

PUB 1601 EXAMINATION PACKAGE

MAY/JUNE 2016

QUESTION 1

The constitution of the Republic of South Africa of 1996 makes provision for three categories or division of government authority. In light of this, it is expected of you to write an essay of two categories namely the executive and judiciary. More specifically we want you to concentrate on each of the following categories :

➤ **Composition**

➤ **Powers**

[25]

The executive is found at all three levels of the government. The executive is an institution that is separate from the legislature. At local government level, both executive and legislative are vested in the municipal council. At the national level, the executive authority is vested on the president . At provisional level, 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. The executive powers lies in the fact that the president is the one who has the final say in instances where for example the constitution needs to be mandated, he should put his seal for the final approval. Any critical issue that has to do with the state needs the co-operation and consensus of the executive in order for it to be implemented.

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 courts and any other court of comparable status to the Supreme courts or magistrates' courts which has been instituted by an Act of Parliament. As far as the powers of the judiciary are concerned, the 1996 constitution is again very clear. In the first case, the courts are very independent of any person or State

institution that may impede on their functions. The judiciary is subject only to the 1996 Constitution and the law. Within this framework, each of the different courts has distinct jurisdictions' set out in the Constitution. The constitutional court, the Supreme court of appeal have inherent jurisdiction to protect and regulate their own proceedings and to develop common law

QUESTION 2

It is generally acceptable 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 institution. The second group is known as parastatal institution. The parastatal is grouped into different sub-groups on the basis of their distinctive methods of operation (nine distinctive categories). In light of this, it is expected of you to discuss the following parastatal institutions

- **Mention the nine distinct categories of institution**
- **Give details on each category's purpose**

[25]

When we refer to the types or groups of institutions, we mean that the institutions differed according to the duties they perform. The parastatal institutions exist along government departments. The following are the nine categories, advisory institutions, regulatory institution or bodies, judicial institutions, tertiary education institutions, research and development institutions, cultural and environmental management institutions, commercial and industrial enterprises, institutions for social services and constitutional support institutions. The institutions are going to be unpacked below,

THE ADVISORY INSTITUTIONS, the state needs specialized advisory institutions because of the varied and specialized nature of the public services it provides. It caters for matters of policy and policy implementations, the following are examples, the Advisory Council on Occupational Health and Safety and the National Archives Advisory Council.

THE REGULATORY INSTITUTIONS, 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. Examples of this are, the South African Council for the Architectural profession and the National Energy regulator of South Africa.

- JUDICIARY INSTITUTIONS, the following are examples, Special Income Tax Court and the Labour Court. The purpose of the labour court has the same status as that of the high court. It adjudicates matters relating to labour disputes between employers and employees. INSTITUTIONS FOR TERTIARY EDUCATION, this funds state schools, it controls the department of education, the curriculum, teachers' salaries and so forth are catered for by this body. UNISA, and primary and secondary schools are examples of the institutions that fall under this category.
- RESEARCH AND DEVELOPMENT INSTITUTIONS..South Africa has numerous research and development institutions that commission research for social, scientific and technological development. Examples of these are Human Sciences Research Council and all institutions of higher learning.
- CULTURAL AND ENVIRONMENTAL MANAGEMENT INSTITUTIONS..South Africa is a multi-ethnic country and has diverse cultures, the following are examples, South African National Parks Board whose mandate is to protect , control and manage national parks. The South African National Biodiversity Institute plays a role in the country's commitment to biodiversity management currently and into the future.
- COMMERCIAL AND INDUSTRIAL ENTERPRISES..This is a wealth creating service that involves the production, distribution and consumption of everything that people need to provide in their basic needs. Examples are Economic development enterprises and the Strategic Enterprise. They are characterized by a combination of public ownership and accountability and business management in the public interest.
- SOCIAL SERVICE INSTITUTION..These overlap in a certain sense with the three categories of institutions of advisory, regulatory and judiciary. It is a result of the community's involvement with those members of the community who are temporarily or permanently unable to look after themselves. Examples are Gauteng provisional Housing advisory board, this provides housing to the people in Gauteng province. National Council for Correctional Services is another example that guides the minister of correctional services implementing the policy relating to correctional system and management process.

