



DEPARTMENT OF
EDUCATION

UPPER SECONDARY
SCHOOL CERTIFICATE
EXAMINATIONS

LEGAL STUDIES

Wednesday

15 October 2014

Time allowed:

2 hours and 30 minutes

(11:00 am – 1:30 pm)

NO EXTRA TIME

(NO OTHER TIME)

Candidates are advised to fully
utilise the allocated time

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 **15** printed pages in the question booklet. An electronic answer sheet for part A and **7** 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 part 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 Others To Cheat In
National Examinations Is Non-Certification.**

LS

**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

The principles and rules of Common Law and _____ form part of the Underlying Law of Papua New Guinea.

- A. Fairness B. Justice C. Equality D. Equity

QUESTION 2

From the alternatives below, select the body responsible for drafting Papua New Guinea's Constitution.

- A. Parliamentary Services Committee. B. Parliamentary Steering Committee.
C. Constitutional Planning Committee. D. Constitutional Enacting Committee.

QUESTION 3

To enable amendments to be made, which of the laws below requires a three-quarter absolute majority vote in parliament?

- A. Organic Laws B. Acts of Parliament
C. Provincial Laws D. Underlying Laws

QUESTION 4

Complete the sentence below.

An Act of Parliament is subordinate to _____.

- A. an Organic Law B. an Emergency Law
C. a Provincial Law D. Delegated Legislation

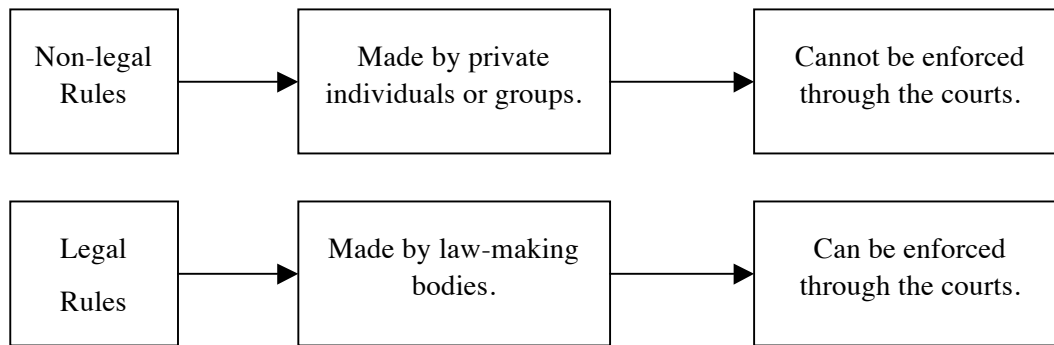
QUESTION 5

Papua New Guinean Ways call for Papua New Guinean citizens to:

- A. draw upon their own cultural heritage and places trust in Papua New Guineans and their wisdom.
B. be politically and economically independent and self-reliant.
C. be involved in the process of freeing himself or herself from any form of domination or oppression.
D. have equal access to opportunities to participate in and benefit from the development of our country.

QUESTION 6

Study the diagram below and answer the question that follows.



Which of the following is an example of ‘legal rules’?

- A. *Investment Promotion Act, 1992.*
- B. Papua New Guinea’s Vision 2050.
- C. Judicial and Legal Services Commission.
- D. Constitutional Law Reform Commission.

QUESTION 7

Complete the sentence below.

A court comprising of three (3) judges hearing a case would most likely be the _____ Court.

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

QUESTION 8

Read the information provided below and complete the sentence.

In the case of *State vs Peter Painke*, the defendant Peter was brought to trial fourteen months after the alleged offence was committed.

The Constitutional Right which was breached in this case is, Peter’s right to _____

- A. a fair hearing.
- B. presumption of innocence.
- C. hear his case by an impartial court.
- D. hear his case within a reasonable time.

QUESTION 9

Read the information provided below and complete the sentence.

Land in Papua New Guinea is divided into two basic categories. The first category is alienated land, which accounts for 3 percent of the total land area comprising of prime urban and agricultural land. The other category is referred to as unalienated land, which comprises a little over 97 percent of the land area of Papua New Guinea . This land is regulated by _____.

- A. Common Law.
- B. Customary Law.
- C. Equitable Law.
- D. Statutory Law.

QUESTION 10

Complete the sentence below.

The Liquefied Natural Gas (LNG) project in Papua New Guinea is an example of a resource project regulated by the _____.

