LAW TOK

Issue No: 4

"Farewell Dr. Vergil Narokobi & Congratulations Allan Mana"

Published by the Papua New Guinea Law Society
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New president Allan Mana (right) presenting a farewell gift to former president Dr Vergil Narokobi who resigned as president as he was appointed a judge of the National & Supreme Courts.

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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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PRESIDENT'S REMARKS

Welcome to our biannual Law Tok publication.

I have been given the opportunity to make a few welcome remarks and to commend to you the Papua New Guinea Law Society biannual magazine – Law Tok, issue No 4.

It would perhaps be more appropriate for the new President to open proceedings as it were, but I have accepted the opportunity, if not for the simple reason to use it as a platform to congratulate the incoming President Mr Allan Mana and the Council of the Law Society. You are in safe and steady hands, and you can be assured that they have the interest of the Society at heart.

The Secretariat does a tremendous amount of work behind the scenes to ensure that the PNGLS continues to meet its objectives, serves the interests of its members and ensure that the profession is kept in good standing in the eyes of the public.

You will read many interesting articles in this publication, which mainly informs the readers of some of the happenings in the legal profession, such as the opening of the legal year in Kavieng, New Ireland Province, lawyers continuing legal education, speeches of the Chief Justice Sir Gibbs Salika, and the opening of the new Law School at the University of Papua New Guinea.

The articles are interesting and informative and keeps you abreast with what is happening around the country in the legal profession.

"we must not yield to misinformation on social media, termed by some as "infodemic."

News on an important area in dispute resolution process – mediation, is also covered in the magazine. We congratulate the 44 new fully accredited mediators and look forward to their contributions.

As I write these brief remarks, we are beset by a pandemic which has shaken the foundation of our existence and challenged the normal way we do things – both at home and at work and our day to day living. We must pay heed to our professional's advice in the way we carry ourselves, such as wearing masks, maintaining social distancing, observing hygiene practices and keeping up with the latest information from our authorities, including Practice Directions from the Registrar of the National and Supreme Court. In saying this, we must not yield to misinformation on social media, termed by some as "infodemic."

I close of by saying that whilst the way of doing business has changed, our commitment to immutable values of the rule of law, justice and respect for each other must be unchanged.

I wish the Society and the profession well, now and into the future.

With these few words, I commend the law Tok Issue No 4 to you all. Happy reading.

God bless,

Dr Vergil Narokobi
Former President
(2017-2019)

SECRETARIAT / COUNCIL MEMBERS

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MS EUNICE PARUA

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

DISCLAIMER:

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Allan Mana is the new Law Society President

From left: Tauvasa Tanuvasa, Dr Vergil Narokobi, Gertrude Tamade, Christine Copland, Emmanuel Asigau and Allan Mana. Mana presents a farewell gift to Dr Narokobi. **Picture by BRIAN JEMEJEME**

BY BRIAN JEMEJEME

ALLAN Mana, a Partner of the legal firm, Corrs Chambers Westgarth, has been elected as the new President of the Papua New Guinea Law Society.

He replaces Dr Vergil Narokobi who resigned as president of the PNG Law Society upon his appointment as a judge of the National and Supreme Courts.

Mr Mana, a lawyer by profession is not new to PNG Law Society as he has served the Society as a Council member for more than 10 years.

He started as a lawyer in 1999 with a firm Allen Arther Robinson (now Allens Linklaters), becoming a Partner of that firm in 2005. He then moved to Corrs Chambers Wesgarth in 2018, where he currently serves as a Partner.

He was first elected to the PNG Law Society Council in 2003 and has served 8 consecutive terms on the Council.

"I am humbled by the confidence and trust which my colleagues have entrusted in me through their vote. I will ensure that we, as the Council, are truly representative and serve the best interests and welfare of our lawyers, especially in these trying times.

"Part of the ethos also involves promoting a culture of respect for our colleagues and others in the communities in which we serve.

"We will also continue to be proactive in upholding the rule of law not just for clients but on matters of interest to the community at large," Mana said.

