# 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.

**Attachment A**

**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.

**Attachment B**

**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**