

Legal Studies

Upper Secondary Syllabus



Papua New Guinea
Department of Education

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Contents

Secretary's message	iv
Introduction	1
Rationale	2
Aims	3
Strands	4
Learning outcomes	5
Unit sequence and content	6
Grade 11 units	7
Grade 12 units	18
Assessment components, weighting and tasks	28
Assessment, examinations and certification.....	29

Secretary's message

This Legal Studies syllabus is to be used by teachers to teach Upper Secondary students (Grades 11 and 12) throughout Papua New Guinea. This syllabus builds upon concepts, skills and attitudes learnt in Lower Secondary and provides a sound foundation for further learning.

The Upper Secondary Legal Studies Syllabus links to the National Education Plan's vision, which is that secondary education enables students to achieve their individual potential to lead productive lives as members of the local, national and international community. This stage of learning provides students with the opportunity to deepen their understanding of the law and its functions to meet individual needs as well as local and global demands and challenges.

Teachers play a pivotal role through being innovative and creative and keeping abreast of new information and technological change.

Through studying this syllabus, students increase their understanding of the law and its functions in society. They use the legal concepts and principles to think and act logically on given legal problems. Students are equipped with the basic skills and knowledge to prepare themselves for the many different employment opportunities that are available in the formal and informal sectors of the economy.

I commend and approve this syllabus as the official curriculum for Legal Studies to be used in all schools with Grades 11 and 12 students throughout Papua New Guinea.



DR JOSEPH PAGELIO

Secretary for Education

Introduction

This syllabus is based on the curriculum principles from the National Curriculum Statement. It has been designed using learning outcomes that identify the knowledge, skills, attitudes and values that all students achieve or demonstrate by the end of Grade 12. It is linked to the national curriculum learning area Culture and Community and builds on the knowledge and skills students have learnt since elementary grades. This Legal Studies syllabus offers a number of pathways to post-secondary study and the workforce. It has specialised and general applications in both areas.

Legal Studies is a specialised subject that requires a high level of English proficiency. Students need to be fluent in reading, writing and speaking English for research, report writing and oral and written presentations.

Legal Studies is the study of what law is, the laws we have in Papua New Guinea and the function of law in society. We need a basic knowledge of law to appreciate how it operates in our country. The syllabus covers the legal system in Papua New Guinea and goes on to discuss one's legal rights and responsibilities, as well as those of other members of society.

People in all societies encounter legal problems in their day-to-day activities. Unless they are vested with some basic knowledge of the law, they are not in a position to know what steps to take in addressing any legal problems they may be confronted with. For instance, in circumstances where someone's constitutional right is breached, they cannot enforce that right if they do not have the skills and knowledge to find the appropriate action. That person can not come back afterwards and try to enforce their rights if the time limitations set by law have lapsed.

Ignorance of the law is not an excuse. The Legal Studies syllabus therefore introduces students to a general overview of the law so that students can have some basic knowledge of the law and how it operates. Specific units have been designed to prepare students for tertiary studies, for the workforce, and to enable students to go back to their communities and contribute meaningfully, with the ability to make informed decisions. In the long run, Legal Studies promotes and enables a general awareness of the law in Papua New Guinea.

Through the assessment process, students are able to identify legal issues from a given set of facts, to find the appropriate law dealing with a particular issue, and to come up with a legal solution.

Legal Studies is to be timetabled for 240–250 minutes per week in Grades 11 and 12.

Rationale

Legal studies are becoming increasingly significant to many countries including Papua New Guinea. Legal issues affect the day-to-day lives of everyone. This Legal Studies syllabus provides an insight into the legal heritage, including customary law, which has shaped and continues to shape the development of Papua New Guinean society. The law is universal and covers everything from the 'womb' to the 'tomb'.

Legal Studies equips students with a basic understanding of the law and its functions and of the way in which the law affects them and society at large. It also gives students a basic understanding of Papua New Guinea's legal system and increases their understanding and awareness of a wide range of legal issues that arise from societal activities, both within Papua New Guinea and internationally.

Students examine the dynamic nature of our law-making institutions and procedures, and explore how our legal system tries to be inclusive, thus enabling the law to reflect the changing values of our society.

Legal Studies enables students to know their legal rights and responsibilities. Young people at this stage of learning should develop an enhanced ability to recognise diverse legal issues arising from their everyday lives, which may have legal implications on their rights and freedoms; and to make informed decisions on appropriate measures to take.

