



Papua New Guinea

**1984 — ANNUAL REPORT
BY THE JUDGES**

P69
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ANNUAL REPORT FOR THE YEAR 1984 BY THE JUDGES TO THE HEAD
OF 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

JUDGES

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

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 NORRIS HARRY PRATT, C.B.E.

THE HONOURABLE THEODORE REGINALD BREDMEYER

THE HONOURABLE WILLIAM KAPUTIN

THE HONOURABLE DERMID JOSEPH McDERMOTT

THE HONOURABLE ARNOLD KARIBONE AMET

THE HONOURABLE ROBERT KYNERSLEY WOODS

THE HONOURABLE KUBULAN LOS (ACTING)

National Court Library



N055269

1. INTRODUCTION

We are required by s.187 of the Constitution and s.9 of the National Court Act (Chapter No.38) to furnish to Parliament an Annual Report. This Report is for the period 1 August 1983 to 31 July 1984.

2. JUDGES

2.1 Changes on the Bench

The following changes occurred during the period covered by this Report :

- (a) Mr Justice Warwick John Andrew, C.B.E., left the Bench after serving as a Judge for six years.
- (b) The Honourable Mr Justice Kubulan Los was appointed an Acting Judge in August 1983. His Honour's appointment increased to five the number of citizen Judges on National Court Bench.
- (c) The Honourable Mr Justice Woods, appointed an Acting Judge on 9 March 1982, was appointed a Judge for a three year term commencing 3 March 1984.
- (d) The Honourable Malcolm Carmichael Ramage returned to Australia on 24 December 1983 after the expiry of his term as an Acting Judge.

2.2 Honours and Awards

During the period covered by this Report the Judiciary was honoured by the conferral of the award of the Commander of the Most Excellent Order of the British Empire (C.B.E.) on the Hon. Mr Justice Warwick John Andrew (New Year Honours 1984) and the Hon. Mr Justice Norris Harry Pratt (Queen's 1984 Birthday Honours).

3. THE REGISTRY AND OTHER STAFF NEEDS

In our 1982 and 1983 Reports we said :

"4.4. The Registry and other staff needs.
The Registrar of the Supreme Court is a Clerk Class 11 position. We believe this level should be raised to ensure that we can retain good staff in this position. There is a position of Deputy Registrar which is at Clerk Class 8-9 level and we believe this should be raised to Clerk Class 11 (equivalent to Principal Legal Officer in the Department of Justice), because until such time as this occurs it is unlikely that we will be able to fill this position. Finally we believe that all other positions should be raised in levels so that those employed in the Registry can make it a career.

The highest level at present being Clerk Class 5, we believe this should be raised to Clerk Class 9.

Departmental Heads in the National Public Service get Executive Officers of equivalent to Clerk Class 10. Ministers of the State have personal staff of very high level. Our situation is deplorable whilst the position of Associate to the Chief Justice is only Clerk Class 6 all the other Associates are only classified as Clerk Class 5. At present many of the matters that would be carried out by an Executive Officer to the Court are being done by the Chief Justice and the Judges themselves. Requests made in 1981 for staff funding and level increases have not been answered yet, and we would ask that the decision of the Public Services Commission in answer to our request be dealt with in 1983. (1982 Report p.5).

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." (1983 Report p.5)

The proposal submitted to the Government (P.S.C.) has yet to be finalised and in the meantime we continue to operate with inadequate number of staff working at levels we believe are far too low.

4. PROPOSALS TO IMPROVE COMMITTALS AND GRADE V WORK

We are concerned at the very slow processing of major criminal cases from the time of arrest through to conviction or acquittal.

4.1 Committals take too long

The hand-up brief system introduced in August 1981, which was designed to speed-up committals and to reduce the time between arrest and final trial, has had the opposite effect. Generally speaking, it seems to lengthen the time. The Constitution s.37(14) contemplates the period from committal to trial should not be more than four months. In fact the opposite is generally true; most cases are tried more than four months after committal. Trials twelve months after committal are not uncommon. The situation in Port Moresby, for example, is completely out of hand.

