



DEPARTMENT OF
EDUCATION

UPPER SECONDARY
SCHOOL CERTIFICATE
EXAMINATIONS

LEGAL STUDIES

Wednesday

21 October 2015

Time allowed:

2 hours and 30 minutes

(11:30m – 2:00 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 **7** paged answer booklet for part B are inserted in the question booklet.
3. There are two sections in this paper. Answer all questions.

Section A: Multiple Choice (Questions 1-30) 30 Marks

This section will be electronically marked.

All answers to the Multiple Choice Section **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.

Section B: Short Answer (Questions 31- 40) 70 Marks

Write down your name, your school name and complete your 10 digit candidate number on the Section 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

Which of the following best describes the concept of the 'rule of law'?

- A. Everyone has the right to legal representation.
- B. Everyone has the right to be heard by a fair and impartial court of law.
- C. Everyone is subject to the law and must obey the law.
- D. Everyone must be informed of and know the reasons for a judge's decision.

QUESTION 2

Which of the following sentence is indicative of a court interpreting provisions of an Organic Law?

- A. A case on sentencing in a criminal trial.
- B. A case awarding damages for breach of a contract.
- C. A case heard in the Supreme Court.
- D. A case heard in the National Court.

QUESTION 3

The Law in Papua New Guinea includes legislation and case law.

This statement is **NOT TRUE** for _____.

- | | |
|------------------|-----------------|
| A. customary law | B. written law |
| C. statute law | D. contract law |

QUESTION 4

Which of the following is NOT TRUE?

The Common Law is

- A. based on judge made law.
- B. based on a system of precedent.
- C. based on an adversarial system.
- D. based on a statutory system of laws.

QUESTION 5

Constitutional laws of Papua New Guinea comprise of

- A. The Constitution and Contract Laws.
- B. The Constitution and Organic Laws.
- C. The Constitution and Underlying Law.
- D. The Constitution and Acts of Parliament.

QUESTION 6

Select the term which does NOT refer to a type of law.

- A. A case precedent
- B. Delegated enactment
- C. Statute
- D. Rule of law

QUESTION 7

Jane, an American citizen, is detained by customs officers at the Jackson's International Airport in Port Moresby for bringing a suitcase full of live endangered frogs into Papua New Guinea.

The laws under which Jane is detained are best described as

- A. International Laws
- B. Domestic Laws
- C. Citizenship Laws
- D. Private International Laws

QUESTION 8

In Papua New Guinea, workers or trade unions' use collective bargaining as a method of negotiating employment terms and conditions on behalf of their union members.

This statement best illustrates the constitutionally guaranteed right to

- A. Freedom of employment.
- B. Freedom of association.
- C. Freedom of negotiations.
- D. Freedom of choice.

QUESTION 9

“Constitutional Offices” are defined by the Constitution as “any office or institution enshrined or provided for by the Constitution.”

Which of the following is **NOT** a Constitutional Office?

- A. The Office of the Public Prosecutor.
- B. The Citizen Advisory Committee.
- C. The Police Force.
- D. The Ombudsmen Commission.

QUESTION 10

Select the law which adopted the ‘Introduced Laws’ into Papua New Guinea’s legal system.

- | | | | |
|----|------------------|----|-----------------|
| A. | The Common Law | B. | The Organic Law |
| C. | The Constitution | D. | The Civil Law |

QUESTION 11

If the National Parliament of Country “X” passed *the Human Rights Act, 2015* protecting a citizen of X’s right to Freedom of Religion.

What has been created?

- | | | | |
|----|-------------------|----|-----------------|
| A. | A moral right | B. | A legal right |
| C. | A customary right | D. | A natural right |

QUESTION 12

Select the correct term which is used in the Constitution to describe the “power of the people” used by judges to make decisions in court.

- | | | | |
|----|-----------------|----|-------------------|
| A. | Judiciary power | B. | Executive power |
| C. | Judicial power | D. | Legislative power |

QUESTION 13

The arm of Government that administers the law is the_____.

