



# **Parliamentary Service Amendment (Parliamentary Budget Officer) Act 2011**

**No. 170, 2011**

**An Act to provide for the appointment and  
functions of a Parliamentary Budget Officer and  
the establishment of a Parliamentary Budget  
Office, and for related purposes**

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



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# Parliamentary Service Amendment (Parliamentary Budget Officer) Act 2011

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## **An Act to provide for the appointment and functions of a Parliamentary Budget Officer and the establishment of a Parliamentary Budget Office, and for related purposes**

*[Assented to 4 December 2011]*

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Parliamentary Service Amendment  
(Parliamentary Budget Officer) Act 2011*.

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*Parliamentary Service Amendment (Parliamentary Budget Officer) Act 2011*    No. 170, 2011

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	4 December 2011
2. Schedules 1, 2 and 3	A single day to be fixed by Proclamation. However, if the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	15 February 2012 (see F2012L00277)

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Note: This table relates only to the provisions of this Act as originally enacted.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

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

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Amendment of the Parliamentary Service Act 1999**

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

#### **1 Section 7**

Insert:

***authorised member*** of a Parliamentary party means:

- (a) the Leader of the Parliamentary party; or
- (b) a member of the Parliamentary party authorised, in writing, by the Leader of the Parliamentary party to make or withdraw requests under section 64J.

#### **2 Section 7**

Insert:

***budget*** means an annual Commonwealth budget.

#### **3 Section 7**

Insert:

***caretaker period*** for a general election has the same meaning as in Schedule 1 to the *Charter of Budget Honesty Act 1998*.

#### **4 Section 7**

Insert:

***Commonwealth body*** means:

- (a) an Agency within the meaning of the *Financial Management and Accountability Act 1997*; or
- (b) the High Court of Australia; or
- (c) a Commonwealth authority within the meaning of the *Commonwealth Authorities and Companies Act 1997*; or
- (d) a Commonwealth company within the meaning of the *Commonwealth Authorities and Companies Act 1997*.

#### **5 Section 7**

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Insert:

*general election* means a general election of the members of the House of Representatives.

## 6 Section 7

Insert:

*independent member*, during the caretaker period for a general election, means a person:

- (a) who is not a member of a Parliamentary party; and
- (b) who intends to be a candidate in the general election, or in a Senate election held on the same day as the general election, without the endorsement of a political party; and
- (c) who, immediately before the caretaker period, was a Senator or a Member of the House of Representatives because the person:
  - (i) had been elected to the Senate or the House of Representatives without the endorsement of a political party; or
  - (ii) had been chosen or appointed to fill a casual vacancy to the Senate without the endorsement of a political party.

## 7 Section 7

Insert:

*Joint Committee of Public Accounts and Audit* means the Joint Committee of Public Accounts and Audit provided for in the *Public Accounts and Audit Committee Act 1951*.

## 8 Section 7

Insert:

*Parliamentary Budget Office* means the Department of the Parliamentary Budget Office established by subsection 64A(1).

## 9 Section 7

Insert:

*Parliamentary Budget Officer* means the holder of the office of Parliamentary Budget Officer established by section 64C.

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**10 Section 7**

Insert:

***Parliamentary party:***

- (a) means a political party at least one member of which is a member of the Parliament of the Commonwealth; and
- (b) during a caretaker period for a general election—includes a political party at least one member of which was a member of the Parliament of the Commonwealth immediately before the caretaker period.

**11 Section 7**

Insert:

***political party*** has the same meaning as in the *Commonwealth Electoral Act 1918*.

**12 Section 7 (first definition of *Secretary*)**

Omit “and the Clerk of the House of Representatives”, substitute “, the Clerk of the House of Representatives and the Parliamentary Budget Officer”.

**13 Section 7 (after paragraph (b) of the second definition of *Secretary*)**

Insert:

- (ba) if the Department is the Parliamentary Budget Office—the Parliamentary Budget Officer; or

**14 Section 7**

Insert:

***Senate election*** means an election of Senators for a State, the Australian Capital Territory or the Northern Territory.

**15 Before section 54**

Insert:

## **Division 1—Departments other than the Parliamentary Budget Office**

### **53A Interpretation**

In this Division:

- (a) a reference to a Department does not include a reference to the Parliamentary Budget Office; and
- (b) a reference to a Secretary does not include a reference to the Parliamentary Budget Officer.

