



higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

MARKING GUIDELINE

NATIONAL CERTIFICATE

PUBLIC ADMINISTRATION N4

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This marking guideline consists of 10 pages.

SECTION A

QUESTION 1

- 1.1 True
- 1.2 True
- 1.3 True
- 1.4 False
- 1.5 True
- 1.6 False
- 1.7 False
- 1.8 True
- 1.9 False
- 1.10 False

(10 × 1) [10]

QUESTION 2

- 2.1 K
- 2.2 C
- 2.3 A
- 2.4 G
- 2.5 E
- 2.6 B
- 2.7 F
- 2.8 L
- 2.9 H
- 2.10 D

(10 × 1) [10]

QUESTION 3

- 3.1 Laws
- 3.2 Bill
- 3.3 Minister
- 3.4 National Assembly
- 3.5 National Council of Provinces
- 3.6 Officials of the legislation and the proceeding section
- 3.7 Portfolio or select committee
- 3.8 Public
- 3.9 President
- 3.10 Act

(10 × 2) [20]

TOTAL SECTION A: 40

SECTION B

QUESTION 4

- 4.1 4.1.1
 - Derived from the Greek words *demos*, which means people,✓ and *kratein*, which means to govern (people govern)✓
 - Form of government✓ organised in accordance with the principles of popular sovereignty, political equality, popular consultation and majority rule✓ (Any principle is sufficient, not necessarily all of them)
 - Means that all adult people have a say✓ in how the country is governed✓
 - Government is formed✓ through the vote of the people✓
 - We can choose the person or party we think is best to govern✓✓

(Any 2 × 1) (2)
- 4.1.2
 - Seats in parliament are allocated✓ to political parties in exact proportion to the total number✓ of votes each one receives in elections. ✓
 - The percentage the party obtains✓ in elections is translated✓ to the number of seats it gets✓ in the legislature.
 - There is a direct relationship✓ between the support that a political party obtained✓ and the number of seats it obtains.✓

(Any 3 × 1) (3)
- 4.2
 - 90 delegates, 10 from each province
 - From the 10 delegates:
 - Four special delegates, who include the Premier or a person chosen by the Premier (these members can rotate)
 - Six permanent delegates
 - Group may be proportionally represented.
 - NCOP elects a Chairperson and Deputy Chairperson.
 - Chairperson has a five-year term of office, while the deputy chair can rotate.
 - One chief provincial whip organises the work of the provincial delegation for all political parties.
 - Provincial party whip for political parties that have 7 permanent delegates, and they don't have a provincial whip
 - Programming whip to help the chief provincial whip
 - Not more than 10 members from SALGA coming from the nine provincial local government associations.

(Any 5 × 2) (10)

- 4.3
- Gauteng
 - KwaZulu-Natal
 - Eastern Cape
 - Western Cape
 - Limpopo
 - Free State
 - North West
 - Mpumalanga
 - Northern Cape
- (9)
- 4.4
- Must be a South African citizen
 - 18 years and older
 - Registered to vote
 - Must have a legal voter document (ID)
 - A permanent resident of the country
 - A person who is a child of a citizen before the commencement of the new Constitution and who has entered the country to become a permanent resident.
 - A person who has been in the country since 31 December 1978
 - Not a South African but granted the right to vote by Parliament
 - Not subject to any disqualifications contained in the act
- (Any 5 × 2) (10)
- 4.5
- Consists of 30 to 100 members
 - Elected on a proportional basis in a general election
 - The premier is the head of the province and the provincial legislature.
 - Term of office is FIVE years.
- (Any 3 × 2) (6)
- [40]**

QUESTION 5

5.1 NATIONAL OR CENTRAL

- Governs the state at the highest level
- Responsible for the main organisation and administration on central level by making laws and policy which bind all other forms of government.
- Parliament has the authority to make laws at central level.

PROVINCIAL OR REGIONAL

- Second level of government
- Nine provincial governments for the nine provinces
- Not totally independent and can only govern the province as far as the central government allows them to govern
- Provincial laws and policy must not clash with central laws and policy.✓
- Provincial legislature passes laws for the province.

LOCAL OR MUNICIPAL

- Smallest form or third level of government
- Plays an important role in the government processes of a democratic society as almost all residents of a town or city can be involved in the local elections.
- Opportunity for ordinary citizens to manage their own affairs independently. Decisions must be consistent with any laws or policies made by the central or provincial government.