4.2 The Grade V Magistrate System is not working well

This, also started in August 1981, introduced the Schedule 1A Offences triable summarily by Grade V Magistrates. The idea was to reduce the work load of Judges by removing all but the major crimes from the National Court and to speed-up the hearing of Schedule 1A Offences.

Our aim in improving the system of processing criminal cases through the courts should be twofold - to get the cases heard as quickly as possible and where possible, by a lower court rather than by a higher court.

We wish to propose legislative changes to reduce these two problems. We do not wish to propose any administrative solutions but obviously there are a number which would help reduce the problem.

4.3 Eliminate the need for the Police to prepare Witnesses' Statements in Affidavit Form

All witnesses' statements have to be in affidavit form i.e. sworn before a Commissioner for Oaths (s.101 District Courts Act), and these have to be served on the defendant or his lawyer. The procedure is time consuming, expensive and really quite pointless. There is no special reason why the statements should be in affidavit form. The hand-up brief committal system introduced here was a copy of the British system where witnesses' affidavits are not used. There, the seriousness of the statement is ensured by a statement pre-printed on the form used for a witnesses' statement as follows :

"I ... certify that this statement is true to the best of my knowledge and belief. I make it knowing that if it is tendered in evidence I will be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true. Signed ... "
(s.2 Criminal Justice Act (UK) 1967).

In practice, the policeman certifies "Statement taken and signature witnessed by me" and signs as well. This can be made compulsory.

Some of us feel, however, that such statement must be made before a Commissioner for Oaths or declarations as the use of the policeman himself could be open to abuse.

4.4 Eliminate the Public Prosecutor's Election to try a Schedule 1A Offence before a Grade V Magistrate

Before a Schedule 1A Offence is tried by a Grade V Magistrate, the Public Prosecutor must elect that the case is a proper one to be so tried. The police file is referred to him and a written election is made and presented to the court before the case can be ready for trial. This necessity places another procedural step with the possibility for delay.

We believe the Public Prosecutor's election should be taken away from him, and that all Schedule 1A Offences should be tried by a Grade V Magistrate unless the Public Prosecutor elects in writing to have the charge referred to the National Court.

4.5 Abolition of the six-month time limit for Grade V Offences

The six-month time limit to institute proceedings in the District Court comes from s.44 District Courts Act. This further restricts the number of Schedule 1A Offences heard by Grade V Magistrates. Many informations simply cannot be laid within that time. Parliament decided the Schedule 1A Offences should be tried by the most senior magistrate yet s.44, undoubtedly not foreseen by the Parliament at the time, means that a number of those offences continue to be processed as committals and tried by the National Court as before.

4.6 Review of Schedule 1A Offences

Judges still spend time hearing minor crimes for example, some forgery and uttering cases (ss.462 and 463 of the Criminal Code). We have no idea why these cases were not delegated to magistrates. They are not difficult. They are very often pleas of guilty. They are no more difficult than a stealing or false pretences charge which can be heard by magistrates both Grade V and other ordinary magistrates. There are other crimes in this category.

We have not included the detailed reasons for our proposals but these have been sent to the Minister for Justice.

5. LAWYERS

In the year since the National Court Rules came into operation we are advised by the Registrar that there has been some improvement by some lawyers in the accuracy of documents filed in the Court, but that he and the Registry staff are still spending many hours each week advising lawyers both verbally and in writing of mistakes in the documents they present to the Court. This indicates that many lawyers are not ensuring that documents filed in the Court are correct before they leave their offices.

6. INTERPRETERS

We continue to have problems of interpreters for the National Court. For instance in the April 1984 circuit in Southern Highlands, the Chief Justice had to cancel his circuit and return to Moresby for lack of interpreters. Members of Parliament will note that this problem has been the subject of comment in all annual reports of the Judges since Independence and to date no solution to the problem is in sight.

We understand that the Public Services Commission is considering a request from us for creation of positions for interpreters in all Provinces but we are informed by the Registrar that no conclusive decision has been made yet by the Commission.

