

LAW TOK



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Cover image:

Lawyers Act Review Consultation Workshop team and participants at the regional workshop in Mount Hagen. The consultation workshop was held in each region (Momase, Islands, Southern and Highlands). *Story on page 19*

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Contributions:

We encourage contributions from our members. It would be good to hear from you as to how we can better disseminate information to and from you in this Law Tok journal.

Contributions on: New Act, Judgements, Opinions and Discussions, Continuing Professional Development, Book Review etc can be submitted or forwarded to:

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WELCOME to our Law Tok publication.

A lot has happened in the foregoing years in our quest to fulfil our required responsibilities.

The continued support and commitment of the Council members has had some impact on our membership in certain areas such as legal education and Lawyers Act Consultation Workshops to uphold the integrity of the legal profession.

So far, the Society has seen an increase in membership largely due to increase of graduates from the Legal Training Institute (LTI). The Judiciary has also seen an increase in the number of judges in an attempt to reduce the backlog of cases piling up at the Courts.

The Lawyers Act Consultation Workshops were one of the highlight events that I can recall thanks to the Justice Service & Stability for Development (JSS4D) under the Australian Government for being the major sponsor that made it possible for the Department of Attorney-General and PNG Law Society to host the Lawyers Act Consultation Workshops, at the same time, the burning down of the Courthouse complex in Mendi was, a direct attack on the Rule of Law.

I am proud that many lawyers, stakeholders and the public shared their opinions during the Consultation Workshops which took place over a period of four (4) months when the draft of the Drafting Instructions of the Lawyers Act was tabled for discussions.

We also had the privilege of hosting two CLE events this year. The first was on the topic of Legal Ethics and was held at the Lamana Hotel, Port Moresby, in April, and, a Money Laundering Workshop held in Lae, Morobe Province. It was a 'refresher' and a 'reminder' to the legal profession to protect the integrity of the profession through the observance of legal ethics and on to be aware of cases which might include money laundering.

Basically, improper conduct is conduct that is contrary to the values and ideals that are expected of the legal profession and for which both the Lawyers Act and the Professional Conduct Rules are there to give us.

Under the chairmanship of Mr Keith Iduhu, the Lawyers Statutory Committee (LSC) has made good progress and I commend them for their efforts in their dealing with the complaints laid.

Above all, the year turned out to be good for all of us. In conclusion, I am profoundly honoured to work alongside the Council members. They were very supportive, committed and easy to get along with. I also thank Mr Iduhu and his Committee for the commitment that they have shown in handling the affairs of the Statutory Committee.

Until then, happy reading.

Dr Vergil Narokobi
PRESIDENT



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Editorial note

Hi one and all.

I welcome you to our biannual Law Tok publication.

In this issue, we bring to you news articles of events which occurred this year, 2019, and also, few stories from 2018 as well.

The Law Tok is our publication and please, feel free to contribute ideas and opinions. Contributions can be made in relation to the following areas, for instance:

- Judgements
- New Acts
- Feature articles
- Editorial and News
- Opinions and Discussions

We note that a tragic event that took place in Mendi (2018) when the Courthouse complex was burnt to ashes and the profession strongly condemned the actions of those involved.

We are happy to inform you that there were two CLE workshops conducted in 2019 - one in Port Moresby, and the other in Lae. We are sure lawyers who attended those CLEs found them beneficial

We hope you will enjoy what is provided in this publication and at the same time, we welcome criticism and ideas to better improve our publication.

God Bless!

Happy Reading!!

The Law Tok journal of the Papua New Guinea Law Society is a drive to better inform, promote interaction and be more inclusive of our membership



PAPUA NEW GUINEA LAW SOCIETY

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Get a feel of those challenges: Dr Vergil Narokobi



By **BRIAN JEMEJEME**

In a speech delivered by the President of the Law Society Dr Vergil Narokobi on the occasion of continuing professional development (CPD) dinner in May last year, the President said that the Council aims to build a spirit of collegiality and be responsive to many challenges that confront the legal profession.

He said on occasions such as this (social interaction), lawyers get a feel for those challenges that affect them as lawyers and also are able to understand better what is expected of them in the bigger scheme of things as they are important agents for the maintenance and upholding of the rule of law.

Dr Narokobi knows many lawyers practise out of Port Moresby and one way to connect with them is to have Council members attend the respective legal year opening ceremonies around the country.

Dr Narokobi said the continuing legal education (CLE) programme held earlier on the day was one of many to come adding, the Council made an excellent choice by bringing in a professional lawyer from Australia, Mr Richard Hobson, to run a one day CLE on Business Contracts & Agreements where more than 50 lawyers found the presentation valuable and beneficial.

He said the Council intended to make regular CLEs as a legacy in order to make important contributions for lifting and maintaining the standards of the legal profession in Papua New Guinea.

Dr Narokobi said: "We are mindful of the many observations made by both judiciary and the public.

"Obviously, the important caveat is that we are a self-funding organisation with Council members who work voluntarily and the frequency of CLE events will reflect that.

"We are aware of the fact that our lawyers practise in diverse areas of law in the public and private bar, for corporate and statutory entities, governmental bodies and constitutional institutions, across the country and overseas too, we hope to consider these factors going forward in organising future events."

He said it has been quite a while since a similar event was organised by the Law Society other than the annual Bench/Bar dinner. "Your attendance is indicative of your support of the direction of the new Council of the Papua New Guinea Law Society.

"It gives me great pleasure to speak to you on a happy and social occasion, for an event that has no particular theme, other than to get to know a little more of each other better under the auspicious of the new Council of the PNG Law Society," he concluded.

Read actual speech on pages 25-27...

**"Obviously, the
important caveat is
that we are a
self-funding
organization"**

Legal ethics is lawyer's duty: Iduhu

By BRIAN JEMEJEME

OUR democracy thrives because the rule of law exists and is the supreme check on the political power, says the Chairman of the Lawyers Statutory Committee (LSC) Keith Iduhu (pictured right top).

He said without the regulation of state power by a system of laws, procedures, and courts; democracy would not survive, hence, lawyers play a unique role in the protection of the rule of law.

"They have an affirmative duty arising out of their status or role to actively promote particular values and uphold their ethics through litigation and daily conduct.

“Our democracy
thrives because the rule
of law exists”

"Ethics are important when lawyers have divided loyalties – owing a duty to the court while at the same time owing a duty to the client. In these cases, they are obliged to fulfil their obligations to the court," he said.

He said because lawyers are integral to the working part of the Rule of Law, it is founded on the principles of justice, fairness and equity.

"If we do not adhere and promote these ethical principles, then the law will fall into disrepute and people will resort to alternative means of resolving conflict. The Rule of Law will fail with a rise of public discontent," he said.

Keith was speaking during a one day workshop on Legal Ethics in April, hosted by the Papua New Guinea Law Society at the Lamana Hotel in Port Moresby.

Read actual paper presentation on pages 13-18



Below: Lawyers paying attention to Keith's address at a one day Legal Ethics Workshop at Lamana Hotel in Port Moresby.



New Court complex to be an iconic structure: PM James Marape

By BRIAN JEMEJEME

PRIME Minister James Marape is confident the new state-of-art Court complex will be completed in time for the Judiciary to occupy.

Mr Marape made this statement during a brief tour around the site at Waigani in Port Moresby on October 4, 2019.

The Prime Minister said once the new court complex is fully completed, "It's going to be an iconic structure that would be a testament to the community that we have a vibrant judiciary to deliver justice."

Mr Marape was accompanied by the Chief Justice Sir Gibbs Salika and National Court Registrar Ian Augerea including the media, NJSS staff and court officials. The court house infrastructure site foreman Jason Steward took them around the site. All were impressed with its layout and design.