Note: Division 2 deals with the Parliamentary Budget Office and the Parliamentary Budget Officer.

### **16 After section 64**

Insert:

## **Division 2—Parliamentary Budget Office**

### **Subdivision A—Establishment, functions etc.**

#### **64A Department of the Parliamentary Budget Office**

- (1) The Department of the Parliamentary Budget Office is established as a Department of the Parliament by this subsection.

Note: The Department of the Parliamentary Budget Office is referred to in this Act as the *Parliamentary Budget Office* (see section 7).

- (2) The Parliamentary Budget Office consists of the Parliamentary Budget Officer, together with Parliamentary Service employees assisting the Parliamentary Budget Officer.

#### **64B Purpose of Parliamentary Budget Office**

The purpose of the Parliamentary Budget Office is to inform the Parliament by providing, in accordance with this Division, independent and non-partisan analysis of the budget cycle, fiscal policy and the financial implications of proposals.

#### **64C Parliamentary Budget Officer**

The office of Parliamentary Budget Officer is established by this section.

Note: The Parliamentary Budget Officer is the Secretary of the Parliamentary Budget Office (see section 7).

#### **64D Appropriation of Consolidated Revenue Fund**

The Consolidated Revenue Fund is appropriated for the purposes of the Parliamentary Budget Officer and the Parliamentary Budget Office in the financial year starting on 1 July 2011, to the extent of \$6,000,000.

#### **64E Functions of Parliamentary Budget Officer**

- (1) The Parliamentary Budget Officer has the following functions:
  - (a) outside the caretaker period for a general election—to prepare policy costings on request by Senators or Members of the House of Representatives under section 64H;
  - (b) during the caretaker period for a general election—to prepare policy costings on request by authorised members of Parliamentary parties or independent members under section 64J;
  - (c) to prepare responses (other than policy costings) to requests relating to the budget by Senators or Members of the House of Representatives;
  - (d) to prepare submissions to inquiries of Parliamentary committees on request by such committees;
  - (e) to conduct, on his or her own initiative (including in anticipation of requests referred to in paragraphs (a) to (d)), research on and analysis of the budget and fiscal policy settings.
- (2) The Parliamentary Budget Officer's functions under subsection (1) do not include:
  - (a) preparing economic forecasts; or
  - (b) preparing budget estimates (whether at the whole-of-government, agency or program level).

Note 1: Parts 5, 6 and 7 of Schedule 1 to the *Charter of Budget Honesty Act 1998* provide for certain economic forecasts and budget estimates to be prepared.

Note 2: The Parliamentary Budget Officer can prepare estimates for the Parliamentary Budget Office: see section 64R.

- (3) In performing his or her functions under subsection (1), the Parliamentary Budget Officer must use the economic forecasts and parameters and fiscal estimates contained in the most recent relevant reports released under Parts 5, 6 and 7 of Schedule 1 to the *Charter of Budget Honesty Act 1998*.
- (4) The Parliamentary Budget Officer must perform his or her functions under subsection (1) only for the purpose of the Parliamentary Budget Office referred to in section 64B.

#### **64F Arrangements for obtaining information from Commonwealth bodies**

- (1) The Parliamentary Budget Officer may make an arrangement, in writing, with the Head (however described) of a Commonwealth body, or a person authorised by the Head, for the Parliamentary Budget Officer to obtain from the body information and documents relevant to the Parliamentary Budget Officer's functions.
- (2) Without limiting subsection (1), an arrangement made under that subsection may make provision for the confidentiality of information disclosed or documents provided in accordance with the arrangement.

Note: See subsection 64V(5).

- (3) The Parliamentary Budget Officer must ensure that an arrangement made under subsection (1) is made publicly available.
- (4) An arrangement made under subsection (1) is not a legislative instrument.

#### **64G Approaches etc. to be used in preparing policy costings**

- (1) The Parliamentary Budget Officer may, with the agreement of the responsible Secretaries (within the meaning of Schedule 1 to the *Charter of Budget Honesty Act 1998*), issue written principles

setting out approaches and costing conventions to be used in preparing policy costings under this Division.