7. NATIONAL COURT RULES

The new Rules of the National Court came into operation on 4 July 1983. The Rules have had a long history, the first draft being prepared in 1973 by Mr H. E. Renfree, a former Commonwealth Crown Solicitor. The Rules were based on those of the Supreme Court of New South Wales, then the most recent development in court procedure. They were further adapted and redrafted for this jurisdiction by the Hon. J. E. Williams, C.B.E., a former Judge of this country. The final draft was prepared by Mr Justice Pratt and was typed and indexed by Mrs Robin Bell. The Rules run to over 500 pages and the exacting work which has gone into their preparation is appreciated.

The Rules have been well received by the legal profession and are operating successfully. Minor changes will be made from time to time in consultation with the profession.

Order 20 of the Rules (The Admiralty Rules) is not in operation, being dependant upon implementation of a new Admiralty Act. The draft Bill based upon United Kingdom legislation of recent origin was to be prepared. The draft has not been completed. We are concerned with the present uncertainties of the law in this area and in particular, whether this court has an Admiralty jurisdiction at all. This is a matter which involves national sovereignty and prestige. It could have serious repercussions in areas of international trade. We have voiced our concern in 1982 and 1983 that this legislation be given priority by the Government. We do so again.

8. DECENTRALISATION OF NATIONAL COURT

We were not consulted on this matter by the Committee to Review Policy and Administration on Crime, Law and Order (Morgan Committee). There are no reasons advanced to support the recommendation that :

"The presence of a Judge in the Regions would make the National Court far more accessible to the people, prevent delay, speed appeals, and generally improve the efficiency of the lower courts."

The present circuit arrangements mean that all Provinces are visited by all Judges. The impartiality of the administration of justice is in our view strengthened by this system.

Further, the Judges of the National Court are required to be members of the Supreme Court each month and this Court sits at Waigani.

The cost to establish, let alone maintain, the necessary infrastructure has obviously not been considered by the Committee. In our view, such a move is neither warranted nor necessary because of the appointment of Principal Magistrates who now have jurisdiction to deal with many matters which were formerly dealt with by Judges.

9. APPEALS FROM DISTRICT AND LOCAL COURTS

The increase in the number of successful appeals from these courts is disturbing because most appeals are decided not upon difficult matters of law but on the very elementary matters of fact finding and the application of well settled law. The apparent disregard of fact and jurisdiction together with the continual disregard of the decided cases of the National Court is alarming. A career in the Magisterial Service should not be viewed as just another "public service job". Without a feeling for and understanding of the law, common sense and fair-play, a magistrate cannot possibly carry out his duties. Appointees without these qualities are, in the main, those whose decisions are being regularly and successfully appealed. In our view, the qualification for, training, evaluation and promotion of magistrates needs a review.

This is not to be seen as a criticism of the Chief Magistrate. He has enormous responsibilities and most magistrates throughout the country work in appalling conditions and without adequate administrative and secretarial staff.

10. MINIMUM PENALTIES

Since the introduction of the legislation in July 1983, very few cases where these penalties apply, have actually come before us. Perhaps this is indicative of the ever lengthening time it takes from arrest to trial on criminal charges. Appendix A contains the number of minimum penalties imposed by the National Court since July 1983. A supplementary Report on Minimum Penalties will be presented to Parliament at a later date.

11. FAMILY LAW

There is an urgent need for reform - in two areas particularly :

- (1) The law of Marriage and Divorce; and
- (2) The law of Custody of Children

(1) The present divorce law is the Matrimonial Causes Act 1963 based on the then similar law applicable in Australia. Since that time fundamental changes have occurred in Australia.

The divorce procedure under this Act is the only way a marriage under the provision of the Marriage Act 1963 can be dissolved. The procedure is cumbersome, slow and expensive. It is practically beyond the means of most citizens to obtain a legal divorce. In 1983 there were only 14 given to citizens under the Act.

Yet, it is a fact many more marriages break down and citizens 'remarry' according to custom or live in defacto relationships.

