Tutorial Letter 201/2/2018

Constitutional Law

CSL2601
2018

Semester 2

Department of Public, Constitutional and International Law

IMPORTANT INFORMATION
This tutorial letter contains important information about your module.
Dear Student

Read this tutorial letter carefully as it contains feedback on Assignments 01 and 02 for the second semester of 2018. It also contains information on the format of the examination paper for this semester.

We trust that you found the assignments challenging and hope that the feedback will enhance your knowledge and understanding of this module.

1 FEEDBACK ON ASSIGNMENT 01

Indicate whether the following statements are TRUE or FALSE by indicating 1 for TRUE OR 2 for FALSE:

ASSIGNMENT 1

Note: This assignment must be answered on a mark-reading sheet.

Indicate whether the following statements are TRUE or FALSE by indicating 1 for “true” and 2 for “false”:

(1) In *Doctors for Life International v Speaker of the National Assembly and Others* 2006 (12) BCLR 1399 (CC), the court determined that the stage of law-making at which it can intervene in order to enforce Parliament’s obligation to facilitate public involvement and to prevent irreversible and material harm, is before the legislative process is complete. (1)

**False:** In the *Doctors for Life International* case (para 56) it was held that the court does not have competence to intervene and to grant any relief in relation to the Bill, save at the instance of the President, before the President has assented to and signed the Bill.
In *National Director of Public Prosecutions v Zuma* 2009 (2) SA 277 (SCA), para 32, the Supreme Court of Appeal found that the provision of the 1996 Constitution requiring that members of the National Prosecuting Authority (NPA) act without fear, favour or prejudice and the provision stating that the Minister of Justice must exercise final responsibility over the NPA are incompatible.

**False:** In *National Director of Public Prosecutions v Zuma* 2009 (2) SA 277 (SCA), para 32, the court found that the provisions requiring that members of NPA act without fear, favour or prejudice and the provision stating that the Minister of Justice must exercise final responsibility over the NPA are not incompatible.

The form which constitutionalism takes in South Africa is primarily allochthonous, having its roots in indigenous ideas, principles and experiences.

**False:** Though the form which constitutionalism takes in South Africa is primarily allochthonous, allochthonous constitutions, unlike autochthonous constitutions which are indigenous or home grown, are borrowed constitutions that are based on government systems of other countries.

It would be accurate to state that a country is democratic if elections are held every five years, even if only one political party is allowed to stand in the election.

**False:** In the *United Democratic Movement (UDM) v President of the Republic of South Africa and Others* 2003 (1) SA 495, para 26, the court held that a multiparty democracy contemplates a political order in which it is permissible for different political groups to organise, promote their views through public debate and participate in free and fair elections.

Cooperative government refers to the division of legislative and executive authority among three spheres of government, namely the national, provincial and local spheres of government.

**True:** The principles of cooperative government regulate the overlapping of powers between the different spheres of government, namely the national, provincial and local spheres.
(6) Magistrates’ courts have the power to declare the conduct of the President unconstitutional.  

**False:** In terms of section 170 of the Constitution, magistrates’ courts may decide any matter determined by an Act of Parliament, but may not enquire into or rule on the constitutionality of any legislation or any conduct by the President.

(7) As South Africa has adopted a German model of integrated federalism, South African courts are obliged to consider German law as a primary source of South African law when interpreting any legislation on federalism.

**False:** In terms of section 39 (1) of the Constitution, South African courts are obliged to consider international law, and are not obliged to – but have discretion to – consider foreign law when interpreting the Bill of Rights and, by extension, when interpreting any legislation on federalism.

(8) Although the principle of separation of powers is not expressly mentioned in the Constitution, it is implicit in the Constitution and is of the same force as any expressed constitutional provision.

**True:** In the *South African Association of Personal Injury Lawyers v Heath and Others* 2001 (1) SA 883, paras 18–20, the Constitutional Court held that although there is no explicit reference to or mention of separation of powers in the Constitution, it is implicit in the Constitution and has equal force as an express constitutional provision.

(9) It is a privilege of Members of Parliament to say anything in Parliament without fear of being held liable in a court of law, and it serves to protect Parliament from outside interference. This means that parliamentary privileges are not subject to judicial review under the new constitutional dispensation.

