

EXPLANATORY STATEMENT

Issued by Authority of the Minister for Finance

Public Governance, Performance and Accountability Act 2013

Public Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Repeal Order 2024

Legislative Authority

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 that specifies a policy of the Australian Government that is to apply in relation to one or more corporate Commonwealth entities.

Subsection 33(3) of the *Acts Interpretation Act 1901* provides that a power in an Act to make a legislative instrument includes the power to repeal or amend the instrument, subject to any conditions that apply to the initial power.

Purpose

The purpose of the *Public Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Repeal Order 2024* (the Repeal Order) is to repeal the *Public Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Order 2016*.

Background

The *Public Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Order 2016* (the Order) was made under section 22 of the PGPA Act in 2016. The Order requires 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. The Order applies only to the Agricultural Pesticides and Veterinary Medicines Authority (APVMA), a corporate Commonwealth entity.

The APVMA is the statutory authority responsible for the regulation of agricultural chemicals and veterinary medicines in Australia. The repeal of the Order was recommended by the final report on future structure and governance arrangements for the APVMA, which reported to government in late 2023. The government announced it supported this recommendation on 17 April 2024.

Impact and Effect

The repeal of the Order will allow the APVMA Board and Chief Executive Officer to make decisions on staff and office locations that best suit the APVMA's operational needs. Repealing the Order will bring the APVMA into line with other corporate Commonwealth entities and, as a Statutory Agency for *Public Service Act 1999*, the Australian Public Service

standards, by enabling the APVMA to make decisions on staff and office locations that best suit its needs and will assist its recruitment efforts.

Consultation

In accordance with subsection 22(2) of the PGPA Act, which provides for a condition to exercise the power under subsection 22(1), the Finance Minister is satisfied that the Minister responsible for the policy has consulted with the relevant corporate Commonwealth entity on the application of the policy. In particular, the Minister for Agriculture, Fisheries and Forestry (Agriculture Minister) has consulted the APVMA. The Chair of the APVMA Board and the Chief Executive Officer of the APVMA wrote to the Agriculture Minister on 22 April 2024 to support the proposed repeal of the Order. In addition, the Agriculture Minister has consulted the Community and Public Sector Union (CPSU). The CPSU wrote to the Agriculture Minister on 29 April 2024 advising that CPSU members at the APVMA support the proposed repeal of the Order.

The Department of Agriculture, Fisheries and Forestry has also been consulted.

Given the repeal of the Order will not have regulatory impacts to the APVMA, the Office of Impact Analysis was not consulted.

Details/ Operation

The Repeal Order repeals the *Public Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Order 2016*. The Repeal Order is a legislative instrument for the purposes of the *Legislation Act 2003*. Section 42 (disallowance) of the *Legislation Act 2003* does not apply to it.

The Repeal Order commences the day after registration on the Federal Register of Legislation.

Other

Subsection 22(4) of the PGPA Act provides that a government policy order is a legislative instrument but that section 42 of the *Legislation Act 2003* does not apply to it. As the Repeal Order is not subject to disallowance, a Statement of Compatibility with Human Rights is not required (subsection 15J(2)) of the *Legislation Act 2003* refers.

The repeal of the *Public Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Order 2016* removes the restrictions on where the APVMA must be located, and enables the APVMA to recruit staff to any suitable location in line with its operational requirements. It does not affect any rights or freedoms to which the *Human Rights (Parliamentary Scrutiny) Act 2011* applies.

Details of the *Public Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Repeal Order 2024*

Section 1 – Name

This section provides that the name of the instrument is the *Public Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Repeal Order 2024* (the Repeal Order).

Section 2 – Commencement

This section provides for the commencement of the Repeal Order. Subsection 2(1) provides that each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table.

Item 1 of the table under subsection 2(1) provides that the whole of this instrument commences on the day after the instrument is registered on the Federal Register of Legislation.

Subsection 2(2) provides that any information in column 3 of the table is not part of this instrument.

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 – Schedules

This section provides for the amendment or repeal of instruments as set out in a Schedule to the instrument. This section is a technical provision that enables the repeal of the *Public Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Order 2016* (the Order) (see Schedule 1 below).

Schedule 1 – Repeals

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

Item [1] – The whole of the instrument

This item provides that the whole of the *Governance, Performance and Accountability (Location of Corporate Commonwealth Entities) Order 2016* is repealed.