



Draft of 24/11/2011.
[Marked up for consultation
purposes
May 2013]

A PROPOSED ORGANIC LAW

entitled

Organic Law on the Independent Commission Against Corruption.

Being an Organic Law to implement Division VIII.3 of the *Constitution (The Independent Commission Against Corruption)* and for related purposes,

MADE by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

PART I. - PRELIMINARY.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIRMENTS.

(1) This Organic Law, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C (*Qualified Rights*) of the *Constitution*, namely:-

- (a) the right to liberty of the person conferred by Section 42 of the *Constitution*; and
- (b) the right to freedom from arbitrary search of person or property and entry of premises, conferred by Section 44 of the *Constitution*; and
- (c) the right to freedom of conscience, thought and religion and the practice of his or freedom of religion and beliefs conferred by Section 45 of the *Constitution*; and
- (d) the right to freedom of expression and publication conferred by Section 46 of the *Constitution*; and
- (e) the right to peacefully assemble and associate and to form or belong to, or not belong to, political parties, industrial organizations and other associates conferred by Section 47 of the *Constitution*; and
- (f) the right to freedom of choice of employment in any calling for which a person has the qualifications (if any) lawfully required conferred by Section 48 of the *Constitution*; and
- (g) the right to reasonable privacy in respect of his or her private and family life, his or her communications with other persons and his or her personal papers and effects conferred by Section 49 of the *Constitution*; and
- (h) the right of reasonable access to official documents conferred by Section 51 of the *Constitution*; and

- (i) the right to freedom of movement as conferred by Section 52 of the *Constitution*; and
- (j) the protection from unjust deprivation of property conferred by Section 53 of the *Constitution*,

is taking into account the National Goals and Directive Principles and Basic Social Obligations, a law that is made pursuant to Section 38 of the Constitution for the purpose of giving effect to the public interest in public safety, public order and public welfare.

(2) For the purpose of Section 41 of the *Organic Law on Provincial Governments and Local-Level Governments*, it is declared that this Organic Law relates to a matter of national interest and it is declared that this Organic Law relates to a matter of national interest and it is further declared that this Organic Law deals with a matter of urgent national importance and it is in the national interest that this Organic Law be made without delay.

2. APPLICATION.

(1) This Organic Law applies to corrupt conduct that occurs after the commencement of the Organic Law.

(2) For the avoidance of doubt, this Organic Law does not prevent any other commission, body, agency or authority, which has the power to do so, from investigating any corrupt conduct that occurs before or after the commencement of this Organic Law.

[Propose that other agencies should be able to refer existing cases to the Commission for consideration, regardless of when the conduct occurred. This is particularly relevant for Task Force Sweep cases (which are mainly police cases, since Task Force Sweep does not exist as a separate legal body) – see Discussion Paper Part 1]

(3) This Organic Law binds the State.

3. INTERPRETATION.

In this Organic Law unless the contrary intention appears:-

- “Advisory Committee” means the Advisory Committee established under Section 220A(4) of the *Constitution*;
- “Appointment Committee” means the Appointment Committee referred to in Section 220A(2) of the *Constitution*;
- “Chief Executive Officer” means the Chief Executive Officer of the Independent Commission Against Corruption appointed under Section 18;
- “Commission” means the Independent Commission Against Corruption established under Section 220A of the *Constitution*;
- “Commissioner” means the Commissioner of the Independent Commission Against Corruption appointed under Section 220A of the *Constitution* and includes any acting Commissioner appointed under Section 14;
- “corrupt conduct” has the meaning set out in Section 37;
- “government body” means-
 - (a) the National Government;

- (b) a Provincial Government;
- (c) a Local-Level Government;
- (d) an arm, department, agency or instrumentality of the National Government or of a Provincial or Local-Level Government;
- (e) a State Service; or
- (f) a body set up by a statute or administrative act for governmental or administrative purposes, ~~and~~

~~without limiting the generality of the foregoing,~~
~~includes a member of the National Executive Council and a Constitutional Office Holder; [moved from here and included in definition of "public official" because individuals cannot be "government bodies"]~~

"member of the Commission" means the Commissioner and Deputy Commissioners appointed under Section 220A of the *Constitution*;

"public authority" means any authority however described that receives funding whether in whole or in part and either directly or indirectly from the Government of Papua New Guinea;

[This could include a whole range of community based organisations, churches, private companies etc which have received *any* funding from the Government – is this appropriate or practical? This would make the remit of the Commission very broad.]

"public official" means any current or former:

- (a) ~~any~~ person who is employed by, seconded to or contracted ~~by or~~ to a public authority or a government body whether on a full-time or part-time basis and whether for remuneration or otherwise ~~and includes former employees and contractors,~~

~~and includes a~~

- (b) member of a government body; and
- (c) member of the National Executive Council; and
- (d) Constitutional Office Holder; and
- (e) Member of Parliament; and

[to put beyond doubt that they are covered – although noting that under s99 of the Constitution the National Parliament is part of the National Government]

- (f) staff of a Member of Parliament; and
- (g) member of the Judiciary; and
- (h) Magistrate; and
- (i) staff of a Magistrate or a member of the Judiciary

[Only Judges and the Chief Magistrate are Constitutional office holders under s221 of the Constitution. Magistrates are not employees or contractors and so would not be picked up by para (a) and are not covered by para (b) because

Magistrates are not part of the National Government under s99 of the Constitution, since only the Supreme Court and the National Court form part of the National Judiciary.]

[See discussion of appropriate breadth of Commission's powers at Part 1 of Discussion Paper]

“staff of the Commission” means an employee, consultant, adviser or secondee of the Commission ~~employed~~ under Section 23;

“travel document” means a passport or other document establishing the identity or nationality of the holder that is used for the purposes of international travel.

PART II. - THE INDEPENDENT COMMISSION AGAINST CORRUPTION.

Division 1. - Establishment.

4. INDEPENDENT COMMISSION AGAINST CORRUPTION.

(1) There shall be an Independent Commission Against Corruption of Papua New Guinea established under Section 220A of the *Constitution*.

(2) The Commission:-

- (a) has corporate body with perpetual succession; and
- (b) shall have a common seal; and
- (c) may acquire, hold and dispose of property; and
- (d) may sue and be sued in its corporate name; and
- (d) has the functions assigned to it by or under the Constitution, this Organic Law or any other Act;
- and
- (e) has the powers conferred on it by or under this Organic Law or any other Act.

