

Obudsman Legislation

**Elective
Past
Papers**

LL.B. II





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ABOUT GhSL

Għaqda Studenti Tal-Ligi (The Malta Law Students' Society) is a faculty-based, non-profit organisation at the University of Malta that represents all law students within the Faculty of Laws.

The organisation plays a pivotal role in law students' academic and social life at the University of Malta. The organisation has also been responsible for publishing the prestigious *Id-Dritt*, and the *GhSL Online Law Journal*.

Moreover, GhSL boasts its own Thesis Library, located at the GhSL office in the Faculty of Laws. Additionally, GhSL is the only law organisation responsible for the distribution of authoritative law notes and past papers.

For further queries on this set of notes, as well as any other, please feel free to contact our **Resources Officer** at resources@ghsl.org.



Advice from an Alumna

By Dr Priscilla Mifsud Parker

The law course is a long journey, but one that, if well-travelled, will lead to beautiful destinations. In an industry which is today attracting many young individuals looking to develop their career in law, it is important to stay ON the beaten track and remain focused. It may go without saying that it is of great importance for all students to attain good academic grades, to be dedicated to their work, as well as to be determined in this highly-competitive industry in order to fulfil their dream of becoming lawyers one day. However what is crucial is that as students and later on as professionals we are innovative by being sensitive to the changes around us. These changes might be political, economic, environmental, socio-cultural or others; what is for sure is that they all have an impact on the profession of a lawyer. We are members of a dynamic profession which is very sensitive to its surroundings. The type and 'genre' of advice which is required from us is all affected by what is being experienced by the receivers of this advice.

Work experience is considered as a vital part of the staple diet of any prospective lawyer in order to put into practice and refine the knowledge gained from the theoretical reality of the lecture halls and lawbooks into the skills required for a successful career in law. An internship will not only show future recruiters that you have a genuine interest in pursuing a career in this sector, but that you have the practical knowledge and skills to succeed in your role.

Here are some personal suggestions that I feel helped me during my journey:

1. *Being Ambitious*

A powerful trait in any competitive industry, ambition will help you in your law course, in your career as a lawyer, as well as in your life. Whilst the law course can be quite intimidating and challenging, an ambitious individual who is dedicated to learning new things has the potential to understand and realize long-term goals. Do not view the journey as one whole insurmountable mountain but focus on the next small goal and once achieved move on to the next and goal by goal you will reach your final target point.

In this respect, gaining valuable work experience through an internship is an important step taken by an ambitious young lawyer who wants to attain certain skillsets, and remain a step ahead of his/her peers. By being inquisitive, analytical and humble enough to accept guidance and mentoring one is guaranteed a fruitful experience in a law firm. It is also not only a means to start focusing on the direction of your career and to build upon your chosen path, but will undoubtedly expose you to the international world. This is crucial, as most of the traditional legal sectors have been intertwined with new areas of legislation and all these together now present much more opportunity for intra-jurisdictional work.

2. *Networking*

By engaging with counterparty students abroad and in international fora one gains an insight into another reality and is exposed to different cultures, ways of communicating and is able to bridge



the differences between parties to a mundane discussion which will eventually become a transaction or a major project in professional life.

3. Organisational Skills

Organisation is key in any industry. Good organisation skills always stand out to a recruiter when considering potential applicants. Such skills can be obtained by gaining experience either through organising one's own work, study plan, student events or cultural/philanthropic events.

Going hand-in-hand with this, is having a study plan. By planning your studies ahead, one will have a sufficient amount of time to meet all the demands, while also being able to participate in productive outside activities. Reviewing notes or case briefs before class can also help you follow and participate in class discussions better, whilst following case-law allows you to apply them for specific situations. In view of the amount of material involved summarising and carving out the most crucial points is essential to then build your argument in papers.

4. Taking your own class notes

It is always important to take down your own notes as laws are always evolving and passed-down notes would provide the context but are not ideally used for the detail. Researching the particular topic and comparing Malta's law with that of other jurisdiction gives one a completely different outlook and commenting on these variances in an exam paper, dissertation or assignment would distinguish one student from another. Not to be overlooked are also the consultation papers, commentaries and other official public documents that are issued by local authorities from time to time on different areas of law and industry. Being abreast of what is happening in industry will help putting the particular law or regulation in context.