Mr Marape also congratulated former Chief Justice Sir Salamo Injia and his deputy Sir Gibbs Salika (currently the Chief Justice) for their vision, leadership and foresight to have a perfect court house where all the judges and staff can work and deliver justice for the country.

The new court complex when completed would comprise 15 court rooms for the Supreme Court, the Court of Appeal and the National Court. There will also be Chambers for judges, detainee holding cells and sections for court registries and all administrative functions.

The ground breaking ceremony for the court house was in 2015 by the former Chief Justice Sir Injia with construction commencing in July (2015) and was expected to be completed last year (2018) but due to unavailability of funds, this did not occur. The Construction should now be completed in 2020.

Steward, the site foreman, informed Mr Marape and the visitors that K340 million is needed to complete the project. "The project can be completed next year depending on the availability of funds," he said.

The contractor to the state-of-art Court complex is the China Railway Construction Engineering Corporation (CRCEC) company.



Above: Prime Minister James Marape wears a protection helmet before touring the new state-of-the-art Court complex. Below, still under construction.





Photos courtesy of NJSS Media



Introducing Electronic Case Management System

By BRIAN JEMEJEME

The new state-of-art Court complex at Waigani in Port Moresby will use an Integrated Electronic Case Management System (IECMS) to manage its court database says Chief Justice Sir Gibbs Salika.

Sir Gibbs was speaking during a presentation on how effective the IECMS will be. He said the judiciary is working to implement the new case management system. "The case management system, that is the IECMS, would be more effective for court users when it is fully operational," he said.

The presentation was made by the National Court Registrar Ian Augerea. Mr Augerea said the court's new database system will work efficiently for the people as the Court is heading into an electronic database system.

The presentation was done in the CJ's conference room when the Prime Minister James Marape visited the Courts and the new Court complex which is still under construction by the China Railway Construction Engineering Cooperation company.

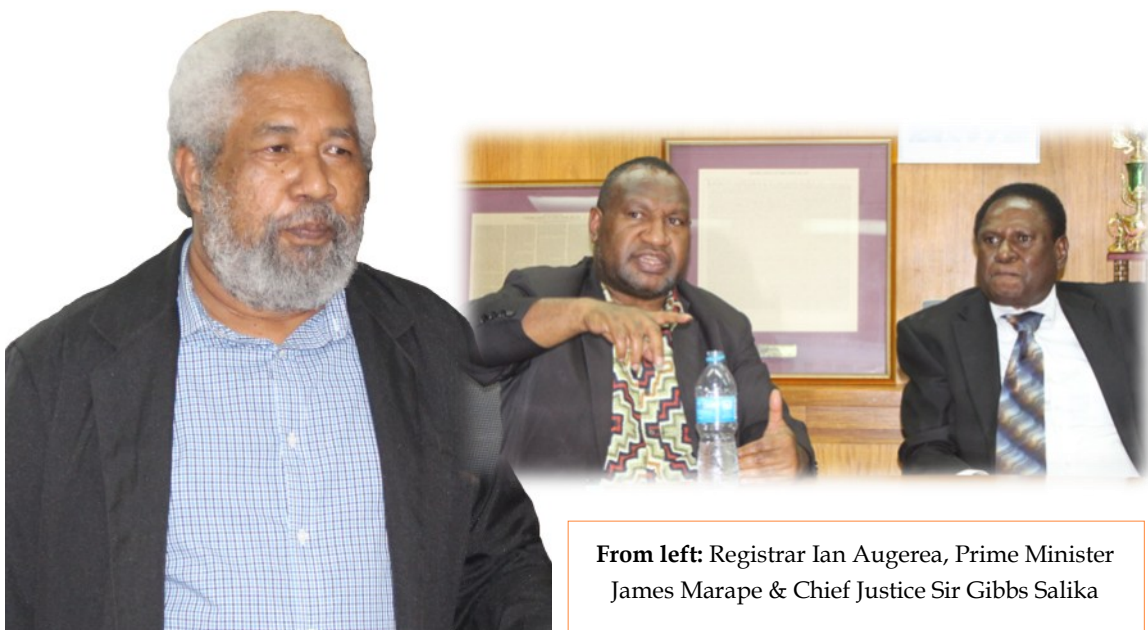
The Chief Justice said there would be three

satellite dishes installed for the system once the Court complex is completed. "The judiciary will become a fully functional, electronic digital court and our people, especially court users will be able to file their court documents electronically," he said.

Meanwhile, Augerea explained that some of the benefits of this digital system were to improve judicial services. "This digital court system would improve the judicial services in terms of proper management and proper record keeping. It will reduce delays and would ease case backlogs caused by manual registration and procedures," he said.

He said among many other procedures in the court process, the IECMS will also provide easy access to justice and process cases faster. He said IECMS will not only monitor the outcome of justice but the entire judicial process.

The Prime Minister James Marape was very happy when he saw the design and the artwork of the new Court complex upon his short visit and gave an assurance to the Court that the government will give full support for the completion of the project.



From left: Registrar Ian Augerea, Prime Minister James Marape & Chief Justice Sir Gibbs Salika

Photos courtesy of NJSS Media – Integrated Electronic Case Management System presentation



Disciplined forces urged to reflect and rebuild on their past

By BRIAN JEMEJEME

In the recent past there has been a drop in standards of discipline by the members of the disciplined forces.

The newspapers seem to be frequently littered with reports of human rights abuses by members of the disciplined forces.

There are reports in the newspapers and elsewhere which suggest that because of unlawful actions perpetrated by members of the Police Force, the State is faced with huge legal bills. One such report concerned the behavior of certain members of the disciplined forces in causing damage to the National Parliament building. This is just an example of the worrying trend in the drop of standards.

This issue needs urgent and serious attention, not only by those in authority, but more so, by each member of the Constabulary.

However, when the New Year begins, people make new resolutions and try to change their ways to become good and responsible citizens.

Justice Joseph Yagi, when officiating at the Opening of the Legal Year in Goroka on February 4, 2019, encouraged members of the disciplined forces to be in self-control.

Justice Yagi said: "Self-control is the root and very foundation of discipline. The sense of dignity grows with the ability, the power and the passion to say NO to the negative implications and connotations."

Justice Yagi reminded them that if they dedicate their attention to discipline in their work and in life in general, they would become smarter and be able to perform effectively.

"Lift your standard of discipline. Do not wait for another comrade, your superior or someone else to tell you to do it. Take it on yourself and challenge yourself for your own personal and professional benefit," he said.

He said members of the disciplined forces are expected to perform to the highest standards of discipline. "The public expects you to serve by that standard. This is a legitimate expectation. Your actions and omissions are measured by this

standard. This was why the Police, Correctional Services and the Defence Force are often referred to as the - disciplined forces."



Justice Joseph Yagi delivering his speech



L-R: Law Society council member Gertrude Tamade Elai, Justice Yagi and Peter Punau of Punau Lawyers



Justices William Neill and Joseph Yagi leading the procession



Pictures before and after the opening of the legal year in Goroka.

Pictures by Brian JEMEJEME



Its official – Legal Ethics, the lawyers duty



Mr Keith Iduhu
Principal - Fairfax Legal and Chairman of
the Statutory Committee. He delivered a
speech in April at a one day workshop
on Legal Ethics in Port Moresby, 2019.

‘efficiently without shirking the ethics’

I FEEL it is appropriate to speak on the subject of legal ethics. Commonly defined, legal ethics is the minimum standard of appropriate conduct within the legal profession.

It is the behavioural norms and morals which govern judges and lawyers. It involves duties we owe to one another, our clients and the courts.

