

The forms can be accessed by contacting the Directorate or can be downloaded from our website [www.declarations.gov.mw](http://www.declarations.gov.mw).

### Powers of the Director of Public Officers' Declarations

The Director of Public Officers' Declarations has the following powers:-

- Institute an inquiry into alleged or suspected non-compliance with the Public Officers' (Declaration of Assets, Liabilities and Business Interests) Act (2013);
- Order the production of any information, documents, or the giving of testimony from any public officer, government agency, private company or any person, relating to the declarations filed by a listed public officer;
- Require a listed public officer to amend, within thirty days, any declaration that is procedurally or substantively defective; and
- Perform such other acts as are reasonably necessary or required for the exercise of his or her functions

The Director performs his or her functions independent of any person or authority but is otherwise accountable to Parliament. In that regard, the powers and functions of the Director of Public Officers' Declarations are monitored by the Monitoring Committee of Parliament.

### Role of the General Public in the Public Officers' Declaration Regime

- Monitor the officers' transparency through the Public Access Platform.  
Members of the general public are entitled to access declarations filed by listed public officers. The public access platform empowers the citizenry to monitor the levels of wealth under a public officer, thereby building public confidence in the public service.  
In order to access the declarations, one is required to apply to the Director of Public Officers' Declarations, using a specifically designed "Application Form" which can be accessed by contacting the Directorate or can be downloaded from our website [www.declarations.gov.mw](http://www.declarations.gov.mw).
- Whistle Blowing  
Any person can report to the Director any listed public officer who submits a false or inaccurate declaration.

### Penalties and Offences

- A listed public officer who, without reasonable cause, fails to submit the required declaration within the determined time shall be liable to be dismissed from the public office.
- A listed public officer who files a declaration which the public officer knows or believes to be inaccurate shall be liable on conviction to a fine of K500, 000.00 and imprisonment for two years and shall be dismissed from the public office.

- The Director may order the listed public officer to submit the required declaration, irrespective of the penalty imposed.
- Any person who abuses information upon accessing declarations submitted by a listed public officer shall be liable, on conviction, to a fine of K500, 000.00 and imprisonment for two years, without prejudice to any other legal remedy available to the injured person.

### Information to be specified in Declarations

#### (What should be declared?)

In the declaration forms, a listed public officer is required to specify the following: -

#### (a) Personal particulars:-

- surname
- other names
- date of birth
- place of work
- present grade/position
- date of appointment/election to the public office.

#### (b) Assets, including information on the following: -

- Any asset a listed public officer or any member of the immediate family has a full or part ownership interest, and the description of the asset, its location, the date of acquisition, the amount paid for the asset, the current valuation of the asset, and where possible, the contact details of the person or entity where the asset was acquired;
- Any asset a listed public officer or any member of his or her immediate family has sold, or otherwise transferred within twenty four months prior to the date of filing the declaration, and the description of the asset, the date the asset was sold, relinquished or transferred, the value of the asset at the time of sale, relinquishment of or transfer and the consideration received in exchange;
- Any other asset a listed public officer or any member of his or her immediate family has financed or owns in any other name than his or her own name and the description of the asset, its location, the date of acquisition, the amount paid for the asset, the current valuation of the asset, and the name or names in which the asset is held or owned.
- Income which a listed public officer or any member of his or her immediate family received within the past twelve months, and the source, amount, date and explanation of such income;
- Any bank account, wherever located, held in a listed public officers name or held jointly with any member of the immediate family, close associate, agent, or business partner, and the name of the account holder, the name of the

banking institution, the type of account, the account number, and the balance of the account; and

- Shares in any company, any government stocks, bonds, treasury bills, any life insurance policy or related schemes held in a listed public officers name or held jointly with any member of his or her immediate family, agent or business partner, and a description of the location and value of such shares, stocks, bonds, treasury bills, life insurance policy or related asset;
- Liabilities and debts which he or she owes or which any member of the immediate family owes, and the name and address of the individual or entity to which the debt or the liability is owed, the amount and nature of the debt or liability, and the date and circumstances under which it was incurred.
- Business interests, including information or any commercial or entrepreneurial activity in which a listed officer or any member of his or her immediate family has engaged in the last twenty-four months, and the nature, location and dates of the commercial or entrepreneurial activity; and
- The date on which the declaration is submitted, listed public officer's signature as well as signature and date stamp of the Commissioner for Oaths.

