



# **Parliamentary Service Amendment (Parliamentary Budget Officer) Act 2013**

**No. 102, 2013**

**An Act to amend legislation relating to the  
Parliamentary Budget Officer, and for related  
purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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# Parliamentary Service Amendment (Parliamentary Budget Officer) Act 2013

No. 102, 2013

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## **An Act to amend legislation relating to the Parliamentary Budget Officer, and for related purposes**

*[Assented to 29 June 2013]*

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Parliamentary Service Amendment  
(Parliamentary Budget Officer) Act 2013*.

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*Parliamentary Service Amendment (Parliamentary Budget Officer) Act 2013*    No. 102, 2013

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## 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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	29 June 2013
2. Schedules 1 and 2	The day after this Act receives the Royal Assent.	30 June 2013

Note: This table relates only to the provisions of this Act as originally enacted.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

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

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Main amendments**

### ***Parliamentary Service Act 1999***

#### **1 Section 7 (paragraph (b) of the definition of *authorised member*)**

Omit “to make or withdraw requests under section 64J”, substitute “to act under the provision in which the expression occurs”.

#### **2 Section 7**

Insert:

***designated Parliamentary party***, during the caretaker period for a general election, means a political party at least 5 members of which were members of the Parliament of the Commonwealth immediately before the caretaker period.

Note: The Parliamentary Budget Officer may treat 2 or more political parties as a single designated Parliamentary party for the purpose of preparing a post-election report (see subsection 64MA(2)).

#### **2A Section 7**

Insert:

***election commitment***, in relation to a general election, means a policy that a Parliamentary party has publicly announced it intends to seek to have implemented after the election.

#### **3 Section 7**

Insert:

***polling day***, in relation to an election, means the day fixed for polling in the election.

#### **4 Section 7**

Insert:

***responsible Secretaries*** has the same meaning as in Schedule 1 to the *Charter of Budget Honesty Act 1998*.

## 5 After paragraph 64E(1)(d)

Insert:

- (da) after a general election—to report on election commitments of designated Parliamentary parties under section 64MA;

## 6 Subsection 64G(1)

Omit “(within the meaning of Schedule 1 to the *Charter of Budget Honesty Act 1998*)”.

## 7 At the end of subsection 64J(7)

Add:

- Note: The Parliamentary Budget Officer may also obtain information from Commonwealth bodies for the purpose of costing a policy in response to a request under subsection (2) or (5) (see section 64KA).

## 8 Paragraph 64K(a)

Repeal the paragraph, substitute:

- (a) must ask the responsible Secretaries whether a request has been made under clause 29 of Schedule 1 to the *Charter of Budget Honesty Act 1998* in relation to a policy of the Parliamentary party that is the same as, or substantially similar to, the first policy; and

## 9 After section 64K

Insert:

### **64KA Caretaker period policy costing requests— information-gathering**

- (1) To help the Parliamentary Budget Officer to prepare a policy costing in response to a request made under subsection 64J(2) or (5) during the caretaker period for a general election, the Parliamentary Budget Officer may request the Head of a Commonwealth body to give information to the Parliamentary Budget Officer.
- (2) The Parliamentary Budget Officer may make a request under subsection (1):
  - (a) in relation to a policy costing requested before polling day in the election—during the period beginning after the policy



costing request was made and ending on the day before polling day; and

- (b) in relation to a policy costing requested on or after polling day in the election—during the period beginning after the policy costing request was made and ending at the end of the caretaker period.
- (3) If the Head of a Commonwealth body receives a request under subsection (1), the Head must comply with the request in time to allow the information to be taken into account in preparing the relevant policy costing, unless:
- (a) it is not practicable to do so; or
  - (b) it would be unlawful to do so; or
  - (c) it would require the Head to disclose confidential commercial information; or
  - (d) it would require the Head to disclose information that could prejudice national security.
- (4) If the Head of a Commonwealth body gives information to the Parliamentary Budget Officer in response to a request made under subsection (1), the Head may request that some or all of the information be kept confidential.

Note: For confidentiality obligations relating to requests made under this subsection, see subsections 64V(4A) and (4B).

- (5) Nothing in this section is intended to limit any other power of the Parliamentary Budget Officer to obtain information or documents from a Commonwealth body for the purpose of preparing a policy costing in response to a request under subsection 64J(2) or (5).

Note: The Parliamentary Budget Officer may obtain information or documents from a Commonwealth body in accordance with an arrangement in force under subsection 64F(1).

- (6) Nothing in this section creates rights or duties that are enforceable in judicial or other proceedings.

## **10 After section 64M**

Insert:

### **64MA Post-election report of election commitments**

- (1) The Parliamentary Budget Officer must, before the end of 30 days after the end of the caretaker period for a general election, prepare a report (the *post-election report*) setting out, for each designated Parliamentary party:
  - (a) costings of all the election commitments of that party that the Parliamentary Budget Officer, in his or her best professional judgement, reasonably believes would have a material impact on the Commonwealth budget sector and Commonwealth general government sector fiscal estimates for the current financial year and the following 3 financial years; and
  - (b) the total combined impact those election commitments would have on the Commonwealth budget sector and Commonwealth general government sector fiscal estimates for the current financial year and the following 3 financial years.

