

PUBLIC PARTICIPATION IN PUBLIC
POLICY MAKING

by

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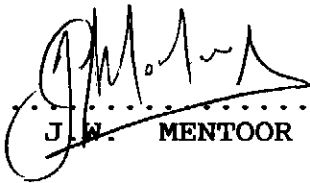
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March 1995

DECLARATION

I, the undersigned, hereby declare that the work contained in this thesis is my own original work and has not previously in its entirety or in part been submitted at any other university for a degree.


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SUMMARY

This study assesses public participation in public policy making by way of a case study approach. The Regional Education Boards and the Regional Services Council form part of the case study evaluation of public participation in public policy making. In essence, a structural-functionalist analysis of the two cases is given. From this approach this study points out what the activities of the two institutions are, what services they render and the policy measures with which they are engaged in. This is imperative because by way of an analysis, the extent to which the public is allowed to participate in the policy making process, with reference to the two institutions, is determined.

Before the assessment of the two cases a conceptual framework pertaining to public participation in public policy making is given. In this conceptual framework the different typologies, policy levels, participants and the modes of public participation in public policy making are highlighted.

In earlier years public participation in public policy making was simply seen as being confined to voting turn-out. As the study of public policy making expanded the operational definition of public participation was broadened to include activities such as campaigning, handing petitions to members of parliament,

attending political meetings, writing letters to communication media, written representations submitted to a minister and protest action. Thus, as the study of public policy making expanded it became clear that separate participation modes exist because the activities which emanates from the implementation of public policy differ systematically in the requirements it place on the citizens.

What is significant of this thesis is that it proposed a nine-point criteriological model for effective participation in public policy making. Each criterium is analyzed in depth and it is indicated how important it is for effective public participation in public policy making.

OPSOMMING

Hierdie studie bepaal publieke deelname in openbare beleidmaking by wyse van 'n setwerklike benadering. Die Onderwysstreekraade en die Streekdiensterade vorm deel van hierdie evaluering van publieke deelname in openbare beleidmaking. Vir hierdie benadering word 'n strukturieël - funksionele uiteensetting van die werkswyse en beleidsmaatreëls van die twee instansies gegee. Hierdie uiteensetting is belangrik omrede, deur middel van 'n analiese, daar bepaal word tot watter mate die publiek deel uitmaak van die beleidmakingsproses ten opsigte van die twee instansies.

Voor die uiteensetting van die setwerklike benadering word 'n raamwerk met betrekking tot die konsepte wat van toepassing is op publieke deelname in openbare beleidmaking, gegee. In hierdie raamwerk word die verskillende tipologieë, beleidsvlakke, deelnemers en die verskillende maniere van publieke deelname in die openbare beleidmakingsproses, uitgebeeld.

In vroeër jare was publieke deelname in openbare beleid gesien as bloot deelname aan verkiesings. Namate die studie van openbare beleid uitgebrei het, het die operasionele definisie van publieke deelname groter geword om aktiwiteite soos petisies aan parlamentslede, bywoning van politieke vergaderings, briewe aan

kommunikasiemedia, geskrewe voorleggings aan ministers en protesaksies in te sluit. Dit het derhalwe duidelik geword dat daar verskillende maniere is betreffende publieke deelname omrede die aktiwiteite wat vloei uit die implementering van openbare beleid in verskillende gemeenskappe, verskillend is.

Wat die studie merkwaardig maak is dat dit 'n nege-punt kriteriologiese model vir effektiewe publieke deelname in die openbare beleidmakingsproses voorstel. Elke kriteria word in diepte ge-analiseer en dit word uitgewys hoe belangrik dit vir effektiewe publieke deelname in die openbare beleidmakingsproses is.

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To my Heavenly Father for endowing me with the necessary abilities. May all glory and honour be His.

SUMMARY

This study assesses public participation in public policy making by way of a case study approach. The Regional Education Boards and the Regional Services Council form part of the case study evaluation of public participation in public policy making. In essence, a structural-functionalist analysis of the two cases is given. From this approach this study points out what the activities of the two institutions are, what services they render and the policy measures with which they are engaged in. This is imperative because by way of an analysis, the extent to which the public is allowed to participate in the policy making process, with reference to the two institutions, is determined.

Before the assessment of the two cases a conceptual framework pertaining to public participation in public policy making is given. In this conceptual framework the different typologies, policy levels, participants and the modes of public participation in public policy making are highlighted.

In earlier years public participation in public policy making was simply seen as being confined to voting turn-out. As the study of public policy making expanded the operational definition of public participation was broadened to include activities such as campaigning, handing petitions to members of parliament,

attending political meetings, writing letters to communication media, written representations submitted to a minister and protest action. Thus, as the study of public policy making expanded it became clear that separate participation modes exist because the activities which emanates from the implementation of public policy differ systematically in the requirements it place on the citizens.

What is significant of this thesis is that it proposed a nine-point criteriological model for effective participation in public policy making. Each criterium is analyzed in depth and it is indicated how important it is for effective public participation in public policy making.

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Wat die studie merkwaardig maak is dat dit 'n nege-punt kriteriologiese model vir effektiewe publieke deelname in die openbare beleidmakingsproses voorstel. Elke kriteria word in diepte ge-analiseer en dit word uitgewys hoe belangrik dit vir effektiewe publieke deelname in die openbare beleidmakingsproses is.

CHAPTER 1

GENERAL INTRODUCTION1.1 GENERAL BACKGROUND

The general assumption is that the right to make policy is in the hands of those who have the power and resources to formulate policy and ensure its implementation. Indicative of this assumption is that the government and its institutions play a central role in the formulation of public policy. These institutions assume that when a policy has been adopted and money has been appropriated for the policy as well as when the activities designed to implement the policy has been carried out, the effects of the policy would be felt by society and the effects would be those intended by the policy. However, it ought to be understood that an issue cannot always be solved by passing a law and appropriating money for a particular service and hope that the issue would be solved. If a critical analysis of the principles implicit in public participation in policy-making is formulated then one will come to the conclusion that the intention of a policy is not always in congruence with the desires of those to whom the

policy is intended. Essentially, the public should be drawn into the policy-making arena in an attempt to formulate policies that are in congruence with the desires of those to whom the policy is intended. The reason for this is that the problem in public policy-making manifests itself when public policy is not in congruence with the desires of those to whom the policy is intended. It has been experienced in countries like South-Africa that when such a situation occurs then the result is almost inevitably, political conflict. In an IPSA research report Mark Swilling (1989:34) of the Centre for Policy Studies of Wits University shows the profoundness of non-public participation where he indicates that between 1987 and 1989, 1589 people died in political conflict. Swilling (1989:34) indicates that the most salient underlying dynamic is not as often assumed, a revolutionary or quasi-revolutionary aim of making the black areas ungovernable in order to install alternative authority in liberated areas, but rather that the turmoil was a reaction of the community leaders to the fact that all their attempts to inform or to negotiate with officials about a range of serious grievances had been ignored and rejected.

Thus, from a community perspective, there is a definite desire and willingness to participate in public policy-making. The problem is, the extend and the manner by which the public will be allowed to participate in the process of public policy-making.

It must however be understood that public participation in public policy making is a complex issue. Van Zyl Slabbert (1989:15) indicates: "It is a matter of strategy and not of principle." Hence, the theory concerning public participation in public policy making will be analysed from a critical point of view by adopting the normative approach which refers to generalisations as to how phenomena should or are supposed to be in order to be effective. Because of this complexity the following dilemmas will have serious contention in this thesis:

- Should public participation in public policy making be expanded or curtailed ?
- Ought public policy making be executed by a public institution or by the public or should it be made by a combination of the two ?
- Should public institutions to actively participate in policy change or only to play a passive, advisory role and leave campaigns, negotiations and statements to elected political representatives ?

1.2 OBJECTIVES OF THIS STUDY

The primary objective of this thesis is to identify and point out some avenues and the extend to which the public is allowed to participate in public policy making at local level. In order to

realise this goal the operations of two institutions will come under scrutinization in this thesis.

These two institutions are the Regional Education Boards which operates within the spheres of the Department of Education and Culture Service (ex Administration: House of Representatives) and the Western Cape Regional Services Council. Although these two institutions are incompatible as far as rendering a service to the community is concerned, the aim is not to draw a comparative analysis but rather to show the extend to which the public is allowed to participate in the policy making process within these institutions. The two institutions have been identified as institutions by which the public can participate in policy making at local level. In order to illuminate on such participation a structuralist - functionalist analysis of the two institutions will be given. It will encompassed the historical backgrounds, compositions, requirements of membership, powers and duties of the two institutions. Thereafter it will be shown how public participation in policy making is operationalised in these institutions in terms of the services they render and the responsibilities with which they are endowed.

Another objective of this thesis is to recommend a criteriological model for effective public participation in public policy making. This criteriological model is based on a nine point plan which sets out the criteria for effective participation in public policy making. Each criterium will be

described and explained in-depth and it will be shown how it may have an effect upon public policy making and the role which the public could play in that regard. The problems which the model may have on public policy making as well as the solutions will also be discussed to prove the value which the model may have for public policy making.

1.3 RESEARCH METHODOLOGY

In terms of the methodology of carrying out the research it needs to be pointed out that in-depth literature studies will be undertaken. Various articles in journals by various writers will be analysed. Books as well as acts of parliament, which are applicable to the study at hand, will be consulted. In this way the relevant information will be obtained to facilitate this thesis.

1.4 OUTLINING THE THESIS

In order to meet the above research objectives, the thesis is structured accordingly :

Chapter one provides a general background to the study as well as explaining the objectives and research methodology.

Chapter two will focus on a conceptual framework for public

policy making wherein the various terminology pertaining to public policy making and public participation in policy making will be analyzed.

In chapter three an overview of the Regional Education Boards will be given by means of a structural-functionalist analysis.

Chapter four will give an overview of the activities of the Western Cape Regional Services Councils also by means of a structural-functionalist analysis.

An Analysis of public participation in public policy making with reference to the Regional Education Boards and Western Cape Regional Services Council is the focus of chapter five. In this chapter a nine-point criteriological model for effective public participation in public policy making will be analyzed.

The thesis concludes with an assessment of public participation in public policy making. The primary emphasis of the conclusion will be based on what materialized in practice with reference to the two institutions namely, the Regional Education Boards and the Regional Services Councils.

PUBLIC POLICY MAKING : A CONCEPTUAL FRAMEWORK.**2.1. INTRODUCTION**

In this chapter the focus is placed on conceptualising public policy making and public participation. The emphasis is placed on the fact that it would be unacceptable to advocate only on definitions of public policy making and public participation in policy making because an understanding of the concepts in its entirety would then be restricted. It is for this reason that the typologies and the different policy levels of public policy making will be explained in order to obtain an in-depth knowledge of public policy making.

It needs to be understood that public participation in public policy making is one specific area of public policy making. The aim of the conceptualisation of public participation in public policy making is to point out the role the public could play in shaping public policy. Inter alia, the modes of public participation, which entails participating through interest groups, voting in elections and referendums as well as through violence and protest action, are highlighted.

It will also be seen in this chapter that there are specific

reasons why the public participate in public policy making. Although there are limitations to public participation in public policy making, it will be analysed whether the advantages, points to the fact that in order to have an acceptable policy, public participation in public policy making is inevitable.

2.2 CONCEPTS

For the purpose of putting the conceptual framework in perspective a few concepts regarding public policy making will, as a point of departure, be analysed.

2.2.1 PUBLIC POLICY

Meyer (1990:9) is of the opinion that in order to understand what is meant by the term public policy it is firstly important to know what is meant by the term "policy". The term policy may be used quite broadly, such as "the policy of the National Party" or "South African foreign policy". However, Anderson (1979:2) succinctly points out that in general the term "policy" is used to designate the role of some actor (an official or government agency) or set of actors in a given area of activity. So, for Anderson the behaviour of a public functionary can be described as policy. David Easton in Dye (1972:1) broadens the term "policy" by

saying that it does not only include the behaviour of a public functionary but also the authoritative allocation of values for a society. Moreover, Dye (1972:1) is of the opinion that policy is what governments choose to do or not to do.

Anderson (1979:2) points out that there is a rough accuracy in Dye's definition in the sense that government may choose to allocate services or choose not to allocate services. However, he stresses that Dye's definition does not adequately recognise that there may be a divergence between what governments decide to do and what they actually do. In this respect it needs to be emphasized that governments do many things which may include the appointment of personnel which cannot be taken as policy. Anderson (1979:4) is consequently of the opinion that one may understand the concept of policy better if it is broken down into a number of categories, being; public policy making, policy decisions, policy statements, policy outputs, policy outcomes and policy analysis.

2.2.2 PUBLIC POLICY MAKING

Cloete (1981:4) identified policy making as one of six enabling functions of administration and he emphasises that when an objective in the public sector is made known it is

usually said that a policy has been set and the activities which precedes the announcement of the policy is known as policy making. Activities and actions will as a logical consequence follow the implementation of public policy. In this regard Anderson (1979:3) congrues with Cloete where the former defines public policy making as a proposed course of action of a person, group or government within a given environment providing obstacles and opportunities which the policy was supposed to utilise and overcome.

2.2.3 POLICY DECISIONS

Policy as decisions of government is referred to by Dror in Wissink (1990:2) as "momentous choices". In this instance policies are seen as orders of the government which are instituted at a given moment. The implementation and the lifting of the state of emergency can be cited as examples in this instance. Anderson (1979:4) even go as far as to define policy decisions as decisions made by public officials that authorize or give direction and content to public policy actions.

2.2.4 POLICY STATEMENTS

Policy statements fall somewhere between purpose statements and goal statements. The reason why it falls between purpose

and goal statements is that it includes executive orders and decrees, administrative rules and regulations as well as statements and speeches by public officials indicating the intentions and goals of government and what will be done to realize them. It can thus be said that policy statements are the formal expressions or articulations of public policy (Anderson, 1979:5).

2.2.5 POLICY OUTPUTS

Here policy is seen as what government actually delivers as opposed to what it has promised or has authorised through legislation which includes the payment of cash benefits, the delivery of goods or services and or the enforcement of rules (Hogwood and Gunn, 1984:16). Policy outputs are therefore the activities actually done in pursuance of policy decisions and statements. Anderson (1979:5) simply says that it is that what a government do as distinguished from what it says that it will do.

2.2.6 POLICY OUTCOME

Policy outcomes are the consequences for society, intended or unintended, that flow from action or inaction by government (Anderson, 1979:5). When one looks at policy outcomes one

necessarily look in terms of what the policy has achieved. Hogwood and Gunn (1984:17) is of the opinion that thinking of policy in terms of outcomes may enable one to make some assessment of whether the stated purpose of a policy appears to be what the policy is actually achieving. In this policy parameter questions would be asked such as: "Do the policy increase personal security and contentment? Does it reduce individual initiative?" These questions may be difficult to answer, but Anderson (1979:5) points out that the aim is to know whether the policies accomplished what they are intended to accomplish.

2.2.7 POLICY ANALYSIS

Policy analysis, writes Dye (1972:1), is finding out what governments do, why they do it and what differences it makes. In Dye's view all definitions of policy analysis boils down to the same phenomenon, that is, the description and explanation of the causes and consequences of government action. Dye's definition emphasizes the role of analysis in increasing knowledge of government action and he also points out that analysis may help policy makers to improve the quality of public policy (Dye, 1972:108). Thus, the aim of policy analysis is to provide policy makers with information to exercise reasoned judgement in finding solutions to policy

problems. In this connection Quade in Wissink (1990:22) says that: "policy analysis is any type of analysis that generates and presents information in such a way so as to improve the basis for policy makers to exercise their judgement."

2.3 TYPOLOGIES OF PUBLIC POLICY MAKING

Four typologies of public policy making could be distinguish. These are, regulatory policies, distributive policies, self regulatory policies and redistributive policies.

2.3.1 REGULATORY POLICIES

According to Wissink (1990:4) regulatory policies are aimed towards restricting, controlling or placing limits on the activities or behaviour of groups and individuals, which could be interpreted as the reduction of freedom or discretion, even delimiting the right and freedom or discretion to act. On the one hand regulatory policies would set rules of general behaviour on the monopolisation of private or particular services while on the other hand the effect of regulatory policies could be to protect the general public or consumers for example, the South-African Bureau of Standards (Wissink:1990:5).

2.3.2 DISTRIBUTIVE POLICIES

Wissink (1990:4) postulates that distributive policies refer to the distribution of goods, services or benefits to groups or individuals in the population. Distributive policies involve the use of public funds to assist particular groups for example, the general tax rebate for married couples.

2.3.3 SELF REGULATORY POLICIES

Detectable examples in this category of policies is for example, the Maize and Meat Control Board as well as the licensing of professional occupations. These examples indicates that self regulatory policies are designed for the protection or promotion of specific group interest (Wissink:1990:5).

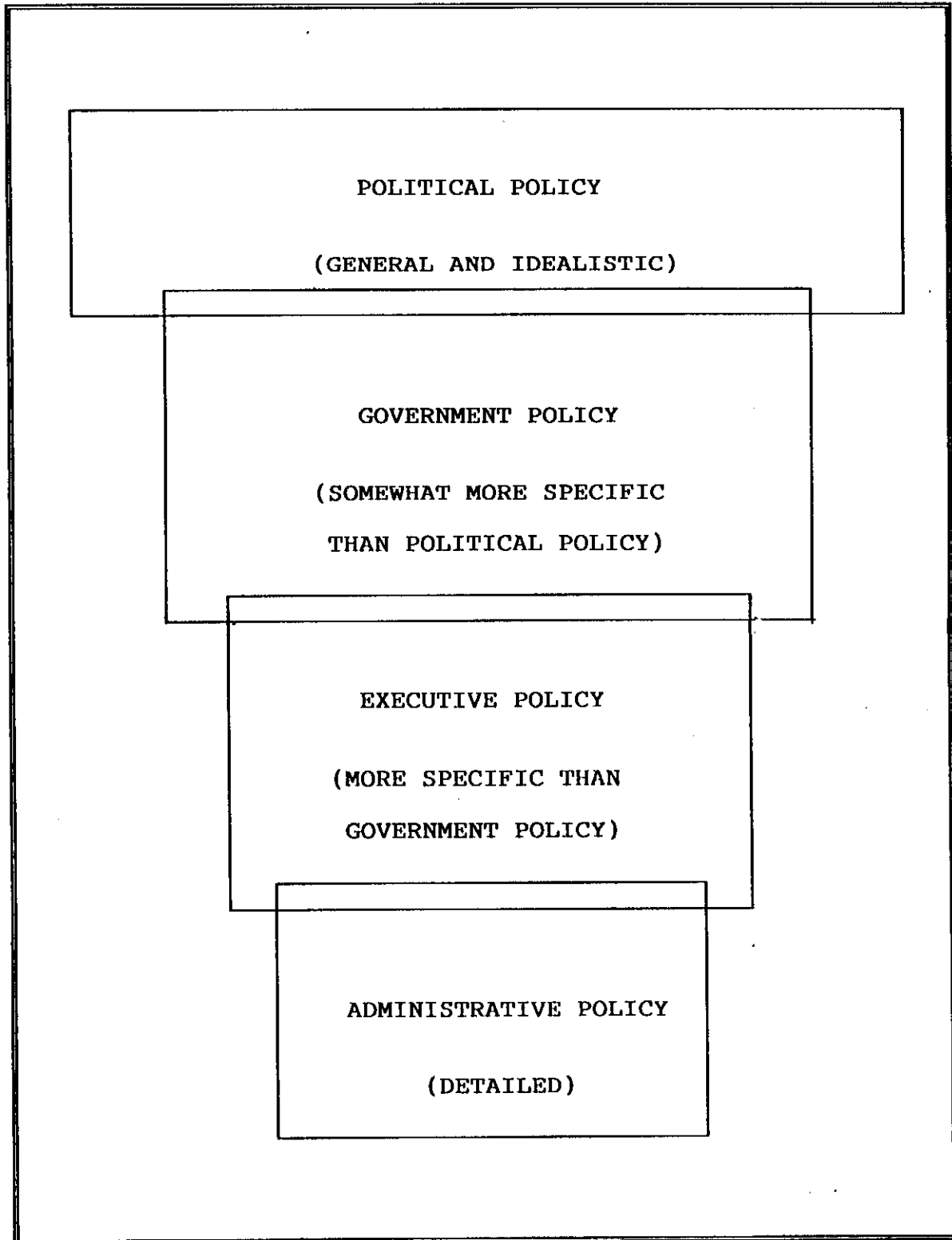
2.3.4 REDISTRIBUTIVE POLICIES

Wissink (1990:5) points out that policies which usually involve the reallocation or redistribution of resources or benefits amongst groups and individuals are the most difficult to ensure. One example is the tax rebate for senior citizens. The main difficulty is the resistance to change amongst those in prosperous positions.

