

## **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. 2)  
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. 2) Rules 2019* (Amendment Rules) amend Schedule 1 to the *Public Governance, Performance and Accountability Rule 2014* (PGPA Rule) to amend the purposes of the North Queensland Livestock Industry Recovery Agency (NQLIRA) for the purposes of the finance law as defined by the PGPA Act.

The NQLIRA was established as an Executive Agency for the purposes of the *Public Service Act 1999* by an Order In Council on 21 February 2019, which commenced on 1 March 2019. The listing of the NQLIRA in Schedule 1 to the PGPA Rule, which made it a non-corporate Commonwealth entity for the purposes of the PGPA Act, commenced on 2 March 2019.

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 Department of the Prime Minister and Cabinet.

**Details of the *Public Governance, Performance and Accountability Amendment (2019 Measures No. 2) Rules 2019***

**Section 1 – Name**

This section provides that the title of this instrument is the *Public Governance, Performance and Accountability Amendment (2019 Measures No. 2) 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 – Subparagraph 15A(e)(i) of Schedule 1**

This item amends subparagraph 15A(e)(i) of Schedule 1 to replace ‘the flood affected areas of North, Far North and Western Queensland following’ with ‘areas of North, Far North and Western Queensland affected by’ in the description of the areas where the North Queensland Livestock Industry Recovery Agency’s (NQLIRA) activities are focussed. Livestock losses have also been felt in areas that were not flooded but experienced low temperatures, high winds and extended periods of rainfall as a consequence of the North and Far North Queensland Monsoon Trough.

**Item 2 – After subparagraph 15A(e)(i) of Schedule 1**

This item inserts a new subparagraph 15A(e)(ia) in the description of the purposes of the NQLIRA for the purposes of the finance law as defined by the PGPA Act. The new purpose allows the NQLIRA to administer the Commonwealth loan scheme to provide assistance to eligible primary producers by way of loans to authorised deposit-taking institutions at the Government’s cost of borrowing.

## **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. 2) Rules 2019***

The *Public Governance, Performance and Accountability Amendment (2019 Measures No. 2) Rules 2019* (Amendment Rules) 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 Amendment Rules amend Schedule 1 to the *Public Governance, Performance and Accountability Rule 2014* (PGPA Rule) made under the PGPA Act to amend the purposes of the North Queensland Livestock Industry Recovery Agency (NQLIRA) for the purposes of the finance law as defined by the PGPA Act.

The NQLIRA was established as an Executive Agency for the purposes of the *Public Service Act 1999* by an Order In Council on 21 February 2019, which commenced on 1 March 2019. The listing of the NQLIRA in Schedule 1 to the PGPA Rule, which made it a non-corporate Commonwealth entity for the purposes of the PGPA Act, commenced on 2 March 2019.

### **Human rights implications**

The Amendment Rules do not engage any of the applicable rights or freedoms.

### **Conclusion**

The Amendment Rules are compatible with human rights as they do not raise any human rights issues.

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