The law of marriage and divorce requires a thorough review to enable a comprehensive and relevant system to be put in place of the present inherited law. Such a review should include investigation of customary marriage and divorce. There are many cross - custom 'marriages' now. They are often difficult to prove in court. Perhaps a certificate could be issued as can be done with customary adoptions, thus providing evidence of the fact.

(2) The Supreme Court in Alan James Sannga (1983) SC No.255 and Derbyshire v. Tongia (1984) SC No.272 has ruled that the Infants Act (Ch.278) is inapplicable to most national children thus reversing what was thought to be the law applicable since 1961.

There is now a serious gap in the law. We have already recommended that a new law to regulate custody disputes be adopted. There are many laws applicable in other jurisdiction which could be used as models but any law should make provision for the customs of this country which do not conflict with the principles embodied in the Constitution.

Two further matters require review :

(3) Legal Age of Majority -

Presently the legal age of majority here is 21 years, in contrast to the voting age which is 18 years. Indeed by custom, in many societies a youth has attained adulthood by then. By reducing the legal age of majority, the youth of this country will gain rights at law which are presently denied them.

(4) Domestic Violence -

The present laws covering this area are unsatisfactory. It is difficult to legally restrain violence. Court orders are not easy to obtain and hard to enforce. We recommend for the consideration of Members The Domestic Violence and Matrimonial Proceedings Act (U.K) 1976. This has been hailed as an innovative and practical law and of benefit for women subjected to violence.

12. PRISONERS RELEASED ON LICENCE

During the year, a large number of prisoners were released on licence by the Minister for Justice exercising powers contained in s.615 of the Criminal Code. The names of over 1400 prisoners so released appeared in National Gazette No. G38 of 7 June 1984. Since that time further names have been published in subsequent gazettes.

We do not query the power to release on licence but we do query the way in which this power has been exercised.

We have been advised by the Department of Justice that 95 of the prisoners listed in Gazette No. G38 were released because they were over 45 years of age.

Whilst in some cases, age may be a relevant factor for the exercise of the power to release, a blanket application does not appear to be a valid ground for leniency.

It is disturbing to report that a Visiting Justice Inspection by a National Court Judge to Kuveria Corrective Institution revealed that the records of prisoners' ages had been changed. The obvious inference being, to enable early release.

We cite some amazing examples of release on the basis of age :

1. JOHN KAUPA KUMAGEL - Sentenced to life imprisonment for wilful murder in 1979, released after serving $4\frac{1}{2}$ years. His crime was the brutal murder of a completely innocent man who came from Misima. He was mistakenly believed to be from Milne Bay and a wantok of persons with whom the murderer's line from Gumini were then seeking for a payback.

The seriousness of this crime calls for more than a $4\frac{1}{2}$ year period of imprisonment before release on a licence.

2. MICHAEL KAMANE WAI - Sentenced to 7 years imprisonment as an accessory to others who committed a wilful murder as payback. His appeal against sentence was unanimously dismissed by Kidu, C.J., Kapi, D.C.J., and Amet, J. He was aged 47, had served 20 years in the Defence Force, yet he drove a government vehicle full of warriors to effect a murder. He served $2\frac{1}{2}$ years before being released on licence.

3. There is the further example of two prisoners serving sentences of 10 years for wilful murder released on licence after spending $2\frac{1}{2}$ years in custody. We withhold the names as an official investigation has been requested.

Release Pending Appeal -

KAWAGE KOMENDE was released on licence after the Public Prosecutor had lodged an appeal against the leniency of the sentence imposed. It was not until the appeal came on for hearing that the parties learnt of the early release. A warrant for his arrest has been issued but the man is still at large.

Sentence and Early Release -

There are many considerations which affect a court sentence. That a licence can be given so easily and apparently without regard to these considerations is disturbing.

No reasons are given in the National Gazette as to why prisoners are given early release on licence. With the current public disquiet about law, order and the administration of justice, the early release of such a large number of prisoners on the one hand and the imposition of minimum penalties on the other, cannot inspire public confidence in the criminal justice system.