The skills, values and understanding gained set the foundation that will enable students to be responsible citizens who will respect the rule of law and contribute positively to creating a peaceful, orderly and harmonious society.

Aims

Legal Studies aims to enable students to:

- have an appreciation of the law and its role in society
- have an appreciation of the customary law as part of Papua New Guinea's laws and its role in society
- be aware of their legal rights and responsibilities
- recognise and appreciate the interdependence of a diverse range of legal issues at the local, national and international level
- be innovative and rational thinkers in their response to legal issues
- be responsible citizens and contribute meaningfully to the community.

Strands

The subject of Legal Studies is described in the following strands:

- 'The Law and You'
- 'Law and the law-making process'
- 'The laws of Papua New Guinea'
- 'The judicial system'

The Law and You

This strand enables students to apply acquired skills and knowledge to effectively address legal issues that arise and enables students to become responsible and productive members of their society. Students will learn to develop appropriate responses that will equip them with the ability to make informed decisions when confronted with legal issues arising from the conduct of day-to-day activities.

Law and the law-making process

This strand introduces the students to the historical background of law, both generally and more specifically, equipping students with the knowledge and understanding of Papua New Guinea's legal history. This enables students to appreciate the basis for the current system of law in Papua New Guinea. The students gain an understanding of how laws are made. Students become more aware that the law sets the parameters within which they may function.

The laws of Papua New Guinea

This strand deals with a very important aspect of Legal Studies. It provides students with an appreciation of the laws of Papua New Guinea and the fundamental role of the Constitution in our legal system and society. The strand equips students with an understanding of the legal basis of key state institutions and the structure of government in a democratic society.

The judicial system

This strand introduces students to the courts and law-enforcing agencies as components of the judicial system. It enables the students to develop an understanding of how the judicial system functions and its role in the dispensation of justice in Papua New Guinea.

Learning outcomes

The learning outcomes for Legal Studies identify the knowledge, skills, attitudes and values all students achieve or demonstrate at the end of Grade 12. These learning outcomes are listed below.

Students can:

1. demonstrate an understanding of what law is, the laws of Papua New Guinea and the functions of law in society
2. demonstrate an understanding of the structure and operation of Papua New Guinea's legal system
3. demonstrate an understanding of the use of basic legal concepts, principles and terminologies
4. demonstrate an understanding of their legal rights and responsibilities
5. analyse legal issues and identify strategies for appropriate action.

Learning outcomes mapped against units										
Learning outcomes	Units									
	11.1	11.2	11.3	11.4	11.5	12.1	12.2	12.3	12.4	12.5
1. Demonstrate an understanding of what law is, the laws of Papua New Guinea and the functions of law in society	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2. Demonstrate an understanding of the structure and operation of Papua New Guinea's legal system		✓		✓	✓		✓	✓	✓	
3. Demonstrate an understanding of the use of basic legal concepts, principles and terminologies							✓	✓	✓	
4. Demonstrate an understanding of their legal rights and responsibilities				✓			✓	✓	✓	✓
5. Analyse legal issues and identify strategies for appropriate action				✓		✓	✓	✓	✓	✓

Unit sequence and content

Grade 11 units	Grade 12 units
<p>11.1 What is Law? <i>5 weeks</i></p> <ul style="list-style-type: none"> • The definition of law • The functions of law in society • Constitution • Legislation • Categories of law • The rule of law <p>11.2 The Legal History of Papua New Guinea <i>5 weeks</i></p> <ul style="list-style-type: none"> • Legal history of Papua New Guinea • Dual system of law <p>11.3 The Laws of Papua New Guinea <i>10 weeks</i></p> <ul style="list-style-type: none"> • The laws of Papua New Guinea <p>11.4 The Constitution of Papua New Guinea <i>10 weeks</i></p> <ul style="list-style-type: none"> • The Constitution • The National Goals and Directive Principles, and Basic Social Obligations • The Constitution as basis for establishment of key State institutions • Rights and freedoms under the Constitution • Gender equality <p>11.5 The Structure of Government <i>10 weeks</i></p> <ul style="list-style-type: none"> • The three arms of government • The doctrine of separation of powers 	<p>12.1 The Courts of Papua New Guinea <i>5 weeks</i></p> <ul style="list-style-type: none"> • The courts of Papua New Guinea <p>12.2: Protection of the Law <i>5 weeks</i></p> <ul style="list-style-type: none"> • The fundamental right to full protection of the law • What happens to a person who is arrested and charged by police? <p>12.3 Natural Resources and the Law <i>10 weeks</i></p> <ul style="list-style-type: none"> • Laws relating to natural resources on customary land • The need to manage and protect our natural resources <p>12.4 The Law and You <i>10 weeks</i></p> <ul style="list-style-type: none"> • Laws on family, common contracts and motor vehicle accidents <p>12.5 Current Issues <i>4 weeks</i></p> <ul style="list-style-type: none"> • Issues and events

