



# 1983 ANNUAL REPORT

by the

## JUDGES

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ANNUAL REPORT FOR THE YEAR 1983 BY THE JUDGES TO THE HEAD  
OF THE STATE FOR PRESENTATION TO THE NATIONAL PARLIAMENT  
ON THE WORK OF THE SUPREME COURT AND THE NATIONAL COURT,  
PURSUANT TO THE CONSTITUTION, SECTION 187, AND THE  
NATIONAL COURT ACT 1975, SECTION 9

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JUDGES

OF THE SUPREME COURT OF JUSTICE  
AND THE NATIONAL COURT OF JUSTICE

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THE HONOURABLE SIR BURI KIDU, Kt.  
CHIEF JUSTICE OF PAPUA NEW GUINEA

THE HONOURABLE MARI KAPI, C.B.E.,  
DEPUTY CHIEF JUSTICE OF PAPUA NEW GUINEA

THE HONOURABLE WARWICK JOHN ANDREW

THE HONOURABLE NORRIS HARRY PRATT

THE HONOURABLE THEODORE REGINALD BREDMEYER

THE HONOURABLE WILLIAM KAPUTIN

THE HONOURABLE DERMID JOSEPH McDERMOTT

THE HONOURABLE ARNOLD KARIBONE AMET

THE HONOURABLE ROBERT KYNERSLEY WOODS (ACTING)

THE HONOURABLE MALCOLM CARMICHAEL RAMAGE (ACTING)

1. INTRODUCTION

Report pursuant to the provisions of Section 187 of the Constitution and Section 9 of the National Court Act (Chapter No. 38), for the period 1 August 1982 - 31 July 1983.

2. JUDGES

During the period the following changes occurred in the composition of the judiciary:

- (a) The Honourable Jerzy Jakob Gajewicz resigned on 22 June 1983 for personal reasons and returned to Australia.
- (b) The Honourable Arnold Karibone Amet was sworn in as a Judge of both the Supreme Court and the National Court on 23 June 1983 for a period of three years. His Honour's appointment brings to four the number of citizen Judges during the period covered by this Report.
- (c) The Honourable Robert Kynnersley Woods was reappointed an Acting Judge for a further term of 12 months commencing 3 March 1983.
- (d) The Honourable Malcolm Carmichael Ramage was sworn in as an Acting Judge in September 1982 for a period of 12 months.

3. JUDICIAL INDEPENDENCE

3.1 Introduction

In our last Report we said the following: -

"Section 99 of the Constitution provides that the National Government consist of three principal arms:

- (a) The National Parliament;
- (b) The National Executive;
- (c) The National Judicial System.

This section of the Constitution goes on to provide that 'In principle, the respective powers and functions of the three arms shall be kept separate from each other.

This principle is not being followed. The National Judicial System relies on the Public Services Commission for all its staff, except Associates to Judges who are appointed by the Minister for Justice on the recommendation of the Judges. All other staff, the Registrar, the Registry staff, the few Interpreters we have, are employed by the National Public Service which is part of the Executive arm of the Government.

Likewise, all financial control is with the Department of Justice, so that the Judges have no control over the money that is spent for them to run the National Judicial System.

We would propose that the National Judicial System be given control of its own funds and that these be appropriated by Parliament each year much in the way that the Ombudsman Commission and the National Parliament is funded and given some independence from the Executive arm of the Government."

We then set out some of the problem areas resulting from reliance on the Executive arm of the Government for funds, staff and equipment and other facilities. We now make the following comments.

### 3.2. Statements to Parliament

We note that in the February 1983 sittings of Parliament, the following was said by the Minister for Justice in response to the following motion moved by the Honourable Warren Dutton, MP;

"And this Parliament fully supports the recommendations by the Judges that the National Judicial System should be in law and in practise an autonomous arm of the National Government as it is intended to be by our Constitution and further request the Government to take all necessary legal, financial and ministerial steps to ensure the full autonomy of the National Judicial System as from the 1st January 1984".

The Minister said;

"I have already put the thing in action. Next year the Courts will be independent financially. They'll be able to recruit their own staff. I have done this and the Finance Minister has

agreed in principle. Every administrative machinery would be set to transfer the function, financial control, across the Courts to take it over. Now, Mr. Speaker, the reason why I pressured at that stage why they have allowed the Justice Department to look after financial, is to minimise costs and at the same time, to allow the courts to operate without worrying about its staff and worrying about a lot of other things. So they have done this, but I think since the birth of our Constitution, it has clearly spelt out the law of this country that the Judicial System will be independent. I have already instigated actions to see that the Courts become independent financially as well. In the same manner, as the Parliament and many other constitutional offices like the Ombudsman Commission but as I said it could not be effected this year because the Budget has been passed. It has to happen next year. There are positions which have to be, which the courts have to negotiate with the Public Service to create and make things work. I would like to advise the Honourable Member not to worry about the amendment because the Government is looking at this problem now and is making the necessary steps to put this into action."

#### 4. STAFF, FINANCE AND FACILITIES FOR THE JUDICIARY

##### 4.1. Interpreters

Once again the problem of Interpreters is still unresolved because there has not been any increase in the staff of the Court. We continue to rely on two Interpreters at the Waigani Court House and rely on other Governmental Authorities to provide Interpreters when we are on Circuit outside Port Moresby.

We urge that the Interpreter problem be resolved because it is important for the Criminal Justice System to work properly. In a country with so many different languages and dialects, Interpreters are an essential part of the Judicial System. We ask that urgent consideration be given by the Government to provide us with more and better Interpreters.

We have decided to make recommendations for increase in the Court staff including Interpreters. We will recommend that at least one full-time Interpreter will be allocated in each Provincial Centre. We refer Members once again to our 1982 Report on this matter.

