Role of the Parliamentary Budget Officer: Recommendations to Amend the 2017 Budget Implementation Act

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This report was prepared under the supervision of Kevin Page, President & CEO of the Institute of Fiscal Studies and Democracy (IFSD), and Sahir Khan, Executive Vice-President.

IFSD is a Canadian think-tank at the University of Ottawa that sits at the nexus of public finance and state institutions. It is at this dynamic intersection that the IFSD strives to research, advise, engage and teach.

IFSD undertakes its work at all levels of government in Canada and abroad, while helping to prepare its student researchers and volunteers to make their mark as practitioners and good citizens.
Purpose

The purpose of this note is to provide recommendations to strengthen the legislation pertaining to the Parliamentary Budget Officer as set out in the proposed 2017 Federal Budget Implementation Act. The recommendations pertain to concerns of limiting the independence of the Officer, and restricting the mandate the Officer carries out for Parliament, as well as to weaknesses relating to what happens when the government and public service fail to provide information to the Officer as prescribed by the Act.

Context

Since the introduction of the Office of the Parliamentary Budget Officer (PBO) by the previous Conservative government in 2006, Parliamentarians and Canadians got to see the value of an independent fiscal institution (IFI) providing financial analysis to the Senate and to the House of Commons as they voted, debated, and held the government to account on how they sought to spend taxpayer funds. However, the then government also restricted the independence of the PBO by embedding it in the Library of Parliament, by limiting and then cutting its budget, and by denying the PBO the information it needed to do its job. Perhaps most important, the government and public service repeatedly challenged the very mandate of the PBO.

In its 2015 electoral platform, the now Liberal government promised to “make the Parliamentary Budget Officer truly independent” by addressing shortcomings in the previous government’s legislation (A New Plan for the Middle Class, p. 31). As part of the Budget Implementation Act (2017) (BIA), the government tabled amendments to the Parliament of Canada Act (rather than enact a separate statute) to fulfil its platform commitments. The government can be applauded for making a number of important improvements to the legislation, including making the PBO an Officer of Parliament independent of Library of Parliament, for increasing the tenure of the PBO to seven years (thereby extending it beyond the electoral cycle), for creating a role for the Senate and the House of Commons to select the Officer, and for raising the criteria for dismissal.

However, when compared to the existing legislation (as defined in section 79.1 of the Parliament of Canada Act), to the internationally-accepted OECD Principles for Independent Fiscal Institutions, and to legislation for other Officers of Parliament (e.g. Auditor General) as well as to legislation governing PBOs in other jurisdictions, the proposed legislation falls short of the government’s own commitment to make the PBO “truly independent” and, in many respects, can be seen as as step backwards from the existing legislation.

Since tabling the BIA, however, the federal government has signaled, through the media, that it is willing to make amendments to the proposed legislation. In this spirit, the Institute of Fiscal Studies and Democracy (IFSD) proposes key amendments to the proposed legislation in order to help the government fulfil its commitments to Canadians and to better comply with internationally accepted OECD guidelines, to which Canada is a signatory.

1 The full title of the Budget Implementation Act is Bill C-44: An Act to implement certain provisions of the budget tabled in Parliament on March 22, 2017 and other measures.
Analysis

Parliamentarians have two fundamental responsibilities when it comes to fiscal scrutiny: 1) *ex-ante* (i.e. before they vote on bills) due-diligence on government proposals for spending and taxation as laid out in legislation related to the Budget and Supply (of spending authorities for departments and agencies) and 2) *ex-post* (i.e. audit or after the fact) analysis of how government managed public money. The PBO supports Parliamentarians in the first function and the Auditor General (AG), in the second.

Fiscal scrutiny across the two responsibilities happens throughout a full-year financial cycle, which includes: 1) the budget (including the Budget Implementation Act and the Ways and Means Motions); 2) the Estimates (including Main Estimates, Supplementary Estimates, the Departmental Reports on Plans and Priorities (RPP), and the Departmental Performance Reports (DPR)); and 3) the previous year’s Public Accounts (including the Public Accounts of Canada, the Consolidated Financial Statements of the Government of Canada, and the Report of the AG).

However, the processes by which a government collects and spends money are often quite out of sync with the way parliamentarians debate, deliberate, and vote. Readers should consider that Parliamentarians receive the Public Accounts some 200 days after the close of the fiscal year. This means that they are required to vote on the following year’s Main Estimates before having scrutinized the previous year’s Public Accounts. That’s equivalent to a household making a budget and preparing to spend for 2017-2018 before closing the books on 2016-2017.

