



## Oct-Nov 2010 Edition

# OC's position on status of PM's referral

The Ombudsman Commission on 9 November issued a statement following recent media comments on the status of the referrals of the Prime Minister, Sir Michael Somare and Minister Arthur Somare, to the Office of Public Prosecutor as a result of its investigations.

In making this statement, the Ombudsman Commission was mindful of the operation of the common law principle of *sub judice*, which essentially prevents the public discussion of cases that are currently before the Courts.

"The case of Prime Minister is the subject

of Supreme Court deliberations, and that of Minister Arthur Somare is likewise before the National Court. There are also other cases concerning leaders that are the subject of Court proceedings.

Matters that are within the competence of other relevant independent constitutional offices such as the Courts and the Public Prosecutor, will be addressed by them in a way they consider appropriate with regard to the issues of delay raised in the media".

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### VISION

The Ombudsman Commission's vision is to promote good leadership, good governance and good leaders.

### MISSION

The Constitution clearly states the purposes of establishing the Ombudsman Commission:

- To ensure that all governmental bodies are responsive to the needs and aspirations of the people; and
  - To help in the improvement of the work of governmental bodies and the elimination of unfairness and discrimination by them; and
  - To help in the elimination of unfair or otherwise defective legislation and practices affecting or administered by governmental bodies; and
  - To supervise the enforcement of the Leadership Code.
- This constitutional mandate provides the Ombudsman Commission with its mission.

*[Ombudsman Commission Strategic Plan 2005 – 2010]*

The Ombudsman Commission on Friday 26 November farewelled one of its Development Practitioners, David Ward, after a four year stint with the Commission.

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OC Development Practitioner David Ward (with billum cap) presents the Members of the Commission with a parting gift. *...Story on page 3*

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# Madang Corporal Punishment worries Watchdog

On Friday, 19 November 2010 the Post Courier published comments reportedly made by the Interim Chairman of the Madang Urban Local Level Government, Mr Lincoln Ireng, to the effect that corporal punishment would be re-introduced in Madang and in particular that children could be the subject of beatings with a cane by members of the Madang Urban Youth Council from February 2011.

The Ombudsman Commission is extremely concerned by such a proposal and intends to obtain details from the Madang Urban Local Level Government.

In the meantime the Commission is considering what action it might appropriately take under the Constitution to protect the rights of the children.

## OC complying with the Law

...from front page

The statement said that in the Ombudsman Commission's view, it has concluded its investigations. However the parties have exercised their rights to take the matter to Court. The "Ombudsman Commission wishes to assure the people of Papua New Guinea, that it is doing all it lawfully can to defend these cases and that of other leaders that have instituted legal proceedings against the Ombudsman Commission so as to protect the integrity of its investigations".



Ombudsman Sangetari and Chief Ombudsman Chronox Manek placing their gifts in the 'Red Box' appeal during the launch on November 4 to mark World Aids Day which falls on 1 December. All donations will be given to POM General Hospital ward 4A.

# editorial

Welcome to the October and November edition of the Wasdok Newsletter

Once again I hope you have enjoyed the last edition covering the August and September edition of the Wasdok.

In this edition we bring events and highlights of the IAACA General Meeting in Macao, China, where the Chief Ombudsman of Papua New Guinea Chronox Manek was officially declared as an Executive Director. Mr Manek was accompanied by Ombudsman John Nero and Senior Investigator Andrew Sea. Andrew writes about the event and experience during this very important global event.

In other stories, read about the Commission's perspective on

news and information covering leadership issues making headlines in the country.

Also in this edition, the Commission farewells David Ward, a Development Practitioner, who had served in the Commission for four years. Mr Ward joined the Commission under the OC and Commonwealth Ombudsman of Australia Twinning Program.

Happy reading.

Editor.



# OC Pays Tribute to Outgoing Development Practitioner

Members of the Ombudsman Commission have paid tribute to outgoing Development Practitioner David Ward on Friday 26 November 2010 at their Deloitte Tower office in Port Moresby.

In a joint statement Chief Ombudsman Chronox Manek and his colleague Ombudsman John Nero and Phoebe Sangetari expressed satisfaction that Mr Ward had contributed value to the overall work of the Commission in the four years whilst attached to the Commission.

David had joined the Commission following a twinning placement between OCPNG and the Commonwealth of Australia. Mr Ward later joined the Law and Justice Sector Program and returned to continue working with the Commission as a Development Practitioner.