He thanked the outgoing President for his wise leadership and the solid foundation he has built up and left behind.

He is grateful to his fellow Councilors for their unwavering support and collaborative spirit and look forward to continuing a robust working relationship.

In an email, several members of the Council congratulated Mana for his victory and pledged to give him support and work together.

Law Society farewells Dr. Vergil Narokobi

By BRIAN JEMEJEME

The Papua New Guinea Law Society farewelled President Dr Vergil Narokobi in a small but moving luncheon in Port Moresby early this year (2020).

Council members Tauvasa Tanuvasa, Allan Mana, Christine Copland, Gertrude Tamade and Emmanuel Asigau attended to farewell Dr Narokobi and also to share some light moments with him.

Everyone had a share in encouraging Dr Narokobi to continue to promote the rule of law and wished him all the best in his new career as a judge.

Senior Council member Mr Mana thanked Dr Narokobi for his quality leadership. "I thanked the President for his wise leadership and the solid foundation he has built up and left behind," he said.

Dr Narokobi thanked all the Council members for the support and efforts dealing with matters concerning the Society and its members.

"They were very supportive and committed. I will miss their services and presence but I know that after my departure, they will continue the good work that we have been doing together.

"I am honoured to work alongside the Council members and while I appreciate and leave for my new appointment, I trust that they will work and support our new incoming president with the same support I have received from them."

Dr Narokobi was appointed a Judge of the National and Supreme Courts on December 19, 2019.

Society staff Dominic Krau and Lawyer for Statutory Committee Roland Ababa were also present and took part in the farewell for Dr Narokobi.

Angelyn Paranda still serving as acting director of the LTI

Ms Angenlyn Paranda smiles away in the Law Society office and with CJ and law trainees in other pictures.

By BRIAN JEMEJEME

Ms Angelyn Paranda (pictured above) is still serving as the 'acting director' of the Legal Training Institute.

She replaced Pauline Mogish whose term had expired as the Director but in the capacity as an 'acting Director' until a new Director is appointed.

Ms Paranda, as one of the senior lawyers and instructors with vast experience, has contributed a lot to the development of the LTI. In Papua New Guinea, the LTI is the only institution that promotes legal training for lawyers in preparation for their admission as lawyers.

The LTI Council appreciates Ms Paranda's leadership role and commitment and at the same time, acknowledge the contribution of Ms Pauline Mogish especially in the expansion of the Institution's infrastructure.

The Legal Training Institute is situated inside the Papua New Guinea Institute of Public Administration's (PNGIPA) grounds at North Waigani, Port Moresby.

Ethics continues to be the cornerstone: Tauvasa Tanuvasa

BY BRIAN JEMEJEME

Ethics continues to be a cornerstone in the practice of law for lawyers in all jurisdictions including Papua New Guinea.

Delivering the keynote speech at the opening ceremony of the Legal Training Institute's (LTI) 8th Commercial Litigation and Advocacy Workshop in September, 2020, PNG Law Society Council Member and Solicitor - General Tauvasa Tanuvasa, on behalf of the LTI Council, said that ethics continues to be of serious matter for the legal profession and urged trainees to focus and concentrate on what is presented at the workshop.

"The Workshop will largely introduce to you, aspects of modern commercial litigation practice with segments devoted to criminal law practice and ethics.

"You will be provided with careful training by eminent members of the Queensland Bar Association (QBA) and members of the Papua New Guinea Law Society (PNGLS) who would teach you to be competent in commercial litigation and practice. Being competent simply means making no mistakes.

"Therefore, I urge you to extend yourself and give your ultimate best in this Workshop because if you do, you will receive more than what you expect and it will be a rewarding experience for you," he said.

……continue page 9….

ETHICS CONTINUES TO BE A CORNERSTONE

….. *from page 8….*

Every year since 2013, many senior members of the QBA headed by Justice John Logan have been coming to PNG and delivering the commercial litigation workshop at LTI but it was unfortunate for year 2020 due to the global COVID – 19 pandemic, which necessitated the Marape-Steven Government to put in place safety measures for the country.

