



**Government
of South Australia**

Premier and Cabinet Circular PC 046

THE SOUTH AUSTRALIAN PRODUCTIVITY COMMISSION

13 August 2018

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1. Scope and Purpose

- a) The South Australian Productivity Commission (the Commission), has been established to make recommendations to government to facilitate productivity growth, unlock new economic opportunities, support job creation and remove existing regulatory barriers.
- b) The Commission will exercise independence, rigour and transparency in its operations and in the way it conducts its work.
- c) This Circular sets out the objects and functions of the Commission, how inquiries are referred to the Commission, undertaken and reported on, and how the Commission and public sector agencies cooperate in support of the performance of the Commission's functions.
- d) A reference to "public sector agency" in this Circular has the same meaning as in the *Public Sector Act 2009*.

2. The Commission

- a) The Commission comprises the Chair and other Commissioners appointed from time to time under the *Constitution Act 1934*.
- b) The Commission is supported to perform its functions by an attached office to the Department of the Premier and Cabinet known as the Office of the South Australian Productivity Commission (OSAPC).
- c) The Minister responsible for the Commission is the Premier. A reference to "Minister" in this Circular is a reference to the Premier.

3. Objects and Functions of the Commission

- a) The objects of the Commission are to assist the government in the following:
 - i) to improve the rate of economic growth and productivity of the South Australian economy in order to achieve higher living standards for South Australians;
 - ii) to improve the accessibility, efficiency and quality of services delivered or funded by government;
 - iii) to improve South Australia's competitiveness for private sector investment;
 - iv) to reduce the cost of regulation;
 - v) to facilitate structural economic changes whilst minimising the social and economic hardship that may result from those changes;
 - vi) to take into account the interests of industries, employees, consumers and the community;

- vii) to increase employment;
 - viii) to promote regional development;
 - ix) to develop South Australia in a way that is ecologically sustainable.
- b) The Commission has the following functions to further its objects:
- i) to hold inquiries and report to the Minister on matters referred by the Minister;
 - ii) to advise the Minister on any matter referred by the Minister;
 - iii) to promote public understanding of the objects of the Commission;
 - iv) to conduct a policy and research program that is developed in consultation with the Minister;
 - v) to perform any other function conferred on the Commission by the Minister;
 - vi) to do anything incidental to any of the preceding functions.

4. Inquiries and Reports

- a) Referral of inquiries
- i) The Commission must conduct an inquiry into any matter that the Minister, by written notice, refers to the Commission.
 - ii) The written notice must specify the terms of reference for the inquiry.
 - iii) The Minister may do 1 or more of the following:
 - (1) require that a report on the inquiry be delivered to the Minister within a specified period;
 - (2) require the Commission to make a draft report publicly available or available to specified persons or bodies during the inquiry;
 - (3) require the Commission to consider specified matters;
 - (4) give the Commission specific directions in respect of the conduct of the inquiry.
 - iv) The Minister may, by written notice, vary the terms of reference or a requirement or direction under subsection iii).
- b) Notice of inquiry
- i) The Commission must publish notice of an inquiry on the Commission's website.
 - ii) The notice must specify—

- (1) the purpose of the inquiry; and
 - (2) the period during which the inquiry is to be held; and
 - (3) the period within which, and the form in which, members of the public may make submissions, including details of public hearings; and
 - (4) the matters that the Commission would like submissions to deal with.
- iii) The notice must include the terms of reference and any requirements or directions of the Minister relating to the inquiry.
 - iv) The Commission must publish a further notice if the terms of reference or any requirement or direction relating to the inquiry are varied.
- c) Conduct of inquiry
 - i) Subject to any requirement or direction of the Minister an inquiry:
 - (1) may be conducted in such manner as the Commission considers appropriate; and
 - (2) may (but need not) involve public hearings at the discretion of the Commission.
 - ii) The Commission is not, in the conduct of an inquiry, bound by the rules of evidence.
- d) Reports
 - i) The Commission must deliver a copy of the Commission's final report on an inquiry to the Minister.
 - ii) The Commission must ensure that the report is available on its website:
 - (1) within 90 days of delivering the report to the Minister; or
 - (2) if the Minister specifies a shorter period – within the period specified by the Minister.
 - iii) The Minister will endeavour to respond to a Commission report within 90 days of receiving the report.

5. Provision of Information and Cooperation with Commission

- a) Public sector agencies must cooperate with the Commission and the OSAPC by:
 - i) providing contact details of agency staff, industry bodies and other stakeholders that can assist with an inquiry or other work in support of the Commission's functions when requested by the Commission;

- ii) unless prohibited by law, providing all relevant information (including but not limited to books, papers, surveys, reports, data and other documents and records) whether available in the public domain or not, that is in the possession of the agency, or can reasonably be obtained by the agency, when requested by the Commission in support of the performance of its functions;
 - iii) taking all reasonable to steps to make the staff of a public sector agency available to the Commission, which may include temporary assignment to the Commission at the home agency's expense, where the Commission deems it would support the performance of its functions;
 - iv) facilitating entry and inspection by the Commission of any land, building, place, vessel, goods and other things, the entry upon or inspection of which is deemed by the Commission to be relevant to support the performance of its functions; and
 - v) responding in a timely manner to the Commission's requests to ensure the timeframes of an inquiry, or other work supporting the functions of the Commission, are met as indicated by the Commission.
- b) The Commission and OSAPC will work in collaboration with public sector agencies to:
- i) preserve the sensitivity of information provided by a public sector agency having regard to its principles of transparency and independence, and its obligation to publish reports arising from inquiries; and
 - ii) to ensure the purpose and intent of the information provided by a public sector agency is understood by the Commission in the course of its work.

6. Publications

- a) The Commission may publish statements, reports and guidelines to support the performance of its functions.

For further information please contact:

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