Our country is faced with two competing scenarios; it is at the brink of possibly the most challenging economic times in its history as a State, OR, on the uptrend of a sluggish growth to recovery.

Today, I urge us to reassess the contributions we have, and, continue to make for our country, by virtue of the work we do.

How do we work more efficiently without shirking the ethics we promised to uphold when we took our oath?

In a few weeks, the government will most likely face a vote of no confidence. This is an integral part of our democracy. 18 months after we vote a Government in, its integrity is checked on the floor of parliament.

Our democracy thrives because the rule of law exists. The rule of law is the supreme check on political power. Without the regulation of state power by a system of laws, procedures, and courts; democracy could not survive.

Lawyers play a unique role in the protection of the rule of law. You and I have an affirmative duty arising out of our status or role to actively promote particular values and uphold our ethics through

litigation and daily conduct.

Ethics is important when we lawyers have divided loyalties – owing a duty to the court while at the same time owing a duty to the client.

In these cases, we must oblige to fulfil our obligations to the court. This is not generally understood by clients, or by some lawyers who carry the notion of duty to the client too far and engage in unethical practices.

...continued p14...



Above: Keith addresses participants of the
Legal Ethics workshop

speech continues from p13...

In a working paper by Peter MacFarlane in the 2009 edition of the *Journal of South Pacific Law*, Vol 13-Issue 1, entitled THE IMPORTANCE OF ETHICS AND THE APPLICATION OF ETHICAL PRINCIPLES TO THE LEGAL PROFESSION; MacFarlane says inter alia, that "Clients see lawyers as 'a means to justice' so if they lose a case, be it criminal or civil, the lawyer and the system are easy targets to blame"

Macfarlane further says "...When we speak of the decline in ethical standards, we should not use the term ethics to mean only the compliance of the ten commandments or other standards of common basic morality. A lawyer can adhere to these requirements and still fail to meet the standards of a true professional".

In the case *Otto Benal Magiten v Bilding Tabai and Lawrence Acanufa Trading as Acanufa & Associates Lawyers* (2004) N3470, Honour Justice Canning expressed that:

" (1) The standard of care lawyers must exercise in dealing with their client's cases is measured in accordance with the standards of the profession: the lawyer must act skilfully and diligently at all times.

.....

22. So, what are the standards that the legal profession expects of its members? How does a lawyer act skilfully and diligently?

23. First and foremost, lawyers must act in accordance with their client's instructions, unless the instructions are unlawful.

.....

Why is ethics important to the practice of law?

Because we lawyers are integral to the working part of the Rule of Law, it is founded on the

'a means to justice'

principles of justice, fairness and equity. If we do not adhere and promote these ethical principles, then the law will fall into disrepute and people will resort to alternative means of resolving conflict.

The Rule of Law will fail with a rise of public discontent. We lawyers are professionals. The issues of ethical responsibility and duty are an inherent part of the legal profession. It has been said that a profession's most valuable asset is its collective reputation and the confidence which that inspires. The legal profession especially must have the confidence of the community.

.....continued p15...



Above: Secretary for Dept of Justice and Attorney General Dr Eric Kwa emphasized to lawyers the importance of legal ethics as lawyers (below) pay attention.



speech continues from p14...

When speaking to a St James Ethics Centre forum on ethical issues in Sydney on July 23, 1996; Justice Michael Kirby of the High Court of Australia said:

"The object of this forum is to raise the consciousness of lawyers so that they may evaluate their role within the legal profession and in the broader community at a time of rapid social change. The aim is to challenge us to re-evaluate our conduct to enhance the level of service provided by the legal profession to a community which has larger expectations of us, but a diminishing estimation of the likelihood that they will be fulfilled.

The organisers of this forum hope that it will provide an opportunity to examine the tension which they feel exists between the traditional features of the practice of the law, enjoying important privileges (on the one hand) and the dictates of modern business practices, which impose on lawyers of today obligations to address cost factors and so-called 'bottom line' considerations (on the other). Within the St James Ethics Centre, a fear has been expressed that an undue emphasis on economic factors has recently led to a lessening of sensitivity to, and the importance of, the old ethic and culture of professional service. ..."

The challenge before the legal profession is to resolve the basic paradoxes it faces. To reorganise itself in such a way as to provide more effective, real and affordable access to legal advice and representation for ordinary citizens. To preserve and where necessary, to defend the best of the old rules requiring honesty, fidelity, loyalty, diligence, competence and dispassion in the service of clients above mere self-interest and specifically above commercial advantage.

Ethics must be most important to us because we are admitted as officers of the court and therefore have an obligation to serve the court and the administration of justice.

Right: Solicitor General Tauvasa
Tanuvasa also participated in the
Legal Ethics workshop

'abide by the rules of conduct '

We are expert technicians, wise counsellors, effective leaders, responsible to clients, responsible to the legal system, responsible to our institution and responsible to society at large.

As we ponder about the recent strife in Alotau, the continuing violence in the Highlands, the systemic and systematic corruption in our country, the prevalence of family and sexual violence, our children not being able to go to school because their families cannot afford to send them, the rise of kidnapping especially of children and females in our nation's capital, I hope that we will make a conscious effort to abide by our rules of conduct in order to preserve the dignity and respect for the legal profession.

.... continued p16...



speech continues from p15...

‘protect the integrity of the legal profession’

It is our civic duty and a natural consequence of the oath that binds us.

As a sign of the value placed on the importance of ethics in the legal profession, our Parliament passed as legislation the Lawyers Act and the Professional Conduct Rules which contain fairly high standards of conduct which every lawyer must meet.



PNG Law Society Council member Emmanuel Asigau (above) also spoke to lawyers about safe guarding principles of legal ethics.

the view that a lawyer is guilty of improper conduct. Amongst other things, it may apply to the Court to remove the lawyer’s name from the Roll which penalty is imposed sparingly, suspend the lawyer from practice for such period as it thinks proper or impose a monetary penalty not exceeding K10,000.00.

Basically improper conduct in the context our PNG Legal profession is conduct that is contrary to the values and ideals that are expected of the legal profession and which both the Lawyers Act and the Professional Conduct Rules urges us lawyers to do or to refrain from doing.

Under the Professional Conduct Rules, a duty is imposed on all lawyers to not act in a way which in pursuit of our profession is illegal, dishonest, unprofessional or that is prejudicial to the administration of justice just to name a few. In terms of maintaining professional integrity a lawyer shall not advance or seek to induce his client’s case by unfair means.

You will agree with me that sometimes we tend to take client’s matters personally which compel us to advance our client’s causes at the cost of our professional integrity.

Under the Lawyers Act, a person cannot practice as a lawyer unless he or she holds either a restricted or unrestricted practicing certificate. Further, a lawyer who holds a restricted practising certificate cannot hold monies in trust on behalf of client.

Honest lawyers are rare gems these days as the race for professional glamour is much more alluring and seemingly something which is more commanding of respect from peers than legal professional integrity and honesty.

To protect the integrity of the legal profession in PNG, the Lawyers Act establishes the Lawyers Statutory Committee. Its function is to enquire into complaints laid against a lawyer for improper conduct. It has the powers of a Commission of Inquiry but may otherwise determine its own procedures when enquiring into complaints.

Going cheek by jowl with professional integrity is professional skilfulness and competence. One can be honest but then at the same time be incompetent and lack certain skills which may result in improper conduct.

The Statutory Committee also has the power to impose penalties where after an inquiry it holds

.....continued p17....

speech continues from p16...

Section 8 of the Professional Conduct Rules requires all lawyers to be diligent in their practice of the law.

It uses mandatory language urging all lawyers to treat their clients fairly and in good faith giving due regard to the dependence placed upon them and their special training and experience and the high degree of trust which the client is entitled to place upon them and to use their best endeavours to complete any work on behalf of their clients as soon as is reasonably possible.

