

# Opening of Commercial Litigation workshop

IN MARKING the 10th anniversary of the commercial litigation workshop a group of visiting lawyers and judges both from Australia and Papua New Guinea joined students at the Legal Training Institution to celebrate how far they have come.

These included Australian Judge Justice John Logan, Ms. Janene Hallpike, Acting Counsellor, Justice, Accountability & Subnational, representing the Australian High Commissioner, Mr Andrew Crowe KC, leader of the Queensland Bar Training Team and his fellow team members.

Other participants of the workshop included Ms Angelyn Paranda, acting Director of the Legal Train-

ing Institute and Members of the LTI 2023 Student Group including Judge Panuel Mogish.

Justice Mogish in speaking on behalf of the Chief Justice Sir Gibbs Salika, said that the need for such a workshop was identified by former Chief Justice, Sir Salamo Injia in 2012.

He requested Australian Judge Justice John Logan and the then Mr John Bond QC (now of the Queensland Court of Appeal), who were visiting PNG to deliver a presentation at the LTI on commercial litigation, to see if it would be possible to expand this into a workshop to be delivered by suitably experienced, volunteer members of the Queens-



**JUSTICE Panuel Mogish**

Law at the University of Papua New Guinea," he said.

"The Chief Justice Sir Gibbs regrets that he is unable to person-

ally perform the task of opening the workshop this year.

He is absent on duty abroad. However, he strongly supports the conduct of this workshop," he added.

Justice Mogish said the first Commercial Litigation Workshop was conducted annually since 2013 by volunteers from the Queensland Bar and members of the Queensland resident judiciary with the generous support of Australian Aid funding.

"To the members of this year's Queensland Bar Training Team, I say welcome and, in a good few case, welcome back, to Papua New Guinea," he said.

He further acknowledged a Dr Jo-

seph Crowley who participated in each workshop, including those conducted online during the pandemic related border closure period, since the first in 2013.

He said the King's Counsels Mal Varitimos and Mr. Crowe were frequent team members of the workshop since 2014 and so commendably assumed the role of team leader on and from Mr Bond's appointment to the bench in 2015.

"I am well-aware of the sacrifice each of the volunteers has made in donating without charge their time to conduct this workshop. That is deeply appreciated," Justice Mogish said.

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## Commercial Court interpreters, attendants to have new curriculum lawyer on stock exchange

BY MELVINE BAROI

SENIOR lawyer Michael Sullivan shared insights of the PNG stock exchange and praised the Capital Market Act passed in 2015 for being the drive to the country's economy.

Mr Sullivan, a partner at one of the country's top commercial law firm the Leahy Lewin Lowing Sullivan law firm elaborated on the rules created under the Capital Market Act which included the PNGX Listing Rules and the PNG Takeovers & Mergers Code.

He further emphasized on the importance of the PNGX listing rules noting that listing rules may differ in different stock exchange and how the penalties under the Capital Market Act apply to companies that do not comply to the rules.

"Capital markets generate the money which is required to help PNG develop and transition to being a more advanced economy. Without capital there will be no growth," he said.

"Transparency and uniform regulation are the cornerstones of successful capital market regulation," he added.

He reiterated that Given the Capital Market Act 2015 "is PNG's first real attempt at comprehensively regulating capital markets in PNG".

"The PNGX Listing Rules and the Takeovers Code are two important regulatory regimes that apply to capital markets" he said.

"Capital markets generate the money which is required to help PNG develop and transition to being a more advanced economy. Without capital there will be no growth," he added.

He further urged lawyers to understand the listing rules and the takeovers and mergers code when advising public companies in order to honor the Capital Market Act and produce effective service to their clients.

THE Court Reporting Services, Database Division and Courtroom Services of the registry services of Waigani Supreme and National Court have facilitated a week-long Workshop at March Girls Resort in Central Province. The workshop started on August 28 and ended on September 1.

The purpose of the workshop was to develop a Curriculum and a training policy for court interpreters and attendants. After reviewing the documents, Registrar of the Supreme and National Court Ian Augerea advised the lead facilitators that the training policy of the court interpreters should be further developed into NJSS Training Policy.

After successful completion of the policy documents, the Registrar formally handed over the two documents (Curriculum Design and NJSS training policy) to the Chief Interpreter from the courtroom services, Kevau Lohia.

The Curriculum designed for the court interpreters and attendants is tailored to improve and enhance the performance of courtroom services



**PARTICIPANTS of the workshop.**

to effectively and efficiently deliver courtroom support to achieve the objectives of the judiciary.

