect more on the management of public services, please read the following:

- Bennett, S & Mills, A. 1998. Government capacity to contract: health sector experience and lessons. *Public Administration and Development* 18(4):307–326.
- Boland, T & Silbergh, D. 1996. Managing for quality: the impact of quality management initiatives on administrative structure and resource management processes in public-sector organizations. *International Review of Administrative Sciences* 62(3):351–367.
- Cloete, F. 1995. Managing the Public Service: political and administrative roles, in *The Public Sector Manager*, edited by C Thornhill & SX Hanekom. Durban: Butterworths.
- Smith, BC. 1997. The decentralization of health care in developing countries: organizational options. *Public Administration and Development* 17(4):399–412.
- Venter, A. 1999. The ethics of ministerial responsibility to Parliament, in *Reflective Public Administration: views from the South*, edited by JS Wessles & JC Pauw. Cape Town: Oxford University Press.

Requirements for public service provision

4

O V E R V I E W

Key questions	137
Key concepts	138

S T U D Y U N I T

9

Are the services effective, efficient and economical?	139
9.1 Introduction	139
9.2 Can the results of public service provision be measured?	139
9.3 Criteria for measuring public service provision	141
9.3.1 Effectiveness	141
9.3.2 Efficiency	142
9.3.3 Economy	144
9.4 Public accountability	146
9.5 Review	148

	Is it permissible?	149
	10.1 Introduction	149
	10.2 The need for ethical guidelines	150
10.3	Mutual agreement on what is permissible and what is not	152
	10.3.1 Does my own value system allow it?	154
	10.3.2 Do the codes of conduct allow it?	154
	10.3.3 Do the prescribed procedures allow it?	156
	10.3.4 Is it lawful (legal)?	157
	10.3.5 Is it constitutional?	158
	10.3.6 Conclusion	159
	10.4 Review	161

Requirements for public service provision

4

OVERVIEW

In this study guide we have seen that the provision of public services is mainly the responsibility of the executive. Although different government institutions at the three levels of government are charged with providing public services, we know by now that the services are in fact provided by people. Theme 3 showed us that some of these people are managers who are engaged in specific management tasks and who need to have special management skills. All this happens so as to provide public services that will satisfy the needs of society in order to make the “good life” possible.

KEY QUESTIONS

Public service provision is not as straightforward as it may seem.

- How do we know whether the provision of a public service in fact contributes to the “good life” for society?
- Is it possible to evaluate public service provision?
- What are the requirements in respect of the process of public service provision as a whole?
- What serves as guideline for an individual official in making choices and decisions?

KEY CONCEPTS

To answer the above questions, you need to apply the following concepts:

- ethics
- evaluate
- effectiveness
- efficiency
- economy
- public accountability
- constitutional
- lawful; legal
- code of conduct
- moral consideration

This theme deals with the ethical dimension of public service provision, in other words the good or bad and the right or wrong in respect of public service provision.

Are the services effective, efficient and economical?

Introduction 91

We have already seen at the beginning of the study guide for PUB1018 that public administration aims to satisfy the needs of society within the borders of a specific state by means of the provision of certain public services by the government at all the different levels of government. In the first three themes of the study guide for PUB1029 we have looked at the position of the government within the context of the state, at the institutions and people in the government who are involved in providing public services, and at the management of these services.

Since we accept that public service provision is aimed at satisfying the needs of society, we should now ask the following question:

“Does the process of public service provision in fact succeed in satisfying the needs of society?”

This question wants to know how well or how badly the public sector is performing in its efforts to make the good life possible for society. To determine how “good” or “bad” public service provision is, we need to be able to evaluate whether

- the aim of the service has been realised (was it effective?)
- the resources used for the service (political leadership, management, personnel, money and facilities) are reflected in the results or outcome of the process of service provision (was it efficient?)
- the desired quality of service has been provided in the least expensive way possible (was it economical?)

A key question that now arises is: Is it possible to evaluate the process of public service provision and its results?

Can the results of public service provision 92

be measured?

What do you think the answer is to this question? It is common knowledge that the aim of public service provision is to bring about the “good life” for members

of society, in other words to satisfy societal needs. Have you thought of whether the activities of public institutions in reality lead to the satisfaction of societal needs?



A C T I V I T Y

Read the newspaper article below and then do the activity.

Basic health care for all “within 10 years”

The new national health system will focus on primary health care at community level and aims to provide basic health care for all South Africans within 10 years.

Health Minister Nkosazana Zuma unveiled the proposals yesterday in a white paper policy document tabled in Parliament.

All material copyright: Independent Newspapers 1997.
/Archives/9704/Apr%2023/health1.html

- (1) Judging only by this short quotation, what would you say is the aim of the Department of Health?
- (2) When would you be able to say that the department has achieved its aim? Briefly give reasons for your answer.
- (3) What did you use to measure whether the department has achieved its aim? In other words, what are your criteria?
- (4) If the department succeeds within 10 years in providing basic housing for all South Africans, would it have achieved its aim? Which criterion did you use to measure this? Write it down in the margin next to this question.
- (5) Suppose that
 - it has taken the department 20 years to make basic health care available to all South Africans, or
 - the department succeeded within 10 years to provide basic health care only to all adult women, would you say that the department has realised its aim?
- (6) Which criteria did you use to answer the above question? Write them down in the margin next to the appropriate sentence.



It appears from the short quotation above that the Department of Health does have an aim. Did you notice that its aim is expressed in terms of

- time (10 years)
- the nature of the service (basic health care)
- the scope of the service (all South Africans)

Circle the appropriate word in the sentence below, or fill in the missing words:

Judged by the example in activity 9.1 and the existence of criteria such as time, nature of the service and scope of the service, I have come to the conclusion that the results of public service provision *cannot be measured/can be measured*.

Criteria for measuring public	9.3
service provision	

What do you think society and its elected representatives (Members of Parliament, provincial legislators or municipal councils) will want to know from the Minister of Health (or any other member of the executive authority) about the provision of a specific public service?

Perhaps they will ask the following questions:

- Has your department achieved its aim during the past year? In other words, has your department been effective?
- How well did your department succeed in achieving its aim? In other words, has the department been efficient?
- Can the government and the country afford that service? In other words, is the service economical?

If we accept that public service provision can be measured or evaluated, we are at the same time accepting that there are criteria or units of measurement to do so. We now look at the three key criteria.

Effectiveness	9.3.1
---------------	-------

For our purposes, effectiveness means that a desired aim has been achieved, in other words that the right task has been completed – irrespective of the methods and the techniques used to do so.

What is the right task? Let's return to the example in activity 9.1. In this case the "right task" or departmental aim appears to consist of three distinct factors, namely

- the type of service
- the time within which it should be delivered
- the scope of the service

We have seen in the above activity that the service needs to have complied with all three factors before it can be said that the department's task has been completed and that the department has been effective. Do these three factors apply to all aims and to all public institutions? Thornhill (1995:234) answers this question as follows:

"Yardsticks should be developed in accordance with the nature of the activities that have to be measured, as well as the demands of those requiring the measurements."

If we apply Thornhill's requirements to the quoted aim of the Department of Health, we can say that

- the nature of the activities to be measured is basic health care
- the demands of those requiring the measurements are twofold in this case, namely (a) the period of 10 years within which the service should be provided, and (b) the scope of the service (all South Africans)

The 10-year aim of the department may be divided into annual objectives. These objectives may then be evaluated annually so that the department's work programmes can be adjusted in time when necessary. It is therefore important to report annually to the public on the effectiveness of a public institution.

South Africa is not the only country where public reporting is important. For example, in Canada public reporting on the effectiveness of public institutions has been receiving special attention since the 1970s and 1980s (Van Rooyen 1991:213). This issue was considered to be of such importance that an independent panel was appointed by the Canadian Comprehensive Auditing Foundation to guide public managers in reporting on the effectiveness of their institutions (Van Rooyen 1991:213).

9.3.2 *Efficiency*

If the concept of effectiveness refers to the extent to which an institution has achieved its aim, what does the concept of efficiency mean? According to Van Niekerk (1978:8) efficiency implies that the right techniques or methods have been used to complete a task or to achieve a goal. Botes (1991:147) sees efficiency as the interaction between effectiveness and economy, in other words providing maximum service to society by means of limited resources. To improve the efficiency of a public service, the procedures and methods used may be examined to find easier, quicker and better ways of doing things (Botes 1991:147).

Let's see what we can learn from these two views:

- It is possible for an institution to achieve its aim, in other words to be effective, but to do this in an inefficient manner.
- An institution that does not use the right techniques and methods to achieve its objectives is inefficient, although it may be effective.

Efficiency therefore relates to the means that are used to achieve the end goal.

ACTIVITY

Read the following scenario and think about the exact meaning of efficiency:

Motorists travelling from Worcester to Paarl in the Western Cape may travel along one of two roads or routes. The one crosses the Du Toits Mountains along Du Toits Kloof Pass. The other runs through the Huguenot Tunnel through the Du Toits Mountains. The road via the pass is scenic but longer than the road through the tunnel. Motorists who use the tunnel will cover the distance between Worcester and Paarl in a much shorter time than those who use the mountain pass. Both roads will bring the motorists to their final destination.

- (1) You are on holiday travelling from Worcester to Paarl. You are in no hurry and want to see as much of the scenery as possible. Which route to Paarl will be more efficient for your purposes? State your reason in one sentence.
- (2) You are an official working for the Worcester Municipality. You have to attend a meeting in Paarl. Which route will be more efficient for your purposes? State your reason in one sentence.
- (3) Try to define efficiency in your own situation (as a student or as an official) by completing the following sentence: To me, efficiency means ...
- (4) Think about your fellow students or colleagues. Are they efficient? Briefly give the reasons for your answer.

