

PART 6: ACCOUNTABILITIES UNDER THE FEDERAL FINANCIAL RELATIONS FRAMEWORK

Accountability is a key objective of the framework for federal financial relations.

The Commonwealth and the States have enhanced the public accountability of all governments through the performance reporting framework. This is enabling the community to better assess the quality and efficiency of service delivery by all governments.

OVERVIEW

The Intergovernmental Agreement describes the institutional arrangements for the federal financial relations framework:

- COAG is the key decision making body with respect to implementing the framework, and will monitor progress on all aspects of the framework;
- the Ministerial Council for Federal Financial Relations has responsibility for the general oversight of the operation of the Intergovernmental Agreement and the ongoing monitoring and maintenance of reforms, including ensuring that National Agreements and National Partnerships are aligned with the design principles of the Intergovernmental Agreement;
- sectoral Ministerial Councils have responsibility for proposing policy in respect of National Agreements and National Partnerships; proposing new National Partnerships; and making recommendations to COAG on the development of objectives, outcomes, outputs and performance indicators for National Agreements; and
- all payments to the States are subject to the framework and are centrally administered through monthly payments from the Commonwealth Treasury to the state treasuries.

These arrangements under the Intergovernmental Agreement flow through to accountabilities across the Commonwealth.

COMMONWEALTH ACCOUNTABILITIES

Policy and payment accountability arrangements

Under the framework, policy outcomes and objectives have been separated from funding arrangements to ensure that the policy focus is on achieving better services for all Australians and addressing social inclusion.

National Agreements establish the policy objectives in the key service sectors. They set out the objectives, outcomes, outputs and performance indicators which are mutually agreed between all jurisdictions.

National Agreements are not funding agreements. Funding is provided separately in National Specific Purpose Payments (National SPPs), which are specified in the Intergovernmental Agreement. The provision of funding under National SPPs is not contingent on achieving the outcomes or performance benchmarks outlined in National Agreements. The only condition on National SPPs is that the funding be spent in the sector for which it is provided.

National Agreements may be associated with a National SPP, but this is not a requirement. For example, the *National Indigenous Reform Agreement* outlines the mutually agreed objectives for Indigenous reform, with the Commonwealth and the States each having flexibility in funding the achievement of those reforms. There is no associated National SPP.

National Partnership Agreements also outline the mutually agreed policy objectives to achieve service delivery improvements or nationally significant reform. National Partnerships may provide for payments on the achievement by the States of performance indicators/targets or for delivering reform progress. However, National Partnerships do not need to provide a financial contribution to the States.

For both National Agreements and National Partnership Agreements, the primary responsibility for policy is with the relevant portfolio Minister.

Under the centrally administered payment arrangements of the framework, all payments are processed by the Commonwealth Treasury and paid directly to each state treasury. State treasuries are responsible for distributing the funding within their jurisdiction. In the Commonwealth, the Treasurer is accountable for the appropriations, estimates and efficient payments under the framework. These arrangements are implemented through the *Federal Financial Relations Act 2009*.

Having state treasuries distribute Commonwealth-sourced funding to state portfolio agencies helps reinforce that state agencies are primarily accountable to their own Parliament and public for their service delivery performance, including their delivery of programs for which the Commonwealth provides a financial contribution.

Part 6: Accountabilities under the Federal Financial Relations Framework

As noted in Part 2, there will be new funding arrangements for the *National Health and Hospitals Network* with payments flowing through a *National Health and Hospitals Network* fund. Amendments will need to be made to the *Federal Financial Relations Act 2009* to reflect these new payment arrangements.

The distinction between policy and funding flows through to accountability arrangements at the Commonwealth level under the framework. These accountability arrangements are summarised in Table 6.1.

Table 6.1: Commonwealth policy and payments accountability arrangements

	Policy	Payment estimates	Making payments
National SPPs	Treasurer	Treasurer	Treasurer
National Agreements	Portfolio Minister(a)	No payments	No payments
NP payments - facilitation	Portfolio Minister(a)	Treasurer(b)	Treasurer
NP payments - reward	Portfolio Minister(a)	Treasurer(b)	Treasurer
NP payments - project	Portfolio Minister(a)	Treasurer(b)	Treasurer
General revenue assistance (incl GST)	Portfolio Minister (usually the Treasurer)	Treasurer(b)	Treasurer
Local government SPPs	Portfolio Minister	Portfolio Minister	Portfolio Minister
Commonwealth own-purpose expense	Portfolio Minister	Portfolio Minister	Portfolio Minister

(a) The Ministerial Council for Federal Financial Relations is also accountable to COAG under the Intergovernmental Agreement for ensuring to the fullest extent possible that National Agreements and National Partnerships are aligned with the framework's design principles.

