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IN THE SUPREME COURT OF THE
TERRITORY OF PAPUA AND NEW GUINEA

Criminal Jurisdiction.

THE UNIVERSITY
OF
PAPUA & NEW GUINEA
THE LIBRARY

THE QUEEN

-7-

JOHN WILLIAM MacGREGOR.

J U D G M E N T.

The present case involves a charge of deprivation of liberty against a Patrol Officer in respect of a native SOIA.

The evidence led by the Crown discloses that the native was secured to a flagpole by handcuffs, and the case called for investigation by this Court, since a prima facie case against the accused is clearly established.

At the close of the Crown case I indicated my view of the case, whereupon the accused, by leave, altered his plea to Guilty.

The facts established so far show that the Patrol Officer was in charge of and solely responsible for a major Government developmental project at Waitapi involving construction of a new airstrip. The task was urgent and required an enormous amount of native labour drawn from the District which is well known for its difficulties, geographical and administrative. The difficult task was completed and I have no doubt that the accused deserves great credit for the whole undertaking.

The evidence shows also that the native in question was not doing his share of the work, was going off to sleep in the bush and was generally a humbug. The evidence so far heard suggests that other natives, from different and to some extent at least hostile villages were dissatisfied with the position, and that there were some complaints by local natives of thefts of food from their gardens by workmen from the airstrip.

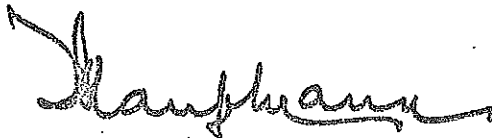
The accused had warned the native Police boys not to strike any native workmen who were not carrying out their duties

but to bring them to him. This very proper direction was observed on the occasion in question and after some inquiry the accused had the native handcuffed to the flagpole for a period which the evidence suggests was something like half an hour.

In this case there is no suggestion of any abuse of the legal powers entrusted to the accused, nor was any pressure being put on ^{SOLA} ~~him~~ to confess any crime. The accused was dealing with a source of possibly serious trouble by what amounted at most to a technical offence. It is possible that the accused might have justified his actions by going into substantial evidence, but in the circumstances I think it proper to discharge the accused.

I am not to be taken as saying that even a technical deprivation of liberty is justified or that this was a proper use for a flagpole, but I think that the course which I am taking is just.

The accused is convicted and discharged.



G.J.
27/9/57.