- | | | | | | | | |
|----|--------|----|-----------|----|-----------|----|-------------|
| A. | police | B. | judiciary | C. | executive | D. | legislature |
|----|--------|----|-----------|----|-----------|----|-------------|

QUESTION 14

Select the statement, which best describes what occurs during the part of the law making process in Parliament referred to as the ‘*Second Reading*’. A proposed law in the form of a bill is

- | | | | |
|----|---------------------------|----|--------------------------|
| A. | introduced in parliament. | B. | accepted by parliament. |
| C. | debated on in parliament. | D. | adjourned in parliament. |

QUESTION 15

Complete the sentence. A court of law is tasked to carry out its function’s and in doing so

- A. give priority to achieving equality to the victims of crime.
- B. give paramount consideration to the dispensation of justice.
- C. attain the maximum benefit for court users.
- D. achieve the correct result in each case.

QUESTION 16

Bob has his case heard on appeal by the National Court because the Magistrate in the District court was seen to display bias in making his decision. The appeal has been heard on the basis of a denial of

- A. The rule of law.
- B. Principles of equity.
- C. Delegated authority.
- D. Natural justice.

QUESTION 17

Peter sued Maria over the ownership of his customary land before the Local Land Court. This court then made a decision granting ownership of land to Maria. Peter now intends to appeal to a higher court.

Which of the following is the correct court to which Peter can lodge an appeal against the decision of the Local Land Court?

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

QUESTION 18

In Papua New Guinea, the phrase "*Final Court of Appeal*" best describes

- A. The High Court.
- B. The National Court.
- C. The Supreme Court.
- D. Privy Council.

QUESTION 19

A situation where a person is detained by police, charged and then released from custody whilst awaiting trial is referred to as _____.

- A. parole
- B. probation
- C. bail
- D. custodial sentence

QUESTION 20

Peter breaks Lucy's living room windows shattering the glass. Select the best possible civil outcome in the given situation.

- A. Peter is referred to the Committal Court.
- B. Peter is fined K500 by the District Court.
- C. Lucy lays a complaint with the police against Peter.
- D. Lucy takes Peter to the Village Court asking for compensation.

For Questions 21 to 24, refer to the passage below.

Water resources in Papua New Guinea is regulated by the *Water Resources Act*, 1982. This legislation allocates water use rights under a permit system and it imposes criminal sanctions on users of water and watercourses. Water quality standards are also provided for by the Act. On the other hand, the use of water by customary water rights holders in accordance with customary uses and requirements are left unregulated.

QUESTION 21

What formal legislative regulatory method does the above passage refer to?

- A. Water permit system
- B. Criminal sanction system
- C. Water rights systems
- D. Water quality rights system

QUESTION 22

The *Water Resources Act*, 1982 recognizes but does not control

- A. customary water rights.
- B. statutory ownership rights.
- C. Water quality rights.
- D. statutory water rights.

QUESTION 23

The subject matter regulated by the legislation referred to in the passage directly relates to

- A. *National Goals and Directive Principle # 1*
- B. *National Goals and Directive Principles # 2*
- C. *National Goal and directive Principles # 3*
- D. *National Goals and Directive Principles # 4*

QUESTION 24

It may be concluded from the above passage that water resources in PNG may be in danger of depletion or mismanagement due to the

- A. lack of water quality experts.
- B. legislation imposition of criminal sanctions for breaches of legislative provisions.
- C. conflict between customary ownership rights and statutory ownership rights.
- D. limited extend of the state control over a large percentage of water resources.

QUESTION 25

John and Mary's marriage breaks down and the matter goes to the family court to decide which parent, their child Max should reside with.

Which of the following term best describes the issue in John and Mary's situation?

- A. Maintenance
- B. Custody
- C. Access
- D. Adoption

QUESTION 26

Contracts in Papua New Guinea may be in two forms. What are these two forms?

- A. Written and word processed
- B. Oral and written
- C. Verbal and oral
- D. Practiced and verbal

QUESTION 27

Petrus robs and steals K500 from ANZ Bank. The Bank starts legal proceedings against

Petrus by laying a complaint with the police to punish him for stealing their money.

The type of law used by the bank is_____.

- A. Property Law
- B. Contract Law
- C. Criminal Law
- D. Prosecution Law

QUESTION 28

Which of the following law implements the death penalty?

