

PART 5

OTHER STATISTICAL INFORMATION

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Occupational health and safety

Treasury seeks to provide a safe and healthy work environment for its employees, and to promote initiatives to help staff maintain a healthy lifestyle.

Each year, Treasury conducts a health month to raise awareness about health issues. In September 2004, 296 staff participated in the health month programme. Staff were offered free health assessments, with the opportunity to have their cholesterol, glucose, blood pressure, body mass index and waist-to-hip ratio measured by a registered nurse. The assessment included individualised discussions of programmes for positive lifestyle change. Some 240 staff also attended seminars on emotional resilience, exercise, stress, nutrition and tackling psychological injury in the workplace. These seminars were well received by staff.

Treasury's Employee Assistance Program, provided by Davidson Trahaire Corpsych, provides confidential counselling on work-related and personal matters to all Treasury staff and their families.

In 2004-05, Davidson Trahaire Corpsych developed and released two online resources, *capdirect*[™] and *managerAssist*[™], to complement the Employee Assistance Program.

- The *capdirect*[™] website was launched in September 2004. The website helps staff and their families with personal issues which may affect work by providing easy access to information on stress, depression, anxiety, conflict, work/life balance, career development and management techniques. The website includes a confidential, 24-hour online email counselling service maintained by Davison Trahaire Corpsych. Eighty-five staff are registered users of the site.
- *managerAssist*[™], is an online consultative resource for staff management issues. Treasury staff and their families can receive confidential counselling on work-related and personal matters.

Treasury's Occupational Health and Safety Committee receives six-monthly reports from Davidson Trahaire Corpsych. The reports enable the committee to monitor current use of the services provided by Davidson Trahaire Corpsych and identify emerging workplace issues. The Occupational Health and Safety Committee meets on a quarterly basis to discuss occupational health and safety issues and policies, staff wellbeing, health and safety performance reporting, accommodation issues and incident reports.

Treasury's health and safety representatives conducted quarterly workplace inspections to assess and rectify any workplace hazards.

Treasury's 26 first-aid officers are trained and fully equipped to administer first aid. Two fully equipped first-aid rooms are available for staff to use when unwell or in emergencies.

In 2004-05, Treasury's Comcare premium rate continued to decrease relative to the average Commonwealth agency rate. The amount for 2004-05, was 0.85 per cent of payroll (including figures for the Royal Australian Mint, the Australian Office of Financial Management and the Australian Government Actuary). This figure was considerably lower than the average rate of 1.67 per cent for the Commonwealth as a whole.

During 2004-05, Treasury received 41 incident reports, nine resulted in compensation claims, with three of these yet to be determined. All reported incidents are investigated thoroughly to assess the risk to employees and to determine what action if any, is required. No notices were given under sections 29, 46 and 47 of the *Occupational Health and Safety (Commonwealth Employment) Act 1991*.

As a preventive measure, staff were offered workstation set-up training throughout the year to help them understand ergonomic principles, workplace practices/ techniques, exercise and workstation adjustment. Forty-one staff participated in this training programme. One-on-one workstation assessments were also available, with 125 assessments completed in 2004-05.

Free influenza vaccinations were offered to staff to help minimise exposure to influenza infection. Some 247 staff took advantage of this offer.

Free screen-based eyesight tests were made available, and 30 staff sought appointments. Staff who are prescribed glasses for the use of screen-based equipment can seek reimbursement for a portion of the cost.

As part of the induction process, all new staff were briefed on occupational health and safety, including information on emergency procedures, employee assistance, incident reporting, first-aid officers, correct workstation set-up, eyesight testing and health activities.

As part of the 2004-2006 Certified Agreement, 694 employees took advantage of Treasury's Healthy Lifestyle Payment. This one-off annual payment of \$400 is available to contribute to activities such as stress management and relaxation, gym membership, quit smoking workshops and/or similar activities which promote a healthy lifestyle. To complement this initiative, Treasury also ran a number of onsite health activities throughout the year including pilates, posture and flexibility, and aerobics classes.

Occupational health and safety — The Mint

The Mint is committed to providing a safe and healthy workplace for employees, contractors and visitors, and takes all reasonable steps to control or eliminate hazards and minimise the risks associated with production and day-to-day activities.

