

# Government Financial Responsibility Bill 1998

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Western Australia

LEGISLATIVE ASSEMBLY

# **Government Financial Responsibility Bill 1998**

**A Bill for**

**An Act to establish a framework for government financial planning and reporting, to facilitate public scrutiny of government financial policy and performance, and for related purposes.**

The Parliament of Western Australia enacts as follows:

## **Part 1 — Preliminary**

### **1. Short title**

This Act may be cited as the *Government Financial Responsibility Act 1998*.

5 **2. Commencement**

This Act commences on the day on which it receives the Royal Assent.

### **3. Purposes of this Act**

(1) The main purposes of this Act are —

- 10 (a) to establish a framework for government financial planning with a view to improving government financial outcomes; and
- (b) to facilitate public scrutiny of government financial policy and performance.

15 (2) Nothing in this Act creates rights or duties that are enforceable in judicial or other proceedings.

### **4. Interpretation**

In this Act, unless the contrary intention appears —

20 **“Australian Accounting Standards”** means the Australian Accounting Standards issued by the Australian Accounting Research Foundation on behalf of the Australian Society of Certified Practising Accountants and the Institute of Chartered Accountants in Australia;

25 **“budget planning cut-off date”**, in relation to a budget year, means the date on which the Treasurer notifies the Under Treasurer under section 12(4) that the budget process for that year has been completed;

“**budget year**” means the financial year to which a budget relates;

“**external reporting standards**” means —

- 5
- (a) the concepts and classifications set out in GFS Australia; and
  - (b) the Australian Accounting Standards;

“**financial element**” has the meaning given in section 7;

“**financial management principles**” means the financial management principles set out in section 6;

10 “**GFS Australia**” means the publication of the Australian Bureau of Statistics known as Government Finance Statistics Australia: Concepts, Sources and Methods, as updated from time to time;

15 “**Government Financial Projections Statement**” means a statement under section 12;

“**Government Financial Strategy Statement**” means a statement under section 11;

“**Government Mid-year Financial Projections Statement**” means a statement under section 13;

20 “**Pre-election Financial Projections Statement**” means a statement under section 15;

“**pre-election period**” means the period between the issue of the writs for a general election for the Legislative Assembly and the date of the general election;

25 “**public sector body**” means —

- (a) a department established under section 35 of the *Public Sector Management Act 1994*; or
- (b) a body, whether corporate or unincorporate, or the holder of an office, post or position, being a body,

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office, post or position that is established or continued for a public purpose under a written law;

“**release**”, in relation to a statement or report made or to be made under this Act, has the meaning given in section 9;

5 “**Under Treasurer**” means the chief executive officer within the meaning of the *Interpretation Act 1984*.

**5. Obtaining information from public sector bodies**

(1) The Under Treasurer may, in writing, ask a public sector body for any information needed to prepare a statement, report or  
10 policy costing for the purposes of this Act.

(2) The Under Treasurer may issue written guidelines to help public sector bodies to provide the information needed to prepare statements, reports and policy costings for the purposes of this Act.

15 **6. The financial management principles**

The financial management principles are as follows —

- (a) funding for current services is to be provided by the current generation;
- 20 (b) spending and taxing policies are to be formulated and applied so as to give rise to a reasonable degree of stability and predictability;
- (c) financial risks are to be managed prudently.

**7. The financial elements**

- (1) For the purposes of this Act, a financial element is —
- 25 (a) the assets of the State;
  - (b) the liabilities of the State;
  - (c) the net assets of the State;

- (d) the operating expenses of the State;
- (e) the operating revenue of the State;
- (f) the operating balance of the State; or
- (g) any other significant element of the Government's financial management or performance.

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- (2) For the purposes of this Act, the amount or value of a financial element is to be calculated in accordance with the principles of the external reporting standards.

**8. Matters to be addressed in statements and reports**

- (1) Financial projections or financial reports released under this Act are to include projections or reports of the matters usually addressed in a general purpose financial report within the meaning of Australian Accounting Standard 31 (Financial Reporting by Governments).