**False:** The case *De Lille and Another v Speaker of the National Assembly* 1998 (3) SA 430 (C) is an excellent example of the fact that parliamentary privileges are subject to judicial review. At paragraph 25 of the judgment, the court, per Hlophe J, held that, under a supreme Constitution, the exercise of parliamentary privileges is subject to judicial review.
because, as an organ of state, Parliament is bound by the Bill of Rights and the provisions of the Constitution. At paragraph 62, the court concluded that the nature and the exercise of parliamentary privilege must be consonant with the Constitution (and if it is not, it must be declared invalid). The exercise of parliamentary privilege, which is clearly a constitutional power, is not immune from judicial review. This reinforces what is stated in section 2 of the Constitution, namely, that the Constitution is the supreme law of the Republic and that all law and all conduct are subject to it.

(10) The administration of justice in rural South Africa is predominantly carried out by the traditional courts. However, these courts are not recognised by the Constitution in South Africa.

False: Traditional courts are recognised by Chapter 12 of the Constitution, which requires the law to recognise the institution, status and role of traditional leadership according to customary law.

2 FEEDBACK ON ASSIGNMENT 02

ASSIGNMENT 2

Total [10]

Question 1:
Read the following set of facts and then answer the questions that follow:

Transformation in the higher education sector has been on the agenda for the past few years in South Africa but has become an especially pressing issue as a result of the fact that, at the end of the 2017 academic year, a large majority of learners writing their Grade 12 examinations (Matric) at public schools throughout South Africa performed poorly. A consequence of this is that too few learners obtained Matric Exemption (the right to enrol for tertiary education at a university).

On 4 January 2018, a Member of Parliament belonging to the Proud South Africans political party introduces a Bill entitled, The Transformation of Tertiary Education Bill. The purpose of this Bill is to empower the Department of Basic Education to adjust the marks of every Matric student upwards (in other words, the marks of every student in public schools will be automatically increased by 10%) to ensure that more students have access to tertiary education.
On 30 January 2018, the National Assembly passes The Transformation of Tertiary Education Bill with 268 votes in favour. Parliament issues a statement indicating that the law is consistent with the imperative to increase the number of graduates with tertiary qualifications in South Africa.

On 7 February 2018, the Bill is sent to the President of the Republic of South Africa to assent to the Bill in order for it to enter into force. The President signs the Bill and it becomes known as The Transformation of Tertiary Education Act 6 of 2018.

The Minister of Transformation and Social Upliftment, the Honourable Ms Jane Ginwala, appears in Parliament on 10 March 2018 to report on the important work that her Ministry has been involved in. During this speech, she declares that it will be in the country’s best interests if the President issues an order to all public schools that they should increase the marks of every Matric learner by 20% instead of the 10% as laid down in The Transformation of Tertiary Education Act.

On 18 March 2018, you are approached by the parents of Busi Madonsela. Busi is an extremely intelligent learner and is presently in Matric. She has always achieved A symbols at school and has always wanted to study law. She is very disappointed that this law had been enacted, because she believes that it is not fair that she has had to work so hard at school while other learners’ marks will merely be adjusted, and they will therefore have the same entitlement to enter university. The Madonselas wish to challenge this Act. They have approached you for help, as you are the best constitutional lawyer in South Africa.

You decide on the strategy you will adopt to challenge the Act and institute the legal challenge. The primary substantive argument that you intend making is that section 29 of the Constitution refers to the need to maintain the quality and standards of education in South Africa so that the qualifications obtained will continue to be internationally recognised. This is obviously a very important objective in order to promote South Africa’s socio-economic advancement.

To your utter dismay, two weeks later you read in the newspaper that a judge who is not directly involved in the case approached two of the judges hearing this case and allegedly said, “You are our last hope. You must find in favour of the struggle for academic transformation. The new law must stay.” Moreover, the newspapers have reported that the President has issued a statement to all public schools that they should disregard the fact that the new law states that marks should be increased by 10%, and, instead, must increase the marks by 20%.
Now answer the following questions:

1.1 **Describe the general process of law-making. In other words, discuss the normal way in which laws are passed in South Africa.** (10)

Section 73 (2) of the Constitution allows any member of the National Assembly (NA) to introduce a Bill in the NA. However, the normal way in which laws are passed is through the executive.

