



The University of the South Pacific  
Emalus Campus

Examination  
Semester 1 2006

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**FACULTY OF ARTS AND LAW  
SCHOOL OF LAW**

**COURSE NAME: ADVANCED PRIVATE INTERNATIONAL LAW**

**COURSE NO: LA 409**

**TIME ALLOWED: THREE HOURS**

**READING TIME: TEN MINUTES**

**NUMBER OF PAGES: THREE**

**NUMBER OF QUESTIONS ON PAPER: SEVEN**

**NUMBER OF QUESTIONS TO BE ANSWERED: FIVE**

**MARK ALLOCATED FOR EACH QUESTION: ALL OF EQUAL VALUE.  
EACH WORTH 20% OF  
TOTAL MARKS FOR  
COURSE**

**TOTAL MARKS:**

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**SPECIAL INSTRUCTION: Students are permitted to bring unannotated copies of legislation rules of court and judicial decisions. No textbooks, course notes or personal notes.**

**MATERIALS PERMITTED IN EXAMINATION ROOM:**

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Please do not turn over any page until you are told to do so.

*Approved*  
*[Signature]*  
5/5/06

1. Your client tells you that she was born in Fiji, her father was i-Kiribati and the mother Fijian. After some year her parents separated and her father who was a fisherman took work in some Chinese fishing boats. When she was 15 her mother married an Australian man and went to live in Australia and your client accompanied her here. Your client at the age of 23 came to Kiribati to find her fathers relatives, and last year, when she was 25 years old, she married an i-Kiribati man. This man has now left her, and she wishes to file proceedings for divorce in Kiribati.

How would you advise her?

2. You client tells you that she has been employed for many years by a Chinese couple to help in their store in Kiribati. She claims that she has not been properly paid and that the couple are making plans to leave Kiribati and return to China. What steps should you take to protect your client's position?

3. Your client tells you that 2 years ago he made in Kiribati a contract with an Australian company to export live reef fish to the company for a period of 5 years, payments to be made in Kiribati. The Australian company has complained that many of the fish are dead when they arrive in Sydney, and has refused to pay for the fish or to take delivery of any more fish from your client. Your client claims that the reason that the fish are dead is that they are not properly looked after when they arrive in Sydney, and he wishes to bring proceedings against the company for breach of contract.

- a) If the Australian Company has no registered office or place of business in Kiribati, what steps would you have to take to serve the company in Australia?
- b) Would you be likely to be successful?
- c) What difference, if any, would it make if the Australian company has a place of business, but no registered office, in Kiribati?

4. Assume that under the law of Kiribati:

- a) it is illegal to export live fish
- b) contracts for services for periods exceeding 4 years must be by deed.

There are no such requirements in the law of Australia.

What relevance, if any, would these have upon any claim by your client in question 3 against the Australian company?

5. An i-Kiribati woman married a Solomon Island citizen, and went to live in Solomon Islands. She has recently died in Honiara, leaving some interests in land in Kiribati and some personal property in Solomon Islands.

a) What law will determine the validity of the will that she made in Kiribati?

b) What law will determine succession to her interests in land and personal property if her will was valid?

6. In the preceding question

a) What law will determine succession to her interest in land and personal property if she had made no will?

b) What difference, if any, would it make if her interests in land were leasehold interests?

7. You are instructed by some seamen who have been working on a Taiwanese shipping boat for several years but have received no payment for their work.

What steps can you take to protect your clients position?