

## Parliamentary Budget Officer Bill 2018

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**Defined terms**

Western Australia

LEGISLATIVE ASSEMBLY

*(Introduced by Hon. Dr Michael Nahan, MLA)*

**Parliamentary Budget Officer Bill 2018**

**A Bill for**

**An Act to —**

- **provide for policy costing and advisory services for members of Parliament; and**
- **provide for the appointment and functions of a Parliamentary Budget Officer; and**
- **establish a Parliamentary Budget Office; and**
- **provide for related matters; and**
- **make consequential amendments to other Acts.**

The Parliament of Western Australia enacts as follows:

**Part 1 — Preliminary**

**1. Short title**

This is the *Parliamentary Budget Officer Act 2018*.

**2. Commencement**

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

**3. Objects of Act**

The objects of this Act are —

- (a) for members of Parliament to be provided with ongoing, authoritative, independent and credible policy costings and advisory services; and
- (b) for those policy costings and advisory services to be delivered in a timely, relevant and readily understandable manner; and
- (c) to inform policy development and public debate in Parliament and the Western Australian community.

**4. Terms used**

- (1) In this Act, unless the contrary intention appears —

**agency** has the meaning given in the *Public Sector Management Act 1994* section 3(1);

**annual appropriation Bill** means a Bill which deals only with the annual appropriation of the Consolidated Account for the ordinary annual services of the Government for a particular year only but does not include a Bill to appropriate money for appropriations for or relating to Parliament;

**business day** means a day that is not —

- (a) a Saturday or Sunday; or
- (b) a public holiday in the metropolitan region (as defined in the *Planning and Development Act 2005*);

**election costing period** means —

- (a) the period beginning on the moving of the second reading of the annual appropriation Bill in a year immediately preceding an election year and ending at 5 p.m. on the Thursday immediately preceding the date of the general election in the election year; or
- (b) if, before the moving of the second reading of the annual appropriation Bill in a year preceding an election year, the Legislative Assembly is dissolved, the period beginning on that dissolution and ending at 5 p.m. on the Thursday immediately preceding the resulting general election;

**election policy costing** means a costing prepared by the Parliamentary Budget Officer under section 7;

**election policy costing request** means a request submitted under section 6 to the Parliamentary Budget Officer for the preparation of an election policy costing;

**election year** has the meaning given in the *Electoral Act 1907* section 4(1);

**Estimates and Financial Operations Committee** has the meaning given in the *Auditor General Act 2006* section 4(1);

**general election** means a general election for the Legislative Assembly, as defined in paragraph (a) of the definition of **general election** in the *Electoral Act 1907* section 4(1);

**ordinary annual services** includes —

- (a) the construction or acquisition of public works, land or buildings; and

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- 1 (b) the construction or acquisition of plant or equipment  
2 which normally would be regarded as involving an  
3 expenditure of capital; and
- 4 (c) services proposed to be provided by the Government  
5 which have not formerly been provided by the  
6 Government;
- 7 **Parliamentary Budget Office** means the Parliamentary Budget  
8 Office established by section 58;
- 9 **Parliamentary Budget Officer** means the person appointed  
10 under section 28(1);
- 11 **parliamentary leader** means any of the following —
- 12 (a) the Premier;
- 13 (b) the Leader of the Opposition in the Legislative  
14 Assembly;
- 15 (c) a member of Parliament who is the recognised  
16 parliamentary leader of a registered political party (other  
17 than a party led by the Premier or by the Leader of the  
18 Opposition in the Legislative Assembly);
- 19 (d) a member of Parliament who —
- 20 (i) is not a member of a registered political party  
21 that has a recognised parliamentary leader; and
- 22 (ii) has not publicly stated an intention not to contest  
23 the next general election in relation to the  
24 Legislative Council and the Legislative  
25 Assembly;
- 26 **PBO officer** means —
- 27 (a) the Parliamentary Budget Officer; or
- 28 (b) a member of staff referred to in section 39; or
- 29 (c) an officer or employee whose services are used under  
30 section 40; or
- 31 (d) a consultant referred to in section 41;
- 32 **PBO protocols** means protocols prepared under section 47;



*policy costing* means —

(a) an election policy costing; or

(b) a policy costing prepared under section 19;

*post-election report* means a report prepared under section 14;

*pre-election report* means a report prepared under section 11;

*protected information* means information acquired by reason of, or in the course of, the performance of duties or exercise of powers under this Act;

*registered political party* has the meaning given in the *Electoral Act 1907* section 62C.

(2) If this Act refers to something as material, its materiality is to be determined in accordance with the Parliamentary Budget Officer's best professional judgment.

(3) A reference in this Act to a member of Parliament includes, during the period that the Legislative Assembly has expired or is dissolved, a reference to a person who was a member of Parliament immediately before that expiry or dissolution.

## **5. Public release of documents and information**

For the purposes of this Act, the Parliamentary Budget Officer publicly releases a document or other information by publishing it —

(a) on a website maintained by the Parliamentary Budget Officer; or

(b) in any other way the Parliamentary Budget Officer considers appropriate.

**Part 2 — Policy costings and other functions of  
Parliamentary Budget Officer**

**Division 1 — Election policy costings, pre-election and  
post-election reports**

**6. Parliamentary leader may request election policy costing**

- (1) At any time after the start of an election costing period and before 5 p.m. on the Wednesday immediately preceding the date of the general election, a parliamentary leader may, in accordance with the PBO protocols, request the Parliamentary Budget Officer to prepare a costing of a policy.
- (2) The parliamentary leader may include in the request any information that the leader thinks relevant to assist the Parliamentary Budget Officer to prepare a costing of the policy.
- (3) A parliamentary leader, by giving written notice to the Parliamentary Budget Officer, may withdraw an election policy costing request at any time before the Officer publicly releases the election policy costing under section 10.
- (4) After receiving a notice under subsection (3), the Parliamentary Budget Officer —
  - (a) must stop preparing the election policy costing; and
  - (b) must, if the Officer requested any person (other than the parliamentary leader who requested the costing) to provide information or a document relevant to the request, inform that person as soon as practicable that the information or document is no longer required.
- (5) Subsection (4)(b) does not apply if the information or document is also relevant to another current election policy costing request.

- 1     **7.     Parliamentary Budget Officer must prepare election policy**  
2     **costing**
- 3         (1) Subject to section 9(1) and (2), after receiving an election policy  
4             costing request, the Parliamentary Budget Officer must, in  
5             accordance with the PBO protocols —
- 6                 (a) prepare a costing of the policy; and  
7                 (b) provide the costing to the parliamentary leader who  
8                     requested the costing.
- 9         (2) In preparing an election policy costing, the Parliamentary  
10             Budget Officer must —
- 11                 (a) use the financial information and economic and other  
12                     assumptions contained in the Government Mid-year  
13                     Financial Projections Statement most recently released  
14                     under the *Government Financial Responsibility*  
15                     *Act 2000* section 13; and
- 16                 (b) have regard to any information provided by the  
17                     parliamentary leader under section 6(2) or in accordance  
18                     with a request under subsection (3).
- 19         (3) If the Parliamentary Budget Officer needs more information for  
20             the purpose of preparing an election policy costing, the Officer  
21             may request in writing the parliamentary leader who made the  
22             election policy costing request to provide that information.
- 23     **8.     Content of election policy costing**
- 24         An election policy costing —
- 25             (a) must summarise the policy to which it relates; and  
26             (b) must summarise the information that —
- 27                         (i) was provided by the parliamentary leader under  
28                             section 6(2) or in accordance with a request  
29                             under section 7(3); and
- 30                         (ii) is materially relevant to the costing;  
31                     and

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- 1 (c) must set out the material net financial impact of the  
2 policy on the financial projections included in the  
3 Government Mid-year Financial Projections Statement  
4 most recently released under the *Government Financial*  
5 *Responsibility Act 2000* section 13; and
- 6 (d) must disclose any circumstances in which the  
7 Parliamentary Budget Officer has exercised a judgment  
8 that would have a material impact on the costing; and
- 9 (e) may contain any other explanatory information the  
10 Parliamentary Budget Officer considers appropriate,  
11 other than any information referred to in paragraph (f);  
12 and
- 13 (f) must not include any information —
- 14 (i) referred to in section 42(2); or
- 15 (ii) contained in a document referred to in  
16 section 42(2); or
- 17 (iii) that is an excerpt from information or a  
18 document that a chief executive officer advised,  
19 under section 48(4) or 49(6), is subject to  
20 Cabinet confidentiality; or
- 21 (iv) that states or implies that, in preparing the  
22 election policy costing, the Parliamentary Budget  
23 Officer used either a document that is an exempt  
24 document under the *Freedom of Information*  
25 *Act 1992* because it contains matter that is  
26 exempt matter under Schedule 1 clause 1 of that  
27 Act or information that, if it were in the form of a  
28 document, would be an exempt document under  
29 the *Freedom of Information Act 1992* because it  
30 contains matter that is exempt matter under  
31 Schedule 1 clause 1 of that Act.

