



WASDOK

ISSUED FOR DECEMBER 2006 BY THE PNG
OMBUDSMAN COMMISSION

Chief Ombudsman cleared of misconduct allegations

Chief Ombudsman Ila Geno has been cleared of all allegations that were made against him early this year.

In a letter dated 24 November 2006, Prime Minister Sir Michael Somare in his capacity as the Chairman of the Ombudsman Appointments Committee informed Mr Geno that the Committee had cleared him of all allegations leveled against him by Gulf Governor Chris Haiveta.

The Committee wrote in its advice to Mr Geno:

“The Ombudsman Appointments Committee sat yesterday to consider the Ombudsman Commission’s submission, the Committee concluded that it was not satisfied with the allegations raised by Hon Chris Haiveta against you. The Ombudsman Commission’s submission is dated 5 June 2006.

“In relation to the Haiveta allegations, the Committee had earlier on considered your response, and an assessment commissioned by the Committee. Having also considered the Commission’s submission, the Committee concluded that it was not satisfied that the allegations raised against you for the purpose of your removal from office of Ombudsman and Chief Ombudsman should be further investigated. The Committee therefore resolved to put this matter to rest”.

It has taken seven months since the allegations first came to light in April 2006 and comes as good news for the festive season.

In a press conference, Mr Geno told the media representatives that all along he has maintained his innocence.



CLEARED.....Chief Ombudsman Ila Geno makes a public statement that allegations made against him by Gulf Governor Chris Haiveta have been cleared by the Ombudsman Appointments Committee.

“When I was referred early this year I made it publicly known that as a constitutional office holder I was open to public scrutiny,” he said.

Mr Geno said that while public scrutiny is good it should be sound and healthy for the common good and subject to principles of natural justice.

“Our obligation to provide checks and balances must be genuine to serve public purpose and not individual gains that serve no purpose to public interest.

“Now that the Committee has resolved the matter, I am able to say that the allegations reveal a misinterpretation of the Commission’s records and audited documents,” he said.

Hon Chris Haiveta MP raised the misconduct in office allegations against the Chief Ombudsman and had referred him to the Ombudsman Appointments Committee.

Mr Haiveta made the allegations soon after he was investigated by the Ombudsman Commission and referred to the Public Prosecutor.

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Leadership Tribunal dismisses Andrew Baing from office

A Leadership Tribunal this month recommended the dismissal of Hon Andrew Baing MP, Deputy Leader of the Opposition and member for Markham Open Electorate and member of Morobe Provincial Assembly for misconduct in office.

The tribunal comprising Justice David, as Chairman and senior magistrates Mark Selekareu and Vincent Linge recommended the maximum penalty of dismissal from office saying that public policy and public good requires that Mr Baing not hold public office.

In recommending the penalty, the tribunal said Mr Baing was responsible for the disbursement of the funds from his personal super saver bank account. He is the sole signatory.

The District Support Grant cheques were issued, received and deposited improperly and illegally. A substantial part of the funds were applied to his benefit and to his associates. The leader had failed to properly acquit those funds.

There is no one else to blame except him. The leader cannot blame the Ombudsman Commission as he has. He is the one who made the withdrawals and conducted the EFTPOS transactions as alleged. He failed to apply public funds to meaningful development projects in Markham Open Electorate. He is the one who is culpable and his culpability is serious.

The Ombudsman Commission conducted investigations into alleged misconduct in office by Mr Baing in relation to the following two main allegations:

- 1 Misappropriation of K250,000.00 of District Support Grant (DSG) in the year 2002; and
- 2 Failure to comply with two separate directions issued by the Ombudsman Commission pursuant to Section 27(4) of the *Constitution*.

The Ombudsman Commission's investigation revealed that in March 2002 Mr Baing received from the Office of Rural Development (ORD) K50,000.00 and a K200,000.00 DSG meant for meaningful development activities for Markham Open Electorate.

Mr Baing was alleged to have deposited the K250,000.00 into his private Westpac Bank account No 35911 held at Waigani Branch in Port Moresby. He was alleged to have made

eight (8) cash withdrawals totalling over K80,000.00.

