



**DEPARTMENT OF  
EDUCATION**

**UPPER SECONDARY  
SCHOOL CERTIFICATE  
EXAMINATIONS**

**LEGAL STUDIES**

Wednesday

16 October 2013

Time allowed:

2 hours and 30 minutes

(11:00am – 1:30 pm)

**NO EXTRA TIME**

**(NO OTHER TIME)**

Candidates are advised to fully  
utilise the allocated time

**LS**

## **INSTRUCTIONS TO CANDIDATES**

*To be read by the external invigilator to all candidates.*

1. The subject code for Legal Studies is **15**.
2. There are **16** printed pages in the question booklet. An electronic answer sheet for part A and **11** paged answer booklet for part B are inserted in the question booklet.
3. There are two parts in this paper. Answer all questions.

### **Part A: Multiple Choice (Questions 1-30) 30 Marks**

This section will be electronically marked.

All answers to the Multiple Choice Part **MUST** be answered on the **ELECTRONIC ANSWER SHEET** provided.

Carefully following the instructions, fill in your Candidate Information and Subject Information.

If you make a mistake, rub the shading out completely using an eraser and shade in your alternative clearly.

### **Part B: Short Answer (Questions 31- 40) 70 Marks**

Write down your name, your school name and complete your 10 digit candidate number on the Part B Answer Sheet Provided.

4. You are required to only write the correct answer in the space provided.
5. Calculators may be used.
6. Answer all questions on the answer sheet. Answers on any other paper including rough work paper and the question paper will not be marked.
7. **ALL** working must be shown step by step to get full marks. You may lose marks for writing down final answers only.
8. Correction fluid is not allowed on the answer sheet. Where you have made an error, cross out all the working and start on a new line.

**Penalty For Cheating Or Assisting To Cheat In National Examinations Is Non-Certification.**

**DO NOT TURN OVER THE PAGE  
AND DO NOT WRITE  
UNTIL YOU ARE TOLD TO START.**

**PART A: MULTIPLE CHOICE (Questions 1 to 30) 30 MARKS**

Answer each question by shading in with HB pencil the circle directly below the correct alternatives A, B, C, or D on the electronic ANSWER SHEET provided.

If you make a mistake, erase the shading completely with an eraser and shade in your alternative clearly.

**QUESTION 1**

Customary Law takes precedence over

- |                     |                 |
|---------------------|-----------------|
| A. subordinate law. | B. common law.  |
| C. statutory law.   | D. written law. |

**QUESTION 2**

Under which category of law can Tom sue Peter for breach of contract?

- |                               |                              |
|-------------------------------|------------------------------|
| A. International Trade Law    | B. Private International Law |
| C. International Criminal Law | D. Public International Law  |

**QUESTION 3**

Select the country from which most of Papua New Guinea's laws originate.

- |                  |                             |
|------------------|-----------------------------|
| A. Great Britain | B. New Zealand              |
| C. France        | D. United States of America |

**QUESTION 4**

Tom's pig was stolen by John last week. Tom may choose to ask for compensation under custom for the pig or he may choose to file a complaint against John in a formal court of laws for theft of the pig.

The passage most likely describes a situation in a country with a

- |                           |                            |
|---------------------------|----------------------------|
| A. civil system of laws.  | B. common system of laws.  |
| C. plural system of laws. | D. unitary system of laws. |

**For question 5, refer to the following scenario.**

Scenario

Peter, a builder by trade is engaged by Tom to construct a three (3)-bedroom house in Boroko, Port Moresby. A contract is drafted and signed by both men's provision in the contract states that the house must be completed within six (6) months from the date of the signing of the contract. Twelve months after the signing of the contract, the house has not been completed.

### **QUESTION 5**

Under which category of law, can Tom sue Peter for breach of contract?

- A. civil law
- B. criminal law
- C. customary law
- D. underlying law

**For question 6, the following facts have been added to the Scenario in question 5.**

Peter's building company is registered in New South Wales, Australia. Both men agree to insert an Arbitration clause into the contract, stating that disputes arising between them are to be litigated under Australian law. As stated in Scenario one, twelve (12) months after the signing of the contract, the house has not been completed.

### **QUESTION 6**

Which of the following statements is TRUE?

- A. The common law overrides customary laws.
- B. Subordinate laws overrides principal laws.
- C. The Constitution overrides organic laws.
- D. The underlying law overrides statutory laws.