Review Committee -

The Corrective Institutions Regulations 142-145 provide for the review of life sentences and elderly prisoners by a Review Committee of three chaired by the Secretary for Justice. It reviews any detainee serving a life sentence, after 12 years and again after 15 years and it also reviews any detainee who has attained 55 years. Review is made of the health, conduct, and extent (if any) that a detainee appears to have been rehabilitated. Recommendation can then be made to the National Executive Council to commute sentence to one of a definite period, or that here be release immediately, or on a date specified by the committee.

This committee is a statutory one. Its duties are mandatory. The regulations provide that it shall review the detainee's sentence in the categories mentioned. The detainees affected have a right that their sentences be reviewed by the committee.

This committee has not met in recent years - perhaps not since Independence. We recommend that this committee be directed to meet and carry out its statutory duties.

13. BAIL

We have noticed two problems in the application of the laws of bail. One problem is that bail applications at the Police Station are usually rejected and the other is that Magistrates grant a bail too readily for serious crimes. Quite clearly a balance must be struck but this must be done according to law.

The Constitution says in s.42(6) thereof as follows :

"A person arrested or detained for an offence (other than treason or wilful murder as defined by an Act of the Parliament) is entitled to bail at all times from arrest or detention to acquittal or conviction unless the interests of justice otherwise require."

The Bail Act (s.9) lays down the grounds for refusal of bail and they are :

- "(a) that the person in custody is unlikely to appear at his trial if granted bail; or
- (b) that the offence with which the person has been charged was committed whilst the person was on bail; or
- (c) that the alleged act or any of the alleged acts constituting the offence in respect of which the person is in custody consists or consist of -

- (i) a serious assault; or
 - (ii) a threat of violence to another person; or
 - (iii) having or possessing a firearm, imitation firearm, other offensive weapon or explosive; or
- (d) that the person is likely to commit an indictable offence if he is not in custody; or
- (e) it is necessary for the person's own protection for him to be in custody; or
- (f) that the person is likely to interfere with witnesses or the person who instituted the proceedings; or
- (g) that the alleged offence involves property of substantial value that has not been recovered and the person if released would make efforts to conceal or otherwise deal with the property."

However, despite these laws Police reject bail applications as a matter of course and when doing so they usually ignore s.16 of the Bail Act :

"Reasons for refusing bail to be given and recorded.

- (1) Where bail is refused the bail authority shall at that time give the reasons in writing for its decision to the person in custody or his legal representative.
- (2) Where the bail authority refuses to grant bail, whether or not application has been made, the bail authority shall ensure that the reasons for its decision are recorded -
 - (a) if the bail authority is the officer-in-charge of a police station or a commissioned officer of the Police Force - in the register of arrests at the police station where the person is held in custody; and
 - (b) if the bail authority is a court-in the court papers relating to the charge against the person."

We have come across numerous cases where magistrates, after committing accused persons for trial for rape, murder, robbery whilst armed, etc. grant bail. In most of these cases the persons granted bail have not appeared in the National Court for trial. The law is quite clear, if it is in the interests of justice bail can be refused.

We are also concerned that in a lot of cases where cash bail have been granted the amounts have been so high that people could not really afford to pay them.

14. FINANCE

As from 1 January 1984 the Court was appropriated its own funds.

For 1983 the appropriation for the Court was K867,800.00 and the actual expenditure just over K1.1 million. Details are in Appendix D.

15. STATISTICS

Appendices B and C to this Report contain the details of business transacted by both the Supreme Court and the National Court during the period covered by this Report.