The NJSS Training Policy is to set precedent to the policy framework governing the training program of National Judicial Staff Services. The policy details the principles of how training programs are to be developed and delivered in the institution.

The objective of the curriculum de-

veloped at the workshop is to train court interpreters and court attendants with the necessary knowledge and skills to undertake the courtroom job requirements. Key objectives were to support the courtroom services efficiently with confidence and accuracy; to be always professional when executing their duties; and use of available technology to execute duties effectively and efficiently.

The workshop was attended by the Registrar Ian Augerea and the managers of the registry services of Waigani Supreme and National Court. The lead facilitators of the workshop were: Chief Interpreter from the Courtroom Services, Kevau Lohia; Database Manager, Sipa Benny and Court Reporting Services Director, Steward Koltes.

Lead facilitator and database manager, Sipa Benny added that the targeted group that the workshop has focused on is the court interpreters and court attendants.

"We have developed a standard program for the courtroom services to train the court interpreters to be well equipped and up to standard. The curriculum and the training policy includes all administrative matters related to the training and further supported by HR training policy and the NJSS admin order. This incorporates the key objectives of the skills and knowledge required for the trainee to successfully work in NJSS as a court interpreter and court attendants," he said.

## Regional Judicial officers attend Maritime and Admiralty Act workshop

BY BELLIAM IOMU

The PNG Centre for Judicial Excellence successfully hosted a two-day workshop on Maritime and Admiralty Law in Port Moresby.

Honourable Justice Steven Rares from the Federal Court of Australia was the lead facilitator of the workshop, supported by co-facilitators, Honourable Justice Vergil Narokobi and Justice Berna Collier from the National and Supreme Courts of Papua New Guinea.

Whilst giving the opening remarks at the workshop, Deputy Chief Justice and Acting Chief Justice Ambeng Kandakasi thanked the facilitators, and participating Judges and Magistrates for attending the program.

"PNG is the biggest Pacific Island nation, and Maritime and Admiralty Law is indeed an area that is particularly important to us. We are extremely grateful for having Justice Rares as the lead facilitator of



**REGIONAL Judicial officers who participated. PICTURES SUPPLIED**

this workshop," Acting Chief Justice Kandakasi said.

"Maritime and Admiralty Law is a complex area of law, and I encourage participants to take full advantage of the information and resources that will be presented by Justice Rares."

Justice Rares is currently a national co-convening judge and the New South Wales registry convening judge for the Admiralty and

Maritime National Practice. In June of this year, he was made a titular member of the Comit'e Maritime International and has been a member of its International Working Group on Offshore Activities since its creation in 2012.

Speaking during the workshop, Justice Rares explained the nature and character of maritime law worldwide and PNG governance and regulation of shipping. He further

discussed the complexity of the arrangements for deployment of ships, the Admiralty Act and Rules, management and sale of ships, and drew on his wealth of knowledge and expertise on cases that he had presided over.

Key regulatory authorities in Papua New Guinea were also invited to attend and present a snapshot overview of their roles in the maritime industry. The agencies included:

- Office of the State Solicitor;
- PNG Ports Corporation Ltd;
- The National Maritime Safety Authority;
- PNG Customs; and the
- National Fisheries Authority.

Apart from giving presentations on their roles, the agencies also discussed the challenges they face in relation to maritime and admiralty legislation.

The workshop allowed participants to engage in practical scenarios, interactive discussions, and question and answer sessions.

## Personal Property Security Act protects buyers from security interests

CRETILDA ALOKAKA

THE Personal Property Security Act (PPSA) passed in May, 2016 was purposely to protect buyers or financiers from hidden security interest transactions.

During a lawyers' conference in Port Moresby on Tuesday, Ashurst lawyer Richard Flynn said before

the Act, owners were protected instead of the buyers.

"Before the Act was passed, a buyer could not get a better title than a seller," he said.

"The buyer would have to prove that they are a purchaser for value in good faith without notice of prior interest."

Flynn explained that security in-

terests were day to day transactions via purchase agreement.

However, with the Act in place, it would guide the security interest transactions.

"Examples of security interests before the passing of the Act were account or chattel paper as defined, buyer has possession but is not the owner, lease term exceeds a year,"

Flynn said.

"Today, the transactions have fixed charges, floating charges and chattel mortgages," he added.

Flynn advised other lawyers that there were ways to address security interest transactions.

"The seller has to register the securities within seven days after the buyer gets possession of goods,"

"For properties like equipment on lease or service business, the buyer must register and describe the goods subject to mortgage or charge,"

"The buyer must also serve a notice in advance on any existing registered buyers."