

2016

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Brendan Smyth)

Legislative Assembly (Parliamentary Budget Officer) Bill 2016

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Legislative Assembly (Parliamentary Budget Officer) Bill 2016

A Bill for

An Act to provide for a parliamentary budget officer, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Legislative Assembly (Parliamentary Budget Officer)*
4 *Act 2016*.

5 **2 Commencement**

6 This Act commences on the day after its notification day.

7 *Note* The naming and commencement provisions automatically commence on
8 the notification day (see [Legislation Act](#), s 75 (1)).

9 **3 Dictionary**

10 The dictionary at the end of this Act is part of this Act.

11 *Note 1* The dictionary at the end of this Act defines certain terms used in this
12 Act, and includes references (*signpost definitions*) to other terms
13 defined elsewhere.

14 For example, the signpost definition '*pre-election period*—see the
15 [Electoral Act 1992](#), dictionary.' means that the term 'pre-election
16 period' is defined in that dictionary and the definition applies to this
17 Act.

18 *Note 2* A definition in the dictionary (including a signpost definition) applies to
19 the entire Act unless the definition, or another provision of the Act,
20 provides otherwise or the contrary intention otherwise appears (see
21 [Legislation Act](#), s 155 and s 156 (1)).

22 **4 Notes**

23 A note included in this Act is explanatory and is not part of this Act.

24 *Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of
25 notes.

1 **5 Object of Act**

2 The object of this Act is to establish a parliamentary budget officer
3 to inform the Legislative Assembly by providing independent,
4 non-partisan analysis of the budget cycle, fiscal policy and the
5 financial implications of proposals made by members of the
6 Legislative Assembly.

- 1 **Part 2** **Parliamentary budget officer**
- 2 **Division 2.1** **Establishment and independence of**
3 **parliamentary budget officer**
- 4 **6** **Parliamentary budget officer**
- 5 There must be a parliamentary budget officer for the Territory.
- 6 **7** **Officer of the Legislative Assembly**
- 7 (1) The parliamentary budget officer is an independent officer of the
8 Legislative Assembly.
- 9 (2) The functions, powers, rights, immunities and obligations of the
10 parliamentary budget officer are as stated in this Act and other
11 territory laws.
- 12 (3) There are no implied functions, powers, rights, immunities or
13 obligations arising from the parliamentary budget officer being an
14 independent officer of the Legislative Assembly.
- 15 (4) The powers of the Legislative Assembly to act in relation to the
16 parliamentary budget officer are as stated in this Act and other
17 territory laws.
- 18 (5) In subsection (4):
- 19 *Legislative Assembly* includes—
- 20 (a) the members of the Legislative Assembly; and
- 21 (b) the committees of the Legislative Assembly.
- 22 (6) There are no implied powers of the Legislative Assembly arising
23 from the parliamentary budget officer being an independent officer
24 of the Legislative Assembly.

8 Parliamentary budget officer—independence

- (1) Subject to this Act and to other territory laws, the parliamentary budget officer has complete discretion in the exercise of the officer's functions.
- (2) In particular, the parliamentary budget officer is not subject to direction from anyone in relation to—
 - (a) the way in which a particular policy costing is to be carried out; or
 - (b) the priority to be given to any particular matter.

9 Parliamentary budget officer's annual report

The parliamentary budget officer is a public authority for the *Annual Reports (Government Agencies) Act 2004*.

Division 2.2 Appointment of parliamentary budget officer

10 Appointment

- (1) The Speaker must, on behalf of the Territory, appoint a person as the parliamentary budget officer.
- (2) The appointment must be made—
 - (a) on the advice of the public accounts committee; and
 - (b) in consultation with the Chief Minister; and
 - (c) in consultation with the Leader of the Opposition; and
 - (d) in consultation with the leader (however described) of a registered party (other than the party to which the Chief Minister or Leader of the Opposition belongs) if at least 2 members of the Legislative Assembly are members of the party; and

