

# Part 5: Appendices

Occupational health and safety.....	255
Freedom of information.....	258
Advertising and market research .....	272
Ecologically sustainable development .....	273
Discretionary grants.....	274
Legal services expenditure .....	275
Compliance index .....	276



## OCCUPATIONAL HEALTH AND SAFETY

In accordance with the *Occupational Health and Safety Act 1991*, the Treasury is committed to providing a safe and healthy working environment for all employees and continues to implement wellbeing strategies promoting prevention, early intervention and education. In line with this commitment, the 2007 Staff Opinion Survey indicated that 91 per cent of respondents felt that the Treasury is a safe and healthy workplace.

As a signatory to Comcare's Employer Statement of Commitment, the Treasury continues to observe the Occupational Health and Safety and Rehabilitation Performance Improvement Targets (2002-12) and maintains its relatively low rate of workplace injury by monitoring, evaluating and improving performance. The Treasury's Comcare premium rate for 2007-08 was 0.56 per cent (0.58 per cent in the previous year) and remains considerably lower than the Commonwealth average which was recently revised to 1.36 per cent.

In late 2007, the Treasury's Health and Safety Management Arrangements 2007-10 were implemented. These arrangements outline how Occupational Health and Safety (OH&S) is managed and include a framework and support networks designed to foster a safe and healthy workplace. These arrangements reinforce the responsibilities all employees have in actively promoting these strategies for the wellbeing of employees, contractors and visitors to the workplace.

All new starters receive a verbal briefing on their OH&S obligations and support structures to ensure their physical and psychological wellbeing. An OH&S presentation is also included as part of formal induction sessions with a demonstration of appropriate workstation set-up and provision of additional information relating to emergency procedures, emergency officers, the employee assistance program, accident/incident reporting, first-aid officers, health and safety representatives, the health and safety committee, eyesight testing and health activities.

In October 2007, the Treasury's Health Month was successfully launched by former Australian cricketer, Michael Bevan with approximately 150 employees attending the event. As part of Health Month, 414 employees participated in a comprehensive health assessment measuring blood pressure, cholesterol, blood glucose levels and body mass index. Information sessions throughout the month covered topics including happiness at work, stress, relaxation, sleep and nutrition with approximately 200 employees attending these sessions overall. In addition, 136 employees participated in the 10,000 Steps virtual journey from Rockhampton to the Gold Coast.

During 2007-08, the Treasury received 27 work-related incident reports with most relating to body stressing injuries. Of the 27 incidents reported, 6 compensation claims were submitted, 5 were accepted and 1 is yet to be determined. No incidents were reported to Comcare under section 68 of the *Occupational Health and Safety Act 1991*. Treasury

## Part 5: Appendices

employees are encouraged to actively practice preventive measures in their daily work routines and to report incidents as soon as possible. Incident investigation is a high priority and immediate action is taken to rectify hazards.

The Treasury's first aid officers play a vital role in providing first aid to employees. The 28 first aid officers are fully trained and located throughout the building to ensure immediate assistance is available when required.

Should an injury be sustained, the Treasury aims for effective rehabilitation and early return to work through case management and/or engagement of a rehabilitation provider, regardless of whether a case is compensable. Managers are encouraged to report absence which may be related to injury/illness or a depressed/stressed state so that appropriate action can be put in place as soon as possible. Leave data is also analysed fortnightly to enable early intervention of potentially non-reported issues.

In July 2007, Beyondblue delivered a workshop to assist Treasury managers in recognising and dealing with common mental illnesses in the workplace. Twenty two managers attended this workshop, allowing early intervention strategies to be put in place for employees requiring assistance.

The Treasury's Health and Safety Committee meets quarterly to develop, monitor and review measures aimed at protecting staff wellbeing. Committee members facilitate cooperation amongst employees and advise on more complex health and safety issues.

Health and safety representatives actively promote safety awareness and good OH&S practice by conducting quarterly inspections to help rectify both workplace and psychosocial hazards. They consult and provide advice to managers and staff on a range of OH&S issues and ensure measures are put in place to ensure staff health and safety is not compromised. As a result of the inspections conducted in 2007-08, no notices were given under sections 29, 46 and 47 of the *Occupational Health and Safety Act 1991*.

