



## **PART 5** APPENDICES

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# PART 5

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## OCCUPATIONAL HEALTH AND SAFETY

The Treasury actively encourages and supports a safe and healthy working environment for staff and visitors, in accordance with the Treasury's Occupational Health and Safety Policy and Agreement and the *Occupational Health and Safety Act 1991*. In 2006-07, the Treasury continued to implement wellbeing strategies for staff, emphasising prevention, early intervention and education.

Late in 2006, the Treasury endorsed Comcare's Employer Statement of Commitment to the Occupational Health and Safety and Rehabilitation Performance Improvement Targets for Commonwealth premium paying employers. The targets are designed to reduce the incidence of workplace injury and disease, eliminate workplace fatalities and drive return to work improvement. To sustain the current good performance and assist in fulfilling the requirements of the targets, the Treasury developed an Occupational Health and Safety Framework. The focus of the strategy is prevention, early intervention and leadership which aims to enhance staff wellbeing, decrease costs and improve productivity.

In line with recent changes to the *Occupational Health and Safety Act 1991*, the Treasury is developing *Health and Safety Management Arrangements 2007-09*. These arrangements, drafted in consultation with the Occupational Health and Safety Committee, will replace the Occupational Health and Safety Policy and Agreement in 2007, as required by the legislation. Staff also have been informed about the implications of changes to the *Safety, Rehabilitation and Compensation Act 1988*, in particular, the removal of compensation coverage for journeys to and from work and recess breaks.

The Treasury's Occupational Health and Safety Committee meets quarterly to develop, monitor and review measures aimed at protecting staff wellbeing. Committee members also advise on more complex health and safety issues. The committee was reinstated in 2007 and renamed the Health and Safety Committee in line with the amended legislation.

The Treasury's health and safety representatives continued to work with occupational health and safety staff to manage risks by conducting quarterly workplace inspections to assess and rectify workplace hazards, and promote health and safety awareness. Occupational health and safety issues not rectified by health and safety representatives may be raised with the Treasury's Health and Safety Committee for resolution.

To increase awareness of health issues, the Treasury held a health month in November 2006. The programme was launched by Mr Nathan Deakes, Olympic race walker, Commonwealth Games gold medalist and 2007 World Champion gold medalist. The subsequent Health Expo provided access to information on a range of topics relating to nutrition, physical activity, posture, alcohol and work-life balance. Staff also were encouraged to participate in a virtual walking journey from Perth to Broome as part of the

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10,000 Steps programme. Around 200 staff participated in this virtual journey. A further 180 staff participated in the expo and wellbeing seminars.

A depression awareness seminar delivered by beyondblue in February 2007 attracted 73 staff and provided information on the causes of depression and resources available.

The Treasury's Comcare premium rate remains stable relative to the average Commonwealth agency rate. The 2006-07 rate was adjusted to 0.63 per cent of payroll (including figures for the Royal Australian Mint, the Australian Office of Financial Management and the Australian Government Actuary). This figure is lower than the average rate of 1.77 per cent for the Commonwealth as a whole and indicates the Treasury's high standard of performance in occupational health and safety has largely been achieved through prevention and proactive early intervention strategies.

During 2006-07, the Treasury received 47 incident reports; ten resulted in compensation claims, one of which is yet to be determined. Treasury staff are encouraged to report incidences and practice preventive measures in their daily work. Incident investigation is considered a high priority and immediate action is taken to rectify hazards.

All new staff are provided with an occupational health and safety briefing as part of their induction process. This presentation focuses on appropriate workstation set-up and includes information on emergency procedures, the employee assistance programme, incident reporting, first-aid officers, eyesight testing and health activities.

As a preventive measure, the Treasury continues to offer workstation set-up training to help staff understand ergonomic principles, workplace practices and workstation adjustment. Twenty-six staff participated in this training, and 190 individual workstation assessments also were conducted in 2006-07. In addition, staff who were prescribed glasses for the use with screen-based equipment were reimbursed for a portion of the cost: 17 staff sought screen-based eyesight appointments and 15 received partial reimbursement for glasses. Staff also were offered influenza vaccinations as a preventative health strategy; 263 were vaccinated in March 2007.

To help staff keep active, the Treasury continues to offer on-site activities, including pilates, body balance, flexibility for life and aerobics.