32 **9. When election policy costing will be stopped or refused**

- 33 (1) If the Parliamentary Budget Officer neither has nor expects to  
34 have sufficient time or information to prepare an election policy

- 1           costing before the end of the election costing period, the  
2           Officer —
- 3           (a) must stop preparing the costing; and
- 4           (b) must, as soon as practicable —
- 5               (i) inform the parliamentary leader who requested  
6               the costing that the Officer has stopped preparing  
7               the costing because of insufficient time or  
8               information (as the case requires); and
- 9               (ii) if the Officer requested any person (other than  
10              the parliamentary leader who requested the  
11              costing) to provide information or a document  
12              relevant to the request, inform that person that  
13              the information or document is no longer  
14              required.
- 15       (2) If the policy for which the costing is requested has already been  
16       costed in the Government Mid-year Financial Projections  
17       Statement most recently released under the *Government*  
18       *Financial Responsibility Act 2000* section 13, the Parliamentary  
19       Budget Officer —
- 20       (a) must not prepare the costing; and
- 21       (b) must, as soon as practicable —
- 22               (i) inform the parliamentary leader who requested  
23               the costing that the policy has already been  
24               costed; and
- 25               (ii) must, if the Officer requested any person (other  
26               than the parliamentary leader who requested the  
27               election policy costing) to provide information or  
28               a document relevant to the request, inform that  
29               person that the information or document is no  
30               longer required.
- 31       (3) Subsections (1)(b)(ii) and (2)(b)(ii) do not apply if the  
32       information or document is also relevant to another current  
33       election policy costing request.

- 1 **10. Public release of election policy costing or statement of**  
2 **insufficiency**
- 3 (1) A parliamentary leader who has received an election policy  
4 costing from the Parliamentary Budget Officer may request the  
5 Officer to publicly release the costing.
- 6 (2) A parliamentary leader who has been informed that the  
7 Parliamentary Budget Officer has stopped preparing an election  
8 policy costing because of insufficient time or information may  
9 request the Officer to publicly release a statement explaining  
10 that decision.
- 11 (3) The Parliamentary Budget Officer must comply with a request  
12 under subsection (1) or (2) as soon as practicable after receiving  
13 it.
- 14 **11. Pre-election reports on costed policies**
- 15 (1) A parliamentary leader who has requested the Parliamentary  
16 Budget Officer to prepare an election policy costing for more  
17 than one policy during an election costing period may, in  
18 accordance with the PBO protocols, request the Officer to  
19 prepare a pre-election report.
- 20 (2) The parliamentary leader must specify in a request under  
21 subsection (1) which of the leader's policies are to be covered in  
22 the pre-election report.
- 23 (3) Subject to subsection (6), on a request under subsection (1), the  
24 Parliamentary Budget Officer must, in accordance with the PBO  
25 protocols —
- 26 (a) prepare a pre-election report; and  
27 (b) provide the pre-election report to the parliamentary  
28 leader who requested the report.

- 1 (4) In preparing a pre-election report, the Parliamentary Budget  
2 Officer must —
- 3 (a) use the financial information and economic and other  
4 assumptions contained in the Government Mid-year  
5 Financial Projections Statement most recently released  
6 under the *Government Financial Responsibility*  
7 *Act 2000* section 13; and
- 8 (b) have regard to any information provided by the  
9 parliamentary leader in accordance with a request under  
10 subsection (5).
- 11 (5) If the Parliamentary Budget Officer needs more information for  
12 the purpose of preparing a pre-election report, the Officer may  
13 request in writing the parliamentary leader who requested the  
14 report to provide that information.
- 15 (6) If the Parliamentary Budget Officer neither has nor expects to  
16 have sufficient time or information to prepare a pre-election  
17 report before the end of the election costing period, the  
18 Officer —
- 19 (a) must stop preparing the report; and
- 20 (b) must, as soon as practicable, inform the parliamentary  
21 leader who requested the report that the Officer has  
22 stopped preparing the report because of insufficient time  
23 or information (as the case requires).

24 **12. Content of pre-election report**

25 A pre-election report —

- 26 (a) must list the policies covered by the report; and
- 27 (b) must summarise the information that —
- 28 (i) was provided by the parliamentary leader in  
29 accordance with a request under section 11(5);  
30 and
- 31 (ii) is materially relevant to the pre-election report;  
32 and

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- 1 (c) must set out the impact of those policies on the financial  
2 projections included in the Government Mid-year  
3 Financial Projections Statement most recently released  
4 under the *Government Financial Responsibility*  
5 *Act 2000* section 13 by—
- 6 (i) summarising the material net financial impact of  
7 each policy on the financial projections; and
- 8 (ii) specifying the material net aggregate financial  
9 impact of all the policies on the financial  
10 projections;
- 11 and
- 12 (d) must disclose any existing costing that is accepted and  
13 relied on pursuant to section 11(4)(b); and
- 14 (e) must disclose any circumstances in which the  
15 Parliamentary Budget Officer has exercised a judgment  
16 that would have a material impact on the pre-election  
17 report; and
- 18 (f) may contain any other explanatory information the  
19 Parliamentary Budget Officer considers appropriate,  
20 other than any information referred to in paragraph (g);  
21 and
- 22 (g) must not include any information —
- 23 (i) referred to in section 42(2); or
- 24 (ii) contained in a document referred to in  
25 section 42(2); or
- 26 (iii) that is an excerpt from information or a  
27 document that a chief executive officer advised,  
28 under section 48(4) or 49(6), is subject to  
29 Cabinet confidentiality; or
- 30 (iv) that states or implies that, in preparing the  
31 pre-election report, the Parliamentary Budget  
32 Officer used either a document that is an exempt  
33 document under the *Freedom of Information*  
34 *Act 1992* because it contains matter that is



1 exempt matter under Schedule 1 clause 1 of that  
2 Act or information that, if it were in the form of a  
3 document, would be an exempt document under  
4 the *Freedom of Information Act 1992* because it  
5 contains matter that is exempt matter under  
6 Schedule 1 clause 1 of that Act.

7 **13. Public release of pre-election report or statement of**  
8 **insufficiency**

- 9 (1) A parliamentary leader who has received a pre-election report  
10 from the Parliamentary Budget Officer may request the Officer  
11 to publicly release the report.
- 12 (2) A parliamentary leader who has been informed that the  
13 Parliamentary Budget Officer has stopped preparing the  
14 pre-election report because of insufficient time or information  
15 may request the Officer to publicly release a statement  
16 explaining that decision.
- 17 (3) Subject to subsection (4), the Parliamentary Budget Officer  
18 must comply with a request under subsection (1) or (2) as soon  
19 as practicable after receiving it.
- 20 (4) The Parliamentary Budget Officer must not publicly release a  
21 pre-election report, or a statement referred to in subsection (2),  
22 after the end of the election costing period to which the report or  
23 statement relates.

24 **14. Post-election reports**

- 25 (1) The Parliamentary Budget Officer must, in accordance with the  
26 PBO protocols, prepare a post-election report on the policies of  
27 each parliamentary leader that were publicly announced before  
28 the date of the general election, whether or not those policies  
29 were the subject of an election policy costing request.
- 30 (2) In preparing a post-election report, the Parliamentary Budget  
31 Officer must use the financial information and economic and  
32 other assumptions contained in the Government Mid-year

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1 Financial Projections Statement most recently released under  
2 the *Government Financial Responsibility Act 2000* section 13.

3 (3) If a post-election report would not differ materially from a  
4 pre-election report publicly released under section 13, the  
5 Parliamentary Budget Officer may prepare a statement to that  
6 effect, stating where the pre-election report is available, instead  
7 of preparing a post-election report.

8 (4) The Parliamentary Budget Officer must publicly release each  
9 post-election report or each statement under subsection (3)  
10 within 2 months after the date of the general election.

11 **15. Content of post-election report**

12 A post-election report —

13 (a) must list the policies covered by the report; and  
14 (b) must set out the impact of those policies on the financial  
15 projections included in the Government Mid-year  
16 Financial Projections Statement most recently released  
17 under the *Government Financial Responsibility*  
18 *Act 2000* section 13 by —

19 (i) summarising the material net financial impact of  
20 each policy on the financial projections; and

21 (ii) specifying the material net aggregate financial  
22 impact of all the policies on the financial  
23 projections;

24 and

25 (c) must disclose any circumstances in which the  
26 Parliamentary Budget Officer has exercised a judgment  
27 that would have a material impact on the post-election  
28 report; and

29 (d) may contain any other explanatory information the  
30 Parliamentary Budget Officer considers appropriate,  
31 other than any information referred to in paragraph (e);  
32 and

- 1                   (e) must not include any information —
- 2                         (i) referred to in section 42(2); or
- 3                         (ii) contained in a document referred to in
- 4                                 section 42(2); or
- 5                         (iii) that is an excerpt from information or a
- 6                                 document that a chief executive officer advised,
- 7                                 under section 48(4) or 49(6), is subject to
- 8                                 Cabinet confidentiality; or
- 9                         (iv) that states or implies that, in preparing the
- 10                                 post-election report, the Parliamentary Budget
- 11                                 Officer used either a document that is an exempt
- 12                                 document under the *Freedom of Information*
- 13                                 *Act 1992* because it contains matter that is
- 14                                 exempt matter under Schedule 1 clause 1 of that
- 15                                 Act or information that, if it were in the form of a
- 16                                 document, would be an exempt document under
- 17                                 the *Freedom of Information Act 1992* because it
- 18                                 contains matter that is exempt matter under
- 19                                 Schedule 1 clause 1 of that Act.