- A. The Constitution
- B. The *Criminal Code Act*
- C. The *Summary Offences Act*
- D. The *Public Prosecution (Office and Function) Act*

QUESTION 29

The correct legal term for a person aged between 10 years and 18 years who is charged with a criminal offence is a _____.

- A. victim
- B. offender
- C. juvenile
- D. child

QUESTION 30

Billy, aged five, fatally stabs his three month old sister while playing. Billy cannot be charged with murder under PNG laws because

- A. Billy is an accused person.
- B. Billy cannot be held criminally responsible for the stabbing.
- C. Billy cannot be held civilly responsible for the stabbing.
- D. Billy is not yet in school.

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

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

QUESTION 31

(a) List and briefly describe each of the Five National Goals and Directive Principles.

(5 Marks)

(b) Briefly explain the importance of the National Goals and Directive Principles:

(2 marks)

QUESTION 32

Provide the correct term or phrase for the following descriptions. (7 marks)

(a) _____ An official document that sets out the offence and requires the named person to attend court at a set date and time.

(b) _____ An unbroken description of events given by a suspect.

(c) _____ A record of a series of questions and answers between the accused person and police.

(d) _____ Is anything recorded in writing by police or an admission by the suspect that he or she committed the offence.

(e) _____ An official document stating that police may search a persons premises.

(f) _____ A series of questions asked by the police to a suspect in relation to the commission of a crime.

(g) _____ An official document used by police in situation where it is highly unlikely that a suspect will appear in court voluntarily.

QUESTION 33

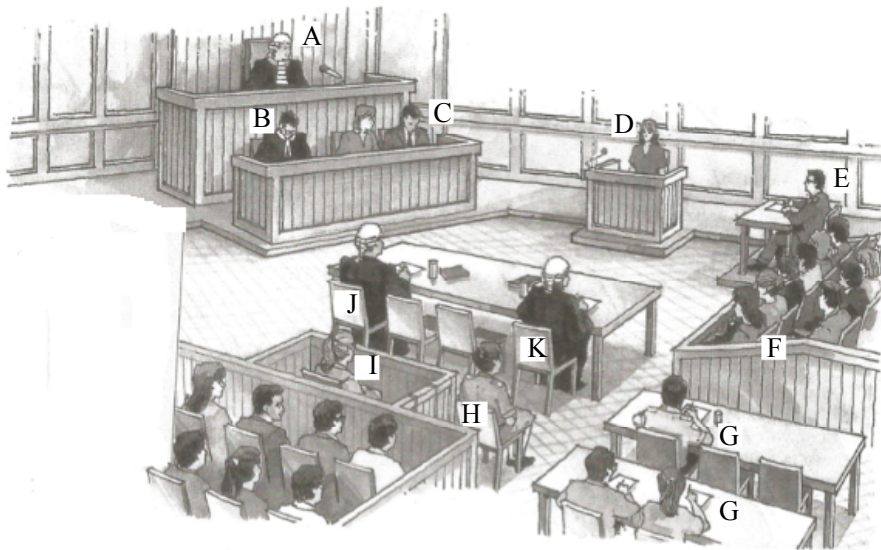
Select the correct term or phrase from the list provided and fill in the gaps in the table below.

(7 Marks)

The Defendant, Damages, The Plaintiff, *State vs Peter*, Criminal Procedure, *Plaintiff vs Defendant*, Beyond Reasonable Doubt, Self help, *Peter vs David*, The State

| | Criminal law | Civil law |
|---|--------------------------------|-----------------------------|
| * Titles of cases written as (For example; <i>X vs Y</i>) | (a) _____ | (b) _____ |
| * Standard of Proof | (c) _____ | On Balance of Probabilities |
| * Type of Punishment given | Fines or imprisonment | (d) _____ |
| * Adversaries or Parties are called | <i>Prosecutor vs Defendant</i> | (e) _____ |
| * Cases are prosecuted by | (f) _____ | (g) _____ |