Where in the view of a lawyer, the instructions he receives are beyond his or her competence, they are at liberty not to accept such instructions.

Section 21 of the PCR provides for conduct of practice wherein a lawyer is required to ensure that his or her practice is properly administered and shall take all practicable steps to ensure that professional engagements are fulfilled or that early notice is given if they cannot be fulfilled.



Above: PNG Law Society council member Gertrude Tamade Elai contributes and encouraged lawyers to be mindful of their ethics.

Right: Participants at the CLE workshop

‘treat the clients fairly’

In my humble view these are provisions which relate to the need for a lawyer to maintain or enhance his or her skills in the performance of his or her practice. Clearly the PCR contemplates that the ethical duty of a lawyer in his practice does not end with values such as honesty and integrity but extends to our skill and experience.

I share another humble view of mine. As I quoted earlier, the existence of the legal profession thrives only on its reputation. Consequently, it would be correct to say that without our reputation we lawyers are close to nothing.

May I venture to add one of the reasons the PNG legal profession has suffered a blow to its reputation is not only because of the lack of integrity but the lack of continuing legal education. I am convinced that ethics in the legal profession involves and includes skills and training. That is why it is called a legal practice in common everyday language.

One example of the lack of skilled lawyers is when junior lawyers make unsupervised appearances in the National Court in matters that are supposed to be taken carriage of senior lawyers. The end result more often than not is an aggrieved client and a profession falling into disrepute.

...continued p18...



speech continues from p17...

'baptism of fire'

I do not think there is any lawyer that has not heard of what has been quietly dubbed in the legal fraternity as the baptism of fire by His Honour, the Deputy Chief Justice Kandakasi when a recent LTI graduate makes an appearance before him.

The experiences of an employee of mine testify to His Honour's discomfort in seeing junior lawyers making appearances in his court especially in cases that are complex and require a more senior and experienced litigation lawyer. Of course there are times when exceptions may be given, but it should not in my view continue to be practiced.

Hence, the supervision of junior lawyers should be a necessity and a codified duty at best.

I believe that the Law Society shares the same view which is why CLEs are encouraged to be conducted and practiced both collectively as a fraternity in gatherings such as these or within each firm or office.

To sum up, our practice of legal ethics should not just be limited or confined to our offices and the court room.

Ethics in the context of the legal profession is so pervasive and transcending that apart from upholding ideals, values and principles such as honesty, diligence, integrity and accountability, it applies to our attire, the white shirts we wear to court sometimes stained with betel spittle, the black trousers sometimes creased all over, the small conversations we enter into at the court house carpark over the clouds of smoke billowing out from chimneys of our nostrils, the liaisons we have along the corridors and the hallways of the court house and in private settings and so on and so forth.

Ethics should be our way of life.



Participants sharing a light moment after the CLE workshop on Legal Ethics

Consultation workshop a way forward: Arthihulawa

By BRIAN JEMEJEME

The Lawyers Act Review Consultation Workshop was a way forward says one of the senior members of the profession, Franklyn Arthihulawa.

Arthihulawa, a former employee of the Papua New Guinea Law Society and who is now with the Eastern Highlands Provincial Government says it is good that the Lawyers Act 1986 was looked at, purposely to amend the Act for the benefits of lawyers.

He said the Lawyers Act needs to be comprehensively updated. "I am pleased to attend this Consultation Workshop. Many of the provisions in the draft of the drafting instructions need amendments to direct and guide lawyers," he said.

Arthihulawa said that by amending the Act especially one of the key provisions such as relating to the fit and proper person test, and the qualifications for admission etc, would be of assistance in guiding the conduct of lawyers.

"I found the Workshop very useful as we had to discuss and provide vital views on certain provisions and what needs to be done to impact the delivery of legal services especially relating to the general practice of law in the country," he said.

Meanwhile, in thanking the Department of Justice and Attorney - General and Law Society for hosting the Consultation Workshop, Arthihulawa says the Workshop was very well organized and many lawyers throughout the provinces were able to comment and share their opinions.

He also thanked the Justice Services and Stability for Development (JSS4D) under the Australian Government for being the major sponsor of the event adding if it wasn't for them, the Lawyers Act Consultation Workshop would not have eventuated.

The Workshop was held in Mount Hagen at the Highlander Hotel from Jun 18-19, 2018 and those in attendance, among others, included Jason Rotep, Winifred Oa, John Sagom, John Munnul Jnr, Johnny Bogombari, Leban Yagro and Isaac Paraka of the Jiwaka Youth Organisation.



Top: Franklyn Arthihulawa going through the drafting of the Drafting Instructions papers



Above: President of the Law Society Dr Vergil Narokobi shares his views during the discussions.



Concentration during discussions at the workshop



Lawyer Jason Rotep, front, glancing through the Draft of the Drafting Instructions paper. He also shared some vital his views.

Lawyers Act Review Consultation Workshop in pictures, highlands region, Mt Hagen



Lawyers contribute meaningfully



Top: Mr Tauvasa Tanuvasa makes a point as participants paying attention in other pictures.

By BRIAN JEMEJEME

Papua New Guinea Law Society Council member and the then Deputy Solicitor General Tauvasa Tanuvasa was appreciative of lawyers who contributed ideas at the Lawyers Act Review Consultation Workshop in Lae, Morobe Province.

The Workshop was held at the Travellers Inn Hotel from May 14-15, 2018.

Representing the Law Society, Tanuvasa said it was very important for all lawyers to air their views on each of the provisions of the Lawyers Act.

He said the Lawyers Act guides and speaks for the profession. "Everyone who attended the Workshop contributed meaningfully by commenting and sharing ideas and opinions on the key provisions mentioned in the draft of the Drafting Instructions," he said.

Mr Tauvasa is now the Solicitor General.

The Consultation Workshop was jointly hosted by the Department of the Attorney-General and the Papua New Guinea Law Society and sponsored by the Justice Services and Stability for Development (JSS4D) under the Australian Government.

Close to 20 lawyers attended the workshop.



Consultation Workshops were a success

By BRIAN JEMEJEME

The Lawyers Act Review Consultation Workshops held in Mount Hagen, Lae, Kokopo and Port Moresby were a success and ran smoothly.

The proposed amendments to the Lawyers Act 1986 including its subsidiary legislation were looked at and many senior and junior lawyers including members of the public made comments, suggestions and shared their opinions.

The Consultation Workshop, were jointly organised by the Department of Justice Attorney-General (DJAG) and the Papua New Guinea Law Society (PNGLS). A good number of lawyers attended and contributed immensely at each workshop.

The subsidiary legislation made under the Lawyers Act 1986 included the Lawyers (Examinations) Regulations 1992 and the Lawyers (Admission) Rules 1990.

The proposed amendments to the Act entail an increase in penalty fees, changes to requirements for issuance of practicing certificates and changes to the fit and proper person requirements.

Those in attendance at each respective regional centre included relevant stakeholders, some members of the public and members of the legal profession.

They were invited to provide their views and comments on the key provisions as stated in the draft of the Drafting Instructions

These changes or amendments will significantly impact the delivery of legal services and improve the general practice of law in the country.



Left & above: All focused as the (then) Senior Council member of the Law Society, Royale Thompson (below) airs her views on different provisions.



Good speakers add value to your practice: Sirue

By **BRIAN JEMEJEME**

“Good speakers add value and skills to your development as lawyers,” said Jason Henry Sirue of the Independent Consumer & Competition Commission (ICCC).

Sirue was commenting on the Law Society’s Continuing Legal Education Workshop on Business Contracts & Agreements held in Port Moresby. His comments came from papers presented by a professional lawyer from Australia – Richard Hobson.