20   **16.     Nominee may act for parliamentary leader**

- 21         (1) A parliamentary leader may nominate another person to perform
- 22             a function or exercise any power under this Act on the leader's
- 23             behalf.
- 24         (2) A nomination under subsection (1) must be —
- 25             (a) in writing; and
- 26             (b) given to the Parliamentary Budget Officer.
- 27         (3) A nomination under subsection (1) may include any of the
- 28             following conditions —
- 29             (a) a condition that the nominee may only perform a
- 30                 specified function or exercise a specified power;

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- 1 (b) a condition that the nominee may only perform a  
2 function or exercise a power in relation to a specified  
3 policy or matter.
- 4 (4) A parliamentary leader may make more than one nomination  
5 under subsection (1).
- 6 **17. Functions under this Division to be prioritised above other**  
7 **functions**
- 8 (1) During an election costing period, the Parliamentary Budget  
9 Officer must prioritise the exercise of functions under this  
10 Division above the exercise of functions under sections 19  
11 and 22.
- 12 (2) For the purpose of prioritising the exercise of functions under  
13 this Division during an election costing period, the  
14 Parliamentary Budget Officer may decide to—
- 15 (a) defer the exercise of a function under section 19 or 22;  
16 or
- 17 (b) decline to exercise a function under section 19 or 22.
- 18 (3) If the Parliamentary Budget Officer decides under  
19 subsection (2) to defer the exercise of a function under  
20 section 19 or 22, the Officer must inform the member of  
21 Parliament who requested the exercise of that function as soon  
22 as practicable.
- 23 (4) If the Parliamentary Budget Officer decides under  
24 subsection (2) to decline to prepare a policy costing under  
25 section 19, the Officer must, as soon as practicable —
- 26 (a) inform the member of Parliament who requested the  
27 costing that the Officer will not prepare the costing  
28 because the exercise of functions under this Division  
29 must be prioritised; and
- 30 (b) if the Officer requested any person (other than the  
31 member of Parliament who requested the election policy  
32 costing) to provide information or a document relevant

1                   to the request, inform that person that the information or  
2                   document is no longer required.

3       (5)   Subsection (4)(b) does not apply if the information or document  
4           is also relevant to another current policy costing request.

5       (6)   If the Parliamentary Budget Officer decides under  
6           subsection (2) to decline to provide analysis, advice or a  
7           briefing requested by a member of Parliament under section 22,  
8           the Officer must, as soon as practicable, inform the member of  
9           Parliament that the analysis, advice or briefing will not be  
10          provided because the exercise of functions under this Division  
11          must be prioritised.

12                                   **Division 2 — Other policy costings**

13   **18.       Requests by members of Parliament for policy costings**

14       (1)   A member of Parliament may, in accordance with the PBO  
15           protocols, request the Parliamentary Budget Officer to prepare a  
16           costing of a policy or a proposed policy.

17       (2)   The member of Parliament may include in the request any  
18           information that the member thinks relevant to assist the  
19           Parliamentary Budget Officer to prepare a costing of the policy.

20       (3)   A member of Parliament, by giving written notice to the  
21           Parliamentary Budget Officer, may withdraw a request for a  
22           costing of a policy at any time before the Officer publicly  
23           releases the costing.

24       (4)   After receiving a notice under subsection (3), the Parliamentary  
25           Budget Officer —

- 26           (a)   must stop preparing the costing; and  
27           (b)   must, if the Officer requested any person (other than the  
28               member of Parliament who requested the costing) to  
29               provide information or a document relevant to the  
30               request, inform that person as soon as practicable that  
31               the information or document is no longer required.

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- 1 (5) Subsection (4)(b) does not apply if the information or document  
2 is also relevant to another current request for a policy costing.

3 **19. Parliamentary Budget Officer to prepare policy costings**

- 4 (1) Subject to section 17 and subsections (4) and (5), after receiving  
5 a request under section 18 for a costing, the Parliamentary  
6 Budget Officer must, in accordance with the PBO protocols —

- 7 (a) prepare the costing; and  
8 (b) provide the costing to the member of Parliament who  
9 requested the costing.

- 10 (2) In preparing a costing under this section, the Parliamentary  
11 Budget Officer must —

- 12 (a) use the financial information and economic and other  
13 assumptions contained in the Government Mid-year  
14 Financial Projections Statement most recently released  
15 under the *Government Financial Responsibility*  
16 *Act 2000* section 13; and  
17 (b) have regard to any information provided by the member  
18 of Parliament under section 18(2) or in accordance with  
19 a request under subsection (3).

- 20 (3) If the Parliamentary Budget Officer needs more information for  
21 the purpose of preparing a costing under this section, the Officer  
22 may request in writing the member of Parliament who made the  
23 request to provide that information.

- 24 (4) If the Parliamentary Budget Officer neither has nor expects to  
25 have sufficient information to prepare a costing under this  
26 section, the Officer —

- 27 (a) must stop preparing the costing; and  
28 (b) must, as soon as practicable —  
29 (i) inform the member of Parliament who requested  
30 the costing that the Officer has stopped preparing  
31 the costing because of insufficient information;  
32 and

- 1 (ii) if the Officer requested any person (other than  
2 the member of Parliament who requested the  
3 costing) to provide information or a document  
4 relevant to the request, inform that person that  
5 the information or document is no longer  
6 required.
- 7 (5) If the policy for which the costing is requested has already been  
8 costed in the Government Mid-year Financial Projections  
9 Statement most recently released under the *Government*  
10 *Financial Responsibility Act 2000* section 13, the Parliamentary  
11 Budget Officer —
- 12 (a) must not prepare the costing; and  
13 (b) must, as soon as practicable —
- 14 (i) inform the member of Parliament who requested  
15 the costing that the policy has already been  
16 costed; and
- 17 (ii) if the Officer requested any person (other than  
18 the member of Parliament who requested the  
19 costing) to provide information or a document  
20 relevant to the request, inform that person that  
21 the information or document is no longer  
22 required.
- 23 (6) Subsections (4)(b) and (5)(b) do not apply if the information or  
24 document is also relevant to another current request for a policy  
25 costing.
- 26 **20. Content of costing prepared under section 19**
- 27 A costing prepared under section 19 —
- 28 (a) must summarise the policy to which it relates; and  
29 (b) must summarise the information that —
- 30 (i) was provided by the member of Parliament under  
31 section 18(2) or in accordance with a request  
32 under section 19(3); and

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- 1 (ii) is materially relevant to the costing;  
2 and  
3 (c) must set out the material net financial impact of the  
4 policy on the financial projections included in the  
5 Government Mid-year Financial Projections Statement  
6 most recently released under the *Government Financial*  
7 *Responsibility Act 2000* section 13; and  
8 (d) must disclose any circumstances in which the  
9 Parliamentary Budget Officer has exercised a judgment  
10 that would have a material impact on the costing; and  
11 (e) may contain any other explanatory information the  
12 Parliamentary Budget Officer considers appropriate,  
13 other than any information referred to in paragraph (f);  
14 and  
15 (f) must not include any information —  
16 (i) referred to in section 42(2); or  
17 (ii) contained in a document referred to in  
18 section 42(2); or  
19 (iii) that is an excerpt from information or a  
20 document that a chief executive officer advised,  
21 under section 48(4) or 49(6), is subject to  
22 Cabinet confidentiality; or  
23 (iv) that states or implies that, in preparing the  
24 costing, the Parliamentary Budget Officer used  
25 either a document that is an exempt document  
26 under the *Freedom of Information Act 1992*  
27 because it contains matter that is exempt matter  
28 under Schedule 1 clause 1 of that Act or  
29 information that, if it were in the form of a  
30 document, would be an exempt document under  
31 the *Freedom of Information Act 1992* because it  
32 contains matter that is exempt matter under  
33 Schedule 1 clause 1 of that Act.



1     **21.     Public release of costing or statement of insufficiency**

- 2           (1)   A member of Parliament who has received a costing prepared  
3                under section 19 from the Parliamentary Budget Officer may  
4                request the Officer to publicly release the costing.
- 5           (2)   A member of Parliament who has been informed that the  
6                Parliamentary Budget Officer has stopped preparing a costing  
7                because of insufficient information may request the Officer to  
8                publicly release a statement explaining that decision.
- 9           (3)   The Parliamentary Budget Officer must comply with a request  
10                under subsection (1) or (2) as soon as practicable after receiving  
11                it.

12           **Division 3 — Advisory functions of Parliamentary Budget**  
13                **Officer**

14     **22.     Advisory services to members of Parliament**

- 15           (1)   Subject to section 17, at the request of a member of Parliament,  
16                the Parliamentary Budget Officer must take all reasonable steps  
17                to provide to the member technical analysis or advice, or a  
18                briefing of a technical nature, on financial, fiscal or economic  
19                matters (including in relation to the costing of proposals  
20                included in the State budget).
- 21           (2)   If the Parliamentary Budget Officer needs more information for  
22                the purpose of complying with a request under subsection (1),  
23                the Officer may request in writing the member of Parliament  
24                who made the request to provide that information.
- 25           (3)   If the Parliamentary Budget Officer is unable to comply with a  
26                request under subsection (1), the Officer must inform the  
27                member of Parliament who made the request of the reasons that  
28                the request cannot be complied with.

