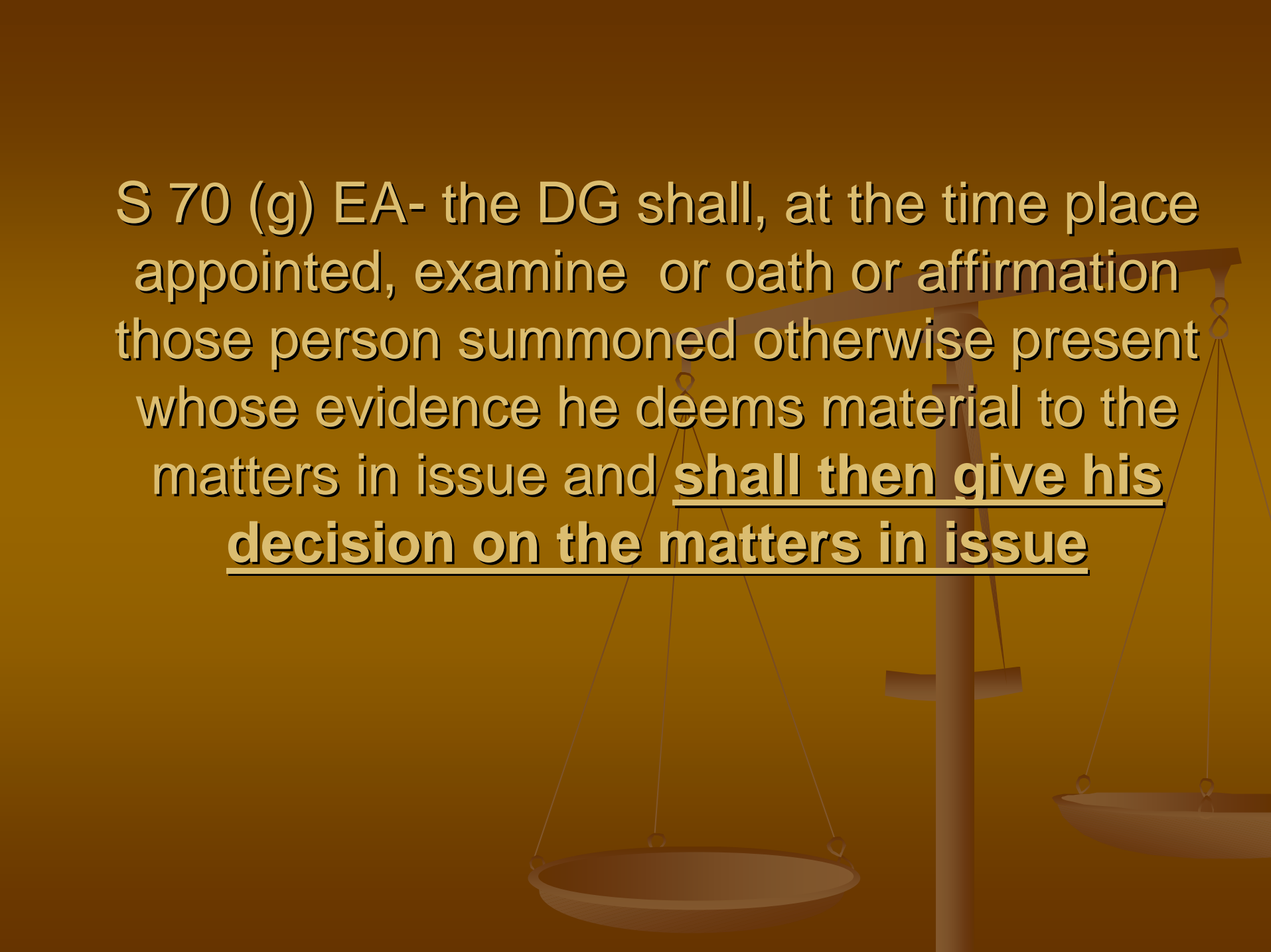


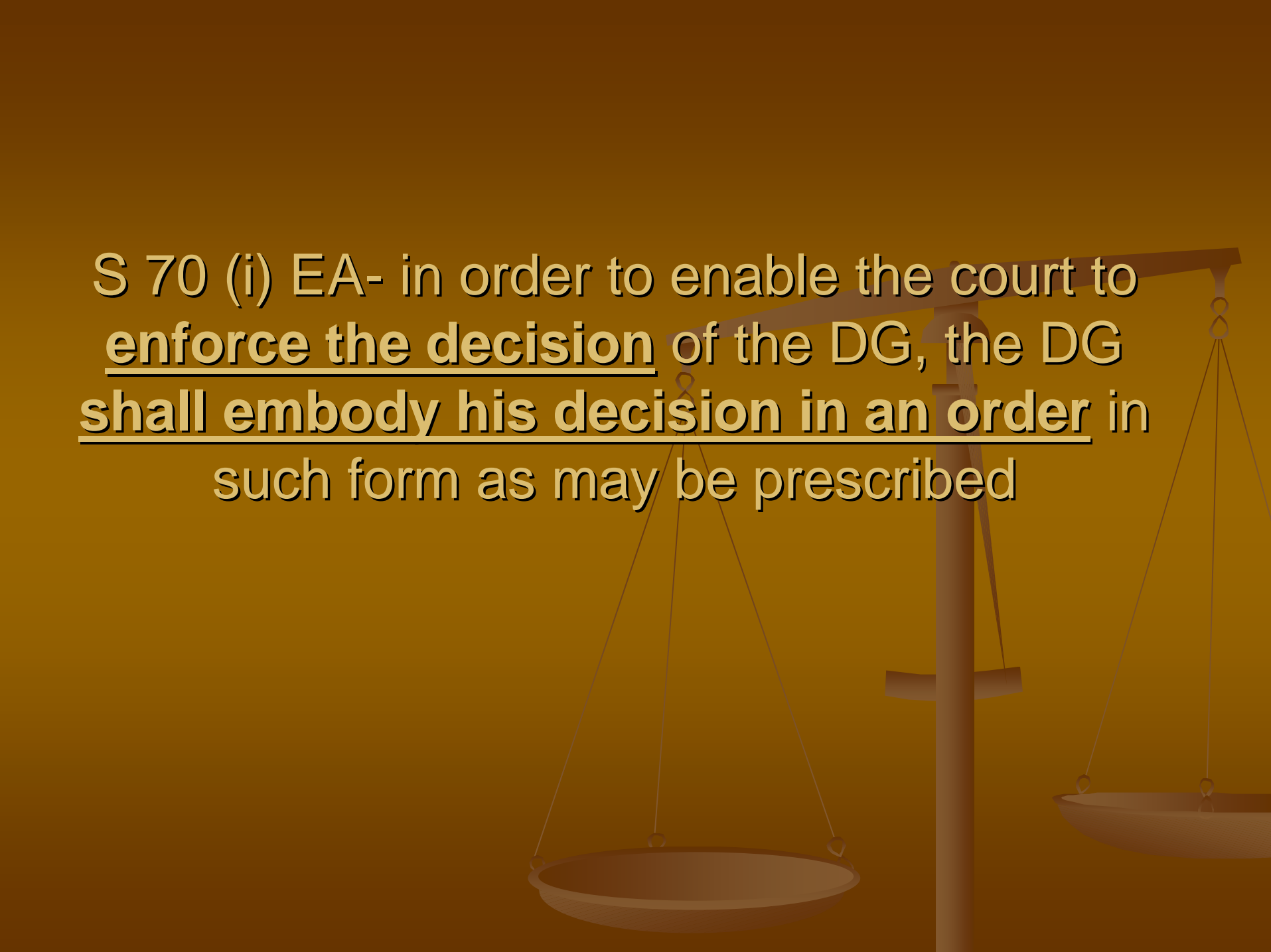


# ALASAN PENGHAKIMAN & PERINTAH KETUA PENGARAH

OLEH  
RHYMIE BIN MOHD RAMLI



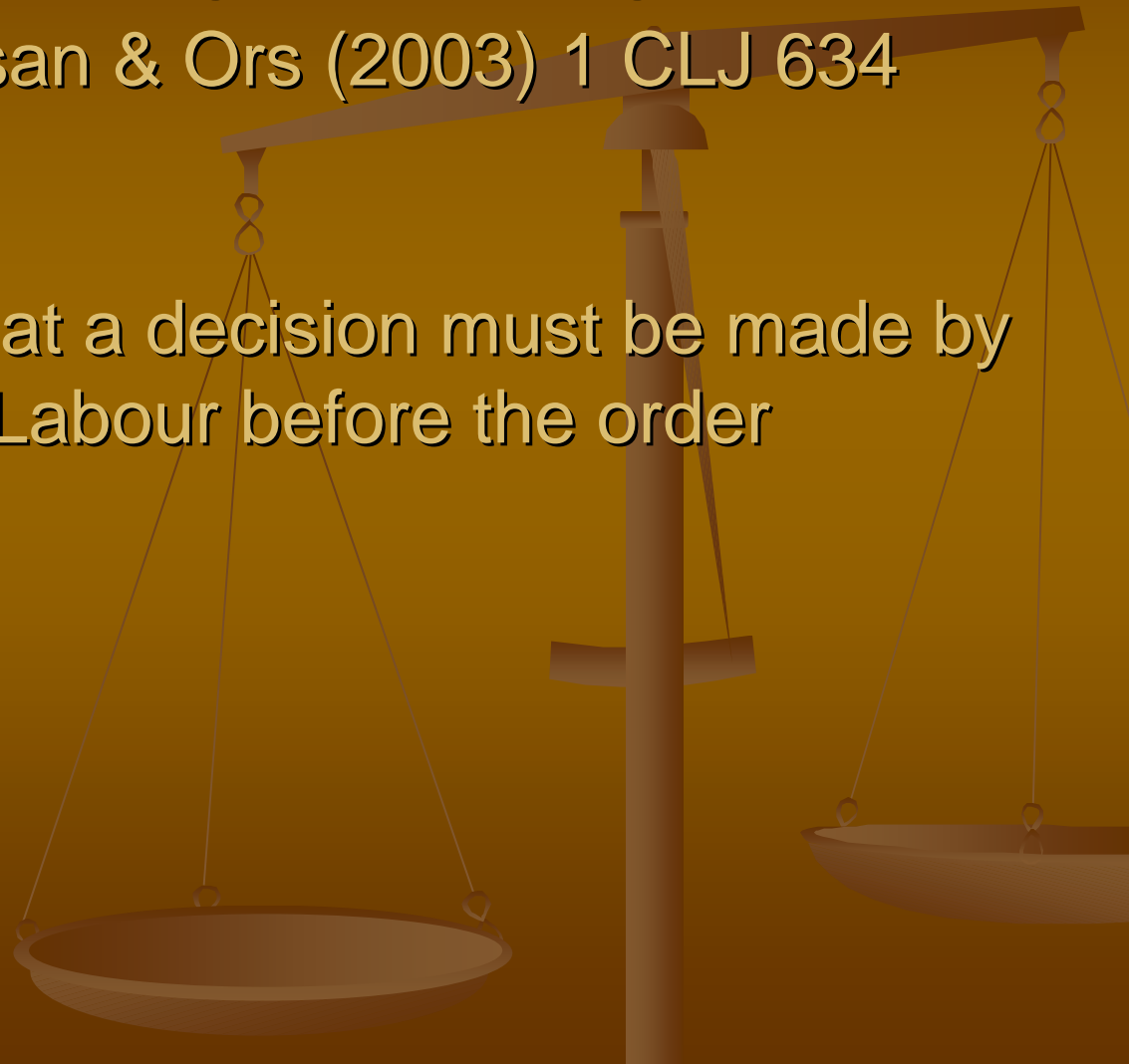
S 70 (g) EA- the DG shall, at the time place appointed, examine or oath or affirmation those person summoned otherwise present whose evidence he deems material to the matters in issue and shall then give his decision on the matters in issue



S 70 (i) EA- in order to enable the court to enforce the decision of the DG, the DG shall embody his decision in an order in such form as may be prescribed

