

Speech on the Occasion of the Welcome Ceremony of Sir Gibbs Salika, KBE, CSM, OBE, LLB as Chief Justice of Papua New Guinea

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The Chief Justice, Honourable Sir Gibbs Salika, Lady Salika and your family, Honourable Davis Steven, Minister for Justice and Attorney-General, judges of the National and Supreme Court of Papua New Guinea (PNG), Chief Ombudsman, Constitutional office holders, Chief Magistrate, Heads of the Disciplined Forces, representatives of the Diplomatic Corp, the Papua New Guinea Law Society Council (PNGLS) members, colleague lawyers, ladies and gentlemen, it is indeed an honour to be able to speak at the welcome ceremony of our new Chief Justice.

Firstly, on behalf of all lawyers and the PNGLS, we would like to sincerely congratulate you, Sir Gibbs Salika, your family and the people of Togo Village, Western Province on your appointment by the National Executive Council as the new Chief Justice of PNG. I would also like to register on behalf of the legal profession our appreciation to the former Chief Justice, Sir Salamo Injia, for the important contributions he has made to justice administration and the development of Papua New Guinea's jurisprudence.

At this juncture, we would also like to congratulate Justice Ambeng Kandakasi, for his appointment as the new Deputy Chief Justice, when the position fell vacant after Sir Gibbs Salika's elevation.

Section 169(3) of the *Constitution* provides for the role of the Chief Justice as follows:

In addition to his other powers, functions, duties and responsibilities, the Chief Justice, *after consultation with the other Judges*, is responsible for the *organization of the affairs* and the *administration of the business* of the Supreme Court and the National Court...

This is an onerous and solemn duty and Chief Justice Salika is well qualified for this role, as the most senior member of the Judiciary as well as being the immediate past Deputy Chief Justice. We note that on many occasions, Deputy Chief Justice Salika (as he then was), acted as Chief Justice.

We have no doubt that all the experiences he has acquired in the long judicial service will be gainfully employed to carry out this important responsibility as the head of the third arm of government in PNG. It is a human truism that, with each new leader of an organisation, and the judiciary is no exception, he or she will bring his or her own vision, chemistry, unique set of experience and philosophy to bear in the management of the organisation.

Chief Justice Salika, from his initial appointment to the Bench, has served in the judiciary for some 30 years now. This long service has been recognised by his Honour being awarded a Knight Commander of the Most Excellent Order of the British Empire, Companion of the Star of Melanesia and Officer of the Most Excellent Order of the British Empire.

His honour has a solid track record in the public service since his provisional admission to the bar in 1979, commencing his legal career as a State Prosecutor; followed by work as Legal Counsel to the Ombudsman Commission in 1986; and before being appointed to the judiciary, was the Principal Magistrate for the New Guinea Islands and the Southern regions.

Amongst the many engagements, his honour has had, while being a judge, was the Chairman of the Law Reform Commission from 1995 to 2000, and Chairman of the PNG Centre for Judicial Excellence between 2010 and 2016.

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His honour has deliberated on cases in the National Court, Supreme Court and Chaired Commission of Inquiries and Leadership Tribunals. Many of these court decisions have decided on important constitutional questions and consolidated the independence of the judiciary in PNG. These decisions have maintained the principle of the separation of powers and demonstrated PNG's commitment to upholding the rule of law.

His honour is the seventh Chief Justice of PNG since Independence, and the fifth Papua New Guinean, after Sir Salamo Injia, Sir Mari Kapi, Sir Arnold Amet and Sir Buri Kidu. We are confident that your honour as the new Chief Justice, conscious of the fact that all power belongs to the people, will discharge this constitutional responsibility to, and for the people of PNG, to the best of your ability, with commitment to the values of integrity, honesty, respect for the rule of law and independence of mind. These values have stood your honour in good stead for the past three decades, and will no doubt, steer you in the next decade.

Your honour's professional legal development was in the formative years of the country, witnessing first-hand, Constitution-making and of course subsequent independence in 1975 whilst a law student at the University of Papua New Guinea. Your honour has witnessed many of the momentous events that have occurred in the 43 years of the nation's sovereignty.

In many ways, your honour will be an authoritative commentator on how the country has fared as measured against the Constitutional ideals that underpin our *Constitution* and system of government. For instance, in *Haiveta, Leader of the Opposition v Wingti, Prime Minister; and Attorney-General; and National Parliament*¹, your honour made the following profound observations:

It is my view that the proper construction of s 142(3) is that when a Prime Minister resigns, Parliament is to be informed and stands adjourned to the next sitting day. This is because the question of appointment of a Prime Minister arises in Parliament after the notice of resignation of the Prime Minister is tabled in it. Furthermore, it gives effect to the aspirations of the Constitutional Planning Committee and to the National Goals and Directive Principles. On the next sitting day, the new Prime Minister is appointed. This is consistent with the original intention of the CPC.

We therefore believe that, it is not only the law, that will sanction your honour's leadership of the judiciary, but equally important, the spirit of the *Constitution* as expressed in the National Goals and Directive Principles and Basic Social Obligations as well as the voice of the Constitutional Planning Committee that will inspire your honour to diligently and without fear or favour uphold the rule of law.

There are many challenges ahead, and I am sure that I speak on behalf of my colleague lawyers, as important stakeholders in the dispensation of justice, that we pledge our cooperation, to assist the judiciary, of course, respecting our boundaries, to address those challenges. We would like to explore avenues for cooperation with the judiciary, particularly in the area of:

1. Continuing legal education in terms of improving the skills of lawyers,
2. Improving the problem of delayed judgements, and
3. The restructuring of the Higher Courts.

If there is a need for consultation in any new developments, I am sure, senior members of the Bar, with many years of experience, will welcome the opportunity to comment, to provide useful ideas to assist that process.

Papua New Guinea by many accounts is a difficult and costly place to decentralise judicial services – rugged mountainous terrains, remote islands, and unparalleled cultural diversity. However, PNG has come 43 years and I trust that with your leadership this will continue into the future.

I now conclude by wishing your Honour every success, God's blessings and good health in your role as the seventh Chief Justice of the Independent State of Papua New Guinea.

¹ [1994] PNGLR 197.