

GSF Act 2018

Information sharing

Treasury
January 2019



Overview

1. Information sharing - When and Why?
2. The type of information which can be shared - What?
3. Information access powers - Who can access information and How?
4. Benefits - When and Why?
5. Further information



1. Information Sharing

When and Why?

- One of the objects of the Act is to facilitate the keeping and sharing of performance information in the public sector for the purposes of decisions about resource allocation
- There is a requirement for GSF agencies to keep specified records and information under Part 8 of the Act (as stipulated in Treasurer's Directions)
- Treasurer and/or Ministers may want to access this, or other relevant agency information under Div 9.1 of the GSF Act (or the Secretary of a Department) (See 3. (Slides 8-10))

1. Information Sharing

Expected process (Treasury)

- Request information at the government officer level. If the information is not provided at the analyst level, escalate to a more senior level. Use a 'reasonableness test'.
- If a formal request is required, a written request addressed to the Accountable Authority for the agency is prepared. It is to specify:
 - the information being sought
 - whether information needs to be provided in a particular way/within a particular timeframe
- The request should be signed by the Treasurer (or Treasury Secretary if the power has been delegated)
- Generally, the Accountable Authority would be expected to comply with the information request within the specified timeframe.

2. Information access

What information?

- The type of information which may be accessed is relevant agency information.
- **Relevant agency information** includes:
 - banking information of the agency
 - cash flows of the agency
 - assets, rights and liabilities of the agency
 - sources and application of the agency's funding
 - financial arrangements entered into by or on behalf of the agency
 - information for use in preparing the Budget
 - annual reporting information about the agency required under Division 7.3
 - records or other information required to be kept under Part 8 concerning the agency's performance
 - any other information of a kind prescribed by the regulations.

(s 9.1 of the Act)



2. Information access

What information/Compliance with requests

- **Accountable Authorities** must comply with requests, **except**:
 - if the disclosure of information is **prohibited by any other legislation** (s 9.5(2) of the Act)
- If an Accountable Authority considers a request does not need to be complied with they must provide the Treasurer/other Minister who made the request with a **written notice of the reasons for not complying**.
- The Division does not limit the powers or other functions of the Treasurer, any other Minister or GSF agencies to obtain or share relevant information provided under other provisions of the Act or under any other law.



2. Information access

What can be requested and How?

- A **request** may require **relevant agency information** to be provided in a *particular way* or within a *particular period*
- The information required:
 - may already be **existing, or**
 - if not already existing, **need to be prepared** and provided.



3. Information access powers

Who can make a request? How?

- The **Treasurer** or a **Minister** may make a **written request to an Accountable Authority of a GSF Agency** for relevant agency information
 1. For a Minister to be able to make a written request of an agency, the agency **must** be an agency that:
 - has authority to pay out of the Consolidated Fund from appropriations made to the Minister or any other GSF agency for which the Minister is the responsible Minister, or
 - receives some or all of its funding from the Minister or any other GSF agency for which the Minister is the responsible Minister, or
 - is an agency for which the Minister is the responsible Minister.
 2. The request must be for decision-making about resource allocation (whether for the agency or any other GSF agency for which the Minister is the responsible Minister).
- A **request** may be **revoked** or **varied (in writing)**



