



# The Governance Continuum

## Origins & Conceptual Construct

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## Introduction

Governments have long used a variety of organizational models to achieve policy objectives. From the military and police forces, to utilities and railways, and specialty tribunals and watchdogs, organizations operating under different institutional arrangements have proliferated and grown to the point where there is almost a default assumption that a new program or policy mandate would be achieved more efficiently or effectively outside the core public service. At the federal level in Canada, over 60% of public sector workers are employed outside traditional ministerial departments, up from under 50% in the mid-90s.<sup>1</sup> In terms of expenditures, at least \$100 billion of the Federal Government's \$240 billion budget is spent outside traditional programming in line departments.<sup>2</sup> At the provincial level, agencies, boards, commissions, crowns, universities, colleges, schools and hospitals account for over 64% of expenditures and carry on many important public mandates.<sup>3</sup>

The drivers for this growth are varied – natural expansion in sectors like health care, lack of trust in politicians, dissatisfaction with traditional departments, increasing public sensitivity to governance issues, drive for innovation, new public management and the increasing specialization of public administration. In practice, these relationships leave responsibilities open to interpretation, with the result that organizations may not be operating with the intended independence, or alternatively, may be operating without the appropriate policy direction or management oversight. This situation also makes governance and accountability more and more opaque to legislatures and citizens.

This paper takes the position that public sector governance exists on a continuum, wherein the degrees of autonomy and control vary. This paper will define how the nature of that autonomy and control varies to achieve a given policy objective. It will do so by drawing from the disciplines of organizational design, public administration, economics and law in order to examine how institutional relationships are defined in the public sector, the rationales used for their existence, and how ambiguity in these relationships can be problematic. Finally, we propose a conceptual model that integrates the different dimensions of organizational independence and institutional control with the different types of functions that organizations perform in the public sector.

## The Theory and Practice of Alternative Organizations

Public sector organizations operating outside a traditional departmental or ministry model are sometimes referred to collectively as distributed governance organizations (DGOs). Two over-arching rationales are used to justify the autonomy of DGOs in the public sector. The first is the removal of partisan politics from the operations of

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<sup>1</sup> Treasury Board Secretariat briefing document.

<sup>2</sup> Trevin Stratton, Distributed Governance Organizations: A Quantitative Analysis of the Canadian Public Sector, Ottawa: Institute on Governance, 2010.

<sup>3</sup> Ibid.

distributed governance organizations. Gracey states that organizational autonomy is necessary “to separate the management of an activity from continuous partisan intervention and day-to-day government or parliamentary scrutiny and debate.”<sup>4</sup> British politician Herbert Morrison argued that distributed governance organizations should be “subject only to policy direction by the responsible minister on matters affecting the national interest.”<sup>5</sup> Within this general rationale, it is argued certain functions require freedom from political interference in order to make decisions that are and are seen to be impartial and objective. As such, the organizations responsible for this function require a level of independence that can only be provided when they are at arm’s length from the political process in order for their operations or deliberations to be considered legitimate.

The second rationale for the autonomy of DGOs is based on the relative efficiency of bureaucratic governmental organizations. Economic theory (specifically the transaction cost theory of the firm or Coase theorem) argues that resource allocation decisions are subject to many considerations in addition to efficiency and that there are significant transaction costs, search costs, contracting costs and coordination costs.<sup>6</sup> These costs are generally argued to be significantly higher for core government departments than their distributed governance counterparts as core departments operate under complex bureaucratic constraints deemed necessary for governments to demonstrate good management to the public. Therefore, a distributed governance relationship in the public sector allows governments to delegate operational responsibilities to an organization that is more productively efficient at performing specified mandates. Taken another way, this delegation can be considered a form of innovation in the public sector since it creates an organizational structure to enhance performance. Furthermore, while enhanced performance in itself is a practical rationale for DGOs, some DGOs also operate in a competitive marketplace and require comparable managerial freedom to private competitors.

These rationales have been applied broadly and frequently as the number and types of DGOs have multiplied. But while many DGOs would like to focus on their autonomies from core government, defining themselves as “arm’s length”, there are many issues with how proper relationships are maintained. Dictionary and legal definitions of arm’s length are very clear - an arm’s length relationship refers to a distanced relationship where parties are disconnected or disassociated in some manner, or as defined in 2004 Justice Newbury of the British Columbia Court of Appeal: “arm’s length has generally been defined to mean that there are no bonds of dependence, control or influence, between the corporation and the person in question.”<sup>7</sup>

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<sup>4</sup> D.P. Gracey, Public Enterprise and the Public Interest, André Gélinas, ed., Toronto: Institute of Public Administration of Canada, 1978, p. 28.