(3) All Courts, Judges and persons acting judicially shall take judicial notice of the common seal of the Commission affixed to a document and shall presume that it was duly affixed.

(4) The common seal of the Commission shall be kept in such custody as the Commissioner directs and shall not be used except as authorized by the Commissioner.

5. CONSTITUTIONAL OFFICE HOLDERS.

The~~An~~ offices of Commissioner and Deputy Commissioners are declared to be constitutional offices for the purposes of Division IX (*Constitutional Office-Holders and Constitutional Institutions*) of the *Constitution*.

6. APPOINTMENT TO THE INDEPENDENT COMMISSION AGAINST CORRUPTION.

(1) Before the Appointments Committee advises, in accordance with Section 220A(2)

of the *Constitution*, the Head of State to appoint a person as a member of the Commission, a majority of the members of the Appointments Committee ~~present at the meeting~~ shall be satisfied that the person:-

- (a) is qualified for appointment as a member of the Commission in accordance with Section 7; and
- (b) is not disqualified from appointment as a member of the Commission under Section 8.

(2) A member of the Commission:-

- (a) subject to Subsection (3), shall be appointed for a period of five years; and
- (b) shall hold office on such terms and conditions as are determined by the Parliament in accordance with a recommendation of the Salaries and Remuneration Commission; and
- (c) is eligible for re-appointment.

(3) Notwithstanding Subsection (2)(a), in relation to the first appointment of two Deputy Commissioners, one shall be appointed for an initial term of three years and the other for an initial term of four years.

[Should these provisions be strengthened by including a requirement that the Commissioner's remuneration be not less than that of a Judge, and that of the Deputy Commissioners, not less than those of the Public Prosecutor, similar to the requirements under section 217 of the Constitution that relate to the Chief Ombudsman and other Ombudsmen?]

~~(4) The terms and conditions of office of a member of the Commission shall not, without the consent of that member, be varied while that member is in office so as to become less favourable to that member.~~

~~(5) An office of a member of the Commission is an office to which Division III.2 (Leadership Code) of the Constitution applies.~~

~~(56)~~ Before commencing the duties of his or her office a member of the Commission shall make a Declaration of Office before the Head of State or a person appointed by the Head of State.

7. QUALIFICATIONS FOR APPOINTMENT.

(1) A person is only eligible for appointment as the Commissioner if he or she:-

- (a) is, in the opinion of the Appointments Committee, a person of integrity, independence of mind and good reputation; and
- (b) has at least ten years' experience as an investigator or similar, with a police force or service, an Ombudsman, a prosecution service, an anti-corruption body, or a similar force, service, body, authority or agency, including a foreign force, service, body, authority or agency.

(2) A person is only eligible for appointment as a Deputy Commissioner if he or she:

- (a) is, in the opinion of the Appointments Committee, a person of integrity,

Comment [K1]: Because s220A states that all members must be present for there to be a quorum (assuming that provision remains unaltered)

Comment [K2]: No need for this, since s223(4) of the *Constitution* prevents the remuneration of Constitutional office holders from being reduced while in office.

Comment [K3]: No need to specify this, since s5 makes members of the Commission constitutional office holders, and under s26(1)(e) of the *Constitution*, the Leadership Code already applies to them.

- independence of mind and good reputation; and
- (b) has at least five years' experience as an investigator or similar with a police force or service, an Ombudsman, a prosecution service, an anti-corruption body, or a similar force, service, body, authority or agency, including a foreign force, service, body, authority or agency.

8. DISQUALIFICATION FOR APPOINTMENT.

A person is not qualified to be, or to remain, a member of the Commission if he or she:

- (a) is a member, or candidate for election as a member, of the National Parliament, or a Provincial or Local-level Government; or
- (b) is a member of a Local-level Government Special Purposes Authority; or
- (c) is an office-holder, or candidate for election as an office-holder, in a registered political party; or
- (d) is an undischarged bankrupt or insolvent; or
- (e) is of unsound mind within the meaning of any law relating to the protection of the person and property of persons of unsound mind; or
- (f) is under sentence of death or imprisonment imposed before or after the commencement of this Law; or
- (g) has been found guilty of any indictable offence or an offence involving corrupt conduct, whether under the law of Papua New Guinea or a foreign law; or
- (h) has been found guilty of misconduct in office under the *Organic Law on the Duties and Responsibilities of Leadership*.

Comment [K4]: Should this be extended to any offence at all, given the need for high integrity?

9. SPECIAL CONDITIONS OF EMPLOYMENT.

(1) A member of the Commission shall not:-

- (a) actively engage in politics; or
- (b) subject to Subsection (2), engage either directly or indirectly in the management or control of a corporation or other body of persons carrying on business for profit; or
- (c) directly or indirectly engage in any paid employment outside the duties of his or her office without the consent in writing of the Minister; or
- (d) subject to Subsection (3), acquire by way of gift or otherwise, or use or hold in any other manner any interest in, any land in Papua New Guinea, or solicit, accept or receive any benefit in addition to his or her terms and conditions of employment; or
- (e) except with the consent of the Minister, or because of illness, absent himself or herself from duty for more than fourteen (14) consecutive days or more than 28 days in any period of 12 months.

Comment [K5]: Query whether it is appropriate for the Minister to have this power. To preserve the Commission's independence, should it be the Appointments Committee instead, or perhaps the Ombudsman? See Part 3 of Discussion Paper.

Comment [K6]: Comment as above.

(2) Nothing in Subsection (1)(b) prevents a member of the Commission from holding office in a professional body in relation to which his or her qualifications are relevant.

(3) Subject to any Organic Law made for the purposes of Division III.2 (*Leadership Code*) of the *Constitution*, a member of the Commission may purchase, lease or otherwise acquire land in the same manner and subject to the same conditions as any citizen.

10. RESIGNATION.

(1) If a member of the Commission intends to resign, he or she may do so by giving three months' notice in writing to the Head of State.

(2) The period of three months specified in Subsection (1) is deemed to commence on the twenty-second day after the receipt by the Head of State of the notice, except where the Head of State, acting with, and in accordance with, the advice of the Appointments Committee, by notice in writing to the member, fixes an earlier date for the commencement.

(3) A member of the Commission may withdraw his or her intention to resign at any time before the period of three months referred to in Subsection (1) commences.

