

A Gentleman And A Scholar

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When I was introduced to Guy in the early 80's he was described to me as a true gentleman. As I came to know Guy, I found that this rather old fashioned phrase summed him up so well in the sense that he was a 'chivalrous, courteous, or honourable man'.¹ Our first meeting took place at the Australian Law Teacher's (ALTA) Conference on the Gold Coast. Having recently arrived from England to take up a position at QUT's (then QIT) Law School, I had, through some fortunate twist of fate, become the Chair of their newly formed South Pacific Legal Research Group. At that time, Guy was a member of the academic staff at Monash Law School and convenor of ALTA's South Pacific Legal Studies Group ('SPLSIG'), a position which he held from the inception of the group until the early 2000's. Due to Guy's leadership and enthusiasm, SPLSIG was, and still is, the focal point for South Pacific legal studies, at least outside the Pacific Islands. Guy welcomed me into the fold, which included some formidable scholars, including Professor Tony Angelo from VUW (who is still a stalwart member), Professor Derek Roebuck and Professor Don Chalmers, who were both then at UPNG Law School). From that time onwards, Guy proved to be a constant source of inspiration, information and advice.

After our first meeting, I saw Guy quite regularly at ALTA's annual conference. From the outset, he encouraged me, as he did so many other young academics, to answer the siren call of South Pacific legal research. One of my first and most memorable ALTA Conferences was held in Goroka, in 1986. This was an important event for SPLSIG, as it provided an opportunity to showcase South Pacific legal studies, and Guy presided over our sessions in his usual calm and inclusive style.

The following year I went back into full time legal practice, in Solomon Islands, so I did not see Guy quite so often. We rekindled our friendship in 1991, when I went to Port Vila as the representative of Solomon Islands Bar Association to attend a meeting of a committee appointed to assist Professor Don Paterson with the establishment of a Law School at the

¹ Oxford Living Dictionaries: <https://en.oxforddictionaries.com/definition/gentleman>, accessed 2 November 2016.

University of the South Pacific (USP). Guy was one of a small group of academics appointed to that committee on the basis of his knowledge of South Pacific law and practical experience in the area. Guy's well informed comments, made with his usual courtesy, was a vital contribution to debate.

After the establishment of the Law School, Guy continued to contribute to teaching and research at USP, both through the School and the Institute of Judicial and Legal Studies. Apart from mentoring and advising colleagues and students, he made one or two visit to teach flexi-schools. Guy's own research was focussed mainly on common law countries in Polynesia, centred around law and government, constitutional development, and the states' approach to customary laws. His interests also included courts and legal practice in Pacific countries, including Papua New Guinea. His achievements are too numerous to mention in full, but he regularly presented papers, particularly at conferences in the Pacific Region, and he published widely on South Pacific law and practice and other current topics. One major achievement was his work as advisor to the committee which prepared the *Report on Matai titles, Customary Land and the Land and Titles Court* for the Government of Western Samoa.² He is perhaps best known for two books, *Pacific Courts and Justice*, which he co-edited with the late Ron Crocombe and Mere Pulea in 1977,³ and *Pacific Courts and Legal Systems* co-edited with Mere Pulea in 1988.⁴ He also assisted Professor Michael Ntumy in editing *South Pacific Islands Legal Systems* in 1993.⁵ He contributed 'Common Law at Bay', to the special edition of *Journal of Pacific Studies* in 1997,⁶ providing an excellent summary of the scope and status of customary law regimes in the Pacific and giving contemporary perspectives on customary law in the light of the introduction of common law to the Pacific.

After my return to academia in 2001 Guy asked me to take over his role as Convenor of ALTA's SPLSIG. These were big shoes to fill, but Guy continued as an active member of the group and was always on hand to give advice and he contributed many interesting and well-

² Government of Western Samoa, *Report on Matai Titles, Customary land and the Land and Titles Court*, 1975 to 1984, Government of Western Samoa, Apia.

³ Guy Powles, Ron Crocombe and Mere Pulea (eds), *Pacific Courts and Justice*, 1977, Commonwealth Magistrates Association, London.

⁴ Guy Powles and Mere Pulea (eds), *Pacific Courts and Legal Systems*, 1988, University of the South Pacific, Suva, Fiji.

⁵ Michael Ntumy (ed), *South Pacific Islands Legal Systems*, 1993, University of Hawaii Press, Honolulu.

⁶ Guy Powles, 'Common Law at Bay' (1997) JPacS 61.

researched papers over the years. Guy was later awarded honorary life-membership of ALTA in recognition of his service to SPLSIG and to ALTA generally.

In 2004, Guy retired from full-time teaching at Monash, where he had been on staff since 1978, teaching the Pacific Comparative Law course for twenty years and assisting the Law Library to building its Pacific Law Collection. He had also taught legal profession and legal ethics at the Law School and had been involved in establishing the clinical legal training program, which he coordinated for five years. After retirement, Guy showed no sign of slowing down, remaining on staff at Monash as a Senior Research Fellow and continuing to supervisor student theses. He also served on the Nauru Constitutional Review Commission and advised the Tonga Constitutional and Electoral Reform Commission. Guy continued his involvement with the Australian Association of Pacific Studies ('AAPS'), being acknowledged by the President as their 'indispensable advisor and auditor'.⁷ Just one small, personal recollection of Guy's recent efforts behind the scenes, designed to keep South Pacific law on the agenda, occurred in late 2015. Having noticed that I had put forward a panel session proposal for the AAPS's annual conference, Guy contacted me with suggestions about the session and to discuss plans to enhance the profile of legal studies within the Association.

In July 2016, Guy and I planned to meet in Wellington for the law students' Pasifika Conference and the ALTA Conference, which were being held back to back. Guy offered to contribute a paper to both these events. Unfortunately, shortly before the conferences began he informed me that he could no longer attend. He bestowed on me the honour of presenting his paper at the Pasifika Conference and handed to Tony Angelo the task of delivering his ALTA paper. Whilst Guy handed over the paddle, he kept this hand firmly on the tiller, providing detailed PowerPoint slides and colour coding his paper in accordance with the importance of each part and sub-dividing the priority to be given to the most important sections with underlining! Guy's paper for the Pasifika Conference, which dealt with the role of the Attorney-General in South Pacific countries, and particularly in Tonga, displayed his usual thorough analysis and attention to detail. It was well received by the student audience and provided an important contribution to the event.⁸

⁷ President's Report, AAPS Newsletter 2015, <http://pacificstudies.org.au/wp-content/uploads/2015/05/AAPS-Newsletter-May-2015.pdf>, accessed 8 November 2016.

⁸ Guy's two papers have now been published: Guy Powles, 'The Head of State and the Legislature: The Power of Veto in Pacific Island States, and the Case of Tonga.' (2016) 22

Guy continued to the very end, promoting South Pacific law and legal studies with unfailing politeness and patience. He will be so greatly missed by all in the Pacific Studies community, so many of whom have benefited from his advice and encouragement, but he leaves behind a generous legacy of South Pacific scholarship and a strong body of South Pacific scholars and lawyers. Farewell Guy, a true gentleman and a scholar!

Comparative Law Journal of the Pacific 1; Guy Powles, 'Why so Complicated? The Role and Status of the Attorney-General in Pacific Island States, and the Case of Tonga.' (2016) 22 *Comparative Law Journal of the Pacific* 13.