

EXPLANATORY STATEMENT

Issued by the Authority of the Minister for Finance and the Public Service

Public Governance, Performance and Accountability Act 2013

Public Governance, Performance and Accountability Rule 2014

*Public Governance, Performance and Accountability Amendment (2019 Measures No. 1)
Rules 2019*

The *Public Governance, Performance and Accountability Act 2013* (PGPA Act) sets out a framework for regulating resource management by the Commonwealth and relevant entities. Section 101 of the PGPA Act provides that the Finance Minister may make rules by legislative instrument to prescribe matters giving effect to the Act.

Under subsection 33(3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

The *Public Governance, Performance and Accountability Amendment (2019 Measures No. 1) Rules 2019* (Amendment Rules) make amendments to the *Public Governance, Performance and Accountability Rule 2014* (PGPA Rule) relating to:

- the first reporting period for the National Housing Finance and Investment Corporation;
- the title of one of the persons making up the accountable authority of the Central Land Council; and
- prescribing the North Queensland Livestock Industry Recovery Agency as a listed entity.

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

The Amendment Rules are a legislative instrument for the purposes of the *Legislation Act 2003*.

The Amendment Rules commence on the day after they are registered on the Federal Register of Legislation.

Consultation

In accordance with section 17 of the *Legislation Act 2003*, consultation has taken place with the National Housing Finance and Investment Corporation, the Central Land Council, and the Department of the Prime Minister and Cabinet.

Details of the *Public Governance, Performance and Accountability Amendment (2019 Measures No. 1) Rules 2019*

Section 1 – Name

This section provides that the title of this instrument is the *Public Governance, Performance and Accountability (2019 Measures No. 1) Rules 2019* (Amendment Rules).

Section 2 – Commencement

This section provides that this instrument commences on the day after it is registered on the Federal Register of Legislation.

Section 3 – Authority

This section provides that this instrument is made under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).

Section 4 – Schedules

This section provides that the *Public Governance, Performance and Accountability Rule 2014* (PGPA Rule) is amended as set out in the Schedule to this instrument.

Schedule 1 – Amendments

Public Governance, Performance and Accountability Rule 2014

Item 1 – At the end of Chapter 1

This item adds a new section 7AB to Chapter 1 of the PGPA Rule to prescribe the first reporting period for the National Housing Finance and Investment Corporation (NHFIC) to begin on 30 June 2018 and end on 30 June 2019. After the first reporting period, the subsequent reporting period will align with the period of 12 months commencing on 1 July as defined in section 8 of the PGPA Act.

NHFIC was established by the *National Housing Finance and Investment Corporation Act 2018* which commenced on 30 June 2018, the last day of the 2017-18 financial year. Amending the first reporting period will provide transitional arrangements for NHFIC to implement the reporting requirements under the PGPA Act by incorporating the last day of the 2017-18 financial year into the 2018-19 reporting period.

Item 2 – Section 7A (table item 2)

This item amends the title of one of the persons making up the accountable authority of the Central Land Council from “Director” to “Chief Executive Officer” to reflect the decision made by the Central Land Council.

Item 3 – After clause 15 of Schedule 1

This item makes the North Queensland Livestock Industry Recovery Agency (NQLIRA) a non-corporate Commonwealth entity for the purposes of the PGPA Act by prescribing it as a listed entity in Schedule 1 to the PGPA Rule.

The new clause 15A sets out the accountable authority, officials and purposes of the NQLIRA, which will comprise the Chief Executive Officer and persons engaged under the *Public Service Act 1999* (PS Act) to assist the Chief Executive Officer. Among other functions, the NQLIRA will have responsibility for strategic leadership and coordination for the Commonwealth's recovery and reconstruction activities in the flood affected areas of North, Far North and Western Queensland following significant flooding in those areas in late January and February 2019.

The NQLIRA was established as an Executive Agency for the purposes of the PS Act by the *Order to Establish the North Queensland Livestock Industry Recovery Agency as an Executive Agency*. The Order specifies the functions for the NQLIRA which are listed in the new clause 15A as the entity's purposes for finance law.

Statement of Compatibility with Human Rights

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

Public Governance, Performance and Accountability Amendment (2019 Measures No. 1) Rules 2019

The *Public Governance, Performance and Accountability Amendment (2019 Measures No. 1) Rules 2019* are 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 101 of the PGPA Act provides that the Minister for Finance may make rules by legislative instrument to prescribe matters giving effect to the Act.

The legislative instrument amends the *Public Governance, Performance and Accountability Rule 2014* (PGPA Rule) made under the PGPA Act by:

- amending the first reporting period for the National Housing Finance and Investment Corporation;
- amending the title of one of the persons making up the accountable authority of the Central Land Council; and
- prescribing the North Queensland Livestock Industry Recovery Agency as a listed entity.

Human rights implications

The legislative instrument does not engage any of the applicable rights or freedoms.

Conclusion

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

**Senator the Hon Mathias Cormann
Minister for Finance and the Public Service**