

Legal obligations under other Commonwealth legislation

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In addition to your duties and responsibilities under the PGPA Act and related legislative instruments, you also have duties and legal obligations under other Commonwealth legislation.

The general duties in the PGPA Act do not limit the application of any other duties or liabilities in other laws relating to a person's position or employment in a Commonwealth entity.

The PGPA Act is as an Australian law for the purposes of the *Public Service Act 1999* and the *Parliamentary Service Act 1999*.

Employment legislation

The [Public Service Act 1999](#) (PS Act) establish the values and behaviours for officials in most non-corporate Commonwealth entities and some corporate Commonwealth entities in the APS Values and APS Code of Conduct.

Officials not engaged under the PS Act may be engaged under other Commonwealth legislation—for example:

- the [Parliamentary Service Act 1999](#)
- the [Defence Act 1903](#) and [Defence Force Discipline Act 1982](#)
- the [Australian Federal Police Act 1979](#) , or
- the enabling legislation of the entity (for most corporate Commonwealth entities).

Other legislation relevant to the engagement of officials in some or all Commonwealth entities includes:

- the [Fair Work Act 2009](#) and [Fair Work Regulations 2009](#)
- [superannuation policy and legislation](#)
- the [Maternity Leave \(Commonwealth Employees\) Act 1973](#)
- the [Work Health and Safety Act 2011](#)
- the [Safety, Rehabilitation and Compensation Act 1988](#)
- the [Disability Discrimination Act 1992](#) , [Racial Discrimination Act 1975](#) , [Sex Discrimination Act 1984](#) and [Workplace Gender Equality Act 2012](#)
- the [Public Interest Disclosure Act 2013](#) .

Information management legislation

- The [Archives Act 1983](#) requires officials to preserve the archival resources of the Commonwealth.
- The [Privacy Act 1988](#) regulates how entities collect, use and distribute information about individuals.
- The [Freedom of Information Act 1982](#) gives the public the right to request access to many official documents of ministers and Commonwealth entities.

Legislation establishing rights to seek review of government decisions

Individuals can:

- seek merit review by the Administrative Appeals Tribunal or another body of decisions that affect them, where the legislation authorising the payment provides for another person or body to review the decision (see the [Administrative Appeals Tribunal Act 1975](#))
- ask the Federal Court for a review of the lawfulness of a government decision under the [Administrative Decisions \(Judicial Review\) Act 1977](#) or section 39B of the [Judiciary Acts 1903](#) .

Officials employed under the PS Act can seek review of employment actions (include Code of Conduct decisions) by the [Merit Protection Commissioner](#) established under the PS Act.

Penalties and sanctions

The PGPA Act does not contain penalties and sanctions. Penalties and sanctions for not meeting your duties are addressed in your employment arrangements or, for criminal conduct, in the [Criminal Code Act 1995](#) or [Crimes Act 1914](#) .

The exception is the power in section 30 of the PGPA Act to remove an accountable authority or a member of an accountable authority of a corporate Commonwealth entity for failing to comply with their duties as an official. This provision is intended for use only if the entity's enabling legislation or another legislative instrument is inadequate to address the breach.