**QUESTION 7**

Government Budgetary allocations passed as legislation by National Parliament in its November sessions every year is an example of the type of legislation referred to as

- A. Legislative amendments.
- B. Machinery legislation.
- C. Constitutional amendments.
- D. Subordinate legislation.

**QUESTION 8**

It is not an Organic Law, though it is created under an Organic Law. It regulates areas such as, bride and groom wealth, cemeteries and mobile trading.

The type of law described above is a

- A. Subordinate legislative enactment.
- B. Principal legislative enactment.
- C. Provincial government enactment.
- D. National legislative enactment.

**QUESTION 9**

Which of the following is NOT a state service?

- A. The Police Force
- B. The Defence Force
- C. The Security Force
- D. The Public Accounts Committee

**QUESTION 10**

A Non-citizen residing in Papua New Guinea is NOT allowed to

- A. register and operate a company in Papua New Guinea.
- B. seek redress for breach of contract in Papua New Guinea.
- C. stand for public office in Papua New Guinea.
- D. apply for and acquire land in Papua New Guinea.

**QUESTION 11**

The main aim of the National Goals and Directive Principle's in the preamble of the Constitution is to provide a set of

- A. guiding aspirations towards better Papua New Guinea society.
- B. guiding obligations towards better Papua New Guinea society.
- C. human rights that Papua New Guineans can claim and enforce.
- D. benefits and advantages that Papua New Guineans can claim and enforce.

**QUESTION 12**

One major function of the Ombudsman Commission to regulate the Leadership Code. This essentially means the Ombudsman Commission monitors, investigates and prosecutes leaders who are alleged to have breached or are in breach of the Leadership Code.

Which one of the following statements is not true?

The Ombudsman Commission

- A. regulates the actions of leaders under the Leadership Code.
- B. monitors the actions of leaders under the Leadership Code.
- C. prosecutes the actions of leaders under the Leadership Code.
- D. investigates the actions of leaders under the Leadership Code.

**QUESTION 13**

Establishment of courts and dispute settlement mechanisms are only two of the many functions of

- A. the National Parliament.
- B. the National Executive.
- C. the National Executive Council.
- D. the National Judicial System.

**QUESTION 14**

Select the answer that presents the correct order in which laws are made.

- A. Introduction of the Proposed Law, Voting on the Proposed Law, Debating on the Proposed Law, Certification of the Proposed Law.
- B. Introduction of the Proposed Law, Debating on the Proposed Law, Voting on the Proposed Law, Certification of the Proposed Law.
- C. Debating on the Proposed Law, Certification of the Proposed Law, introduction of the Proposed Law, Voting on the Proposed Law.
- D. Certification of the Proposed Law, Introduction of the Proposed Law, Voting on the Proposed Law, Debating on the Proposed Law.

**QUESTION 15**

The passing of the *Judicial Conduct Act*, 2012 by the O'Neill Government last year sought to monitor and control the actions and conduct of Judges.

The passing of the said law is a good example of the

- A. Executive arm of government attempting to override the functions of the Judicial arm of government.
- B. Legislative arm of government attempting to override the functions of the Judicial arm of government.
- C. Executive arm of government attempting to override the functions of the Legislative arm of government.
- D. Parliamentary arm of government attempting to override the functions of the Legislative arm of government.

**QUESTION 16.**

The fundamental expression of the legislative will of the people of Papua New Guinea is exercised through the

- A. National Parliament.
- B. National Executive.
- C. National Executive Council.
- D. National Judicial Service.

**QUESTION 17.**

Which Court in Papua New Guinea has jurisdiction to hear matters involving sums of money to a limit of K10,000?

- A. The Supreme Court
- B. The District Court
- C. The National Court
- D. The Village Court

**QUESTION 18**

The Supreme Court is the final court of appeal in Papua New Guinea and also has original jurisdiction to consider matters relating to provisions of the

- A. Acts of Parliament.
- B. Subordinate Enactments.
- C. Organic Laws.
- D. Emergency Regulations.

**QUESTION 19**

Which of the following statements is NOT true?

At the time of arrest a suspect must be advised of

- A. reasons for arrest.
- B. the right to call a lawyer.
- C. the right to plead innocent.
- D. the right to apply for bail.

