



Public Governance, Performance and Accountability

Newsletter 46

6 September 2017

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Public Governance and Resources Legislation Amendment Act (No.1) 2017 (PGRLA Act)

The PGRLA Act received royal assent on 23 August 2017.

The Act amends 10 Acts across the Commonwealth to harmonise them with the Public Governance, Performance and Accountability Act 2013 (PGPA Act), these amendments:

- consistently prescribe listed entities for the purposes of the PGPA Act within entities' enabling legislation
- repeal provisions covering issues now provided for by the PGPA Act, such as disclosure of interests and annual reporting requirements
- update references in legislation from the Financial Management and Accountability Act 1997 and the Commonwealth Authorities and Companies Act 1997 to the PGPA Act
- correct a typographical error

The Act also makes amends 3 Acts to make minor changes consequential to the sale of Medibank Private Limited (MPL) in 2014.

The PGRLA Act has been registered on Federal Register of Legislation.

Public Governance, Performance and Accountability Amendment (Listed Entities) Rules 2017

The PGRLA Act prescribes the Australian Building and Construction Commission (ABCC), the Australian Transaction Reports and Analysis Centre (AUSTRAC) and the National Competition Council (NCC) as listed entities within primary legislation. These listed entities were originally listed within Schedule 1 to the Public Governance, Performance and Accountability Rule 2014 (PGPA Rule).

The Public Governance, Performance and Accountability Amendment (Listed Entities) Rules 2017 (the rule) was made on 23 August 2017, and subsequently registered on the Federal Register of Legislation on

5 September 2017. To avoid duplicating the listing of these entities, the rule repeals the ABCC, AUSTRAC and the NCC from Schedule 1 to the PGPA Rule.

The rule commences from the commencement date of the PGRLA Act, the 23 August 2017.

The Management of Risk by Public Sector Entities

On 15 August 2017, the Australian National Audit Office (ANAO) tabled its performance audit report of the management of risk by public sector entities in Parliament. The ANAO audited four entities: Department of Employment; Department of Health (Health); Australian Communications and Media Authority (ACMA); Australian Fisheries Management Authority (AFMA). Department of Finance (Finance) (Comcover) was designated as policy owner for the Commonwealth Risk Management Policy (RM Policy).

The audit objective was to assess how effectively the selected public sector entities manage risk. In conducting the audit, the ANAO also assessed how well each of the selected entities had met the requirements of the Commonwealth resource management framework, including the RM Policy. The audit found that the audited entities have met, or mostly met, the majority of the RM Policy's requirements, with some further work needed by Health, ACMA and AFMA to achieve the RM Policy's goal to embed risk management as part of an entity's culture.

The ANAO has highlighted a range of matters, which may also apply to other Commonwealth entities. These matters are consistent with Comcover's insights from its 2017 Risk Management Benchmarking Program.

Finance (Comcover) has a range of guidance material available to assist entities implement several of these recommended areas for improvement in managing risk. Topics include (but are not limited to) risk culture, risk appetite and tolerance, key risk indicators and building capability. You can access all of Comcover's guidance material on the Finance website here.

The full audit report is available on the ANAO's website here.

This audit is the final of three audits in the ANAO's work program that address key aspects of the PGPA Act, including Audit Report No. 54 *Corporate Planning in the Australian Public Sector* and No. 58 *Implementation of the Annual Performance Statement Requirements 2015-16*.

APS Governance Forum – 13 September 2017

Cyber Resilience in the APS

Wednesday 13 September 2017

9:00am – 11:30am (9am arrival for 9:30am commencement)

RSVP Wednesday 7 September 2017 to APSGovernanceForum@AirservicesAustralia.com

“Building Cyber Resilience into Air Traffic Management”

Presented By: Chris Seller, Chief Information Officer & Dominic O'Loughlin, Cyber Security Program Manager from Airservices Australia.

Location: Robert Ewing Corporate Centre, Australian Taxation Office, 26 Narellan Street, Canberra City

Regulatory Charging Government Policy Order

On 16 August 2017, the Minister for Finance issued the Public Governance, Performance and Accountability (Charging for Regulatory Activities) Order 2017. This is the second government policy order (GPO) issued under section 22 of the PGPA Act. The regulatory charging GPO specifies the Australian Government policy relating to charging for regulatory activities that is to apply to the nine corporate Commonwealth entities listed in the schedule in the instrument.

The GPO can be found on the Federal Register of Legislation. For more information the Australian Government Charging Framework please contact chargingpolicy@finance.gov.au.

Updated Commonwealth Grants Rules and Guidelines 2017

Finance is continuing to transform the Government's grants framework to streamline the delivery and administration of grants. The revised [Commonwealth Grants Rules and Guidelines 2017](#) (CGRGs) came into effect on 30 August 2017, as a legislative instrument under section 105C of the [PGPA Act](#).

The CGRGs remain divided into two parts. Part 1 outlines mandatory requirements while Part 2 explains how accountable authorities and officials of non-corporate Commonwealth entities should apply the seven key principles of grants administration. It applies to grants administration performed by ministers, accountable authorities and officials, as well as third parties who deliver grants on behalf of the Commonwealth.

The CGRGs establish the Australian Government's overarching grants policy framework, under which non-corporate Commonwealth entities undertake grants administration.

There are minor changes to obligations for accountable authorities and officials in the CGRGs. This revision updates some requirements to reflect Government policy decisions.

- The requirement to publish grant opportunities and grant opportunity guidelines now mandates publication on GrantConnect.
- Transitioning the requirement to publish grants awarded on entities' websites and centralising reporting on GrantConnect from 31 December 2017.
- Allowing entities 21 calendar days to report grants awarded instead of 14 working days.
- Includes additional briefing information for ministers on demand-driven or 'first-in, first-served' grant opportunities.

It is important to note that it continues to be the responsibility of officials to advise ministers of the requirements of the CGRGs.

In addition to the updates, this version of the CGRGs has been simplified to reduce confusion for accountable authorities and officials. A new glossary standardises a number of terms to promote consistency with the new grant agreement and guidelines templates for use across government. These reforms standardise the way government presents grants information to potential applicants and reduces the legal costs for grantees.

PMRA Community on Govdex

PMRA Community on Govdex is an online community for Commonwealth officials to:

- be informed about ongoing reforms, events and consultations
- discuss issues and reforms relating to the PGPA Act and internal controls
- share ideas for improving the way we operate across government

If you have questions or want more information on the PMRA or PGPA Act, visit the PMRA Community on Govdex. Access to the PMRA Community on Govdex is open to all officials of Commonwealth entities. If you are not a member, please email pmra@finance.gov.au and we will send you an invite to join.

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