11. RETIREMENT.

~~(1) Subject to Subsection (2), a person who has attained the age of 60 years shall not be appointed or reappointed as a member of the Commission and a person shall not be appointed or reappointed for a period that extends beyond the date on which he will attain the age of 60 years.~~

~~(2) The Head of State, acting with, and in accordance with, the advice of the Appointments Committee, may for special reason in a particular case, appoint or reappoint a person who is over 60 years of age to be a member of the Commission but in no case can any member of the Commission continue to act as a member after he has attained the age of 65 years.~~

[Section 223(2)(b) of the Constitution provides that Organic Laws concerning Constitutional office holders must entrench a right to further suitable public employment or adequate pensions or other retirement benefits, or both, subject to reasonable requirements and conditions after their term expires. This needs to be considered.]

12. REMOVAL.

The Head of State, acting with, and in accordance with, the advice of the Appointments Committee, may remove or suspend a member of the Commission from office for:-

- (a) corrupt conduct within the meaning of this Organic Law; or
- (b) incapacity to perform satisfactorily his or her functions;
- ~~(c) becoming disqualified from being a member of the Commission under section 8;~~
- ~~(d) material failure to comply with a special condition of employment under section 9; or~~
- (de) other material contravention of or failure to comply with the requirements of this Organic Law or any other Organic Law or Act conferring functions on a member of the Commission.

[Should there also be a power to suspend a Commissioner pending consideration of allegations within the grounds set out in section 12 by the Appointments Committee? If so, then this should be added as another instance of a vacancy under section 13, to allow an acting Commissioner to be appointed under section 14.]

Comment [K7]: Is there any need to have an age limit at all?

13. VACANCY.

- (1) An office of a member of the Commission becomes vacant if the member:-
- (a) dies; or
 - (b) resigns in accordance with Section 10; or
 - (c) retires in accordance with Section 11; or
 - (d) is not re-appointed at the end of a term of office; or
 - (e) is removed from office in accordance with Section 12; or

~~(f) is not qualified to remain a member of the Commission by virtue of Section 8; or~~

~~(g) is declared by the Head of State acting with, and in accordance with, the advice of the Appointments Committee to have contravened Section 9;~~

Comment [K8]: Because incorporated into section 12 (removal).

(2) A vacancy in the office of a member of the Commission shall be filled as soon as possible and, in any event, not later than 90 days of the office falling vacant.

14. ACTING APPOINTMENTS.

The ~~Appointments Committee~~ Minister may appoint a Deputy Commissioner to be the Acting Commissioner or a suitably qualified person to be an Acting Deputy Commissioner:-

- (a) to fill temporarily a vacancy in the office of the Commissioner or a Deputy Commissioner as the case may be ; or
- (b) in the case of the absence from duty for any reason of the Commissioner or a Deputy Commissioner as the case may be.

Comment [K9]: See Part 3 of Discussion Paper

~~It should be clarified that any person appointed on an acting basis needs to meet the qualification requirements for the substantive position, or otherwise include some other specified qualification requirements. This would prevent unsuitable people being appointed to the Commission on an acting basis. See Part 3 of Discussion Paper.]~~

15. VACANCY ETC., NOT TO AFFECT POWERS OR FUNCTIONS.

An act or decision of the Commission is not invalid by reason only of:-

- (a) a defect or irregularity in, or in connection with, the appointment or a member of the Commission; or
- (b) a vacancy in, or absence from, and office of a member of the Commission.

Division 2. - Meetings of the Commission.

16. COMMISSION MEETINGS.

(1) The Commission shall meet as often as the business of the Commission requires and at such times and places as the Commissioner directs or as requested by the Deputy Commissioners.

(2) Subject to Subsection (4), the Commission may determine its own procedures for the conduct of its meetings.

~~(3) The first meeting of the members of the Commission shall be held within one month of the appointment of the members of the Commission, thereafter, the members of the~~

~~Commission are to meet on a regular basis as determined by the Commissioner.~~

- (4) Three members of the Commission constitute a quorum for a meeting.

[Is this practical when the Commission only has 3 members? If one of them is sick this could bring the Commission to a standstill. An alternative may be for a quorum to consist of 2 members and the Commissioner to have a casting vote during that meeting (not later) if necessary, as provided for in section 14 of the *Organic Law on the Ombudsman Commission*. See **Part 6 of Discussion Paper**.]

- (5) Matters arising shall be decided by a majority of the members present ~~and voting~~.

17. CHAIRMAN.

The Commissioner or Acting Commissioner shall preside at all meetings.

[This will need to be amended if the proposal that a quorum consists of 2 members is adopted.]

Division 3. - Chief Executive Officer and Other Staff.

[Consider deleting these provisions dealing with Chief Executive Officer and, consistent with the Commission's independence, leave it up to the Commission to decide what senior management positions are useful for the Commission, their terms of reference and qualifications and terms and conditions of appointment. For example, the Commission may not want a single CEO – it may be preferable to have a Head of Investigations, a Head of Corruption Prevention and a Head of Administration (depending on what the final functions of the Commission are). See **Part 3 of Discussion Paper**.]

18. APPOINTMENT OF CHIEF EXECUTIVE OFFICER.

- (1) There shall be a Chief Executive Officer of the Commission who:-

(a) shall be appointed by the ~~Head of State, acting with, and in accordance with the advice of the National Executive Council~~ Commission, ~~by notice in the National Gazette;~~

and

(b) shall be appointed for a term, not exceeding four years, as the Commission determines; and

(c) is eligible for re-appointment.

(d) shall be employed on such terms and conditions as are determined by the Salaries and Remuneration Commission pursuant to Section 216A(3)(d) (*Salaries and Remuneration Commission*) of the *Constitution*.

- (2) The office of the Chief Executive Officer is:-

(a) a constitutional office for the purposes of Division IX (*Constitutional Office-Holders and Constitutional Institutions*) of the *Constitution*; and

~~(b) an office to which Division III.2 (*Leadership Code*) of the *Constitution* applies.~~

19. VACATION OF OFFICE OF CHIEF EXECUTIVE OFFICER.

Comment [K10]: Or consider alternatively the Appointments Committee making recommendation to the head of state of Members of the Commission

Comment [K11]: No need to specify this, since s18(2) makes the CEO a constitutional office holder, and under s26(1)(e) of the Constitution, the Leadership Code already applies to him/her.

- (1) If the Chief Executive Officer:-
- (a) becomes permanently incapable of performing his or her duties; or
 - (b) resigns his or her office in writing addressed to the Minister; or
 - (c) engages, without the consent of the Head of State, acting on advice, in any paid employment outside the duties of his or her office; or
 - (d) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
 - (e) is found to have breached the Leadership Code; or
 - (f) is convicted of an offence punishable (whether in Papua New Guinea or in a foreign country) by death or imprisonment for one year or longer and, as a result of the conviction, is under sentence of death or imprisonment,
- his or her appointment as Chief Executive Officer automatically terminates.

