

Prosecuting Fraud and Corruption in Papua New Guinea

From the experience of the Office of the Public Prosecutor – PNG



Role of the Office of the Public Prosecutor

Constitutional office

Established by the *Constitution* to control and exercise the prosecution function of the State.

Criminal prosecutions

Responsible for criminal prosecution of indictable offences and prosecutions under the Leadership Code – s 177 of the *Constitution*

Statutory basis

All criminal prosecutions are under the *Criminal Code*, and where necessary under statutory legislations which provide for indictable offences.

Proceeds of crime

Initiating Proceeds of Crime actions under the *Proceeds of Crime Act 2022* before the National Court.

Serious Corruption & Dishonesty Unit (SCAD)

2015

Specialised prosecutions unit for serious corruption and fraud established by the OPP

4

Minimum staff of lawyers in the unit at the moment

81

Cases currently pending on the list before the Waigani National Court

Managing the Fraud Court list before the Fraud Court Track in the National Court

Stakeholders



The Police

Fraud Investigators



Banks



Government Departments

Auditor General, Dept of Finance etc



Private Sector

Where complainants are private companies



Individuals



The people of Papua New Guinea

The offences we prosecute

All indictable offences under the Criminal Code

No specific offence or definition for a “corruption” offence – most corruption or fraud related offences:

Abuse of Office

section 92

Official Corruption

section 87

Misappropriation

section 383A

Stealing

section 372

Obtaining Goods by False Pretence

s 404

Forgery & uttering

section 460 and 462

Challenges

01

Elements and Evidentiary challenges

Most fraud cases relate to documentary evidence and to systems, procedures and compliance with legislations – availability of that documentary evidence.

02

Length of time from complaint to trial

The process from complaint to committal and trial takes a minimum of 12 months.

03

Availability of witnesses

Witnesses move or become reluctant to testify in court.

04

Most fraud matters are complex

They need to be simplified for the courts to appreciate the act or omission of the accused person – circumstantial cases, most times with no direct evidence of the conduct of dishonesty.

Examples of Cases Prosecuted

The State v Paul Paraka [2023] N10405

Misappropriation of K162 million of public funds

20 years

The State v Jacob Yafai [2025] N11429

Abuse of office – K41.8 million

2 years

The State v Nixon Duban [2023] N10501

Misappropriation of K600,000 intended for hospital

5 years

***The State v David Kaya & Philip Kamen
[2020] SC 2026***

Misappropriation – K5 million of Landowners compensation payments

15 years

The State v Joel Luma [2021] N8798

Abuse of office – former Dept of Works Secretary

2 years

Cases prosecuted

The State v Terence Hetinu [2022] N9590

Official Corruption – Electoral Manager – received K450,000 cash to sway the outcomes for the NCD elections

7 years

The State v Eremas Wartoto [2017] PGNC 70; N6695

Misappropriation – public funds (K9million) for Kerevat National High – convicted and sentenced. Properties also subject to POCA

10 years

The State v Paul Tiensten [2013] PGNC 34

Misappropriation – public funds (K10 million)

9 years

Conclusion

01

Complex by nature

Fraud cases are complex and require specialised training and an understanding of financial systems.

02

Results despite limits

Whilst the OPP and Fraud Investigators are limited in numbers, the cases show that fraud and corruption cases are being prosecuted.

03

A joined-up effort

Any successful prosecution requires all systems working together, witness availability and willingness to testify, evidentiary materials in admissible form, and translating evidence into submissions for the courts to accept.

Fighting corruption is not just for the law enforcement, but requires all of us to make a stand to fight it.



Questions?

I welcome your questions and discussion.

Office of the Public Prosecutor – Papua New Guinea