2.4 LEVELS OF POLICY MAKING

In order to have a clearer view of public policy making one have to understand the levels in which it occurs. Hanekom (1987:11) points out that there are different policy levels and the levels could be compared to an inverted triangle [see figure 1] with policy flowing from the top level (political policy) to a second or intermediate level (government policy) and from the second to the third (executive policy) and from the third to the fourth level (administrative policy). Although each level represent one aspect of a particular policy they are interrelated and therefore the different levels cannot be separated.

FIGURE 1. : LEVELS OF PUBLIC POLICY MAKING



SOURCE : ADAPTED FROM : HANEKOM, S.X (1987:11)

2.4.1 POLITICAL POLICY

Political policy originates within a political party. Wissink (1990:6) is of the opinion that political party policies are those which pose to solve contentious issues and problems of society and are emotive, general and idealistic. When a new party comes to power the likelihood of policy changes will be great. In this regard it could be expected that services will either be restricted or extended. Essentially, services will still be provided as exemplified by Cloete (1981:62) where he says that telephone services will have to be provided irrespective of which political party is in power but one party (old one) could give priority to the rural areas whereas the new one could give preference to the urban areas. Thus political policy is the policy advocated by a particular political party regarding a specific issue.

2.4.2 GOVERNMENT POLICY

Government policy is regarded by Hanekom (1987:10) as the policy of the political party in power. It is somewhat more specific than political policy and determines the make-up of the government of the day (Wissink:1990:6). Government policy are reflected in areas such as population development, energy development and science research programmes.

2.4.3 EXECUTIVE POLICY

While government policy is more specific than political policy, executive policy is more specific than government policy. Executive policy is determined by the political office-bearers assisted by or working in conjunction with high ranking public officials and are concerned with the setting of priorities and with the compilation of the budget (Hanekom, 1987:10). At the executive level policies become more concrete and specific in nature. In this connection Wissink (1990:6) mentions that on this level the broad goals of policy are translated into working objectives and priorities.

2.4.4 ADMINISTRATIVE POLICY

According to Hanekom (1987:10) administrative policy pertains to the policies on important issues such as the income and expenditure of a particular government department, inclusive of stores, the provision, development, utilisation and maintenance of personnel, devising organisational structures suitable for executing government policy and establishing appropriate arrangements for control and checking with a view to determining efficiency and effectiveness. Administrative policy are operational of nature and could deal with trivial

matters such as office routine work which does not affect government or executive policy. However, it pertains to what Wissink (1990:7) proclaims: "the how, what, when and where resources should be deployed to obtain the objectives which were set in the executive stage".

2.5 MODELS OF PUBLIC POLICY MAKING

In order to obtain a better understanding of public policy making one have to look and to analyze the various categories or models of public policy making. It must be understood that a unique model does not exist because basically each model helps one to understand different phenomena of public policy making. The models of public policy making can be grouped into two different categories i.e descriptive models and prescriptive models (Hanekom, 1987:30).

The descriptive approach to public policy making seeks to portray an analysis of the process of public policy making and is manifested when one talks about the way in which participants in public policy making solve a problem and to what extent they take cognisance of the factors involved in policy making (Hanekom, 1987:30). As according to Henry (1975:246) this approach would include models such as the elite model, the group model, the systems model, the institutional model and the functional process model.

On the other hand the prescriptive approach to public policy making, which include models such as incrementalist, rationalist and the mixed scanning model, is concerned with an analysis of the outputs and impact of policy (Henry, 1975:252). Henry's point goes hand in hand with Hanekom (1987:30) who contemplates that the prescriptive approach is concerned with normative theory i.e. how the participants in public policy making ought to act. Proponents of this approach would therefore ask questions such as whether a policy has reached its desired objective and what the effect of the policy was on the people for whom it was intended to be. It is for this reason that Henry (1975:252) goes on to say that the prescriptive approach is concerned with how to improve the content of public policies and the ways in which they are made.

2.5.1 DESCRIPTIVE MODELS

This study is in essence a descriptive approach towards public policy making at local level. It assesses public participation in public policy making firstly in education and secondly in local government. For this reason it is appropriate to discuss the various descriptive policy making models. Dye (1987 : 20) classify the following descriptive policy making models :

- elite model;
- group model;

- systems model;
- institutional model; and
- functional process model.

2.5.1.1 ELITE MODEL

The elite model postulate that a small elite group is responsible for formulation of public policy, that this group acts in an environment characterised by apathy and distorted information and that they have to govern a large ill-informed public (Henry, 1975:246). The principal point which should be understood in this connection is that public policy is viewed as the preference of an elite group. In this regard Dye, (1987:29) points out that elites shape mass opinion on public policy more than masses shape elite opinion and that public officials and administrators merely carry out the policies decided upon by the elite. Thus, the policy flow, as far as the elite model is concerned, would follow a downward trend.

2.5.1.2 GROUP MODEL

The group model seeks to incorporate the notion of democracy in public policy making which the elite model ignores. This is so because the group model is in operation when individuals with common interest band together to press their demands upon

government (Dye, 1987:24). Essentially, a bridge is established between an individual and government through the advancement of public policy by means of a group.

With the group model one can consider the case of two or more groups advancing representations to government. The possibility that each group can exert equal influence is remote because of their size, value norms which might be different and their interest which they may have in society. The influence which any interest group presents would have a direct influence on public policy making. This is essentially so because Dye, (1987:24) in his postulate of the group model stresses that the outcome of public policy is the equilibrium reached in the struggle between groups.

2.5.1.3 SYSTEMS MODEL

According to the systems model of public policy making, inputs from the external environment such as community needs and problems serve as the basis for action by a policy maker (Henry, 1975:233). This view is supported by Hanekom (1987:32) who mentions that through intensive debate, compromise and consensus, decisions are taken on either to alleviate problems or to satisfy needs. Hence, through this model the desires of the public, which could be termed as inputs are converted by the policy makers into outputs i.e. policy. It is for this reason

that Henry (1975:248) postulates that concepts such as feedback, inputs and outputs are major elements of the systems model as it conceives of the policy making process as cyclical.

2.5.1.4 INSTITUTIONAL MODEL

The basic premis of the institutional model is that public policy is authoritatively determined, and enforced by government institutions (Dye, 1987:18). What Dye seeks to bring out is that public policy is the product of institutional activities as far as the institutional model is concerned. According to Hanekom (1987:32) the importance of the institutional model is to be found in the possibility of formulating uniformed policy which is given legitimacy by the legislator, thereby ensuring legislative monopoly in deciding what the policy maker wants to do with the community. Thus, the institutional model ensures the legality of a policy.

2.5.1.5 FUNCTIONAL PROCESS MODEL

Anderson (1979:20-21) points out that the functional process model assumes consideration of :

- alternative solutions;
- participants in policy making and execution;

- adjudicatory measures to ensure adherence to the law;
- judgement pertaining to the success or failure of a single policy; and
- adaptation of legislative measures.

Thus, according to the above advocacy of Anderson, the functional process model would concern itself with the functional activities as well as the procedures involved in public policy making. The model is useful in the sense that clarity could be obtained regarding specific functional activities involved in the formulation of public policy (Hanekom, 1987:31). In view of the fact that this study will analyze the functions and process of public policy making the functional process model will be use as the primary policy model in this research.

2.6 NORMATIVE GUIDELINES FOR PUBLIC POLICY MAKING

Certain conditions or requirements are necessary under which policy making has to take place. Such requirements, if fully adhered to, is necessary so that the legitimacy and the impact of the policy could not be undermined. The following are requirements for effective public policy making.

2.6.1 POLITICAL SUPREMACY

The institutions necessary for the existence and operation of

public administration are created by law (Baxter, 1984:75). Therefore, the powers of administration depend upon the law. Public authorities hence derive their authority from the law and they can only render services as what by law they are empowered to render. Public authorities cannot decide at random which community needs are to be satisfied and which policies are to be implemented. In this regard it needs to be noted that the Republic of South-Africa Constitution Act, 1993 (Act 200 of 1993) explicitly indicates that Parliament is the highest policy making authority in the country which implies that all policies has to be ratified by Parliament before it can be implemented. Thus, political supremacy implies that all acts must be ratified by Parliament.

2.6.2 PUBLIC ACCOUNTABILITY

A feature of the activities of public institutions lies in its accountability to the public. Stanyer and Smith in Coetzee (1987:77) observes:

"at its most elementary, public accountability simply requires that public bodies give an account of their activities to other people and provide justification of what has been done in terms of other people's values, in a way that private bodies do not."

The implication of Stanyer and Smith's observation is that public officials, as implementors of public policies, are accountable for their official actions to their superiors, the legislators and the public. This generally means that the effects of a policy whether positive or negative ought to be justified by public officials.

2.6.3 TENETS OF DEMOCRACY

According to Cloete (1981:24) democracy can be described as government of the people, for the people and by the people. Although this might be an acceptable definition of democracy it does not express every tenet because for democracy to prevail people should have specific rights and freedoms. There should be freedom of movement, freedom of speech, freedom of the media as well as freedom to investigate the activities of public functionaries. In a democratic state the public has to observe the implementation of public policies and continuously express their views and opinions because silence will normally be interpreted as signifying approval (Cloete: 1981:26).

2.6.4 FAIRNESS AND REASONABLENESS

In their endeavour to promote the welfare of the community public officials should always be fair and reasonable in their

dealings with citizens regardless of sex, race, language or religion. Each citizen should receive the same benefit of a particular policy. Public policies should be implemented so as to prevent that harm is being done to individuals in which connection Cloete (1981:29) maintains that fairness and reasonableness is ensured by officials who display integrity in their work rather than by applying strict control measures and penal provisions in law and regulations.

2.6.5 BALANCED DECISIONS

Decisions taken by a public official will be accepted as being balanced if he takes all aspects of a matter fully into account (Cloete, 1981:29). Hence, the implementation of all public policies should be preceded by thorough investigation so as to ensure that the impact which it may have on individuals, either directly or indirectly, be balanced. Where a policy does not prescribe exactly what procedures to follow, but allows an official to exercise his discretion in a matter, then the official should ensure that his decisions are consistent.

2.7 RATIONALE OF PUBLIC PARTICIPATION IN POLICY MAKING

An inherent feature of the principle of democracy is, rule by the people which for Keim in Pennock and Chapman (1975:1)

implies participation because to rule carries the understated condition: to take part. A democratic condition would therefore successfully be achieved if participation in public policy making is part of the administration of public affairs. The responsibility to participate however, rest entirely on each and every citizen which means that the citizen has to observe the activities of public authorities continuously and to express his or her views thereon.

2.7.1 DEFINITION

Cunningham in Bernhardt (1989:31) points out that citizen participation is the direct participation of ordinary citizens in public affairs which means that citizen participation is the possession by the ordinary citizen of more direct control over decision making in matters that affect the community. The citizen may participate both for his personal interest or public interest. In this regard citizens participate in law enforcement and education services as well as participating by being members of consumer boards and other interest groups. Verba and Nie (1972:2) defines public participation in public policy making as those activities by private citizens that are more or less directly aimed at influencing the selection of governmental personnel or the actions they take to influence governmental decisions. The authors concur that their

definition is narrow because they only stress that public participation is aimed at influencing governmental decisions and do not focus on political discussion and media attention.

Hanekom (1987 : 33) attempts to give a broader conception of public participation in policy making. However, he does not give a clear cut definition of public participation in public policy making. He says:

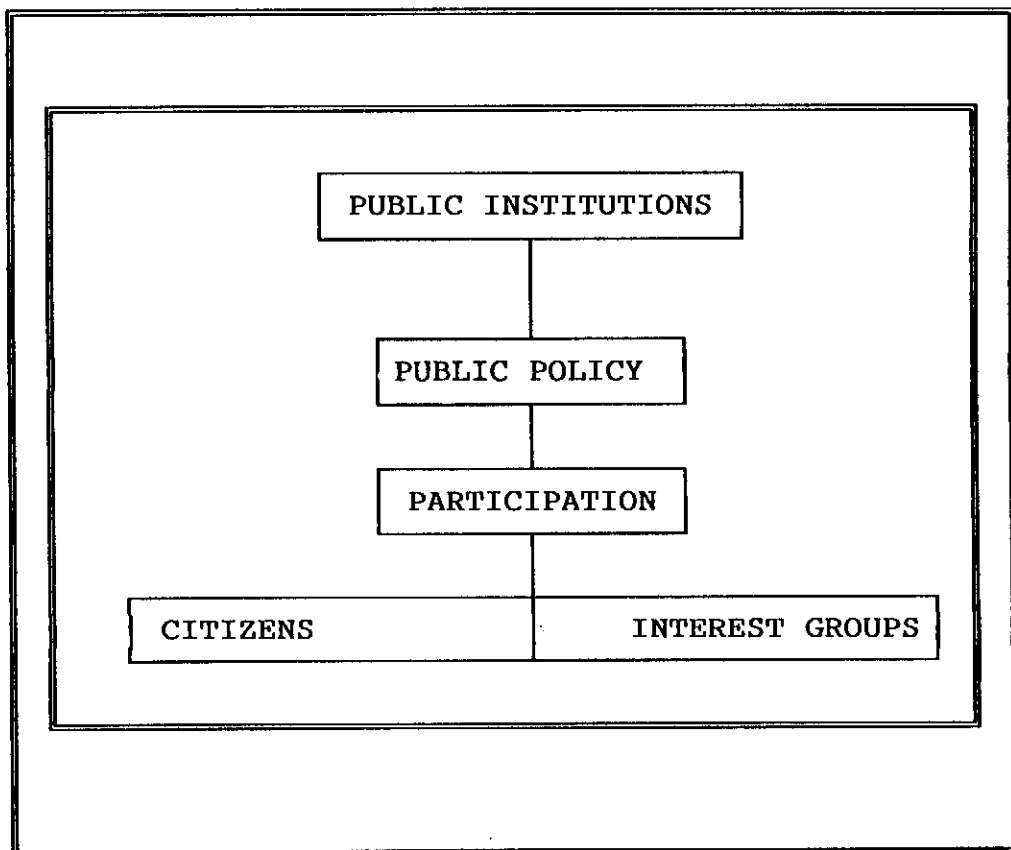
"Public participation is the equivalent of man's involvement with the authorities when paying taxes, exercising the franchise, becoming a member of a political party, expressing his views in writing on governmental matters in letters to newspapers or by chance meeting an elected member of a legislative institution" (Hanekom: 1987:33).

Hanekom (1987:33) even goes further to say that public participation in public policy making include matters such as a two-way exchange of information between the public and the authorities, the inclusion of members of the public in rendering services or meetings of public institutions open to the public.

Thus, Hanekom presents an analysis of how public participation in public policy making could take place. It boils down to the point that public participation in public policy making is a many-sided process and that it involves the

interest of people from a broad perspective. This perspective implies that the implementation of public policies could be undertaken by public institutions in conjunction with the voluntary co-operation of the public in order to implement a policy which would benefit a community in its entirety. (See figure 2).

FIGURE 2 : PARTICIPATION IN PUBLIC POLICY MAKING



SOURCE : ADAPTED FROM VERBA AND NIE (1972:12)

2.7.2 PARTICIPANTS IN THE POLICY MAKING PROCESS

Various individuals, institutions and committees participate in the policy-making process of South-Africa. These variety includes Parliament, the political office-bearers, public officials, commissions of enquiry, interest groups as well as the public in general. However, Hanekom distinguishes between types of participants within which parameters these variety could be allocated.

Firstly, he distinguish between official and unofficial policy-makers; the former having legal authority such as the Legislature, Executive and public institutions and the latter having no legal authority, such as interest groups (Hanekom: 1987: 21).

Secondly, he distinguish between primary and secondary policy-makers; the former having direct constitutional authority and is not dependent on any public institution for example Parliament while the latter includes state departments which are dependent on Parliament to initiate their actions (Hanekom:1987:21). In terms of Hanekom's exposition the following model (Figure 3) depicts the variety of participants in their specific types:

FIGURE 3 : PARTICIPANTS IN PUBLIC POLICY MAKING

	OFFICIAL PARTICIPANTS	UNOFFICIAL PARTICIPANTS
PRIMARY POLICY-MAKERS	Parliament	
	Political Office-Bearers	
SECONDARY POLICY-MAKERS	Public Officials	Interest Groups
	Commissions of Enquiry	General Public

SOURCE : ADAPTED FROM HANEKOM, S.X. (1987:23)

It is evident from the above scenario that there are different types of participants which presupposes the notion that they will have different roles but even though the roles may differ all participants do have a significant influence in the policy-making process. The roles of the specific participants will now be discussed.

2.7.2.1 POLITICAL OFFICE-BEARERS

When referring to political office-bearers as participants in the policy-making process then one refers to the role of a minister. A minister is a primary participant in the policy-making process. A minister is appointed by the President and has to perform a variety of functions which includes; as Hanekom and Thornhill (1983:195) points out: "answering to Parliament for all the actions or inactions of the executive institutions entrusted to him." A minister is therefore under obligation to accept final responsibility for the department under his auspices.

According to Hanekom (1987:22) a minister is primarily responsible for policy-making in that he has to introduce draft legislation to Parliament as well as to making decisions that are not of the highest political significance which would require ratification from Parliament. Lord Boyle's statement in Hanekom and Thornhill (1983:196) that "a minister should not be seen as a person who is against permanent administration but rather as an integral part of the administrative and policy-making process" significantly sums up the role of the political office-bearer in policy-making.

Apart from being part of the administrative and policy-making process in particular a minister also has to promote the interest of his political party (Hanekom: 1987:23). He will

have a hand in the formulation of his party's political policies. But unlike ordinary party members, as a minister, Bernhardt (1989:55) argues that he is an executive official who has to execute the policies of his party. In order to eradicate political friction a minister has to see that the execution of his party's policies has to be in harmony with government policy in general.

2.7.2.2 PUBLIC OFFICIALS AS PARTICIPANTS

Unlike the position of a minister, a public official is not accountable to an electorate. Hanekom (1987:24) points out that in practice, the execution of public policies is dependent upon the support of public officials. Hanekom's view is shared by Bernhardt (1989:56) where the latter mentioned that public officials act as principal advisers to a minister where policy-making is concerned. This supporting role of public officials is inherent in a seven folded policy function as advocated by Hanekom where he says that public officials are:

- policy innovators;
- policy advisers;
- policy formulators;
- policy implementers;
- policy monitors;

- policy analysts; and
- policy evaluators (Hanekom, 1987:24).

2.7.2.2.1 ROLE AS POLICY INNOVATOR

As career officials public officials are afforded the opportunity to acquire knowledge about their specific administrative environment and the functions of their departments. When changes occur, public officials have to, with due respect to the knowledge they have acquired, be adaptable and creative. This is so because as Hanekom (1987:26) points out that in order to reduce administrative bottle-necks and deficiencies and to perform in an acceptable efficiency parameter, public officials have to create and define situations to meet the challenges of new demands.

Thus, the innovation function of public officials entails the constructive utilisation of human imagination with a view to create a better future.

2.7.2.2.2 ROLE AS POLICY ADVISOR

Hanekom (1987:26) maintains that in order to be implementable a policy ought to be realistic, which means that public officials should provide the elected political office-bearer

with complete facts and advice on the possible practical implications of specific policy alternatives. The transfer of complete facts and advice is only attainable when the public official is fully conversant with the policy of the government of the day, the views of opposition parties and the needs of societal groups. To this end McKeough in Hanekom (1987:26) states: "The senior civil servant should not be indifferent to the ends a government undertakes to serve. He should not refrain from pressing upon his minister his own conception of broad policy. He should not be coldly objective in indicating alternatives. He should not merely be the registrar of facts." Essentially then, the public official dominates the advisory area through the fact finding, analysis and recommendation side of policy-making. The quality of his advice and hence the actual policy depends on his ability to, willingly, undertake independent research in the political, social and economic sphere so as to provide sound advice to his political superiors.

2.7.2.2.3 ROLE AS POLICY FORMULATOR

As policy formulators public officials are responsible for drafting and revising legislation which include the drafting of minutes and briefs for committee or ministerial meetings (Hanekom, 1987:27). So, as formulators public officials play

a contributory role in the policy-making process. Public officials do not have final authority on policy decisions because that rests with the political office-bearers. It should be pointed out however, that the place of the public official is not of lesser importance to that of the political office-bearer but rather, the two perform hand in hand in the execution of public policy.

2.7.2.2.4 ROLE AS POLICY IMPLEMENTER

According to Hanekom (1987:56) public policy becomes significant only when implemented, usually by the appointed public official who originally formulated the policy. This gives one reason to conclude that policy implementation takes place after it has been authorised by the political office-bearer.

The success of the actions of the public official firmly rests on the phenomenon of whether or not he identifies himself with the policy aim of the Legislature. One can therefore concur with Hanekom (1987:56) where he mentions that the official's decisions pertaining to policy implementation are limited to decisions that correspond to the political policy of the government of the day.

Notwithstanding this limitation, when implementing policies

public officials have direct power. In this connection Hanekom (1987:57) argues that because of the complexities of modern government and administration public officials are granted the right to exercise discretion in the execution of policy. Public officials are thus in a position to delay the the implementation of policy or even only to partially implement it as it would befit the community and the government of the day.