- 1 (e) in accordance with the merit principles set out in the *Public*
2 *Sector Management Act 1994*, section 65 (Application of merit
3 principle).
- 4 (3) The Speaker must not appoint a person as the parliamentary budget
5 officer unless satisfied that the person has extensive knowledge and
6 experience relevant to the position.
- 7 (4) The parliamentary budget officer is appointed on the terms (if any)
8 in relation to matters not provided for by this part or a determination
9 under the *Remuneration Tribunal Act 1995* that are prescribed by
10 the management standards under the *Public Sector Management*
11 *Act 1994*.
- 12 (5) An appointment is a disallowable instrument.
- 13 *Note* A disallowable instrument must be notified, and presented to the
14 Legislative Assembly, under the *Legislation Act*.

15 **11 Acting appointment**

- 16 (1) Before the Speaker appoints a person to act as the parliamentary
17 budget officer, the Speaker must consult with the presiding member
18 of the public accounts committee about the proposed appointment.
- 19 (2) However, for a period of leave of absence approved by the Speaker
20 under section 22, the parliamentary budget officer may appoint a
21 person to act as the officer after consulting with the Speaker.

22 **12 Term of appointment**

- 23 (1) The parliamentary budget officer must be appointed for not longer
24 than 4 years.
- 25 *Note* A person may be reappointed to a position if the person is eligible to be
26 appointed to the position (see *Legislation Act*, s 208 and dict, pt 1,
27 def *appoint*).
- 28 (2) A parliamentary budget officer is eligible for reappointment, but
29 must not hold office for a total of more than 8 years.

**Division 2.3 Other provisions applying to
parliamentary budget officer**

13 Oath or affirmation of office

Before a person is appointed as the parliamentary budget officer, the person must take an oath of office, or make an affirmation of office, before the Speaker.

Note For the form of the oath and affirmation of office, see the [Oaths and Affirmations Act 1984](#), s 6 and sch 1.

14 Disclosure of interests

The parliamentary budget officer must give a written statement of the officer's personal and financial interests to the Speaker within 7 days after—

- (a) the day the officer is appointed; and
- (b) the first day of each financial year; and
- (c) the day there is a change in the interest.

15 Parliamentary budget officer must not do inconsistent work etc

The parliamentary budget officer must not—

- (a) have paid employment that is inconsistent with the officer's functions; or
- (b) engage in any unpaid activity that is inconsistent with the officer's functions.

16 Resignation

The parliamentary budget officer may resign by giving a signed notice of resignation to the Speaker.

17 Retirement

- (1) The Speaker may retire the parliamentary budget officer on the ground of physical or mental incapacity if—
- (a) the incapacity substantially affects the exercise of the officer's functions; and
 - (b) the officer consents to the retirement.
- (2) However, the parliamentary budget officer must not be retired on the ground of invalidity unless—
- (a) if the officer is an eligible employee for the *Superannuation Act 1976* (Cwlth)—
 - (i) the officer is under the officer's maximum retiring age within the meaning of that Act; and
 - (ii) a certificate has been given by the Commonwealth Superannuation Board of Trustees No 2 under that Act, section 54C for the officer; or
 - (b) if the officer is a member of the superannuation scheme established under the *Superannuation Act 1990* (Cwlth)—
 - (i) the officer is under 60 years old; and
 - (ii) a certificate has been given by the Commonwealth Superannuation Board of Trustees No 1 under that Act, section 13 for the officer; or
 - (c) if the officer is an ordinary employer-sponsored member of PSSAP within the meaning of the *Superannuation Act 2005* (Cwlth)—
 - (i) the officer is under 60 years old; and
 - (ii) a certificate has been given by the Commonwealth Superannuation Board of Trustees No 1 under that Act, section 43 for the officer.

(3) In this section:

invalidity means—

- (a) for an eligible employee for the *Superannuation Act 1976* (Cwlth)—invalidity under that Act; or
- (b) for a member of the superannuation scheme established under the *Superannuation Act 1990* (Cwlth)—invalidity under that Act; or
- (c) for an ordinary employer-sponsored member of PSSAP within the meaning of the *Superannuation Act 2005* (Cwlth)—invalidity under that Act.

physical or mental incapacity includes invalidity.