#### 4.2 . Secretarial and Stenographic Staff for Judges

We now have provisions for a Keyboard Operator Grade 5 to be assigned to each Judge. The problem now is to get experienced personnel. We are grateful that the Government made arrangements to resolve this secretarial problem. We thank our secretaries for the help they have given us in the last year.

#### 4.3. The Registry and Staff needs

We recommended certain actions to be taken on the court staffing level, and refer Members to the 1982 Report. As nothing much had resulted from the last year's report, once again the Judges have decided to submit a proposal to the Government for increase of levels of the staff of the National Court.

We report that in the period covered by this Report a new Registrar was appointed (L.M. Newell). We thank all Registry and other staff for the support they have given us during the year.

#### 4.4. Stores and Supplies

Judges continue to take evidence in long-hand in almost all cases except for a few in the National Court and the Supreme Court sittings at Waigani. In our 1982 Report, we asked that we be given one more recording system in the Supreme Court and this has been done. The Court has also been provided with a Word Processor, which has been of great help in preparation of Judgments. We suggest the Court be provided with another recording system and consideration being given to providing a computer and word processor system.

On Circuit, some Judges use small tape-recorders to record certain judgments. We ask that we be provided with proper portable recording systems for Circuit work. These can be purchased in Port Moresby. We also request that funds be allocated to pay typists during circuits.

There are 13 circuits in Papua New Guinea. Out of these the Central Province/National Capital Circuit is an on-going sitting every month as is the Western Highlands Circuit. Other circuit centres are visited every second month. We strongly urge the Government to provide these portable recording systems.

#### 4.5. Finance

The expenditure figures for 1982-83 were not provided in time for inclusion in this Report.

#### 4.6. Pension Scheme - National Judicial System

We suggested in our 1982 Report that a Pension Scheme be established for Judges of the National Court and we suggested that such legislation for this purpose be drafted along the same lines as the Repealed Judges' Pension Act. No action has been taken by the Government. We are in process of preparing material for such legislation and will submit it to the Department of Justice for eventual Cabinet consideration. We point out here that whereas every section of the public sector has a pension scheme (Parliament has a Pension Scheme so have the Police, the Defence Force, Corrective Institution Services, the Public Servants and others who work for Statutory Authorities), the Judiciary does not. It is only proper and logical that the third arm of the Government be eligible for a Pension Scheme.

#### 5. LEGAL AID

The Public Solicitor's Office continues to have manpower problems. We say nothing other than refer Members to our 1982 Report.

#### 6. PROSECUTION PROBLEMS

We merely refer Members of Parliament to our 1982 Report and say that like the Office of the Public Solicitor, the Office of the Public Prosecutor continues to have manpower problems. In the period covered by this Report, the situation we mentioned in our 1982 Report had not improved. The Court continues getting unskilled and relatively inexperienced lawyers trying to perform functions which can only be done by experienced lawyers. This is not the fault of the Public Prosecutor. This situation has arisen as a result of experienced lawyers resigning or not renewing their contracts. We understand the Public Prosecutor recently was allowed to recruit some experienced lawyers from overseas. We hope this action results in improved standards of prosecution.

#### 7. INCREASED JURISDICTION OF DISTRICT COURT

We have yet to see any decrease in the number of cases coming before the National Court over which Magistrate's Grade V have concurrent jurisdiction.

#### 8. NON ATTENDANCE FOR TRIAL

##### 8.1 Escapes whilst awaiting trial

Detainees awaiting trial, still escape from Corrective Institutions. We believe that there has been no significant decrease in the number of such escapes.



Detainees of every description will continue to escape from Corrective Institutions in this country for the simple reason that the majority, if not all, of these Institutions are not secure. It is well-known by all those involved in the criminal justice system (including the Correctional Services) that our Institutions were built with very little consideration for security. The Correctional Services would require a considerable amount of money from the public purse to ensure these Institutions are made escape-proof or at least made difficult to escape from by detainees.

## 8.2 Bail

A high proportion of those committed for trial in the National Court and released on bail pending the hearing of their case do not answer bail. We have issued Warrants of Arrest in almost all these cases throughout the country. However, most Warrants remain unexecuted by the Police. Appendix 'A' is an example of the number of people granted bail and who have failed to answer it, and against whom Warrants of Arrest have been issued by the National Court. Members will note that in almost all these cases, the Warrants have not been executed and in most of them the Court has issued more than one Warrant of Arrest.

The Court has adopted the practice of issuing fresh Warrants every 6 to 12 months in cases where such warrants remain unexecuted by the Police.

This unsatisfactory state of affairs will persist so long as Police continue to fail to execute Arrest Warrants or make no proper attempt to execute them.

Recently the Chief Justice wrote to the Minister for Justice and suggested that a study be made to ascertain the reasons why Arrest Warrants are not executed by the Police. At the time of writing, the Department of Justice has not replied to this suggestion. The Court is in no position to undertake such research.

Bail is readily available to all persons charged with indictable offences, other than treason and wilful murder. The Constitution (and the Bail Act 1977) guarantees the right to be granted bail of all persons detained for crimes other than treason and wilful murder. It is for the prosecuting authorities to show, either in lower courts or National Court, reasons why bail should not be granted. We point this out merely to explain the reason for the high number of accused persons given bail and the growing problem, already stated, of these persons failing to answer bail and the growing number of unexecuted Arrest Warrants.

Although it is now an offence for a person on bail to fail to comply with the conditions of his bail, we have yet to see such persons being prosecuted by the Police.

## 9. STANDARDS IN THE COURT

### 9.1 Lawyers

With respect to most practitioners, the standard of advocacy in our Courts has not improved to any great extent. It is our duty to point out that in many cases, lawyers come to court ill-prepared to present their cases and ill-prepared to help the Judges make a decision. It is a function of lawyers to argue and present well prepared cases in order to relieve Judges from doing too much unnecessary research which is time consuming. The standard of lawyers must be improved in the interests of the proper administration of justice.