Jason said involving such high-

ly qualified speakers motivates a lawyer to be strong in his professional career and in doing so, it adds value to the lawyer’s skills and development as they continue to practise.

Sirue said to reap a reward in a career, it does not come easily.

“You have to put in extra hours of effort, commitment and dedication to actually reap the reward,” he said.

He said lawyers would feel rewarded and satisfied with their job if they are in it for the right reasons adding it is crucial for the development of the

profession and by having such legal education seminars.

In thanking the Law Society for organizing the Workshop, he said more of such workshops should be organized, say, once every three months.

The workshop was held at the Holiday Inn Hotel, Waigani, and attended by members of the PNG Law Society including President Dr. Vergil Narokobi, lawyers from the public and private sectors and from corporate bodies.

A total of 125 lawyers attended.



Pictures above and below show much concentration during the Business Contracts & Agreements workshop at the Holiday Inn Hotel, Waigani in Port Moresby, 2018. Pictures by **Alpheus Kaveregari**



Business Contracts & Agreements Workshop in pictures.



Pictures by Alpheus Kaveregari



**Speech by the President of the Papua New Guinea Law Society
Dr. Vergil NAROKOBI on the occasion of CPD Dinner at the Port Moresby
Yacht Club, Konedobu in Port Moresby after a day's successful workshop on
Business Contracts & Agreements held at the Holiday Inn Hotel, Waigani.**



Good night, Halo olgeta and hadorai namona.

Chief Justice Sir Salamo Injia and Lady Injia, and Minister for Justice and Attorney-General Honourable Davis Steven and Mrs Steven, Mr Richard Hobson, my esteemed colleagues of the legal profession, ladies and gentlemen.

Let me firstly say, that on behalf of our members and the Law Society, we are extremely pleased that our good Chief Justice and the Attorney - General, who was a previous council member, have accepted our invitation, and found time to grace us with their presence. Your presence adds to the stature of this wonderful evening.

I would also like to extend the appreciation of the Council to each one of you for attending tonight.

If I am not mistaken, it has being quiet awhile since a similar event was organized by the Law Society, other than the annual Bench/Bar dinner, your attendance is indicative of your support of the direction of the new Council of the Papua New Guinea Law Society.

But it gives me great pleasure to speak to you tonight on a happy and social occasion, for an event that has no particular theme, other than to get to know a little more of each other better, under the auspicious of the

new Council of the Papua New Guinea Law Society.

The present Council aims to build a spirit of collegiality and responsiveness to the many common challenges that confront the legal profession.

It is on an occasion such as this, that in our social interaction, we get a feel for those issues that affect us as a profession, and also understand better, what is expected of us in the bigger scheme of things in the affairs of the country, as we are no doubt important agents for the maintenance and upholding of the rule of law.

I am quiet mindful of the fact that many of our lawyers practice out of Port Moresby, and perhaps one way in which we have tried to connect with them, is to have our Council members attend the various launching of the legal year events around the country.

I invite you to explore with us activities where we can meet and engage with lawyers practising out of Port Moresby.

I am very proud to be a member of the current Council and this extends to the staff of the Papua New Guinea Law Society too, who have all worked extremely hard to plan and execute the successful delivery of the two events today.

The Continuing Legal Education programme earlier today in which many of you tonight participated, is one of many to come. I believe that we made an excellent choice of our presenter and I am confident that many of us, including myself, found the presentation valuable and beneficial.

I am sure that, my colleague Council members would concur with me, that we intend to mark as our legacy, regular CLEs, in order to make important contributions to lifting and maintaining the standards of the legal profession in Papua New Guinea.

.. continued p26..



speech by the President continues from p25...

We are mindful of the many observations made by both the judiciary and the public and will respond accordingly.

Obviously, the important caveat is that we are a self-funding organization with Council members who work voluntarily and the frequency of CLE events will reflect that.

We are aware of the fact that our lawyers practice in diverse areas of law in the public and private bar, for corporate and statutory entities, governmental bodies and constitutional institutions, across the country and overseas too, we hope to consider these factors going forward in organizing future events.

An important body that the Law Society has representation on is the board of the newly established Papua New Guinea Centre for Judicial Excellence (PNGJCE) of which the Chief Justice is the chair.

We will work in this space to seek further training opportunities for our lawyers. In this connection, we were quite pleased to collaborate with the PNGCJE and the Law School at University of Papua New Guinea to host the former Chief Justice of the High Court of Australia, Sir Robert French for the Sir Salamo Injia Lecture Series.

Sir Robert French spoke on a topical and complex subject at the University of Papua New Guinea, and I acknowledge that the lecture was well attended by our lawyers.

An event that is also organized by the PNGCJE is the International Conference on Alternative Dispute Resolution, to be held next year.

I invite you all to attend, when the details are confirmed. Recently I attended the launching of the Papua New Guinea Women Lawyers Association (PNGWLA) at the Legal Training Institute (LTI), which boasts an executive consisting of some of our senior

women lawyers in the country.

The Association's objectives are noble, such as to address issues of gender violence and contribute to legislative reforms, and I encourage you all to contribute one way or another to the cause.

One of our senior members of the bar, Royale Thompson will shortly appraise you about areas being considered in the review of the Lawyers Act and its subsidiary legislation and about the public consultations that are going on in relation to that.

I am pleased to note that the Minister for Justice and Attorney-General, Hon. Davis Steven and his departmental Secretary Dr Kalinoe are driving this project with keen interest, and we will participate fully and meaningfully to represent the views of our members in this exercise.

At this juncture we also acknowledge the assistance of the Australian Government through Justice Sector and Stability for Development (JSS4D) to facilitate the project.

I request that for the remaining consultations scheduled for Mt Hagen and Port Moresby, as many as possible attend and contribute, and if possible follow up with written submissions. The public also will attend and air their views for they are beneficiaries of our services and have certain expectations of how we hold ourselves out.

There are other legislative views that are currently going on, and your views on these reviews will be highly valued. From time to time, the Law Society will request lawyers who may have relevant expertise in the law under review for their contributions to the particular reforms.

I urge you to take this opportunity to contribute to this important law-making process.

..continued p27..





speech by President continues from p26...

I also note the support of our lawyers to building the next generation of legal minds through events such as the Sir Buri Kidu Moot Court competition, to help our students experience a little of what litigation is all about.

Other lawyers give up their valuable time to give lectures to our trainees at the Legal Training Institute. Furthermore, the Society is also represented on the LTI Council. These are given on a voluntary basis and takes up valuable time, and often when we criticise ourselves, we overlook these important contributions that we make in various activities of public interest with no cost.

As lawyers, we are constantly in the public eye, and it is incumbent upon each of us to hold our personal and professional conduct in good repute, but no doubt it is one in which we have to discharge regardless, to maintain our standards and preserve our reputation.

It is not only good for our conscience, but good for business when trust is established and standing in society is upheld.

On this note, I am pleased to announce that Mr Keith Iduhu from the PNG Law Society has been nominated to be the Chair of the Lawyers Statutory Committee (StatCom) and has been endorsed by the Chief Justice. He continues the good work of Mr Vincent Mirupasi.

Finally, I would like to thank many of you who worked tirelessly to organise the CLE and tonight's dinner.

I would like to acknowledge Gertrude Elai who leads the CLE committee, Michael Henao in the Social Committee, assisted by Emmanuel Asigau, the event organisers – Ali Mic Ltd and your entertainers tonight, The Vibes; and the staff of the Law Society – Robert Mellor, Gege – responsible for dinner registration & sale of dinner tickets, Brian – responsible for promoting both events in the media and elsewhere and Gabore – for over all supervision of the 3 abovementioned staff.