2.7.2.2.5 ROLE AS POLICY MONITOR

Policy monitoring is usually concerned with facts pertaining to the policy after adoption and implementation. Hanekom (1987:28) points out that in the monitoring phase the public official has a two-folded function. Firstly, a public official has to compare results with intentions. Secondly, a public official has to obtain policy-relevant information that will enable him to advise the political office-bearer on policy results with a view to adapting existing policy or devising policy alternatives. Hence, the aim of policy monitoring is to see that the policy is in congruence with its original intentions.

2.7.2.2.6 ROLE AS POLICY ANALYST

Policy analysis goes hand in hand with policy monitoring. In

policy monitoring the public official would compare results with intentions while in policy analysis Hanekom (1987:69) explicitly indicates that the public official has to bring it to the political office-bearer's attention that the observable results are not in accord with original intentions. In other words, through policy analysis, the public official is afforded the opportunity to determine policy inadequacies and to bring such inadequacies to the attention of the political office-bearer.

2.7.2.2.7 ROLE AS POLICY EVALUATOR

It is important to take cognisance of the fact that after a policy has been implemented it is necessary to determine whether the policy has indeed had the effects intended by the policy-maker and also whether it has had unintended effects of a positive or negative nature (Hanekom : 1987:88). This is in essence what is meant by the evaluation of public policy. What this imply is that policies are evaluated by public officials with a view to adjusting or terminating existing policies or devising new policies if it is found by public officials that particular policies does not serve intended purposes.

2.7.2.2.8 THE ROLE OF COMMISSIONS OF ENQUIRY

In South-Africa a commission of enquiry is usually appointed

by the President of which a Supreme Court judge serves as chairperson.

According to Pennock and Chapman (1975:174) commissions of enquiry are appointed to consider matters of major national importance in circumstances where a degree of independence outside the field of party political controversy is required. Investigations and the formulation of recommendations would therefore be a considerable aspect of the working sphere of a commission of enquiry. Pennock and Chapman (1975:184) sums up the primary role of a commission of enquiry as a participant in the policy-making process as follows:

"Sometimes a government does not have sufficient information to formulate more than vague policy generalisations until a Commission has appreciated the situation by exposing what it regards as relevant facts and recommendations which, even though not necessarily fully accepted, may enable the government to develop its own ideas with a greater degree of rationality and coherence."

Taking the above point of Pennock and Chapman into account it is important to note that the principal significance of a commission in the policy-making process is that people other than official policy-makers serve on them which ensures a fresh approach to a matter which is being investigated. This in effect aims to eradicate the possibility of prejudice in its

investigations. Moreover Bernhardt (1989:59) points out that a commission of enquiry has the opportunity to obtain evidence from all interested or affected individuals or groups which may not be possible through another means.

Apart from the above-mentioned benefits which a commission of enquiry have for the policy-making process it also has some draw-backs. In this connection Bernhardt (1989:60) indicates that it is expensive and time-consuming as well as that the most it can do is to make recommendations.

2.7.3 MODES OF PARTICIPATION

The conceptualisation of public participation in public policy making typifies how public participation could take place. There are however, specific modes, that is, areas in which public participation in policy making takes place. In this connection Goldsmith (1980:69) points out that one have direct participation and indirect participation. Direct participation includes areas such as participating in interest groups, political protest and violence. Indirect participation is seen as to represent activities such as voting in elections and referendums as well as expressing views in newspapers.

2.7.3.1 INTEREST GROUPS

Groups amalgamate either formally or informally to constitute

an interest group with the aim of furthering homogeneous objectives (Botes, 1978:183). According to Evans (1974:28) interest groups seeks to influence Parliament, political office-bearers and public officials by oral or written representations (via the media and correspondence) supplying information, attacking proposed measures trying to persuade or protesting. Thus, the main thrust behind the activities of interest groups is to influence the trend and content of public policy.

Froman in Dye (1972:283) found that where interest groups are stronger a larger number of special privileges and advantages will be granted by state constitutions. Froman's studies revealed that the stronger the interest group, the greater the length of the constitutions, the greater the number of amendments adopted. It is therefore clearly evident that interest groups do have the capacity to influence public policy. Some interest groups include; political parties, professional and occupational groups, the business sector, sports, cultural and religious organisations.

2.7.3.1.1 POLITICAL PARTIES

Political parties are among the principal interest groups in the policy-making process. According to Bernhardt (1989:47) the chief aim of any political party is to gain control,

either by its unaided efforts or in collaboration with other parties, of the government administration in a particular political system and therefore, of government policy. It is usually the party's principles which emanates from party members that are converted into policy and then find its way to the community. Thus, a political party serves as an important mechanism for the sifting, articulation and ultimate inclusion of the needs and demands of its members in the policy agenda.

In South-Africa a variety of political parties exist. These parties often come in conflict on issues such as welfare programs, public housing, business regulation and labour legislation. It is for this reason that Anderson (1979:43) is of the opinion that the demands of the parties will have important policy implications on governmental decisions.

2.7.3.1.2 PROFESSIONAL AND OCCUPATIONAL GROUPS

Many professions and occupations have an association or council that protect members' interest and ensures that they carry out their professional activities in accordance with the rules and standards of the relevant council or association. Examples of such associations and occupational groups are; the Medical and Dental Council, the South-African Council for Professional Engineers and the Public Service Association.

The aim of such groups is to influence public policy in a specific subject area.

Bernhardt (1989:48) makes it clear that these organisations take the initiative by making representations to government to draw its attention to undesirable conditions or request that policy amendments be made in the light of circumstances that might have changed owing to new developments in their fields. In so doing they influence public policy.

According to Sharkansky (1972:214) professional groups seem most likely to understand the policy making process and most likely to have information about concrete policies that match that of the policy makers. Sharkansky concedes however that: "professional associations may fall short of its potential because of members' own inhibitions. If members feel that political action is outside the bounds of professional norms then such organisations may exercise no substantial influence over public policy" (Sharkansky, 1972:215).

2.7.3.1.3 THE BUSINESS SECTOR

Business leaders undertake important social organisation functions such as organising the labour force, allocating community resources, investment, food production and insurance services. Bernhardt (1989:49) points out that although these

matters are not public policy decisions in the strict sense of the term, they are important to the government since it affect issues such as the provision of employment, the price index and inflation all of which fall within the jurisdiction of the government.

Dye (1972:319) reports that truckers, railroads and liquor interest groups are consistently found to be the most highly organised and active lobbyists in USA state capitals which is indicative that business organisations have the potential to be very successful in influencing public policy decisions. Government may restrain the business sector from undertaking certain actions but it cannot compel business to provide certain services. Should business fail to provide essential services government is expected to step in. Government therefore provide incentives such as subsidies and tax rebates to encourage the business sector to provide services such as housing and training (Bernhardt : 1989:49). Thus, the favourable position of business gives it access to the policy-making process and its influence can lead to the formulation of public policy aimed at stimulating economic prosperity and community welfare.

2.7.3.1.4 SPORTS, CULTURAL AND RELIGIOUS ORGANISATIONS

Sports, culture and religion entails activities engaged in by people as individuals. However, the government has a decisive

influence on the manner in which such activities are performed. Bernhardt (1989:50) reports on two instances how government influences these organisations' activities. Firstly, influence is exerted by regulating policy on sports, subsidising the arts and granting religious freedom. Secondly influence is also exerted by exercising social control. The result of this influence is that sports bodies, cultural institutions, churches and other religious groups endeavour in their turn to influence government policy in their favour and in accordance with their values (Bernhardt : 1989:50).

2.7.3.1.5 LIMITATIONS REGARDING INTEREST GROUP PARTICIPATION

Although interest groups play a vital role in the policy-making process, they (as indicated at the beginning of this chapter) are unofficial secondary participants with no legislative authority. They nevertheless, as indicated in the previous paragraph, play a significant role in policy-making but certain limitations which are typical to interest groups restricts their participation in the policy-making process.

These are:

- Conflict among interest groups curbs the influence of any one of them.
- Because many citizens are attached to several organized interest groups, their political energies cannot be

harnessed exclusively by any one of them.

- A disturbance in established relationships and expectations anywhere in the society may produce out of the unorganised a new interest group to correct the disturbance.
- Much of an interest group's organisational activity is actually given over to clarifying the implications of policies for its own membership and is therefore not even designed to achieve a direct influence on proximate policy - makers (Lindblom, 1968:68).

2.7.3.2 ELECTIONS

Botes (1978:174) regards voting as a major form of public participation in the policy-making process. This point of Botes is made on the assumption that the ballot is the channel through which the registered voter can decisively influence the course of the government process because a voter signal his support or opposition for a government program by the way he cast his vote. In this connection it is to be understood that by voting for a candidate who espouses certain policies the voter dictates what needs and expectations government has to satisfy. Should the candidate be elected then his objectives and aims of the constituency which he represents will eventually be addressed in Parliament and possibly be moulded into policy.

2.7.3.3 REFERENDUM

Apart from elections the public may also participate directly in policy-making by voting for or against a particular proposal in a referendum. Another term used for a Referendum is an opinion poll and Sharkansky (1972:207) points out that it transmit citizens' opinion to administrative units. The Referendum Act, 1993 (Act 201 of 1993) empowers the President to determine the will of the electorate with respect to a matter defined in the Referendum. One example cited in Bernhardt (1989:43) is where in 1983 a referendum was held about proposed amendments to the constitution in effect introducing a three chamber Parliament. Thus, citizen participation in policy-making with reference to a referendum have an influence in the direction in which a country will be governed.

2.7.3.4 POLITICAL VIOLENCE AND PROTESTS

Political violence and protest action can be defined as the use of coercion that may result in death, injury or the damage or destruction of property, the object of such action being to force the government and the community at large to take or refrain from some action (Bernhardt: 1989:45). Protests can be in the form of marches and demonstrations, mass meetings and consumer boycotts as well as acts of terrorism. The reason why such actions may occur is, as pointed out by

Bernhardt (1989:43), the fact that individuals or groups could refuse to obey certain policy directives and statutes on the grounds that obedience would violate their moral or religious convictions. Thus, political violence and protest action is aimed at changing the direction of policy so as to maximise individual or group satisfaction. This sentiment is supported by Mitchell and Mitchell (1971:299) where they indicate that violence is a major means of expressing political preference and achieving them. Hence violence has to be treated as a normal rational choice. Agents of violence may be perfectly rational and deliberate about the employment of violent means. Mitchell and Mitchell (1971:299) point out that well-known revolutionists such as Lenin, Mao and others developed highly sophisticated theories and strategies of revolution and warfare. Violence therefor, has the potential of paying off whereas other means may not or may have little success rate.

2.7.3.5 CONTACT AIMED AT SOLVING PROBLEMS

Another mode of public participation in public policy making is that of contact which is aimed at solving specific problems. The following are the major methods of contact aimed at solving problems :

- A written representation submitted to the representative or minister concerned;

- A personal or telephonic interview with the official responsible for the activity concerned,
- A petition handed to the member of parliament, who has to bring it to the attention of the political party, minister or the state department concerned,
- A memorandum presenting the case to the president or a minister concerned, requesting an interview for the deputation;
- Evidence and/or memoranda submitted to a commission of enquiry or other institution charged with the investigation of the matter; and
- Letters to newspapers and or other communication media (Botes, 1978:178).

2.8 AIMS OF PUBLIC PARTICIPATION IN PUBLIC POLICY MAKING

Those that are affected by a policy usually wants a forum to express their views. The aims of public participation in public policy making boil down to the fact as to why would the public want to participate. Five aims can be distinguished.

2.8.1 MAXIMISATION OF INTEREST

For Keim, in Pennock and Chapman (1975:7), the purpose of

participation in public policy making is the representation of interest. Man is seen as a creature of imperious desires who seek means for gratifying his biological and physical drives, needs and wants. These features constitute the nature of man's interest. The purpose of participation is to maximise these interest.

2.8.2 BALANCED POLICY

This aim of public participation goes hand in hand with one of the normative requirements for public policy making which is that public functionaries should take all aspects of a matter fully into account before making a decision (Cloete:1981:29). The public would want to ensure that a more careful study of proposals is undertaken by public functionaries for which reason different views would be proclaimed in order to obtain a balanced policy.

2.8.3 PROTECTION OF RIGHTS

Boaden (1982:167) is of the opinion that participation in public policy making can be seen as a means by which individuals may protect their rights as consumers of public goods and services. One can concur with Boaden because in a situation where there is no market to regulate consumer goods

or where the state has replaced the private sector as provider the public would have their interest protected especially in the nature and delivery of goods and services in order to ensure an equitable distribution.

2.8.4 SHARING OF POWER

People want to share in the process of policy making and service provision so that they may determine or share in the determination of policy and service content (Boaden, 1982:169). This argument has an overtone in the democratic ideal which inherently include the notion that people have the right to decide for themselves the factors which shape their own destinies and life chances. According to Boaden (1982:169) such a view of participation involves some transfer of power from existing elites or policy makers to the wider community as well as involving much wider and more frequent interaction among those concerned.

2.8.5 ENSURING OUTCOMES

The aims to participate can also be related to outcomes. In the private sector employees demand to participate in management in order to affect outcomes having to do with the disposition of profits and investments. Baybrooke, in Pennock

and Chapman (1975:82), found that French-Canadians in Quebec demanded increased participation in making economic policy so that they could make sure that the outcome of economic policy will strengthen and preserve their cultural community. What could therefore be deduced is that people would participate in public policy making so as to ensure that the outcome of a policy is what was intended in the planning phase of the policy.

2.8.6 PROMOTE PLANNING

When allowing the public to participate in the policy making process then citizen preferences and technical considerations could be weighed against each other prior to the implementation of a policy. It is for this reason that Hanekom (1987:43) points out that public participation promotes improved planning which is of vital importance prior to implementing a policy as it would facilitate the implementation of an acceptable policy.

2.8.7 SERVE AS PACIFIER

Public participation in public policy making involves the accommodation of interest groups in the policy making process. Should interest groups not have a means of making their

interests known the possibility that they would become militant cannot be ignored. It is therefore to be agreed with Morrow (1980:276) that public participation in public policy making serves as a pacifier to accommodate interest groups which could otherwise be more militant in their endeavour to achieve what they believe is beneficial to society or a societal group.

2.8.8 INSTRUMENTAL VALUE

Boaden (1982:170) points out an instrumental value where participation is seen as a way of improving policies and services by making use of sample surveys, public meetings and consultative committees. These provide information often not available in any other way and from sources which do not usually contribute to policy making. Should public functionaries digest and use it such information may be valuable for public policy making.

2.9 LIMITATIONS TO PUBLIC PARTICIPATION IN PUBLIC POLICY MAKING.

Although there are advantages to public participation in public policy making there are limitations as well. Because, a sensitive question is that of acknowledgement of the

extent to which the public could be allowed to participate in public policy making. Some of the limitations are:

2.9.1 SLOWING DOWN THE POLICY MAKING PROCESS

The definitions of public participation in public policy making suggest that one have to consider various viewpoints, in some instances have consultative meetings and in other instances send out questionnaires to get the people to participate. On the one hand this may facilitate the acquisition of valuable information but on the other hand it is time-consuming in obtaining inputs in such a way. Public participation could therefore lead to a slowing down of the policy making process, thereby placing undue stress on the efficient performance of public activities (Boaden, 1982:196-197)

2.9.2 TRANSFERRING RESPONSIBILITY

Through public participation in public policy making people is expected to express their views, to give an opinion and to initiate action that would not only lead to consensus with public officials but also ultimately the implementation of an acceptable policy. In this connection Morrow (1980:275) indicates that public institutions (and public officials for that matter) may see in public participation an opportunity to

transfer responsibility especially for problems that are difficult to solve.

2.9.3 BALANCE BETWEEN GROUPS

It must be accepted that some interest groups are better organised, have professional members and enjoy a higher standing in a community than others. No discrimination insofar as accepting the different viewpoints of different interest groups should exist because it would result in a major imbalance as far as public participation in public policy making is concerned. Thus, when promoting the views of the more articulate or better organised interest groups to the disadvantage of minorities, without the means to make their desires known, public participation could be undesirable (Barber, 1983:197).

2.10 SUMMARY

In this chapter the conceptual framework of public policy making was analysed. The understanding of the conceptual framework was made clearer by pointing out the specific typologies and policy levels in which public policy making is manifested.

It must be understood that public policies are future related

and retrospective and takes place within a framework of legally instituted public bodies. Although public policy has a political and administrative dimensions members of the public participate in such matters that they feel are affecting them either directly or indirectly. This aspect was made clear in the conceptual framework of public participation in public policy making which was analysed in this chapter. Different modes of public participation in public policy making were analysed which indicates that the spectrum of public participation is extremely broad.

The following chapter focuses on the actual avenues which are open to the public to participate in public policy making in South-Africa.

CHAPTER 3

AN OVERVIEW OF THE REGIONAL EDUCATION BOARDS

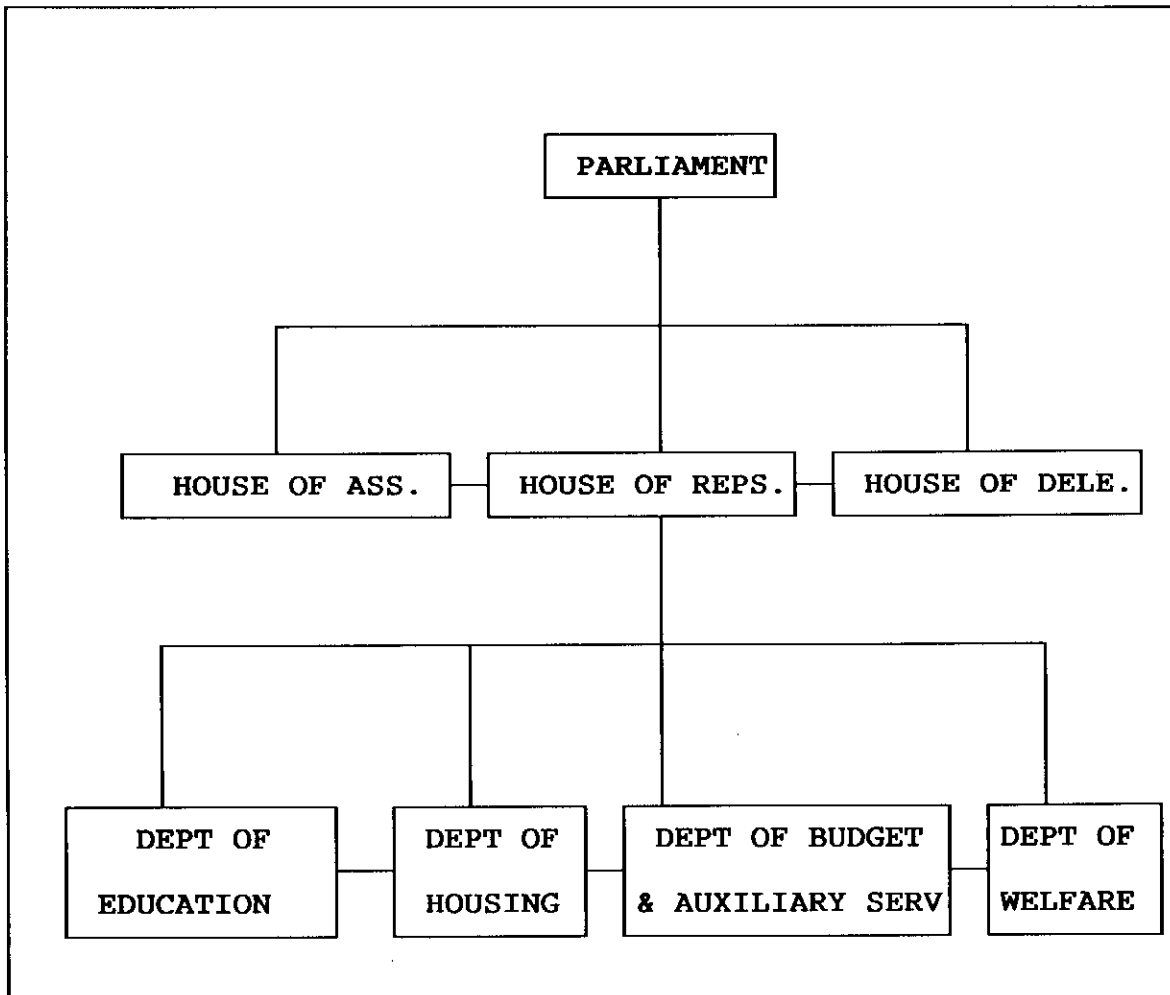
3.1 INTRODUCTION

This chapter deals primarily with a structural-functionalist analysis of the Regional Education Boards as depicted in the Education Act, 1963 (Act 47 of 1963). As a point of departure, the historical background of the Regional Education Boards will be given whereafter the structure by means of its membership, requirements, vacancies and Board meetings will be discussed. After the discussion of the structure of the Regional Education Boards the functions of the Boards will be given. In order to understand the Regional Education Boards in its entirety a few policy actions of the Department of Education and Culture (Ex. Administration : House of Representatives) will be analysed in order to obtain some knowledge into what happens in practice. It will be investigated what impact the public has on public participation in policy making in respect of Regional Education Boards.