The Members of the Commission said in their farewell message that it had been valuable experience for the Members of the Commission and Staff to have related with someone of David's calibre since the first time he set foot in the Commission in 2006 on a 4 months attachment under the current Twinning Placement arrangements between the Ombudsman Commission of PNG and Commonwealth Ombudsman Office.

"We commend your invaluable contributions that are immeasurable and you leave a legacy that the Commission

will walk on for many years to come. Many officers, particularly those in the Operations front would attest that they have benefited a lot from their professional association with you.

We also on the informal and social front acknowledge that you have been an inspiration to many who have related with you in all levels of the Commission, both at work and extra curricular activity such as a bottle or 6 packs at the Social Club fund raising on Friday evenings.

We sincerely acknowledge your contributions to the Commission and most importantly to the People of Papua New Guinea".

## David leaves behind a legacy of his work

David Ward joined the Commission on a placement program between the Ombudsman Commission of Papua New Guinea and the Commonwealth Ombudsman of Australia four years ago.

During his tenure with the Commission, he worked with the Complaints Administration and Investigation Division of the Commission assisting officers in a number of tasks.

Chief Ombudsman Chronox Manek and his colleague Ombudsman John Nero and Phoebe Sangetari who hosted a farewell reception heaped praise on the achievements by Mr Ward.

Mr Manek said Mr Ward was leaving behind a legacy of the work he had done and no doubt officers he had worked with would carry on the good work. "Go with comfort that you have achieved your work in the Commission."

Some of the achievements include assisting officers of the Commission prepare special investigative reports including the Moti Affair, the Three Mile Report, the Hamish Sharp and National Maritime Safety Authority Board and more recently the Kimbe Lands issue. He also assisted the Office of Counsel and the Executive Services with a number of tasks.

Mr Ward thanked the Commission for the opportunity given to him to work in its office here.

He said he enjoyed working with the various teams and Divisions in the Commission.



Counsel to the Commission Vergil Narakobi presenting a gift to David Ward during the farewell reception held at the Commission's Port Moresby Office.



## INVESTIGATIONS INTO GOVERNMENT AND THE PRIME MINISTER

**T**he Ombudsman Commission welcomes the call from the Opposition Members of Parliament to inform the public on the status of its investigations.

In issuing the statement Chief Ombudsman Chronox Manek and his two colleague Ombudsman John Nero and Phoebe Sangetari said such calls, although lacking understanding of the facts and the process involved, is an important part of our constitutional democracy.

“The Commission takes this opportunity to assert its constitutional mandate as an independent institution, free from direction and control by any person in the discharge of its functions.

The Ombudsman Commission has informed the public on 16 November 2010, of the status of its investigations of both Prime Minister Somare and Minister Somare.”

The joint statement said the Prime Minister was referred to the office of the Public Prosecutor after the Prime Minister’s Court challenge failed to stop the referral.

“Ombudsman Commission is not aware of any Court Order preventing the Public Prosecutor performing its role to consider the matter to request appropriate Tribunal to enquire into the allegations.

What this calls for is whether our laws should be reformed to stop leaders challenging the referrals, until after the Tribunal has considered the matter and then it can take this matter to Court. Again this is a matter for the law makers to deal with.”

The three Members of the Commission said Parliament has not responded to the Ombudsman Commission’s request for stakeholder consultations, to see how it can improve its laws, to make the Commission more effective and efficient under present circumstances where leaders conduct may involve tracing accounts offshore.

They said recent referrals such as Pruaitch, Sikani and Somares have all ended up in Court. This asks the question of where do you draw the line between individual interests and common good?

“The Prime Minister has filed a constitutional challenge of the referrals, to which the Commission has filed an application seeking its dismissal. This matter is awaiting a related Court proceedings on the issue of standing by the Prime Minister.



**Director Leadership ,Mathew Damaru receiving his certificate from Richard Neish of the Commonwealth Ombudsman after an in-house training workshop on Introduction to Ethics, Financial Investigations and Forensic Accounting Training. The training was run by the Commonwealth Ombudsman of Australia under the Pacific Island Ombudsman Program.**

**F**ourteen officers from the operations division of CAID participated in an in-house training - Introduction to Ethics, Financial Investigations and Forensic Accounting Training conducted from 18 to 21 October at Head Office.