18 Suspension—generally

(1) The Speaker may suspend the parliamentary budget officer on the ground of—

- (a) misbehaviour; or
- (b) physical or mental incapacity, if the incapacity substantially affects the exercise of the officer's functions.

Note Power given by a law to make a decision includes power to reverse or change the decision. The power to reverse or change the decision is exercisable in the same way, and subject to the same conditions, as the power to make the decision (see *Legislation Act*, s 180).

(2) If the Speaker is considering suspending the parliamentary budget officer, the Speaker may ask 1 or more of the following for advice about the proposed suspension:

- (a) the commissioner for public administration;
- (b) anyone else the Speaker considers appropriate.

- 1 (3) If the Speaker suspends the parliamentary budget officer, the
2 Speaker must give the officer written notice of the suspension and a
3 copy of a statement of the reasons for the suspension.

4 *Note* For what must be included in a statement of reasons, see the [Legislation](#)
5 [Act](#), s 179.

- 6 (4) The suspension takes effect when the notice and statement are given
7 to the officer under subsection (3).

- 8 (5) The parliamentary budget officer may be suspended only under this
9 section.

- 10 (6) The parliamentary budget officer is entitled to be paid salary and
11 allowances while suspended.

12 **19 Suspension—relevant Assembly committee notice and**
13 **meetings**

- 14 (1) If the Speaker suspends the parliamentary budget officer, the
15 Speaker must give written notice of the suspension and a copy of the
16 statement of the reasons for the suspension to each member of the
17 public accounts committee not later than the next business day, or if
18 the committee has not been established, the next business day after
19 the day the committee is established.

- 20 (2) The public accounts committee must meet in relation to the
21 parliamentary budget officer's suspension—

22 (a) not later than 3 business days after the day the committee is
23 given written notice of the suspension (the *notice day*); and

24 (b) at subsequent intervals of not longer than 30 days while the
25 officer is suspended (a *regular meeting*).

- 26 (3) The public accounts committee must give the parliamentary budget
27 officer written notice that a regular meeting will be held at least
28 3 business days before the day the meeting is to be held.

- 1 (4) The parliamentary budget officer may make an oral or written
2 submission (or both) to the public accounts committee about the
3 officer's suspension.
- 4 (5) At each regular meeting, the public accounts committee must review
5 the parliamentary budget officer's suspension and may at any time
6 pass a resolution about the suspension, including a resolution—
- 7 (a) recommending to the Speaker that the Speaker end the
8 suspension; or
- 9 (b) to make a statement to the Legislative Assembly
10 recommending that the Speaker end the officer's appointment.

11 **20 Suspension—ending suspension**

- 12 (1) If the Speaker does not comply with section 19 (1), the suspension
13 ends at the end of the notice day.
- 14 (2) If the public accounts committee fails to hold a meeting as required
15 under section 19 (2), the suspension ends on the day after the last
16 day when the meeting could have been held.
- 17 (3) If the public accounts committee makes a recommendation
18 mentioned in section 19 (5) (a) and the Speaker does not end the
19 suspension within 1 business day after the day the recommendation
20 is made—
- 21 (a) the committee may at any time resolve to make a statement to
22 the Legislative Assembly recommending that the suspension
23 be ended; and
- 24 (b) if the committee makes a statement mentioned in paragraph (a)
25 and—
- 26 (i) the Legislative Assembly resolves to end the
27 suspension—the suspension ends on the passing of the
28 resolution; or