- (2) A projection or report of an operating surplus or total equity is either to be consolidated in accordance with Australian Accounting Standard 31, or to be calculated in such a way that the projected or reported result is the same as if it had been consolidated in accordance with the Standard.

**9. Releasing financial statements and reports**

- (1) Where this Act provides for the release of a statement or report, the statement or report is to be —
  - (a) tabled in each House of Parliament; and
  - (b) made publicly available.
- (2) If a House of the Parliament is not sitting when a statement or report is to be released, the statement or report is to be made publicly available at that time, and is to be tabled in the House as soon as practicable.

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## **Part 2 — Government financial planning and reporting**

### **10. Government financial planning**

- 5 (1) The Government's financial planning is to be consistent with the financial management principles.
- (2) The Government's financial planning may deviate temporarily from the financial management principles in special circumstances.
- 10 (3) If there is any deviation from the financial management principles, the Under Treasurer is to prepare, for inclusion in the next Government Financial Strategy Statement to be released —
- (a) a statement of the reasons for the deviation; and
  - (b) a summary of the Government's proposed programme for reverting to compliance with the principles.

### **11. Government Financial Strategy Statements**

- 15 (1) The Treasurer is to release a Government Financial Strategy Statement at least once in each calendar year.
- (2) A Government Financial Strategy Statement is to —
- 20 (a) set out the Government's medium-term targets in relation to the financial element or elements relevant to each target;
- (b) explain how the targets are to be achieved;
- (c) indicate how the targets are related to the financial management principles;
- 25 (d) contain a statement and summary under section 10(3), if required; and



- (e) indicate the time frames proposed for achieving the targets.
- (3) If the Government makes a significant change in its financial strategy, the Treasurer is to release a new Government Financial Strategy Statement, dealing with the matters listed in subsection (2), and giving the reasons for the change.
- (4) The new Government Financial Strategy Statement is to be released as soon as possible after the change in financial strategy, but in any case no later than when the next Government Financial Projections Statement is released.
- (5) If the financial strategy to be dealt with in a Government Financial Strategy Statement has not changed significantly from the financial strategy dealt with in the previous Government Financial Strategy Statement, then, instead of releasing a full Government Financial Strategy Statement in accordance with subsection (2), the Treasurer may release a Government Financial Strategy Statement to the effect that the information in the previous Government Financial Strategy Statement is still current.

**12. Government Financial Projections Statements**

- (1) The Treasurer is to release a Government Financial Projections Statement when the appropriation Bills and budget papers for a budget or supplementary budget are tabled in the Legislative Assembly.
- (2) A Government Financial Projections Statement is to include the following —
  - (a) financial projections for the Government for the budget year and the 3 following financial years;
  - (b) an account of the economic and other assumptions on which the financial projections are based;

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- (c) an explanation of the implications of the financial projections for meeting the financial targets set out in the most recently released Government Financial Strategy Statement;
  - 5 (d) an analysis of the degree to which the financial projections are likely to be affected by changes in the circumstances on which the economic and other assumptions are based;
  - 10 (e) a statement of any risks, quantified as far as practicable, that could materially affect the financial projections, including particulars of any contingent liabilities and any government negotiations that have not been finalized;
  - 15 (f) a certificate by the Under Treasurer under subsection (7).
- (3) When preparing a Government Financial Projections Statement, the Under Treasurer is to take account of the following —
- 20 (a) the implications of all relevant decisions that were taken by the Government before the budget planning cut-off date and that were known to the Under Treasurer on or before that date;
  - 25 (b) any other information that could have a material effect on the financial projections and that was available to the Under Treasurer on or before the budget planning cut-off date.
- (4) When the Treasurer is satisfied that the budget planning process has been completed for a budget year, the Treasurer is to notify the Under Treasurer to that effect.
- 30 (5) On or before the budget planning cut-off date, the Treasurer must give the Under Treasurer all available information about government decisions taken before that date —