(b) On advice from the portfolio Minister.

National SPPs

For National SPPs, the Treasurer is accountable for:

- negotiation of the funding levels and growth factors;
- the appropriations and the efficient processing of payments;
- estimates of payments;
- reporting in respect of payments; and
- each National SPP being expended by the States within the relevant sector.

National Agreements

For National Agreements, portfolio Ministers are accountable for the development of objectives, outcomes, outputs and performance indicators and all relevant policy matters. The Treasurer is responsible for ensuring that National Agreements align with the design principles described in *Schedule E – National Policy and Reform Objectives* of the Intergovernmental Agreement.

National Partnerships

Portfolio Ministers are responsible for policy relating to National Partnership payments and for proposing new specific projects and reforms which could be supported by National Partnerships.

For Commonwealth Own Purpose Expenses, which can be provided to assist in the achievement of objectives for National Partnership Agreements, payment and policy are the responsibility of the relevant portfolio Minister.

For National Partnership payments, the Treasurer is accountable for:

- ensuring to the fullest extent possible that National Partnerships are aligned with the design principles described in *Schedule E – National Policy and Reform Objectives* of the Intergovernmental Agreement;
- ensuring that National Partnerships in a sector which is covered by a National Agreement are aligned with the objectives of that National Agreement;
- ensuring that National Partnerships support the delivery of clearly specified outputs or projects, or facilitate the implementation of, or reward the delivery of, reforms of national significance;
- negotiating base funding levels for National Partnership incentive payments;
- developing principles for the funding levels of National Partnership project payments;
- assessing whether expiring National Partnerships should be converted into existing or new National SPPs or general revenue assistance; and
- appropriations for, and the efficient provision of, payments.

General revenue assistance

The Treasurer has accountability for the estimates of, appropriations for, and efficient payment of, GST payments and other general revenue assistance. The terms and conditions upon which payments are made are set out in *Schedule D – Payment Arrangements* of the Intergovernmental Agreement. The *Federal Financial Relations Act 2009* provides for the Treasurer to credit amounts to the COAG Reform Fund for payments of general purpose financial assistance other than GST payments.

Where there is policy or legislation associated with general revenue assistance – for example, revenue sharing arrangements of royalties in the *Offshore Petroleum and Greenhouse Gas Act 2006* – that policy responsibility rests with the relevant portfolio Minister, with the Treasurer accountable for payments.

Box 6.1: The Federal Financial Relations Act 2009

The *Federal Financial Relations Act 2009* (the Act) implements the payment arrangements of the financial framework. For the first time in decades, the complexity of all the Commonwealth's financial relations with the States is contained in one piece of legislation. Previously, each of the payments for specific purposes had its own legislative instruments, payment arrangements and administrative processes.

National SPPs

The Act provides a standing appropriation for the Commonwealth to make ongoing financial contributions to the States through five National SPPs. The Act sets the amount of base funding for each National SPP for 2010-11 and provides for the funding to be indexed annually by a growth factor determined by the Treasurer. A State's share of a National SPP in a financial year is also determined by the Treasurer. *Schedule D – Payment Arrangements* of the Intergovernmental Agreement describes the detailed arrangements.

GST payments

The Act provides a standing appropriation for the Treasurer to make GST payments to the States and provides for the Treasurer to determine the distribution between the States, based on the recommendations of the Commonwealth Grants Commission. *Schedule D – Payment Arrangements* of the Intergovernmental Agreement describes the detailed arrangements.

Other payments

The Act provides for the Treasurer, through a written determination, to credit amounts to the COAG Reform Fund for the purpose of making grants of National Partnership payments and general revenue assistance to the States. Under these arrangements, payments are transparent to the public and subject to parliamentary scrutiny. The Treasurer's determinations are legislative instruments and are registered on the Federal Register of Legislative Instruments. Parliamentary scrutiny is also provided by requiring that the Treasurer gain approval for the maximum amount that he may credit to the COAG Reform Fund for the purpose of making these payments to the States.

