

POLICY PAPERS

Speech on the Inaugurations of the Chief Justice of Papua New Guinea – Sir Gibbs Salika

Hon. Davis Steven, LLB*

May it please the court, the honourable Chief Justice of Papua New Guinea, esteemed members of the higher judiciary, the Chief Magistrate and honourable members of our lower judiciary, the President of the Papua New Guinea Law Society (PNGLS), our law officers, distinguished members of the Bar, members of the Judicial and Legal Services Commission (JLSC), Constitutional Office holders, leaders of our country, distinguished guests and ladies and gentlemen. On this special occasion, I have the very rare privilege of addressing this honourable court to welcome our nation's fifth Chief Justice since we attained Independence in 1975.

In his usual masterful style, the Honourable Justice Nicholas Kirriwom has admirably summarised the distinguished career of our learned Chief Justice. I can only respectfully endorse the inevitable conclusion that our Chief Justice is a worthy and undoubtedly deserving of this appointment.

Justice Kirriwom's assurance gives us comfort. It gives the appointing authority a sense of justification. It is assuring indeed that our decision to appoint the Chief Justice is sound in law and meets with the approval of your Honours and of our people. Many accolades have been laid at your honour's feet in the past few weeks since the news of your appointment was published, but I know that, your honour has been working too. In the past few days, your honour has secured important decisions in the JLSC, to reappoint your acting judges, reappoint a permanent judge, appoint another acting judge for a term and your honour has reminded me of incomplete work, many of which are well known, work that needs to be done including the review and extension, of the term of appointment of our expatriate judges.

Your honour has assisted the JLSC to make an important appointment, the appointment of the Deputy Chief Justice, which has already been announced before the swearing in, for good reason, of your honour, and I thank you, on behalf of the JLSC. So, I pose here to offer congratulations on behalf of the government, our people in the profession, to his Honour Ambeng Kandakasi for a well-deserved appointment and to others whose terms have been extended.

Allow me now to mention a few points concerning the challenges we face and how your honour's appointment as Chief Justice comes at a critical time in our nation's journey. If I may respectfully submit, your Honour's journey described this morning means a lot more than just a recount of your life and achievements. The story of your journey carries a message for our nation and our people today. Yours is indeed a remarkable story, a story of a young man from a rural village in Lumniau, in the great southern plains of the mighty Fly River in Western Province, the province that hosts our Ok Tedi Mine in Mount Fubilan in the upstream and the famous barramundi in the south. From there, the tale began of a journey to the city to pursue education and a dream of becoming a lawyer in a young nation that was in transition. Your honour did read the law in our nation's only Law School at the University of Papua New Guinea and chose the public service over other career options upon admission to the Bar in 1979. So, the story of a young man, a village boy became a narrative of the budding life of a State Prosecutor that spanned over six years.

Your honour, in following reported cases in our PNG Law Reports, I learnt that your honour was the Prosecutor in charge of the Highlands region based in Mount Hagen at one point of your career. And

* The Deputy Prime Minister and Attorney General of Papua New Guinea.

permit me, if I may, to rewind a bit of your honour's history. I realize that your honour was very brave and selfless in performing the functions of the Public Prosecutor during quite turbulent times in that part of our country. It is on public record that three state of emergencies were declared to curb social unrest in parts of the Highlands region in the time when your honour was prosecuting offenders over there.

So, the story of a school boy from Western Province is rewritten to that of a lawyer dedicated to upholding the rule of law and our *Constitution* without fear or favour, our noble and lonely course, as officers of the court, and for those of us who have pledged to uphold the rule of law and our *Constitution*, I might add.

In 1985, your honour's success, in what one would call an emerging legal career in the public service, was recognized by the Ombudsman Commission in your appointment as its Counsel. May I venture respectfully to say that, that appointment has evidently enhanced your honour's appreciation of the unique and important place and governance role of the Ombudsman Commission under our *Constitution*. That insight gained would put your Honour, on a good stead in the ensuing years of your great career, on the bench as a judicial officer. That is evident in the plethora of cases involving leaders and public officials that your honour has presided over. So, now a new chapter opens, in the story that turns from a tale of a village boy to a legal officer into a judicial career in 1988, when your honour was appointed as the justice of the peace of the lower benches of our judiciary.