### Contacting the Office of the Director of Public Officers' Declarations

If you have any enquiry, questions or comments on any matter relating to the public officers' declaration regime, including whistle blowing, please contact the Office of the Director of Public Officers' Declarations (ODPOD) through the following:-

#### Physical Address:

Episcopal Conference of Malawi,  
Catholic Secretariat Office Complex, Area 11,  
Off Chimutu Road  
City Centre  
LILONGWE

#### Postal Address:

Private Bag B 340  
Capital City  
LILONGWE 3.

Telephone: +265 1 772 673/672  
Email: [info@declarations.gov.mw](mailto:info@declarations.gov.mw)  
Website: [www.declarations.gov.mw](http://www.declarations.gov.mw)



## OFFICE OF THE DIRECTOR OF PUBLIC OFFICERS' DECLARATIONS (ODPOD)

### KNOW THE MALAWI PUBLIC OFFICERS' DECLARATION SYSTEM



Participants at the ODPOD - FIA MoU signing ceremony.

## Promoting Public Confidence in the Public Service

Introduction

The Office of the Director of Public Officers' Declarations (ODPOD or Directorate) is an independent governance public institution within the Malawi Government. It is established under section 6 (1) of the Public Officers' (Declaration of Assets, Liabilities and Business Interests) Act of 2013, which was passed to provide the legal and institutional framework for the implementation of the provisions of sections 88A and 213 of the Constitution of the Republic of Malawi. The objective of the declaration system is to "promote public confidence in the public service including in the offices of the public and elected officials".

The Directorate is headed by the Director who is assisted by the Deputy Director both of whom are appointed by the Public Appointments Committee of Parliament. They are responsible for the overall administration of the Act, including its enforcement and regulation.

The Operational Set Up and Functioning of the Directorate

The Directorate executes its statutory functions through its four technical divisions of (a) Receiving and Documentation Division; (b) Verification and Monitoring Division; (c) Public Education Division; and (d) Research, Policy & Planning Division. Some of these functions are to:-

- Receive and manage declarations submitted by listed public officers.
- Verify declarations submitted by listed public officers.
- Ensure that the Public Officers' (Declaration of Assets, Liabilities and Business Interests) Act, 2013 is easily accessed by the general public.
- Generally, advise public officers concerning their obligations under the Public Officers' (Declaration of Assets, Liabilities and Business Interests) Act.
- Provide technical assistance to listed public officers on the correct method of filling declarations.
- Annually publicize in the gazette the names of listed public officers who have complied and those who have not complied with the Act; and a summary of declarations filed by each one of them.
- Provide annually an assessment report of compliance by public officers to the minister of Justice and Constitutional Affairs who shall lay the report before the National Assembly.
- Upon verification of declarations, report any evidence or reasonable suspicion of criminal activity by a listed public officer, to the Director of Public Prosecutions, the Police, or the Director of the Anti-Corruption Bureau, as the case may be
- Report to the Monitoring Committee of Parliament, any elected public officer, Minister or any other.

listed public officer who, in the opinion of the Director of Public Officers' Declarations, may properly be dealt with by the Monitoring Committee.

Rationale and Advantages of Declaration System (Why Declare?)

- It promotes integrity, transparency and accountability of public officials.
- It is a policy imperative which is based on Malawi's recent history and current events in as far as public resource management is concerned.
- It fosters public accountability and trust as well as governmental legitimacy.
- It protects public officials from undue suspicion, baseless or unfounded allegations of wrongdoing in their discharge of official duties.
- It deters corruption.

Who should declare?