While the annual Appropriation Acts no longer provide the appropriation for these types of payments, the maximum amount that the Treasurer may credit to the COAG Reform Fund in a particular financial year is legislated. A general drawing rights limit restricts the total amount that may be covered by drawing rights under the *Financial Management and Accountability Act 1997* (the FMA Act) and, hence, the amount that can be paid out from the Fund in a financial year. Limiting the ability to issue drawing rights is an effective mechanism because the FMA Act does not permit expenditure without the person making the payment having been issued with a valid drawing right. This ensures that the Parliament's role in approving Commonwealth expenditure is preserved.

Box 6.1: The Federal Financial Relations Act 2009 (continued)

The Appropriation Bill (No. 2) 2010-11 provides that the general drawing rights limit in the 2010-11 financial year for the purpose of providing general revenue assistance (other than GST payments) to the States is \$1 billion and for National Partnership payments is \$20 billion.

Changes will need to be made to the *Federal Financial Relations Act 2009* to reflect the reforms to health under the *National Health and Hospitals Network Agreement*.

Box 6.2: Financial Management and Accountability Act 1997

The FMA Act applies to all payments associated with the federal financial relations framework. In general, the FMA Act applies to any contract, agreement or arrangement under which public money is, or may become, payable.

Regulation 13 of the FMA Regulations provides that, before entering into agreements under which public money is, or may become, payable, relevant delegates must ensure that the associated spending proposal has been approved under FMA Regulation 9 and, if necessary, authorised in writing under FMA Regulation 10.

National SPPs

The FMA Act will only apply to new commitments where *Schedule D – Payment Arrangements* of the Intergovernmental Agreement is varied.

National Agreements

The FMA Act does not apply because National Agreements are not contracts, agreements or arrangements under which public money is, or may become, payable. However, entering into negotiations over new or revised National Agreements does require compliance with the provisions of the Intergovernmental Agreement.

National Partnership Agreements

Where each National Partnership Agreement sets out the terms and conditions of any associated National Partnership payment, the FMA Act will apply.

Portfolio Ministers are likely to negotiate Implementation Plans that set out the milestones and actual payments, as provided for in some National Partnership Agreements. Before agreeing Implementation Plans, appropriate approvals under the relevant FMA regulations are required.

Reporting accountability arrangements

Reporting accountabilities within the Commonwealth reflect the policy and payment accountabilities in the federal financial relations framework. These are outlined in Table 6.2.

Table 6.2: Commonwealth reporting accountabilities

	Portfolio Budget Statements	
	Financial reporting	Non-financial reporting
National SPPs	Treasurer	Treasurer
National Agreements	No payments	Portfolio Minister
NP payments - facilitation	Treasurer	Portfolio Minister
NP payments - reward	Treasurer	Treasurer
NP payments - project	Treasurer	Portfolio Minister
General revenue assistance (incl GST)	Treasurer	Portfolio Minister (usually the Treasurer)
Local government SPPs	Portfolio Minister	Portfolio Minister
Commonwealth Own Purpose Expense	Portfolio Minister	Portfolio Minister

There are some exceptions to the accountabilities shown in Table 6.2. Some payments from special accounts have different accountabilities. For example, payments from the Nation Building Funds are processed by Treasury, but the appropriations and payment accountabilities are with the portfolio Ministers. Most payments for non-government schools and payments for interstate road transport are also treated this way.

Financial reporting

The Treasury Portfolio Budget Statements present financial information for payments to the States in respect of the following appropriations:

- assistance under each of the five National SPPs (Programs 1.5 to 1.9);
- general revenue assistance payments (Program 1.4); and
- assistance under National Partnerships (Program 1.10).

Tables 2.5 to 2.11 in the Treasury's Portfolio Budget Statements provide detailed information on all programs for which appropriations have been provided under the *Federal Financial Relations Act 2009*.

Budget Paper No. 3

This Budget Paper provides detailed whole-of-government information on the Commonwealth's payments to the States.

- Part 2 provides information on Commonwealth payments to support specific state services.
- Part 3 provides information on GST payments and general revenue assistance.