QUESTION 34



- a. Explain the role of a Judge sitting in court. (Ref. label A in the diagram)(1 Mark)
- b. Explain the role of a Judge Associate. (Ref. label B in the diagram) (1 Mark)
- c. What is the role of a Court Interpreter? (Ref. label C in the diagram) (1 Mark)
- d. What is the purpose of a Witness in court? (Ref. label D in the diagram) (1 Mark)
- e. Explain who an accused person is. (Ref. label E in the diagram) (1 Mark)
- f. Explain the role of a Defence lawyer. (Ref. label F in the diagram) (1 Mark)
- g. What is the role of a Prosecuting lawyer? (Ref. label G in the diagram) (1 Mark)

QUESTION 35

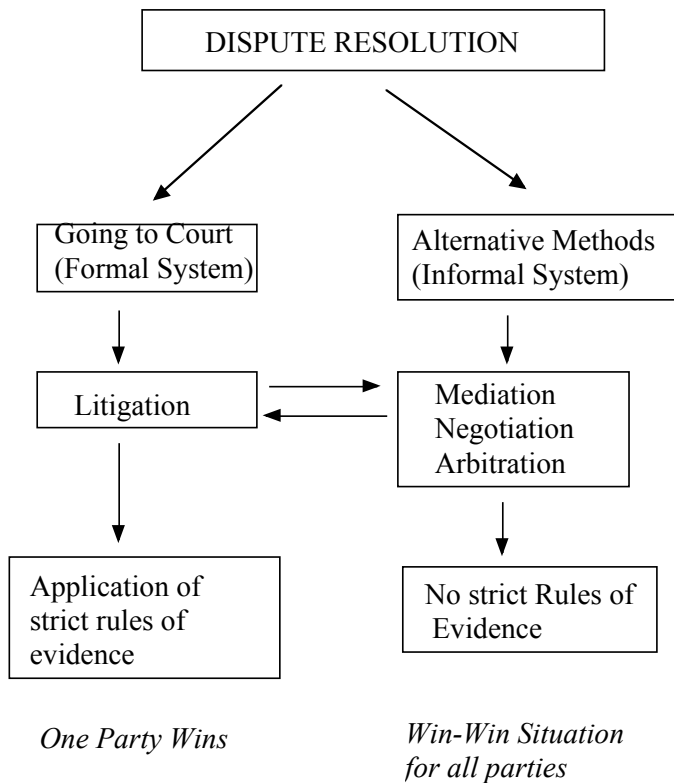
Read the scenario below to answer the questions that follow.

Kanage decides to pay 100 pigs, food and K20, 000.00 to his girlfriend Rose's relatives. Roses' people are not too happy and would like Kanage to pay K50, 000.00 for Rose whom they feel is a well-educated intelligent girl. Kanage was not too happy when he heard this and before he set a date for the paying of the pigs, food and money, he took his old girlfriend Betty to the Civil Registry Office in town, where he promptly completed and signed a Marriage Certificate.

- a. What kind of arrangement did Kanage perform with Betty? (1 Mark)
- b. What specific Act of Parliament if any, applies to Kanage and Betty's arrangement?
(1 Mark)
- c. What kind of arrangement was Kanage proposing to perform with Rose?
(1 Mark)
- d. In the event that Kanage wishes to break off his arrangement with Betty, which court will most probably handle the matter? (1 Mark)
- e. Can Rose claim to be Kanage's wife under Papua New Guinea's laws?
 - (i) If yes, explain why (1 Mark)
 - (ii) If no, explain why (1 Mark)
- f. Does Kanage have a lawful wife under Papua New Guinea's laws and if so, who is Kanage's wife? (1 Mark)

QUESTION 36

Study the flow chart on Dispute Resolution and answer the following questions



a. Give two advantages of using alternative methods of dispute resolution. (2 Marks)

b. Define the following terms. (3 Marks)

- (i) Litigation
- (ii) Mediation
- (iii) Negotiation

c. The Court will at times refer disputing parties to use alternative methods of dispute resolution such as mediation.

Give two reasons where disputing parties already using alternative methods of dispute resolution may be referred or are required to go to court.

