



---

**SCHOOL OF LAW**

**COURSE NAME:** Public Law 1

**COURSE NO:** LA207

**TIME ALLOWED:** Three (3) hours

**READING TIME:** Ten (10) minutes

**NUMBER OF PAGES:** Two (2)

**NUMBER OF QUESTIONS ON PAPER:** Eight (8)

**NUMBER OF QUESTIONS TO BE ANSWERED:** Five (5) only. No questions are compulsory

**MARK ALLOCATED FOR EACH QUESTION:** Equal

**TOTAL MARKS:** Fifty (50) percent of final result. You must obtain at least 18 marks in the examination in order to pass.

---

**MATERIALS PERMITTED IN EXAMINATION ROOM:**

None

**SPECIAL INSTRUCTIONS**

1. Complete the full paper. You need to obtain at least eighteen marks to pass the course.
  2. Chose any five questions you like. None of the questions are compulsory.
  3. Allocate your time equally to each question.
  4. Do not answer more than five questions. Additional answers will not be marked.
- 

*Approved  
R. Williams*

Question 1

“Constitutions should be interpreted liberally in order to do justice to the spirit and intent of the framers of the constitution. It is only in this way that constitutions can evolve over time and in response to the changing circumstances of a country.”

Critically discuss this statement. Your answer should address changes to constitutional interpretation by the courts particularly in USP countries and similar jurisdictions have changed over time.

Question 2

The doctrine of separation of powers is clearly established as part of the framework of the constitutions of the USP countries. Write an essay discussing the operation of this doctrine with respect to one or more of these constitutions and discuss problems with its practical application.

Question 3

“The manner in which a constitution is brought into being is not so important. What is important is whether it acquires legitimacy as a constitution. This principle is clearly recognised by the courts of the USP region and by other courts in the Commonwealth.”

Write an essay discussing this statement and referring to appropriate judicial authorities.

Question 4

Write an essay discussing the principle of judicial review of a constitution and how it applies in theory and practice in the South Pacific region. Your answer can refer to any of the constitutions of the USP countries.

Question 5

“Fundamental rights and liberties provisions are an essential part of any constitution. For one thing they serve to define the basic limits of government power and, in a basic sense, they define the relationship between the public sector and those who are subject to its authority and rule.”

Write an essay discussing this statement and its implications for our understanding of constitutions.

Question 6

Write an essay explaining the formal constitutional establishment of the legislature in any of the USP countries you might choose. Your answer should explain the main features of the legislature and the basis for the exercise of legislative power of the body or bodies invested with it.

Question 7

There are well established constitutional provisions which relate to the raising and expenditure of public finance. Discuss these provisions with reference to any country of the USP region. You should explain in your answer clearly why such provisions are necessary and appropriate as part of the constitutional system.

Question 8

How are the provisions of a constitution formally changed or amended? Write an essay explaining this with reference to at least two USP countries.