As part of the financial cycle, Parliamentarians are required to examine nearly $300 billion in annual spending, $100 billion in tax expenditures, as well as spending for new budget measures (for the next fiscal year), while monitoring the $2 trillion economy and managing their constituency and party responsibilities. To best serve Parliamentarians (and Canadians), a PBO should produce independent, non-partisan analysis to support Parliamentarians as they fulfil their fundamental role as guardians of the public purse. **It would be a fundamental mistake to undermine Parliament’s ability to fulfil its Magna Carta (1215) obligations by holding the executive to account by weakening an office like the PBO at the service of the legislature.**

The table annexed to this report compares and contrasts the proposed legislation with the existing legislation, OECD guidelines, legislation from other Canadian Officers of Parliament, and other PBOs around the world.

Based on this analysis, the IFSD concludes that the proposed legislation is diminished by:

1. A constrained mandate—when compared to the existing legislation—that is now largely premised on reacting to government reports rather than undertaking proactive analysis (section 79.2 (1)); and severely limits the ability of individual parliamentarians to request cost estimates (section 79.2 (1) (e) and (f)); as well as renders ambiguous the PBO’s self-initiated work on government Estimates (section 79.2 (1) (d)).
2. Risks to the independence of the PBO by requiring that the Speaker of the Senate and the Speaker of the House of Commons approve its annual work plan (section 79.14 (2)).
3. Restrictions to the timely publication of PBO analysis by requiring that it be submitted while Parliament is in session (section 79.2 (2)).
The following gaps in the legislation were missed opportunities for improvement:

1. No mention of qualifications for the position of Parliamentary Budget Officer, i.e. expertise and experience in federal budgeting, financial and economic analysis, etc.
2. Absence of any meaningful recourse for denied requests for information.
3. Lack of requirement for independent external evaluation of the PBO.

The IFSD recommends the following amendments to the proposed legislation that are aligned to the OECD’s Principles for Independent Fiscal Institutions and are consistent with legislation and practices of other Officers of Parliament.

Please refer to the table in Annex 1 organized based on the OECD Principles for further detail on the guidelines and for additional analysis on the amendments.

Legislation reflecting these proposed amendments can be found in Annex 2.

I. Mandate

The mandate of a PBO should be defined in legislation and, based on that mandate, the Office should autonomously determine its work plan. Requiring approval of its work plan by the Speakers, other political actors, or civil servants, undermines the ability of the PBO to undertake proactive, objective analysis and risks political or other interference or the perception of interference in the delivery of its analysis.

**It is recommended that the mandate of the PBO be to provide independent (including self-initiated) analysis on the economy and the nation’s finances, analysis of the Estimates of the government, as well as costing requests (originating from Parliamentarians) from the Senate and House of Commons to enable Parliamentarians to debate, deliberate, and vote on an informed basis on the financial matters before them.**

II. Independence and Non-partisanship

The PBO should be appointed based on technical competency and merit. International assessments, including an evaluation and research by members of the IFSD, indicate that the leadership of the PBO is a key determinant of the success of the office for both the credibility of its analysis and its ability to attract and retain competent staff.

**It is recommended that the legislation require that the appointee for the position of Parliamentary Budget Officer be an expert with experience in federal budgeting and fiscal and economic analysis.**

III. Resources

A PBO’s resources should enable it to fulfil its mandate. Compared to peer PBOs that have similar mandates, Canada’s PBO is under-resourced, both financially and in terms of human resources.
Resources (cont’d)

It is recommended that the PBO budget be commensurate with the scope and breadth of its mandate, using peer organizations from international jurisdictions with similar functions and mandates as benchmarks.

IV. Relationship with the Legislature

A PBO should be accountable to the legislature and provide its members with timely and relevant analysis. Restricting the ability of a PBO to freely publish its analysis by requiring that it report through Speakers or other political actors, non-elected administrators in the Parliamentary apparatus, or civil servants can politicize or risks the perception of politicizing the Office’s reporting.

It is recommended that the legislation enable the PBO to table and publish its analysis publicly and free from intermediaries by reporting directly to Parliament to ensure that it contributes in a timely and relevant fashion to parliamentary debate and public discourse.

V. Access to Information

To reduce the asymmetry in information between the executive and legislative branches, a PBO should have access to information related to the execution of its mandate defined in legislation and obtained at no cost. It should be incumbent upon the PBO to justify its request for information. Should a request be denied, the PBO should have recourse in protection and defense of its mandate and obligations to Parliament.

It is recommended that legislatively defined mechanisms for access to information and recourse (should access be denied), be included in the proposed PBO legislation, with recourse to the Federal Court of Canada being chief among these mechanisms.

VI. Transparency

To protect its mandate and gain credibility, a PBO should publish all its work and information on its operations. Elected officials, civil servants, and parliamentary administrators should not have the ability to review and amend reports prior to publication or influence the timing of release of the publications. Any real or perceived interference by these actors violates the independence of the Office.