This activity was intended to make you think about the concept of efficiency. Did you notice that the same situation (or method) can have different meanings for different people? This is because they have different reasons for pursuing the same goal. The other one is on holiday while the other one is working. Both are on their way to Paarl.

So we see that there are different routes leading to the same end goal. Both are equally effective. In other words, both lead to the same destination. But not all routes are equally efficient. Where time is the deciding factor, some routes take longer than necessary to reach the end goal. For the holidaymaker the route via the Du Toit Kloof Pass is the best way of getting to see the scenery between Worcester and Paarl. It is the most efficient route. But will it be the most efficient route for the public servant?

Look around your own work situation. You will notice that many people are working towards the end goal of their section, subdirector, directorate or department. How many of those people are efficient? How many of them are using obsolete and time-consuming methods rather than the latest and best methods? Can you see that although they are completing their tasks effectively, they are actually being very inefficient?

Efficiency is a key concept in evaluating institutions that provide public services. In study unit 3 of this study guide you were introduced to parastatal institutions

productivity: the results in relation to the resources used

or public entities that also provide public services. In terms of the Reporting by Public Entities Act 93 of 1992, institutions are required to make performance information on their activities available to Parliament once a year. One of the items on which information must be provided is the efficient utilisation of resources (Koen & Francis 1997:105). This information includes the unit cost of the service (or product) provided by the particular institution as well as the productivity of the particular institution. These requirements are aimed at ensuring that public institutions achieve their goals in the most efficient manner used possible. To do this, the cost of the resources used to provide the service should be kept as low as possible, without lowering the standard of public services.

Unisa is also a public entity. Have you thought of how Unisa's efficiency may be measured? One method would be to determine the cost to the university of graduating one student at a certain level (eg a Bachelor's degree) (Koen & Francis 1997:107). Its efficiency may be increased, for example, by improving its method of teaching without appointing additional lecturers. Think of more examples in your own situation.

9.3.3 *Economy*

Economy and efficiency appear to be closely related. One would expect that a service that is being provided efficiently will automatically also be economical or affordable. The fact that the concepts of economy and efficiency are regarded as quite distinct from each other, however, implies that an efficient service may not be economical, or that an inefficient service may be economical. Apparently there are important differences between the two concepts. We now look at these differences.

In study unit 15 of the study guide for module PUB1018 attention is given to the distinguishing criteria for determining whether the government should provide a specific service. One of these is the criterion of **public affordability**. This criterion asks: "Can the authorities, government or country afford for the government to provide a specific service?"

ACTIVITY

9.3

ACTIVITY

South Africa is known worldwide for its pioneering work in the field of high-technology medicine. One example is organ transplants. Research conducted over decades has ensured that the operations and care of patients were highly **efficient**. Only essential numbers of expert staff members are used. Optimal utilisation of very expensive and highly sophisticated equipment is ensured. There is no wastage. Patients are not hospitalised for longer than is necessary to ensure their recovery. The success rate of operations shows that this method of treatment is also **effective**. It succeeds in prolonging patients' lives and increasing their quality of life.

Read the following extract from a newspaper report and then do the activities.

Basic health care for all 'within 10 years'

JENNY VIALL

Health Reporter

The new national health system will focus on primary health care at community level and aims to provide basic health care for all South Africans within 10 years.

Health Minister Nkosazana Zuma unveiled the proposals yesterday in a white paper policy document tabled in Parliament.

... The plans make provision for a fundamental transformation of the health care system which includes decentralised management of services, emphasis on the district health system and increased access to primary health care.

Although South Africa spends about 8,5 per cent of its budget on health services, distribution is inequitable and wasteful, according to the white paper.

Spending had been weighted heavily in favour of certain provinces, urban areas and curative hospital-based care while two-thirds of the population had deficient health care. Because of this imbalance, resources would in future be redistributed from high technology hospitals to district health services.

... The emphasis on primary health care would include integrated preventive, promotive and curative services for children and women.

South Africa would be able to afford the new system only through a redistribution of public health resources and finding new sources of finance, according to the white paper.

These were a national health insurance plan and a system whereby health services could keep the fees collected by public hospitals.

All material copyright Independent Newspapers 1997.

/Archives/9704/Apr%2023/health1.html,18/4/1997

- (1) What is the underlying reason for the shift of the South African government's focus from high-technology health care to primary health care?
- (2) Which criteria do you think the government has used to measure the economy of certain high-technology health services? To what would you compare high-technology health services in order to decide whether such relative services were economical or not? (Relative to what?)
- (3) What is the implication of the economy (affordability) of the new primary health care services for other (nonprimary) health care services and for society at large?
- (4) Compare the concepts of **effectiveness**, **efficiency** and **economy** in approximately 150 words.

relative: in comparison with

ACTIVITY

The high-technology health services provided by South Africa's public health care services appear to be highly effective and efficient. In spite of this, the economy (affordability) of these services is being questioned increasingly.

What does this tell you? The government is not only responsible for providing high-technology public health care services. The newspaper report shows that the government's overall aim in its public health care plan is to make basic health care available to all people in the country. It therefore appears that high-technology health care does not carry the same weight within this framework as it used to carry earlier. It is therefore less important relative to other (especially basic) health care needs. Relative to basic health care, high-technology health care is therefore less economical or affordable in spite of it being effective and efficient.

It is clear that funds are needed for the new primary health care services. Have you shown how this may affect funding for other health care services as well as the ordinary members of society?

In comparing the three concepts, did you remember to first define each concept separately, and then to illustrate the three concepts within a single context by using a simple example?

94 *Public accountability*

Have you wondered why the effectiveness, efficiency and economy of public service provision are so important? Surely the government will not be bankrupted if its service provision is ineffective, inefficient and uneconomical! Why do you think it is necessary to be publicly accountable for the effectiveness, efficiency and economy of public service provision?

Think back to the reference to the Magna Carta in theme 1 of this study guide. Do you remember the principle that was established by that document? You should now relate that principle to public accountability.

What conclusions can we draw from the principle that no taxes will be levied without the approval of Parliament as representative of the population? Consider the following as possible conclusions:

- Taxes are usually levied to finance some public service.
- The representatives of the population must therefore first approve the public service to be financed with tax money. (You will find it interesting to look at an appropriation bill submitted to Parliament or one of the other legislators for approval.)
- To be able to make an informed decision, the representatives of the population need sufficient information.
- The representatives of the population will also want to receive reports on the way in which the particular services have been provided.
- Public officials are therefore publicly accountable for the way in which they have used public money to provide public services.

ACTIVITY

Different authors give different definitions for the concept of public accountability. Nevertheless, there are important similarities.

- (1) Carefully read through the following quotations.
- (2) In view of these quotations and the preceding part of this study unit, write a paragraph giving your own definition of the concept of public accountability, for example:

"Public accountability may be defined as ..."

To prevent the misuse by political parties of public institutions (legislative, governmental, administrative and judicial) for purposes other than the promotion of the general welfare, *public accountability* must prevail. This requires that every public institution and functionary must be bound throughout to account in public for what was done or left undone. Public accountability requires external checking for the uncovering of what was improperly done or left undone and kept secret (Cloete 1996:13).

Traditionally the definition of accountability focuses on the obligation to publish some form of account or report ... Equally accommodating is the definition of accountability as "an obligation to answer for a responsibility conferred" (Loots 1991:201). Accordingly, public accountability is the obligation to answer publicly for the responsibility conferred ... In terms of such definition, accountability is about asking questions and having them answered (Gloeck 1996:9).

Every social context requires communication between those who are put into a position of responsibility and those to whom they are presumed to be accountable. Those who are in these positions of responsibility must be prepared to answer questions about what they are doing ...

In the political realm, the very concept of constitutional government presupposes the effective operation of a system of checks and balances so that the citizenry generally can limit the ambitions and power of those to whom they have delegated this responsibility ... (Briloff 1967:3-4).

Being accountable for public funds requires *inter alia* that performance measures be formulated which will enable judgement about the economic, efficient and effective application of public funds (Koen & Francis 1997:111).

Did you manage to write your own definition? Check whether you have paid attention to the following aspects:

- Who has public accountability?
- To whom are they accountable?
- What is the main reason for public accountability?
- Which categories of information are necessary for public accountability?

accounting officer: responsible for the administration of the budget vote or appropriation item under his or her control, for example directors-general, chief executive officers and town clerks

Public officials are all engaged in some way or another in dealing with someone else's money on behalf of someone else (eg the tax payer). They therefore do not act in their own interest but in the interest of society. This means that they are in a particular position of trust. It is almost obvious that public officials have to be accountable for those actions that they perform in their official capacity.

In the South African public service, the directors-general of state departments are accountable as accounting officers to Parliament or the provincial legislators for their particular departments. In terms of the Constitution, it is the responsibility of the Auditor-General to submit an audit report on the activities of public institutions to Parliament. Parliament in turn has a special committee (the Joint Standing Committee for Public Accounts) that studies that report and holds the particular accounting officers accountable. You can learn more about this in Module PUB201B.

95

R · E · V · I · E · W

"Does the process of public service provision in fact succeed in satisfying the needs of society?"

How can we know? We can get a reliable answer to the question only if those involved in public service provision assume public accountability for their actions.

Having completed this study unit, you should be able to

- give an opinion on the measurability of public service provision
- explain the criteria of effectiveness, efficiency and economy and apply them to practical examples
- explain the meaning of public accountability within public administration
- explain how it is possible to determine whether a public institution is contributing to the "good life" for society

Is it permissible?

