

Papua New Guinea Law Society

Overseas Lawyers Examination 1/2019

Constitutional Law

Date:

28th March 2019

Venue:

Arts II Building, Room 332
School of Law
The University of Papua New Guinea
Waigani Campus

Time:

9.00 – 12.20noon (*inclusive of 20 minutes reading time*)

Instruction:

Do all three (3) questions.

Do All Three Questions

NGDP.

Question One:

The National Goals and Directive Principles that appear under the Preamble of the Papua New Guinea Constitution capture the vision that the framers of the constitution had for the independent country. Discuss how the Constitution treats the role of the National Goals and Directive Principles, if any, in giving effect to itself and or any of its provision? (30 Marks)

• Somare.
• Frame.

CLC
s. 25

Women.
sch. 2.

54 mins.

Question Two:

The Joint Military Forces of Australia and the United States of America have just set up a Military Base on the island of Kikiu in the Western Pacific. The Island is owned by the Independent State of Papua New Guinea. The move arose from the Agreement signed by the heads of governments of the three countries. The Island has a population of 80 000 inhabitants. Lives of about 25 000 people are directly affected. They have to be relocated. Their sources of livelihood have been lost. All land on the island is owned by customary landowners. Other landowners are not allowing those affected to re-settle on their land.

s. 53.

x Power. ?? Executive Power.

Identify and discuss the constitutional issues raised in the scenario, under the Constitution of Papua New Guinea. (30 Marks)

v. Emergency.

compulsory acquisition - Land Act
standing.
- s. 53, Const

54 mins

Question Three:

Section 11(1) of the PNG Constitution reads:

"This Constitution and the Organic Laws are the Supreme Laws of Papua New Guinea, and, subject to Section 10 (construction of certain laws) all acts (whether legislative, executive or judicial) that are inconsistent with them are, to the extent of that inconsistency, invalid and ineffective."

Part XIV of the PNG Constitution provides for Bougainville Government and Bougainville Referendum. Section 276(1) says:

"This Part shall apply notwithstanding the provisions of this Constitution and where the other provisions of this Constitution are inconsistent with this Part, the provisions of this Part shall prevail."

And Section 286(1) says:

"Subject to this Constitution, the Bougainville Constitution shall be the supreme law as regards matters that fall within the jurisdiction of Bougainville Government in accordance with this Part and the Agreement, and Bougainville laws and institutions, shall be consistent with the Bougainville Constitution."

Which law is supreme in the Autonomous Region of Bougainville according to the Constitution of Papua New Guinea? Discuss! (40 Marks)

- Bougainville separation.
- interpretation

72 mins

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