<sup>5</sup> Harold Seidman, “Public Enterprise Autonomy: Need for a New Theory?,” International Review of Administrative Sciences, Vol. 49, No. 1 (1983), p. 67.

<sup>6</sup> Ronald Coase, “The Nature of the Firm,” Economica, Vol. 4, No. 16 (1937), pp. 386-405.

<sup>7</sup> Galaxy Sports Inc. (Re), 2004 BCCA 284.

Clearly, these definitions have no applicability to the relationships that distributed governance organizations have in the public sector. Complete autonomy jeopardizes the responsiveness of distributed governance organizations to the imperatives of policy alignment, democratic control and accountability to the public. As a result, institutional controls exist for arm's length organizations to limit their autonomy and emphasize their accountability to governments and, ultimately, legislatures. This rationale invokes the primacy of legislatures to scrutinize and approve governmental expenditures and appropriations. Furthermore, the powers to create and amend the mandates of DGOs and audit and scrutinize their performance are also used as institutional controls in DGOs in the public sector.

In theory, the conventions of ministerial responsibility, in which ministers are held to have the same degree of control over DGOs as they do over a government department, would result in the minister being accountable to the legislature for DGOs in the same manner as for the department. However, a distributed governance relationship creates an organizational structure whereby the minister cannot be held accountable in the same manner as for ordinary departmental activities. Excessive control will undermine the autonomy of the arm's length organization and could dissipate the benefits of the organizational model. Therefore, at a minimum DGOs are subject to some level of monitoring of their operations and performance, typically achieved through policy or legislative reporting requirements. Governments also rely on the budget setting process to incent alignment with policy priorities and ensure compliance with reporting requirements or other corporate initiatives.

Shortcomings in the clarity with which organizational autonomies and institutional relationships are defined, combined with the inherent tension between autonomy and control, can combine to create confusion in practice. Most importantly, this confusion can undermine the accountability of these institutions. This can take several forms. Institutions can act without due regard to the policy direction of their legislation, or in some cases the current government. Institutions may not respect the budgetary constraints or management processes of the overall government. Ministers may have difficulty in having appropriate policy direction respected, or alternatively, may intervene in policy or operational decisions in inappropriate ways. Finally, even where authority has been appropriately used, it may not be apparent to outsiders due to a lack of transparency. Lack of clarity can also allow Ministers to deny responsibility for issues in DGOs, even in situations where they may have, in fact, been responsible.<sup>8</sup>

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<sup>8</sup> Jacques Crémer, "Arm's Length Relationships Without Moral Hazard," *IDEI Working Paper, No. 585*, Nov. 16, 2009. Crémer argues that arm's length relationships allow governments to retain flexibility in taking responsibility for the operations of arm's length organizations. These relationships involve a situation of information asymmetry, where arm's length organizations have more information about their operations than their governments. Governments would have better access to information if the operations were performed in-house, but often governments will make definite efforts not to acquire information about the operations of their arm's length organizations. This allows governments to evade responsibility for the poor performance of arm's length organizations by placing the locus of information at a distance so that they can claim ignorance of a situation in order to deflect blame.

Some argue that DGOs strategically sensitize themselves (to the point of subordinating their own objectives) to the public policy objectives of political actors in order to maximize their own managerial discretion and relative autonomy in circumstances where it is threatened. In essence, DGOs anticipate the objectives of political actors in order to maintain their independence. This type of behaviour is known as selective rationality.<sup>9</sup>

Distributed governance organizations may also attempt to evade institutional controls once they have been introduced. DGOs are aware that governments sink investment costs into their creation and are unable to make credible hard commitments regarding the performance of these organizations because they need to retain flexibility in the commitments and incentives that they use.<sup>10</sup> For example, ministers are often not able to make commitments such as “if performance is low, this arm’s length organization will be dissolved.” They require the flexibility to determine if another organizational form would be able to perform better, whether poor performance was due to external factors that could not be avoided, or whether dissolving the organization would be worthwhile in terms of a cost-benefit analysis. As a result, DGOs often face only soft budget constraints and weakened performance incentives. These soft commitments can also result in less willingness on the part of arm’s length organizations to share information with their governments due to a lack of credible threats that can be employed. This diminishes the ability of governments to control and monitor their arm’s length organizations.

