

ADDITIONAL COMMENTS BY LIBERAL SENATORS

1.1 This report is the third presented on the PPS reform process inquiry, the first having been the report on the exposure draft of the main Bill, which was tabled in March of this year.

1.2 The current inquiry was conducted in a little under a month from referral by the Senate, continuing a pattern of undue haste and scant regard for witnesses or for committee processes that has characterised all three inquiries. Short inquiries are sometimes necessary for urgent reforms of a limited nature, but this reform is large, exceedingly complex and has also been several years in the making. Yet the Senate is expected to come to terms with and approve this important legislation almost as an afterthought on the Government's part.

1.3 Liberal Senators note the comments in the main report that the ability of submitters and the committee to consider this highly technical bill has been significantly constrained by the timeframe of the inquiry, and that as a result, the committee has been forced 'to the extent possible, to examine the general thrust of issues and to articulate a few of the major concerns in more detail'. In other words, the main report is not comprehensive, and never could be in the time allowed.

1.4 Liberal Senators hold grave misgivings about how this whole process has been conducted. The time necessarily allowed for submitters with an interest in the reforms in all three inquiries has been unreasonably short given the complexity of the reforms. Further, it appears that the reform is being pushed ahead while there are still significant unresolved issues, as is evidenced by the significant flow of last minute correspondence to the committee about the matter, a major supplementary submission about PMSI registrations having been received as late as Friday afternoon, when the report must be tabled the next business day.

1.5 Liberal Senators accept and understand that some stakeholders remain opposed to the underlying policy of the reform, and there is little prospect that their concerns could ever be addressed, even in an exhaustive inquiry. However, in the view of Liberal Senators, there are significant unresolved matters that do not fall into this category, with disagreement between witnesses (eg: Lawyers and the Department) about the effect of substantive provisions of the Bill. It borders on recklessness for the Government to insist on passage of the Bill before all issues have been resolved to the point that the committee could sign off on them with confidence. In the time allowed, the committee cannot even be confident that all of the significant issues have been identified, let alone resolved.

1.6 Liberal Senators understand the desire to have the Bill passed to create legislative certainty, and also that not all States need to pass referral legislation before the scheme can commence. Liberal Senators also understand that many stakeholders are anxious to see the legislation in place so they can embark on the difficult process

of putting necessary information technology support in place. However, this is a very significant reform and there are huge financial implications for stakeholders. The costs of getting it wrong may be significant. Liberal Senators would have preferred the process to have been somewhat less pressured, to ensure the reform is as soundly thought through as possible.

1.7 Liberal Senators also express their disappointment that the regulations associated with this reform, which add much detail to the reform, have not yet been released in their final form. While these could be scrutinised separately by the Senate and the committee, it is not possible to assess the full impact of the complete legislative scheme when the regulations are unavailable.

Recommendation 1

1.8 Liberal Senators repeat their recommendation from the August 2009 report, that the government and the department release the revised draft regulations for public consultation as soon as possible.

1.9 Liberal Senators particularly wish to place on record their thanks to all of those who have given evidence to and made submissions to all three inquiries in what are recognised as undeniably sub-optimum circumstances.

Senator Guy Barnett

Senator Mary Jo Fisher

Deputy Chair