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# Charter of Budget Honesty (Election Promises Costing) Amendment Bill 2010

Amendments proposed by Legislative Council on 1 June 2010.

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No. 1 Page 3, Schedule 1, line 4 on page 3 to line 19 on page 6. Omit all the words on those lines. Insert instead:

**[1] Long title**

Omit “the Treasury”.

Insert instead “an independent financial consultant”.

**[2] Section 3 Definitions**

Omit “Secretary of the Treasury” from the definition of *costing request* in section 3 (1).

Insert instead “independent financial consultant”.

**[3] Section 3 (1)**

Omit the definition of *Treasury costing*. Insert instead in alphabetical order:

*Auditor-General review* means a review conducted by the Auditor-General under Part 3A.

*budget impact statement* means a budget impact statement for all costed Government policies, or all costed Opposition policies, that is prepared by the independent financial consultant under section 12.

*independent election costing* means a costing, under Part 3 by the independent financial consultant, of a publicly announced or proposed policy.

**Note.** Proposed independent election costings and budget impact statements are required to be reviewed by the Auditor-General under Part 3A.

*independent financial consultant* —see section 5A.

**[4] Sections 3 (2), 5 (1) and (2), 8 (1), 9, 10, 11 (2), 12 (1) and (3)–(5), 13, 15 and 16**

Omit “Secretary of the Treasury” wherever occurring.

Insert instead “independent financial consultant”.

**[5] Part 2, heading**

Omit the heading. Insert instead:

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## Part 2 Requests for independent election costings

**[6] Section 5A**

Insert before section 5:

**5A Auditor-General to engage independent financial consultant to prepare costings**

- (1) The Auditor-General is to engage a person or body to prepare independent election costings and budget impact statements (the *independent financial consultant*).
- (2) The independent financial consultant is to be a person or body with financial expertise.
- (3) The independent financial consultant must not be a public authority, a public official or an official of a political party.

**[7] Section 6 Period during which costing may be requested**

Omit “during the period of 60 days before a State election”.

Insert instead “during the period before a State election commencing on the day on which the latest State budget before the election is presented to Parliament”.

**[8] Section 6, note**

Omit the note.

**[9] Sections 8 (2) and 11 (1)**

Omit “Treasury costing” wherever occurring.

Insert instead “independent election costing”.

**[10] Sections 8, note, 9 (2)–(4), 10 (2) and 11**

Omit “Secretary” wherever occurring. Insert instead “consultant”.

**[11] Sections 8, note, 10, 14 (3) (c) and 16**

Omit “a Treasury costing”.

Insert instead “an independent election costing”.

**[12] Sections 8, note and 12 (1), (2) and (4)**

Omit “Treasury costed policies”. Insert instead “costed policies”.

**[13] Part 3, heading**

Omit the heading. Insert instead:

## Part 3 Independent election costings

**[14] Section 9 Independent election costings**

Insert at the end of section 9 (1) (b):

- , and
- (c) provide the Auditor-General’s report of the review of the costing to the Premier or to the Leader of the Opposition (as the case requires).

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**[15] Sections 10, 11 (2) and 15**

Omit “Treasury costings” wherever occurring.

Insert instead “independent election costings”.

**[16] Section 11 Public release of independent election costings by independent financial consultant**

Omit section 11 (1). Insert instead:

- (1) The independent financial consultant is required to publicly release a costing request and the Treasury costing for the policy, and the Auditor-General’s report of the review of the costing, when the Premier or the Leader of the Opposition (as the case requires) notifies the Secretary that the policy has been publicly announced.

**[17] Section 12 Budget impact statements for all costed policies**

Omit the note to section 12 (3). Insert instead:

**Note.** For the purposes of the general election due to be held on 26 March 2011, the draft statements are to be provided on 11 March 2011.

**[18] Section 12 (5) (b)**

Insert “, and the Auditor-General’s report of the review of the statements,” after “budget impact statements”.

**[19] Section 12 (5)**

Omit the note to the subsection. Insert instead:

**Note 1.** For the purposes of the general election due to be held on 26 March 2011, the final statements are to be released on 21 March 2011.

**Note 2.** Under section 12A, the Auditor-General must review independent election costings and budget impact statements and provide a report of the review to the independent financial consultant for inclusion in the budget impact statements.

**[20] Part 3A**

Insert after Part 3:

**Part 3A Auditor-General review of independent election costings**

**12A Review of independent election costings and budget impact statements by Auditor-General**

- (1) The Auditor-General is to review independent election costings and budget impact statements.
- (2) The Auditor-General is to prepare reports of the reviews of independent election costings and budget impact statements.
- (3) The Auditor-General is to provide to the independent financial consultant:
  - (a) a copy of any report of a review of an independent election costing, and
  - (b) a copy of the report of the review of the budget impact statements,

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for the purposes of the public release of the costing or statements by the independent financial consultant.

- (4) If the Auditor-General's report on the review of the budget impact statements is not available by the time the budget impact statements are required under this Act to be publicly released, the Auditor-General is to publicly release the report as soon as practicable before the State election.

**12B Information to be made available to Auditor-General**

- (1) The independent financial consultant is to provide the Auditor-General with all costing requests and proposed independent election costings.
- (2) The independent financial consultant is to ensure that the Auditor-General has access to such other information as may be necessary to enable the Auditor-General to conduct a review required under this Part.
- (3) If the Auditor-General needs more information about a policy for the purpose of a review, the independent financial consultant is to ask the Premier or the Leader of the Opposition (as the case requires) to provide that information in writing to the independent financial consultant.

**[21] Section 14 Confidentiality of information or documents relating to independent election costings**

Omit section 14 (1) (a) and (b). Insert instead:

- (a) information or documents provided to a relevant official by the Premier or the Leader of the Opposition (or on their behalf) for the purposes of an independent election costing or an Auditor-General review under this Act,
- (b) information or documents prepared by a relevant official for the purposes of any such costing or an Auditor-General review.

**[22] Section 14 (2)**

Omit "The Secretary of the Treasury or other member of staff of the Treasury".

Insert instead "A relevant official".

**[23] Section 14 (2) (c)**

Omit "a member of staff of the Treasury".

Insert instead "another relevant official".

**[24] Section 14 (3) (a)**

Omit the paragraph. Insert instead:

- (a) if the information or document relates to an independent election costing or costing request that the independent financial consultant is authorised or required to publicly release by this Act, or

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**[25] Section 14 (4)**

Insert after section 14 (3):

- (4) In this section, a *relevant official* means:
- (a) the Auditor-General, and
  - (b) an independent financial consultant, and
  - (c) a member of the staff of the Auditor-General or the consultant.

**[26] Section 14A**

Insert after section 14:

**14A Access to Treasury**

- (1) The Premier is to make arrangements for the Leader of the Opposition and the independent financial consultant to be given access to the Secretary of the Treasury or other member of staff of the Treasury for the purposes of discussing the costing of publicly announced or proposed policies.
- (2) The Secretary of the Treasury or a member of staff of the Treasury must not disclose any information or document provided to, or prepared by, the Secretary or staff member for the purposes of such discussions except:
  - (a) in the case of discussions with the Leader of the Opposition—to the Leader of the Opposition or to a person authorised by the Leader of the Opposition, or
  - (b) in the case of discussion with the independent financial consultant—to the independent financial consultant, or
  - (c) in any other case—to a member of staff of the Treasury.

Maximum penalty: 50 penalty units.

**[27] Section 16 Revision of costings and statements to correct any errors**

Insert “(including any error identified in an Auditor-General review)” after “error”.

No. 2 Long title. Omit “Treasury costings”. Insert instead “independent election costings”.