At a systemic level, a citizen or parliamentarian attempting to navigate the responsibilities and accountabilities of various agencies, boards and corporations could be forgiven for being confused. While there may have been clear rationales and contextual considerations driving each specific choice of institutional design, there is no overarching architecture to guide how a given policy objective or function should be achieved organizationally. As a result, a wide variety of organizational forms are used to pursue very similar public purposes and similar organizations may have very different mandates.

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<sup>9</sup> Douglas F. Stevens, “Corporate Autonomy and Institutional Control,” *Canadian Public Administration*, Vol. 34, No. 2 (1991), pp. 286-311. For example, Stevens mentions that by sensitizing themselves to the public policy objectives of political actors, arm’s length organizations can forestall constraints that might otherwise be introduced by Treasury officials purporting to represent these public policy objectives.

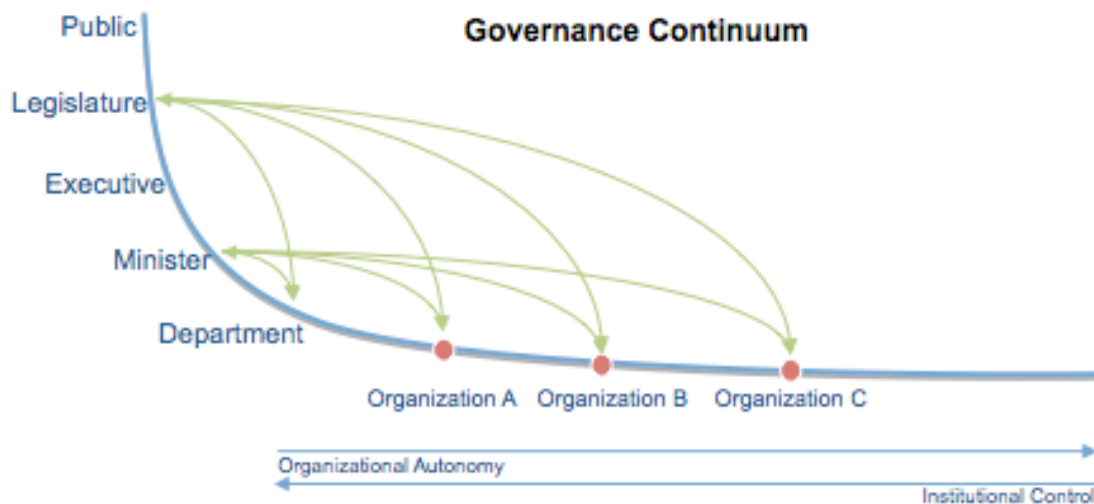
<sup>10</sup> Klaus M. Schmidt, “The Costs and Benefits of Privatization: An Incomplete Contracts Approach,” *Journal of Law, Economics & Organization*, Vol. 12, No. 2 (1996), pp. 1-24.

## A Conceptual Model

To address the issues identified above, a much more complete and nuanced understanding of governance relationships is required - “arm’s length” is far too broad and blunt a descriptor. Clarity is needed to understand the balance of autonomies and controls required for distributed governance organizations with different purposes. To achieve this clarity, we are proposing a conceptual model – the governance continuum (figure 2) – which characterizes the specific delegated authorities and forms of control required to optimally deliver a given policy objective. In creating this model, we have applied both a top-down approach, based on the principle that organizational form should follow function, as well as a bottoms up approach, attempting to capture the key typical features found in functional groupings of DGOs.

The Continuum is inclusive of all potential relationships in a government context, encompassing the public, legislatures, their executives (and by extension, central agencies), the responsible Minister and their core department. The conceptual diagram also conveys that these relationships change as organizations move further out the Continuum.