**QUESTION 20**

Police apprehend a suspect at 6 a.m. on 01<sup>st</sup> April 2013 and may hold the suspect without charge for a set period of time. If charges are not made against the suspect, the Police are required under law to release the suspect.

Select the latest time / date which the Police must release the suspect if not charged.

- A. Before or by 6 a.m. on 04<sup>th</sup> April, 2013
- B. Before or by 6 a.m. on 04<sup>th</sup> May, 2013
- C. Before or by 6 a.m. on 05<sup>th</sup> April, 2013
- D. Before or by 6 a. m. on 05<sup>th</sup> May, 2013

**QUESTION 21**

Landowners participate in resource development by way of involvement through the formation of registered

- A. Integrated Local Groups.      B. Incorporated Local Groups.  
C. Integrated Landowner Groups.      D. Incorporated Landowner Groups.

**QUESTION 22**

The adverse effect on the quality and quantity of sago produced for consumption by people living along the Fly River in the Western Province has been attributed to increased sedimentation and salinity of the river since Ok Tedi Mining Limited began operations upstream two decades ago. The Fly River people have reported walking longer distances from the riverbank in search of “good quality” sago to harvest.

The above passage best describes a situation affecting food security as a result of environmental

- A. assessment.      B. degradation.  
C. sustainability.      D. security.

**QUESTION 23**

Before development of a natural resource can commence, a resource developer must conduct a detailed assessment of customary landowners including collection of information such as lineage, genealogy, clan names, and land boundaries.

This part of the process of resource development in Papua New Guinea is referred to as

- A. Landowner survey.      B. Equity participation.  
C. Landowner benefits.      D. Social mapping.



**QUESTION 24**

*'Female workers are always getting pregnant and wasting precious company time taking maternity leave.'*

This statement demonstrates

- |                     |                                 |
|---------------------|---------------------------------|
| A. gender equality. | B. gender based discrimination. |
| C. gender equity.   | D. gender based stigmatisation. |

**For questions 25 to 27, refer to the following passage.**

Charlie sustained injuries in a motor vehicle accident. The vehicle was registered and operated by the Department of Health. Charlie has, as is required by law, lodged a Notice of Intention to Make a Claim for damages for injuries sustained in the motor vehicle accident.

**QUESTION 25**

Select the time frame within which Charlie may lawfully lodge a claim for damages?

- |            |            |            |            |
|------------|------------|------------|------------|
| A. 4 years | B. 5 years | C. 6 years | D. 7 years |
|------------|------------|------------|------------|

**QUESTION 26**

Under what law can Charlie lodge his claim for damages?

- A. *Motor Traffic Act, 1975*
- B. *Motor Vehicle (Third Party Insurance) Act, 1975*
- C. *Motor Vehicle (Basic Protection) Act, 1975*
- D. *Claims By and Against the State Act, 1994*

**QUESTION 27**

Select the document Charlie is NOT required to submit in support of his claim for damages?

- |                           |                        |
|---------------------------|------------------------|
| A. Police Accident Report | B. Medical Certificate |
| C. Birth Certificate      | D. Witness Statement   |

**QUESTION 28**

The legal minimum age limit for consumption of alcohol and entry into ‘alcohol or liquor’ selling outlets in Papua New Guinea is

- A. 18 years.
- B. 20 years.
- C. 19 years
- D. 21 years.

**QUESTION 29**

After a series of ‘sorcery related killings’ in Papua New Guinea recently, the National Parliament amended the *Criminal Code Act*. The effect of the amendments was that this type of killings has been added to the list of serious crimes which now carry tougher penalties.

The maximum penalty, which may be incurred for ‘sorcery related killing’ under the amended law is

- A. 50 years in hard labour.
- B. life imprisonment.
- C. death penalty.
- D. solitary confinement.

**QUESTION 30**

It is within the powers of the National Fisheries Authority to arrest and impound foreign vessels fishing illegally in Papua New Guinea’s coastal waters.

Select the law under which the National Fisheries Authority is authorized to do this.