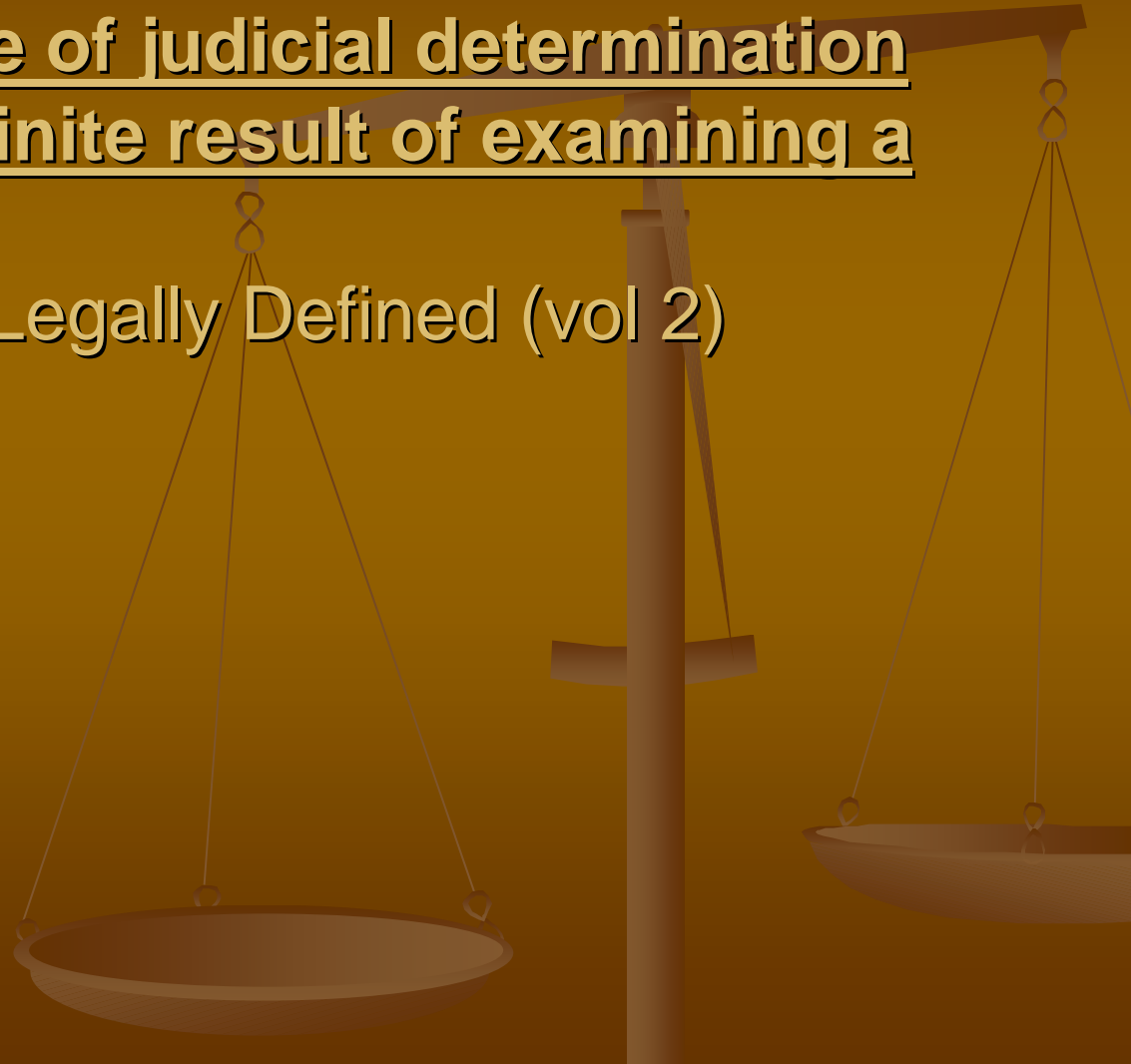
In *Soonfroze Corporation Sdn Bhd vs. Siti Salabiah Chek Hassan & Ors* (2003) 1 CLJ 634 held-

it is a prerequisite that a decision must be made by the Asst Director of Labour before the order issued.



The word decision has been described as “implies the exercise of judicial determination as the final and definite result of examining a question”

- Words & Phrases Legally Defined (vol 2)

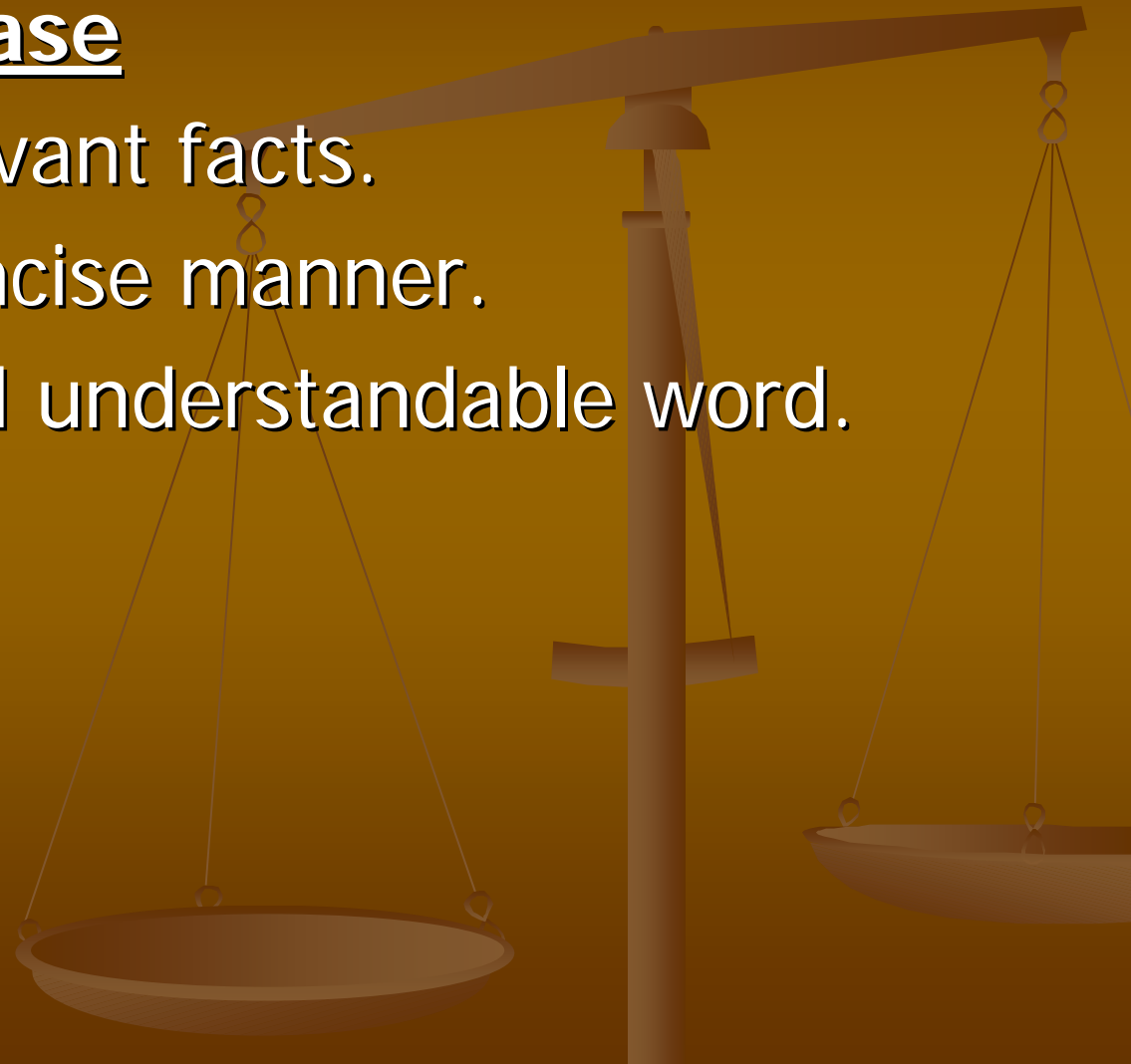


## Per VT Singham J in Soonfroze case :-

- The AD of Labour must also give his reasons for his decisions and the decisions shall include his findings on material issues of fact and the evidence adduced at the inquiry together with his interpretation of the relevant statutory provisions applicable to the case. In this appeal, none of these requirements have been complied with except for the order was issued.

