UNIVERSITY EXAMINATIONS

UNISA university of south africa

May/June 2024

LGL3702

Local Government Law

100 Marks
Duration: 4 Hours

First examiner: Ms Allyson Petersen

THIS PAPER CONSISTS OF 9 (NINE) PAGES

Honesty Declaration:

In writing and submitting this paper you affirm that:

1. **You understand what academic dishonesty entails and are aware of UNISA's policies in this regard.**
2. **You have not allowed, and will not allow anyone to copy your work with the intention of passing it off as his or her own work.**
3. **You did not make use of another student's work with or without permission and submitted it as your own.**

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY BEFORE ANSWERING THE EXAMINATION QUESTIONS.

Instructions:

1. The examination question paper counts **100 marks.**
2. It consists of **4** (four) questions. Answer **ALL** of the questions.
3. The duration of the examination on the timetable is **4 hours**.
4. In addition to the duration of the examination indicated on the timetable, you are given **30 minutes to FINALISE the uploading of your exam file.** Your exam file must be uploaded via the myExams platform on the **13th of May 2024 BEFORE 17:15 (South African Standard Time).**
5. This is an **open-book examination**. You may consult your prescribed study material during the examination.

6. This examination is proctored via the Invigilator App. You are required to activate (or log in to) the Invigilator app between **12:30 and 13:15** on 13 May 2024 (South African Standard Time).

The QR code is below:

QR Access Code: 1eb97bc0

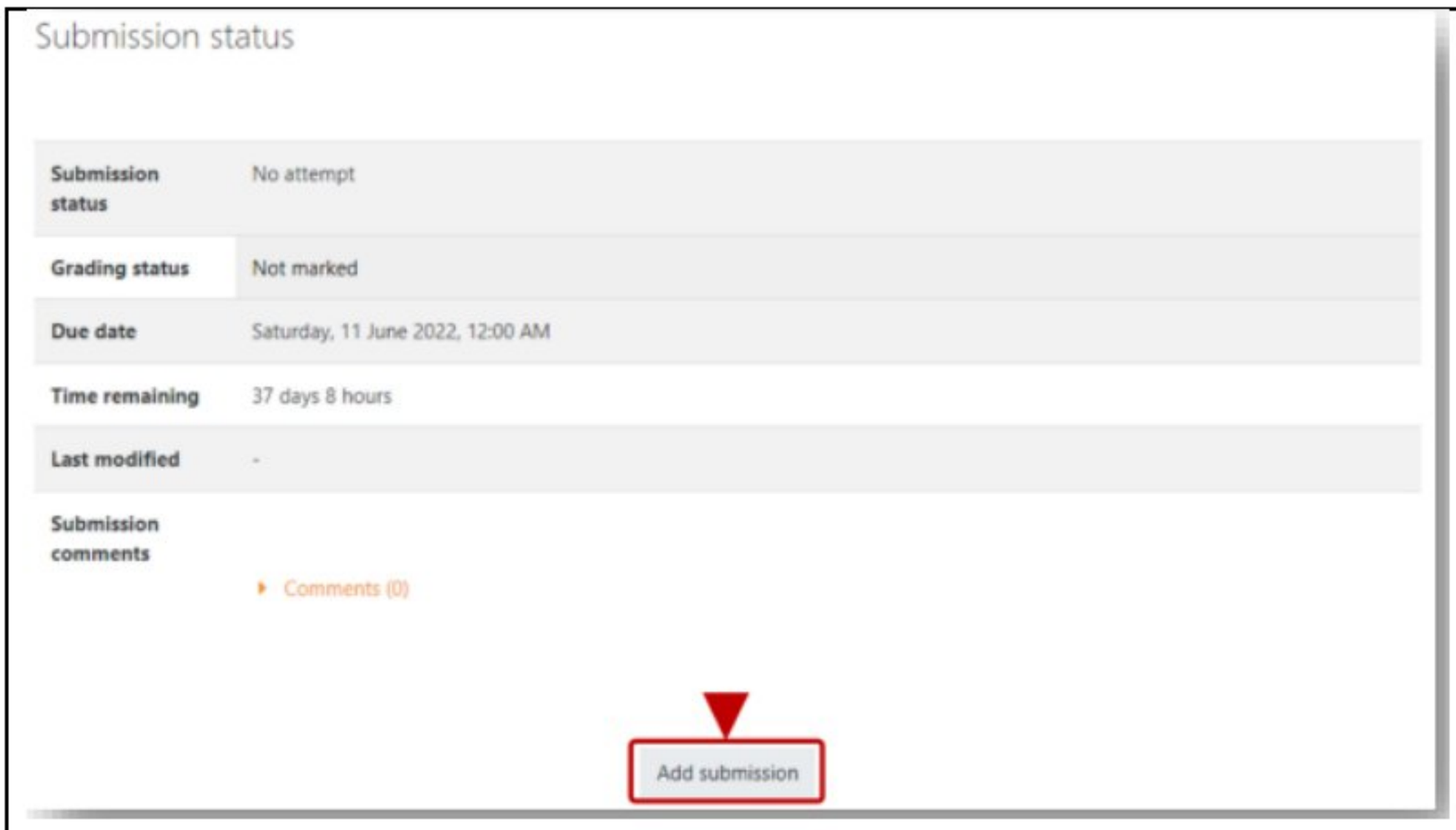
6.1 You will have **48 hours from the date of their examination to upload your invigilator results from the Invigilator App**. Failure to do so will result in students deemed not to have utilised the invigilation or proctoring tools.

