



DEPARTMENT OF
EDUCATION

UPPER SECONDARY
SCHOOL CERTIFICATE
EXAMINATIONS

LEGAL STUDIES

Wednesday
19 October 2011

Time allowed:
2 hours and 30 minutes
(11:00am – 1:30pm)

NO EXTRA TIME
(NO OTHER TIME)

Candidates are advised to
fully utilise the allocated
time

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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 **12** printed pages in the question booklet and 7 printed pages in the answer booklet. Answer all questions.

Section A: Multiple Choice Questions - 30 marks

This section will be electronically marked.

Electronic Answer Sheets will be distributed by your external invigilator. All answers to the Section A Multiple Choice **MUST** be answered on the **ELECTRONIC** Answer Sheet.

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

Section B: Short Answer Questions - 70 marks

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

3. You are required to only write the correct answer in the space provided.
4. Answers written on the question paper will not be marked. Write answers neatly in spaces as allocated on the answer sheet. Answer **ALL** questions.
5. Answer all questions on the answer sheet. Answers on any other paper including rough work paper and the question paper **will not be marked**
6. Enough spaces have been allocated for answers to every question. Questions must be answered in spaces as allocated. Answers all over the answer booklet may not be marked.
7. Correctional 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.

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

PART A – MULTIPLE CHOICE (Questions 1 to 30)

Answer each question by shading in with HB pencil, the circle directly under the correct alternative A, B, C, D or E. If you make a mistake, rub it out completely using an eraser rubber and shade the correct answer on the Electronic Answer Sheet.

QUESTION 1

Which of the following statement best define what LAW is?

- A. Rules developed by persons in authority to be followed by all persons including themselves.
- B. Rules developed by persons in authority to be followed only by persons not in authority.
- C. Standards of behaviour developed overtime which are unacceptable to some sections of the society.
- D. Maximum standards of behaviour which are acceptable to all sections of society.

QUESTION 2

Why is the Constitution of Papua New Guinea often referred to as the supreme law of the land?

- A. Because it was written by the judges of the Supreme Court of PNG.
- B. Because it was written by Supreme Court and important persons of PNG at that time.
- C. Because the will of elected leaders gives it validity and makes it supreme.
- D. Because it is the highest law in the land and all other laws are subordinate or inferior to it.

QUESTION 3

Customary Law, which is an important part of our current laws, developed from

- A. the early colonial period from the customs of early colonisers.
- B. rules, customs and usages of over 800 different cultural groups which make up PNG.
- C. the common law and equity of England.
- D. rules governing early colonial land use and marriage patterns.

QUESTION 4

Which of the following is an example of a tradition or practice that is permitted under the dual system of laws, that is laws both introduced and customary?

- A. Right to religious affiliations and association.
- B. Fisheries and issues relating to right to fish in waters of Papua New Guinea.
- C. Principles of English common law and equity.
- D. Marriage under either one of the laws or both.

QUESTION 5

Which of the following is a set of laws made by the Parliament of Papua New Guinea?

- A. Common Law and Equity of England
- B. Acts of Parliament
- C. The Underlying Law
- D. Constitution

QUESTION 6

Which of the following is the lowest level of Law in PNG?

- A. Provincial Laws
- B. Emergency Regulations
- C. Underlying Law
- D. Subordinate legislation

QUESTION 7

Common Law and Equity and Good Customs of PNG are important parts of which law of PNG?

- A. Adopted Laws
- B. The Underlying Law
- C. Emergency Regulations
- D. Acts of Parliament

QUESTION 8

Why are Organic Laws referred to as Constitutional Laws?

- A. Because they are part of the constitution.
- B. Because they made by the Parliament.
- C. Because they are special laws made for emergency situations.
- D. Because they can replace the constitution during emergencies.

QUESTION 9

Which of the following is not a function of the constitution?

- A. It is a set of fundamental principles through which the country is governed.
- B. It establishes the legal system of the country.
- C. It defines the number of political parties in the country.
- D. It establishes the political system of the country.

QUESTION 10

Which of the following statements is true?

The Constitution of PNG was drafted by the;

- A. Constitutional Committee without nationwide consultation.
- B. Constitutional Planning Committee after nationwide consultation.
- C. The National Executive Council without nationwide consultation
- D. The National Executive Council after nationwide consultation.

QUESTION 11

The Constitution provides for certain rights and freedom to be enjoyed by all persons, both citizens and non-citizens. However they are restricted from doing certain things.