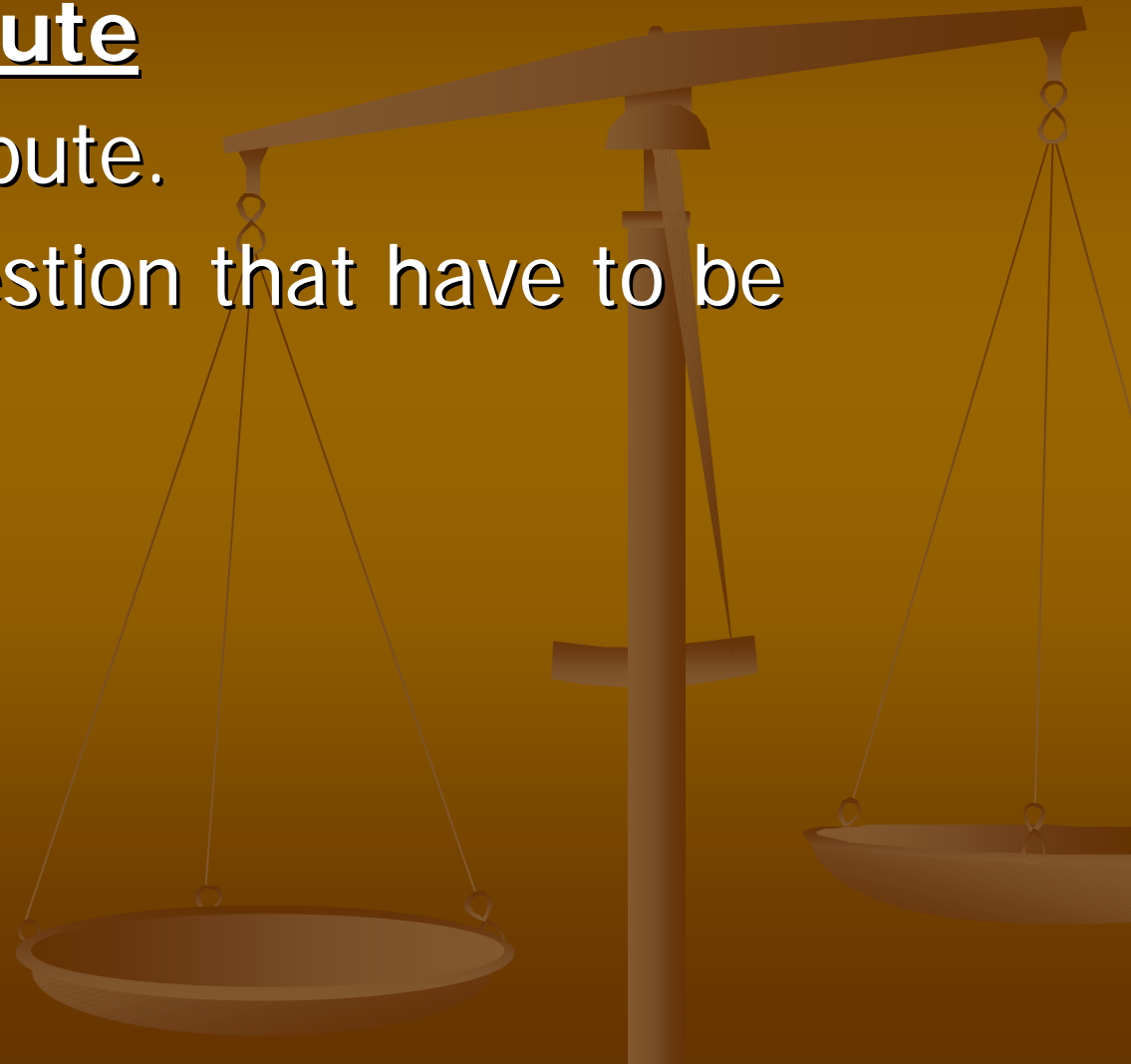
# How to write decision?

- Facts of the case
- -Write only relevant facts.
- -Write in an concise manner.
- -Use simple and understandable word.



