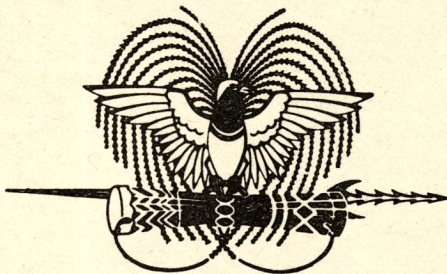


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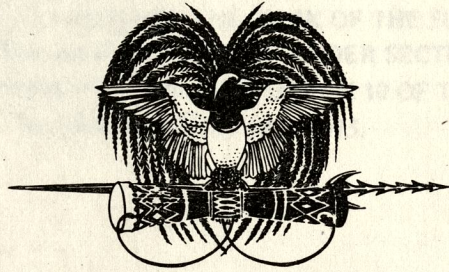


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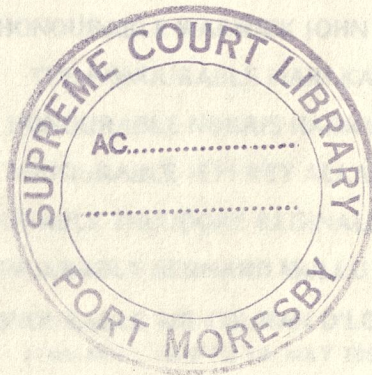


Papua New Guinea

ANNUAL REPORT

BY

THE JUDGES



National Court Library



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**ANNUAL REPORT FOR THE YEAR 1980 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, UNDER SECTION 187
OF THE CONSTITUTION AND SECTION 10 OF THE
NATIONAL COURT ACT 1975.**

JUSTICES OF THE NATIONAL COURT OF JUSTICE

THE HONOURABLE SIR BURI WILLIAM KIDU, Kt.
CHIEF JUSTICE

THE HONOURABLE WILLIAM JOHN FRANCIS KEARNEY, C.B.E.,
DEPUTY CHIEF JUSTICE

THE HONOURABLE ANDREW BRAY CAMERON WILSON

THE HONOURABLE JOHN GREVILLE SMITH

THE HONOURABLE WARWICK JOHN ANDREW

THE HONOURABLE MARI KAPI

THE HONOURABLE NORRIS HARRY PRATT

THE HONOURABLE JEFFREY ALLAN MILES

THE HONOURABLE THEODORE REGINALD BREDMEYER

THE HONOURABLE BERNARD MULLU NAROKOBI

THE HONOURABLE SIR COLMAN O'LOGHLEN, Bt.

(14th NOV., 1979 TO 9th MAY 1980)

INTRODUCTION

The Judges are required to make a report every year on the work of the National Judicial System, and to make such recommendations as they think proper. This is our report for the year 1 August 1979 - 31 July 1980.

1. NUMBER OF JUDGES

Following the events commonly known as the Rooney affair, and the consequences thereof, 4 Judges resigned. These vacancies have now been filled. A backlog of work had developed. The volume of criminal cases disposed of by the National Court has increased markedly in recent years: it doubled over the 6 years 1973 - 1979; between 1978 and 1979 alone it increased by 26%. This year the work disposed of decreased slightly. The volume of civil work remained about the same; there was some decline in the volume of Supreme Court work.

Over the years the Court has coped with the increasing volume of work by the appointment of acting Judges from time to time. This year 3 acting Judges have been appointed for various periods and have greatly assisted in reducing the backlog of circuit cases.

The Court now stands at its permitted maximum number of 8 Judges. We consider this number inadequate to cope with the work, and recommend that the statutory maximum be increased to 10. Proper accommodation for the additional Judges will be required. We make this recommendation on the assumption that Bills to remove certain jurisdiction from the National Court and vest it in the District Court will be speedily introduced and passed into law; this reform was recommended in each of our last 4 Annual Reports.

2. ATTENDANCE FOR TRIAL OF PERSONS CHARGED WITH CRIMES

(a) Escapees

The trial before the National Court of a person charged with a criminal offence comes about through the prior work of many people, police officers and others. During the past year there were many escapes from Corrective Institutions. Among the escapees were many persons who were in custody awaiting their trial. Many of these persons have not yet been recaptured. We think it necessary that every effort be made to recapture all escapees, to retain public confidence in the criminal justice system; and that steps be taken to reduce the number of escapes. Mention of this was made in our Special Report in 1979.

(b) Bail

Many persons charged with offences are freed on bail by the District Court, until their cases are heard in the National Court. The number of persons freed on bail in this way has increased as a result of the Bail Act 1977. However, we now find that many of the persons bailed do not appear in the National Court to stand their trial and the Police appear to have difficulty in locating and arresting them. The administration of justice is being hindered as a

result. Apart from possibly forfeiting any cash bail, persons on bail who do not appear for their trial are not penalised in any way. Consideration should be given to means of ensuring that persons on bail attend their Court; specifically, the terms of Section 9 of the Bail Act should be reviewed. Possibly it could be made an offence for a person on bail to break his promise to appear for his trial.