It is recommended that the legislation enable the PBO to table and publish its analysis as it is produced to ensure it contributes in a timely and relevant fashion to parliamentary debate and public discourse (regardless of whether or not Parliament is sitting).

VII. External Evaluation

A PBO should regularly assess its work and operations through internal and external evaluations, to improve the Office's ability to discharge its mandate and ensure the quality of its analysis and the suitability of its resources.
External Evaluation (cont’d)

It is recommended that the legislation require both regular internal reviews (e.g. peer review of products) and independent external reviews (every five years) of the PBO’s context, input, outputs and outcomes.
### Annex 1: PBO Legislation Table

This table is also available [here](#) as an Excel workbook.

<table>
<thead>
<tr>
<th>OECD Principles</th>
<th>Description</th>
<th>Existing Legislation, fulfillment of guidelines</th>
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<th>Proposed Legislation</th>
<th>Potential of proposed legislation to fulfill guidelines</th>
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<tr>
<td><strong>Independence and non-partisanship</strong></td>
<td>• Independent Fiscal Institution (IFI) must be free from political influence; its work must be objective</td>
<td>Proposed legislation makes the PBO an independent Officer of Parliament, is subject to the Speaker of the Senate and the Speaker of the House of Commons. While there are some constraints with the appointment of the relevant Officers of Parliament, these are important differences. The other Officers of Parliament do not have legislation contained in the Parliament of Canada Act, and the AG for Canada and the Chief Electoral Officer have their position classification stated in legislation as equivalent to Supreme Court and Federal Court justices respectively.</td>
<td>• The PBO is appointed by the Governor-in-Council (i.e. Prime Minister) with approval by the Speaker of the Senate and the Speaker of the House of Commons, following consultation with Caucus leaders in the Senate and Leaders of all recognized parties in the House of Commons. (section 79.1 (3)).</td>
<td>• The PBO's remuneration and expenses are fixed by the Governor-in-Council (i.e. Prime Minister) (section 79.1 (5)).</td>
<td>• The success of the IFI is inextricably linked to its leadership. Lessons from evaluations in other jurisdictions, such as the United Kingdom, parallel the importance of leadership to stakeholders confidence in and success of the IFI. Failure to select and appoint a competent and qualified head risks the credibility of the office's analysis and its ability to function and remain non-partisan. It is not explicit from the proposed Canadian legislation that recommendation for the head of the IFI should be an independent Officer of Parliament, that reports to the Speaker of the House of Commons.</td>
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<td>• It is recommended that the legislation requires that the appointment of Parliamentary Budget Officer be an expert in budgetary and fiscal analysis.</td>
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<td><strong>Local ownership</strong></td>
<td>• IFI should be informed by the country’s legal foundations, fiscal framework, political system, and culture.</td>
<td>Proposed legislation positively defines the purpose of the PBO as “to provide for an independent and non-partisan Parliamentary Budget Officer to support Parliament by providing analysis, including an ongoing analysis of macro-economic and fiscal policy, for the purposes of raising the quality of parliamentary debate and promoting greater budget transparency and accountability.” (79.61).</td>
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<td>• While the balance of the legislation clarifies the role of the PBO there are restrictions to its independence by limiting its ability to undertake work proactively and to report on its analysis on developments. This structure can hamper the PBO’s ability to produce the timely and relevant analysis defined in its purpose.</td>
<td>New legislation reinforces and clarifies the role of the PBO as a servant of Parliament, to support and provide timely and relevant analysis to the Speaker of the House of Commons and the Senate.</td>
<td>1.0 It is recommended that the legislation require the position of Parliamentary Budget Officer be an expert in budgetary and fiscal analysis.</td>
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### Local ownership

- IFI should be informed by the country’s legal foundations, fiscal framework, political system, and culture.
- IFI’s functions, structure, and mandate should reflect these characteristics.

1.0 It is recommended that the legislation require the position of Parliamentary Budget Officer be an expert in budgetary and fiscal analysis.

### Independence and non-partisanship

- Proposed legislation makes the PBO an independent Officer of Parliament, subject to the Speaker of the Senate and the Speaker of the House of Commons. While there are some constraints with the appointment of the relevant Officers of Parliament, these are important differences. The other Officers of Parliament do not have legislation contained in the Parliament of Canada Act, and the AG for Canada and the Chief Electoral Officer have their position classification stated in legislation as equivalent to Supreme Court and Federal Court justices respectively.

#### Analysis

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#### Recommendation

- **It is recommended that the legislation requires that the appointment of Parliamentary Budget Officer be an expert in budgetary and fiscal analysis.**

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#### Analysis

- While the balance of the legislation clarifies the role of the PBO, there are restrictions to its independence by limiting its ability to undertake work proactively and to report on its analysis on developments. This structure can hamper the PBO’s ability to produce the timely and relevant analysis defined in its purpose.