**Figure 1:** The original IOG Governance Continuum



### **Functions**

In order to create logical functional groupings on the Continuum, a conceptual taxonomy has been extrapolated and amalgamated from across federal and provincial

jurisdictions<sup>11</sup> with the varied functions grouped as adjudicative, regulatory, supervisory, advisory, trust, operational enterprise and operational service. The functions are defined as follows:

**Adjudicative:** an entity that renders impartial quasi-judicial decisions to resolve disputes against obligations set out in existing statutes and/or regulations or hears appeals on previously rendered decisions (e.g. human rights commissions, labour relations boards, and worker's compensation boards)

**Advisory:** an entity that publicly provides advice to a Government on a particular issue that informs the formation of policy (e.g. advisory councils on specific groups i.e. women, persons with disabilities or specific topic i.e. technology, multiculturalism)

**Operational Enterprise:** an entity that sells programs and services to the public in a primarily commercial manner (e.g. liquor corporations, power corporations, postal corporations, toll highways)

**Operational Service:** an entity that provides programs and services to the public in a primarily non-commercial manner within a well defined policy framework determined outside the organization itself (e.g. schools, universities, colleges, and hospitals, research bodies, granting agencies, museums, development authorities, libraries and archives, port authorities, social transfers)

**Regulatory:** an entity that establishes and/or enforces rules of conduct in a particular sector of activity designated by statutes and/or regulations (e.g. food inspection agencies, property assessment agencies)

**Supervisory:** an entity that impartially oversees activities on behalf of another entity with authority over those activities and reports on its findings (e.g. auditors general, chief electoral officers, information commissioners)

**Trust:** an entity that invests or otherwise administers funds on behalf of the public or other groups and entities designated in statutes and/or regulations (e.g. pension boards)

While not every organization will fit neatly into one function exclusively, these conceptual categories cover a strong majority of organizations. That said, it should be noted that many public institutions have operating titles that do not correspond to their functions as defined by the taxonomy.

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<sup>11</sup> Based on taxonomies created by the Ontario Provincial Appointments Secretariat, Alberta Agency Governance Secretariat, British Columbia Crown Agencies Office, and Government of Canada Treasury Board Secretariat.



## ***Autonomy and Control Factors***

Against these functional groupings, factors that determine the specific nature of the relationship with government were developed. They include policy autonomy, management flexibility, terms of appointment, specific statute, a separate legal personality, governing board, decision review process, and accountability and reporting. Each factor is defined as follows:

*Policy Autonomy:* the level of discretion that the organization has from the Minister or Executive in defining and fulfilling its mandate

*Management Flexibility:* the level of application of central Government administration policies and/or management requirements

*Terms of Appointment:* the specific conditions under which high-level appointments to the organization are made and rescinded

*Specific Statute:* the existence of a specific piece of enabling or incorporating legislation for the individual organization

*Separate Legal Personality:* a legal person distinct from its particular Executive

*Governing Board:* the existence of a governing Board to direct and oversee some or all aspects of the management of the organization

*Decision Review Process:* the process by which the Minister, Executive, Legislature, or the Courts can review decisions made by the organization

*Accountability and Reporting:* the frequency and nature of disclosing financial management and reporting on performance

## ***Analysis***

The following section applies the autonomy and control factors to the seven policy functions to draw general conclusions on the types of powers and controls required to optimize accountability and the achievement of policy objectives. We recognize that there will be organizations that do not fit within these categories of the Continuum, but believe the descriptions below capture the key characteristics of most organizations across the federal and provincial governments.

### ***Adjudicative***

Adjudicative organizations require significant independence from partisan politics in order to be considered legitimate. They require strong independence in the rendering of their decisions as they perform a quasi-judicial function. Therefore there is no ministerial or executive involvement in making or reviewing their decisions, this function is left to their own appellate tribunals, or in the case of the appellate tribunals, to the courts. The

terms of appoint for members of adjudicative bodies also require more distance from executive for the same reasons members of the judiciary do, their decisions should not be subject to popularity. However while a strong need for decision independence is required, their mandate requires little managerial flexibility from executive on matters of administrative policy and financial reporting and they do not require a separate legal personality because they do not need the same powers afforded a legal person.

### *Advisory*

Advisory organizations require the little independence that they enjoy in order to provide objective advice that is free from partisan politics to be considered legitimate. They exist at the pleasure of the executive to provide the executive with advice to inform policy on those matters for which they were constituted. They have no power to make any decisions on behalf of anyone and therefore have limited autonomy, save in producing their recommendations or seeking out information. They exist solely to provide advice to the executive and therefore normally require no specific legislation or the powers of a legal person. They are also not required to have more managerial flexibility from executive as they do not manage anything but themselves.