Without your efforts these two events would not only have eventuated but even better, done very successfully. Let me let say on behalf of our member lawyers, our

appreciation. I believe that the present Council is working hard to retain your confidence in them.

Enjoy and all the best for coming months of the year.

God Bless!



more photos of ...

the CPD workshop

&

at the dinner



Pictures by Alpheus Kaveregari



Mr Richard HOBSON, a professional lawyer from Australia ran a one-day workshop on Business Agreements & Contracts, May 16, 2018..

By Brian JEMEJEME

UPON arrival at the Jacksons International Airport at 7-Mile in Port Moresby on Thursday May 24, 2018, Richard Hobson was warmly greeted by the President of the Papua New Guinea Law Society Dr Vergil Narokobi and Council member Gertrude Tamade ELai.

Mr Hobson was grateful that the President and Mrs Elai met and greeted him at the airport. "I was honoured to be invited and felt like a VIP when I was warmly welcomed by Vergil and Gertrude at the airport," he said,

Before he came to Port Moresby, he was warned about walking on his own, which made him a bit uneasy.

But in reality, it was different. "When I smiled at people, they smiled back and I felt more at ease," he said, feeling satisfied for the overall approach with people he met along the road during his short walk from the Holiday Inn Hotel to Vision City.

Not only did he say people were respectful but he was also surprised to see vast and fast developments taking shape in the city of Port Moresby.

"Overall, it appeared to me that Moresby is a city of contrasts, struggling with the usual growing pains of a rapidly expanding populace. Having said that, it is a city that is undergoing extensive advancement in infrastructure and facilities," he said.

Mr Hobson is an experienced business adviser and director with over 30 years experience. He founded Linchpin Legal firm in 2006 which provides a legal business advisory service specialising in corporate governance, risk management and compliance as well as general commercial law.

Hobson's areas of expertise includes:

- Competition and Consumer law
- Company law
- Banking and Finance
- Buying and selling business
- Commercial law
- Risk management and compliance
- Legal management and training



He has had various management and legal roles with ASX listed and other public companies and was Chief Executive Officer of a medium-sized law firm.

He was on the Committee of Australian Corporate Lawyers Association (ACLA, Victorian branch) for 17 years, and is a member of the Law Institute of Victoria (on the Competition and Consumer Law Committee) and the Australian Legal Practice Management Association (ALPMA).

Mr Hobson's other interests are in music and art and for two years was an itinerant opera singer engaged by various companies in Europe.

He was in Port Moresby from May 24th to May 26th and conducted a one-day CPD event on Business Contracts & Agreements at the Holiday Inn Hotel, Waigani, National Capital District.





A questionnaire to Mr Richard Hobson reveals his views about the fast developments of Port Moresby city and the thirst of knowledge by members of the PNG legal fraternity

1- Was it your first time to PNG? Yes. I was honored to be invited and felt like a VIP when I was warmly welcomed by Gertrude and Vergil at the airport.

2- You said you took a short walk to the Vision City Mall. Tell us about the environment, traffic, people etc during that short distance walk. I was warned about walking about on my own, which made me a bit uneasy at first. However when I smiled at the people, they smiled back and I felt more at ease.

The road was busy and I was amused to see the way buses stopped and people jumped on - some hanging out of the doors!

It was hot and humid of course, but I had come prepared with loose clothing and a hat. I think I acclimatised quite well. It was fascinating to see the red stains from betel nut juice on the pavement and elsewhere (fortunately, none came in my direction!)

3- What would be your overall view/comments after some hours of touring around the city? Brian and Alphy gave me grand tour of Moresby - there were great contrasts between the landmark buildings, the lush golf course and the poorer areas.

The University grounds were expansive and the new buildings looked inviting for students. The town and harbor area were impressive - some lovely views, particularly from the restaurant where we enjoyed a buffet lunch.

Overall, it appeared to me that Moresby is a city of contrasts, struggling with the usual growing pains of a rapidly expanding populace.

Having said that, it is a city that is undergoing extensive advancement in infrastructure and facilities.

4- What do you think of the current developments taking place especially in Port Moresby, the capital city of PNG? There appear to be building and road works going on everywhere - APEC clearly an incentive for that. I look forward to the revamped Ela Beach foreshore area - I am sure that is going to be beautiful when it is finished.

5- How do you feel standing in front of 100 plus lawyers in PNG and conducting a seminar compared to seminars in Australia? I have to say that you (lawyers) were a wonderful audience - appreciative and responsive. Also, you laughed at my jokes, which was reassuring. I was also relieved that no-one fell asleep and all stayed attentive until the end.

Seriously though, I think that perhaps because you have fewer opportunities for CLE in PNG, you have a thirst for knowledge that is less evident in Australia where such workshops are more routine. I found the participants enthusiastic and committed to learning.

6- The lawyers who attended the seminar, are they responsive, bright, intelligent etc? Absolutely - the questions asked during the sessions, the conversations that I had during the breaks all indicated to me that the attendees were all of those things and keen to improve their knowledge.

7- Do you have a word of thanks to the organizers, Council members? I have already, privately thanked the Law Society and Council members who looked after me. I was overwhelmed by their kindness and hospitality.

8- You hoping to return someday? Of course! It was a great new experience for me and I feel as if I have made many new friends, whom I would like to see again. And, I have more of the country to see!

9- If there's anything you would like to say? I am most grateful to have had the opportunity to visit and to contribute to the legal fraternity in PNG. I was pleasantly surprised to hear what the Chief Justice said about the need for plain English in legal documents and continuing education - both topics are close to my heart.

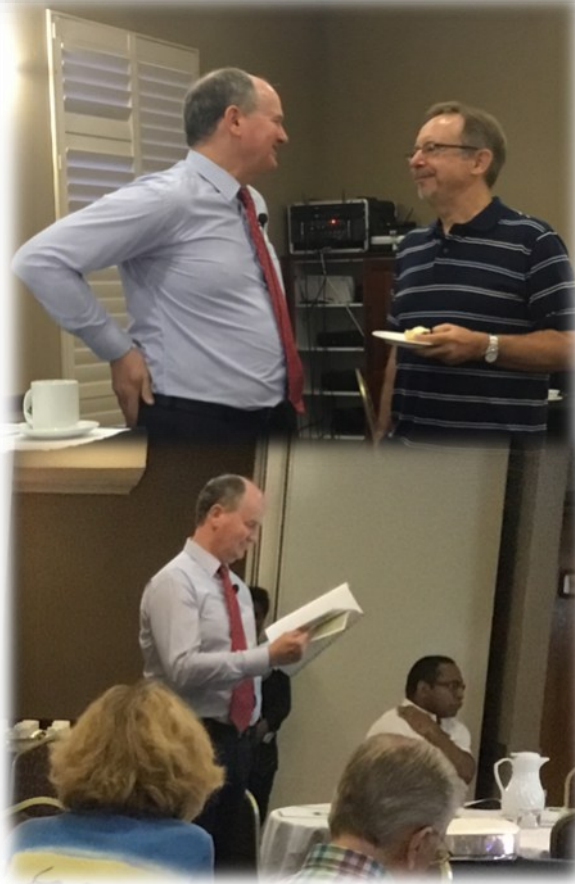
It was also an honor to talk with the Chief Justice over dinner (another highlight!) and find out that he is a fellow musician.

PNG is a special place, no doubt, and you have a lot of challenges, but the people whom I met were of outstanding quality, genuine, friendly and warm.