Which of the following is one of the things they are restricted from doing?

- A. Obtain compensation from persons who violate their rights
- B. Protect their rights from being taken away.
- C. Movement from one place to another freely.
- D. Violate other people's rights.

QUESTION 12

The Constitution provides for certain rights which only citizens of Papua New Guinea can enjoy. Which of the following is one of them?

- A. Right to vote in a National General Election.
- B. Right to own property.
- C. Right to life.
- D. Right to protection of Law.

QUESTION 13

Which of the following correctly lists the three (3) arms of Government?

- A. The National Parliament, The National Executive Council and The National Judicial System.
- B. The National Parliament, The Provincial Executive Council and The National Judicial System.
- C. The National Parliament, The National Executive Council and The Provincial Government.
- D. The National Parliament, The National Executive Council and all Departments of the Public Service.

QUESTION 14

The arm of the government responsible for making of laws of the country is the

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

QUESTIONS 15

The doctrine of the Separation of Powers is the legal principle which states that powers and functions of each arm of the government must be kept separate.

Which of the following is not an objective of that principle?

- A. To prevent one arm of the government becoming too powerful.
- B. To check on the use and balance of power by each arm.
- C. To promote democratic government and society.
- D. To enable Parliament to remain supreme and powerful.

QUESTION 16

Which arm of the government is responsible for settling disputes and interpreting the laws of Papua New Guinea?

- A. The National Parliament
- B. The Supreme and National Courts
- C. The National Executive Council
- D. The Judicial System

QUESTION 17

Which of the courts of the National Judicial System is the highest court in the country?

- A. The Constitution
- B. The Supreme Court
- C. The National Court
- D. The National Parliament

QUESTION 18

If you want to make a claim for an amount of money greater than K10,000 and wanted to take court action to recover that amount, in which court would you start your court case?

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

QUESTION 19

The fundamental right to the protection of the law requires that all persons are innocent until proven guilty.

Which of the following correctly explains that principle?

- A. Only the courts can declare a person either guilty or innocent.
- B. The suspect is guilty on the basis of allegations raised against him or her
- C. The complainant can declare a person as guilty or innocent.
- D. The suspect is guilty on the basis of allegations and the courts only confirm such a decision.

QUESTION 20

Suspects who are under police arrest have certain rights under the law.

Which of these is not one of them?

- A. To be advised that he /she is under arrest.
- B. To be advised of the reasons of his/ her arrest.
- C. To be conveyed to a police station immediately
- D. To be allowed to leave in search of a lawyer.

QUESTION 21

Which of the following laws or legislation is the law relevant to dealings in logging in Papua New Guinea?

- A. Lands Act, 1986
- B. Forestry Act, 1991
- C. Mining Act, 1995
- D. Oil and Gas Act, 1998

QUESTION 22

Which of the following laws or regulations is the law relevant to dealings in protecting, breeding and harvesting of tuna in Papua New Guinea waters?

- A. The Water Resources and Management Act, 2005
- B. The Mining Act, 1995
- C. The Fisheries Act, 1995
- D. The Forestry Act, 1991

QUESTION 23

Natural Resources such as oil and gas and minerals such as gold and copper are found under the surface of land mostly on customary land.

According to our laws, who own such resources?

- A. The State
- B. Customary Landowners
- C. Both the State and Customary Landowners
- D. The Dept of Mining and Petroleum

QUESTION 24

Of the following reasons, which one best explains why there are a lot of disputes between landowners and other parties such as the State and developers in the natural resources development projects?

- A. Because developers do not wish to share benefits at all.
- B. Because developers attract a lot of foreign workers and leave out local workers
- C. Because the State does not listen to landowners at all.
- D. Because of ownership of resources as most natural resources are found on customary land.

QUESTION 25

Which of these statements is true relating to families?

- A. Before written laws were made by Parliament, there were no rules to control behaviour of members of family unit.
- B. Before written laws were made by Parliament, there were rules to control behaviour of members of family unit.
- C. Before written laws were made by Parliament, there were no modern families so written laws were not necessary.
- D. Before written laws were made by Parliament, there were rules to control behaviour of members of certain classes of families only.

QUESTION 26

Of the following, which statement best explains why laws covering family are made?

- A. So that the family can break down easily.
- B. So that the family unit does not break down easily.
- C. So that the head of the family unit has power to control his family.
- D. So that the children of the family can be a lot more independent.

QUESTION 27

Which of these statements is not true?

