INDEPENDENT COMMISSION AGAINST CORRUPTION
PAPUA NEW GUINEA

JOB DESCRIPTION

1. IDENTIFICATION

AGENCY: INDEPENDENT COMMISSION AGAINST CORRUPTION (ICAC)	**ORG SQN NO:**	**POS. NO: PRS003**
OFFICE: OPERATIONS	**DESIGNATION/CLASSIFICATION:** SENIOR PROSECUTOR – GRADE 10	
DIVISION: LEGAL	**LOCAL DESIGNATION:** SENIOR COMMISSION PROSECUTOR	
BRANCH: PROSECUTION	**REPORTING TO:** DIRECTOR PROSECUTION **ORG. POS. NO: POS. NO:**	
SECTION: PROSECUTION	**LOCATION:** HEAD OFFICE, PORT MORESBY	

HISTORY OF POSITION

POSITION REF.	DATE OF VARIATION	DETAILS
ICAC017	*Commission Approval Date*	*Revised*

2. JOB CONTEXT

The Independent Commission Against Corruption (ICAC) is established by Part VIII Division 3 of the Constitution and the *Organic Law on the Independent Commission Against Corruption 2020* (OLICAC). The purposes of the ICAC are to contribute, in cooperation with other agencies, to preventing, reducing and combating corrupt conduct.

The prosecution function is within the portfolio of the Deputy Commissioner Operations. The Senior Commission Prosecutor, is a role within the Prosecution Branch, in the Legal Division. Senior Commission Prosecutor is and will be responsible for providing prosecution services for the ICAC, including court appearances and support of ICAC hearings.

Effective and thorough prosecutions of alleged corrupt conduct and ICAC hearings will

be critical to the operational success and good reputation of the ICAC.

3. JOB OVERVIEW

The Senior Commission Prosecutor reports to the Director Prosecutions and then to the Executive Director Legal and ultimately the Commission through the Deputy Commissioner Operations.

The Senior Commission Prosecutor is an integral part of the prosecution branch of ICAC, whose role will be to work closely with the Director, Prosecutions, in carrying out the prosecution functions of the ICAC.

4. KEY RESPONSIBILITIES

- Evaluate and prepare, with high level skill, prosecution briefs for matters allocated by the Director Prosecution
- Prepare opinions on evidence and make recommendations on matters allocated, as to whether the matter should be prosecuted or withdrawn from prosecution
- Supervise prosecutors on preparations of opinions and making recommendations for prosecution or withdrawal of prosecutions
- Prepare requests and supervise preparation of requests for consent to prosecute including brief of evidence to be sent to the Public Prosecutor
- Appear and prosecute, unsupervised, trials in the National Court (and or the District Court) including appearing and arguing appeals in the Supreme Court
- Prepare and institute appeals in the Supreme Court against sentences imposed by the National Court
- Appear for committal proceedings including initiating committal proceedings on information following arrests or charging by ICAC investigators
- Provide advice to Commission Investigators and supervise Commission Prosecutors in the provision of legal support to the Investigations Division
- Appear in Commission Hearings as and when instructed by the Director Prosecutions.
- Conduct occasional training or training sessions for other lawyers as well as commission staff on aspects of law, criminal law and investigations process and with other agencies
- Supervise Commission Prosecutors and assisting the Director in managing the Prosecutions Branch
- Provide performance reports or reviews to the Director
- Prepare policy briefs for internal ICAC matters or externally
- Attend to any other tasks on request or when instructed by the Director Prosecutions

5. EDUCATIONAL QUALIFICATIONS

- Bachelor of Law degree from the University of Papua New Guinea or another recognized university abroad
- Is admitted to practice as a lawyer in Papua New Guinea or will be qualified for admission to Papua New Guinea
- Is a current registered member of the PNG Law Society or will be registered to PNG Law Society once admitted.

- Be a holder of a current practicing certificate or will be able to apply for and obtain a practicing certificate from the PNG Law Society.
- Or is able to be admitted to practice in Papua New Guinea (applicable to foreign legal practitioners)

6. KNOWLEDGE

- Superbly strong understanding of Constitutional law, Criminal law, Evidence law and criminal procedure, National Court Rules, Criminal Practice Rules, as well as generally property law, banking and finance and company law

- Strong working knowledge of trial process in the District and National Courts (for international candidate, a strong working knowledge of the court and trial process in courts of both summary and higher jurisdiction in country of residence or practice.

- A strong working knowledge of appeals process in the Supreme Court (for international candidate for this position, the candidate must have had experience in appearing and arguing cases in the appellate courts in country of residence or practice)

- Strong knowledge of criminal investigations process inclusive of the rules attendant to proper and fair criminal investigations and by extension administrative investigations

- A good working knowledge of the *Public Service (Management) Act*, *Public Finance Management Act* and operational guidelines, *Public Service General Orders*, Governments Development Goals and Objectives, and functions and powers of the ICAC.

- For expatriate legal practitioners intending to apply for this position, the legal practitioner must have excellent understanding of criminal law generally and particularly in the fraud and corruption space and preferably with criminal prosecution experience.

7. SKILLS

- Excellent advocacy skills including oratory skills, trial tactics and witness handling, dealing with the questions from the bench and a keen ability to memorize case details
- Excellent in formidable presentation of evidence and argument but with high commitment to trial ethics including exhibition of respect for opposing counsel, witnesses, victims and the Court (District Court, National Court and Supreme Court)
- Meticulous thinking ability and ability to give sound advice/opinions to other lawyers in the commission, commission staff and the Commission itself
- Superb ability in conducting a case precedent analysis of Supreme and National Court decision in PNG as well as other jurisdictions
- Superb ability to be a fine and quick thinker especially as regards making decisions pertaining to a matter during its trial

- Be able to work under pressure and for long hours
- Good ability to work in teams and be a team player
- Computer literate with experience and competence in using MS Applications

8. WORK EXPERIENCE

- Minimum of eight to ten years' experience in criminal prosecution or criminal defense litigation
- Have conducted major trials in the National Court including either prosecuting or defending fraud and corruption cases.
- For international candidates for this position, the candidate must have conducted major criminal trials either in prosecution (or in defense) in the jurisdiction in which they practiced immediately prior to applying. Specific experience in fraud and corruption related prosecution and defense is critical
- Have had experience in arguing or initiating appeals in the Supreme Court especially in criminal matters and by extension experience in matters involving disputes or applications relating to or about Supreme Court procedure

9. OTHER ESSENTIAL ATTRIBUTES

- Matured character and sobriety
- A high commitment to honesty and integrity in service to the public interest
- Adherence to strict confidentiality requirements and to information protection and security procedures.
- A very high level of commitment to, and embodies, the goals of the Commission
- Taking great responsibility and care for state properties
- Punctual and dedicated to work
- An excellent level of dependability and responsibility
- Be able to work with people of different sex, race, creed, gender, religion, etc.. without disrespect and harassment

10. REFEREES

Candidate must provide three referees when applying for this role with the Commission

For international candidates to this position, it is required that the candidate must provide material evidencing admission as a lawyer the either the country of origin, residence or practice and a current license to practice as a lawyer, such currency of the required license in effect at the time of application to this role with the ICAC.

Candidate lawyers from countries in which the legal profession comprises barristers and solicitors, a certificate or letter from the bar association or law society evidencing admission and whether the admission is as a solicitor or a barrister including, for those who are barristers, when his status as a solicitor to being a barrister. A bar practice or bar readers transcript should be included as well in the application.