higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

MARKING GUIDELINE

NATIONAL CERTIFICATE (VOCATIONAL)

GOVERNANCE
NQF LEVEL 4

10 November 2022

This marking guideline consists of 8 pages.

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SECTION A

QUESTION 1

1.1 1.1.1 customers
1.1.2 served
(2 × 1) (2)

1.2 1.2.1 reactively
1.2.2 prevention
1.2.3 control
(3 × 1) (3)
[5]

QUESTION 2

Note to Assessor: Read the answer with the question paper. Any applicable substantiation that disproves false statements will be acceptable.

2.1 True (1)

2.2 True (1)

2.3 False
- Anyone can complain to the Public Protector. (2)

2.4 False
- It is a main focus of Interpol. (2)

2.5 False
- Deportation is the action of expelling someone from your country or forcing them to leave your country. (2)

2.6 True (1)

2.7 True (1)

2.8 False
- CPF's do not have policing or law enforcement powers. (2)

2.9 False
- The IPID operates independently from the SAPS. (2)

2.10 True (1)
[15]

QUESTION 3

3.1 D
3.2 J
3.3 B
3.4 I
3.5 F
3.6 C
3.7 G
3.8 A
3.9 E
3.10 H

(10 × 1) **[10]**

TOTAL SECTION A: 30

SECTION B

QUESTION 4

4.1
- Serious organised crime
- Serious commercial crime
- Serious corruption (3)

4.2
- Manages elections of national, provincial and municipal legislative bodies in accordance with national legislation.
- Ensures that those elections are free and fair.
- Declares the results of those elections within a period that must be prescribed by national legislation and that is as short as reasonably possible. (3)

4.3 **Any ONE of the following:**
- Domestic branch of the SSA
- Foreign branch of the SSA
- Defence Intelligence of the SNDF
- Crime Intelligence of the SAPS (1)

4.4
- The Legislature
- The Executive
- The Judiciary (3)

[10]

QUESTION 5

5.1 **Any TWO of the following:**
- Provide border control management, community protection and industry protection
- Administer trade policy measures and industry schemes
- Collect revenue (2)

5.2 **Any FOUR of the following:**
- Sex trafficking
- Forced labour
- Bonded labour
- Domestic servitude
- Child soldiers (4)

5.3 **Any FOUR of the following:**
- Establishes and maintains a partnership between the community and the SAPS
- Promotes communication between SAPS and the community
- Promotes cooperation in fulfilling the needs of the community regarding policing
- Improves the rendering of police services to community at national, provincial, area and local levels
- Improves transparency in the SAPS and accountability to the community
- Promotes joint problem solving and identification (4)

[10]

TOTAL SECTION B: 20

SECTION C

QUESTION 6

6.1 Yes (1)

6.2 The Department of Environment, Forestry and Fishery (1)

6.3 To manage, protect and conserve South Africa's environment and natural resources (2)

6.4 **Any THREE of the following:**
- The Justice, Crime Prevention and Security (JCPS) cluster departments
- Agencies such as Department of Defence, Justice and Constitutional Development, Correctional Services, State Security, the Directorate for Priority Crime Investigation (Hawks) and the SAPS
- SANParks, SARS, the AFU, the NPA and all provincial conservation authorities (3)

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6.5 **Any FOUR of the following:**
- Riverine rabbit
- Pickergill's reed frog
- Cape vulture
- African wild dog
- Cheetah
- African penguin
- Blue crane
- Knysna seahorse (4)

6.6 To conduct integrity patrols to monitor and observe the parks' fauna and flora. (1)

6.7
- Specialist trackers
- Pilots
- Dog handlers (3)

[15]

QUESTION 7

7.1 7.1.1 To maintain and protect a just, peaceful society by:
- enforcing sentences of the courts in the manner prescribed by the act;
- detaining all prisoners in safe custody whilst ensuring their human dignity; and
- promoting the social responsibility and human development of all sentenced offenders. (3)

7.1.2 **Note to Assessor: Allow for student's own interpretation and practical examples**

- The DCS should let the police know when criminals are released so they can put measures in place to prevent them from committing more crimes.
- Knowing where criminals are when released, the police can add additional surveillance, etc. (1)

7.2 7.2.1 Interpol (1)