Note 1: The post-election report must be prepared in accordance with section 64MAA.

Note 2: The Parliamentary Budget Officer may obtain information from Commonwealth bodies for the purpose of preparing the post-election report (see section 64MB).

Note 3: The post-election report must be publicly released (see section 64MC).
- (2) For the purpose of preparing the post-election report, the Parliamentary Budget Officer may treat 2 or more Parliamentary parties as a single designated Parliamentary party if:
  - (a) those parties would, if they had been a single political party during the caretaker period for the election, have been a designated Parliamentary party, as defined in section 7, during that period; and
  - (b) those parties, in writing, jointly request the Parliamentary Budget Officer to do so.
- (3) Each designated Parliamentary party must, before 5 pm on the day before polling day in the election, give the Parliamentary Budget Officer a list, in writing, of the policies that the party has publicly announced it intends to seek to have implemented after the election.

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- (4) On the day after polling day in the election, the Parliamentary Budget Officer must publicly release:
- (a) each list of policies given to the Parliamentary Budget Officer under subsection (3); and
  - (b) if a designated Parliamentary party has not given the Parliamentary Budget Officer a list of policies under subsection (3)—a statement to this effect.
- (5) Within 3 days after the end of the caretaker period for the election, the Parliamentary Budget Officer must prepare, for each designated Parliamentary party, a list in writing of all the election commitments of that party that the Parliamentary Budget Officer, in his or her best professional judgement, reasonably believes would have a material impact on the Commonwealth budget sector and Commonwealth general government sector fiscal estimates for the current financial year and the following 3 financial years.
- (6) In preparing the list of election commitments of a designated Parliamentary party under subsection (5), the Parliamentary Budget Officer must have regard to:
- (a) any list of policies given to the Parliamentary Budget Officer by the party under subsection (3); and
  - (b) any public announcements made by the party before or during the caretaker period for the election.
- However, the Parliamentary Budget Officer is not required to include any of those policies or public announcements in the list of election commitments prepared by the Parliamentary Budget Officer under subsection (5).
- (7) As soon as practicable after preparing the list of election commitments of a designated Parliamentary party under subsection (5), but not later than 3 days after the end of the caretaker period for the election, the Parliamentary Budget Officer must:
- (a) give the list to the party; and
  - (b) if the party has given the Parliamentary Budget Officer a list of policies under subsection (3) and the Parliamentary Budget Officer's list of election commitments is different from the party's list of policies—give the party a statement explaining the reasons for the difference.

- (8) Within 3 days after a designated Parliamentary party receives the list of election commitments under subsection (7), the party must give the Parliamentary Budget Officer comments on the list.

**64MAA Requirements for post-election report of election commitments**

- (1) The Parliamentary Budget Officer must comply with this section in preparing the post-election report for a general election required by subsection 64MA(1).
- (2) The Parliamentary Budget Officer may, but is not required to, take account of any comments given to the Parliamentary Budget Officer under subsection 64MA(8).
- (3) The post-election report must:
- (a) set out any comments given to the Parliamentary Budget Officer by a designated Parliamentary party under subsection 64MA(8); and
  - (b) if a designated Parliamentary party did not give the Parliamentary Budget Officer any comments under that subsection—include a statement to that effect.
- (4) The post-election report:
- (a) must not include costings of election commitments other than:
    - (i) those in the list prepared by the Parliamentary Budget Officer under subsection 64MA(5); and
    - (ii) those referred to in any comments given to the Parliamentary Budget Officer under subsection 64MA(8); and
  - (b) in relation to each election commitment for which a costing is included in the report:
    - (i) must include an explanation of the reason the Parliamentary Budget Officer decided that the commitment was an election commitment (as defined in section 7) and that a costing of the election commitment should be included in the report; and
    - (ii) must state the source (or sources) of information from which the Parliamentary Budget Officer identified the election commitment.

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- (5) The post-election report does not have to include information that the Parliamentary Budget Officer considers should not be included because:

- (a) it is confidential commercial information; or
- (b) its disclosure in the report could prejudice national security.

Note: The post-election report must not include any information given to the Parliamentary Budget Officer by the Head of a Commonwealth body under subsection 64MB(4), if the Head requested that the information be kept confidential under subsection 64MB(5) (see subsection 64V(4A)).

- (6) If the Parliamentary Budget Officer does not have sufficient information, or has not had sufficient time, to assess the cost of any election commitment, the Parliamentary Budget Officer may reflect this in the post-election report.

