



# PART FIVE

## APPENDICES

Occupational health and safety	259
Freedom of information	262
Advertising and market research	275
Ecologically sustainable development	276
Grants	278
Legal services expenditure	279
Resource tables	280
Compliance index	285
Abbreviations and acronyms	288



## OCCUPATIONAL HEALTH AND SAFETY

---

In accordance with the *Occupational Health and Safety Act 1991* the Treasury is committed to providing and maintaining a safe and healthy work environment for all its employees, contractors and visitors to the workplace. The Treasury places high importance on the welfare of its employees and continues to explore and implement strategies to assist staff in enhancing their personal wellbeing, with an emphasis on prevention, early intervention and education. Feedback continues to indicate that the majority of Treasury employees consider the Treasury to be a safe and healthy workplace.

In October 2008, Dr Peter Cotton, organisational and clinical psychologist, launched the Treasury's Health Month which had a strong mental health and wellbeing theme. Dr Cotton focused on organisational health and building both individual and work team resilience. Other seminars covered depression, work/life balance, relationships, motivation, sleep and nutrition. Approximately 330 staff attended these sessions. Participation rates for other activities were high with 270 individual health assessments, 140 hearing checks, 144 in the 'Great Wall of China' 10,000 Steps challenge and 92 in the Treasury's fun run.

Throughout 2008-09, the Treasury reviewed its existing health and safety policies and introduced new policies and reference materials. This included early intervention, guidance for managers in supporting employees with injuries and life threatening illness, a workers compensation information pack, an induction kit for Health and Safety Committee members, a toolkit for health and safety representatives, incorporation of psychosocial hazards into the Treasury's workplace inspection checklist and a social functions policy. In addition, access to first aid and the Treasury's Employee Assistance Program information on the intranet was enhanced. The Treasury's reference guide on services to support staff wellbeing was updated and distributed to all staff.

In 2009, the Treasury streamlined its pandemic action plan, providing practical and concise guidance on steps to minimise the impact of a pandemic on the Treasury's operations and staff. In response to the H1N1 Influenza 09 outbreak, the department implemented its pandemic plan, including appropriate control measures, and provided ongoing advice to staff.

In December 2008, the Treasury introduced new safety and emergency procedures cards for staff to wear with their Treasury pass. The cards provide guidance on actions in an emergency and contact numbers. Regular emails provide up-to-date information on emergency procedures, first aid and support officer contact details.

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 and evaluating performance. The Treasury's Comcare premium rate for 2008-09 was 0.8 per cent and remained lower than the Commonwealth average of 1.4 per cent.

The Treasury's Health and Safety Management Arrangements 2007-10 include the Treasury's health, safety and wellbeing framework, responsibilities, support networks and strategies for fostering a safe and healthy workplace. Ongoing arrangements include the following:

- The Occupational Health and Safety presentation in induction sessions for new employees demonstrates appropriate workstation set-up and provides information on first aid, emergency procedures, accident/incident reporting, eyesight testing, health activities, the Health and Safety Committee, health and safety representatives and the Employee Assistance Program.
- Regular meetings with Health and Safety Committee members and health and safety representatives assist in developing, monitoring and reviewing health and safety measures and facilitating cooperation amongst employees.
- Quarterly workplace inspections conducted by health and safety representatives assist in rectifying both workplace and psychosocial hazards. As a result of the inspections conducted in 2008-09, no notices were given under sections 29, 46 and 47 of the *Occupational Health and Safety Act 1991*.
- Employees are encouraged to report work-related incidents promptly to ensure immediate action is taken to rectify hazards. During 2008-09, the Treasury received 28 work-related incident reports with most relating to body stressing injuries. Of the 28 incidents, 5 compensation claims were submitted, 4 were accepted and 1 was rejected. No incidents were reported to Comcare under section 68 of the *Occupational Health and Safety Act 1991*.
- Managers are encouraged to report absence which may be related to injury/illness or a depressed/stressed state so appropriate action can be put in place as soon as possible. Leave data is analysed fortnightly to enable early intervention of potentially non-reported issues.
- First aid officers are conveniently located throughout the department. Employees with underlying health conditions such as epilepsy, asthma and diabetes are encouraged to advise first aid officers within their immediate area to ensure timely assistance is provided.
- The Treasury offers individual workstation assessments and training on ergonomics and workstation adjustment, stretching and taking breaks: 270 individual workstation assessments were conducted in 2008-09. Workstation set-up training is also offered as part of Health Month.
- The Treasury's Employee Assistance Program continues to provide free, professional and confidential counselling services to Treasury employees and their immediate family members for both work and personal issues.
- An annual lifestyle payment of \$450 is available for activities such as gym memberships and stress management programs. In 2008-09, 843 lifestyle payments were made.
- On-site exercise including power45, aerobics, thai chi and yoga are offered.