- (2) If no principles are in effect under subsection (1), the Parliamentary Budget Officer must prepare policy costings under this Division using approaches and costing conventions recommended in the most recent guidelines issued under subclause 30(1) of Schedule 1 to the *Charter of Budget Honesty Act 1998*.
- (3) The Parliamentary Budget Officer must ensure that principles issued under subsection (1) are made publicly available.
- (4) Principles issued under subsection (1) are not legislative instruments.

#### **64H Requests for costing of policies outside caretaker period**

- (1) This section applies at times other than during the caretaker period for a general election.
- (2) A Senator or a Member of the House of Representatives may request the Parliamentary Budget Officer to prepare a costing of a policy or a proposed policy.
- (3) A request under subsection (2):
  - (a) must be in writing; and
  - (b) must outline fully the policy to be costed, giving relevant details; and
  - (c) must state the purpose or intention of the policy; and
  - (d) may include a direction to treat the request, the policy costing or any other information relating to the request as confidential.

Note: For confidentiality obligations relating to requests, see subsection 64V(2).

- (4) If the Parliamentary Budget Officer needs more information to cost aspects of a policy, he or she may, in writing, ask the person who requested the costing for that information.
- (5) A request under subsection (2) may be withdrawn at any time, by notice in writing, by the Senator or the Member of the House of Representatives who made the request.

- (6) If the Parliamentary Budget Officer does not have sufficient information, or has not had sufficient time, to prepare a policy costing before the next general election, the request for the policy costing is taken to have been withdrawn immediately before the start of the caretaker period for the election.

#### **64J Requests for costing of policies during caretaker period**

- (1) This section applies during the caretaker period for a general election.
- (2) An authorised member of a Parliamentary party may request the Parliamentary Budget Officer to prepare a costing of a publicly announced policy of the Parliamentary party.
- (3) A request for a costing of a policy of a Parliamentary party is not to be made under subsection (2) before polling day if a member of that party has, during the same caretaker period, requested the preparation of a costing of that policy, or a substantially similar policy, under clause 29 of Schedule 1 to the *Charter of Budget Honesty Act 1998*.
- (4) A request for a costing of a policy of a Parliamentary party is not to be made under subsection (2) on or after polling day if a member of that party has, on or after that day, requested the preparation of a costing of that policy, or a substantially similar policy, under clause 29 of Schedule 1 to the *Charter of Budget Honesty Act 1998*.
- (5) An independent member may request the Parliamentary Budget Officer to prepare a costing of a publicly announced policy of the independent member.
- (6) A request under subsection (2) or (5) must:
- (a) be in writing; and
  - (b) outline fully the policy to be costed, giving relevant details; and
  - (c) state the purpose or intention of the policy.
- (7) If the Parliamentary Budget Officer needs more information to cost aspects of a policy, he or she may, in writing, ask the person who requested the costing for that information.

- (8) An authorised member of a Parliamentary party may, by notice in writing, withdraw a request made under subsection (2) on behalf of the Parliamentary party.
- (9) An independent member who made a request under subsection (5) may, by notice in writing, withdraw the request.

**64K Caretaker period policy costing requests—interaction with the Charter of Budget Honesty Act 1998**

If a request is made under subsection 64J(2) for the costing of a policy of a Parliamentary party (the *first policy*), the Parliamentary Budget Officer:

- (a) must ask the responsible Secretaries (within the meaning of Schedule 1 to the *Charter of Budget Honesty Act 1998*) whether a request has been made under clause 29 of that Schedule in relation to a policy of the Parliamentary party that is the same as, or substantially similar to, the first policy; and
- (b) if a request has been made under clause 29 of that Schedule—must not prepare a costing of the first policy under this Act.

**64L Caretaker period policy costing requests made before polling day—public release of requests and costings**

- (1) This section applies in relation to a policy costing request that is made under subsection 64J(2) or (5) before polling day during the caretaker period for a general election.

Note: Section 64LA applies in relation to a policy costing request that is made on or after polling day during the caretaker period for a general election in circumstances where the caretaker period continues after that day.

- (2) As soon as practicable after the request has been made and before polling day, the Parliamentary Budget Officer must publicly release the request and a costing of the policy.

Note: The obligation in this subsection does not apply to a request that has been withdrawn under subsection 64J(8) or (9).