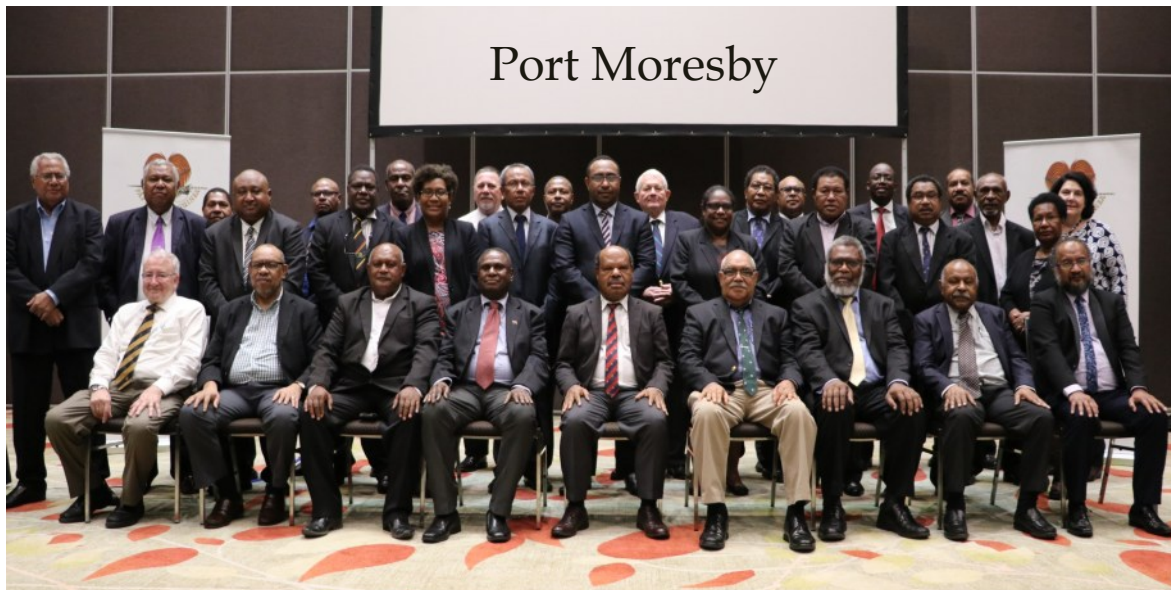


Mr Richard Hobson

He admires a billum presented to him after the CPD workshop on Business Contracts & Agreements while he enjoys himself in other pictures.



Human Trafficking Workshop



Sir Salamo Injia Lectures Series No.1

In the Main Lecture Theatre at the Waigani Campus of the University of Papua New Guinea (UPNG), the Hon Robert French, AC, delivered a lecture entitled **"International Commercial Investment Dispute Resolution"**.

The lecture was attended by the students from the Law School at UPNG and members of the legal profession and several members of the public.

This lecture was Series No. 1 of the Sir Salamo Injia Lecture Series.

It was hosted by UPNG, the Papua New Guinea Centre for Judicial Excellence (PNGCJE) and the School of Law. The lecture was held on April 26, 2018.

By Nigel TAVATUNA
Public Relations Officer
Office of the Chief Justice
National Judiciary Staff Services



IMPORTANT NOTICE TO ALL LAWYERS

PRACTISING CERTIFICATES FOR 2020

THE PAPUA NEW GUINEA LAW SOCIETY REMINDS ALL LAWYERS TO APPLY BEFORE 31 DECEMBER 2019 FOR A PRACTISING CERTIFICATE FOR 2020. PLEASE APPLY NOW:

Completed practising certificate application forms are to be sent to the Law Society together with the appropriate fees.

THE PNG LAW SOCIETY

Phone: 321 7344/321 7348,

P O BOX 2004, PORT MORESBY

Email: lawsocenquires@datec.net.pg

NATIONAL CAPITAL DISTRICT

Information about Practising Certificates and Practising Certificate fees for 2020 is enclosed. Also enclosed are Practising Certificate Application forms for 2020. Information about Professional Indemnity Insurance is set out below

Practising Certificate Fee

The Practising Certificate Fee is to be sent to the Law Society and should accompany a completed Practising Certificate application form.

There are 3 ways of making payment of Practising Certificate fees:-

1. by Bank Cheque, payable to PNG Law Society; or
2. by Direct Deposit into the PNG Law Society's bank account number 805324 with the ANZ Bank Corporate Centre, Waigani. If paying by Direct Deposit, a copy of the Bank Deposit slip must be enclosed with the application form
3. by Personal, Firm or other cheques, As a result of dishonored cheques in the past the Society will accept payment by Personal, Firm or Other cheques only on the basis that the certificate (s) will not be issued to the applicant (s) until the cheque (s) is/are cleared.

Professional Indemnity Insurance

Lawyers are not obliged to take out professional indemnity insurance with any particular insurer as long as that insurer is approved by the Law Society.

Two insurers have been approved by the Law Society to provide professional indemnity for lawyers for 2020. They are Alpha Insurance Ltd and QBE Insurance (PNG) Ltd.

Professional Indemnity Insurance with Alpha Insurance is arranged directly with Alpha Insurance Ltd and Professional Indemnity Insurance with QBE Insurance is arranged through insurance brokers Aon Risk Services (PNG) Ltd.

For information about professional indemnity insurance, insurance proposal forms, premiums, payments etc, you should contact the following:-

ALPHA INSURANCE LTD

Postal Address

Office 1:

Office 2:

P.O Box 99

Level 1, Kina Bank Haus

Shop 8, Waterfront Foodworld

Port Moresby

Douglas St, Port Moresby

Konedobu, NCD

Ph: 321 2611/7373 0800

Email: pnglawsociety@alphainsurancepng.com or Bruce.Avenell@alphainsurancepng.com

All enquiries etc. should be marked for the attention of: Blaise Paru at Alpha Insurance Ltd.

AON RISK SERVICES (PNG) LTD for Professional Indemnity Insurance with QBE Insurance (PNG) Ltd

Office 1

P.O Box 479, Port Moresby

3rd floor, Aon Haus

Ph: 7999 5100

Macgregor St, Port Moresby

Email: Samantha.salaman@aon.com

All enquiries should be marked for the attention of: Samantha Salaman at Aon Risk Services.



PRACTISING CERTIFICATES RULES

Under Section 35 of the Lawyers Act 1986, it is a criminal offence for a person to practise as a lawyer without being the holder of a practising certificate. It is also improper conduct for a lawyer to practise without holding a certificate.

Application for a certificate is made to the Secretary who submits applications to the Council of the Society for decision. The Council may grant or refuse an application. If the Council refuses an application it must provide reasons. The decision of the Council may be reviewed by the National Court.

A practising certificate may be withdrawn where the lawyer's right to practise is suspended, where his name is removed from the Roll of Lawyers, where he is declared insolvent or of unsound mind, where he is convicted of a serious offence which provides for the penalty of imprisonment, and where an offence involves dishonesty or moral turpitude.

Pursuant to the amended Practising Certificate Rules, Practising Certificate will only be issued for the period commencing 1 January 2020 and ending on 31 December 2020 if valid applications including fees and supporting documents are received by the Law Society before 1 January 2020, including where relevant, evidence of appropriate Professional Indemnity Insurance cover for 2020.

If applications are received after 1 January 2020, Restricted Practising Certificates will only be issued for the period commencing on the date the applications are received by the Law Society if fees and supporting documents are in order, including where relevant, evidence of Professional Indemnity Insurance cover for the relevant period. For Unrestricted Practising Certificates because the date when a practising certificate commences must be the same as the date when the professional indemnity insurance cover commences, the commencement date will be either the date when the valid application with fees and supporting documents is received by the Law Society or the date when professional indemnity insurance cover commences as advised by the insurer or broker, whichever is the later.