(2 Marks)

QUESTION 37

Identify the correct constitutionally guaranteed human right with the best possible scenario depicting a breach of the identified human right. (7 Marks)

| | | |
|---|----------------------------------|---|
| a | Right to Life | (i) Tom's is nominated to stand for elections in the Kerema Open Electorate |
| b | Freedom from Torture | (ii) Sam is locked up in Pip's Supermarket warehouse for five hours by Pip's Supermarket security guards |
| c | Liberty of the Person | (iii) Ballot boxes in Nom village are tampered with resulting in Nom villagers being unable to cast their votes in the national elections |
| d | Freedom of Movement | (iv) Bill is denied membership of a Trade Union |
| e | Right to Stand for Public Office | (v) Rose is burnt with lighted cigarettes on her arms by Police Officers at the Police station |
| f | Equality of Citizens | (vi) The Police deny Chris's request to call his lawyer after being arrested |
| g | Right to Vote | (vii) Henry is fatally shot in the head |
| | | (viii) Peter forces Rose to move to his village and live with him there. His village is 150 km away from her village. |
| | | (ix) Due to financial problems, Mary's parents do not send her to school because she is female but only pay her brother's school fees. |
| | | (x) Ted is declared guilty of stealing a can of meat by Pips Supermarket Security guards who punish him by making him pay a K50 fine. |

QUESTION 38

Read the passage and answer the following questions

A well utilised natural environment is a prerequisite of sustainable development for positive living standards. This has been stressed at a gathering recently in Port Moresby where members of a government department and partners gathered to witness the promotion of a development plan created to guide development strategies in utilising internal resources.

Papua New Guinea's natural environment which was emphasised in the recently launched MTDP2, is diverse and resource rich which promotes the correct use and management of the natural environment as a basic requirement to acquire better outcomes.

The plan pointed out that forestry, biodiversity, water and marine resources as well as mineral and petroleum can bring about beneficial outcome for Papua New Guineans.

The MTDP2, in its strategy outline, exemplifies minimising and mitigating environmental risks and impact, minimising wastes and utilising land resources as part of correct use and proper managing of environmental resources for better outcomes.

The plan states that proper use of these resources socially and economically, promotes sustainable development. The plan was recently launched in parliament two weeks ago by Minister responsible for Planning and Monitoring Charles Abel.

He said that with the governments focus on promoting human development socio-economically as stated in Alotau Accord, his department was focussed to deliver through the MTDP2.

Source: Post Courier, 19th June 2015

- a. Give two areas of law which the above passage addresses. (2 Marks)
- b. In one sentence, define "sustainable development" (1 Mark)
- c. If Country X drafted a law on the Development Plan which the passage refers to, identify and list the four major stakeholders the drafters of the proposed legislation must consider to ensure the law is just and effective. (4 Marks)

QUESTION 39

Identify the terms with the correct definitions. Indicate your answer clearly in the answer booklet. (7 Marks)

| TERMS | DEFINITIONS |
|----------------|---|
| a. Spouse | i. The legal dissolving of a marriage |
| b. Polygamy | ii. The state of being married to only one person at any one time |
| c. Paternity | iii. A person who legally acts as a parent |
| d. Maintenance | iv. An unmarried partner |
| e. Guardian | v. A marriage that can be set aside as invalid |
| f. Divorce | vi. The payment of money to look after or care for a child |
| g. Monogamy | vii. A relationship in which two people live together in a domestic arrangement |
| | viii. The issue of who the father of the child is |
| | ix. A married partner |
| | x. The state of being married to more than one person at any one time |

QUESTION 40

Read the passage below and answer the questions that follow. (7 marks)

With the development of the common law in England came the principles of precedent. The doctrine of precedent requires Judges to apply the law similarly in similar cases. When Judges make a judgement, both *obiter dicta* and *ratio decidendi* are pronounced. The *obiter dicta* are statements made in a judgement which are not legally binding whereas the *ratio decidendi* is legally binding. This is the legal reason given by the Judge in a case which a later Judge, faced with a similar or the same point of law, will refer to or follow when making a judgement. To understand precedent, one must recognise the hierarchy of the courts as precedents set out by a superior court will be binding on judgements of all other lower courts

- a. Define *obiter dicta*.
- b. Define *ratio decidendi*.
- c. In one sentence, explain the term ‘binding judgment.’
- d. In one sentence, explain the term ‘persuasive judgment.’
- e. Name two courts which are most likely to deliver judgments which are legally binding.
- f. According to Doctrine of Precedent, an appeal from the District Court will most probably be made to thecourt.