10

Introduction 10.1

In study unit 9 we saw that the population of a country may demand public accountability from public officials. We also saw that a main aspect of public accountability relates to the results of the process of public service provision. How effective, how efficient, and how economical is the public service that has been provided?

A second dimension of public accountability relates to the permissibility of the actions of public officials. In other words:

- What are the ethical prescriptions that apply to public officials?
- What are they allowed to do and what are they not permitted to do?
- What is proper and what is improper for a public official?

ethical: refers to good and bad, and right and wrong; also morality

ACTIVITY 10.1

A C T I V I T Y

Consider your own position as a student.

- (1) List those things that students should do when writing an examination (that which is right or proper).
- (2) List those things that students should not do when writing an examination (that which is wrong or improper).
- (3) How did you know which things to list at (1) and (2) respectively? In other words, how did you know what was right and what was wrong?

ACTIVITY

It may have been easier to write down what a student should not do than it was to list the things that a student should do. Who or what told you that it is wrong to copy the answers of a fellow student in the exams? How did you know that it is right for students to answer their own examination questions to the best of their abilities?

Few students will wonder whether copying another student's answers in an examination situation is right or wrong – without having read any prescriptions or instructions in this respect. Public officials whose main aim is to make the “good life” possible for society, however, experience many situations every day in which their choices may not be as obvious. In such situations, the following questions are often asked:

- Is it permissible?
- How do I know whether it is permissible?

10.2 *The need for ethical guidelines*

Why should someone be concerned about the permissibility of the actions of public officials? One may convincingly argue that if the service that they provide is effective, efficient and economical, they have fulfilled their side of the agreement.

It is not that simple. Apart from effectiveness, efficiency and economy, there are many more **values that are important to society**; values that determine the reciprocal relationships between the different parties in society. Public officials jointly form such a party that has a relationship with other parties.

Who are the other parties?



A C T I V I T Y

Read the piece below (De Beer 1989:168–169) and then do the activities:

When thinking of ethics in public service provision, one has to consider the relationship between the four main parties involved in public service provision, namely the legislator, the executive political office-bearer, the public official and the member of the public. The word relationship refers to the attitudes, convictions and dispositions of the parties, their expectations as well as ideals and goals, and especially also the actions carried out in respect of one another. Those factors that determine people's attitudes, expectations and actions towards one another are the morality or ethics. Morality is a practical matter. The term practical is derived from praxis which means to do or to act. Morality is therefore concerned with what should be done or what should not be done.

- (1) List the **different parties** involved in public service provision.
- (2) List those factors that are involved in a **relationship**, according to De Beer.
- (3) Put yourself in the position of the public official. Think about the relationship of the public official with each of the other roleplayers.
- (4) Prepare a diagram to set out these relationships (a brain chart or mind map) clearly.



You may use any form for the brain chart as long as it portrays the reciprocal relationships in a meaningful way. Make sure that you have drawn the chart so as to show that each party (the public official, political office bearer, elected legislative authority and society) is in interaction with all the other parties. As our focus is mainly on the public official, you could have drawn the brain chart in the shape of a triangle with the public official in the centre of the triangle.

You have probably realised that the extract above says a great deal. Who would have thought that the **relationships** between the various parties include the following?

- the **attitudes, convictions** and **dispositions** of the parties towards one another (these may be positive or negative, hostile or friendly, being served or serving, etc)
- the **expectations** and the **ideals** and **goals** of the parties
- the **actions** performed in respect of one another



10.3

A C T I V I T Y

The meanings of some words may not be clear when we come across them in a particular context for the first time. Good students will use dictionaries to understand these meanings more clearly.

- (1) Look up the meanings of the words printed in bold above in a good dictionary of definitions.
- (2) Write down the meanings in the margin alongside the particular paragraphs.
- (3) Make sure that you clearly understand the meanings of the terms.



codify: to put in writing in the forms of statutes or laws, prescriptions or rules, procedures and codes

The key questions is: “How do public officials know when their

- attitudes, convictions and dispositions towards other parties
- expectations, ideals and goals in respect of the other parties
- actions towards other parties are **permissible** or **proper**?”

The morality or ethical views of the particular official and the other parties will determine the nature of proper relations between them. If all public officials and other roleplayers share the same value system, there will be no doubts or misunderstandings in this respect. If it is likely that misunderstandings may arise, it would be wise to codify the values and norms, in other words to put them in writing and publish them officially.

Public officials are always involved in many relationships with other parties. What has been your experience of the **attitude** of public officials towards members of the public? Do they have an attitude of service or of being the “boss”? What does society **expect** from the actions of public officials? How do public officials act towards members of the public?

Would you say that those attitudes, expectations and actions are right or wrong?

Why do you regard them as right or wrong?

On what basis would you judge that they are right or wrong?

All these questions make us realise that public officials need ethical guidelines that they can use to judge whether their relationships with other parties are permissible or not. Ethical guidelines may be compared with the white lines in the middle of a road. As long as the motorists drive to the left of the line, they are safe. If a motorist should cross the line, however, it is quite possible that the car will collide with traffic coming from the opposite direction. To prevent collisions all over the place, it is important that all motorists should know on which side of the barrier line they should drive. There is therefore a reciprocal unwritten agreement between motorists to obey the written and compulsory traffic rules.

10.3 *Mutual agreement on what is permissible and what is not*

Reciprocal relationships also imply mutual agreements on acceptable and permissible behaviour. In the study guide for PUB1018 we introduced such a mutual agreement, namely the social contract. We used the Constitution as an example of a social contract between the government on the one hand and society on the other hand. It prescribes the behaviour that is mutually acceptable or that is unacceptable.

Think about this question: Can the parties to this social contract choose whether or not to obey the Constitution?

There are also other forms of mutual agreements, for example ordinary laws, regulations, procedures and codes of conduct. Each contains some rules on acceptable and unacceptable behaviour.

Now think of the following: Can public officials choose whether or not they want to obey

- the laws of the country
- laws, regulations, codes of conduct and other prescriptions that apply specifically to the staff of the public institution where they are employed?

Look at activity 10.1 again. How did you know what would be permissible or not permissible for a student in an examination situation? Perhaps you judged this according to your own unwritten value system? Similarly, public officials often have to decide within seconds, without consulting laws and rules, whether an action is permissible. What do they use to guide them in those cases? Can it be their own unwritten value system?

ACTIVITY
10.4

ACTIVITY

Read the following scenario and then do the activities.

You are an architect employed by the Department of Public Works and in your free time (private time) you act as a consultant for a construction company. You have received approximately R40 000 as your share for a project completed for the Department of Public Works. There is no evidence that the state has been disadvantaged in any way by your actions. You did not, however, obtain official permission to do private work for pay.

- (1) Think back of the evening when you were approached by the private construction company to do the work for them. You were at home. You did not have copies of the Public Service Act or any other official documents with you that could have guided you in your decision. You had to rely on your own judgment and had to give them an immediate answer.
 - How did you debate the issue before reaching a decision? Write down your argument briefly.
- (2) You have to write a provision for the Code of Conduct for Public Servants to make this issue clear.
 - How would you formulate this provision so that it may serve as a guideline for an official in your position who has to make a similar decision? Write the provision down concisely.
- (3) What other guidelines may a public official use if there is uncertainty whether an action is permissible or not? Name them.

ACTIVITY

You may be familiar with the example of paid work outside official hours. You need only think of people in your own circle of friends who are supplementing their income in some way or another. How did you fare with the activity? We look briefly at the approach you may have followed

10.3.1 *Does my own value system allow it?*

The first question you may have asked yourself, is: “Does my own value system allow it?” How did you feel about the matter? On what basis would you make a quick decision on it?

De Beer (1989:183) suggests that an ethically aware subject, in other words an official who wants to make the right choice, will choose in favour of radical unselfishness. How does this help you as an official?

As an official you will have to make sure that you will not benefit in the process at the expense of your employer or even of society. In other words, will your choice contribute to or detract from the “good life” for society? If you have any doubts, the right choice would be to decline the offer.

You may have debated the matter in your own mind. You are convinced that you will not be profiting at the expense of your employer or society by doing the private work. You may have argued that everyone benefits from the fact that the department that is your employer is also the client of the private contractor. Your involvement in the project may ensure that your department will receive a better service which may in turn benefit society. Do you agree? Would officials have used the same argument? If not, you should think of the reasons why public officials may make different decisions.

The question, “Does my own value system allow it?”, is equally applicable to any other scenario. An example that comes to mind is that of the policeman who, several years ago, had to arrest someone for an act that he himself did not regard as a crime. The Truth and Reconciliation Commission heard many such excuses.

10.3.2 *Do the codes of conduct allow it?*

You now have to look at the other side. You are no longer the official who has been offered private work. You are now the final author of the Code of Conduct for Public Servants. Your task is to draw up guidelines that may be followed when a public official is unsure whether a paid private job is permissible. Before we consider your formulation, we look briefly at what a code of conduct is and what it is supposed to say.

What is a code of conduct?

In this specific case a code of conduct is an aid for public officials to make the right (proper) choice. It is generally accepted that a code of conduct

- is a declaration of acceptable behavioural norms (Cutchin 1981:21)
- is based on specific principles (Hanekom, Rowland & Bain 1986:152)
- is a set of practical prescribed rules (Dreyer 1970:63)

In the case of South Africa, a code of conduct for public servants in the national and the provincial spheres of government was published on 17 June 1997 as part of the Public Service Regulations. In the case of local government, a code of conduct was included in the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

What is a code of conduct supposed to say?

