



**ZIMBABWE EZEKIEL GUTI UNIVERSITY**

**SUPPLEMENTARY EXAMINATION**

**ADMINISTRATIVE LAW LB106**

**CONVENTIONAL EXAMINATION 25 JANUARY 2018**

**THREE HOURS**

**INSTRUCTIONS**

Answer any **four** questions from this paper. Each question carries a total of **25 marks**

**Question 1**

**Question 2**

How effective is the control of administrative authority by other organs other than the courts? [25 marks]

[25 MARKS]

**Question 2**

- a) When is it legally acceptable for an administrative authority to proceed by requiring only written submissions rather than an oral hearing? [15 marks]
- b) What are the differences between the remedies of appeal and review? [10 marks]

**Question 3**

Critically discuss each of the following statements:

- a) A person should only be required to exhaust internal remedies before taking the matter on review to the High Court if the internal remedy offers a reasonable prospect of correcting the original irregularity or illegality that has occurred [15 MARKS]
- b) To allow legal representation in respect of every single administrative decision making process would bog down the administration; many such matters can be dealt with perfectly fairly without allowing legal representation. [10 MARKS]

**Question 4**

- a) Under what circumstances should access to government information be denied [10 MARKS]
- b) Administrative authorities must always supply reasons for their decisions. Discuss [15 MARKS]

**Question 5**

“The judiciary have no training in or knowledge of public administration and are ill suited to playing the role of overseer and regulator of the performance by public administrators of their duties. Additionally as judges are not elected and are not in any sense accountable, matters of public policy should be decided upon by the elected representatives of the people in Parliament and these policies should be implemented by public administrators; the courts

should not be able to interfere with the implementation of such policies.” Critically discuss this observation. **[25MARKS]**

**Question 6**

The most accessible remedy for a person aggrieved by administrative action is to have a right of appeal to higher administrative authority. Thus there should always be such an internal appeal mechanism but such an appeal body must be independent, the appeal mechanism must provide an effective remedy and the appeal body must not be set up simply to rubber stamp the original decisions. Do you agree with these observations? **[25 MARKS]**

**Question 7**

Discuss the view that the courts should not allow the doctrine of state privilege to stand in the way of doing justice in any cases that comes before them. **[25 marks]**