- A. The Constitution
- B. *The Maritime Management Act, 1998*
- C. *The Fisheries Management Act, 1998*
- D. *The Coastal Waters Management Act, 1998*

**PART B: SHORT ANSWER (QUESTION 31 to 40) 70 MARKS**

**Write the answers to the Questions on the Answer Booklet provided.**

**For Question 31, study the passage below and answer the following questions.**

In the late 1940's the first post - war Administrator of the Territory of Papua and New Guinea, General JK Murray issued an Ordinance and Ministerial instructions, which effectively improved working conditions for native labourers. This resulted in better conditions including improved accommodation for workers, new nutritionally balanced and adequate ration scales, medical care for workers, pay increases to £15 per month, abolishing of penal sanctions and abolishing of the 'indenture system' of labour.

Source; Waiko DJ, A Short History of Papua New Guinea (2<sup>nd</sup> ed), Oxford Uni Press Pg'96.

**QUESTION 31**

- (a) What area of law was greatly improved and referred to by the Ordinance and Ministerial instructions issued by General JK Murray? (1 mark)
- (b) An Ordinance was the term given to colonial \_\_\_\_\_(1 mark)
- (c) Provide two reasons as to why the colonial administrators imposed 'penal sanctions' as part of the labour regime? (2 marks)
- (d) In a short paragraph, describe the 'indenture system' referred to in the passage. (3 marks)

**QUESTION 32**

Define the following terms and provide examples where required.

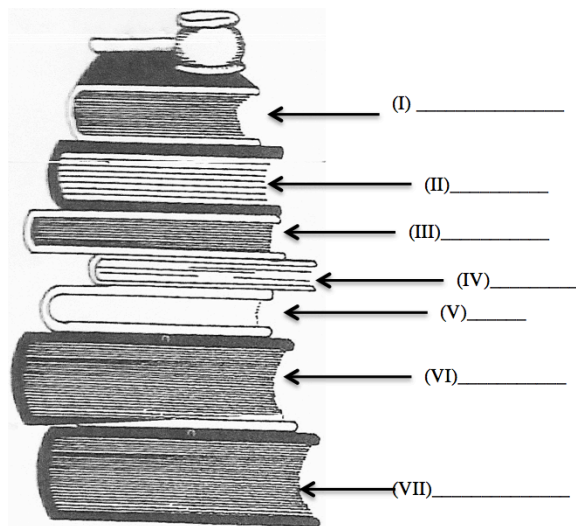
- (a) Jurisdiction of a court (1 mark)
- (b) Original jurisdiction of the Supreme Court (1 mark)
- (c) Provide an example of a situation whereby the Supreme Court exercises its original jurisdiction (1 mark)
- (d) Unlimited jurisdiction of the National Court (1 mark)
- (e) Provide two examples of matters whereby the National Court exercises its 'unlimited jurisdiction'. (2 marks)
- (f) Appellate jurisdiction of the District Court. (1 mark)

**QUESTION 33**

Study the Table provided and fill in the missing year/s or event.

SNAPSHOTS IN PAPUA NEW GUINEA’S LEGAL HISTORY	
YEAR	EVENT
(I) _____	Norman invasion and conquest of England
1873	Judicature Act passed in England merging the Courts of Chancery and Equity
(II) _____	Commodore Erskine declares Papua a British Protectorate.
1907	Native Labour Ordinance passed providing for indentured system of labour
(III) _____	World War I, occupied forces ruled.
1939 - 1945	(IV) _____, occupied forces ruled.
(V) _____	Papua New Guinean’s Constitution adopted
(VI) _____	Organic Law on Provincial Governments passed providing for decentralized system of Government initially.
(VII) _____	Significant amendments to the <i>Criminal Code Act</i> , imposing tougher penalties for serious crimes.

For Question 34, refer to the information below.



List of Laws

Emergency Regulations, Organic Laws, Adopted Laws including delegated laws, Underlying Law, Constitution, Provincial Laws, Acts of Parliament

**QUESTION 34**

From the list above, place each law in order of superiority in the spaces provided.

(7 marks)

**QUESTION 35**

Fill in the blanks to complete the passage.

The (I) \_\_\_\_\_ guarantees human (II) \_\_\_\_\_ and (III) \_\_\_\_\_ freedoms to all persons who reside in Papua New Guinea. Some rights can be exercised and apply to all persons whilst other rights can only be exercised and apply to Papua New Guinea citizens. An example of the former is the (IV) \_\_\_\_\_ enabling persons to, freely and without fear, write to the daily newspaper condemning the selfish actions of power hungry politicians. On the other hand, an example of the latter is (V) \_\_\_\_\_ where upon all Papua New Guinea citizens above the age of 18 years decide at the polls on parliamentary representation every five years. Enforcement is also guaranteed and successful claims against persons in court for (VI) \_\_\_\_\_ can result in the courts awarding (VII) \_\_\_\_\_.