3.2 HISTORICAL BACKGROUND

The Department of Education and Culture was one of the Departments of the House of Representatives which was established in terms of the South African Constitution Act, 1983, (Act No 110 of 1983). Figure 4 display the various Houses of Parliament and the Departments which resorted under the House of Representatives in terms of this (former) Constitution Act, 1983 (Act 110 of 1983).

FIGURE 4 : DEPARTMENTS OF THE HOUSE OF REPRESENTATIVES.



SOURCE : SOUTH AFRICAN CONSTITUTION ACT, 1983 (Act No.110 of 1983).

The Department of Education and Culture is divided into school regions as authorized by the Minister of Education of the House of Representatives. Each school region is endowed with a

Regional Education Board. Presently the Department of Education and Culture is divided into seventeen school regions which are:

Athlone	Mitchells Plain
Beaufort-West	Paarl
Bellville	Port Elizabeth
Bloemfontein	Springbok
Durban	Upington
East London	Worcester
George	Wynberg
Johannesburg	Middel-Burg
Kimberley	

One of the principle aims of establishing a Regional Education Board in a school region was to enhance the process of democracy.

By having people from the community in the school region on a Regional Education Board who make recommendations on behalf of the community to the betterment of education in a particular region it was felt that the people have a legitimate chance of making an impact in those areas which affect them. This was in effect a way how people reinforced their will in policy-making at local level.

Before the establishment of the Department of Education and Culture into regions in terms of the Education Act, 1963 (Act 47 of 1963) no line of communication existed between the Department and the community in the particular

regions. This gave rise to the Department making decisions which affected the education in a community without consulting the public. Hence the democratic principle of involving citizens in policy making was impeded. The aim of establishing Regional Education Boards was therefore to proliferate a unilateral relationship between the public and the Department. This unilateral relationship paved the way for the public to raise their opinion and to make recommendations concerning matters which affected them directly. Examples in this connection are, to give recommendations when children should be expelled from school, as well as directions of how a bus service, transporting children to and from school, should operate.

Another aim with the establishment of Regional Education Boards was to minimize maladministration, to see that public functionaries (Principals and School Committees) operate *intra vires* and detect if the laws of natural justice is fully abided by. In this instance it has to be noted that Regional Education Boards base its recommendations on the recommendations of the School Principals and School Committees. Before making a recommendation the Board should be satisfied that those functionaries actions were not *ultra vires*, that, for example, with the nominations for teaching posts and promotion posts no candidate or applicant has been discriminated against. Thus, the Regional Education Boards was established to streamline the

administrative process of the Department of Education and Culture.

3.3 MEMBERSHIP OF A REGIONAL EDUCATION BOARD

In the previous section it has been pointed out that each school region is endowed with a Regional Education Board. It does happen that a region could be without a Board for a period of time. One example in such an instance is where a new region is established. Such a "region" would have no Regional Education Board because a Board would only be established after a region would come into operation. The exact time depends on the appointment of the members of a Regional Education Board. Where no Regional Education Board exists or where no Board is in operation in a school region the Director-General performs the function of a Board until such time a Board is established Education Act, 1963 (Act No. 47 of 1963).

Article D3 of the Education Act, 1963 (Act No. 47 of 1963) stipulates that every Regional Education Board shall be a body corporate under the name assigned to the school region for which it is constituted. What this means for example, is that should a Board be in operation in Kimberley then the name of that Board will be "Kimberley Regional Education Board."

A Regional Education Board consists of six, nine, twelve or fifteen members as may be determined by the Minister of Education

(Ex Administration: House of Representatives). In this connection Article D5 of the Education Act, 1963 (Act No. 47 of 1963) stipulates as follows:

"The school committees of schools in the school region shall elect four, six, eight or ten members to the Board, depending on whether the Board consist of six, nine, twelve or fifteen members. The Minister shall appoint the remaining members in order to bring the Board up to full strength."

The stipulation of the Article is based on the phenomenon that some regions are bigger than others because it may have more schools and schools with a higher pupil enrolment and hence more educators. For this reason the total membership may variate between regions. Table No. 1 displays the total membership, per region as at 31 July 1993.

3.4 REQUIREMENTS OF REGIONAL EDUCATION BOARD MEMBERS

Any person who is of age, and who is resident within the school region for which a Regional Education Board has been constituted may be elected or appointed as a member of such a board. Furthermore Article D6.2 of the Education Act, 1963 (Act No. 47 of 1963) stipulates that a person shall be disqualified from being a board member if he/she:

- is a teacher in the employ of the Department;

- is a person who has in terms of the provisions of any Act been discharged from his/her post on account of misconduct or of unfitness for his duties or incapacity to perform them efficiently;
- has been convicted of subversive activities in terms of the General Law and Amendment Act, 1962 (Act No. 76 of 1962);
- has been convicted of any sexual offence, or any offence involving dishonesty or violence or of any offence for which he/she was sentenced to imprisonment without the option of a fine, unless he/she has obtained free pardon;
- is subject to an order of court declaring him/her to be of unsound mind or mentally disordered or defective or is lawfully detained as mentally disordered or defective under the Mental Disorder Act, 1916 (Act No. 38 of 1916);
- is a person who uses intoxicants or drugs excessively; and
- is unrehabilitated insolvent.

3.5 VACANCIES ON A REGIONAL EDUCATION BOARD

The seat of a member on a Regional Education Board becomes vacant when he/she dies, when his/her written resignation is received by the Chairperson or Secretary of the Board and when he/she resigns orally at any meeting of a Board.

Other instances in which a seat can become vacant as stipulated in Article D11 of the Education Act, 1963 (Act No. 47 of 1963) is as follows:

- if the member, without the specific consent of the board, makes known or divulges in any manner whatsoever any discussion or resolution of the board whilst the board was in committee;
- if the member ceases to reside in the school region for which the board has been constituted; and
- moreover, a member is also liable for expulsion should he/she receive for himself or any other person an allowance for his/her duties for which he/she was not entitled.

TABLE 1 : TOTAL MEMBERSHIP OF REGIONAL BOARD - REGION BY REGION

REGION	APPOINTED BY		TOTAL
	SCHOOL COMMITTEE	MINISTER	
ATHLONE	10	5	15
BEAUFORT WEST	4	2	6
BELLVILLE **	9	5	14
BLOEMFONTEIN	6	3	9
DURBAN	8	4	12
GEORGE	10	5	15
JOHANNESBURG	10	5	15
KIMBERLEY	8	4	12
MIDDELBURG	8	4	12
MITCHELL'S PLAIN	10	5	15
EAST LONDON	6	3	9
PAARL	10	5	15
PORT ELIZABETH	10	5	15
SPRINGBOK	8	4	12
UPINGTON	8	4	12
WORCESTER	10	5	15
WYNBERG *	10	6	16

* Technical Administrative fault. Discretion of Minister used

** Discretion of Minister was used.

(Interview, 10 March 1993)

3.6 FILLING OF VACANCIES ON THE REGIONAL EDUCATION BOARDS

Whenever a seat becomes vacant on the Regional Education Board, the Board may, after fourteen days written notice, fill the vacancy. The person who is elected in this way is deemed to be an elected member of the Regional Education Board for the

unexpired term of office of such a member.

Furthermore, Article D12.2 of the Education Act, 1963 (Act No. 47 of 1963) stipulates that whenever the seat of a member of a Regional Education Board appointed by the Minister becomes vacant, the Minister shall appoint another person to fill such vacancy for the unexpired period of office of such member.

3.7 REGIONAL EDUCATION BOARD MEETINGS

The first meeting of a Regional Education Board after its constitution or reconstitution is held at the centre where the office of the Regional Representative is situated whereafter all meetings are held at such centre.

General meetings of a Regional Education Board are held twice a year on a day and at a time as the Board may determine from time to time. The Secretary of a Board, who is also an officer of the Department is responsible for disposal of the notice regarding the date and time of a meeting. Such notice should reach a member at least one week prior to a meeting.

Special meetings of a Regional Education Board are held on approval of the Director-General of the Department. In this instance the Secretary also give notice, at least one week in advance, of such a special meeting making reference of the matters to be considered in the meeting which is the only matters that are dealt with.

All resolutions at a meeting of a Regional Education Board, whether it be a special meeting or general meeting, is taken by means of majority vote of the members present. Article D15 of the Education Act, 1963 (Act No. 47 of 1963) postulates that in the event of a tie the number of votes on any matter the member officiating as Chairperson at the meeting have a casting vote in addition to his deliberative vote which would decide the outcome of the resolution.

3.8 POWERS AND FUNCTIONS OF A REGIONAL EDUCATION BOARD

Since the discussion on the structure of the Regional Education Board has come to completion attention is now turned to its powers and functions.

3.8.1 ADVISORY FUNCTION

A Regional Education Board has to accept responsibility under the control of the Regional Representative of a particular region for the general supervision over State schools and State-aided schools in a particular region. This implies that Regional Education Boards do not have a control function over the schools in the region but rather, an advisory function. A Regional Education Board advises the Regional Representative regarding the establishment and closing of schools as well as the

provision of school accommodation in its school region. Moreover a Regional Education Board also advises the Regional Representative generally on matters relating to education. An example in this connection is where for instance the Department desires not to appoint additional teachers irrespective of whether or not a school's staff establishment qualifies for additional teaching staff. The matter would be referred to the Regional Education Board for its inputs in order to determine the viability of such a policy. Thus, the policy advisory function of Regional Education Boards is important for the Department in order to determine the most feasible policy.

3.8.2 RECOMMENDATIONS FOR THE FILLING OF STAFF VACANCIES

Teacher staff vacancies is usually advertised annually in an education bulletin. Temporary teachers and newly qualified teachers applies to the Department for such vacancies within the parameters of prescribed staffing policies. A School Committee of the school where the vacancy has been advertised formulate three policy choices from the applications that were received after which the choices are referred to the Regional Education Board for a recommendation. The recommendation is then forwarded to the Department and should the Department concur with the recommendation of the Board the candidate is appointed in the vacancy. Should it not concur due to confidential information

which it may have, the Department either appoints one of the other applicants, usually the second or third choice, or re-advertise the post.

The recommendation function of the Regional Education Board is essential for the filling of staff vacancies in a school. However, this essentiality is often being ignored by the Department of Education and Culture. In some instances no appointments are made even if the Boards nominated three applicants in order of preference. (Tables 2, 3, 4 refers) In other instances candidates which are not nominated by the Boards are appointed by the Department. The reasons for this state of affairs are never made known by the Department which leads to great friction and an impediment in public participation in policy matters between the Boards and the Department. Tables 2, 3 and 4 shows the total posts advertised, recommendations of the Boards which were accepted and those not accepted by the Department over a period of three years. The percentages clearly indicates that the Department does allow the Board to participate in policy matters to a certain degree as far as the appointment of and the promotion of educators are concerned thereby applying the provisions as spelled out in the Education Act, 1963 (Act 47 of 1963).

TABLE 2 : APPOINTMENTS INTO VACANT TEACHING POSTS FOR 1990

REGION	POSTS ADVERTISED	RECOMMENDATION OF BOARDS	
		ACCEPTED	NOT ACCEPTED
Athlone	62	45	17
Beaufort West	13	6	7
Bellville	112	67	45
Bloemfontein	44	27	17
Durban	43	19	24
George	94	35	59
Johannesburg	122	67	55
Kimberley	70	39	31
Middelburg	88	33	55
Mitchells Plain	95	60	35
East London	47	19	28
Paarl	119	82	37
Port Elizabeth	187	94	93
Springbok	51	29	22
Upington	84	37	47
Worcester	98	53	45
Wynberg	116	62	54
TOTAL	1445	774	671
PERCENTAGE		53.6%	46.4%

SOURCE : EDUCATION BULLETIN SP1/1990 DATED 15 MAY 1990

TABLE 3 : APPOINTMENTS INTO VACANT TEACHING POSTS FOR 1991

REGION	POSTS ADVERTISED	RECOMMENDATION OF BOARDS	
		ACCEPTED	NOT ACCEPTED
Athlone	76	50	26
Beaufort West	15	10	5
Bellville	95	69	26
Bloemfontein	61	30	31
Durban	55	20	35
George	102	41	61
Johannesburg	135	70	65
Kimberley	67	35	32
Middelburg	72	40	32
Mitchells Plain	127	71	56
East London	36	12	24
Paarl	144	70	74
Port Elizabeth	222	116	106
Springbok	67	30	37
Upington	71	29	42
Worcester	119	60	59
Wynberg	89	48	41
TOTAL	1553	801	752
PERCENTAGE		51.6%	48.4%

SOURCE : EDUCATION BULLETIN NO. SP1/1991 DATED 15 MAY 1991.

TABLE 4 : APPOINTMENTS INTO VACANT TEACHING POSTS FOR 1992

REGION	POSTS ADVERTISED	RECOMMENDATION OF BOARDS	
		ACCEPTED	NOT ACCEPTED
Athlone	68	41	27
Beaufort West	12	8	4
Bellville	103	45	58
Bloemfontein	54	31	23
Durban	49	23	26
George	82	44	38
Johannesburg	128	75	53
Kimberley	78	43	35
Middelburg	71	26	45
Mitchells Plain	47	28	19
East London	30	14	16
Paarl	135	77	58
Port Elizabeth	191	115	76
Springbok	55	26	29
Upington	79	36	43
Worcester	110	63	47
Wynberg	84	44	40
TOTAL	1376	739	637
PERCENTAGE		53.7%	46.3%

SOURCE : EDUCATION BULLETIN NO. SP1/1992 DATED 15 MAY 1992.

3.8.3 APPOINTMENT OF SCHOOL COMMITTEES

Schools in a region are entitled to have school committees. A school committee is usually elected by means of voting from parents who are present at a meeting called by the Principal of the school for such purpose. Should there not be a quorum i.e. 50 parent members of the children enrolled at the school, then 10 people from those that are present are elected in terms of availability. These ten names, with full particulars of the people are forwarded to the Regional Education Board. At a meeting of the Regional Education Board, the Board select seven people from the ten and those seven people would constitute the school committee of a school. Thus, the Board fulfils a major function where the appointment of a School Committee is concerned (Article D19.1 of Act No. 47 of 1963).

3.8.4 EXPULSION OF PUPILS

Pupils who are mentally handicapped and who cannot fulfil the normal requirements at a school are referred by the Department to Psychologists. By means of the report of the Psychologist the Regional Education Board may recommend that a pupil either stay at the school or be transferred to a school for the mentally handicapped or a special training institution. (Article 19.1 of Act No. 47 of 1963)

3.8.5 ACCESSIBILITY

The Secretary of the Regional Education Board or a Board member for that matter have access to any school building or hostel in the region of its authority to obtain information which the Board may use in the execution of its task(s). Article D 19.2(a) of the Education Act, 1963 (Act No.47 of 1963) clearly stipulates that any person who hinders or obstruct a secretary or authorized person in the exercise of his powers or who fails to furnish the desired information shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-rand or in default of payment of the fine, to imprisonment for a period not exceeding one month.

3.8.6 ANNUAL REPORT

The Regional Education Board has to keep school registers, statistics and reports of activities, meetings and duties which it performs. Such reports are furnish to the Regional Representative of that region under which the Board resides. The report serves as a document of advice and information which the Department may use for further policy design and in implementation.

3.8.7 ADDITIONAL FUNCTIONS

A Board is also required to perform duties which are lawfully

assigned to it by the Director-General of the Department. These may be functions which are not specifically provided for in the Education Act, 1963 (Act No. 47 of 1963) which may be of general benefit to the education community in a region. Moreover, a Regional Education Board is allowed to make its own rules on approval of the Regional Representative but which must not be in conflict with the provisions of the Education Act, 1963 (Act No. 47 of 1963).

3.9 SUB-COMMITTEES OF REGIONAL BOARDS

A Regional Education Board is allowed to appoint from its members a standing sub-committee either for general or for special purposes (Article 20.1A of Act No. 47 of 1963). The membership total of such sub-committee is determine when a Board comes into operation and is proportionately relative to the total members of a Board. For example, should a Board consists of fifteen members, then the membership total of the sub-committee would consist of seven members.

It ought to be understood that the sub-committee acts on behalf of the Board, hence a decision taken at a sub-committee meeting would deemed to be a decision by the Board (Article 20.1A of Act No. 47 of 1963). Decisions of a sub-committee is not ratified by the Board as a sub-committee has the power to make its own decisions.

The major purpose of a sub-committee is to handle assignments which requires immediate attention. There might be assignments where the Director-General or the Minister requires the recommendations for a specific issue and of which the outstanding recommendations of the Regional Education Board would have serious repercussion for the Department.

Another purpose of the Sub-Committee is also to finalise matters which could not be finalised at a previous meeting. This function is important since general meetings are held only quarterly and the repercussions which outstanding issue might have for the Department must be fully understood. Thus the Sub-Committee serves to smooth the operation of a Regional Education Board.

3.10 ALLOWANCE PAYABLE TO MEMBERS

Article D 24 of the Education Act, 1963 (Act No. 47 of 1963) stipulates that a member of a Regional Education Board, who is not in the full-time employ of the State, shall be entitled in respect of time spent and journeys necessarily undertaken in connection with the attendance of a meeting of a board or of a sub-committee of the Board to an allowance at State expense. In circular number 19/91 dated 3 April 1991 issued by the Department of Education and Culture the allowance per meeting attended is indicated as follows:

Chairperson	:	R234,50
Members	:	R189,20

Should the Chairperson not be available for a meeting, the member who acts as Chairperson receives the allowance as applicable to that of the Chairperson. Transport allowance is included in this remuneration.

3.11 ACCESS TO BOARD MEETINGS

Meetings of the board are open to the public and the media. Article D 22 of the Education Act, 1963 (Act No. 47 of 1963) stipulates, however, that should a Regional Education Board consider that any matter could be more conveniently and advantageously dealt with in private, it may at any meeting resolve itself into committee and exclude the public and the press. It must, however, be understood that whether a meeting is held privately or whether the meeting is open for the press or public the meeting has full validity as proceedings of the Board.

3.12 ASSESSING PUBLIC PARTICIPATION IN THE REGIONAL EDUCATION BOARDS

Now that one has a good idea of the functioning of the Regional

Education Boards it is important to look at the extent the public via the Boards is allowed to participate in policy matters concerning the Department of Education and Culture. With a view to rationalise its administration and to facilitate financial constraints the Department of Education and Culture instituted some policies during 1992.

In order to understand the extent in which the Regional Education Boards is allowed to participate in departmental policy making the policies will be analysed in detail.

3.12.1 STAFF ESTABLISHMENTS OF SCHOOLS

In a circular (Circular No. 47/92) dated 8 October 1992 the Department of Education and Culture announced that the establishments of all schools will be revised according to revised staffing provisioning scales, which would come into effect from 1 January 1993. Principals of schools were given the revised provisioning scales and their amended staff establishment and were instructed to function thereto. Thus no form of public participation in this policy matter took place as the Principals and the Regional Education Board did not receive an opportunity to give their recommendation in this regard (Circular No. 47/1992).

3.12.2 EARLY RETIREMENT

The Department, with effect from 1 January 1993, (Circular No. 47 of 1992) invited teachers to indicate if they would like to go on early retirement. More than 7000 of the total 40 000 teachers responded positively. At no stage were teachers forced to go on pension. The Department gave preference to those who had rendered long service and desired to rest. However, the Department indicated that no teacher would be appointed into the post of those going into early retirement and that their posts would as such be freezeed which resulted in a major bottle-neck insofar as personnel movements were concerned (Circular 47/1992).

3.12.3 ADVERTISED PROMOTION POSTS

The Department indicated that only promotion posts were to be advertised for filling with effect from 1 January 1993 and that no post into the entry level would be advertised irrespective if there were vacant posts or not. The adoption of this policy actually stemmed from the policy that staff establishments of schools were to be revised which led to a contraction on the filling of posts. Therefore, posts on the entry level were not be advertised.

3.12.4 APPOINTMENT OF NEWLY QUALIFIED EDUCATORS

The Department placed no prohibition on the appointment of newly qualified educators (Circular No. 47 of 1992). The Department vehemently stressed that preference should be given to newly qualifiers when posts have to be filled. This was however, a vague and misleading policy if one sees it in terms of the previous policies where the Department contracted post due to new staff establishments, freezed posts where educators go on retirement as well as not advertising vacant posts.

3.13 COST CUTTING MEASURES AND RATIONALISATION

As will be seen in the results of the cost cutting measures and rationalisation the public responded drastically to the policies. The then Minister of Education and Culture of the House of Representatives gave the following reasons as to why the rationalisation was necessary.