### *Operational Enterprise*

Operational Enterprises require a significant amount of independence so that their operations can be performed more efficiently. They are difficult to situate on the governance continuum because they include public-private partnerships. Public-private partnerships do not always take an organizational form and span a spectrum of functions that progressively engage the private sector and necessitate different levels of independence; from simply providing financial funding to designing, building, financing, maintaining and operating public services or public infrastructure. Otherwise, operational enterprises are normally conferred a mandate in specific legislation. They are bodies corporate and therefore have governing Boards that operate between the minister and the senior management. They are not normally subject to the same requirements of administrative policy and financial reporting as other organizations because they operate in a competitive environment and must administrate programs and services in a commercially self-sustaining way. However they do not require the same form of decision independence that adjudicative/regulatory organizations require and therefore the process for directing them on policy is less distant than other organizations. They are normally given annual objectives by the minister or executive against which they issue annual reports to demonstrate success or failure in achieving those objectives.

### *Operational Service*

When Operational Services require independence it is so that their operations can be performed more efficiently. These organizations are the most difficult to situate on the governance continuum because they have a broad variety of mandates. Transfer payments do not take on an organizational form, but perform Operational Service functions nonetheless. Operational Service organizations span a range of functions that

include all types of organizations that are not in a line department, who provide programs and services, and whose funding is primarily appropriated by executive. There are commonalities across all types of organizations such as their appointments which are at pleasure for a fixed term, specific statutes, their decision mechanisms which allow the Minister to review and reverse decisions more easily than other organizations, and their accountability and reporting which is done annually for performance and financial management against established directions. However the key dividing lines between different types occur between operational service agencies which have no legal personality or governing board with more limited policy autonomy and managerial flexibility and operational service corporations which have legal personality, governing Boards, more policy autonomy and managerial flexibility. There is no consistent rationale across the board for the placement of operational service organizations in one broad category or the other.

### *Regulatory*

Regulatory organizations require independence from partisan politics in order to be considered legitimate. They are similar to adjudicative organizations and they tend to overlap across organizations more than any other two functions (the merits of having rule makers adjudicating against their own rules warrants a discussion). The delegation of rule making for a particular sector means that regulatory organizations tend to have similar latitude as adjudicative organizations except that their decisions can be reviewed by the minister or executive, albeit through a more formalized process than the operational types. They normally have no special distance from executive in managerial flexibility because their function does not appear to require them to have the powers of a legal person or the latitude necessary to operate in a commercial environment.

### *Supervisory*

Supervisory organizations require significant independence from partisan politics in order to be considered legitimate. They are granted the most rigorous process for appointment and removal. Their function of scrutiny on behalf of others with authority over the activities they examine means that they must be firmly independent of those whom they scrutinize. As this function often scrutinizes the executive on behalf of the Legislature, it falls on one of the most distant positions on the continuum and is given more managerial flexibility than other organizations whose functions require the same independence, such as adjudicative ones, although without any clear rationale for it being necessary.