APPENDIX A

MINIMUM PENALTY SENTENCES
1ST AUGUST 1983 TO 31ST JULY 1984

NAME OF ACCUSED	CHARGE	YEAR & MONTH COMMITTED	SENTENCE
DANNY SUNU & OTHERS	Breaking, Entering & Stealing (Daru) s.398	1983 September	Referred to Supreme Court
ROBERT SAKA	Breaking, Entering & Stealing (Rabaul) s.398	1984 January	Discretion applied 8 years reduced to 2 years
PUNENG HASHAT STANLEY TUNDUT WILLIAM BISAN DAVID LEVIT	Breaking, Entering & Stealing (Wewak) s.398	February	5 years
JOHN NOVA	Breaking, Entering & Stealing (Kieta) s.398	March	5 years reduced to 2½ years
JOHN BOSKO & 2 OTHERS	Breaking, Entering & Stealing (Kieta) s.398	March	5 years reduced to 18 months
YUBI YULI	Breaking, Entering & Stealing (Kundiawa) s.398	March	5 years
AWABE TUHO	Rape (Popondetta) s.347	April	10 years
NORBERT SEMBA	Breaking, Entering & Stealing (Hagen) s.398	April	5 years
NOAH PHILIP & BRENSON PENAU	Breaking, Entering & Stealing (Kavieng) s.398	May	5 years
AMBUN KAMBIAM	Rape (Wabag) s.347	May	10 years
PETER SAMAK & ANOTHER	Robbery in Company (Wewak) s.386(2)	April	10 years

NAME OF ACCUSED	CHARGE	YEAR & MONTH COMMITTED	SENTENCE
SIMON VAMU	Carnal Knowledge (Under 12) (Rabaul) s.213	1984 May	5 years
MATHEW PETER	Breaking, Entering & Stealing (Hutjena) s.398	June	5 years
FRANCIS KASUK	Breaking, Entering & Stealing at Night (Daru) s.395(2)	July	8 years
MALIKI GABALE	Breaking, Entering & Stealing (Daru) s.398	July	5 years
AKOLE WARALIN	Rape (Wabag) s.347	July	10 years
BONNY BONA	Rape (Wau) s.347	July	10 years
KANIMBA MION	Attempted Rape (Kundiawa) s.348	July	5 years
DANCY DOURA	Robbery in Company (Waigani) s.386(2)	July	10 years
WARO ATEWAO	Breaking, Entering & Stealing (Lae) s.398	July	7 years (2 years more than minimum)

APPENDIX B

SUPREME AND NATIONAL COURT OF JUSTICE

During the year ended 31st July, 1984 the National Court business has been as follows :

NATIONAL COURT

(a)	In its Appellate Jurisdiction - Filed (Appeals from District Court & Local Court)	978
(b)	In its Wills & Probate Jurisdiction - Filed and dealt with	18
(c)	Register of Overseas Judgments & Custody Orders	2
(d)	In its Civil Jurisdiction :	
(1)	(a) Writ of Summons Issued	896
	(b) Judgments Entered	
	(c) Orders made	
(2)	Motion and Petition - Filed	313
(3)	Matrimonial Causes	25
(4)	Originating Summons	133
(e)	Bills of Sale and Stock Mortgages :	
(1)	Bills of Sale Registered	3,421
(2)	Discharge of Bills of Sale Registered	352
(3)	Renewal of Bills of Sale Registered	7
(4)	Stock Mortgages Registered	43
(5)	Discharge of Stock Mortgages Registered	79
(f)	Writ of Execution Directed to Sheriff	153
	Writ of Execution not Executed at 31/7/84	

SUPREME COURT

(a) Appeals from National Court	56
(b) Reference to Supreme Court under Section 41 of the Constitution	1
(c) Reference to Supreme Court under Section 18 of the Constitution	4
(d) Reference to Supreme Court under Section 19	2
(e) Reference to Supreme Court under Section 21	1
(f) Reference to Supreme Court under Section 15	1
(g) Principal Legal Adviser Reference to Supreme Court under Section 41 of Supreme Court Act	1
(h) Supreme Court Review	NIL