- Nearly 85% of the education budget was expended on service benefits (including salaries) of teachers, leaving only 15% for the provision of schools buildings, repairs and renovation and supplies.
- Insufficient funds were available to overcome backlogs in the provision of school buildings.

- Not enough funds were available to provide for adequate maintenance or replacement of school buildings.
- Insufficient funds were available for the promotion of culture, for study bursaries and for improvement of the provision of education.

Due to the above the Department was heading in the financial year 1992/93 for an over-expenditure of more than R100 million beyond its approved budget and for that reason the imposed rationalization and cost cutting measures was seen as inevitable (Circular No. 47/1992). However well intended the measures were supposed to be, it had serious after effects and results for the Department of Education and Culture.

3.14 RESULTS OF COST CUTTING MEASURES AND RATIONALIZATION

By imposing cost cutting measures and rationalization unilaterally the Department of Education and Culture completely ignored the existence and power of Regional Education Boards. No form of consultation, meetings and discussion took place between the Boards and the Department of Education and Culture. Even though the policies of the Department of Education and Culture viz. freezing of teaching posts, non-appointment of educators and cancellation of advertised teaching posts on the entry level were within the perimeters of the working sphere of the Regional Education Boards, no proposals in the form of policy

inputs were requested of the Regional Education Boards. Hence, the Department acted contrary to the provisions of the Education Act, 1963 (Act 47 of 1963). This was an indication that the Department of Education and Culture showed a complete disregard for public opinion and public participation in policy-making. Exceptance of proposals which would have an impact on the implementation of public policy is totally non-existent. The following results emanated from the implementation of the Department of Education and Culture's policies.

3.14.1 LOWERING OF TEACHING STANDARDS

Because of the non-appointment of teachers, classes were combined so as to accommodate all the children. This resulted in over-crowded classrooms. In some areas and teaching disciplines teachers had up to eighty (80) children at a time. This made it extremely difficult for the teachers. Discipline was difficult to maintain, concentration waned and the general morale of both teacher and child dropped. The overall result was that the standard of education dropped significantly.

3.14.2 LATE START TO TEACHING CURRICULUM

Because of the implementation of the policies schools had to reschedule their time-tables, children had to be re-directed to

schools where there were teachers who presented subjects of their choices resulting in a late start to the teaching curriculum.

3.14.3 MASS ACTION

In early 1993 numerous marches by various schools in the regions, to the Department's head office took place. Both students and teachers took part in the marches. Marches were organized by the Union of Teachers Association of South Africa (UTASA) and SADTU (South African Democratic Teachers Union). Due to this action classes came to a standstill at the start of the school year in 1993 for two weeks. SADTU and UTASA threatened that education in the House of Representatives will be non-existent if the Minister of Education and Culture did not cancel the policies. Discussions took place between the Department and the various interest groups. Nothing materialized from the discussion and UTASA indicted a court order against the Department. The Department lost the case (Case no. 12.35 of 14/1/93). The court ordered that the Department should cancel its policies because no discussion took place between the Department and the various interest groups and as such no inputs were received from parties to which the policies was actually intended.

3.15 RESPONSE BY MINISTER OF EDUCATION AND CULTURE

The Minister felt that the way in which the matter was handled

by UTASA was crude and destabilising to education in general and the teaching profession in particular (Cape Times 93/04/30). The Court case and strike action were at all not necessary as it led to friction between the Department and participants in the policy making process. Such friction was seen to be very destabilising for future negotiation processes which might occur.

The Minister also announced that the early retirement on pension and the retraction of teaching posts was definitely not a political play ball but it was the same as the case of teachers in the Administration: House of Assembly.

Moreover, and most importantly the Minister cancelled all cost saving measures and rationalisation. This meant that the policy statement as indicated in Circular no. 47/92 dated 8 October 1992 was declared null and void. This resulted that schools could function normally.

The Minister furthermore announced that the composition structure and functions of Regional Boards would be changed after the 27 April 1994 elections so as to fit in as a viable structure in the envisaged new South Africa. In the interim the National Education and Training Forum (NETF) has been established through which the Department promised that the House of Representatives would commit itself to resolve future restructuring of education. The purpose of the NETF is to initiate, develop and participate in a process involving major education and training stakeholders, establish agreements on crises in education, the restructuring

of education and the formulation of policy frameworks for the long term restructuring of education and training system (Saaiman, 1993:5). Thus, the establishment of the NETF has paved the way for more constructive input from education stakeholders and would open the way for equal and fair debate around educators' demands.

3.16 SUMMARY

In this chapter a detailed analysis of the functions and powers of a Regional Education Board has been given. The historical background as well as the membership composition of the Boards were also discussed. It has been shown that Regional Education Boards operate in a region of the Department of Education and Culture which is specially demarcated by the Minister of Education and Culture of the House of Representatives. Some policies of the Department of Education and Culture were also analysed. It was shown in this chapter that although the public, by virtue of being represented on Regional Education Boards, is allowed to participate in policy-making of the Department of Education and Culture the degree to which the public are allowed to participate is minimum. In the three years which were pointed out in this chapter, on the average only fifty percent of the recommendations of the Regional Boards were excepted. Moreover, in a bid to place financial restrictions on

educational matters the Department of Education and Culture completely ignored the role of the Regional Education Boards in particular and the teaching community in general which led to disaster for the Department. The next chapter will deal with the Regional Services Councils applying the same methodology as in this chapter.

CHAPTER 4

**AN OVERVIEW OF THE WESTERN CAPE REGIONAL
SERVICES COUNCIL.****4.1 INTRODUCTION**

In this chapter the structure and functions of the Western Cape Regional Services Council are explained. As a point of departure the historical background of the Regional Services Councils will be given. It will be seen in this chapter that the concept of Regional Services Councils originated after the Regional Services Council Act, 1985 (Act No. 109 of 1985) on the Regional Services Councils was passed. It presented the communities with a major policy shift in the sense that Regional Services Councils were introduced to the benefit of local communities irrespective of race, religion or culture. After the explanation of the main features and functions of the Western Cape Regional Services Council some of the policies in terms of the services it provided will be presented which serves as evidence that a Regional Services Council is a necessity for a community.

4.2 HISTORICAL BACKGROUND

As a point of departure it has to be noted that in general the coloured population of Cape Town totally rejected the system of separate local government structures established under the Group Areas legislation of the era that may be called "grand apartheid". The Group Areas Act, 1950 (Act No. 33 of 1950) enabled the state to demarcate separate group areas in which only people of the specified racial category could live and own property (Todes et al. 1985:50). This did not bear the satisfaction of the coloured people since the areas in which they lived or moved into continued to fall under the direct administrative control of established local authorities and councils which were representative of a very large white electorate and they could exercise their franchise rights only within the framework of the group areas system. The implementation of the group areas scheme in all its aspects (from demarcation, through removals, to the establishment of consultative management committees) was resisted and rejected outright by the overwhelming majority of the coloured population. Todes et al. (1985:51) argues that the reasons for the unusually broad base and the sustained level of this resistance were to be found in the particular dynamics of social and political interaction which have characterised events in Cape Town during this period. Because of this resistance the Theron Commission was appointed in 1973 to enquire into matters relating to the

coloured population group. In its report which was submitted in 1976 the Theron Commission confirmed that the system was not creating the necessary capacities to provide adequately for the needs of the local coloured communities. It concluded that the main reasons for this failure were:

- that the system was unacceptable to the vast majority of the coloured people and, in particular, to their leaders;
- that the "mutual goodwill" between white local authorities and coloured management committees on which the system depended was often lacking;
- that the system did not place the coloured communities in an "effective bargaining position", leaving the prerogative to take final decisions on all matters in the hands of the white councils;
- that the restricted powers of the committees did not encourage the growth of "civic initiative" among coloured people;
- that the system did not provide proper opportunities for the training of coloured members of the management committees and their officials;
- that the system did not "encourage the availability" of adequate sources of revenue for the financing of required community facilities and municipal services;

- that no provision had been made for the "proper activation" of local government development for the coloured population due to the lack of co-ordinated control by the Provincial Administrations and the Department of Coloured Affairs; and
- that the development of the system was hampered by the ineffective demarcation of local authority areas, particular with regard to the "siting and spread of obligations" in group areas in metropolitan areas (Van der Horst, ed., 1976:107-108).

The Report of the Theron Commission (Van der Horst, 1976:108) paved the way for a major restructuring of South Africa's system of local government. It resulted in the implementation of the Promotion of Local Government Affairs Act in 1983, (Act No. 23 of 1983) the Local Government Bodies Franchise Act in 1984, (Act No. 55 of 1984 and more importantly, for the purpose of this dissertation, the Regional Services Council Act in 1985 (Act No. 109 of 1985).

4.3 THE CONCEPT OF REGIONAL SERVICES COUNCILS

Taking the above historical background into consideration it is evidently clear that Regional Services Councils was to be one of the most important instruments of constitutional engineering of the Government. With the implementation of the Regional Services Council Act, 1985 (Act No. 109 of 1985) the previous government

aimed to restructure the South African politics at local level in a fundamental and comprehensive way. This can be observed in Article two (2) of the Regional Services Act, 1985 (Act No. 109 of 1985) which empowers provincial administrators to demarcate and establish regions in provinces. They may also alter the boundaries of regions, combine and amalgamate two or more of them, decide on the incorporation of some regions into others and revoke the delimitation of regions (Du Toit, 1988:64).

Each region or demarcated area is responsible to deal with matters which is applicable to that specific area or region. Thus, a Regional Services Council will perform functions which will effect people in a region in the furtherance of its way of life, culture, traditions and customs. It was with this in mind that Du Toit (1988:69) stated that Regional Services Councils are expected to operate within the following parameters:

- to deal with certain matters of a general nature within a specified area;
- to serve as bodies at the local government level where representatives of all population groups could participate in joint decision-making; and
- to operate in such a way so as to eliminate group domination on the level of a local government.

Hence, the whole concept of Regional Services Councils was to eradicate racial discrimination at local level and to serve as

a basis for addressing the needs and requirements of all the population groups in a particular area.

4.4 ESTABLISHMENT OF THE WESTERN CAPE REGIONAL SERVICES COUNCIL

The Western Cape Regional Services Council was established on 9 January 1987 in terms of Provincial Notice Number 4 of the said date. Currently the Western Cape Regional Council consists of 59 members and represents 49 local bodies. The three Divisional Councils within the Western Cape Regional Services Council area, viz. the Cape, Paarl and Stellenbosch were abolished on 29 June 1987. In order to carry out its functions effectively the Western Cape Regional Services Council is composed of the following committees:

- Executive Committee;
 - Committee for land usage and transport planning;
 - Committee for works, amenities and services;
 - Committee for liaison with local areas;
 - Finance committee;
 - Advisory committee for the investigation of priorities;
 - Staff Committee; and the
 - Atlantis Development Advisory Committee
- (WCRSC REVIEW, 1991-1992 : 2 - 4).

As a matter of interest it may be pointed out that the total population within the Western Cape Regional Services Council's

area of jurisdiction is estimated at 2 540 000 and is distributed over an area of 3976km which is approximately of the same size as that of the Netherlands (WCRSC Review, 1987-1988 : 3).

4.5 COMPOSITION OF REGIONAL SERVICES COUNCILS

In terms of the Regional Services Council Act, 1985 (Act No. 109 of 1985) Regional Services Councils may be composed of the following local bodies:

- local authorities such as municipalities, town councils and town committees;
- management bodies, which include consultative local affairs and management committees as well as rural committees; and
- representative bodies from communities outside the area of jurisdiction of any local authority or management body in a region.

4.5.1 MEMBERSHIP

A Regional Service Council is comprised of a chairperson, who is appointed by the Provincial Administrator and members nominated by the local bodies in a region. At its first meeting a Council elects one of its members to be the deputy chairperson who acts as chairperson whenever the chairperson is for any reason absent or unable to act as chairperson. Article 7(3) of the Regional

Services Council Act, 1985 (Act No. 109 of 1985) maintains that whenever the chairperson and deputy chairperson of a Council are for any reason simultaneously absent or unable to act as chairperson, the Council could elect from its ranks a person to act as chairperson.

By and large, every local body which is represented on a Council may, from its members, elect one member to the Council for every ten percent (10%) of the total number of votes to which it is entitled. However, the Act points out that a local body cannot nominate more than five members. The total number of members of the Western Cape Regional Service Council for the period 1987 to 1992 is depicted in table 5.

TABLE 5 : MEMBERSHIP OF THE WESTERN CAPE REGIONAL SERVICES COUNCIL.

COMMITTEES	REVIEW PERIOD		
	'87-'88	'88-'89	'89-'90
Executive Committee	9	8	8
Land use & Transp. Planning Works, Amenities & Services	15	17	18
Liaison with Local Areas	7	8	6
Finance Committee	12	17	15
Staff Committee	8	7	8
Investigation of Priorities	14	20	19
Atlantis Dev. Committee	8	5	5
TOTAL MEMBERSHIP	60	65	72

SOURCE : WCRSC REVIEW (1987-1990 : 23-25)

4.5.2 VOTING

Article 9(1) of the Regional Services Council Act, 1985 (Act No. 109 of 1985) points out that every local body represented on a council shall in respect of the policies of the council be

entitled to cast such number of votes as is equal to the proportion, expressed as a percentage between the amount paid by any local authority, or management body and the persons in their areas of jurisdiction or the members of a representative body. In order to understand this article more clearly one have to look at the point of Du Toit (1988:66) where he argues that the number of votes allocated to the local bodies is calculated as a percentage on the basis of the monetary value of the services rendered to each body, in terms of its ratio to the services rendered to all the local bodies in the region. No single body is, however, entitled to more than fifty percent (50%) of the vote, the number of votes exceeding the fifty percent (50%) margin, are allocated pro rata among the other members. What needs to be taken note of is that the number of votes allocated to a local body are divided equally among the individual representatives of such a local body in the Council. A hypothetical example of how votes are to be allocated in a Regional Service Council is presented in table 6.

TABLE 6 : VOTING QUOTAS : REGIONAL SERVICE COUNCIL

LOCAL BODIES	SERVICES USED AS PERCENTAGE OF TOTAL VOTES	RE-ALLOCATED VOTES	MEMBERS	VOTES	DECISION
PAARL	65	65-15=50	5	10	Two-third majority of members present
GRASSY PARK	10	10 +4=14	2	7	
LINGELETHU	10	10 +4=14	2	7	
MILNERTON	5	5 +3=8	1	8	
OTTERY	10	10 +4=14	2	7	
	100%	100% + chairman	12	39	

SOURCE : ADAPTED FROM HEYMANS AND TOTEMEYER (1988 : 67)

4.5.3 MEETINGS OF A REGIONAL SERVICE COUNCIL

According to Article 10(1) of the Regional Services Council Act, 1985 (Act No. 109 of 1985) the first meeting of a Council takes place at a time and place determined by the Provincial Administrator and thereafter at least ten or the lesser number of meetings which the Provincial Administrator may approve, shall be held per year at a time and place determined by the Council or the Chairperson if authorised thereto by the Council.

It must be understood that a Chairperson may at any time and within fourteen (14) days after receiving a written request signed by not fewer than six members, call a special meeting of the Council. Ten days written notice of a meeting is given by the Council to the membership. However, an urgent matter may be treated on shorter notice if the reasons for the urgency are stated at the meeting and are accepted by the Council.

Members who together are entitled to two-thirds of the total number of votes, constitutes a quorum for a meeting of the Council. If a quorum cannot be formed, the matter for the consideration of which the meeting was called, is referred by the Chairperson to the Provincial Administrator for his decision, which decision is carried out by the Council. A Council may allow any person or institution which in its opinion has an interest in the functions of the Council to nominate a person to attend the proceedings of the Council and take part in such discussions of the Council as in the opinion of the Chairperson relate to the interest of the person or institution in question, but such a nominee may not vote in respect of any policy decision (Act No. 109 of 1985).

4.5.4 POLICY MAKING IN A REGIONAL SERVICE COUNCIL

The exceptance of a policy by a Regional Service Council requires a two-thirds majority vote from all members present at a meeting.

Du Toit (1988:67) makes it clear that any proposal not receiving the required majority is carried over to the next meeting and if the proposal again fails to get the two-thirds majority vote, the proposal is withdrawn and may not be tabled again for a period of six months.

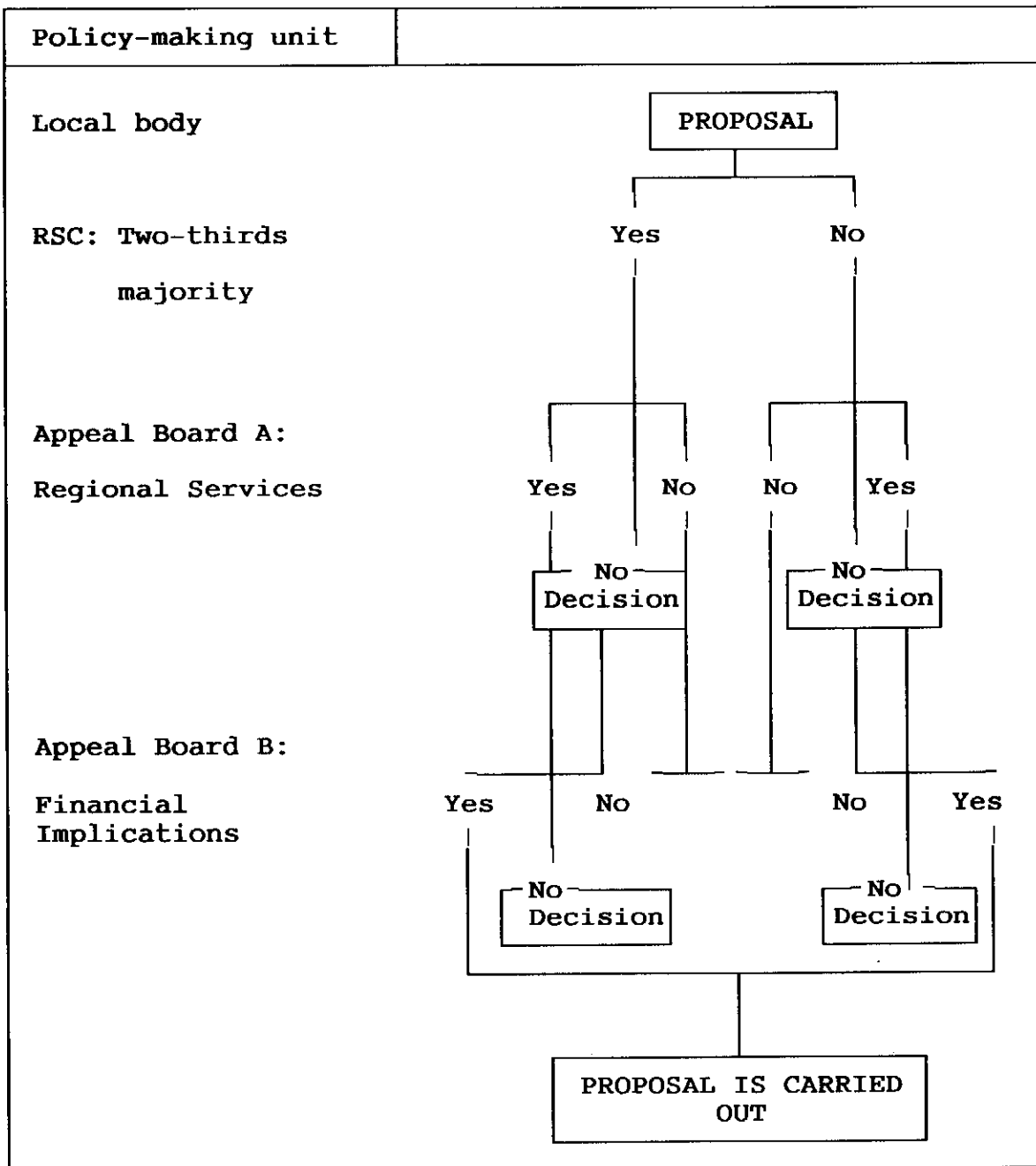
A local body may appeal against a policy decision of a Council which appeal is heard by an appeal board. Article 11(4) of the Regional Services Council Act, 1985 (Act No. 109 of 1985) stipulates that an appeal may be noted only in respect of:

- the failure of a Council to perform a regional function;
- the insufficient performance by a Council of a regional function;
- any decision or proposal of a Council relating to a tariff or levy for services rendered by a Council;
- any determination by a Council of a priority in connection with the appropriation of funds; and
- the refusal by a Council of any application for exemption.

It must be noted that the composition of an appeal board depends on the type of matters at stake. According to Du Toit (1988:67) there are basically two situations. Firstly, if the appeal concerns a putative failure to provide a regional service, the

listing of priorities or exemption from the use of Regional Services Council service or tariffs, the appeal board will consist of five members i.e. the Provincial Administrator and four Cabinet ministers. Secondly, if the case of appeal relates to financial matters the Provincial Administrator is replaced by the Minister of Finance. A decision by four of its members is deemed to be a decision of an appeal board and the Council is expected to carry out such policy. Figure 5 summarises the policy making process of a Regional Service Council.