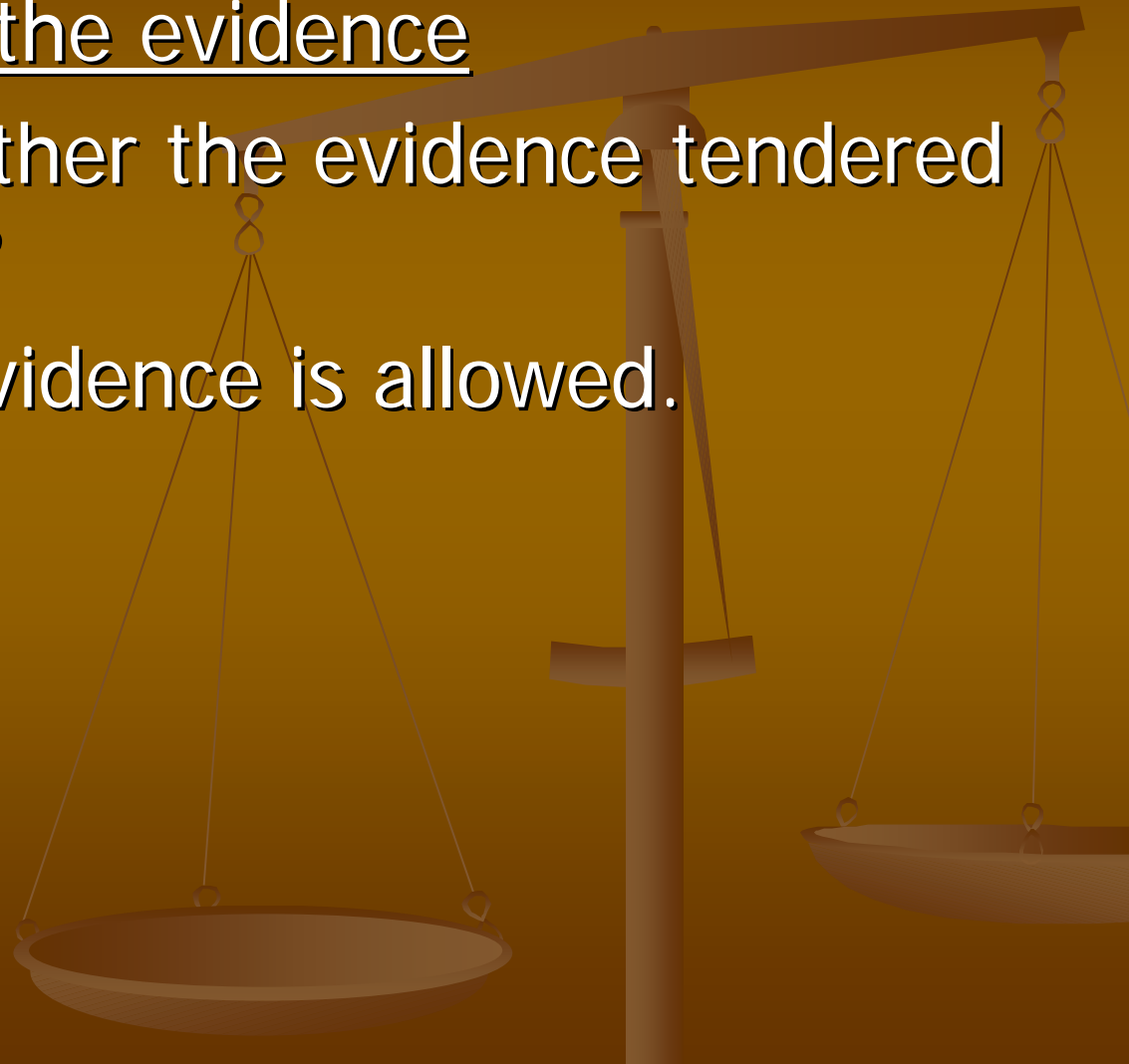
# How to write decision?

- Matter in dispute
- Identify the dispute.
- What is the question that have to be determined?



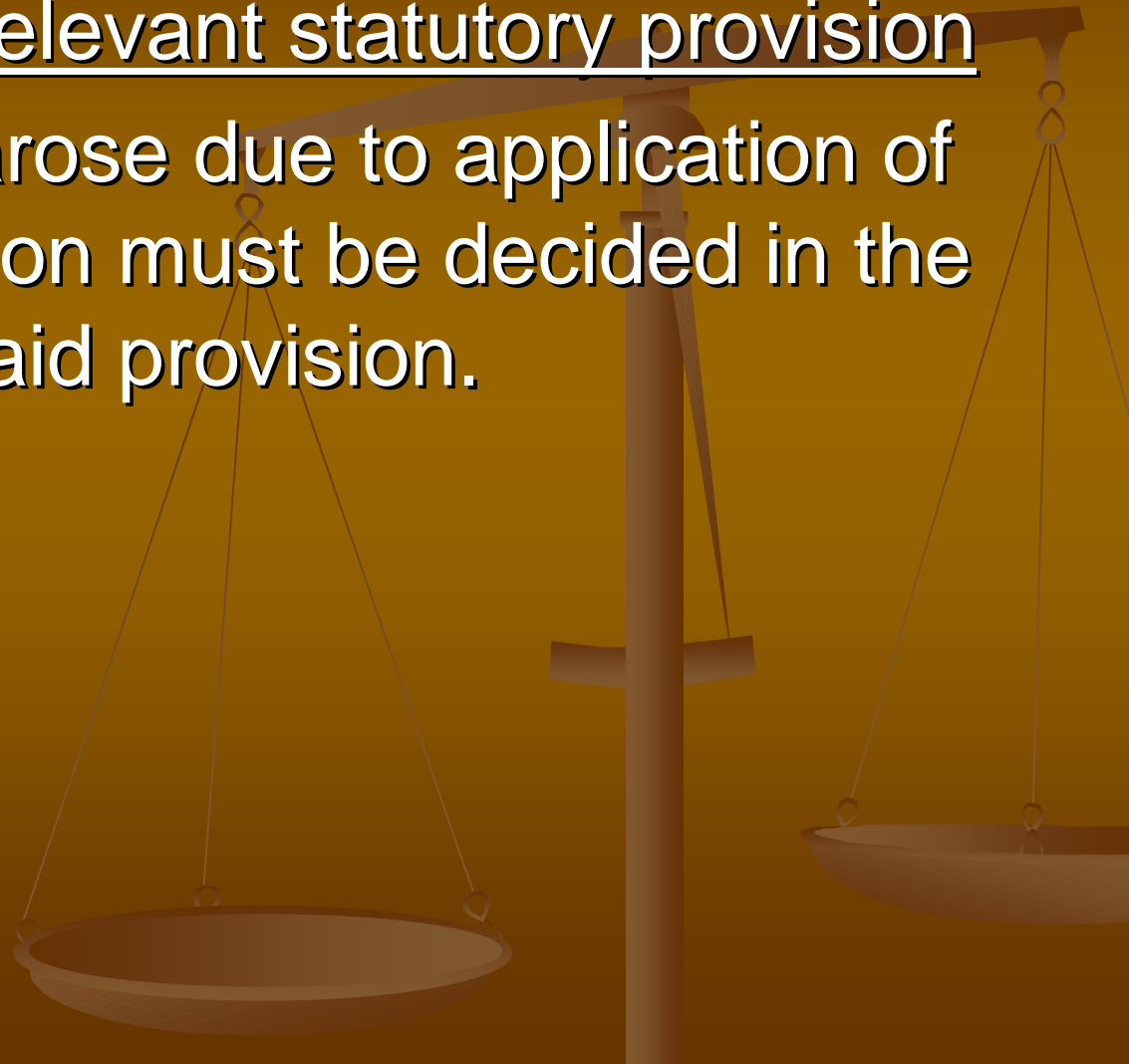
# How to write decision?

- Examination of the evidence
- To identify whether the evidence tendered material or not?
- Only relevant evidence is allowed.