During the past year, the Occupational Health and Safety Committee and the Designated Work Groups raised safety awareness by regular safety inspections, and identified hazards and implemented remedial measures to eliminate or reduce risks and hazards by consulting with staff. Risk assessments are done on all plant, equipment and tasks, and a further risk assessment is conducted after remedial measures are implemented. All data is stored on an electronic data base.

The Mint continues to have Comcare self audit status. After many years of being in the National Safety Council 5 Star Program, the Mint will put its occupational health and safety audit out to tender.

The Mint's Health Surveillance programme ensures all staff, whose normal occupations expose them to hazardous materials, are tested appropriately. The programme monitors occupational overexposure to chromium and nickel. Staff exposed to noise must have hearing tests, and free influenza vaccinations were offered. The Mint's Employee

Assistance Program remains with Davidson Trahaire Corpysch who provides a support service to the Mint staff and their immediate family members. The Mint recognises that healthy staff are more productive, and actively promotes activities which lead to a healthy lifestyle. An annual subsidy of \$100 for health related lifestyle expenses is provided to staff.

The Mint continues to comply with the provisions of the *Occupational Health and Safety (Commonwealth Employment) Act (1991)* and has not received directives or provisional improvement notices under any section of the Act.

Freedom of information

Treasury handles Freedom of Information matters for Treasury, the Mint, the Foreign Investment Review Board, the Takeovers Panel, and the Australian Office of Financial Management.

Under section 8 of the *Freedom of Information Act 1982*, 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.

Treasury — statement

Section 8 of the *Freedom of Information Act 1982* requires 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 Treasury

Details of Treasury's organisational and top management structure are set out in Part 1, Figure 4 of this report. 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 and the Takeovers Panel are published separately in the annual reports of each of those bodies.

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 *Disposal of Forfeited Articles Direction 1999*, the Treasurer has delegated certain powers to the Controller, Royal Australian Mint and Senior Manager, Currency Operations, Reserve Bank of Australia, pursuant to the definition of 'an authorised person' in subsection 3(1) of the *Crimes (Currency) Act 1981*.
- Under the *Crimes (Currency) Authorisation 1999*, the Treasurer has delegated certain powers to the General Manager, Corporations and Financial Services Division; the Controller, Royal Australian Mint; and the Senior Manager, Currency Operations, 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 1999*, 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 Executive Director, Markets Group and the General Manager, Corporations and Financial Services Division.
- The 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 is delegated 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.
- The Treasurer has delegated to Treasury officials the authority to vote on routine matters arising from the Treasurer's Governorship of the International Monetary Fund, the World Bank Group, the Asian Development Bank and the European Bank for Reconstruction and Development.

- The Treasurer has authorised the Secretary to enter into agreements with the Minister for Finance and Administration under section 31 of the *Financial Management and Accountability Act 1997*.
- The Treasurer has authorised the Secretary, Executive Directors and the General Manager, Corporate Services Division to approve payments under the Compensation for Detriment Caused by Defective scheme on his behalf.
- 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 under subsection 9A(2) of the *Australian Prudential Regulation Authority Act 1988* (APRA Act), to approve APRA 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.
- The Assistant Treasurer has authorised Treasury officials to make interest payments to Lloyd's under section 92Q of the *Insurance Act 1973*.
- 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.
- The Minister for Finance and Administration has delegated certain powers under the *Financial Management and Accountability Act 1997*, and the *Financial Management and Accountability Regulations 1997*, to the Secretary who has subdelegated 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.
- The Secretary has authorised SES officers within Treasury under subsection 23(1) of the *Freedom of Information Act 1982*, 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.
- 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 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 enquiries, with details about how to make submissions.

Consultation arrangements

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

Treasury officers conduct regular private discussions with companies and organisations to monitor, analyse and report on economic conditions and prospects. They provide regular briefings and analysis of liaison findings to the Treasurer. Treasury also conducts general consultation for a number of reasons, including to understand more fully how developments in the economy affect different areas of the community and to understand more fully business developments as an input to economic forecasting.

Treasury also engages in consultation to inform the development and implementation of specific policy proposals, including a comprehensive consultation program on substantive tax policy proposals. By being fully informed of the effects of specific proposals, Treasury can better advise the government on how to best meet its objective and minimise any unintended consequences.