As a preventive measure, Treasury offers workstation set-up training to help employees understand ergonomic principles, workplace practices and workstation adjustment. Twenty one employees participated in this training and 255 individual workstation assessments were conducted in 2007-08.

Employees who require glasses for screen-based use can be reimbursed for a portion of the cost; 17 employees were reimbursed in 2007-08.

To assist employees in keeping active, the Treasury offers on-site exercise activities such as flexible for life, yoga and aerobics throughout the year.

Influenza vaccinations paid by the Treasury are offered annually with 288 employees receiving vaccinations in April 2008.

In cooperation with the Department of Finance and Deregulation, a 10 metre smoking exclusion zone was introduced around the Treasury building. This initiative is designed to prevent the inadvertent exposure of cigarette smoke to employees and third parties

accessing entry/exit points of the Treasury building and those using the neighbouring childcare centre and café.

As part of the Treasury's Workplace Agreement 2006-09, 752 employees took advantage of the Treasury's Lifestyle Contribution in 2007-08. This annual payment of \$450 can be used for activities which promote wellbeing such as gym memberships and stress management programs.

## 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 body 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 15. 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, Federal Finances Unit; and Manager, State Finances 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 the 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.

## Part 5: Appendices

- 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, including the ability to impose conditions on an authorisation.
- 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 subsection 9A(2) of the *Australian Prudential Regulation Authority Act 1988*, the Assistant Treasurer and Minister for Competition Policy and Consumer Affairs, 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 and Minister for Competition Policy and Consumer Affairs, 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 and Minister for Competition Policy and Consumer Affairs has authorised Treasury officials to make interest payments to Lloyd's.
- Under subsections 147(2) and 601DC(2) of the *Corporations Act 2001*, the Minister for Superannuation and Corporate Law has delegated the powers to consent to a name being available to a body corporate, to the Australian Securities and Investments Commission Chief Executive Officer and the Australian Securities and Investments Commission Director, Public Information Program — Operations.
- Under subsection 56(2) of the *Archives Act 1983*, the Minister for Finance and Deregulation 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 Deregulation has delegated certain powers to the Secretary to the Treasury who has sub-delegated them to Treasury officials. The Secretary to the Treasury 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 to the Treasury has authorised senior executive service 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 to the Treasury, in respect of documents of the Treasury.
- Under the following legislation, the Secretary to the Treasury 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 program 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

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.

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 to the Treasury, the AOFM Chief Executive Officer, a senior Treasury official, a senior officer of the Department of Finance and Deregulation 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 to the Treasury 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 Board of Taxation is a non-statutory advisory body established 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.

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

The Commonwealth Consumer Affairs Advisory Council is a non-statutory advisory body established in May 1999. Its primary role is to provide the relevant Minister with independent advice on consumer affairs matters.

Members of the Commonwealth Consumer Affairs Advisory Council are appointed by the Minister and come from a range of industries and backgrounds. All serve as individuals, rather than as representatives of organisations. In July 2008, the Assistant Treasurer and Minister for Competition and Consumer Affairs announced changes to the membership of the council.

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 Assistant Treasurer and Minister for Competition and Consumer Affairs.

### **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 in June 2005 to provide advice to the Government on financial literacy issues. The operations of the Financial Literacy Foundation were transferred from the Treasury to the Australian Securities and Investments Commission on 1 July 2008. Under this arrangement, the Financial Literacy Advisory Board provides independent advice on financial literacy issues to the Australian Securities and Investments Commission.

The Advisory Board comprises 10 members, including the chair, drawn from the business, education and community sectors. Current Advisory Board members were appointed in mid-2006 for three years. Members were appointed in their own right and not in their capacity as representatives of organisations. Appointments were 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 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 and 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;

## Part 5: Appendices

- 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, the organisation and operations 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 programs 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**

The Executive and Parliamentary 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 to the Treasury  
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 senior executive service 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 2007-08, the Treasury and the Treasurer received 62 requests for access to documents under the *Freedom of Information Act 1982*, compared with 26 requests in the previous year. Further details are set out in Table 16 on page 268.