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**Division 3** Advisory functions of Parliamentary Budget Officer

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- 1 (4) In providing analysis, advice or a briefing as requested under  
2 subsection (1), the Parliamentary Budget Officer must not  
3 provide any information —  
4 (a) referred to in section 42(2); or  
5 (b) contained in a document referred to in section 42(2); or  
6 (c) that is an excerpt from information or a document that a  
7 chief executive officer advised, under section 48(4)  
8 or 49(6), is subject to Cabinet confidentiality; or  
9 (d) that states or implies that, in preparing the analysis,  
10 advice or briefing, the Parliamentary Budget Officer  
11 used either a document that is an exempt document  
12 under the *Freedom of Information Act 1992* because it  
13 contains matter that is exempt matter under Schedule 1  
14 clause 1 of that Act or information that, if it were in the  
15 form of a document, would be an exempt document  
16 under the *Freedom of Information Act 1992* because it  
17 contains matter that is exempt matter under Schedule 1  
18 clause 1 of that Act.
- 19 (5) The functions of the Parliamentary Budget Officer under this  
20 section do not extend to —  
21 (a) providing any analysis, advice or briefing to assist a  
22 committee of Parliament; or  
23 (b) developing policy proposals on behalf of members of  
24 Parliament.
- 25 **23. Public release of specified information**
- 26 (1) A member of Parliament who receives analysis, advice or a  
27 briefing as requested under section 22(1) may request that the  
28 Parliamentary Budget Officer publicly release specified  
29 information contained in the analysis, advice or briefing.
- 30 (2) The Parliamentary Budget Officer must comply with a request  
31 under subsection (1) as soon as practicable after receiving it.

**Division 4 — Correction of errors and misrepresentations**

**24. Correction of material errors in policy costing or pre-election report**

- (1) If the Parliamentary Budget Officer becomes aware that there is a material error in a policy costing or pre-election report, the Officer must, as soon as practicable —
- (a) notify the member of Parliament who requested the costing or report of the error and its correction; and
  - (b) prepare a revised costing or report in which the error is corrected; and
  - (c) provide the revised costing or report to the member of Parliament.
- (2) If the Parliamentary Budget Officer publicly released the erroneous policy costing or pre-election report, the Officer must publicly release the revised costing or report as soon as practicable after providing the revised costing or report to the member of Parliament who requested it.
- (3) If the Parliamentary Budget Officer did not publicly release the erroneous policy costing or pre-election report, section 10, 13 or 21 (as the case requires) applies to the revised costing or report and not to the erroneous costing or report.
- (4) Nothing in this section authorises the Parliamentary Budget Officer to include in a revised costing or report anything that section 8(f), 12(g) or 20(f) prohibited the Officer from including in the costing or report when it was first prepared.

**25. Correction of material errors in post-election report**

- (1) If the Parliamentary Budget Officer becomes aware that there is a material error in a post-election report, the Officer must, as soon as practicable—
- (a) prepare a revised report in which the error is corrected; and

- 1 (b) publicly release the revised report.
- 2 (2) Nothing in this section authorises the Parliamentary Budget  
3 Officer to include in a revised post-election report anything that  
4 section 15(e) prohibited the Officer from including in the report  
5 when it was first prepared.
- 6 **26. Correction of material errors in specified information**
- 7 (1) If the Parliamentary Budget Officer becomes aware that there is  
8 a material error in information provided under section 22(1), the  
9 Officer must, as soon as practicable —
- 10 (a) notify the member of Parliament to whom the  
11 information was provided of the error and its correction;  
12 and
- 13 (b) prepare a revision of the information in which the error  
14 is corrected; and
- 15 (c) provide the revised information to the member of  
16 Parliament; and
- 17 (d) if that information has been publicly released under  
18 section 23, publicly release the revised information.
- 19 (2) Nothing in this section authorises the Parliamentary Budget  
20 Officer to provide to a member of Parliament, or to publicly  
21 release, anything that section 22(4) prohibited the Officer from  
22 including in the information when it was first provided as  
23 requested under section 22(1).
- 24 **27. Correction of misrepresentations**
- 25 (1) This section applies if the Parliamentary Budget Officer  
26 considers —
- 27 (a) that any of the following things has been publicly  
28 misrepresented —
- 29 (i) a policy costing;
- 30 (ii) a pre-election report;
- 31 (iii) a post-election report;

- 1 (iv) information contained in analysis, advice or a  
2 briefing provided by the Officer under section 22  
3 (whether or not the information is publicly  
4 released under section 23);
- 5 or
- 6 (b) that a policy costing or report prepared by someone  
7 other than the Officer has been publicly misrepresented  
8 as being prepared by the Officer; or
- 9 (c) that information that was not provided by the Officer  
10 under this Act has been publicly misrepresented as being  
11 provided by the Officer; or
- 12 (d) that the process by which the Officer has taken or not  
13 taken any action the Officer is empowered to take under  
14 this Act has been publicly misrepresented.
- 15 (2) The Parliamentary Budget Officer may publicly release a  
16 statement to correct the misrepresentation.
- 17 (3) The Parliamentary Budget Officer must not, in a statement  
18 publicly released under subsection (2), include any  
19 information —
- 20 (a) referred to in section 42(2); or
- 21 (b) contained in a document referred to in section 42(2); or
- 22 (c) that is an excerpt from information or a document that a  
23 chief executive officer advised, under section 48(4)  
24 or 49(6), is subject to Cabinet confidentiality; or
- 25 (d) that states or implies that, in preparing the statement, the  
26 Parliamentary Budget Officer used either a document  
27 that is an exempt document under the *Freedom of*  
28 *Information Act 1992* because it contains matter that is  
29 exempt matter under Schedule 1 clause 1 of that Act or  
30 information that, if it were in the form of a document,  
31 would be an exempt document under the *Freedom of*  
32 *Information Act 1992* because it contains matter that is  
33 exempt matter under Schedule 1 clause 1 of that Act.

1                   **Part 3 — Parliamentary Budget Officer**

2                   **Division 1 — Appointment and functions**

3   **28.       Appointment of Parliamentary Budget Officer**

- 4       (1) There is to be a Parliamentary Budget Officer for Western  
5       Australia appointed by the Governor on the nomination of the  
6       Minister.
- 7       (2) The Minister must not nominate a particular person as  
8       Parliamentary Budget Officer unless the Estimates and  
9       Financial Operations Committee has given the Minister a  
10      recommendation that the person be appointed as Parliamentary  
11      Budget Officer.
- 12      (3) A recommendation under subsection (2) —  
13          (a) must be in writing; and  
14          (b) may specify the terms and conditions that the Estimates  
15              and Financial Operations Committee recommends  
16              should apply to the appointment to which the  
17              recommendation relates.
- 18      (4) The Parliamentary Budget Officer holds office, subject to this  
19      Division, on the terms and conditions determined by the  
20      Governor.
- 21      (5) A person is not eligible to be appointed or reappointed as the  
22      Parliamentary Budget Officer if the person previously held that  
23      office for more than 5 years.

24   **29.       Functions of Parliamentary Budget Officer**

- 25      (1) The functions of the Parliamentary Budget Officer are —  
26          (a) to prepare election policy costings, pre-election reports  
27              and post-election reports under Part 2 Division 1; and  
28          (b) to prepare costings of other policies under Part 2  
29              Division 2; and

- 1 (c) to provide other services to members of Parliament  
2 under Part 2 Division 3; and
- 3 (d) the functions conferred under the *Parliamentary and*  
4 *Electorate Staff (Employment) Act 1992*; and
- 5 (e) any other functions conferred under this Act.
- 6 (2) In performing the functions specified in subsection (1), the  
7 Parliamentary Budget Officer must have regard to the objects of  
8 this Act.
- 9 **30. Status and independence of Parliamentary Budget Officer**
- 10 (1) The Parliamentary Budget Officer is an independent officer of  
11 Parliament.
- 12 (2) The functions of the Parliamentary Budget Officer are as  
13 specified in this Act and other written laws.
- 14 (3) There are no implied functions arising from the Parliamentary  
15 Budget Officer being an independent officer of Parliament.
- 16 (4) The powers of Parliament to act in relation to the Parliamentary  
17 Budget Officer are as specified in or applying under this Act  
18 and other written laws.
- 19 (5) There are no implied powers of Parliament arising from the  
20 Parliamentary Budget Officer being an independent officer of  
21 Parliament.
- 22 (6) In subsection (5) —  
23 ***Parliament*** includes —
- 24 (a) each House of Parliament; and  
25 (b) the members of each House of Parliament; and  
26 (c) the committees of each House of Parliament and joint  
27 committees of both Houses of Parliament.
- 28 (7) Subject to this Act and other written laws, the Parliamentary  
29 Budget Officer has complete discretion in the performance of  
30 the functions of office.

- 1 (8) In particular, the Parliamentary Budget Officer is not subject to  
2 the direction or control of the Minister in respect of the  
3 performance of the functions of office.

