

**31<sup>st</sup> PILON ANNUAL MEETING**  
**29-31 October 2012**  
**Kokopo, East New Britain Province, Papua New Guinea**

**The Hon Kerenga Kua LLB, OL, MP, Minister for Justice and Attorney General**

**Opening Address and Formal Welcome (15 mins)**

*Formal Welcome*

1. It is my pleasure to formally welcome you all here today to the 31<sup>st</sup> meeting of the Pacific Islands Law Officers' Network.  
As Dr Kalinoe has said, Papua New Guinea is honored to host you all here at this delightful location. I am sure you will enjoy the next few days' program.
  
2. This is the first time that East New Britain has had the opportunity to host such an auspicious gathering of Pacific Island legal leaders.  
And as you will have seen from our welcoming ceremony this morning, it is with great pleasure and pride that they do so.

*PILON's role*

3. This is also the first formal occasion on which I have had the opportunity to engage with my Pacific colleagues since being appointed as Minister for Justice and Attorney General.
  
4. Our Pacific Island States legal systems have much in common with each other, and PILON provides a valuable forum for sharing experiences and collaboration.
  
5. In this globalized world, boundaries are becoming less significant to people, trade and unfortunately also to crime.  
So there is a growing need for closer legal linkages between us all.  
As our leaders noted in the Honiara Declaration, legal cooperation across the region is essential, particularly in relation to transnational crime.
  
6. Safety and security – and a strong law and justice sector – are essential foundations for economic and social development in all our nations.

7. And the rule of law and effective governance are essential preconditions for our citizens to be assured of their safety and security.

*Theme of meeting: Challenges and Strategies to Enhance Democratic Governance and the Rule of Law*

8. The theme of this meeting has great resonance for me, having been honoured to recently take up the mantle of Minister for Justice and Attorney General of Papua New Guinea.
9. Our country has been through a period where it may have appeared to the outside world that a battle was being waged between the judiciary, the executive and the legislature. Our democracy was stretched almost to breaking point.
10. This was a damaging distraction to all three arms of Government, especially Parliamentarians, from their duties as the privileged custodians of our national welfare and advancement.
11. Thankfully, the elections helped to cool things off and we have formed a coalition Government from both sides of the fence, on a platform of reconciliation and unity. This is an acknowledgement that we could not continue to go down the damaging path that we were on. Fortunately, we have come out of that situation, and we are looking forward to a brighter future.
12. I will be introducing legislation into Parliament later this week to repeal some of the Acts that were passed during that period, including the Judicial Conduct Act, which was designed to restrict freedom of judges to preside over cases. This is essential to restore peace and stability and enhance respect for the law of law.
13. I believe that PNG has come out of these events with a strengthened ability to withstand such pressures, and being better skilled and able to cope with such situations in the future.

*Democratic governance*

14. It is an essential part of democratic governance that governments must be accountable to the people who elected them. This does not just mean having elections every few years.

15. Accountability means that governments must operate lawfully, impartially and transparently, especially when so many of our population are not well educated and often illiterate, and are dependent on the Government for guidance.  
This accountability is reinforced not just at the ballot box, but through oversight by independent institutions such as the courts, Ombudsmen, the media and in PNG's case, the soon to be established Independent Commission Against Corruption.
16. This ensures that ordinary people can find out what members of the Government, public servants and all MPs are doing with their powers - and importantly, the public resources - that they have been entrusted to manage on citizens' behalf.
17. However, there cannot be successful democratic governance unless the rule of law reigns supreme.

#### *Rule of law*

18. But what does this mean - what is the rule of law? That phrase is thrown around quite loosely.
19. It is often used to refer to there being an independent judiciary that operates honestly and with integrity, and which has oversight of government decision making, and can provide access to justice for its citizens.
20. This is certainly an essential part of the rule of law.  
The courts play a vital role in ensuring that the law is properly enforced and upheld, and in holding governments to account under principles of democratic governance.
21. But the rule of law doesn't exist just because there is an independent judiciary.  
The rule of law also means that everyone is equally subject to the law and should obey it, and that there are consequences for those who do not obey it.  
It means that no one should be above the law.
22. It also means that the law should be clear and certain, and that people should be able to find out what it is, and apply it to their daily lives.
23. Ignoring these basic rules of civilised society risks the social fabric of our countries being torn apart.
24. What the rule of law does not mean is:

- MPs pocketing development allowances designed to provide services to their electorates
- Police officers accepting bribes
- Law firms charging large amounts of money to print legislation for ordinary people
- Lawyers giving advice inconsistent with the rule of law, just to keep themselves in a job or stay in business, or
- Government officers getting paid without coming to work.