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, the business liaison programme generally uses face-to-face meetings, but where this is not possible, phone calls are made. In tax design and legislation Treasury liaises with peak bodies on issues relating to the tax system as a whole, with specialists stakeholder groups focusing on more specific areas of tax, and consults with stakeholders on specific measures. Three times a year Treasury prepares a consultation report 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; ensure all participants have an opportunity to contribute to the consultation; endeavour to provide realistic timeframes for participants to contribute; acknowledge, respect and seek to understand the views of participants and provide feedback on those views where possible. While consultation will not always result in a consensus, it assists 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 accountability of the AOFM Advisory Board is 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 the performance of the AOFM 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 the development of the tax system. The appointments are for two 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 by the Treasurer; and
- other tax matters referred to it by the Treasurer.

Treasury provides the secretariat support.

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 Program.

The Corporate Law Economic Reform Program 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 program position papers and draft legislation.

Commonwealth Consumer Affairs Advisory Council

The Commonwealth Consumer Affairs Advisory Council is a non-statutory body established by the Minister for Financial Services and Regulation in May 1999, and reappointed by the Parliamentary Secretary to the Treasurer in February 2002, to provide independent advice on current and emerging consumer issues.

The Commonwealth Consumer Affairs Advisory Council comprises eight members, including the chair. Members present a range of consumer perspectives and all serve as individuals rather than as representatives of organisations or interest groups.

The Commonwealth Consumer Affairs Advisory Council meets regularly to investigate, advise on and report to the Minister on consumer issues the Minister refers to them.

Corporations and Markets Advisory Committee

The Corporations and Markets Advisory Committee was established under Part 9 of the *Australian Securities Commission Act 1989* (the ASC Act). It continues under section 261 of the *Australian Securities and Investments Commission Act 2001* (the ASIC Act).

The Corporations and Markets Advisory Committee is a body corporate, comprising 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.

Electronic Commerce Expert Group

The Electronic Commerce Expert Group is a non-statutory body that advises the Parliamentary Secretary on consumer issues in e-commerce. It comprises 12 members who represent both industry and consumer interests. The group leads the development and promotion of the Building Consumer Sovereignty in Electronic Commerce: A Best Practice Model for Business and dispute resolution in e-commerce.

Treasury provides secretariat support.

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, the Hon Mal Brough MP, on 6 June 2005. The Board provides independent expert advice, guidance and strategic direction to the Financial Literacy Foundation on financial literacy issues.

The Advisory Board currently comprises 10 members, including the chairman, who are leaders in their respective fields and bring strength and experience in financial literacy matters. The members are appointed in their own right and not in their capacity as representatives of organisations or interest groups. Members are appointed on a part-time basis and do not receive sitting fees. Appointments are for a period of 12 months and may be renewed.

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 ministers are confidential.

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.

Financial Services Reform Implementation Consultative Committee

The Financial Services Reform Implementation Consultative Committee assists in developing regulations for the *Financial Services Reform Act 2001*, which introduced a harmonised licensing, disclosure and conduct framework for the financial services industry. The committee includes participants from 40 key interest groups representing the financial services industry and consumers.

Categories of documents held by the Treasury

Treasury holds correspondence, analysis and policy advice by Treasury officers, comments on Cabinet submissions and drafts of these and other documents. Every six months Treasury posts an indexed list of its policy file titles at www.treasury.gov.au.

Treasury holds representations made to Treasury 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.

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

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.

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 Treasury documents published during the year and available on request (publications, papers and annual reports) is available at www.treasury.gov.au.

Facilities for access to documents

If a member of the public requests a document and Treasury approves access, 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 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* (the Act). Applicants seeking access under the Act to Treasury 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 2976, between 9.00 am and 5.00 pm Monday to Friday (except public or public service holidays).

Officers of the SES in Treasury can grant or refuse requests for access to documents under section 23 of the *Freedom of Information Act 1982*. 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 2004-05, Treasury and the Treasurer received 37 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 22.

Table 22: Freedom of Information statistics 2004-05

Description	Number
Requests received	
On hand at 1 July 2004	5
Received	37
Breakdown across Treasury	
Treasurer	5
Executive	1
Fiscal Group	1
Revenue Group	9
Macroeconomic Group	2
Markets Group	18
Corporate Services Division	1
Action on requests	
Access in full	6
Access in part	7
Access refused or no documents located	9
Transferred in whole	1
Withdrawn/Lapsed	7
Current as at 30 June 2005	11
Internal review	
Applications	2
Review by Administrative Appeals Tribunal	
Outstanding at 1 July 2004	2
New applications	1
Withdrawn	1
Fees and charges	
Total application fees collected	\$1,150
Total charges collected	\$6,748
Total application fees and charges collected	\$7,898

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 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 section of this report.