- (a) that has or could have material financial or economic implications relevant to preparing the Government Financial Projections Statement; and
  - (b) that the Under Treasurer could not reasonably be expected to have already.
- (6) The Government Financial Projections Statement does not have to include commercially confidential information.
- (7) The Under Treasurer is to certify to the effect that —
  - (a) the financial projections, and the economic forecasts and assumptions, in the Government Financial Projections Statement were prepared by the Under Treasurer;
  - (b) the statement takes account of all relevant information available to the Under Treasurer on the budget planning cut-off date;
  - (c) the statement sets out the implications of all relevant decisions that were known to the Under Treasurer on that date; and
  - (d) the economic assumptions on which the financial projections in the statement are based were finalized on the date set out in the certificate.

**13. Government Mid-year Financial Projections Statements**

- (1) The Treasurer is to release a Government Mid-year Financial Projections Statement not later than 15 February in each budget year.
- (2) A Government Mid-year Financial Projections Statement is to include the following —
  - (a) financial projections for the Government for the budget year and the 3 following financial years;

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- (b) an account of the economic and other assumptions on which the financial projections are based;
  - (c) an explanation of the implications of the financial projections for meeting the financial targets set out in the last Government Financial Strategy Statement;
  - (d) an analysis of the degree to which the financial projections are likely to be affected by changes in the circumstances on which the economic and other assumptions are based;
  - (e) a statement of any risks, quantified as far as practicable, that could materially affect the financial projections, including particulars of any contingent liabilities and any government negotiations that have not been finalized;
  - (f) a certificate by the Under Treasurer under subsection (5).
- (3) When preparing a Government Mid-year Financial Projections Statement, the Under Treasurer is to take account of the following —
- (a) the implications of all relevant decisions that were taken by the Government before the cut-off date referred to in the certificate under subsection (5) and that are known to the Under Treasurer (excluding any interim decisions taken in the course of planning the budget to be brought down in the next budget year);
  - (b) any other relevant information available to the Under Treasurer before the cut-off date noted in the certificate under subsection (5).
- (4) The Government Mid-year Financial Projections Statement does not have to include commercially confidential information.

- (5) The Under Treasurer is to certify to the effect that —
- (a) the financial projections, and the economic forecasts and assumptions, in the Government Mid-year Financial Projections Statement were prepared by the Under Treasurer;
  - (b) the statement takes account of all relevant information available to the Under Treasurer on the cut-off date noted in the certificate;
  - (c) the statement sets out the implications of all relevant decisions that were known to the Under Treasurer on the cut-off date; and
  - (d) the economic assumptions on which the financial projections in the statement are based were finalized on the date set out in the certificate.
- (6) If any information to be included in a Government Mid-year Financial Projections Statement under subsection (2) is the same as information included in the last Government Financial Projections Statement to be released then, instead of setting out the information in full, the Government Mid-year Financial Projections Statement may include a summary of the information, with a note to the effect that the information is unchanged from the previous statement.
- (7) If —
- (a) the last financial projections statement released before a Government Mid-year Financial Projections Statement is released was a Pre-election Financial Projections Statement; and
  - (b) the information to be included in the Government Mid-year Financial Projections Statement is the same as information included in the Pre-election Financial Projections Statement,

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then, instead of setting out the information in full, the Government Mid-year Financial Projections Statement may consist of a statement to the effect that the information given in the Pre-election Financial Projections Statement is still current.

5 **14. Government Financial Results Report**

(1) The Treasurer is to release a Government Financial Results Report for each budget year within 3 months after the end of the budget year.

(2) A Government Financial Results Report must —

- 10 (a) be prepared in accordance with the Australian Accounting Standards;
- (b) include the financial result for the budget year;
- 15 (c) include an explanation of the factors and considerations that contributed to any material differences between the financial result and the financial projections; and
- (d) include an explanation of the factors and considerations that contributed to any material differences between the financial result and the Government's medium-term targets applying at the beginning of the budget year.