(3 × 1) (3)

- 5.2
- People who work within our democratic government have a responsibility to the people, as they are using taxpayers' money.
 - People will vote for the political party that is able to run the country and fulfil their needs.
 - In a democracy, the government is accountable to the people as they elected them to positions.
 - If people are not happy with how they are governed, they have a chance to remove the government during election.
 - Voters can take the government to court if they feel that the Constitution is not being respected.
 - In a democracy, the power belongs to the citizens as they decide who should be part of government.

(Any 2 × 2) (4)

- 5.3
- An internationally recognised demarcated geographical area
 - A state has a permanent population.
 - The right to self-determination of a nation
 - The state has an independent political entity.
 - The state has international recognition/State is recognised as a state in the world.

(Any 4 × 2) (8)

- 5.4
- It heals the divisions of the past✓ and creates a society based on democratic values, social justice and basic human rights.✓
 - It lays the foundation for a democratic and open society✓ in which government is based on the will of the people,✓ and every citizen is equally protected by the law.✓
 - It improves the quality of life of all citizens✓ and frees the potential of all people.✓✓
 - It determines the relationship between citizens and the governing institutions.✓✓
 - It builds a united and democratic South Africa,✓ able to take its rightful place as a sovereign state in the family of nations✓
 - It serves as a system of basic principles and rules✓ according to which the country must be governed. ✓
 - It also spells out the powers and functions of the major institutions of the government✓ and their mutual relationships.✓

(Any 4 × 2)

(8)

5.5 DEFINITION OF THE RULE OF LAW

The law✓ is the uppermost✓ and highest authority.✓

People and government✓ are not the highest authority,✓ because they must obey the law.✓

(Any 3 × 1)

THREE PRINCIPLES OF THE RULE OF LAW

- The executive functions of government must not be allowed to use their powers of discretion too widely and without restriction.
- All citizens are equal and should be treated equally.
- The courts of law must operate independently from the legislature and the executive. This means judges are independent and not part of the legislature or executive.

(3 × 2)

(9)

- 5.6
- Citizenship by birth
 - Born in South Africa
 - Born outside South Africa and whose parents are in the service of the South African government
 - Citizenship by decent
 - Any person whose father and mother are South African
 - Citizenship by registration
 - Citizenship by naturalisation

(Any 4 × 2)

(8)

[40]

QUESTION 6

- 6.1 6.1.1 Legislative institutions
- Highest institutions at each level of government
 - Consists of elected representatives
 - The most important function is to make laws
 - Include the writing of laws
 - Monitor the executive
 - The legislator who enacts laws may not also execute them or administer justice. (Any 2 × 1)
- Executive institutions
- Implement legislation
 - Develop and implement policy
 - Include all activities in the preparation of writing of laws and the running of different departments within government. (Any 2 × 1)
- Judicial institutions
- Administer the law but cannot enact laws or manage executive activities.
 - According to the Constitution, the courts of law exercise judicial authority.
 - This means that the courts have the authority to settle disputes by applying the law.
 - Courts of law apply the law without fear. No organ of state could interfere with the work of the courts.
 - The judicial authority or courts of law are completely independent and impartial. This means that they do not take sides. (Any 2 × 1)
(3 × 2) (6)
- 6.1.2 State of the Nation Address (2)
- 6.1.3 • Assents to bills
- Refers bills back to the National Assembly for consideration
 - Convenes meetings of cabinet
 - Appoints commissions of enquiry and ambassadors
 - Refers disputes that might occur in Parliament to the Constitutional Court or other appropriate institution
 - Appoints and recognises diplomatic officers
 - Negotiates and signs international agreements
 - Proclamation of referenda
 - Pardons offenders
 - Appoints deputy president and members of cabinet
 - Dismisses deputy president and ministers
 - Allocates functions to executive deputy president

(Continues)

- Management of the cabinet
 - Formulates and executes policies of the national government
 - Appoints a person to be a leader of government business in the NA
 - Refers a bill back to the Constitutional Court for a decision on the constitutionality thereof
 - Confers honours
 - Summons the NA and NCOP or Parliament to an extraordinary sitting
- (Any 5 × 2) (10)

