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Draft of 3/7/1978.

THE CONSTITUTION:

ALTERATION TO THE CONSTITUTION.

The Government proposes to alter the Constitution and, pursuant to the requirements of Section 14(2) (*making of alterations to the Constitution and Organic Laws*) of the Constitution I, Kingsford Dibela, the Speaker of the National Parliament, hereby publish the proposed Law -

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

PROPOSED LAW TO ALTER THE CONSTITUTION.

*Constitutional Amendment No. 7. - Allowances and Pensions.*

ARRANGEMENT OF CLAUSES.

The Parliamentary Salaries Tribunal (Amendment of Section 131).



Draft of 3/7/1978.

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

PROPOSED LAW TO ALTER THE CONSTITUTION

entitled

*Constitutional Amendment No. 7. - Allowances and Pensions,*

Being a Law to alter the Constitution by providing for additional remuneration and other benefits for members of the Parliament and for certain benefits for the dependent members of their immediate family on the death of those members of the Parliament,

MADE by the National Parliament to come into operation, or be deemed to have come into operation, as the case may be, on the date of commencement of *Constitutional Amendment No. 6. - Leadership.*

THE PARLIAMENTARY SALARIES TRIBUNAL (AMENDMENT OF SECTION 131).

Section 131 of the Constitution is amended -

- (a) by omitting from Subsection (3) "The Tribunal" and substituting "Subject to Subsections (5) and (6), the Tribunal"; and
- (b) by adding at the end the following subsections :-

"(5) An Organic Law or an Act of the Parliament may provide that members of the Parliament upon whom duties or obligations are imposed by or under Subdivision III.2iC (*Leadership Code*) shall be paid such loadings on any salary fixed by the Tribunal in respect of such members at such rate or rates fixed from time to time by the Tribunal, not being less than the rate or rates specified in that Organic Law or Act of the Parliament.

"(6) An Organic Law or an Act of the Parliament may provide for the payment of pensions to persons who have served as members of the Parliament and the pensions or financial benefits payable to their spouses and dependant children on the death of members or former members of the Parliament, at such rate or rates fixed from time to time by the Tribunal, not being less than the rate or rates specified in that Organic Law or Act of the Parliament."



Draft of 28/6/1978.

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

PROPOSED LAW TO REPEAL THE ORGANIC LAW ON THE DUTIES AND  
RESPONSIBILITIES OF LEADERSHIP.

*Organic Law on the Duties and Responsibilities of Leadership  
(Repeal) Law.*

ARRANGEMENT OF CLAUSES.

1. Repeal.
2. Repeal of this Law.



Draft of 28/6/1978.

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

PROPOSED LAW TO REPEAL THE ORGANIC LAW ON THE DUTIES AND RESPONSIBILITIES OF LEADERSHIP,

entitled

*Organic Law on the Duties and Responsibilities of Leadership  
(Repeal) Law,*

Being a Law to repeal the *Organic Law on the Duties and Responsibilities of Leadership* and the *Organic Law on the Duties and Responsibilities of Leadership (Amendment No. 1. - Penalties)*,

MADE by the National Parliament to come into operation on the date of commencement of *Constitutional Amendment No. 6. - Leadership.*

1. - REPEAL.

The *Organic Law on the Duties and Responsibilities of Leadership* and the *Organic Law on the Duties and Responsibilities of Leadership (Amendment No. 1. - Penalties)* are repealed.

2. - REPEAL OF THIS LAW.

This Law expires immediately after the Organic Laws referred to in Section 1 are repealed.



Draft of 3/7/1978.

THE CONSTITUTION :

PROPOSED ORGANIC LAW.

The Government proposes to introduce into the Parliament a proposed Organic Law and, pursuant to the requirements of Section 14(2) (*making of alterations to the Constitution and Organic Laws*) of the Constitution I, Kingsford Dibela, the Speaker of the National Parliament, hereby publish the proposed Law -

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

PROPOSED ORGANIC LAW.

*Organic Law on Senior Leaders' Benefits.*

ARRANGEMENT OF CLAUSES.

Salary loading.



Draft of 3/7/1978.

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

PROPOSED ORGANIC LAW

entitled

*Organic Law on Senior Leaders' Benefits,*

Being an Organic Law -

- (a) to provide for salary loadings to be paid to members of the Parliament upon whom duties or obligations are imposed by or under Subdivision III.2.C (*Leadership Code*) of the Constitution; and
- (b) to set minimum rates for such loadings,

and for related purposes,

MADE by the National Parliament to come into operation, or be deemed to have come into operation on a date specified in a notice published in the National Gazette by the Head of State acting with, and in accordance with, the advice of the Minister, being a date not earlier than the date of commencement of *Constitutional Amendment No. 6. - Leadership.*

SALARY LOADING.

(1) On and from the commencement of this Law, a member of the Parliament who is a Senior Leader within the meaning of Division III.2 (*Leadership Code*) of the Constitution shall be paid a loading on the basic salary payable in respect of the office by virtue of which he is a Senior Leader.

(2) The salary loading payable under Subsection (1) shall be at such rates as are determined from time to time by the Parliamentary Salaries Tribunal, being not less than 30% of the Senior Leader's basic salary.

(3) A salary loading payable under Subsection (1) shall be paid at the same time and in the same manner as the Senior Leader's salary.



Draft of 28/6/1978.

THE CONSTITUTION :

ALTERATION TO THE CONSTITUTION.

The Government proposes to alter the Constitution and, pursuant to the requirements of Section 14(2) (*making of alterations to the Constitution and Organic Laws*) of the Constitution I, Kingsford Dibela, the Speaker of the National Parliament, hereby publish the proposed Law -

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

PROPOSED LAW TO ALTER THE CONSTITUTION.

*Constitutional Amendment No. 6. - Leadership.*

ARRANGEMENT OF CLAUSES.

1. Repeal and replacement of Division III.2 -

ARRANGEMENT OF CLAUSES. - *continued.**Division 2. - Leadership Code.*

## Subdivision A. - Preliminary.

## 26. - Definitions -

"associate".  
 "benefit".  
 "constitutional office-holder".  
 "foreign enterprise".  
 "Leader".  
 "other authority".  
 "prohibited interest, benefit or property".  
 "the Ombudsman Commission".  
 "Senior Leader".  
 "tribunal".

- 26A. - Application of other laws.  
 26B. - Application of Division.  
 26C. - Non-derogation of powers etc. of Ombudsman Commission.

## Subdivision B. - Leaders.

27. - Responsibilities of office.  
 27A. - Statement of income, etc.  
 27B. - Continuation of obligations.  
 27C. - Use of office for personal benefit, etc.  
 27D. - Personal interest.  
 27E. - Shareholdings.  
 27F. - Engaging in other paid employment.  
 27G. - Interests in contracts.  
 27H. - Acceptance, etc., of bribes.  
 27I. - Acceptance, etc., of loans, etc.  
 27J. - Misappropriation of funds of Papua New Guinea.  
 27K. - Personal advantage, not to be gained from official information.  
 27L. - Disclosure of interest before debate or voting.  
 27M. - Agents, etc.  
 27N. - Declaration of prohibited interests, etc.  
 27P. - Seeking, etc., prohibited interest, etc.  
 27Q. - Commission may order forfeiture, etc., of prohibited interest, etc.