**Table 16: Freedom of information statistics for 2007-08**

<b>Description</b>	<b>Number</b>
<b>Requests received</b>	
On hand at 1 July 2007	4
Received	62
<b>Breakdown across the Treasury</b>	
Treasurer	3
Assistant Treasurer	0
Executive	0
Macroeconomic Group	13
Fiscal Group	13
Revenue Group	16
Markets Group	9
Corporate Services Group	0
Executive and Parliamentary Division	8
<b>Action on requests</b>	
Access in full	8
Access in part	15
Access refused or no documents located	6
Transferred in whole	2
Withdrawn/lapsed	16
Current as at 30 June 2008	17
<b>Internal review</b>	
Applications	3
<b>Review by Administrative Appeals Tribunal</b>	
Outstanding at 1 July 2007	1
New applications	1
Withdrawn	0
<b>Fees and charges</b>	
Total application fees collected	\$1,720.00
Total charges collected	\$8,644.00
Total application fees and charges collected	\$10,364.00

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 page 134.

## 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 2007-08.

## ADVERTISING AND MARKET RESEARCH

The following table sets out amounts paid by the Treasury on advertising and market research in 2007-08.

**Table 17: Advertising and market research expenditure for 2007-08**

<b>Vendor</b>	<b>Purpose</b>	<b>Cost (\$)</b>
HMA Blaze	Recruitment advertising — general vacancies	290,770
HMA Blaze	Recruitment advertising — graduate recruitment	77,964
HMA Blaze	Advertising for appointments — Auditing and Assurance Standards Board and Australian Accounting Standards Board	13,750
National Mailing and Marketing Pty Ltd	Direct mailing of information material to the public	51,823
Quantum Market Research	Market research services for the Financial Literacy Foundation	39,600
Universal McCann	Advertising management services for the Financial Literacy Foundation	705,241
Spectrum Graphics	Creative services for the Financial Literacy Foundation	61,944
<b>Total</b>		<b>1,241,092</b>

Note: These figures include GST. Projects totaling less than \$10,500 are not included in this table.

## ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The Treasury's operations continue to have an impact on the environment through the use of electricity, petrol, water, paper and other materials consumed, and through the generation of waste.

During the year, the Chief Executive Instructions governing Environmental Management were issued to reflect the Treasury's commitment to improving environmental practices in energy management, procurement, technology, work practices and staff activities. These instructions provide guidance to Treasury staff to improve the sustainability of the Treasury's operations.

### Energy management

The general office lighting system is part of the building management system and lighting is programmed to operate only during normal working hours. The after hours lighting system has manually operated switches which run for two hours. Additionally, infrared motion detection devices control lighting in areas not in constant use, such as conference and meeting rooms.

### Recycling

The Treasury recycles paper and cardboard products, which are collected by a local recycling firm. Classified waste paper is pulped and paper hand towels are recycled. Bins are provided in staff kitchens to separate recyclable items. During 2007-08, the Treasury recycled 196.7 cubic meters of used paper hand towels and 82.5 cubic meters of co-mingled glass and plastics from staff kitchens. Staff kitchens also have sealed compost waste containers. In 2007-08 the Treasury recycled over 2,991 kilograms of compostable waste. The Treasury participates in the recycling of toner cartridges and recycled around 744 kilos during 2007-08.

### Water

The tenancies within the Treasury building are not metered separately for water consumption. The landlord has installed flow restrictors on taps and dual flushed toilets where the Treasury is the tenant.

## DISCRETIONARY GRANTS

In 2007-08, the Treasury administered the following discretionary grants:

- Australian National University: contribution of \$2,000 for sponsorship of the Fiscal Policy Framework Conference;
- Economic Society of Australia: contribution of \$14,000 for support of the 36<sup>th</sup> Australian Conference of Economists;
- Global Access Partners: contribution of \$11,000 for sponsorship of the Global Access Partners Congress on Regulatory Affairs 2008;
- Organisation for Economic Co-operation and Development: contribution of \$3,310 as a donation to the Global Forum Competition;
- Organisation for Economic Co-operation and Development: contribution of \$40,000 to complete the Consumer Policy Toolkit Project;
- St James Ethics Centre: contribution of \$750,000 to assist companies in implementing responsible business practices;
- University of Canberra: contribution of \$22,000 for research to assess the social and fiscal policy implications of an ageing population; and
- Waller Consultancy: contribution of \$40,000 to represent the Australian Secretariat of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council at the APEC Senior Finance Officials Meeting, the Investment Experts' Group and the Economic Committee.

## LEGAL SERVICES EXPENDITURE

The following table sets out legal services expenditure by the Treasury for 2007-08 published in compliance with paragraph 11.1(ba) of the *Legal Services Directions 2005*.