If an application for a practising certificate is made after 1st January 2020, it could mean that a lawyer would be practising without a certificate for a period of time which is an offence under the Lawyers Act. In order to overcome this problem, applications for 2020 should be lodged promptly before the end of 2019.

(a) Restricted Practising Certificate

You should apply for a Restricted Practising Certificate if you practise as a lawyer but you DO NOT do any of the following:

- practise on your own account
- practise in partnership with another lawyer
- hold monies in trust for another person who is a client.

(b) Unrestricted Practising Certificate

You should apply for an Unrestricted Practising Certificate if you fall into one or more of the following categories:

- you practise on your own account.
- you practise in partnership with another lawyer.
- you hold monies in trust for another person who is a client.
- you are a non-citizen resident overseas.



FEES FOR PRACTISING CERTIFICATES - 2020

Fees, which include GST, for Practising Certificates are fixed under the PNG Law Society Practising Certificate Rules 1990 as amended, and for 2020 are as follows:

<u>Class</u>	<u>Restricted</u>	<u>Unrestricted</u>
Citizens	2557. 50	5500. 00
Non-Citizens Resident in PNG	3401. 20	6662. 70
Non-Citizens Resident Overseas		8018. 00

There are 3 ways of making payment of practicing certificate fees:

1. by bank Cheque, payable to PNG Law Society; or
2. by Direct Deposit into the PNG Law Society's bank account 80 53 24 with the ANZ Bank Corporate Centre, Waigani

If paying by Direct Deposit, a copy of the Bank Deposit slip must be enclosed with the application form

3. by Personal, Firm or other cheque, as a result of dishonored cheques in the past the Society will accept payment by personal, Firm or other cheques only on the basis that the certificate (s) will not be issued to the applicant (s) until the cheque (s) is/are cleared.

NON-CITIZEN LAWYERS RESIDENT OVERSEAS

Application

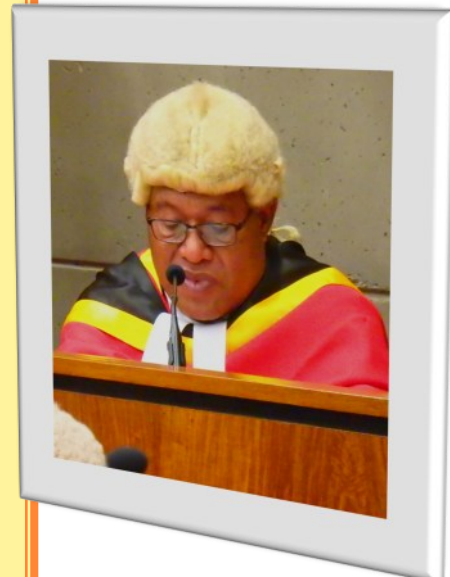
Non-Citizen lawyers resident overseas who wish to apply for a practising certificate in PNG must apply for an *Unrestricted Practising Certificate* in accordance with the Lawyers Act.

Professional Indemnity Insurance

As an applicant for an Unrestricted Practising Certificate, a non-citizen lawyer resident overseas must provide evidence of professional indemnity insurance for a minimum of K500, 000. If you already have this insurance, it must be for that minimum amount or greater and it must be applicable in PNG. A copy of the policy should be provided with your application so that the Society can consider whether the insurer should be approved under Section 43 of the Act, if not already approved. You must also complete a Statutory Declaration under the *Lawyers (Trust Account) Regulation 1990*

Rules of Court Etiquette - Courtesy to an Opponent:

- Rule 1.** Inform your opponent if you are going to be late or are unable to attend
- Rule 2.** Advise your opponent in advance if the time estimate for a matter materially changes
- Rule 3.** Respect the procedure adopted by the particular Judge or Court
- Rule 4.** Do not insult or verbally intimidate your opponent
- Rule 5.** Be courteous in correspondence if sending communications to your opponent. Courtesy to the Court Administration and Witnesses.
- Rule 6.** Dress properly
- Rule 7.** Do not attend the Judge's Chambers without opposing Counsel
- Rule 8.** Avoid improper ex parte email or other communications with a Judge
- Rule 9.** Time estimate given should be as accurate as possible
- Rule 10.** Always inform the Court promptly on settlement of a case
- Rule 11.** Lists of authorities and copies of cases should be filed and served
- Rule 12.** Speak to your opponent prior to the hearing - Conduct in Court
- Rule 13.** No mobile phones in the Court
- Rule 14.** Always have a list of material to be relied upon available for the Court
- Rule 15.** Do not take coffee, tea or food into Court
- Rule 16.** Provide your name to the Court officials
- Rule 17.** Observe the etiquette of the Bar table
- Rule 18.** The Bar table should never be left unoccupied whilst the Judge is still sitting
- Rule 19.** Speak from the Bar table
- Rule 20.** Announce your appearance
- Rule 21.** Do not interrupt Counsel
- Rule 22.** Address your opponent as "learned friend"
- Rule 23.** Address the Court properly
- Rule 24.** Never address a Judge in the second person
- Rule 25.** Address witnesses properly
- Rule 26.** Never argue with a Judge
- Rule 27.** Cite authorities and references to Judges properly
- Rule 28.** Have draft orders prepared - Courtesy to the Judge
- Rule 29.** Be absolutely punctual
- Rule 30.** Stand when the Judge enters the Court
- Rule 31.** Always bow when entering or leaving a Court which is in session
- Rule 32.** Always stand when addressing a Judge
- Rule 33.** Never interrupt a Judge from speaking
- Rule 34.** Do not patronize the Judge
- Rule 35.** Do not disparage or put down the Judge
- Rule 36.** Help the Judge
- Rule 37.** Remain silent during a ruling or judgement of the Court
- Rule 38.** Avoid the Judge out of the Court



Support police operations in the province: Supt Gideon Ikumu

Picture and story by DOMINIC KRAU



New Ireland Provincial Police Commander, Superintendent Gideon Ikumu, speaking at a reception following the legal year opening ceremony in Kavieng early this year, 2020.

NEW Ireland Provincial Police Commander, Superintendent Gideon Ikumu, has appealed to the provincial government, police department, and social sector agencies for logistical support.

He made the appeal at the opening of the Legal Year in Kavieng on February 5, 2020.

He said there were still a lot of law and order cases outside of Kavieng and Namatanai, however, police needed logistical support such as fuel for cars and boats to reach remote areas.

Another setback faced by New Ireland police was the drop in personnel from 156 to 109 following the condemnation of 16 houses in Kavieng police barracks in January 2018 by the provincial health and building boards.

Also condemned were the Kavieng police station and police cell in October 2019.

He said one area that police needed to attend to was New Hanover Island, about 60 kilometres west of Kavieng where there has been an ongoing dispute since 2018 that has resulted in

35 unconfirmed deaths. "I am appealing to the provincial government, the police department, law and justice and social development sectors to assist the police. Police still need to help a lot of people outside of Kavieng, especially in the peripheries of the province," he said.

"lot of law and order cases outside of Kavieng and Namatanai, however, police needed logistical support"

- PPC Ikumu

Supt. Ikumu said Kavieng residents, since last week, have been rallying on the provincial government to support police operations in the province.

Meanwhile, New Ireland Provincial Administration Law and Order Manager, Severin Melengas, said the provincial administration assisted police with K188,000 for the 2019 Christmas and New Year operations and would continue to assist police, correctional and probationary services, and other provincial law and justice sector agencies depending on funding availability.



A lawyer, standing left, and four (4) Police personnels socializing after the legal year opening ceremony



Queensland Bar team with LTI students after the Criminal & Advocacy Workshop



More pictures and articles to come in the next issue...





Law Tok:
Is the official journal of the Law Society.