6.2 Listening to audio (music) and making use of audio-to-text software is strictly prohibited during your examination session unless such usage of the software is related to a student's assistive device which has been so declared. Failure to do so will be a transgression of Unisa's examination rules and the student's marks will be withheld.

7. The uploading of your exam file on the myExams platform must be **finalised within 30 minutes of the scheduled (timetabled) end of the exam.**

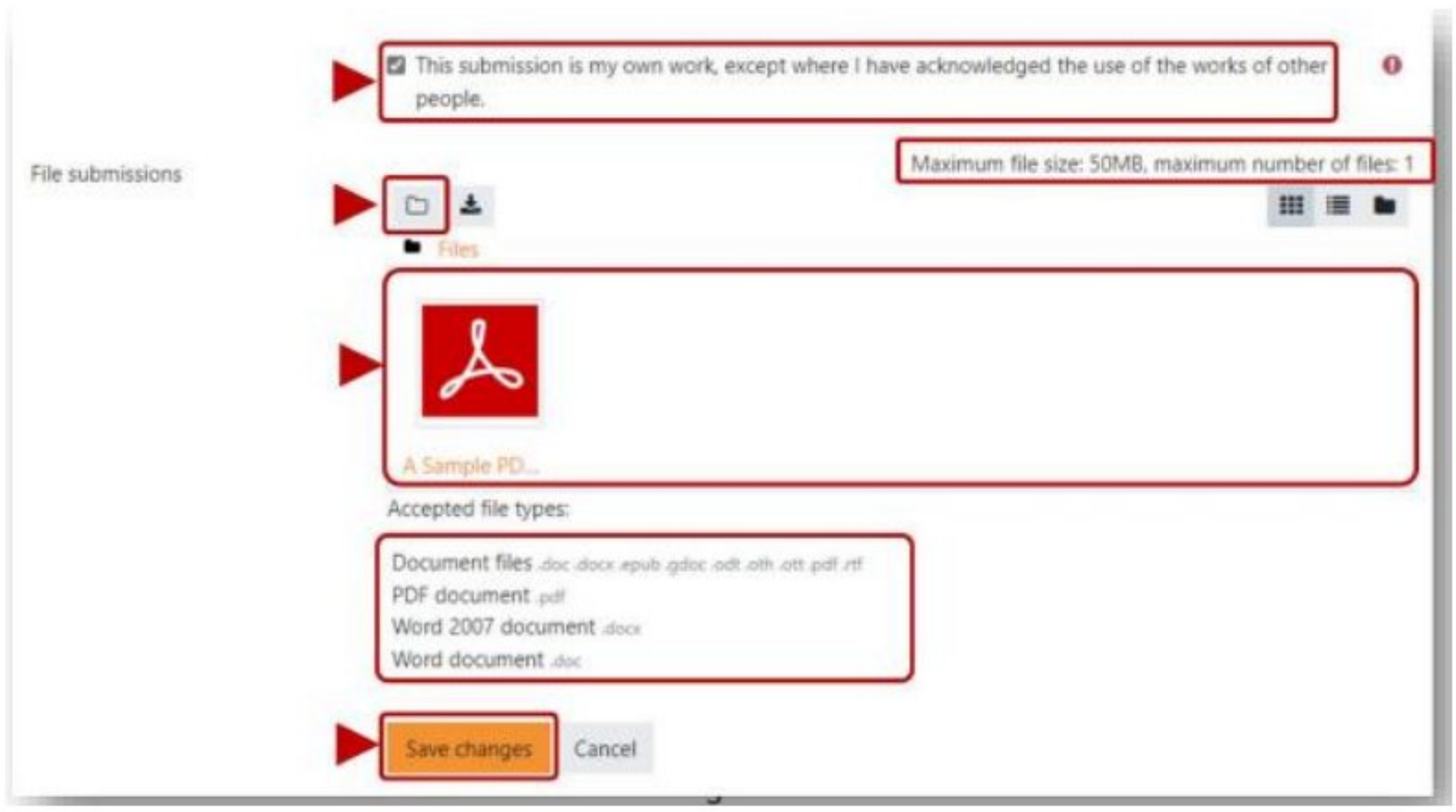
NOTE: **The time on the myExams platform corresponds with the FINAL upload time. This INCLUDES the extra 30 min. In other words, must upload your script by 17:15.**