- (3) If the Parliamentary Budget Officer does not have sufficient information, or has not had sufficient time, to prepare a policy

costing and publicly release the request and the costing before polling day:

- (a) the Parliamentary Budget Officer must publicly release a statement to that effect before that day; and
- (b) the request is taken to have been withdrawn on that day; and
- (c) the Parliamentary Budget Officer is not obliged or authorised to take any further action in relation to the request on or after that day.

**64LA Caretaker period policy costing requests made on or after polling day—public release of requests and costings**

- (1) This section applies in relation to a policy costing request that is made under subsection 64J(2) or (5) on or after polling day during the caretaker period for a general election in circumstances where the caretaker period continues after that day.
- (2) As soon as practicable after the request has been made, the Parliamentary Budget Officer must publicly release the request and a costing of the policy.

Note: The obligation in this subsection does not apply to a request that has been withdrawn under subsection 64J(8) or (9).

- (3) If the Parliamentary Budget Officer does not have sufficient information, or has not had sufficient time, to prepare a policy costing and publicly release the request and the costing before the end of the caretaker period:
  - (a) the Parliamentary Budget Officer must publicly release a statement to that effect as soon as practicable after the end of the caretaker period; and
  - (b) the request is taken to have been withdrawn at the end of the caretaker period; and
  - (c) the Parliamentary Budget Officer is not obliged or authorised to take any further action in relation to the request after the end of the caretaker period.



**64M Requests relating to the budget (other than requests for policy costings)**

A request referred to in paragraph 64E(1)(c) may include a direction to treat the request, the response to the request or any other information relating to the request as confidential.

Note: For confidentiality obligations relating to requests, see subsection 64V(2).

**64N Responsibility for managing Parliamentary Budget Office**

- (1) The Parliamentary Budget Officer, under the Presiding Officers, is responsible for managing the Parliamentary Budget Office and must advise the Presiding Officers in matters relating to the operation and administration of the Parliamentary Budget Office.
- (2) The Parliamentary Budget Officer must assist the Presiding Officers to fulfil the Presiding Officers' accountability obligations to the Parliament and provide factual information, as required by the Parliament, in relation to the operation and administration of the Parliamentary Budget Office.

**64P Restrictions on directions to Parliamentary Budget Officer**

The Parliamentary Budget Officer is not subject to direction by a Presiding Officer in relation to the performance of a function under subsection 64E(1).

**64Q Annual work plan for Parliamentary Budget Office**

- (1) The Parliamentary Budget Officer must, in consultation with the Joint Committee of Public Accounts and Audit, prepare a work plan for the Parliamentary Budget Office for each financial year.
- (2) The work plan must be prepared:
  - (a) for the financial year in which the first Parliamentary Budget Officer is appointed—before the end of 3 months after the appointment; and
  - (b) for each following financial year—before 1 October in the financial year.
- (3) The work plan must set out:

- (a) the priorities of the Parliamentary Budget Office for the financial year; and
  - (b) protocols for the allocation of the resources of the Parliamentary Budget Office during the financial year.
- (4) The Parliamentary Budget Officer must ensure that the work plan is made publicly available.
- (5) A work plan prepared under subsection (1) is not a legislative instrument.

**64R Joint Committee of Public Accounts and Audit may request draft estimates**

- (1) The Joint Committee of Public Accounts and Audit (the *Committee*) may request the Parliamentary Budget Officer to submit to the Committee draft estimates for the Parliamentary Budget Office for a financial year before the budget for that financial year.
- (2) The Parliamentary Budget Officer must comply with the request in time to allow the Committee to consider the draft estimates and make recommendations on them before the budget.

**64S Duties of Joint Committee of Public Accounts and Audit**

- (1) The Joint Committee of Public Accounts and Audit (the *Committee*) has the following duties:
- (a) to consider work plans for the Parliamentary Budget Office prepared under section 64Q;
  - (b) to consider draft estimates for the Parliamentary Budget Office submitted under section 64R;
  - (c) to make recommendations to both Houses of Parliament, and to the Presiding Officers, on draft estimates referred to in paragraph (b);
  - (d) to consider:
    - (i) the operations of the Parliamentary Budget Office; and
    - (ii) the resources of the Parliamentary Budget Office, including funding, staff and information technology;
  - (e) to report to both Houses of the Parliament on any matter arising out of the Committee's consideration of the matters

referred to in paragraph (d), or on any other matter relating to the Parliamentary Budget Officer's functions and powers, that the Committee considers should be drawn to the attention of the Parliament.