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 of 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 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 2004-05.

Advertising and market research

The following table sets out amounts paid by Treasury and the Mint on advertising and market research in 2004-05.

Table 23: 2004-05 expenditure for advertising and market research

Vendor	Purpose	Cost (\$)
Treasury		
HMA Blaze Pty Limited	Advertising for Treasury recruitment	203,545
HMA Blaze Pty Limited	Commonwealth/State Information Campaign	122,715
HMA Blaze Pty Limited	Notice of public meeting - Consumer Financial Literacy	34,203
HMA Blaze Pty Limited	Advertising for appointments on the Superannuation Complaints Tribunal	28,837
HMA Blaze Pty Limited	Advertising for graduate recruitment	25,969
HMA Blaze Pty Limited	Advertising for appointments on the Financial Reporting Panel	17,636
HMA Blaze Pty Limited	Advertising for appointments on the Auditing and Assurance Standards Board	15,732
HMA Blaze Pty Limited	Advertising for appointments on the Australian Accounting Standards Board	14,946
HMA Blaze Pty Limited	Advertising Tender Process for G-20	8,688
HMA Blaze Pty Limited	Media releases for Takeovers Panel, and Takeovers Panel - Matters	4,247
Hobsons Australia	Advertising for graduate recruitment	6,200
Unimail	Advertising for graduate recruitment	5,500
Total Treasury		488,218
Royal Australian Mint		
Canberra FM Radio Pty Ltd	Advertising tourist gallery	13,834
Grey Worldwide Canberra Pty Ltd	Advertising program for numismatic products	7,149
HMA Blaze Pty Ltd	Advertising recruitment, tender notices and non-campaign material	18,665
Informer Multimedia	Advertising tourist gallery	1,995
Sensis Pty Ltd	Advertising tourist gallery	3,454
TW Media Pty Ltd	Advertising numismatic products and tourist gallery	7,950
Universal McCann	Advertising numismatic products, tourist gallery, recruitment, tender notices and non-campaign material	99,433
Total Royal Australian Mint		152,480
Total		640,698

Note: Approximately \$34,000 was expended during the financial year on government and gazettal notices. In addition Treasury contributed \$3.3 million towards the Super Choice advertising campaign that was jointly run by the Australian Taxation Office (ATO), the Australian Securities and Investments Commission and the Treasury. This amount will be disclosed as part of the Advertising and Market Research table within the ATOs Annual Report.

Ecologically sustainable development

Treasury participates in government forums on environmental matters and uses waste minimisation and energy and water conservation strategies.

Treasury constantly reviews information on property and environmental management through its membership of industry groups including the Australian Property Institute and the Facilities Management Association of Australia.

Energy management

Treasury has reduced its overall energy consumption, in line with Australian Government energy consumption targets.

A building management system provides energy management reports so that Treasury, as one of three tenants in the building, can separately monitor, profile and diagnose its energy consumption to achieve more effective and environmentally-friendly outcomes.

Electricity supplies provide instant readings of kilowatt consumption, load, power factor correction, and line voltage.

Lights operate during normal working hours via timer switches that control all general lighting in the building. Manually operated switches turn on lights in specific areas for up to two hours after normal business hours. High performance light fittings are 35 per cent more efficient than standard fittings with low ballasts.

Environmental management system

Treasury's Environmental Management System, implemented in December 2002, complies with International Standard ISO 14001.

Recycling

Treasury recycles glass, plastics, tins, paper and cardboard products. A local recycling firm collects desktop and workplace containers of paper and cardboard products. Classified waste paper is pulped and paper hand towels are recycled. Staff kitchen facilities use a recycle bin system that simplifies the separation of recyclable items that previously went to landfill. This has reduced considerably the amount of waste sent to landfill.

Compost recycling

All of Treasury's staff kitchens have sealed compost waste containers for organic recycling of compost waste. In 2004-05 Treasury recycled over 2770 kilograms of compost, around 73 per cent more than last year.

Procurement practices

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;
- reusable or recyclable;

- designed and made for reliability and long life; and
- environmental best practice in energy efficiency and or energy consumption.

Paper made from 80 per cent recycled fibre is used in the reproduction areas, and Treasury actively encourages all areas to purchase and use recycled paper and stationery products.