The Treasury's employee assistance programme, managed by an external provider, continues to assist staff who may be experiencing personal problems. This programme provides a free, confidential counselling service to Treasury staff and their families. To complement this service, the eapdirect™ website offers easy access to information on stress, depression, anxiety, work/life balance, career development and management techniques.

The employee assistance provider also offers ManagerAssist™, a service which helps managers who may be managing situations relating to work performance and personal difficulties.

The Treasury's first aid officers continue to play a vital role in providing first aid to staff. The Treasury's 20 first aid officers are located throughout the building to ensure those in need receive immediate assistance.

A Healthy Lifestyle Payment is part of the 2006-2009 Workplace Agreement. In 2006-07, 706 staff received the payment to help them undertake initiatives to maintain a healthy lifestyle, such as gym membership, stress management and quit smoking programmes. The one-off annual payment was increased in 2007 to \$450 from \$400.

The Treasury is preparing a draft Pandemic Preparedness Plan to provide guidance to staff and managers on appropriate conduct in the event of a pandemic outbreak.

## FREEDOM OF INFORMATION

The Treasury handles Freedom of Information matters for the Treasury, the Foreign Investment Review Board, the Takeovers Panel, the Financial Reporting Panel, the Australian Office of Financial Management, the Companies Auditors and Liquidators Disciplinary Board and the Financial Reporting Council.

Under section 8 of the *Freedom of Information Act 1982*, the Treasury must report on its activities. The Australian Competition Tribunal's statement then follows. The tribunal is a separate agency within the Treasury portfolio but does not publish an annual report.

### THE TREASURY — STATEMENT

Section 8 of the *Freedom of Information Act 1982* requires the Treasury to publish detailed information about:

- how it is organised and what decision-making powers it has;
- what arrangements it makes for public involvement in its work;
- what types of documents it holds; and
- how the public can obtain access to these documents.

The following information addresses these requirements.

### Organisation of the Treasury

Details of the Treasury's organisational and top management structure are set out in Part 1, Figure 1 on page 14. The Treasury's functions and the decision-making powers exercised in carrying out those functions are described in the Departmental Overview and Corporate Governance sections of this report.

Details of the organisation and structure of the Foreign Investment Review Board, the Takeovers Panel and the Financial Reporting Panel are published separately in the annual reports of each of those bodies.

### The Treasury delegations and authorisations

The Treasurer, other ministers and the Secretary to the Treasury have delegated certain powers to officials, or have authorised officials to act on their behalf, under Acts of Parliament and agreements. These delegations and authorisations stand in force until renewed, and are listed below.

- The Treasurer has the discretionary power to guarantee the borrowings of some Commonwealth statutory authorities, and in some cases, to delegate his guarantee powers to Treasury officers. The Treasurer has delegated his powers to guarantee the borrowings of Australian National Railways to the General Manager, Commonwealth-State Relations Division; Manager, Intergovernmental Agreement Unit; and Manager, State Finances and Reporting Unit.
- Under section 21 of the *A New Tax System (Commonwealth-State Financial Arrangements) Act 1999*, the Treasurer has delegated the power to make payments to the States under sections 18 and 19 of the Act to the Executive Director, Fiscal and Corporate; General Manager, Commonwealth-State Relations Division; and General Manager, Budget Policy Division.
- Under subclause 7(5) of Schedule 1 to the *A New Tax System (Commonwealth-State Financial Arrangements) Act 1999*, the Treasurer has delegated the functions under subclauses (1), (3) and (4) of clause 7 of Schedule 1 to the Executive Director, Fiscal and Corporate; General Manager, Commonwealth-State Relations Division; and General Manager, Budget Policy Division.
- Under the *Crimes (Currency) Authorisation 2006*, the Treasurer has delegated certain powers to the General Manager, Corporations and Financial Services Division; the Chief Executive Officer, Royal Australian Mint; and the Senior Manager, Note Development, Research and Security, Reserve Bank of Australia, pursuant to the definition of 'an authorised person' in subsection 3(1) of the *Crimes (Currency) Act 1981*.
- Under the *Currency Delegation 2007*, the Treasurer has delegated the power to determine the issue price of coins of certain denominations under subsection 14A(2) of the *Currency Act 1965*, to the General Manager, Corporations and Financial Services Division and the Chief Executive Officers of the Royal Australian Mint and Gold Corporation.
- Under the *Gold Corporation Agreement Delegation 1999*, the Treasurer has delegated authority to approve a range of essentially administrative matters provided for under the Gold Corporation Agreement between the Commonwealth and Goldcorp Australia relating to gold, platinum and silver coins to the Executive Director, Markets Group and the General Manager, Corporations and Financial Services Division.
- Under subsections 22(1) and 21A(2) of the *Foreign Acquisitions and Takeovers Act 1975*, the Treasurer has authorised the General Manager, Managers and Assistant Managers of the Foreign Investment and Trade Policy Division to act on his behalf to approve and conditionally approve various proposals and, in specific circumstances, to make an order.