- Employees who require glasses for screen-based use can be reimbursed for a portion of the cost: 30 employees were reimbursed in 2008-09.
- Influenza vaccinations paid by the Treasury are offered annually: 322 employees received vaccinations in April 2009.
- In cooperation with the Department of Finance and Deregulation, a 10 metre smoking exclusion zone is in place around the Treasury building.

## 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

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

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

### The Treasury delegations and authorisations

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

- The Treasurer has the discretionary power to guarantee the borrowings of some Commonwealth statutory authorities, and in some cases, to delegate his guarantee powers to Treasury officers. The Treasurer has delegated his powers to



guarantee the borrowings of Australian National Railways to the General Manager, Commonwealth-State Relations Division; Manager, 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 Group; General Manager, Commonwealth-State Relations Division; and General Manager, Budget Policy Division.
- Under section 23 of the *Federal Financial Relations Act 2009*, the Treasurer has delegated the power to make payments to the States under section 5 and Part 2 of the Act to the Executive Director, Fiscal Group; 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.
- 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 the Treasurer's behalf 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 Minister for Financial Services, Superannuation and Corporate Law, on behalf of the Treasurer, has delegated power to the Executive Director, Markets Group and the General Manager, Financial System Division 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 Minister for Financial Services, Superannuation and Corporate Law, on behalf of the Treasurer, has delegated to the Secretary to the Treasury and Executive Directors the authorisation to arrange to exempt records from the open access period.
- 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 Executive Directors the authorisation to approve access to records not in the open access period.
- Under subsections 147(2) and 601DC(2) of the *Corporations Act 2001*, the Assistant Treasurer has delegated the powers to consent to a name being available to a body corporate, to ASIC's Chief Executive Officer and Director, Public Information Program — Operations.
- 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 section 22(1) of the *Reserve Bank Act 1959*, the Secretary to the Treasury has nominated a senior executive service officer from within the Treasury to attend meetings of the Reserve Bank Board at which the Secretary is not present.



- 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 on how to make submissions.

### Consultation arrangements

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

As part of the Business Liaison Program, 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 time available or commercial and other sensitivities surrounding an issue.

Following implementation of the Tax Design Review Panel recommendations, the Treasury generally conducts public consultation on proposed tax changes at both the policy design and legislative design stages. The default minimum period for consultation is four weeks, although on occasions this may be reduced, for example, where introducing the legislation is the priority. Consultation summaries are posted on the Treasury website when new legislation is introduced into Parliament. These summaries provide feedback to consultation participants on the key issues raised in consultation; changes made as a result of consultation; and where, possible, why certain suggestions were not adopted. Consultation summaries also invite feedback on the consultation process to provide information for the Treasury to continuously improve its consultation practices and arrangements.

The Tax Design Review Panel also recommended consultation on tax changes should generally occur at the initial policy design stage. In particular, it recommended the Treasury

engage private sector experts to provide advice on policy design. To support implementing the recommendation, in the 2009-10 Budget, the Government provided the Treasury with \$1.8 million over three years to support the engagement of private sector experts. On 26 May 2009, the Treasury initiated a tender process to establish a Tax Design Advisory Panel. Tenders closed on 22 June 2009 and were being evaluated as at 30 June 2009.

The Tax Design Review Panel recognised that, from time to time, conflicts will arise between the needs of consultation and drafting of measures for introduction, particularly in integrity and budget measures. Budget tax measures generally remain confidential until their announcement, with consultation following the announcement.