The training was facilitated by Richard Neish and Carolyn Langley from the Commonwealth Ombudsman. This workshop was part of the Pacific Ombudsman Alliance program and basically dealt with ethics and corruption and internal controls, evidence gathering, financial investigations, fraud investigations and forensic accounting.

# REPORT ON LANDS PROBE PRESENTED TO SPEAKER OF PARLIAMENT

The Ombudsman Commission has presented another report to the Speaker of Parliament it has conducted on the investigations into the Department of Lands and Physical Planning.

The report covers the Department’s rezoning, leasing and registering of the land title for Section 31 Allotment 03 in Kimbe to a private company.

The Chief Ombudsman Chronox Manek and his colleague Ombudsman, John Nero and Phoebe Sangetari jointly announced the referral of the report to the Office of the Speaker of Parliament on Friday 19 November

The members of the Commission said during a press conference this month that Section 31 Allotment 03 was rezoned from public institution land to commercial land and leased to the company for business purposes without adhering to the established processes and procedures and the Acts governing the Department.

“Further, the Secretary for Lands and his two



Chief Ombudsman Chronox Manek (centre), Ombudsman John Nero (left) and Phoebe Sangetari (right) addressing the media.

deputies have signed important documents which only the Minister for Lands can sign without any documentary evidence of delegation or sub-delegation of powers to enable the land title to be granted to the private company”.

The three members of the Commission said the Commission was exercising its discretion to publish the report under Section 23 of the *Organic Law on the Ombudsman Commission* it considers that the publication is in the public interest because its findings and recommendations have application to a large number of government agencies and that the matters investigated have considerable media and public interest.

“The Ombudsman Commission in publishing this final report informs all stakeholders that it is dedicated to serving the people and government of Papua New Guinea as an independent institution that promotes good governance and leadership in a fair and impartial manner.

The Speaker is required under Section 23(1) (d) of the *Organic Law on the Ombudsman Commission* to present the report to the Parliament within eight sitting days of Parliament.



Part of the media representatives at the OC press conference.

# OC Performance Management Review

...in pictures



Directors and Senior Officers interacting during the 3rd Quarter Performance Management Review meeting held at the Hideaway in Port Moresby. The OC PMRs are held quarterly where Managers and Directors meet with the Members of the Commission to review and discuss work plans for the last quarter.

## OC Staff go on Training - ongoing

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financial accounting process, control of cash transactions and bank reconciliation. It also provided an overview of the management accounting process.

Another Accounting for Non-Accountant course was held in Madang for 5 days in November which was attended by 3 officer including Cecilia Rai, Petra Binta and Veronica Kumasan.

The Commission also approved for seven officers to attend and participate in an Archives and Record Management Workshop Module II: "Keeping Archives Course" which was held in Kokopo from 25 to 29 October for Administration Officers. The four days workshop was conducted by the Unitech Development Consultancy. Keeping Archives is the second module of five of the Archives and Records Management and looks at recording and archiving of organizational records and information.

Regional Manager for Momase Allan Barilae and GBLP Co'ordinator Miriam Wawe travelled to Sydney, Australia on a short term training program. The Training held from 13 October to 5 November covered managing regulation, enforcing and compliance.

It was aimed at getting participants to understand the basis and meaning of corruption, the different forms and levels of corruption and implication and consequences. Participants also learnt how to design and implement measures to investigate, mitigate and prevent corruption.

The workshop, facilitated by Australia and New Zealand School of Government, examined the distinctive strategic and managerial challenges that surround governments' regulatory and enforcement functions, recognizing that the quality of life in a democracy depends heavily on them and how government agencies exercise their coercive power over individuals and institutions. The course focused on the operations and management of regulatory and enforcement agencies rather than on reforms of the legal frameworks under which they operate.

A further training course was conducted in Sydney, Australia from 3 to 5 November. The training program hosted by the Commonwealth Ombudsman, New South Wales Ombudsman and New South Wales Independent Commission Against Corruption attracted participants from the South Pacific and PNG Ombudsman Commission. Senior Investigation Mr Philip Morris and Team Leader Daniel Taka attended and participated in the three day program.

## IAACA 4<sup>TH</sup> ANNUAL CONFERENCE AND GENERAL MEETING – MACAO SAR, PR CHINA... *FEATURE STORY*

On Sunday, 31 October 2010, a delegation from the Ombudsman Commission led by Chief Ombudsman Chronox Manek travelled to Macao, China to attend the 4<sup>th</sup> Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities (IAACA).