- The process of law-making commences with preparation by the relevant cabinet member (minister) and his/her officials of proposals for new legislation, after an investigation and evaluation of the need for new legislation.
- Consultation takes place with interested parties who will be affected by the legislation.
- Green and White Papers form the basis of a draft Bill.
- The minister submits the draft legislative proposal and an explanatory memorandu to Cabinet for approval.
- After Cabinet has approved the draft Bill, the state law advisers certify the document before submission to Parliament.
- The relevant minister introduces the Bill to Parliament (it could be NA or NCOP). This is referred to as the first reading of the Bill.
- The Bill is referred to the appropriate portfolio committee for review and amendment after facilitation of public involvement. This is referred to as the second reading and the Bill is considered ready for passing.
- If the NA passes the Bill, it is forwarded to the upper house, the NCOP, for its assent. If the Bill was introduced in the NCOP and approved there, it is forwarded to the NA for its assent.
- Once both houses of Parliament have passed the Bill, it is presented to the President for signature.
1.2 In which court would you institute the action? Is this the only court that may hear the matter? Explain with reference to the jurisdiction of the relevant courts in South Africa. You are required to refer to relevant authority, including case law and legislation, in support of your answer.

The High Court has jurisdiction over any constitutional matter, except those matters exclusively reserved for the jurisdiction of the Constitutional Court. When the case raises constitutional matters and does not deal with any issues on which the Constitutional Court has exclusive jurisdiction, the case is first heard by the High Court, after which an appeal can be lodged with either the Supreme Court of Appeal or the Constitutional Court directly.

The jurisdiction of the Constitutional Court can be divided into concurrent jurisdiction and exclusive jurisdiction. Its concurrent jurisdiction is exercised concurrently with the High Courts and the Supreme Court of Appeal. Concurrent jurisdiction is in respect of all challenges to the constitutionality of all forms of legislation and issues around interpretation of legislation, common law or customary law. The Constitutional Court has exclusive jurisdiction to hear disputes between organs of state in the national and provincial spheres concerning the constitutionality, status, powers or functions of any of these organs of state; constitutionality of any Bill referred to it by the President or Premier in terms of section 79 or 121 of the Constitution; constitutionality of any amendment of the Constitution and to decide that Parliament or the President has failed to fulfil a constitutional obligation.

The matter could commence in the High Court, because according to section 173 of the Constitution, the High Court has jurisdiction to hear/adjudicate matters which are “constitutional matters”, such as this one. The ordinary course of events is that a litigant should approach the High Court in their jurisdiction. Numerous cases illustrate this point, such as the case of Democratic Alliance v President of the Republic of South Africa concerning the cabinet reshuffle. Even if the Court finds that the legislation is unconstitutional, this does not mean that the matter is finalised. If the High Court or later the Supreme Court of Appeal declares the legislation invalid, the Constitutional Court must confirm this before such order will have any force or effect. The issue relating to the validity of the Act does not fall within the exclusive jurisdiction of the Constitutional Court.

Should either of the parties be dissatisfied with the outcome of the case, the matter will then have to be heard in the Supreme Court of Appeal. Irrespective of the outcome of the matter, the
matter still needs to be heard by the Constitutional Court, because the Constitutional Court is obliged to confirm the decision of the lower court(s).

Furthermore, it is also possible for an application to be made for the matter to be heard in the Constitutional Court. The Constitution allows direct access to the Constitutional Court – even in cases where it does not have exclusive jurisdiction – when it is in the interest of justice to allow such direct access.

1.3 **Assuming that the court declares the law invalid, is it democratic for the court to declare a law passed by Parliament invalid? Give a detailed answer that illustrates your understanding of South Africa’s constitutional democracy.**

The power of judiciary review empowers the courts to declare as unconstitutionally invalid any law or conduct found to contravene the Constitution.

Questions arise about judicial review as a system which affords the power of judicial review to courts and thus permits an unelected judiciary to declare unconstitutional and invalid laws made and actions taken by democratically elected and accountable members of the legislature and executive. If we accept judicial review as being a legitimate practice in a constitutional democracy, how do we account for the fact that judicial review allows for the invalidation of laws supported by a majority, and what makes the decision of a few unelected judges carry more weight than the choices of the majority? Judicial review allows for the democratic will to be displaced by unelected and seemingly unaccountable judges. These questions are commonly referred to as the counter-majoritarian dilemma or difficulty. The essence of the counter-majoritarian dilemma is that judicial review, while recognised as having a legitimate purpose in the main, involves the courts taking undemocratic decisions that often go against the popular will.