## Subdivision C. - Senior Leaders.

28. - Application of this Subdivision.  
 28A. - Approved assets.  
 28B. - Disposal of assets.  
 28C. - Consequence of non-compliance.  
 28D. - Directorships.  
 28E. - Priority to be given to official business.

## Subdivision D. - Investigations.

29. - Functions of the Ombudsman Commission.  
 29A. - Complaints.

ARRANGEMENT OF CLAUSES. - *continued.*

- 29B. - Appointment of investigating authorities.
- 29C. - Proceedings of the Commission.
- 29D. - Production of documents, etc.
- 29E. - Disclosure of certain matters not to be required.
- 29F. - Failure to co-operate.

## Subdivision E. - Enforcement.

- 30. - Tribunals.

"the appropriate authority".  
"the appropriate tribunal".

- 30A. - Suspension.
- 30B. - Application of Section 29D to tribunals.
- 30C. - Effect of proceedings.

## Subdivision F. - Offences.

- 30D. - Failure to attend or produce documents.
- 30E. - Refusing to be sworn or give evidence.
- 30F. - Contempt of the Commission, etc.
- 30G. - Giving false evidence.
- 30H. - Offences in relation to certain matters done after ceasing to hold office.
- 30I. - General offence.
- 30J. - Prosecution for offences.

## Subdivision G. - Miscellaneous.

- 30K. - Privilege.
- 30L. - Protection to witnesses, etc.
- 30M. - Witnesses' expenses.
- 30N. - Reimbursement of accountancy fees in relation to annual statement.
- 30P. - Disqualifications on dismissal.
- 31. - Further provision by Act of the Parliament.

- 2. Saving of certain obligations.



Draft of 28/6/1978.

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

PROPOSED LAW TO ALTER THE CONSTITUTION

entitled

*Constitutional Amendment No. 6. - Leadership,*

Being a Law to alter the Constitution by incorporating into Division III.2 the provisions of the Organic Law on the Duties and Responsibilities of Leadership and to provide further -

- (a) for certain information about the financial affairs of certain Leaders and their immediate families to be made available to the public; and
- (b) for additional duties and obligations to be imposed on certain Leaders and
- (c) that certain Leaders and members of their immediate families may hold assets or interests of only certain kinds; and
- (d) for the disposal by those Leaders and members of their immediate families of assets and interests other than those of certain kinds; and
- (e) for those Leaders to resign their office if they or their immediate families fail to dispose of those assets and interests,

and for related purposes.

MADE by the National Parliament.

1. - REPEAL AND REPLACEMENT OF DIVISION III.2.

Division III.2 (*Leadership Code*) of the Constitution is repealed and the following substituted :-

*"Division 2. - Leadership Code.*

Subdivision A. - Preliminary.

"26. - DEFINITIONS.

(1) In this Division -

'associate', in relation to a Leader, includes a member of his family or a relative, or a person (including an unincorporated profit-seeking organization) associated with him or with a member of his family or a relative;

*Constitutional Amendment No. 6. - Leadership*

'benefit' includes any gift, loan or service (whether or not it has a monetary value) and all other personal advantages and favours given beyond the normal standards of hospitality;  
 'constitutional office-holder' means a person referred to in the definition of 'constitutional office-holder' in Section 221 (*definitions*);  
 'foreign enterprise' means a foreign enterprise within the meaning of the *National Investment and Development Act 1974*;  
 'Leader' means -

- (a) a Senior Leader; and
- (b) the Deputy Leader of the Opposition; and
- (c) all other members of the Parliament; and
- (d) heads of provincial executives; and
- (e) all other constitutional office-holders; and
- (f) all other heads of or members of the boards or other controlling bodies of statutory authorities; and
- (g) all ambassadors and other senior diplomatic and consular officials prescribed by an Organic Law or an Act of the Parliament; and
- (h) the public trustee; and
- (i) the personal staff of the Governor-General, the Ministers and the Leader and Deputy Leader of the Opposition; and
- (j) executive officers of registered political parties as defined by Section 128 ('*registered political party*'); and
- (k) persons holding such public offices as are declared under Subsection (2) to be offices for the purposes of this definition;

'other authority', in relation to a particular examination or investigation under this Division, means the authority (if any) appointed by the Ombudsman Commission under Section 29B (*appointment of investigating authorities*) to carry out the examination or conduct the investigation;

'prohibited interest, benefit or property' means an interest, a benefit or property referred to in Section 27N (*declaration of prohibited interests, etc.*);

'the Ombudsman Commission' means the Ombudsman Commission established by or under Section 217 (*the Ombudsman Commission*);

*Constitutional Amendment No. 6. - Leadership*

'Senior Leader' means -

- (a) the Prime Minister, the Deputy Prime Minister and the other Ministers;  
and
- (b) the Leader of the Opposition; and
- (c) the Speaker of the National Parliament;  
and
- (d) the Chief Ombudsman; and
- (e) all heads of Departments of the National Public Service; and
- (f) the Director of the National Planning Office; and
- (g) the Director of the Office of Forests;  
and
- (h) the Director of the Office of Implementation; and
- (i) the Executive Director of the National Investment and Development Authority;  
and
- (j) the Chairman of the Public Service Commission; and
- (k) the Commissioner of Police; and
- (l) the Commander of the Defence Force;  
and
- (m) the full-time heads of the boards or other controlling bodies of the statutory authorities or State-owned corporations declared by the Head of State acting with, and in accordance with, the advice of the National Executive Council, by notice published in the National Gazette, to be authorities or corporations to which this definition relates; and
- (n) any other Leader who, by an Act of the Parliament, is declared to be a Senior Leader for the purposes of this Division;

'tribunal' means a tribunal referred to in Section 30 (*tribunals*).

"(2) An Organic Law or an Act of the Parliament may declare any public office (including an office in a provincial government, a local government body, or a local level government body established by or under a provincial law) to be an office for the purpose of the definition of 'Leader' in Subsection (1).

"(3) In the event of doubt as to whether a person is a Leader or a Senior Leader, the decision of the Ombudsman Commission is final.

"26A. - APPLICATION OF OTHER LAWS.

Except where the contrary intention appears, no action taken under this Division prejudices any other

*Constitutional Amendment No. 6. - Leadership*

action that may be taken under any other law.

## " 26B. - APPLICATION OF DIVISION.

This Division applies to and in relation to a Leader not only in the office by virtue of which he is a Leader but also in any other office or position that he holds under any other law by virtue of that office.

## "26C. - NON-DEROGATION OF POWERS ETC. OF OMBUDSMAN COMMISSION.

Nothing in this Division derogates the provisions of Division VIII.2 (*the Ombudsman Commission*) or the Organic Law on the Ombudsman Commission, and the powers, functions, duties and responsibilities conferred or imposed on the Ombudsman Commission by this Division are in addition to and do not derogate any other powers, functions, duties or responsibilities conferred or imposed on the Commission or other authority by or under any other law.