There are three categories of listed public officers who are required to declare, as follows:

Political and Elected Officials

- |   |  |
|---|--|
| ➤ President;                                | ➤ Leader and Treasurer of a political party represented in Parliament; |
| ➤ Vice President;                           | ➤ Mayor and Councilors of City Councils; and                           |
| ➤ Speaker of the National Assembly;         | ➤ Councilors of District and Town Councils.                            |
| ➤ Deputy Speakers of the National Assembly; |  |
| ➤ Cabinet Minister;                         |  |
| ➤ Members of Parliament;                    |  |

Senior Public Officers

- Chief Justice
- Attorney General
- Secretary to the Cabinet
- Deputy Secretary to the Cabinet
- Judges of the High Court of Malawi and Justices of Appeal of the Supreme Court of Appeal
- Solicitor General
- Law Commissioner
- Ombudsman
- Governor, Deputy Governor, Director and Manager of the Reserve Bank of Malawi
- Chief Executive, Deputy Chief Executive of City, District and Town Councils
- Senior public officers of the grade equivalent to Director and Heads of Department

- High Court and Supreme Court of Appeal Registrar
- Director of Public Prosecutions
- Director and Deputy Director of the Anti-Corruption Bureau
- Director of the Office of Public Officers' Declarations
- Inspector General of Police and senior officers of the rank of Superintendent and above
- Chancellor and Vice Chancellor of a public University
- Registrar of a public University and Finance Officers
- Commissioner and Deputy Commissioner of Prisons and officers in charge of prison stations
- Chief Immigration Officer
- Auditor General
- Director of Public Procurement and Deputy Director of Public Procurement
- Commissioner General and Deputy Commissioner General of the Malawi Revenue Authority
- District Commissioners and Assistant District Commissioners
- Army Commander
- Deputy Army Commander and senior officer of the rank of Major and above
- Administrator General
- Registrar General
- Principal Secretaries and their Deputies
- Chairperson, Board Members, Chief Executive and Deputy Chief Executive of a public body, parastatal, constitutional bodies and all other statutory bodies set up by an Act of Parliament

Other Officers

- |   |  |
|---|--|
| ➤ Judicial officers                           | ➤ Minister   |
| ➤ Procurement officers                        | ➤ Accounting personnel                                     |
| ➤ Officers in the Road Traffic Department     | ➤ Officers of the Anti-Corruption Bureau                   |
| ➤ Officers of the Malawi Revenue Authority    | ➤ Officers of the Office of Director of Public Procurement |
| ➤ Immigration officers                        |  |
| ➤ State Advocates                             |  |
| ➤ Legal Aid Advocates                         |  |
| ➤ All public prosecutors                      |  |
| ➤ Police Traffic Officers                     |  |
| ➤ Investigative officers                      |  |
| ➤ Advisor to the President and Vice President |  |
| ➤ Advisor to a Cabinet                        |  |

Completing Declaration Forms

There are three types of declarations which a listed public officer is required to complete and file, as follows:

(a) Initial Declaration

A Listed public officer who is declaring for the first time completes and files what is called Initial Declaration Form.

(b) Annual Update Return Declaration

After an initial declaration a listed public officer shall submit to the Director Annual Declaration Update Return within thirty days after the commencement of each (government) fiscal year. Therefore, this declaration is submitted to the Director between 1st July and 30th July each year.

(c) Exit Declaration

Exit declarations are made by listed public officers three months before expiry of period of service, unless an initial declaration or an annual declaration update return was filed within three months prior to the termination date of service. However, in the event that a contract of service is terminated without notice by either party, the Director of Public Officers' Declarations may order that an Exit Declaration be submitted within thirty days from the date of termination of service, unless an initial declaration or an annual update return declaration was filed within three months prior to the termination date of service.

Each of the three types of declarations has a specifically designed form which a listed public officer should complete.



ODPOD Diretor, Mr. Christopher Tukula (front roll, 3rd from right ODPOD Deputy Diretor, Mr. Michael Chiusiwa (front roll, 2nd from right), staff and security officers pose for a group photograph after completing a Fire Prevention Drilling Exercise.