3. CORRECTIVE INSTITUTIONS AND VILLAGE COURTS

We have noticed that several institutions appear to be severely overcrowded and some very young detainees have been noted. Whilst it is true that numbers fluctuate, it appears to be a fact that many detainees are serving short sentences, imposed by Village Courts. We suggest that an examination should be made to see whether persons convicted by Village Court can be dealt with by non-custodial means or by shorter sentences. Furthermore, we recommend that supervision of Village Courts be strengthened .

4. PUBLIC PROSECUTOR'S OFFICE

We think it necessary that the present numerical strength of this office be immediately increased effectively to cope with the expanding volume of its work. It has, for example, proved impossible to reduce the number of outstanding criminal cases at Waigani this year, largely because of a continuous shortage of State Prosecutors.

5. COURT BUILDINGS

As mentioned in our 1978 Report, the most urgent priority as regards Court buildings is for the construction of a proper Court Building at Mt. Hagen, to cope with the very heavy volume of work there. We understand that a tender is to be shortly let. We reiterate the view in our 1978 Report that an on-going construction programme of Court buildings is essential, the priorities being, after Mt. Hagen (a) Arawa
(b) Simbu

We note the recent construction of an excellent Court building at Lorengau, with the financial support of the Provincial Government for that Province.

6. URBAN AND RURAL CRIME

We note our concern at increasing crime in urban and rural areas and support steps to be taken to control its incidence. We recommend the re-activation of the National Crime Prevention Council.

7. CUSTODY OF CHILDREN

We reiterate the view expressed last year that jurisdiction to hear applications for the custody of children, should be vested in Grade 4 Magistrates in the District Court, as well as in the National Court.

8. STATISTICS

Details of the volume of work of the Supreme Court and National Court in this year, are attached.

PAPUA NEW GUINEA
NATIONAL COURT OF JUSTICE

CASES TRIED DURING THE PERIOD 1st AUGUST, 1979 TO 31st JULY, 1980

OFFENCE	CHARGES	CONVICTED	DISCHARGED	N. P.	SENTENCE
1. Offence Against the Person					
Wilful Murder	75	51	18	6	Rising of the Court to 15 years' IHL
Murder	25	15	8	2	6 months' IHL to 6 years' IHL
Unlawful killing or attempt	65	50	7	8	Rising of the Court to 6 years' 3 months IHL
Unlawful wounding	21	16	3	2	K300 Recognizance to 7 years' 4months' IHL
Grievous Bodily Harm	27	20	4	3	6 months' IHL to 5 years' IHL
Rape or attempt	44	30	11	3	K200 Recognizance to 4 years' 4 months' IHL
Unlawful Assault	12	8	4	-	K200 Recognizance to 4 years' 6 months' IHL
Other offences against females	37	27	5	5	Rising of the Court to 2 years 10 months. IHL
Incest	39	22	8	9	6 months' ILL to 3 years' IHL
Unnatural and Indecent Offences	17	13	3	1	2 months' IHL to 1 year 10 months' IHL
Dangerous driving causing death	92	57	17	18	Rising of the Court to 3 years' 3 months' IHL
Other offences against the person	22	13	7	2	Rising of the Court to 2½ years' IHL
TOTAL :	476	322	95	59	
2. Offences Against Property					
Breaking and entering	135	122	9	4	Rising of the Court to 3 years' 8 months' IHL
House breaking	62	58	3	1	Rising of the Court to 5 years' IHL
Stealing	314	271	29	14	Rising of the Court to 3 years' 10 months' IHL
Receiving	10	5	2	3	4 months' IHL to 18 months' IHL
Other offences against property	11	6	4	1	K100 Recognizance to 1 year 8 months' IHL
TOTAL :	532	462	47	23	

3. Offences Against Currency

Forgery	70	57	10	3	3 months' IHL to 2 years' IHL
Uttering	39	35	2	2	3 months' IHL to 3 years' IHL
TOTAL :	109	92	12	5	

4. Offences not included in preceding classes

Relating to Escapes	10	5	1	4	3 months' IHL to 1 year' IHL
Relating to Posts & Telegraphs	5	4	1	-	12 months' IHL to 18 months' IHL
Arson	14	12	2	-	4 months' IHL to 4½ years' IHL
Conspiracy	6	4	2	-	K100 Recognition to 10 months' IHL
Unlawful Assemblies	-	-	-	-	-
TOTAL :	35	25	6	4	
GRAND TOTAL :	1152	901	160	91	

Comprising:

Europeans	6	3	2	1
Asian - Philippines	-	-	-	-
Other Non Nationals	-	-	-	-
Nationals	1146	898	158	90
GRAND TOTAL :	1152	901	160	91

NOTE: IHL - Imprisonment with Hard Labour
N. P. - Nolle Prosequi

REGISTRAR

APPENDIX B

NATIONAL COURT OF JUSTICE

During the year ended 31st July, 1980 the National Court
business has been as follows:

(a)	In its Appellate jurisdiction - filed & heard	405
(b)	In its Probate Jurisdiction - filed and dealt with	
	(1) Probate and letters of Administration	20
	(2) Reseal	1
	(3) Order to Administer	1
	(4) Order to Administer (with the will annexed)	Nil
(c)	In its Civil Jurisdiction:-	
	(1) Writ of Summons Issued	1,327
	(2) Motion and Petitions - filed & heard	215
(d)	Bill of Sale	1,672

SUPREME COURT

(a)	Appeals from National Court	27
(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 of the Constitution.....	1