FIGURE 5 : FLOW CHART OF POLICY-MAKING PROCESS IN A REGIONAL SERVICE COUNCIL.



SOURCE : ADAPTED FROM HEYMANS AND TOTEMEYER (1988:68)

4.5.5 TENURE AND REMUNERATION

A Chairperson of a Regional Service Council is appointed for a period not exceeding five years at a time but after the expiration of his/her term he/she is eligible for re-appointment. This same principle is applicable to all the members of a Council.

According to Article 8(3) of the Regional Services Council Act, 1985 (Act No. 109 of 1985) a member of a Council vacate his office:

- if he/she resigns;
- when he/she ceases to be a member of the local body which nominated him/her; and
- when the local body which nominated him/her withdrew his nomination.

If one of the above cases occur then another person is nominated for the unexpired portion of the term of office.

The remuneration and allowances of the Chairperson, deputy chairperson and the members of a Council is determined by the Administrator in conjunction with the Minister of Finance (Article 9(4) of Act No. 109 of 1985).

4.6 FINANCING OF THE WESTERN CAPE REGIONAL SERVICES COUNCIL

The Financial Services Department of the Western Cape Regional Services Council is responsible for the control over all financial activities of the Council, including agency functions undertaken on behalf of local areas, local councils and the Provincial Administration. The primary source of income which the Financial Services Department has to exercise control over is the regional services levies claimed from each employer, vendor or person in the region. In terms of Article 12(2) of the Regional Services Council Act, 1985 (Act No. 109 of 1985) the Western Cape Regional Services Council maintains a bank account and pays into it:

- all income, donations, loans, appropriations and money received by the Council from any source;
- fines paid in respect of any contravention of the provisions of the Regional Services Council Act, 1985 (Act No. 109 of 1985) in the area of jurisdiction; and
- interest received on the investment of all income.

In order to make sure that the Council receives its income Article 12(9) of the Regional Services Council Act, 1985 (Act No. 109 of 1985) stipulates that any person who fails to pay his levy shall be guilty of an offence and on conviction be liable to a

fine not exceeding R5 000 or imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

In order to maximise its potential as a viable local structure which renders an efficient service to the community one have to look at the operating income and expenditure of the Western Cape Regional Services Council. Table 7 display the operating income and expenditure of the Council for the period 1990 to 1992. What is evident from the table is that in no uncertain terms the Council is clearly a viable structure in the community as such a display would not have been possible under the Group Areas Act.

TABLE 7 : OPERATING INCOME AND EXPENDITURE SCHEDULE OF THE
WESTERN CAPE REGIONAL SERVICES COUNCIL FOR THE YEAR 1991/1992.

INCOME	R(million)
Service Levy	40,0
Establishment Levy	<u>128,0</u>
Total Levy Income	168,0
Other RSC Income	<u>30,8</u>
Total RSC Own Income	198,8
Agency Functions	217,6
Support Services	<u>173,6</u>
TOTAL INCOME	<u>590,0</u>
EXPENDITURE	R(million)
Administration	11,3
Entrusted Functions	38,9
Assistance to Non-viable Communities	25,6
Contribution to Capital Development Fund	123,0
Agency Functions	217,6
Support Services	<u>173,6</u>
TOTAL EXPENDITURE	<u>590,0</u>

SOURCE : WCRSC REVIEW (1991/1992 : 42)

4.7 FUNCTIONS OF THE WESTERN CAPE REGIONAL SERVICES COUNCIL

The functions of the Western Cape Regional Services Council are enshrined in Article 4 of the Regional Services Councils Act, 1985 (Act No. 109 of 1985). Cameron (1991:6) points out that the Western Cape Regional Services Council is responsible for both general and own affairs services. Own affairs functions are performed on behalf of the respective Central Government Departments whereas general affairs is the regional functions which the Council performs. The Provincial Administrator actually determines the functions of the Western Cape Regional Services Council through consultation with the relevant local bodies. The functions of the Western Cape Regional Services Council can thus be categorised into two sections, viz. agency functions and regional functions.

4.7.1 AGENCY FUNCTIONS

The Western Cape Regional Services Council performs a variety of functions on an agency basis. The Council acts as agency for various government departments and municipalities. It is being argued (WCRSCR 1988-1989:8) that the Western Cape Regional Services Council has the necessary experienced and knowledgeable staff as well as infrastructure to perform the necessary functions as being requested by its agents. The Review (1988-

1989:9) of the Western Cape Regional Services Council indicates the following agency functions which it performs:

- the provision of housing and the rendering of all functions ancillary thereto, in the area outside the jurisdiction of the municipalities on behalf of the Houses of Parliament;
- the rendering of all normal municipal functions in respect of all local areas falling within the Council's area of jurisdiction;
- the operation of public resorts (outside municipal boundaries) on behalf of the Cape Provincial Administration;
- the provision of health services for certain communities on behalf of the Cape Provincial Administration;
- the continued development on behalf of the state of the Atlantis Industrial and Residential Areas;
- the normal full municipal operational and administrative function of 39 local areas for all three Houses of Parliament; and
- the planning, development and operation of new residential areas for the coloured population group.

4.7.1.1 DISCUSSION OF AGENCY FUNCTIONS

In order to illuminate the successfulness of the Western Cape

Regional Services Council in rendering an agency function it is necessary to show the level of achievement in performing this function.

As far as the provision of housing is concerned the Housing Branch of the Western Cape Regional Services Council has had extensive successes. During the period of 1988 - 1989 a housing scheme of 225 dwellings was completed and construction of a further 691 dwellings was commenced in the Atlantis area (WCRSC Review, 1988-1989:4). Another important fact is that in Blue Downs, a suburb in Cape Town, no fewer than 9110 erven have been fully serviced (WCRSC Review, 1988 - 1989:4). Thus, it is clearly evident that the Housing Branch of the Council has had a major impact on the community of Cape Town because without its efforts the shortage of houses would not have been addressed.

Refuse removal is a major continuous operation of the Western Cape Regional Services Council. A point to note in this regard is that during the period 1988 - 1989 a total of approximately 37 000 tons of refuse was handled (WCRSC Review, 1988-1989:5). Coupled this with the range of municipal services for example, water pollution control and monitoring of ground water which the Council is involved, it entrenches the notion that the Council is a major contributor to public satisfaction in the Western Cape.

In addition to the above-mentioned, the Health Department of the Western Cape Regional Services Council renders an effective

service to the community. The Council is mainly involved in health education awareness campaigns and has made it its priority to give staff members specialised training in the provision of counselling services in respect of Aids and Tuberculosis. A major highlight in this regard was the establishment of two clinics in Belhar and Durbanville respectively, to enhance health education (WCRSC Review, 1988-1989:7).

Where the operation of public resorts are concerned the Western Cape Regional Services Council has had major successes. The Monwabisi beach development at the False Bay coastline could be highlighted in this regard. According to the Review of 1988-1989 (WCRSC Review, 1988-1989:8) extensions and upgrading of the beach in respect of parking, picnic areas, paved promenades and kiosk/food outlets which amounted to R4 500 000 was completed.

4.7.1.2 PROLIFERATING AGENCY FUNCTIONS

A report in the Review (WCRSC Review, 1989-1990:4-5) indicated an increase in the responsibilities as agent due to the fact that the following local and rural councils were established and which came to reside within the Western Cape Regional Council's area of responsibility:

- The Constantia Valley Local Council;
- The Bloubergstrand Local Council;
- The Melkbosstrand local Council;

- The Kommetjie Local Council;
- The Ottery East Local Council;
- The Cape Rural Council; and
- The Paarl Rural Council.

The establishment of the above-mentioned councils led to an increase in the workload of the Western Cape Regional Services Council. The reason why these councils elected the Western Cape Regional Services Council as agent can be attributed to the fact that they demonstrated a great degree of interest in the quality and costs at which the Council renders its services. Apart from the cost factor the agency function of the Western Cape Regional Services Council has been made much easier by the delegation of powers of the responsible Own Affairs Ministers to the Council which meant that it could take final decisions on all matters which a municipality could do thereby expediting the rendering of services for which reason the above local councils excepted the Council as agent in effect proliferating agency functions (WCRSC Review, 1989-1990 : 7).

4.8 REGIONAL FUNCTIONS

The second category of functions which the Western Cape Regional Services Council performs is the regional functions or what is also known as general functions. At the beginning of its establishment the Western Cape Regional Services Council were

charged to perform regional functions. Cameron (1991:12) points out that decisions in respect of regional functions have to go to the Cape Provincial Administration for final approval. In terms of the Regional Services Council Act, 1985 (Act No. 109 of 1985) and as pointed out in its Review (WCRSC Review, 1991-1992 : 30-31) the Western Cape Regional Services Council is charged with the following regional functions:

- bulk supply of water;
- retail supply of water;
- bulk supply of electricity;
- retail supply of electricity;
- fire brigade services;
- land usage and transport planning;
- traffic matters;
- civil defence;
- cemeteries and crematoriums;
- refuse dumps;
- sewage purification works and main sewage disposal pipelines;
- storm-water drainage;
- public open spaces, roads and the lighting thereof;
- certificates of fitness, roadworthy certificates and testing for drivers' licenses;
- nature reserves;
- promotion of tourism;
- pounds;
- collection of dog tax and control over dogs;

- vacuum-tanker services and night soil removal services;
- refuse removal services;
- recreation facilities, public resorts, beach amenities, caravan parks and picnic sites, the use of which are not limited to a specific population group;
- health services in rural areas, as referred to in section (20)(1)(a), (b) and (c) of the Health Act, 1977 (Act 51 of 1977);
- environment conservation;
- passenger transport services;
- abattoirs;
- fresh produce markets;
- airports;
- private roads, irrigation roads and roads in rural areas;
- establishment, improvement and maintenance of other infrastructural services and facilities; and
- control of problem animals in rural areas.

4.8.1 DISCUSSION OF REGIONAL FUNCTIONS

In order to illustrate the level of achievements of the Western Cape Regional Services Council it is necessary to analyze it by means of a detailed discussion.

4.8.1.1 HEALTH SERVICES

Of note here is the mission statement of the Health Department

of the Western Cape Regional Services Council which state that:

"The Health Department of the Western Cape Regional Services Council, in co-operation with other Health Service providers and in terms of National Health Policy, strives to promote optimum health for the communities it serves, by ensuring a service that meets the primary health care of those communities"

(WCRSC Review, 1989-1990 : 8).

With such a mission statement it is inevitable that the Western Cape Regional Services Council is able to produce the services it is currently producing. During the budget year 1989-1990 (WCRSC Review, 1989-1990 : 8-9) fourteen new nursing posts were created and four new clinics established to deal with the 1,44 million attendances it receives per annum. Coupled this with the Health Department's concerned to monitor air pollution, sewerage outfall hazards and disposal of medical waste one cannot help but to admit that the Western Cape Regional Services Council is a major contributor to health care in its region.

4.8.1.2 TRAFFIC SERVICES

Kombi Taxis is a class of traffic which creates many problems in the area of Cape Town. Many accidents occur due to the negligence of drivers in which kombi taxis are involved.

However, the new Traffic Act, 1987 (Act 45 of 1987) replaced the Provincial Ordinances and helped to alleviate some problems. With the establishment of the new Traffic Act the traffic force is constantly and consistently receiving training in order to strengthen the traffic control services.

4.8.1.3 LAND USE PLANNING

This area of functioning of the Western Cape Regional Services Council is required to supply the expertise to deal with the development of large scale commercial development such as shopping areas. Apart from this the Review (WCRSC Review, 1989-1990 : 11) reports that there has been a great emphasis on coastal management and the development of beach recreational areas, which has become necessary as a result of increased pressure on these facilities from all the sectors of the community also in consequence of the "open" policy of the previous government. In serving the community effectively, the Land Use Planning section had to cope, during the budget year 1989-1990, with a 13,35% increase in building plans approval (WCRSC Review, 1989-1990 : 11).

4.8.1.4 FIRE AND RESCUE SERVICES

At present the Western Cape Regional Services Council has six

fire stations in its area of jurisdiction and a seventh is nearing completion at Melton Rose, Black Heath (WCRSC Review, 1989-1990 : 12). At the point of writing this dissertation the fire station has been completed and are in full operation. It could be said that the fire service acts with a great degree of professionalism and is one of the most active brigades in the country. This is being legitimised by the fact that the fire service responds on the average to 2080 calls per year (WCRSC Review, 1989-1990 : 13).

4.8.1.5 LIBRARIES

The acquisition of knowledge is of vital importance to a community and one branch through which one can acquire knowledge is by means of libraries. One significant area of attraction at some Cape Town libraries, which the Western Cape Regional Services Council facilitates, is the informal activities for example, art competitions, colour-in-competitions, magic shows, film shows and talks by prominent personalities in an effort to get the people to utilise the facilities of the libraries. According to the Review (WCRSC Review, 1989-1990 :14) the libraries in its area collectively serve some 62 500 borrowers with 962 items of library material.

4.8.1.6 NATURE RESERVES

The Rondevlei Bird sanctuary and the Cape of Good Hope Nature Reserve is being run by the Western Cape Regional Services Council. In 1990, R60 000 donation was used to build a resource centre which houses and display detailed environmental information concerning Rondevlei and its environs as well as facilities for the carrying out of natural science experiments (WCRSC Review, 1989-1990 : 15). Seeing that 13 000 visitors respectively visits the Rondevlei Bird Sanctuary and the Cape of Good Hope Nature Reserve the prominent role which the Western Cape Regional Services Council play in this regard cannot be disputed.

4.8.1.7 CEMETERIES AND CREMATORIA

The Western Cape Regional Services Council received much criticisms for its involvement in the exhuming of human remains to allow construction of the Vanguard Drive interchange at Goodwood in Cape Town. This was a very emotive issue but through successful negotiation with various parties the Western Cape Regional Services Council solved the issue. This negotiation has led to the installation of additional cremators at the Maitland Crematorium and the acquisition of additional ground for a regional cemetery (WCRSC Review, 1989-1990 : 17). Thus, it could be seen that the Western Cape Regional Services Council

constructs its work in such a way so as to benefit the community at large.

4.9 ASSESSING PUBLIC PARTICIPATION IN THE WESTERN CAPE REGIONAL SERVICES COUNCIL

Many criticisms are levelled at the Western Cape Regional Services Council. Irrespective of the criticisms the Regional Services Council kept on producing the services for which it was created. These criticisms will now be highlighted.

4.9.1 ADMINISTRATION

It has been pointed out earlier that the Regional Services Councils are responsible for both general and own affairs services. This dual role created a complication for the Regional Services Council in the sense that it resulted in an administrative overload. In this respect Cameron (1991:7) pointed out that excessive delays occurred in the completion of the workload of the Regional Services Council because it could not handle the demands placed on it for the reason that it had neither the staff nor the resources to operate effectively. The result of this was that the Regional Services Council were criticised for concentrating too much on own affairs functions and that it did not have the administrative ability to perform its dual role effectively.

4.9.2 LACK OF ACCOUNTABILITY

Apart from the criticisms which are levelled at its administration the Regional Services Council are also accused for a lack of accountability. This lack of accountability stems from the fact that the Regional Services Council does not operate open or accountable to the public (Cameron, 1991 : 11). Policy making at committee level occurs behind close doors where consensus is reached on policy matters and then implemented. In substantiation of this point Cameron (1991 : 11) cites the example which appeared in the Cape Times of 28 May 1988 where it was mentioned that the budgetary meeting of 1988 of the Western Cape Regional Services Council took no longer than thirty minutes afterwhich discussions were closed. This type of discussions which concerns major financial matters draws the accountability paradigm of the Regional Services Council under a question mark. Thus, because of the manner in which meetings are held the Regional Services Council is being accused of lacking accountability.

4.9.3 CONTROLLING POWERS

Another major criticism levelled at the Regional Services Council is that its controlling powers are non existent. Breytenbach (1987:47) points out that elected local bodies are not controlled by Regional Services Councils simply because the Regional

Services Council have no original powers to tax outside the sphere of delegated powers permitted by the Minister of Finance. This point of Breytenbach ought to be seen in the context that the power to legislate over local matters is a municipal prerogative and because it is a municipal prerogative the Regional Services Council has no legislative powers over its elected local bodies. So it could be detected that the Regional Services Council has no controlling powers.

4.9.4 LEGITIMATION

What needs to be stressed is that in terms of producing services in a community the Regional Services Council was a viable institution. The services which the Council produced was pointed out in the thesis. What is of paramount importance however, is that the members of the Regional Services Council were nominated by the Council and not elected by the public (Todes et al, 1986:54). This resulted in a serious legitimation crisis for the Regional Services council because by means of the Council nominating persons to be represented on its various committees the public was not directly involved in its activities. In this instance Todes et al (1986:63) points out that the public did not directly participate in the building of roads and other projects. The activities were all initiated by the Council. Therefore the Regional Services Council could be criticized of lacking legitimacy as there was no direct public participation in its

policy making process.

4.10 POLICIES OF THE WESTERN CAPE REGIONAL SERVICES COUNCIL

Irrespective of the criticisms which are levelled at the Regional Services Council it is a major institution to be reckoned with in the community it serves. This is evident in the public policies which was implemented and the contributions the Western Cape Regional Services Council made in the socio and economic upliftment of the community.

Figures 6, 7 and 8 display the public policies of the Western Cape Regional Services Council which were implemented during the periods as indicated. The policies were implemented through much deliberations in public forums and meetings. The amount of policies which were implemented is indicative of the fact that public participation in public policy making as far as the Western Cape Regional Services Council is concern is optimally successful.

FIGURE 6 : POLICIES OF THE WESTERN CAPE REGIONAL SERVICES
COUNCIL FOR THE PERIOD 1988 - 1989.

- Completed 225 residential dwellings in Sherwood Village.
- Provided a sports hall and creche at Protea Park.
- Passed 1783 ervens' building plans for Blue Downs.
- Created a 600 mega metre water-main to supply Crossroads.
- Handled 37 tons of refuse.
- Installed a storm water channel and a pre-mix overlay of four kilometres along the Hout Bay road.
- Commissioned two clinics at Belhar and Durbanville.
- Trained Health Department members to provide counselling services to combat the threat of Aids.
- Upgraded beach resort at Bloubergstrand; including parking and picnic areas, administrative buildings and kiosk outlet.
- Provided officers to patrol beach resorts as a law enforcement operation aimed at reducing anti-social behaviour.
- Accepted transfer of Eskom's responsibilities as bulk supplier of electricity to 1900 customers in the Melkbos, Blouberg and Duynefontein reticulation areas.

FIGURE 7 : POLICIES OF THE WESTERN CAPE REGIONAL SERVICES
COUNCIL FOR THE PERIOD 1989-1990.

- Opened a new library in Atlantis.
- Completed extensions to the Monwabisi holiday resort.
- Upgraded Silverstroom resort on the West Coast.
- Built a Resource Centre at Rondevlei Bird Sanctuary.
- Completed 132 residential dwellings in Atlantis.
- Acquired computer equipment to handle all accounting functions thereby streamlining its financial systems.
- Included Paarl and Stellenbosch areas in the programme of its Security section.
- Completed a fire station at Melton Rose in Blackheath.
- Created fourteen new nursing posts at the Cape Town station of the Health Department.
- Received approval for a fifth self-help project in the development of housing.

SOURCE : WCRSC REVIEW (1989-1990)

FIGURE 8 : POLICIES OF THE WESTERN CAPE REGIONAL SERVICES
COUNCIL FOR THE PERIOD 1991-1992.

- Completed a detention dam in the Driftsands Nature Reserve.
- Built an additional span which was added to the Macassar waste water treatment works to prevent upstream flooding.
- Replaced a bridge in Main Road Kuils River.
- Carried out an investigation into aspects of passenger transport in the Western Cape.
- Established a primary health care project in Khayelitsha which resulted in the building of three health centres.
- Initiated a fire service training school in Ottery.
- Rendered a traffic agency service to the Franschoek Municipality.
- Established law enforcement offices in Hout Bay and Constantia.
- Built a new premis for the Tokai library.
- Constructed a new wing to the existing crematorium to house a twin reflux cremator.
- Recommended the erection and operation of a restaurant in the Cape of Good Hope Nature Reserve.
- Completed the building of a civic hall to serve the community of Cravenby.

4.11 SUMMARY

In this chapter a detailed analysis of the structure and functions of the Western Cape Regional Services Council was given. It was shown that a Regional Services Council operates under guidance of the Regional Services Council Act, 1985 (Act No. 109 of 1985). The services that were rendered in the Western Cape over a three year period was indicative of the fact that the Regional Services Council is necessary as a local institution. It was pointed out that the Regional Services Council renders both agency and regional functions. The introduction of the Regional Services Council was therefore important for the community. However, many criticisms, which were pointed out in this chapter, were levelled at the Regional Services Council. One of these was that the people who constitutes the various committees of the Regional Services Council were nominated and not elected to sit in at the meetings. Thus, there was no direct public participation in policy matters as far as the Regional Services Council was concerned and therefore the lack of legitimacy. The next chapter will look at an analysis of public participation in public policy making.

