



General duties that apply to all officials of Commonwealth entities

PGPA Act

Public Governance Performance and Accountability Act 2013



Australian Government
Department of Finance

Definitions

Who are officials?



- employees, officers or members of a Commonwealth entity
- accountable authorities
- directors
- statutory office holders
- persons listed in an Act or by section 9 of the PGPA Rule

Who are not officials?



- ministers
- judges
- consultants and independent contractors, unless they are listed in the PGPA Rule
- persons excluded by section 9 of the PGPA Rule

What is a Commonwealth entity?



- a Department of State
- a Parliamentary Department; or an entity listed in legislation or the PGPA Rule
- a body corporate that is established by a law of the Commonwealth
- a body corporate that is established under a law of the Commonwealth and/or is established by an Act or the PGPA Rule (section 7A) to be a Commonwealth entity

What are public resources?



- relevant money, relevant resources, and appropriations

To assist you:



- more information on the general duties of officials, refer to the Resource Management Guidance No.203: www.finance.gov.au/resource-management/general-duties-of-officials
- PGPA Act: www.comlaw.gov.au/Details/C2013A00123
- Public Service Act: www.comlaw.gov.au/Series/C2004A00538
- governancepolicy@finance.gov.au



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As an official of a Commonwealth entity you must behave to a required standard. This is summarised as:

General duties that apply to all officials of Commonwealth entities



Care and diligence

Be careful and diligent when doing your work



Honesty, good faith and for proper purpose

Be honest and sincere in your employment and use public resources in a proper manner



Position and information

Don't misuse information or your position



Material personal interests

Report your material personal interests where they relate to the affairs of your entity



If you breach these duties there may be: employment sanctions, including termination of employment or criminal sanctions where the breach is of a criminal nature.



Care and diligence

Officials need to undertake their employment roles with the same degree of care and diligence that would reasonably be expected of any official in the same position. **An example** of not exercising care and diligence could be: undertaking an unfamiliar task without checking legislative requirements, related guidance and your entity's operational guidelines/instructions.



Honesty, good faith and for proper purpose

Officials need to act in a sincere and honest way for the purpose that they are employed. In doing so, an official is required to manage or use public resources in a proper manner. **An example** of not acting honestly, in good faith and for a proper purpose could be: providing information to a person in a way that intentionally deceives or misleads them or purporting to have authority to approve something when you knowingly do not.



Position and information

Officials must not improperly use their positions or information to: gain a benefit or an advantage for themselves or for another person; or cause, or seek to cause, detriment to the Commonwealth or another person. **An example** of misuse of position could be: using your official title to seek a discount that benefits you personally or a member of your family. **An example** of misuse of information could be: leaking financial information to the media that you accessed in performing your role.



Material personal interests

Officials need to report relevant material personal interests in relation to the affairs of the entity they work for. This disclosure needs to be undertaken in accordance with Part 2.2 of the PGPA Rule 2014. **An example** of this could be: you're on an employment selection panel that is interviewing a friend or family member for a position with the Commonwealth entity.

The interaction between the PGPA Act and the Public Service Act 1999 (PS Act):

A significant number of officials are also APS employees or agency heads. These officials are subject to both the PGPA Act duties of officials and the APS Code of Conduct under section 13 of the PS Act. Compliance with the APS Code of Conduct will ordinarily meet the requirements of the duties of officials under the PGPA Act.