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HOUSE OF REPRESENTATIVES

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Parliamentary Budget Office Bill 2011

No. , 2011

(Mr Hockey)

**A Bill for an Act to establish the Parliamentary
Budget Office, and for related purposes**

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**A Bill for an Act to establish the Parliamentary
Budget Office, and for related purposes**

The Parliament of Australia enacts:

Part 1—Preliminary

1 Short title

This Act may be cited as the *Parliamentary Budget Office Act 2011*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Part 1 Preliminary

Section 3

Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1, 2 and 3	The day this Act receives the Royal Assent.	
2. The remainder of the Act	The day after an Act authorising the appropriation of funds for the establishment of the office of Parliamentary Budget Officer and the operation of the PBO receives the Royal Assent. However, if such an Act does not commence within 24 months after this Act receives the Royal Assent, these provisions do not commence at all.	

1 Note: This table relates only to the provisions of this Act as originally
2 enacted. It will not be amended to deal with any later amendments of
3 this Act.

4 (2) Any information in Column 3 of the table is not part of this Act.
5 Information may be inserted in this column, or information in it
6 may be edited, in any published version of this Act.

3 Object

8 The object of this Act is to establish an independent statutory
9 office of Parliamentary Budget Officer to provide objective and
10 impartial advice and analysis on:

- 11 (a) the Commonwealth budget and budget cycle; and
- 12 (b) medium and long-term budget projections; and
- 13 (c) the costs of policy proposals; and
- 14 (d) other matters as requested by Members and Senators.

4 Definitions

16 (1) In this Act:

17 *authorised committee* means:

- 18 (a) the Joint Committee of Public Accounts and Audit; or

- 1 (b) another committee of either House, or of both Houses, that is
2 authorised by resolution of that House, or of both Houses, for
3 the purpose of the relevant provision.

4 **Commissioner** means the Parliamentary Service Commissioner
5 appointed under the *Parliamentary Services Act 1999*.

6 **deputy**, in relation to a Presiding Officer, means the senior-most
7 Deputy Speaker or Deputy President, as the case may be, who is
8 not of the same political party or coalition of parties as the
9 Presiding Officer.

10 **House** means a House of the Parliament.

11 **PBO** means the Parliamentary Budget Office established under
12 section 25.

13 **Presiding Officer** means:

- 14 (a) in relation to the Senate—the President of the Senate; and
15 (b) in relation to the House of Representatives—the Speaker of
16 the House of Representatives.

17 (2) Unless the contrary intention appears:

- 18 (a) a reference to the Presiding Officers means the Presiding
19 Officers acting jointly; and
20 (b) a reference to a decision or determination of the Presiding
21 Officers means a decision or determination in writing jointly
22 signed by each of the Presiding Officers.

23 (3) If either House passes a resolution in relation to this Act or the
24 powers and functions of the Parliamentary Budget Officer, the
25 Presiding Officer of that House:

- 26 (a) must not take any action under this Act which is contrary to
27 that resolution; and
28 (b) must comply with any direction given in that resolution in
29 relation to the exercise of the Presiding Officer's functions
30 under this Act.
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Part 2—The Parliamentary Budget Officer

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Division 1—Establishment and independence

3

5 Establishment

4

5 (1) The office of Parliamentary Budget Officer is established by this
6 section.

7 (2) Whenever a vacancy occurs in the office of Parliamentary Budget
8 Officer, an appointment must be made to the office as soon as
9 practicable and no later than 6 months from the date the office
10 became vacant.

6 Independence of the Parliamentary Budget Officer

11

12 (1) The Parliamentary Budget Officer is an independent officer of the
13 Parliament.

14 (2) The functions, powers, rights, immunities and obligations of the
15 Parliamentary Budget Officer are as specified in this Act and other
16 laws of the Commonwealth. There are no implied functions,
17 powers, rights, immunities or obligations arising from the
18 Parliamentary Budget Officer being an independent officer of the
19 Parliament.

20 (3) The powers of the Parliament to act in relation to the Parliamentary
21 Budget Officer are as specified in or applying under this Act and
22 other laws of the Commonwealth. For this purpose, *Parliament*
23 includes:

- 24 (a) each House of the Parliament; and
25 (b) the Members of each House of the Parliament; and
26 (c) the committees of each House of the Parliament and joint
27 committees of both Houses of the Parliament.