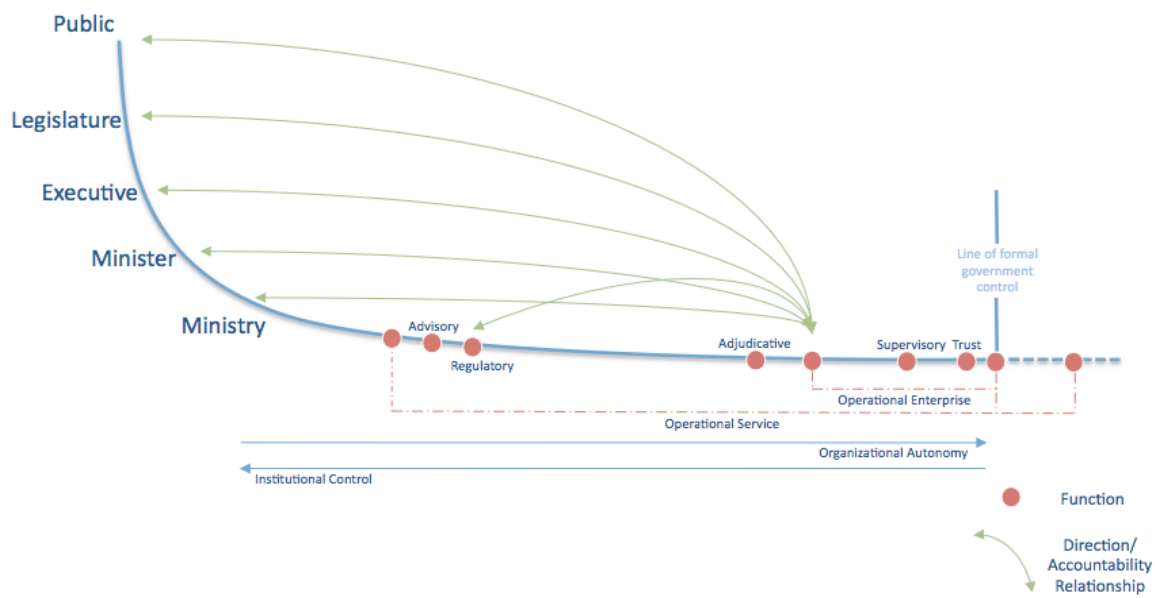
### *Trust*

Trust organizations require the most independence because they need freedom from partisan politics in order to be considered legitimate and operational freedom in order to perform more efficiently. They manage funds on behalf of others and are granted both the managerial flexibility equivalent to operational enterprises and decision-making autonomy customary of adjudicative and regulatory organizations. Therefore they have specific statutes, a separate legal personality, governing Boards appointed on good

behaviour for fixed terms and they are given minimal direction by ministers and executive on how to manage the funds entrusted them, and they report annually on the performance of their investments and their financials.

Our functional groupings matched against more refined criteria for assessing the distance of arm's length draw a markedly different picture of the continuum than conventional wisdom, which conceptualizes organizations based on form, suggests. Correspondingly, our graphic representation of the arm's length continuum based on function is best illustrated below:

**Figure 2: The IOG Governance Continuum**



## APPENDIX 1

### **Illustrative Table – Function based examples and descriptions Examples, Rules, and Exceptions**

Organizational Functions	Typical features	Key divergences
<b>Adjudicative</b>	<ul style="list-style-type: none"> <li>- All central Executive policies apply</li> <li>- Appointments on good behaviour for a fixed term</li> <li>- Specific statute or constituted in the statute against which they render decisions</li> <li>- No separate legal personality</li> <li>- No governing board</li> <li>- Certain decisions (e.g. budget estimates) must be approved but no decisions made can be reversed</li> <li>- Accountable for activity reporting and for proper financial management</li> </ul>	<ul style="list-style-type: none"> <li>- appointments at pleasure for a fixed term (e.g. Saskatchewan Water Appeal Board)</li> <li>- separate legal personality, exemption from executive policies (e.g. Saskatchewan Municipal Board, NS Workers Compensation Board )</li> </ul>
<b>Advisory</b>	<ul style="list-style-type: none"> <li>- All central Executive policies apply</li> <li>- Appointments at pleasure for a fixed term</li> <li>- No specific statute</li> <li>- No separate legal personality</li> <li>- No governing board</li> <li>- Certain decisions must be approved (e.g. Corporate Plans, Budget Estimates) and any decisions can be reversed</li> <li>- Accountable for achieving direction, value for money invested, and for proper financial management</li> </ul>	<ul style="list-style-type: none"> <li>- separate legal personality and governing board (e.g. National Roundtable on the Environment and Economy, Canadian Polar Commission)</li> </ul>
<b>Operational Enterprise</b>	<ul style="list-style-type: none"> <li>- No central executive policies apply</li> <li>- Appointments at pleasure for a fixed term</li> <li>- Specific Statute</li> <li>- Separate legal personality</li> <li>- Governing board</li> <li>- Certain decisions must be approved (e.g. Corporate Plans, Budget Estimates) and any decisions can be reversed</li> <li>- Accountable for achieving direction and for proper financial</li> </ul>	<ul style="list-style-type: none"> <li>- appointments on good behaviour for a fixed term (e.g. Bank of Canada)</li> <li>- contractual agreements for public-private partnerships (e.g. Nav Canada)</li> </ul>

