



Hrvatska zaklada za znanost



Sveučilište u Zagrebu
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Upravljanje državnom imovinom u RH i NZ

Public Sector Assets Management in Croatia and New Zealand

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Ministarstvo državne imovine, Zagreb, 23.siječnja 2017.

Polazne spoznaje (1) – RH

- Koncept i izvedbene sastavnice modela integralnog upravljanja državnom imovinom u Republici Hrvatskoj. Projektna studija. Zagreb: Ekonomski institut (2006)
- Grubišić, M., Nušinović, M., Roje, G., 2009, Prema učinkovitom upravljanju državnom imovinom, Financijska teorija i praksa, Vol.33, No.3, str. 335-374., ISSN: 1332- 3970
- Grubišić, M.; Nušinović, M.; Roje, G. 2009, Towards efficient public sector asset management, Financial theory and practice. 33 (2009), 3; 329-362
- Roje, G.; Vašiček, D., 2016, Government asset management as an element of the economic prosperity in Western Balkans: Croatia's undergoing reform example // Conference proceedings: 10th International Conference Economic Integrations, Competition and Cooperation, "Accession of the Western Balkan Region to the European Union / Kumar, A., Kandžija, V. (ur.). Nica, France : CEMAFI International, 2016. 397-422
- Novak Kondić, Jelena Poljašević, Vesna Vašiček (2016): „Specifičnosti priznavanja stalne imovine u javnom sektoru“, III. Susret katedri za računovodstvo zemalja regije

Polazne spoznaje (2) - RH

Ključni, godinama/desetljećima kumulirani problemi upravljanja državnom imovinom:

- državna imovina, poglavito materijalna, nije sustavno, pouzdano i u potpunosti fizički i vrijednosno evidentirana
- metodološka neusklađenost i nedosljednost obuhvata i klasifikacija pojava oblika imovine u različitim pravnim uporištima na temelju kojih egzistiraju različiti parcijalni registri i evidencije, bilo da je riječ o popisima ili šire strukturiranim bazama podataka
- veći broj posebnih provedbenih propisa vodi prema različitim definicijskim određenjima te paralelnim sustavima donošenja različitih i u provedbi često oprečnih odluka kao posljedica preklapanja nadležnosti te nedosljednosti u primjeni zakona i drugih propisa i unutarnjih akata
- reforma upravljanja državnom imovinom sagledana je odvojeno od šireg krovnog skupa reformi upravljanja u javnom sektoru

Preporuke:

- Sveobuhvatna evidencija i cjelovito upravljanje imovinom zahtjeva višegodišnju dosljednost i međuinstitucijsku suradnju u stvaranju zakonskih akata i strateških dokumenata o upravljanju ali i u dodjeljivanju prava raspolaganja pojavnim oblicima državne imovine.
- Međuresorno djelovanje kroz sustav očitovanja na prijedloga zakonskih akata te iskaza mišljenje TDU nije dostatno.
- Sudjelovanje čelnika tijela/institucija i donositelja krovnih odluka u procesima je nužnost.
- Reforma upravljanja državnom imovinom tek je jedna od međusobno povezanih reformi financijskog upravljanja u javnom sektoru.

Polazne spoznaje (3)- RH

Istraživanjima identificiran(a) je:

- problem multipliciranja nadležnosti javnih institucija za upravljanje različitim oblicima državne imovine u Hrvatskoj
- nedostatak podataka i redundancija često nepotpunih baza podataka o sastavnicama i strukturi državne imovine rezultiraju preklapanjem poslovnih procesa i nekoordiniranim aktivnostima.
- uloga drugih državnih institucija (poput agencija, zavoda, ministarstava, javnih fondova i tomu slično), javnih poduzeća te ustanova i trgovačkih društava kojima je vlasnik, odnosno osnivač Republika Hrvatska, u upravljanju i raspolaganju državnom imovinom.