(7 marks)

**QUESTION 36**

In 1979, a constitutional crisis rocked the newly independent State of Papua New Guinea. Mrs. Nahau Rooney, the then Minister of Justice and member of the National Executive Council wrote two letters, one to the Chief Justice on a case involving an academic advisor who was to be deported by the Government. The other letter, concerning the same matter was sent to the Public Prosecutor. Judges viewed the letters as interfering with the administration of justice. Mrs. Rooney was tried by the Courts and sentenced to eight (8) months in jail. The then Prime Minister, Mr Michael Somare overturned the decision and released Mrs. Rooney. Nationwide protests followed and the entire Judiciary resigned.

Write two (2) short paragraphs on the 'powers and functions of arms of the respective government in a democratic state' such as Papua New Guinea. (7 marks)

**For Question 37, read the Article and answer the questions provided.**

***President wants genuine landowners to contest seat***

*The Government has been urged to enact laws allowing only legitimate landowner to contest the president's seat in the local government elections.*

*Ahi LLG president Sam Agi said this on Wednesday after it was alleged that 19 candidates not from Ahi were contesting the president's seat.*

*The Ahi LLG is in Lae district, Morobe, and consist of a group of clans who the traditional landowners of Lae city and surrounding areas.*

*"My concern is if people from outside become presidents", Agi said.*

*How can they deal with problems involving customary landowners and land disputes in the LLG?"*

*Agi, who will be defending his LLG president's seat, said he was not concerned about winning or losing but about the well being of the local landowners because outsiders have influenced them.*

*I think it is time a law should be passed to address this.*

*"Someone from outside cannot come and takeover someone else's birth right," Agi sai.*

*He said everyone who has from this country had his or her own LLG and should go back to his or her place of origin and contest the LLG election.*

*Amos Gesingsu, the patrol officer in charge of coordinating the Ahi LLG election, said more than 70 candidates have registered to contest the 17wards council seats and 22 candidates registered to contest the presidential seat.*

*Judith Gidisa is the only woman contesting the presidential seat.*

*Source: The National, June 14 2013, Pg. 12*

**QUESTION 37**

- (a) What fundamental Special Right of Citizen's is the focus of this article? (1 mark)
- (b) If the Government were to pass a law, as suggested by President Agi, what danger might this law present? (2 marks)
- (c) Laws passed by parliament must not conflict with written law. With reference to your answer in part (a) regarding the Article's focus on the Special Rights of the Citizens, name a law which president Agi's proposed law may conflict with? (1 mark)
- (d) Identify a 'gender issue' raised by the Article. (1 mark)
- (e) Suggest one way in which the law may address the 'gender issue' you have identified in your answer in part (d). (2 marks)

**QUESTION 38**

Match each word below with the definitions written beside. (*Write your answers in Roman Numerals*)

Rehabilitation	(I)	A person who brings an action at law against another person or persons.
Fine	(II)	Upon charges of an indictable offence, examination by a Magistrate to determine whether there is sufficient evidence against an accused person.
Plaintiff	(III)	A person charged with an offence.
Good Behaviour Bond	(IV)	As determined by the Court, deprivation of a convicted person's liberty through confinement for a set period of time.
Complaint	(V)	As determined by the Court, not sending a convicted person to jail but to an institution aimed at changing the person's attitude or behavior.
Custodial sentence	(VI)	As determined by the Court, a set amount of money to be paid to the Court for commission of an offence.
Committal Hearing	(VII)	As determined by the Court, a set amount of money to be paid to the Court by an offender, in return of a promise by the offender, not to re-offend for a set period of time.
	(VIII)	A written statement made to a Magistrates Court constituting the facts of a case against another person.
	(IX)	A person against whom an action at law is brought.

(7 marks)

**For question 39, read the passage below.**

In the case of *State vs. Ure Hane* (1983) N442, Justice Kaputin supported “Bride - price” and expressed his approval as follows:

‘ The custom of bride price does not contravene written law. It is a worthy custom and should be protected. Bride - price represents the approval of the community and the marriage. Children born of the marriage are legitimate, and raised in a society, which is stable and offer’s security for their upbringing. Bride price is inherent and inextricably bound up in the processes of constructing and consolidating social and moral order in society.’

