

A WATCHDOG WITH MORE TEETH & MORE BITE

The need for an Independent Commission Against Corruption (ICAC)



Existing Means of Prosecuting Corruption

Corruption is the act of abusing an entrusted position, power or process for personal gain. There are also gradations of corruption from the petty involving minimal abuse, all the way to large scale grand corruption.

In Papua New Guinea the existing process for prosecution of corruption cases involves the usual criminal process and state agencies such as the Police and the Public Prosecutor. For cases involving violations of the leadership code, the Ombudsman Commission can also assist and intercede.

Rationale for National a Anti-Corruption Agency

With the ratification of the United Nations Convention Against Corruption (UNCAC) by the PNG Government in 2007 the commitment to opposing the monumental scale of corruption in Papua New Guinea was signalled.

Subsequently when the O'Neill government was formed in 2012 a National Anti-Corruption Strategy was developed that was intended to consolidate the efforts of state agencies in combatting corruption. The Prime Minister then saw fit to establish a inter-agency team known as Taskforce Sweep to investigate and prosecute corruption; however, the team was disbanded after they began to investigate the Prime Minister.



Source: PNG Loop

It is in this environment that the idea of an Independent Commission Against Corruption was put

forward by the government as a means to meet the country's obligations under the UNCAC.

Development of ICAC Legislation

In 2014 amendments were made to the constitution for the ICAC by Parliament, which then enabled there for a proposed Organic ICAC Bill to be drafted and sent through to the Parliamentary Committee for deliberation where it remained till the end of the 9th National Parliament. After the formation of the 10th Parliament in 2017, there was added impetus for the re-tableing of the Bill with the Attorney General at the forefront of pushing through the legislation.

Concerns on the Role and Powers of the ICAC

The ICAC is intended to complement the work of existing constitutional bodies such as the police, office of the public prosecutor and the Ombudsman Commission. It will receive and consider complaints, investigate & prosecute cases of corruption. In doing so, it will also work with Auditor General, , Internal Revenue Commission, Customs; and Financial Intelligence Unit or any other relevant body .

As its mandate is broad, and powers link with other agencies, it is hoped that ICAC will be a watchdog that will 'bite'. However, there are also concerns that it may either use up limited government resources, duplicate tasks & roles or even the opposite, that the legislation will be 'watered down' to the point of inefficacy.

Advocacy for TIPNG

TIPNG as a member of the ICAC technical working group and representative of concerned citizens will advocate for an effective ICAC. It will assist the Government in outreach & education of citizens & agencies in PNG.