- A. *Forestry Act, 1981*
- B. *Oil and Gas Act, 1998*
- C. *Land Act, 1996*
- D. *Mining Act, 1992*

QUESTION 11

In Papua New Guinea, what type of marriage occurs at the Civil Registry?

- A. A statutory marriage.
- B. A defacto marriage.
- C. A customary marriage.
- D. A dissolution marriage.

QUESTION 12

The legal termination of marriage by a competent court of law is referred to as a;

- A. decree of marriage.
- B. presumption of marriage.
- C. dissolution of marriage.
- D. assumption of marriage.

QUESTION 13

Complete the sentence below.

A contract is an agreement between two parties, which is intended to be _____.

- A. procedurally considered
- B. procedurally offered
- C. legally breached
- D. legally binding

QUESTION 14

There have been numerous discussions relating to the Asylum Offshore Processing Centre (OPC) on Manus Island, which accommodates almost 1300 asylum seekers.

Which of the following statements does **not** summarise the status and / or accommodating of asylum seekers on Manus Island?

- A. They are seeking entry into Australia and will wait for their status to be determined as to whether they are genuine refugees under international law.
- B. Their settlement at the Manus OPC is within the objectives of the United Nations High Commission for Refugees.
- C. The living conditions are of an acceptable level under international law because the processing centre is administered by an agreement between the Papua New Guinea and Australian Governments.
- D. Many of the Asylum seekers can be integrated into Papua New Guinea society because they are eligible for Permanent Residency Status.

QUESTION 15

Complete the sentence that follows.

“Domestic Violence” is generally referred to as ‘gender based violence’ because victims are predominantly _____.

- A. male persons
- B. female persons
- C. juvenile persons
- D. persons with disabilities

Read the information below to answer Question 16.

Law operates within the parameters and complexities of society. Law-making is influenced by and reflects existing socio-economic and political conditions. Parliament constantly makes new laws and amends and repeals existing laws.

QUESTION 16

The main reason parliament makes new laws, and amends and repeals existing laws is;

- A. to ensure conditions in society remain static.
- B. in response to changes in society.
- C. in response to changes in government.
- D. to address political instability.

QUESTION 17

Complete the sentence by selecting the correct alternative.

A Government Minister is charged with misappropriating more than K10 million in public funds and the case is on trial in the National Court.

The above situation best describes a _____ case.

- A. Criminal
- B. Civil
- C. Political
- D. Prima Facie

QUESTION 18

From the alternatives provided, select the alternative, which is **not** legislated on by a provincial government.

- A. Traffic offences
- B. Liquor licencing
- C. Local Level Government laws
- D. Legal tender

QUESTION 19

Which of the following bodies is the Supreme Court empowered to give advisory opinions to?

- A. National Parliament, Governor General, Provincial Legislature, Department of Justice and Attorney General
- B. Governor General, Ombudsman Commission, National Parliament, District Court
- C. National Parliament, Governor General, Ombudsman Commission, Provincial Legislature
- D. Provincial Legislature, Ombudsman Commission, National Parliament, National Court

QUESTION 20

Which of these alternatives would prevent a Papua New Guinean citizen from contesting the elections for a seat in the National Parliament.?

The person must;

- A. be born in the electorate.
- B. have resided in the electorate for at least one year.
- C. not be under sentence of death.
- D. be imprisoned for a period of more than nine months.

QUESTION 21

From the alternatives provided, select the statement which is TRUE.

The Head of State _____

- A. can act independently from advice of the National Executive Council.
- B. cannot act independently from advice of the National Executive Council.
- C. may act in accordance with advice from the Prime Minister.
- D. may not act in accordance with advice from the Prime Minister.

QUESTION 22

Which of the situations below best describes a court enforcing its decision?

- A. Rose was awarded K500.00 compensation by the Tupex Village Court.
- B. Rose commenced proceedings for K500.00 compensation in the Tupex Village Court.
- C. Rose obtaining a Court Order from Tupex Village Court to be paid K500.00 compensation.
- D. Rose lays a complaint at the Tupex Village Court for K500.00 compensation.

QUESTION 23

For Question 23, fill in the blank with the correct term from the alternatives below.

Where an accused person is charged with _____, which can only be tried by the National Court; he or she will be taken to a District Court for committal proceedings

- A. an irrevocable offence
- B. an indictable offence
- C. a summary offence
- D. a minor offence

QUESTION 24

From the alternative answers provided, select the answer which is **not** a result of a dual system of laws.

- A. The existence of different sources of law.
- B. Competing legal processes.
- C. Monopolization of a single legal framework.
- D. Alternative procedures for dispute settlement.