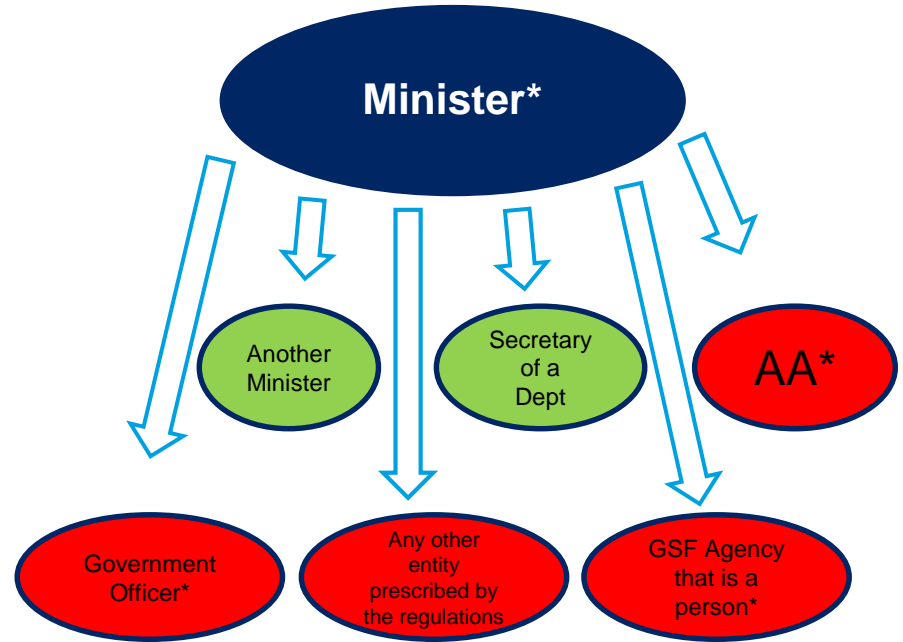
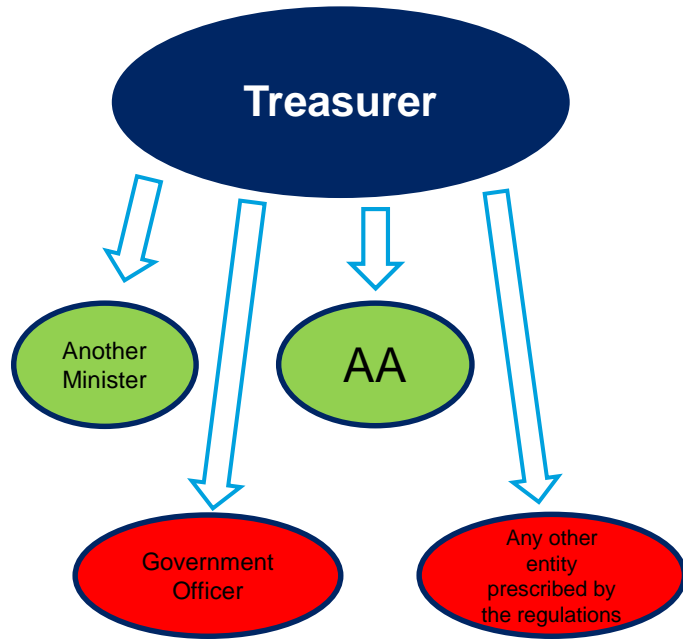
3. Information access powers

Who can make a request? (Delegation)

- The **Treasurer** may **delegate** the power but only to another Minister or the **Accountable Authority** of Treasury (Secretary)
- The **Minister** may **delegate** the power but only to another Minister or the **Accountable Authority** of a Department
- This is a Division of the Act where there are *restrictions* on delegations. (see Diagram next slide).

3. Information access powers

Who can make a request? (Delegation)



*For a GSF agency for which the Minister is the responsible Minister.

- Delegations can be made to **green** ones indicated, **not red**. **NB.** will depend on **decision** by Treasurer or Minister to **delegate** their power.

4. Benefits

When and Why?

- **Transparency** of financial performance and other performance information will assist the government decision-making process
- May support information being shared with Treasury or across agencies **without** the need to exercise a formal information request. Change in culture
- **Supports Clusters** – facilitates information sharing within a Cluster (e.g. for Minister/Departmental Secretary information purposes) where necessary



5. Further information

- Treasury website – video

<https://www.treasury.nsw.gov.au/budget-financial-management/reform/government-sector-finance-act-2018/gsf-act-overview-learn-first>

- Factsheets

- OneView Projects

- [Legislation@treasury.nsw.gov.au](https://www.treasury.nsw.gov.au/legislation)