We are concerned with the performance of lawyers engaged in the prosecution and defence of persons indicted for criminal offences in the National Court. The fault of course does not lie entirely with the individual lawyer, though lack of preparation is entirely of their own choosing. Rather, we see lawyers being asked to conduct trials for which they have no aptitude, training or experience. In our view, it is not possible to learn court room techniques or proper application of the law, by the 'sink or swim' method. It is necessary to have on the spot training through experienced counsel leading their inexperienced juniors. However, at the present time, we see a lack of motivation and enthusiasm for this to work.

The result of this deterioration in the standard of court room performance, is that the trial judge often has to intervene to advise and instruct counsel on how to proceed or adduce evidence. Likewise, the increasing inability of counsel to address the court on matters of law and evidence places increasing and unnecessary pressure on the trial judge which detracts from his function of judging.

### 9.2 CRIMINAL INVESTIGATION

It has come to our attention once again, that there is now no formal training of Policemen in criminal investigation. The result of this is seen in the evidence which is presented in court. For example, the obvious witnesses are not interviewed, possible clues in the vicinity are not looked for, exhibits such as murder weapons are not found (or if found, subsequently misplaced or lost) matters raised in records of interview by the accused are not investigated. In many instances if the

accused's allegations were investigated, no charges could have been laid in the first place. Far too much reliance is placed on confessional evidence alone. This inability to investigate brings the criminal justice system into disrepute.

### 9.3 CONSTITUTIONAL RIGHTS - SECTION 42

We express concern in the way the constitutional guarantees in section 42 are administered by investigators to suspects when interviewed. It seems that Police in most cases pay only lip service by merely reading out to people suspected of committing crimes their rights under section 42 of the Constitution and this often happens some days after interview. In a lot of cases we have noticed in records of interview police saying to suspects that they have the right to see a lawyer or to see a member of family etc. and then not giving them the opportunity to do so. We point out that when Police have the duty to inform people of their constitutional rights under section 42, it must have some meaning. If a person decides to exercise his right and wishes to talk to a lawyer, an honest attempt must be made to contact a lawyer. In a country where most people are not really aware of their rights, it is the responsibility of police investigators to ensure these rights are made known to and are meaningfully exercised by people who are accused of or suspected of committing criminal offences.

### 10. MINIMUM PENALTIES

We wish to make some comments on the minimum penalties legislation operative from 14th July 1983. The full effect of the minimum penalties is yet to be felt.

It is the prerogative of Parliament to define criminal offences and also prescribe their penalties. However, in most countries, it is an established principle that questions of sentencing be left in the hands of the judiciary. Although Parliament has exercised its power to make these laws, we think it is in the spirit of the Constitution and most of our laws relating to the criminal justice system, that independent tribunals be given a proper sentencing discretion in order to do proper justice.

We appreciate the concern of the Parliament with problems relating to Law and Order. We are disappointed that the concern we have expressed in previous reports coupled with observations as to what is presently going wrong in the administration of criminal justice, has been ignored in favour of a very narrow legislative thrust at the problem.

We believe imposition of minimum penalties is not going to improve the law and order situation. An investigation of criminal cases would show that sentences imposed in most indictable offences coming before the National Court are being progressively increased, especially for those offences covered by the minimum penalties legislation. We believe that sentences in the District Courts and Local Courts have been steadily increasing in the last few years.

We ask Members to reconsider their attitude on minimum penalties in the light of our reports. We will make a further supplementary report after the effect of the legislation has been observed over a period of time.

## 11. COURT HOUSES

### 11.1. National Court Waigani

The present building was occupied in 1974. It was designed to accommodate seven Judges and the Registry staff and others such as Drivers, Secretaries and Associates. At present, there are eight Judges plus two acting Judges. The facilities at the court are now inadequate. The Principal Architect at the Department of Public Works and Supply has been asked to provide a preliminary estimate and plan to improve the court facilities including provision of Judges' Chambers, sub-division of No. 2 Court room into a civil and criminal court, extra library storage, caretakers accommodation and provision of energy saving improvements. A full submission will be made to the Government at a later stage.

### 11.2. Provincial Court Houses

There has been a serious decline in the efficiency, security and physical condition of these buildings. We are aware that there is only K100,000 made available annually for the repair and maintenance of the country's court houses. We are concerned at the worsening state of these buildings and the appalling conditions in many instances (for example at Kieta, Kundiawa, Kavieng, Daru, Wewak, and Kerema) under which the Magisterial Service and the Judges of this Court are forced to work.

Almost all court houses throughout the country are under-staffed and in a lot of cases Magistrates, instead of doing court cases, are forced to do their own typing and filing; a waste of valuable time which could be spent in hearing and processing court cases. We urge the Government to take a serious look at this situation and rectify it.

We reiterate our concern that we have expressed before that the Third Arm of the Government of Papua New Guinea is under-staffed, under-funded and works under very very poor conditions. We say that justice in this country is being administered on the cheap.

## 12. FIRST JUDICIAL CONFERENCE

From 30 June to 2 July 1983 the first Papua New Guinea Judicial Conference was held at the Supreme Court Building, Waigani. His Excellency the Governor-General, Sir Kingsford Dibela, G.C.M.G., did us the great honour of opening the Conference. The Conference was attended by almost all senior Magistrates and eight of the Judges.

The main topic of the Conference was 'Sentencing Policies and Practices' in the courts. Papers on those subjects were given by the Deputy Chief Justice, Mr. Oliver Wijitilake, the Co-ordinator of Magisterial Studies at the University of Papua New Guinea; and by the Chief Magistrate and Mr. Job Matautu. Other papers were on the Independence of the Judiciary given by the Chief Justice and a paper on the Adversary System given by senior Magistrate Rick Giddings.

It was, in our view, a successful conference and papers given in the conference are being prepared for circulation to all Magistrates, Judges and Lawyers and other interested persons. Members who are interested will be given copies on request.