(2) The ~~Commission~~Head of State acting with, and in accordance with the advice of the National, may at any time terminate the appointment of the Chief Executive Officer for inability, inefficiency, incapacity or misbehavior.

[These provisions require further consideration and possible redrafting to be more consistent with the grounds and process for removal of members of the Commission. The interaction between ss1 and 2 needs clarifying. Subsection 1 would still require someone to be satisfied that one of these events has occurred, so it is not possible for the appointment to be terminated “automatically”. See Part 3 of Discussion Paper.]

20. PUBLIC SERVICE RIGHTS OF THE CHIEF EXECUTIVE OFFICER TO CONTINUE.

- (1) If an officer of the Public Service is appointed as the Chief Executive Officer, his or her service as the Chief Executive Officer shall count as service in the Public Service for the purposes of determining his or her rights (if any) in respect of:-
- (a) leave of absences on the ground of illness; and
 - (b) furlough or pay in lieu of furlough (including pay to dependants on the death of the Chief Executive Officer).

(2) The office of Chief Executive Officer is an office to which the provisions of the *Public Services (Management) Act 1995* apply in relation to leave to serve under another Act.

21. FUNCTIONS OF THE CHIEF EXECUTIVE OFFICER.

The Chief Executive Officer shall:-

- (a) manage the administrative affairs of the Commission; and
- (b) in relation to the management of the administrative affairs of the Commission, act in accordance with any directions of the Commissioner; and
- (c) advise the members of the Commission on any matter concerning the affairs of the Commission; and
- (d) manage the staff of the Commission; and
- (e) when required to do so by a member of the Commission:-
 - (i) assist with developing, implementing and reviewing anti-corruption

- polices and practices; and
- (ii) assist with implementing those policies and practices; and
- (iii) advise the members of the Commission on any matter relating to corruption; and
- (iv) assist in the preparation and implementation of any anti-corruption awareness and education programs; and
- (f) undertake such other functions, duties and responsibilities as the Commissioner determines.

22. DECLARATION OF OFFICE.

Before commencing the duties of his or her office, the Chief Executive Officer shall make a Declaration of Office before the Head of State or a person appointed by the Head of State.

23. OTHER STAFF.

(1) The Commission may employ such persons as the ~~members of~~ the Commission considers necessary to assist in the performance of the powers and the functions of the Commission.

(2) Subject to the *Salaries and Conditions Monitoring Committee Act 1998*, the terms and conditions of engagement of an employee are as determined by the ~~members of the~~ Commission.

(3) Where an employee of the Commission was, immediately before his or her engagement, an officer of the Public Service, his or her service as an employee of the Commission shall count as service in the Public Service for the purpose of determining that employee's rights (if any) in respect of:-

- (a) leave of absence on the grounds of illness; and
- (b) furlough or pay in lieu of furlough (including pay to dependents on the death of the employee).

(4) Subsection (1) does not prevent:-

- (a) the Commission from engaging other persons as a consultant or adviser or on a contract or otherwise; or
- (b) any person being seconded to the Commission to assist the members of the Commission undertake the functions of the Commission.

(5) The staff of the Commission are subject to the control and direction of the Chief Executive Officer, who is deemed to be a Departmental Head for the purposes of the *Public Service (Management) Act 1995*.

24. FUNCTIONS OF THE STAFF.

The staff of the Commission are:-

- (a) when required to do so by the Chief Executive Officer:-
 - (i) to assist with conducting investigations under this Organic Law; and
 - (ii) to assist with developing, implementing and reviewing anti-corruption policies and practices; and

- (iii) to assist with implementing those policies and practices; and
 - (iv) to advise the members of the Commission on any matter relating to corruption; and
 - (v) to assist in the preparation and implementation of any anti-corruption awareness and education programs; and
- (b) undertake such other functions, duties and responsibilities as the Chief Executive Officer determines.

Comment [K12]: This section may need reviewing, depending on the final formulation of the Commission's functions.

[Consider whether the Commission should be required to put in place a code of ethics and enforcement provisions, integrity screening and a complaints handling mechanism for its staff – see Part 4 of Discussion Paper. Such obligations could, alternatively, be imposed via Regulations.]

[Consider inserting a provision allowing the Commission to propose its own budget similar to the Judiciary and Parliament under section 209(2B) of the Constitution – see Part 9 of Discussion Paper.]

Division 4. - Advisory Committee.

25. ADVISORY COMMITTEE.

- (1) The functions of the Advisory Committee are to:-
- (a) advise the members of the Commission on any aspect of corrupt conduct in Papua New Guinea or internationally, particularly in relation to measures to combat corrupt conduct, public education and awareness raising; and
 - (b) provide reports to the Commissioner on matters relevant to the functions of the Commission; and
 - (c) keep operational, staffing and administrative policies of the Commission under review; and
 - (d) consider the annual estimates of expenditure of the Commission; and
 - (e) review the annual report of the Commission before it is submitted to the Minister.
- (2) The Advisory Committee shall meet at least four times a year, being once every three months and at such other times as the Chairman considers necessary.
- (3) In a meeting:-
- (a) five members constitute a quorum; and
 - (b) the Advisory Committee may determine its own procedures.

[See discussion at Part 8 of Discussion Paper regarding the role of the Advisory Committee – this needs further consideration.]

[Insert requirement either here or in the CA for the Commission to publish annual report and clarify to whom it should be provided – see Part 8 of Discussion Paper.]

Division 5. - Functions of the Independent Commission Against

Corruption.

26. FUNCTIONS OF THE COMMISSION.

The functions of the Commission are:-

- (a) to receive and consider any complaint ~~regarding~~ ~~against~~ alleged or suspected corrupt conduct, ~~by any affected person or any person who has information or is aware of such conduct~~ and to investigate such of those complaints as the Commission ~~er~~ considers appropriate; and
- (b) in accordance with any referral of any complaint, act, omission or cases of alleged or suspected corrupt conduct referred to it by the Minister, to investigate on such matters as referred and to report to the Minister with such recommendations in order to deal with any findings, if any, of corrupt conduct; and
- (c) to investigate on its own initiative ~~if it has information or being brought to its attention~~ any alleged or suspected corrupt conduct; and
- (d) in accordance with any of its recommendations made following its investigations conducted and findings made under Paragraphs (a), (b) or (c) to refer any information, document or evidence gathered to any one or more of any of the relevant authorities including:-

- (i) the Royal Papua New Guinea Police Constabulary; and
- (ii) the Ombudsman Commission; and
- (iii) the Office of the Public Prosecutor; and
- (iv) the Office of the Auditor-General; and
- (v) ~~(once established)~~ the Human Rights Commission;
- (vi) ~~the Internal Revenue Commission;~~
- (vii) ~~the Commissioner of Customs;~~
- (viii) ~~the Financial Intelligence Unit;~~ and
- (vi) any other body, prescribed by the Regulations, including a foreign body,

to ~~consider~~ ~~acting~~ upon any such recommendations on any findings of corrupt conduct, if any.