#### Recommendation

- **New legislation reinforces and clarifies the role of the PBO as a servant of Parliament, to support and provide timely and relevant analysis to the Speaker of the House of Commons and the Senate.**
Establishing Legislative Enhancements

1. New legislation appears to provide some of the four aspects of the PBO’s mandate. However, the previously permitted self-initiated work would now need written before the standard analysis, previous to providing to government reports. Analysis would have to be pro-
duced and included in the annual work plan (as requested by the Speaker), which is in and of itself a new requirement. The PBO’s ability to undertake research at the request of individual Parliamentarians is restricted to those that it has or may be undertaking that day or that week in Parliament (see section 79.2).

2. The PBO is required to submit an annual work plan to the Speaker of the Senate and the Speaker of the House of Commons for approval. The Speaker of the House of Commons is the leader in Parliament.

3. The PBO’s right to undertake proactive research is in question.

4. The PBO is now mandated to undertake the costing of political platforms prior to a federal election, which is an expansion of its existing mandate.

5. The mandate in the current legislation is comparatively better than the existing legislative mandate and financial analysis to the Senate and House of Commons to enable Parliamentarians to view an updated basis; to support their debates and deliberations, and to enable fiscal scrutiny to hold the government to account.

6. It is recommended that the proposed legislation include the following elements. The Parliamentary Budget Officer is mandated to provide independent financial and economic analysis to the Senate and House of Commons to enable Parliamentarians to view an updated basis; to support their debates and deliberations, and to enable fiscal scrutiny to hold the government to account.

7. It is recommended that the mandate of the PBO revert to the breadth and functionality of the current legislation, including that:

a. The PBO may undertake self-initiated work on the economy, state of the nation’s finances, as well as requests from committees and individual Parliamentarians within the mandate of the PBO.

b. The costing requests originating by Members of Parliament (MP) and Senators shall be subject to the scope of the existing legislation.

Requiring that the 3 PBO’s budget plan be approved by the Speaker of the House of Commons, which is a political interference.

The ability of the PBO to undertake proactive work following a relevant timeframe that was not based on its emerging developments in the Canadian economic and national finances (i.e. 2008 recession).

It is a positive and important development for the independence of the PBO to have its budget defined as a separate line item in its appropriation (i.e. Speaker’s). However, Speaker’s and other comparable forums are not a sufficient safeguard in the absence of a separate block of financial statements that are prepared to strictly mandated offices that also undertake fiscal and financial forecasts, estimates assessments and costing. The Canadian PBO has fewer financial and human resources than peer organizations in the Netherlands, South Korea and the United States that undertake similar work. There are also instances where funding levels change in major demands, like in Australia’s PBO, which has guaranteed funding with the potential for decreases during election periods to meet supplementary demands in their work.

It is recommended that the PBO budget be commensurate with the scope and breadth of its mandate, using peer organizations from international jurisdictions with similar functions and mandates on independent financial and economic analysis.

In the legislation for the Ontario Financial Accountability Officer (FAO), the FAO reserves the right to balance the needs of committees and individual Parliamentarians by relating to mandates in certain work, if necessary.

In conclusion, there is no precise budgetary increase prescribed by the new legislation. The PBO’s budget is currently included as a line-
item in the appropriation for the Library of Parliament. The PBO’s funding is renewed annually.

The PBO’s budget has been maintained in the past but not restored only after public (and Parliamentary) scrutiny.

The PBO’s mandate in the current legislation is comparatively better than the existing legislative mandate and financial analysis to the Senate and House of Commons to enable Parliamentarians to view an updated basis; to support their debates and deliberations, and to enable fiscal scrutiny to hold the government to account.

Requiring that the PBO’s work plan be approved by the Speaker of the Senate and the Speaker of the House of Commons, which are political actors, limits the ability of the PBO to undertake proactive work following a relevant timeframe that was not based on emerging developments in the Canadian economic and national finances (e.g. 2008 recession).