5. Participation

Participation is a main element of the learning process. Being actively involved during seminars and lectures and participating in legal debate sessions, mock trial competitions and moot courts are essential in order to improve your persuasive and presentation skills. If you find this very difficult (all of us have different characters and traits), then try to focus on participation in other events which will expose you to public speaking starting off in smaller groups in a more familiar environment and trying out new experiences and larger audiences as you go along.

6. Practice is the key to success

This leads us to our next point – practice. Attaining good grades is undoubtedly an important part of the law course, however, in themselves, they are not enough to show that you have substantial material to succeed. Working within a law firm introduces you to the world of work, and allows you to gain specific industry-related skills which one will only ever be able to learn in a workplace setting.

Work experience can provide you with valuable insight which will help you decide what your career aspirations are and in which areas you would like to further delve into.

UNIVERSITY OF MALTA

FACULTY OF LAW

LL.B. III YEAR

JANUARY 2011

PBL3000 – OMBUDSMAN LEGISLATION

FRIDAY, 4TH FEBRUARY 2011

09.15AM – 10.15AM

CHOOSE ONE QUESTION FROM THE FOLLOWING:

1. Discuss the following scenario: the Ombudsman organises a seminar for heads of government entities and delivers a presentation on the Right to Good Administration, principles of good governance, redress of grievances, etc. He then opens the floor for discussion and somebody reacts by saying 'Mr Ombudsman, with respect, we are under enormous pressure to become more efficient, to cut costs and save money. I cannot possibly take on your proposals, good as they may sound on paper. Even my very presence here is almost more than my organisation can afford...'.
What do you think he meant by this?
2. Former Parliamentary Ombudsman Joseph Sammut, back in 2004, when presenting his *Guide to Standards of Good Administration* to senior members of the public administration, told his audience 'You should view the Ombudsman as a critical collaborator'. What do you think he meant by this?
3. The Maltese Ombudsman Act, art. 13 (5), states that "The Ombudsman shall not proceed to investigate any complaint on the subject-matter of which proceedings are pending in a court or other tribunal, and shall suspend the investigation if any interested person shall file a demand before any court or other tribunal on the subject-matter of the investigation...". Do you agree with this limitation, or do you think it should be repealed?

8/11/2011

LLB III YR

UNIVERSITY OF MALTA
FACULTY OF LAW
LLB III
SEPTEMBER 2011
PBL3000 – OMBUDSMAN LEGISLATION

FRIDAY, 2ND SEPTEMBER 2011

9.15AM – 10.15AM

Choose ONE question from the following:

1. Give your views on the following statement: 'Having an Ombudsman is no better than having a guard dog without teeth...'
 2. The Government is trying to keep its deficit in check; how about saving hundreds of thousands of Euro per annum, by doing away with the Parliamentary Ombudsman?
 3. Parliamentary Ombudsman, University Ombudsman, MEPA Audit Officer, Commissioner for Health, Commissioner for Children, Data Protection and Information Commissioner, Equality Commission.... the list goes on, and on... what's it all about?
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UNIVERSITY OF MALTA

FACULTY OF LAWS

PBL 3000 - Ombudsman Legislation

LLB Third Year

Wednesday 25th January 2012 from 9.15am till 10.15am

All questions carry 100 marks

Write an essay on any ONE of the following:

1. The Parliamentary Ombudsman was set up to investigate allegations of maladministration. The law has not changed since 1995, in the sense that his mandate is still the same as it was back in 1995. So who gave the Parliamentary Ombudsman the right to extend his role to other areas and preach on like a super authority?
2. Parliamentary Ombudsman, University Ombudsman, Audit Officer, Commissioner for Children, Commissioner for Information and Data Protection, Equality Commission - what's it all about? Why do we not simply go to Court like we used to in the olden days instead of having recourse to these officers/Commission?
3. The Ombudsman is but a part of the ongoing process of citizen-empowerment in Malta, which started years ago and is still evolving. Discuss.