20 **15. Pre-election Financial Projections Statements**

(1) The Treasurer is to release a Pre-election Financial Projections Statement within 14 days after the Legislative Assembly is dissolved or expires.

25 (2) A Pre-election Financial Projections Statement is to include the following —

- (a) financial projections for the Government for the budget year and the 3 following financial years;
- (b) an account of the economic and other assumptions on which the financial projections are based;

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- (c) an explanation of the implications of the financial projections for meeting the financial targets set out in the last Government Financial Strategy Statement;
  - (d) an analysis of the degree to which the financial projections are likely to be affected by changes in the circumstances on which the economic and other assumptions are based;
  - (e) a statement of any risks, quantified as far as practicable, that could materially affect the financial projections, including particulars of any contingent liabilities and any government negotiations that have not been finalized;
  - (f) a certificate by the Under Treasurer under subsection (6).
- (3) When preparing a Pre-election Financial Projections Statement, the Under Treasurer is to take account of the following —
- (a) the implications of all relevant decisions that were taken by the Government before the Legislative Assembly was dissolved or expired and that are known to the Under Treasurer (excluding any interim decisions taken in the course of planning the next budget to be brought down);
  - (b) any other information available to the Under Treasurer at the end of 3 days after the Legislative Assembly was dissolved or expired.
- (4) Within 3 days after the dissolution or expiry of the Legislative Assembly, the Treasurer is to give the Under Treasurer all available information about government decisions taken before the date of dissolution or expiry —
- (a) that has or could have material financial or economic implications relevant to preparing the Pre-election Financial Projections Statement; and

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- (b) that the Under Treasurer could not reasonably be expected to have already.
- (5) The Pre-election Financial Projections Statement does not have to include commercially confidential information.
- 5 (6) The Under Treasurer is to certify to the effect that —
  - (a) the financial projections, and the economic forecasts and assumptions, in the Pre-election Financial Projections Statement were prepared by the Under Treasurer;
  - 10 (b) the statement takes account of all relevant information available to the Under Treasurer at the end of 3 days after the Legislative Assembly was dissolved or expired;
  - (c) the statement sets out the implications of all relevant decisions that were known to the Under Treasurer at that time; and
  - 15 (d) the economic assumptions on which the financial projections in the statement are based were finalized on the date set out in the certificate.
- (7) If any information to be included in a Pre-election Financial Projections Statement under subsection (2) is the same as  
20 information included in the last Government Financial Projections Statement or the last Government Mid-year Financial Projections Statement (whichever was released later) then, instead of setting out the information in full, the  
25 Pre-election Financial Projections Statement may consist of a statement to the effect that the information in the previous statement is still current.

**16. Costing pre-election commitments**

- (1) The Treasurer may request the Under Treasurer to prepare  
30 costings of policies that have been publicly announced by the Government in a pre-election period.



- 5 (2) The leader of a party in opposition that was represented in the Legislative Assembly when the Legislative Assembly was dissolved or expired may ask the Treasurer for a costing of a policy that has been publicly announced by the party during the pre-election period after the dissolution or expiry.
- (3) The Treasurer may ask the Under Treasurer to prepare a costing requested under subsection (2).
- (4) A request for a policy costing must —
- 10 (a) be in writing;
- (b) outline the policy to be costed, giving enough information for the Under Treasurer to be able to prepare the costing; and
- (c) state the purpose or intention of the policy.
- 15 (5) A person who requests a policy costing to be prepared may withdraw the request by writing to the Under Treasurer.
- (6) When the Under Treasurer prepares a policy costing, the Under Treasurer is to —
- 20 (a) send a copy of the policy costing, through the Treasurer, to the person who requested it; and
- (b) make the policy costing publicly available.
- (7) The Under Treasurer is not obliged to prepare or finish preparing a policy costing if insufficient information or time is available to do so before the end of the pre-election period.
- 25 (8) If the Under Treasurer is unable to prepare or finish a policy costing before the end of the pre-election period, the Under Treasurer is to inform the person who requested the costing to that effect, by writing to the person through the Treasurer.

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