QUESTION 25

The first Papua New Guinean to be appointed Chief Justice in 1980 was;

- A. Sir John Guise
- B. Sir Buri Kidu
- C. Sir Michael Somare
- D. Sir John Kaputin

Read the article below and answer Question 26 that follows.

Province has demand for timber: MP

WITH scarce forestry resources, Milne Bay has a huge demand for sawn timber, Forestry Minister and Kiriwina-Goodenough MP Douglas Tomuriesa said.

During a visit to the province recently, Tomuriesa said he wanted to promote downstream processing as opposed to round log export.

He said Saban Enterprise Ltd has been operating a sawmill in the province for more than 20 years, with logs imported from Madang.

The sawmill located at Ulabo has the capacity to mill 3,500 – 4,000 cubic metres of timber a month or 50, 000 cubic metres per annum, employing 190 staff.

He said: “I want to develop more (forestry) plantations. Now is the time for the government to work in partnership with the industry to develop forestry plantations which is the way forward for the sector”.

“I want downstream processing based on plantation forests to become a thing of the future and round logs from the natural forest a thing of the past”.

Source: *The National* 23/04/14 (p. 54)

QUESTION 26

The member for Kiriwina-Goodenough would like to develop sustainable forestry plantations.

Select the legislation which regulates this industry?

- A. *Land Disputes Settlement Act*, Chapter No. 45
- B. *Forestry Act*, 1991
- C. *Water Resources Act*, 1992
- D. *Environmental Contaminants Act*, 1978

QUESTION 27

Select the statement, which **best** describes the “Rule of Law”?

- A. The exercise of executive power to rule arbitrarily.
- B. People should not be ruled by other people but by the law.
- C. Rules of equality of government restriction on authorities.
- D. Regulations dealing with legally binding written laws.

QUESTION 28

The fourth category of laws in the hierarchy of laws set out under Section 9 of the Constitution are the;

- A. provincial laws.
- B. emergency regulations.
- C. adopted laws.
- D. acts of parliament.

QUESTION 29

Which of the following does **not** describe “case law”

- A. Rules of law contained in statute.
- B. Rules of law not contained in statute.
- C. Judge made law
- D. Judicial decisions

QUESTION 30

In enforcing the provisions of the *Fisheries Management Act*, 1998, Fisheries officers are vested with certain powers. Which of the following statements best describes the powers of Fisheries officers?

The power to:

- A. board and search without a warrant, any aircraft within Papua New Guinea’s jurisdiction.
- B. board and search without a warrant, any vessel within Papua New Guinea’s jurisdiction.
- C. seize and detain for personal use, items such as fish or fish products.
- D. deregister vessel operators for pollution of marine waters within a harbour.

PART B: SHORT ANSWER

(QUESTION 31 to 40)

70 MARKS

Write all the answers to the questions on the Answer Booklet provided.

QUESTION 31

Fill in the blanks with the correct term or phrase from the list provided below. (7 marks)

1. state and its agencies	7. criminal law
2. infringement	8. appeals
3. damages or compensation	9. restitution
4. deterring sentence	10. another person
5. civil law	11. sue
6. allegation	12. fines or imprisonment

The law can be divided into two basic categories. (a) _____ protects individual rights, for example family law, property law etc. On the other hand, (b) _____ protects the entire society by keeping the peace, protecting persons and property, and holding persons responsible for wrongs against society. When the former category of law is breached, the offender is taken to court by (c) _____ and where breach has been found to have occurred (d) _____ can be claimed. Where one party makes an (e) _____ of wrong doing against another party in the latter category of law, the (f) _____ are involved in prosecution of the case, which may result in sanctions imposed such as (g) _____.

QUESTION 32

Identify the type of law, which regulates the given situation.

