



**NOTICE OF DISCIPLINARY CHARGE UNDER SECTION 52
OF THE *PUBLIC SERVICES (MANAGEMENT) ACT 1995*
AND GENERAL ORDER NO 15 OF 2012**

CHARGE FOR SERIOUS OFFENCE NO 1

TO: Mr Richard Pangwinyen
Internal Auditor
Department of Labour & Industrial Relations

TAKE NOTICE that in accordance with the information provided to the Secretary for the Department you are responsible for and you facilitated the removal from the Department of a “**Confidential Audit Report of April 2020 under a Confidential Cover Minute from the Chief Internal Auditor to the Secretary dated May 7th 2020**” and other information.

That as a result of the said Report being leaked to persons outside of the Department a Member of the Opposition, did in the National Parliament on Friday 20th August 2021 present the confidential information contained in the said Report in Question Time.

The Opposition Member using Parliamentary privilege made the following statements with reference to the said Report, quoted verbatim (and summarized) from a video tape broadcast on the You Tube video channel (available on request):

“...there is systemic corruption in the Department of Labour & Industrial Relations.”

“...the Secretary and senior officers of the Department have condoned and facilitated “Double Dipping” from the Government Payroll.”

“...seven Fraud Squad investigations are ongoing in the Department into the Secretary’s criminal activities involving collusion with suppliers paid over K2 million but not delivering equipment and services, and the “Double Dipping” into Government Payrolls”

“...when will the Minister take action against the Secretary to stop this corruption,”

TAKE NOTICE that legal advice provided to the Secretary states that a public servant who releases Confidential Audit Reports for any reason **to an unauthorized recipient** that results in a Member of the Opposition making statements from the said Report is unlawful.

TAKE NOTICE that the said Report provided to the Parliament and to the Fraud Squad is speculative and wrongfully alleges criminal activity against named officers without proof, doing harm to the professional reputations of the said officers and the Secretary and to the standing of the Minister and the Department.

The said Report makes reference to administrative matters which are not hidden in any way and are under review by named officers and are subject to follow up by the Internal Auditor and Chief Internal Auditor and at no stage have the Fraud Squad requested information from the Secretary regarding the allegations of corruption.

TAKE FURTHER NOTICE that you are hereby charged with the First Serious Offence under General Order No 15.19 (a), namely commits a breach of the Act (including the General Orders and the Public Service Code of Ethics and Conduct):

Whereby facilitating the provision of a Confidential Audit Report to persons outside of the Department resulted in the Member of the Opposition providing unproven, speculative and derogatory information to the Parliament and also to the Fraud Squad and as a result:

- **you breached your Oath or Affirmation of Office to well and truly serve the Government of the Day;**
- **you breached the Confidentiality provisions of the Public Service Code of Ethics and Conduct;**
- **you breached the Confidentiality provisions of General Order No 20 governing conduct in Office**

AND TAKE FURTHER NOTICE that you are now required **to sign for receipt of the First Charge** and provide your response to the said Charge of the breaches of the said General Order No 15.19 (a) within 7 working days from the date of receipt as described in the Suspension Notice and **state whether or not you admit or deny the said Charge GO No 15.19(a).**

AND TAKE FURTHER NOTICE if no written reply is received by the Chairman of the Disciplinary Committee within 7 working days after the receipt of this Charge Notice you may be deemed to have admitted the truth and thereby be subject to termination of your employment for cause without notice and loss of service related benefits.

Dated this *14th* day of September 2022

[Signature]
SAILAS BOKOWI

(Delegate of the Secretary and Member of the Disciplinary Committee)