[The bodies with which the Commission should be able to exchange information and refer matters needs further consideration – see discussion in Part 13 of Discussion Paper.]

- (e) for the purposes of strengthening anti-~~corruption~~ measures and ~~combatting~~ ~~the~~ ~~elimination~~ of corrupt conduct:-
 - (i) to examine and review the practices, procedures, and anti corruption policies and strategies, if any, of governmental bodies and public authorities in order to facilitate the discovery of corrupt conduct, if any, and to ensure the revision of methods of work practices, procedures, policies and strategies which, in the opinion of the Commission, may be conducive to corrupt conduct; and
 - (ii) develop anti-corruption strategies, policies and practices and give advise to governmental bodies and public authorities of any recommended changes in the practices and procedures compatible with

Comment [K13]: Should there be legislative guidance as to the factors the Commission should consider when deciding to investigate complaints – see Discussion Paper Part 1.

- the effective discharge of the duties of such governmental bodies and public authorities, which the Commission thinks necessary to reduce the likelihood of corrupt conduct; and
- (iii) to oversee, coordinate monitor and evaluate the implementation of the anti-corruption strategies, policies, practices and procedures referred to in Subparagraph (i) and (ii); and
 - (iv) to educate and disseminate information and knowledge to the people about the prevention and combating of corruption; and
- (f) to perform such other functions conferred on it by or under an Organic Law or Act of Parliament.

[See discussion at **Part 1 of Discussion Paper** on appropriate roles for the Commission – this needs further consideration.]

[Clarify whether complaints can be made anonymously – see **Discussion Paper Part 10**]

27. COOPERATION WITH OTHER AGENCIES.

(1) In the performance of their functions under this Organic Law, the members of the Commission and its staff are, so far as is practicable and in accordance with relevant laws, to work in cooperation with other bodies who are engaged in anti-corruption activities or in the investigation or prosecution of corrupt conduct.

- (2) For the purposes of Subsection (1) such bodies include, but are not limited to:-
- (a) the Royal Papua New Guinea Constabulary; and
 - (b) the Ombudsman Commission; and
 - (c) the Office of the Public Prosecutor; and
 - (d) the Office of the Auditor-General; and
 - (e) the Solicitor-General; and
 - (f) such bodies, authorities and persons in foreign countries that perform functions similar to the Commission.

[The bodies with which the Commission needs to cooperate and the mechanisms to ensure that this occurs needs further consideration – see discussion in **Part 13 of Discussion Paper**. Also needs to be consistent with list under clause 26.]

[Consider whether certain offices should be obliged to report suspected corrupt conduct to the Commission – see **Part 10 of Discussion Paper**.]

Division 6. - Powers of the Independent Commission Against Corruption.

[The powers of the Commission requires further consideration – see **Part 10 of Discussion Paper**. In particular, further consideration should be given to vesting the Commission with a broader range of investigatory powers. The Commission will need to work in partnership with other agencies exercising similar powers and functions, and any necessary demarcation between the different agencies needs to be considered.]

The issue of prosecutions powers for corruption related offences also needs further consideration (Part 11 of Discussion Paper.)

28. OBTAINING INFORMATION.

(1) Where a member of the Commission suspects that a person is capable of providing information, producing documents or giving evidence relating to a matter that constitutes, or may constitute, corrupt conduct, or that is otherwise relevant to the functions of the Commission, a member of the Commission may, by notice in writing served on that person, require that person to provide to a member of the Commission the information, document or evidence described in the notice.

(2) A member of the Commission may, by notice in writing served on any person, require that person to attend at a particular time and place (as set out in the notice) before:-

- (a) a member of the Commission to give evidence to that member in relation to a matter that is relevant to the functions of the Commission ; or
- (b) to produce to a member of the Commission, the Chief Executive Officer or a member of the staff of the Commission (as set out in the notice) ~~to produce to that member of the Commission, the Chief Executive Officer or staff member, as the case may be,~~ a document or other thing (such as a computer disc) that is described in the notice and that is relevant to the functions of the Commission.

(3) For the avoidance of doubt:-

- (a) any person referred to in Subsection (2) includes a member of Parliament, and the head of a government body or of a public authority, a member of the Judiciary and a Magistrate; and
- (b) a description of the information in a notice under Subsection (1) may be general in nature and does not need to specifically identify any particular piece of information.
- (c) A member of the Judiciary or a Magistrate is not required to give evidence or produce documents relating to judicial proceedings.

(4) ~~Subjectsection~~ to Section 32, ~~but~~ notwithstanding:-

- (a) any other Act or Organic Law; or
- (b) any claim of privilege, including legal professional privilege,

a person shall comply with a notice issued under this section.

(5) A person who fails to comply with a notice issued under this section is guilty of an offence.

Penalty: A fine not exceeding K25,000.00 or imprisonment for a term not exceeding 10 years, or both.

(6) ~~A~~The notice issued under this section shall set out the rights of the person served with the notice in relating to legal representation, self incrimination and the fact that non-compliance is an offence.

29. DISCLOSURE OF NOTICE.

(1) A member of the Commission who issues a notice under Section 284 may include in that notice a statement to the effect that disclosure or publication of any information about the notice or the Commission's investigations of any information connected with the notice (including their existence) is prohibited except in the circumstances, if any, set out in the notice.

(2) Where the notice includes a statement prohibiting disclosure or publication, a person who disclosed or publishes:-

- (a) the existence of the notice or any information about it; or
- (b) the existence of any information connected with the notice,

is guilty of an offence.

Penalty: A fine not exceeding K5,000.00 or imprisonment for a term not exceeding 2 years, or both.