The institution of judicial review has been the subject of much debate among constitutional law scholars in the United States of America. Some of them view judicial review as being a severe constraint on the participation of citizens in political decisions affecting them; others downplay the significance of the difficulties judicial review poses. They instead regard encroachments occasioned by judicial review as contributing to the democratic process. Yet others attempt to establish a workable interpretative theory in terms of which judicial review can be justified as
legitimising judicial interventions in a manner that contributes to the attainment of substantive democratic ends.

Section 2 of the Constitution provides that the Constitution is the supreme law of the Republic. Law or conduct inconsistent with it is invalid. This entails that the courts have the power to review exercise of power by the other branches of government, that is the Executive and the Legislature. In *Doctors for Life International v Speaker of the National Assembly and Others* 2006 (6) SA 416 (CC), par 38, in giving a meaning to the supremacy of the Constitution clause, the Court held that the supremacy of the Constitution requires that the obligations imposed by it must be fulfilled and that courts are empowered by the Constitution to ensure that all branches of government act within the law and fulfil their constitutional obligations. As confirmed by the *Constitutional Court in the South African Association of Personal Injury Lawyers v Heath and Others* 2001 (1) BCLR 77, paras 18–22, separation of powers is part of the South African constitutional democracy. The principle of the separation of powers includes the regulation of the distribution of functions. Chapter 8 of the Constitution vets the judiciary authority in the courts. The primary function of the courts is the adjudication of legal disputes, including those that require the interpretation and application of the Constitution. In *Glenister v President of the Republic of South Africa and Others* 2009 (1) SA 287 (CC), par 33, it was held that it is a necessary component of the doctrine of the separation of powers that courts have a constitutional obligation to ensure that the exercise of power by the other branches of government occurs within constitutional bounds. In South Africa, a similar counter-majoritarian dilemma could arise in the case of *S v Makwanyane*, where the decision of the Constitutional Court to strike down the death penalty was in stark contrast to the prevailing majority or popular sentiment that the death penalty was in keeping with the public morality and the demands of a crime-riddled, divided society. Chaskalson P opined that while he accepted that the majority of South Africans favoured the imposition of the death sentence in extreme cases of murder, the question before the judges was not what the majority of South Africans believe a proper sentence for murder should be, but whether the Constitution allows the sentence. It should be recognised that due to the nature of judicial review, it can never be fully reconciled with a purely majoritarian concept of democracy. Despite the inherent counter-majoritarian concerns, there are several good arguments or justifications in support of judicial review.

- While judicial review does tend to diminish democracy from a majoritarian point of view, democracy, when viewed substantively, is never simple majoritarian rule. There should
be mechanisms in place that regulate and limit the exercise of power in a way that seeks to secure the welfare of all members of a particular political community.

- Judicial review is ideally positioned to decide on disputes and matters of principle.
- The courts are seen as a forum that can actually enhance democracy, particularly deliberative democracy, in that it provides an important platform where citizens may challenge the decisions of their elected government.

1.4 **Is there anything fundamentally flawed with the fact that a judge approached the other two judges to give advice on the decision that they should reach? Explain fully with reference to relevant case law whether this potentially infringes any constitutional provisions/principles.**

The alleged conduct of Judge Hlophe has the potential of infringing the principle of judicial independence. The notion of judicial independence refers to two ideals. Firstly, functional independence pertains to the relationship between the courts and other state organs. Judges should interpret and enforce the law impartially without bias. Impartiality requires a judge to approach a specific case without taking into account their own personal views, ideological commitments or party-political beliefs. Impartiality relates to the ability of a judge to apply the law without fear or favour in accordance with the law. It is debatable whether judges can completely ignore their personal views on political and social matters, as the interpretation of the open-ended language of the Constitution requires a judge to refer to considerations outside the text itself. In *S v Makwanyane* 1995 (6) BCLR 665, while several of the justices asserted the irrelevance of their personal or political views, many acknowledge the inherent need to refer to extralegal values, including the South African political context, in interpreting the Constitution. Despite these difficulties, the idea of impartial adjudication remains a cornerstone of an independent judiciary. This has been confirmed by the Constitutional Court. In *President of the Republic of South Africa v South African Rugby Football Union* (SARFU11) 1999 (7) BCLR 725, par 48, it was held that judges should disabuse their minds of any irrelevant beliefs or predispositions when sitting in any case. In *S and Others v Van Rooyen and Others (General Council of the Bar of South Africa Intervening)*, para 9, the Constitutional Court affirmed that judicial independence requires that individual judges must be able to hear and decide cases that come before them without any interference from outside. Therefore, the attempt by Judge Hlophe to influence the judges of the Constitutional Court offends the notion of judicial independence.
Secondly, structural independence pertains to structural safeguards that must be put in place to ensure that judges are protected from the influence of and interference by other branches of government. Judges may not be impartial if conditions under which the judicial function is exercised do not allow for this and if the judiciary is not created as an independent institution that functions separately from other branches of government. The courts must not be constrained by fear or by practical difficulties from carrying out their judicial role. There are several factors that determine whether courts enjoy sufficient structural independence. These factors include the appointment of judges. As an independent institution, the Judicial Service Commission is involved in the appointment of judges. Another factor is security of tenure, which ensures that judges will not be dismissed or face threat of dismissal from office for making a decision adverse to the interest of the government of the day or powerful business interest. Another factor is financial security. Judges should be financially secured in that there should be no threat to reducing their salaries and other benefits for making an unpopular decision. Finally, the limitation of civil liability guarantees judges that in carrying out their functions, they will not incur civil liability for what they say or do in the course of carrying out their duties.