28 There are no implied powers of the Parliament arising from the
29 Parliamentary Budget Officer being an independent officer of the
30 Parliament.

- 1 (4) Subject to this Act and to other laws of the Commonwealth, the
2 Parliamentary Budget Officer has complete discretion in the
3 performance or exercise of his or her functions and powers. In
4 particular, the Parliamentary Budget Officer is not subject to
5 direction from anyone in relation to:
6 (a) whether or not a particular function is to be undertaken; or
7 (b) the way in which a particular function is to be undertaken; or
8 (c) the priority to be given to any particular matter.
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2 **Division 2—Functions of the Parliamentary Budget Officer**

3 **7 Functions**

- 4 (1) The Parliamentary Budget Officer has the following functions:
- 5 (a) helping Members and Senators better understand the
- 6 Commonwealth budget cycle and budget issues by:
- 7 (i) analysing and reporting on documents and policy
- 8 announcements related to the budget cycle; and
- 9 (ii) making medium and long-term projections of budget
- 10 parameters and the effects of budget proposals or other
- 11 developments that the Officer considers significant; and
- 12 (iii) analysing and reporting on issues referred to the Officer
- 13 by either House or by an authorised committee; and
- 14 (iv) analysing and reporting on related issues that the Officer
- 15 considers will assist Members and Senators;
- 16 (b) providing advice on the costs of particular policy proposals at
- 17 the request of individual Members or Senators;
- 18 (c) providing advice on particular financial or economic issues at
- 19 the request of individual Members or Senators;
- 20 (d) engaging in or commissioning research related to these
- 21 functions;
- 22 (e) functions conferred on the Officer under this or another Act;
- 23 (f) any functions incidental to these functions.
- 24 (2) A copy of a report or document produced under paragraph (1)(a)
- 25 must be given to the Presiding Officer of each House and
- 26 published on a website.
- 27 (3) The Parliamentary Budget Officer must not publish anything in
- 28 relation to a request to provide advice made by an individual
- 29 Member or Senator without the consent of the Member or Senator.

1 **8 Parliamentary Budget Officer to have regard to priorities of**
2 **Parliament**

3 In performing or exercising his or her functions and powers, the
4 Parliamentary Budget Officer must have regard to:

- 5 (a) the priorities of the Parliament expressed in resolutions of
6 either or both Houses; and
7 (b) any reports on matters connected to the functions of the
8 Officer made by committees of either or both Houses.

9 **9 Information-gathering powers and secrecy**

10 The Parliamentary Budget Officer and the staff of the PBO have
11 the powers and obligations set out in Schedule 1.

12 **10 General powers**

13 The Parliamentary Budget Officer has power to do everything
14 necessary or convenient to be done for, or in connection with, the
15 performance of the functions of the Officer.

16 **11 Flexibility and range of working methods in performance of**
17 **functions**

18 In the performance and exercise of his or her functions and powers,
19 the Parliamentary Budget Officer:

- 20 (a) is not required to act in a formal manner; and
21 (b) may inform himself or herself on any matter in any way he or
22 she thinks fit; and
23 (c) may consult with anyone he or she thinks fit; and
24 (d) may receive written or oral information or submissions; and
25 (e) may establish working groups and task forces; and
26 (f) may second staff from government departments and agencies
27 and hire other staff.
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2 **Division 3—Operational plans**

3 **12 Operational plans**

- 4 (1) The Parliamentary Budget Officer must prepare operational plans
5 in accordance with this section.
- 6 (2) An operational plan must:
- 7 (a) define the Parliamentary Budget Officer’s principal
8 objectives in performing his or her functions; and
9 (b) give a broad outline of the strategies to be pursued by the
10 Officer to achieve those objectives; and
11 (c) set out a schedule of:
- 12 (i) the matters on which the Officer expects to report
13 during the period of the plan, which must include the
14 annual budget statements, the mid-year economic and
15 fiscal outlook reports and the final budget outcome
16 reports; and
17 (ii) other kinds of matters on which the Officer will report
18 should events make it desirable.
- 19 (4) The first operational plan is to relate to the period ending on
20 30 June 2013, and must include details of the Parliamentary
21 Budget Officer’s intentions in respect of:
- 22 (a) establishing and staffing the PBO; and
23 (b) developing in the PBO the expertise to undertake its
24 functions; and
25 (c) increasing its program of reports.
- 26 (5) Each subsequent operational plan is to relate to the 3-year period
27 commencing on 1 July in each subsequent year and must include
28 details of how the Parliamentary Budget Officer intends to fulfil its
29 schedule of reports and its other functions.
- 30 (6) The Parliamentary Budget Officer must give a copy of an
31 operational plan to the Presiding Officer of each House:
- 32 (a) for the first operational plan—as soon as practicable after the
33 establishment of the PBO; and

1 (b) for a subsequent operational plan—before the period to
2 which it relates.