	management	
<b>Operational Service*</b>	<ul style="list-style-type: none"> <li>- All to no central executive policies apply</li> <li>- Appointments at pleasure for a fixed term</li> <li>- Specific statute</li> <li>- Separate legal personality or not</li> <li>- Governing board with full autonomy, partial autonomy or not at all</li> <li>- Certain decisions must be approved (e.g. Corporate Plans, Budget Estimates) and any decisions can be reversed</li> <li>- Accountable for achieving direction, value for money invested, and for proper financial management</li> </ul>	<ul style="list-style-type: none"> <li>- all central executive policies apply, no separate legal personality, no governing board (e.g. Statistics Canada, BC Ambulance Service)</li> <li>- some central executive policies apply, separate legal personality, governing board with partial authority (e.g. Canada Revenue Agency, Canada School of Public Service, Canada Foundation for Innovation)</li> <li>- some central executive policies apply, separate legal personality, governing board with full authority (schools, universities, colleges, and hospitals, transfer payments)</li> <li>- no central executive policies apply, separate legal personality, governing board with full authority (e.g. National Capital Commission, Art Gallery of Ontario, Travel Manitoba)</li> </ul>
<b>Regulatory</b>	<ul style="list-style-type: none"> <li>- All central executive policies apply</li> <li>- Appointments on good behaviour for a fixed term</li> <li>- Specific statute</li> <li>- No separate legal personality</li> <li>- No governing board</li> <li>- Certain decisions must be approved (e.g. Corporate Plans, Budget Estimates) and decisions can be reversed but only through a formal process</li> <li>- Accountable for reporting on activity and for proper financial management</li> </ul>	<ul style="list-style-type: none"> <li>- separate legal personality and governing board (e.g. Canadian Nuclear Safety Commission, Ontario Municipal Property Assessment Corporation, BC Securities Commission)</li> </ul>
<b>Supervisory</b>	<ul style="list-style-type: none"> <li>- Some central executive policies apply</li> <li>- Appointments on good behaviour for a fixed term by or in consultation with the Legislature</li> <li>- Specific statute or constituted in the statute they oversee</li> <li>- No separate legal personality</li> <li>- No governing board</li> <li>- Certain decisions (e.g. budget</li> </ul>	<ul style="list-style-type: none"> <li>- appointments at pleasure for a fixed term (e.g. Canada Security Establishment Commissioner, RCMP Complaints Commission)</li> </ul>

	<ul style="list-style-type: none"> <li>estimates) must be approved but no decisions made can be reversed</li> <li>- Accountable for reporting on activity and for proper financial management</li> </ul>	
<b>Trust</b>	<ul style="list-style-type: none"> <li>- No central executive policies apply</li> <li>- Appointments on good behaviour for a fixed term</li> <li>- Specific statute</li> <li>- Separate legal personality</li> <li>- Certain decisions (e.g. budget estimates) must be approved but no decisions made can be reversed</li> <li>- Accountable for performance and for proper financial management</li> </ul>	N/A

*\* The key divergences of operational service organizations are illustrated to highlight the most common organizational forms because there is no prevalent "norm" from which to diverge.*

## **APPENDIX 2**

**By using a methodology for which the standard line department serves as a baseline (0) and different organizations are judged against it based on their level of distances in the established criteria weighted as follows out of an established maximum (60):**

### *Policy Autonomy (12)*

- Organization can design and operate programs and services without ministerial direction, but is not able to set policy priorities, allocate resources or take public positions (4)
- Organization can design and operate programs and services and allocate its resources without ministerial direction, but is not able to set policy priorities or take public positions (8)
- Organization can design and operate programs and services, allocate its resources, set policy priorities and take public positions without ministerial direction (12)

### *Management Flexibility (12)*

- All central Government policies apply (0)
- Some central Government policies apply (6)
- No central Government policies apply (12)

### *Terms of Appointment (9)*

- Fixed term but removable at pleasure (3)
- Fixed term on good behaviour but removable with cause (6)
- Fixed term on good behaviour but removable with cause and legislative approval (9)

### *Specific Statute (3)*

- No Statute (0)
- Statute (3)

### *Separate Legal Personality (3)*

- No Legal Personality (0)
- Legal Personality (3)

### *Governing Board (3)*

- No Board (0)
- Board with partial authority (3)
- Board with extensive authority (6)

### *Decision Review Process (9)*

- Minister or Executive can reverse decisions at their discretion (3)
- Minister, Executive or Legislature can reverse decisions but through formalized processes (6)



- Minister, Executive or Legislature cannot reverse decisions but they can be appealed to the Courts (9)

*Accountability and Reporting (6)*

- Annual reporting on performance against direction from the Minister, Executive or Legislature; the value for money invested by the Executive in the organization's purposes; and for proper financial management (2)
- Annual reporting on performance against direction from the Minister, Executive or Legislature and for proper financial management (4)
- Annual reporting on the activities of the organization without specific direction from the Minister, Executive or Legislature and for proper financial management (6)