

Premier and Cabinet Circular

PC 046

THE SOUTH AUSTRALIAN PRODUCTIVITY COMMISSION



Effective from December 2020

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Introduction

The Office of the South Australian Productivity Commission (OSAPC) was established under the *Public Sector Act 2009* in October 2018 to conduct inquiries and research as requested by the Premier.

To ensure accountability, transparency and independence the Chair and other Commissioners are appointed by His Excellency the Governor in Executive Council pursuant to section 68 of the *Constitution Act 1934*.

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 objectives 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) Commissioners may be appointed for the duration of an inquiry or review or for a period of up to three years which may be renewed;
- c) 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); and
- d) the Minister responsible for the Commission is the Premier.

3. Objects and functions of the Commission

- a) the objects of the Commission are to:
- i) improve the rate of economic growth and productivity of the South Australian economy in order to achieve higher living standards for South Australians;
 - ii) improve the accessibility, efficiency and quality of services delivered or funded by government;
 - iii) improve South Australia's competitiveness for private sector investment;
 - iv) reduce the cost of regulation;
 - v) facilitate structural economic changes whilst minimising the social and economic hardship that may result from those changes;
 - vi) take into account the interests of industries, employees, consumers and the community;
 - vii) increase employment;
 - viii) promote regional development; and
 - ix) develop South Australia in a way that is ecologically sustainable.
- b) The Commission's functions to further its objects are to:
- i) hold inquiries and report to the Premier on matters referred by the Premier;
 - ii) advise the Premier on any matter referred by the Premier;
 - iii) promote public understanding of the objects of the Commission;
 - iv) conduct a policy and research program that is developed in consultation with the Premier;
 - v) perform any other function conferred on the Commission by the Premier; and
 - vi) do anything incidental to any of the preceding functions.

4. Outputs of the Commission

To achieve its objectives the Commission delivers independent advice, conclusions and recommendations through reports, research discussion papers and memoranda according to the following operating principles:

- a) independent advice and recommendations that:
- i. focus on delivering net benefits to South Australia in the short and long term; and
 - ii. are based on evidence, rigorous analysis and expert opinion from a wide range of stakeholders; and

- b) transparent engagements with stakeholders, public consultation processes and respectful debate.

5. Inquiries and reviews

a) Referral

- i) The Commission must inquire into any matter that the Premier, by written notice, refers to the Commission.
- ii) The written notice must specify the terms of reference for the inquiry or review.
- iii) The Commission must be consulted during the drafting of the terms of reference, particularly with respect to the scope and time allocated to the task.
- iv) The Premier may do one or more of the following:
 - (1) require that a report on the inquiry be delivered to the Premier 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; and
 - (4) give the Commission specific directions in respect of the conduct of the inquiry.
- v) The Premier may, by written notice, vary the terms of reference or a requirement or direction under subsection (iv).

b) Notice

- 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;
 - (2) the period during which the inquiry is to be held;
 - (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 Premier relating to the inquiry; and

- 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
- i) Subject to any requirement or direction of the Premier 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 Premier.
 - ii) The Commission must ensure that the report is available on its website:
 - (1) within 90 days of delivering the report to the Premier; or
 - (2) if the Premier specifies a shorter period – within the period specified by the Premier.
 - iii) The Premier may appoint a lead Minister to develop the government's response to a Commission report, with an endeavour to respond within 90 days of receiving the report.
 - iv) The Commission will monitor and report annually on progress by the government in implementing its responses to Commission reports through the annual report of the OSAPC.

6. Public sector agency cooperation with the 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) 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
 - iv) 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 collaborate with public sector agencies to:
- i) preserve the sensitivity of information provided by a public sector agency having regard to the Commission's 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.

7. Temporary assignment of staff from public sector agencies

Public sector agencies are required to make staff available to the Commission on a temporary basis at the home agency's expense, to support the performance of Commission functions. Staff from agencies may be temporarily assigned to the OSAPC on a full-time or part-time basis for the duration of an inquiry, review or research project.

Agencies will make every effort to ensure assigned staff have the knowledge, expertise and skills sought by the Commission to support the performance of Commission functions. Temporary assignments contribute to building analytical capability as well as an understanding of the objectives of the Commission, consistent with the objects of the Commission.

8. Submissions from public sector agencies

Formal submissions from a public sector agency may be made to the Commission on the authority of the agency's Minister or Chief Executive. Such submissions will be published on the Commission's website.

Agencies may also provide information to the Commission as correspondence or in other appropriate forms. Such information will not be published without the approval of the agency although it may be cited in Commission reports at the Commission's sole discretion.

9. Publications

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

Document Control

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For more information

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