



## Consultative Implementation and Monitoring Council



Mogoru Moto Building, PO Box 1530, Port Moresby, Papua New Guinea  
Tel: (675) 321 1714/320 3728 Fax: (675) 321 7223 cimc@daltron.com.pg

<b>Law and Order Sectoral Committee</b>	
<b>Date:</b>	Tuesday 6 June 2006
<b>Time:</b>	10.00am
<b>Venue:</b>	Institute of National Affairs Conference Room, 5 <sup>th</sup> Floor, Mogoru Moto Building.
<b>Present:</b>	(Mr. Ron Barton - Chairman), Mr. Nigel Agonia (JAG), Ms. Emily Taule (TIPNG) Ms. Katherine Yuave (AusAID), Ms. Mr. Ruben Kavoi (Peace Foundation Melanesia), Mr. John Bonot (BSP – rep of BCPNG), Mr. Alphonse Krau (rep of Security Industry Authority), Mr. Laurence Newell (PNG Law Society), Mr. Wilfred Arikapu (Law Reform Commission), Mr. Herman Buago (Dept. of Justice and Attorney General), Mr. Paul Barker (Institute of National Affairs), Mr. Alois Francis (CIMC) A. Koisen (rep of TIPNG), Ms. Kari Poawai (rep of PNG Law Society),
<b>New Member</b>	Nill
<b>Invited:</b>	
<b>Apologies:</b>	Chris Gimbol (SIA), Dale Smith (Guard Dog), Mr. Dominic Tomar (CIS)

<b>Main Discussions</b>	<b>Follow up Actions</b>
<p>1. Meeting began at 10.10am.</p> <p>2. The Chair (Mr. Barton) welcomed everyone to the meeting and asked for everyone to introduce themselves. New members in attendance were: Ms. A. Koisen (rep of TIPNG) and Ms. Kari Poawai (rep of PNG Law Society) and Mr. Wilfred Arikapu representing Law Reform Commission..</p> <p><b>Minutes of last meeting (13.10.06):</b> Mr. Agonia moved for the minutes of the last meeting to be accepted, seconded by Mr. Bonot.</p> <p><b>Matters arising:</b></p> <p>3. Mr. Francis mentioned that there were two matters for updating which were postponed from the last meeting due to time constraints. That is, update on YLMP from NCDC and Proceeds of Crime Legislation –status of implementation.</p> <p>4. <i>Yumi Lukautim Mosbi Projek (YLMP):</i> As the representative from NCDC (Mr. Steve Sims was not present, the matter was deferred to next meeting of the Committee.</p> <p>5. <i>Proceeds of Crime Act 2004 – implementation:</i> Mr. Francis mentioned that the Dept. of Attorney General was the lead agency who put together the 3 Acts that make up the Proceeds of Crime Act. Because Mr. Kilepak who is the contact person for this within the DJAG is was not present, Mr. Buago was asked to give an update on the status of implementation of the Act.</p> <p>6. Mr. Krau added that the Proceeds of Crime Act is a good legislation in that it allows agencies like the SIA to participate in relevant interest areas.</p> <p><b>Submission from TIPNG: Law and Justice Sector Working Group Submission on the work of the Parliamentary Committee on the Ombudsman Commission &amp;</b></p> <p>7. Ms. Taule mentioned that the TIPNG would like to put to the Committee two</p>	<p><b>Urban Safety update was deferred to next meeting</b></p> <p><b>Mr. Buago to make representation to DJAG, esp relevant officers to ensure its implementation to provide an update on this at meeting on:</b></p> <ul style="list-style-type: none"> <li>• <b>Where it is at in terms of the setting up of the Financial Intelligence Unit (FIU) within the NFACD.</b></li> <li>• <b>Identify areas (such as funding, etc) that the Committee could assist with in terms of lobbying with relevant government arms to fast track the</b></li> </ul>