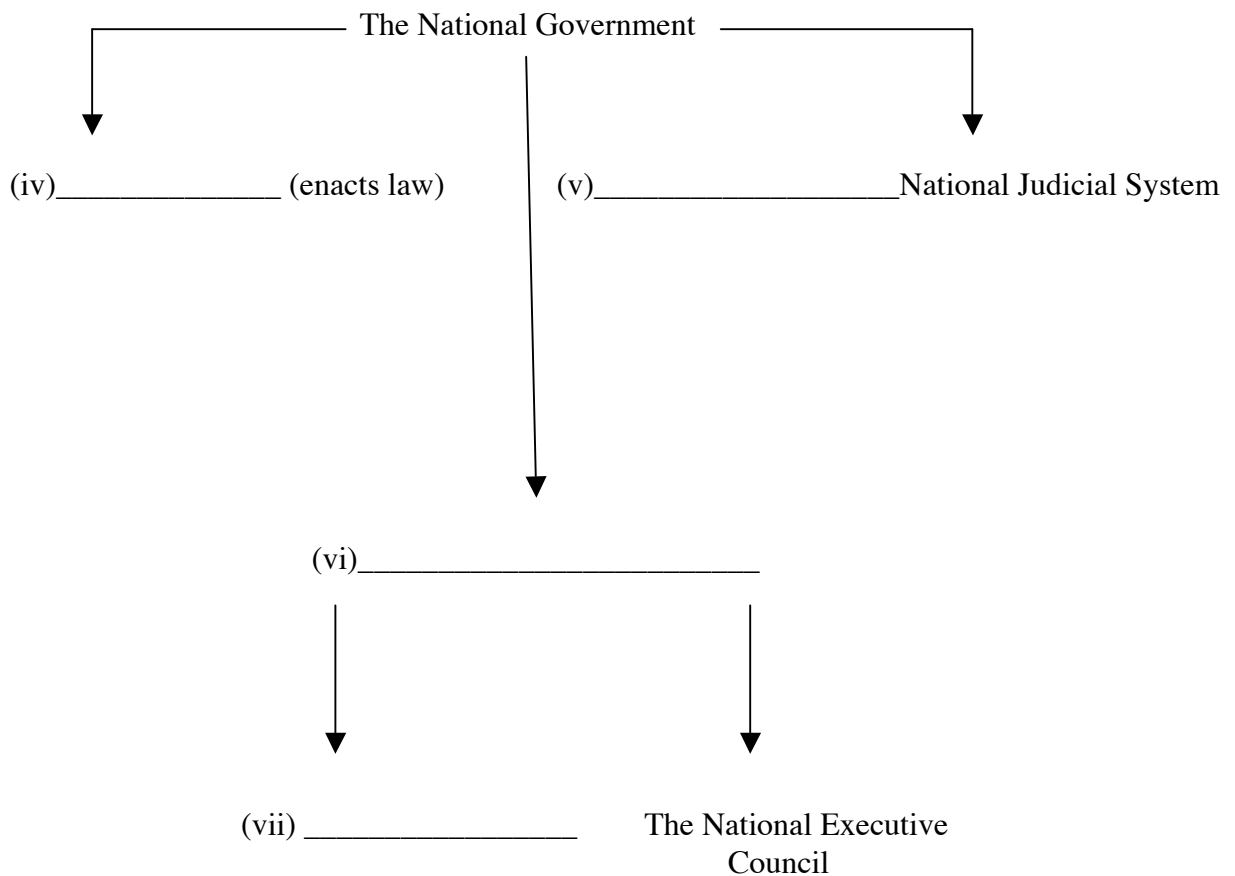
- (a) Regulates and provides for national, provincial and local level government elections.
- (b) Regulates movement of people during an outbreak of contagious disease.
- (c) Establishes the political and legal systems and structures of a country.
- (d) Regulates civil unrest such as break down of law and order.
- (e) Delegates powers created under statute to an authority.
- (f) Provides non-formal methods of dispute resolution in a village setting.
- (g) Regulates traffic offences, fines and penalties.

QUESTION 33

Complete the diagram by filling in the correct words. (7 marks)

THE THREE ARMS OF GOVERNMENT AND THEIR FUNCTIONS

- a) Section 99 (3) of the (i) _____ provides the legal basis for the Doctrine of (ii) _____ of (iii) _____ in Papua New Guinea.



QUESTION 34

Read the passage below and answer the questions that follow.

“New draconian laws in effect”

The penalty of 50 years without parole for misappropriating more than K1 million is now in effect, officials in the law and justice sector have warned.

The law came into effect last September but some law enforcement agencies were not aware of the amendments to the Criminal Code, which were passed by the National Parliament in 2013 and certified four months later.

The government’s second legislative counsel, Johnny Bogombari, told the Post Courier in an interview that the penalty was now a law and all law enforcement agencies should be made aware and apply where necessary.

The penalty was part of a number of controversial amendments pushed through by the Government in response to a public outcry against gender violence, following the barbaric burning of Western Highlands woman Laniata Kepari in Mount Hagen in February last year. A senior law enforcement officer, who spoke on condition of anonymity, said certain offences needed harsher penalties and law enforcement agencies needed to enforce them.