7.1 When ready to submit, open the Take-Home (Assignment) assessment again and click on the Add Submission button.

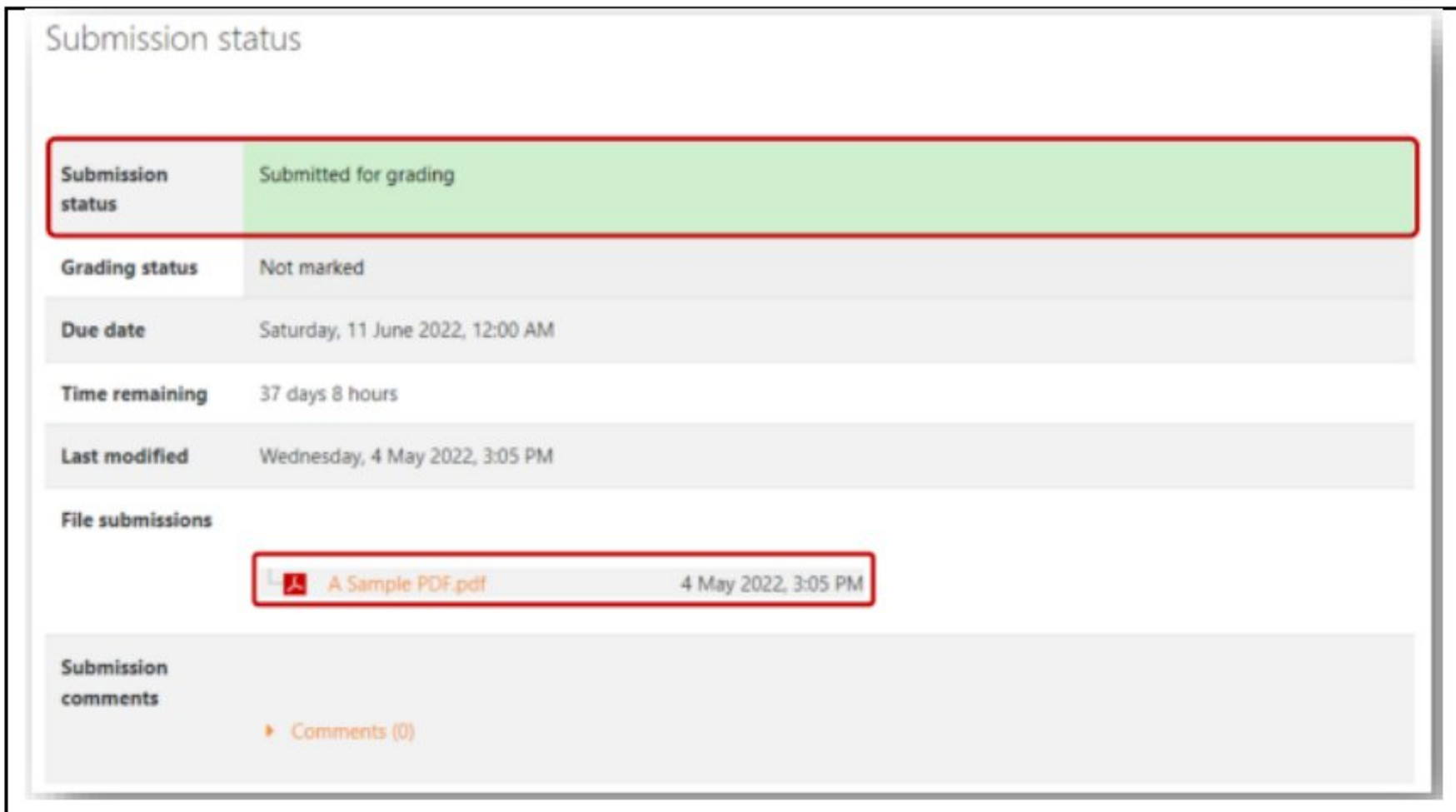


7.2. Note the file requirements such as:
   a. File size limit.