To facilitate consultation, proposed consultation arrangements for tax measures are set out in the Government's forward work program for tax measures, consistent with the Tax Design Review Panel's recommendation. The forward work program also indicates which measures are proposed for introduction in the next sittings of Parliament. The Government released its first forward work program in February 2009 and updated it in June 2009. It will be updated several times each year.

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, a non-statutory advisory body established by the Secretary to the Treasury in December 2000, advises 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, a non-statutory advisory body established in August 2000, advises 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 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, expert 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.

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 Minister for Competition and Consumer Affairs. The council is currently undertaking a review of statutory implied conditions and warranties, and is required to provide a report to the Minister by 30 October 2009.

#### 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 ASIC 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 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.

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;
- tax and excise;
- superannuation;
- microeconomic reform;
- competition policy;
- consumer affairs;
- corporate regulation;
- financial sector policy and regulation;
- foreign investment in Australia and free trade agreements; and
- activities of portfolio agencies.

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

### **Documents on internal departmental administration**

The Treasury documents relating to staff, 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  
The Treasury  
Langton Crescent  
PARKES ACT 2600  
Attention: Freedom of Information

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, 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 2008-09, the Treasury and the Treasurer received 66 requests for access to documents under the *Freedom of Information Act 1982*, compared with 62 requests in the previous year. Further details are set out in Table 11 on the following page.



Table 11: Freedom of information statistics for 2008-09

Description	Number
<b>Requests received</b>	
On hand at 1 July 2008	17
Received	66
<b>Breakdown across the Treasury</b>	
Treasurer	3
Assistant Treasurer	2
Executive	0
Macroeconomic Group	15
Fiscal Group	14
Revenue Group	16
Markets Group	12
Corporate Services Group	2
Executive and Parliamentary Division	2
<b>Action on requests</b>	
Access in full	8
Access in part	22
Access refused or no documents located	7
Transferred in whole	3
Withdrawn/lapsed	25
Current as at 30 June 2009	13
<b>Internal review</b>	
Applications	3
<b>Review by Administrative Appeals Tribunal</b>	
Outstanding at 1 July 2008	1
New applications	1
Withdrawn	2
<b>Fees and charges</b>	
Total application fees collected	\$1,820.00
Total charges collected	\$14,346.00
Total application fees and charges collected	\$16,166.00

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.

## Australian Competition Tribunal

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. All presidential members must be judges of the Federal Court of Australia. 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.

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 mainly 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 ACCC, granting or revoking authorisations that permit conduct and arrangements that otherwise would be prohibited under the Trade Practices Act because of their anti-competitive effect. The tribunal also hears applications for authorisation of company mergers and acquisitions which would otherwise be prohibited under the Trade Practices Act.

In addition, 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 the ACCC's exclusive dealing determinations and 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 ACCC 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 2008-09.

## ADVERTISING AND MARKET RESEARCH

The Treasury undertook the following advertising and marketing research in 2008-09.

**Table 12: Advertising and market research expenditure for 2008-09**

Vendor	Purpose	Cost (\$)
HMA Blaze	Recruitment advertising — general vacancies	202,675
HMA Blaze	Recruitment advertising — graduate recruitment	14,697
Graduate Careers Council	Recruitment advertising — graduate recruitment	11,880
HMA Blaze	Media Releases — Australia's Future Tax System Review	36,092
HMA Blaze	Promotional material — SBR — international conference	19,869
HMA Blaze	Public consultation — Australia's Future Tax System Review	50,673
Total		335,886

Note: These figures include GST. Projects totaling less than \$10,900 are not included in this table.

## ECOLOGICALLY SUSTAINABLE DEVELOPMENT

---

The Treasury continues to develop and incorporate strategies to improve its overall environmental performance. It participates in various government environmental forums and reviews information on property, building and environmental management through its membership of property and building industry groups.

During the year, the Treasury developed a Green Improvement Agreement in collaboration with the building owner. The agreement reflects a desire to improve and be accountable for energy efficiency and other elements of environmental sustainability in the Treasury Building. Under the agreement, the Treasury Building Management Committee is seeking to progressively raise the Australian Building Greenhouse Rating of tenancies in the building. Energy initiatives already instituted under the agreement include participating in Earth Hour 2008 and installing improved electricity metering devices to better manage consumption.