Grade 11 units

11.1 What is Law?

5 weeks

This unit introduces students to the law and its functions in society. Students appreciate that law does not have a single or standard definition. Its meaning varies from society to society. Laws are rules or norms of accepted behaviour, which regulate human activity in society.

This unit also enables students to appreciate and understand the dual legal system that we have in Papua New Guinea.

Learning outcomes

Students can:

1. demonstrate an understanding of what law is, the laws of Papua New Guinea and the functions of law in society.

To achieve these outcomes, students:

- demonstrate an understanding of the definition of law
- demonstrate an understanding of the functions and role of law in society
- demonstrate an understanding of Papua New Guinea's dual system of law.

Content

Students acquire knowledge and skills through the learning and teaching of this content. Students identify the various definitions of law through research and discussions.

The definition of law

What is law?

- rules established by authority
- accepted norms of society
- accepted minimum standards of behaviour

The functions of law in society

What are the functions of law?

- preventing disputes
- solving disputes
- regulatory function

The role of law in society

- maintains peace and good order

- sets limits and rules within which members of society can conduct themselves
- provides a good environment for societal activities to be conducted
- guarantees and protects our rights and freedoms
- protects individual or group rights
- provides mechanisms for enforcement of breach of rights and freedoms

Constitution

- the supreme law of the land
- the will of the people gives the Constitution its validity

Legislation

- constitutional laws
- acts of Parliament
- delegated legislation

Categories of law

- private law
- public law
- national and international law
- civil law
- criminal law

The rule of law

- fundamental value that all acts of all persons are subject to the law
- everyone is equal in the eyes of law and must obey the law
- no person can be above the law because of personal power and influence
- all persons should uphold and respect the rule of law

Skills to be taught and applied

- inquiry and research skills
- communicating ideas and information in a variety of ways

11.2 The Legal History of Papua New Guinea

5 weeks

The purpose of this unit is to outline the history of law in Papua New Guinea. The unit enables students to appreciate that the law existed in traditional societies before 'white contact' and that those traditional laws (customary laws) continue to exist as part of our legal heritage.

Teachers are encouraged to invite reputable speaker(s) to the class to speak on relevant topics.

Learning outcomes

Students can:

1. demonstrate an understanding of what law is, the laws of Papua New Guinea and the functions of law in society
2. demonstrate an understanding of the structure and operation of Papua New Guinea's legal system.

To achieve these outcomes, students:

- demonstrate an understanding of the historical background of the legal system in Papua New Guinea.

Content

Students acquire knowledge and skills through the learning and teaching of this content. Students understand the historical aspect by conducting research.

Legal history of Papua New Guinea

Traditional laws

- Papua New Guinea's 800 different cultural groups, each with own rules, customs and usages, which regulated all aspects of life such as
 - land ownership
 - marriage
- the basis from which customary law, an integral part of our current laws, evolved

Laws in the colonial period

- German New Guinea
- first House of Assembly in 1964
- profit-oriented laws
- laws related to labour rations, wages, punishment for absenteeism from work and so on
- custom applied in indigenous communities

Papua under British rule

- the Territory of Papua and New Guinea
- English common law and principles of equity
- custom applied in indigenous communities

The laws after Independence

- the laws on implementation of the Constitution

Dual system of law

Customary law

- customs and traditions practised and evolved over centuries and practised today; examples such as
 - land rights
 - marriage

Introduced law

- laws from England and Australia adopted by Constitution as part of our laws

Use of dual system of law

- Papua New Guineans can marry under custom or statute law or both
- origin of current criminal code is Queensland, Australia

Skills to be taught and applied

- inquiry and research skills
- ability to draw comparisons and make contrasts
- analytical skills
- ability to communicate coherently in oral or written form

11.3 The Laws of Papua New Guinea

10 weeks

The purpose of this unit is to enable students to demonstrate an understanding of the laws of Papua New Guinea, as stated in the Constitution. The knowledge, skills and attitudes in this unit are further elaborated throughout the course.