   b. Number of files that can be submitted.
   c. File formats allowed.

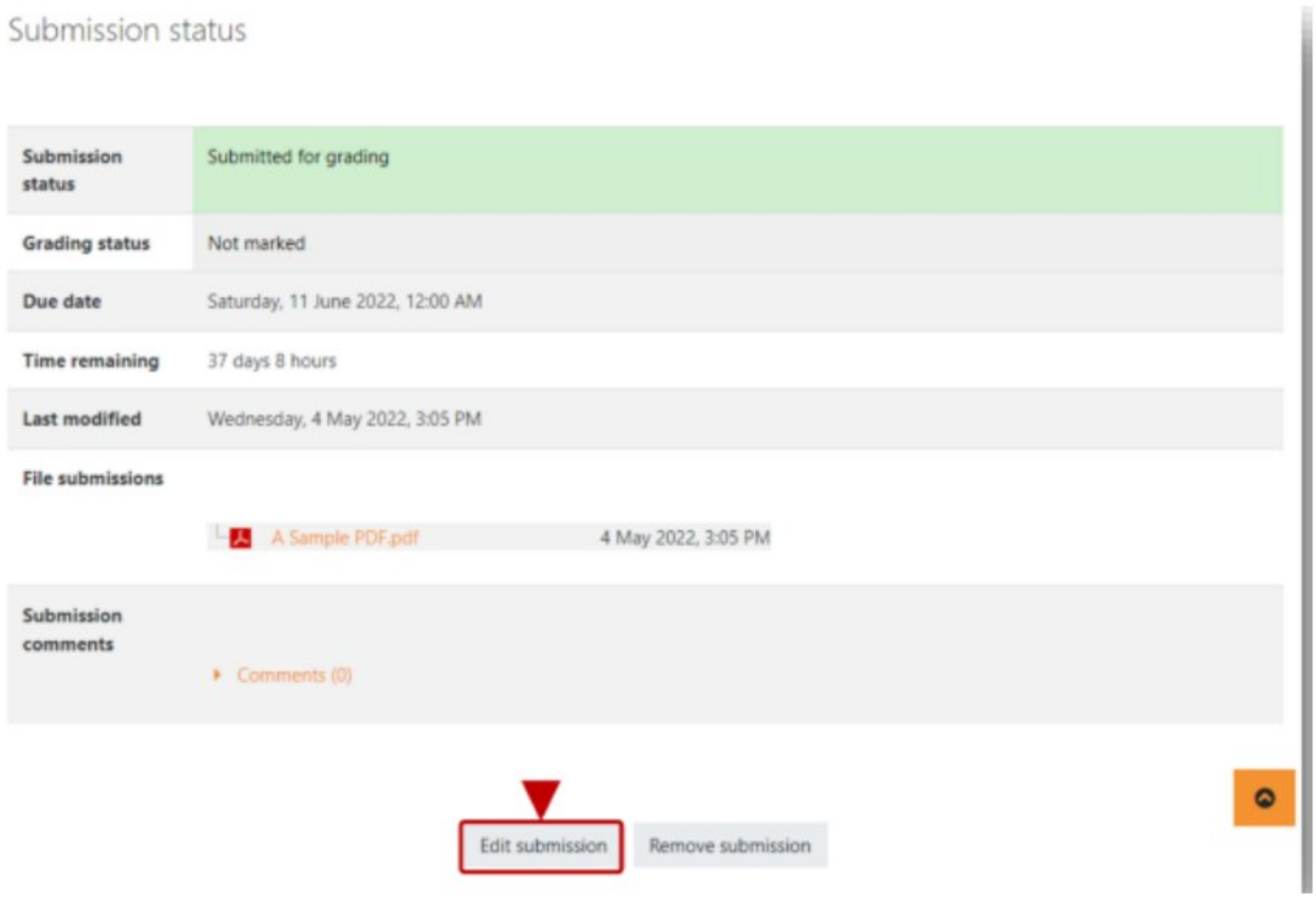
7.3. Check the acknowledgment checkbox and upload your answers document and then click on the Save changes button.