UNIVERSITY OF MALTA
FACULTY OF LAWS
LLB 3 YEAR
SEPTEMBER 2014 SUPPLEMENTARY SESSION OF EXAMINATIONS

EXAMINATION: PBL3000 – Ombudsman Legislation

DATE: MONDAY 1st SEPTEMBER 2014

TIME: 09.15AM – 10.15AM

Answer any one (1) question from the following (all questions carry equal marks):

1. Discuss the following: 'The Parliamentary Ombudsman claims to be a defender of human rights. In reality his claim is unfounded, the more so since his proposal to head a National Human Rights Institution in Malta was rejected.'
2. Discuss the Principles of Good Administration as promoted by the Parliamentary Ombudsman.
3. Discuss the following: 'The Ombudsman is powerless because he does not possess executive authority and cannot enforce his decisions'.

UNIVERSITY OF MALTA

FACULTY OF LAWS

LL.B. 3 YEAR

PBL3000 – Ombudsman Legislation

TUESDAY 4TH FEBRUARY, 2014

9.15A.M. – 10.15A.M.

Answer any one (1) question from the following (all questions carry equal marks):

1. The Parliamentary Ombudsman recently (late 2013) proposed the setting up of a National Human Rights Institution (NHRI) in Malta, headed by him. The Government, on the other hand, while appearing to favour the setting up of an NHRI in Malta, seems inclined towards excluding the Parliamentary Ombudsman from this. Give your opinion on whether or not the Parliamentary Ombudsman is suitable for involvement in an NHRI.
2. Discuss the following statement: 'The Ombudsman must strive to put himself out of a job'.
3. Describe the steps taken by the Parliamentary Ombudsman when concluding an investigation.

UNIVERSITY OF MALTA
FACULTY OF LAW
LL.B. III YEAR
SEPTEMBER 2013
PBL3000 – OMBUDSMAN LEGISLATION

THURSDAY 12TH SEPTEMBER 2013

09.15AM – 10.15AM

Answer ONE question.

1. Imagine the following scenario: the House of Representatives appoints you to carry out a detailed inquiry into the strengths and weaknesses of the Office of the Ombudsman, and to highlight the opportunities for growth, and possible threats the same institution faces. What do you think you would include in your report to the House of Representatives?

 2. The Ombudsman institution is only as good and effective as its incumbent. Discuss.

 3. The Principles of Good Administration have no value since they are unenforceable. Discuss.
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UNIVERSITY OF MALTA
FACULTY OF LAWS
JANUARY 2013
LL.B. III

PBL3000 – OMBUDSMAN LEGISLATION

WEDNESDAY, 6TH FEBRUARY 2013

3.30PM – 4.30PM

Answer any one of the following questions:

1. Since the creation of the Commission for the Investigation of Injustices, in Malta we have the luxury of institutions dealing with 'injustice' as opposed to 'illegality'. Discuss.
2. The Parliamentary Ombudsman should mind his own business and stop telling others what he thinks they should do. Discuss.
3. If you had to be entrusted with the task of drafting a call for applications for a Parliamentary Ombudsman, how would you draft it and why?

**UNIVERSITY OF MALTA
FACULTY OF LAWS
LL.B. HONS. II YEAR
PBL 3000 – OMBUDSMAN LEGISLATION**

Thursday 29th January, 2015

9.15am – 10.15am

Answer any one (1) question from the following (all three questions carry equal marks):

1. Discuss the following statement: 'The Parliamentary Ombudsman lives in the shadow of the Courts of Justice'.

2. Describe the role of the Parliamentary Ombudsman and the personal qualities you consider necessary for an ombudsman to make a success of his job.

3. Discuss the following statement 'The Ombudsman is a toothless institution, and the sooner the Ombudsman Act is repealed, the better!'

UNIVERSITY OF MALTA
FACULTY OF LAWS
L.L.B HONS 2nd YEAR
JANUARY 2017 EXAMINATIONS

EXAMINATION: **PBL 3000 – Ombudsman Legislation**

DATE FRIDAY 20TH JANUARY 2017

READING AND NOTING TIME: 10.00AM TO 10.05AM

DURATION OF EXAMINATION: 10.05AM TO 11.05AM

Writing is permitted during the Reading and Noting time.

INSTRUCTIONS TO STUDENTS:

Answer any one (1) question from the following (all three questions carry equal marks):

1. Discuss the role of the Parliamentary Ombudsman in Malta.
2. What do you think it takes for the Ombudsman to make a success of his job?
3. Discuss the following statement 'Who wants to fight for his rights must go to court. Do not waste time with ombudsman recommendations!'