Furthermore, Mr Baing was alleged to have conducted over 100 EFTPOS transactions totaling over K170,000.00 at various venues including supermarkets and hotels.

The Ombudsman Commission referred the leader to the Public Prosecutor on 29 September 2005.

On 17 July 2006 Mr Baing formally took the pleas in relation to the five allegations presented by the Public Prosecutor.

On 4 December the tribunal found Mr Baing guilty of 3 out of 5 allegations of misconduct in office.

**NEMO YALO
COUNSEL TO THE
COMMISSION**

Tis the season to be jolly



An Eye within

“So this is Christmas and what have you done, another year over and a new one has just begun..” are the catchy lyrics of a song that is hitting the airways at this time of the year.

Just that one liner gets me thinking of all the events that had occurred during the last 12 months. It also raises a lot of questions as I reflect on my successes and failures, good times and bad times and how I have reacted to situations. Have I been a good parent, a good child, a good student or a good employee? Have I made remarkable achievements to take note of? What areas have I failed or lacked enthusiasm? Was I really that bad or good this year?

Well the good thing about Christmas is that it gives us all the opportunity to think about the gift of Christmas - the birth of Jesus Christ.

Christmas gives me the opportunity to be drawn closer to Him and to

learn who He was as a person and he was humble.

As I gaze around me I see the long lines of people queuing up at the shops, banks, ATM machines and Post Offices. Shops are filled with decorations from ceiling to floor and display nicely wrapped gifts and prices of goods slashed. Homes and even in the offices light up in Christmas lights, decorations and Christmas trees.

Certainly it is the season to share, to care and to be merry. It has been a long 12 months and now that Christmas is upon us may you enjoy your Christmas with your loved ones in the true spirit of Christmas.

Do not forget that Jesus is the reason for this season.

Merry Christmas and a Prosperous New Year from the Media Unit team. See you all in one piece in 2007.

Annual Reports now up to date

The Ombudsman Commission has set the pace for other Government agencies and bodies to follow by being up to date its Annual Reports.

On 14 December 2006 the Chief Ombudsman Ila Geno and his colleague Ombudsmen Peter Masi and John Nero had the pleasure in presenting three Detailed Annual Reports to His Excellency, the Governor-General, Grand Chief Sir Paulias Matane.

The presence of the three Members of the Commission at the presentation signifies the importance they place on being compliant with the Constitutional requirements and the *Public Finances Management Act*.

Section 220 of the *Constitution* requires the Ombudsman Commission to furnish to the Head of State for presentation to Parliament, an annual report on its functions and workings as well as other such reports as necessary from time to time.

Section 220 states:

(1) the Ombudsman Commission shall, at least once in each period of 12 months, at such time as is fixed by or under an Act of Parliament or, subject to any such Act, by the Head of State, for presentation to the Parliament, a report on the functions and workings of the Commission, with such recommendations as to improvement as the Commission thinks proper.

Chief Ombudsman Ila Geno said:

“These reports detail the work and the performance of the Commission in any one year.



(from left) Secretary Mavara Sere, Ombudsman John Nero and Ombudsman Peter Masi (far right) look on as Chief Ombudsman Ila Geno and Governor-General Sir Paulias Matane display the detailed 2003, 2004 and 2005 Annual Reports.

“They are important documents which enable the organisation to be transparent and accountable in the eyes of the leaders and the general public.”

ILA GENO OBE QPM
CHIEF OMBUDSMAN

PETER MASI
OMBUDSMAN

Merry Christmas



Its that time of the year again when Christmas trees, tinsels and decorations are displayed in shops, homes and in offices.

The OC reception area had on display this Christmas tree and Joanne Gasi (left) AO Records, ISU and Jacinta Irau (right), AO Accounts, could not help but stop and admire the tree.

Seasons Greetings



From the office of the Chief Ombudsman

Without your dedication, loyalty and support the Commission would not have come thus far.

I always count on each one of you from the drivers to my two brother Ombudsman for the achievements of the Commission in 2006. On many occasions I have seen officers working under trying circumstances for long hours without complaining because that is coming from their hearts.