## "Subdivision B. - Leaders.

## "27. - RESPONSIBILITIES OF OFFICE.

(1) A Leader has a duty to conduct himself in such a way, both in his public or official life and his private life, and in his associations with other persons, as not -

- (a) to place himself in a position in which he has or could have a conflict of interests or might be compromised when discharging his public or official duties; or
- (b) to demean his office or position; or
- (c) to allow his public or official integrity, or his personal integrity, to be called into question; or
- (d) to endanger or diminish respect for and confidence in the integrity of government in Papua New Guinea.

"(2) In particular, a Leader shall not use his office for personal gain or enter into any transaction or engage in any enterprise or activity that might be expected to give rise to doubt in the public mind as to whether he is carrying out or has carried out the duty imposed by Subsection (1).

"(3) It is the further duty of a Leader -

- (a) to ensure, as far as is within his lawful power, that his spouse and children and any other persons for whom he is responsible (whether morally, legally or by usage), including nominees, trustees and agents, do not conduct themselves in a way that might be expected to give rise to doubt in the public mind as to his complying with his duties under this section; and

*Constitutional Amendment No. 6. - Leadership*

- (b) if necessary, to publicly disassociate himself from any activity or enterprise of any of his associates, or of a person referred to in paragraph (a), that might be expected to give rise to such a doubt.

"(4) Subject to Section 28C (*consequence of non compliance*), where a Leader has publicly disassociated himself from an activity or enterprise in accordance with Subsection (3)(b), he shall not be guilty of misconduct in office or be otherwise liable under this Division for the actions of any of his associates or of persons referred to in Subsection (3)(a), to which that disassociation relates.

"(5) The Ombudsman Commission or other authority may, subject to this Division, give directions, either generally or in a particular case, to ensure the attainment of the objects of this section.

**"27A. - STATEMENT OF INCOME, ETC.**

(1) A Leader shall, within three months after becoming a Leader and, subject to Subsection (4), at least once in every period of 12 months while he remains a Leader, give to -

- (a) the Ombudsman Commission; and  
(b) in the case of a Leader who is a member of the Parliament or a member of the Ombudsman Commission - also, at the same time, to the Speaker of the National Parliament,

a statement to the best of his knowledge setting out, in respect separately of himself and his spouse and each of his children under voting age -

- (c) the total assets including money, personal property and real property in the possession or under the control of each of them; and  
(d) the total income received by each of them during the period to which the statement relates and the source of each of those incomes; and  
(e) the business connexions of each of them (including any business connexions with unincorporated profit-seeking organizations); and  
(f) the directorships or other offices in a corporation or an unincorporated profit-seeking organization held by each of them; and  
(g) all business transactions entered into by each of them (including transactions with unincorporated profit-seeking organizations) during the period to which the statement relates; and  
(h) all gifts received by them (other than

*Constitutional Amendment No. 6. - Leadership*

- gifts received in the normal course of events from close relatives) during the period to which the statement relates, and the value of those gifts; and
- (i) the assets acquired by each of them during the period to which the statement relates; and
  - (j) the liabilities incurred or discharged by each of them during the period to which the statement relates, and the amount of each such liability.

"(2) The period to which a statement under Subsection (1) shall relate is -

- (a) in the case of the first statement - the preceding 12 months; and
- (b) in any other case - the period since the last statement was given.

"(3) In the case of sundries and minor items, it is sufficient if the declaration shows their general natures and approximate amounts or values.

"(4) Where a Leader, within the period since he last gave to the Ombudsman Commission a statement required by Subsection (1), acquires or disposes of, or his spouse or any of his children under voting age acquires or disposes of, an asset or interest of a value exceeding K2 000, the Leader shall, within the period of one month immediately after that acquisition or disposal, give to the Ombudsman Commission (and, where that Leader is a member of the Parliament or a member of the Ombudsman Commission, also to the Speaker of the National Parliament) a statement to the best of his knowledge setting out particulars of that asset or interest and the acquisition or disposal, as the case may be.

"(5) The Ombudsman Commission or other authority may, by notice in writing to a Leader, require him to explain or give details or further details of any matters relating to a statement referred to in Subsection (1) or (4) including -

- (d) sundries and minor items shown in accordance with Subsection (3); and
- (b) omissions or apparent omissions; and
- (c) discrepancies in the statement or between it and other statements or other information available to the Ombudsman Commission or other authority.

"(6) Where the Speaker of the National Parliament receives a statement referred to in Subsection (1) or (4), he shall keep or record it, in such form as he thinks fit, in a register to be known as 'the Register of Members' Interests' which shall be open for public

*Constitutional Amendment No. 6. - Leadership*

inspection at all reasonable times on demand.

"(7) Statements and information given to the Ombudsman Commission or other authority, or statements given to the Speaker of the National Parliament, under this section shall not be revealed to any person except -

- (a) in the course of the duties of the Ombudsman Commission; or
- (b) for the purpose of proceedings or possible proceedings under Section 30 (*tribunals*); or
- (c) under an order of a court of competent jurisdiction; or
- (d) in the case of a statement given to the Speaker of the National Parliament - to any member of the public who requests it.

"(8) A Leader who -

- (a) fails without reasonable excuse (the burden of proof of which is upon him) to give to the Ombudsman Commission or the Speaker of the National Parliament a statement in accordance with Subsection (1) or (4), or to give any explanation or details required under Subsection (5); or
- (b) knowingly, recklessly or negligently gives such a statement or explanation, or any such details, that is or are false, misleading or incomplete in a material particular,

is guilty of misconduct in office.

"27B. - CONTINUATION OF OBLIGATIONS.

(1) Where a person ceases to be a Leader, the obligations imposed by Section 27A(1), (4), and (5) (*statement of income, etc.*) continue to apply to and in relation to that person for a period of 12 months immediately after he ceases to be a Leader, and a reference in those subsections to a Leader shall be read as including a person referred to in this section.

"(2) A person referred to in Subsection (1) who -

- (a) fails without reasonable excuse (the burden of proof of which is upon him) to give to the Ombudsman Commission or other authority a statement in accordance with Section 27A(1) or (4) (*statement of income, etc.*), or to give any explanation or details required under Section 27A(5); or
- (b) knowingly, recklessly or negligently gives such a statement or explanation, or any such details, that is or are false,

*Constitutional Amendment No. 6. - Leadership*

misleading or incomplete in a material particular,

is guilty of an offence and is liable, on conviction, to a fine not exceeding K1 000.

"27C. - USE OF OFFICE FOR PERSONAL BENEFIT, ETC.

(1) A Leader who, except as specifically authorized by law, directly or indirectly asks for or accepts, on behalf of himself or an associate, any benefit in relation to any action (past, present or future) in the course of his duties, or in the course of or by reason of his official position, is guilty of misconduct in office.

"(2) Subsection (1) extends to the case of a Leader who, except in the course of and for the purpose of his official duties or his official position, uses or allows his name or his official position to be used for the benefit of himself or any other person.