### Energy management

The general office lighting system interfaces with building management systems, 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. Other initiatives, including installing more energy efficient plant and equipment, are being considered.

### Recycling

The Treasury recycles paper and cardboard products, which a local recycling firm collects. Paper recycling containers are available at staff workstations, adjacent to printers and in utility rooms. Classified waste paper is pulped and paper hand towels are recycled. Bins and compost waste containers are provided in staff kitchens for separate recyclable items and organic waste.

During 2008-09, the Treasury recycled 2,886 kilograms of compostable waste; 196.6 cubic metres of used paper hand towels and shredded paper; and 130 cubic metres of co-mingled glass, plastics and cans from staff kitchens.

The Treasury also participates in the recycling of toner cartridges, fluorescent tubes and batteries and helps staff recycle old mobile phones, donating them to charity.



## Water

Tenancies in the Treasury Building are not metered separately for water consumption. The landlord has installed flow restrictors on taps and dual flush toilets throughout the Treasury's tenancy, and the Treasury Building Management Committee is investigating other water savings initiatives.

## GRANTS

---

In 2008-09, the Treasury awarded the following grants:

- Australian Legal Information Institute: contribution of \$2,500 in support of the Australian Legal Information Institute's expanding legal and research facilities;
- Australian National University: contribution of \$5,500 towards the 2008 Sovereign Wealth Funds conference in Sydney;
- Australian National University: contribution of \$11,000 towards a workshop on behavioural macroeconomics in Sydney;
- Responsible Investment Association Australia: contribution of \$1,000,000 to assist in establishing the Responsible Investment Association Australia to deliver education and training programs to members of the investment community on how to assess the environmental, social and governance considerations of investment opportunities;
- St James Ethics Centre: contribution of \$750,000 to assist companies in implementing responsible business practices; and
- Queensland Government — Office of Fair Trading: contribution of \$5,500 towards the 2008 National Toy Safety Summit in Brisbane.

Information on grants awarded by the Treasury since 1 January 2009 is available at [www.treasury.gov.au](http://www.treasury.gov.au).

## LEGAL SERVICES EXPENDITURE

The Treasury required the following legal services in 2008-09. Publication of this information complies with paragraph 11.1(ba) of the *Legal Services Directions 2005*.

**Table 13: Legal services expenditure for 2008-09**

	No.	\$
Total external legal services expenditure including disbursements		4,081,854
External expenditure on solicitors		3,935,053
External expenditure on counsel		146,801
Number of female counsel briefed	3	
Value of briefs to female counsel		11,244
Number of male counsel briefed	9	
Value of briefs to male counsel		135,557
Total internal legal services expenditure including disbursements		431,119
Total legal services expenditure including disbursements		4,512,973

Note: These figures represent accrued expenditure figures for legal services provided in 2008-09. All amounts include GST. Numbers of counsel briefed relate to new briefs delivered to counsel in 2008-09. 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.

## RESOURCE TABLES

Table 14: Summary resource statement

	Actual available appropriation 2008-09 \$'000 (a)	Payments made 2008-09 \$'000 (b)	Balance remaining \$'000 (a-b)
<b>Ordinary annual services</b>			
<b>Departmental appropriation</b>			
Departmental appropriation	145,931	143,052	2,879
S.31 relevant agency receipts	11,936	11,936	-
<b>Total departmental</b>	<b>157,867</b>	<b>154,988</b>	<b>2,879</b>
<b>Administered expenses</b>			
Outcome 4	5,000	57	n/a
<b>Total administered expenses</b>	<b>5,000</b>	<b>57</b>	<b>n/a</b>
<b>Total ordinary annual services</b>	<b>162,867</b>	<b>155,045</b>	<b>n/a</b>
<b>Other services</b>			
<b>Administered expenses</b>			
<b>Payments to States, ACT, NT and local government</b>			
Outcome 2	613,850	613,850	n/a
Outcome 4	1,918	1,918	n/a
<b>Total</b>	<b>615,768</b>	<b>615,768</b>	<b>n/a</b>
<b>Departmental non-operating</b>			
Equity injections	21,304	21,304	-
Previous years' outputs	949	949	-
<b>Total</b>	<b>22,253</b>	<b>22,253</b>	<b>-</b>
<b>Administered non-operating</b>			
Administered assets and liabilities			
Outcome 2	83,840	63,554	n/a
<b>Total</b>	<b>83,840</b>	<b>63,554</b>	<b>n/a</b>
<b>Total other services</b>	<b>721,861</b>	<b>701,575</b>	<b>n/a</b>
<b>Total available annual appropriations</b>	<b>884,728</b>	<b>856,620</b>	<b>n/a</b>
<b>Special appropriations</b>			
<i>Federal Financial Relations Act 2009</i>	3,181,600	3,162,950	n/a
<i>International Monetary Agreements Act 1947</i>	433,711	17,543	n/a
<i>A New Tax System (Commonwealth- State Financial Arrangements) Act 1999</i>	41,450,756	40,996,912	n/a
<b>Total special appropriations</b>	<b>45,066,067</b>	<b>44,177,405</b>	<b>n/a</b>
<b>Total appropriations excluding special accounts</b>	<b>45,950,795</b>	<b>45,034,025</b>	<b>n/a</b>