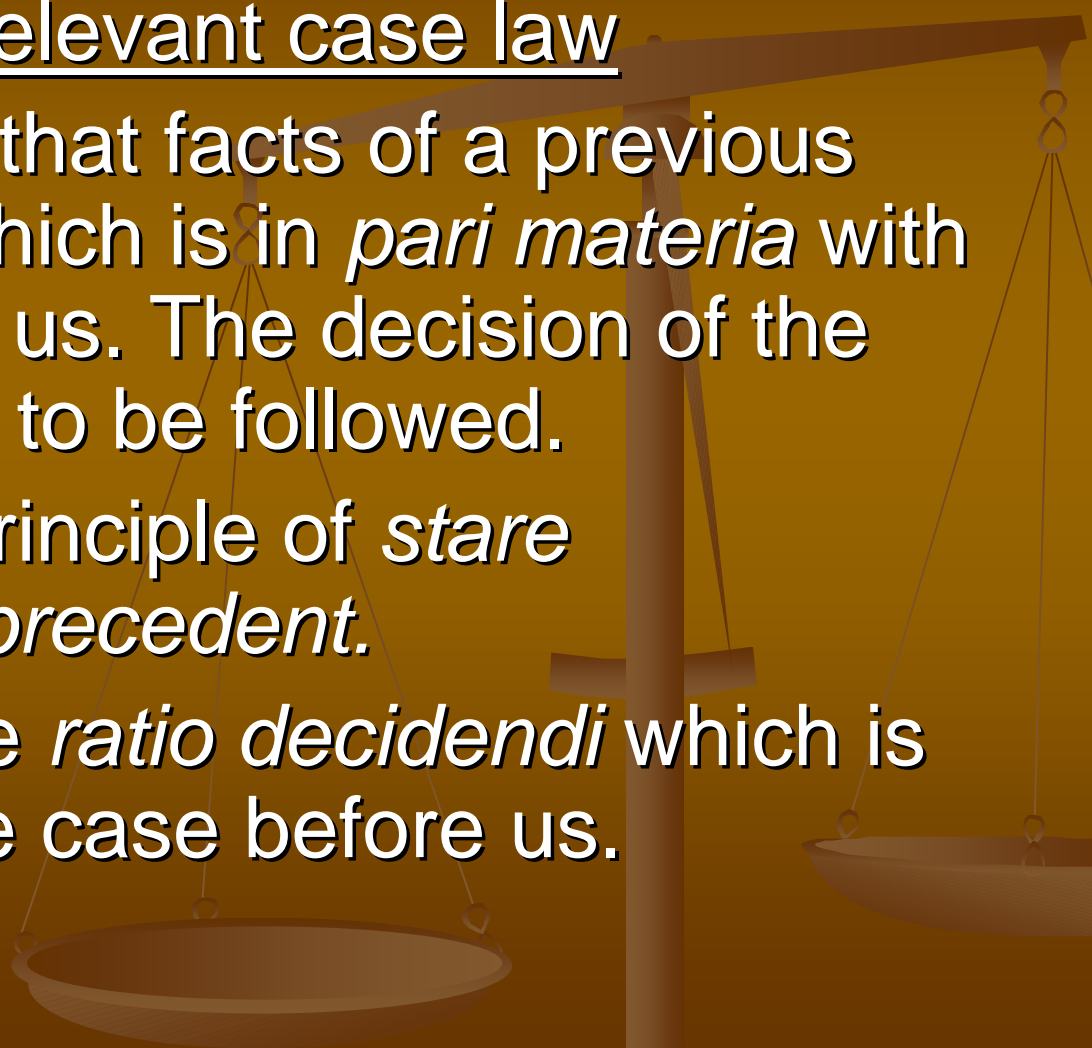


# How to write decision?

- Application of relevant statutory provision
- Dispute which arose due to application of statutory provision must be decided in the context of the said provision.

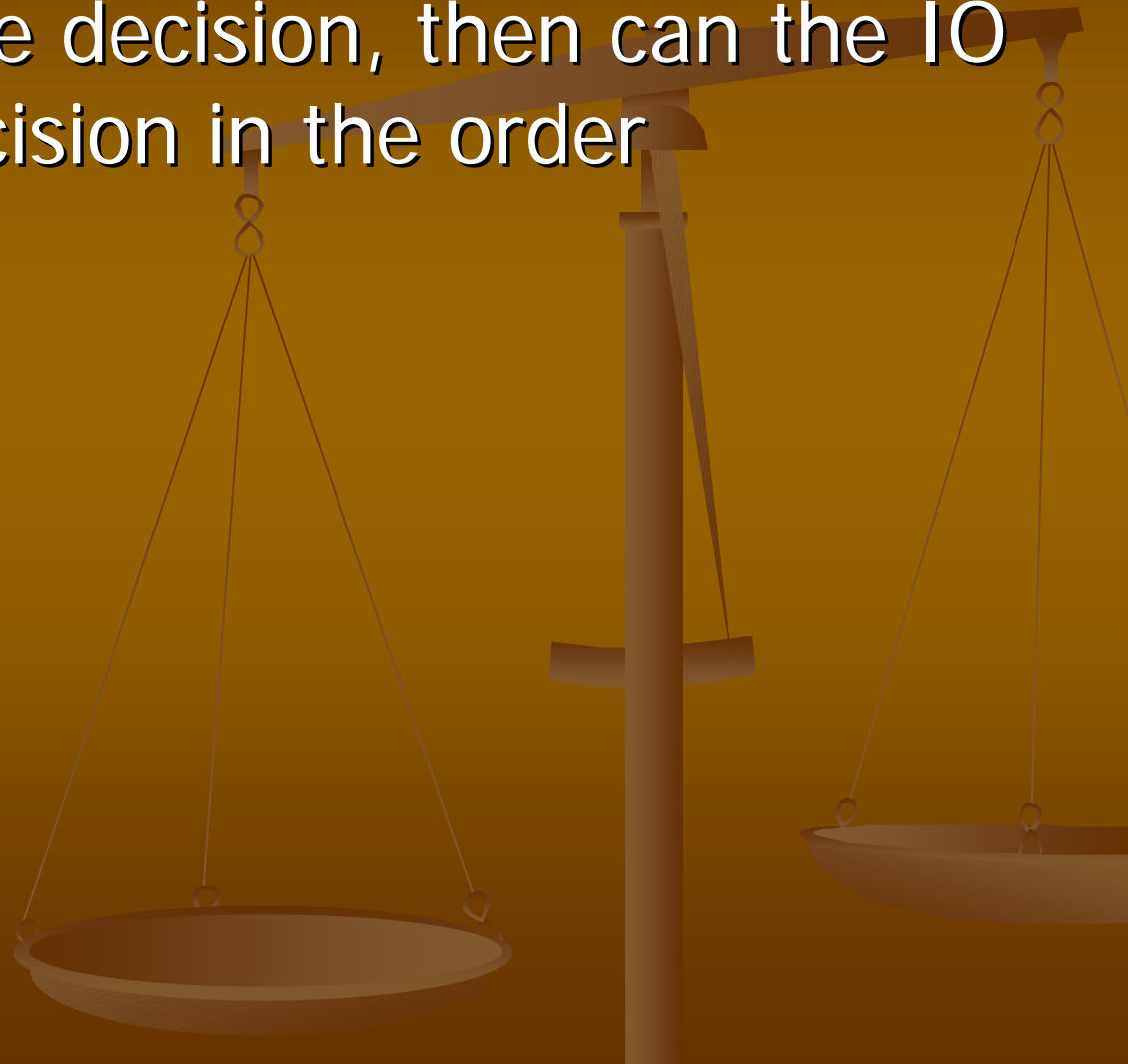


# How to write decision?

- Application of relevant case law
  - The principle is that facts of a previous decided case which is in *pari materia* with the case before us. The decision of the said case have to be followed.
  - Known as the principle of *stare decisis/judicial precedent*.
  - Must identify the *ratio decidendi* which is applicable in the case before us.
- 