Primjerice, Zakon o privatizaciji (NN, broj 21/1996) odijelio je dotadašnje vlasničke udjele države u državnim poduzećima od vlasničkih udjela Hrvatskog fonda za privatizaciju (HFP) i ostalih državnih institucija u državnim poduzećima, koje su udjele u vlasništvu stekle procesom transformacije vlasništva. Time su i neke državne institucije stekle formalno pravo vlasništva nad udjelima u državnim poduzećima. Stečena formalna vlasnička prava omogućila su i tim drugim državnim institucijama upravljanje i raspolaganje državnom imovinom. Ipak, vodeća uloga u privatizacijskom procesu državnih poduzeća u predmetnom razdoblju bila je povjerena HFP-u.

- distinkcija između pravnog okvira i ekonomske prirode imovine. Ekonomsko vlasništvo podrazumijeva postojanje koristi i rizika gdje jedinica/subjekt javnog sektora ima pravo pristupu koristima ali i snosi rizike koje vlasništvo nad sredstvom uobičajeno nosi. Neperfektno vlasništvo nad sredstvima koja se klasificiraju kao javna dobra
- nužnost razlikovanja pojmova vlasnik, institucija kojoj je povjereno pravo upravljanja i raspolaganja, korisnik imovine
- nužnost razlikovanja pojmova vlasništvo nad i vlasništvo u poduzeću

Polazne spoznaje (4) - RH

Ističu se sljedeći problemi:

- evidencija o nekim oblicima javne imovine uopće ne postoji ili djelomice postoji u arhivama različitih državnih institucija
- postoji opće nerazumijevanje definicije javne imovine, kao i nespremnost da se ona klasificira
- prevelik je broj nadležnosti za vlasništvo, upravljanje i korištenje pojedinih oblika javne imovine
- državnom se imovinom ne upravlja sustavno, već na povremenoj i često subjektivnoj osnovi, vrlo često s uvjetovanim vremenskim pomakom

Unatoč razlikama i nacionalnim specifičnostima u većini zemalja, analizom su na međunarodnom nivou identificirani opći preduvjeti za učinkovito upravljanje državnom imovinom, a to su:

- uspostava registra državne imovine
- jasno definicijsko određenje i klasifikacija državne imovine
- priznavanje i mjerenje (vrednovanje) državne imovine
- način korištenja (uporabe) pojavnog oblika imovine često determinira i njegovu vrijednost (procjenu vrijednosti)
- formiranje portfelja državne imovine
- institucionalizacija i profesionalno upravljanje državnom imovinom
- Srednjoročno strateško planiranje i odgovornost u upravljanju
- jasno utvrđen sustav kriterija kod donošenja odluka o upravljanju i raspolaganju te sustav kontrola nad državnim resursima
- upravljanje troškovima i rezultatima (učincima) od upravljanja: razvojna komponenta
- capital charge i poveznica između „asset expenditure” i „service – level performance”
- jasno definiran i dosljedan zakonodavni okvir
- upravljanje državnom imovinom potrebno je sagledavati u sintezi sa razvojem šireg seta reformi financijskog upravljanja u javnom sektoru (i.e. upravljanje javnim dugom)

Međunarodna iskustva

Exposure Draft of proposed international valuation application - valuation of public sector assets for financial reporting

<http://www.iasplus.com/en/binary/resource/0603ivscedhistoric.pdf>

Public sector asset.

An asset, owned and/or controlled by a governmental or quasi-governmental entity, for the provision of some public service or good.

Public sector assets comprise different asset types, including conventional assets as well as heritage and conservation assets, infrastructure assets, public utility plants, recreational assets, and public buildings (e.g., military facilities), each category of which constitutes property, plant and equipment within the meaning of IPSASs and IFRSs.

Public sector assets typically include:

- a) assets, which have atypical tenure, are irreplaceable, are non-cashgenerating, or provide goods or services in the absence of any market competition;
- b) land with restrictions on its sale or leasing; and
- c) land, which is designated for a specialised use that is not necessarily its highest and best use.

Public asset in New Zealand (1)

What constitutes public assets in New Zealand?