- **CONSTITUTIONAL SUPPORT INSTITUTIONS..**This plays a meaningful role in supporting and strengthening constitutional democracy, examples are the public Protector and South African Human rights Commission. They are involved in maintaining and reinforcing the constitutional democracy in the country.

QUESTION 3

Management of public service involves a variety of factors to be taken into consideration to ensure success. Use the framework below and write brief notes of what is necessary to provide these services to the public . In your answer, you have to give details of the following,

- **Policy leadership (refers to the direction taken to provide services)**
- **Management(tasks directed internally and externally)**
- **Sufficient adequately qualified staff**
- **Facilities and equipment (infrastructure and equipment)**

Management can be defined as a continuous and integrated process whereby certain individuals with authority ensure institutional goal-setting an optimum realization of objectives.

Policy and service management comprises directing and coordinating the planning , implementation and evaluation of all the facets of the policy process. Resource management include the management of staff , giving them direction and co-ordination. The management tasks are valuable tools to analyse and evaluate management . These tasks can be looked at from these angles, liasing with the political heads e.g. in the case of certain senior public managers, advice, obtaining inputs for introducing own vision a dreporting. Liaising with the legislative authority and external partners of the institution, negotiating the necessary funds and their allocation to the appropriate projects or programmes, obtaining the resources.

The other requirement for providing a public service is personnel. The 1996 report of the department of Health showed an uneven distribution of general practitioners, specialists, dentists, nursing staff across provinces that are responsible for providing public health care . It appears as if the state has entered into an agreement with the government of other countries to ‘import’ health workers to some provinces that were in great need.

Facilities and equipment...this is the last aspect that may be regarded as necessary for providing public service i.e. the infrastructure and equipment. Relatively expensive facilities and equipment are necessary to provide public health services. Hospitals and ambulances are classical examples of crucial facilities .

QUESTION 4

All public service are aimed at satisfying the needs of society. In this regard, it is important to determine how well or badly the public sector is performing these services to ensure the 'good' life to the citizens. To determine how 'well' and 'badly' the services are delivered implies that the government needs to evaluate whether the aim was achieved (effective) the resources used from the services are reflected in the results (efficiency) and the desired quality of the service was provided in the least expensive way possible(economy). With the above in mind, write explanatory notes on the concepts, effectiveness, efficiency and the economy. [25]

The aim of public service is to provide and satisfy the needs of society within the borders of the country by means of provision of certain public services by the government at all the different levels. In order to determine whether the service was good or bad, public service provision has to be evaluated on the following grounds, were the resources used for the service (political leadership, money and facilities) are they reflected in the results or outcome of the process of service provision. If it is to be accepted that public service can be measured we are accepting the criteria or unit of measurements to do so, which are outlined below, Effectiveness, this implies that a desired aim has been achieved, in other words, the right tasks have been completed irrespective of the methods and the techniques used to do so. . Three factors have to be considered when looking at the above these are, the type of service, the time within which it should have been delivered and the scope of the service., Any service needs to comply with the above criteria if it is to be effected.

EFFICIENCY.. This concept refers to the extent to which an institution has achieved its aim . It implies that the right techniques or methods have been used to complete a task or to achieve a goal. It is the interaction between effectiveness an economy. In other words, providing maximum service to society by ,means of limited resources. To improve the efficiency of a public service,

the procedure and methods used may be examined to find easier, quicker and better ways of doing things. With efficiency, the issue is ensuring that the public institutions achieve their goals in the most efficient manner possible, to do this, the cost of the resources used to provide the service should be kept as low as possible without lowering the standards of public services.

MAY/ JUNE 2017

QUESTION 1

The Republic of South Africa is regarded as a representative constitutional democracy with a three-tier system of government and an independent judiciary operating in a parliamentary system. The constitution of the republic of South Africa (1996 constitution) makes provision for, among others, how the three branches of government (sometimes referred to as categories of government of authority) namely the legislative authority (parliament, provincial legislatures and municipal councils), the executive authority(the

executive is the structure that exercises authority in and holds responsibility for the governance of a state- it executes and enforces law and the judiciary authority(interpreting the law) should conduct their business in political systems based on the principle of separation of powers, authority is distributed among these three branches of government. The type of democracy, parliamentary or presidential , determines the relationship between the three branches. This implies a tripartite division of government authority.

