

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

CORAM : FROST, J.

THE QUEEN v. GIGIBA-AGIA

JUDGMENT.

The accused GIGIBA-AGIA has pleaded guilty to a charge that on 30th March, 1965, at the Port Moresby Post Office he stole a registered letter the property of the Postmaster-General. The letter contained £2 in notes. Accordingly, he is convicted of this offence. His counsel has also asked me to take into account in passing sentence that on the following day the accused committed a similar offence, the letter in that case containing £3 in notes.

At the time of the theft the accused man had completed his training as a Postal Assistant Trainee and was an Assistant Postal Officer. His duties were to sell stamps and to serve the public across the counter. He also relieved the officer in charge of registered mail during the luncheon period, and it was at this time that he stole the letters.

He is a young man and very intelligent. He speaks, reads and writes English. He was educated at the Mission in his village in Western Papua and in the Administration schools at Daru, and later by correspondence.

In 1962, as so many Papuans do, he left his village and came to Port Moresby. He started training at the Papuan Medical College as an Assistant Medical Officer. However, his results were not good and in January, 1963, he went to the Department of Posts and Telegraphs where, during a two year training period, he did a number of training courses, passing the examination in November of last year. His knowledge of

English fitted him for his duties in serving the public.

His counsel has submitted that he was driven to commit this crime because his salary was not enough to live on. Indeed that is the explanation he gave the Police. He told the Magistrate -

"I get £5.0.0. a fortnight. They cancelled my bus tickets. My living is very, very poor. When I get that £5.0.0. it is not enough for my food and clothing, my body and feeding myself."

I accept this statement as largely true.

I consider I must comment on this matter. He earned £155 a year or about £3.3.0d. per week. Whilst he was being trained he received his bus fares which cost 12/- a week. However, I have been told that although in January of this year, he should have received an increase in wages on a salary range of £177 to £230, because of the pending conversion to the rates under the new Public Service Ordinance, all positions were frozen, and, in fact, he had not received any increase in salary at the time of his suspension. I have also been told that the new rates are £260 to £380 per year and that the adjustments will soon be made.

But the plain fact is that having completed his training not only did he not receive any increase in salary but, in fact, he was worse off because he had to pay his bus fares, which are about 12/- per week, out of his salary. He had to buy his lunches. Fortunately he lives with a relation for I do not know how he could possibly pay rent, but his sister keeps house and he must contribute something for her support. His home is across the Gulf of Papua, so like many Papuans living here in Port Moresby he has no supply of food from his native village. Indeed there are quite a number of Daru people who come to Port Moresby and he is under the usual tribal obligation in helping to provide for them. One

cannot live in Port Moresby and not know how real this burden is for Papuan people. He has to pay the same prices as Europeans for his food. Living and working here in Port Moresby it is inevitable and indeed proper that he should acquire some European tastes.

I do not see how he could have lived on his salary of £3 or so a week in Port Moresby. The Sub-Inspector of Police has reported that he found the accused's general physical condition to be poor. He seemed to be suffering from malnutrition, and his clothing, though clean, was old and worn. This is not surprising having regard to his inadequate salary. This must concern a judge because men who are under-paid are tempted to break the law, which affects the steady observance of law and order here in Port Moresby. His position was bad enough, but when the Postal authorities put him on the counter handling money and valuables, he was exposed to the very real temptation of stealing to provide for himself those ordinary things of life which he saw everywhere about him in Port Moresby. The Department seems to me to have shown a lack of human understanding. He was working in the centre of things in Port Moresby and he had to keep up appearances. The cost of even modest shirts and shorts looms large in the budget of a man earning £3.0.0. per week. He has the wants of other men and was subject to ordinary human weaknesses. Perhaps these meagre salaries are taken as a matter of course.

However, I cannot accept his statement that having stolen £2 one day, the reason why he stole the next day was that he was still hungry. It is also not to his credit that when first questioned about these thefts he tried to put the blame on the man he relieved. Thus, on the one hand there are the extenuating considerations that he was underpaid and he was exposed to temptation. On the other hand, I cannot overlook that he was in a position of trust, and the need to protect Her Majesty's mails. One of the letters he stole was addressed to one of his own countrymen. Amongst his own people to steal is a shameful thing and he was taught in the Post Office that

those who handle Her Majesty's mail must be honest.

I have reached the conclusion that these latter considerations and the need to deter other employees in the Post Office from stealing are paramount, and that my duty as a Judge of this Territory requires me to send him to gaol.