- 1 (ii) the Legislative Assembly does not deal with the statement
2 within 3 sitting days—the suspension ends at the end of
3 the 3rd sitting day.
- 4 (4) If the public accounts committee makes a statement mentioned in
5 section 19 (5) (b)—
- 6 (a) the Legislative Assembly may resolve to require the Speaker to
7 end the parliamentary budget officer’s appointment; but
- 8 (b) if the Legislative Assembly does not, within 3 sitting days,
9 pass a resolution mentioned in paragraph (a)—the suspension
10 ends at the end of the 3rd sitting day.
- 11 (5) If the Speaker ends the parliamentary budget officer’s suspension,
12 the Speaker must give written notice of the ending of the suspension
13 and a copy of a statement of the reasons for ending the suspension to
14 the officer and the public accounts committee.
- 15 *Note* For what must be included in a statement of reasons, see the [Legislation](#)
16 [Act](#), s 179.
- 17 (6) In this section:
- 18 *notice day*—see section 19 (2) (a).
- 19 **21 Ending of appointment**
- 20 (1) The Speaker must end the appointment of the parliamentary budget
21 officer if—
- 22 (a) the Legislative Assembly—
- 23 (i) passes a resolution under section 20 (4) (a); or
- 24 (ii) otherwise resolves to require the Speaker to end the
25 officer’s appointment—
- 26 (A) for misbehaviour; or

- 1 (B) for physical or mental incapacity, if the incapacity
2 substantially affects the exercise of the officer's
3 functions; or
- 4 (b) the officer becomes bankrupt or personally insolvent.
- 5 (2) For a resolution mentioned in subsection (1) (a) (ii)—
- 6 (a) at least 7 days before the day the motion to which the
7 resolution relates is first debated in the Legislative Assembly—
- 8 (i) the Assembly must be given the notice of the motion and
9 a statement of reasons for the motion; and
- 10 (ii) the Speaker must—
- 11 (A) give the parliamentary budget officer a copy of the
12 notice and the statement of reasons; and
- 13 (B) tell the parliamentary budget officer that a written
14 submission about the motion may be made to the
15 Speaker not later than 3 days after the day the officer
16 is given the notice; and
- 17 (b) the Speaker must give any written submission to the
18 Legislative Assembly before the day the motion is first debated
19 in the Legislative Assembly.
- 20 (3) The Speaker may end the parliamentary budget officer's
21 appointment if—
- 22 (a) the officer contravenes section 14 (Disclosure of interests)
23 without reasonable excuse; or
- 24 (b) the officer is absent from duty, except on leave granted by the
25 Speaker, for 14 consecutive days or for 28 days in any
26 12 months.
- 27 (4) The parliamentary budget officer's appointment may be ended by
28 the Speaker only under this section or section 17 (Retirement).

1 **22** **Leave of absence**

2 The Speaker may approve leave of absence for the parliamentary
3 budget officer on the terms the Speaker decides.

4 **Division 2.4** **Office of the parliamentary budget**
5 **officer**

6 **23** **Staff**

7 (1) The parliamentary budget officer's staff must be employed under
8 the *Public Sector Management Act 1994*.

9 (2) The parliamentary budget officer has the powers mentioned in the
10 *Public Sector Management Act 1994*, section 25 (3) (Powers of
11 certain statutory office-holders) in relation to the parliamentary
12 budget officer's staff.

13 **24** **Contractors**

14 The parliamentary budget officer may, on behalf of the Territory,
15 engage a person under a contract to assist in the exercise of any
16 function of the officer.

17 **25** **Staff not subject to direction from others**

18 (1) The parliamentary budget officer's staff are not subject to direction
19 from anyone other than the following people in relation to the
20 exercise of the parliamentary budget officer's functions:

21 (a) the parliamentary budget officer;

22 (b) another member of the parliamentary budget officer's staff
23 authorised by the parliamentary budget officer to give
24 directions.

(2) In this section:

staff means—

- (a) staff mentioned in section 23; and
- (b) a contractor mentioned in section 24.

26 Arrangements with directorates

The parliamentary budget officer may make arrangements with the director-general of a directorate for the use of the services of public servants, or the use of facilities, in the directorate.

27 Delegation

The parliamentary budget officer may delegate the officer's functions under this Act to—

- (a) a member of the staff assisting the parliamentary budget officer; or
- (b) a person engaged by the parliamentary budget officer under section 24 (Contractors).

Note For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

Division 2.5 Functions and powers

28 Functions

(1) The parliamentary budget officer has the following functions:

- (a) outside the pre-election period for an election—to prepare policy costings on request by a member of the Legislative Assembly;

Note A request for a policy costing outside the pre-election period is dealt with in s 31.