3 **13 Variation of operational plans**

4 (1) Either House, or both Houses, may, by resolution, request that the
5 Parliamentary Budget Officer vary an operational plan.

6 (2) The Parliamentary Budget Officer must consider any request under
7 subsection (1) to vary an operational plan and may vary the plan
8 accordingly.

9 (3) If the Parliamentary Budget Officer varies an operational plan, he
10 or she must present a copy of the varied operational plan to each
11 House of the Parliament as soon as practicable after the variation is
12 made.

13 **14 Compliance with plans**

14 When performing his or her functions and exercising his or her
15 powers, the Parliamentary Budget Officer must take into account
16 the operational plan that is in force.
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2 **Division 4—Appointment and conditions**

3 **15 Appointment**

- 4 (1) The Parliamentary Budget Officer is to be appointed by the
5 Presiding Officers by written instrument, following a selection
6 process undertaken in accordance with section 16.
- 7 (2) The Parliamentary Budget Officer is to be appointed on a full-time
8 basis.
- 9 (3) The Parliamentary Budget Officer holds office for the period
10 specified in the instrument of appointment. The period must not
11 exceed 5 years.

12 Note: The Parliamentary Budget Officer is eligible for reappointment: see
13 subsection 33(4A) of the *Acts Interpretation Act 1901*.

14 **16 Selection**

- 15 (1) The selection of a Parliamentary Budget Officer must follow the
16 process set out in this section.
- 17 (2) The Presiding Officers must establish a panel comprising the
18 holders of at least 3 of the following offices:
19 (a) the Ombudsman;
20 (b) the Auditor-General;
21 (c) the Governor of the Reserve Bank of Australia;
22 (d) the Chair of the Productivity Commission.
- 23 (3) The panel must assess and recommend to the Presiding Officers a
24 short-list of at least 2 candidates for appointment to the position.
- 25 (4) The Presiding Officers may delegate administrative responsibility
26 for the selection process to the Commissioner.
- 27 (5) The Presiding Officers, together with their deputies, must select an
28 appointee from the short-listed candidates. If this group is unable
29 to select an appointee, the Presiding Officers must commence a
30 new selection process.

1 **17 Acting Parliamentary Budget Officer**

- 2 (1) The Presiding Officers may appoint a person to act as the
3 Parliamentary Budget Officer:
4 (a) during a vacancy in the office of the Parliamentary Budget
5 Officer (whether or not an appointment has previously been
6 made to the office); or
7 (b) during any period, or during all periods, when the Officer is
8 absent from duty or from Australia, or is, for any reason,
9 unable to perform the duties of the office.

10 Note: Section 33A of the *Acts Interpretation Act 1901* has rules that apply to
11 acting appointments.

- 12 (2) Anything done by or in relation to a person purporting to act under
13 an appointment is not invalid merely because:
14 (a) the occasion for the appointment had not arisen; or
15 (b) there was a defect or irregularity in connection with the
16 appointment; or
17 (c) the appointment had ceased to have effect; or
18 (d) the occasion to act had not arisen or had ceased.

19 **18 Remuneration and allowances**

- 20 (1) Subject to subsection (3), the Parliamentary Budget Officer is to be
21 paid the remuneration and allowances that are determined by the
22 Remuneration Tribunal. If no such determination is in operation,
23 the Parliamentary Budget Officer is to be paid the remuneration
24 and allowances that are determined by the Presiding Officers by
25 written instrument.
26 (2) This section has effect subject to the *Remuneration Tribunal Act*
27 *1973*.
28 (3) The remuneration and allowances of the Parliamentary Budget
29 Officer must be broadly equivalent to the remuneration and
30 allowances of the Auditor-General.

1 **19 Leave of absence**

- 2 (1) The Parliamentary Budget Officer has the recreation leave
3 entitlements that are determined by the Remuneration Tribunal.
- 4 (2) The Presiding Officers may grant the Parliamentary Budget Officer
5 leave of absence, other than recreation leave, on the terms and
6 conditions as to remuneration or otherwise that they determine.