<p>submissions that it needs to endorse and support: <b>NPF Score Card:</b> First is to seek the Committee's support to revive the NPF Inquiry scorecard which was run by TIPNG starting in 2003. It was a great way to generate interest in the NPF findings/recommendations as the public was constantly updated on the outcomes of these findings. This has stopped somewhat in late 2005 due to slowness of information forthcoming to TIPNG and conflicting information compiled on the number of referrals made to the Public Prosecutor.</p> <p>8. <b>Parliamentary Select Committee's (PSC) work to review the role of the Ombudsman Commission (OC):</b> This is the second submission which is for the TIPNG to provide a submission to the Parliamentary Select Committee on OC. The PSC on OC is reviewing the laws pertaining to the powers of the OC. Mr. Peltó stressed that the purported aim of PSC on OC is to strengthen the role of the OC, which TIPNG is not so certain is what is happening. Hence, it is putting in a submission to the Law and Justice Sector Working Group (LJSWG) calling on them to consider the following two recommendations: (1) appropriate resourcing for anti-corruption and good governance agencies; (2) the de-politicisation of the public service and a strong focus on the independence of the Public Service as per the Public Services (Management) Act 1995.</p> <p>9. Mr. Francis explained that the LJSWG is made up of officers at the operational level within agencies in the law and justice sector who deliberate on issues for the NCM (which is made up all law and justice sector agency heads) to make decisions on. The CIMC has a sit in the LJSWG so this is the channel through which these can be taken up.</p> <p>10. Mr. Agonia whilst explaining the composition of NCM also mentioned that the CIMC Law and Order Committee can also push it at its end through the Minister for National Planning who is its Chair.</p> <p><b>Defense Force Retirement Benefit Fund Inquiry Report (DFRBF):</b></p> <p>11. Mr. Newell suggested that the Committee should also pursue this matter. Mr. Francis suggested that the Secretariat ascertain the recommendations and work with relevant agencies who are involved and suggest possible courses of actions to take to the Committee at its next meeting.</p> <p><b>Security (Protection) Industry Act 2004 - implementation:</b></p> <p>12. The Chair invited Mr. Alphonse Krau, who was representing the Registrar of the Security Industry Authority (SIA) Mr. Chris Gimbol, to give an update on the implementation of the Act to date, especially in relation to two points highlighted in earlier correspondences exchanged between the SIA, the Security Providers Association (SPA) and the CIMC Secretariat. Mr. Francis further highlighted the two points raised in follow up letter from the CIMC Secretariat to the Registrar of the SIA (letter tabled). The two points were:</p> <ul style="list-style-type: none"> <li>• Whether the Security Industry Council (SIC) at its last meeting of Tuesday 2 May 2006 made a decision on the membership of the two duly elected Security Providers Association representatives,</li> <li>• When the SIC will conduct the first full meeting of the Security Industry Council?</li> </ul> <p>13. The Chairman explained for the benefit of those who were not in attendance at the previous meeting that since the Act came into operation on the 1<sup>st</sup> of March 2005, 2 representatives of the SPA and 1 representative from the employees have not been appointed to the SIC as required by the Act. The SIC is currently made up of 6 members representing various organizations. The required number is 9 SIC members. The Act also requires that the 2 representatives from the industry and 1 employees representative be appointed by the Minister for Internal Security to the SIC after 1 year of the Act coming into operation. The Act came into operation on 1<sup>st</sup> March 2005. This 1 year period has lapsed on the 1<sup>st</sup> of March 2006.</p> <p>14. Mr. Krau gave a quick run down on where the SIA was at in terms of implementing</p>	<p><b>establishment of the FIU.</b></p> <p><b>The Committee endorsed TIPNG's initiative to revive the NPF scorecard</b></p> <p><b>The Committee endorsed the two recommendations as proposed:</b>  <b>(1) appropriate resourcing for anti-corruption and good governance agencies;</b>  <b>(2) the de-politicisation of the public service and a strong focus on the independence of the Public Service as per the Public Services (Management) Act 1995.</b></p> <p><b>The Secretariat to table these resolutions at the next LJSWG meeting on 14 June and get them adopted and pushed through to the NCM.</b></p> <p><b>CIMC to also push from its end using its existing channels.</b></p> <p><b>The Secretariat to identify how the various recommendations in the DFRBF Inquiry can be revisited and followed up with relevant agencies identified.</b></p>
---	--

the Act. He briefly outlined that the SIA was in the process of receiving many applications from security companies and all is progressing well in terms of processing applications and granting licenses. In terms of the SIA's workprogram for the year, it is planning to go to all the main centres in the country as part of its plans to implement the Act nationally.