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

a) Composition

b) Powers (authority)

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

The legislative makes all the statutes for a country. Parliament consists of two houses namely, the National assembly and the National Council of Provinces . These have legislative powers over affairs within the sphere of national government. The legislative powers of a provincial legislature are limited to the boundaries of a particular province. A municipal authority has local legislative powers for its particular municipality. Parliament has however certain legislative powers over provincial and municipal affairs. Thus the legislative authority in South Africa is vested in the national sphere of government, it is vested in the various provincial legislatures in the provincial sphere of the government.

The executive..This is an institution that is separate from the legislature. At local, government level, both executive authority is vested in the President. At provincial level, it 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. Thy membership of the premier continues. The president constitutes the cabinet mainly from members of the legislature.

The judiciary is the third category of government . South Africa has an independent judiciary, subject to the 1996 constitution and the law. The judiciary is expected among other functions to ensure and enforce the 1996 constitution and the law. It thus interprets the law. The judiciary is responsible for the courts of law. Thus no person or body may interfere with the function of the courts. Organs of the estate , through legislative and other measures must assist and protect the courts to ensure independence and transparency, Impartiality, dignity and accessibility and effectiveness of the courts.

The national sphere of government , the powers of the executive is to provide public service depending largely on the powers of the legislature. The executive together with the other members of the cabinet implement the national legislation where the constitution or Act of Parliament provides otherwise.

The provincial government ..This is responsible for the local needs of particular provinces and it is the core duty of each local provincial authority to see to it that its needs are catered for as it were accordance to the provisions and guidance of the law.

The local government falls in line with the principles of cooperate 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 . There are 9 provinces and 278 municipalities in S.A.these municipalities can be grouped unto three categories

Category A.. Metropolitan municipalities like Tshwane, Johannesburg, and Cape Town

Category B...a local municipality that shares municipal executive and legislative authority. And finally category c..These are district municipalities that have executive and legislative authority in an area that include more than one municipality.

QUESTION 2

It is generally accepted that there are two main groups of institutions that are involved in public service provision at executive level namely (1) national, provincial and municipal departments and (2) parastatal institutions (quasi-autonomous institutions, public entities, state-owned entities or government-owned corporations). A company or agency owned or

controlled wholly or partly by the government, is usually referred to as ‘parastatal institution’. In South Africa, there are 135 of these institutions (for example, the National Planning Commission and the national Energy Regulator of South Africa-NERSA). In general, these institutions can be classified into nine distinct categories. It is expected of you to expand on the following nine categories

- a) **Advisory**
- b) **Regulatory**
- c) **Judiciary**
- d) **Tertiary education**
- e) **Research and development**
- f) **Cultural and environmental management**
- g) **Commercial and industrial enterprises**
- h) **Constitutional support**
- i) **Social service**
- j) **More particularly, it is expected of you to explain each category’s purpose and provide at least two examples per category.** [25]

When we refer to the types or groups of institutions, we mean that the institutions differ according to the duties they perform. The parastatal institutions exist along government departments. The following are the nine categories, advisory institutions, regulatory institution or bodies, judicial institutions, tertiary education institutions, research and development institutions, cultural and environmental management institutions, commercial and industrial enterprises, institutions for social services and constitutional support institutions.

- k) The institutions are going to be unpacked below, THE ADVISORY INSTITUTIONS, the state needs specialized advisory institutions because of the varied and specialized nature of public services it provides. It caters for matters of policy and policy implementations, the following are examples, the Advisory Council on Occupational Health and Safety and the National Archives Advisory Council.
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- o) CULTURAL AND ENVIRONMENTAL MANAGEMENT INSTITUTIONS..South Africa is a multi-ethnic country and has diverse cultures, the following are examples, South African National Parks Board whose mandate is to protect , control and manage national parks. The South African National Biodiversity Institute plays a role in the country's commitment to biodiversity management currently and into the future.
- p) COMMERCIAL AND INDUSTRIAL ENTERPRISES..This is a wealth creating service that involves the production, distribution and consumption of everything that people need to provide in their basic needs. Examples are Economic development enterprises and the Strategic Enterprise. They are characterized by a combination of public ownership and accountability and business management in the public interest.
- q) SOCIAL SERVICE INSTITUTION..These overlap in a certain sense with the three categories of institutions of advisory, regulatory and judiciary. It is a result of the community's involvement with those members of the community who are temporarily or permanently unable to look after themselves. Examples are Gauteng provisional Housing advisory board, this provides housing to the people in Gauteng province. National Council for Correctional Services is another example that guides the minister of correctional services in implementing the policy relating to correctional system and management process.