Learning outcomes

Students can:

1. demonstrate an understanding of what law is, the laws of Papua New Guinea and the functions of law in society.

To achieve these outcomes, students:

- demonstrate an understanding of the laws of Papua New Guinea.

Content

Students acquire knowledge and skills through the learning and teaching of this content.

The laws of Papua New Guinea

The Constitution

- the highest law of the land
- sets the structure of democratic government and society

The organic laws

- part of the Constitution
- addresses leadership, elections, provincial government
- difficult to change or amend by Parliament because it requires a three-quarter majority vote

Acts of Parliament

- laws made by Parliament, other than constitutional laws
- implement government policy
- respond to social change

Emergency regulations

- special laws made for emergency situations, such as natural disasters, civil unrest, outbreak of disease
- temporary in nature

Provincial laws (include local-level government law)

- made under Organic Law
- covers areas such as sanitation, mobile trading

Adopted laws

- pre-independence laws, simultaneously repealed and adopted laws

Subordinate legislation

- also known as 'delegated legislation'
- law-making powers delegated to an authority other than Parliament
- examples include orders, regulations, bylaws

The underlying law

- provides process for court to develop law through case law, court decisions or judgements
- occurs when there are no rules or principles relating to a particular matter
- custom
- good customs recognised as law
- some customs, such as payback and cannibalism, not recognised
- common law and equity
- the system of law known as the 'principles and rules of equity' administered by the courts of equity in England

Skills to be taught and applied

- inquiry and research skills
- report writing skills
- advocacy skills: the ability to argue logically and persuasively

11.4 The Constitution of Papua New Guinea

10 weeks

This unit introduces students to the highest law in the land, the Constitution or 'mama lo'. Students appreciate the uniqueness of the Constitution as a home-grown legal document, which provides the basis for the establishment of state institutions, the courts, constitutional offices and so on. The knowledge, skills and attitudes in this unit are further elaborated throughout the course.

Learning outcomes

Students can:

1. demonstrate an understanding of what law is, the laws of Papua New Guinea and the functions of law in society
2. demonstrate an understanding of the structure and operation of Papua New Guinea's legal system
4. demonstrate an understanding of their legal rights and responsibilities
5. analyse legal issues and identify strategies for appropriate action.

To achieve these outcomes, students:

- demonstrate an understanding of the dynamic nature of the Constitution
- demonstrate an understanding of the National Goals and Directive Principles, and Basic Social Obligations
- demonstrate an understanding of the Constitution as the legal basis for the establishment of key state institutions
- demonstrate an understanding of their basic rights and freedoms under the Constitution.

Content

Students acquire knowledge and skills through the learning and teaching of this content.

The Constitution

What is the Constitution?

- set of fundamental principles through which country is governed
- establishes legal and political systems

Where did the Constitution come from?

- drafted by the Constitutional Planning Committee after nationwide consultation
- came into operation on 16 September 1975

National Goals and Directive Principles, and Basic Social Obligations

The National Goals and Directive Principles

- integral human development
- equality and participation
- national sovereignty and self-reliance
- natural resources and environment
- Papua New Guinean ways

The Basic Social Obligations

- the eight Basic Social Obligations in the Preamble of the Constitution

The Constitution as basis for establishment of key State institutions

The Leadership Code

- a set of rules that govern leadership
- Ombudsman Commission responsible for enforcing Leadership Code

Citizenship

- citizenship allows certain rights such as the right to vote and the right to stand for public office
 - *automatic citizen*: indigenous inhabitant of Papua New Guinea
 - *naturalised citizen*: foreigner who applies for and is granted citizenship

Office of the Head of State

- Queen Elizabeth II of England: Head of State
- Governor-General: Queen's representative in Papua New Guinea

The national Government

- the three arms of government
 - the national Parliament
 - the national executive
 - the national judicial system