7 **20 Disclosure of interests**

8 The Parliamentary Budget Officer must give written notice to the
9 Presiding Officers of all interests, pecuniary or otherwise, that the
10 Officer has or acquires and that conflict or could conflict with the
11 proper performance of the Officer's functions.

12 **21 Outside employment**

13 The Parliamentary Budget Officer must not engage in paid
14 employment outside the duties of his or her office without the
15 approval of the Presiding Officers.

16 **22 Other terms and conditions**

17 The Parliamentary Budget Officer holds office on the terms and
18 conditions (if any) in relation to matters not covered by this Act
19 that are determined by the Presiding Officers.

20 **23 Resignation**

- 21 (1) The Parliamentary Budget Officer may resign his or her
22 appointment by giving the Presiding Officers a written resignation.
- 23 (2) The resignation takes effect on the first day it is received by either
24 of the Presiding Officers, or, if a later day is specified in the
25 resignation, on that later day.

1 **24 Termination of appointment**

- 2 (1) The Presiding Officers may terminate the appointment of the
3 Parliamentary Budget Officer for misbehaviour or physical or
4 mental incapacity.
- 5 (2) The Presiding Officers may terminate the appointment of the
6 Parliamentary Budget Officer if:
- 7 (a) the Officer:
- 8 (i) becomes bankrupt; or
9 (ii) applies to take the benefit of any law for the relief of
10 bankrupt or insolvent debtors; or
11 (iii) compounds with his or her creditors; or
12 (iv) makes an assignment of his or her remuneration for the
13 benefit of his or her creditors; or
- 14 (b) the Officer is absent, except on leave of absence, for 14
15 consecutive days or for 28 days in any 12 months; or
- 16 (c) the Officer engages, except with the approval of the
17 Presiding Officers, in paid employment outside the duties of
18 his or her office (see section 21); or
- 19 (d) the Officer fails, without reasonable excuse, to comply with
20 section 20 (disclosure of interests).
- 21 (3) The appointment of the Parliamentary Budget Officer can be
22 terminated for any reason by a resolution of both Houses.
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2 **Part 3—Parliamentary Budget Office**

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4 **25 Establishment**

5 (1) The Parliamentary Budget Office (the *PBO*) is established by this
6 section.

7 **26 Constitution of the PBO**

8 The PBO consists of:
9 (a) the Parliamentary Budget Officer; and
10 (b) the staff of the PBO.

11 **27 Function of the PBO**

12 The PBO's function is to assist the Parliamentary Budget Officer in
13 the performance of the Officer's functions.

14 **28 Location of the PBO**

15 The PBO must be located in Parliament House.

16 **29 Staff**

17 (1) The staff of the PBO are to be persons engaged under the *Public*
18 *Service Act 1999*.

19 (2) For the purposes of the *Public Service Act 1999*:
20 (a) the Parliamentary Budget Officer and the staff of the PBO
21 together constitute a Statutory Agency; and
22 (b) the Parliamentary Budget Officer is the Head of that
23 Statutory Agency.

24 (3) Directions to staff of the PBO relating to the performance of the
25 Parliamentary Budget Officer's functions may only be given by:
26 (a) the Parliamentary Budget Officer; or

- 1 (b) a member of the staff of the PBO authorised by the Officer to
2 give such directions.

3 **30 Consultants**

- 4 (1) The Parliamentary Budget Officer may engage a person who has
5 suitable qualifications and experience to assist in the performance
6 of any of the functions of the Parliamentary Budget Officer.
- 7 (2) The terms and conditions of engagement are to be determined, in
8 writing, by the Parliamentary Budget Officer.

9 **31 Delegation by Parliamentary Budget Officer**

- 10 (1) The Parliamentary Budget Officer may, by written instrument,
11 delegate any of the Parliamentary Budget Officer's powers or
12 functions to:
- 13 (a) an SES employee or acting SES employee in the PBO; or
14 (b) a person engaged under section 30 whose skills and
15 responsibilities are equivalent to, or exceed, the skills and
16 responsibilities expected of an SES employee.
- 17 Note: *SES employee* and *acting SES employee* are defined in section 17AA
18 of the *Acts Interpretation Act 1901*.
- 19 (2) In exercising powers or functions under the delegation, the
20 delegate must comply with any directions of the Parliamentary
21 Budget Officer.
22

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2 **Part 4—Miscellaneous**

3

4 **32 Appropriation**

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(1) The PBO is to be funded from money appropriated by the Parliament for the purpose.