- r) **CONSTITUTIONAL SUPPORT INSTITUTIONS..**This plays a meaningful role in supporting and strengthening constitutional democracy, examples are the public Protector and South African Human rights Commission. They are involved in maintaining and reinforcing the constitutional democracy in the country.

QUESTION 3

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

- a) **The need for ethical guidelines**
 - b) **Mutual agreement on what is permissible and what is not**
 - c) **Does my value system allow it?**
 - d) **Does the code of conduct allow it?**
 - e) **Is it lawful**
 - f) **Is it constitutional?**
- g) The need for ethical guide lines, this concerns the permissibility of the actions of the public officials. It can be argued that if the services provided are effective, economical and efficient, they would have fulfilled their side of the agreement. Apart from these, there are also more values that are more important to society , values that determine the reciprocal relationships among the different parties in society. Public officials jointly form such a party that has a relationship with other parties . Ethics in public relationships and service provision has four main parties involved , the executive political office bearer, the legislator , public official and member of the public .the word relationships refer to the attitudes, convictions, expectations and actions towards one another and this is what is called ethics.
- h) They are guidelines that help officials make a choice , the legitimacy of the actions of public officials applies in particular to their relationship with members of society. The following should be taken into consideration, police services, revenue services, vehicle licensing services and traffic safety services, for instance where does police official get the authority to search the suspect of a drug dealer's house, an ordinary member of the

society has no right to confiscate the financial statement of a tax evader, where do the SARS staff get the permission to do so.

- i) Mutual agreement refers to acceptable or permissible behavior. It prescribes the behavior which is mutually acceptable . These include among other things, ordinary laws, regulations, procedures and codes of conduct . Each of these contains some rules on acceptable and unacceptable behavior.
- j) My value system.. This refers to how one feels about the matter, on what basis would one make a decision on it. In other words, officials who want to make the right choice, will choose in favor of radical unselfishness. As an official, one has to make sure that he will not benefit in the process at the expense of the employer or even society. Will your choice contribute to or detract from ‘the good life’ that society aspires for.
- k) Does the code of conduct allow it , a code of conduct is an aid for public officials to make the right choice. It is generally accepted that a code of conduct is, a declaration of acceptable behavioral norms, it is based on specific principles, and a set of prescribed rules. The code of conduct deals with the following, an employee’s relationship with the public, an employee’s relationship with other employees, the required performance of duties and personal conduct.
- l) The 1996 constitution provides the norms for the actions of public officials, but also serves as a norm of codes of conduct, rules and procedure and other laws. Thus the constitution may be regarded as a protector of the rights of individuals against the abuse of power by the state and its executive government institutions. As in the case of rules and laws, they are compelled to do so by sheepishly obeying the constitution.

QUESTION 4

The government with its legitimate authority and capability of physical force poses a permanent threat to freedoms of society. The challenge is therefore to have a

government that is strong enough to maintain law and order, but that it is sufficiently restricted to prevent it from turning into a tyranny. Taking this statement into consideration it is expected of you to write an essay and explain the following

a) Where the government gets the authority to exercise its powers

b) How the abuse of power may be restricted.

[25]

c) The government gets its legitimacy or its authority to control power through the constitution of 1996. This constitution acts as a code of conduct or guidelines for permissible actions by public officials. In that respect, a question may be posed, 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 constitution can be regarded as a contract ..A legitimate contract. It is the supreme law of the public, the law of conduct. When exercising its legislative authority, Parliament is bound only by the Constitution and must act in accordance and within the limitations of the constitution. Members of the Cabinet must operate within the constitution and should provide Parliament with full and regular reports concerning matters under their control. The provincial executive must act in accordance with the Constitution and thus the government must satisfy the needs of the people. It 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. The government institutions must therefore carry out their functions and exercise their powers in such a way that it will satisfy the basic needs that gave rise to the social contract.