1.5 Assuming question 1.4 is answered in the affirmative, explain which body will have jurisdiction to deal with the fact that the judge said, “You are our last hope. You must find in favour of the struggle for academic transformation. The new law must stay”, to the two judges. Furthermore, explain whether this body has been successful to date in carrying out its mandate.

The Judicial Service Commission Act (JSC Act) determines the procedure to be followed when dealing with complaints against judges. A judicial conduct committee – a subcommittee of the JSC – is required to receive, consider and deal with complaints against judges. The committee can deal with both serious complaints, which may lead to dismissal of a judge, or less serious complaints, which will not lead to the dismissal of a judge. The committee considers whether it should recommend to the JSC that the complaint should be reported and investigated by a Judicial Conduct Tribunal. Impeachable complaints should be referred to and dealt with by the Judicial Conduct Tribunal, which consists of two judges, one of whom must be designated by the Chief Justice as the Tribunal President, and one layperson. The tribunal tries the judge against whom a serious complaint had been lodged, then makes appropriate findings and submits a report to the JSC. The JSC decides whether to recommend impeachment of the judge to the NA.
There are a few cases that demonstrate that the JSC had had some challenges in carrying out its mandate, though these challenges may not conclusively demonstrate that the JSC has failed in carrying out its mandate. In *Freedom Under Law v Acting Chairperson: Judicial Service Commission and Others* 2011 (3) SA 549 (SCA), para 7, the JSC had previously found that the evidence in respect of the complaint by the Constitutional Court against Judge Hlophe did not justify a finding that the Judge President was guilty of gross misconduct and that the matter accordingly be treated as finalised. The JSC arrived at this decision based on the assumption that, because there were two versions of what happened – one presented by Hlophe and another presented by Justices Jafta and Nkabinde of the Constitutional Court – cross-examination of the witnesses who presented these conflicting versions would serve no purpose. In declaring invalid the decision of the JSC to dismiss the complaint lodged by the Constitutional Court judges, the Supreme Court of Appeal found that the JSC was required to investigate serious complaints and could not abdicate its constitutional duty to investigate the complaint properly.

The other related mandate of the JSC is to assist in the appointment of members of the judiciary.

In *Judicial Service Commission and Another v Cape Bar Council* 2013 (1) SA 170 (SCA), the SCA declared unlawful and invalid the proceedings of the JSC that resulted in the JSC not recommending candidates to fill two vacancies on the bench of the Western Cape High Court on the grounds that both the President and Deputy President of the SCA were absent during the proceedings. This was inconsistent with sections 178 (1) (b) and 178 (7) of the Constitution that require the Chief Justice and President of the SCA or their designated alternatives to be present when the JSC considers the appointment of judges.

Surely it is not rational for the JSC to decide not to pursue the matter when there is a legitimate complaint that has been brought by judges of the highest court. Since the JSC is mandated to oversee the effective functioning of the judiciary and if a legitimate complaint is brought to its attention concerning improper conduct by a judge, then the JSC must take that complaint seriously and investigate it fully. The JSC simply closed the case without ever even calling Judge Hlophe to present his version of events. Furthermore, the JSC should preserve the rule of law. The fact that the JSC held a proceeding for appointment of the judges, contrary to the provisions of the Constitution, sent a wrong message on the exercise of power by the JSC.
It is thus exceedingly important that, if the Constitution states that the procedure for doing certain things is set out, then that procedure must be followed to the letter. What kind of a message will be sent out to the public if the Judicial Service Commission itself does not even follow the law?