We had some difficulty getting funding for this Conference. We have decided this Conference be held annually and ask the Government to make funds available to ensure this, because it is important to this country.

## 13. ANNUAL REPORT - JANUARY-DECEMBER

In our 1982 Report we suggested Annual Reports follow the Budgetary rather than the 1 August to 31 July year. Nothing in this regard has been done by the Department of Justice. All that is required is a minor amendment to the National Court Act.

## 14. SUPREME COURT

In the period covered by the Report the Supreme Court published 27 decisions each of which were of major importance. The Supreme Court cases are contained in Appendix 'D'.

15. STATISTICS

Appendixes 'B' and 'C' outline details of business transacted by both the Supreme and National Court in the period 1st August 1982 and 31st July 1983.

16. Conclusion

We call on the Government to recognize the seriousness of the decline in the efficiency of the administration of criminal justice as exemplified by the decline in the standard of Police investigation, the prosecution process and in the physical deterioration of court facilities. These matters are inextricably linked with the off-stated commitment by leaders to law and order and call for major improvements.

## APPENDIX "A"

PORT MORESBY & CENTRAL PROVINCE  
STATE OF CRIMINAL LIST AS AT 31ST JULY 1983

CODE

B = On Bail  
 C = Custody  
 E = Escapee  
 NAB = Not Answered Bail  
 B/W = Arrest Warrant Issued

NAME OF ACCUSED	CHARGE	DATE COMMITTED	CODE
GAINIP MAKO	Wilful Muder	11/11/75	C; 28/9/76 Nolle Prosequi Indicted again 31/5/77; B/W 1/6/77, 7/12/82
ANDREW PAUL	Stealing, Forging & Uttering	14/11/78	B; NAB; B/W, 13/3/81 & 2/9/81, 1/6/82; 7/12/82
PETER KAUPA	Stealing	10/1/79	NAB; B/W, 4/9/79, 13/3/80, 17/1/80, 2/9/81, 7/12/82
KERAU IWAGI	Breaking, Entering & Stealing	5/6/79	C; E; B/W, 30/10/79, 17/11/80, 2/9/81, 7/12/82
ANTHONY POLOVA	Grevious Bodily Harm	27/7/79	C; E; A/W, 13/3/80, 17/11/80, 2/9/81, 7/12/82
TUMAI LARIAVA	Attempted Murder	17/8/79	C; E; A/W, 13/3/80, 17/11/80, 2/9/81, 7/12/82
CHARLES POEO	Wilful Murder	17/8/79	C; E; B/W's, 7/5/80, 12/5/81, 2/9/81, 25/6/82, 7/12/82

NAME OF ACCUSED	CHARGE	DATE COMMITTED	CODE
IRU MEAURI	Stealing	23/8/79	B; NAB; A/W, 11/3/80, 17/11/80, 2/9/81, 1/6/82, 7/12/82
KETAVA KAS IVORO SANGARA IVORO MANGA	Breaking, Entering & Stealing	16/5/79	C; E; B/W, 7/12/82
ALPHONSE ENGA ASENA, MIKI IVORO AIA	Breaking, Entering & Stealing	4/9/79	C; E; B/W, 6/3/80, 7/11/80, 2/9/81 (at large since Sept. 1979); B/W, 15/12/82
BAVAI AVERINO	Breaking, Entering & Stealing	24/10/79	C; E; B/W, 6/3/80, 17/11/80, 2/9/81, 7/12/82
KOITO BAWAI	Breaking, Entering & Stealing	14/11/79	C; E; B/W 13/3/80, 17/11/80, 2/9/81, 7/12/82
KOMAI MOROI	Breaking, Entering	1/2/80	C; E; B/W, 3/9/81
VINCENT BRAY	D.D.C.D.	28/4/80	B; NAB; B/W, 7/12/82
ROBERT OKOA	Breaking, Entering & Stealing	30/4/80	B; NAB; B/W, 2/9/81, 7/12/82
MICHAEL MARK MAINO, HENRY SOSI SIMANA, ALLEN NAIMA RENATO	Breaking, Entering	30/4/80 (Kwikila)	B; NAB; B/W, 2/9/81, 7/12/82
DAVID GIEGAO MAIA	Breaking, Entering & Stealing	10/7/80	C; B/W, 2/9/81, 7/12/82
KELLY KAIRI API	Forgery, Uttering & False Pretence	11/8/80	B; NAB; B/W, 29/9/82, 7/12/82



NAME OF ACCUSED	CHARGE	DATE COMMITTED	CODE
HAINA AEGA	Unl.Carnal Knowledge	13/8/80 (Kupiano)	B; NAB; B/W, 6/10/81,7/12/82
ALLAN BAUAI KATAIA	Rape	21/8/80	C; E; B/W, 17/11/80,2/9/81, 7/12/82
JAMES LAVAVA MI	Breaking, Entering & Stealing	23/8/80	C; E; B/W, 7/12/82
KULO WAWA	Indecent Assault	27/8/80	B; NAB; B/W, 7/12/82
JOSEPH ONNE KOGA	Breaking, Entering & Stealing	3/9/80	C; E; B/W, 2/9/81,7/12/82
LOKO SEMESE	Stealing as a Public Servant	25/9/80	B; NAB; B/W 20/9/82, 7/12/82
BONO GOHI	Forgery (11 charges)	3/10/80	B; NAB; B/W, 20/9/82, 7/12/82
KAMA OMUI	Harbouring	9/10/80	B; NAB; B/W, 20/9/82, 7/12/82
ANDREW KUPA	Breaking, Entering & Stealing	31/10/80	C; E; B/W, 2/9/81 7/12/82
PETER GITAIA	Breaking, Entering & Stealing	8/11/80	C; E; B/W., 2/9/81 7/12/82
PETER MOAN	Unlawfully wounding	12/11/80	B: NAB: B/W, 20/9/82 7/12/82
ARAGO PURA	Rape	3/12/80	B; NAB; B/W, 7/12/82