The delegation comprised of Chief Ombudsman Chronox Manek, Ombudsman John Nero who was accompanied by his wife Martha, Director Leadership, Mathew Damaru and Senior Investigator Andrew Sea.

The trip began at the Jacksons International Airport at 1.50pm transiting through Brisbane, Australia where they spent about 6 hours then boarded Qantas flight, QF97, arriving at Hong Kong at 5.55am on Monday 1 November 2010.

At 7.30am the delegates purchased ferry tickets and boarded a shuttle at 9.45am to Sky Pier Ferry Terminal. They then boarded a Turbo Jet ferry at 10.00am to Taipa Ferry Terminal in Macao, arriving at 11.00am.

After obtaining their visas for Macao, they were picked up by bus and transported to the Grand Hyatt Hotel in Macao, which hosted the conference and housed most of the delegates.

Papua New Guinea was represented at the conference by the Commission and the Office of the

Public Prosecutor which was represented by the Acting Public Prosecutor, Mr. Jim Wala Tamate and Senior State Prosecutor with the Strongim Gavman Project, Mr. Paul Rutledge.

Over 650 delegates attended the conference along with over 65 accompanying persons from over 140 countries across the globe. The delegates to the conference included Ministers, Members of Parliament, Ombudsmen, Prosecutor Generals, Prosecutors, Auditors, Lawyers, Investigators, Heads of anti-corruption agencies, Heads of Missions, Police personnel, academics and students.

The overwhelming attendance reflected the global concern in the fight against corruption which is now a major problem in most countries.

At 3.00pm on Tuesday, 2 November 2010, the opening ceremony for the conference was held with the welcome address from Dr. Fernando Chiu Sai On, Chief Executive of the Macao Special Administrative Region of the People's Republic of China.

This was followed by addresses from the following persons.

1. Mr. Jia Chunwang, President of IAACA.
2. Professor Cao Jianming, Procurator General of the Supreme People's Procuratorate of the People's Republic of

China and Grand Chief Prosecutor of the People's Republic of China.

3. Mr. Ho Chio Meng, Prosecutor General of the Public Prosecutions Office of the Macao Special Administrative Region of the People's Republic of China.
4. Mr. Dimitri Vlassis, UN Secretary General Representative and Chief of Corruption and Economic Crime Branch in the United Nations Office of Drugs and Crime (UNODC).
5. Mr. James Hamilton, President of the International Association of Prosecutors and Director of Public Prosecutions in the Republic of Ireland.

The opening ceremony was then followed by a cocktail reception and welcome banquet and performance hosted by the Public Prosecutions Office of Macao SAR, PR China.

On Wednesday, 3 November 2010, plenary sessions were convened for all delegates on the topic of the UNCAC Chapter IV, International Cooperation.

Various speakers highlighted the critical need for international cooperation between anti-corruption authorities and agencies across the globe in light of the emergence of cross-border crimes, cross-region crimes and international corruption.

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## Special Features on the Macao - IAACA - General Meeting

Other speakers highlighted the instances where agreements were signed between anti-corruption agencies of sovereign states which resulted in exchange of information and personnel in the course of their investigations resulting in successful convictions in court.

Chief Ombudsman, Mr. Manek, was one of eight speakers who presented papers during the second session of the plenary meeting.

The speeches were presented in various languages with simultaneous interpretations in Arabic, Chinese, English, French, Portuguese, Russian and Spanish.

On Thursday 4 November 2010, four workshops were held on an interest basis under the following topics:

1. UNCAC Chapter IV, Articles 44-45: "Extradition and Transfer of Sentenced Persons".
2. UNCAC Chapter IV, Article 46: "Mutual Legal Assistance".
3. UNCAC Chapter IV, Articles 47-48: "Transfer of Criminal Proceedings and Law Enforcement Cooperation".
4. UNCAC Chapter IV, Articles 49-50: "Joint Investigations and Special Investigative Techniques".

On Friday, 5 November 2010, a plenary session was convened for all delegates on all the topics discussed during the previous two days followed by the General

Meeting.

During the General Meeting, the delegates were introduced to the incoming office bearers and members of the Executive Committee of IAACA.

### **"Chief Ombudsman takes up role as Executive Committee of IAACA"**

It was indeed a proud day for the delegation from the Commission and Papua New Guinea as the Chief Ombudsman, Mr. Manek was introduced among the group as a member of the Executive Committee of IAACA.