15. In terms of the feedback on the two 2 points that were raised in the letter from the CIMC Secretariat to Mr. Gimbol, Mr. Krau mentioned that he was not in the position to do this. Hence, he said he would get the Registrar to provide a feedback.
16. The Committee unanimously requested that a written feedback be given to the Secretariat on these 2 issues before the next meeting. A consensus was reached that many of the issues regarding this need to be attended to by the SIA urgently and that CIMC do whatever it can to pursue the relevant matters.

#### **Information Paper on status of implementation of the Security (Protection) Industry Act to the Minister for Internal Security**

17. The Information Paper was tabled. Mr. Francis mentioned that the purpose of the Information Paper was to inform the Minister on the purpose of the Act and give him some background information on how it was derived by the Committee. The main objective was to update the Minister on where we were at in terms of implementing the Act. The Secretariat will be following up on this with the Minister's office with the view to ensure that the Minister was fully briefed on the implementation issues as well as to address the issues that hinder its effective implementation.

#### **Sectoral Budget Analysis:**

18. A brief from the Secretariat on this was tabled to guide the Committee in its discussion. Mr. Francis gave a quick run down on the brief explaining what the exercise was all about. For the benefit of newcomers the exercise is an extension of CIMC's 3 year focus on undertaking a "Participatory Budgeting" exercise in PNG. This year's focus is on implementation of budgets with emphasis placed on how to address constraints that hinder effective flow of funds down to the lower levels. The aim is to get people to understand all issues involved with an agency's budget. The Committee is to re-endorse the working group that was selected at the last meeting and task them to prepare a workplan, TOR and report back to the Committee.
19. The Chair commented that the Committee agreed at the last meeting to look at the Police Budget, even though it will be a big task. This is the agency we should work on.

#### **Establishing a "National Registry on Compensation Cases and Claims**

20. A brief from the Secretariat on this was tabled to guide the Committee in its discussion. Mr. Francis explained that the exercise is to work towards setting up a "National Registry on Compensation Cases and Claims". The idea is to take up a recommendation of an INA Commissioned study on Compensation Claims and Procedures undertaken in 2000 as well as a recommendation of the 2005 National Development Forum which separately recommended that a National Database on all compensation claims and cases be established to be uniformly available all users such as the courts, lawyers, administrators, etc. This would help ease the problems of payments made to dubious claimants.
21. The following were suggested:
- Select a working group to assess the work needed to be done towards establishing a "National registry of compensation cases and claims
  - Determine stakeholders, relevant agencies that need to be involved in this exercise.
  - Prepare a Terms of Reference and Workplan for the group and identify costings if funding is needed to undertake the task.

**Mr. Gimbol, Registrar of SIA to provide a written feedback to the Committee on the two points outlined in the letter of 30 May 2006.**

**The Secretariat to follow up with Minister for Internal Security on Information Paper and report back to Committee on feedback from him.**

**The Committee endorsed the setting of a working group to undertake analysis of the RPNGC Budget.**

**The Working Group members selected were: TIPNG, Michael Gene, Eric Carlua, Paul Barker**

**The Working Group is to:**

- Prepare a workplan
- Prepare a TOR
- Approach operational people in RPNGC to involve in this exercise

**The Committee endorsed the setting of a working group to work on the proposal to establish a "National Registry on all Compensation Cases and claims" in the country.**

**The Working Group members selected were: L. Newell, John Bonot, Paul Barker, Ron Barton.**

**The Working Group is to:**

- Prepare a workplan
- Prepare a TOR
- Approach National Land Task Force members to be involved as an important stakeholder

