PNG Continuing Legal Education Program

Hello and welcome back to your Court page!

On Tuesday, we had a packed house at the Crown Hotel for the PNG Continuing Legal Education Program, with judges, lawyers, and students joining in. The sessions covered a huge range of important topics, but due to space limitations in today's court edition, we could only feature a few of the hard-hitting stories presented.

Here are the top takeaways: Acting Public Prosecutor Helen Roalakona revealed that nearly K100 million in suspected criminal proceeds has been successfully frozen. Financial crime advisor Emmanuel Auru warned that practitioners risk fines of up to K100,000 and three years' imprisonment for failing to comply with anti-money laundering rules. Meanwhile, Chief Justice Sir Gibbs Salika and Law Society president Hubert Namani urged the profession to embrace continuous ethical growth and mandatory legal education.

Read the full stories on this page.

Once again, we remind our valued readers to contribute to this page, either by commenting on articles published or by raising questions arising from this page. We will publish your comments and questions and seek the appropriate people to answer your queries.

Contact us on this email: jpok@spp.com.pg

K100m frozen in record asset restraint

BY HELMTRUDE LEWEWETT

NEARLY K100 million in suspected criminal proceeds has been restrained under the Proceeds of Crime Act, the newly sworn-in Public Prosecutor Helen Roalakona revealed on Tuesday.

Addressing a legal session at Crowne Plaza in Port Moresby, Ms Roalakona detailed how the Asset Restraint and Recovery Working Group (ARROW) has successfully obtained restraining orders over approximately K100 million in cash, bank accounts, and physical assets including real estate.

Ms Roalakona explained that the funds have been restrained, meaning they are frozen under restraining orders obtained under the Proceeds of Crime Act. The assets cannot be sold, transferred, or used while the restraining orders remain in place.

The revelation came as Ms Roalakona outlined the significant challenges facing corruption prosecutions, including the constitutional limitation that the Office of the Public Prosecutor (OPP) has no investigative powers of its own.

"The prosecutor does not have investigating powers," she said, explaining that the OPP relies entirely on police and other government agencies to gather evidence and prepare briefs.

She said this constitutional limitation is precisely why ARROW was established. ARROW is a multi-agency taskforce established seven months ago, bringing together specialist officers from the Royal PNG Constabulary's National Fraud and Anti-Corruption Directorate, the Bank of PNG's Financial Analysis and Supervision Unit (FASU), and the OPP.

Ms Roalakona identified the transition of cases from financial intelligence units to prosecution as a critical gap that ARROW was designed to address. The group meets weekly to translate intelligence into admissible evidence for court.

"The only way to get prosecution is if you've got the intelligence translated into evidence that can be used in court," she said.

The group facilitates both criminal investigations and applications under the Proceeds of Crime Act.

Ms Roalakona explained that the non-conviction stream under the Proceeds of Crime Act allows for restraining orders to be applied before any criminal charges are laid.

These restraining orders, which freeze assets such as cash, bank accounts, and real estate, can then translate into full criminal investigations by police. If the State is ultimately successful in confiscation proceedings, the restrained assets could be permanently forfeited. However, that process is not yet complete.

Ms Roalakona also outlined the OPP's internal structure, revealing that the office established its Specialised Corruption and Dishonesty (SCAD) Unit in 2015 to handle fraud and corruption matters. The unit currently comprises four lawyers managing approximately 81 cases in the Waigani National Court alone, alongside matters across the country.

She explained that 'corruption' is not defined as a single specific offence under PNG law. Instead, the OPP prosecutes what she termed 'dishonesty-related offences,' including misappropriation and specific corruption charges relating to public officials.

Despite the success of the asset restraint, Ms Roalakona acknowledged persistent challenges. She said witness reluctance, agency resistance, and difficulties with the legibility and admissibility of court documents are ongoing challenges that prosecutors face.

"We don't have enough cases that have been prosecuted," she told the audience.

She also said that prosecutors must ensure cases meet a high public interest threshold to justify the expenditure of public resources.

She addressed the delicate balance required when sharing intelligence for asset recovery, adding that while ARROW facilitates the flow of intelligence between agencies, there are limits to how far that intelligence can be translated without compromising ongoing criminal investigations.