Note: These duties are additional to the duties of the Joint Committee of Public Accounts and Audit under section 8 of the *Public Accounts and Audit Committee Act 1951*.

- (2) Nothing in subsection (1) authorises the Committee to direct the activities of the Parliamentary Budget Officer.

#### **64T Review of operations of Parliamentary Budget Office**

- (1) After a general election, the Joint Committee of Public Accounts and Audit (the *Committee*) may request the Parliamentary Budget Officer to cause an independent review of the operations of the Parliamentary Budget Office to be conducted in accordance with the request.
- (2) The request must specify:
- (a) the person or body who is to conduct the review; and
  - (b) the scope of the review; and
  - (c) the manner in which the review is to be conducted; and
  - (d) that a report of the review is to be provided to the Committee.
- (3) In making the request, the Committee must have regard to the resources of the Parliamentary Budget Office.
- (4) The review must be completed within 9 months after the end of the caretaker period for the election.
- (5) The Committee must table the report of the review in each House of the Parliament as soon as practicable after receiving it.

#### **64U Public release of policy costings etc.**

The Parliamentary Budget Officer must, subject to section 64V, ensure that the following information and documents are made publicly available:

- (a) policy costing requests made under section 64H or 64J, and the policy costings prepared by the Parliamentary Budget Officer in response to those requests;

- (b) any withdrawals of policy costing requests made under section 64H or 64J;
- (c) requests relating to the budget referred to in paragraph 64E(1)(c), and the responses to those requests prepared by the Parliamentary Budget Officer;
- (d) requests by Parliamentary committees referred to in paragraph 64E(1)(d), and the responses to those requests prepared by the Parliamentary Budget Officer;
- (e) the results of any other work done in the performance of the functions of the Parliamentary Budget Officer under subsection 64E(1).

Note: See also subsections 64L(2) and 64LA(2), which require policy costings prepared during a caretaker period for a general election to be publicly released.

## 64V Confidentiality

- (1) In this section:

*entrusted person* means:

- (a) the Parliamentary Budget Officer; or
  - (b) a Parliamentary Service employee assisting the Parliamentary Budget Officer; or
  - (c) a person acting under the direction or authority of the Parliamentary Budget Officer.
- (2) An entrusted person must not disclose information relating to a request referred to in paragraph 64E(1)(a) or (c) if the request included a direction under paragraph 64H(3)(d) or section 64M to treat the information as confidential.
- (3) Subsection (2) does not prevent an entrusted person from disclosing information relating to a request for the purposes of complying with the request.
- (4) Despite subsection (2) but subject to subsection (5), the Parliamentary Budget Officer may make a public statement to clarify a matter relating to the response to a request referred to in paragraph 64E(1)(a) or (c) if:
- (a) the request included a direction under paragraph 64H(3)(d) or section 64M to treat information relating to the request as confidential; and

- (b) the Parliamentary Budget Officer is satisfied that it is necessary in the public interest to make the statement.
- (5) An entrusted person must not disclose information received by the Parliamentary Budget Officer in accordance with an arrangement under subsection 64F(1) if the disclosure of the information would contravene a confidentiality provision in the arrangement.

**Subdivision B—Parliamentary Budget Officer’s appointment, conditions etc.**

**64X Appointment of Parliamentary Budget Officer**

- (1) The Parliamentary Budget Officer is to be appointed by the Presiding Officers, for a term of 4 years.  

Note: The Presiding Officers must obtain the approval of the Joint Committee for Public Accounts and Audit before appointing a person as the Parliamentary Budget Officer (see section 64XA).
- (2) The Parliamentary Budget Officer holds office on a full-time basis.
- (3) A Parliamentary Budget Officer is eligible for reappointment, but must not hold office for a total of more than 8 years.
- (4) An appointment is not affected by any defect or irregularity in or in connection with the appointment.