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(2) Provisions for the appropriation of funds for the purposes of the PBO must be proposed in the annual and additional appropriation bills.

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(3) The Finance Minister must consult with the Parliamentary Budget Officer to seek agreement on the estimates of proposed expenditure for the PBO for inclusion in those bills.

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(4) The appropriation of funds for the PBO in a non-election year must not be less than 3.5% of the departmental appropriation for the Department of the Treasury.

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(5) Consideration must be given to increasing the appropriations in a year in which there is an election for the House or the Senate.

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(6) The Parliamentary Budget Officer may, at any time, present to each House of the Parliament, or to an authorised committee:

19

20

(a) a statement of his or her estimates of expenditure required for the PBO to undertake its functions; or

21

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(b) a report on any consultations which have taken place with the Finance Minister in accordance with subsection (3); or

23

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(c) a copy of any agreement made under subsection (3).

25

(7) If appropriation bills are introduced that propose estimates of expenditure for the PBO other than in accordance with an agreement made under subsection (3), the Finance Minister must present a statement to each House of the Parliament prior to consideration of the bills, setting out the reasons for the failure to reach agreement on the estimates.

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- 1 (8) Subsection (3) does not apply in relation to the initial appropriation
2 made by the Parliament to establish the office of Parliamentary
3 Budget Officer.

4 **33 Authorised committee may request draft estimates for PBO**

- 5 (1) An authorised committee may request the Parliamentary Budget
6 Officer to submit to the committee draft estimates for the PBO for
7 a financial year before the annual Commonwealth budget for that
8 financial year.
- 9 (2) The Parliamentary Budget Officer must comply with the request in
10 time to allow the committee to consider the draft estimates and
11 make recommendations on them before the budget.

12 **34 Guaranteed availability of parliamentary appropriations**

13 The Finance Minister must issue drawing rights under section 27 of
14 the *Financial Management and Accountability Act 1997* that cover
15 in full the amounts that the Parliament appropriates for the
16 purposes of the PBO.

17 **35 Parliamentary Budget Officer may approve expenditure**

18 The Parliamentary Budget Officer has authority to approve a
19 proposal to spend money under an appropriation for the PBO.

20 Note: The Parliamentary Budget Officer's power under this section may be
21 delegated under section 31.

22 **36 Indemnity**

- 23 (1) The Commonwealth must indemnify a person for any liability that
24 the person incurs for an act or omission of the person in the course
25 of performing a function of the Parliamentary Budget Officer.
- 26 (2) The indemnity does not apply if the liability arose from an act or
27 omission in bad faith.
- 28 (3) The indemnity does not cover a liability of a person to the extent to
29 which the person is entitled to be indemnified for the liability by a

Section 37

1 person other than the Commonwealth, whether under a contract of
2 insurance or otherwise.

3 **37 Annual report**

4 The Parliamentary Budget Officer must, as soon as practicable
5 after the end of each financial year, prepare and give to the
6 Presiding Officer of each House a report of the operations of the
7 PBO during that financial year.

8 **38 Delegation**

9 (1) The Presiding Officers may, in writing, delegate any or all their
10 functions and powers under this Act (other than their functions and
11 powers under Division 4 of Part 2) jointly to the Secretaries of the
12 Departments established under the *Parliamentary Service Act*
13 *1999*.

14 (2) In exercising functions or powers delegated under subsection (1),
15 the delegates must comply with any directions of the Presiding
16 Officers.

17 **39 Determinations**

18 The Presiding Officers may, by legislative instrument, determine
19 matters:

- 20 (a) required or permitted by this Act to be determined; or
21 (b) necessary or convenient to be determined for carrying out or
22 giving effect to this Act.

Schedule 1—Information gathering powers and secrecy

1 Relationship of information-gathering powers with other laws

The operation of clause 3:

(a) is limited by laws of the Commonwealth (whether made before or after the commencement of this Act) relating to the powers, privileges and immunities of:

(i) each House of the Parliament; and

(ii) the members of each House of the Parliament; and

(iii) the committees of each House of the Parliament and joint committees of both Houses of the Parliament; but

(b) is not limited by any other law (whether made before or after the commencement of this Act), except to the extent that the other law expressly excludes the operation of clause 3.