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- Under section 22 of the *Mutual Assistance in Business Regulation Act 1992*, the Treasurer has delegated to the General Manager, Corporations and Financial Services Division the authorisation to exercise the Treasurer's powers to consider requests raised under the Act from foreign regulators for information, documents or evidence and for those requests authorised to impose conditions.
- The Treasurer has delegated to Treasury officials the authority to vote on routine matters arising from the Treasurer's Governorship of the IMF, the World Bank Group, the Asian Development Bank and the European Bank for Reconstruction and Development.
- Under section 31 of the *Financial Management and Accountability Act 1997*, the Treasurer has authorised the Secretary to enter into agreements with the Minister for Finance and Administration.
- Under the Compensation for Detriment Caused by Defective Administration scheme, The Treasurer has authorised the Secretary, Executive Directors and the General Manager, Corporate Services Division to approve payments on his behalf.
- Under subsection 9A(2) of the *Australian Prudential Regulation Authority Act 1988*, the Minister for Revenue and Assistant Treasurer, on behalf of the Treasurer, has delegated power to the Executive Director, Markets Group and the General Manager Financial System Division to approve the Australian Prudential Regulation Authority to enter into an agreement to provide prudential regulation of advice services for a fee.
- Under subsection 35(1) of the *Archives Act 1983*, the Assistant Treasurer, on behalf of the Treasurer, has delegated to the General Manager, Corporations and Financial Services Division the authorisation to arrange to exempt records from the open access period.
- Under section 92Q of the *Insurance Act 1973*, the Assistant Treasurer has authorised Treasury officials to make interest payments to Lloyd's.
- Under subsections 147(2) and 601DC(2) of the *Corporations Act 2001*, the Parliamentary Secretary to the Treasurer has delegated the powers to consent to a name being available to a body corporate, to the General Manager, Corporations and Financial Services Division.
- Under subsection 56(2) of the *Archives Act 1983*, the Minister for Finance and Administration has delegated to the Treasurer, the Secretary to the Treasury and other departmental officers the authorisation to approve access to records not in the open access period.
- Under the *Financial Management and Accountability Act 1997*, and the *Financial Management and Accountability Regulations 1997*, the Minister for Finance and

Administration has delegated certain powers to the Secretary who has sub-delegated them to Treasury officials. The Secretary holds powers in his own right under the *Financial Management and Accountability Act 1997*, and these have also been delegated to Treasury officials.

- Under subsection 23(1) of the *Freedom of Information Act 1982*, the Secretary has authorised Senior Executive Service (SES) officers within the Treasury to make decisions regarding initial requests for access to documents. Executive Directors are authorised under section 23 to consider and make decisions on applications for internal review.
- In accordance with subsections 33(5), 33A(6) and 36(8) of the *Freedom of Information Act 1982*, the Treasurer has delegated his powers to the Secretary, in respect of documents of the Treasury.
- Under the following legislation the Secretary has delegated to nominated Treasury officials certain of his responsibilities and decision-making powers as an employer: *Public Service Act 1999*; *Public Service Regulations 1999*; *Public Service Classification Rules 2000*; *Public Service Commissioner's Directions 1999*; *Long Service Leave (Commonwealth Employees) Act 1976*; *Maternity Leave (Commonwealth Employees) Act 1973*; and *Safety, Rehabilitation and Compensation Act 1988*.

## Arrangements for outside participation

People or organisations outside the Australian Government administration may participate in forming policy or administering enactments and schemes for which the Treasury is responsible. They can do this by writing to Treasury portfolio ministers, the Secretary to the Treasury, or agencies in the Treasury portfolio. In addition, the Treasury website includes details of current public consultations, reviews and inquiries, with details about how to make submissions.

### Consultation arrangements

Community consultation enables the Treasury to be better informed when providing advice to the Government.