(b) during the pre-election period for an election—to prepare policy costings on request by an authorised member of a parliamentary party or an independent member of the Legislative Assembly;

Note A request for a policy costing during the pre-election period is dealt with in s 32.

(c) to prepare responses (other than policy costings) to requests relating to the budget papers by a member of the Legislative Assembly;

(d) to prepare submissions to inquiries of a Legislative Assembly committee on request by the committee;

(e) on the officer's own initiative (including in anticipation of a request mentioned in paragraphs (a) to (d)), to conduct research on and analysis of the budget papers and fiscal policy settings.

(2) The parliamentary budget officer's functions do not include—

(a) preparing economic forecasts; or

(b) preparing budget estimates (whether at the whole-of-government, agency or program level).

(3) The parliamentary budget officer must carry out the officer's functions consistent with the object of this Act.

29 Arrangements for obtaining information from Territory entities

(1) The parliamentary budget officer may make an arrangement, in writing, with the head (however described) of a territory entity, or a person authorised by the head, for the officer to obtain from the entity information and documents relevant to the officer's functions.

- 1 (2) An arrangement under subsection (1) may provide for the
2 confidentiality of information disclosed or documents provided
3 under the arrangement.

4 *Note* Information must not be disclosed if disclosure would contravene a
5 confidentiality provision—see s 43 (2).

- 6 (3) An arrangement made under this section must be made publicly
7 available.

8 **Example—publicly available**

9 published on the Legislative Assembly website

10 *Note* An example is part of the Act, is not exhaustive and may extend, but
11 does not limit, the meaning of the provision in which it appears (see
12 [Legislation Act](#), s 126 and s 132).

13 **30 Approaches etc to be used in preparing policy costings**

- 14 (1) The parliamentary budget officer must, with the agreement of the
15 head of service, issue written principles setting out approaches and
16 costing conventions to be used in preparing policy costings under
17 this division.

- 18 (2) The parliamentary budget officer must make the written principles
19 publicly available.

20 **31 Requests for policy costings outside pre-election periods**

- 21 (1) A member of the Legislative Assembly may, outside a pre-election
22 period, request the parliamentary budget officer to prepare a costing
23 of a policy or a proposed policy.

- 24 (2) The request—

25 (a) must be in writing; and

26 (b) must outline fully the policy to be costed, giving relevant
27 details; and

28 (c) must state the purpose or intention of the policy; and

- 1 (d) may include a direction to treat the request, the policy costing
2 or any other information relating to the request as confidential.
- 3 (3) If the parliamentary budget officer needs more information to cost
4 aspects of the policy, the officer may ask the member, in writing, for
5 the information.
- 6 (4) The member may, by notice in writing, withdraw the member's
7 request at any time.
- 8 (5) If the parliamentary budget officer does not have sufficient
9 information, or has not had sufficient time, to prepare the policy
10 costing before the next election, the request is taken to be withdrawn
11 immediately before the start of the pre-election period for the next
12 election.

13 **32 Requests for policy costings during pre-election periods**

- 14 (1) An authorised member of a parliamentary party may, during a
15 pre-election period, request the parliamentary budget officer to
16 prepare a costing of a publicly announced policy of the
17 parliamentary party.
- 18 (2) An independent member of the Legislative Assembly may, during a
19 pre-election period, request the parliamentary budget officer to
20 prepare a costing of a publicly announced policy of the member.
- 21 (3) The request must—
- 22 (a) be in writing; and
- 23 (b) outline fully the policy to be costed, giving relevant details;
24 and
- 25 (c) state the purpose or intention of the policy.
- 26 (4) If the parliamentary budget officer needs more information to cost
27 aspects of the policy, the officer may ask the authorised member or
28 independent member, in writing, for the information.

1 (5) An authorised member of a parliamentary party may, by notice in
2 writing, withdraw a request made for the parliamentary party.

3 (6) An independent member of the Legislative Assembly may, by
4 notice in writing, withdraw the member's request.

