



Keynote address - The Cost of Delay

Chief Justice Sir Gibbs Salika GCL KBE

Australia-Pacific Judicial Partnership, Regional Case Management Workshop

Hilton Hotel, Port Moresby, Papua New Guinea

Wednesday 3 June 2026

Distinguished colleagues, Chief Justice, Judges, Registrars, and officers from across our Blue Pacific. Good morning. For those of you returning to my country, welcome back; for those visiting for the first time, I extend the warmest of welcomes to Papua New Guinea.

We gather this week to confront a challenge that is as ancient as the concept of justice itself, yet as contemporary as the digital landscapes we now navigate. The cost of delay is not merely a logistical hurdle; it is a fundamental threat to the social contract. Efficiency is not a mere administrative preference; it is fundamental to the rule of law and, therefore, central to our very identity as judges. This workshop serves as a synthesis of a broader regional truth we have observed - where efficiency is achieved, it is never by accident. It is the harvest of deliberate, collective, and individual effort.

When we act as a unified region, sharing both our triumphs and our tribulations, we accelerate our progress. When an individual judge or registrar assumes absolute ownership of their list, the transformation is immediate. This forum is dedicated to that dual imperative - the systemic and the personal - as we seek to fortify the integrity of our courts.

The Cost of Delay

The title of my address is "The Cost of Delay," and it is imperative that we recognise this cost transcends the balance sheet. For our peoples, delay is a physical and psychological weight. Consider the mother seeking protection or support, who walks from a remote village to reach our doors, only to be told her matter is adjourned for another month. Consider the elderly man who dies before his land title is ever resolved, his children inheriting not a legacy, but a lawsuit. Consider the entrepreneur whose capital and dreams are frozen in the stasis of a contract dispute.

When a file sits motionless on a desk, lives are held in suspense. We did not enter the law to be the keepers of a tomb; we entered it to be the engines of resolution. Every day of "dead time" is a day we allow the promise of the law to fail the very people it was designed to protect.

However, we must also acknowledge the corrosive cost within our own hallowed halls - the toll on judicial and staff wellbeing. When a court is burdened by an overloaded caseload, the pressure is not merely administrative; it is existential. We must speak of the mental and emotional fatigue that arises from confronting a backlog that appears to possess a life of its own. It breeds a pervasive sense that the finish line is receding despite our most strenuous efforts. This exhaustion threatens the very precision and patience required for the highest quality of judging. By addressing delay, we are doing more than serving the public; we are exercising a duty of care to the health and professional longevity of our own judicial community.

The Anatomy of Stagnation

Nobody can, nor does, rightly expect cases to be resolved with the stroke of a pen upon filing. A case is a journey - a deliberate and reasonable process of discovery, evidence, and argument. We respect this journey; it is the architecture of due process. Our concern is not with the time required for justice, but with the hollow weeks, months, and years where a file sits idle, serving no procedural purpose and moving no closer to resolution.





To remedy this stagnation, our diagnosis must be clinical.

Externally, we must be frank regarding the quality of legal representation. In many of our jurisdictions, delay is exacerbated by a bar that is not yet as competent as the times demand. We see practitioners who struggle with procedural requirements, the nuances of advocacy, and the fundamental duty of preparation. This results in preventable errors and unnecessary hearings, rendering our role as arbiters avoidably challenging.

Yet, the court cannot outsource its responsibility. While we advocate for a more robust bar, we must master the internal causes within our reach. We must confront the "adjournment culture" where we have, perhaps unwittingly, ceded the steering wheel of our courts to the legal profession. We must ask - are we treating consent adjournments as a right rather than a rare and strictly scrutinised exception? Every time a case is adjourned without meaningful progress, we are not merely shifting a date, we are compounding the fatigue of our staff and the aged profile of our caseloads.