Treasury officers conduct regular discussions with companies and organisations to monitor, analyse and report on economic conditions and prospects. The Treasury also engages in consultation to inform the development and implementation of specific policy proposals, including a comprehensive consultation programme on substantive tax and superannuation policy proposals. By being fully informed of the effects of specific proposals, the Treasury can better advise the government on how to best meet its objectives and minimise any unintended consequences.

The Treasury takes a number of different approaches to liaison and consultation, depending on the time available or commercial and other sensitivities surrounding an issue. For example, in tax design and legislation, the Treasury liaises with peak bodies on

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issues relating to the tax system as a whole, with specialist stakeholder groups focusing on more specific areas of tax, and with stakeholders on specific measures. The Treasury prepares a consultation report three times a year with details of the consultation strategy for announced tax measures and the progress of the consultation. This report is provided to the Board of Taxation and published on the Treasury website.

Consultation on policy proposals may be broad, with submissions invited from the general public or targeted, with submissions sought from specific stakeholders, representative focus groups or technical experts with knowledge in the relevant field. These consultations are based on publicly available documents such as discussion or issues papers. At times, targeted consultation may be conducted on a confidential basis owing to the sensitivity of particular proposals. Sensitivity can sometimes preclude consultation on a particular measure.

When engaging in community consultation, the Treasury seeks to involve an appropriate range of stakeholders; ensures all participants have an opportunity to contribute to the consultation; endeavours to provide realistic timeframes for participants to contribute; acknowledges, respects and seeks to understand the views of participants; and provides feedback on those views where possible. While consultation will not always result in a consensus, it assists the Treasury to provide advice to the Government that both alerts it to community concerns and balances the competing factors that affect the wellbeing of the Australian people.

Additionally, the following arrangements allow bodies outside the Australian Government administration to participate in advising on policy and administering enactments or schemes.

### **Australian Office of Financial Management Advisory Board**

The Australian Office of Financial Management (AOFM) Advisory Board is a non-statutory advisory body established by the Secretary to the Treasury in December 2000, to advise on the activities of the AOFM. The board comprises seven members: the Secretary, the AOFM Chief Executive Officer, a senior Treasury official, a senior officer of the Department of Finance and Administration and three experts drawn from the financial sector. The outside appointments are for three years and members may be reappointed.

The AOFM Advisory Board is accountable to the Secretary to the Treasury who is the Chair of the Board. The board performs an advisory role and does not possess executive powers or decision-making authority in its own right. The board provides general counsel and guidance to the Secretary on all aspects of operational debt policy matters and AOFM performance generally. It reviews the financial statements, legislative and policy compliance, and management recommendations on matters requiring ministerial approval.

### **Board of Taxation**

The Treasurer established the Board of Taxation, a non-statutory advisory body, in August 2000, to advise on the design and operation of Australia's tax laws, ensuring full and effective community consultation in designing and implementing tax legislation.

The board comprises ten members; seven are drawn from the business and community sectors, including the chair. These members are appointed on a part-time basis and with a view to their ability personally to contribute a broad range of relevant business, practitioner and broader community knowledge and experience to developing the tax system. The appointments are for up to three years and members may be reappointed. The Secretary to the Treasury, the Commissioner of Taxation and the First Parliamentary Counsel serve as ex officio members.

The Board of Taxation provides advice to the Treasurer on:

- the quality and effectiveness of tax legislation and processes for its development, including community consultation and other aspects of tax design;
- improvements to the general integrity and functioning of the tax system;
- research and other studies it commissions on topics approved or referred to it by the Treasurer; and
- other tax matters referred to it by the Treasurer.

The Treasury provides secretariat support to the board.

### **Business Regulation Advisory Group**

The Business Regulation Advisory Group is a non-statutory consultative body of nine part-time members, appointed from the Australian business community and the legal and accounting professions. These members provide advice on initiatives under the Government's Corporate Law Economic Reform Programme.

The Corporate Law Economic Reform Programme refocuses and improves laws governing Australian corporations and the financial markets to promote business and economic development. The Business Regulation Advisory Group provides an ongoing means of direct consultation with the business community on programme position papers and draft legislation.

### **Commonwealth Consumer Affairs Advisory Council**

The Commonwealth Consumer Affairs Advisory Council is a non-statutory advisory body established in May 1999 by the Minister for Financial Services and Regulation. Its primary role is to provide the Parliamentary Secretary to the Treasurer with independent advice on consumer affairs matters.