Your honour, many young students in our schools throughout the nation will hear about this occasion. Many young lawyers will read and will learn from our statements today that your honour went from the lower bench to becoming a member of our court of records the higher judiciary in two years. Today, it is on record that, your honour's is the longest serving judge in our judiciary. You have served under three previous Chief Justices. You have served as the Deputy Chief Justice and during that time, your honour, your services to our nation in the administration of justice was recognized by her Majesty, the Queen of England and Head of our State in bestowing upon you the great honour of a Knight and a Commander of the British Empire.

So, the boy from Western Province became a lawyer, a magistrate, a judge and following a well-deserved appointment by our government, you are now welcomed today, this morning, as the Honourable Chief Justice, Sir Gibbs Salika KBE CMS OBE. You are the head of the third arm of government and respectfully, the chief defender of our *Constitution* and everything we stand for.

Your honour, we will look to you to ensure the rule of law is never compromised in our land. You hold the hopes of our people, countless communities in remote and isolated areas from which many of us hail, often disconnected and voiceless. We need you to steer our country to the great heights that our founding fathers and mothers had envisaged when they sat to frame our *Constitution*. In a time when we face social and economic challenges, when public confidence in the State and its instrumentalities are low, when we are looking to achieve our economic priorities by use of human and natural resources, your honour, it is our hope that you will lead our judiciary in the way set for us by our founding fathers and mothers in our *Constitution*. From time to time, your honour will be right to remind us and steer us towards the National Goals and Directive Principles, the Basic Social Obligations enshrined in our *Constitution*. We need to be reminded in times like this, of our commitment and indeed the indispensable place of the rule of law, and the principles of human rights.

Today, as your honour knows too well, we stand at the crossroads on deciding our national moral foundation. We see the legislation on prostitution, same sex marriages, nude beaches and we hear of nations who have outlawed Christian education in their education systems, the evils of terrorism, cyber related crimes, transnational crimes confront us. We are thrown into global and regional arrangements not by design, but often times, by necessity. In this hour, we are required to make choices to network but in doing so, we must be guided by the national interest and our *Constitution*. In these times, our government and our people look to the judiciary for guidance, and your honour knows, the challenge now lay before us, is a very special one. In the midst of all, as it may be, we all know that, this is a job that must be done.

Your honour, as I prepared this statement, I could not help noticing the good fortune of having been part of a decision-making body that has appointed you and your brothers and sisters that now serve in our judiciary. Your honour, you are among our finest prosecutors coming out of the Law School in the early years after our Independence. You know the circumstances and challenges then. You know and worked with the founding fathers and mothers who inspired our *Constitution*. You worked with our Ombudsman Commission, the lower judiciary and your honour has witnessed our politics and the journey of our nation.

Today, I assure you of my undivided support to complete the work you have started with the outgoing Chief Justice.

Indeed, the work of codifying customary law, and developing our own Underlying Law, is a constitutional dictate that must be done. The work of reviewing the appointment procedures of our judicial officers, appointment of our Chief Justice, appointment of our Deputy Chief Justice and our judges must now be reviewed. Yes, reforming the higher judiciary and the lower judiciary, connecting the law and justice sector, firmly into an effective coherent body to support the delivery and the administration of justice, is imperative. That is work that has been started, your honour, and you were involved. Rebuilding the court infrastructure and digitising our systems, is a project that I am proud to say, is already bearing results here in our judiciary, while it is still the subject of talk, more talk and more money elsewhere.

At this juncture, allow me to acknowledge the honourable and the most learned outgoing Chief Justice, Sir Salamo Injia for his leadership and his personal contribution to the work of the judiciary. His honour has made our country proud. Chief Justice Injia's legacy surrounds us and all I say is our nation is blessed to have had a leader of his stature and wisdom. And to you my Chief Justice, your honour, I can say in sincerity and all confidence this morning, that our government knows the important role and place of our judiciary in our nation today. We stand ready to help you as our Prime Minister has recently assured you. May I say that we did not appoint you to watch you sink on this side of the hill.

I want to close with a reminder to us all that, the core function of our people's courts and therefore our duty as lawyers is to help administer justice in a manner that is independent, impartial, fair, timely, accessible, affordable and of a high standard. I borrowed these words from a manual that is before your honours. Almost 28 years ago, your honour was welcomed to the bench as the last appointed judge, the most junior in rank, for want of better words. The Chief Justice then described the distinguished career and experience your honour brought with you then. It was predicted at that occasion, that your honour would prove to be a good choice given the evidence of your judicial acumen but also the community of judicial temperament. You have proven it and you have exceeded the prediction. Today, I am happy and very privileged to welcome you to the leadership of our judiciary as its most senior judge.