The Judicial and Legal Services Commission

- deals with matters relating to the judiciary and legal services

State services

- the national public service
- the police force
- the Papua New Guinea Defence Force
- the parliamentary service
- Parliament and finance
- Office of the Auditor General
- the Public Accounts Committee
- the Ombudsman Commission
- constitutional office holders

Rights and freedoms under the Constitution

Basic rights and freedoms stated in the Constitution

- rights of all persons
 - rights cannot be taken away
 - right to freedom to do anything except unlawful acts or breaches of another person's rights
 - right to protection of the law especially when arrested and charged
- special rights of citizens
 - protects rights of citizens
 - includes right to vote, right to freedom of information, right to freedom of movement and so on
- enforcement of rights in the Constitution
 - enables persons whose rights are violated to obtain compensation from the violator of their rights

Gender equality

Skills to be taught and applied

- inquiry and research skills
- report-writing skills
- advocacy skills

11.5 The Structure of Government

10 weeks

The purpose of this unit is to enable students to demonstrate an understanding of the structure of government and the basis for the establishment of the three arms of government. It also enables students to have an understanding of the fundamental principle of the separation of powers that underpins our democracy. The knowledge, skills and attitudes in this unit are further elaborated throughout the course.

Learning outcomes

Students can:

1. demonstrate an understanding of what law is, the laws of Papua New Guinea and the functions of law in society
2. demonstrate an understanding of the structure and operation of Papua New Guinea's legal system.

To achieve these outcomes, students:

- demonstrate an understanding of the three arms of government
- demonstrate an understanding of the legal principle that ensures that the functions of the three arms function separately and do not interfere with each other, yet work together as a single government.

Content

Students acquire knowledge and skills through the learning and teaching of this content.

The three arms of government

The national Parliament

- powers and functions of the national Parliament
 - law-making arm of government
 - total of 109 elected members

The National Executive Council

- powers and functions of the National Executive Council
 - executive arm of government
 - consists of the Head of State, the Prime Minister, Deputy Prime Minister and certain appointed senior ministers

The national judicial system

- powers and functions of the national judicial system
 - responsible for determining disputes and dispensation of justice
 - consists of the Supreme Court, national courts and other courts and other institutions such as correctional services and the police force

The doctrine of separation of powers

- legal doctrine that states that respective powers and function of each arm of government must be kept separate
- importance of the doctrine of separation of powers
 - prevents one arm of government from becoming too powerful
 - foundation of democratic government and society
 - check and balance on powers of each arm

Skills to be taught and applied

- inquiry and research skills
- report writing skills
- advocacy skills

Grade 12 units

12.1 The Courts of Papua New Guinea

5 weeks

This unit introduces students to the court system, its composition and how it operates. Courts are an important aspect of our legal system. Courts interpret laws and resolve disputes. There are different types of courts in Papua New Guinea, each operating within certain limits. The knowledge, skills and attitudes in this unit are further elaborated right throughout the course.

Learning outcomes

Students can:

1. demonstrate an understanding of what law is, the laws of Papua New Guinea and the functions of law in society
5. analyse legal issues and identify strategies for appropriate action.

To achieve these outcomes, students:

- demonstrate an understanding of the different courts and the limits within which the courts work
- demonstrate an understanding of the functions of the courts.

Content

Students acquire knowledge and skills through the learning and teaching of this content.

The courts of Papua New Guinea

The higher courts

- the Supreme Court
 - highest court in the land
 - hears matters related to the Constitution
 - has power to declare acts of Parliament valid or not
 - final court of appeal
 - gives advice to certain government institutions such as the Ombudsman Commission
 - has power to review decisions of National Court for good reasons and in exceptional circumstances
- the National Court: has unlimited jurisdiction and can hear all kinds of cases except constitutional matters such as
 - cases where monetary amount as greater than K10,000
 - civil matters such as divorce

- serious criminal matters
- appeals from district courts and administrative bodies such as industrial tribunals

The lower courts

- the district court
 - located in all districts
 - civil matters such as cases where monetary amount is up to K10,000
 - criminal matters: minor offences; serious cases heard and either sent to higher courts or dealt with
 - appeals from village courts
- the village court
 - incorporates customary law in semiformal setting
 - applies customary law in geographic area of location
 - may apply other methods of dispute resolution, such as mediation, negotiation
 - over 1000 village courts nationwide
 - civil matters, such as cases where monetary amount is up to K1,000
 - disputes for customary marriages, adoptions and so on
 - limited criminal jurisdiction: keeping peace, settling breach of custom