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The Commonwealth Consumer Affairs Advisory Council comprises 13 members appointed by the Parliamentary Secretary to the Treasurer. Members are drawn from a range of industries and backgrounds, including both an Indigenous and a youth representative. All serve as individuals, rather than as representatives of organisations.

The Commonwealth Consumer Affairs Advisory Council meets regularly to identify and advise on new and emerging consumer issues and investigate, advise and report on consumer issues referred to the Council by the Parliamentary Secretary to the Treasurer.

### **Corporations and Markets Advisory Committee**

The Corporations and Markets Advisory Committee is a body corporate established under Part 9 of the *Australian Securities and Investments Commission Act 2001* (ASIC Act).

The Corporations and Markets Advisory Committee comprises part-time members appointed by the Treasurer. Members are selected from throughout Australia on the basis of their knowledge of or experience in business, company administration, financial markets, law, economics or accounting. The chairman of the Australian Securities and Investments Commission is an ex officio member of the Advisory Committee by the operation of section 147 of the ASIC Act.

The committee, on its own initiative or when requested by the Minister, provides advice and recommends on such matters connected with:

- a proposal to make or amend corporations legislation (except excluded provisions);
- the operation or administration of the corporations legislation (except excluded provisions);
- law reform on corporations legislation (except excluded provisions);
- companies or a segment of the financial products and financial services industry; and
- a proposal to improve the efficiency of financial markets.

In fulfilling these functions, the committee seeks to stimulate and lead public debate to enhance the standards for corporations and participants in financial markets, and propose suitable regulatory reform when necessary.

The committee is assisted by its legal subcommittee.

### **Financial Literacy Foundation Advisory Board**

The Financial Literacy Foundation Advisory Board is a non-statutory body established by the Minister for Revenue and Assistant Treasurer in June 2005. The Advisory Board provides advice to Government on financial literacy issues.

The advisory board comprises 10 members, including the chair, drawn from the business, education and community sectors. Advisory board members are appointed by the Minister for Revenue and Assistant Treasurer on approval by the Prime Minister. Members are appointed in their own right and not in their capacity as representatives of organisations. Appointments are for three years and are subject to formal declarations regarding conflict of interest and confidentiality. Remuneration is on an expense recovery only basis.

### **Financial Sector Advisory Council**

The Financial Sector Advisory Council is a non-statutory body established in April 1998 by the Treasurer as part of the Government's response to the Financial System Inquiry. The council provides advice to the Government on policies to facilitate the growth of a strong and competitive financial system. The Treasurer appoints members in their personal capacity for two years, subject to their continued involvement in the relevant area of the financial sector.

The council can act on its own motion or as a government reference. Financial Sector Advisory Council submissions and recommendations to Treasury portfolio ministers are confidential.

The Treasury provides secretariat support.

### **Foreign Investment Review Board**

The Foreign Investment Review Board is a non-statutory body that advises the Government on foreign investment policy and its administration. The board comprises four members; three, including the chair, are drawn from the business and community sectors. These members are appointed on a part-time basis. The General Manager of the Foreign Investment and Trade Policy Division also serves on the board as an executive member. The board:

- examines proposals by foreign interests for acquisitions of new investment projects in Australia and, against the background of the Government's foreign investment policy, makes recommendations to the Treasurer on those proposals;
  - advises the Government on foreign investment matters generally;
  - fosters an awareness and understanding, both in Australia and abroad, of the Government's foreign investment policy;
  - provides guidance, where necessary, to foreign investors so their proposals conform with the policy; and
  - monitors and ensures compliance with foreign investment policy.

The board's functions are advisory only. Responsibility for the Government's foreign investment policy and for making decisions on proposals rests with the Treasurer.

## Categories of documents held by the Treasury

The Treasury holds correspondence, analysis and policy advice by Treasury officers, comments on Cabinet submissions and drafts of these and other documents. Every six months the Treasury posts an indexed list of its policy file titles at [www.treasury.gov.au](http://www.treasury.gov.au).

The Treasury holds representations made to Treasury portfolio ministers on matters falling within their portfolio responsibilities, including:

- economic, fiscal and monetary policy;
- international economic conditions;
- Commonwealth-State financial relations;
- taxation and excise;
- superannuation;
- microeconomic reform;
- competition policy;
- consumer affairs;
- corporate regulation;
- financial sector policy and regulation;
- foreign investment in Australia and free trade agreements; and
- activities of portfolio agencies.

The Treasury holds files dealing with policy and administration in areas falling within the responsibilities of the Treasury portfolio detailed in the annual report.