25. These are the kinds of challenges that PNG faces every day in complying with the rule of law. And similar challenges exist in many other countries across the Pacific.

26. If we are serious about making our country a better place, the rule of law needs to have real meaning and resonance for ordinary citizens of this country.

Our citizens need to be demanding their right for the law to be obeyed and upheld by everyone – including the police, public servants, their MPs and their lawyers.

### *Corruption*

27. A strong rule of law provides a check against corruption and abuse of position.

Prime Minister O’Neill has indicated that he is serious about tackling corruption in Papua New Guinea.

28. The Government will be moving forward to implement PNG’s National Anti-Corruption Strategy, focusing on reforms that will make a difference – like whistleblower laws, strengthening our anti-money laundering regime and establishing an Independent Commission Against Corruption.

29. Corruption has a corrosive effect on the rule of law and democratic governance.

While corruption remains strong, our country remains weak.

Instead of public funds being used to promote development and essential services in the country, they are diverted for private purposes.

30. Our culture of wontokism is no excuse.

We have to break the cycle of personal opportunism to restore responsible government that governs with integrity for all the people, not just a privileged few.

In the public service, we need to ensure that applicants have the right qualifications for their positions, and that opportunities are shared around between citizens from different regions.

*Strengthening the role of Government law offices*

31. As Secretary Kalinoe has said, Government lawyers such as yourselves have a vital role to play in helping to strengthen our countries' systems of governance and the rule of law.
32. We need to have competent, well-resourced Government legal offices that see an essential part of their duty as not just to serve the Government of the day - but to uphold and reinforce the rule of law. Those of how who have been involved in the controversies of the last two years would know what I mean.
33. This may mean that sometimes you must give legal advice that is not popular. But you need to have the strength of conviction and character to resist the political pressure to give legal advice that is expedient, rather than legal advice that is correct.
34. In Papua New Guinea, when lawyers are admitted to practice, they swear an oath on the bible to well and truly serve Papua New Guinea and uphold the Constitution and its laws. This oath, taken before God, must mean something. And I expect all PNG Government lawyers to take it seriously.
35. I am determined during my time as Attorney General to see the stature of our Government law offices improved, and your central role in our system of Government bolstered. In my view, there has been too much reliance by PNG Governments on private lawyers, to the detriment of the Government law offices and the public officers. I want to see this turned around.
36. But with my support for the strengthening of the role of Government lawyers comes zero tolerance for corruption, inefficiency, unethical behaviour and mismanagement. I hope that public servants in my Department will be able to pull up and deliver to expected standards and those who do not will have to be dealt with in appropriate ways - so that we mean what we say, rather than just paying lip service. For example, public servants who fail to attend work without a valid reason will not be paid. Those in Government law offices who engage in corrupt activities will be dealt with severely.
37. Particularly for lawyers, public service should be a matter of the highest standards of ethical and professional conduct.
38. You should all be proud to be serving the common good of your countries.

You play an essential part in strengthening the future of your nations.

39. With this comes a high level of responsibility and commitment, which is essential if Papua New Guinea and other Pacific Islands are to improve the welfare of their citizens.

40. So, I would ask you all as senior Government lawyers to remember your sacred mission. As leaders, you must inspire your staff to do their best for the welfare of their countries, and to stamp out improper conduct and corruption when you encounter it.

*41. Conclusion*

42. Looking over the agenda for the next two days, you have a full and fascinating program of discussions lined up.

43. I wish you well with your deliberations during this 31<sup>st</sup> PILON meeting, bearing in mind the crucial role that you all play in promoting of a peaceful and prosperous Pacific region.