"27D. - PERSONAL INTEREST.

(1) A Leader who fails to reveal to the Ombudsman Commission and the appropriate authority the nature and extent of his interest, or the interest of any associate, in a matter with which he has to deal in his official capacity is guilty of misconduct in office.

"(2) A Leader -

- (a) who, or an associate of whom, has an interest in a matter which he has to deal with in an official capacity; and
- (b) who does deal with that matter (whether by voting on a question concerning it or otherwise),

is, subject to Subsection (3), guilty of misconduct in office.

"(3) Subsection (2) does not apply if the Leader concerned dealt in good faith with the matter -

- (a) under compulsion of law; or
- (b) in case of urgent necessity, if he -
  - (i) has revealed his interest in accordance with Subsection (1); or
  - (ii) does so reveal his interest as soon as practicable; or
- (c) after he has revealed his interest in accordance with Subsection (1) and under authorization by the appropriate authority.

"(4) In this section, 'the appropriate authority' means -

*Constitutional Amendment No. 6. - Leadership*

- (a) in relation to the Prime Minister and each Minister - the National Executive Council; and
- (b) in relation to each member of the Parliament (including the Prime Minister, a Minister, the Leader of the Opposition, the Deputy Leader of the Opposition and the Speaker) - the Parliament; and
- (c) in relation to the head of each provincial executive - the Provincial Assembly; and
- (d) in relation to each other Leader - the authority responsible for his appointment to the office by virtue of which he is a Leader.

## "27E. - SHAREHOLDINGS.

(1) Subject to Subsections (3) and (4), a Leader -

- (a) who holds shares or any other investment in any company or unincorporated profit-seeking organization; or
- (b) subject to Section 27(4) (*responsibilities of office*), whose spouse or any of whose children under voting age hold any such shares or other investment,

that could reasonably be expected to place him in a position in which he could have a conflict of interests or might be compromised when discharging his public or official duties, is guilty of misconduct in office.

"(2) Subject to Subsections (3) and (4), a Leader -

- (a) who holds shares or other investment in any foreign enterprise; or
- (b) subject to Section 27(4) (*responsibilities of office*), whose spouse or any of whose children under voting age holds any such shares or other investment,

is guilty of misconduct in office.

"(3) Subsections (1) and (2) do not apply to a Leader who, or whose spouse or child, prior to obtaining the shares or making the investment, has obtained the written approval of the Ombudsman Commission to do so.

"(4) Subsections (1) and (2) do not prevent a person who becomes a Leader, or the spouse or child of such a person, who -

- (a) at the time the person becomes a Leader holds shares or other investment in any company or unincorporated profit-seeking organization; or
- (b) unexpectedly acquires shares or other investment in any company or unincorporated profit-seeking organization,

*Constitutional Amendment No. 6. - Leadership*

from holding the shares or maintaining the investment for such period as is reasonably necessary to dispose of them.

"(5) Subject to Subsection (4), the Ombudsman Commission may, from time to time, publish guidelines specifying the conditions and restrictions subject to which it may grant approvals under Subsection (3).

"27F. - ENGAGING IN OTHER PAID EMPLOYMENT.

(1) A Leader who after becoming a Leader remains in any paid employment other than his official employment, without obtaining the written approval of the Ombudsman Commission, is guilty of misconduct in office.

"(2) The Ombudsman Commission shall not grant an approval under Subsection (1) where it is of the opinion that -

- (a) the remaining in, or engaging in other paid employment may involve the person in a significant potential conflict of interest; or
- (b) the obtaining of the paid employment involves or involved the use by that person of his official position.

"27G. - INTERESTS IN CONTRACTS.

(1) Subject to Subsection (2), a Leader -

- (a) who; or
- (b) subject to Section 27(4) (*responsibilities of office*), whose spouse or child under voting age; or
- (c) who has a controlling interest in a company which seeks, accepts or holds any beneficial interest in any contract of Papua New Guinea,

is guilty of misconduct in office.

"(2) Subsection (1) does not apply to a Leader who, prior to seeking, accepting or otherwise obtaining the beneficial interest in the contract, has obtained the written approval of the Ombudsman Commission to do so.

"(3) The Ombudsman Commission shall not grant an approval under Subsection (2) where it is of the opinion that -

- (a) the holding of a beneficial interest in such a contract may involve the Leader in a significant potential conflict of interest; or
- (b) the seeking, accepting or obtaining of the beneficial interest involves or involved the use by the Leader of his

*Constitutional Amendment No. 6. - Leadership*

official position.

**"27H. - ACCEPTANCE, ETC., OF BRIBES.**

A Leader who, or subject to Section 27(4) (*responsibilities of office*) any of whose associates, corruptly asks for, receives or obtains, or agrees or attempts to receive or obtain, any property, benefit or favour of any kind for himself or any other person in consideration of his actions as a public official being influenced in any manner, or on account of his having acted as a public official in any manner (whether generally or in a particular case), is guilty of misconduct in office.

**"27I. - ACCEPTANCE, ETC., OF LOANS, ETC.**

(1) Subject to Subsection (2), a Leader who, or subject to Section 27(4) (*responsibilities of office*) whose spouse or child under voting age -

- (a) accepts any loan of moneys; or
- (b) holds any franchise; or
- (c) accepts any gift or other benefit or advantage,

from a person (including an unincorporated profit-seeking organization) or a foreign enterprise, is guilty of misconduct in office.

"(2) Subsection (1) does not apply to a normal bank loan, a loan from a Savings and Loans Society or a hire-purchase agreement obtained or entered into on the same or similar terms and conditions applicable to other borrowers or hirers, as the case may be.

"(3) The Ombudsman Commission may, by instrument in writing, either absolutely or subject to such terms and conditions as are specified in the instrument, exempt a person or a class of persons from any liability under Subsection (1) where, in its deliberate judgement, it is reasonable to do so having regard to the purpose for which the loan, franchise, gift or other benefit or advantage was obtained.

"(4) The Ombudsman Commission may publish guidelines specifying the terms and conditions subject to which it will consider granting an exemption to a person or class of persons under Subsection (3).

**"27J. - MISAPPROPRIATION OF FUNDS OF PAPUA NEW GUINEA.**

A Leader who -

- (a) intentionally applies any money forming part of any fund under the control of Papua New Guinea to any purpose to which it cannot be lawfully applied; or
- (b) intentionally agrees to any such application of any such moneys,

*Constitutional Amendment No. 6. - Leadership*

is guilty of misconduct in office.

"27K. - PERSONAL ADVANTAGE NOT TO BE GAINED FROM OFFICIAL INFORMATION.

(1) Subject to Subsection (2), a Leader who -

- (a) except in the course of his official duty, divulges, directly or indirectly, any confidential or secret information acquired by him in the course of his official duty; or
- (b) for personal gain or advantage, or for the personal gain or advantage of some other person, discloses or uses any information acquired by him in the course of his official duty,

is guilty of misconduct in office.

"(2) The provisions of Subsection (1) do not apply to information which has been officially released by the person or body having power to release it for public information.