NAME OF ACCUSED	CHARGE	DATE COMMITTED	CODE
JOB POTA TANA	Rape	29/12/80	C; E; B/W, 2/9/81, 15/12/82
BAWAI GEBES	Manslaugh- ter	13/2/81	C; E; B/W, 2/9/81, 3/12/82
CHRIS TAUNA	Breaking, Entering & Stealing	20/2/81	B; NAB; A/W, 2/9/81, 7/12/82
PETER KOWIH	Stealing	27/3/81	B; NAB; B/W, 2/9/81, 7/12/82
IKE BYGIESU BINEGABO	Stealing	26/3/81	B; NAB; B/W, 8/9/82, 7/12/82
OVE EMAU	Indecent Assault	10/4/81	B; NAB; B/W, 2/9/81, 7/12/82
SOLE NUMA	Stealing	10/4/81	B; NAB; B/W, 20/9/82, 7/12/82
DANGA OLE	False Pretence	28/4/81	B; NAB; B/W, 2/9/81, 7/12/82
ELIAKIM WAIUT	Stealing	14/5/81	B; NAB; B/W, 1/6/82, 7/12/82; C.
ANTON LAWAI	Breaking, Entering & Stealing	22/5/81	B; NAB; B/W, 2/9/81, 7/12/82
MALA OMAIGO	Assault causing grevious bodily harm.	1/6/81	B; NAB; B/W, 23/10/81, 20/9/82, 7/12/82
GEORGE BILL PERI	Stealing as a Clerk	2/6/81	B; NAB; B/W, 23/10/81, 20/9/82, 7/12/82
TORE HARAI	Unlawful wounding	3/7/81	B; NAB; B/W, 7/12/82

NAME OF ACCUSED	CHARGE	DATE COMMITTED	CODE
MORERE KORE	Stealing as a Public Servant	3/8/81	B; NAB; B/W, 2/9/82, 7/12/82
SALE INARO	Rape	7/8/81	B; NAB; B/W, 29/9/82
ROBIN KABU	Stealing	12/8/81	B; NAB; B/W, 7/12/82
TONY NGUNTS	Stealing	20/8/81	B; NAB; B/W, 3/12/82
NADREW BIEN	Making document without authority.	4/9/81	B; NAB; B/W, 20/9/82, 3/12/82
AUDA GUDOI	Breaking, Entering & Stealing	11/9/81	B; NAB; B/W, 20/9/82, 3/12/82
EUGENE EKA	Stealing as a Clerk	11/9/81	B; NAB; B/W, 20/9/82, 6/12/82
KOIVI PIRIKI	Forgery & Uttering	15/9/81	B; NAB; B/W, 20/9/82, 3/12/82
LEKA GENO	Stealing as a Public Servant (12 charges)	18/9/81	B
ASIA GONE	Forgery & Uttering	24/9/81	B; NAB; B/W, 20/9/82, 3/12/82
JOHN MANA	D.D.C.D.	28/9/81	B; NAB; B/W, 3/12/82
PAUL GUMASA	Assault Occ. Bodily Harm	2/10/81	B; NAB; B/W, 20/9/82, 3/12/82

NAME OF ACCUSED	CHARGE	DATE COMMITTED	CODE
LOUIS AIA	False Pretence & Stealing	8/10/81	B; NAB; B/W, 6/12/82
ERIC FANA	Breaking, Entering & Stealing	16/10/81	B; NAB; B/W, 20/9/82, 3/12/82
ARA UJEPA TOFUMAGO	Attempt Rape	23/10/81	B; NAB; B/W, 20/9/82, 3/12/82
PAUL IAMO	Stealing as a Clerk	19/11/81	B; NAB; B/W, 3/12/82
DAVID TAU, EMANNUEL MATHEW OFEA	Robbery	30/11/81	B; NAB; B/W, 3/12/82
TATI MAIAPE	Stealing	14/1/82	B; NAB; B/W, 20/9/82, 3/12/82
HARRY LAUSI	Greivous Bodily harm	25/1/82	B; NAB; B/W, 3/12/82
CHARLIE DARU	Unlawful use of motor vehicle	27/1/82	B; NAB; B/W, 3/12/82
MAIMA NINGKAMA	Robbery	29/1/82	B; NAB; B/W, 3/12/82
KEAKIN PUPU	Make document without authority	9/2/82	B; NAB; B/W, in July 1982, 3/12/82
STEVEN PANGAS	Forgery	10/12/82	B; NAB; B/W, 3/12/82
TOM BELLEM	Fraudul-ently diverting power	19/3/82	B;

NAME OF ACCUSED	CHARGE	DATE COMMITTED	CODE
KEVIN KEVAU TAU	Rape	23/3/82	C; B; NAB; B/W, 7/12/82
JAMES LOKAINI	Forgery & Uttering	25/3/82	C; B; NAB; B/W, 7/12/82
ALBERT MABEN	Stealing	5/4/82	
ANTON GOMIAI	Rape	5/5/82	B;
FRED VERAWE	Forgery	22/4/82	B; (24/9/82); NAB; B/W, 7/12/82
ANDY TAIA & THOMAS MESI	Unlawful Assault	18/5/82	B; NAB; B/W, 6/12/82, 5/12/82
JONATHAN ROY	Contempt	21/5/82	B; NAB; B/W, 7/12/82
DAMASIOUS APOI	Stealing	27/5/82	B; NAB; B/W, 6/12/82
AILA KAIVA	Rape	31/5/82	B; NAB; B/W, 6/12/82
JACK ORERE	Forgery	4/6/82	B; NAB; B/W, 6/12/82
PHILIP PUPANG	Forgery	25/5/82	B; NAB; B/W, 3/12/82
*AMUNA IPOU TAURU	Wilful	22/6/82	C;
CAMILIUS BILAL	Falsifying document	24/6/82	B; NAB; B/W, 6/12/82, 20/5/82
NANA HENAO	Forgery & Uttering	3/12/82	B; NAB; B/W, 3/12/82, 7/12/82
AITA KARISI	Wilful Murder	3/8/82	B;

\* Ordered to be kept at Laloki Psychiatric Hospital until he can be dealt with according to law.

