

FOR PRESS

STATEMENT BY THE CHAIRMAN OF THE COMMONWEALTH PUBLIC
SERVICE BOARD

The Director-General of Health has forwarded to the Public Service Board Dr. Bazeley's reply to the charge made against him by the Director-General.

Dr. Bazeley has denied the truth of the charge; he has denied that he was guilty of improper conduct in his official capacity and that, being an officer of the Public Service, he made statements to the public press in criticism of, or attempted to promote opposition to, the Commonwealth Serum Laboratories Bill introduced in the Parliament by the Government.

Dr. Bazeley having denied the charge, the Public Service Board, as required by Section 56 of the Public Service Act, will now appoint a Board of Inquiry which will inquire into the truth of the charge and report to the Board its opinion thereon.

Canberra

27th May, 1961.

A. EXTRACTS FROM PUBLIC SERVICE ACT

SECTION 56, PUBLIC SERVICE ACT 1922-1960

(1) Where any officer of the First or Second Division is charged by any person with any of the offences mentioned in the preceding section, the Minister, in the case of an officer of the First Division, and the Permanent Head, in the case of an officer of the Second Division, may suspend the officer, and upon such suspension shall forthwith report the charge and suspension to the Board. If the officer does not in writing admit the truth of the charge, the Board shall appoint a Board of Inquiry (consisting of three persons, one of whom shall be the Chairman of the Board of Inquiry, and which shall not include the person by whom the charge was made), which shall inquire into the truth of the charge and shall report to the Board its opinion thereon.

(2) If any of the charges are admitted, or are found by the Board of Inquiry to be proved, then the Board of Commissioners may make such recommendation as to the punishment or otherwise of the person charged as to the Board seems fit. On receiving such recommendation, the Governor-General may dismiss the officer from the Commonwealth Service, or reduce the officer to a lower Division and salary, or impose such penalty or other punishment as the case demands.

(3) If the charges are found by the Board of Inquiry not to be proved, the suspension shall be immediately removed by the Minister or the Permanent Head, as the case may be.

SECTION 57.

(1) Any officer, upon the hearing by a Board of Inquiry or Appeal Board in relation to any charge against him, shall be entitled to be represented by counsel, attorney, or agent, who may examine witnesses and address the Board on his behalf. The charging authority may likewise be represented at such hearing by counsel, attorney, or agent.

(2) It shall be the duty of the Board of Inquiry or Appeal Board to make a thorough investigation without regard to legal forms and solemnities, and to direct itself by the best evidence which it can procure or which is laid before it, whether the evidence is such as the law would require or admit in other cases or not.

SECTION 58.

(1) The Chairman of any Board of Inquiry or Appeal Board may at any time -

- (a) summon any person whose evidence appears to be material to the determination of any subject of inspection, inquiry, or investigation being conducted by the Board;
- (b) take evidence on oath; and
- (c) require the production of documents.

(2) Any officer who, without reasonable cause, neglects or fails to attend in obedience to the summons, or to be sworn, or to answer questions or produce documents relevant to the subject of the inspection, inquiry, or investigation, shall be guilty of an offence against this Act.

(3) Any person, not being an officer, who, after payment or tender of reasonable expenses, neglects or fails, without reasonable cause, to attend in obedience to the summons, or to be sworn, or to answer questions or produce documents relevant to the subject of the inspection, inquiry, or investigation, shall be guilty of an offence.

Penalty: Twenty pounds.

(4) Nothing in this section shall be construed as compelling a person to answer any question which would tend to criminate him.

B. EXTRACTS FROM PUBLIC SERVICE REGULATIONS

REGULATION 148B

(1) Immediately upon the appointment of a Board of Inquiry pursuant to section 56 of the Act, the Board of Commissioners shall notify the charged officer that a Board of Inquiry has been appointed to inquire into the truth of the charge and report to the Board of Commissioners its opinion thereon and, at the same time, advise him of the names of the members of the Board of Inquiry.

(2) A copy of all documents intended to be used before a Board of Inquiry shall, where practicable, be supplied by the Board of Commissioners to the charged officer at least seven days before the inquiry is held.

REGULATION 149

The Chairman of a Board of Inquiry appointed to inquire into the truth of a charge laid against an officer of the First or Second Division shall fix the date, time, and place of hearing the inquiry and shall advise the charged officer and the members of the Board of the date, time and place so fixed. The charged officer shall receive at least seven days' notice of the hearing of the charge.