"27L. - DISCLOSURE OF INTEREST BEFORE DEBATE OR VOTING.

(1) A member of a legislative or executive body who proposes to speak or vote on any matter before the body or a committee of the body, and who has a direct or indirect beneficial interest in the matter, shall first disclose to the body or the committee, as the case may be, the nature of his interest in the matter.

"(2) If so requested by any other member of the body or the committee with the leave of the person presiding, the member shall give reasonable particulars of his interest in clarification or expansion of his disclosure.

"(3) A disclosure under Subsection (1) shall be recorded in the minutes of proceedings of the body or of the committee of the body, as the case may be, and after the disclosure, the member -

- (a) shall not take part in any deliberation or decision of the body or committee, unless it otherwise resolves; and
- (b) shall be disregarded for the purposes of constituting a quorum of the body or committee for any such deliberation or decision; and
- (c) may, by resolution of the body or committee, be excluded from the meeting.

"(4) Where -

- (a) after a member has made a disclosure under this section any information comes to his knowledge that leads him to believe or

*Constitutional Amendment No. 6. - Leadership*

- suspect, or ought reasonably to make him believe or suspect, that the disclosure was inadequate or incorrect; or
- (b) any information comes to the knowledge of a member which, if known earlier, would have obliged him to make a disclosure to the body of which he is a member, he shall -
- (i) immediately inform the Speaker, Premier, Chairman or other person who normally presides at meetings of the body or committee; and
  - (ii) disclose the information to the first meeting of the body or committee after the information comes to his knowledge.

"(5) A Leader who fails to make a disclosure as required by this section is guilty of misconduct in office.

"(6) In this section 'member of a legislative or executive body' and 'member' means a Leader who is a member of -

- (a) the Parliament; or
- (b) the National Executive Council; or
- (c) a provincial legislative assembly; or
- (d) a provincial executive; or
- (e) a local government body, or a local level government body established by or under a provincial law; or
- (f) any other legally recognized body having governmental functions.

"27M. - AGENTS, ETC.

If an act that, if it was done by a Leader would constitute or form an element of, misconduct in office is done with his consent (express or implied), or by his authority (express or implied), or by a spouse, relative or associate from whose actions he could have disassociated himself, the Leader is guilty of misconduct in office.

"27N. - DECLARATION OF PROHIBITED INTERESTS, ETC.

(1) The Ombudsman Commission may, by notice published in the National Gazette, declare in relation to -

- (a) a Leader; or
- (b) all Leaders; or
- (c) a class of Leaders,

and in relation to any associate of any such Leader or class of Leaders, the interests, benefits or property that such a Leader or class of Leaders is prohibited from seeking, obtaining or holding.

"(2) Nothing in this Subdivision derogates or affects

*Constitutional Amendment No. 6. - Leadership*

in any way any other provision of this Division relating to the holding of any interest, benefit or property by a Leader or an associate of such a Leader.

## "27P. - SEEKING, ETC., PROHIBITED INTEREST, ETC.

(1) Subject to this Subdivision and to Subsection (2), a Leader who, or subject to Section 27(4) (*responsibilities of office*) whose spouse or child under voting age, seeks, accepts, obtains or holds any prohibited interest, benefit or property is guilty of misconduct in office.

"(2) Subsection (1) does not apply to a person who, prior to seeking, accepting or otherwise obtaining the interest, benefit or property, has obtained the written approval of the Ombudsman Commission to do so.

## "27Q. - COMMISSION MAY ORDER FORFEITURE, ETC., OF PROHIBITED INTEREST, ETC.

(1) Subject to Subdivision C, where after investigation by it or by any other authority, the Ombudsman Commission is satisfied that a Leader, or his spouse or child under voting age, has obtained and holds any interest, benefit or property prohibited under this Subdivision, the Commission may, in its deliberate judgement, instead of referring the matter to the Public Prosecutor for prosecution before the relevant tribunal, and after giving the person concerned adequate opportunity of stating his case to the Commission, order that the whole or any part of the amount or value of the interest, benefit or property, as the case may be, or the property acquired by him or any other person concerned -

- (a) be placed in trust with the public trustee for return to him or any other person concerned when he has ceased to be a Leader; or
- (b) be otherwise disposed of.

"(2) A Leader who, or subject to Section 27(4) (*responsibilities of office*) whose spouse or child under voting age, fails or refuses to comply with an order of the Ombudsman Commission given under Subsection (1), is guilty of misconduct in office.

## "(3) An order under Subsection (1) -

- (a) may be made subject to such terms and conditions as the Ombudsman Commission, in its deliberate judgement, considers fit; and
- (b) shall, where the Ombudsman Commission, in its deliberate judgement, considers that any person would suffer substantial loss under the order, be made subject to the payment of just compensation.

## "(4) A person aggrieved by the failure to make or

*Constitutional Amendment No. 6. - Leadership*

the amount of an award of compensation under Subsection (3)(b) may appeal to the National Court.

"Subdivision C. - Senior Leaders.

"28. - APPLICATION OF THIS SUBDIVISION.

The duties and obligations imposed by this Subdivision are in addition to and not in derogation of any other provisions of this Division.

"28A. - APPROVED ASSETS.

(1) For the purposes of this section 'Senior Leader's family' means -

- (a) a Senior Leader; and
- (b) his spouse; and
- (c) his children under voting age,

and a reference to the property and interests of the family is a reference to the total holding of the family irrespective of which individual member holds that property or interest.

"(2) Subject to Subsection (3), a Senior Leader's family shall hold no property or interest other than -

- (a) cash; or
- (b) bank deposits within the country; or
- (c) Papua New Guinea government securities; or
- (d) investments in Papua New Guinea Investment Corporation unit trusts; or
- (e) one residence in the home region of the Senior Leader, and one other residence in an urban area, but not more than one residence in any one town; or
- (f) a beneficial interest in a village business group or groups whose object is the benefit of a village or number of villages as a whole, being an interest that does not exceed 5% of the assets of any such group or return an income exceeding in the aggregate K1 000 per year; or
- (g) land or land associated assets held under customary ownership; or
- (h) assets of a personal nature, including jewellery, clothing, furniture and other household effects, and motor vehicles and boats for personal use.

"(3) Nothing in this Subdivision prevents a Senior Leader or his spouse or children under voting age, who is not or are not a citizen or citizens of Papua New Guinea from holding any interest or engaging in any activity or enterprise outside of Papua New Guinea.

"(4) In the event of doubt as to whether property or

*Constitutional Amendment No. 6. - Leadership*

an interest is one falling within the description in Subsection (2), the decision of the Ombudsman Commission is final.

"28B. - DISPOSAL OF ASSETS.

(1) Subject to Subsections (3) and (4), where a Senior Leader or his spouse (or children under voting age) at -

- (a) the date of commencement of this Subdivision;  
or
- (b) the date on which the Senior Leader became a Senior Leader,

(whichever is the later) held any property or interest other than property or an interest specified in Section 28A(2) (*approved assets*) he, or his spouse or child, as the case may be, shall dispose of that property or interest in the manner provided in this Subdivision within six months of the Senior Leader or her spouse or his father, as the case may be, becoming a Senior Leader.