**Table 18: Legal services expenditure for 2007-08**

	No.	\$
Total external legal services expenditure including disbursements		1,362,732
External expenditure on solicitors		1,261,987
External expenditure on counsel		100,745
Number of female counsel briefed	1	
Value of briefs to female counsel		10,908
Number of male counsel briefed	4	
Value of briefs to male counsel		89,836
Total internal legal services expenditure including disbursements		12,437
Total legal services expenditure including disbursements		1,375,169

Note: These figures represent accrued expenditure figures for legal services provided in 2007-08. All amounts include GST. Numbers of counsel briefed relate to new briefs delivered to counsel in 2007-08. 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.

## COMPLIANCE INDEX

<b>Requirement</b>	<b>Page/s</b>
<b>General details</b>	
Letter of transmittal	iii
Table of contents	v
Index	281-283
Glossary	279-280
Contact details	x
Internet home page address and Internet address for report	ix-x
<b>Part 1: Overview</b>	
Review by departmental secretary	3-7
Summary of significant issues and developments	3-5
Overview of department's performance	3-5
Outlook for following year	5-6
Departmental overview	8-19
Overview description of department	8-12
Role and functions	12-14
Summary resource table	14
Organisational structure	15
Outcome and output structure	16
Portfolio structure	17-19
<b>Part 2: Report on performance</b>	
Review of performance during the year in relation to outputs and contribution to outcomes	21-119
Actual performance in relation to performance targets set out in PBS/PAES	21-119
Narrative discussion and analysis of performance	21-119
Trend information	21-119
Factors, events or trends influencing departmental performance	21-119
Significant changes in nature of principal functions/services	21-119
Social justice and equity impacts	21-119
Discussion and analysis of the department's financial performance	157-251
Discussion of any significant changes from the prior year or from budget	21-119
Summary resource tables by outcome	29, 48, 69, 92

Requirement	Page/s
<b>Part 3: Management and accountability</b>	
Corporate governance	123-128
Statement of the main corporate governance practices in place	123
Names of the senior executive and their responsibilities	15
Senior management committees and their roles	124-125
Corporate and operational planning and associated performance reporting and review	125
Approach adopted to identifying areas of significant financial or operational risk and arrangements in place to manage risks	126-127
Policy and practices on the establishment and maintenance of appropriate ethical standards	128
How nature and amount of remuneration for SES officers is determined	128
Internal and external scrutiny	129-134
Significant developments in external scrutiny	129-132
Judicial decisions and decisions of administrative tribunals	133-134
Agency heads are required to certify that their agency comply with the Commonwealth Fraud Control Guidelines	132
Reports by the Auditor-General, a Parliamentary Committee or the Commonwealth Ombudsman	130-134
Management of human resources	135-146
Assessment of effectiveness in managing and developing human resources to achieve departmental objectives	135-143
Workforce planning, staff turnover and retention	138-139
Impact and features of workplace agreement and AWAs	137-138
Training development undertaken and its impact	139-142
Productivity gains	135-146
Statistics on staffing	143-146
Purchasing	
Assessment of purchasing against core policies and principles	147
Asset management	
Assessment of effectiveness of asset management	147
Consultants	148-151

<b>Requirement</b>	<b>Page/s</b>
Consultants (continued)	
Summary statement detailing the number of new consultancy services contracts let during the year; the total actual expenditure on all new consultancy contracts let during the year (inclusive of GST); the number of ongoing consultancy contracts that were active in the reporting year; and the total expenditure in the reporting year on the ongoing consultancy contracts (inclusive of GST). Statement noting that information on contracts and consultancies is available through the AusTender website.	148
Workplace diversity	152-155
Report on performance in implementing the Commonwealth Disability Strategy	153
<b>Part 4: Financial statements</b>	
Financial Statements	157-251
<b>Part 5: Appendices</b>	
Occupational health and safety (section 74 of the <i>Occupational Health and Safety Act 1991</i> )	255-257
Freedom of information (subsection 8(1) of the <i>Freedom of Information Act 1982</i> )	258-271
Advertising and market research (section 311A of the <i>Commonwealth Electoral Act 1918</i> )	272
Ecologically sustainable development and environmental performance (section 516A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> )	273
Discretionary grants	274
Legal services expenditure	275