NAME OF ACCUSED	CHARGE	DATE COMMITTED	CODE
MEAURI NELSON OVIA	Stealing	29/7/82	B; NAB; B/W, 6/12/82
JOHN ANGAI	Stealing	26/7/82	B; NAB; B/W, 6/12/82
OLAI ASIPALI	False Pretence	16/6/82	B; NAB; B/W, 26/7/83
SIURANGI MOGO	Forgery	15/7/82	B; NAB; B/W, 6/12/82
SOIALI YAMBALI	Grevious Bodily Harm	14/7/82	B;
JOHN MANASSEH	Stealing	14/7/82	B; NAB; B/W, 22/7/83
MARAGA AIHI	Rape	1/9/82	C; E ( ); B/W 27/6/83
EMMANUEL OPU	Breaking, Entering & Stealing	3/3/82	B; NAB; 14/10/82
JOHN ANGAI	Stealing	26/7/82	B; NAB; B/W, 3/12/82
PAUL FENDE	Forgery	10/6/82	B;NAB;B/W,7/12/82
ALPHONSE RANGE	Forgery & Uttering	25/5/82	B;NAB;B/W,3/12/82
MIRIA TOLORO	Forgery	18/8/82	B;NAB;B/W,22/7/83
MOGA VAUA	Stealing	18/8/82	B;NAB;B/W,6/12/82
HENRY JOAMA	Stealing	2/9/82	B;NAB;B/W,6/12/82
JOHN KARAVA	Indecent Assault	24/8/82	B;
PAUL WARAP	Forgery	7/10/82	B;
PETER KOG	Forgery	7/10/82	B;NAB;B/W,22/7/83

NAME OF ACCUSED	CHARGE	DATE COMMITTED	CODE
LAKA RIKANI	Stealing	27/10/82	B;
ALLAN GAU	Stealing	17/11/82	B;
CLARK PONDEE	False Pretence	11/11/82	B; NAB; B/W, 22/7/83
SIK KOMBENE, WAWI EMEDE, DEFE OMBA	Murder	18/11/82	C;
PIOUS KOPANG TUKAIA	Unlawful Assault	23/11/82	B;
PAUL RAIAM	Stealing	25/11/82	B; NAB; B/W, 22/7/83
MEK YAPIP OIYAP	Unlawful Assault	23/11/82	B;
ANDY GADA MONGI	False Pretence	28/12/82	B;
ASEBI MOTOKA	Unlawful Killing	29/12/82	B;
ROSA POGU	Wilful Murder	21/12/82	C;
GRAHAM AGE	Unlawful Killing	29/12/82	B;
STEVEN MOSOKEY	Uttering	13/12/82	B;
FRED SIMON ALLAN	Wilful Murder	27/1/83	C;
ILOILO TAUMEA, DICK ILO, ANDY KEV SAM, HENRY RUIRO BOGA	Stealing with violence	13/1/83	B; NAB; B/W, 22/7/83
JOE D. DEVI	False Pretence	19/1/83	B; NAB; B/W 22/7/83

NAME OF ACCUSED	CHARGE	DATE COMMITTED	CODE
LAWRENCE KAEKAE	Forgery	4/2/83	B;NAB;B/W,22/7/83
ANTON TOKAI AIRI	Breaking, Entering & Stealing	22/2/83	C;
ANTON TOKAI AIRI	Breaking, Entering & Stealing	18/2/83	C; E; B/W, 27/6/83
STEVEN KALINAE YAWAGE	Misappropriation	28/2/83	B; NAB; B/W, 27/6/83
ERIC LAS NANA	Breaking, Entering & Stealing	14/2/83	C;E;B/W,27/6/83
JAMES ANDO	False Pretence	18/1/83	C;E;B/W,27/6/83
VALE VENI	Indecent Assault	7/2/83	B;NAB;B/W,27/6/83
ELI MURENI SUMAI	Misappropriation	7/2/83	B;
BOHA MOREA	Attempted Rape	7/2/83	B; NAB; B/W 27/6/83
BALUS HOLA	Forgery & Uttering	10/2/83	B; NAB; B/W, 27/6/83
SOWA WAPE	Attempted Murder	8/2/83	C;
WAOSI WEKINA	Misappropriation	11/2/83	B;
KIAU GURAGU	Forgery & Uttering	28/2/83	B; NAB; B/W, 27/6/83
FABIAN GAIDA	Uttering	14/3/83	B;NAB;B/W, 2
KEVIN ALUPI	Misappropriation	9/3/83	B; NAB; B/W, 27/6/83



NAME OF ACCUSED	CHARGE	DATE COMMITTED	CODE
PHILIP KAWAGE	False Pretence	7/3/83	B;NAB; 27/6/83
ROGER RABEKO MECPI	Unlawfully setting fire to motor vechile	3/3/83	B;
OPAI KUNANGEL	Misappro- priation	15/3/83	B;
REI KARI THOMAS HILLI IDAU VANI	Stealing	29/3/83	B;
JEFFERY THOMAS MORE IBA KUMA	Conspiracy to obtain money deceit	23/3/83	B; IBA KUM - NAB; B/W, 14/6/83
PETER GRIMAI MANE	Stealing with actual violence	28/3/83	C;
HEMBOKO NEMA	Uttering	14/4/83	B; NAB; B/W, 27/6/83
CHARLIE KOAE	Wilful Murder	11/4/83	C;
IUBU REI HEIRI HEIRI WINNIE ASI	Murder	21/4/83	C; B/W, 27/6/83 for Winnie Asi
IAMO PALA	Stealing	5/5/83	B; NAB; B/W, 27/6/83
GREGORY NONGKAS	Misappro- priation	21/4/83	B; NAB; B/W, 27/6/83
MATHIAS KAPPEI	Forgery & Uttering	24/3/83	B;NAB; B/W, 27/6/83
DANSY DOURA GARI MICHAEL MAIKAI GARI	Stealing with actual violence	1/6/83	B;