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### Access to Information

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<tr>
<th>OECD Principles</th>
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<th>Existing Legislation</th>
<th>Existing Legislation’s Compliance with guidelines</th>
<th>Proposed Legislation</th>
<th>Potential of proposed legislation to ABI’s guidelines</th>
<th>Analysis</th>
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<tr>
<td><strong>Communications</strong></td>
<td>The PBO will get access to information through Freedom of Information Act; other agencies not previously covered by the PBO’s information access rights (see section 19 (1)).</td>
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<td><strong>Transparency</strong></td>
<td>Report release protocol is not included in the existing legislation.</td>
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<td>The PBO publishes information on its website and makes all its work available to the public.</td>
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<td>The OECD guidelines favor direct reporting to Parliament via its website.</td>
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<td>The legislation does not and should not provide any opportunity for civil servants to review products prior to their release to Parliament and government.</td>
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<td>Given that the PBO is to provide analysis that is timely and relevant as it is produced to ensure it contributes in a timely and relevant fashion to parliamentary debate and public discourse (regardless of whether or not such examinations and inquiries as he considers necessary to enable.</td>
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<td><strong>Potential of proposed guidelines</strong></td>
<td>There are various OECD IFIs, e.g. PBOs, that have their information and recourse (should access be denied), be included in the proposed PBO legislation, with recourse to the Federal Court of Canada being chief among these mechanisms.</td>
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<td>Given the nature of its mandate, an IFI gains credibility and protects its independence by publishing all of its work and information on its operations.</td>
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<td>IFI reports and analysis, including methodologies and underlying data, should be freely available to all stakeholders or its communications with them.</td>
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<td>IFI leadership should be free to testify and appear before committees.</td>
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<td>Reports and analysis should be delivered to Parliament in a timely fashion and relevant for debates.</td>
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<td>Release dates of major reports and analysis should be established and should be conditional with the release of relevant government reports and analyses.</td>
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<td>IFIs should release their work in their own name.</td>
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<td>The PBO’s stakeholders and its relationships with them are not explicitly defined in legislation.</td>
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<td>The PBO’s privacy protections are fundamental responsibility of parliamentarians dating back to the Magna Carta – the PBO should have the same capacity to produce and report on its analysis as the Auditor General, concerned with the budget, and as such shall make such examinations and inquiries as he considers necessary to enable.</td>
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### Transparency

- Current legislation (see section 79.3 (1)) ensures an access to information provision (see section 79.3 (2)); however, this provision is not always upheld and can be easy to dismiss.
- The proposed legislation for the PBO would reduce the Office’s ability to undertake proactive research (that arises based on changes to the legislation and/or the fiscal plan) to its absolute discretion.
- New legislation does not provide further guidance on the PBO’s stakeholders or its communications with them.
- No recommendation for legislative amendment. It is recommended that the PBO be given the same capacity to produce and report on its analysis as the Auditor General, concerned with the budget and the public and can be leveraged for rehearsals and debates.
### OECD Principles

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<tr>
<td>External evaluation</td>
<td>• IF should regularly evaluate its work and processes, e.g., annual evaluations on the quality of its analysis, review of specific reports, permanent advisory panels, advisory board, and peer review by another agency (IFI).</td>
<td>• There is no provision in current legislation for an annual external review or any other form of review.</td>
<td>• New legislation does not require any form of review.</td>
<td>It is recommended that the legislation require both regular internal reviews (e.g., peer review of products) and independent external reviews (every five years, for instance), to ensure the reasonableness of its financial and human resources (inputs), the credibility and soundness of its analysis (outputs), and its effectiveness in enhancing parliamentary and public debate (outcomes). Real-time evaluation, such as peer-review, can also support the PBO's discharge of its mandate and enhance stakeholder perceptions of quality and impartiality.</td>
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Annex 2: Proposed Amendments to BIA

Purpose

**79.01 Sections 79.1 to 79.5** provide for an independent and non-partisan Parliamentary Budget Officer mandated to provide independent financial and economic analysis to the Senate and House of Commons to enable parliamentarians to vote on an informed basis, to support their debate and deliberations and to undertake fiscal scrutiny to hold the government to account.

Appointment

**79.1 (1)** The Governor in Council shall, by commission under the Great Seal, appoint a Parliamentary Budget Officer after consultation with the following persons and after approval of the appointment by resolution of the Senate and House of Commons:

(a) the persons referred to in paragraphs 62(a) and (b) and the leader of every caucus and of every recognized group in the Senate; and
(b) the leader of every recognized party in the House of Commons.

**79.1 (2)** The Parliamentary Budget Officer shall be selected on the basis of merit and technical competence, without reference to political affiliation. In order to be appointed under the relevant subsection, a person must, at the time of his or her appointment,

(a) have demonstrated expertise and experience in federal budgeting as well as competency in financial and economic analysis across the financial cycle of the Government of Canada; and
(b) have an appropriate educational background, including a graduate degree in economics, finance or accounting or a related field.

Tenure

**(2)** The Parliamentary Budget Officer holds office during good behaviour for a term of seven years but may be removed for cause by the Governor in Council on address of the Senate and House of Commons.

Reappointment

**(3)** The Parliamentary Budget Officer may be reappointed for one or more terms of up to seven years each. However, the Parliamentary Budget Officer shall serve no more than 14 years in office in total.