There are officers who are often not recognized for their dedicated service to the Commission but let me assure you that I speak for all of you here in Port Moresby and in the three regional offices.

For those who have negative or half-hearted commitment to the Commission, I challenge you and encourage you to reassess and realign yourself so that you too can make a difference in the days ahead.

I have nothing but praise for all of you. For those who are not sure of their position in terms of dedication and commitment, I urge you to make resolutions in the New Year to make your life meaningful and worthwhile.

It has been a great pleasure working and associating with you in this fine institution and like I always say I am only the spokesperson and provide my style of leadership, but you are the people who make it happen and I am deeply indebted.

I take this opportunity to express my special thanks to our Advisors, Special Project Officers and Consultants.

They have blended into the Commission and have provided training, consultation services and taking on projects and development activities. You are a part of the OC family.

Lastly, I wish you all a very Merry and trouble free Christmas and a Prosperous 2007.

On behalf of Ombudsmen Peter Masi and John Nero and our families, let me express my heartfelt thanks and gratitude for all your contributions to the Ombudsman Commission in 2006.

I know the sailing has not been smooth and I never expected it to be smooth.

Although we all faced difficult times this year, we stood united and much is attributed to the unwavering support given by you and your families which I feel greatly indebted.

From the Office of Ombudsman Peter Masi

Ombudsman Peter Masi in his Christmas message to officers described the year 2006 as one in which the Commission's work came under attack from leaders.

He said this in relation to the referral of Chief Ombudsman Ila Geno to the Ombudsman Appointments Committee by Gulf Governor Chris Haiveta and scathing remarks made by State and Enterprises Minister Hon Arthur Somare against Ombudsman Masi.

"We have a lot of angry leaders out there," he said.

He told staff that under the new staff structure, new officers who are graduates

in various fields would be joining the Commission and will bring about competition among officers.

"Do not try to change the world because you will not be successful, go out and change yourself and you will be successful," he told officers as a concluding remark.



From the Office of Ombudsman John Nero

Help each other, work together but most importantly respect each other.

Ombudsman John Nero made this remarks in his Christmas message to staff to look out for one another come 2007.

In his observations, Mr Nero urged the staff to work professionally and to lift the game if they are to carry out the duties and functions of the Commission against external threats.

He said that the appointment of a Select Parliamentary Committee on the Ombudsman Commission to review the work of the OC



and the passing of the amendment to the *Organic Law on the Duties and Responsibilities of Leadership* by the members of Parliament were challenges that the Commission needed to meet in order to keep abreast with changes to its work.

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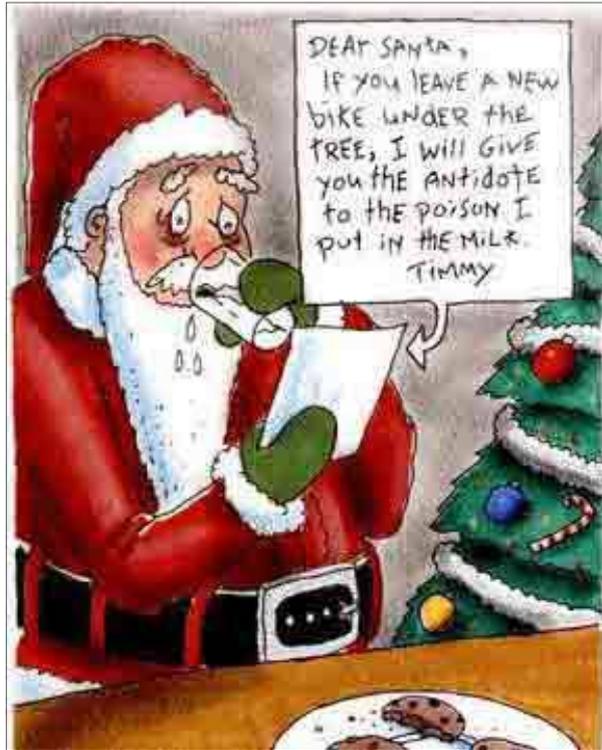
Ombudsman Nero Christmas message

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Internally, Ombudsman Nero told officers that whilst money was a solution to the problem it is not always a solution but it is how people spend money and keep tabs on their spending.