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

Water usage

Tenants within Treasury building are not metered separately for water consumption. The overall water consumption for the building in 2004-05 was 14,373 Kl (measured April to April), compared with 17,150 Kl in 2003-04. Awareness of water conservation issues was raised through staff notices.

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Energy management

The Mint continued with sound energy management practices, sustaining the recent gains in energy savings. During the year electricity consumption was down by 2 per cent and gas consumption increased slightly by 1 per cent. With the aging building and plant, further reducing energy consumption is increasingly difficult. The proposed building refurbishment program will incorporate more energy efficient designs and fit-outs.

Environmental management system

The environment management system as part of the integrated management system was developed further to meet the requirements of the International Standard ISO14001 and to comply with *National Environment Protection Measures (Implementation) Act 1998*. The Mint engaged URS Australia Pty Ltd, an environmental consulting agency, to assess the effectiveness of the system and it concluded that the Mint was meeting the relevant legal requirements and scored 60 per cent or higher in 14 out of 17 elements of the standard. The Mint has setup an Environmental Management Group to monitor and further develop environmental procedures and practices.

The Mint's comprehensive waste management and movement programme meets the requirements of relevant regulations. The internal controls of the Mint's waste management programme include monitoring and control of atmospheric emissions, wastewater treatment and recovery of precious metals.

Water usage

Water usage during the year increased by about 10 per cent, mainly due to increased activity. Use of rainwater for landscape irrigation is being investigated as part of the Mint refurbishment project.

Discretionary grants

Treasury administered one discretionary grant in 2004-05. Treasury paid \$5,000 to the Economic Society of Australia as a financial contribution towards the cost of the 2005 Conference of Economists.

Corrections to the 2003-04 Treasury Annual Report

In 2004-05, Treasury reviewed new and existing contracts entered into between 1 July 2003 and 30 June 2005. The review identified that a number of non-consultancy contracts were incorrectly defined and reported as consultancy contracts.

Table 18: Total number and expenditure on consultancies \$10,000 and over in 2003-04, by output group, and Table 19: List of consultancies \$10,000 and over in 2003-04, by output group are republished to correct errors reported in the *Treasury Annual Report 2003-04*. The republished tables omit incorrectly defined contracts that were previously published as consultancy contracts in the *Treasury Annual Report 2003-04*.

Treasury has since introduced guidelines to assist staff classify contracts and distinguish consultancy contracts from non-consultancy contracts.

During 2003-04, Treasury and the Mint engaged 31 consultancies valued at \$10,000 and over involving total actual expenditure of \$1,427,620.

Table 18: Total number and expenditure on consultancies \$10,000 and over in 2003-04 by output group^(a)

Output Group		Consultancies number	Cost \$
1.1	Macroeconomic	1	38,688
2.1	Fiscal	1	179,550
2.2	Revenue	10	438,838
3.1	Markets	13	623,572
	Corporate Services Division	3	45,925
	Royal Australian Mint	3	101,047
Total		31	1,427,620

(a) Note: Table 18 shows the actual expenditure and number of consultancies \$10,000 and over for 2003-04. This table does not correspond with Table 19 which shows the total value of consultancy contracts of \$10,000 or more, entered into during the year. All amounts are GST inclusive.

Table 19: List of consultancies over \$10,000 in 2003-04 by output group

Consultant	Project	Contract price	Selection process (1)	Justification (2)
Output Group 1.1 (Macroeconomic)				
Dr Mardi Dungey	Provide econometrics training for Domestic Economy Division	59,520	Select	e
Total Output Group 1.1		59,520		
Output Group 2.1 (Fiscal)				
Taylor Nelson Sofres Australia Pty Ltd	Provide advice relating to public consultations and demographic challenges	199,502	Select	e
Total Output Group 2.1		199,502		
Output Group 2.1 (Revenue)				
BDO Kendalls	Evaluate and report on the <i>Income Tax Assessment Act 1997</i>	30,800	Select	c, e
Creating Coherence Pty Ltd	Provide consultancy services relating to tax law design and development	172,800	Direct engagement	e
Creating Coherence Pty Ltd	Identify the inoperative provisions of <i>Income Tax Assessment Act 1936</i> and the <i>Income Tax Assessment Act 1997</i>	20,000	Direct engagement	e
Dubedi Pty Ltd	Provide secretariat support for the charities definition working group	63,360	Direct engagement	b, d
JP Sustainable Solutions Pty Ltd	Provide secretariat support for the charities definition working group	19,800	Direct engagement	b, d
KPMG Australia	Provide services on taxation on certain aspects of BELC income	109,670	Select	e
Queensland University of Technology	Conduct research on charitable legal/tax issues	30,000	Direct engagement	e
Ms Marie Spencer	Review submissions on consultation on the definition of a charity	20,790	Direct engagement	e
Unisearch Ltd	Review the <i>Income Tax Assessment Act 1997</i>	37,600	Select	c, e
University of Canberra (NATSEM)	Provide social policy research services	54,324	Direct engagement	e
Total Output Group 2.1		559,144		