- A. Most marriages at custom in PNG are made by written contracts.
- B. Most marriages at custom in PNG are made without any form of contract at all.
- C. Most marriages at custom in PNG are made by oral contracts.
- D. Most marriages at custom in PNG are made partly by written contract and partly by oral contract

QUESTION 28

If the driver of a registered private motor vehicle lost control of it while driving it and ran into a person on the side of the road, causing injuries to the person, who would be responsible for paying compensation to the injured person?

- A. The Driver of the Vehicle
- B. The State, through the Motor Vehicle Insurance Limited.
- C. The owner of the vehicle.
- D. Both the owner and the state.

QUESTION 29

Which of the following statements is true?

- A. As the country goes through change as a result of changing events and issues, new laws will be made to address them.
- B. As the country goes through change as a result of changing events and issues, changes will be made only to the existing laws to address them.
- C. As the country goes through change as a result of changing events and issues, changes in laws will not be necessary, as changes in society do not affect laws at all.
- D. As the country goes through change as a result of changing events and issues, more foreign laws will adopted to address them.

QUESTION 30

Which of the following statements best describes what our laws and legal system in general will be like in 50 years from now?

- A. The body of laws we have today will remain stable and unchanged up to that time.
- B. The body of laws we have today will increase because we will have adopted many more foreign laws.
- C. The body of laws we have today will be stabilised as our economy stabilises.
- D. The body of laws we have will increase with more laws made to address a wide variety of new events and issues.

SHORT ANSWER QUESTIONS (Questions 31 to 40)

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

QUESTION 31

The body of laws we have can be put into five major categories, which are;

- a. Private Law (1 mark)
- b. Public Law (2 marks)
- c. National and International Law (2 marks)
- d. Civil Law (1 mark)
- e. Criminal Law (1 mark)

Define each of the above, giving examples to illustrate and support each of your answers.

QUESTION 32

Explain each of the following in your own words as clearly as possible.

- a. What is customary law? How did such a body of law develop? What cultural practices and traditions did they control? (4 marks)

- b. What is common law and equity? How did such law develop? How did they become part of our laws? (3 marks)

QUESTION 33

The Laws of Papua New Guinea the Constitution, the Organic Laws, Acts of Parliament, Emergency Regulations, Provincial Laws, Adopted Laws, Subordination Legislation and Underlying Laws.

Of the two given below, define each of them and explain the major purpose or function of each of them.

- a. Emergency Law (3 marks)
- b. The Underlying Law (4 marks)

QUESTION 34

- a. The Constitution of Papua New Guinea was written after a nationwide consultation to get the views of the citizens. Why would it be true to say, therefore, that the constitution represents and expresses the wishes of the people? (4 marks)
- b. The constitution provides for the leadership code. What is the Leadership Code? What is its major function? (3 marks)

QUESTION 35

1. Some rights provided by the constitution are available only to the citizens such as the right to vote and the right to freedom of movement.

- a. Why are such rights restricted to citizens only? (3 marks)

2. Citizenship allows certain rights such as the right to vote and the right to stand for public office. Listed below are the types of citizens allowed for, under the constitution.

Define each one and show how one is different from the other.

- b. Automatic Citizen (2 marks)
- c. Naturalised Citizen (2 marks)

QUESTION 36

State and explain the function of the three arms of the government. (7 marks)

QUESTION 37

The following levels of court make up the courts of our National Judicial System. For each one listed below briefly state the kind of disputes or complaints each one of them deals with.

- a. Supreme Court (2 marks)
- b. National Court (2 marks)
- c. District Court (1 mark)
- d. Village Court (1 mark)
- e. Land Court (1 mark)

QUESTION 38

All wrongs or offences committed are either criminal or civil in nature.

- a. What are Criminal Offences? (4 marks)
- b. What are Civil wrongs? (3 marks)

QUESTION 39

- a. If the rights of members of family such as a father (husband) or a mother (wife) is violated or breached, explain how that person might take action to enforce his or her right. (3 marks)
- b. State and explain one right of a child of a family. Explain it clearly and state what actions the child or someone on its behalf might take to enforce its rights. (4 marks)

QUESTION 40

Under the Oil and Gas Act, 1998 and the Mining Act, 1995, all oil, gas and mineral found under the surface of the land belongs to the state, even if they occur or are found under land owned at custom by customary landowners. (7 marks)

Write two paragraphs outlining the advantages and disadvantages of this law.

END OF EXAMINATION