

EXPLANATORY STATEMENT

Issued by the Authority of the Minister for Finance

Public Governance, Performance and Accountability Act 2013

*Public Governance, Performance and Accountability (Location of
Corporate Commonwealth Entities) Order 2016*

Section 22 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) provides the Finance Minister with the authority to make a government policy order (GPO) that specifies a policy of the Australian Government that is to apply in relation to one or more corporate Commonwealth entities.

The *Public Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Order 2016* (the order) applies an Australian Government policy requiring corporate Commonwealth entities with agricultural policy or regulatory responsibilities to be located in a regional community and within 10 kilometres by road of the main campus of a regional university that is recognised for research and teaching in the field of agricultural science. A “regional community” is defined as a community that is not within 150 kilometres by road of Canberra or the capital city of a State. The order is applied only to the Agricultural Pesticides and Veterinary Medicines Authority, a corporate Commonwealth entity.

Details of the order are set out at [Attachment A](#). A Statement of Compatibility with Human Rights is at [Attachment B](#).

The order is a legislative instrument for the purposes of the *Legislation Act 2003*, but section 42 (disallowance) of the *Legislation Act 2003* does not apply to it.

The order will commence on the day after registration on the Federal Register of Legislation.

Consultation

The Department of Agriculture and Water Resources and the APVMA has been consulted.

Details of the *Public Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Order 2016*

Section 1 – Name

This section provides that the title of the order is the *Public Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Order 2016*.

Section 2 – Commencement

This section provides that each provision of the order specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table.

The whole of the order will commence on the day after it is registered on the Federal Register of Legislation.

Section 3 – Authority

This section provides that the instrument is made under subsection 22(1) of the *Public Governance, Performance and Accountability Act 2013*.

Section 4 – Location of corporate Commonwealth entities

Subsection (1) provides that it is a policy of the Australian Government that a corporate Commonwealth entity with agricultural policy or regulatory responsibilities is to be located in a regional community and within 10 kilometres by road of the main campus of a regional university that is recognised for research and teaching in the field of agricultural science.

Subsection (2) provides that a “regional community” is defined as a community that is not within 150 kilometres by road of Canberra or the capital city of a State.

Section 5 – Application

This section applies the policy described in section 4 to the Australian Pesticides and Veterinary Medicines Authority, a corporate Commonwealth entity.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

The *Public Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Order 2016* is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the legislative instrument

The *Public Governance, Performance and Accountability Act 2013* (PGPA Act) establishes a framework for regulating resource management by the Commonwealth and relevant entities. Section 22 of the PGPA Act provides that the Finance Minister may make a government policy order by legislative instrument to apply a policy of the Australian Government to one or more corporate Commonwealth entities.

The *Public Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Order 2016* (GPO) would establish a GPO under section 22 of the PGPA Act. The GPO would apply a government policy regarding the location of corporate Commonwealth entities with agricultural policy or regulatory responsibilities to the APVMA.

Human rights implications

The order does not impinge on any applicable rights or freedoms.

Conclusion

The order is compatible with human rights as it does not raise any human rights issues.

**Senator the Hon Mathias Cormann
Minister for Finance**