Reclaiming the Pace

To remain masters of our own house, or indeed to reclaim our sovereignty over the court's calendar, we must invoke our fundamental duty to resolve disputes justly, efficiently, and without delay. Across the Pacific, we are witnessing a legislative renaissance that empowers the bench to lead. We see the rise of "overriding objective" provisions that are not merely suggestions, but statutory commands to facilitate cost-effective resolutions.

The message to the bench is unambiguous: the Court must hold the reins of the proceeding from when a case is filed. We must move away from a culture of passivity. Waiting for parties to declare they are "ready" is a recipe for institutional paralysis. We must also eliminate administrative friction - those internal bottlenecks where files languish for simple administrative actions, such as the mere sealing of an order or the listing of a motion, which can add months of invisible delay.

We must also be honest about the end of the process. We recognise that the complexity of decision-making and the rigorous intellectual labour required to prepare sound judgments can themselves become bottlenecks. While we must respect the gravity of our deliberations, we must do all we can to streamline our internal processes so that the final stage of the journey - the delivery of the outcome - is not where the promise of justice finally falters.

The Synergy of Quality and Speed

However, let me be clear, efficiency cannot come at the expense of quality. Speed without rigour is not "justice" - it is merely a hasty conclusion. Our role is to find the synergistic balance where speed and quality sustain one another. A well-managed case, where the issues are narrowed early and the evidence is focused, naturally leads to a higher quality of judgment. When we clear the administrative "noise," we create the mental space required for the deep legal analysis that our office demands. Efficiency and quality are not competitors; they are partners in the delivery of true justice.

Innovation and Intervention

We have seen across our region that a myriad of solutions - ranging from the simple to the sophisticated - have already borne measurable fruit. We have witnessed the power of "Case Management Conferences," where the court intervenes within the first weeks of filing to narrow the issues before a single day is wasted. We have seen the efficacy of "Show Cause" protocols, where the court proactively identifies stagnant files and requires the parties to justify why the matter should not be struck out. These are assertions of judicial authority.

The Pacific Way - Court-Annexed Mediation

A cornerstone of this management is court-annexed mediation. This is far more than a modern procedural trend; it is a mechanism profoundly aligned with the Pacific Way of consensus and community harmony.





Now, some might say that for us Islanders, with our deep-rooted love for the Talanoa, embracing mediation is a bit of a "no-brainer." Why fight in a formal box when we can sit down and talk it through?

While aligning with our cultural heritage, mediation also serves a vital strategic function. It provides an intelligent diversion, moving resolvable matters away from the formal trial list so that judges can dedicate their intellectual energy to the most intractable and complex legal disputes. And, even when mediation does not result in a total settlement, the process is never wasted. It compels dialogue and peels away peripheral arguments, leaving the core issues crystallised. When such a case returns to the judge, it is streamlined and ready for a precise, expedited resolution.

Data as our Compass and Agency

To alleviate judicial stress and clear the aged-pending cases, we require absolute visibility. Data is the record of what has been filed, how long it has remained, and where the "friction points" exist. Data provides agency. It allows us to see precisely where the flow of justice is restricted. This is not about the surveillance of judges; it is about providing judges with the tools to command their own workloads and prioritise matters that have been in the shadows for too long.

From Workshop to Implementation

The discussions you will engage in over these three days will be the seeds of an enduring regional dialogue. But let us be under no illusions, implementing the solutions you develop here will require great stead and unyielding commitment. You will navigate obstacles - be they resource constraints, cultural resistance, or the sheer weight of historical backlogs.

Our resolve, however, must be steadfast. We cannot leave these solutions within the walls of this hotel. We must go home and do the arduous work necessary to implement the changes required to maximise our efficiency. Crucially, we do not embark on this task in isolation. We have each other as a bedrock of support. As we take the first steps this journey together here today, let us remain together for its duration, through the twists and turns, the difficult questions, and the inherent challenges that lie ahead.

Through our collective wisdom and enduring partnership, we ensure that "pending" never becomes "forgotten." Let us use this dialogue to restore the promise of timely justice to every citizen of the Pacific.

I wish you a most fruitful and transformative workshop.

Thank you.