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CHAPTER 5

**AN ANALYSIS OF PUBLIC PARTICIPATION IN
PUBLIC POLICY MAKING.****5.1 INTRODUCTION**

In this chapter an analysis of public participation in public policy making will be given. This analysis is based on the activities of the Regional Education Boards and the Regional Services Council in terms of their elements which facilitates public participation in public policy making. The analysis will give a clear indication of what parameters of public policy making is of paramount importance for the public to participate in public policy making. After this analysis a criteriological model, which indicates the criteria whereby the public could effectively participate in public policy making will be presented. The model will clearly point out the methodology of how to enhance effective participation in public policy making.

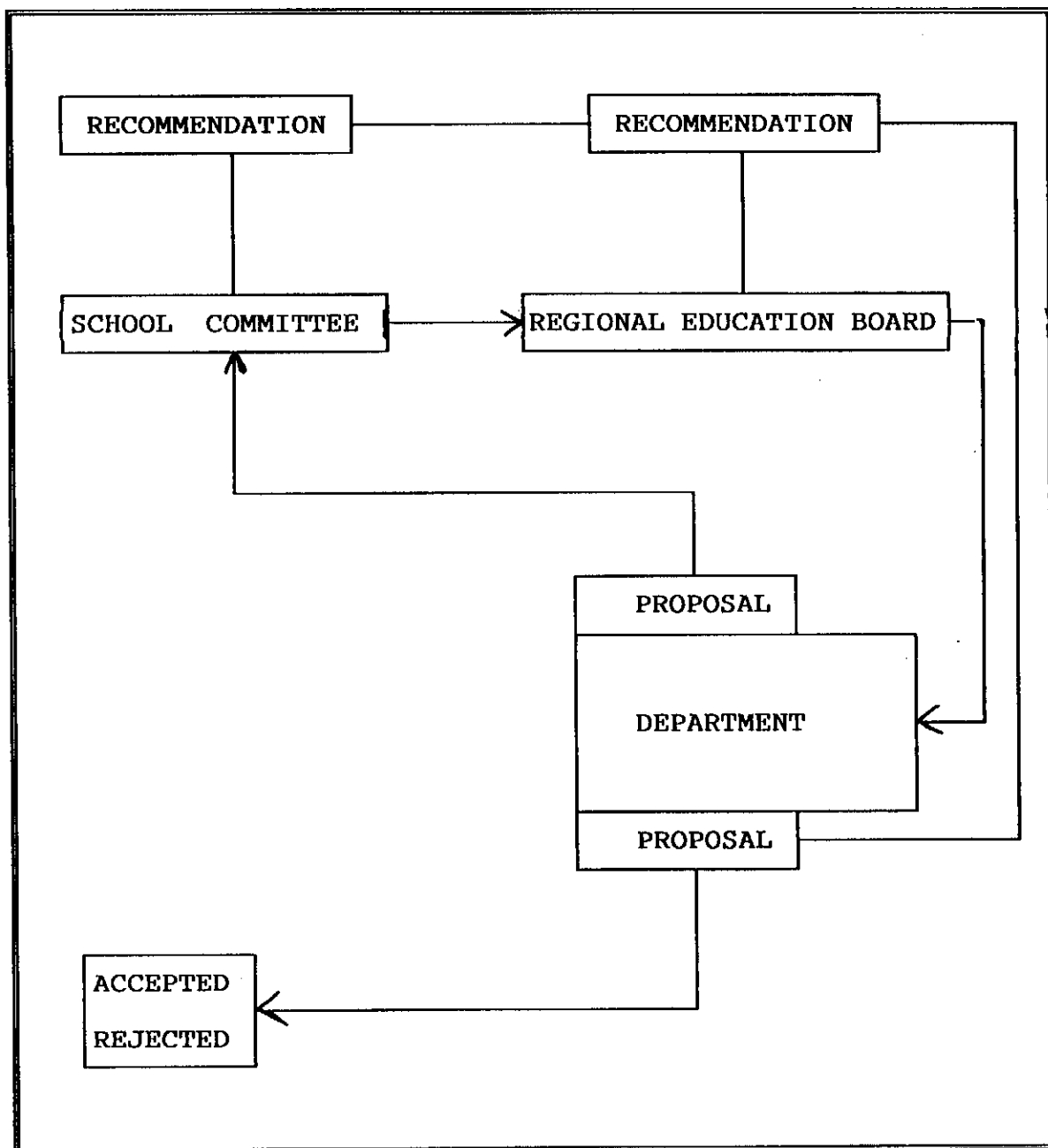
5.2 ANALYSIS OF PUBLIC PARTICIPATION AT LOCAL LEVEL

In this section public participation within the Regional Education Boards and Western Cape Regional Services Council will be analyzed.

5.2.1 REGIONAL EDUCATION BOARDS

As previously explained, the Regional Education Boards serve as an extension of the Department of Education and Culture as far as policy making is concerned. No matter what the conditions may be, the Regional Boards have to be consulted in policy making matters as far as its functions, which were pointed out in chapter three, is concerned. In this way the public, by virtue of its representation on the Regional Education Boards, is provided an opportunity to participate in the policy making process. The following diagram (figure 9) sums up the policy flow in the Department of Education and Culture.

FIGURE 9 : POLICY FLOW DIAGRAM IN THE DEPARTMENT OF EDUCATION AND CULTURE.



SOURCE : EDUCATION BULLETIN NO. SP1/1991 (1991 : 2).

5.2.1.1 FACILITATION OF PUBLIC PARTICIPATION IN POLICY MAKING

In order to bring forth an analysis of public participation in policy making it is necessary to indicate the elements which facilitated public participation. In the case of the Regional Education Boards some policy elements stood out very prominently which is indicative in what areas the public are allowed to participate in policy making in the Department of Education and Culture.

Firstly, an element through which the Regional Education Boards feature very prominently is its policy advisory function. A few examples which could be pointed out is that it advises the Department on the appointment and promotion of educators, the provision of school accommodation as well as general matters relating to education (Act No. 47 of 1963). By means of the policy advisory function the Regional Education Boards provide the Department with facts and possible implications on specific policy alternatives. Through the policy advisory function the Regional Education Boards influence policy making by presenting information in a way it sees fit. Thus, by giving advice on policy matters the Regional Education Boards serves the Department with important recommendations on how to shape policy.

Secondly, the Regional Education Boards also feature prominently in policy monitoring. The basic function of policy monitoring is to obtain policy relevant information in order to

assist the Department on policy results with a view to adapting existing policy or to devise policy alternatives (Hanekom, 1987:28). One example in this connection is that should an educator be placed incorrectly in a promotion post and a dispute arises, the Regional Education Board can investigate the matter and from information obtained make another recommendation which is aimed at rectifying the matter. Hence, the chief purpose why the Regional Education Board is involved in policy monitoring is to ensure that conflict is eliminated.

A third policy element where the Regional Board features prominently is that of policy implementation. Policy implementation occurs when a governmental decision is formally articulated either as legislation, regulations laid down by the Minister, Cabinet decisions, Court decisions or announcement by senior governmental officials (Quade, 1982:310). Examples where the Regional Education Board is directly involved in policy implementation is in the area where it can directly appoint school committees at a school as well as having the final say in the expulsion of pupils. In this regard it needs to be pointed out that the decision of the Regional Education Board in this regard is final and that there is no other body which could influence or supersede the decisions of the Board. Thus in the two examples mentioned it could be seen that the Regional Education Board is directly involved in policy implementation due to the finality status of its decisions.

5.2.2 WESTERN CAPE REGIONAL SERVICES COUNCILS

It has already been made clear at an earlier stage of this thesis that a Regional Services Council is an autonomous multiracial local authority existing for the development and provision of local services on a regional basis. The members of a Council which are drawn from the community all has a say in what is of necessity in their community. The members are not themselves elected by popular vote but are designated by local councils whose members are directly elected (Van Eeden 1989:4). This means to say that local bodies of a region, whether municipalities or town councils, town committees or rural councils are entitled to nominate members to represent them on the Regional Serves Councils. So, by drawing in the members into a council the general public is ensured of participating in public policy making. This participation is, however, limited due to the fact that members are not elected directly but are rather nominated (indirect participation).

The composition of the members of the Western Cape Regional Services Council is of such a nature that one have to concur with Van Eeden (1989:4) that it achieved a major objective which is that it paved the way for joint decision making by Black, Coloured, White and Indian communities of a region on general matters affecting the quality of their daily lives - electricity, water, sewerage, streets, transport services, health and recreation facilities. Thus, together, the members of a Regional

Services Council determine the quality of life of various communities which share a common economic destiny in a given region.

5.2.2.1 FACILITATION OF PUBLIC PARTICIPATION IN PUBLIC POLICY MAKING

As in the case of the Regional Education Boards some elements which facilitated public participation in policy making also stood out in the case of the Western Cape Regional Services Council. The elements are by no means the same because of the nature of activities of the two local bodies; the Regional Education Boards being primarily concerned with education and the activities of the Western Cape Regional Services Council being aimed at community upliftment.

Firstly, by means of its membership the Western Cape Regional Services Council ensures that no centralisation of decision making occurs. Hence, no single individual on the Council possesses the power to make a decision singularly and thereby influencing the policy making process. A policy is adopted and implemented by means of reaching consensus on issues. In this connection Cameron (1991:6) reports that in its first fifteen months of operation the Western Cape Regional Services Council adopted two thousand decisions by means of consensus. Thus, consensus is seen as a strong element in public participation in

policy making by the Western Cape Regional Services Council.

Secondly, an important policy factor which emanates from the activities of the Western Cape Regional Services Council is that of policy outputs. Policy outputs is defined by Hogwood and Gunn (1984:16) as what government actually delivers as opposed to what it promises or has authorised through legislation which includes the payment of cash benefits, the delivery of goods or services and or the enforcement of rules. In figures 6, 7 and 8 of chapter four it is shown what the Western Cape Regional Services Council actually produce in terms of policy output. So, it could be deduced that the voice of the public is strong as far as policy outputs are concern because the people ensures that the policies which are formulated becomes a reality.

A third policy element which emanated from the establishment of the Western Cape Regional Services Council whereby the public is involved is that of policy evaluation. In the Council, services are not provided on an ad hoc basis, neither because of the members feeling that it may be of benefit to the community. According to Cameron (1991:9) the Western Cape Regional Services Council approved a comprehensive formula by which means the necessity of a particular service is evaluated. The formula (figure 10) is based on a spectrum ranging from a high priority to a low priority service. Thus, an important policy element through which the public participate in the policy making process is that of policy evaluation whereby the necessity of the service

is determined after which the service is either provided or not provided.

FIGURE 10 : FORMULA FOR DISTRIBUTING SERVICES IN TERMS OF
URGENCY OF PROJECT

RATING	CLASSIFICATION	ASSESSMENT
A	Absolute priority	Omission or delay would have catastrophic results
B	Essential project	Cannot be left undone or postponed without serious detriment to the public interest
C	Desirable project	Should enjoy priority based on particular advantages the community would derive
D	Useful project	Though non-essential, would nevertheless serve a useful purpose and ought to be undertaken in the public interest
E	Non-essential project	Could be dispensed with or postponed without materially harming th public interest
F	Totally unacceptable project	Should not be considered

SOURCE: ADAPTED FROM CAMERON (1991 : 9)

5.3 CRITERIOLOGICAL MODEL FOR EFFECTIVE PUBLIC PARTICIPATION

With reference of what has been said thus far a criteriological model for effective participation in public policy making will be analyzed. In this model the basic criteria of how public participation should occur will be laid out.

5.3.1 CONTRACTS AND AGREEMENTS

Baxter (1984:218) argues that it is by contracts and agreements, between public and private bodies, that a vast amount of administrative tasks are performed and administrative policies implemented. He based his argumentation on the illustration of government contracts and agreements for the supply of goods, services and facilities as well as the fact that town planning conditions are often the result of bargaining between the developer, local authority and provincial administration. Another illustration is where the Department of Education and Culture Service and the South African Democratic Teacher's Union has concluded an agreement that the latter will be consulted in all policy matters and that no new policy will be implemented unless the latter has agreed to the implementation thereof. What is significant of these illustrations is that through contracts and agreements the public is assured of a say on policy matters which affects them thereby facilitating bilateral and multilateral participation. Contracts and

agreements is of major significance for the policy making process due to the following reasons :

- the process is flexible thereby allowing for great freedom of action on the part of the public authority concerned; and
- the agreements redounds to the mutual benefit of all;- there are no winners or losers (Baxter, 1984:219).

Thus, contracts and agreements is a major criteria for effective participation because it not only gives the public bargaining power but it leads to a reciprocal relationship between the public and government authorities in the policy making process.

5.3.2 MEDIATION

Mediation is designed to induce an agreement of the parties as to the specific type of settlement which is preferable in the interests of each at the time of settlement (Baxter, 1984:219). Hence, mediation is an integral part of agreements as it also has the ultimate aim to reconcile two parties by means of persuasion, negotiation and accommodation. Mediation is of paramount importance to the field of industrial relations and the implementation of policies in that regard. The Labour Relations Act, 1956 (Act No. 28 of 1956) provides for the appointment of conciliation boards and mediators by the Minister of Manpower. Mediation is important to the policy making process because it

is a situation where concessions could be made by the parties concerned in order to reach consensus on a particular policy proposal. The principle of consensus in the mediatory process ensures that an agreed upon policy is reached by the parties concerned.

5.3.3 ADJUDICATION

According to Baxter (1984:220) the distinguishing characteristic of adjudication lies in the fact that it confers on the affected party a peculiar form of participation in a policy, that of presenting proofs and reasoned arguments for a decision in the party's favour. What this point is implicating is that the participant is able to appeal to rules and standards which would be binding on such a person. An example in this connection is where an individual may apply for a public road transportation permit in terms of the Road Transportation Act, 1977 (Act No. 74 of 1977). Allowance is granted by the Act for the applicant (and any other interested party) to submit representations and it requires of the applicant to prove the existence of a number of specified conditions conducive to the granting of a permit. Thus, the adjudicatory process affords individuals the chance to participate in public policy making. The process provides the greatest guarantee of a reasoned policy based, not on executive fait, but on pre-existing rules and standards thereby providing

institutional legitimacy to administrative decisions (Baxter, 1984:221).

5.3.4 INVESTIGATION

The investigatory process entails an active search for information on the part of the policy maker or his agent. Hogwood and Gunn (1984:73) points out four activities involved in policy investigations. These are :

UNDIRECT VIEWING : This is exposure to information without any specific purpose in mind;

CONDITIONED VIEWING : A degree of purposefulness in terms of the information sources to which an institution exposes itself and of the purposes to which that information may be applied;

INFORMAL SEARCH : Here regional representatives might be requested to look out for certain types of information for specified purposes. For example, tax inspectors might be asked to look out for signs of growth in the "black economy"; and

FORMAL SEARCH : This involves quite deliberate scanning with the aim to acquire specific information for specific purposes.

Commissions of inquiry play a pivotal role in investigations because their aim is to investigate matters which may lead to the implementation of policies that seriously affects individual rights and interests. It is for this reason that Baxter (1984:222-223) points out that there should be adequate provision for the right of representations on commissions of inquiry by the public who may be adversely affected as a result of investigations and that commissions should conduct their proceedings in public wherever possible.

5.3.5 CONSULTATION

Scott and Rochester (1988:177) is of the opinion that if a good group atmosphere are not to be jeopardised, it is essential that a matter be discussed and resolved by means of consultation. For this reason it is important to consult people or groups in policy matters in order to alleviate the possibility of strikes, boycott and violent action by those whom the policy affects. The mechanism that the public is consulted on broad policy issues by means of referenda is not enough because it is restricted to time and locality. The nature of an issue at hand and the interest it arouses should be the basis by which government consult the

public on policy matters.

Bernardt (1989:77) advocates the point that consultation between the government and interested parties is a two way process: each has something the other wants and the process holds advantages for both. Bernardt (1989:77) points out three advantages which the consultative process may hold for policy making. These are :

- It enable groups to obtain prior information about proposed policy changes so that the group can deliberate among themselves, adopt a firm position and if necessary, mobilise sources of political power;
- It ensures sympathetic decision making especially in cases where such decision making is at the discretion of public officials; and
- the government receives information, the co-operation of leaders of groups and the implicit and explicit consent of the group.

Irrespective of the above advantages, Baxter (1984:225) holds the view that consultation does not guarantee that the participants will be able to affect a final decision because, a public authority which is bound to consult is not bound to follow the views of those it consults nor does consultation require eventual agreement between the consultor and the consulted. In this respect Bernardt (1989:77) shares the view of Baxter

because in addition the former iterates that in the consultation process interest groups undertake to recognise the right of the government to take decisions about an issue which was under discussion. Thus, through consultation the policy maker is informed of the various issues and views which he ought to pay regard to and, albeit small, the public has an opportunity to participate in the policy making process.

5.3.6 NEGOTIATION

To negotiate is to hold communication or conference with one another for the purpose of arranging some matter by mutual consent (Sykes, 1987:678). The chief elements in this definition is that of agreement and exchange. Hence negotiation has the aim of effecting mutual consentment on policy issues. In order to understand the principle of negotiation fully it is necessary to look at what the process of negotiation entails.

5.3.6.1 NEGOTIATION PROCESS

Hatting (1989:17) points out that the process of negotiation occurs on two extremes. The first extreme is that of simple negotiation where negotiation between two participants is direct, unfettered and unhampered by extraneous circumstances. The simple form of negotiation is related to the concept of bilateral

monopoly in the study of economics in which a single buyer of a specific commodity is confronted by a single seller of that commodity. Thus, simple negotiation is similar to that of a two way communication process between two individuals.

The second extreme is that of complex negotiating situations where there may be three or four participating parties and each participant of a party, being an individual with his/her own personal value preferences, will be inclined to have his/her own attitudes towards the matters to be negotiated. An example of this extreme is the Convention for a Democratic South-Africa (CODESA). Thus, many variables are involved in the complex negotiation process which inevitably suggest that the outcome of a policy in this regard will be prolonged.

5.3.6.2 POINTS OF CONSIDERATION IN THE NEGOTIATION PROCESS

It needs to be pointed out that time is an important factor in the negotiation process. In this respect Coddington (1972:5) says that: "short-term gain or gain in the long run will influence the negotiating strategies of the various participants." This point is complemented by Hatting (1989:18) who is of the opinion that any form of delay from any of the participants could place the process in jeopardy if time is of the essence for the other participant(s). Thus, in negotiation cognition should be taken of the time factor because it may lead

to a point where no policy is implemented at all.

Moreover, the nature of the agenda on the negotiating table could be a complicating factor. An open agenda could lead to side tracking aspects entering the negotiating process and instances of bargaining avoidance intended to deliberately delay or totally avoid the reaching of decisions, may occur (Rosenthal, 1980:8). On the other hand a fixed agenda could contain and bind participants to such an extent that decisions could only be arrived at with difficulty (Hatting, 1989:19). It is therefore suggested that an agenda should be drawn up in such a manner that it facilitates the policy making process.

5.3.6.3 IMPORTANCE OF NEGOTIATION FOR POLICY MAKING

Negotiation is important in the policy making process because by virtue of the inputs of the various participants at the negotiating table a balanced decision would be facilitated (Hanekom, 1987:34). Each individual participant of the respective parties at the negotiating table will be inclined to have his/her own attitudes and value preferences towards the matter to be negotiated. Because of such influx of preferences and attitudes the negotiating process is inclined to arrive at a balanced decision.

What ought to be taken note of also is that the problems of governmental relations are political, administrative, legal,

constitutional, practical, theoretical, social, economic and ideological which characteristics are interwoven into a multitude of relations and situations which makes the analysis and study of governmental relations most complex (Hatting, 1989:16). It is within this complexity that negotiation inevitably takes place. The process of negotiation gives each participant body, interest group or party an opportunity to compete with each other for those resources which would enable them to perform their respective functions meaningful and effectively (Hatting, 1989:16).

Moreover, the participants at the negotiation table has different skills and aptitudes. These skills and aptitudes are applied through the utilisation of various facts and values in order to make a deliberate choice between a number of alternatives (Hatting, 1989:16). In this way the negotiation process allows the participants to share common interest in arriving at a satisfactory policy thereby promoting the welfare of a community.

5.3.7 SUPPORT FOR DEMOCRATIC VALUES AND BELIEVES

A primary criteria to take note of in enhancing public participation in public policy making is that in such a process the government of the day ought to show support for democratic values and believes. There are specific paradigms geared to effective participation which maximises the support for

democratic values and believes. These are, the right to free speech, equality of political competition and freedom from government coercion without due process.