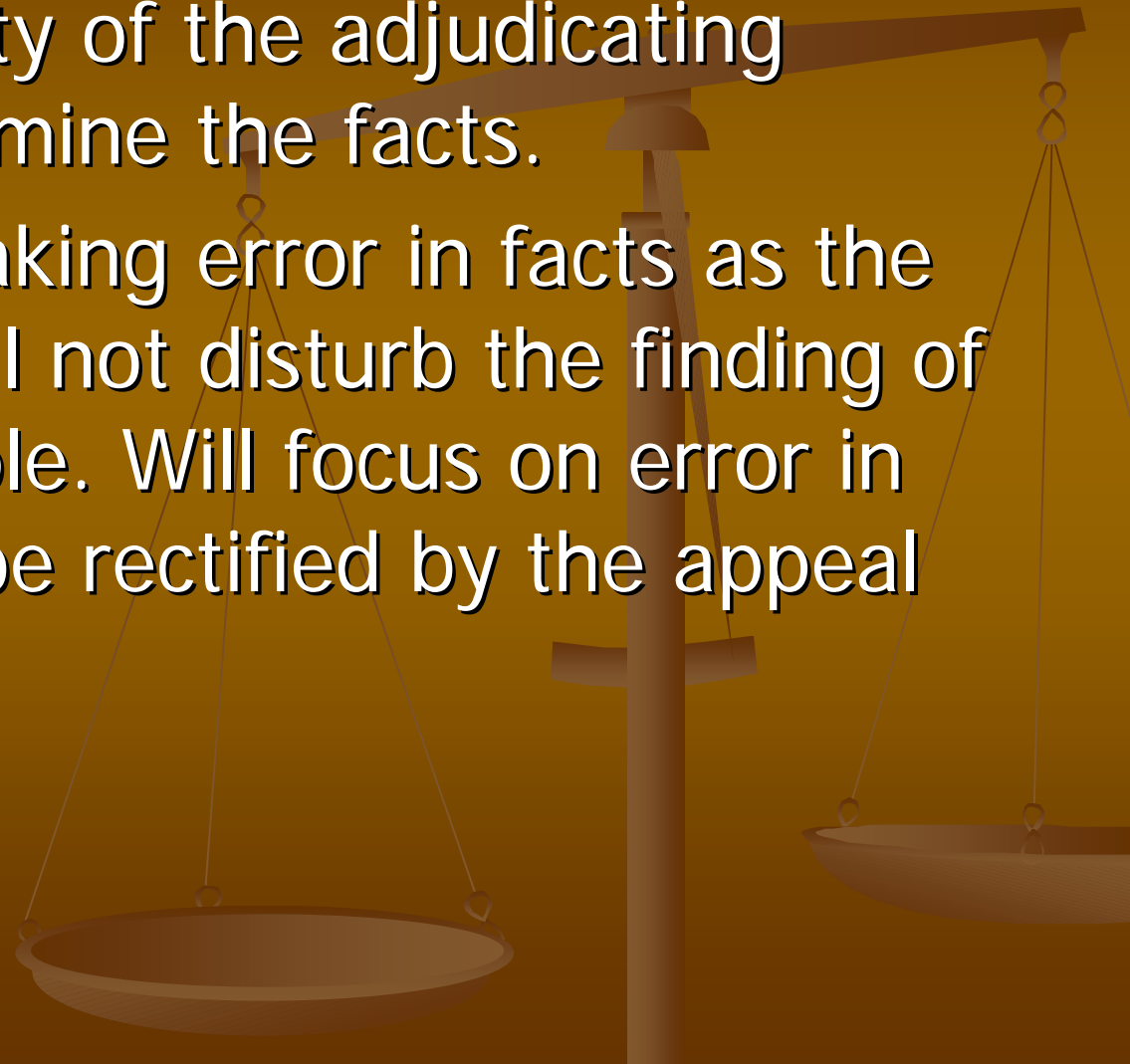
# How to write decision?

- After making the decision, then can the IO embody the decision in the order prescribed.