(3) Subsection (2) does not prevent the person who has been issued with, or otherwise given, the notice from making a disclosure or publication:-

- (a) in accordance with the circumstances, if any, specified in the notice; or
- (b) to a lawyer for the purpose of seeking legal advice or representation in relation to the notice; or
- (c) to the Ombudsman Commission for the purpose of that Commission investigating any alleged unlawful activity, abuse of power, serious neglect of duty or other serious misconduct by a member of the Commission; or
- (d) where the disclosure or publication reveals a serious threat to public order not to the security of Papua New Guinea or to the health or safety of the public.

- (4) Subsection (2) does not apply to a person who discloses the information:
(a) in the course of his or her duties as a member of the Commission; or
(b) in the course of his or her duties as a staff member of the Commission.

30. POWER TO EXAMINE ON OATH.

(1) A member of the Commission may require the evidence referred to in Section 28(2) be given on oath or affirmation and for that purpose any member of the Commission may administer an oath or affirmation.

(2) A person who refuses or fails to take an oath or affirmation when required to do so is guilty of an offence.

Penalty: A fine not exceeding K5,000.00 or imprisonment for a term not exceeding 2 years, or both.

(3) Subject to Subsection (4) and Section 31, a member of the Commission shall conduct his or her proceedings in private unless the member considers that it is in the public interest for proceedings to be conducted in public.

- (4) A member of the Commission may give directions as to who may be present when

Comment [K14]: Designed to enhance accountability and confidence – see Discussion Paper Part 8.

evidence is being given ~~before~~ that member.

31. REPRESENTATION.

(1) Subject to Subsection (2), a person appearing as a witness before a member of the Commission may, with the consent of ~~that a~~ member of the Commission, be represented by a lawyer.

(2) The member of the Commission may require any lawyer representing a person before the Commission or a member of the Commission to undertake not to disclose to any person any information about the hearing (including its existence) without the consent of the member of the Commission or the Commission.

~~the questions put to the witness or the answers to those questions until such time as the Commission has concluded its enquiry into the matter the subject of the notice or the member of the Commission consents to such disclosure, whichever first occurs.~~

(3) A person is required to give an undertaking as set out in Subsection (2) and who breaches that undertaking is guilty of an offence.

Penalty: A fine not exceeding K5,000.00 or imprisonment for a term not exceeding 2 years, or both.

Query whether this provision should be further strengthened.]

32. SELF-INCRIMINATION.

(1) Subject to Subsection (2), the answer to a question asked by a member of the Commission, or a document or thing produced, is not admissible in evidence against the person in a criminal proceeding or a proceeding under the *Proceeds of Crime Act 2005* other than a proceeding in relation to an offence against this Organic Law.

(2) Subsection (1) only applies if:-

(a) the person appearing as a witness before a member of the Commission:-

(i) answers a question that he or she is required to answer; or

(ii) produces a document or thing that he or she was required to produce by a notice under this Organic Law; and

(b) before answering the question or producing the document or thing, the person claims that the answer, or the production of the document or thing, might tend to incriminate the person.

~~(3) For the avoidance of doubt, a criminal proceeding in Subsection (1) does not include proceedings under the *Proceeds of Crime Act 2005*.~~

33. PRESERVATION OF SECRECY.

(1) Subject to Section 34, a member of the Commission may direct that any information about:-

- (a) any evidence given before the member; or
- (b) the contents of any document or paper, or a description of anything produced to the member; or
- (c) ~~any information in relation to~~ the identity of a witness; or
- (d) the fact that a particular person has appeared before the Commission or a particular document, paper or thing has been produced to the Commission, not be published, disseminated or disclosed to any other person-without the consent of that member of the Commission or the Commission.

(2) A person who contravenes a direction set out in Subsection (1) is guilty of an offence:

Penalty: A fine not exceeding K5,000.00 or imprisonment for a term not exceeding 2 years, or both.

34. INFORMATION SHARING TO ASSIST COMMISSION'S FUNCTIONS.

- (1) A member of the Commission may give to:-
- (a) the Royal Papua New Guinea Constabulary; or
 - (b) the Ombudsman Commission; or
 - (c) the Office of the Public Prosecutor; or
 - (d) the Office of the Auditor-General; or
 - (e) the Solicitor-General; or
 - (f) any other agency or authority, including a foreign agency or authority, that is prescribed by the Regulations,

any information that is in the Commission's possession that will enable that other body to assist the Commission in the performance of its functions.

(2) A member of the Commission may receive information from any person, body, agency or authority where the provision of that information is not inconsistent with any other Act or Organic Law.

[This provision may require further consideration regarding the agencies with which the Commission can share information and the circumstances in which it can be shared – see Discussion Paper Part 13.]

Additional consideration should also be given to imposing obligations on particular government bodies to provide information to the Commission – for example, the Land Titles Office and the Investment Promotion Authority – see Discussion Paper Part 10.]

35. INFORMATION SHARING TO ASSIST THE FUNCTIONS OF ANOTHER BODY.

A member of the Commission may give to:-

- (a) the Royal Papua New Guinea Constabulary; or
- (b) the Ombudsman Commission; or
- (c) the Office of the Public Prosecutor; or
- (d) the Office of the Auditor-General; or
- (e) (once established) the Human Rights Commission; or

- (f) the Solicitor-General; or
- (f) any other agency or authority, including a foreign agency or authority, that is prescribed by the Regulations,

any information that is in the Commission's possession and that is relevant to the activities or functions of that other body:

- (i) if appears to the Commissioner to be relevant to do so; or
- (ii) to do so would not be contrary to another Organic Law or Act.

This provision may require further consideration regarding the agencies with which the Commission can share information and the circumstances in which it can be shared – see Discussion Paper Part 13 and Part 16 specifically in relation to the Ombudsman Commission.

Although this Organic Law will override inconsistent ordinary Acts of Parliament, it is preferable that legislative consequential amendments be made to allow other agencies to share information with the Commission. These have yet to be drafted.]

[Clarify in which circumstances investigations should be transferred to and from the Commission and other agencies.]

36. ORDER FOR SURRENDER OF TRAVEL DOCUMENTS.

(1) A member of the Commission may issue a notice in writing to any person requiring that person to surrender his or her travel documents to the Chief Executive Officer.

(2) A person who has surrendered travel documents under Subsection (1) may apply, in writing to the Minister for the return of those documents.

(3) An application under Subsection (2) must set out the reasons why the documents should be returned.