**QUESTION 39**

You are an advocate on ‘Violence Against Women’ and strongly believe that the custom of bride - price is commonly used to justify the beating and in some cases, killing of women in Papua New Guinea.

Write two short paragraphs criticizing Justice Kaputin on his opinion of the custom of bride price.

(7 marks)

**For question 40, read the article and answer the following questions*****Chief SABLs and ILGs unreliable***

*THE special agriculture business lease (SABL) and incorporated land groups (ILGs) concepts are unreliable and are creating social and economic dilemmas for local people, a landowner leader says.*

*Vauna Nobake, a Paramount Chief of Bau tribe in Cloudy Bay forest project area in Abau, Central, said he supported Communal Land Development Ltd on the application of customary law to communal land. The local company is headed by customary land advocate Dr Onne Rageau, a medical practitioner.*

*Nobake said the proposal targeting customary land conversion into SABLs and ILGs would make them lose control of rights over their customary land. “Customary law allows us to observe and maintain absolute consensus culture in decision making for any work undertaken on communal owned land”.*

*Source: The National, April 23 2013, P8.*

**QUESTION 40**

- (a) State two aspects of customary law which the article above refers to. (2 marks)
- (b) Write two short paragraphs outlining whether you agree or disagree with the views of Paramount Chief Vauna Nobake. (5 marks)

**END OF EXAMINATION**



# LEGAL STUDIES—2013

## PART B-ANSWER BOOKLET

Write your name, your province and school codes and your candidate number correctly and clearly in the space provided below.

Year		Province		School			Candidate No		
1	3								

Candidate Name: \_\_\_\_\_

School Name: \_\_\_\_\_

Answers written on the QUESTION paper or any other paper will NOT be marked. Write answers in the spaces as provided on this answer booklet.

### FOR MARKERS USE ONLY

	Score	Markers Initials	
		M1	M2
<b>Part B:</b>			
Question 31			
Question 32			
Question 33			
Question 34			
Question 35			
Question 36			
Question 37			
Question 38			
Question 39			
Question 40			
<b>FINAL TOTAL</b>			

<b>QUESTION 31</b>	
(a) _____	1
(b) _____	1
(c) _____ _____ _____ _____	2
(d) _____ _____ _____ _____ _____ _____	3
<b>QUESTION 31 TOTAL</b>	

<b>QUESTION 32</b>	
(a) _____ _____	1
(b) _____ _____	1
(c) _____ _____	1
(d) _____ _____	1
(e) _____ _____ _____	2
(f) _____ _____	1
<b>QUESTION 32 TOTAL</b>	

**QUESTION 33**

(I) \_\_\_\_\_

1

(II) \_\_\_\_\_

1

(III) \_\_\_\_\_

1

(IV) \_\_\_\_\_

1

(V) \_\_\_\_\_

1

(VI) \_\_\_\_\_

1

(VII) \_\_\_\_\_

1

**QUESTION 33 TOTAL**

**QUESTION 34**

(I) \_\_\_\_\_

1

(II) \_\_\_\_\_

1

(III) \_\_\_\_\_

1

(IV) \_\_\_\_\_

1

(V) \_\_\_\_\_

1

(VI) \_\_\_\_\_

1

(VII) \_\_\_\_\_

1

**QUESTION 34 TOTAL**

<b>QUESTION 35</b>	
(I) _____	1
(II) _____	1
(III) _____	1
(IV) _____	1
(V) _____	1
(VI) _____	1
(VII) _____	1
<b>QUESTION 35 TOTAL</b>	

**QUESTION 36**

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**QUESTION 36 TOTAL**

7

**QUESTION 37**

(a)

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1

(b)

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2

(c)

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1

(d)

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1

(e)

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2

**QUESTION 37 TOTAL**



**QUESTION 38**

7

<u>Words</u>	<u>Definitions</u>
Rehabilitation	
Fine	
Plaintiff	
Good Behaviour Bond	
Complaint	
Custodial sentence	
Committal Hearing	

**QUESTION 38 TOTAL**

**QUESTION 39**

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7

**QUESTION 39 TOTAL**

**QUESTION 40**

(a) \_\_\_\_\_

2

(b)

5

**QUESTION 40 TOTAL**