Post Courier 23/04/14 (p.1)

- (i) What is the main issue raised in the above article? (1 mark)
- (ii) Which major category of law does the article focus on? (1 mark)
- (iii) Explain why the District Court cannot enforce the “50 years without parole” penalty referred to in the article. (2 marks)
- (iv) Provide an example of a law enforcement agency and state the major function of the agency you have selected. (2 marks)
- (v) What is the correct term for the offence referred to in the article as the “barbaric burning of Western Highlands woman Laniata Kepari?” (1 mark)

QUESTION 35

Read the article below and answer the following questions. (7 marks)

All Papuan workers were severely discriminated against. Only certain workers such as officials, tradesmen, police mission teachers and clerks were allowed to wear clothes on the upper part of their bodies. Papuans were not allowed on European premises between dusk and dawn. Those not employed in Port Moresby or Samarai were allowed to enter the towns between 9 pm and 6 am. Some Papuans were denied access to their own land. There were separate toilets, public transport and housing for Papuans and foreigners.

Source: Waiko, D.J (2003:41)PNG A Short History of Our Times

- (i) Identify the main issue raised in this article. (1 mark)
- (ii) The article states that people were not allowed to enter towns between 9:00 pm and 6:00 am. What human right in the Constitution is breached in this situation? (1 mark)
- (iii) The article states “Papua New Guineans were denied access”. This a good example of persons not being allowed to exercise what particular right? (1 mark)

For Question (iv) below, fill in the blank.

- (iv) If the laws mentioned were passed by the National Parliament in 2014, these laws would most probably be declared _____ by a court of law. (1mark)

To answer Question (v) the following facts have been added to the facts in the article.

Additional facts.

“You are a Papuan worker living under the described conditions in a small town in Central Province in 2014.”

- (v) In a short paragraph, explain what action or actions you can take under Papua New Guinea laws to address the situation you are in. (3 marks)

QUESTION 36

Match each word with the correct definition.

(Write your answer in Roman numerals.)

Words	Number	Definition
Charge	(i)	Release of a person from legal custody on understanding that they will appear at their hearing or trial.
Right to silence	(ii)	A statement or assertion, as yet unproved, made in any proceeding.
Summons	(iii)	As determined by the Court, a set amount of money to be paid to the court for commission of an offence.
Remand	(iv)	A decision of a court that defendant accused of a crime is not guilty.
Allegations	(v)	When police formally allege that a person has committed a crime.
Bail	(vi)	A person not electing not to answer questions asked by police or not giving evidence in court.
Acquittal	(vii)	A document informing the defendant, where and when a criminal case will be dealt with.
	(viii)	A suspect is refused bail and held in custody until the trial.
	(ix)	An arrangement by which a defendant to criminal proceedings agrees to plead guilty to one or more charges in exchange for some advantage to him or her.

QUESTION 37

From the list of words provided, fill in the blanks with the correct word.

Words:

local, judge, custom, criminal, resolution, district, statute, amendment, magistrate, mediation, appeal, tribunal

A village court hears cases regulated by (i) _____ and has very limited (ii) _____ jurisdiction. In certain situations, this court may apply traditional methods of dispute (iii) _____ such as (iv) _____. Persons who are not happy with a decision of the Village Court may (v) _____ to the (vi) _____ Court. A Village Court (vii) _____ presides over cases which come before the Court.

(7 marks)

QUESTION 38

- (i) Explain what the term “responsible government” means? (1 mark)
- (ii) Explain what the term “representative government” means? (1 mark)
- (iii) What is the role of the Speaker of Parliament? (1 mark)
- (iv) a) Define “parliamentary privileges” and
 b) Provide an example of a situation which is covered by parliamentary privilege. (2 marks)
- (v) Describe what is meant by the terms;
 a) the “legislative power of the National Parliament”.
 b) the “constituent power of the National Parliament”. (2 marks)

QUESTION 39

Read the passage and answer the following questions

On the 30th of April, 2014, Peter met Ben at the market and was informed by Ben that he was selling his old tractor for K10,000.00. Peter expressed his interest in buying the tractor. Ben agreed to sell it to him. Two days later, Peter deposited K2,000.00 into Ben’s BSP account in part payment for the tractor. A month later, Peter went to Ben’s workshop to collect the tractor, only to discover that Ben had sold the tractor to Tom for K12,000.00. Peter wants his K2,000.00 refunded to him. Ben claims that as the owner of the tractor, he can sell it to any person he wished to and that the K2,000.00 was the income he lost when the tractor sat idle for a month waiting to be collected by Peter.