[This provision requires further consideration. An alternative option is to allow the Commission to make such directions only for persons subject to current investigations. The way it is presently drafted, anyone could be required to surrender travel documents to the Commission, regardless of whether they were under investigation or required to cooperate with the Commission. Additionally, the review mechanism is by application to the Minister. It may be more appropriate to vest an express review power in the judiciary, to ensure independent oversight of the function. Further, there is no enforcement mechanism if a person fails to comply.

See Discussion Paper Part 7.]

PART III. - CORRUPT CONDUCT.

37. DEFINITION OF CORRUPT CONDUCT.

(1) For the purposes of ~~this~~ Division VIII.3 of the *Constitution* and this Organic Law, corrupt conduct is:-

- (a) any conduct of any person that adversely affects, ~~or could adversely affect,~~ the honest or impartial exercise of official duties by a public official or any public authority; or
- (b) any conduct of a public official that constitutes or involves the dishonest ~~or partial~~ exercise of any of his or her official duties or displays a conflict of interest; or
- (c) any offer of a bribe to any person for him or her to undertake or refrain from undertaking his or her duties; or
- (d) any solicitation or request for payment by a person in order for that person to undertake his or her duties; or
- (e) any conduct that amounts to a breach of the public procurement and management of public finances guidelines or laws; or
- (f) any conduct that may amount to misconduct in office under the Leadership Code; or
- (g) any misappropriation, embezzlement or other diversion of public funds; or
- (h) illicit enrichment, that is a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income; or
- (i) any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.
- (j) any conduct which may allow, encourage or cause any of the conduct falling within paras (a) to (i).

[Reconsider this to make sure it covers all corruption related offences, including those required to be criminalised under UNCAC, to which PNG is already a party. See **Discussion Paper Part 15.**]

[Should the conduct of public officials' family members and associates also be able to be investigated by the Commission if it relates to the corrupt conduct of a public official? (cf the definition in the *Organic Law on the Duties and Responsibilities of Leadership*)?]

(2) In addition, conduct may amount to corrupt conduct even though the conduct occurred outside Papua New Guinea,

~~where the conduct is intended to adversely affect the exercise of a official function by any public official, any group or body of public officials or any public authority within Papua New Guinea.~~

[The provision as currently drafted would only apply to corrupt conduct outside of PNG within the meaning of para (a), not all the other paras of the definition as well. Consider the appropriate extra-jurisdictional reach of the definition, consistent with the UN Convention Against Corruption.]

(3) Conduct committed by or in relation to a person who was not or is not a public

official at the time the conduct occurred may amount to corrupt conduct under this section ~~with respect if it relates~~ to the exercise of his or her official functions after becoming a public official.

PART IV. - OFFENCES.

[Also consider whether there is the express need for other offences such as bribery of a witness, injury to a witness or a person assisting the Commission, employment dismissal of a witness or a person assisting the Commission, bribery of a member of staff member of the Commission, failure to comply with a direction of the Commission, revealing the name of a complainant or person who provides any information to the Commission. Some of these may be sufficiently covered by the existing offences below.]

See discussion regarding protection of complainants at **Part 10 of Discussion Paper.**]

38. RESISTING OR OBSTRUCTING.

A person who resists or obstructs a member of the Commission, the Chief Executive Officer, or a member of the staff of the Commission in the performance of his or her functions under this Organic Law is guilty of an offence.

Penalty: A fine not exceeding K5,000.00 or imprisonment for a term not exceeding 2 years, or both.

39. INTERFERING.

A person who interferes with the performance of the functions ~~under this Organic Law~~ of a member of the Commission, the Chief Executive Officer or a member of the staff of the Commission ~~when required to do so by a member of the Commission,~~ is guilty of an offence.

Penalty: A fine not exceeding K5,000.00 or imprisonment for a term not exceeding 2 years, or both.

40. FALSE REPORTS AND FALSE EVIDENCE.

A person who knowingly:-

- (a) makes or causes to be made to a member of the Commission, the Chief Executive Officer or a member of the staff of the Commission, a false report alleging corrupt conduct; or
- (b) misleads a member of the Commission, the Chief Executive Officer or a member of the staff of the Commission, by giving false information or by making false statements or accusations,

is guilty of an offence.

Penalty: A fine not exceeding K5,000.00 or imprisonment for a term not exceeding 2 years, or both.

41. IMPERSONATING A MEMBER OF THE COMMISSION.

A person who falsely pretends that he or she is a member of the Commission, the Chief Executive Officer or a member of staff of the Commission or has the

powers of a member, the Chief Executive Officer or a member of staff of the Commission under this Organic Law is guilty of an offence.

Penalty: A fine not exceeding K5,000.00 or imprisonment for a term not exceeding 2 years, or both.

42. DISCLOSURE OF INVESTIGATION OR INDENTITY OF PERSON BEING INVESTIGATED.

(1) Subject to Subsection (3), a person:-

(a) who knows, or has reasonable grounds to believe, that an investigation in respect of alleged corrupt conduct is taking place or has taken place ~~under this Organic Law~~; and

(b) who discloses to the public, a section of the public or any particular person information in relation to the investigation (including its existence), is guilty of an offence.

Penalty: A fine not exceeding K5,000.00 or imprisonment for a term not exceeding 2 years, or both.

~~(2) Subject to Subsection (3), a person:-~~

~~(a) who knows, or has reasonable grounds to believe that an investigation in respect of alleged corrupt conduct is taking place or has taken place; and~~

~~(b) who discloses to the person who is the subject of the investigation the fact that the investigation has or is taking place, is guilty of an offence.~~

~~Penalty: A fine not exceeding K5,000.00 or imprisonment for a term not exceeding 2 years, or both.~~

~~(23)~~ Subsection (1) ~~and (2)~~ does not apply to a person who discloses the information:-

(a) in the course of his or her ~~duties~~appointment as a member of the Commission;

or

(b) in the course of his or her duties as a staff member of the Commission ~~employment under this Organic Law~~.

43. CONTEMPT OF THE COMMISSION.

A person who:-

(a) ~~wilfully~~ insults the Commission; or

(b) ~~wilfully~~ interrupts the proceedings of the Commission; or

(c) is in any manner guilty of ~~wilful~~ contempt of the Commission, is guilty of an offence.

Penalty: A fine not exceeding K5,000.00 or imprisonment for a term not exceeding 2 years, or both.

Comment [K15]: Delete because this is covered by the offence in subsection 1 and the proposed penalty is the same.

Comment [K16]: Removal of 'wilful' allows reckless and negligent behaviour to be captured, not just intentional behaviour.

[This should be reconsidered in light of the public interest in allowing public debate and freedom of speech. Perhaps restrict to conduct that takes place while the Commission is taking evidence?]

