



New South Wales

Parliamentary Budget Officer Amendment Bill 2019

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Parliamentary Budget Officer Act 2010* in relation to the office and functions of the Parliamentary Budget Officer (**PBO**), including:

- (a) providing for the office of PBO to continue on an ongoing basis throughout successive terms of Parliament, rather than being limited to the periods immediately preceding and following a State general election, and
- (b) authorising the PBO, at the request of a member of Parliament at any time during a term of Parliament, to prepare costings of policies proposed by the member and provide analysis, advice or briefings of a technical nature on financial, fiscal and economic matters, and
- (c) enabling the parliamentary leaders of any registered party and independent members of Parliament to request the preparation of election policy costings by the PBO, and
- (d) requiring the PBO to prepare and give to the Public Accounts Committee of the Legislative Assembly an annual report relating to the activities of the PBO in the preceding year, and
- (e) extending the period to which each operational plan of the PBO is required to relate (from the periods immediately preceding and following a State general election) to an entire term of Parliament.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on 1 July 2019 or the date of assent to the proposed Act, whichever is later.

Schedule 1 amends the *Parliamentary Budget Officer Act 2010* in the manner described in the above overview.



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New South Wales

Parliamentary Budget Officer Amendment Bill 2019

No. , 2019

A Bill for

An Act to amend the *Parliamentary Budget Officer Act 2010* to make further provision for and with respect to the office and functions of the Parliamentary Budget Officer.

The Legislature of New South Wales enacts:

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1 Name of Act

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This Act is the *Parliamentary Budget Officer Amendment Act 2019*.

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2 Commencement

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This Act commences on 1 July 2019 or the date of assent to this Act, whichever is later.

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Schedule 1	Amendment of Parliamentary Budget Officer Act 2010 No 83	1
		2
[1] Long title		3
	Insert “and proposed policies” after “promises”.	4
[2] Section 3 Definitions		5
	Omit the definition of <i>parliamentary leader</i> from section 3 (1). Insert instead:	6
	<i>parliamentary leader</i> means any of the following:	7
	(a) the Premier,	8
	(b) the Leader of the Opposition,	9
	(c) a member of Parliament who is the recognised parliamentary leader of a registered party (other than a party, and any coalition party, whose parliamentary leader is the Premier or Leader of the Opposition),	10 11 12
	(d) a member of Parliament who was not an endorsed candidate of any registered party when last elected to Parliament and who is not being endorsed by any registered party for the next State general election.	13 14 15
[3] Section 3 (1), definitions of “pre-election budget update statement”, “pre-election half-yearly budget review” and “State general election”		16 17
	Omit the definitions.	18
[4] Section 3A		19
	Insert after section 3:	20
	3A Minor parties	21
	(1) If a registered party that is represented in Parliament by 2 or more members of Parliament does not have a recognised parliamentary leader, one of those members who is nominated by the other member or members has the functions of the recognised parliamentary leader of that registered party for the purposes of this Act only.	22 23 24 25 26
	(2) A nomination is to be made by notice in writing to the Parliamentary Budget Officer.	27 28
[5] Section 6 Appointment of Parliamentary Budget Officer		29
	Omit section 6 (1). Insert instead:	30
	(1) The Presiding Officers are to appoint a person as Parliamentary Budget Officer.	31 32
[6] Section 7		33
	Omit the section. Insert instead:	34
	7 Term of office of Parliamentary Budget Officer	35
	(1) The Parliamentary Budget Officer holds office for the period of not less than 4 years and not greater than 9 years that is specified in the Officer’s instrument of appointment.	36 37 38
	(2) The Parliamentary Budget Officer is eligible (if otherwise qualified) to be re-appointed.	39 40