- The Government's assets range from commercial forests, property, plant and equipment to intangible assets. Some of the Government's largest assets are financial assets like the New Zealand Superannuation Fund (NZS Fund).
- **State-owned Enterprises and Crown Entities Assets**
- ✓ The total assets of State-owned Enterprises (SOEs), Crown Entities and Air New Zealand Limited are reported in the Information on SOEs and Crown Entities tables in the Financial Statements of the Government of New Zealand for the Year Ended 30 June 2016. This figure was \$185.8 billion as at 30 June 2016.
- ✓ The Statement of Financial Position in the Financial Statements of the Government of New Zealand for the Year Ended 30 June 2016 shows the current value of broad types of assets. Total assets for the 2015/16 financial year are valued at \$292.7 billion. Note 18: Property, Plant and Equipment, includes a breakdown of the value of those types of assets - for example, rail network, electricity generation assets, land and buildings.

Note 18: Property, Plant and Equipment, pp.66.- 78. Available at:

<http://www.treasury.govt.nz/government/financialstatements/yearend/jun16/fsgnz-year-jun16.pdf>;

- Fiscal strategy of the Government of New Zealand: Manage net debt within a range of 0% to 20% of GDP (Financial Statements of the Government of New Zealand for the year ended 30 June 2016)

Public asset in New Zealand (2)

Legislative Requirements

- The use of public resources by the Government is primarily governed by the Public Finance Act 2004, the State Sector Act 1988, the Crown Entities Act 2004 and the State-Owned Enterprises Act 1986.
- The Public Finance Act requires that annual financial statements of the Government and its departments must be prepared in accordance with generally accepted accounting practice as defined by the Financial Reporting Act 2013.

Note: The current capital charge rate for 2014/15 is 8%. The Capital Charge ensures that prices for goods and services produced by government departments reflect full production costs including the government's cost of capital; allows comparison of the costs of output production with those of other producers (whether in the public or private sector); and creates an incentive for departments to make proper use of working capital and to dispose of surplus fixed assets.

Particular Accounting Standards (1)

- ✓ NZ Government financial statements have been prepared on the basis of accrual accounting and historic cost modified by the revaluation of certain assets and liabilities, and prepared on an accrual basis, unless otherwise specified (for example, the Statement of Cash Flows).
- ✓ Under Section 55 of the Public Finance Act 2004, borrowing by the Crown is a charge on the revenue of the Crown equally and rateably. Therefore, no property, plant and equipment owned by the core Crown has been pledged as security for liabilities.
- ✓ Government-owned property, plant and equipment is, however, subject to a significant number of legislative and policy restrictions with respect to its use and disposal. Property, plant and equipment owned by State-owned Enterprises and mixed ownership companies has been pledged to secure borrowings and finance lease obligations of \$3,153 million (2015: \$2,827 million). These carrying values critically depend on judgements of useful lives to determine depreciation and the assumptions used in revaluations. Depreciation rates are affirmed to be appropriate each year by those responsible for managing the assets, whereas assurance on the assumptions used in valuations is provided by the use of independent valuers.

Particular Accounting Standards (2)

- ✓ The value of the land underneath state highways and the rail network, as well as land set aside for cultural and heritage purposes (ie, national parks, forest parks, conservation areas and recreational facilities) is included in the land category.
- ✓ The property, plant and equipment revaluation reserve arises on the revaluation of physical assets. Where revalued property, plant or equipment is sold, the portion of the property, plant and equipment revaluation reserve that relates to that asset, and is effectively realised, is transferred to taxpayer funds.

Basis of combination (1)

The consolidated financial statements combine the following entities using the acquisition method of combination:

Core Crown entities:

- Ministries of the Crown
- Government departments
- Offices of Parliament
- the Reserve Bank of New Zealand
- New Zealand Superannuation Fund

Other entities

- State-owned Enterprises
- Crown entities (excluding tertiary education institutions)
- Air New Zealand Limited
- Regenerate Christchurch
- Education Council of Aotearoa New Zealand
- Organisations listed in Schedule 4 and 4A (Non-listed companies in which the Crown is majority or sole shareholder) of the Public Finance Act 1989
- Organisations listed in Schedule 5 (Mixed ownership model companies) of the Public Finance Act 1989
- Legal entities listed in Schedule 6 (Legal entities created by Treaty of Waitangi settlement Acts) of the Public Finance Act 1989

