higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

MARKING GUIDELINE

NATIONAL CERTIFICATE (VOCATIONAL)

INTRODUCTION TO GOVERNANCE
NQF LEVEL 2

8 December 2020

This marking guideline consists of 5 pages.

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SECTION A

QUESTION 1

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

(10 × 1) **[10]**

QUESTION 2

2.1 responsiveness
2.2 transparency
2.3 government
2.4 positive rights
2.5 public officials
2.6 head
2.7 National Assembly
2.8 provincial sphere of government
2.9 municipal council
2.10 minister

(10 × 1) **[10]**

QUESTION 3

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

(10 × 1) **[10]**

TOTAL SECTION A: 30

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SECTION B

QUESTION 4

4.1 Human rights are shared✓ by all human beings.✓ A human right allows one to do something,✓ for example the right to vote in an election.✓ Fundamental freedoms form the basis✓ of the existence of all human beings.✓ Freedom means the ability to do what you want✓ without being controlled or restricted by anyone.✓ (4 + 4) (8)

4.2 The legislature (parliament) is made up of elected representatives✓ of the citizens of the country.✓ It discusses all matters✓ affecting South Africa and its people.✓ It is that part of government✓ that has the power to make and change✓ the laws of the country.✓ Legislation is the set of laws or rules✓ that the legislature makes or changes✓ to control✓ the activities of the government,✓ all organisations and all people in South Africa.✓ (7 + 5) (12)
[20]

TOTAL SECTION B: 20

SECTION C

QUESTION 5

5.1 Yes✓ – according to the constitution,✓ everyone has the right to have access to water.✓ (3)

5.2 Each person in our county must be treated with respect by all other people in the country✓ and by the government,✓ and that person should treat others with respect in return.✓ (3)

5.3 Everyone has the right to an environment that is not harmful✓ to her or his health or wellbeing.✓ Everyone also has the right to have the environment protected for the benefit of present and future generations.✓ (3)

5.4 Accountability is a basic principle underpinning the new constitutional democracy.✓ It means that a person or organisation✓ is responsible for his, her or its actions✓ and for explaining them if asked about them.✓ In the case of our government, this means that the government is responsible for the effects of its actions✓ and must be willing to explain them or be criticised for them.✓ The government must provide information to the people of South Africa about what it does and how its spends taxpayers' money.✓ This is the reason why ministers, who represent government departments, must report to parliament on a regular basis.✓ (8)

5.5 5.5.1 Everyone has the right to have access to healthcare services✓ and no one may refuse emergency medical treatment.✓ (2)

5.5.2 All South Africans have the right to sufficient food and water.✓ (1)

5.5.3 Every citizen has the right to social security such as pension and social assistance if they are unable to support themselves and their dependants. (1)

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5.6 5.6.1 Yes (1)

5.6.2 Yes – a criminal case can be opened because the water was intended to be free. (2)

5.6.3 Theft case (1)

5.7 Social rights are human rights✓ that guarantee✓ that a government✓ will provide✓ basic necessities such as water✓ and housing. (5)
[30]

TOTAL SECTION C: 30

SECTION D

QUESTION 6

6.1 6.1.1 The highest and most important court in South Africa is the Constitutional Court✓ that consists of a president,✓ a deputy president✓ and nine judges.✓ In all cases that come before the Constitutional Court a least eight judges must be involved in considering the matter.✓ (5)

6.1.2 The Constitutional Court is the higher court✓ on all constitutional matters.✓ Only the Constitutional Court may decide on a constitutional matter.✓ Whether a matter is constitutional matter✓ can only be decided by the Constitutional Court.✓ (5)

6.1.3 The Constitutional Court is also responsible for judging:

- Cases where government departments disagree on their roles and functions
- Whether a bill is in line with the constitution
- Whether a member of the executive (for example the president or a minister has fulfilled the duties as contained in the constitution)
- Whether a legislature (e.g. parliament) has fulfilled the duties as contained in the constitution
- Cases where the High Court or the Supreme Court of Appeal has made a finding that an act of parliament or a provincial act is unconstitutional. Such findings of unconstitutionality must be confirmed by the Constitutional Court. (5)

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6.2
- South Africa has many traditional communities and the government recognises the traditional leaders of these communities.
- National legislation provides for traditional courts that deal with matters relating to members of traditional communities.
- The traditional leader and other senior members of the traditional community listen to all the evidence and come to a decision.
- In traditional courts, the focus is on reconciliation, so that all the parties can continue to live together in peace with one another.
- Traditional courts are not allowed to deal with any serious legal matter. Legal representation is also not allowed. (5)

[20]

TOTAL SECTION D: 20
GRAND TOTAL: 100

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