Hence, some of the QBA training team were not able to attend and deliver the workshop but thanks to the availability of IT infrastructure that made it possible for Justice Logan and a couple of other QBA training team for conducting the training by video via the zoom application.

Meanwhile, acting Director for LTI Angelyn Paranda thanked the Australian High Commission for financially supporting the Workshop. Guests in attendance included some eminent members of the QBA who were already in the country, members of the legal profession of the PNG bar as well as PNGLS Council members Emmanuel Asigau, Gertrude Tamade, and Eunice Parua.

Above, below and left are pictorial for the opening of the commercial litigation workshop. Pictures taken by **BRIAN JEMEJEME**

Commercial law is important: Chief Justice Sir Gibbs Salika

BY BRIAN JEMEJEME

Commercial Law is important says Chief Justice Sir Gibbs Salika at the closing of the Commercial Litigation and Advocacy Workshop at the Legal Training Institute.

In his closing keynote address, Justice Salika advised the trainees to feel confident in themselves when practicing in the jurisdiction of commercial law. "Grow in confidence and know your commercial law. Prepare well as you practise in that jurisdiction," he said.

He said apart from many other existing laws, commercial law was an exciting law. "Pleading is very important. In order to plead your case, you must prepare and prepare well. Otherwise, you won't be successful," he told the trainees.

Meanwhile, speaking on behalf of the 2020 trainees, class representative Tanuvasa Chou-Lee Mapusaga thanked all the lecturers for their time adding every lesson lecture they had from day one were worth receiving.

He said all the trainees took the Commercial Law Workshop with great interest and would assist them when representing their clients in commercial law.

Meanwhile, Acting Director of LTI Angelyn Paranda thanked the Australian Government for its continued support and encouraged all the trainees to take all the lessons of commercial litigation seriously for their benefit when dealing with commercial law.

Eighty-two trainees of LTI were taken through various stages and pleadings of commercial litigation. There were also some topics devoted to the criminal law by some eminent members of the Queensland Bar Association's (QBA) training team and also by video via a zoom application.

The workshop was held in September, 2020.

