



WASDOK

ISSUED FOR OCTOBER 2006 BY THE PNG
OMBUDSMAN COMMISSION

New Case Management System a plus for OC

By Jack Sion

Managing the Ombudsman Commission cases will become easier with the introduction of a single data base that will phase out the multiple data system that is currently in use.

The multiple data system has been identified to be inadequate in so far as information storage, update and sharing are concerned.

Early this month Simon Dibble of Lanworx, the Case Management System developer and Consultant from New Zealand set the ground work by refining the Commission's user specifications which will lead to the initial design and development of the single data network.

The new system to be known as the *Wasdok* Case Management System has the capacity to integrate other Office applications apart from Microsoft Word.

Other programs that are expected to form part of the data base include Microsoft Excel, Power Point, PDF formatting, pictures, and audio and will allow for email



Simon Dibble of Lanworx addresses senior OC officers on the new CMS.

output.

Processing of information for Annual Statements particularly for leaders will also be accommodated in the new system towards mid 2007.

Security access into the system for confidentiality purposes is also being catered for.

The Case Management System (CMS) is a vital tool for the Ombudsman Commission to

effectively register and process complaints that it receives from the public.

Mr Dibble said the new software under which *Wasdok* Case Management will operate is Visual Basic and will replace the Paradox Data base that catered for three different data base.

During a short briefing, staff members suggested that a reporting format should be designed to keep members of the Commission updated on the progress of various investigation cases.

The Ombudsman Commission now looks forward to efficient handling and sharing of information on complaints and other data once the upgrade is complete.

The Visual Basic Program will enable both the management and users to install other applications or programs as the need arises.

Staff in Port Moresby and the three regional offices will be trained to use the new system when it comes on line in 2007.

Inside this
issue:

Eye Within
"OC to investigate
Julian Moti affair"
p2

OC strengthens ties
with Banks

p3

Leadership Tribunal finds Member
for Wossera-Gawi
guilty
p4

Sir Moi Avei, MP
suspended from
duties

p5

OC bids farewell to
work attachment
officer, David Ward

p6

Ombudsman Peter
Masi attends Inter-
national Anti-
Corruption meet
p8

FAREWELL AND BON VOYAGE

GOODBYE: Work attachment officer, David Ward (right) is all smiles after receiving a traditional PNG cup and a PNG bilum from OC Human Resources Manager Eric Kumasan (left) as his farewell gifts.

A small farewell was held for David to thank him for his input and for the skills and experience he imparted to officers during his short stint in PNG.

Read more on p6.



OC will conduct investigations into Moti flight

The Ombudsman Commission of Papua New Guinea says that it will conduct an investigation into the clandestine flight of Julian Moti to the Solomon Islands.

The Commission is aware that the National Government is conducting its own investigations; however, as an independent constitutional authority established to investigate conduct of leaders and public officials, it is obliged by the *Constitution* and the relevant Organic Laws to conduct its own inquiries.

Significant issues of law, national security, integrity of leadership and governance arise from the allegations and issues surrounding the facilitation of the alleged clandestine departure of Mr Moti by authorities and the instruments of the national government.

A joint statement by Ombudsmen John Nero and Peter Masi said that the Julian Moti affair warrants the Commission's action to protect the *Constitution* of Papua New Guinea, its laws and the established democratic processes.

"The country just commemorated 31 years of independence as a sovereign nation and our coming of age must be understood by our leaders as celebrations of the *Constitution* and the democratic institutions and processes. It is everyone's duty to protect and observe our laws and should not bend or flout for self interest and leave the nation open to external threats," they said.

The Commission is concerned that the public is asking why and how is it that our leadership and the important gatekeepers are alleged to have compromised the national sovereignty and national security.

"There are serious public doubts about the integrity of our leadership and the integrity in the national security infrastructure established to protect our national security.

"The people of Papua New Guinea are left to wonder who is to guard and protect their interest if the leadership and the existing security infrastructure can no longer be trusted," they said.



The public is asking why our leaders who are the gatekeepers are alleged to have compromised the national sovereignty and national security of the country.

OC moves to investigate Julian Moti affair

While the National Government instigated its own investigation into the Julian Moti case, the Ombudsman Commission as an independent constitutional authority will pursue its own investigations.

It is established to investigate the conduct of leaders and public officials and therefore obliged under the *Constitution* and the relevant organic laws to conduct its own inquiries into such issues as it sees fit.

The Julian Moti affair is a concern for the Ombudsman Commission given the alleged facts surrounding his clandestine flight out of Port Moresby to the Solomon Islands on a government owned military aircraft.

Significant issues of law, national security, integrity of leadership and governance arose from the manner in which the Government of the day handled the Julian Moti issue leading up to the manner in which he left the country.

The Ombudsman Commission believes that the Julian Moti affair warrants it to act to protect the *Constitution* of Papua New Guinea, its laws and the established democratic process.

The Commission's initiative to conduct an independent investigation stems from concerns that is being raised by the general public.

The Julian Moti issue has raised eyebrows and questions.

The public is asking why our leaders who are the gatekeepers are alleged to have compromised the national sovereignty and national security of the country.

Were the proper procedures followed? Who organized Mr Moti's flight? Has the Government of the day handled the issue according to the established protocols that call for orderliness when such issues confront a young nation like Papua New Guinea.

Only time will tell and only after an independent investigation and assessment will the light be shed on this issue and thus put the matter to rest for now.

However, this incident should be a learning experience and a stepping stone for the country to learn from should a similar incident happen in the near future.

Ombudsman Commission strengthens ties with Bankers

By Jack Sion

Much of the Ombudsman Commission investigative work centres on liaison with commercial banks and the financial institutions.

To strengthen that relation the Commission invited key bank officials for the first round of meetings this month.

At the meeting issues such as the promotion of dialogue and cooperation and liaison on information sharing, access to questionable accounts and bank documents and other investigative and search duties were discussed.

The Ombudsman Commission under the *Organic Law on the Duties and Responsibilities of Leadership* and the *Organic Law on the Ombudsman Commission* is given power to look into questionable financial dealings.

Rather than applying the laws authoritatively the Commission intends to foster understanding and cooperation in dealing with crimes involving banking and questionable financial transactions involving public funds and leaders.

Chief Ombudsman Ila Geno



OC senior executive officers sharing views and experiences with the bankers. Chief Ombudsman Ila Geno (2nd from left) chats with a banker.

told the bankers to exercise caution in the way they receive and process public funds as the 2007 national elections was just around the corner.

“An example would be a large withdrawal with no justification for projects like bridges, roads or water supply.

“The Commission would be interested in such transactions at some stage,” Mr Geno said.

Director Operations, John ToGuata laid down some

rules and procedures about what a bank should do after receiving instructions from the Ombudsman Commission.

The meeting ended with general consensus on how the bankers and the financial institutions should work with the Ombudsman Commission.

The attendees at the meeting included; Jason Tirime, Manager Government Accounts, Bank of PNG, Ron Sikar, Auditor, Bank of PNG, Wilfred Kopi, Para Legal, Westpac Bank,

David Olley, OC PNG Special Project Officer, Nemo Yalo, Counsel to the Commission, OC PNG, Ben Mursau, Investigator, Bank South Pacific, Lou Grima, Advisor, Law and Justice Sector, OC PNG, Ezekiel Bangin, Manager, Banking Department, Bank of PNG, Mathew Emmitt, Manager, Operational Risk and Investigations, Westpac Bank, Ila Geno, Chief Ombudsman, John Brutnail, National Operations Manager, Bank South Pacific, John ToGuata Director Operations, OC, PNG.



Top Bankers from the various banks taking notes from the meeting.



Chief Ombudsman Ila Geno (2nd from top left) makes a point while the bankers pay attention.



LEGAL BRIEF

Member for Wossera-Gawi guilty of misconduct

The leadership tribunal conducting inquiries into alleged misconduct in office by the member for Wossera-Gawi, Mr Gallus Yumbui handed down its decision on guilt 31 October 2006.

The Tribunal comprising of Honourable Justice Greg Lay, and senior magistrates Mr Iova Geita and Mr Lawrence Kangwia found Mr Yumbui guilty of 4 out of 6 allegations.

Background

Public Prosecutor, Mr Chronox Manek, had referred six allegations of misconduct in office to the tribunal on 7 December 2005 following an Ombudsman Commission investigation.

There were two main categories of allegations. They are summarised as follows.

CATEGORY 1 - MISAPPLICATION OF PROCEEDS OF NATIONAL GAMING CONTROL BOARD CHEQUE

Allegation 1

Allegation 1 is based on Section 27 of the *Constitution*. A number of the responsibilities of office that fall under that section have been identified as having been breached.

It was alleged that the leader used his office as member for Wosera Gawi and of the member for East Sepik Provincial Assembly for personal gain, whereby, he asked for and received a

National Gaming Control Board cheque No 6322323 for K85,718.60 and subsequently used the proceeds of that cheque to purchase a vehicle from Ela Motors which he used for private purposes, thus unlawfully applying public money for his personal benefit.

The tribunal found the leader guilty of misconduct in office.

Allegation 2

It was alleged that Mr Yumbui, without any proper legal authority asked for and received a National Gaming Control Board cheque No 6322323 for K85,718.60 and negotiated with Ela Motors for the purchase of a vehicle namely Toyota Landcruiser registration No BBE – 534 which he used for private purposes, thus unlawfully applying public money for his personal benefit and the benefit of his associates. This amounts to misconduct in office under Section 5(1) of the Organic Law.

The tribunal found evidence of misconduct in office by Mr Yumbui.

Allegation 3

This allegation is based on Section 12 of the Organic Law whereby it was alleged that the leader accepted benefits from a person (the Gaming Board) without exemption from liability by the Ombudsman Commission.

In finding the Leader not guilty, it ruled that there was no evidence that the

Gaming Board ever intended or had knowledge that the cheque it raised would be used for the personal advantage of the leader nor was there evidence that the Gaming Board ever intended to give the proceeds of the cheque as a loan, gift, benefit or other advantage for the Leader.

Allegation No 4

This allegation is based on Section 13 of the Organic Law where it was alleged that Mr Yumbui, without any proper legal authority asked for and received a National Gaming Control Board cheque No 6322323 for K85,718.60. He then negotiated with Ela Motors for the purchase of a vehicle namely Toyota Landcruiser registration No BBE-534 which he used for private purposes, thus intentionally applying money forming part of a fund under the control of Papua New Guinea to a purpose to which it could not be lawfully applied.

The Tribunal found that the Leader did not intend to misappropriate the funds or steal the vehicle. What he has done is misapplied an asset on a temporary basis and therefore could not be guilty of misconduct in office under Section 13 of the Organic Law.

Allegation No 5

Allegation 5 was based on Section 27 of the *Constitution*. It was alleged that the Leader, by failing to disclose in his annual statements for 2000/2001 and

2001/2002 assets (including money and personal property) that had come into his possession and control as a result of receiving the cheque from the Gaming Board, breached Sections 27(1) and 27(2) of the *Constitution*. By breaching these provisions he is guilty of misconduct in office under Section 27(5)(b) of the *Constitution*.

The tribunal was satisfied that Mr Yumbui is guilty of misconduct in office in that he breached the duties imposed by Section 27 of the *Constitution*.

Allegation 6

This allegation is based on Section 4(6)(b) of the Organic Law. The leader is alleged to have failed to disclose details of his receipt from the National Gaming Control Board of cheque No 632323 for K85,718.60 under Item 4 (Assets); Item 6 (Income); Item 10(Business Transactions); and/or Item 11 (Gifts) of his annual statements for the periods 2000/2001 and 2001/2002.

Mr Yumbui was found guilty of misconduct in office.

Result

In finding the leader guilty, the tribunal was of the view that the leader did obtain the funds lawfully and for a lawful purpose. He did not convert the funds to his personal use.

Continued to p5

Sir Moi suspended from duty

Hon. Sir Moi Avei MP, Minister for Petroleum and Energy and member for Kairuku-Hiri was suspended from duty on 31 October 2006 when the Public Prosecutor, Mr Chronox Manek, referred him to a Leadership Tribunal.

The Tribunal appointed to inquire into allegations of misconduct in office by Sir Moi Avei commenced proceedings on 31 October.

The Tribunal comprised of Hon Justice Timothy Hincliffe as Chairman, and senior magistrates Mr Steven Abisae and Mr Mark Pupaka as members.

The Ombudsman Commission on 9 March 2006 referred Hon Sir Moi Avei to the Public Prosecutor for alleged misconduct in office. The allegations relate to:

- 1 misapplication of his electorate's 2002 District Support Grants between January and October 2002; and
- 2 failure to properly acquit the application of 2002 District Support Grants; and
- 3 failure to pay rent to National Housing Corporation (NHC) for a house he continued to occupy despite the fact that he was receiving housing allowance paid to him through his salary every fortnight by the National Parliament; and
- 4 failure to disclose to the Ombudsman Commission the outstanding rentals owing to NHC as liabilities. Section 4 of the Organic Law on the *Duties and Responsibilities of Leadership* requires persons subject to the Leadership Code to disclose their liabilities, such as loans or outstanding bills.

The Public Prosecutor having independently studied the Ombudsman Commission's referral decided that the matter should proceed further. On 30 August 2006 Mr Manek requested the Hon Chief Justice Sir Mari Kapi to appoint a leadership tribunal.

On 15 September 2006 the Chief Justice appointed the tribunal.

On 31 October the Public Prosecutor, Mr Manek in referring Sir Moi to the tribunal submitted that the leader was now suspended from duty under Section 28 of the Organic Law.

The tribunal informed Sir Moi that he was suspended from duty. He remains suspended until the end of the tribunal's investigation into the allegations.

The tribunal adjourned to 13 November 2006.

Member for Wossera Gawi Guilty of Misconduct

Continued from p4

However, he took possession of an asset purchased from public funds and used it for his personal purposes. Mr Yumbui kept the vehicle in Port Moresby for almost seven months when he had no claim of right to the use of the vehicle by reasons of his office.

He should have disclosed in his annual statement the fact that the vehicle (asset) had come into his possession and the benefit he received by using the vehicle over 7 months period for his personal transport. It is irrelevant that the ownership of the vehicle did not vest on the leader.

However, it was an asset under his control for a period of almost over 7 months. Therefore it should have been declared to the Commission along with the disclosure of the true owner.

The tribunal concluded that in doing so, the Leader demeaned his office and brought the integrity of his office and his personal integrity into question. The tribunal's decision was unanimous.

It will hear submissions on penalty on 27 November 2006.

The Leader was represented by Mr Stanley Liria of Liria Lawyers while the Tribunal was assisted by the Public Prosecutor Mr Chronox Manek with assistance from the Ombudsman Commission through Team Leader Richard Pagen and a/Deputy Counsel Ms Tabitha Suwae.

N YALO
COUNSEL

YOUR SAY

YOUR SAY

The *Wasdok* newsletter endeavors to bring to you those stories or issues making headlines in the Ombudsman Commission each month.

Now it is time for you as the reader to speak up and express your views or opinions about any of the articles published in the *Wasdok* or about the newsletter itself.

You can do so by sending your views to the Media Unit at this email address: ombudspng@ombudsman.gov.pg.

Your views will be taken into account and will help the Media Unit to continue to produce the best.

Farewell to David Ward

By Esther Haro

After four months on work attachment, David Ward, an officer from the Commonwealth Ombudsman office, in Australia, leaves with a wide perception about the PNG Ombudsman Commission.

Under the Twinning Arrangement that exists between OCPNG and the Commonwealth Ombudsman Office, officers from both organizations attend a 3-4 months work exchange program to learn, share skills and experiences.

During his four months here, Mr Ward was attached to the Operations Division where he learnt about OCPNG and at the same time shared his experience and skills with OCPNG officers.

He visited the regional offices in Lae, Kokopo and Mt Hagen and visited parts of Port Moresby.

Ombudsman John Nero said despite the fact that the Twinning Program did not get off on a good start, it was now picking up momentum.

"I am confident that at the next Australasia Pacific Ombudsman Regional (APOR) meet, the other island Ombudsman offices will be looking at this arrangement.

"Your guidance and views are appreciated and we have enjoyed your stay with us," he said.

Director Operations John ToGuata, urged officers to make the most out of the program while it existed.

Mr ToGuata said the program was a process in which the officers, who are unique endeavor to make that connection with another similar organization.

"We have learnt so much from you and I thank you for your expertise, your help and for being the person that you are," said Mr ToGuata.



David Ward having a chat with Mr John ToGuata

Highlands Regional Manager Attends Anti Corruption course

By Jack Sion

In its ongoing efforts to keep officers abreast on corruption and anti-corruption measures, the Ombudsman Commission in October sent Regional Manager, Highlands Allan Barilae to attend a course on anti-corruption at the Australian National University.

Mr Barilae hopes that the training would equip him with the relevant experience and skills in his work as a Manager in overseeing the work of officers as they investigate corruption and anti-corruption cases.

The training is on anti-corruption and the emphasis would be on looking at ways of preventing corruption from happening.

"I look forward to learning and broadening my outlook on anti-corruption from the course."

The course will run from 30 October to 14 November 2006.

Before returning to PNG, Mr Barilae will visit the Commonwealth Ombudsman Commission Office in Canberra.

Senior officers who previously attended the same course include; Director Operations, John ToGuata and Internal Auditor, Gabe Hekoi.



Allan Barilae
Regional Manager Highlands

New Senior Legal Officer

The Office of Counsel has a new Senior Legal Officer.

From the Finschafen district in the Morobe province, the Lawyer is Ernest Wilmot and joined the Commission with seven years of experience under his belt.

Before joining the Commission he was a legal officer with the National Museum where he worked for four years.

His also worked for the Environment Law Centre as an environment Lawyer.



New Officer
Ernest Wilmot

Chief Ombudsman attends annual IOI meet

Chief Ombudsman Ila Geno attended the International Ombudsman Institute's (IOI) annual board meeting in Barcelona, Spain, from 4-6 October 2006.

Mr Geno is one of three directors representing the Ombudsman institutions in the Australasian and the Pacific regions to the IOI.

He was elected as director of the IOI at the Australasia and Pacific Ombudsman Regional Conference held in Madang in September 2003.

Elected Ombudsmen representing six constituent regions of the world attend the Board of Directors IOI meetings annually.

Mr Geno said the IOI directors meeting is an important avenue where a number of key issues affecting the work of the Ombudsman are discussed.

Mr Geno said IOI meetings held in the past have discussed issues such as funding assistance to regional based Ombudsmen, funding assistance for the promotion of Ombudsmen initiatives, regional training and worthy proposals including other IOI regional development.

Mr Geno said that representing the Australasia and the Pacific Region at the IOI level has strengthened the role of the Pacific Islands Ombudsmen Forum, (PIOF) and promoted and enhanced training and regional governance and democracy.



Mr Ila Geno

Simplicity is the essence of true beauty

Have you ever found yourself saying why didn't I think of that -it is so simple! The reality is, we all have. Often the best things in life are the simplest things. We have all heard the saying Keep It Simple My Dear Sweetheart. The time is NOW to start applying this to every area of our lives. We over-complicate things by over—thinking. Often, this leads to paralysis through analysis.

To help get you out of the starting gates, these steps do not require you to have a degree in rocket science or tons of discipline to incorporate into your daily routine if possible.

Steps to apply SIMPLICITY to your life

BE GRATEFUL

When you are grateful, you are rich!

SMILE MORE

If you are happy, tell your face. The simple act of smiling can become contagious. We all know how nice it is to receive a smile from someone else, so if you want more from others, let's get busy giving out more!

MAKE EYE CONTACT WITH OTHERS AND ACTUALLY SAY HELLO

As a society, we have become so disconnected from each other. Remember we are all in this together and the eyes are the gateway to the soul.

Simply looking into the eyes of a passerby and saying hello is such an easy way to reconnect and deposit a little something into the lives of a fellow traveller.