d) The government has power to take away life for example by imposing the death sentence. The constitution provides the rights to life of each individual . The government may deprive members of society their freedom by imprisonment or detention. The Constitution says that this may be done arbitrarily without a sound reason or without a hearing. It has the means to impose itself upon members of the society. It may even torture individuals . However the constitution sets limits to the way these powers are used..

e) In order for a government not to abuse its powers, it needs a good constitution, preferably based on the bill of rights, it needs a fully developed structure of democratic institutions including the separation of basic powers, and it needs good laws, and the power and the will to enforce them . It needs good government, and certainly it needs good public administration. It also needs an informed and participative public and the media to facilitate dissemination of information and participation. The Constitution is the one that restricts the government in all areas, but also [provides for independent and impartial institutions to act as public watch dogs. In order for the powers of the state not to get abused, it needs the following to be in place, a sound constitution, a structure of democratic institutions, separation of government authority, good laws and the ability to enforce them, a good government administration and an informed participatory population and a free news media. Thus a government can be prevented from abusing its powers if the citizens of a country have the will to do so

OCT/ NOV 2017

QUESTION 1

South Africa's system of government has been typified as a democracy. This means that it has a system of government that is based on the principle of sovereignty, political equality, popular consultation and majority government . The government authority in a democracy may be divided into three categories, legislative, executive and judiciary. Write an essay on the legislature and the executive and more specifically, we want you to concentrate on the following of each category

1 composition

2 powers (authority)

3 The legislative makes all the statutes for a country. Parliament consists of two houses namely, the National assembly and the National Council of Provinces . These have legislative powers over affairs within the sphere of national government. The legislative powers of a provincial legislature are limited to the boundaries of a particular province. A municipal authority has local legislative powers for its particular municipality. Parliament has however certain legislative powers over provincial and municipal affairs. Thus the legislative authority in South Africa is vested in the national sphere of government, it is vested in the various provincial legislatures in the provincial sphere of the government.

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- 5 The judiciary is the third category of government . South Africa has an independent judiciary, subject to the 1996 constitution and the law. The judiciary is expected among other functions to ensure and enforce the 1996 constitution and the law. It thus interprets the law. The judiciary is responsible for the courts of law. Thus no person or body may interfere with the function of the courts. Organs of the estate , through legislative and other measures must assist and protect the courts to ensure independence and transparency, Impartiality, dignity and accessibility and effectiveness of the courts.
- 6 The national sphere of government , the powers of the executive is to provide public service depending largely on the powers of the legislature. The executive together with the other members of the cabinet implement the national legislation where the constitution or Act of Parliament provides otherwise.
- 7 The provincial government ..This is responsible for the local needs of particular provinces and it is the core duty of each local provincial authority to see to it that its needs are catered for as it were accordance to the provisions and guidance of the law.
- 8 The local government falls in line with the principles of cooperate 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 . there are 9 provinces and 278 municipalities in S.A. these municipalities can be grouped unto three categories

QUESTION 2

Different types of public institutions or groups are involved in the provision of public services. The first group consists of the national, provincial and municipal departments. The second group is known as parastatal institutions, quasi-autonomous institutions or public entities. In general, these institutions can be classified into nine distinct categories. It is expected of you to expand on each category's purpose and also provide at least two examples per category. Use the following as a guideline

2.1 Advisory

2.2 Regulatory

2.3 Judiciary

2.4 Tertiary education

2.5 Research development

2.6 Cultural and Environmental Management

2.7 Commercial and industrial enterprises

2.8 Social services

2.9 Constitutional support

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implementations, the following are examples , the Advisory Council on Occupational Health and Safety and the National Archives Advisory Council.

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- i) **CONSTITUTIONAL SUPPORT INSTITUTIONS.**..This plays a meaningful role in supporting and strengthening constitutional democracy, examples are the public Protector and South African Human rights Commission. They are involved in maintaining and reinforcing the constitutional democracy in the country.

QUESTION 3

An important dimension of public accountability relates to the permissibility of the actions of public officials. In other words, what are they allowed to do and what are they not permitted to do. Describe if the public services that are provided are permissible by law. In this regard, it is expected of you to focus on the following :

3.1 The need for mutual guidelines

3.2 Mutual agreement on what is permissible and what is not (does own value system allow it, do the codes of conduct allow it, is it lawful or is it constitutional?)