Time to pay attention and listen to the Chief Justice Sir Gibbs Salika

New look Law School building for UPNG

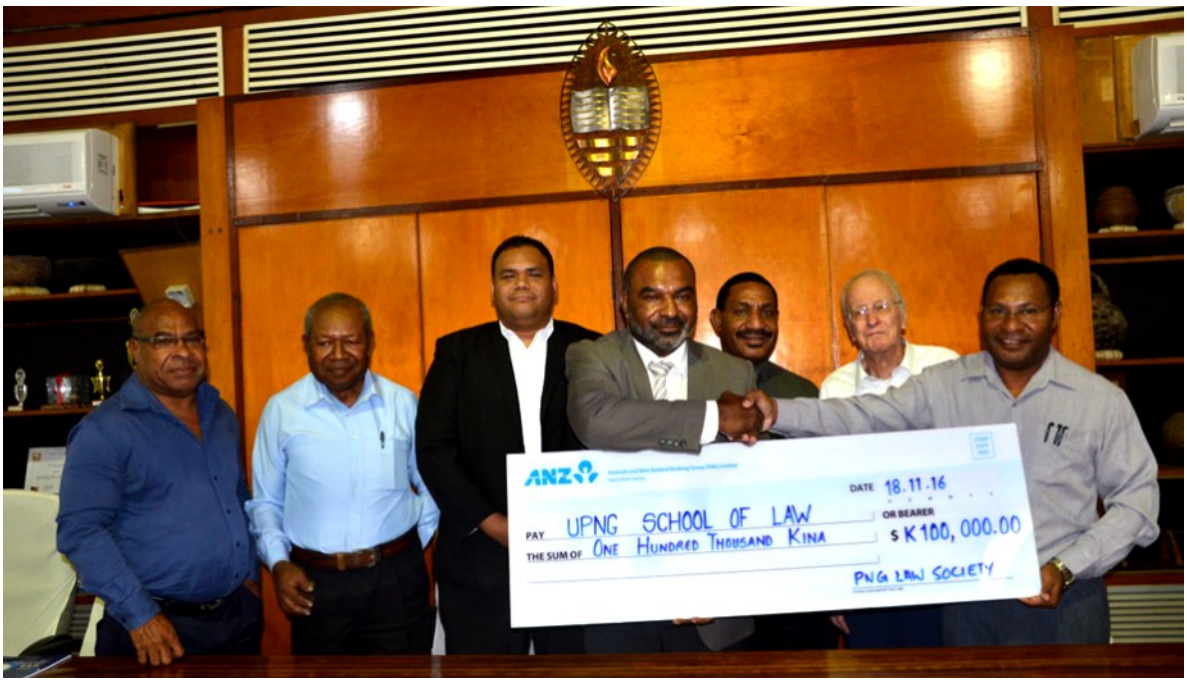
BY BRIAN JEMEJEME

Papua New Guinea Law Society had a hand in contributions to the development of the Law School building at the University of Papua New Guinea.

Under the President of the Law Society Peter Kuman, the Law Society presented a sum of K100, 000. 00 to the Law School for the school's Library (pictured below).

Kuman, assisted by other Council Members of the Society Tauvasa Tanuvasa (Deputy Solicitor General), Alfred Manase (now a member of Parliament) and Secretary Mr Robert Mellor, made the presentation to the pro-vice chancellor Professor Mange Matui*.

..continued p12..



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The New look law school building for UPNG

CJ Sir Gibbs Salika delivering his speech

The Law School's Deputy Dean Sam Kaipu* and a senior staff including staff of the Law Society witnessed the presentation while the building was still under construction.

The building was actually completed in 2019 and it was one of the University's major projects.

At the opening of the Law School building on September 2019, Chief Justice Sir Gibbs Salika, who was one of the many graduates of the School of Law, said the Law School building had produced quality leaders, including politicians, quality lawyers and judges.

He said it can be seen that the well architectural design and face of the new Law School building, will be a home well fitting for the academic year of 2020 and beyond.

The actual construction on the new building begun in 2011 but because of funding issues it had to be built in stages.

Prime Minister James Marape, in his keynote address, thanked those who invested in the development of the building especially the Government for the decision to invest in the university.

He said we must thank God first and secondly, to the Government and the people of Papua New Guinea for this brand new building.

...continued p13...

….from page 12… **LAW SCHOOL BUILDING**

"We look forward to this building shaping the future landscape of our country, especially those who will come out of this Law School. While congratulating all the players that had a hand in delivering the new look law school building, Mr Marape commended the local contractor for a job well done. "I want to commend the contractor for a quality job," he said.

Meanwhile, Sam Basil, the member for Bulolo who was the then Minister for National Planning in the Marape/Steven Government, accompanied Mr Marape to the grand opening and said they are happy to fund premier institutions and universities in the future.

* Dr. Mange Matui is now the Secretary for the Constitutional & Law Reform Commission (CLRC).

* Sam Kaipu is now the Deputy Executive Director for the PNG Center for Judicial Excellence (PNGCJE)

LAW SCHOOL BUILDING OPENING IN PICTURES

In-house training beneficial for NJSS staff

BY BRIAN JEMEJEME

The National Judicial Staff Service staff had their Certificate in Court Administration course training.

It was a course aimed at the middle management staff of the NJSS to gain knowledge and skills as they continue to do their duties as officers of the Court.

The participants were from the different sections of the NJSS divisions and sections. They were taken through various topics facilitated by selected firms from the private and public sector, the Department of Justice and Attorney-General, the National & Supreme Courts and the Papua New Guinea Law Society.

"proud to understand the functions and responsibilities of the Law Society and the Lawyers Statutory Committee "

According to the NJSS Human Resource Management and Coordinator of the Workshop Kepa Darima, he said the training was an ongoing in-house training for their staff at the NJSS. He said they would have such training this year (2021) as well.