"It's a pretty delicate balancing act," she said, explaining that agencies must ensure that sharing intelligence for asset recovery does not jeopardise active police investigations.

Ms Roalakona called for societal and institutional co-operation to combat complex fraud and corruption.

"When we ask for witnesses, we have people who are reluctant to understand what it is. We have agencies who don't want to co-operate with us," she said. "But at the end of the day, justice needs to be served. And so, it's really up to all of us to do that."

Chief Justice: Personal growth over profit

BY HELMTRUDE LEWEWETT

CHIEF Justice Sir Gibbs Salika told young lawyers yesterday that the law is a personal journey, not just a way to make money.

Speaking at the PNG Continuing Legal Education Program at the Crown Hotel, in Port Moresby, Sir Gibbs reflected on his own early years in the profession.

He recalled the excitement of checking law reports to see if his cases had been published.

He told the new generation of lawyers, including students from the Legal Training Institute and the School of Law, to stay grounded in integrity and professional ethics.

He reminded them to view their careers to grow as people, rather than just a business.

Chief Justice Sir Gibbs Salika addressing young lawyers and LTI and Law students on Tuesday. PICTURE: MARK TALIA

Namani pushes for compulsory legal education

BY HELMTRUDE LEWEWETT

PAPUA New Guinea Law Society president Hubert Namani has urged legal practitioners to treat continuing education as a vital duty and said that the profession must evolve or risk being left behind.

Speaking at the PNG Continuing Legal Education Program at the Crown Hotel yesterday, Mr Namani emphasised that the rapidly shifting regulatory environment demands constant professional development.

"The law does not stand still. Neither can we," he said.

"The day we stop learning as lawyers is the day we begin falling behind as lawyers."

Addressing an audience that included Chief Justice Sir Gibbs Salika, representatives of the Commonwealth Lawyers Association, the Bar Association of Queensland, and students from the Legal Training Institute and School of Law, Mr Namani said a law degree and admission to the bar are only the beginning of a lawyer's education.

He stressed that Continuous Legal Education is not just about satisfying future regulatory requirements or accumulating hours, but about professional excellence and protecting the public.

"It is about maintaining the standards of our profession. And ultimately, it is about protecting public confidence in the administration of justice," he said.

Mr Namani announced that the Law Society is pushing toward compulsory Continuing Professional Development, an important reform that aims to raise the standard of practice rather than create an administrative burden.

K100,000 fine or jail for anti-money laundering breaches

BY HELMTRUDE LEWEWETT

LEGAL professionals risk up to K100,000 in fines and three years' imprisonment if they fail to align their daily client work with anti-money laundering policies, a financial crime advisor warned on Tuesday.

Principal of KiVA Financial Crime Advisory, Emmanuel Auru told a continuing legal education session hosted by the Commonwealth Lawyers Association at the Crown Hotel in Port Moresby, that the most common failing is a gap between written compliance documents and actual practice.

"If what you do in practice does not match what is written in your policy, then you are creating a gap," Mr Auru said.

He said anti-money laundering and countering proliferation financing obligations apply to individual practitioners regardless of seniority, and are triggered by specific activities including real estate transactions, managing client funds, operating bank accounts, and creating corporate structures.

Mr Auru noted that PNG's national risk assessment has identified the legal profession as highly vulnerable to money laundering due to its capacity to facilitate complex financial arrangements. Globally, an estimated US$800 billion to US$2 trillion is laundered annually.

He advised practitioners to consult their nominated compliance officer before taking on high-risk clients, when a transaction raises suspicion, or when regulatory coverage is unclear.

Even when a matter falls outside statutory triggers, professional ethics require lawyers to ensure their services are not misused.

Mr Auru outlined a six-point checklist for daily practice covering client verification, beneficial ownership identification, risk assessment, enhanced due diligence for red flags, real-time record-keeping, and annual reviews.

The seminar drew on guidance from NLCS and FASU frameworks.

Mr Auru said the session does not replace formal legal guidance and urged practitioners to escalate difficult live cases to senior advisors without delay.