7.4. Review your submission information regarding the status and click on your submission file link to check if it's correct.



7.5. If you need to resubmit a file, click on the Edit Submission button. Do not click on the Remove submission button. Note: You will need to delete any existing files by clicking on the file and then on delete.



7.6 Use proper PDF conversion software to create the final file for upload. Free PDF conversion software is available on the Internet.

7.7 Add your student number and the module code in the file name. That will assist you to select the correct document to upload during submission.

7.8 You are advised to preview your submission (answer script) to ensure legibility and that the correct answer script file has been uploaded.

8. There is **no contingency link** for the examination. You MUST upload on the myExams platform.

9. The cover page for your exam must include your name, student number and the module code.

10. This exam will use Turnitin software. You are required to submit typed responses only (scanned handwritten scripts or scanned typed scripts will not be accepted for marking).

10.1 If you fail to provide a typed response, will have your submission disregarded. In such cases, you will be awarded a non-compliance with proctoring tools outcome on your academic records.

10.2 You are required to accept the mandatory End User License Agreement (EULA) pop-up to activate the Turnitin software. Students who have not accepted the EULA will be considered to have violated Unisa's examination rules and their answer scripts will not be marked.

11. YOU MUST **TYPE YOUR EXAM**. Handwritten submissions will NOT be accepted. Your typed submission on the myExams platform must be made in the form of **one PDF** document. Only the last file uploaded and submitted will be marked.

11.1 The exam answer file that you submit must not be password protected or uploaded as a “read only” file.

11.2 Your examination answer file will not be marked if:

11.2.1 you send your examination answer file via email.
11.2.2 you submit the incorrect examination answer file. A mark of 0% will be awarded.
11.2.3 you submit your exam answer file on an unofficial examination platform.
11.2.4 you submit your examination answer file in the incorrect file format.
11.2.5 you submit a password-protected document.
11.2.6 you submit your examination answer file late.
11.2.7 you submit your answer file from a registered student account that is not your own.
11.2.8 You submit a handwritten or scanned document.

11.3 You will not be allowed to resubmit after the scheduled closing date and time of the exam.

11.4 Listening to audio (music) and utilising audio-to-text software has been strictly prohibited during your examination session, unless use of the software is related to a student’s assistive device which has been declared.

Listening to music, utilising such software and/or failing to declare the software is a transgression of Unisa's examination rules and the student's marks will be withheld.

12. When answering the take-home exam questions, remember that an open-book exam is a test at a higher level than the usual type of exam, where memory is tested as much as insight. In an open-book exam, you need not memorise any information. You are expected to prove that you can use information, rather than merely repeat it. In brief, what is being tested is factual knowledge, understanding and the correct application thereof, not memory skills. For this reason, you do not earn marks by merely detailing a list of all the information that you think might be relevant to a particular question. This gives no indication that you know what statutory or other provisions are applicable in a specific context. You are expected to identify precisely what information applies, and then explain why you think so.

12.1 Also, because you have the guide available when answering questions, we do not give marks for direct quotations from the guide. You are therefore assessed on your level of understanding of the legal principles by looking at how well you applied the principles to the questions.

12.2 **PLEASE DO NOT CUT AND PASTE ANSWERS FROM THE STUDY GUIDE (OR ANY OTHER SOURCE).**

13. The arguments that you make must be logical, well-structured and substantiated by all of the relevant legal principles. Use the time given wisely.

13.1 Ensure that you give reasons for each answer. Substantiate your answers by referring to ALL of the relevant authorities, e.g. sections from relevant legislation and/or court cases in the text or in your footnotes.