**64XA Approval of proposed appointment by Joint Committee of Public Accounts and Audit**

- (1) The Presiding Officers must not make an appointment under subsection 64X(1) unless:
  - (a) the Presiding Officers have referred the proposed appointment to the Joint Committee of Public Accounts and Audit (the *Committee*) for approval; and
  - (b) the Committee has approved the proposal.
- (2) A referral under paragraph (1)(a) must be in writing and may be withdrawn by the Presiding Officers at any time.
- (3) If the Presiding Officers refer a proposed appointment to the Committee for approval under paragraph (1)(a), the Committee must:

- (a) approve or reject the proposal within 14 days after receiving it; or
  - (b) notify the Presiding Officers under subsection (5).
- (4) The Committee may request the Presiding Officers to provide further information in relation to the proposal.
  - (5) The Committee may notify the Presiding Officers within 14 days after receiving a proposal that it needs more time to consider the proposal. If the Committee does so, the Committee must approve or reject the proposal within 44 days after receiving it.
  - (6) The decision to approve or reject a proposal is to be by a majority of the members of the Committee for the time being holding office.
  - (7) If the Committee does not make a decision on a proposal by the required time, the Committee is taken, at that time, to have approved the proposal.
  - (8) The Committee must notify the Presiding Officers of its decision on a proposal as soon as practicable after making the decision.
  - (9) A notification under this section must be in writing.
  - (10) The Committee must report to both Houses of the Parliament on its decision on a proposal.

#### **64XB Remuneration of Parliamentary Budget Officer**

- (1) The Parliamentary Budget Officer is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the Parliamentary Budget Officer is to be paid the remuneration that is determined by the Presiding Officers.
- (2) The Parliamentary Budget Officer is to be paid the allowances that are determined by the Presiding Officers.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.
- (4) A determination made by the Presiding Officers under subsection (1) or (2) must be:
  - (a) published in the *Gazette* within 14 days after it is made; and

- (b) laid before each House of the Parliament as soon as practicable after it is made.

**64XC Leave of absence**

- (1) The Parliamentary Budget Officer has the recreation leave entitlements that are determined by the Remuneration Tribunal.
- (2) The Presiding Officers may grant the Parliamentary Budget Officer leave of absence, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the Presiding Officers determine.

**64XD Resignation**

- (1) The Parliamentary Budget Officer may resign by giving the Presiding Officers a written resignation.
- (2) The resignation takes effect on the day it is received by the Presiding Officers or, if a later day is specified in the resignation, on that later day.

**64XE Removal from office**

- (1) The Presiding Officers may remove the Parliamentary Budget Officer from office if each House of the Parliament, in the same session of the Parliament, presents an address to the Presiding Officers praying for the removal of the Parliamentary Budget Officer on the ground of misbehaviour or physical or mental incapacity.
- (2) The Presiding Officers must remove the Parliamentary Budget Officer from office if the Parliamentary Budget Officer becomes an insolvent under administration.

**64XF Acting appointments**

- (1) The Presiding Officers may, by written instrument, appoint a person to act as the Parliamentary Budget Officer:
  - (a) during a vacancy in the office of Parliamentary Budget Officer (whether or not an appointment has previously been made to the office); or

- (b) during any period, or during all periods, when the Parliamentary Budget Officer:
  - (i) is absent from duty or from Australia; or
  - (ii) is, for any reason, unable to perform the duties of the office.
- (2) Anything done by or in relation to a person purporting to act under an appointment is not invalid merely because:
  - (a) the occasion for the appointment had not arisen; or
  - (b) there was a defect or irregularity in connection with the appointment; or
  - (c) the appointment had ceased to have effect; or
  - (d) the occasion to act had not arisen or had ceased.

### **17 Before section 65**

Insert:

### **Division 3—Annual report**

#### **18 At the end of subsection 65A(2)**

Add:

- ; and (d) the Parliamentary Budget Officer, or an SES employee of the Parliamentary Budget Office nominated by the Presiding Officers in writing.



## **Schedule 2—Amendment of the Charter of Budget Honesty Act 1998**

### ***Charter of Budget Honesty Act 1998***

#### **1 Subclause 2(5) of Schedule 1**

Omit “Secretaries to”, substitute “Secretaries of”.

#### **2 Subclause 2(6) of Schedule 1**

After “the Opposition”, insert “or the Leader of a minority party”.

#### **3 Subclause 2(6) of Schedule 1**

Omit “Secretaries to”, substitute “Secretaries of”.

#### **4 Subclause 3(1) of Schedule 1 (definition of *caretaker period*)**

Repeal the definition, substitute:

*caretaker period* for a general election means the period starting when the House of Representatives expires or is dissolved, and ending:

- (a) when it is clear that the Government has been re-elected; or
- (b) if there is a change of Government, when the new Government has been sworn in.