NAME OF ACCUSED	CHARGE	DATE COMMITTED	CODE
GABRIEL KESIVI	Wilful Murder	1/6/83	C;
KILA MAINO	Rape	31/5/83	C;
PHILIP AIVEN WAIPI	Obtaining licence by false pretence	25/5/83	B;
MINATA TUNDU	Forgery	12/5/83	B;
AIA MOROI	Wilful Murder	20/5/83	C;
JOHN HAYDEN DIBELA	Forgery	12/5/83	C;
KILARENS ADOGA	Unlawful Carnal Knowledge	9/5/83	C;
VINCENT OA ORERE	Murder	10/5/83	C;
SIMANA SIMAI	Stealing	30/5/83	B;
IRAU KWARI	Forgery	13/5/83	B;
AU MUA LUA	Stealing, Forgery	7/1/83	C;
PETER GIRIMAI MANE	Rape	19/4/83	C; E; B/W, 22/7/83
PAUL TAMBAI KULIMBAO	Forgery	21/6/83	C;
JAMES KORUK YAWMA	Murder	21/6/83	C;
JOE EKA KAVE	Attempted Rape	17/6/83	B;
NICODEMOUS	Attempted Rape	8/6/83	B;
APAVA KERU	Murder	3/6/83	C;

APPENDIX B

NATIONAL COURT OF JUSTICE

During the year ended 31st July, 1983 the National Court business (Civil) has been as follows:

(a) In its Appellate Jurisdiction - Filed & Heard	457
(b) In its Probate Jurisdiction - Filed and dealt with:	
(1) Probate and letters of Administration	9
(2) Reseal	nil
(3) Order to Administer	5
(4) Order to Administer (with the will annexed)	nil
(5) Letter of Administration	8
(c) Australian Register of Judgments	3
(d) In its Civil Jurisdiction: -	
(1) Writ of Summons Issued	1,104
(2) Motion and Petition - Filed and Heard	247
(3) Matrimonial Causes	34
(4) Originating Summons	5
(e) Bills of Sale	1,717
Stock Mortgages	133
(f) Writ of Execution directed to Sheriff	303

SUPREME COURT

(a) Appeals from National Court	33
(b) Reference to Supreme Court under s.41 of the Constitution	nil
(c) Reference to Supreme Court under s.18 of the Constitution	5
(d) Reference to Supreme Court under s.19 of the Constitution	2
(e) Supreme Court Review	1

APPENDIX "C"

CASES TRIED 31st JULY 1982 - 1st AUGUST, 1983

OFFENCES	CHARGES	CONVICTED	DISCHARGED	N.P.	RANGE OF SENTENCE
1. <u>Offence against the Person</u>					
Willful Murder	73	43	22	8	11 months IHL to life imprisonment
Murder	45	28	12	5	Rising of the Court to 10 years 4 months IHL
Unlawful killing or attempt	69	36	19	14	Rising of the Court to 4 years IHL
Unlawful wounding	22	5	9	8	Rising of the Court to 1 year 5 months IHL
Grievous bodily harm	26	13	23	5	Rising of the Court to 2 years 6 months IHL
Rape or Attempt	108	52	3	33	1 Year IHL to 8 years IHL
Unlawful Assault	17	10	3	4	3 months IHL to 2 years 6 months IHL
Other Offence against females	4	1	1	2	Rising of the Court to 3 years 8 months IHL
Incest	6	3	2	1	6 months IHL to 3 years IHL
Unlawful & Indecent Offences	66	40	15	11	Rising of the Court to 9 months IHL
Dangerous driving causing death	60	27	15	18	3 weeks IHL to 1 year IHL
Other offence against person	10	3	4	3	1 year 6 months IHL to 5 years IHL
T O T A L	506	261	133	112	
2. <u>Offences against Property</u>					
Breaking and entering	136	84	20	32	3 months IHL to 4 years IHL
House Breaking	37	22	6	9	4 months IHL to 3 years IHL
Stealing	251	151	46	54	2 months IHL to 8 years IHL
Receiving	10	6	4	-	Rising of the Court to 1 year 3 months IHL
Other offences against property	38	14	11	13	K100 recognizance to 8 years IHL
TOTAL	472	277	87	108	

APPENDIX "C"

- 2 -

CASES TRIED 31st JULY 1982 - 1st AUGUST, 1983

OFFENCES	CHARGES	CONVICTED	DISCHARGED	N.P.	RANGE OF SENTENCE
<u>3. Offences Against Currency</u>					
Forgery	47	26	13	8	3 months IHL to 1 year 8 months IHL
Uttering	45	28	11	6	2 months IHL to 1 year 8 months IHL
TOTAL	92	54	24	14	
<u>4. Offences Not in Preceding Classes</u>					
Relating to escapes	18	5	5	8	K200 Recognizance to 3 years 9 months IHL
Relating to Post & Telegraphs	5	4	1	-	5 months IHL to 11 months
Arson	23	10	7	6	6 months IHL to 3 years IHL
Conspiracy	25	12	8	5	3 months IHL to 4 years 6 months IHL
Unlawful Assemblies	4	1	1	2	K200 recognizance to 3 years
TOTAL	75	32	22	21	
GRAND TOTAL	1145	624	266	255	
Comprising					
Europeans	6	1	5	-	
Asians - Philippines	2	2	-	-	
Other Non Nationals	-	-	-	-	
Nationals	1137	621	261	255	
GRAND TOTAL	1145	624	266	255	