Interim appointment

**(4)** In the event of the absence or incapacity of the Parliamentary Budget Officer, or if that office is vacant, the Governor in Council may appoint any person to hold that office in the interim for a term not exceeding six months, and that person shall, while holding office, be paid the remuneration and expenses that may be fixed by the Governor in Council.
Remuneration and expenses

(5) The Parliamentary Budget Officer shall be paid the remuneration equal to the salary of a Deputy Minister (Level 1) in the federal Public Service and expenses fixed by the Governor in Council.

Deputy head

79.11 (1) The Parliamentary Budget Officer shall rank as and have all the powers of a deputy head of a department, shall perform the duties of the office on a full-time basis and shall not hold any other office under Her Majesty or engage in any other employment. The Parliamentary Budget Officer has the control and management of the Office of the Parliamentary Budget Officer.

Powers to contract

(2) The Parliamentary Budget Officer may, in carrying out the work of the Office of the Parliamentary Budget Officer, enter into contracts, memoranda of understanding or other arrangements.

Staff

(3) The Parliamentary Budget Officer may employ any officers and employees and may engage the services of any agents and mandataries, advisers and consultants that the Parliamentary Budget Officer considers necessary for the proper conduct of the work of the Office of the Parliamentary Budget Officer.

Technical assistance

(4) The Parliamentary Budget Officer may engage on a temporary basis the services of persons having technical or specialized knowledge necessary for the proper conduct of the work of the Office of the Parliamentary Budget Officer.

Authorization

(5) The Parliamentary Budget Officer may, subject to the conditions that he or she sets, authorize any person to exercise any powers under subsections (2) to (4) on behalf of the Parliamentary Budget Officer that he or she may determine.

Salaries

(6) The salaries of the officers and employees of the office of the Parliamentary Budget Officer shall be fixed according to the scale provided by law.

Payment

(7) The salaries of the officers and employees of the Office of the Parliamentary Budget Officer, and any casual expenses connected with the office, shall be paid out of moneys provided by Parliament for that purpose.
Payment (cont’d)

(8) Before each fiscal year, the Parliamentary Budget Officer shall cause to be prepared an estimate of the sums that will be required to pay the charges and expenses of the Office of the Parliamentary Budget Officer during the fiscal year.

Inclusion in government estimates

(9) The estimate referred to in subsection (8) shall be submitted to the Speaker of the Senate and the Speaker of the House of Commons and then transmitted to the President of the Treasury Board, who shall lay it before the House of Commons with the estimates of the government for the fiscal year.

Administration

79.12 (1) The direction and control of the Office of the Parliamentary Budget Officer and its officers and employees is vested in the Parliamentary Budget Officer.

Cooperation

79.13 The Parliamentary Budget Officer and the Parliamentary Librarian shall take all reasonable steps to cooperate with each other to avoid any unnecessary duplication of resources and services provided to parliamentary committees and members of the Senate and the House of Commons.

Annual work plan

79.14 (1) Before each fiscal year, the Parliamentary Budget Officer shall prepare an annual work plan for that year that includes

(a) criteria for the allocation of resources to the various functions within the Parliamentary Budget Officer’s mandate;

(b) a list of matters of particular significance relating to the nation’s finances or economy or Estimates of the government or priorities of the government that should be brought to the attention of the Senate and the House of Commons during the year; and

(c) a statement of the manner in which the Parliamentary Budget Officer intends to prioritize requests for his or her services from parliamentary committees and members of the Senate and the House of Commons.

(d) this workplan will be updated as required to reflect developments in the Canadian economy, state of the nation’s finances, the Estimates of the government and other emerging government priorities.

(e) the Parliamentary Budget Officer shall make the workplan available to the public

Mandate — Parliament not dissolved

79.2 (1) During periods when Parliament is not dissolved, the mandate of the Parliamentary Budget Officer is to

(a) provide, on his or her own initiative, independent analysis to the Senate and to the House of Commons about the state of the nation’s finances, the Estimates of the government and trends in the national economy;
Mandate — Parliament not dissolved (cont’d)

(b) The Parliamentary Budget Officer may prepare reports containing the Parliamentary Budget Officer's analysis of any of, but not limited to, the following federal government documents:

(i) a budget tabled by or on behalf of the Minister of Finance,
(ii) an economic and fiscal update or statement issued by the Minister of Finance,
(iii) a fiscal sustainability report issued by the Minister of Finance,
(iv) the Estimates of the government;

(c) shall, if requested to do so by any of the following committees, undertake research into and analysis of matters relating to the nation’s finances or economy:

(i) the Standing Committee on National Finance of the Senate or, if there is not a Standing Committee on National Finance, the appropriate committee of the Senate,
(ii) the Standing Committee on Finance of the House of Commons or, if there is not a Standing Committee on Finance, the appropriate committee of the House of Commons,
(iii) the Standing Committee on Public Accounts of the House of Commons or, if there is not a Standing Committee on Public Accounts, the appropriate committee of the House of Commons,
(iv) the Standing Committee on Government Operations and Estimates of the House of Commons or, if there is not a Standing Committee on Government Operations and Estimates, the appropriate committee of the House of Commons;