5 **33 Pre-election period policy costing requests—**
6 **information-gathering**

7 (1) The parliamentary budget officer may ask the head (however
8 described) of a territory entity (the *head*) to give the officer
9 information, to assist the officer to prepare a policy costing in
10 response to a request under section 32.

11 (2) The parliamentary budget officer may make the request after the
12 policy costing request is made and before the polling day.

13 (3) If a head receives a request under subsection (1), the head must
14 comply with the request in time for the information to be taken into
15 account in preparing the policy costing, unless—

16 (a) it is not practicable to do so; or

17 (b) it would be unlawful to do so; or

18 (c) it would require the head to disclose confidential commercial
19 information.

20 (4) If the head gives information to the parliamentary budget officer in
21 response to a request under subsection (1), the head may ask that
22 some or all of the information be kept confidential.

23 *Note* Information must not be disclosed if disclosure would contravene a
24 request that the information be kept confidential—see s 43 (5).

34 Pre-election period policy costing requests—public release of requests and costings

- (1) This section applies to a request for a policy costing made under section 32 (Requests for policy costings during pre-election periods).
- (2) The parliamentary budget officer must publicly release the request and the policy costing—
- (a) as soon as practicable after the officer receives the request; and
 - (b) before the polling day for the election.
- (3) If the parliamentary budget officer does not have sufficient information, or has not had sufficient time, to prepare the policy costing and publicly release the request and policy costing before the polling day for the election—
- (a) the officer must publicly release a statement to that effect before the polling day; and
 - (b) the request is taken to be withdrawn on that day; and
 - (c) the officer must not take any further action in relation to the request.
- (4) This section does not apply to a request that is withdrawn under section 32 (5) or (6).

35 Requests relating to the budget papers

A request mentioned in section 28 (1) (c) (Functions) may include a direction to treat the request, the response to the request or any information relating to the request as confidential.

Note Information must not be disclosed if disclosure would contravene a request that the information be treated as confidential—see s 43 (1).

1 **36 Parliamentary budget officer not subject to direction**

2 The parliamentary budget officer is not subject to direction from the
3 Speaker in relation to the performance of the officer's functions
4 under section 28 (1).

5 **37 Public release of policy costings etc**

6 (1) The parliamentary budget officer must make the following
7 information and documents publicly available:

8 (a) requests for policy costings made under section 31 (Requests
9 for policy costings outside pre-election periods) or section 32
10 (Requests for policy costings during pre-election periods);

11 (b) any withdrawals of requests for policy costings made under
12 section 31 or section 32;

13 (c) requests relating to the budget papers mentioned in
14 section 28 (1) (c) and responses to the requests prepared by the
15 parliamentary budget officer;

16 (d) requests by Legislative Assembly committees mentioned in
17 section 28 (1) (d) and responses to the requests prepared by the
18 parliamentary budget officer;

19 (e) the results of any other work done by the parliamentary budget
20 officer carrying out the officer's functions under section 28 (1).

21 **Examples—publicly available**

22 1 published on the Legislative Assembly website

23 2 media release issued by the parliamentary budget officer

24 *Note* An example is part of the Act, is not exhaustive and may extend, but
25 does not limit, the meaning of the provision in which it appears (see
26 [Legislation Act](#), s 126 and s 132).

27 (2) This section is subject to section 43 (Confidentiality).

Division 2.6 Review of parliamentary budget officer's operations

38 Review to be carried out after election

- (1) After an election, the public accounts committee may decide that a review of the parliamentary budget officer's operations is to be carried out.
- (2) If the committee decides that a review is to be carried out, the committee must decide when the review is to be carried out.

39 Appointment of reviewer

- (1) If the public accounts committee decides that a review of the parliamentary budget officer's operations is to be carried out, the public accounts committee must ask the Speaker to, on behalf of the Territory, engage a person to conduct the review.
- (2) If requested by the public accounts committee, the Speaker must, on behalf of the Territory, engage an appropriately qualified person (the *reviewer*) under a contract to conduct the review.