Among other things, the code of conduct for South African public servants deals with (South Africa 2003:83) the following:

- an employee's relationship with the public
- an employee's relationship with other employees
- the required performance of duties; and
- personal conduct and private interests

Would you agree that a code of conduct should contain practical norms to make it easier for officials to act in accordance with the values of the public administration? What is a code of conduct supposed to say about private work for pay by public officials? Compare the paragraph that you have drafted with the following extract from the Code of Conduct for Public Servants published by the Office of the Public Service Commission in 1997:

“An employee –

- does not, without approval, undertake remunerative work outside his or her official duties or use office equipment for such work.”

What is the implication of this formulation? It seems that when a public official decides on the basis of his or her own value system (section 3.1 above) to consider such an offer, he or she is not allowed to simply carry on and do such work. Official permission must first be obtained. The code of conduct therefore does not provide a guideline for the public official to decide for himself or herself. The final decision is made by his or her employer.

Think about the following questions:

Why do you think is official approval necessary?

Is it possible that the involvement of the architect may have given the construction company some advantage over other companies competing for the same contract?

Can the employer be disadvantaged in some way or another or embarrassed by the involvement of one of its staff members in a private company providing a service to the department?

Is there any danger of a conflict of interest?

Can society be disadvantaged?

What other formulations are possible for this particular part of the code in order to provide officials with guidance on permissible behaviour?

10.3.3 Do the prescribed procedures allow it?

A code of conduct is only one guideline for public officials having to make a choice. There are also many other guidelines. One such guideline is the prescribed procedures.

10.5 ACTIVITY

ACTIVITY

Think of examples in your own work situation of prescribed procedures that must be followed. If you are not in a work situation, think of your situation as a student.

- (1) List all the different prescribed procedures that apply to you.
- (2) Select one procedure and think of how it helps you to act in the “right” way.
- (3) Name the possible consequences of ignoring such a procedure.

ACTIVITY

You probably realised very soon that there are many rules of procedure within your work situation. The following are some examples of prescribed procedures:

- procedures for appointments
- procedures for personnel evaluation
- tender procedures
- occupational safety prescriptions
- procedures for post-operative care of patients (after an operation)

If the prescribed procedures are not followed to the letter and an official behaves “incorrectly”, it may have unpleasant consequences. If you have not followed the prescribed procedure, for example in appointing, evaluating or promoting personnel, you may be accused of having favoured one person at the expense of someone else. Rules of procedure therefore safeguard a public official against possible accusations of unethical behaviour.

Large amounts of money and fierce competition are often involved when tenders are awarded for large public projects (think of *Sarafina II*), and the tender procedures protect the officials who make the final decision in awarding the contract against accusations of corruption or favouritism. The procedures have been designed so as to give all potential service providers an equal chance of winning the contract. They are therefore aimed at ensuring no favouritism and only the best public services.

The consequences of disregarding rules of procedure vary. In some cases it may lead to a public scandal, in other cases it may even cause the death of a patient.

Rules or prescribed procedures may take on various forms. The best known in the South African public service is probably the Public Service Personnel Code. There are also other rules of procedure. Can you name some of them?

Is it lawful (legal)? 10.3.4

We now return to activity 10.4. Apart from codes of conduct and prescribed procedures, the most important directives (rules) are contained in the statutes or laws. It was not until 1997 that a separate code of conduct was formulated for the South African public service. This code has also been incorporated into the public service Personnel Code. Prior to this, all the ethical prescriptions (misconduct provisions) were contained mainly in the Public Service Act.

The legitimacy of the actions of public officials applies in particular to their relationship with members of society.

ACTIVITY
10.6

ACTIVITY

Think for a moment of those public services that may affect the freedoms and rights of members of society. Those services are provided by public officials.

- Where do they get the authorisation to perform their tasks?
- What would happen if they were to perform actions for which they have no authority?

ACTIVITY

Which public services may affect the freedom and rights of individuals in some way or another? See if the following will appear on your list:

- police services
- revenue services
- vehicle licensing services
- traffic safety services

Where does a police official get the authority to search the house of a suspected drug dealer?

An ordinary member of the public has no right to confiscate the financial

statements of a suspected tax evader. Where do the staff members of the South African Revenue Service get the authority to do so?

Public officials are authorised by laws to invade the privacy or encroach upon the rights of individuals. Specific provisions apply in such cases. If they were to act outside the framework of authorisation of those laws, their actions will not be lawful or legal. The laws therefore protect members of society against the abuse of state authority. On the other hand, the laws provide the particular public officials with the necessary authority to carry out their tasks.

10.3.5 *Is it constitutional?*

The final guideline for public officials is the Constitution. The Constitution not only provides the norms for the actions of public officials, but also serves as norm for

- codes of conduct
- rules of procedure
- other laws

The Constitution may be regarded as protector of the rights of individuals against the abuse of power by the state and its executive government institutions. As in the case of laws and rules, public officials do not have the choice whether or not to obey the Constitution. They are compelled to do so.

10.7

A C T I V I T Y

Read section 9 of the Constitution of the Republic of South Africa 108 of 1996 and then do the activities that follow:

- (1) What is the subject of this section? Write down the key word next to this sentence.
- (2) Give a brief summary of the provision contained in the section for the actions of public officials.
- (3) Who is protected by this section?

ACTIVITY

Section 9 deals with **equality** and is one of many constitutional rules for public officials. Think back to the diagram that you sketched at the beginning of this study unit. Can you see that this section relates directly to the interaction between the official as representative of state authority and the (powerless) member of society?

Make sure that your summary included references to the following:

- the scope of equality
- restrictions on the state
- restrictions on individuals
- prohibition of discrimination

Individual members of society are therefore protected by this section against unfair discrimination especially by officials employed by state institutions.

Conclusion 10.3.6

Dear student

As public official you will face ethical issues every day. The logic of the preceding part implies that when, as an official, you are not sure whether an action is permissible, in other words if your own value system or ethical views do not provide you with the necessary clarity on the issue, you may consult a variety of sources. Sources such as the Constitution, statutes, rules of procedure, and codes of conduct are relevant here. At least one of these sources will provide you with an answer as to the permissibility of an action.

Let us now turn that situation around.

ACTIVITY
10.8

ACTIVITY

Read the following imaginary example and then do the activity.

You are a senior official in the service of the Department of National Education in the era prior to 1994. You are responsible for the budget proposals for funding education. The funding formula that has been used traditionally amounts to an annual amount per pupil. The same formula is used for funding pupils in white and black schools, with the exception that one of the values in the formula differs. This results in a higher amount per pupil being budgeted for white schools than per pupil in black schools.

The entire funding process takes place within the framework of the 1983 Constitution, as well as existing laws and rules. The process is therefore permitted by the rules and the laws. Your minister has approved the application of the formula and expects it to be used in the budget and for the appropriation of funds.

As senior official you do not support the way in which the formula is manipulated to the detriment of a particular group of pupils.

- (1) Is the application of the formula ethical?
- (2) Which guideline will you as official use to decide whether it is ethical or not?
- (3) Write a short paragraph explaining what you would regard as ethically correct action for an official who has been confronted with such a situation.

Now also read the following:

You are a nursing sister employed by a provincial administration. You work in the maternity ward of a local hospital. Abortions have been legalised by an Act of Parliament. This means that abortions are now regarded as constitutional, legal and even prescriptively permissible. Since abortion was legalised, the hospital has been flooded with young pregnant women who have come for a legal abortion – a service that is now provided by the hospital. As maternity sister it has become part of your duties to assist the doctors in the abortion procedure.

You have not personally come to terms with the fact that abortions are now legal. To say the truth, from a religious perspective you are strongly opposed to abortions.

- (4) Is it permissible to perform abortions in state hospitals?
- (5) Do you find abortions acceptable?
- (6) If all the legal prescriptions say that abortion is permissible, on what basis do you (as nurse in the imaginary story) feel that abortion is not permissible?
- (7) Is it possible for an official to have an ethical view that differs from that permitted by the institution in which he or she is employed? Write a short paragraph explaining how you would have dealt with such a situation.



ACTIVITY

Have you found these two situations confusing? What I wanted to illustrate was that laws and other rules are useful guidelines within a work situation to determine whether or not actions are permissible. As you have discovered for yourself, they may not be the final basis for decisions.

The fact that laws and rules exist does not deprive you of the privilege to make unselfish ethical choices. Both people in the two scenarios may have to make choices that will be harmful to their careers. This is an outcome of the privilege of being an ethical creature. One sometimes has to endure the negative consequences of one's good choices.

Now think of your own situation. How many examples can you name of cases where an action is permitted by law and by the rules, but may not be ethically allowed according to your own ethical view?

People's choices are often determined by unique circumstances. Under a particular set of circumstances, an abortion may save a woman's life. Under a different set of circumstances it may mean that new life is being taken away ... You alone can decide what it means to you. You will have to make your own choices ... and live with them.

You have now reached the end of study unit 10. Make sure that you are able to

- identify the different parties involved in public service provision
- name the factors that make up the relationships between the parties, according to De Beer
- understand that public officials may need ethical guidelines
- name the different ethical guidelines available to public officials
- identify the core value of a public official's value system
- give reasons why a code of conduct for public officials is valuable
- justify the usefulness of rules of procedure
- explain the principle of lawful public actions
- discuss the scope of the influence of the Constitution as ethical guideline
- consult the appropriate sources in order to make the right decisions when as a public official you are unsure whether an action is permissible
- make ethical choices with which you can live when the "right sources" fail you

Theme 4: *Requirements for public service provision*

Theme 4 has dealt with the ethical dimension of public service provision, in other words with the requirements that apply to public service provision.