- 6.1.4
- Parliament will in future be continuously in session.
 - Members enjoy freedom of speech.
 - Parliament has its own penalties.
 - Parliament functions by means of debate, after which a decision is reached.
 - After a bill is introduced, debate takes place and a majority vote is taken.
 - A quorum of at least half the house should be present.
 - A committee system is used to resolve differences.
 - There is judicial control over Parliament.
 - Must keep the executive accountable
 - Summons any person to give evidence or produce any documents, or ask any institution to report to them
 - Agrees to a state of emergency
 - Can pass a vote of no confidence in the cabinet
 - Controls state institutions
 - Can amend the Constitution
 - Debates and votes on the annual budget
 - Establishes a joint rules committee to make rules and orders
- (Any 5 × 2) (10)

- 6.1.5
- Answers questions concerning the activities of their department
 - Must be well-informed about the executive and administrative activities of their department
 - Reports to Parliament about the activities of their department
- (Any 2 × 2) (4)

- 6.2
- They provide democratic and accountable government for local communities.
 - They promote social and economic development.
 - They ensure the provision of services to communities in a sustainable manner.
 - They promote a safe and healthy environment.
 - They encourage the involvement of communities in matters of local government.
 - A critical task within municipalities focuses on sustainable development.
- (Any 4 × 2) (8)

QUESTION 7

- 7.1 7.1.1 State President, Deputy State President & Ministers (3)
- 7.1.2
- Agriculture, Land Reform and Rural Development
 - Basic Education
 - Communications and Digital Technology
 - Cooperative Governance and Traditional Affairs
 - Defence and Military Veterans
 - Employment and Labour
 - Finance
 - Forestry, Fisheries and Environment
 - Health
 - Higher Education, Science and Innovation
 - Home Affairs
 - Human Settlement
 - International Relations and Cooperation
 - Justice and Correctional Services
 - Mineral Resources and Energy
 - Police
 - Presidency for electricity
 - Presidency for planning, monitoring and evaluation
 - Presidency for women, youth and persons with disabilities
 - Public Enterprise
 - Public Service and Administration
 - Public Works and Infrastructure
 - Small Business Development
 - Social Development
 - Sports, Arts and Culture
 - Tourism
 - Trade, Industry and Competition
 - Transport
 - Water and Sanitation (Any 5 × 1) (5)
- 7.1.3
- Implements national laws
 - Acts as the top policy-maker of the country – they must develop and implement national policy
 - Top financial decision-maker and decides how the total income of the country must be divided and spent
 - Coordinates functions of state departments and administration
 - Initiates and prepares laws
 - Acts in accordance with the Constitution
 - Accountable both individually and collectively to Parliament
 - Provides Parliament with full and regular reports on matters under its control (Any 4 × 2) (8)

7.2 AUDITOR-GENERAL

- To audit and report on the accounts, financial statements and financial management of all national, provincial state departments and municipalities
- To audit and report on the accounts, financial statements and financial management of any institution that is funded from the National Revenue fund, Provincial Revenue Fund and by the municipality
- To audit and report on the accounts, financial statements and financial management of any institution in terms of the law that receives money for a public purpose
- To perform any other function prescribed by national legislation (Any 2 × 2)

PUBLIC PROTECTOR

- Investigating any conduct in state affairs or in public administration in any sphere of government that is alleged or suspected to be improper
- Protecting citizens from abuse by political and public officials
- Making sure that the legislative and executive authorities don't exert power unfairly over the voters
- Investigating abuse of power, violations of human rights, maladministration, mismanagement and dishonesty concerning public money for self-enrichment
- To announce any misconduct regarding state affairs (Any 2 × 2) (8)

7.3

- Generic administrative functions
- Auxiliary/Assisting/Support functions
- Instrumental functions
- Line functions (4 × 2) (8)

7.4

- 7.4.1
- Decides on appeals, issues connected to appeals and any other matter that may be referred to it by an Act of Parliament
 - Hears and determines appeals against any decision of the High Court
 - Hears appeals from magistrates' courts
 - Hears appeals arising from criminal and civil cases
 - Highest court of appeal in all cases except constitutional matters
 - Gives verdicts on legal points (Any 2 × 2) (4)
- 7.4.2
- In important and difficult matters, it can function as the court of first instance (a criminal or civil case is first heard in the high court)
 - In other matters, the High Court functions as a court of appeal against decisions made by the magistrates' court
 - Hears both criminal and civil cases
 - May also determine whether a national or provincial law is unconstitutional
 - Decisions bind lower courts
 - Decides any constitutional matter except in instances where the Constitutional Court alone has the right to decide (Any 2 × 2) (4)

[40]

TOTAL SECTION B: 160
GRAND TOTAL: