



WASDOK

RELEASED FOR MAY 2009 BY THE
OMBUDSMAN COMMISSION OF PNG

OC'S POSITION ON THE PROPOSED CHANGES TO THE LEADERSHIP CODE & THE ORGANIC LAW ON THE OMBUDSMAN COMMISSION



Members of the Commission (MOC) responding to questions raised by the media during a press conference. From left to right, Chief Ombudsman, Chronox Manek, Ombudsman John Nero and Ombudsman Phoebe Sangetari : Below—full text of the press statement made by the Chief Ombudsman, Chronox Manek.

EYE WITHIN

Dear Readers,

Hello and welcome to the May edition of the Wasdok. I am sure you have enjoyed our April edition judging from the remarkable response we have received from staff at the headquarters and at the Regional Offices.

This month has been exciting with the parliament sitting purporting to table the second reading of amendments to the Ombudsman Commission and the Leadership Code. OCPNG went to the media to clarify its position.

The anti-corruption slogan continues to attract public limelight where the like-minded protagonists, in the likes of the Chief Ombudsman and TIPNG, Chairman, Peter Aitsi, were invited to address an NBC forum at the Lamana Hotel.

Changes have also been made to top management positions, notable of these being the appointment of Nao Virobo as Director, Regions and External Relations Programme.

The ERP pictorial supplement continues in this edition.

Happy reading—Editorial

Introduction

The Ombudsman Commission welcomes the opportunity to discuss reforms to the Leadership Code proposed by the Hon. Moses Maladina in his private member's Bills to amend the Constitution, Organic Law on the Duties and Responsibilities of Leadership and the Organic Law on the Ombudsman Commission.

However, the Commission does not support many of the proposed amendments and calls on Parliament to delay further debate on these Bills until there has been adequate public discussion and consultation with stakeholders.

The Commission does not agree with the Honourable Moses Maladina's statement that these amendments will 'make the Ombudsman more effective to protect the integrity of leaders.' The

Commission is concerned that many of the proposals will instead hamper its ability to enforce the Leadership Code and make it harder to hold leaders to account for their misconduct.

In general terms, the Commission is concerned that the proposed amendments will have the effect of making the work of the Commission more difficult, create preferential treatment for leaders, especially in relation to criminal offences, inappropriately shift responsibility for the management of the Public Service from relevant Ministers to the Ombudsman Commission, and confuse the roles of the Ombudsman Commission and that of the Leadership Tribunal.

Additionally, the Commission is concerned that not all of the Constitutional requirements to amend Constitutional

laws have been met.

Increased burdens

A number of provisions increase the burden on the Commission, for instance, the requirements to meet the criminal standard of proof for non criminal offences and time limits on investigations. These provisions will limit the ability of the Commission to deal with a wide number of matters as additional resources will be tied up with meeting these standards.

Preferential treatment for leaders

There are several provisions that will have the effect of creating a different, lesser standard, on leaders than on members of the general public. The bar on taking action in both the Criminal Courts and the Leadership Tribunal privileges leaders above other persons. Actions under both civil

PROPOSED CHANGES TO THE ORGANIC LAW ON THE OMBUDSMAN COMMISSION AND THE LEADERSHIP CODE

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And criminal law are normal.

For instance, an employee can be both sacked and criminally charged for embezzlement. However, if this amendment is passed, only leaders will not face both actions. Furthermore, the provision that leaders will be given 14 days in which to put right their alleged wrongs thereby preventing possible prosecution creates a right for leaders that no other person can be entitled to. All persons, particularly leaders, are expected to know and comply with the law.

Shifting responsibilities

We consider that the provisions that make non-compliance with Government policy a leadership issue, inappropriately shifts to the Ombudsman Commission the responsibility for ensuring that the Public Service comply with government policy. While we acknowledge the concerns behind this proposal, we do not consider that the Commission should replace effective controls being implemented by the National Executive Council and the relevant Ministers, through the use of provisions of the criminal law, the Public Finance



Media & Communication Manager, Bonner Tito; Counsel to Commission, Vergil Narokobi & Secretary to Commission, Gabe Hekoi listen attentively during a press conference at OC Headquarters.



Television camera's focus on the MOC at the media conference.

Management Act, Public Service (Management) Act and the Employment Contracts of senior public servants.

Confusing roles

Proposals that would provide the Commission with powers to direct leaders to correct minor matters, in our view confuse the roles of the Commission and the Tribunal. It is not appropriate for the Commission to be both the investigative body and the arbiter of fact.

The establishment of a Permanent Tribunal would alleviate the Com-

mittee's concerns about the backlog of cases.

PROCEDURAL DEFICIENCIES

The Commission is concerned that the Constitutional requirements for these proposed amendments have not been complied with. Section 14(2) of the *Constitution* requires that the 'proposed law must be published by the Speaker in full in the *National Gazette*, not less than one month before it is formally introduced into the *Parliament*.' Proposed Subsections 20 (8) to (11) and Subsection 27(a) and (b) of the *Organic Law on the Duties*

and Responsibilities of Leadership (OLDRL) were not included in the *Gazetted* notice of 22 October 2008 but do appear in the Bill submitted to Parliament.

There is also an irregularity in relation to proposed subsection 27(4A) of the OLDRL. These irregularities will need to be rectified before the Bill is passed, and in our view the process will need to begin afresh.

INADEQUATE CONSULTATION

The Commission does not consider that there has been adequate consultation about the proposals, with either the general public or the Government agencies that are responsible for enforcing the Leadership Code.

We note that a Special Parliamentary Committee on the Ombudsman Commission was established to look into the work of the Commission, and that it undertook extensive travel throughout the country gathering the views of the public.

However, that Committee has not tabled a final report, and it is unclear whether the current proposed amendments are consistent with the submissions made to the Committee.

OCPNG AND TIPNG JOIN HANDS IN THE FIGHT AGAINST CORRUPTION



**TIPNG CHAIRMAN
PETER AITSI**

**CHIEF OMBUDSMAN
CHRONOX MANEK**

Edited version of the Chief Ombudsman's speech at the Lamana Hotel.

These forums are good. Especially, when it comes to developing strategies to build leadership skills that can have a direct impact on improving NBC's leadership and management systems and practises.

I believe the strategy to fight corruption at this level is one of the most important areas that should be pursued because of the impact it has, firstly within the organization and secondly with the wider community.

The Media is a powerful tool. It has the power to break or make and it can influence or be influenced. Nevertheless, the Media industry as a whole must always provide profound leadership and to strive to be vibrant and have the freedom to report without fear or favour.

Having said that, this freedom must be kept in

check by exercising responsibility in our work.

In any organization, you follow a Code of Ethics or Code of Conduct that makes you responsible for your actions.

The Ombudsman Commission often at times stresses the importance of leaders to uphold their integrity. Are you honest in how you conduct yourself? Are you honest in your dealings with your fellow colleagues, stakeholders and the wider community? Are you biased, opinionated, or bribed into what you are doing?

Your Media Code of Conduct or Ethics must be like a reminder that should guide you in your day to day roles and responsibilities by putting the interest of your organization first rather than your own.

Has the Media addressed most of the things indirectly or directly to fight the evil of corruption? I guess this is the first step the National Broadcasting

Corporation ought to take on board if it is to pursue a change for the better.

In order to do that, mainstream media agencies like the NBC should be strengthened and streamlined and improve their work processes. Assess your aims and objectives to change the working culture to be more output orientated based on basic principles of transparency and accountability with integrity.

One of the main problems affecting this nation is corruption. Corruption is widespread. Corruption transcends international boundaries.

The motive for profit, power and ego has driven corruption in this country to the highest levels.

Systems of government provide checks and balances to ensure accountability and curtail environments in which corruption could thrive. However, sadly to say, sometimes these systems have not had any effect

on the progress corruption has made. Corruption appears now to be a norm. PNG needs a national strategy to fight corruption.

Where do we start? Right here in this forum and through the mechanism of the National Broadcasting Corporation. However, first let us look at the existing initiatives and programs available to fight corruption. In order to fight this social ill, we must also look closely at what has happened in the past to try to address this problem.

We can not fight corruption on our own. We all must work as one big team by setting priorities to fight social ills. We must try to bring together other stakeholders in the fight against corruption. These stakeholders can include the Media, NGOs, TI PNG and other civil organisations concerned with improving people's lives.

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Chief addresses the nation on NBC's Dabai programme before going to the Lamana conference.