#### **5 Subclause 3(1) of Schedule 1**

Insert:

*Department of Finance* means the Department administered by the Minister for Finance.

#### **6 Subclause 3(1) of Schedule 1**

Insert:

*Leader of a minority party* means the Leader of a recognised non-Government party of at least 5 members, but does not include

the Leader of the Opposition in the House of Representatives or in the Senate.

**7 Subclause 3(1) of Schedule 1**

Insert:

*member* means a member of either House of the Parliament.

**8 Subclause 3(1) of Schedule 1**

Insert:

*Minister for Finance* means the Minister administering the *Financial Management and Accountability Act 1997*.

**9 Subclause 3(1) of Schedule 1**

Insert:

*Parliamentary Budget Officer* has the same meaning as in the *Parliamentary Service Act 1999*.

**10 Subclause 3(1) of Schedule 1**

Insert:

*Parliamentary party* has the same meaning as in the *Parliamentary Service Act 1999*.

**11 Subclause 3(1) of Schedule 1 (definition of *responsible Secretaries*)**

Omit “Secretary to” (wherever occurring), substitute “Secretary of”.

**12 Paragraphs 25(b) and (c) of Schedule 1**

Omit “Secretary to”, substitute “Secretary of”.

**13 Paragraph 26(a) of Schedule 1**

Omit “Secretary to”, substitute “Secretary of”.

**14 Subparagraph 26(a)(i) of Schedule 1**

Before “revenue”, insert “tax”.

**15 Subparagraph 26(a)(iii) of Schedule 1**

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Before “revenue”, insert “tax”.

**16 Subparagraph 26(a)(iv) of Schedule 1**

After “paragraph 24(1)(d)”, insert “, so far as it relates to risks to tax revenue or tax expenditure”.

**17 Subparagraph 26(a)(v) of Schedule 1**

Repeal the subparagraph.

**18 Paragraph 26(b) of Schedule 1**

Omit “Secretary to”, substitute “Secretary of”.

**19 Subparagraph 26(b)(i) of Schedule 1**

After “expenses estimates”, insert “, and revenue estimates (other than tax revenue estimates)”.

**20 Subparagraph 26(b)(ii) of Schedule 1**

After “expenses estimates”, insert “, or revenue estimates (other than tax revenue estimates), referred to in subparagraph (i)”.

**21 Subparagraph 26(b)(iii) of Schedule 1**

Repeal the subparagraph, substitute:

- (iii) the information required by paragraph 24(1)(d), so far as it relates to risks to outlays or expenses, or revenue (other than tax revenue).

**22 At the end of subclause 29(1) of Schedule 1**

Add:

- ; and (c) the Leader of a minority party may, subject to subclause (4), request the responsible Secretaries to prepare costings of publicly announced policies of that party.

Note: If a request to prepare a costing of a policy of a Parliamentary party is made under this clause, and a member of that party makes a later request, under subsection 64J(2) of the *Parliamentary Service Act 1999*, to the Parliamentary Budget Officer to prepare a costing of that policy, or a substantially similar policy, the Parliamentary Budget Officer must not prepare a costing of the policy under that Act: see section 64K of that Act.

**23 After subclause 29(1) of Schedule 1**

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Insert:

- (1A) A request for a costing of a policy of a Parliamentary party is not to be made under subclause (1) before polling day during the caretaker period if a member of that party has, during the same caretaker period, requested the Parliamentary Budget Officer to prepare a costing of that policy, or a substantially similar policy, under Division 2 of Part 7 of the *Parliamentary Service Act 1999*.
- (1B) A request for a costing of a policy of a Parliamentary party is not to be made under subclause (1) on or after polling day during the caretaker period if a member of that party has, on or after that day, requested the Parliamentary Budget Officer to prepare a costing of that policy, or a substantially similar policy, under Division 2 of Part 7 of the *Parliamentary Service Act 1999*.

**24 Subclause 29(4) of Schedule 1**

After “Leader of the Opposition”, insert “, or the Leader of a minority party,”.

**25 Subclause 29(5) of Schedule 1**

Omit “or the Leader of the Opposition”, substitute “, the Leader of the Opposition or the Leader of a minority party”.

