PEPERIKSAAN AKHIR SEMESTER PERTAMA SESI 2012/2013
FINAL EXAMINATION FIRST SEMESTER SESSION 2012/2013

KOD / NAMA KURSUS : GLUP 3133 UNDANG-UNDANG PENTADBIRAN/ADMINISTRATIVE LAW
COURSE CODE / NAME

TARIKH : 10 JANUARI/JANUARY 2013 (KHAMIS/THURSDAY)
DATE

MASA : 9.00 AM – 12.00 PM (3 JAM/HOURS)
TIME

TEMPAT : BK2 (FPAU)
VENUE

ARAHAN : INSTRUCTION

1. Kertas soalan ini mengandungi EMPAT (4) soalan di dalam DUA (2) halaman bercetak tidak termasuk kulit hadapan.
This book script contains FOUR (4) questions in TWO (2) printed pages excluding the cover page.

2. Anda dikehendaki menjawab SEMUA soalan.
You are required to answer ALL questions.

NO. MATRIK : MATRIC NO. (dengan perkataan / with word) (dengan angka / with number)

NO. KAD PENGENALAN : IDENTIFICATION CARD NO.
PENSYARAH : LECTURER

KUMPULAN : NO.MEJA : TABLE NO.
GROUP

JANGAN BUKA KERTAS PEPERIKSAAN INI SEHINGGA DIBERI ARAHAN
DO NOT OPEN THIS EXAMINATION PAPER UNTIL INSTRUCTED

SULIT/CONFIDENTIAL
SOALAN SATU / QUESTION ONE

The existence and function of tribunals in modern democracies within a well-regulated hierarchical judicial system has positively contributed to the preservation of our ordinary judicial system. Discuss the advantages of having tribunals in the administrative adjudication system.

(25 markah / marks)

SOALAN DUA / QUESTION TWO

Despite being useful and necessary, delegated legislation has several inadequacies that must not be ignored. However safeguards are available to minimize the impact of the defects. Explain existing democratic safeguards in the form of the doctrine of Parliamentary sovereignty as one of the restraints on delegation of legislative power.

(25 markah / marks)

SOALAN TIGA / QUESTION THREE

i. Policy bias may occur when an administrator acts in an adjudicatory capacity, to decide on disputes between an individual and an administrative department. Explain by applying ONE [1] case law.

(10 markah / marks)

ii. Shankar merupakan seorang timbalan presiden sebuah Persatuan Komuniti India yang berdaftar dengan Pendaftar Persatuan Malaysia. Beiau telah digantung keahliannya oleh Presiden Persatuan Veloo untuk selama tempoh setahun.
Shankar holds the post of Deputy President of Indian Community Association registered with the Registrar of Association Malaysia. His membership was suspended by the President of the Association, Veloo for a year. Shankar found out that the Constitution of Association allows him to appeal and he complies. However in a meeting of the Committee chaired by Veloo the decision to suspend his membership was endorsed. Advise Shankar of his rights by applying the principles of natural justice.

(15 markah/marks)

SOALAN EMPAT/QUESTION FOUR

Mahkamah Keadilan Kesatuan Eropah telah mengasaskan prinsip "proportionality" di dalam kes Denkavit France v Fonds D’Orientation [1987] 3 CLR 202 seperti berikut;

Terangkan aplikasi prinsip "proportionality" dan perkembangannya di Malaysia sehingga kini.

The Court of Justice of the European Community has laid down the principle of proportionality in the case of Denkavit France v Fonds D’Orientation [1987] 3 CLR 202 as follows:

"In order to determine whether a provision of community law is consonant with the principle of proportionality, it is necessary to establish, in the first place whether the means it employs to achieve its aim correspond to the importance of the aim and in the second place whether they are necessary for its achievement."

Explain the application of the principle of proportionality and its development in Malaysia hitherto.

(25 markah/marks)