Basis of combination (2)

- The Crown has a full residual interest in all the aforementioned entities with the exception of Air New Zealand Limited, Tāmaki Redevelopment Company Limited (listed in Schedule 4A of the Public Finance Act 2004), Regenerate Christchurch and the entities listed in Schedule 5 of the Public Finance Act 2004 (Mixed Ownership Model Companies).
- Corresponding assets, liabilities, revenue and expenses, are added together line by line. Transactions and balances between these sub-entities are eliminated on combination. Where necessary, adjustments are made to the financial statements of controlled entities to bring the accounting policies into line with those used by the Government reporting entity.
- Tertiary education institutions are equity-accounted for the reasons explained in note 19 to the financial statements for the period ended 30 June 2016. This treatment recognises these entities' net assets, including asset revaluation movements, surpluses and deficits.

Note 19: Equity accounted investments, pp. 79.

Available at: <http://www.treasury.govt.nz/government/financialstatements/yearend/jun16/fsgnz-year-jun16.pdf>;

SOE Act 1986

Responsibility of Ministers

- The shareholding Ministers of a State enterprise shall be responsible to the House of Representatives for the performance of the functions given to them by this Act or the rules of the State enterprise.

Note: Less ministries but more ministers

- <http://www.treasury.govt.nz/government/financialstatements/yearend/jun16/fsgnz-year-jun16.pdf>; Note 1: Basis of Reporting, page 45.
- <https://www.dpmc.govt.nz/cabinet/ministers/ministerial-list>

Investment Ministers Group

Following the 2014 elections, the Government established an Investment Ministers Group with the role to set the strategy for government investment and oversee the make-up of the government's investment portfolio. The strategy further sets out the Government's approach to the selection, decision making and management of the Government's investment portfolio.

SOE Act 1986

- (1) Notwithstanding any Act, rule of law, or agreement, the shareholding Ministers for a State enterprise named in Schedule 2 may, on behalf of the Crown, do any 1 or more of the following:
 - (a) transfer to the State enterprise assets and liabilities of the Crown (being assets and liabilities relating to the activities to be carried on by the State enterprise):
 - (b) authorise the State enterprise to act on behalf of the Crown in providing goods or services, or in managing assets or liabilities of the Crown:
 - (ba) vest in the State enterprise any rights conferred by designations under operative district schemes applying to land transferred to the State enterprise:
 - (c) grant to the State enterprise leases, licences, easements, permits, or rights of any kind in respect of any assets or liabilities of the Crown—for such consideration, and on such terms and conditions, as the shareholding Ministers may agree with the State enterprise.

Document available at:

<http://www.legislation.govt.nz/act/public/1986/0124/28.0/DLM98067.html>

SOE Act 1986

- (2) The responsible Minister shall lay before the House of Representatives any contract or other document entered into pursuant to subsection (1) within 12 sitting days after the date thereof.
- (3) Assets that are fixed to, or are under or over, any land may be transferred to a State enterprise pursuant to this Act whether or not any interest in the land is also transferred. Where any such asset is so transferred, the asset and the land shall be regarded as separate assets each capable of separate ownership.
- (4) Any asset or liability of the Crown may be transferred to a State enterprise pursuant to this Act whether or not any Act or agreement relating to the asset or liability permits such transfer or requires any consent to such a transfer.
- (5) Where a transfer of the kind described in subsection (4) takes place—
 - (a) the transfer shall not entitle any person to terminate, alter, or in any way affect the rights or liabilities of the Crown, or the State enterprise under any Act or agreement:
 - (b) where the transfer is registrable, the person responsible for keeping the register shall register the transfer forthwith after written notice of the transfer is received by him or her from any person authorised for this purpose by the responsible Minister

Financial Statements of the Government of New Zealand for the year ended 30 June 2016 (1)

- Available at:

<http://www.treasury.govt.nz/government/financialstatements/yearend/jun16/fsgnz-year-jun16.pdf>

- Note 18: Property, Plant and Equipment, pp.66.- 78.