44. PROSECUTION FOR OFFENCES.

Proceedings for an offence under this Organic Law:-

- (a) shall be brought in the National Court; and
- (b) may not be brought against any person without the consent in writing of the Commission~~er~~.

PART V. - MISCELLANEOUS.

45. PROTECTION OF COMMISSIONERS. ETC.

(1) A member of the Commission has, in the exercise of his or her duty as a Commissioner or Deputy Commissioner, the same protection and immunity as a Judge of the National Court.

(2) A witness who appears before the Commission or a member of the Commission, has the same protection and, in addition to the penalties provided by this Organic Law, is subject to the same liabilities in any civil or criminal proceeding as a witness or counsel in any case tried in the National Court.

[Section 45(2) needs to be reconsidered in light of the restrictions on legal professional privilege made in section 28(4) and the privilege against self-incrimination under section 32.]

46. PRIVILEGES.

(1) A member of the Commission, the Chief Executive Officer or a member of the staff of the Commission is not liable for any act or omission done in good faith done during the course of his or her duties.
~~under or for the purposes of this Organic Law.~~

(2) A member of the Commission, the Chief Executive Officer or a member of the staff of the Commission may not be called to give evidence in any court, or in any proceedings of a judicial nature, in respect of anything coming to his or her knowledge in the exercise of his or her ~~duties~~functions under this Organic Law.

[Further clarify the nature of these privileges and immunities – to cover civil and criminal liability. Also, interaction with section 48 requires clarification. See Discussion Paper Part 7.]

47. MEMBERS, CHIEF EXECUTIVE OFFICER AND EMPLOYEES TO MAINTAIN SECRECY.

(1) Subject to Subsection (3), before commencing the exercise of his or her duties under this Organic Law, a member of the Commission shall take an oath in Form 1 or make an affirmation in Form 2 of the Schedule before a Judge of the National Court.

(2) Subject to Subsection (3), the Chief Executive Officer and members of the staff of the Commission shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their duties and, before commencing the exercise of their duties, take an oath in Form 1 or make an affirmation in Form 2 of the Schedule before a member of the Commission.

(3) Nothing in Subsection (1) or (2) prevent a member of the Commission, the Chief Executive Officer, or a member of the staff of the Commission from performing their duties under this Organic Law, including the sharing of information as set out in Section 34 and Section 35.

48. DECISION NOT TO BE CHALLENGED.

(1) Subject to Subsection (2), a decision made by the Commission or a member of the Commission under this Organic Law:-

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed or called in question in any court; and
- (c) is not subject to prohibition, mandamus, injunction, declaration or certiorari in any court on any account.

(2) Subsection (1) does not apply to a decision of the Commission under Section 23.

[Query whether this is Constitutionally appropriate – see Discussion Paper Part 7.]

49. REGULATIONS.

(1) The Head of State, acting with and in accordance with advice of the National Executive Council may make regulations not inconsistent with this Organic Law prescribing all matters that are required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to this Organic Law.

(2) Without limiting the generality of Subsection (1), the Regulations may prescribe penalties not exceeding K102,000.00 for contravention of any offences set out in the Regulations.

SCHEDULE.

Sec. 48.

Form 1.

OATH.

“I,, a member of the Independent Commission Against Corruption*/Chief Executive Officer*/a member of the staff of the Commission*, do swear that I will at all times maintain secrecy in relation to the affairs of the Commission and, in particular, that I will not directly communicate or divulge any information that comes to my knowledge in the performance of my functions, as a member of the Commission*/or as an officer/employee of the Commission* /, except under compulsion or obligation of law or as provided by law.

So help me God!”

AFFIRMATION.

“I,.....a member of the Independent Commission Against Corruption*/Chief Executive Officer*/a member of the staff of the Commission*, do solemnly and sincerely promise and declare that I will at all times maintain secrecy in relation to the affairs of the Commission and, in particular, that I will not directly or indirectly communicate or divulge any information that comes to my knowledge in the performance of my functions, as a member of the Commission*/or as an officer/employee of the Commission* /, except under compulsion or obligation of law or as provided by law.”

* Strike out whichever is not applicable

DRAFT



THE CONSTITUTION.

THE ORGANIC LAW ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION.

The Government proposes to introduce the *Organic Law on The Independent Commission Against Corruption* and, pursuant to the requirements of Section 14 (2) (*Making of Alterations to the Constitution and the Organic Laws*) of the *Constitution*, I, **JEFFERY NAPE**, the Speaker of National Parliament, hereby publish the proposed law:-

Draft of 24/11/2011.



A PROPOSED ORGANIC LAW.

Entitled

The Independent Commission Against Corruption;

ARRANGEMENT OF CLAUSES.

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1. Compliance with Constitutional requirements.
2. Application.
3. Interpretation.
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 - “Appointment Committee”
 - “Chief Executive Officer”
 - “Commission”
 - “Commissioner”
 - “corrupt conduct”

“government body”
“member of the Commission”
“Minister”
“public authority”
“public official”
“staff of the Commission”
“travel document”.

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5. Constitutional Office-Holders.

Organic Law on the Independent Commission Against Corruption

6. Appointments to the Independent Commission Against Corruption.
7. Qualifications for Appointment.
8. Disqualifications for Appointment.
9. Special conditions of employment.
10. Resignation.
11. Retirement.
12. Removal.
13. Vacancy.
14. Acting Appointments.
15. Vacancy etc., not to affect powers or functions.

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16. Commission meetings.
17. Chairman.

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19. Vacation of Office of Chief Executive Officer.
20. Public Service Rights of the Chief Executive Officer to Continue.
21. Functions of the Chief Executive Officer.
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24. Functions of the Staff.

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25. Advisory Committee.

Division 5. - Functions of the Independent Commission Against Corruption.

- 26. Functions of the Commission.
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Division 6. - Powers of the Independent Commission Against Corruption.

- 28. Obtaining Information.
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- 37. Definition of Corrupt Conduct.

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- 41. Impersonating a Member of the Commission.
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- 43. Contempt of the Commission.
- 44. Prosecution for Offences.

PART V. - MISCELLANEOUS.

- 45. Protection of Commissioners, etc.
- 46. Privileges.
- 47. Members, Chief Executive Officer and Employees to Maintain Secrecy.
- 48. Decision Not to be Challenged.
- 49. Regulations.

SCHEDULE.

- Form 1- Oath.
- Form 2- Affirmation.