(d) shall, if requested to do so by a committee of the Senate or of the House of Commons, or a committee of both Houses, that is mandated to consider the Estimates of the government, undertake research into and analysis of those Estimates;

(e) shall, if requested to do so by a committee of the Senate or of the House of Commons, or a committee of both Houses, estimate the financial cost of any proposal that relates to a matter over which Parliament has jurisdiction; and

(f) shall, if requested to do so by a member of the Senate or of the House of Commons, estimate the financial cost of any proposal that relates to a matter over which Parliament has jurisdiction.

Parliamentary Budget Officer may refuse a request

79.2 (2) The Parliamentary Budget Officer may in his or her discretion refuse any request by a Senator or Member of Parliament or a committee of Parliament.

Reports to be tabled

(2) The Parliamentary Budget Officer shall provide any report prepared under paragraph (1)(a) or (b) to the Speaker of the Senate and the Speaker of the House of Commons, who shall each table the report in the House over which he or she presides. The Parliamentary Budget Officer shall make the report available to the public one business day after the day on which the report is provided to the Speaker of the Senate and the Speaker of the House of Commons.
Request by committee

(3) The Parliamentary Budget Officer shall provide a report containing the research and analysis or estimate requested by a committee under paragraph (1)(c), (d) or (e) to the chair of the committee that requested it. The Parliamentary Budget Officer shall make the report available to the public one business day after the day on which the report is provided to the chair of the committee that requested it.

Request by member

(4) The Parliamentary Budget Officer shall provide a report containing the estimate requested under paragraph (1)(f) to the member of the Senate or of the House of Commons who requested it. The Parliamentary Budget Officer shall make the report available to the public one business day after the day on which the report is provided to the member.

If Parliament is dissolved

(5) If Parliament is dissolved before a report is provided to the chair of the committee or to the member under subsection (3) or (4), the Parliamentary Budget Officer shall discontinue work on the request.

Mandate — general election

79.21 (1) During the period described in subsection (2), the Parliamentary Budget Officer shall, at the request of an authorized representative or a member, estimate the financial cost of any election campaign proposal that the authorized representative’s party or the member is considering making.

Period

(2) For the purposes of subsection (1), the period begins on the 120th day before the date fixed under section 56.1 or 56.2 of the Canada Elections Act and ends on the day before the date of the next general election. However, if Parliament is dissolved before that 120th day, the period begins on the day on which Parliament is dissolved and ends on the day before the date of the next general election.

Request

(3) A request referred to in subsection (1) shall be made in writing and describe the proposal for which an estimate is requested, including relevant details and objectives.

Additional information

(4) The Parliamentary Budget Officer may, in writing, request additional information from an authorized representative of the party on behalf of which an estimate was requested or from the member who made a request for an estimate.
Ministerial agreement

(5) A minister who presides over a department within the meaning of paragraph (a) of the definition department in section 2 of the Financial Administration Act may, at the request of the Parliamentary Budget Officer, personally agree that his or her department will provide assistance to the Parliamentary Budget Officer in preparing estimates under subsection (1) during the period described in subsection (2).

Confidentiality

(6) The Parliamentary Budget Officer shall not disclose to a minister any information related to a request for an estimate under subsection (3).

Ministerial involvement

(7) A minister who, under subsection (5), agrees that his or her department will provide assistance shall
(a) instruct his or her deputy to make any arrangements that his or her deputy considers necessary for the provision of the assistance, including, at the deputy’s discretion, arrangements respecting the terms under which the assistance is to be provided; and
(b) abstain from any personal involvement in the provision of the assistance.

Confidentiality

(8) If the Parliamentary Budget Officer makes a request to a deputy referred to in paragraph 7(a) for assistance in preparing an estimate under subsection (1), the Parliamentary Budget Officer shall not disclose to the deputy or any other person in the department the identity of the party on behalf of which the estimate was requested or the identity of the member who made the request for an estimate.

Confidentiality

(9) Except for the purposes of subsection (10), information that is obtained or created in the provision of assistance referred to in subsection (8) shall not be disclosed to any person other than the Parliamentary Budget Officer.

Assistance of other departments

(10) In order to provide assistance referred to in subsection (8), a person in a department may provide information to and obtain information from a person in another department if
(a) the other department is also a department within the meaning of paragraph (a) of the definition department in section 2 of the Financial Administration Act; and
(b) the minister who presides over the other department has also agreed to provide assistance under subsection (5).
Withdrawal of request

(11) An authorized representative of the party on behalf of which the estimate was requested or the member who made the request may withdraw it, in writing, before a report containing the estimate is provided to an authorized representative or the member. If a request is withdrawn, the Parliamentary Budget Officer shall discontinue work on the request and shall not disclose the request or the estimate.