P. 5

APPENDIX C

PAPUA NEW GUINEA

NATIONAL COURT OF JUSTICE

CASES TRIED DURING THE PERIOD 1ST AUGUST 1983 TO 31ST JULY 1984

OFFENCE	CHARGES	CONVICTED	DISCHARGED	N.P.	SENTENCE
1. OFFENCES AGAINST PERSON					
WILLFUL MURDER	114	60	36	18	Rising of the Court to life year I.H.L.
MURDER	61	34	14	13	2½ years to 8 years I.H.L.
UNLAWFUL KILLING OR ATTEMPTED	96	66	15	15	Rising of the Court to 7 years I.H.L.
UNLAWFULLY WOUNDING	26	17	4	5	2 months to 3 years I.H.L.
GRIEVOUS BODILY HARM	30	16	7	7	Rising of the Court to 4 years I.H.L.
RAPE OR ATTEMPT	132	58	36	38	6 months to 10 years I.H.L.
UNLAWFUL ASSAULT	38	23	10	5	Rising of the Court to 3 years I.H.L.
OTHER OFFENCES AGAINST FEMALE	43	26	4	13	4 months to 5 years I.H.L.
INCEST	25	17	2	6	8 months to 2 years & 8 months I.H.L.
UNLAWFUL & INDICENT OFFENCES	34	21	6	7	3 months to 2 years & 7 months I.H.L.
DANGEROUS DRIVING CAUSING DEATH	30	7	5	18	5 months to 2 years I.H.L.
OTHER OFFENCES AGAINST THE PERSON	63	30	16	17	Rising of the Court to 2 years I.H.L.
SUB TOTAL	692	375	155	162	
2. OFFENCES AGAINST PROPERTY					
BREAKING AND ENTERING	210	123	13	74	Rising of the Court to 8 years I.H.L.
HOUSE BREAKING	8	4	1	3	1 year to 5 years I.H.L.
STEALING	315	185	42	88	Rising of the Court to 10 years I.H.L.
RECEIVING	2	2	-	-	G.B.B. to 3 months I.H.L.
OTHER OFFENCES AGAINST PROPERTY	43	27	11	5	Rising of the Court to 5 years I.H.L.
SUB TOTAL	578	341	67	170	

OFFENCE	CHARGES	CONVICTED	DISCHARGED	N.P.	SENTENCE
3. OFFENCES AGAINST CURRENCY					
FORGERY	64	50	5	9	Rising of the Court to 3 years & 6 months I.H.L.
UTTERING	44	27	8	9	Rising of the Court to 3 years & 6 months I.H.L.
S U B T O T A L	108	77	13	18	
4. OFFENCES NOT INCLUDED IN THE PRECEDING CLASSES					
RELATING TO ESCAPES	7	3	3	1	Fine (K200) I/D 6 months I.H.L. to 6 months IHL.
RELATING TO POST AND TELEGRAPH	4	1	-	3	15 months I.H.L.
ARSON	18	9	4	5	G.B.B. to 18 months I.H.L.
CONSPIRACY	4	4	-	-	Fine (K1,100.00) to 12 months I.H.L.
UNLAWFUL ASSEMBLIES	-	-	-	-	
S U B T O T A L	33	17	7	9	
T O T A L	1411	810	242	359	

APPENDIX D

ITEM	D E S C R I P T I O N	APPROPRIATION 1983	TRANSFER ADJ. 1983		SECTION 3	REVISED AUTHOR- ISATION	EXPEND- ITURE 1983	VARIA- TION	OVER OR UNDER
			INCREASE	DECREASE					
01	Personal Emoluments	416600	0	0	96400	513000	561818	-48818	OVER
02	Travel & Subsistence	127000	0	0	12400	139400	156926	-17526	OVER
03	Utilities	87200	0	0	10400	97600	110248	-12648	OVER
04	Materials & Supplies	29900	0	0	4900	34800	43349	-8549	OVER
05	Plant & Transport Hire	90000	0	0	10000	100000	111647	-11647	OVER
06	Special Services	20000	4000	0	1000	25000	24577	423	
07	Purchase of Capital Assets	17700	0	0	5600	23300	24079	-779	OVER
09	Other	17200	0	-1500	0	15700	12650	3050	
10	Personal Emoluments (Misc)	62200	0	0	3400	65600	71882	-6282	OVER
N A T I O N A L C O U R T		867800	4000	-1500	144100	1014400	1117176	-102776	

Printed by G. Dadi, Acting Government Printer,
Port Moresby.—6411.250 Books.—1.85