4 **31. Term of office**

- 5 (1) The Parliamentary Budget Officer holds office for the period  
6 determined by the Governor and specified in the instrument of  
7 appointment.
- 8 (2) Subject to subsection (3), the period specified under  
9 subsection (1) must be —  
10 (a) no less than 4 years; and  
11 (b) no more than 8 years.
- 12 (3) If the person previously held office as the Parliamentary Budget  
13 Officer, the period specified under subsection (1) must not be a  
14 period which, when added to the periods for which the person  
15 has previously held office, results in a total of more than  
16 9 years.
- 17 (4) If the last day of the period specified under subsection (1) falls  
18 within an election costing period, the period specified under  
19 subsection (1) is taken to be extended to the earlier of —  
20 (a) the first anniversary of that day; or  
21 (b) the date that the appointment of another person as  
22 Parliamentary Budget Officer takes effect.
- 23 (5) Subject to section 28(5), the Parliamentary Budget Officer is  
24 eligible for reappointment.

25 **32. Remuneration**

- 26 (1) In this section —  
27 **remuneration** has the meaning given in the *Salaries and*  
28 *Allowances Act 1975* section 4(1).



- 1       (2) The Parliamentary Budget Officer is entitled to the  
2 remuneration determined by the Salaries and Allowances  
3 Tribunal under the *Salaries and Allowances Act 1975*.
- 4       (3) For the purposes of the *Salaries and Allowances Act 1975* and  
5 any other written law, the office of Parliamentary Budget  
6 Officer is taken to be prescribed under section 6(1)(e) of that  
7 Act for the purposes of section 6 of that Act.
- 8       (4) The rate of remuneration of the Parliamentary Budget Officer  
9 must not be reduced during the term of office of the  
10 Parliamentary Budget Officer without the Parliamentary Budget  
11 Officer's consent.
- 12       (5) The Parliamentary Budget Officer is entitled to the conditions of  
13 service (other than remuneration) specified in the instrument of  
14 appointment.
- 15 **33. Other employment**
- 16       (1) Except as provided in this section, the Parliamentary Budget  
17 Officer must not —
- 18           (a) engage in any paid employment outside the duties of  
19 office, whether directly or indirectly; or  
20           (b) hold any other position or office.
- 21       (2) The Parliamentary Budget Officer may engage in outside  
22 employment or hold another position or office with the prior  
23 consent of the Estimates and Financial Operations Committee.
- 24       (3) The Estimates and Financial Operations Committee may  
25 consent under subsection (2) only if satisfied that —
- 26           (a) the responsibilities of the outside employment, position  
27 or office will not prevent or restrict the Parliamentary  
28 Budget Officer from carrying out the duties of the  
29 office; and  
30           (b) engaging in that employment, or holding that position or  
31 office, will not give rise to any conflict of interest.

1     **34.     Vacancy and resignation**

2             The Parliamentary Budget Officer ceases to hold office if the  
3             Officer —

- 4             (a)   resigns by writing delivered to the Governor; or  
5             (b)   becomes an insolvent under administration within the  
6                 meaning of the *Corporations Act 2001* (Commonwealth)  
7                 section 9; or  
8             (c)   is convicted of an indictable offence or an offence that,  
9                 if committed in Western Australia, would be an  
10                indictable offence; or  
11            (d)   nominates for election for the Parliament of the  
12                Commonwealth or of a State (including Western  
13                Australia) or a Territory; or  
14            (e)   becomes a represented person within the meaning of the  
15                *Guardianship and Administration Act 1990*; or  
16            (f)   is removed from office under section 35.

17     **35.     Suspension and removal from office**

- 18           (1)   The Governor may suspend the Parliamentary Budget Officer  
19                from office on the advice of the Minister.
- 20           (2)   The Minister must not advise the Governor to suspend the  
21                Parliamentary Budget Officer from office unless the Estimates  
22                and Financial Operations Committee has given the Minister its  
23                recommendation in writing that the Officer be suspended on one  
24                of the following grounds —
- 25               (a)   misconduct;  
26               (b)   neglect of duty;  
27               (c)   inability to perform the duties of office;  
28               (d)   any other ground on which the Estimates and Financial  
29                Operations Committee has determined that the Officer is  
30                unfit to hold office.

- 1       (3) If the Parliamentary Budget Officer is suspended from office,  
2       the chairperson of the Estimates and Financial Operations  
3       Committee must cause a full statement of the grounds of  
4       suspension to be laid before each House of Parliament on or  
5       before the 3<sup>rd</sup> sitting day of that House after the suspension.
- 6       (4) The Governor must remove the Parliamentary Budget Officer  
7       from office if each House, on or before the 7<sup>th</sup> sitting day of that  
8       House after the statement is laid before it, declares by resolution  
9       that the Parliamentary Budget Officer ought to be removed from  
10      office.
- 11      (5) The Governor must revoke the suspension and restore the  
12      Parliamentary Budget Officer to office unless each House  
13      makes a declaration of the kind specified in subsection (4)  
14      within the time specified in that subsection.
- 15      (6) The Parliamentary Budget Officer can only be removed from  
16      office in accordance with this section.
- 17      **36. Acting Parliamentary Budget Officer**
- 18      (1) As soon as practicable after being appointed, the Parliamentary  
19      Budget Officer must nominate to the Estimates and Financial  
20      Operations Committee another PBO officer to act as  
21      Parliamentary Budget Officer during any period when the  
22      Officer is absent from duty or suspended or for any other reason  
23      is unable to perform the duties of office.
- 24      (2) If there is a vacancy in the office of Parliamentary Budget  
25      Officer, the Governor may appoint a PBO officer to act as  
26      Parliamentary Budget Officer until a new Parliamentary Budget  
27      Officer is appointed under section 28.
- 28      (3) An acting appointment under subsection (2) may be made for a  
29      maximum period of 6 months except that, if the period of  
30      6 months would end during an election costing period, the  
31      maximum period is extended to the expiration of 3 months after  
32      the date of the general election.

- 1       (4) While a person nominated or appointed under this section acts  
2       as Parliamentary Budget Officer —
- 3           (a) the person has all the functions of the Parliamentary  
4           Budget Officer; and
- 5           (b) section 30 applies to the person.
- 6       **37. Conflicts of interest**
- 7       (1) If the Parliamentary Budget Officer has a personal interest  
8       (whether pecuniary or otherwise) in a matter that appears to  
9       raise a conflict of interest with the proper performance of the  
10      duties of the office, the Officer, as soon as practicable after  
11      becoming aware of the relevant facts, must declare the nature of  
12      the interest to the chairperson of the Estimates and Financial  
13      Operations Committee.
- 14      (2) If the chairperson of the Estimates and Financial Operations  
15      Committee becomes aware (other than because of a declaration  
16      under subsection (1)) that the Parliamentary Budget Officer has  
17      a personal interest (whether pecuniary or otherwise) in a matter  
18      that appears to raise a conflict of interest with the proper  
19      performance of the duties of the office, the chairperson must  
20      notify the Officer.
- 21      (3) The Estimates and Financial Operations Committee, in  
22      consultation with the Parliamentary Budget Officer, must  
23      determine how a matter referred to in subsection (1) or (2) is to  
24      be dealt with so as to avoid a conflict of interest.
- 25      **38. Rights preserved**
- 26      (1) If a person who is a public service officer is appointed as the  
27      Parliamentary Budget Officer, the person is entitled to retain  
28      accruing and existing rights as if service as the Parliamentary  
29      Budget Officer were a continuation of service as a public  
30      service officer.
- 31      (2) If a person ceases to be the Parliamentary Budget Officer and  
32      becomes a public service officer, the service as Parliamentary

1           Budget Officer is to be regarded as service in the Public Service  
2           for the purposes of determining the person's rights as a public  
3           service officer.

- 4           (3) Subsection (4) applies to a person if —
- 5               (a) the person was a public service officer immediately
  - 6               before the person's first appointment as Parliamentary
  - 7               Budget Officer; and
  - 8               (b) since that first appointment the person has continually
  - 9               held appointment as Parliamentary Budget Officer; and
  - 10              (c) the person ceases to be Parliamentary Budget Officer —
  - 11                      (i) on the expiry of the person's term of office; or
  - 12                      (ii) by resigning under section 34(a).

- 13           (4) If a person to whom this section applies is eligible to occupy an  
14           office in the Public Service, the person is entitled to be  
15           re-appointed to an office not lower in classification and salary  
16           than the office the person occupied immediately before  
17           appointment as Parliamentary Budget Officer.

18                           **Division 2 — Staffing and administration**

19   **39.     Staff**

20           Any staff that are necessary for the purposes of this Act may be  
21           employed under the *Parliamentary and Electorate Staff*  
22           (*Employment*) Act 1992 section 3(4).

23   **40.     Use of government staff and facilities**

- 24           (1) The Parliamentary Budget Officer may, by arrangement, use  
25           (either full-time or part-time) the services of any officer or  
26           employee employed in the Public Service or a State agency or  
27           employed otherwise in the service of the State.
- 28           (2) The Parliamentary Budget Officer may, by arrangement, use  
29           any facilities of a department of the Public Service or a State  
30           agency or instrumentality.

- 1 (3) An arrangement under subsection (1) or (2) must be made on  
2 terms agreed to by the parties.

3 **41. Consultants**

- 4 (1) The Parliamentary Budget Officer may engage persons with  
5 suitable qualifications and experience as consultants.
- 6 (2) An engagement under subsection (1) may be on any terms and  
7 conditions the Parliamentary Budget Officer considers  
8 appropriate.