- (i) Which category of law does the above situation best describe? (1 mark)
- (ii) State three (3) possible options available to Peter under Papua New Guinea law to which he may resort to claim his K2,000.00 from Ben. (3 marks)
- (iii) If the above situation was referred to a court of law;
 a) State which court will most probably handle the case? (1 mark)
 b) State the reason as to why the court you have selected in your answer to *Question (iii)* (a) will most probably handle the case. (1 mark)
 c) What legal term applies to a person in Ben’s situation, against whom legal action is taken? (1 mark)

QUESTION 40

Read the passage and answer the question that follows.

When customary land is acquired by the State for purposes of resource development, the compensation paid is measured by western-based market value principles of land. The application of this market value concept conflicts with the value of land held by customary landowners, and as such has been the basis for numerous problems faced by resource developers in Papua New Guinea.

Source: Kwa, L E (2008:153) Constitutional Law of PNG.

In a short paragraph, identify and provide reasons as to why the customary landowners measure of value of his or her land differs to the value placed on customary land by a western resource developer.

(7 marks)

END OF EXAMINATION

LEGAL STUDIES

SECTION B – Answer Booklet

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

Year		Province		School			Candidate		
1	4								

Candidate Name: _____

School Name: _____

ANSWERS WRITTEN ON THE QUESTION PAPER OR ANY OTHER PAPER WILL NOT BE MARKED.

WRITE ANSWERS NEATLY IN THE SPACES PROVIDED IN THIS ANSWER BOOKLET

FOR MARKERS USE ONLY

	Score	Markers' Initials	
		Marker 1	Marker 2
SECTION B			
QUESTION 31			
QUESTION 32			
QUESTION 33			
QUESTION 34			
QUESTION 35			
QUESTION 36			
QUESTION 37			
QUESTION 38			
QUESTION 39			
QUESTION 40			
	70		

START YOUR WORK ON THE NEXT PAGE

SECTION B - ANSWERS

Write your answer in the space provided below. Your answers must be clear and precise.

QUESTION 31	Mark/ Question	Mark Scored
(a) _____	1	
(b) _____	1	
(c) _____	1	
(d) _____	1	
(e) _____	1	
(f) _____	1	
(g) _____	1	
For Markers Use Only Q 31 Total	7	

QUESTION 32	Mark/ Question	Mark Scored
(a) _____	1	
(b) _____	1	
(c) _____	1	
(d) _____	1	
(e) _____	1	
(f) _____	1	
(g) _____	1	
For Markers Use Only Q 32 Total	7	

QUESTION 33	Mark/ Question	Mark Scored
(i) _____	1	
(ii) _____	1	
(iii) _____	1	
(iv) _____	1	
(v) _____	1	
(vi) _____	1	
(vii) _____	1	
For Markers Use Only Q 323 Total	7	

QUESTION 34	Mark/ Question	Mark Scored
(i) _____	1	
(ii) _____	1	
(iii) _____ _____ _____	2	
(iv) _____ _____ _____	2	
(v) _____	1	
For Markers Use Only Q 34 Total	7	

QUESTION 35	Mark/ Question	Mark Scored
(i) _____	1	
(ii) _____	1	
(iii) _____	1	
(iv) _____	1	
(v) _____		

_____	3	

For Markers Use Only	Q 35 Total	7

QUESTION 36	Mark/ Question	Mark Scored
Charge _____	1	
Right to silence _____	1	
Summons _____	1	
Remand _____	1	
Allegations _____	1	
Bail _____	1	
Acquittal _____	1	
For Markers Use Only	Q 36 Total	7

QUESTION 37	Mark/ Question	Mark Scored
(i) _____	1	
(ii) _____	1	
(iii) _____	1	
(iv) _____	1	
(v) _____	1	
(vi) _____	1	
(vii) _____	1	
For Markers Use Only Q 37 Total	7	

QUESTION 38	Mark/ Question	Mark Scored
(i) _____	1	
(ii) _____	1	
(iii) _____	1	
(iv) a) _____	1	
b) _____	1	
(v) a) _____	1	
b) _____	1	
For Markers Use Only Q 38 Total	7	

QUESTION 39	Mark/ Question	Mark Scored
(i) _____	1	
(ii) 1. _____ _____	1	
2. _____ _____	1	
3. _____ _____	1	
(iii) a) _____	1	
b) _____ _____	1	
c) _____	1	
For Markers Use Only		
Q 39 Total	7	

QUESTION 40

For Markers Use Only

Q 40 Total

7