- (1) Think back to the story of Thulamela at the beginning of this study guide. It concludes with the following paragraph:

As those involved in governing used the resources of the community, and were there to be of service to society as a whole, they had to always be sure that they had the trust and respect of all the people. They therefore had to always make sure that they provided good quality services while using as little of the communities resources as possible. This efficiency in providing services was closely linked to the honesty and integrity of each individual who worked on behalf of the entire community and for the greater good attributes that are necessary to this day for those involved in government.

- (a) In a short paragraph, explain what was done to ensure that the community received the best quality public service.
 - (b) Briefly summarise the main ethical values that applied to the public officials in Thulamela and that are still valid today.
- (2) In one paragraph, give your opinion on the question: Can public service provision be measured?
- (3) There are three main criteria for evaluating the results of public service provision
 - (a) Name and discuss these criteria.
 - (b) Use an example from your own situation to illustrate the differences between the criteria.
- (4) Look at the definition of the concept of “public accountability” as arrived at in activity 9.4. Are you still happy with that definition? (5) How will you go about evaluating the extent to which a state department such as the Department of Health is succeeding in the pursuit of the “good life” for society? Your answer should not be longer than 150 words.
- (6) Name the parties to whom public officials relate. Take another look at your brain chart in activity 10.2. Are you still happy with it?
- (7) What are the factors that make up the reciprocal relationships between the public official and other roleplayers?
- (8) Name and discuss the guidelines that a public official may follow to determine whether or not an action is permissible.
- (9) Next to each guideline, write down either “discretion” or “compulsory”, as appropriate, to indicate which of the guidelines leave room for public officials to use their own discretion and which are compulsory.
- (10) Are you satisfied that you will know how to deal with an ethical issue with which you are confronted in the work situation?

- (a) In other words, are you familiar with the guidelines for ethical behaviour for public officials? Yes/No
 - (a) Will you be able to make ethical decisions in the absence of guidelines, or in spite of guidelines, with which you will be able to live in future? Yes/No
- (11) Make sure that you can explain the requirements for public-service provision in terms of
- (a) its measurement
 - (b) effectiveness, efficiency and economy as measuring criteria
 - (c) public accountability, and
 - (d) ethics and ethical guidelines

The following articles should help you stimulate your thoughts on measuring of public service provision:

- Auriacombe, C. 1999. Etiese verantwoordelikheid: die fondament vir verantwoordbare optrede deur staatsamptenare in 'n demokrasie? *Politeia*, 18(3):81–100.
- Cheung, ABL. 1996. Efficiency as the rhetoric: public sector reform in Hong Kong explained. *International Review of Administrative Sciences* 62(1):31–48.
- Myers, R & Lacey, R. 1996. Consumer satisfaction, performance and accountability in the public sector. *International Review of Administrative Sciences* 62(3):331–350.
- Muthien, Y. 1996. The end-means equation: Assessing the effectiveness of public programmes in promoting the general welfare. *SAIPA – Journal of Public Administration* 31(4):245–256.
- Ncholo, MP. 1996. Right-sizing of the Public Service – the official view. *SAIPA – Journal of Public Administration* 31(4):221–229.
- Olowu, B. 1998. Strategies for improving administrative efficiency in the democratizing states of Africa. *International Review of Administrative Sciences* 64(4):661–624.
- Oschmann, JJ, Ströh, EC & Auriacombe, CJ. 2005. In search of excellence in public service delivery: Primary and supportive dimensions of Total Quality Management. *Politeia – Journal of the Political Sciences and Public Administration* 24:176–196.
- Robson, IH. 1999. Professional ethics from day to day: a practitioner's reflection, in *Reflective Public Administration: views from the South*, edited by JS Wessels & JC Pauw. Cape Town: Oxford University Press.
- Venter, A. 1998. The Sarafina 2 case: evasion of ministerial responsibility to parliament? *SAIPA – Journal of Public Administration* 33(2):87–105.
- Visser, J. 1996. Measuring public sector productivity. *SAIPA – Journal of Public Administration* 31(4):239–244.

Power and public functions

5

OVERVIEW

Key questions	167
Key concepts	168

STUDY UNIT

11

What is enforceable state authority?	169
11.1 Introduction	169
11.2 Which public services require enforceable state authority?	169
11.3 Where does the government get the authority to use its power?	173
11.3.1 The Constitution	174
11.3.2 Political legitimacy	175
11.4 Review	177

STUDY UNIT

12

Protection against the abuse of power	179
12.1 Introduction	179

12.2	<i>Can the government abuse its power?</i>	179
12.3	<i>Can the government be prevented from abusing its power?</i>	181
12.4	<i>Review</i>	183

S E L F - E V A L U A T I O N

.....



Power and public functions

5

OVERVIEW

Theme 5 is the final theme in the study guide, and as such it is the last step in your quest for knowledge on the structure and functioning of public service. This step is important because in a sense it highlights the essence that distinguishes the structure and functioning of public services from that of private service.

For example, theme 5 of the study guide for PUB1018 dealt with 10 criteria to determine whether a service should be provided by the government or by the private sector. One of those criteria is **the criterion of authority**. This criterion asks the question: “Is enforceable authority necessary to deliver the service?” If the answer to this question is “yes”, then the service or function in question is a government function. If the answer is “no”, such a service may be provided by the private sector. From this we can conclude that the **state** and its **government institutions** possess **enforceable authority**, and private institutions do not.

KEY QUESTIONS

In view of the conclusion drawn above, this theme focuses on the following two key questions:

- What is enforceable state authority?
- Can society be protected against the abuse of enforceable state authority?

KEY CONCEPTS

The following key concepts may be derived from these two questions:

- enforceable state authority
- power
- legitimacy
- abuse of power

What is enforceable state authority?

Introduction 11.1

In the study guide for PUB1501 the criterion of authority has been introduced. This criterion stated that if effective provision of a public service or performance of a public function requires **authority or power to enforce obedience or compliance**, only the **government** can assume responsibility for providing that service.

The question now is:

- Which public services require enforceable state authority?

At the same time we may ask:

- Where does the government get the authority to exercise its power?

Which public services require enforceable state authority? 11.2

In the study guide for PUB1501 we identified the following five categories of public services:

- protective services
- wealth-creating services
- welfare and social services
- cultural and educational services
- environmental conservation services

The question we need to answer is whether the government needs enforceable state authority to provide any public service included in one or more of the above categories.

Look at the categories above and think of possible examples of services.

What exactly is enforceable state authority?

ACTIVITY

Read the following (fictitious) scenarios and then answer the questions.

- (1) The University of South Africa (Unisa) makes a rule that in order to qualify for a Bachelor's degree all its students, in addition to the subjects of their choice, must also enrol for Public Administration.
 - Can Unisa expect all its students to comply with this rule? (Yes/No)
 - Can Unisa automatically apply this rule also to students enrolled at the University of Cape Town? (Yes/No)
 - Give brief reasons for your answers.
- (2) The South African Parliament has decided that all residents of the country who earn an annual income in excess of R100 000 must in future pay 65 per cent of such income in tax. The South African Revenue Service is responsible for collecting such tax.
 - Does this obligation also apply to those residents who are opposed to such a system of taxation? (Yes/No)
 - Does this obligation also apply to those who cannot afford the tax because their payments on house loans and car loans are too high? (Yes/No)
 - What can happen to people who do not pay their taxes?
 - Give brief reasons for your answers.
- (3) The local building regulations stipulate that the walls of all new homes must be at least 30cm thick. Engineering reports, however, consider a thickness of 20cm to be sufficient.
 - Is a builder entitled to construct walls that are only 20cm thick for a new house within the borders of the particular local municipality? (Yes/No)
 - In terms of the building regulations, the local municipality may have the house demolished if it does not comply with its stipulations. Do you think the local municipality is really allowed to do this? (Yes/No)
 - Give brief reasons for your answers.
- (4) The death penalty is unconstitutional and is therefore prohibited in South Africa. The death penalty nevertheless applies in many other countries of the world (such as the United States of America). If you lived in the USA, how would you have judged the following situations in that country?
 - A gang of drug dealers execute one of their own because he has broken some of their rules. Were they allowed to do that? (Yes/No)
 - A group of activists hijack an aircraft on a domestic flight in the USA. They make certain demands from the government of the country. When the government does not meet their demands, they execute one of the passengers. Were they allowed to do that? (Yes/No)

- A young man is found guilty of murdering several young women. He is condemned to death by the court. He is later executed by the authorities by means of the “electric chair”. Was the government in the USA allowed to execute the young man? (Yes/No)



Did the above scenarios bring you closer to finding an answer to the question: “What is enforceable state authority?”

In the first scenario it appears that Unisa is entitled to make rules to be followed by its students. Students at other universities, however, can ignore these rules. Do you still remember the criterion of membership? Only students who are “members” of the institution making the rules need to comply with the rules. What can happen to students who do not comply with the rules? They will probably not meet the requirements and therefore will not graduate. Why is this? They will not have complied with the conditions upon which they were allowed to enrol for a degree course. If students are unhappy with these rules, they may enrol at a different university that does not have the same rules. They therefore have a choice: either they comply with the rules and graduate at Unisa, or they do not comply with the rules and do not graduate at Unisa. Can the inhabitants of a country choose whether or not they want to pay taxes? If they do not pay, they may even end up in prison! Do you notice the difference? Unisa cannot imprison a student who does not comply with its rules. But the state can imprison people who do not obey its laws like paying taxes.

Whose authority carries the most weight when it comes to the thickness of house walls: that of an engineer or that of a local government’s building regulations? If a neighbour feels that the walls of a new house are unsafe because they are not thick enough, he or she will not have the right to have the walls demolished. The neighbour may, however, file a complaint with the local government if he or she is of the opinion that the house next door does not comply with the building regulations. The government does have the right to insist that the building regulations be followed and to have the building physically demolished if it does not comply with the regulations. This right is called the enforceable authority of the state.