40 Review to be conducted as requested

- (1) If the Speaker engages a reviewer under section 39—
 - (a) the public accounts committee must—
 - (i) decide terms of reference for the review, in consultation with the Minister; and
 - (ii) ask the reviewer to conduct the review according to the terms of reference; and
 - (b) the reviewer must—
 - (i) conduct the review as soon as practicable after receiving the request; and

1 (ii) complete the review within 9 months after the election
2 following which the request was made.

3 (2) The reviewer may conduct a review of the parliamentary budget
4 officer's operations only when requested under this division.

5 **41 Comments on proposed review report**

6 (1) This section applies if the reviewer is preparing a report about the
7 review for the Legislative Assembly under section 42.

8 (2) The reviewer must give the parliamentary budget officer—

9 (a) a copy of the proposed report; and

10 (b) a written notice stating that the parliamentary budget officer
11 may give written comments about the proposed report to the
12 reviewer before the end of—

13 (i) 14 days after the day the notice is given to the
14 parliamentary budget officer; or

15 (ii) a longer period stated in the notice.

16 (3) If the reviewer receives comments under this section, the reviewer
17 must consider the comments in preparing the final report.

18 (4) In this section:

19 *proposed report* means a draft version of a report.

20 **42 Review report**

21 (1) As soon as practicable after completing a review, the reviewer must
22 give a report about the review to the Speaker.

23 (2) The report must include the substance of any comments received by
24 the reviewer under section 41 (3).

25 (3) The Speaker must present a copy of the report to the Legislative
26 Assembly.

Part 3 Miscellaneous

43 Confidentiality

- (1) An entrusted person must not disclose information relating to a request mentioned in section 28 (1) (a) or (c) if the request included a direction to treat the information as confidential under—
 - (a) section 31 (2) (d) (Requests for policy costings outside pre-election periods); or
 - (b) section 35 (Requests relating to the budget papers).
- (2) An entrusted person must not disclose information received by the parliamentary budget officer in accordance with an arrangement under section 29 (Arrangements for obtaining information from Territory entities) if the disclosure would contravene a confidentiality provision in the arrangement.
- (3) Subsection (1) does not prevent an entrusted person disclosing information relating to a request for the purpose of complying with the request.
- (4) Despite subsection (1), but subject to subsection (2), the parliamentary budget officer may make a public statement to clarify a matter relating to the response to a request mentioned in section 28 (1) (a) or (c) if—
 - (a) the request included a direction under section 31 (2) (d) or section 35 to treat the 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.

- 1 (5) An entrusted person must not disclose information given to the
2 parliamentary budget officer by the head of a territory entity under
3 section 33 (3) (Pre-election period policy costing requests—
4 information-gathering) if the head requested under section 33 (4)
5 that the information be kept confidential.
- 6 (6) Subsection (5) does not prevent an entrusted person disclosing
7 information mentioned in subsection (5) for the purpose for which
8 the information was obtained, but the information must not be
9 further disclosed.
- 10 (7) In this section:
- 11 *entrusted person* means—
- 12 (a) the parliamentary budget officer; and
- 13 (b) a member of the parliamentary budget officer's staff; and
- 14 (c) a person acting under the direction or authority of the
15 parliamentary budget officer.
- 16 *staff* means—
- 17 (a) staff mentioned in section 23; and
- 18 (b) a contractor mentioned in section 24.
- 19 **44 Access to documents relating to policy costing request**
- 20 (1) For the FOI Act, a document in relation to a request to prepare a
21 policy costing is an exempt document.
- 22 (2) However, subsection (1) does not apply in relation to a request
23 under either of the following sections of the FOI Act if the request is
24 made by the person who made the costing request to which the
25 document relates:
- 26 (a) section 14 (Requests for access);