Non-financial reporting

Non-financial reporting accountabilities are as follows:

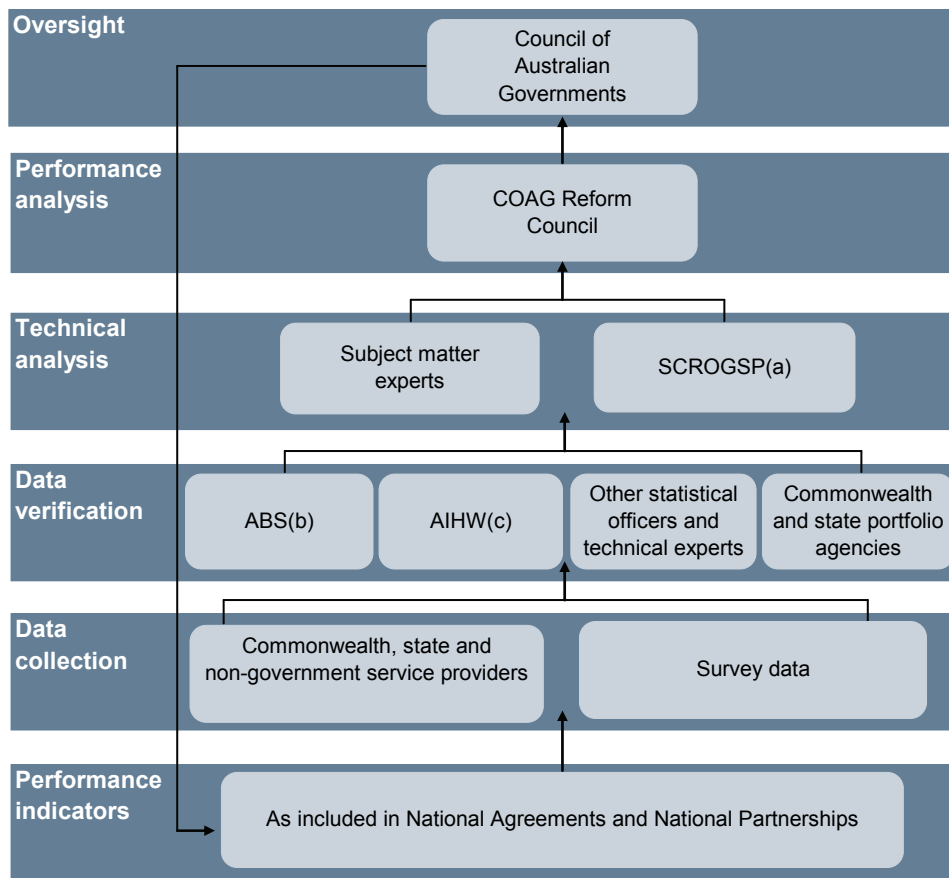
- the Treasurer is accountable for all aspects of policy in respect of National SPPs;
- the Treasurer is accountable for the federal financial relations framework and payments made under the *Federal Financial Relations Act 2009*;
- the relevant portfolio Minister is accountable for all aspects of policy in respect of National Agreements;
- the relevant portfolio Minister is accountable for all aspects of policy in respect of National Partnership Agreements, including in respect of the performance benchmarks which may trigger the requirement that a project payment be made;
- the Treasurer is accountable for all aspects of payments and estimates in respect of all general revenue assistance; and
- the relevant portfolio Minister is accountable for policy in respect of general revenue assistance that is legislated through, and falls within, their portfolio – otherwise the Treasurer is accountable.

PERFORMANCE REPORTING FRAMEWORK

In agreeing to the federal financial relations framework, the Commonwealth and the States committed to ongoing performance reporting to enhance public accountability. The performance reporting framework focuses on the achievement of mutually agreed objectives and outcomes, efficient service delivery and timely public reporting.

The key components of the performance reporting framework are outlined in Chart 6.1.

Chart 6.1: Performance reporting information flows



- (a) Steering Committee for the Review of Government Service Provision.
 (b) Australian Bureau of Statistics.
 (c) Australian Institute of Health and Welfare.

The COAG Reform Council provides annual reports to COAG containing the performance data and a comparative analysis of the performance of governments in meeting the objectives of the National Agreements. The reports will also highlight examples of good practice and performance so that, over time, innovative reforms or methods of service delivery may be adopted by other jurisdictions.

The Steering Committee for the Review of Government Service Provision is responsible for collecting and providing the agreed performance information to the COAG Reform Council. The Commonwealth and the States provide the COAG Reform Council with any additional information necessary for it to fulfil its role. In preparing its performance reports, the COAG Reform Council may draw upon other data collection agencies and subject experts it considers relevant to its work.