"(2) Subject to Subsection (5), where a person is required under this Subdivision to dispose of property or an interest, he may do so by private sale, or he may sell it to any body established by an Act of the Parliament for the purpose of purchasing such property and interests, at market or agreed value.

"(3) Where property or an interest is sold in accordance with this section by private sale, the person selling it may, with the approval of the Ombudsman Commission, retain such interest in any property for such period as, in the opinion of the Ombudsman Commission, is reasonably desirable as security for the completion of that transaction.

"(4) Where the Ombudsman Commission is of the opinion that the requirement to dispose of property or an interest within the period specified in Subsection (1) would lead to unnecessary hardship to the person required to dispose of that property or interest or to a member of his immediate family, it may, by notice to that person, specify a later date by which such property or interest shall be disposed of, being not later than six months after the date by which he would otherwise be required to dispose of that property or interest, and that person may retain that property or interest until but not later than that later date.

"(5) Every contract or agreement for the private sale of property or an interest required by this Subdivision to be disposed of is subject to the condition that the approval of the Ombudsman Commission is required before completion of the transaction.

"(6) Where the Ombudsman Commission is satisfied that a proposed private sale of property or an interest required under this Subdivision to be disposed of will

Constitutional Amendment No. 6. - Leadership

result in the person who proposes to sell the property or interest, or his spouse or his children under voting age, having or continuing to have a beneficial interest in that property or interest after that proposed sale, the Ombudsman Commission shall refuse to approve the sale, and upon such refusal being made known to the proposed vendor and purchaser, any contract or agreement relating to that proposed sale will be of no effect.

"28C. - CONSEQUENCE OF NON-COMPLIANCE.

Where a Senior Leader or his spouse or his child under voting age holds any property or interest, other than property or an interest specified in Section 28A(2) (*approved assets*), in contravention of this Subdivision, that Senior Leader shall immediately resign his office by virtue of which he is a Senior Leader.

"28D. - DIRECTORSHIPS.

(1) Subject to Subsection (2), a Senior Leader who, or subject to Section 27(4) (*responsibilities of office*) whose spouse or child under voting age, becomes or nominates a director of a company or a foreign enterprise, is guilty of misconduct in office.

"(2) Subsection (1) does not apply to or in relation to -

- (a) an honorary directorship; or
- (b) a directorship held by the Senior Leader as a nominee of Papua New Guinea in which Papua New Guinea has a fiscal interest where -
  - (i) no direct or indirect financial benefit is received by the Senior Leader as such a nominee; or
  - (ii) any direct or indirect financial benefit received by the Senior Leader as such a nominee is paid by him into the Consolidated Revenue Fund; or
- (c) a Business Group incorporated under the *Business Groups Incorporation Act 1973*; or
- (d) an incorporated Land Group recognized under the *Land Groups Act 1974*,

where the Senior Leader has obtained the permission of the Ombudsman Commission.

"(3) Subsection (1) does not prevent a person who becomes a Senior Leader, or the spouse or child of such a person, from continuing to act as a director of a company or a foreign enterprise for any period that is reasonably required to enable him to divest himself of the office, or from acting as a director during such

*Constitutional Amendment No. 6. - Leadership*

period -

- (a) as is required by law; or
- (b) for the purpose of taking any steps that may be necessary to enable him to divest himself of that office.

"28E. - PRIORITY TO BE GIVEN TO OFFICIAL BUSINESS.

A Senior Leader who fails to give priority to official business over personal business is guilty of misconduct in office.

"Subdivision D. - Investigations.

"29. - FUNCTIONS OF THE OMBUDSMAN COMMISSION.

For the purposes of this Division, the functions of the Ombudsman Commission are -

- (a) subject to this Division, to give directions either generally or in a particular case to ensure the attainment of the objects of this Division; and
- (b) to examine or cause to be examined each statement lodged with it under Section 27A (*statement of income, etc.*); and
- (c) to examine or cause to be examined each disclosure made under Section 27L (*disclosure of interests before debate or voting*) or any subsequent disclosure relating to that disclosure; and
- (d) to investigate, on its own initiative or on complaint by any person, or cause such an investigation to be carried out into any alleged or suspected misconduct in office by a Leader; and
- (e) to refer to the Public Prosecutor for prosecution by him before the appropriate tribunal referred to in Section 30 (*tribunals*) any case where, in its deliberate judgement, there is evidence of misconduct in office by a Leader; and
- (f) to prosecute before the appropriate tribunal any such case which the Public Prosecutor fails within a reasonable period to prosecute; and
- (g) as otherwise provided for under this Division.

"29A. - COMPLAINTS.

(1) Any person may make a complaint to the Ombudsman Commission concerning alleged or suspected misconduct in office of a Leader.

"(2) A letter to the Ombudsman Commission from a person in custody, or confined in a hospital or in an institution under the control of a governmental body shall not be opened by any person other than a member of the

*Constitutional Amendment No. 6. - Leadership*

Ombudsman Commission or a person authorized by the Commission, and the person in charge of the place where the correspondent is in custody or is confined shall make all facilities available that may be necessary to have the letter properly forwarded.

"(3) A person who -

- (a) opens a letter referred to in Subsection (2) except as authorized by or under that subsection; or
- (b) fails to make facilities available for the forwarding of a letter as required by that subsection,

is guilty of an offence.

Penalty: K1 000 or imprisonment for 12 months.

"(4) The Ombudsman Commission shall investigate, or shall cause to be investigated, any complaint received by it unless, in its deliberate judgement, it decides not to do so because -

- (a) the complaint is trivial, frivolous, vexatious or not made in good faith; or
- (b) the complaint has been too long delayed to justify an investigation; or
- (c) the subject matter of the complaint is outside the jurisdiction of the Commission; or
- (d) its resources are insufficient for adequate investigation,

and may defer or discontinue an investigation for any of the same reasons.

"(5) No decision by the Ombudsman Commission to decline to investigate or to defer or discontinue an investigation into the subject of a complaint affects the Commission's power to inquire generally into a matter on its own initiative.

"29B. - APPOINTMENT OF INVESTIGATING AUTHORITIES.

(1) The Ombudsman Commission may, where it is itself unable for any reason to conduct an examination or investigation referred to in Section 29A (*complaints*), appoint one or more constitutional office-holders to carry out the examination or conduct the investigation and to report to it on the results of the examination or investigation.

"(2) An examining or investigating authority appointed under Subsection (1) has, for the purposes of carrying out any examination or investigation, in respect of which it is appointed, all the powers of the Ombudsman Commission necessary to enable it to carry out the

*Constitutional Amendment No. 6. - Leadership*

examination or conduct the investigation including, in the case of an investigation, the powers referred to in Sections 29C (*proceedings of the Commission*), 29D (*production of documents, etc.*) and 29E (*disclosure of certain matters not to be required*).

"29C. - PROCEEDINGS OF THE COMMISSION.

(1) Every investigation by the Ombudsman Commission or other authority under this Division shall be conducted in private.

