



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 396

Parliamentary Budget Officer Act

Introduction

**Introduced by
Mr. François Bonnardel
Member for Granby**

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EXPLANATORY NOTES

This bill provides for the appointment of a Parliamentary Budget Officer by the National Assembly and requires that the Parliamentary Budget Officer draw up an independent and objective portrait of the state of public finances and of the Government's budget estimates for every quarter of the fiscal year.

At the request of the National Assembly, a Member of the National Assembly or a parliamentary committee, the Parliamentary Budget Officer also conducts independent research and studies and provides independent analysis on the financial and economic impact of a measure proposed by the Government or a public body.

The Parliamentary Budget Officer may also conduct independent research and studies for and provide independent analysis to the National Assembly on the state of public finances, the expenditure budget of the Government and trends in Québec's economy.

The bill also contains provisions relating to the office and personnel of the Parliamentary Budget Officer as well as financial, administrative and miscellaneous matters.

Bill 396

PARLIAMENTARY BUDGET OFFICER ACT

AS it is essential that an independent person assist the Members in analyzing the state of public finances, the Government's budget estimates and trends in Québec's economy;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PURPOSE

1. The purpose of this Act is to facilitate parliamentary scrutiny of public finances and the Government's budget estimates and improve understanding of trends in Québec's economy.

CHAPTER II

PARLIAMENTARY BUDGET OFFICER

DIVISION I

APPOINTMENT, DUTIES AND ORGANIZATION

2. On the joint motion of the Premier and the Leader of the Official Opposition, after consulting with the Leaders of the other authorized parties represented in the National Assembly and with the approval of two thirds of the Members, the National Assembly appoints a Parliamentary Budget Officer to be responsible for the administration of this Act.

3. The Parliamentary Budget Officer draws up an independent and objective portrait of the state of public finances and of the Government's budget estimates for every quarter of the fiscal year.

4. At the request of the National Assembly, a Member of the National Assembly or a parliamentary committee, the Parliamentary Budget Officer conducts independent research and studies and provides independent analysis on the financial and economic impact of a measure proposed by the Government or a public body.

For the purposes of this Act, a public body is a body to which the National Assembly, the Government or a minister appoints the majority of the members,

to which, by law, the personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1), or whose capital forms part of the domain of the State.

5. The Parliamentary Budget Officer may conduct independent research and studies for and provide independent analysis to the National Assembly on the state of public finances, the expenditure budget of the Government, and trends in Québec's economy relative to the global financial and economic situation.

6. The Parliamentary Budget Officer is responsible for the administration of this Act and comes under the National Assembly.

The Parliamentary Budget Officer exercises the duties of office within the framework of the rights, privileges and immunities of the National Assembly.

This Act does not operate to limit the rights, privileges or immunities of the National Assembly and in no way affects the authority conferred by law on the Office of the National Assembly.

7. The National Assembly determines the remuneration, employee benefits and other conditions of employment of the Parliamentary Budget Officer.

8. The Parliamentary Budget Officer exercises the duties of office exclusively and on a full-time basis.

9. The Parliamentary Budget Officer is appointed for a fixed term of five years or less. At the expiry of the term, the Parliamentary Budget Officer remains in office until reappointed or replaced.

10. The Parliamentary Budget Officer may resign at any time by giving notice in writing to the President of the National Assembly. The President informs the National Assembly of the resignation within three days after receiving notice of it or, if the Assembly is not sitting, within three days of resumption.

11. The Parliamentary Budget Officer may only be removed by a resolution of the National Assembly approved by two thirds of the Members.

12. If the Parliamentary Budget Officer leaves office or is unable to act, the Government, after consulting with the Leaders of the authorized parties represented in the National Assembly, may designate a person to act as Parliamentary Budget Officer for a period not exceeding six months. The Government determines the designated person's remuneration and conditions of employment.

13. Before entering into office, the Parliamentary Budget Officer must take the oath set out in Schedule I before the President of the National Assembly.

DIVISION II

FINANCIAL AND ADMINISTRATIVE PROVISIONS

14. The Parliamentary Budget Officer submits annual budget estimates to the Office of the National Assembly.

15. After being examined and, as the case may be, amended by the Office, the budget estimates of the Parliamentary Budget Officer are incorporated into the expenditure budget tabled in the National Assembly.

16. The Parliamentary Budget Officer may make a report to the National Assembly if the Parliamentary Budget Officer considers the budget estimates, as amended, to be insufficient. The Parliamentary Budget Officer submits the report to the President of the National Assembly.

The President tables the report in the National Assembly within the next three days or, if the Assembly is not sitting, within three days of resumption.

17. If, during a fiscal year, the Parliamentary Budget Officer foresees that the appropriations granted by Parliament will be exceeded, the Parliamentary Budget Officer may submit supplementary budget estimates to the Office of the National Assembly. Sections 15 and 16 apply, with the necessary modifications, to supplementary budget estimates.

18. The provisions of the Financial Administration Act (chapter A-6.001) applicable to budget-funded bodies, except sections 30 and 31, apply to the management of the financial resources of the Parliamentary Budget Officer.

19. The provisions of the Public Administration Act (chapter A-6.01), except subparagraph 6 of the first paragraph and the second paragraph of section 9, sections 10 to 23, subparagraphs 1.1 and 3 of the second paragraph and the third paragraph of section 24, sections 25 to 28 and 44, the fourth paragraph of section 45, sections 46, 48, 49, 50 and 53, the third paragraph of section 57 and sections 74, 75 and 78, apply to the Parliamentary Budget Officer. The report referred to in section 24 of that Act must be included in the Parliamentary Budget Officer's activity report.