Looking ahead, he told officers that 2007 would be a hectic year externally with the upcoming general elections and internally the implementation of recommendations arising from the Comprehensive Management Review carried out in 2005.

“The parameters are big but you must make the right effort and push yourself to learn,” he said.



Merry
Christmas

*The gifts I'd leave beneath your tree,
Aren't those that you can touch or see,
Not wrapped in Christmas tissue gay
But gifts to bless you every day.
The gift of friendship warm and true,
Is one that I would leave for you
Good health and happiness and cheer
To keep you smiling through the year
The gift of peace that comes from God,
With prayer to guide each path you trod
And when your heart has lost its song
The gift of hope to cheer you on.
These are the gifts I'd leave for you .*

*From the Media Unit
We wish you*

*Hope the Gladness of Christmas
Peace the Spirit of Christmas
Love the Essence of Christmas*

**MERRY CHRISTMAS AND
HAPPY NEW YEAR**





LEGAL BRIEF

Member for Manus Open guilty of misconduct in office

A Leadership Tribunal found Hon Charlie Benjamin, Member for Manus Open guilty of 18 out of 19 allegations of misconduct in office.

The Leadership Tribunal comprising Honourable Justice Sao Gabi as Chairman, Principal Magistrate Mr Jeremiah Singomat and Senior Provincial Magistrate Mr Jimmy Tapat as members delivered its verdict on 20 December 2006.

Background

The Ombudsman Commission referred Mr Benjamin to the Public Prosecutor on 17 January 2005 after having investigated and formed a view that Mr Benjamin had been guilty of misconduct in office.

On 5 April 2006 the Deputy Public Prosecutor, Mr Jack Pambel referred six categories of allegations containing a total of 19 charges of misconduct in office to the tribunal.

Category 1 contains allegations 1 to 6 relating to the Leader's failure to furnish four annual statements for the reporting periods: 16 July 1997 to 15 July 1998; 16 July 1998 to 15 July 1999; 16 July 1999 to 15 July 2000; and 16 July 2000 to 15 July 2001.

Category 2 contains allegation 7 which relates to the leader's distribution of and failure to acquit Electoral Development Funds on time and failure to submit complete acquittals for the funds for 1998 to 2002.

During the period 1998 to 2002 Mr Benjamin was allocated a number of cheques totalling K3.7 million for the purposes of applying them to various infrastructure development projects in his electorate.

The funds were allocated under the Rural Action Program Funds. The Public Prosecutor alleged that Mr Benjamin failed to acquit electoral funds or Rural Action Program Funds he received for the years 1998 to 2002. It was alleged that the leader has attempted to provide acquittals for

some of the funds but those acquittals were incomplete.

Category 3 contains allegations 8, 9 and 10 and relates to Mr Benjamin having made 198 cash cheque payments totalling K667,507.48 of public funds making responsible accounting impossible. He made these payments contrary to law.

It appears that of the Rural Action Program funds allocated to Mr Benjamin's electorate from 1998 to 2002, he deposited about 15 cheques totalling K1,070,000.00 into the Manus Open Electoral Trust account No 608441 held at PNGBC Madang. Both Mr Benjamin and Mr Bondaluk are signatories to the account.

It appears that out of the K1,070,000.00 of public funds deposited into that account, Mr Benjamin or upon his instruction and in consultation with Mr Bondaluk made 198 cash cheque payments totalling K667,507.48.

Category 4 contains allegations 11, 12 and 13 where the Public Prosecutor alleged that Mr Benjamin used his associate's company to receive K18,000.00. Mr Lameck Kuku is Mr Benjamin's first cousin who is Chairman of the South West Bay Tuna Resources. Mr Kuku applied to the Open member for Manus for K20,000.00 for a tuna feasibility study to set up a fish cannery at Ndrahukei-Badahhan in the West Coast Manus Province. Soon after the Provincial Treasury had released K20,000.00. Mr Benjamin asked for and received from Mr Kuku K18,000.00 of the K20,000.00.