Special courts

- the Children's Court
 - deals with the welfare of children under 16 years of age
 - closed court (not open to the public)
- the Juvenile Court
 - deals with children between 7 and 18 years of age
 - hears less serious offences committed by juveniles
 - juveniles found guilty may be placed on probation or good behaviour
 - aims not to punish but to rehabilitate young offenders
- the Family Court
- land courts
 - deal with disputes over customary land
 - disputes settled by mediation or whatever the relevant custom of disputing parties dictates
- the Coroners Court
- the Traffic Court
- other bodies with court-like powers: administrative tribunals; industrial tribunals; commissions of inquiry

Skills to be taught and applied

- inquiry and research skills
- report writing skills
- advocacy skills

12.2 Protection of the Law

5 weeks

This unit provides students with an understanding of the way in which the law protects them in certain situations. For example, when a person is locked up by the police, what are their rights? What happens when an act or action is criminal in nature? Students gain an understanding of what their rights are and how their rights are protected and enforced by our laws. The knowledge, skills and attitudes in this unit are further elaborated throughout the course.

Learning outcomes

Students can:

1. demonstrate an understanding of what law is, the laws of Papua New Guinea and the functions of law in society
2. demonstrate an understanding of the structure and operation of Papua New Guinea's legal system
3. demonstrate an understanding of the use of basic legal concepts, principles and terminologies
4. demonstrate an understanding of their legal rights and responsibilities
5. analyse legal issues and identify strategies for appropriate action.

To achieve these outcomes, students:

- identify and discuss the rights and obligations arising from given situations or issues
- demonstrate an understanding of the way in which the law protects persons who come into 'contact' with the law
- demonstrate an understanding of what happens to a person who is arrested and charged by police for breaking the law.

Content

Students acquire knowledge and skills through the learning and teaching of this content.

The fundamental right to full protection of the law

- all persons have the right to full protection of the law
 - civil matters
 - criminal matters
 - all persons charged by police should be taken before an impartial court of law within a reasonable time for a fair hearing
 - all persons are innocent until proven guilty

Criminal offences and civil wrongs

- criminal offences: wrongs or crimes committed against society

- civil wrongs: situations where there are problems with how individuals relate to each other and to the state in a non-criminal situation
- breaches of law: may be criminal or civil in nature; for example, an assault

What happens to a person who has committed a crime?

- person referred to as a 'suspect'; crime is an 'alleged offence'
- procedures for arrest
 - police must advise suspect that he or she is under arrest
 - police must advise suspect of reasons for arrest
- at the time of arrest
 - suspect must be taken to police station immediately
 - if person has not committed alleged offence, should be released immediately
- police officer takes suspect into custody, records name in register of arrests
 - if police decide they have enough information, they must charge suspect
 - suspect is informed of reasons for arrest, details of charge
 - suspect is allowed to contact lawyer or family members
 - if not charged, suspect must be released immediately
- when police decide to prosecute
 - police lay information or complaint (short written statement of alleged offence) before a magistrate
 - magistrate issues summons for suspect to appear before court to answer charge
 - if suspect fails to appear, magistrate issues a warrant of arrest

Bail

- approval for release of a person from custody
 - where alleged offence not serious, officer-in-charge decides how much bail
 - if officer-in-charge denies bail, must take suspect to court immediately
 - where alleged offence is serious, National Court or Supreme Court decides (for offences such as wilful murder, involving firearms, rape)
 - when court refuses bail, it must give written reasons
 - when court refuses bail, there may be an appeal to a higher court
 - a person granted bail must appear for hearings and comply with bail conditions, such as reporting to police station every fortnight

What happens to a person who is arrested and charged by police?

With a minor offence

- person is tried by a district court

With a serious (indictable) offence

- person is taken to a district court for committal proceedings

- person is tried and, if found guilty, sentenced by National Court

Rights and obligations arising from given situations or issues

- what a person can do if a wrong has been committed against them by
 - another person
 - a company
 - the State

Skills to be taught and applied

- inquiry and research skills
- report writing skills
- advocacy skills

12.3 Natural Resources and the Law

10 weeks

Papua New Guinea is a resource-rich nation with most resources development occurring on customary land. The purpose of this unit is to enable students to appreciate and develop an awareness of the laws and effect of the laws relating to land and natural resources.