Table 19: List of consultancies over \$10,000 in 2003-04 by output group
(continued)

Consultant	Project	Contract price	Selection process (1)	Justification (2)
Output Group 3.1 (Markets)				
Chant Link and Associates	Provide research services on consumer and financial literacy for the Consumer and Financial Literacy Taskforce	250,000	Select	e
Clayton Utz	Provide consultancy services for the review of the <i>Insurance Contracts Act 1984</i>	82,500	Select	e
Clayton Utz	Provide legal advice on HIH Assistance Scheme — Insurance Programs	450,000	Open	e
Mr Gary Potts	Advise on discretionary mutual funds and direct offshore foreign insurance	24,750	Direct engagement	c
KPMG Australia	Review the Mint's transfer price model and community service obligations	16,500	Direct engagement	e
Mr Alan Cameron AM	Review the <i>Insurance Contract Act 1984</i>	70,000	Select	c
Mr Robert Lynn	Review of Auditor independence for Financial Reporting Council	36,000	Direct engagement	e
Prentice Parbery Barilla	Provide advice on schemes of arrangement in the HIH Group liquidation	25,000	Direct engagement	e
Tall Poppies Research and Marketing Pty Ltd	Provide research for the Consumer Information Program relating to information products	60,000	Select	e
Trowbridge Deloitte Ltd	Actuarial review of Commonwealth's liabilities under the HIH Claims Support Scheme	178,200	Direct engagement	e
Trowbridge Deloitte Ltd	Prepare an international marketing report of Australian tort law reforms	33,000	Select	e
University of Melbourne	Undertake a technical study of Financial System Guarantees	100,000	Direct engagement	c, e
Watson Wyatt Australia Pty Ltd	Provide change management services for the restructure of HIH Claims Support Scheme	444,600	Open	d, e
Total Output Group 3.1		1,770,550		

Table 19: List of consultancies over \$10,000 in 2003-04 by output group
(continued)

Consultant	Project	Contract Price	Selection Process (1)	Justification (2)
Corporate Services				
Clynes Hales Walker Pty Ltd	Review Treasury video conferencing and audio visual facilities	13,750	Direct engagement	e
iCognition Pty Ltd	Prepare policy and guidelines for electronic document and records management	11,000	Direct engagement	e
Mr Tony Ayres	Provide consultancy services as external representative on the Treasury Audit Committee	24,000	Direct engagement	e
Total Corporate Services		48,750		
Royal Australian Mint				
Ernst & Young	Provide internal audit	76,961	Direct engagement	e
HBA Consulting	Review of work level standards	11,880	Direct engagement	b, e
Score International	Conduct Staff attitude survey	12,206	Select	b, e
Total Royal Australian Mint		101,047		
Total consultancies over \$10,000		2,738,513		

Note: All amounts are GST inclusive.

(1) Explanation of selection process terms:

- i Direct engagement includes the engagement of: a consultant selected from a pre-qualified panel arrangement; a recognised and pre-eminent expert; a consultant who had previously undertaken closely related work for Treasury; or a consultant known to have the requisite skills where the value of the project did not justify the expense or delay associated with seeking tenders.
- ii Select tenders are invited from a short list of competent suppliers. This category is applied where there is a known limited market for the services required, and when value for money would not be achieved through a full open tender process.
- iii If a consultancy is let for advertising and market research that consultancy will be reported in both the 'Consultancy' and 'Advertising and Market Research' categories.

(2) Justification of decision to use consultancy:

- a Need for rapid access to latest technology and expertise in its application.
- b Specialist in-house resources unavailable in time allowed.
- c Need for an independent study or review.
- d Need for a change agent or facilitator.
- e Specialist skills or knowledge not available in-house.