Table 14: Summary resource statement (continued)

	Actual available appropriation 2008-09 \$'000	Payments made 2008-09 \$'000	Balance remaining \$'000
	(a)	(b)	(a-b)
<b>Special accounts</b>			
Appropriation receipts	7,988,356	7,988,356	n/a
Non-appropriation receipts to special accounts	1,547	1,547	n/a
<b>Total special account</b>	<b>7,989,903</b>	<b>7,989,903</b>	<b>n/a</b>
<b>Total resourcing and payments</b>	<b>53,940,698</b>	<b>53,023,928</b>	<b>n/a</b>
Less receipts from other sources credited to special accounts	1,547	1,547	n/a
<b>Total resourcing and payments for the Treasury</b>	<b>53,939,151</b>	<b>53,022,381</b>	<b>n/a</b>

Table 15: Outcome 1 — Sound macroeconomic environment

	Budget expenses 2008-09 \$'000 (a)	Actual expenses 2008-09 \$'000 (b)	Variation \$'000 (a-b)
<b>Output Group 1.1: Macroeconomic Group</b>			
Administered items:			
Subscriptions to international financial institutions	3,151	3,150	1
Special appropriations:			
<i>International Monetary Agreements Act 1947</i>	433,711	14,265	419,446
Departmental Outputs:			
Output 1.1.1 Domestic economic advice and forecasting	10,712	9,929	783
Output 1.1.2 International economic policy advice and assessment	24,361	22,842	1,519
<b>Total Output Group 1.1</b>	<b>471,935</b>	<b>50,186</b>	<b>421,749</b>
<b>Outcome 1</b>			
Departmental	35,073	32,771	2,302
Administered	436,862	17,415	419,447
<b>Total Outcome 1</b>	<b>471,935</b>	<b>50,186</b>	<b>421,749</b>
<b>Average staffing level (number)</b>	<b>195</b>	<b>169</b>	<b>26</b>

Table 16: Outcome 2 — Effective government spending arrangements

	Budget expenses 2008-09 \$'000 (a)	Actual expenses 2008-09 \$'000 (b)	Variation     \$'000 (a-b)
<b>Output Group 2.1: Fiscal Group</b>			
Administered items:			
Crude oil excise condensate	3,516	3,516	-
Special Appropriations:			
<i>A New Tax System (Commonwealth-State Financial Arrangements) Act 1999</i>	41,450,756	41,189,398	261,358
First Home Owners Boost - <i>Appropriation (Economic Security Strategy) Act (No. 2) 2008-09</i>	610,334	610,334	-
<i>Federal Financial Relation Act 2009</i>	3,181,600	3,162,950	18,650
Special accounts:			
COAG Reform Fund Special Account	7,936,847	8,668,557	(731,710)
Departmental Outputs:			
Output 2.1.1 Budget policy advice and coordination	4,815	4,578	237
Output 2.1.2 Commonwealth-State financial policy advice	3,762	3,568	194
Output 2.1.3 Industry, environment and defence policy advice	9,719	9,410	309
Output 2.1.4 Social and income support policy advice	6,646	6,566	80
<b>Total Output Group 2.1</b>	<b>53,207,995</b>	<b>53,658,877</b>	<b>(450,882)</b>
<b>Outcome 2</b>			
Departmental	24,942	24,122	820
Administered	53,183,053	53,634,755	(451,702)
<b>Total Outcome 2</b>	<b>53,207,995</b>	<b>53,658,877</b>	<b>(450,882)</b>
<b>Average staffing level (number)</b>	<b>157</b>	<b>158</b>	<b>(1)</b>