- 1 (b) section 48 (Persons may make application for amendment of
2 records).
- 3 (3) Subsection (1) is additional to, and does not limit, the operation of
4 the FOI Act, part 4 (Exempt documents).
- 5 (4) In this section:
6 *FOI Act* means the [Freedom of Information Act 1989](#).
- 7 **45 Protection of parliamentary budget officer etc from**
8 **liability**
- 9 (1) A protected person is not personally liable for conduct done
10 honestly and without recklessness—
- 11 (a) in the exercise of a function under this Act or another law; or
12 (b) in the reasonable belief that the conduct was in the exercise of
13 a function under this Act or another law.
- 14 (2) Any liability that would, apart from this section, attach to the
15 protected person attaches instead to the Territory.
- 16 (3) In this section:
17 *conduct* means an act or an omission to do an act.
18 *protected person* means a person who is or has been—
19 (a) the parliamentary budget officer; or
20 (b) a member of the staff of the parliamentary budget officer.
21 *staff* means—
22 (a) staff mentioned in section 23; and
23 (b) a contractor mentioned in section 24.

1 **46 Reports to be given to Speaker**

2 (1) A report or response required by this Act to be given to the Speaker
3 must—

4 (a) if the Speaker is unavailable—be given to the Deputy Speaker;
5 or

6 (b) if both the Speaker and Deputy Speaker are unavailable—be
7 given to the clerk of the Legislative Assembly.

8 (2) For subsection (1), the Speaker or Deputy Speaker is unavailable
9 if—

10 (a) he or she is absent from duty; or

11 (b) there is a vacancy in the office.

12 **47 Regulation-making power**

13 The Executive may make regulations for this Act.

14 *Note* A regulation must be notified, and presented to the Legislative
15 Assembly, under the [Legislation Act](#).

1 **Part 4** **Repeals and consequential**
2 **amendments**

3 **48 Repeal of Election Commitments Costing Act 2012**

4 The *Election Commitments Costing Act 2012* (A2012-47) is
5 repealed.

6 **49 Legislation Act 2001**
7 **Dictionary, part 1, definition of *officer of the Assembly*,**
8 **new paragraph (d)**

9 *insert*

10 (d) the parliamentary budget officer.

11 **50 Legislation Act 2001**
12 **Dictionary, part 1, new definition of *parliamentary budget***
13 ***officer***

14 *insert*

15 *parliamentary budget officer* means the parliamentary budget
16 officer under the *Legislative Assembly (Parliamentary Budget*
17 *Officer) Act 2016*.

Dictionary

(see s 3)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

Note 2 For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACT
- administrative unit
- Chief Minister
- Deputy Speaker
- director-general (see s 163)
- document
- entity
- Legislative Assembly
- Minister (see s 162)
- Speaker
- territory authority
- territory instrumentality
- the Territory.

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 act under this section.

budget papers—see the [Financial Management Act 1996](#), dictionary.

election—see the [Electoral Act 1992](#), dictionary.

independent member, during a pre-election period for an election, means a person—

- (a) who is not a member of a parliamentary party; and

- 1 (b) who intends to be a candidate in the election without the
2 endorsement of a registered party; and
- 3 (c) who, immediately before the pre-election period for the
4 election, was a member of the Legislative Assembly because
5 the person—
- 6 (i) had been elected to the Legislative Assembly without the
7 endorsement of a registered party; or
- 8 (ii) had been chosen or declared elected to fill a casual
9 vacancy without the endorsement of a registered party.
- 10 ***parliamentary party***—
- 11 (a) means a registered party at least 1 member of which is a
12 member of the Legislative Assembly; and
- 13 (b) during a pre-election period for an election—includes a
14 registered party at least 1 member of which was a member of
15 the Legislative Assembly immediately before the pre-election
16 period.
- 17 ***polling day***—see the [Electoral Act 1992](#), dictionary.
- 18 ***pre-election period***—see the [Electoral Act 1992](#), dictionary.
- 19 ***public accounts committee*** means the committee of the Legislative
20 Assembly whose functions include the examination of financial
21 statements for the Territory, a directorate or a territory authority.
- 22 ***registered party***—see the [Electoral Act 1992](#), dictionary.
- 23 ***territory entity*** means—
- 24 (a) an administrative unit; or
- 25 (b) a territory authority; or
- 26 (c) a territory instrumentality.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 4 May 2016.

2 Notification

Notified under the [Legislation Act](#) on 2016.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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