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The government structure does not have a body that deals directly with corruption.

Ombudsman Commission and the Police Fraud & Anti-Corruption Directorate, can only do so much in dealing with this problem.

The Ombudsman Commission and the Police lack proper logistics and facilities to investigate corruption. In addition both organizations have other duties to perform besides anti-corruption.

Clearly there are not

enough laws in existence to fight corruption on the perspective that no single organization is effectively dealing with corruption.

Official corruption is regarded as a crime in the Criminal Code but there is little mention of corrupt activity by private sector employees, companies including foreign companies, private citizens and non-citizens.

The Leadership Code and the complaints handling function of the Ombudsman Commission deal with possible scenarios for corruption also as it relates to public officials. The law must be strengthened in this area.

The real thrust must be something concrete to tackle head-on the problem of corruption.

You can start in your sections and division of the NBC by placing priorities and strategies to guide you to preventing the occurrence of corruption.

Some of these elements of initiative statements can include the following; high integrity, competence, dedication, good reputation and, Commitment. They must also have guts to own the initiative and see it to the finish. Apart from these

behavioural phenomenon, other avenues that can be explored by the management is the oversight functions being pursued by the Ombudsman Commission.

The Commission's friendly slogan being pursued is the Government Bodies Liaison Program (GBLP) which can be utilised to assist with the oversight function. I encourage you to utilise this opportunity now. If the NBC and to the broader extent, the Media is going to lead the way in fighting corruption, then we must first strengthen our priorities and strategies in our work places.



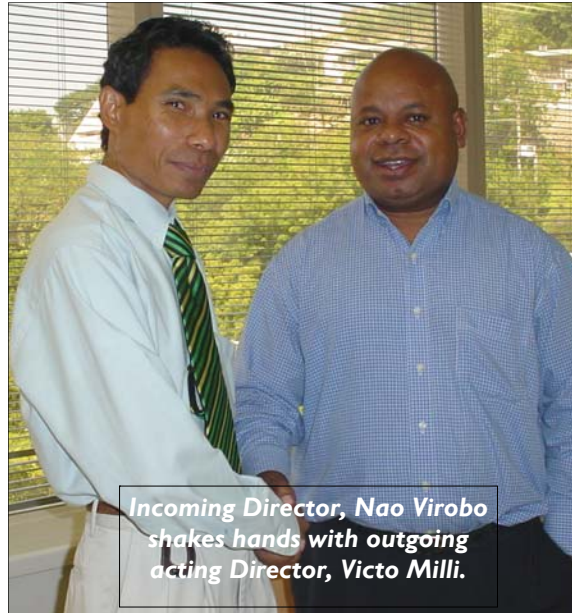
Former EMTV News director, John Eggins and NBC programme Director, Allan Arifeae were among the participants at the Lamana conference.

Virobo heads Regions & ERP

In an array of changes to top management, deriving from the Commission's drive for improved performance, the MOC in May, made sweeping changes to a number of positions at the management level.

Among the changes were the appointment of Lae based Regional Manager, Nao Virobo who has been elevated to Director, Regions and External Relations Programme.

Mr. Virobo takes over from Victor Milli, who has been acting on the position in the last 18 months. As a result of the change, Mr. Milli now goes back to his substantive position as Team Leader for Team One in



Incoming Director, Nao Virobo shakes hands with outgoing acting Director, Victo Milli.

the Leadership Division.

In a small handover take-over ceremony, Mr. Virobo said he accepted the position as a challenge

and pledged to do his best to enhance the good work already put in place by his predecessor.

Mr. Virobo attributed the

Division's success to every officer in the regions and at headquarters and asked of their full cooperation and commitment if they are to achieve key result areas.

The three MOC Members, Chief Ombudsman, Chronox Manek, Ombudsman John Nero and Ombudsman Phoebe Sangetari, gave their undivided support and undertook to work with Mr. Virobo to enhance the work of the Commission.

Mr. Virobo, aged 40, is married with 3 children and comes from Tauruba village in the Rigo district of the Central Province. He was Regional Manager for the Momase region prior to his appointment.



ERP Pictorial Supplement—Jimi Valley



Ombudsman Nero's visit to the Jimi valley, WHP, in pictures from April 26—May 4, 2009



Snippets



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