### **64MB Post-election report of election commitments— information-gathering**

- (1) If the Parliamentary Budget Officer needs more information about an election commitment of a designated Parliamentary party for the purpose of preparing the post-election report required by subsection 64MA(1), the Parliamentary Budget Officer may ask any of the following for that information:
- (a) an authorised member of the Parliamentary party that made the election commitment;
  - (b) any other person who the Parliamentary Budget Officer believes, on reasonable grounds, has been associated with the calculation, review or announcement of the financial implications of the election commitment.
- (2) To help the Parliamentary Budget Officer to prepare the post-election report, the Parliamentary Budget Officer may request the Head of a Commonwealth body to give information to the Parliamentary Budget Officer.
- (3) The Parliamentary Budget Officer may make a request under subsection (2) during the period beginning at the start of the caretaker period for the election to which the post-election report relates and ending 30 days after the end of the caretaker period.
- (4) If the Head of a Commonwealth body receives a request under subsection (2), the Head must comply with the request in time to

allow the information to be taken into account in preparing the post-election report, unless:

- (a) it is not practicable to do so; or
  - (b) it would be unlawful to do so; or
  - (c) it would require the Head to disclose confidential commercial information; or
  - (d) it would require the Head to disclose information that could prejudice national security.
- (5) If the Head of a Commonwealth body gives information to the Parliamentary Budget Officer in response to a request made under subsection (2), the Head may request that some or all of the information be kept confidential.

Note: For confidentiality obligations relating to requests made under this subsection, see subsections 64V(4A) and (4B).

- (6) As soon as practicable after the end of the caretaker period for the election to which the post-election report relates, the responsible Secretaries must give the Parliamentary Budget Officer any policy costings that have been prepared during the caretaker period under Part 8 of Schedule 1 to the *Charter of Budget Honesty Act 1998*.

(7) If:

- (a) a policy costing is given to the Parliamentary Budget Officer under subsection (6); and
- (b) the policy is an election commitment that is to be included in the post-election report;

the Parliamentary Budget Officer may include the policy costing in the report. The Parliamentary Budget Officer is not required to prepare, but is not prevented from preparing, a new costing of the policy for inclusion in the post-election report.

- (8) Nothing in this section is intended to limit any other power of the Parliamentary Budget Officer to obtain information or documents from a Commonwealth body for the purpose of preparing the post-election report.

Note: The Parliamentary Budget Officer may obtain information or documents from a Commonwealth body in accordance with an arrangement in force under subsection 64F(1).

- (9) Nothing in this section creates rights or duties that are enforceable in judicial or other proceedings.
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**64MC Post-election report of election commitments—public release**

- (1) As soon as practicable after preparing the post-election report required by subsection 64MA(1), but not later than 30 days after the end of the caretaker period for the general election to which the report relates, the Parliamentary Budget Officer must publicly release the report.
- (2) At least 48 hours before publicly releasing the post-election report under subsection (1), the Parliamentary Budget Officer must give each designated Parliamentary party a copy of the part of the report setting out the costings of that party's election commitments and the information required under paragraph 64MA(1)(b) in relation to those election commitments.
- (3) The part of the post-election report given to a designated Parliamentary party under subsection (2) must be accompanied by a notice:
  - (a) informing the designated Parliamentary party that the part of the report given to the party must be kept confidential; and
  - (b) requesting the party to give the Parliamentary Budget Officer any comments in relation to the part of the report as soon as practicable.
- (4) If the Parliamentary Budget Officer is given any comments in relation to the post-election report under paragraph (3)(b), the Parliamentary Budget Officer may, if it is practicable to do so:
  - (a) include the comments in the report; or
  - (b) revise the report to take account of the comments.

**11 Section 64U (note)**

Repeal the note, substitute:

- |       |   |
|-------|---|
| Note: | See also:   |
|       | <ol style="list-style-type: none"><li>(a) subsections 64L(2) and 64LA(2), which require policy costings prepared during a caretaker period for a general election to be publicly released; and</li><li>(b) section 64MC, which requires a post-election report prepared under section 64MA to be publicly released.</li></ol> |

**12 After subsection 64V(4)**

Insert:

- (4A) An entrusted person must not disclose information given to the Parliamentary Budget Officer by the Head of a Commonwealth body under subsection 64KA(3) or 64MB(4) if the Head requested, under subsection 64KA(4) or 64MB(5) (as the case requires), that the information be kept confidential.
- (4B) Subsection (4A) does not prevent an entrusted person from disclosing information referred to in that subsection for the purpose for which the information was obtained, but the information must not be further disclosed.



## **Schedule 2—Other amendments**

### ***Parliamentary Service Act 1999***

#### **1A Paragraph 65A(2)(c)**

Omit “writing; and”, substitute “writing.”.

#### **1B Paragraph 65A(2)(d)**

Repeal the paragraph.

### ***Taxation Administration Act 1953***

#### **1 Subsection 355-65(4) in Schedule 1 (at the end of the table)**

Add:

- |   |   |  |
|---|---|--|
| 9 | the Parliamentary Budget Officer (within the meaning of the <i>Parliamentary Service Act 1999</i> ) | (a) is of information that does not include the name, contact details or *ABN of any entity; and<br>(b) is for the purpose of the Parliamentary Budget Officer performing any of his or her functions, or exercising any of his or her powers, under Part 7 of the <i>Parliamentary Service Act 1999</i> . |
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*[Minister's second reading speech made in—  
House of Representatives on 14 March 2013  
Senate on 17 June 2013]*

*(42/13)*

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*14 Parliamentary Service Amendment (Parliamentary Budget Officer) Act 2013 No.  
102, 2013*