9 **42. Confidentiality — general**

- 10 (1) A person who is, or was, a PBO officer must not, directly or  
11 indirectly, provide or disclose any protected information  
12 except —
- 13 (a) for the performance of the functions or exercise of the  
14 powers of the person or the Parliamentary Budget  
15 Officer under this Act; or
- 16 (b) as is otherwise authorised or required under this Act.
- 17 Penalty for this subsection: a fine of \$20 000.
- 18 (2) A person who is, or was, a PBO officer must not provide or  
19 disclose any information or document given to the  
20 Parliamentary Budget Officer by a chief executive officer if the  
21 chief executive officer who gave the information or document  
22 requested under section 49(5) that it be kept confidential.
- 23 Penalty for this subsection: a fine of \$20 000.
- 24 (3) Subsections (1) and (2) do not apply in relation to the provision  
25 or disclosure of information or a document —
- 26 (a) to or in a court or tribunal; or
- 27 (b) to an authority or person who has the power to require  
28 the production of documents or the answering of  
29 questions.

- 1       (4) In making a request to any person (other than the parliamentary  
2       leader or member of Parliament concerned) for information for  
3       the purposes of preparing a costing or report, a PBO officer  
4       must, as far as practicable, not disclose any information that is  
5       not in the public domain regarding —  
6           (a) the policy that is the subject of the costing or report; or  
7           (b) the identity of the parliamentary leader or member of  
8           Parliament who requested the costing or report.
- 9       (5) In making a request to any person (other than the member of  
10      Parliament concerned) for information for the purposes of  
11      preparing analysis, advice or a briefing that is to be provided  
12      under section 22, a PBO officer must, as far as practicable, not  
13      disclose any information that is not in the public domain  
14      regarding —  
15          (a) the matter that is the subject of the analysis, advice or  
16          briefing; or  
17          (b) the identity of the member of Parliament who requested  
18          the analysis, advice or briefing.
- 19   **43. Confidentiality — courts, tribunals and other authorities**
- 20      (1) In this section —  
21          *court* does not include the Supreme Court;  
22          *relevant authority* means an authority or person who has the  
23          power to require the production of documents or the answering  
24          of questions.
- 25      (2) A person who is, or was, a PBO officer must not provide or  
26      disclose any protected information to or in a court or a tribunal,  
27      or to a relevant authority, except—  
28          (a) for the performance of the functions or exercise of the  
29          powers of the person or the Parliamentary Budget  
30          Officer under this Act; or

1 (b) as is otherwise authorised or required by or under this  
2 Act.

3 Penalty for this subsection: a fine of \$20 000.

4 (3) A person who is, or was, a PBO officer must not provide or  
5 disclose to or in a court or a tribunal, or to a relevant authority,  
6 any information or document given to the Parliamentary Budget  
7 Officer by a chief executive officer if the chief executive officer  
8 who gave the information or document requested under  
9 section 49(5) that it be kept confidential.

10 Penalty for this subsection: a fine of \$20 000.

11 **44. Protection from liability**

12 (1) A PBO officer is not personally liable for anything done in good  
13 faith in the performance or purported performance of a function  
14 or exercise of a power under this Act.

15 (2) Despite subsection (1), the State is not relieved of any liability  
16 that it might otherwise have had for a person having done  
17 anything described in that subsection.

18 (3) The protection given by subsection (1) applies even though the  
19 thing done as described in that subsection may have been  
20 capable of being done whether or not this Act had been enacted.

21 (4) In this section a reference to the doing of anything includes a  
22 reference to the omission to do anything.

23 **Division 3 — Operations**

24 **45. Operational plan**

25 (1) The Parliamentary Budget Officer, in consultation with the  
26 Estimates and Financial Operations Committee, must prepare an  
27 operational plan for each financial year.

28 (2) The operational plan for a financial year must set out —

29 (a) the priorities of the Parliamentary Budget Officer for the  
30 financial year; and



- 1                    (b) an outline of the PBO protocols prepared or to be  
2                    prepared under section 47.
- 3            (3) The operational plan may include any other matters the  
4            Parliamentary Budget Officer, in consultation with the  
5            Estimates and Financial Operations Committee, considers  
6            appropriate.
- 7            (4) The Parliamentary Budget Officer must prepare the operational  
8            plan for a financial year —
- 9                    (a) before the commencement of that financial year; or
- 10                   (b) if the period for preparing the operational plan is  
11                   extended under subsection (5), within 3 months of the  
12                   date that the appointment of the Officer takes effect.
- 13            (5) The period for preparing the operational plan for a financial  
14            year is extended if —
- 15                    (a) the appointment (not being a reappointment) of the  
16                    Parliamentary Budget Officer takes effect within  
17                    3 months before the start of the financial year; and
- 18                    (b) no operational plan for the financial year was prepared  
19                    by the previous Parliamentary Budget Officer.
- 20    **46.      Transmission of operational plan to Parliament**
- 21            (1) The Parliamentary Budget Officer must cause the operational  
22            plan for a financial year to be transmitted to each House of  
23            Parliament as soon as practicable after it has been prepared.
- 24            (2) The clerk of each House of Parliament must cause the  
25            operational plan to be laid before the House on the day on  
26            which it is received or, if the House is not sitting, on the next  
27            sitting day of the House.

- 1 (3) If the Parliamentary Budget Officer proposes to transmit the  
2 operational plan to Parliament on a day on which neither House  
3 of Parliament is actually sitting, the Officer must —
- 4 (a) give 1 business day's notice of intention to do so to the  
5 clerk of each House; and
- 6 (b) give the operational plan to the clerk of each House on  
7 the day indicated in the notice; and
- 8 (c) publicly release the operational plan as soon as  
9 practicable after giving it to the clerks.
- 10 (4) The clerk of each House must —
- 11 (a) notify each member of the House of the receipt of a  
12 notice under subsection (3)(a) on the same day that the  
13 clerk receives the notice; and
- 14 (b) give a copy of the operational plan to each member of  
15 the House as soon as practicable after the plan is  
16 received under subsection (3)(b); and
- 17 (c) cause the operational plan to be laid before the House on  
18 the next sitting day of the House.

19 **47. PBO protocols**

- 20 (1) The Parliamentary Budget Officer must prepare protocols for  
21 requests for policy costings, reports and advisory services.
- 22 (2) The PBO protocols must set out —
- 23 (a) timelines for the submission of requests for policy  
24 costings, reports or advisory services; and
- 25 (b) procedures for consultation between the Parliamentary  
26 Budget Officer and parliamentary leaders or other  
27 members of Parliament; and
- 28 (c) an outline of how the Parliamentary Budget Officer will,  
29 consistently with section 17, determine the priority of  
30 requests for policy costings, reports or advisory services  
31 and the equitable allocation of resources to deal with  
32 requests; and

- 1            (d) the form and content of, and information to be provided  
2            in connection with —
- 3            (i) requests for policy costings, reports or advisory  
4            services; and
- 5            (ii) policy costings; and
- 6            (iii) pre-election reports.
- 7        (3) The PBO protocols may include any other matters the  
8        Parliamentary Budget Officer considers appropriate.
- 9        **48. Arrangements for obtaining information and documents**  
10       **from agencies**
- 11       (1) The Parliamentary Budget Officer may make an arrangement  
12       with a chief executive officer of an agency for the Parliamentary  
13       Budget Officer to obtain from the agency information and  
14       documents relevant to the Officer's functions.
- 15       (2) Without limiting subsection (1), an arrangement made under  
16       that subsection may make provision for the confidentiality of  
17       information and documents given to the Parliamentary Budget  
18       Officer in accordance with the arrangement.
- 19       (3) The Parliamentary Budget Officer must publicly release an  
20       arrangement made under subsection (1).
- 21       (4) A chief executive officer may advise the Parliamentary Budget  
22       Officer that information or a document provided in accordance  
23       with an arrangement under subsection (1) is subject to Cabinet  
24       confidentiality if the chief executive officer is satisfied that —
- 25            (a) the document is an exempt document under the *Freedom*  
26            of *Information Act 1992* because it contains matter that  
27            is exempt matter under Schedule 1 clause 1 of that Act;  
28            or
- 29            (b) if the information were in the form of a document, it  
30            would be an exempt document under the *Freedom of*  
31            *Information Act 1992* because it contains matter that is  
32            exempt matter under Schedule 1 clause 1 of that Act.