The use of power in the above example is not as far-reaching as taking the life of an individual. You will have noticed from your answers relating to the USA scenario that only the state has the legitimate right to take a life.

How did you reach the conclusion that only the state may take a life? If you simply felt that it was the case, you are not alone. Ranney (1993:8) states that only the government has the legitimate power to execute offenders who have broken certain rules. In South Africa, only the state has the legitimate power to imprison those who offend against the rules.

legitimacy: general acceptance by society that the power of government is proper and legitimate and must be obeyed

The death penalty and imprisonment are some of the most drastic means by which the state may enforce its power. There are also many other less drastic means. From the examples that we have mentioned, you can see that government at all spheres and in all functional categories has the authority of the state to enforce its rules.

The use of the word “rules” is meaningful. A rule means that people are being regulated. For example,

- the income of the inhabitants of a country is regulated by tax legislation
- economic growth is regulated by the Department of Finance and the Reserve Bank by means of financial control measures
- compulsory school attendance of children is regulated by enforcing certain education legislation
- motorists’ use of public roads is regulated by traffic rules



A C T I V I T Y

- Think of more examples of how the government may enforce its state authority or public authority on members of society.
- Use existing government functions as guidelines.
- Think of examples of the use of state authority by the following departments and write them down next to each department:
 - Department of Defence
 - Department of Land Affairs
 - Department of Trade and Industry
 - Department of Environmental Affairs
 - Department of Water Affairs and Forestry
- Write down the reasons why the government, in your opinion, is entitled to use its powers to enforce some of its functions.



The rules of the state that are enforced by virtually all its service-providing institutions are made and enforced in the interest of and on the authority of the enfranchised citizens of the state, in other words, to protect the various interests of society in some way or another. State institutions therefore have the legitimate **authority** to enforce their rules. This implies that the government has legitimate **power** to enforce its authority.

Which reasons did you give in the activity above? You may have used the following arguments:

- The most fundamental task of government institutions is **to ensure the survival of the state and its citizens**.
- To be able to do this, the government must **protect** the independence of the state against enemies from outside its national borders. This may sometimes require the use of deadly weapons.
- The government also has to suppress internal conflicts and disorder. This may sometimes require the use of **force**.
- The government has to protect the rights of its citizens in various fields and – to do so, it needs to use its powers.

Ranney (1993:11) gives the following examples of the enforceable authority of the state:

Governments can apply many kinds of sanctions to lawbreakers: physical, economic, psychological, violent and nonviolent. Governments may deny a license to engage in a business or profession, take away the right to vote and hold public office, withdraw financial aid, revoke citizenship, deport, and exile ...

Governments generally use coercion to achieve one or both of two main objects: (1) to “make examples,” that will convince potential lawbreakers that the consequences of breaking the law will be worse than any gains, and (2) to take out of circulation any person who, undeterred by those threats, breaks that law anyway.

Think about the following:

- In what way does the power of a criminal gang to enforce its authority on its members differ from the exercise of power by the government?

<i>Where does the government get the</i>	11.3
<i>authority to use its power?</i>	

In thinking about the previous question, did you take another look at activity 11.1? The word legitimacy is fairly prominent in that activity. It is clear that different institutions and individuals have various instruments of power at their disposal. In other words, it is not difficult to force your will upon others if you have a weapon (such as a deadly firearm) at your disposal.

The question is:

- Is such exercise of power legitimate?
- Is this use of power permissible?
- Where does the government get the authority to use such power?

In theme 4 we paid special attention to the Constitution, statutes (laws) and codes of conduct as guidelines for permissible actions by public officials. In that respect, too, we may ask the following:

- Is it legitimate? In other words, do these guidelines have the approval and acceptance of the society as a whole to which they apply?

The 1996 Constitution of the Republic of South Africa may be regarded as a modern social contract. The way in which it came into being ensured that it would be a **legitimate contract**.



A C T I V I T Y

Read the following quotations from the Constitution of the Republic of South Africa 1996 and then do the activities:

2. This Constitution is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled.
44. (4) When exercising its legislative authority, Parliament is bound only by the Constitution, and must act in accordance with, and within the limits of, the Constitution.
92. (3) Members of the Cabinet must –
- (a) act in accordance with the Constitution; and
 - (b) provide Parliament with full and regular reports concerning matters under their control.
125. (6) The provincial executive must act in accordance with –
- (a) the Constitution; and
 - (b) the provincial constitution, if a constitution has been passed for the province.
156. (5) A municipality has the right to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions.
165. (5) An order or decision issued by a court binds all persons to whom and organs of state to which it applies.

In reading the above quotations, you were probably reminded of theme 1 of this study guide where you were introduced to the tripartite division of government authority. You should now answer the following questions:

- What is the supreme authority in the Republic of South Africa?
- Name another example (a different country) where the supreme authority is the same. What constitutional form does South Africa and that other country have in common?

- What are the implications of the above quotations for the exercise of power by the legislature, executive and judiciary at the different spheres of government?



Activity 11.3 has again focused on the Constitution as the supreme authority within a federal state such as South Africa. Which other countries did you name as examples? The USA, Germany ...? The quoted sections also point out that all government institutions are subject to the Constitution. In other words, nothing except the Constitution restricts the legislature and judiciary. Accordingly, the executive is bound only by the Constitution and the legislature.

Would you agree with a statement such as the following: The exercise of power in any form by a government institution is permissible, as long as it complies with the provisions of the Constitution and legislation.

Political legitimacy

11.3.2

If we accept that the Constitution is legitimate, how legitimate are the government institutions that use their powers to perform their functions?

Ranney (1993:9) explains this issue very clearly:

The government must satisfy the needs that made people decide to accept a government in the first place. Government must sift through the many political demands constantly deluging it, blend demands into public policies, and enforce those policies in such a way that no major group feels compelled to tear the nation apart. National survival is thus the ultimate test of any government.

The implication of what Ranney is saying is that the social contract is the result of certain needs of society. Government institutions must therefore carry out their functions (and exercise their powers) in such a way that it will satisfy the basic need that gave rise to the social contract.

If you are not sure what this basic need is, you should again read theme 4 of the study guide for module PUB1501. In reading that part again, you will also see that as a result of entering into the social contract individuals gave up some of their individual authority and freedom and accepted a communal authority, namely the authority of the government.

In exercising its authority in a democracy, the government is continually sensitive to society's changing and diverse social needs. How does it do this? There are various ways in which to confirm and reinforce the legitimacy of state authority.

ACTIVITY
11.4

ACTIVITY

Use your own knowledge and experiences of a democracy to do the following:

- (1) Make a list of examples of the way(s) in which the ongoing legitimacy of the laws of the legislature within a democracy can be ensured.
- (2) How can the ongoing legitimacy of the policies of the executive within a democracy be ensured?

ACTIVITY

Apart from the fact that laws and policies must always comply with the provisions of the Constitution, there are sure to be other ways to ensure that legal and policy provisions for the use of power by the government are acceptable to society. One method is to hold regular elections in which the legislature is elected by the citizens of the country. This will ensure that the laws passed by the legislature will be accepted by society.

In some democracies, such as the USA, the executive is also elected directly by the enfranchised citizens of the country. In South Africa the executive is elected by the legislature, and the executive is therefore accountable to the legislature. Both these procedures ensure that the executive is representative of the will of the citizens of the country. In both cases the executive can also lay claim to legitimacy.

Consequently, when the legislature and the executive enforce their authority, such authority is legitimate. In view of the idea of the social contract, the power used may therefore be regarded as power that has been voluntarily conferred upon the government by society to be used when necessary.

ACTIVITY
11.5

ACTIVITY

Do you believe that the government needs powers to carry out some of its functions?

If you do, explain in a paragraph of approximately 100 words why you believe this to be so.



You are entitled to believe what you want. In other words, you need not necessarily believe that the government needs powers to perform some of its functions. You nevertheless need to answer the following question:

If we accept that the primary purpose of any government is “national survival” (Ranney 1993:9), how can the government safeguard the continued existence of the state against aggression (the use of force) from outside the national borders or against threats within its national borders without exercising its powers?



What is enforceable state authority?

You should now be able to answer this question. Make sure that you are able to do so.

You should also be able to

- give examples of the exercise of power (enforceable state authority) in the execution of government functions
- explain where the government gets the authority to exercise power
- compare the exercise of power (use of force) by private individuals and institutions with the exercise of power by the government
- give reasons why it may be necessary for the government to exercise its power



Protection against the abuse of power

12

Introduction 12.1

It appears from study unit 11 that governments do possess legitimate power. In fact, some authors regard the government monopoly of the death penalty as the most basic distinction between a government and the private sector.

Although the death penalty is unconstitutional in South Africa and is no longer applied by the government, it is still in use in many Western democracies. The government in South Africa nevertheless has a wide variety of other instruments of power at its disposal, as you have seen in study unit 11.

Once we accept that the government has a monopoly over at least some of those instruments of power, we should be asking the following questions:

- Is the exercise of such power unlimited?
- Is there a danger of such power being abused?
- How can the abuse of power by the government be prevented?

The aim of this study unit is to find answers to these questions.

Can the government abuse its power? 12.2

In study unit 1 of this study guide we looked at the tripartite division of government authority. In that study unit we came to the conclusion that “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”.

So we see that there is a real danger that the government may abuse its powers.

ACTIVITY

Read the following quotations from the Constitution of the Republic of South Africa 108 of 1996 and then do the activities.

