



<u>FACULTY</u>	: Law
<u>DEPARTMENT</u>	: Public Law
<u>CAMPUS</u>	: APK
<u>MODULE</u>	: SSL0021/SSL41B0 SOCIAL SECURITY LAW
<u>SEMESTER</u>	: Second
<u>EXAM</u>	: October 2021 (main)

<u>DATE</u>	:	28 October 2021	<u>SESSION</u>	:	online
<u>ASSESSOR(S)</u>	:	Dr S Ncube & Ms M Finn			
<u>MODERATOR</u>	:	Ms UCA Mokoena			
<u>DURATION</u>	:	3 HOURS	<u>MARKS</u>	:	60

NUMBER OF PAGES: 4 PAGES

INSTRUCTIONS:

1. Answer **all** questions.
2. This examination starts at 8:30 on 28 October 2021. You are reminded that the system cuts off automatically at 11:30 and does not allow for late submission.

Answers must be typed and saved in a Word document/PDF and uploaded via the Turn-it-In link on Blackboard. If this is not possible for whatever reason, please submit electronically to the lecturers via email to sncube@uj.ac.za and meghanf@uj.ac.za within the 3 hour exam period.

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5. This is an open-book test. This means you may have all the prescribed material, including your own summaries of such material, available in front of you.
6. You should be aware of relying directly on summaries that you have co-created with other students, as these may trigger Turnitin's plagiarism check. You may rely on lecture materials but are not allowed to copy and paste your lecture slides or any other sources (including information from the internet) as answers. You need to show that you can interpret and apply the information using your own words.
7. Where you choose to quote directly from sources (case law, textbooks or other academic material), please use quotation marks and state who the author of the quotation is.
8. You may not be in contact in any way with any student or any other person for the duration of the test. This will be regarded as cheating and will attract disciplinary action by the University. All the usual test rules still apply.
9. Your answers will be tested for plagiarism – both against the work of other students and against other sources. Do not copy and paste from any sources or summaries of the work that are not your own.
10. Should you experience difficulties in submitting your test on Blackboard, you can email it to sncube@uj.ac.za or meghanf@uj.ac.za . Please note that this option should **only** be exercised if you are not able to submit on Blackboard.

QUESTION ONE

Salome approaches you at the UJ Law Clinic for legal advice and assistance. She states that she is a single mother of two, a nine-year old girl, Hloniphile, who is currently in primary school and Thabo, a four-year-old who was born with cerebral palsy and so lives with a congenital disability. She states further that she is currently six months pregnant and is deeply worried because since informing her employer about the pregnancy 'nothing has been said' and she fears that she is likely going to lose her job

She is also concerned about the wellbeing of her other children. Hloniphile attends the local primary school which was running a feeding scheme for all the learners but the school has since shut down this scheme, citing the pressures of COVID19. Thabo requires special equipment, including a wheelchair, and she is worried about the costs of this equipment.

With reference to appropriate legal authority, advise Salome about her and her children's rights and remedies if any.

[15]

QUESTION TWO

The National Department of Health (NDOH) has approached you to draft a legal opinion on the constitutional prospects of the National Health Insurance scheme (NHI). The NDOH has taken note of parliamentary submissions that have been made by a number of interest groups. These submissions argue that the government will not be able to ensure quality of care through the NHI, and that therefore the NHI constitutes a retrogressive step in violation of the right to health. They also argue that COVID19 has only underscored the potential pitfalls of the NHI, not least because of continuing allegations of corruption within public financing systems.

Draft a legal opinion to the NHI. Your opinion, which must draw on appropriate legal authority, should set out what the purpose of the NHI is, how the Bill envisages achieving that purpose, the content of the government's obligations with respect to the right to health, and indicate whether you think there is any legal basis for the interest groups' submissions.

[15]

QUESTION THREE

The Covid -19 pandemic has highlighted the importance social protection and the role of government play in alleviating the plight of the poor. The South African government's payment of a R350 grant to cushion individuals in distress has reignited the debate on whether the state must introduce a Universal Basic Income Grant (UBIG). Considering this development, write a short memorandum to the Minister of Social Development for presentation to the cabinet, about the advantages and disadvantages as well as the feasibility of introducing a UBIG. In your memorandum, briefly address the link between poverty and colonialism and the relevance of decolonising social assistance in the country.

[15]

QUESTION FOUR

The Mjolo Pension fund is registered under the Pension Funds Act 24 of 1956 and has been operational in the country for the past 10 years. Recently, a number of its members held 'secret meetings' where they discussed what they termed 'cost-cutting' measures. Amongst the proposals put forward for 'confrontations' with the board are the dissolution of the board and the appointment of an administrator to run the fund; the reduction of the number of board members from 6 to only 2; the forfeiture of benefits if a member 'leaves' before retiring; and finally, the termination of the auditor's contract to make use of final year accounting students who although being paid less, will be gaining experience.

a) Advise the concerned members about the implementation of their plan. [8]

b) Outline the procedure to be followed when one is dissatisfied with a decision of a Fund. In your opinion, should disgruntled members be allowed to approach the High Court directly? [7]

[15]

TOTAL: 60 marks