In relation to the performance reporting framework, the Ministerial Council for Federal Financial Relations is responsible for:

- progressing the implementation of the performance reporting framework, including continually improving the quality and timeliness of data, and development and oversight of a new National Performance Reporting System; and
- maintaining a register of the National Minimum Data Sets required to allow comparative reporting of governments' achievements against agreed objectives and outcomes.

The development of the performance reporting framework provides the opportunity to move, as far as possible, to a single, integrated, national reporting system that will reduce collection costs and confusion in interpreting performance.

The Ministerial Council for Federal Financial Relations consults with other relevant Ministerial Councils and data collection agencies in undertaking its roles.

Determining achievement against outcomes and benchmarks

The performance of the Commonwealth and the States in achieving mutually agreed outcomes and performance benchmarks specified in National Agreements are monitored and assessed by the COAG Reform Council, which reports publicly on an annual basis. Specifically, the COAG Reform Council:

- publishes performance information for all jurisdictions against National Agreement outcomes and performance benchmarks;
- produces an analytical overview of performance information for each National Agreement, and National Partnerships to the extent they support the objectives in a National Agreement;
- independently assesses whether predetermined performance benchmarks have been achieved before an incentive payment is made to reward nationally significant reforms under National Partnerships; and
- monitors the aggregate pace of activity in progressing COAG's agreed reform agenda.

In addition, the Productivity Commission has been tasked by COAG to report every two to three years on the economic impacts and benefits of COAG's agreed reform agenda.

Implementing the performance reporting framework

The COAG Reform Council has published reports on the *National Education Agreement* and the *National Agreement on Skills and Workforce Development*. It is expected that the COAG Reform Council will publish reports on the remaining National Agreements on Health, Disability, Affordable Housing and Indigenous Reform in the next month or so. Those reports provide baseline data against the performance indicators in the agreements and comparative analysis. Reports in future years will track progress against these baselines.

To facilitate comparative reporting of governments' achievements against agreed outcomes and benchmarks, work is also underway on a National Minimum Data Sets register. The initial register will provide links to performance indicators and benchmarks in National Agreements and will be available on the Ministerial Council for Federal Financial Relations website in the next few months.

Under the Intergovernmental Agreement, the Commonwealth and the States have committed to the continuous improvement of performance data to enhance the quality and timeliness of performance indicators and to promote public accountability. In its reports on National Agreements, the COAG Reform Council provides advice to COAG on improvements to performance reporting. COAG agreed to a number of changes to indicators in the *National Education Agreement* and the *National Agreement on Skills and Workforce Development* following advice from the COAG Reform Council.

Complementing this, the Heads of Treasuries review of National Agreements, National Partnerships and Implementation Plans (outlined in Part 1) will consider the quantity and quality of performance indicators and benchmarks in respect of individual agreements.

This review has clear linkages with data improvement work also being conducted by Treasuries, in consultation with Commonwealth and State central and portfolio agencies, the COAG Reform Council, the Secretariat for the Review of Government Service Provision and data collection agencies.

Accountabilities

Although there are no performance benchmarks associated with National SPPs, States are required to expend funding in the relevant sector – the Treasurer is accountable for ensuring this occurs. To demonstrate compliance, each state treasurer provides a report to the Ministerial Council for Federal Financial Relations within six months of the end of every financial year, detailing how much funding was spent in the relevant sector and, if required, provides a detailed explanation for any discrepancy with the amounts provided by the Commonwealth.

Each state treasurer provided this report to the Ministerial Council for Federal Financial Relations for the 2008-09 year. These reports satisfied the requirements for funding provided by the Commonwealth to be spent in the relevant sector.

National Partnership project payments involve set funding arrangements that specify funding to be provided at a certain time, and may be subject to the satisfactory attainment by the States of performance benchmarks or milestones. Portfolio Ministers will determine, based upon expenditure or performance reporting arrangements set out in the National Partnership, whether the project payment will be made.

As National Partnership facilitation payments have no performance benchmarks, the Treasurer will generally determine whether to make such payments specified in a National Partnership Agreement.

Table 6.3: Accountabilities for determining benchmark achievements

	Determining achievement against benchmarks
	Treasurer
National SPPs	
National Agreements	COAG Reform Council
NP payments - facilitation	No performance benchmarks
NP payments - reward	COAG Reform Council
NP payments - project	Portfolio Minister
General revenue assistance (incl. GST)	No performance benchmarks
Local government SPPs	Portfolio Minister
Commonwealth Own Purpose Expense	Portfolio Minister