Mr. Manek was appointed in absentia during the IAACA Executive Meeting held in Brazil early this year and formalised during the meeting in Macao.

Both incoming and outgoing office bearers and Executive Committee of IAACA were presented with ceramic busts of themselves which were created using photographs sent to the organisers earlier in the year.

Mr. Manek received his ceramic bust from the Representative of the UN Secretary General and

Chief of Corruption and Economic Crime Branch in the Division for Treaty Affairs in the United Nations Office on Drugs and Crime (UNODC), Mr. Dimitri Vlassis.

The closing ceremony was held after the General Meeting and delegates were informed that the next Annual Conference and General Meeting of IAACA will be held in Morocco next year.

It was a truly international conference attended by delegates from all walks of life representing all regions within the continents of the globe with a common aim of fighting corruption for a better life for the future generations of their own sovereign states and countries.

**"The author of this story Andrew Sea wishes to thank the Commission for giving him the opportunity to attend the conference and experience the unique hospitality and warmth of the Macao people given their Chinese and Portuguese origins.**

**The papers presented at the conference are still being sorted out by the conference organisers and will be made available as reference material for the Commission library upon completion."**



## Placement and training programs continue in October and November

The Human Resource Unit of the Ombudsman Commission (OC) continues to run training programs and workshops despite almost coming to the end of the year.

In the last quarter, several local and overseas training and placements were conducted beginning with the Corruption & Anti-Corruption Course at the Australian National University, Canberra, which was held from 5 to 12 October. Three officers from the Complaints Administrative and Investigation Division, Daniel Taka, Simon Kwailimu and Timothy Wrumongo attended.

Finance Manager Geita Doura and Logistic Manager Genly Malawae were in Canberra for a two weeks placement with the Commonwealth Ombudsman (CO) from 4 to 15 October and Team Leader of GBLP, Lydia Mulina commenced a two months placement with the Queensland Ombudsman from 4 October to 3 December facilitated by the Commonwealth Ombudsman through the Queensland Ombudsman.

According to the Twinning Arrangement between OCPNG and CO for 2011, placement programs will continue to fall into short-term and long-term placements. Long-term placements are planned for two months and are targeted for officers in the operations divisions of Leadership, CAID and R&ER. Short-term placements are planned for two weeks periods and will cater for officers in Office of Counsel and Executive and Support Services.

Several trainings programs were also conducted locally. These trainings included Introduction to Ethics, Finance Investigations and Forensic Accounting. This program was held in-house from 18 to 21 October where 14 officers from CAID, Leadership and Regions and External Relations participate.

This workshop was part of the Pacific Ombudsman Alliance program which dealt with ethics and corruption and internal controls, evidence gathering, financial investigations, fraud investigations and forensic accounting.

Two Human Resource Officers, Abigail Wariambu and Bernard Alu attended and participated in a Safety Officers Course Level 1 in Madang from 18 to 22 October covering safety legislation, workplace OHS principles and regulations, incident investigation, risk management, health and hygiene issues and roles and responsibilities of safety officers and committees.

It covered responsibilities of employers to provide a safe workplace for their employees as well as employees' responsibilities to observe safety regulations whilst performing their tasks.

Finance Officer Jonas Hawala attended a short term training program at the University of PNG's Open Campus in Kokopo from 12 to 22 October on Accounting for Non-Accountants Course.

This course covered factors that contribute to failures of businesses, the

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### Food for Thought

## Turning Bad into Good

A high school girl was doing her homework. With a pen and ink, she was supposed to draw a flight of stairs.

She finished it, and just as she was putting away her ink, a big drop of it fell right into the middle of the picture.

What to do now? There was no time left to draw another picture. The girl was so discouraged, that she burst into tears.

Her father heard her crying, came over, and asked her what the trouble was. She showed....

He patted her on the shoulder and said,

"Don't worry, honey—that ink blot looks just like a black patch on the side of the dog. Don't get so easily discouraged. Often it only needs a bit of imagination to turn the bad into good.

Remember. Few things are as hopeless as they may seem at first."

So the girl drew a dog around the ink blot.

The next day that picture was voted the best in the class.

"You see what a little imagination will do," said the teacher.

"The little dog just completes a good drawing."

For the rest of her life, whenever things went wrong, that girl remembered the black-patched dog.

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