- 1     **49.     Request for information or documents from agency**
- 2         (1) The Parliamentary Budget Officer may, in writing, request a  
3             chief executive officer of an agency to give the Officer any  
4             information or document of the agency relevant to the Officer's  
5             functions.
- 6         (2) The Parliamentary Budget Officer may make a request under  
7             subsection (1) only if the Officer —
- 8             (a) has attempted unsuccessfully to obtain the information  
9                 or document in accordance with an arrangement made  
10                under section 48(1); or
- 11            (b) has been unable to make an arrangement with the chief  
12                executive officer under section 48(1) despite making  
13                reasonable efforts to do so.
- 14         (3) A chief executive officer must comply with a request under  
15             subsection (1) within 3 business days after receiving it,  
16             unless —
- 17             (a) the chief executive officer considers that complying  
18                 with the request would —
- 19                 (i) not be practicable; or
- 20                 (ii) be unlawful; or
- 21                 (iii) require the chief executive officer to disclose  
22                    information that could prejudice national  
23                    security;
- 24             or
- 25             (b) complying with the request would require the chief  
26                 executive officer of an agency to disclose confidential  
27                 commercial information in relation to the agency.
- 28         (4) In subsection (3)(b) —
- 29             ***confidential commercial information***, in relation to an agency,  
30             means information acquired by the agency from a business,  
31             commercial or financial undertaking that relates to matters of a  
32             business, commercial or financial nature, the disclosure of

- 1           which would be likely to expose the undertaking unreasonably  
2           to disadvantage.
- 3       (5)   A chief executive officer may request that information or a  
4           document given to the Parliamentary Budget Officer in response  
5           to a request under subsection (1) be kept confidential.
- 6       (6)   A chief executive officer may advise the Parliamentary Budget  
7           Officer that information or a document provided in response to  
8           a request under subsection (1) is subject to Cabinet  
9           confidentiality if the chief executive officer is satisfied that —
- 10           (a)   the document is an exempt document under the *Freedom*  
11               *of Information Act 1992* because it contains matter that  
12               is exempt matter under Schedule 1 clause 1 of that Act;  
13               or
- 14           (b)   if the information were in the form of a document, it  
15               would be an exempt document under the *Freedom of*  
16               *Information Act 1992* because it contains matter that is  
17               exempt matter under Schedule 1 clause 1 of that Act.
- 18       (7)   If a chief executive officer declines to comply with a request  
19           under subsection (1), the chief executive officer must, within  
20           3 business days after receiving it, give the Parliamentary Budget  
21           Officer a written statement of reasons for doing so.

#### 22                           **Division 4 — Reporting requirements**

#### 23   **50.       Report of PBO operations during election costing periods**

- 24       (1)   After each general election, the Parliamentary Budget Officer  
25           must prepare a report setting out —
- 26           (a)   the cost of the operations of the Parliamentary Budget  
27               Officer and the Parliamentary Budget Office during the  
28               election costing period; and
- 29           (b)   how many members of staff were employed or engaged  
30               during the election costing period in accordance with  
31               section 39; and

- 1 (c) how many consultants were engaged during the election  
2 costing period in accordance with section 41; and
- 3 (d) the number of election policy costing requests received  
4 and the number of election policy costings prepared; and
- 5 (e) the number of pre-election reports prepared; and
- 6 (f) any significant issues or problems encountered in  
7 dealing with election policy costing requests or  
8 preparing election policy costings or pre-election  
9 reports; and
- 10 (g) each statement publicly released in accordance with a  
11 request under section 10(2) or 13(2) in relation to the  
12 election costing period; and
- 13 (h) subject to subsection (2) —
- 14 (i) the number of times the Parliamentary Budget  
15 Officer decided, under section 9(1), to stop  
16 preparing an election policy costing for the  
17 election costing period (excluding decisions for  
18 which a statement was released under  
19 section 10); and
- 20 (ii) the number of times the Parliamentary Budget  
21 Officer decided, under section 11(6), to stop  
22 preparing a pre-election report for the election  
23 costing period (excluding decisions for which a  
24 statement was released under section 13); and
- 25 (iii) the number of times the Parliamentary Budget  
26 Officer decided, under section 17(2)(a), to defer  
27 the exercise of a function under section 19 or 22  
28 in relation to the election costing period; and
- 29 (iv) the number of times the Parliamentary Budget  
30 Officer decided, under section 17(2)(b), to  
31 decline to exercise a function under section 19  
32 or 22 in relation to the election costing period;
- 33 and

- 1 (i) any recommendations for the future operations of the  
2 Parliamentary Budget Officer and the Parliamentary  
3 Budget Office; and  
4 (j) any other information the Parliamentary Budget Officer  
5 considers appropriate.
- 6 (2) The Parliamentary Budget Officer must not include in the report  
7 any information that enables the identification of—  
8 (a) a parliamentary leader who was informed that the  
9 Officer has stopped preparing an election policy costing  
10 (unless the parliamentary leader requested the public  
11 release of a statement under section 10(2)); or  
12 (b) a parliamentary leader who was informed that the  
13 Officer has stopped preparing a pre-election report  
14 (unless the parliamentary leader requested the public  
15 release of a statement under section 13(2)); or  
16 (c) a person who requested the exercise of a function under  
17 section 19 or 22 that was deferred or declined under  
18 section 17(2); or  
19 (d) the nature of a request referred to in paragraph (c).
- 20 (3) The Parliamentary Budget Officer must give the report to the  
21 chairperson of the Estimates and Financial Operations  
22 Committee —  
23 (a) not later than the day that is 3 months after the date of  
24 the general election; or  
25 (b) if a member of the Estimates and Financial Operations  
26 Committee has not been elected chairperson by the day  
27 mentioned in paragraph (a), on the day after the day on  
28 which the member is elected chairperson.
- 29 (4) The chairperson of the Estimates and Financial Operations  
30 Committee must cause the report to be laid before each House  
31 of Parliament on the first sitting day of that House after the  
32 chairperson receives it.

1     **51.     Annual report**

- 2           (1) The Parliamentary Budget Officer must prepare a report of the  
3               operations of the Parliamentary Budget Officer and the  
4               Parliamentary Budget Office for each financial year.
- 5           (2) The annual report must —
- 6               (a) record each occasion on which a chief executive officer  
7                 declined to comply with a request under section 49; and
- 8               (b) specify the number of policy costings the Parliamentary  
9                 Budget Officer stopped preparing under section 19(4) in  
10                the financial year to which the report relates; and
- 11             (c) include each statement publicly released in accordance  
12                 with a request under section 21(2) in the financial year  
13                 to which the report relates.
- 14           (3) The Parliamentary Budget Officer must give the annual report  
15               to the chairperson of the Estimates and Financial Operations  
16               Committee on or before 31 October next following the financial  
17               year to which it relates.
- 18           (4) The chairperson of the Estimates and Financial Operations  
19               Committee must cause the annual report to be laid before each  
20               House of Parliament on the first sitting day of that House after  
21               the chairperson receives it.

22           **Division 5 — Transfer and inspection of records**

23     **52.     Terms used**

24           In this Division —

25           **Director of State Records** means the Director of State Records  
26           under the *State Records Act 2000*;

27           **PBO record** means —

- 28               (a) a record made or received by a PBO officer in the course  
29                 of the PBO officer's duties;



- 1 (b) a record held by an agency if the record was —  
2 (i) created for the sole purpose of an arrangement  
3 under section 48 or a request under section 49; or  
4 (ii) received from the Parliamentary Budget Officer  
5 in relation to an arrangement under section 48 or  
6 a request under section 49;

7 *record* has the meaning given in the *State Records Act 2000*  
8 section 3(1);

9 *State archives collection* has the meaning given in the *State*  
10 *Records Act 2000* section 3(1);

11 *transferred record* means a PBO record that is transferred under  
12 the *State Records Act 2000* to the State archives collection by  
13 the Parliamentary Budget Officer or another State organisation  
14 (as defined in the *State Records Act 2000* section 3(1)).

15 **53. Division applies despite *State Records Act 2000***

16 To the extent that there is any inconsistency between this  
17 Division and the *State Records Act 2000*, this Division prevails.

18 **54. Transferred records not available for public inspection for**  
19 **30 years**

20 A transferred record is not available for public inspection for a  
21 period of 30 years after the date of its transfer to the State  
22 archives collection.

23 **55. Inspection of transferred records by Parliamentary Budget**  
24 **Officer**

25 The Director of State Records must permit the Parliamentary  
26 Budget Officer to inspect or obtain a copy of any transferred  
27 record if the Parliamentary Budget Officer requires the record  
28 for the performance of the functions of office.

- 1 **56. Inspection of transferred costing records by members of**  
2 **Parliament**
- 3 (1) This section applies to a record —
- 4 (a) that relates to a policy costing request made by a  
5 member of Parliament; and
- 6 (b) that the member of Parliament either provided to or  
7 received from the Parliamentary Budget Officer; and
- 8 (c) that was transferred to the State archives collection by  
9 the Parliamentary Budget Officer.
- 10 (2) Any of the following persons may request that the  
11 Parliamentary Budget Officer provide, or permit the inspection  
12 of, a copy of the record —
- 13 (a) the member of Parliament who made the policy costing  
14 request to which the record relates;
- 15 (b) if the policy costing request was made by a member of  
16 Parliament who, at that time, was the recognised  
17 parliamentary leader of a registered political party, a  
18 subsequent parliamentary leader of that party;
- 19 (c) if the policy costing request was made by a member of  
20 Parliament who, at that time, was a member of a  
21 registered political party that did not have a recognised  
22 parliamentary leader, any other member of Parliament  
23 who is a member of that registered political party.
- 24 (3) On receiving a request under subsection (2), the Parliamentary  
25 Budget Officer must —
- 26 (a) obtain a copy of the record in accordance with  
27 section 55; and
- 28 (b) comply with the request.