Category 5 contains allegations 14, 15 and 16 and relates to Mr Benjamin allegedly applying K280,000.00 of public funds to a private company, without calling for public tenders as required by law and the relevant guidelines regulating the application of these funds.

The funds were given to the company purportedly to construct the East-

West road project from Ndrehet to Budralis in Manus Province in 1999.

Category 6 contains allegations 17, 18 and 19 and relates to Mr Benjamin depositing into his personal cheque account K210,000.00 of his electoral development funds. These comprise of direct deposits of cheques written out in his name and a cross-transfer of K54,000.00 from his electorate's trust account to his personal cheque account. Of the K54,000.00 he only transferred K50,000.00 and cashed K4,000.00 and applied it to his own use. Out of the public funds in his personal account he transferred K48,000.00 to the electorate's trust account leaving a balance of K162,000.00. Mr Benjamin is alleged to have applied these funds through numerous substantial cash withdrawals through automatic teller machine (ATM) at various locations in the country.

All the allegations were centred on alleged breaches of Section 27 of the *Constitution* and Sections 4, 5, 13 and 23 of the *Organic Law on the Duties and Responsibilities of Leadership*.

Section 27 of the *Constitution*, amongst other things, requires all leaders not to place themselves in a position in which they have or could have conflict of interests and not to allow their integrity to be called into question. Mr Benjamin is alleged to have, among other things, demeaned the leadership office that he holds and has allowed his official and personal integrity to be called into question.

Section 4 of the *Organic Law* requires leaders to whom the Leadership Code applies to furnish to the Commission annual statements in every 12 months period. The leaders are required by law to, among others, declare their assets, liabilities, incomes, bank accounts and their business transactions.

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New Executive Officer

Abigail Wariambu is OC's new Executive Officer.

She has a Bachelor of Arts Degree, Majoring in Industrial and Organizational Psychology from the University of Papua New Guinea.

After completing her studies in 1991 she joined the Department of Defence's Intelligence Branch as a Human Intelligence Officer.

Two years later she was appointed as a Staff Development Officer, a position she held until 1997.

In 1997 she joined the Manus Provincial Administration as the Principal Training Officer.

Over the next eight years she held various positions. In 1998 she

became the Executive Officer to the Provincial Parliamentary Committee on Education. During that year she was also a Special Projects Officer with the Manus Savings and Loans Society. As the team leader she carried out awareness work and helped to establish the society in the province.

In 1999 she was appointed Cabinet Secretary to the Provincial Executive Council. In 2000 she went back to the Human Resources Department as a Principal Development Officer.

Abigail resigned in 2002 but in 2003 was appointed Executive Officer to the Provincial Parliamentary Committee on Health.

From 2004 to 2005 she

was appointed as Human Resources Officer with the Manus Provincial Administration.

In 2006 Abigail joined the Defence Department as a HR Officer until her engagement with OC.

Abigail says that she has made the right choice by joining the Ombudsman Commission.

"I find that here in the Commission, things are more organized, there is a good work environment that boost the morale of the staff."



Legal Officer

Meet Jack Lomai, a Legal Officer with the Office of Counsel.

At 45 years old, he holds a Certificate of Civil Engineering-Draughtsman, Diploma in Surveying and Bachelor of Law.

When asked whether he wants to pursue studies in other fields, Jack says he is happy with practising law.

From 1978 to 1982, Mr Lomai attended Lae Technical College where he obtained a Certificate in Civil Engineering as a Draughtsman.

He worked with the Department of Works and later Department of Civil Aviation in 1986. He later joined the Engineering division of the National Capital District Commission (NCDC).

The NCDC had a good human resources policy in place that gave opportunities to staff to further their educational qualifications.

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Tribunal finds Manus Open MP guilty

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Mr Benjamin is alleged to have failed to furnish four annual statements. He has ignored reminders and has ignored to submit new forms supplied by the Commission.

Section 5 of the Organic Law among others, provides that a leader must not, except in the course of and for the purposes of his official duties or his position, use or allow his name or his official position to be used for the benefit of himself or other person. Mr Benjamin is alleged to have breached this provision.

