

# The University of the South Pacific

Serving the Cook Islands, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, and Vanuatu.

## SCHOOL OF LAW

---

### **LW 304: LEGAL DRAFTING**

### FINAL EXAMINATION – SEMESTER 1, 2008

---

*time allowed – 3 hours + 10 minutes reading*

50% final grade

#### **INSTRUCTIONS**

1. This exam has five (5) questions, on four (4) pages including this one.
2. The questions' values are:
  1. – 15 points
  2. – 10 points (2 for each sub-question)
  3. – 5 points
  4. – 15 points
  5. – 5 points
4. This exam is *closed-book*. Nothing is allowed except pens and timepiece.

**1.**

*(value: 15 marks)*

You are Drafter for your government. The responsible Minister has told you that the government wishes to reduce the social problems associated with sorcery, or black magic, in the country. It has decided the existing legislation is not adequate. The Minister wants you to propose legislation serving this purpose, entirely in your own judgment. What will you propose?

(What you propose may be a freestanding Act, or amendments or additions to existing legislation. It may include the repeal of existing legislation. It may be original, or based on foreign or past models. It may be any kind of legislation, but it must be compatible with the Constitution.)

**2.** Identify an uncertainty or ambiguity in **each** of the following provisions, and suggest a revision of the text to reduce or eliminate it. (Assume that references to Show Officer are clear in context.)

*(value 2 marks each: total 10 marks)*

- A.** Persons wishing to register dogs for the show shall declare their names to the Show Officer.
- B.** Only neutered male and female dogs are eligible for the outdoor portion of the Show.
- C.** The Show Officer shall advise every dog-owner where applications for awards may be made in writing.
- D.** Awards shall not be made in any tricks competition unless no competing dog has been denied not less than two opportunities to perform its trick.
- E.** Dog-owners may give water and food to their dogs only with permission of the Show Officer.

**3.**

*(value: 5 marks)*

Consider the term "fair", as it is used in law. Provide the term or phrase with which you would translate it into a language other than English of your jurisdiction, together with its literal meaning in English.

**4.**

*(value 15 marks)*

A first-year student from another university's law school has come to you with this story, asking you to draft a Statement of Claim for him.

"In a tutorial my lecturer Amy Bakoff mentioned that her house needed repainting, while we were discussing contract formation. She's mentioned this a few times before in class discussions. So I put my hand up and offered to do the job. I'm a painter, actually; it's my father's trade.

"She knows I paint – we've talked about it in her office. And I painted another lecturer's shed for him last year.

"She said she'd accept my offer, depending on the price and terms. I named a price, including materials, and said I could do it during the mid-term break. She said that would be fine, then turned to the class and said, 'See? Offer, acceptance, exchange of consideration by promises, deal.'

"As it happens, my father had told me of a job that he couldn't handle, which would be during the break. I told him I couldn't do it because I had Professor Bakoff's job. So someone else took it.

"Well, the next week, a few days before the break, I went to see her about the job – and she said there was no job! She hadn't said anything when the tutorial ended, she just hustled back to her office, and now suddenly I have no job! And I need the money from working during break.

"She says she only rents her house anyway. Well I didn't know that. You got to help me – I want to claim the money from her."

Draft the Statement of Claim for this action.

5.

(value: 5 marks)

Re-draft this rule as readably as possible, in tabulated form.

*Release of identifying information*

If the agency determined that the petitioner is an adopted person, and if the department of health informed the agency either that the file of releases does not contain a release or releases filed by one or both of the petitioner's biological parents that authorise the release of identifying information to him and does not contain a release or releases filed by any biological sibling that authorises the release of specified information to him or that the file of releases contains at least one such release but a withdrawal of release has been filed that negates each such release, the judge shall order that the petition remain pending until withdrawn by the petitioner, and order the department of health to note that it is pending in the file of releases according to the surname of the petitioner as set forth in his original birth record.

**BONUS QUESTION**

(value: 1 mark)

Is there an uncertainty in how the "Instructions" for this Examination might be interpreted?