End of Examination

Legal Studies — 2015

SECTION 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 | 5 | | | | | | | | |

Name: _____

School: _____

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 |
| Section B: | | | |
| Question 31 | | | |
| Question 32 | | | |
| Question 33 | | | |
| Question 34 | | | |
| Question 35 | | | |
| Question 36 | | | |
| Question 37 | | | |
| Question 38 | | | |
| Question 39 | | | |
| Question 40 | | | |
| FINAL TOTAL | | | |

SECTION B - ANSWERS

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

QUESTION 31

| | |
|---|-------------------------|
| <p>a.</p> <p>i. _____ _____</p> <p>ii. _____ _____</p> <p>iii. _____ _____</p> <p>iv. _____ _____</p> <p>v. _____ _____</p> <p>b. _____ _____</p> | <p>5</p> <p>2</p> |
| <p>For Markers Use Only</p> | <p>Q31 Total</p> |

QUESTION 32

| | |
|-----------------------------|------------------|
| a. _____ | 1 |
| b. _____ | 1 |
| c. _____ | 1 |
| d. _____ | 1 |
| e. _____ | 1 |
| f. _____ | 1 |
| g. _____ | 1 |
| For Markers Use Only | Q32 Total |

QUESTION 33

| | |
|-----------------------------|------------------|
| a. _____ | 1 |
| b. _____ | 1 |
| c. _____ | 1 |
| d. _____ | 1 |
| e. _____ | 1 |
| f. _____ | 1 |
| g. _____ | 1 |
| For Markers Use Only | Q33 Total |

QUESTION 34

| | |
|----------------------|------------------|
| a. _____ _____ | 1 |
| b. _____ _____ | 1 |
| c. _____ _____ | 1 |
| d. _____ _____ | 1 |
| e. _____ _____ | 1 |
| f. _____ _____ | 1 |
| g. _____ _____ | 1 |
| For Markers Use Only | Q34 Total |

QUESTION 35

| | |
|-----------------------------|------------------|
| a. _____ | 1 |
| b. _____ | 1 |
| c. _____ | 1 |
| d. _____ | 1 |
| e. | |
| i. _____ | 1 |
| _____ | |
| ii _____ | 1 |
| _____ | |
| f. _____ | 1 |
| _____ | |
| For Markers Use Only | Q35 Total |

QUESTION 36

| | |
|-----------------------------|------------------|
| a. _____ | 2 |
| _____ | |
| b. | |
| (i) _____ | 3 |
| _____ | |
| (ii) _____ | |
| _____ | |
| (iii) _____ | |
| _____ | |
| c. _____ | 2 |
| _____ | |
| For Markers Use Only | Q36 Total |

QUESTION 37

| | |
|----------------------|------------------|
| a. _____ | 1 |
| b. _____ | 1 |
| c. _____ | 1 |
| d. _____ | 1 |
| e. _____ | 1 |
| f. _____ | 1 |
| g. _____ | 1 |
| _____ | |
| For Markers Use Only | Q37 Total |

QUESTION 38

| | |
|----------------------|------------------|
| a. _____ | |
| _____ | |
| _____ | 2 |
| b. _____ | 1 |
| _____ | |
| c. | |
| i. _____ | 4 |
| ii. _____ | |
| iii. _____ | |
| iv. _____ | |
| _____ | |
| For Markers Use Only | Q38 Total |

QUESTION 39

| | |
|----------------------|------------------|
| a. _____ | 1 |
| b. _____ | 1 |
| c. _____ | 1 |
| d. _____ | 1 |
| e. _____ | 1 |
| f. _____ | 1 |
| g. _____ | 1 |
| For Markers Use Only | Q39 Total |

QUESTION 40

| | |
|-------------------------------|------------------|
| a. _____ _____ | 1 |
| b. _____ _____ | 1 |
| c. _____ _____ | 1 |
| d. _____ _____ | 1 |
| e. (i) _____ (ii) _____ | 2 |
| f. _____ | 1 |
| For Markers Use Only | Q40 Total |