Meanwhile, among other presenters at the workshop, the Law Society's Continuing Development Officer (CPD) Dominic Krau and Lawyer for the Lawyers Statutory Committee Roland Ababa spoke on the functions and responsibilities of the Law Society and the Lawyers Statutory Committee respectively.

Above right Roland Ababa and below left Dominic Krau briefly explaining how the Law Society & the Statutory Committee work.
Picture by BRIAN JEMEJEME

A participant Deslyn Mihire found the presentations enjoyable and said the training they had to go through for eight weeks (Oct-Nov, 2020) were worth receiving. She said that among many presentations by selected speakers, she was proud to understand the functions and responsibilities of the Law Society and the Lawyers Statutory Committee presented by Mr Ababa and Mr Krau.

…...more pictures on p16 & p17...

NJSS in-house training in pictures....

NJSS in-house training in pictures....

PNG has 44 fully accredited mediators

BY BRIAN JEMEJEME

Papua New Guinea now has 44 fully accredited mediators (FAMs) to guide the mediation process when it comes to dispute resolution.

This means they are as good as any international mediators to mediate and guide the process of mediation when a dispute arises between concerned parties before going to the court of law.

Mediation is one part of legal process and is now being practised in many jurisdictions. The 44 FAMs consisted of eighth (8) judges, six (6) magistrates, 11 other and 19 external (overseas lawyers).

The 44 FAMs graduated with their certificate at the Hilton Hotel in Port Moresby alongside 94 provisionally accredited mediators (PAMs). The 94 PAMs consisted of nine (9) judges, 26 magistrates and 59 lawyers from the public and private sector and others.

….continue page 19...

PNG has 44 fully accredited mediators

… from page 18….

In total, 138 mediators graduated and received their accredited mediation certificates in their respective groups (FAMs/PAMs) after completing the national mediators accreditation standard courses conducted by the Australian Mediators Association (AMA).

"we are as good as any Australian mediators"

In congratulating the mediators, chairman of the alternative dispute resolution (ADR) and Deputy Chief Justice His Honor Ambeng Kandakasi said the Australian Mediators Association is a recognized training organization in Australia.

"They use a standard accreditation guide called National Mediators Accreditation Standard and that is the standard the AMA has used to train you to become better mediators in the country and the region.

"That means we are as good as any Australian mediators. Therefore, you can practise internationally with the training you have received. That is something you must be proud of," he said.

Justice sector agencies should not be blamed

Story and picture by DOMINIC KRAU

When Justice Lawrence Kangwia said 2 years ago "do not blame the officers of the law and justice sector" could be true today.

During the legal year opening ceremony in Kavieng, New Guinea Ireland province, Justice Kangwia, while addressing Lawyers, Magistrates, Court Registry Staff, Police, Correctional and Probationary Service Officers said the officers in the law and justice sector agencies should not be blamed for the backlog of cases in the National and District Courts.

He said the problem with the backlog of cases was that it was a "societal" problem. In 2019, Kavieng had 53 outstanding criminal, 53 civil, and 21 fresh committal cases that add up to 127 cases. All these cases were addressed and reduced during call-overs in 2019 and 2020.

Meanwhile, Justice Kangwia commended the Police, Correctional and Probationary services, and Court Staff for their commitment to their duties adding they all had done well for Kavieng for the last five years.

"That was the responsibility that we have to the people and so I urge you all to continue onward," said Justice Kangwia

Pictorial:

Opening of the legal year in pictures - Kavieng, New Ireland Province

Law Society Council member Gertrude Tamade was also given the opportunity to speak.

Pictures captured by Dominic Krau

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

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.

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.

Four (4) Police personnels relaxing after the legal year opening ceremony

notice board...

