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[2002

Organic Law on the Duties and Responsibilities of Leadership

ORDER FOR DISPOSAL OF PROHIBITED INTERESTS

WHEREAS on 22nd July, 2002 the Ombudsman Commission declared by notice published in the *National Gazette* that the following Members of Parliament and all of their associates are prohibited from seeking, obtaining or holding any interest in any public money in the form of electoral and discretionary funds for the fiscal years 2000, 2001 and 2002 which emanated from funds issued and controlled by the Department of Finance and Treasury and/or the Department of National Planning, Monitoring and Rural Development and/or the Office of Rural Development:

Sir Pita Lus, member for Maprik Open; Peterson Lowa, member for Talasea Open; Iairo Lasaro, member for Alotau Open; Damson Lafana, member for Unggai-Bena Open; Sir Tom Koraea, member for Kerema Open; Francis Koimanrea, member for Pomio Open; Ridler Kimave, member for Kikori Open; Simon Kaumi, member for Ijivitari Open; Sir John Kaputin, member for Rabaul Open; John Kanadi, member for Esa'ala Open; Mathew Gubag, member for Sumkar Open; Kilroy Genia, member for Abau Open; Gabia Gagarimabu, member for South Fly Open; William Ebenosi, member for Kiriwina-Goodenough Open; Ted Diro, member for Central Provincial; Ajax Bia, member for Goilala Open; Judah Akesim, member for Ambunti-Drekikir Open; Bernard Narokobi, member for Wewak Open; Eddy Saweni, member for Aitape-Lumi Open; Robert Sakias, member for Telefomin Open; Micah Wes, member for Vanimu-Green River Open; Dame Josephine Abaijah, member for Milne Bay Provincial; Ephraim Apelis, member for Namatanai Open; Philip Taku, member for Moresby North-East Open; Kala Swokin, member for North Fly Open; Sylvanius Siembo, member for Northern Provincial; Ginson Saonu, member for Kabwum Open; Paul Pora, member for Hagen Open; Steven Pokawin, member for Manus Provincial; Dr Fabian Pok, member for North Wahgi Open; Alfred Pogo, member for Finschhafen Open; Titus Philemon, member for Samarai-Murua Open; Thomas Pelika, member for Menyamya Open; Michael Ogio, member for North Bougainville Open; Norbert Makmop, member for Western Provincial; Tukape Masani, member for Huon Gulf Open; Stahl Musa, member for Rai Coast Open; Robert Nagle, member for Mul-Baiyer Open; Samson Napo, member for Bulolo Open; Kennedy Wenge, member for Nawae Open; George Wan, member for Usino-Bundi Open; John Waiko, member for Sohe Open; Paul Tohian, member for New Ireland Provincial; and any other member of the Parliament not re-elected to the Parliament at the 2002 General Election; and

WHEREAS after investigation by it, the Ombudsman Commission is satisfied that some or all of those Members of Parliament and/or their associates have obtained and/or hold the prohibited interests referred to above;

THE OMBUDSMAN COMMISSION, in its deliberate judgement, instead of referring the matters to the Public Prosecutor for prosecution before the relevant tribunal and after having given the Members of Parliament concerned an adequate opportunity of stating their case to the Commission, Hereby Orders, pursuant to Section 26(1)(b) of the *Organic Law on the Duties and Responsibilities of Leadership*, That the prohibited interests referred to above shall be transferred forthwith to the Consolidated Revenue Fund of Papua New Guinea for reallocation in accordance with law.

Order for Disposal of Prohibited Interests—continued

THIS ORDER shall be effective forthwith and is made subject to the following terms and conditions which, pursuant to Section 26(3)(a) of the *Organic Law on the Duties and Responsibilities of Leadership*, the Ombudsman Commission, in its deliberate judgement, considers fit, namely that the persons, authorities and institutions prescribed by the Schedule to this order shall ensure, as far as is within their respective legal powers, that all arrangements are made and steps taken to enable and facilitate, as far as may reasonably be, the proper and convenient implementation of this order.

TAKE NOTICE that any person who considers that he or she will suffer substantial loss under this order may within seven days after publication of this order in the *National Gazette* make a submission in writing to the Ombudsman Commission that this order should be made subject to the payment of just compensation, and where the Ombudsman Commission considers, in its deliberate judgement, that any person would suffer loss under the order, the order shall be made subject to the payment of just compensation, as determined by the Commission under Section 26(3)(b) of the *Organic Law on the Duties and Responsibilities of Leadership*.

A PERSON AGGRIEVED by the failure to make or the amount of an award of compensation may appeal to the National Court under Section 26(4) of the *Organic Law on the Duties and Responsibilities of Leadership*.

AND FURTHERMORE TAKE NOTICE that a person to whom the *Organic Law on the Duties and Responsibilities of Leadership* applies who, or whose spouse or child under voting age, fails or refuses to comply with an order of the Ombudsman Commission given under Section 26(1) of the Organic Law will be guilty of misconduct in office under Section 26(2) of the Organic Law and referred to the Public Prosecutor for prosecution before a tribunal established under Section 28(1)(g) of the Constitution and that any other person who fails to comply with this order may be subject to enforcement proceedings in the National Court under Section 23 of the Constitution.

SCHEDULE

THIS Order applies to and in relation to the following persons, authorities and institutions:—

- (1) The Minister for Treasury; and
- (2) The Minister for Finance, Planning and Implementation and Rural Development; and
- (3) The Personal Staff of those Ministers; and
- (4) All Members of the National Parliament; and
- (5) The Governor of the Bank of Papua New Guinea; and
- (6) The Secretary, Department of Finance and Treasury; and
- (7) The Secretary, Department of National Planning and Monitoring; and
- (8) All Officers of the Department of Finance and Treasury and the Department of National Planning and Monitoring, in particular the Office of Rural Development; and
- (9) All Provincial Administrators and District Administrators; and
- (10) All Banks and Financial Institutions in Papua New Guinea.

Dated this 29th day of July, 2002.

I. GENO, OBE, QPM,
Chief Ombudsman.

R. HITOLO,
Ombudsman.

P. MASI,
Ombudsman.