11. Everyone has the right to life.
12. (1) Everyone has the right to freedom and security of the person, which includes the right –
 - (a) not to be deprived of freedom arbitrarily or without just cause;
 - (b) not to be detained without trial;
 - (c) to be free from all forms of violence from either public or private sources;
 - (d) not to be tortured in any way; and
 - (e) not to be treated or punished in a cruel, inhuman or degrading way.

These are only a few extracts from the Bill of Rights that forms part of the Constitution.

- Next to each line in the quotation above, write down the power of government that is being limited by the Constitution.

The government has the power to take a life, for example by enforcing the death penalty. In contrast, section 11 of the Constitution provides for the right to life of each individual. Do you still remember the judgment of the Constitutional Court as to the right of the government to enforce the death penalty?

arbitrary: erratic;
without good reason

The government may deprive members of society of their freedom, for example by imprisonment or detention. The Constitution states that this may not be done arbitrarily, without a sound reason or without a hearing.

The government has the means to use force to impose itself upon members of society. The government may even torture individuals. The Constitution states that members of society must be free of public violence and torture.

The government may punish those who break its rules. The Constitution states that the punishment may not be cruel, inhuman or degrading.

The government has the ability to force its powers upon members of society. The Constitution, however, sets limits for the use of such instruments of power.

The government is therefore powerful and can abuse its power.

ACTIVITY

- Think of the history of South Africa.
- Give an example from the past of the government using its power to the detriment of some members of society.
- Explain how the current Constitution limits the government's power in that respect.

There are many examples of the exercise of power in the past that will no longer be permissible under the new Constitution. This does not mean that those forms of exercising power no longer take place under the current Constitution.

Can the government be prevented from abusing its power?

We have seen that one of the fundamental reasons why people subject themselves to a government (refer to the social contract) is to protect their property and their basic rights. When the government no longer succeeds in protecting such basic rights, the citizens have the right, according to Locke (Ranney 1993:81), to overthrow that government.

Do you agree with Locke?

How is a government "overthrown" in a democracy? Surely this is done by means of elections. You may know of states elsewhere in Africa where elections were held, but the newly elected government was overthrown shortly afterwards by the military and replaced by a military dictatorship. The military dictatorship is now the government with enforceable state authority. What can the citizens do if that government does not protect their rights but restrict them?

Let's focus on the South African situation. How can it be ensured that the government will not abuse its almost unlimited powers?

ACTIVITY

- (1) Refer to your recommended source, the Constitution of the Republic of South Africa Act 108 of 1996. You will see that chapter 9 provides for State Institutions Supporting Constitutional Democracy.
 - Name those institutions.
 - Briefly name the powers of each.
 - Briefly name the rights of individual members of society to be protected by each institution.
 - Explain why you think the institutions may restrain the abuse of power by the government.
- (2) Read the following quotation by Robson (1999:156–157) carefully and answer the questions:

Given the necessity and unavoidability of the role of public institutions in the lives of people, how is their role to be made tolerable? ... (T)he essential elements necessary to make the state's role a tolerable one can be identified. A country needs a good constitution, preferably based on a bill of rights; it needs a fully developed structure of democratic institutions, including separation of basic powers; it needs good laws and the power and will to enforce them; it needs good government; and, certainly, it needs good public administration. One could add that a country also needs an informed and participative public, and the media to facilitate dissemination of information and participation.

- List the elements Robson regards as necessary for making the role of the state tolerable.
- In one paragraph explain the extent to which these elements are present in South Africa (or the country in which you live).

South Africa is a constitutional democracy. The Constitution not only restricts the powers of government in all areas, but also provides for independent and impartial institutions to act as public watchdog.

Make sure that you have mentioned all seven institutions. You will notice that the institutions have different degrees of powers. Five of the seven institutions have strong investigative and reporting powers. The Public Protector may even “take appropriate remedial action”. The Independent Authority to Regulate Broadcasting has strong regulatory powers whereas the Electoral Commission has a strong management function.

What is the role of these institutions in ensuring that the government does not abuse its power? Fear that any abuse of power will be made public or be disclosed by one of these watchdog institutions is likely to play a very important role in preventing the government from abusing its power.

How can disclosure of power abuse play a role in preventing it?

If it is an issue about which the voters feel strongly, it may harm the governing (and guilty) party's position in the next elections. If voters, having been informed of power abuse by the ruling political party, decide to re-elect that party, it would mean that the voters approve of the particular party's style of government. This is the essence of democracy. In a democracy, the voters deserve to have the government that they have elected. The important thing is that the constitutional mechanisms identified in activity 12.2 must be functioning properly.

Bearing in mind the content of chapter 9 of the South African Constitution, let us take another look at the elements Robson regards as necessary to make the role of the state tolerable:

- a sound constitution
- a structure of democratic institutions
- separation of government authority
- good laws and the ability to enforce them
- good government and administration
- an informed and participatory population
- free news media

Can you see and understand the relationship between the parts of activity 12.3? If the elements mentioned by Robson are present in a state, would it be possible for the government of such a state to abuse its power?

A government can therefore be prevented from abusing its power – if the citizens of a country have the **will** to do so.



Make sure that you are able to

- give reasons to support the view that a government can abuse its power
- give examples of power abuse by the government in the South African situation
- explain how power abuse by the authorities within the South African situation can be prevented
- identify the possible harmful consequences of power abuse by the government for members of society

.....

SELF - EVALUATION

Theme 5: Power and public functions

This theme is not only the final one in this study guide, but it also concludes the study material for Module PUB1601. The purpose of this course is to give you an overview of the phenomenon of public administration. This study guide focused specifically on the functioning and structuring of public services. You have probably noticed that theme 5 is linked to many of the earlier themes.

Use the following activities to help evaluate your own knowledge of and insight into theme 5.

- (1) Look at the story of Thulamela at the beginning of this study guide once more.
 - What were the tasks of those in positions of authority in Thulamela according to the second and third paragraphs of the story?
 - How do you think they could have ensured that the rules of the society were followed?
- (2) Will you now be able to tell a fellow student what the reasons are for the government to exercise its power in order to carry out its functions?
- (3) Compare the enforceability of the authority of an institution such as Unisa over its students with that of Parliament over the tax payers (activity 11.1). What are the similarities and the differences between the two scenarios?
- (4) Write an essay of approximately 200 words on where the government gets the authority to exercise its powers.
- (5) Give examples of how the government can abuse its power.
- (6) Explain how the abuse of power may be restricted by the constitution of a state.
- (7) Return to activity 12.3 and make sure that you are able to do the activities.
- (8) In your opinion, what is the most fundamental distinction between the exercise of power by a public institution and by a private institution? You should also refer to
 - enforceability
 - legitimacy
- (9) Make sure that you can explain the enforceable authority of the state and its government institutions in terms of
 - (a) the public services requiring enforceable state authority
 - (b) the origin of government's authority and power
 - (c) protection against the abuse of power

If you want to read more about this topic, have a look at

Ranney, A. 1993. *Governing: an introduction to political science*. Englewood Cliffs: Prentice Hall (Chapter 1).

Szablowski, GJ. 1993. Administrative discretion and the protection of human rights: public servants' duty to take rights seriously, in *Ethics in Public Service*, edited by RA Chapman. Edinburgh: Edinburgh University Press.

- Andrews, Y. 1992. Affirmative action: a suspected equaliser? *SAIPA – Journal of Public Administration* 27(1):34–43.
- Botes, PS. 1991. Bepaling en hersiening van munisipale prosedures in, *Die Stadsklerk* onder redaksie van A Viljoen. Halfweghuis: Southern.
- Briloff, AJ. 1967. *The effectiveness of accounting communication*. New York: Frederick A. Praeger.
- Business Times*. 1996/12/01; <http://cs.ru.ac.za/cgi-bin/goggasearch.cgi>.
- Cambell, C. Lack of funds halts Aids plan. *Independent Newspapers* 21 July 1997. [http://www.inc.co.za/online/News3/south africa/medical/sho.html](http://www.inc.co.za/online/News3/south%20africa/medical/sho.html) (accessed Dec 2011).
- Cloete, JJN. 1996. *Accountable government and administration for the Republic of South Africa*. Pretoria: JL van Schaik Academic.
- Constitution of the Republic of South Africa Act 108 of 1996.
- Covey, SR. 1994. *The seven habits of highly effective people*. London: Simon & Schuster.
- Cutchin, DA. 1981. *Guide to public administration*. Itasca, Ill: FE Peacock.
- De Beer, CS. 1989. Morele denke en openbare dienslewering. *SAIPA – Tydskrif vir Openbare Administrasie* 24(4):168–184.
- Department of Health. 1997. *Annual report 1996*. R.P. 0-621-17652-4. Pretoria: Government Printer.
- Dreyer, PS. 1970. Gedragskodes. *SAIPA – Tydskrif vir Publieke Administrasie* 5(2).
- Einzig, P. 1959. The control of the purse: Progress and decline of Parliament's financial control. London: Secker-Warburg.
- Federal Republic of Germany. 1949. *Basic Law for the Federal Republic of Germany*. Grundgesetz (GG) of 23 May 1949 (as amended until 1993).
- Gloeck, D. 1996. An audit perspective on public accountability. *SAIPA – Journal of Public Administration* 31(1):7–22.
- Hanekom, SX, Rowland RW & Bain, EG. 1986. *Key aspects of public administration*. Johannesburg: Macmillan S.A.
- Hanekom, SX. 1995. Administration and management, in *The public sector manager*, edited by C Thornhill & SX Hanekom. Durban: Butterworths.
- Health problems tackled. *Independent Newspapers*. 4 April 1997. <http://www2.inc.co.za/Archives/9704/Apr%2029/healthcomment.html> (accessed Dec 2011).
- Koen, M & Francis, RL. 1997. Performance reporting by public entities – Do they comply? *SAIPA – Journal of Public Administration* 32(2):95–111.
- Labuschagne, P. 2004. The doctrine of separation of powers and its application in South Africa. *Politeia, Journal for Political Science and Public Administration* 23(3):84–102.
- Loots, JAJ. 1991. The role and place of auditing in a changed organisation structure. *SAIPA – Journal of Public Administration* 31(1):201–211.

