



New South Wales

Parliamentary Budget Officer Amendment Act 2013 No 25

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Parliamentary Budget Officer Amendment Act 2013 No 25

Act No 25, 2013

An Act to amend the *Parliamentary Budget Officer Act 2010* to revise the role of the Parliamentary Budget Officer and to make further provision with respect to the costing of election promises. [Assented to 14 May 2013]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Parliamentary Budget Officer Amendment Act 2013*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Parliamentary Budget Officer Act 2010 No 83

[1] Section 3 Definitions

Omit the definition of *parliamentary leader* from section 3 (1). Insert instead:

parliamentary leader means either of the following:

- (a) the Premier,
- (b) the Leader of the Opposition.

[2] Section 3 (1)

Insert in alphabetical order:

State general election does not include a State general election held following the dissolution of the Legislative Assembly, unless the election is to be held after the due date for the election following the expiry of the Legislative Assembly or within 1 month before that due date.

[3] Section 3 (2)

Omit the subsection.

[4] Section 6 Appointment of Parliamentary Budget Officer

Omit section 6 (1). Insert instead:

- (1) The Presiding Officers are to appoint a person as Parliamentary Budget Officer for each State general election. Each appointment is to take effect on or as soon as practicable after 1 September immediately before the general election is due to be held.

[5] Section 7

Omit the section. Insert instead:

7 Term of office of Parliamentary Budget Officer

- (1) The Parliamentary Budget Officer holds office for the period that is specified in his or her instrument of appointment. The period cannot extend for more than 3 months after the holding of the State general election for which the appointment was made.
- (2) A person appointed as Parliamentary Budget Officer for a State general election may be re-appointed for a subsequent State general election.

[6] Section 9 Vacancy in office of Parliamentary Budget Officer

Omit “and is not re-appointed” from section 9 (1) (b).

[7] Section 9 (3)

Omit the subsection. Insert instead:

- (3) If the office of the Parliamentary Budget Officer becomes vacant before the Officer’s duties with respect to the State general election for which he or she was appointed have been completed, the Presiding Officers are to appoint a person to fill the vacancy for the balance of the predecessor’s term of office.

[8] Section 13 Functions relating to advice etc to members of Parliament

Omit the section.

[9] Section 14 Operational plan

Omit “commencement of this Part and after each State general election” from section 14 (2).

Insert instead “appointment of the Parliamentary Budget Officer”.

[10] Section 15

Omit the section. Insert instead:

15 Role of Public Accounts Committee

- (1) The Public Accounts Committee of the Legislative Assembly may monitor and review the operations of the Parliamentary Budget Officer appointed for a State general election and report to Parliament on any matter relating to that Officer.
- (2) The Parliamentary Budget Officer is to provide to the Public Accounts Committee a copy of the operational plan of the Parliamentary Budget Officer as soon as practicable after it is approved by the Presiding Officers.
- (3) The Parliamentary Budget Officer is required to furnish a report to the Public Accounts Committee as soon as practicable after the holding of the State general election for which he or she was appointed. The report may include recommendations on operational arrangements and activities of the Parliamentary Budget Officer in respect of future general elections.

[11] Section 16 Parliamentary Budget Officer to have access to Government agencies

Omit “or other” from section 16 (1).

[12] Section 17 Confidentiality of information or documents relating to election policy costings

Omit section 17 (1) (b) and (2) (b).

[13] Section 17 (3) (c)

Omit “or other”.

[14] Section 18 Request for election policy costings by parliamentary leaders

Insert before section 18 (1):

(1A) A parliamentary leader has the following obligations:

- (a) a parliamentary leader is to have costed under this Part all the policies of the leader’s party that are proposed to be implemented if the party is elected to Government at the next State general election and that are likely to impact on the current and relevant forward budget estimates,
- (b) a parliamentary leader is to advise the Parliamentary Budget Officer in writing on the fifth last day before the State general election is due to be held that all such policies of the leader’s party have been notified to the Parliamentary Budget Officer.

This subsection does not place an obligation on a parliamentary leader that is enforceable in a court or tribunal.

[15] Section 19

Omit the section. Insert instead:

19 When election policy costings to be requested

- (1) Election costing requests are to be made by a parliamentary leader after the operational plan prepared by the Parliamentary Budget Officer under section 14 has been approved by the Presiding Officers and tabled in each House of Parliament. The requests are to be made in sufficient time before the State general election to enable the parliamentary leader to comply with section 18 (1A).
- (2) For the purposes of subsection (1), an operational plan that is approved by the Presiding Officers during a period when a House of Parliament is not sitting is taken to have been tabled if it has been provided to the Public Accounts Committee under section 15 (2).

[16] Section 23 Budget impact statements for all costed policies

Omit “, during the pre-election period,” from section 23 (1).

[17] Section 23 (2)

Omit “The budget impact statement is also to show the impact of all the costed policies on the State’s net financial liabilities.”.

[18] Section 23 (2A)

Insert after section 23 (2):

- (2A) The budget impact statement is also to show the impact of all the costed policies on the following financial indicators:
- (a) general government sector net operating result, being the difference between expenses and revenues from transactions for the general government sector,
 - (b) general government sector capital expenditure,
 - (c) general government sector net lending/borrowing, being the financing requirement for the general government sector that equals transactions in financial assets less transactions in liabilities,
 - (d) general government sector net financial liabilities, being the financial obligations of the general government sector (including debt, unfunded superannuation liabilities, insurance liabilities and employee related liabilities) less its financial assets (including cash and investments),
 - (e) total state sector net financial liabilities.

[19] Section 23 (3) and (5)

Omit the notes to the subsections.

[20] Section 23 (7)

Insert after section 23 (6):

- (7) The Parliamentary Budget Officer may publicly release revisions to a final budget impact statement following further costings of policies under this Part after the public release of the statement.

[21] Section 29 Regulations

Omit section 29 (2). Insert instead:

- (2) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.

[Second reading speech made in—

Legislative Assembly on 14 March 2013

Legislative Council on 20 March 2013]