2 Purpose for which information-gathering powers may be used

The powers under clause 3 may be used for the purpose of, or in connection with, a function given to the Parliamentary Business Officer by this Act.

3 Power of Parliamentary Budget Officer to obtain information

(1) The Parliamentary Budget Officer may, by written notice, direct an employee of an agency to do all or any of the following:

(a) to provide the Officer with any information that the Officer requires;

(b) to attend and give evidence before the Officer or an authorised officer;

(c) to produce to the Officer any documents in the custody or under the control of the employee.

Note: A proceeding under paragraph (1)(b) is a “judicial proceeding” for the purposes of Part III of the *Crimes Act 1914*. The Crimes Act prohibits certain conduct in relation to judicial proceedings.

Clause 4

- 1 (2) The Parliamentary Budget Officer may direct that:
2 (a) the information or answers to questions be given either orally
3 or in writing (as the Officer requires);
4 (b) the information or answers to questions be verified or given
5 on oath or affirmation.

6 The oath or affirmation is an oath or affirmation that the
7 information or evidence the person will give will be true, and may
8 be administered by the Officer or by an authorised officer.

- 9 (3) An employee of an agency must comply with a direction under this
10 clause.

11 Penalty: 30 penalty units.

12 Note 1: Chapter 2 of the *Criminal Code* sets out the general principles of
13 criminal responsibility.

14 Note 2: Section 4AA of the *Crimes Act 1914* sets the current value of a
15 penalty unit.

- 16 (4) A determination under section 39 of this Act may prescribe scales
17 of expenses to be allowed to persons who are required to attend
18 under this clause.

- 19 (5) In this clause:

20 **agency** has the same meaning as in the *Financial Management and*
21 *Accountability Act 1997*.

22 **authorised officer** means a person who:

- 23 (a) is an official within the meaning of the *Financial*
24 *Management and Accountability Act 1997*; and
25 (b) is authorised by the Parliamentary Budget Officer, in writing,
26 to exercise powers or perform functions under this clause.

27 **4 Confidentiality of information**

- 28 (1) If a person has obtained information in the course of performing a
29 function of the Parliamentary Budget Officer given by this Act or
30 any other Act, the person must not disclose the information except
31 in the course of performing a function given to the Parliamentary
32 Budget Officer by this Act or another Act.

1 Penalty: Imprisonment for 2 years.

2 Note: Chapter 2 of the *Criminal Code* sets out the general principles of
3 criminal responsibility.

4 (2) Subclause (1) does not prevent the Parliamentary Budget Officer
5 from disclosing particular information to the Commissioner of the
6 Australian Federal Police if the Officer is of the opinion that the
7 disclosure is in the public interest.

8 **5 Sensitive information not to be included in reports**

9 (1) The Parliamentary Budget Officer must not include particular
10 information in a report or advice if:

11 (a) the Officer is of the opinion that disclosure of the information
12 would be contrary to the public interest for any of the reasons
13 set out in subclause (2); or

14 (b) the Attorney-General has issued a certificate to the Officer
15 stating that, in the opinion of the Attorney-General,
16 disclosure of the information would be contrary to the public
17 interest for any of the reasons set out in subclause (2).

18 (2) The reasons are the following:

19 (a) it would prejudice the security, defence or international
20 relations of the Commonwealth;

21 (b) it would involve the disclosure of deliberations or decisions
22 of the Cabinet or of a Committee of the Cabinet;

23 (c) it would prejudice relations between the Commonwealth and
24 a State;

25 (d) it would divulge any information or matter that was
26 communicated in confidence by the Commonwealth to a
27 State, or by a State to the Commonwealth;

28 (e) it would unfairly prejudice the commercial interests of any
29 body or person;

30 (f) any other reason that could form the basis for a claim by the
31 Crown in right of the Commonwealth in a judicial proceeding
32 that the information should not be disclosed.

33 (3) The Parliamentary Budget Officer cannot be required, and is not
34 permitted, to disclose to:

Schedule 1 Information gathering powers and secrecy

Clause 5

- 1 (a) a House of the Parliament; or
2 (b) a member of a House of the Parliament; or
3 (c) a committee of a House of the Parliament or a joint
4 committee of both Houses of the Parliament;
5 information that subclause (1) prohibits being included in a report
6 or advice.
- 7 (4) In this clause:
8 *State* includes a self-governing Territory.