(3)	A person cannot hold office as Parliamentary Budget Officer for a total period of more than 9 years.	1 2
[7]	Section 9 Vacancy in office of Parliamentary Budget Officer	3
	Insert “and is not re-appointed” after “office” in section 9 (1) (b).	4
[8]	Section 9 (3)	5
	Omit the subsection. Insert instead:	6
(3)	If the office of the Parliamentary Budget Officer becomes vacant, a person is, subject to this Act, required to be appointed to fill the vacancy.	7 8
[9]	Section 13	9
	Insert after section 12:	10
13	Functions relating to advice etc to members of Parliament	11
(1)	The Parliamentary Budget Officer may, at the request of any member of Parliament:	12 13
(a)	prepare a costing of a proposed policy of the member of Parliament, and	14
(b)	provide any analysis, advice or briefing of a technical nature on financial, fiscal and economic matters (including in relation to the costing of proposals included in the State budget).	15 16 17
(2)	The Parliamentary Budget Officer is to inform a member of Parliament who makes a request under this section if the Officer is unable to provide the costing or information requested and provide the reasons why the costing or information cannot be provided.	18 19 20 21
(3)	If the Parliamentary Budget Officer needs more information for the purpose of responding to a request under this section, the Officer may ask the member of Parliament who made the request to provide that information in writing.	22 23 24
(4)	The functions of the Parliamentary Budget Officer under this section do not extend to:	25 26
(a)	providing any analysis, advice or briefing to committees of Parliament, or	27 28
(b)	developing policy proposals on behalf of members of Parliament.	29
[10]	Section 14 Operational plan	30
	Omit “appointment of the Parliamentary Budget Officer” from section 14 (2).	31
	Insert instead “commencement of the <i>Parliamentary Budget Officer Amendment Act 2019</i> and not later than 2 months after each State general election”.	32 33
[11]	Section 14 (3)	34
	Omit “not later than 1 month after the appointment of the Parliamentary Budget Officer”.	35
[12]	Section 15 Role of Public Accounts Committee	36
	Omit “appointed for a State general election” from section 15 (1).	37
[13]	Section 15 (3)	38
	Omit the subsection.	39

[14] Section 15A	1
Insert after section 15:	2
15A Annual report to Public Accounts Committee	3
(1) Within 4 months after 30 June in each year, the Parliamentary Budget Officer must prepare and give to the Public Accounts Committee of the Legislative Assembly a report relating to the activities of the Parliamentary Budget Officer during the year ended on that 30 June.	4 5 6 7
(2) The report may include recommendations in respect of the operational arrangements and future activities of the Parliamentary Budget Officer.	8 9
[15] Section 16 Parliamentary Budget Officer to have access to Government agencies	10
Insert “or other proposed” after “election” in section 16 (1).	11
[16] Section 16 (2)	12
Omit the subsection. Instead instead:	13
(2) The head of the Government agency must respond to such a request within 10 business days or such other period as is agreed between the head of the agency and the Parliamentary Budget Officer.	14 15 16
[17] Section 16 (3A)	17
Omit “a request”. Insert instead “an election costing request”.	18
[18] Section 16 (4) (b)	19
Insert “in the case of an election costing request—” before “to the Secretary”.	20
[19] Section 17 Confidentiality of information or documents relating to election policy costings	21 22
Insert after section 17 (1) (a):	23
(b) information or documents provided to the Parliamentary Budget Officer by a member of Parliament (or on his or her behalf) for the purposes of a costing under this Part of any proposed policy of the member,	24 25 26
[20] Section 17 (2) (b)	27
Insert after section 17 (2) (a):	28
(b) in the case of any other costing request by a member of Parliament—to that member, or	29 30
[21] Section 17 (3) (c)	31
Insert “or other” after “policy”.	32
[22] Part 4, Division 1A	33
Insert before Division 1:	34
Division 1A Preliminary	35
17A Application of Part	36
This Part does not apply to a State general election held following the dissolution of the Legislative Assembly, unless the election is to be held after	37 38

the due date for the election following the expiry of the Legislative Assembly or within 1 month before that due date.	1 2
17B Definitions	3
In this Part:	4
<i>pre-election budget update statement</i> means the pre-election budget update statement prepared under section 24.	5 6
<i>pre-election half-yearly budget review</i> means the last half-yearly review publicly released by the Treasurer before a State general election under section 8 (3) of the <i>Public Finance and Audit Act 1983</i> or section 7.16 of the <i>Government Sector Finance Act 2018</i> .	7 8 9 10
[23] Section 19	11
Omit the section. Insert instead:	12
19 Election policy costings may be requested during pre-election period	13
An election costing request may be made during the period commencing on the day on which the last State budget before a State general election is presented to Parliament and ending on the day before the State general election is due to be held.	14 15 16 17