Section 13 of the Organic Law provides that a person to whom the Leadership Code applies must not intentionally apply public funds to any purpose to which they could not be lawfully be applied. In addition, such person must not intentionally agree to such unlawful applications of public funds. Mr Benjamin is alleged to have breached this provision.

Finally, Section 23 of the Organic Law requires a leader to cooperate to the best of his ability with the Ombudsman Commission. Mr Benjamin is alleged to have failed to cooperate with the Commission in relation to his failure to

file his annual statements.

Mr Benjamin denied all allegations. The Tribunal having heard witnesses in Port Moresby, relocated to Manus to hear the Leader's witnesses and visited the road project the subject of Category 5 allegations.

Tribunal's Ruling

In a unanimous decision, the Tribunal found Mr Benjamin guilty of allegations 1 to 6 and 8 to 19 while for allegation 7 the tribunal ruled that the bank statements do not show an entry of K1million and as such accepted Mr Benjamin's explanation that he never received the funds. However, the Tribunal ruled on page 91 that in respect to allegation 7, Mr Benjamin was guilty of failing without reasonable excuse to furnish complete acquittals for and failed to properly acquit K1,350,00.00 of public money under the Rural Action Program for the years 1998 to 2002.

The Tribunal will hear submissions on penalty on 10 January 2007. In the meantime, Counsels have been asked to file written submissions before 10 January 2007.

**NEMO YALO
COUNSEL TO THE COMMISSION**

Commission renews contracts for senior officers

The Ombudsman Commission has recognized the dedication and commitment of six senior officers by awarding them new contracts.

The officers are Iru Veri, Finance Manager, Bonner Tito, Media and Public Relations Manager, Avara Uvisa, Senior Investigator, Tabitha Suwae, Senior Legal Officer, Simeon Namunu, Policy and Planning Manager and David Olley, Special Projects Assistant.

The officers signed their contracts in the presence of Chief Ombudsman Ila Geno, Ombudsman Peter Masi, Secretary to the Commission, Mavara Sere and Human Resources Manager, Eric Kumasan.

Senior Investigator in Mt Hagen office Steven Hai-baku also signed his contract.



Senior Legal Officer Tabitha Suwae signs her contract in the presence of Chief Ombudsman Ila Geno and Secretary to the Commission Mavara Sere.

Mr Namunu signed a new contract and Mr Olley signed Deed of Amendment while the others signed a Deed of Release and a new contract.

Chief Ombudsman Ila Geno told the officers that the Commission had recognized their dedication to work and has honoured their contracts.

“In the Commission we do our best to fight corruption and what we do must make an impact.

“You are important in the Commission because of your positions,” he said.

Ombudsman Masi said that more university graduates will join the Commission under a new structure and this will create competition among staff.

“Your calibre and appraisals have brought about good outcomes for the Commission and I look forward to an improved 2007,” he said.

Ms Suwae thanked the members of the Commission on behalf of the officers for having the confidence in them.

She urged the Human Resources Unit to ensure that contracts are signed on time as they were legal documents.

Two other senior officers who signed their contracts at a later date included Roslyn Pochelep, Team Leader Intake and Screening Unit and John Hevie, Team Leader CAIB.

Ms Pochelep signed a deed of release and a new contract while Mr Hevie signed a new contract as a Team Leader.

New Legal Officer

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Jack took his career a step further when he took up a three-year study at the University of Technology in Lae and obtained a Diploma in Surveying in 1996.

In 1998 he applied to take up Law studies at the University of Papua New Guinea. In 2003 he graduated



Jack Lomai

with a Bachelor of Law.

For 18 months he was employed by

Lomai Lawyers. He resigned and joined the National Housing Corporation as a Conveyancing Lawyer for 16 months before joining the Ombudsman Commission.

“I realise that today when young people graduate from universities, they quickly rise to the top and this prompted me to take up further studies.

Jack says that he is happy to be a part of the Ombudsman Commission and finds that the office environment boosts the morale of staff to be committed to their jobs.

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