"(2) The Ombudsman Commission or other authority may hear or obtain information from any person who it considers can assist, and may make whatever inquiries it thinks fit and shall, before taking action under Subsection (4), notify the person whose conduct is being investigated.

"(3) Nothing in this Division compels the Ombudsman Commission or other authority to hold any hearing, and no person, other than the person whose conduct is being investigated, is entitled as of right to be heard by the Commission.

"(4) If, after an investigation, the Ombudsman Commission is of the opinion that there is evidence of misconduct in office by a Leader, it shall refer the matter to the Public Prosecutor for prosecution by him before the appropriate tribunal.

"29D. - PRODUCTION OF DOCUMENTS, ETC.

(1) Subject to the provisions of this section and of Section 29E (*disclosure of certain matters not to be required*), the Ombudsman Commission or other authority may from time to time require any person who in its opinion is able to give any information relating to any alleged or suspected misconduct in office by a Leader that is being investigated by the Commission or other authority, to furnish to it that information and to produce any documents, papers or things that, in the opinion of the Commission or other authority, relate to any matter being investigated by it and that may be in the possession or control of that person.

"(2) Subsection (1) applies whether or not -

- (a) the person is an officer, employee or member of any State Service, provincial service, local government body, local level government body established by or under a provincial law, or statutory body; and
- (b) the documents, papers or things referred to in that subsection are in the custody or under the control of any State Service, provincial service, local government body, local level government body or statutory body.

*Constitutional Amendment No. 6. - Leadership*

"(3) The Ombudsman Commission or other authority may, by instrument in writing, summon any person (including the spouse and children of the person whose conduct is being examined or investigated) who in its opinion is able to give any information relating to any matter that is being investigated by the Commission or other authority, to attend the Commission or other authority at a time and place specified in the summons for examination by it on oath.

"(4) The Ombudsman Commission or other authority may administer an oath to a person appearing as a witness before the Commission or other authority whether the witness has been summoned or appears without being summoned, and may examine the witness on oath or affirmation.

"(5) A witness attending before the Ombudsman Commission or other authority has the same privileges and is subject to the same penalties in relation to the giving of information, the answering of questions and the production of documents, papers and things as a witness before the National Court.

"(6) Except on the trial of any person for perjury in respect of his sworn testimony, no statement made or answer given by that or any other person in the course of any inquiry by or any proceedings before the Ombudsman Commission or other authority is admissible in evidence against any person in any court or at any inquiry or any other proceedings, and no evidence in respect of proceedings before the Commission or other authority shall be given against any person.

**"29E. - DISCLOSURE OF CERTAIN MATTERS NOT TO BE REQUIRED.**

(1) Where the Prime Minister, after consultation with the Chief Ombudsman, certifies that the giving of any information or the answering of any question or the production of any documents or papers or things is likely to -

- (a) prejudice the security, defence or international relations of Papua New Guinea (including Papua New Guinea's relations with the Government of any other country or with any international organization) or the investigation or detection of offences; or
- (b) involve the disclosure of proceedings, deliberations or decisions of the National Executive Council, or of any Committee of that Council which, the Prime Minister certifies, relate to matters of a secret or confidential nature and the disclosure of which would be injurious to the public interest,

*Constitutional Amendment No. 6. - Leadership*

the Commission shall not require the information or answer to be given or, as the case may be, the document, paper or thing to be produced.

"(2) Subject to Subsection (1), any law that authorizes or requires the withholding of any document, paper or thing, or the refusal to answer any question, on the ground that the disclosure of the document, paper or thing or the answering of the question would be injurious to the public interest does not apply in respect of any investigation by or proceedings before the Ombudsman Commission.

"29F. - FAILURE TO CO-OPERATE.

A Leader who obstructs, or fails to co-operate to the best of his ability with, the Ombudsman Commission, or other authority or a tribunal in any investigation or proceedings under or for the purposes of this Division (whether in relation to himself or some other person) is guilty of misconduct in office.

"Subdivision E. - Enforcement.

"30. - TRIBUNALS.

(1) If the Ombudsman Commission is satisfied that a Leader is guilty of misconduct in office, it shall refer the matter, together with a statement of its reasons for its opinion -

- (a) to the Public Prosecutor; or
- (b) to the appropriate tribunal referred to in Subsection (7).

"(2) If the Public Prosecutor considers that the matter should be proceeded with, he shall refer the matter, together with the statement of the Ombudsman Commission, to the appropriate tribunal referred to in Subsection (7).

"(3) Where a matter has been referred to the Public Prosecutor under Subsection (1) and the Public Prosecutor has failed to refer it to the appropriate tribunal, or the Ombudsman Commission is of the opinion that the matter has not been properly referred to the appropriate tribunal, the Commission may refer the matter, together with a statement of its reasons for its opinion, to the appropriate tribunal referred to in Subsection (7).

"(4) The tribunal shall make due inquiry into the matter referred to it, without regard to legal formalities or the rules of evidence, and may inform itself in such manner as it thinks proper, subject to compliance with the principles of natural justice.

"(5) If the tribunal finds that a Leader is guilty of misconduct in office -

- (a) it shall recommend to the appropriate authority that he be dismissed from his

*Constitutional Amendment No. 6. - Leadership*

office or position; or  
 (b) it may, where it finds that -

- (i) there was no serious culpability on the part of that person; and
- (ii) public policy and the public good do not require dismissal,

recommend to the appropriate authority that some other penalty provided for by an Act of the Parliament be imposed,

and the appropriate authority shall act on and in accordance with the recommendation.

"(6) The tribunal shall announce its decision in public, and shall send a copy of the decision to the Speaker, for presentation to the Parliament, and to the National Executive Council and, in the case of a Judge, a Law Officer or the Chief Magistrate, to the Judicial and Legal Services Tribunal.

"(7) For the purposes of this section -

'the appropriate authority' means -

(a) in the case of a Leader who is -

- (i) the Prime Minister or Deputy Prime Minister;  
or
- (ii) the Leader or Deputy Leader of the Opposition;  
or
- (iii) a member of the Parliament;  
or
- (iv) the head of a provincial executive; or
- (v) a person holding an elective office declared for the purposes of paragraph (k) of the definition of 'Leader' in Section 26(1) (definitions) -

the Head of State; and  
 (b) in the case of any other Leader - the authority who or which appointed that person to the office by virtue of which he is a Leader.

'the appropriate tribunal' means -

- (a) in the case of alleged misconduct in office by the Chief Justice - the tribunal referred to in Section 179

*Constitutional Amendment No. 6. - Leadership**(removal from office of Chief Justice);*

or

- (b) in the case of alleged misconduct in office by a Judge, a Law Officer or the Chief Magistrate - the tribunal referred to in Section 180 (*removal from office of other Judges, etc.*); or
- (c) in the case of alleged misconduct in office by any other constitutional office-holder - the tribunal established by Section 4 of the *Organic Law on the Guarantee of the Rights and Independence of Constitutional Office-holders*; or
- (d) in the case of alleged misconduct in office by the Prime Minister - a tribunal appointed by the Chief Justice, consisting of a Chairman and two other members, all of whom must be -
  - (i) Judges or former Judges of the National Court; or
  - (ii) former Judges of the pre-Independence Supreme Court of Papua New Guinea; or
  - (iii) Judges or former Judges of an equivalent court of a country that has a legal system similar to that of Papua New Guinea; or
- (e) in any other case - a tribunal consisting of a Judge (who shall be the Chairman) and two senior magistrates appointed by the Chief Justice.