Learning outcomes

Students can:

1. demonstrate an understanding of what law is, the laws of Papua New Guinea and the functions of law in society
2. demonstrate an understanding of the structure and operation of Papua New Guinea's legal system
3. demonstrate an understanding of the use of basic legal concepts, principles and terminologies
4. demonstrate an understanding of their legal rights and responsibilities
5. analyse legal issues and identify strategies for appropriate action.

To achieve these outcomes, students:

- demonstrate an understanding of the various laws relating to natural resources on customary land
- develop an awareness of the need to manage and protect our natural resources.

Content

Students acquire knowledge and skills through the learning and teaching of this content. Students identify the various definitions of law through research and discussions.

Laws relating to natural resources on customary land

- ownership of customary land
- connection between land and natural resources
- ownership of natural resources on customary land such as gas, oil and minerals (gold, copper)
- laws that deal with particular natural resources
 - *Oil and Gas Act 1998*—states that the State owns all gas and oil resources
 - *Mining Act 1995*
 - *Fisheries Management Act 1998*
 - *Water Resources and Management Act 2005*
 - *Forestry Act 1991*
 - *Land Act 1986*

Development of natural resources on customary land

- participation of landowners
- landowner benefits for resource development
 - royalties
 - equity participation
 - infrastructure development

The need to manage and protect our natural resources

Impact of development on the environment

- environmental degradation
- utilisation and management of resources
- pollution
- impact on communities in, or within the vicinity of, resource project areas
- the need for sustainable development

Skills to be taught and applied

- inquiry and research skills
- report writing skills
- advocacy skills

12.4 The Law and You

10 weeks

This unit focuses on some aspects of societal life and activities that a student may encounter in his or her daily life. These selected situations include the family, business and employment. The unit assists the student to make informed decisions on how best to address the situation. The knowledge, skills and attitudes in this unit are drawn from what students have learnt in previous units and are further elaborated.

Learning outcomes

Students can:

1. demonstrate an understanding of what law is, the laws of Papua New Guinea and the functions of law in society
2. demonstrate an understanding of the structure and operation of Papua New Guinea's legal system
3. demonstrate an understanding of the use of basic legal concepts, principles and terminologies
4. demonstrate an understanding of their legal rights and responsibilities
5. analyse legal issues and identify strategies for appropriate action.

To achieve these outcomes, students:

- develop the skills required to analyse issues and the impact of law relating to the particular issue that affects their lives
- demonstrate an understanding of laws required to assist them to make informed decisions on how best to address a given situation.

Content

Students acquire knowledge and skills through the learning and teaching of this content. Students are able to explain the laws on family and briefly look at how agreements are formed.

Laws on family, common contracts and motor vehicle accidents

The family and the law

- what is the family?
- family responsibilities
- the rights of children in the family
- marriage

Common (simple) contracts

- verbal (oral) agreements
- the written contract

Injuries (or death) resulting from motor vehicle accidents

- where the vehicle is a private motor vehicle
- where the vehicle is owned by the State

Skills to be taught and applied

- inquiry and research skills
- report writing skills
- advocacy skills

12.5 Current Issues

10 weeks

This unit aims to increase students' awareness and knowledge of current issues, such as ethnic conflict and HIV and AIDS, affecting them as Papua New Guineans. The unit enables students to look at specific laws relating to a given issue. The knowledge, skills and attitudes in this unit are further elaborated throughout the course.

Learning outcomes

Students can:

1. demonstrate an understanding of what law is, the laws of Papua New Guinea and the functions of law in society
4. demonstrate an understanding of their legal rights and responsibilities
5. analyse legal issues and identify strategies for appropriate action.

To achieve these outcomes, students:

- develop the skills required to analyse issues and to make informed decisions on how to best to address the issue, if possible
- identify and describe the impact of law relating to the particular issue that affects their lives
- demonstrate an understanding of laws required to assist them to make informed decisions on how best to address a given situation.

Content

Students acquire knowledge and skills through the learning and teaching of this content. Students are able to apply the basic principles and rules in order, and explain and analyse issues that have legal implications.