## Documents on internal departmental administration

The Treasury documents relating to staff and departmental organisation and operation include personal records, organisation and staffing records, financial and expenditure records, and internal operations, such as office procedures and instructions.

The Treasury holds documents relating to grants that the Government provides to other levels of government and to certain organisations under the programmes it administers.

A detailed listing of the Treasury's documents published during the year and available on request (publications, papers and annual reports) is available at [www.treasury.gov.au](http://www.treasury.gov.au).

## Facilities for access to documents

If a member of the public requests a document and the Treasury approves access, the Treasury will provide copies of documents after the applicant pays any charges.

Alternatively, applicants may arrange to inspect documents at the Treasury, Langton Crescent, Parkes, ACT between 9.00 am and 5.00 pm, Monday to Friday (except on public and public service holidays).

## Freedom of information applications and initial contact points

Strategic Communications Division coordinates requests under the *Freedom of Information Act 1982*. Applicants seeking access under the Act to the Treasury's documents should apply in writing to:

The Secretary  
The Treasury  
Langton Crescent  
PARKES ACT 2600  
Attention: Freedom of Information Coordinator

An application fee of \$30 or a written request, pursuant to subsection 30A(1) of the Act, that the application fee be waived should accompany requests. Telephone inquiries should be directed to the Freedom of Information Coordinator, telephone (02) 6263 2111, between 9.00 am and 5.00 pm Monday to Friday (except on public or public service holidays).

Under section 23 of the *Freedom of Information Act 1982*, Treasury SES officers can grant or refuse requests for access to documents. In accordance with section 54 of the Act, an applicant may, within 30 days of receiving notification of a decision under the Act, apply to the Secretary to the Treasury, seeking an internal review of a decision to refuse a request. The prescribed fee of \$40 should accompany the application. Executive Directors are authorised under section 23 to consider and make decisions on applications for internal review.

## Freedom of information activity

In 2006-07, the Treasury and the Treasurer received 26 requests for access to documents under the *Freedom of Information Act 1982*, compared with 38 requests in the previous year. Further details are set out in Table 16 on page 260.

**Table 16: Freedom of Information statistics 2006-07**

<b>Description</b>	<b>Number</b>
<b>Requests received</b>	
On hand at 1 July 2006	10
Received	26
<b>Break down across the Treasury</b>	
Treasurer	0
Executive	0
Fiscal Group	2
Revenue Group	7
Macroeconomic Group	4
Markets Group	8
Corporate Services Division	3
Strategic Communications Division	2
<b>Action on requests</b>	
Access in full	4
Access in part	9
Access refused or no documents located	4
Transferred in whole	5
Withdrawn/lapsed	10
Current as at 30 June 2007	4
<b>Internal review</b>	
Applications	3
<b>Review by Administrative Appeals Tribunal</b>	
Outstanding at 1 July 2006	2
New applications	2
Withdrawn	4
<b>Fees and charges</b>	
Total application fees collected	\$880.00
Total charges collected	\$4,651.00
Total application fees and charges collected	\$5,491.00

Note: A new request does not include an internal review or an appeal to the Administrative Appeals Tribunal. Section 16 of the *Freedom of Information Act 1982* provides that, as far as possible, the most appropriate agency will deal with a Freedom of Information request, regardless of which agency receives it. Details relating to reviews by the Administrative Appeals Tribunal are provided in Part 3, Internal and External Scrutiny on pages 128 and 129.

## AUSTRALIAN COMPETITION TRIBUNAL STATEMENT

The tribunal is an agency within the Treasury portfolio. As it does not publish an annual report, its section 8 statement follows.

### Establishment

The tribunal was established under the *Trade Practices Act 1965* and continues under the *Trade Practices Act 1974*.

### Organisation

The tribunal consists of a president and such number of deputy presidents and other members as the Governor-General appoints. A presidential member must be a federal court judge. Other members must have knowledge of, or experience in industry, commerce, economics, law or public administration. For the purposes of hearing and determining proceedings, the tribunal is constituted by a presidential member and two non-presidential members. Currently, all presidential members are judges of the Federal Court of Australia.

The Federal Court of Australia manages the tribunal's funds and provides registry services and administrative support. The registry receives documents, arranges tribunal sittings and undertakes general administration.

### Functions and powers

The tribunal is a review body that re-hears or reconsiders matters. It may perform all the functions and exercise all the powers of the original decision-maker to affirm, set aside or vary the original decision.