Question 2:
In *South African Constitutional Law in Context* (2014), the authors quote Sujit Choudhry who describes South Africa as a one-party-dominant democracy. Choudhry states that “one of the pathologies of a dominant party democracy is the ‘colonization’ (capturing) of independent institutions meant to check the exercise of political power by the dominant party, enmeshing them in webs of patronage. An unfortunate implication of this is that there is virtually no separation between state and party in the present South African context.”

Do you agree with Choudhry’s observation? Answer the question by providing a properly reasoned, substantiated response that relies on case law and other binding authority to support your answer. (10)

The word “colonisation” should evoke an instantaneous recognition that a dominant party democracy may result in the reseating of colonisation. The dominant party in a democracy has the tendency to erode the checks on the power of the executive. Legislative oversight in parliament may be stymied and the opposition parties may be marginalised. The dominant party may capture various independent institutions, including the judiciary, the police service and other corruption-busting bodies. In a one-dominant party there is blurring of the boundary between party and the state.

There are different views about whether South Africa is a one-party dominant democracy. Those who believe South Africa is one-party dominant democracy argues that the Speaker of the National Assembly (NA) is struggling to maintain the distinction between her role as the neutral and independent “manager” of the NA and her position as a member of the African National Congress. Examples include the manner in which the Speaker – Baleka Mbete – brought police (who form part of the executive branch of government) into the National Assembly during President Zuma’s State of the Nation Address in 2016 and 2017, thus violating the separation of powers doctrine. In the *Economic Freedom Fighters v Speaker of the National Assembly* (CCT 143/15: CCT 171/15) [2016] ZACC (31 March 2016), members of the public,
including members of the NA, lodged complaints with the Public Protector concerning the upgrades that were being effected at President Zuma’s private Nkandla residence. The Public Protector found that some improvements were non-security features and amounted to undue enrichment to Mr Zuma and his family. She also found that the President had acted in breach of his constitutional obligations in terms of the Constitution and took remedial action, requiring the President to pay back a reasonable percentage of the cost of the non-security measures. However, Parliament resolved to absolve President Zuma of all liability. The Constitutional Court found that the NA had flouted its obligations to hold the President (Executive) accountable by facilitating and ensuring compliance with the decision of the Public Protector. Arguably, the conduct of Judge John Hlophe could be viewed as evidence of the capturing of the judiciary. Judge Hlophe – the Judge President of the Western Cape – allegedly approached Justices Bless Nkabinde and Chris Jafta of the Constitutional Court and requested them to find in favour of his comrade – widely believed to be President Zuma – who was charged for corruption. The matter concerning judge Hlophe has still not been settled and he remains in his position.

Those who believe that South Africa is not yet a one-party dominant democracy could argue that the executive remains accountable to the legislature. For example, in 2018, members of Parliament brought numerous motions of no confidence against President Zuma that were debated and defeated in Parliament. Furthermore, courts are independent and exercise radical judicial review of executive decisions. For example, in Justice Alliance of South Africa v President of the Republic of South Africa; Freedom under Law v President of Republic of South Africa; Centre for Applied Legal Studies v President of Republic of South Africa 2011 (5) SA 388 (CC), the Constitutional Court declared President Zuma’s attempt to renew the tenure of Chief Justice Ngcobo invalid. Further, the institutions established by the Constitution to strengthen democracy in the Republic are independent and effective. In this regard, the Public Protector’s remedial action forced President Zuma to pay back a reasonable percentage of the cost of the non-security measures incurred for upgrading his private home (see EFF v Speaker of the NA).
3 FORMAT OF THE EXAMINATION PAPER

The examination paper will consist of two questions covering all the study material. The format of the examination paper will be as follows:

- Question 1 will consist of 20 true-or-false questions that count for 1 mark each and that must be completed on a mark-reading sheet. These questions will be similar to those in Assignment 01 and will be based on all the prescribed study material.
- Questions 2 and 3, totalling 80 marks, will consist of longer, problem and essay questions.

4 CONCLUDING REMARKS

We hope that the above feedback will help you to understand what is expected of you in this module. We wish you success in the coming examination.

Your lecturers