NOTES: I.H.L. - Imprisonment with Hard Labour  
N.P. - Nolle Prosequi

L. M. NEWELL  
REGISTRAR

APPENDIX "D"

- SC231 IN THE MATTER of a Reference under s.18(2) of the Constitution by an Independent Tribunal appointed pursuant to s.27(7)(e) of the Organic Law on the Duties and Responsibilities of Leadership
- AND IN THE MATTER of a Reference by the Public Prosecutor pursuant to s.27(2) of the Organic Law on the Duties and Responsibilities in respect of OPAI KUNANGEL AMIN.
- SC232 IN THE MATTER of the State against the OIC of the Wabag Corrective Institution and the Magistrates of the Kundis Village Court.
- SC233 JOHN PENG (Appellant) v. PAPUA NEW GUINEA (Respondent)
- SC234 JAMES NEAP (Appellant) v. PAPUA NEW GUINEA (Respondent)
- SC235 IN THE MATTER OF DELBA BIRI (Petitioner)  
AND: BILL GINBOGL NINKAMA (1st Respondent)  
AND: THE ELECTORAL COMMISSION OF P.N.G. (2nd Respondent)  
AND: BEN BANDE (3rd Respondent)  
AND: BONOAN PALUME (4th Respondent)  
AND IN THE MATTER OF A REFERENCE to the Supreme Court pursuant to Section 18(2) of the Constitution.
- SC236 THE PUBLIC PROSECUTOR (Appellant)  
AND:  
MICHAEL WUNAP NGUDOMP (Respondent)
- SC237 BETWEEN: VIRGIL DEWITT PERRYMAN AND VICTORIA F. PERRYMAN (Appellants)  
AND: THE MINISTER FOR FOREIGN AFFAIRS AND TRADE (Respondent)
- SC238 IN THE MATTER of the ORGANIC LAW ON NATIONAL ELECTIONS AND DISPUTED RETURNS for the KAIRUKU-HIRI OPEN ELECTORATE AND IN THE MATTER of HUGO BERGUSHER, NICHOLAS KOAE AND ARERE HITOLO, VOVIVI SELU (Petitioner)

- SC239 THIESS BROS. (PACIFIC) PTY. LTD. v. CHIEF COLLECTOR OF TAXES
- SC240 BENNY BAKI (Appellant) v. THE STATE (Respondent)
- SC241 RAINBOW HOLDINGS PTY. LTD. (Appellant) v. CENTRAL PROVINCE FOREST INDUSTRIES PTY. LTD. (PROVISIONAL LIQUIDATOR APPOINTED) (Respondent)
- SC242 IN THE MATTER of an Application by the Public Solicitor pursuant to Sections 57 and 155(4) of the Constitution AND: IN THE MATTER of the Commissioner of Corrective Institution Services.
- SC243 STATE v. THE PRINCIPAL MAGISTRATE, DISCTRICT COURT PORT MORESBY EX-PARTE THE PUBLIC PROSECUTOR
- SC244 BURNS PHILP (NEW GUINEA LIMITED) (Appellant) v. MAXINE GEORGE (Respondent)
- SC245 UDA LIKI GASIKA (Appellant) v. THE STATE (Respondent)
- SC246 IN THE MATTER OF THE ORGANIC LAW ON NATIONAL ELECTIONS, BILLY JABABA (Appellant), IAMBAKEY OKUK (Respondent)
- SC247 IN THE MATTER OF THE ORGANIC LAW ON NATIONAL ELECTIONS AND IN THE MATTER OF SECTION 18(2) OF THE NATIONAL CONSTITUTION AND IN THE MATTER OF KUBERI EPI (Petitioner) and TONY FARAPO (First Respondent) and ELECTORAL COMMISSION (Second Respondent)
- SC248 IN THE MATTER OF THE ORGANIC LAW ON NATIONAL ELECTIONS AND IN THE MATTER OF THE UNGGAI-BENA ELECTORATE AND IN THE MATTER OF IAMBAKEY OKUK (Applicant) AND IN THE MATTER OF ELECTORAL COMMISSIONER

- SC249      BETWEEN : KEKO APARO, HENGENE ARABA,  
KUBUNA HAIIO, MANGA TINIDIPU  
and ANDANE AKWIA (Appellants)  
AND : THE STATE, (Respondent)
- SC250      BETWEEN : KONDAN KALE (Appellant)  
AND : THE STATE (Respondent)
- SC251      ANDO KENENE (Appellant) and  
GABRIEL SAMON, ALOIS GABUR and  
GEORGE TAPU (respondents)
- SC252      BETWEEN : ROSA ANGITAI (Appellant)  
AND : THE STATE (Respondent)
- SC253      BETWEEN : PUBLIC EMPLOYEES ASSOCIATION OF  
PAPUA NEW GUINEA (Appellant)  
AND : Public Services Commission
- SC254      BETWEEN : JOHN ANIS POK (Appellant)  
AND : THE STATE (Respondent)
- SC255      RE : JAMES ALLAN SANGGA (Deceased)  
BETWEEN : Peter Yewie Umai Timereke  
AND : DUNCAN MARTIN FERRIE (1st Respondent)  
AND : WILLIAM HENRY JOHNS (2nd Respondent)
- SC256      IN THE MATTER OF THE ORGANIC LAW ON NATIONAL  
ELECTIONS  
BETWEEN : MALIPU BALAKAU (Appellant)  
AND : PAUL PAKEN TORATO (1st Respondent) and  
TIANE OPENAKALI (2nd Respondent)
- SC257      IN THE MATTER OF AN APPLICATION FOR BAIL  
PURSUANT TO S.13(2) OF THE BAIL ACT, 1977  
BETWEEN : FRED KEATING (Applicant)  
AND : THE INDEPENDENT STATE OF PAPUA NEW  
GUINEA (Respondent)
- SC258      BETWEEN : ASI BURUNGE (Appellant)  
AND : JOHN KAUPA (Respondent)



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