SAY PLEASE and THANK YOU MORE

Ah, the lost art of being polite. Where have the good times gone. We all remember the days of yore when our parents used to say, "What do you say, Subrat?"

There is no time like the present to return to these values.

LISTEN MORE, TALK LESS

We were given two ears and one mouth

so we would listen twice as much. Yet most of us reverse this. "Yeh, yeh, yeh, OK so more about me"- is kind of the way conversations seem to go these days. Sadly, we have become a society that is waiting for the other person to stop talking so that we can talk about ourselves.

GIVE OUT COMPLIMENTS

We all love to receive them, so why not give them out more. What goes around comes around or give and ye shall receive.

AVOID RUSHING

Rushing to and fro is the single fastest way to add stress to your live. Whether you are aware of it or not, when you experience stress, internally your body is releasing large amounts of chemicals, which break down the immune system. On the outside those around you experience this internal release through your lack of patience, frustration, and tension. Try something novel; give yourself enough time to show up early for a change.

GO WITH YOUR GUT

99% of the time your instincts will guide you. "I just had this gut feeling" is a saying we have heard or used before. Don't fight it! Your "Gut Reaction" mirrors the wisdom of the universe.

It is our EGO-based mind that often sends us in the opposite direction from where we intuitively know we should be headed.

TAKE MORE WALKS

Good for the heart, good for the head, increase in energy and appreciation. Why should we do this? Because we can!

STOP COMPLAINING

Thoughts are things. Listen, you have a choice of what comes out of your mouth. The simplest way to repel people is to complain. Let us start to focus on what is right in your life and watch the tractor beam start to pull people toward you.

Research from internet done by Special Projects Officer, Mr Subrat Patnaik.

Ombudsman Masi attends International Anti-Corruption meet

Corruption is putting into action dishonest desires, Ombudsman Peter Masi told an International Anti-Corruption meeting in Beijing, China.

Ombudsman Masi was in Beijing, China this month to attend an international Anti-Corruption meeting.

He told participants that as active members of the United Nations their presence at the meeting was sufficient to state their allegiance to fighting corruption.

“Our attendance is a response to facilitating the implementation of the United Nations Convention against corruption which came into force last December to fight cross border crime and related issues,” he said.

He said the heart of mankind globally is by nature deceitful and there seemed to be more evil and less good happening around us.

Ombudsman Masi said corruption is simply putting into action a dishonest desire to gain wealth, other favours, fame and power.

Corruption is worldwide and it requires global organisations with firm commitments and appropriate strategies to fight it.

Sharing his experiences on the way corruption is fought in Papua New Guinea, he said often there is commitment at the politi-

cal level to fight corruption but there was a lack of ability to implement recommendations on corrupt issues.

He said the Ombudsman Commission and other National Institutions like the Police, Auditor-General’s Office, Internal Revenue Commission, and Public Services Commission had their own mandate and legislative powers to investigate corrupt decisions and actions of leaders, government agents and bodies.

He said:

“Papua New Guinea’s future is compounded by other cultural, social, health and economic problems that make the fight against corruption difficult.

“The country requires a Freedom of Information legislation that will enhance the Ombudsman Commission’s role as a whistle blower.



PNG’s Public Prosecutor Chronox Manek (seated left) signs a Memorandum of Understanding with his Chinese counterpart (seated right).

“At the same time PNG looks forward to the implementation of the Proceeds from Crime Act passed by the Parliament last year that will deal with individuals including leaders who benefit from the proceeds of crime.”

At the end of the conference, PNG’s Public Prosecutor Chronox Manek who also attended the meeting signed a Memorandum of Understanding with his

Chinese counterpart on the training of Papua New Guineans in the area of prosecution.

Also in attendance was the Minister for Justice Bire Kimisopa, his wife Mrs Elisabeth Kimisopa, Peter Kelly, Senior State Prosecutor, Ombudsman Peter Masi and his wife Mrs Lucy Masi and Mathew Waram, Second Secretary to the Justice Minister.



Ombudsman Peter Masi presents a paper that he prepared for the conference.

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