13.2 You are required to have read and summarised the prescribed cases yourself. The summaries in the Study Guide are not sufficient for this exam. When using case law to support your answer, please include complete references to the relevant cases in your footnotes. This means that you must not only include the name of the case but also the exact page and section and/or paragraph where the information can be found. The same applies to articles and books used.

13.3 A number of students lose marks because they do not approach problem-type questions correctly. When answering such questions, it is important to first clarify for yourself the area of work where the answer must be sought. Once you have done this, set out the relevant legal principles. Deal only with those principles that relate to the given facts. Next, apply these principles to the facts. This is where most of the students lose marks - they set out the law in some detail, but then do not illustrate how it applies to the

factual situation they have been asked to solve. Finally, state your conclusion.

14. You must complete the online declaration of own work when submitting by clicking on the "tick box" before you submit.

14.1 By ticking the Honesty Declaration, you confirm that you have read (i) the University's Policy on Copyright Infringement and Plagiarism and the Student Disciplinary Code, which are both available on myUnisa: www.unisa.ac.za/unisarules, and (ii) the information relating to student values and plagiarism that is found at https://www.unisa.ac.za/sites/myunisa/default/Study-@-Unisa/Student-values-and-rules.

14.2 Students suspected of dishonest conduct during the examinations will be subjected to disciplinary processes. Students may not communicate with other students, or request assistance from other students during examinations. The use of Telegram, WhatsApp or any other instant messaging services with any other person (except when asking for technical assistance via official channels of the SCSC or the Invigilator WhatsApp line) are strictly prohibited. Plagiarism is a violation of academic integrity, and students who do plagiarise or copy verbatim from published work will be in violation of the Policy on Academic Integrity and the Student Disciplinary Code and may be referred to disciplinary hearing. Unisa has a zero tolerance for plagiarism and/or any other forms of academic dishonesty.

14.3 The use of Artificial Intelligence software (ChatGPT, etc) and online sources (other than your course material) during your online examination session is strictly prohibited.

14.4 Unless a student is exempted because of disability or incarceration, students who have not utilised invigilation or proctoring tools will be deemed to have transgressed Unisa's examination rules and will have their marks withheld.

PLEASE NOTE:

If you experience challenges with the Invigilator app, please WhatsApp the technical helpdesk on 073 505 8273. Do not contact the lecturers.

For all other exam-related challenges, you may contact the SCSC on 080 000 1870 or e-mail Examenquiries@unisa.ac.za or refer to Get-Help for the list of additional contact numbers.

QUESTION 1

1.1. Briefly describe different forms of municipal revenue other than property rates. **(9 marks)**

1.2. Explain how members of the community relate to the administration and political structures of local government according to section 5 of the Local Government: Municipal Systems Act of 2000. **(6 marks)**

1.3. The Local Government: Municipal Electoral Act of 2000 applies to and regulates all municipal elections. List five (5) things the Municipal Electoral Act regulates. **(5 marks)**

[20]

QUESTION 2

2.1 The Bill of Rights has a significant impact on local government. With reference to case law, choose three rights and evaluate how these rights influence local government. **(15 marks)**

2.2 Define a municipal entity and explain its purpose. **(10 marks)**

[25]

QUESTION 3

Square municipality is a municipality with exclusive municipal executive and legislative authority. In this municipality there is only one municipal council in the area and therefore it stands alone. To enhance democratic participation and to ensure a decentralised form of local government, Square municipality relies on sub-councils who are responsible for service delivery and other key functions.

Triangle municipality is a primary municipality that shares its municipal executive and legislative authority with another municipality. In Triangle municipality, matters of local concern to wards are dealt with by committees established for wards.

Circle municipality is a secondary municipality that includes more than one municipality within its boundary. In this municipality, the municipal council delegates its daily tasks and functions to the executive committee.

3.1 With reference to the relevant statutory instrument and provisions, indicate the category of Circle, Triangle and Square municipalities and describe the features of each municipality. **(15 marks)**

3.2 With reference to the relative statutory instrument and provisions, describe the participatory systems of Square, Triangle municipalities and describe the features of these participatory systems **(10 marks)**

[25]

QUESTION 4

Fully analyse the purpose of a performance management system. In your answer you should describe how a performance management system is established and developed. **(30 marks)**

[30]

TOTAL: {100}

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