The President of the National Assembly tables the strategic plan adopted by the Parliamentary Budget Officer under section 8 of the Public Administration Act in the Assembly.

20. Subject to this Act, the Parliamentary Budget Officer's resources are managed in accordance with the Acts, regulations and rules applicable to the Parliamentary Budget Officer.

However, the Office of the National Assembly may, by regulation, authorize the Parliamentary Budget Officer to make an exception to any provision of a regulation made or approved by the Government or by the Conseil du trésor, or of a policy, directive or decision of the Government, a government

department, the Conseil du trésor or a government agency if, in the opinion of the Parliamentary Budget Officer, the provision constitutes a hindrance to the exercise of the duties of office.

The regulation must specify the provision concerned and the provision to be substituted for it.

The President of the National Assembly tables the regulation in the Assembly within 15 days after its adoption or, if the Assembly is not sitting, within 15 days of resumption.

21. At the Parliamentary Budget Officer's request, the Office of the National Assembly may determine the human, physical, financial and information management resource services to be provided by the National Assembly at no charge to the Parliamentary Budget Officer.

22. Parliamentary Budget Officer personnel members are appointed in accordance with the Public Service Act (chapter F-3.1.1).

The Parliamentary Budget Officer exercises, as regards Parliamentary Budget Officer personnel members, the powers conferred on a chief executive officer by the Public Service Act.

23. The Parliamentary Budget Officer may, by regulation, determine the conditions governing the contracts the Parliamentary Budget Officer may enter into for such purposes as retaining the services of experts or specialists in the matters submitted to the Parliamentary Budget Officer.

A regulation under this section comes into force on the date it is approved by the Office of the National Assembly, and is published in the *Gazette officielle du Québec*.

24. On or before 30 September each year, the Parliamentary Budget Officer must submit financial statements for the preceding fiscal year to the President of the National Assembly, together with a report on the Parliamentary Budget Officer's activities which presents

(1) the activities carried out;

(2) all the requested data, analysis, studies and research that the Parliamentary Budget Officer received, processed and analyzed in the exercise of the duties of office;

(3) a summary of the research and studies conducted and analysis provided by the Parliamentary Budget Officer as regards public finances, the assessment of the Government's revenues and expenditures, the Government's budget estimates and trends in Québec's economy relative to the global financial and economic situation.

The report may also include financial and economic analysis on any other subject of interest that the Parliamentary Budget Officer has come across in the exercise of the duties of office and that relates to the Government or to government departments or public bodies.

The President of the National Assembly tables the financial statements and the report in the National Assembly within the next 15 days or, if the Assembly is not sitting, within 15 days of resumption.

DIVISION III

MISCELLANEOUS PROVISIONS

25. The Parliamentary Budget Officer is entitled, on a written request to a deputy minister, the chief executive officer of a public body or any person designated by them for the purposes of this section, to free and timely access to any existing financial or economic data, analysis, study and research in the possession of the government department or public body that the Parliamentary Budget Officer considers to be necessary for the exercise of the duties of office.

26. The Parliamentary Budget Officer and persons acting on behalf or under the direction of the Parliamentary Budget Officer must not disclose any financial or economic data that come to their knowledge in the exercise of their duties. However, the Parliamentary Budget Officer may disclose such data if disclosure is essential for the performance of the Parliamentary Budget Officer's mandate and the data concerned are not confidential within the meaning of sections 53 to 62 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

27. The Parliamentary Budget Officer submits the objective portrait of the state of public finances and of the Government's budget estimates drawn up under section 3, and the findings of any research or study conducted or analysis provided in the exercise of the duties of office to the President of the National Assembly.

The President tables the document in the National Assembly within the next three days or, if the Assembly is not sitting, within three days of resumption.

28. The Parliamentary Budget Officer and persons acting on behalf or under the direction of the Parliamentary Budget Officer may not be prosecuted for an act or omission in good faith in the exercise of their duties.

29. No civil action may be brought by reason of the publication of a document of the Parliamentary Budget Officer or the publication, in good faith, of an extract from or summary of such a document.

30. The Parliamentary Budget Officer and persons acting on behalf or under the direction of the Parliamentary Budget Officer may not be compelled to give

testimony relating to information obtained in the exercise of their duties or to produce a document containing such information.

31. No remedy under the Code of Civil Procedure (chapter C-25), including an extraordinary recourse, may be exercised nor any injunction granted against the Parliamentary Budget Officer or the persons the Parliamentary Budget Officer has authorized to conduct an inquiry.

A judge of the Court of Appeal may, on a motion, annul by a summary proceeding any decision rendered or order or injunction issued contrary to the first paragraph.

32. Despite section 168 of the Act respecting Access to documents held by public bodies and the Protection of personal information, that Act does not apply to this Act.

33. Not later than 1 January 2019 and every five years after that, the Parliamentary Budget Officer must report on the carrying out of this Act and the advisability of amending it.

The report is submitted to the President of the National Assembly, who tables it in the Assembly within 15 days or, if the Assembly is not sitting, within 15 days of resumption. The competent committee of the National Assembly then examines the report within six months.

34. This Act comes into force on (*insert the date of assent to this Act*).

SCHEDULE I
(Section 13)

OATH OF OFFICE

I, (*name*), declare under oath that I will fulfill my duties as Parliamentary Budget Officer with objectivity, impartiality, rigour and honesty.

I further declare under oath that I will not reveal or disclose, unless duly authorized, anything that may come to my knowledge in or in connection with the discharge of my duties.