5.3.7.1 RIGHT OF FREE SPEECH

The right of free speech is not demonstrated by means of a person screaming "fire" in a crowded movie theatre. What is advocated here is that the right to speak one's mind, regardless of the popularity of one's opinions should be one of the most fundamental rules in public policy making. Not only would the right to participate in public policy making means little if only a single, official version of the truth is allowed but public policy making would also become a mere formal procedure unless all points of view could be presented freely (Weissberg, 1974:123). Therefore, in order to allow the public to participate freely in public policy making and hence to enhance effective policy choices, the government of the day should in no uncertain terms attempt to stifle the right of free speech.

5.3.7.2 POLITICAL EQUALITY AND FREE POLITICAL OPINION

One of the basic democratic tenets is that all men are equal. Equality in terms of wealth, biological and social characteristics does not come into contention in this regard

because it is not compatible with the tenet of democracy. In this respect Weissberg (1974:126) points out that democratic equality refers to equality of rights, for example, the right of free speech and or the right of participation in public policy making. The right to participate in public policy making should not be given to a few or special citizens but must be extended to all citizens. Thus, regardless of one's social class, race, political persuasion or equitable traits, the corollary of the paradigm of equality is the existence of a public policy making process in which everyone can compete and in which policies are made on the basis of majority rule.

5.3.7.3 FREEDOM FROM GOVERNMENT COERCION

The last aspect concerning support for democratic values concerns citizens' resistance to unrestrained political coercion. What is of significant importance is that authorities should not do whatever they desire or what is convenient without a legal mandate. Weissberg (1974:128) agrees that in some instances for example, in times of war and national emergencies the most staunchest democrat would likely accept some government restriction on individual freedom. However, the important point is that where the distribution of social services and the enhancement of the principle of the common good is concerned people should be free from government coercion.

5.3.8 AUDI ALTERAM PARTEM (FAIR HEARING)

It was argued earlier that the consultative process is a principle of sound administration which should be followed in the policy making process as far as possible. *Audi alteram partem* is an axiom of the consultative process. According to Baxter (1984:536-537) the *audi alteram partem* rule dictates that persons who are affected by administrative action should be afforded a fair and unbiased hearing before the decision to act is taken. Wennergren (1969:25) defines *audi alteram partem* like Baxter but the former goes as far as to say that "heard" does not mean "orally heard" but just given the opportunity to comment in one way or another. Thus, the significant status of the *audi alteram partem* rule is that a person must be given the opportunity to present his/her views and state his/her legal interests and to defend his/her rights, especially by pleadings and submittal of data and evidence.

In order to clarify the terminology more broadly and show how it relates to or should be part of the process of public participation in public policy making a few examples need to be given. A dramatic illustration involves the failure to observe a statutory requirement to serve notice in the case between Fredericks versus Stellenbosch Divisional Council. In this case (Baxter, 1984: 545 & 692) two labourers returned home to discover their shanties being demolished by officials of the Council.

They were left over the weekend to soak in the rain with their families. Technically the officials acted correctly by adhering to an administrative procedure as requested by their superiors but in terms of the law their actions were illegal as they failed to give the requisite notice which would have allowed the families a due process to state their side of the issue concerned. The court ordered the council to rebuild the homes immediately.

Another example was the case (Case No. 12.35 of 93:01:14 - Cape Town Supreme Court) between UTASA and the Department of Education and Culture as elicited earlier in this dissertation.

The department implemented policies aimed at financial conservation and retrenchments. This caused a major discrepancy between the Department and UTASA. The court ordered the department to cancel its policies as the opinion of the various interest groups was not obtained prior to the implementation of the policies.

The above examples clearly indicates that the audi alteram partem rule is an inevitable vehicle for effective public participation in public policy making. If the rule is not applied then a court of law can rule that the administrative action which results from a policy could be illegal as those affected by such policy would not have had a fair chance to be heard. Hence, the audi alteram partem rule facilitates accurate and informed policy making as well as ensuring that policies are made in the public interest.

5.3.9 ENHANCING THE QUALITY OF PARTICIPATION IN PUBLIC POLICY MAKING

A study of this nature would not be complete without suggesting some devices and techniques of how to improve the quality of participation in policy making. These suggestions extend the content of participation in new ways and is thus a valuable for this model.

5.3.9.1 COMMUNITY DEVELOPMENT OFFICERS

Community development officers can by their presence encourage and support people's involvement - above and beyond any specific contributions they make to specific activities [Smith & Ross, 1973:33]. The quality of participation in policy making could be enhanced by these officers helping people help themselves in every activity associated with policy making. What could be significant of community development officers is that they may be quite resourceful in providing the links with other groups and building channels for inter-group contact through individuals such as elected officials and public institutions. Hence, in order to enhance the quality of participation it is necessary that the government of the day discern over the possibility of having community development officers who could effectively serve as links between various participants in the policy making process.

5.3.9.2 COMMUNITY FORUMS

Smith and Ross (1973:32) advocates that the establishment of forums, which could serve as a way of creating an integrated and interactive community, could also enhance the quality of participation in public policy making. This is so because by binding together in a forum the establishment of community forums can lead to the creation of new groups and facilitate contact between groups which is vital for an interactive community.

An example of such a forum which is well worth pointing out is the establishment of the Tafelsig Community Forum in Mitchell's Plain [Western Cape]. The community's newspaper "Plainsman", (1994 : 4) pointed out that the forum was established in line with the Reconstruction and Development Programme of the South-African Government. According to the "Plainsman" (1994 : 4) representatives from the different parts of the community will not only discuss grievances with their neighbours and raise it at committee level but the aim is also to present the government with proposals on how to build up the impoverished community. In essence, one should not only have groups who initiate policy proposals to government but where such groups have a common perception of what is needed in their community they should band together in forums and by virtue of their amalgamation extent more pressure on government to implement policies which might serve to the benefit of their community.

5.3.9.3 INFORMAL TRAINING

A complex political system, an extensive bureaucracy and confusing definitions of power such which is evident of the South African society hampers participation in public policy making. It is not always clear what the responsibilities and processes are by which political and other public institutions operate. It is for these reasons that Smith and Ross [1973:35] propose that to clarify institutional and political structures evening adult training programmes, government sponsored films and television shows should be implemented to explain the policy making and political processes. These types of informal training is important as it would present the public with an opportunity to acquire the necessary knowledge of public policy making processes thereby contributing to the quality of participation in policy making.

5.3.9.4 EDUCATION

Schools are an important part of the socio political and administrative environment. Bodies such as the Regional Education Boards, SADTU and UTASA as have been explained earlier in this thesis, play an important role in the formulation of policies which facilitates the education environment. A recent development has seen the establishment of the National Parents and Schools Association. According to the "Argus" [4/8/94] the

primary objectives of the Association are as follows:

- to promote parent and community involvement at school level;
- to represent all members at national negotiations with government, education departments and teacher associations;
- to ensure that there will be no discrimination against or exclusion of any roleplayer in education;
- to utilise the existing channels of communication with the education authorities to make known the views of parents and schools and where necessary establish new lines of communication; and
- to establish and ensure the independent participation in deliberations at all policy making and legislative levels.

The establishment of the above Association with the above goals could be seen as an "incorporation of some elements of parent government in schools" (Smith & Ross, 1973:34). It would clearly enhance the quality of participation because it combines new elements in the school curriculum with participative methods in teaching.

5.3.9.5 PUBLIC HEARINGS

A valuable device in enhancing the quality of participation is that of public hearings. It promotes the quality of citizen

involvement because public hearings provide a practical means for letting citizens know that administrators are listening and for enabling citizens to express their views directly to policy makers (Rosen, 1982:73).

What is significant of public hearings is that when it is announced sufficiently in advance, it will make it possible for citizens to formulate their own ideas, to plan for attendance and to allow citizens to discuss the issues among themselves and for those with common points of view to make joint and complimentary presentations. It is for this reason that Rosen [1982:73] argues that through public hearings issues may be identified which may cause public agencies to look squarely at problems that would otherwise have been swept aside and passed unnoticed. Thus, public hearings have the potential to contribute substantially to fair policy determination.

5.4 STRENGTHS AND WEAKNESSES OF THE MODEL

Like all models this criteria also has strengths and weaknesses. The strengths and weaknesses is a vehicle for serious debate. The outcome of such debate will ultimately proof whether the criteria is to be accepted or not.

5.4.1 WEAKNESSES

Three weaknesses have been identified as far as this criteria is

concerned. These are the non-existence of a pattern, no toleration for conflict and the fact that it does not allow for any alternatives.

5.4.1.1 NON-EXISTENCE OF A PATTERN

A serious complication which this model present is that of the non existence of a pattern of participation. Public participation not only varies in its quantity, but also in its focus and method. In this connection Weissberg (1974:61) points out that in some political systems like that of ancient Athens, it is customary for all citizens to be deeply involved in every aspect of civic life and at the other extreme are political systems in which all but a few citizens are excluded from power. The techniques employed in participation also evidenced considerable variation. In some areas associations, bombing and other forms of violence are standard ways of making one's opinion heard; in other nations such tactics are considered unthinkable and are rejected in favour of voting, petitioning or letter writing (Weissberg, 1974:62). In view of this diversity and variations in public participation it is not desirable to present a model which maintain that participation should be of certain quantity, focus and technique.

5.4.1.2 TOLERATION FOR CONFLICT

Another limitation of this criteriological model is that it does

not address the problem of how to solve the conflict in a community which participation may bring. It only points out the criteria for enhancing effective participation which may lead to the implementation of acceptable public policies. Weissberg (1974:69) is of the opinion that toleration for divisive conflict is an important participation related aspect of public participation in public policy making. It is to be concurred that if public participation is to be more than ritualistic play acting during which nothing ever happens despite enormous noise and commotion significant conflict would be present. However, the criteriological model fails to address the dilemma of conflict avoidance despite the necessity of toleration of conflict for meaningful public participation.

5.4.1.3 NO ALTERNATIVES

Although the model presents a sound criteria of how to enhance public participation in public policy making it does not propose any alternatives. What if the model fails ?

According to Murdoch et al (1973:64) a model on public participation in public policy making must take into consideration a community's unique political, cultural, social and economic structures if it is to propose workable and acceptable policies. Because politics, culture, social and economic structures differ from community to community it is essential to have alternatives in order to adapt to

circumstances. Thus, if a model is to be envisaged as an ideal one a critical examination of its assumptions and proposals and its relation to other alternative models is inevitable.

5.4.2 STRENGTHS

The main strengths of this model is that firstly it provides one with a strategy for public participation in public policy making. Secondly, it reduces unilateral public policy making and thirdly, it enhances democracy as far as public policy making is concerned.

5.4.2.1 STRATEGY

It is to be agreed that the level and intensity of public participation in public policy making differs from community to community. The reasons for this variations were pointed out in the previous paragraph. The model which was indicated does not conceptualise people in a community as static and homogeneous groupings. It construes a community as dynamic and fragmented and the aim of the model is to increase public awareness of criteria which would enhance awareness to organise effectively. For this reason the model is closely associated with the paradigm of Slabbert (1989:15) who says that: "participation is a matter of strategy and not of principle." Hence, with due regard to

the differentiations in communities, the model presents a strategy for enhancing effective public participation in public policy making.

Part of this strategy includes, as Oakley and Marsden (1985:13) puts it: "the assumption that the direction of public policy making is fundamentally misconceived." In this connection the model is seen as a strategy for the creation of opportunities to explore new, open-ended directions in public participation in public policy making. At this end the model regards public participation in public policy making as multi-dimensional which, as a strategy, is concerned with new modes of organisation for the attainment of acceptable public policies.

5.4.2.2 REDUCTION IN UNILATERAL PUBLIC POLICY MAKING

What this indicated model presupposes is a reduction in unilateral public policy making. Through the criteria of negotiation, mediation and consultation the model stresses that it is important for public authorities to take cognisance of the views of people who will be affected by a particular policy. In this way the model seeks to enhance a reduction in unilateral public policy making.

By aiming to reduce unilateral public policy making the model facilitates opportunities to explore new, open-ended directions with regard to the implementation of public policy. This is

however, according to Oakley and Marsden (1985:13), only achievable if there is the incorporation of knowledge from the community in the whole process of public policy making. By means of the indicated criteria the model addresses this phenomenon thereby stressing the non-existence of unilateral public policy making which needs to be evident in a community.

5.4.2.3 DEMOCRATIC PUBLIC POLICY MAKING

Many definitions of democracy have been explored by many writers. One definition which is deemed to be quite useful for this thesis is that of Aristotle. He described democracy as a principle based on complete equality, where neither poor nor rich enjoy political advantages, where all citizens of unimpeachable descent can share in office and where everyone can share in office under the supremacy of the law (Aristotle - translated by Sinclair, 1977:155). This is an ideal which is being striven for in all modern day democracies. The model which has been described stresses this democratic ideal. For, according to Redford (1969:6) liberty exists through participation in public policy making. Public participation is therefore a component of democracy. Hence, by accepting the criteriological model of public participation in public policy making one is in actual fact accepting a democratic ideal.

The idea of participation in public policy making is furthermore emphasized by Redford (1969:7) who is of the opinion that the

individual - rather than any elite of wisdom, wealth, power or asserted divine right - is the rightful judge of the purposes of his life and the means for his realization. Coupled with the notion that participation is seen as a realization of man's potential in social life the model stresses that public participation, which is part of the democratic ideal, is of instrumental value for realizing the goals of a humane society.

5.4 SUMMARY

In this chapter an analysis of public participation in public policy making was given. The analysis is based on an evaluation of the activities of the Regional Education Boards and the Regional Services Councils in terms of their elements which facilitates public participation in public policy making. What is significant of this analysis is that in terms of the Regional Education Boards the policy elements such as policy advice, policy monitoring and policy implementation stood out as parameters by which the public participate in public policy making. This seems to suggest that public participation in policy making, as far as the Regional Education Boards are concerned, is centred around those three parameters. In the case of the Regional Services Council the elements of negotiation and agreements, policy evaluation and policy outputs is strongly identified with public participation in public policy making. The notion is thus presented that at local level these elements

are prime parameters for effective participation. The elements which were under discussion flows directly in the model which was presented. The model contains the ingredients for effective participation in public policy making as it sets out the criteria which is of vital importance for public participation in public policy making.

CONCLUSION

In conclusion it should be mentioned that public participation in public policy making goes hand in hand with an acceptable policy. A government should never monopolise the policy making process because any attempt to control the process will never spark the creative force which public participation may bring. A government should therefore utilise the capacity of political parties, business organisations, civic organisations, local government structures, interest groups, community based organisations and social movements to effect the outcome of a feasible and acceptable policy.

Before implementation, policies should always be available for public scrutinisation. This will ensure a government's accountability and transparency. Transparency in public policy making is in essence where the public in general have the opportunity to monitor policy implementation and criticize where necessary. Alternative policy proposals from the public needs to be absorbed and incorporated when necessary thereby ensuring transparency in the process of public policy making.

Essentially, the public should guard against the error of writing

off a government. Local government is part of government. Leaders of community based structures should make sure that they are adequately represented in government policy making units for example, on education boards because such representation is a very important key in determining the ground rules of local government policy making. Thus, community groups cannot afford to avoid dealing with the government and ignore the reform of its local institutions which public policy making may bring.

Because public participation should be understood as the active involvement of people in the policy making process insofar as it effects them, public participation would bring about societal change and growth. This one needs to understand, for example in the sense of community involvement where people have both the right and the duty to participate in solving their own education problems, having greater responsibilities in assessing their health needs, mobilising local resources and suggesting new solutions. This is essentially what was indirectly incorporated within this thesis because the focus was on the way public policy should be made.

As a point of departure in this thesis a theoretical perspective concerning the theory of public policy making was given. This theoretical perspective centred around a conceptual framework for public policy making. The understanding of the conceptual framework was made clearer by pointing out the specific typologies and policy levels in which the policy making process is manifested.

Public policies are future orientated bearing in mind that the implementation thereof is aimed at changing or improving a certain condition. It takes place within a framework of legally instituted public bodies. For this reason the various participants as mentioned in the conceptual framework, play an important role in the policy making process. The participants in the policy making process give the process a political dimension. Although public policy making has a political and administrative dimension, members of the public participate in such matters that they feel are affecting them either directly or indirectly. Such types of participation were identified within the parameters of the modes of participation which included elections, referendums, political violence and protest action as well as contact aimed at solving problems. What emanated from the modes of participation was that although there are limitations to public participation as typified in the conceptual framework of public policy making, the relevance of public participation in the policy making process cannot be ignored.

After the conceptual framework of public policy making was discussed the thesis centred around some of the avenues at local level which are available to the public to participate in the policy making process. One of such avenues which was identified was the Regional Education Boards as incorporated within the policy making sphere of the Department of Education and Culture (Ex. Administration: House of Representatives). A structural-

functionalist analysis of the Regional Education Boards was given. This structuralist-functionalist analysis typified the operations of the Regional Education Boards. It has been pointed out that members of the various local communities are appointed to constitute the Regional Education Boards thereby representing their community in the public policy making process. However, although the public, by virtue of being represented on Regional Education Boards, is allowed to participate in the policy making process of the Department of Education and Culture (Ex. Administration: House of Representatives) the degree to which the public is allowed to participate is minimal. In the three years which were pointed out, on the average, only fifty percent of the recommendations on policy proposals of the Regional Education Boards was excepted.

Moreover, in a bid to restrict fiscal policy implementation on educational matters the Department of Education and Culture (Ex. Administration: House of Representatives) completely ignored the role of the Regional Education Boards in particular and the teaching community in general which led to disaster for the Department. What was essentially important, namely, to allow the public to submit proposals for fiscal policy making was completely ignored by the Department.

A second avenue for public participation in public policy making at local level which was attended to was the Western Cape Regional Services Council. In this connection a structural-

functionalist analysis of the Western Cape Regional Services Council was also given.

The Western Cape Regional Services Council operates within the parameters of the Regional Services Council Act, 1985 (Act No. 109 of 1985). The acknowledgement of the Western Cape Regional Services Council as a local structure was significant in the sense that it provided the local community with an opportunity to sit on a council whereby they could submit policy proposals for the provision of services thereby having an official voice in policy matters. The services that were rendered in the Western Cape over a three year period is indicative of the fact that the Regional Services council is necessary as a local institution. It was pointed out that the Regional Services Council renders both agency and regional functions. The introduction of the Regional Services Council was hence important for the community. However, many criticisms were levelled at the Regional Services Council. One of these was that it lacks legitimacy. The main reason for this lack of legitimacy was that the people who constitutes the various committees of the Regional Services Council were nominated and not elected. Thus, there was no direct public participation in policy matters as far as the Regional Services Council was concerned and hence the lack of legitimacy.

In the analysis of public participation in public policy making a comparison between the two local institutions that is, the

Regional Education Boards and the Western Cape Regional Services Council was made in terms of the policy areas whereby the public participate in the policy making process.

As far as the Regional Education Boards are concerned public participation in the policy making process centred around the parameters of policy advise, policy monitoring and policy implementation. In the case of the Western Cape Regional Services Council the elements of negotiation and agreements, policy evaluation and policy outputs are strongly identified with public participation in the policy making process. Through these parameters of public policy the aims of public participation are being realised. In the case of the Regional Education Boards the goals of preventing the authorities from taking sides and ready acceptance of policies by the public were realised. As the policies of the Western Cape Regional Services Council were aimed at rendering a service to the community the parameters of public policy wherethrough the people participated in the policy making process realised the goals of better services to the community and the accommodation of different racial groups in the policy making process.

The thesis pointed out many policy goals in respect of the two institutions which were realised over a three year period. The criteriological model which was presented centred around the phenomenon of how to increase the effective outcome of public policies through public participation. Both the Western Cape

Regional Services Council and the Regional Education Boards did not make use of some vital criteria as laid out in the model. This was the reason why, in the case of the Regional Education Boards, policy outcomes averaged only fifty percent over a three year period. The Western Cape Regional Services Council on the other hand was criticized for various reasons which were mentioned in this thesis.

What must be emphasized is that the model proposed how to enhance effective participation in the policy making process, how to increase the effectiveness of public participation thereby enhancing democracy in the policy making process.

Democracy in public policy making has come to be an important aspect in modern society and for that matter public participation as proposed by the model is inevitable for any community.

Liberty and democracy exists through participation because by means of participation in the policy making process people are being given the freedom to exercise their own will and make proposals on that which would affect them. Hence, democracy would become meaningful if the ideals and proposals of the people through participation are accepted by a government.

Finally, public policy making deals with requirements for personal realisation that are shared by persons. The basic essentials of life are generally shared for example, food is required by all and likewise the building of a library for those

that want to make use of it. If one look at these examples it is clear that policy outputs relate to objective shared needs. Public participation is an avenue where those who share common objectives, pool together their capabilities to reach objectives. The proposed model ideally stresses the criteria which could be followed in order to reach such commonly shared objectives.

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