The need for ethical guide lines, this concerns the permissibility of the actions of the public officials. It can be argued that if the services provided are effective, economical and efficient, they would have fulfilled their side of the agreement. Apart from these, there are also more values that are more important to society, values that determine the reciprocal relationships among the different parties in society. Public officials jointly form such a party that has a relationship with other parties. Ethics in public relationships and service provision has four main parties involved, the executive political office bearer, the legislator, public official and member of the public .the word relationships refer to the attitudes, convictions, expectations and actions towards one another and this is what is called ethics.

They are guidelines that help officials make a choice; the legitimacy of the actions of public officials applies in particular to their relationship with members of society. The following should be taken into consideration, police services, revenue services, vehicle licensing services and traffic safety services, for instance where does police official get the authority to search the suspect of a drug dealer's house, an ordinary member of the society has no right to confiscate the financial statement of a tax evader, where do the SARS staff get the permission to do so.

Mutual agreement refers to acceptable or permissible behavior. It prescribes the behavior which is mutually acceptable. These include among other things, ordinary laws, regulations, procedures and codes of conduct. Each of these contains some rules on acceptable and unacceptable behavior.

My value system.. This refers to how one feels about the matter, on what basis would one make a decision on it. In other words, officials who want to make the right choice, will choose in favor of radical unselfishness. As an official, one has to make sure that he will not benefit in the process at the expense of the employer or even society. Will your choice contribute to or detract from 'the good life' that society aspires for.

Does the code of conduct allow it , a code of conduct is an aid for public officials to make the right choice. It is generally accepted that a code of conduct is, a declaration of acceptable behavioral norms, it is based on specific principles, and a set of prescribed rules. The code of conduct deals with the following, an employee's relationship with the public, an employee's relationship with other employees, the required performance of duties and personal conduct.

The 1996 constitution provides the norms for the actions of public officials, but also serves as a norm of codes of conduct, rules and procedure and other laws. Thus the constitution may be regarded as a protector of the rights of individuals against the abuse of power by the state and its executive government institutions. As in the case of rules and laws, they are compelled to do so by sheepishly obeying the constitution.

QUESTION 4

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

4.1 Where the government gets the authority to exercise its powers.

4.2 How the abuse of power may be restricted

The government gets its legitimacy or its authority to control power through the constitution of 1996. This constitution acts as a code of conduct or guidelines for permissible actions by public officials. In that respect, a question may be posed, 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 constitution can be regarded as a contract ..A legitimate contract. It is the supreme law of the public, the law of conduct. When exercising its legislative authority, Parliament is bound only by the Constitution and must act in accordance and within the limitations of the constitution. Members of the Cabinet must operate within the constitution and should provide Parliament with full and regular reports concerning matters under their control. The provincial executive must act in accordance with the Constitution and thus the government must satisfy the needs of the people. It 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. The government institutions must therefore carry out their functions and exercise their powers in such a way that it will satisfy the basic needs that gave rise to the social contract.

The government has power to take away life for example by imposing the death sentence. The constitution provides the rights to life of each individual . The government may deprive members of society their freedom by imprisonment or detention. The Constitution says that this may be done arbitrarily without a sound reason or without a hearing. It has the means to impose itself

upon members of the society. It may even torture individuals . However the constitution sets limits to the way these powers are used..

In order for a government not to abuse its powers, it needs a good constitution, preferably based on the bill of rights, it needs a fully developed structure of democratic institutions including the separation of basic powers, and it needs good laws, and the power and the will to enforce them . It needs good government, and certainly it needs good public administration. It also needs an informed and participative public and the media to facilitate dissemination of information and participation. The Constitution is the one that restricts the government in all areas, but also [provides for independent and impartial institutions to act as public watch dogs. In order for the powers of the state not to get abused, it needs the following to be in place, a sound constitution, a structure of democratic institutions, separation of government authority, good laws and the ability to enforce them, a good government administration and an informed participatory population and a free news media. Thus a government can be prevented from abusing its powers if the citizens of a country have the will to do so