Issues and events

Examples of ongoing topical issues or an event from the current calendar year that could trigger investigation:

- HIV and AIDS
- sexual offences
- drug and alcohol abuse
- ethnic conflict
- domestic violence
- other issues

Skills to be taught and applied

- inquiry and research skills, report writing skills, advocacy skills, communication skills

Assessment components, weighting and tasks

The internal assessment mark for Legal Studies is to be based on the Grade 11–12 syllabus only. Final assessment must be based on a range and balance of assessment tasks and assessment components, as detailed below.

Components, weighting and tasks for Grade 11 units

Component	Weighting	Tasks
Tests, assignments and an examination	140	These may include multiple-choice items, short answers and extended responses
Research, investigation and communication	70	These tasks can include collating information from sources from both outside and within class, particularly in the report or presentation phase. Tasks may be undertaken over a period of time. The communication may be written or oral
Stimulus-based skills	60	Statistical interpretation, graphical skills, calculations. These can utilise contemporary or hypothetical situations
Group work	30	Should include group-based tasks, although it may incorporate individual elements in the reporting phase. The tasks can include written reports from group research, seminars, group presentations, multimedia presentations
Marks	300	

Components, weightings and tasks for Grade 12 units

Component	Weighting	Tasks
Tests, assignments and an examination	60	These may include multiple-choice items, short answers and extended responses
Research, investigation and communication	100	These tasks can include elements within class, particularly in the presentation phase. Tasks may be undertaken over a period of time. The communication may be written or oral
Stimulus-based skills	60	Statistical interpretation, graphical skills, calculations. These can utilise contemporary or hypothetical situations
Group work	80	Should include group-based tasks, although it may incorporate individual elements in the reporting phase. The tasks can include written reports from group research, seminars, group presentations, multimedia presentations
Marks	300	

Assessment, examinations and certification

The assessment and reporting practices described here are detailed further in the *National Assessment and Reporting Policy for Papua New Guinea* (2003) and in other support materials produced by the Department of Education.

Assessment

The main purpose of assessment is to improve student learning.

Assessment needs to be *for* learning as well as *of* learning. It is used to evaluate and improve learning and teaching, report achievement and provide feedback to students on their progress.

Assessment measures students' achievement of learning outcomes as described in the syllabus. It is the ongoing process of identifying, gathering and interpreting information about students' achievement of the learning outcomes.

Learning and teaching using an outcomes approach requires teachers to plan their teaching and assess learner performance in relation to outcomes using criteria derived from those outcomes. Assessment involves focusing less on whether a learner has 'passed' or 'failed' and more on what outcomes a learner has achieved and in which areas further support is required.

Assessment in Legal Studies

A student's achievement in Legal Studies at the end of Grade 12 will be assessed against the learning outcomes. Assessment of student progress towards achieving these learning outcomes is cumulative throughout Grades 11 and 12.

It is important that teachers plan the learning and teaching sequence so that there is a balanced spread of assessment during the year. Some tasks, such as investigations or case studies, can be designed so that they are completed over a period of time rather than at the end of the unit. Other tasks can be done immediately the relevant section of the unit or topic has been covered.

Assessment for certification

A student's overall achievement in Legal Studies will be both internally and externally assessed. The final mark awarded to each student will be a combination of the internal assessment mark provided by the school and the examination mark.

Internal assessment

Internal assessment provides a measure of a student's achievement based on a wider range of syllabus content and outcomes than may be covered by the external examination alone.

For Legal Studies, the internal assessment marks will provide a summation of each student's achievements in Grades 11 and 12. The assessment tasks used to determine the internal assessment mark must comply with the components, weightings and types of tasks specified in the tables on page 28. A variety of tasks gives students the opportunity to demonstrate all the learning outcomes in different ways to improve the validity and reliability of the assessment.

All schools must meet the requirements for internal assessment as specified in the *Grade 12 Assessment, Examination and Certification Handbook*.

External examination

The external examination provides a measure of student achievement of those aspects of the learning outcomes that can be reliably measured in an examination setting. Questions for the external examination in Legal Studies will be developed using the outcomes, knowledge and skills in the units.

Recording

All schools must meet the requirements for maintaining and submitting student records as specified in the *Grade 12 Assessment, Examination and Certification Handbook*.

Certification

Students will be awarded the national certificate only if they meet all requirements for internal and external assessment. Eligibility rules for the award of certificates are specified in the *Grade 12 Assessment, Examination and Certification Handbook*.