- Loxton, A. 1992. *Criteria for determining the functions and organisation of central government administration in South Africa*. Report PAN-4B. Pretoria: Human Sciences Research Council.
- Ranney, A. 1993. *Governing: an introduction to political science*. Englewood Cliffs, NJ: Prentice Hall.
- Robson, IH. 1999. Professional ethics from day to day: a practitioner's reflection. In *Reflective Public Administration: Views from the South*, edited by JS Wessels and JC Pauw. Cape Town: Oxford University Press.
- Robson, IH. 2006. The assignment of responsibilities for the performance of public functions to levels or spheres of government in South Africa. An unpublished thesis for the degree Doctor of Literature and Philosophy. University of South Africa: Pretoria.
- Siedentopf, H. 1988. Western Germany. In *Public Administration In Developed Democracies: A Comparative Study*, edited by DC Rowat. 1988. New York and Basel: Marcel Dekker.
- South Africa (Republic). 1997a. Public Service Commission. *Annual Report 1996*. RP 42/1997. Pretoria: Government Printer.
- South Africa (Republic). 1997b. Department of Public Service and Administration. *Annual Report 1996*. RP 45/1997. Pretoria: Government Printer.
- South Africa (Republic). 1997c. Department of Public Service and Administration. *Exchequer Personnel 1996*. Pretoria: Government Printer.
- South Africa (Republic). 1997d. Central Statistical Service. Labour: Labour statistics. *Employment and salaries and wages: public sector*. Statistical Release P0251. 24 April 1997. Pretoria: Government Printer.
- South Africa (Republic). 1998. Public Service Commission. *Annual Report 1998*. RP 22/98. 1998.
- South Africa (Republic). 1999a. Department of Public Service and Administration. *Annual Report 1998*. RP 56/1999.
- South Africa (Republic). 1999b. Department of Public Service and Administration. *Exchequer Personnel 1998*.
- South Africa (Republic). 2003. *The machinery of government: Structure and functions of government*. Department of Public Services and Administration: Pretoria.
- South Africa (Republic). 2005. Statistics South Africa. Labour. Mid-year populations estimates, South Africa 2005. Statistical release P0302. <http://www.statssa.gov.za>. 21 May 2006 (accessed Dec 2011).
- South Africa (Republic). 2006a. *An audit of affirmative action in the public service*. Pretoria: Public Service Commission. Available at: www.psc.gov.za/home_docs/Low-rez%20Document.pdf (accessed on 2/2/2009).
- South Africa (Republic). 2006b. *Gender mainstreaming initiative in the public service*. Pretoria: Public Service Commission. Available at: www.psc.gov.za/docs/reports/2007/gender_streaming/gender_mainstream.pdf (accessed on 2/2/2009).
- South Africa (Republic). 2008a. *State of the public service report 2008*. Pretoria: Public Service Commission. Available at: www.psc.gov.za/docs/reports/2008/SOPS%20Report.pdf (accessed on 29/1/2009).

- South Africa (Republic). 2008b. Statistics South Africa. Mid-year population estimates, 2008. Statistical release P0302. Available at: www.statssa.gov.za/publications/P0302/P03022008.pdf (accessed on 29/1/2009).
- Ströh, EC. 1999. *Public Administration: Public management skills*. Only study guide for PUB301E. Pretoria: University of South Africa.
- Thornhill, C. 1995. Control over public activities, in *The public sector manager*, edited by C Thornhill & SX Hanekom. Durban: Butterworths.
- Van Niekerk, WP. 1978. *Produktiwiteit en werkstudie*. Durban: Butterworth.
- Van Rooyen, LPS. 1991. Effectiveness, reporting and auditing in the Canadian Public Sector. *SAIPA – Journal of Public Administration* 26(4):213–220.
- Viall, Jenny. 1996. Health department has plan for united action. *Business Times*; 1996/12/01; <http://cs.ru.ac.za/cgi-bin/goggasearch.cgi> (accessed December 2011).
- Viall, Jenny. 1997. Basic health care for all “within 10 years”. *Independent Newspapers*. / Archives/9704/Apr%2023/health1.html 18 April 1997 (accessed December 2011).
- Vil-Nkomo, S. 1995. Towards a multicultural and broadly representative Public Service, in *The public sector manager*, edited by C Thornhill & SX Hanekom. Durban: Butterworths.
- Wessels, JS. 1992. Training for equal opportunities in the public service. *SAIPA – Journal of Public Administration* 27(1):44–61.
- Wessels, JS. 2005. Equal employment opportunities: a conceptual puzzle. *Politeia – Journal of the Political Sciences and Public Administration* 24:125–141.

accounting officer: responsible for the administration of the budget vote or appropriation item under his or her control, for example directors-general, chief executive officers and town clerks

arbitrary: erratic; without good reason

bill: draft bill; legislation submitted to the legislature for consideration but not yet passed

codify: to put in writing in the forms of statutes or laws, prescriptions or rules, procedures and codes

concurrent: joint

consultant: an expert that earns money by giving advice

director-general: an official and not a politician; refer to study unit 3

ethical: refers to good and bad, and right and wrong; also morality

facts: information that is actually true and can be checked or verified

general practitioners: also known as family doctors; not specialists

heterogeneous: divergent and different

hierarchy: according to rank, for example seniority

homogeneous: all more or less the same

legitimacy: general acceptance by society that the power of government is proper and legitimate and must be obeyed

line functions: tasks directly involved with the aim of the department; not ancillary/support functions

majority government: the party that receives the support of the majority of voters governs the country

monarch: a single figure within a state in whom the supreme authority is vested, eg a king or queen – the status of such a person is usually inherited

municipality: a local authority

network: liaison with equals at the same level

parastatal institutions: government institutions that exist alongside state departments; “para”: Greek word meaning next to, alongside, parallel

parliamentary democracy: Members of the executive are also members of the legislature

PC: production capacity

popular sovereignty: supreme authority of the voting public

popular consultation: consulting the voters on issues of national importance

presidential democracy: The president is directly elected by all the citizens of the country who are entitled to vote and is not a member of the legislature

process of simulation: process imitating a real situation

productivity: the results in relation to the resources used, the workload and the impact of it

programme: the way in which policy on a specific issue is implemented as a practical work programme

public service: all personnel appointed in terms of the Public Service Act – usually staff employed by state departments

relative: in comparison with

STDs: Sexually Transmitted Diseases

synergy: a relationship in which the whole is greater than its constituent parts

voted: approved in the form of a budget

THEME 1

Activity 1.2

- (1) (c)
- (2) (b)
- (3) (a)
- (4) (a)

Activity 1.3

- (1) (c)
- (2) (b)
- (3) (a)

Activity 1.4

- (1) (a)
- (2) (b)
- (3) (b)
- (4) (c)

Activity 1.5

- (1) (b)
- (2) (b)
- (3) (a)
- (4) (a)
- (5) (a)
- (6) (c)
- (7) (c)
- (8) (c)
- (9) (b)

Activity 1.6

- (1) (c)
- (2) (c)
- (3) (b)

Activity 2.1

- (1) (c)
- (2) (b)

Activity 3.3

List of parastatal institutions (this list is not complete)

Advisory Board for Universities and Technikons
 Advisory Board for Occupational Health and Safety
 Planning Advisory Board
 The South African Reserve Bank
 South African Council for Architects
 Medicines Control Council
 Marine Fisheries Quota Board

Special Income Tax Court
Industrial Courts and Labour Appeal Courts
Medicines Control Council and Appeal Committees
Human Sciences Research Council (HSRC)
Council for Scientific and Industrial Research (CSIR)
Agricultural Research Council (ARC)
South African Medical Research Council
Nuclear Energy Corporation of South Africa (NEC)
Water Research Commission
National Parks Board
National Botanical Institute
South African Museum
William Humphreys Art Museum
National Monuments Council
South African Library
Iscor
Sasol
Armcor
Central Energy Fund
Small Business Development Corporation
Twefontein Timber
Development Bank of Southern Africa
South African Housing Advisory Board
National Advisory Board for Rehabilitation Issues
National Advisory Board for Correctional Services
Regional Welfare Councils
Council for Social and Associated Workers
Fund-raising Appeal Committee
Welfare Appeal Committee
Correctional Boards
Various fund-raising boards
Public Protector
Human Rights Commission
Commission for Promoting and Protecting the Rights of Cultural,
Religious and Language Communities
Commission for Gender Equality
Auditor-General
Electoral Commission
Independent Broadcasting Authority (IBA)
Public Service Commission

Your answer may have looked like the table below:

Activity 3.4

	Aim	Restriction	Protection
The South African Reserve Bank	stability of price levels and exchange rates	banks and financial sector	all citizens and the economy as a whole
South African Control Council	high standard of service provision	members of the profession	members of society
Medicines Control Council	control, registration and licensing	institutions and individuals researching and manufacturing medicines	members of the public (consumers of medicines)
Marine Fisheries Quota Board	conservation management and controlled utilisation	anglers and fishing industries	fish resources of the country; fishing community; society

THEME 2

Activity 5.3

- (1) (d)
- (2) (d)
- (3) (b)
- (4) (c)
- (5) (c)