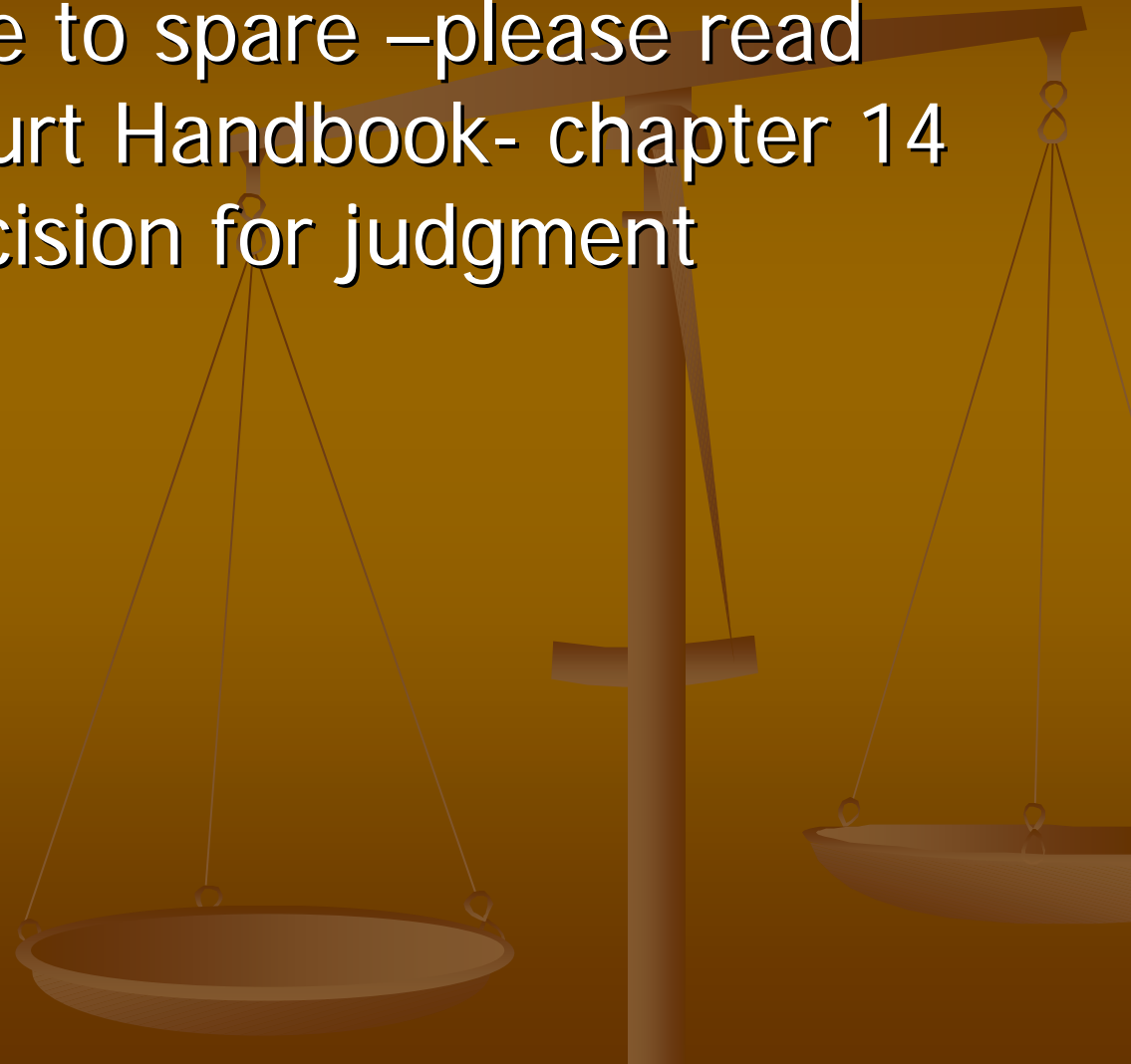
# Always remember!

- The primary duty of the adjudicating officer is to examine the facts.
- Try avoiding making error in facts as the appeal court will not disturb the finding of fact as a principle. Will focus on error in law which can be rectified by the appeal court.



# Take note!

- If you have time to spare –please read Magistrates' Court Handbook- chapter 14 on writing a decision for judgment

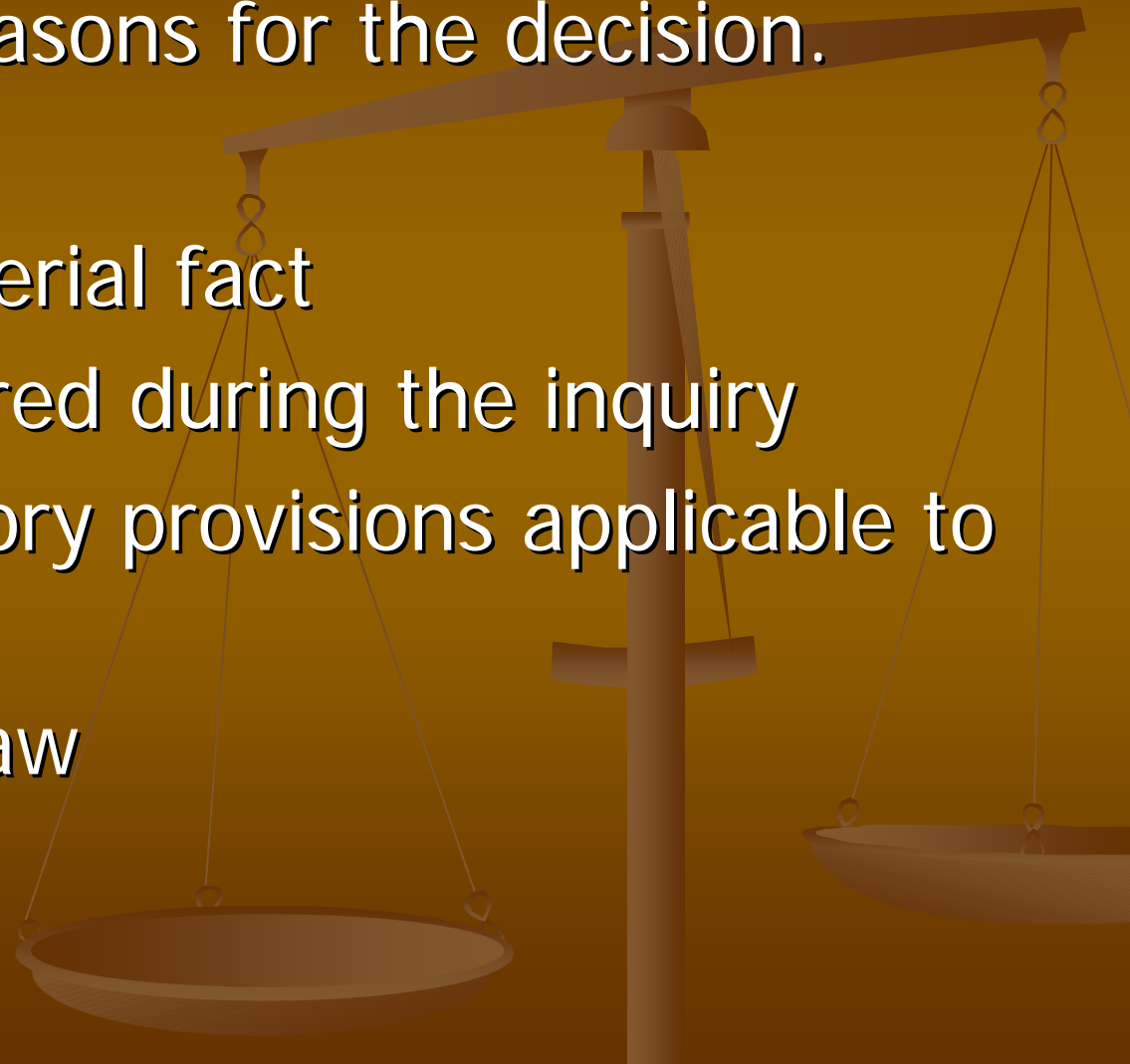


# Decisions

There must be reasons for the decision.

It comprises of:-

- Findings of material fact
- Evidence tendered during the inquiry
- Relevant statutory provisions applicable to the case
- Relevant case law



TAMMAT