7.2.2 To share and access data on crimes and criminals, and it offers a range of technical and operational support. (1)

7.2.3
- Counterterrorism
- Organised and Emerging Crime
- Cybercrime (3)

7.3 7.3.1 **ONE mark for identification and ONE mark for substantiation:**

- The Independent Police Investigative Directorate (IPID).
- They investigate deaths as a result of police action. (2)

7.3.2 The Independent Police Investigative Directorate Act (Act 1 of 2011) (1)

7.3.3 **Any THREE of the following:**

- Complaints of incidents which occurred before the establishment of the ICD in April 1997 and those which took place more than a year before they were reported to the IPID, unless there are exceptional circumstances.
- Complaints against Correctional Services staff, court officials, and members of the SANDF.
- Matters that have been dealt with or are currently being dealt with by the courts.
- Matters that are not criminal in nature, for example, divorce, recovery of money or unlawful arrest.
- The IPID will no longer be dealing with matters of non-compliance with the Domestic Violence Act (DVA) by SAPS members. Complaints of non-compliance with this act will be handled by the Civilian Secretariat for Police Services.
- IPID will not investigate service delivery complaints against the SAPS or MPS members in instances such as failure to investigate, failure to assist, failure to give feedback, rudeness and police misconduct. These matters are now dealt with by the Police Inspectorate in the offices of the SAPS provincial commissioners. (3)

[15]

TOTAL SECTION C: 30

SECTION D

QUESTION 8

Note to Assessor: Read answer with question paper. Allocate maximum FIVE marks per heading. Allow for student's own interpretation and creativity in answering the question.

Functions and powers of the Public Protector

The functions of the Public Protector are to strengthen and support constitutional democracy by investigating, reporting on and implementing remedies for alleged or suspected improper conduct in state affairs.

Its functions include:

- The Public Protector has the power, as regulated by national legislation
  - to investigate any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety prejudice.
  - to report on that contact; and
  - to take appropriate remedial action.
- The Public Protector has the additional powers and functions prescribed by national legislation.
- It may not investigate court decisions.
- It must be accessible to all persons and communities.
- Any report issued by the Public Protector must be open to the public unless exceptional circumstances, to be determined in terms of national legislation, require that the report be kept confidential.

Jurisdiction of the Public Protector (including who they don't have jurisdiction over)

The Public Protector has jurisdiction over all organs of state, any institution of which the State is the majority or controlling shareholder, and any public entity as defined in Section 1 of the Public Finance Management Act:

- Government at any level – including central and provincial government, state departments and local authorities.
- Any person performing a public function. This includes anyone performing any official duty which affects South Africans, for example a state employee such as a police officer or an electoral officer.
- Corporations or companies where the state is involved, like Eskom and Telkom.
- Statutory councils such as the HRRC and the CSIR.

Matters beyond its jurisdiction include:
- Private persons, private companies.
- Court decisions.
- The Public Protector does not act as legal representative.

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Investigative powers of the Public Protector

The Public Protector shall be competent to investigate, on his or her own initiative or on receipt of a complaint, any alleged:

- Maladministration in connection with the affairs of government at any level;
- Abuse and unjustifiable exercise of power or unfair, capricious, discourteous, or other improper conduct or undue delay by a person performing a public function;
- Improper or dishonest act or omission or offences referred to above or in Sections 17, 20 or 21 of Chapter 2 of the Prevention and Combating of Corruption Activities Act, with respect to public money;
- Improper or unlawful enrichment or receipt of any improper advantage, or promise of such enrichment or advantage, by a person because of an act or omission in the public administration or in connection with the affairs of government at any level or of a person performing a public function; and
- Act or omission by a person in the employ of government at any level, or a person performing a public function which results in unlawful or improper prejudice to any other person.

The role of the Public Protector in the day-to-day activities of law enforcement agencies

The Public Protector, as regulated by the national legislation-

- is to investigate any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety or prejudice.
- As far as policing and law enforcement is concerned, the Public Protector is responsible for investigating alleged or suspected improper administration which occurred as a result of any impropriety or prejudice.
- This could include maladministration on the part of police managers relating to appointments and promotions of SAPS members.
- The Public Protector is obliged to report to higher authorities in the conduct in question and must take appropriate remedial action to solve the problem. **[20]**

TOTAL SECTION D: 20
GRAND TOTAL: 100

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