

The Treasury

Legislative Amendments to Reporting Timeframes due to COVID-19 Information Release

August 2020

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Key to sections of the Act under which information has been withheld:

[35] 9(2)(g)(ii) - to maintain the effective conduct of public affairs through protecting ministers, members of government organisations, officers and employees from improper pressure or harassment;

[39] 9(2)(k) - to prevent the disclosure of official information for improper gain or improper advantage

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Treasury Report: Timeframes for provision of 2019/20 end-of-year performance information by Ministers

Date:	7 July 2020	Report No:	T2020/2292
		File Number:	ST-5-4 (Performance Measurement and Management)

Action sought

	Action sought	Deadline
Minister of Finance (Hon Grant Robertson)	Agree to extend timeframes for Public Finance Act Section 19B reporting for the 2019/20 year	9 July 2020

Contact for telephone discussion (if required)

Name	Position	Telephone	1st Contact
Andrew Squires	Senior Advisor, Strategic Performance Improvement	[39]	n/a (mob) ✓
Megan Taylor	Manager, Strategic Performance Improvement	[39]	n/a (mob)

Minister's Office actions (if required)

Return the signed report to Treasury.

Note any feedback on the quality of the report

Enclosure: No

Treasury Report: Timeframes for provision of 2019/20 end-of-year performance information by Ministers

Purpose of Report

1. To seek your agreement to extending the timeframes for appropriation Minister responsibilities in relation to preparing, presenting and publishing 2019/20 end-of-year performance information on appropriations as set out in Section 19B of the Public Finance Act 1989 (PFA). This extension would ensure alignment with the proposed timeframes for departments to present their 2019/20 annual reports to Parliament.

Proposal to extend Section 19B of the PFA reporting timeframes

2. We have been developing the amendments to be included in the COVID-19 Response (Further Management Measures) Legislation (No 2) Bill (the Bill) to extend the timeframes for annual reports in the PFA and Crown Entities Act 2004 as agreed by Cabinet in June (GOV-20-SUB-0016 refers). In working with the Parliamentary Counsel Office to draft the Bill we have realised it would be beneficial to extend the timeframes for appropriation Ministers to prepare and have presented and published end-of-year performance information on appropriations as required under Section 19B of the PFA.
3. Section 19B requires an appropriation Minister to ensure that end-of-year performance information on an appropriation (which that Minister is responsible for preparing) is presented to the House and published within four months after the end of the financial year, and in the document most recently specified for that purpose in the supporting information for an Appropriation Act. For most appropriations where Section 19B applies, the information is either appended to the relevant department's annual report or presented to the House at the same time.
4. The existing four month timeframe for Section 19B information to be prepared, presented to the House and published is aligned to the normal timeline for departmental annual reports. However with the proposed extensions to timeframes for 2019/20 annual reports, there would be a disconnect between when performance information under section 19B is required to be prepared, presented and published (by the end of October 2020) and the extended timeframes for departmental annual reports to be presented (by 21 December 2020).
5. To remedy this, we are seeking your agreement to include an amendment to the timeframes contained in section 19B of the PFA within the Bill.
6. Your agreement would enable this amendment, as Cabinet authorised Ministers responsible for legislation to approve policy requests for including extensions to statutory timeframes for entities within the public sector for reporting covering the 2019/2020 financial year in the Bill (GOV-20-SUB-0016 refers).
7. Section 19B performance information does not need to be audited and extending these timeframes will have no impact for auditor availability or workloads.

Risks

8. Should the extension to section 19B not proceed, some appropriation performance information may need to be presented separately from the departmental annual report (which could be inconsistent with Section 19B(2)) and other performance information may be presented and published after the current four month period timeframe (which would be inconsistent with Section 19B).

Next Steps

9. If you agree to the proposal to extend the timeframes, we would issue drafting instructions to the Parliamentary Counsel Office to include amendments in the Bill which would extend the timeframes for Section 19B information to 21 December 2020.

Recommended Action

We recommend that you **agree** to extend to 21 December 2020 the timeframes in Section 19B of the Public Finance Act for appropriation Ministers to prepare and have presented and published 2019/20 end-of-year performance information, to ensure alignment with the proposed extended timeframes for departmental 2019/20 annual reports.

Agree/disagree.

Megan Taylor
Manager, Strategic Performance Improvement

Hon Grant Robertson
Minister of Finance