"(8) The Judicial and Legal Services Commission shall determine the matters referred to in paragraph (d)(iii) of the definition of 'the appropriate tribunal' in Subsection (7).

**"30A. - SUSPENSION.**

(1) Where a matter has been referred to a tribunal under Section 30 (*tribunals*), the person alleged to have committed misconduct in office is suspended from duty.

"(2) A suspension under Subsection (1) is on full pay.

**"30B. - APPLICATION OF SECTION 29D TO TRIBUNALS.**

Section 29D (*production of documents, etc.*) applies, with the necessary modifications, to the production of documents, papers or things to a tribunal in the same way as it applies to the Ombudsman Commission.

*Constitutional Amendment No. 6. - Leadership***"30C. - EFFECT OF PROCEEDINGS.**

(1) The result of any proceedings in respect of a charge of misconduct in office is not a bar to proceedings in respect of the same act under any other provision of this Constitution or any other law.

"(2) The result of any proceedings under any other provision of this Constitution or of any other law is not a bar to proceedings in respect of the same act under this Division.

"(3) It is the duty of the Supreme Court and the National Court to ensure that advantage is not taken of Subsection (1) or (2) in cases that are truly vexatious or oppressive, and that proceedings under one provision or law are not used primarily with a view to obtaining evidence for use in or in relation to, or to gain advantage in or in relation to, other proceedings.

**"Subdivision F. - Offences.****"30D. - FAILURE TO ATTEND OR PRODUCE DOCUMENTS.**

A person who, having been summoned to attend the Ombudsman Commission or other authority or tribunal, fails without reasonable excuse (the burden of proof of which is on him) to attend the Commission or other authority or tribunal, or wilfully interrupts the proceedings of the Commission or other authority or tribunal, or is in any manner guilty of wilful contempt of the Commission or other authority or tribunal, is guilty of an offence.

Penalty: K500.00 or imprisonment for three months.

**"30E. - REFUSING TO BE SWORN OR GIVE EVIDENCE.**

A person appearing as a witness before the Ombudsman Commission or other authority or tribunal, who refuses to be sworn or to make affirmation or to answer any questions relevant to the inquiry put to him by a member of the Commission or other authority or tribunal, or having attended leaves the Commission or other authority or tribunal, without the permission of a member of the Commission or other authority or tribunal, is guilty of an offence.

Penalty: K500.00 or imprisonment for three months.

**"30F. - CONTEMPT OF THE COMMISSION, ETC.**

A person who wilfully insults a member of the Ombudsman Commission or other authority or tribunal, or wilfully interrupts the proceedings of the Commission or other authority or tribunal, or is in any manner guilty of wilful contempt of the Commission or other authority

*Constitutional Amendment No. 6. - Leadership*

or tribunal, is guilty of an offence.

Penalty: K500.00 or imprisonment for three months.

"30G. - GIVING FALSE EVIDENCE.

A person appearing as a witness before the Ombudsman Commission or other authority or tribunal, who wilfully gives false evidence, is guilty of perjury and is liable to prosecution and punishment accordingly.

"30H. - OFFENCES IN RELATION TO CERTAIN MATTERS DONE AFTER CEASING TO HOLD OFFICE.

A Leader who, without the approval of the Ombudsman Commission, within three years after ceasing to be a Leader accepts or holds a directorship, consultancy or any other position with a foreign enterprise the holding of which is prohibited to him by an Act of the Parliament made for the purposes of this Division, is guilty of an offence.

Penalty: K1 000 or imprisonment for 12 months.

"30I. - GENERAL OFFENCE.

A Leader who -

- (a) is convicted of an offence in respect of his office or position or in relation to the performance of his functions or duties; or
- (b) fails to comply with a direction of the Ombudsman Commission lawfully given under, or otherwise fails to carry out the obligations imposed by or under, this Division,

is guilty of misconduct in office.

"30J. - PROSECUTION FOR OFFENCES.

Proceedings for an offence under this Division -

- (a) shall be brought in the National Court; and
- (b) may not be brought against any person except with the consent in writing of the Ombudsman Commission.

"Subdivision G. - Miscellaneous.

"30K. - PRIVILEGE.

A member of the Ombudsman Commission or other authority, or an officer or employee of the Commission, is not liable for any act or omission done or made *bona fide* and without negligence under or for the purposes of this Division.

*Constitutional Amendment No. 6. - Leadership*

"30L. - PROTECTION TO WITNESSES, ETC.

Subject to this Division, witnesses and persons appearing before the Ombudsman Commission or other authority or a tribunal have the same privileges and immunities as witnesses and persons appearing before the National Court.

"30M. - WITNESSES' EXPENSES.

A witness appearing before the Ombudsman Commission or other authority or a tribunal is entitled to conduct money, expenses and allowances at the same rates and on the same conditions as witnesses appearing in civil actions before the National Court.

"30N. - REIMBURSEMENT OF ACCOUNTANCY FEES IN RELATION TO ANNUAL STATEMENT.

The Ombudsman Commission shall, if it is satisfied that a statement given to it under Section 27A (*statement of income, etc.*) is an accurate statement of the affairs of the Leader to whom it relates and the affairs of his spouse and children under voting age, authorize payment to the person by Papua New Guinea of an amount that in its opinion is the reasonable costs of the preparation of the statement.

"30P. - DISQUALIFICATIONS ON DISMISSAL.

(1) A person who has been dismissed from office under this Division for misconduct in office is not eligible -

- (a) to election to any elective public office; or
- (b) for appointment as Head of State or as a nominated member of the Parliament; or
- (c) for appointment to a provincial government body, to a local government body or to a local level government body established by or under a provincial law,

for a period of three years after the date of his dismissal.

"(2) In the event of doubt as to whether an office or position is an office or position to which Subsection (1)(a), (b) or (c) applies, the decision of the Ombudsman Commission is final.

"31. - FURTHER PROVISION BY ACT OF THE PARLIAMENT.

An Act of the Parliament may make any other provision that is necessary or convenient for attaining the objects of this Division."

2. - SAVING OF CERTAIN OBLIGATIONS.

Where immediately before the commencement of this Law there was imposed upon a Leader within the meaning of Division III.2 (*Leadership Code*) an obligation under the *Organic Law on the Duties and Responsibilities of Leadership*

*Constitutional Amendment No. 6. - Leadership*

as amended by the *Organic Law on the Duties and Responsibilities of Leadership (Amendment No. 1. - Penalties)* to perform an act within a time calculated by reference to the happening of a particular event, that obligation shall continue to apply under the Constitution as amended by this Law and be calculated by reference to the happening of the event, as if this Law was in force at the date upon which that event happened.