Report

(12) The Parliamentary Budget Officer shall provide a report containing the estimate to an authorized representative of the party on behalf of which the estimate was requested or to the member who made the request.

Proposal publicly announced

(13) An authorized representative of the party on behalf of which an estimate was requested or the member who made a request shall notify the Parliamentary Budget Officer, in writing, if the proposal for which the estimate is requested has been publicly announced.

Report made public

(14) The Parliamentary Budget Officer shall make a report available to the public as soon as feasible after the report has been provided to the authorized representative or the member under subsection (12) and the Parliamentary Budget Officer has been notified that the policy proposal has been publicly announced. However, the Parliamentary Budget Officer shall not make the report available to the public on or after the date of the general election.

Estimate not completed

(15) If, in the Parliamentary Budget Officer’s opinion, he or she does not have sufficient time or information to complete a requested estimate within the period described in subsection (2), the Parliamentary Budget Officer shall notify an authorized representative of the party on behalf of which the estimate was requested or the member who made the request, in writing, that he or she is discontinuing work on the estimate and that it will not be completed.

Publication of request and statement

(16) If the Parliamentary Budget Officer discontinues work on a request under subsection (15) and the request is for an estimate of the financial cost of a proposal that has been publicly announced, the Parliamentary Budget Officer shall, before the end of the period described in subsection (2), publish the request and a statement of the reasons why the request could not be completed.
Definitions

(17) The following definitions apply in this section.

authorized representative means the leader of a recognized party in the House of Commons on the day before the first day of the period described in subsection (2) or a person authorized in writing by the leader for the purposes of this section. (représentant autorisé)

member means a person who is a member of the House of Commons on the day before the first day of the period described in subsection (2) but who is not a member of a recognized party on that day. (membre)

Annual report

79.22 The Parliamentary Budget Officer shall, within three months after the end of each fiscal year, submit a report on his or her activities under sections 79.2 and 79.21 for that year to the Speaker of the Senate and the Speaker of the House of Commons, who shall each table the report in the House over which he or she presides. The Parliamentary Budget Officer shall make the report available to the public after it has been tabled in either the Senate or the House of Commons.

Definitions

79.3 The following definitions apply in sections 79.4 and 79.5.

department has the same meaning as in any of paragraphs (a), (a.1) and (d) of the definition department in section 2 of the Financial Administration Act. (ministère)

head has the same meaning as in section 3 of the Access to Information Act. (responsable d'institution fédérale)

parent Crown corporation has the same meaning as in subsection 83(1) of the Financial Administration Act. (société d'État mère)

Access to information

79.4 (1) Except as provided by any other Act of Parliament that expressly refers to this subsection, the Parliamentary Budget Officer is entitled, by request made to the head of a department or of a parent Crown corporation, to free and timely access to any information under the control of the department or parent Crown corporation that in the judgment of the Parliamentary Budget Officer is required for the performance of his or her mandate.

(2) When a department or a parent crown corporation refuses to fulfil a request under subsection (1), it shall indicate in writing to the Parliamentary Budget Officer why the information does not meet the conditions of subsection 69(3) of the Access to Information Act or, why the information requested falls under the exceptions in subsection (2).

(3) The Parliamentary Budget Officer may notify the relevant parliamentary committee if the Parliamentary Budget Officer is of the opinion that a government institution has failed to comply with a request under subsection (1).

(4) Notwithstanding subsection (3), the Parliamentary Budget Officer may, according to his or her discretion, refer the matter to the Federal Court in accordance with section 18.3 of the Federal Courts Act.
Exception

(2) Subsection (1) does not apply in respect of any information
(a) the disclosure of which is restricted under section 19 of the Access to Information Act;
(b) that is protected by solicitor-client privilege or professional secrecy of advocates and notaries or by litigation privilege;
(c) the disclosure of which is restricted under any provision of any other Act of Parliament set out in Schedule II to the Access to Information Act; or
(d) that is a confidence of the Queen’s Privy Council for Canada as defined in subsection 39(2) of the Canada Evidence Act.

Confidentiality

79.5 The Parliamentary Budget Officer, and every person referred to in subsections 79.11(3) and (4), shall not disclose any information that comes to their knowledge under subsection 79.21(9) or section 79.4, unless the disclosure is essential for the performance of the Parliamentary Budget Officer’s mandate and
(b) in the case of information referred to in subsection 79.21(9), the minister’s deputy has consented to the disclosure; or
(c) in the case of information referred to in section 79.4, the head of the department or parent Crown corporation who provided the information has consented to the disclosure.