1 **57. Inspection of transferred advisory records by members of**  
2 **Parliament**

- 3 (1) This section applies to a transferred record —
- 4 (a) that relates to the provision of analysis, advice or a  
5 briefing to a member of Parliament under section 22;  
6 and
- 7 (b) that was transferred to the State archives collection by  
8 the Parliamentary Budget Officer.
- 9 (2) The member of Parliament may request that the Parliamentary  
10 Budget Officer provide, or permit the inspection of, a copy of  
11 the record.
- 12 (3) On receiving a request under subsection (2), the Parliamentary  
13 Budget Officer must —
- 14 (a) obtain a copy of the record in accordance with  
15 section 55; and
- 16 (b) comply with the request.

1                    **Part 4 — Parliamentary Budget Office**

2    **58.        Establishment**

3                    The Parliamentary Budget Office is established as an  
4                    administrative office of the Parliament.

5    **59.        Purpose**

6                    The purpose of the Parliamentary Budget Office is to enable the  
7                    Parliamentary Budget Officer to perform the Officer's  
8                    functions.

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**Part 5 — General****60. Parliamentary Budget Officer not to question merit of policies**

Nothing in this Act entitles the Parliamentary Budget Officer, whether in a policy costing, a report under this Act or otherwise, to question the merits of a policy that is or has been the subject of a request for a policy costing.

**61. Functions of Estimates and Financial Operations Committee**

(1) In addition to its functions under other provisions of this Act, the Estimates and Financial Operations Committee has the following functions—

- (a) to recommend to the Minister the appointment and terms and conditions of appointment of the Parliamentary Budget Officer;
- (b) to review the operational and resourcing arrangements for the Parliamentary Budget Officer, including reviewing the draft budget for the Officer;
- (c) to consult the Parliamentary Budget Officer on an operational plan under section 45;
- (d) to review reports prepared under section 50(1), and annual reports prepared under section 51(1);
- (e) to review and assess how well the Parliamentary Budget Officer's functions are being performed;
- (f) to report to both Houses of Parliament on any matter connected with the operational and resourcing arrangements for the Parliamentary Budget Officer that requires the attention of Parliament.

(2) Nothing in subsection (1) authorises the Estimates and Financial Operations Committee to direct the activities of the Parliamentary Budget Officer or to question —

- (a) a policy costing; or

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- 1                      (b) a pre-election report; or  
2                      (c) a post-election report; or  
3                      (d) information contained in analysis, advice or a briefing  
4                      provided under section 22.

5    **62.      Confidentiality requirements for preliminary documents**

- 6              (1) A person must not publish any of the following information  
7              relating to a policy costing unless the Parliamentary Budget  
8              Officer consents to that publication —  
9                      (a) information contained in a draft of the costing;  
10                  (b) information contained in correspondence with a PBO  
11                  officer regarding the preparation of the costing;  
12                  (c) information provided to the Parliamentary Budget  
13                  Officer in response to a request under section 7(3), 11(5)  
14                  or 19(3).

15              Penalty for this subsection: a fine of \$20 000.

- 16              (2) The Parliamentary Budget Officer must not consent to a  
17              publication referred to in subsection (1) unless the Officer is  
18              satisfied that —  
19                      (a) the publication is necessary to assist in explaining a  
20                      policy costing; or  
21                      (b) the information is to be published for reasons that are  
22                      unrelated to the policy costing by the person that  
23                      provided the information in response to a request from  
24                      the Officer.

25    **63.      Exemption from *Freedom of Information Act 1992***

- 26              (1) In this section —  
27              *document* has the meaning given in the *Freedom of Information*  
28              *Act 1992* Glossary.

- 1       (2) The *Freedom of Information Act 1992* does not apply to a  
2       document that is in the possession of any person or body that  
3       was created for the sole purpose of —  
4           (a) an arrangement under section 48; or  
5           (b) a request under section 49; or  
6           (c) an election policy costing request; or  
7           (d) an election policy costing; or  
8           (e) a pre-election report; or  
9           (f) a request under section 18 for a policy costing; or  
10          (g) a policy costing prepared under section 19; or  
11          (h) an advisory service request under section 22; or  
12          (i) analysis, advice or a briefing provided under section 22.

**Part 6 — Amendments to other Acts**

**Division 1 — *Constitution Acts Amendment Act 1899* amended**

**64. Act amended**

This Division amends the *Constitution Acts Amendment Act 1899*.

**65. Schedule V amended**

In Schedule V Part 1 Division 2 after the item relating to the Inspector of Custodial Services insert:

Parliamentary Budget Officer appointed under the *Parliamentary Budget Officer Act 2018*.

**Division 2 — *Corruption, Crime and Misconduct Act 2003* amended**

**66. Act amended**

This Division amends the *Corruption, Crime and Misconduct Act 2003*.

**67. Section 3 amended**

(1) In section 3(1) in the definition of *independent agency*:

(a) in paragraph (e) delete “Commissioner;” and insert:

Commissioner; and

(b) after paragraph (e) insert:

(f) the Parliamentary Budget Officer appointed under the *Parliamentary Budget Officer Act 2018*;



1           **Division 3 — *Financial Management Act 2006* amended**

2   **68.     Act amended**

3           This Division amends the *Financial Management Act 2006*.

4   **69.     Section 5 amended**

5           In section 5(1):

6           (a)   in paragraph (e) delete “Commissioner,” and insert:

7

8                     Commissioner;

9

10          (b)   after paragraph (e) insert:

11

12                     (f)   the Parliamentary Budget Office,

13

14           **Division 4 — *Freedom of Information Act 1992* amended**

15   **70.     Act amended**

16           This Division amends the *Freedom of Information Act 1992*.

17   **71.     Schedule 2 amended**

18           In Schedule 2 after the item relating to the Inspector of  
19           Custodial Services insert:

20

21                     The Parliamentary Budget Officer and the Parliamentary Budget  
22                     Office.

23

**Parliamentary Budget Officer Bill 2018**

**Part 6** Amendments to other Acts

**Division 5** Parliamentary and Electorate Staff (Employment) Act 1992 amended

**s. 72**

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1 **Division 5 — *Parliamentary and Electorate Staff (Employment)***  
2 ***Act 1992* amended**

3 **72. Act amended**

4 This Division amends the *Parliamentary and Electorate Staff*  
5 *(Employment) Act 1992*.

6 **73. Section 3 amended**

7 In section 3(1) insert in alphabetical order:

8  
9 *Parliamentary Budget Office* has the meaning given in  
10 the *Parliamentary Budget Officer Act 2018*  
11 section 4(1);

12 *Parliamentary Budget Officer* has the meaning given  
13 in the *Parliamentary Budget Officer Act 2018*  
14 section 4(1);  
15

16 **74. Section 4A inserted**

17 After section 4 insert:  
18

19 **4A. Employer of Parliamentary Budget Officer and**  
20 **Parliamentary Budget Office staff**

21 (1) The President and the Speaker, acting jointly, are the  
22 employer of the Parliamentary Budget Officer.

23 (2) The President and the Speaker, acting jointly on the  
24 recommendation of the Parliamentary Budget Officer,  
25 are the employer of each member of the Parliamentary  
26 Budget Office.  
27

1     **75.     Section 6 amended**

2             In section 6(3):

3                 (a)   in paragraph (c) delete “section 5(2)(c),” and insert:

4

5                         section 5(2)(c); and

6

7                 (b)   after paragraph (c) insert:

8

9                         (d)   the Parliamentary Budget Officer the exercise  
10                               or performance of any power or duty conferred  
11                               or imposed on them, acting jointly, by this Act  
12                               in respect of members of the Parliamentary  
13                               Budget Office referred to in section 4A(2),  
14

15     **76.     Section 7 amended**

16             (1)   After section 7(1)(d) insert:

17

18                         (da)   a member of the Parliamentary Budget Office  
19                               referred to in section 4A(2), the President and  
20                               the Speaker shall be represented by the  
21                               Parliamentary Budget Officer; or  
22

23             (2)   After each of section 7(1)(a), (b), (c), (d) and (e) insert:

24

25                         or  
26

1     **Division 6 — *Parliamentary Commissioner Act 1971* amended**

2     **77.     Act amended**

3             This Division amends the *Parliamentary Commissioner*  
4             *Act 1971*.

5     **78.     Schedule 1 amended**

6             In Schedule 1 insert in alphabetical order:

7

*Parliamentary Budget*     Parliamentary Budget Officer.  
8             *Officer Act 2018*

8

9

10

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## Defined terms

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

Defined term	Provision(s)
agency .....	4(1)
annual appropriation Bill .....	4(1)
business day .....	4(1)
confidential commercial information .....	49(4)
court .....	43(1)
Director of State Records .....	52
document .....	63(1)
election costing period .....	4(1)
election policy costing .....	4(1)
election policy costing request .....	4(1)
election year .....	4(1)
Estimates and Financial Operations Committee .....	4(1)
general election .....	4(1)
ordinary annual services .....	4(1)
Parliament .....	30(6)
Parliamentary Budget Office .....	4(1)
Parliamentary Budget Officer .....	4(1)
parliamentary leader .....	4(1)
PBO officer .....	4(1)
PBO protocols .....	4(1)
PBO record .....	52
policy costing .....	4(1)
post-election report .....	4(1)
pre-election report .....	4(1)
protected information .....	4(1)
record .....	52
registered political party .....	4(1)
relevant authority .....	43(1)
remuneration .....	32(1)
State archives collection .....	52
transferred record .....	52