NATIONAL JUDICIAL STAFF SERVICE
GOROKA NATIONAL COURT

P O Box 112
GOROKA
Eastern Highlands Province

Telephone: 532 1755/ 532 1749
Facsimile: 532 3848/532 2360

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Gendua & Associates Lawyers	532 3700/70039477	532 3585
Goma Lawyers	532 2955	532 3103
Koningi Lawyers	532 2033/72714496	532 3301
Niuage Lawyers (Richard Yombon)	76765554	
Pilisa Lawyers	532 1411/72776678	532 2511
Punau & Co. Lawyers	532 3822	532 3820
Warner Shand Lawyers	532 1658	532 2722
AvRoss & Co. Lawyers (Ms Kot)	532 3290	532 2949/73567942
Javati Lawyers (Nolan Amoiha)	532 9895/77252668	532 1860
Rex Kasito Lawyers (Samuel Ifina)	71674133	
Solicitor General' Office	532 2415	532 3983
Public Solicitors Office	532 1697	532 1054/1341
Public Prosecutors Office	532 1814	532 1851

FEES FOR PRACTISING CERTIFICATES – 2021

The Council amended the Practising Certificate Rules to reduce the fees by 15% for 2021, from the fees for 2020. Non-citizen lawyers resident overseas will pay the 2020 fee.

The fees for 2021, which include a component for GST, are as follows;

	Restricted	Unrestricted
Citizens	2174.00	4675.00
Non-Citizens Resident in PNG	2891.00	5663.00
Non-Citizens Resident Overseas		8018.00

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.

3. by Personal, Firm or other cheque, as a result of dishonoured 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.

COUNCIL OF THE LAW SOCIETY

PRACTICE DIRECTION NO. 001 OF 2013

NOTIFICATION TO LAWYERS MAKING NEW APPLICATIONS FOR UNRESTRICTED PRACTISING CERTIFICATES

Before making a new application (as opposed to a renewal) for an Unrestricted Practising Certificate if the applicant is basing his eligibility for an Unrestricted Practising Certificate on paragraphs (a) (b) or (d) of the application form; he/she must provide documentary evidence that he/she has worked for a minimum of 2 years under the direct physical supervision and in the same office as the holder (or holders) of an Unrestricted Practising Certificate.

Ruling made by the Council of the Law Society on 17th January 2013.

SIR KINA BONA KBE
President

COUNICL OF THE LAW SOCIETY
PRACTICE DIRECTION NO 001 OF 2001

UNRESTRICTED PRACTISING CERTIFCATE APPLICATIONS

When making application for an Unrestricted Practising certificate, members are advised that the application must be accompanied by a Statutory Declaration

The Statutory Declaration must set out in detail the applicant's legal experience since the date of admission including:-

(a) The name(s) of employer(s); and
(b) The name(s) of the lawyer(s) under whom the applicant practised; and
(c) The type of legal work undertaken;

Specific dates must be provided – it is not sufficient to generalise

Furthermore, lawyers under whom an applicant practised must provide written verification to the Council concerning the applicant' s work experience and specific dates relating to his/her employment with those lawyers. Such letters of verification should accompany the application.

Unless the information is provided it is likely that an application will be deferred as has happened in some recent cases, until the required information is submitted.

ERE KARIKO
President

26th April 2001

Rules of Court Etiquette - *Courtesy to an Opponent:*

Rule 1. Inform your opponent if you are going to be late 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 ague 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

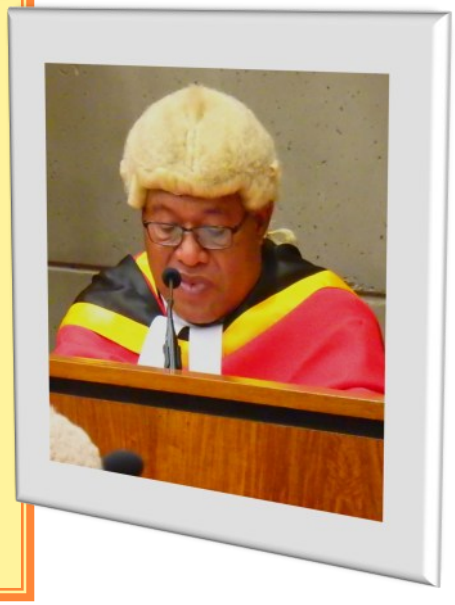
Rule 34. Do not patronize the Judge

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



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