The tribunal hears applications for review of determinations of the Australian Competition and Consumer Commission, granting or revoking authorisations that permit conduct and arrangements (including company mergers and acquisitions) that otherwise would be prohibited under the Trade Practices Act because of their anti-competitive effect.

The tribunal hears applications for review of certain decisions on access matters under the Trade Practices Act's regime to facilitate third party access to the services of certain essential facilities of national significance. The tribunal also hears applications for review of determinations of the Australian Competition and Consumer Commission on exclusive dealing. The tribunal also hears applications for review of certain decisions under the Trade Practices Act's regime for non-conference ocean carriers.

## Arrangements for outside participation

Tribunal review proceedings, except under special circumstances, are public.

When a new review application is made to the tribunal, the tribunal ascertains who made submissions to, or registered their interest with the Australian Competition and Consumer Commission or the National Competition Council on the decision. The tribunal directs the applicant to serve the application on each interested party. At the same time, these parties are advised when the application will first come before the tribunal, and whether they have leave to intervene in the proceedings.

The tribunal may permit a person to intervene in the proceedings before it. Participants may appear on their own behalf or represent a firm or association, subject to the tribunal's approval, or, be represented by a barrister or solicitor.

## Categories of documents the tribunal holds

The tribunal maintains the following categories of documents:

- documents lodged with the registrar on particular proceedings, including applications, notices of appearance, statements of facts and contentions, and witness statements;
- correspondence concerning particular tribunal proceedings;
- tribunal decisions and reasoning;
- reports on tribunal inquiries into shipping matters;
- register of applications made to the tribunal;
- documents concerning administrative and financial aspects of the tribunal's operations; and
- general correspondence.

The public may inspect the following categories of documents free of charge:

- documents lodged with the registrar in respect to particular proceedings (except where the Act or the tribunal restricts public access on the ground of confidentiality);
- tribunal decisions and reasoning;
- reports on tribunal inquiries into shipping matters; and
- register of applications made to the tribunal.

The public can obtain copies of the above four categories of documents after paying the fees set out in the Trade Practices Regulations.

## Facilities for access to documents

Facilities are provided to access documents from 9.00 am to 4.00 pm, Monday to Friday (except on public and public service holidays).

If an applicant does not live in Sydney, alternative arrangements could reduce the inconvenience to the applicant.

## Freedom of information applications and initial contact points

General inquiries relating to freedom of information should be directed to:

Registrar  
Australian Competition Tribunal  
Level 16  
Law Courts Building  
Queens Square  
SYDNEY NSW 2000

Telephone: (02) 9230 8567  
Facsimile: (02) 9230 8535  
DX: 613 – Sydney

The Registrar of the Tribunal, as principal officer, can deny access to a document under the *Freedom of Information Act 1982*.

## Freedom of information activity

The tribunal did not receive any requests for access to documents under the *Freedom of Information Act 1982* in 2006-07.

## ADVERTISING AND MARKET RESEARCH

Table 17, below, sets out amounts paid by the Treasury on advertising and market research in 2006-07.

**Table 17: Advertising and market research expenditure for 2006-07**

Vendor	Purpose	Cost (\$)
Attorney-General's Department	Advertising for announcements on foreign investment proposals	27,159
DBM Consultants Pty Ltd	Provide survey services for the Financial Literacy Foundation	248,704
HMA Blaze	Recruitment advertising — general vacancies	282,214
HMA Blaze	Recruitment advertising — graduate recruitment	82,338
HMA Blaze	Advertising for Financial Reporting Council consultancies	23,348
HMA Blaze	Advertising for appointments Auditing and Assurance Standards Board	17,502
HMA Blaze	Advertising for appointments Australian Accounting Standards Board	17,502
HMA Blaze	Advertising for directorship of Asian Development Bank	24,501
National Mailing and Marketing Pty Ltd	Direct mailing of information material to the public	177,873
Publicis Mojo Pty Ltd	Creative services for the Financial Literacy Foundation	393,984
Quantum Market Research	Market research services for Financial Literacy Foundation	211,304
Screen Media Works	Advertising services for Financial Literacy Foundation	30,250
Universal McCann	Advertising management services for Financial Literacy Foundation	11,353,017
<b>Total</b>		<b>12,889,696</b>

Notes: These figures include GST. Projects totaling less than \$10,300 for the year and accrued expenses are not included in this table.

## ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The Treasury continues to develop and incorporate strategies to improve its overall environmental performance. The Treasury implemented an Environmental Management System in December 2002 which identified measures to reduce the Treasury's impact on the environment. The system was reviewed in 2006 and further improvements are planned.

Additionally, the Treasury participates in various government environmental forums and reviews information on property, building and environmental management through its membership of property and building industry groups. These groups include the Australian Property Institute and the Facilities Management Association of Australia.

### Energy management

The Treasury's overall energy consumption decreased in the last reporting period and was below the Government's energy consumption targets.

The Treasury recently completed an energy audit and is reviewing the recommendations. It plans to implement new energy saving initiatives to further reduce energy consumption.

The Treasury building's management system provides energy management and reporting facilities for three separate tenancies within the building.

The general office lighting system interfaces with the building management system with lights programmed to operate only during normal working hours. Manually operated switches turn on lights in specific areas for up to two hours after normal business hours. Additionally, infrared motion detection devices control lighting in areas not in constant use, such as conference rooms and meeting rooms.

### Paper and glass and plastics recycling

The Treasury recycles paper and cardboard products, which are collected by a local recycling firm. Paper recycling containers are available at staff workstations, adjacent to printers and in utility rooms. Classified waste paper is pulped and paper hand towels are recycled. Staff kitchen facilities use recycle bins that increase the separation of recyclable items that previously went to landfill.

During 2006-07, the Treasury recycled 185.5 cubic metres of used paper hand towels. An additional 95 cubic metres of co-mingled glass and plastics was recycled from staff kitchens.

### **Compost recycling**

All Treasury staff kitchens have sealed compost waste containers. In 2006-07, the Treasury recycled over 3,026 kilograms of compost. This service ensures the organic recycling of compostable waste which would otherwise be sent to landfill.

### **Procurement practices**

The Treasury purchases goods and services in accordance with environmental procurement policy as set out in the Commonwealth Procurement Guidelines. This ensures goods and services:

- are environmentally sound in manufacture;
- are reusable or recyclable;
- are designed and made for reliability and long life; and
- adhere to environmental best practice in energy efficiency and/or energy consumption.

Paper made from 80 per cent recycled fibre is used in reproduction areas. The Treasury actively encourages all areas to purchase and use recycled paper and stationery products. The Treasury's stationery supply contractor recently introduced reusable packing cartons for delivery of stock.

The Treasury participates in the Cartridges 4 Planet Ark programme. Toner cartridges can be recycled and old cartridges are delivered to a recycling outlet. Cartridges that cannot be reused are broken down and recycled so they can be made into new products. This guarantees cartridges do not end up at landfill.

### **Water usage**

Tenancies within the Treasury building are not metered separately for water consumption. The Treasury has effected a number of strategies to reduce water usage, including installing dual-flush toilets.

## DISCRETIONARY GRANTS

In 2006-07, the Treasury administered the following discretionary grants:

- Australian Consumers' Association: contribution of \$45,000 for the Consumers International World Congress;
- Australian Federal Police: contribution of \$27,500 for the Asia Pacific Group (Money Laundering) conference;
- Australian Public Service Commission: contribution of \$5,000 for the major prize award for the Drawing Together — Art Competition;
- Institute of Public Administration Australia: contribution of \$2,000 for the 2007 National Roundtable; and
- University of Technology, Sydney: contribution of \$2,750 for expanding legal and research facilities.

## LEGAL SERVICES EXPENDITURE

The following table sets out legal services expenditure by the Treasury for 2006-07 published in compliance with paragraph 11.1(ba) of the *Legal Services Directions 2005*.

**Table 18: Legal services expenditure for 2006-07**

	No.	\$
Total external legal services expenditure including disbursements		1,544,060
External expenditure on solicitors		1,426,936
External expenditure on counsel		117,124
Number of female counsel briefed	1	
Value of briefs to female counsel		27,254
Number of male counsel briefed	7	
Value of briefs to male counsel		89,870
Total internal legal services expenditure including disbursements		-
Total legal services expenditure including disbursements		1,544,060

Note: These figures represent accrued expenditure figures for legal services provided in 2006-07. All amounts include GST. Numbers of counsel briefed relate to new briefs delivered to counsel in 2006-07. Values of briefs include all fees and disbursements for new briefs delivered to counsel in this period and ongoing briefs delivered to counsel before this period.

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