**26 Subclause 29(5) of Schedule 1**

After “by the Leader of the Opposition”, insert “, or the Leader of a minority party,”.

**27 Paragraph 30(2)(a) of Schedule 1**

Omit “Secretary to”, substitute “Secretary of”.

**28 Paragraph 30(2)(a) of Schedule 1**

Before “revenue”, insert “tax”.

**29 Paragraph 30(2)(b) of Schedule 1**

Omit “Secretary to”, substitute “Secretary of”.

**30 At the end of paragraph 30(2)(b) of Schedule 1**

Add “or revenue (other than tax revenue)”.

**31 Subclause 30(3) of Schedule 1**

Omit “or the Leader of the Opposition”, substitute “, the Leader of the Opposition or the Leader of a minority party”.

**32 Clause 31 of Schedule 1**

Repeal the clause, substitute:

**31 Public release of requests and costings—requests made before polling day**

- (1) This clause applies in relation to a policy costing request that is made before polling day during the caretaker period for a general election.

Note: Clause 31A applies in relation to a policy costing request that is made on or after polling day during the caretaker period for a general election in circumstances where the caretaker period continues after that day.

- (2) As soon as practicable after the request has been made and before polling day, either or both of the responsible Secretaries are to publicly release the request and a costing of the policy.

Note 1: Whether a policy costing request and costing has to be released by either or both of the responsible Secretaries depends on the division of responsibilities set out in subclause 30(2).

Note 2: The obligation in this subclause does not apply to a request that has been withdrawn under subclause 29(5).

- (3) If a responsible Secretary does not have sufficient information, or has not had sufficient time, to prepare a policy costing and publicly release the request and the costing before polling day:

- (a) the Secretary is to publicly release a statement to that effect before that day; and
- (b) the request is taken to have been withdrawn on that day; and
- (c) the Secretary is not obliged or authorised to take any further action in relation to the request on or after that day.

**31A Public release of requests and costings—requests made on or after polling day**

- (1) This clause applies in relation to a policy costing request that is made on or after polling day during the caretaker period for a

general election in circumstances where the caretaker period continues after that day.

- (2) As soon as practicable after the request has been made, either or both of the responsible Secretaries are to publicly release the request and a costing of the policy.

Note 1: Whether a policy costing request and costing has to be released by either or both of the responsible Secretaries depends on the division of responsibilities set out in subclause 30(2).

Note 2: The obligation in this subclause does not apply to a request that has been withdrawn under subclause 29(5).

- (3) If a responsible Secretary does not have sufficient information, or has not had sufficient time, to prepare a policy costing and publicly release the request and the costing before the end of the caretaker period:
- (a) the Secretary is to publicly release a statement to that effect as soon as practicable after the end of the caretaker period; and
  - (b) the request is taken to have been withdrawn at the end of the caretaker period; and
  - (c) the Secretary is not obliged or authorised to take any further action in relation to the request after the end of the caretaker period.

### **33 Clause 32 of Schedule 1 (heading)**

Repeal the heading, substitute:

### **32 Commonwealth bodies to provide information to help prepare policy costings**

## **Schedule 3—Amendment of other Acts**

### ***Freedom of Information Act 1982***

#### **1 Subsection 4(1)**

Insert:

*Parliamentary Budget Office* has the same meaning as in the  
*Parliamentary Service Act 1999*.

#### **2 Subsection 4(1)**

Insert:

*Parliamentary Budget Officer* has the same meaning as in the  
*Parliamentary Service Act 1999*.

#### **3 At the end of Division 1 of Part I of Schedule 2**

Add:

Parliamentary Budget Office

Parliamentary Budget Officer

### ***Long Service Leave (Commonwealth Employees) Act 1976***

#### **4 After paragraph 9B(4)(c)**

Insert:

(ca) the Parliamentary Budget Officer appointed under  
section 64X of that Act;

### ***Remuneration Tribunal Act 1973***

#### **5 At the end of paragraph 5(2D)(c)**

Add “(other than the Parliamentary Budget Officer)”.

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*[Minister's second reading speech made in—  
House of Representatives on 24 August 2011  
Senate on 21 September 2011]*

(163/11)

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28 *Parliamentary Service Amendment (Parliamentary Budget Officer) Act 2011* No.  
170, 2011