**Table 17: Outcome 3 — Effective taxation and retirement income arrangements**

	Budget expenses 2008-09 \$'000 (a)	Actual expenses 2008-09 \$'000 (b)	Variation \$'000 (a-b)
<b>Output Group 3.1: Revenue Group</b>			
Departmental Outputs:			
Output 3.1.1 Taxation policy and legislation advice	36,699	38,279	(1,580)
Output 3.1.2 Retirement income and saving policy and legislation advice	8,390	7,721	669
<b>Total Output Group 3.1</b>	<b>45,089</b>	<b>46,000</b>	<b>(911)</b>
<b>Outcome 3</b>			
Departmental	45,089	46,000	(911)
Administered	-	-	-
<b>Total Outcome 3</b>	<b>45,089</b>	<b>46,000</b>	<b>(911)</b>
<b>Average staffing level (number)</b>	<b>310</b>	<b>311</b>	<b>(1)</b>

**Table 18: Outcome 4 — Well functioning markets**

	Budget expenses 2008-09 \$'000 (a)	Actual expenses 2008-09 \$'000 (b)	Variation \$'000 (a-b)
<b>Output Group 4.1: Markets Group</b>			
Administered items:			
HIH Claims Support Scheme	-	-	-
Housing Loan Insurance Company Limited - payment in respect of insurance claims	1,000	57	943
Standard Business Reporting — payments to State Revenue Offices	1,918	1,918	-
Departmental Outputs:			
Output 4.1.1 Foreign investment and trade policy advice and administration	6,193	5,995	198
Output 4.1.2 Financial system and corporate governance policy advice	28,680	28,571	109
Output 4.1.3 Competition and consumer policy advice	21,122	23,249	(2,127)
Output 4.1.4 Actuarial services	1,600	1,488	112
<b>Total Output Group 4.1</b>	<b>60,513</b>	<b>61,278</b>	<b>(765)</b>
<b>Outcome 4</b>			
Departmental	57,595	59,303	(1,708)
Administered	2,918	1,975	943
<b>Total Outcome 4</b>	<b>60,513</b>	<b>61,278</b>	<b>(765)</b>
<b>Average staffing level (number)</b>	<b>270</b>	<b>271</b>	<b>(1)</b>

# COMPLIANCE INDEX

Requirement	Page/s
<b>General details</b>	
Letter of transmittal	iii
Table of contents	v
Index	290-292
Glossary	288-289
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	3-6
Overview of department's performance	3-6
Outlook for following year	6
Departmental overview	8-18
Overview description of department	8-13
Role and functions	11-13
Summary resource statement	280-281
Organisational structure	14
Outcome and output structure	15
Portfolio structure	16-18
<b>Part 2: Report on performance</b>	
Review of performance during the year in relation to outputs and contribution to outcomes	19-114
Actual performance in relation to performance targets set out in PBS/PAES	19-114
Narrative discussion and analysis of performance	19-114
Trend information	19-114
Factors, events or trends influencing departmental performance	19-114
Significant changes in nature of principal functions/services	19-114
Social justice and equity impacts	19-114
Discussion and analysis of the department's financial performance	155-256
Discussion of any significant changes from the prior year or from budget	19-114
Summary resource tables by outcome	281-284

Requirement	Page/s
<b>Part 3: Management and accountability</b>	
Corporate governance	117-122
Statement of the main corporate governance practices in place	117
Names of the senior executive and their responsibilities	14
Senior management committees and their roles	118
Corporate and operational planning and associated performance reporting and review	120
Approach adopted to identifying areas of significant financial or operational risk and arrangements in place to manage risks	120-121
Agency heads are required to certify that their agency comply with the Commonwealth Fraud Control Guidelines	130
Policy and practices on the establishment and maintenance of appropriate ethical standards	121-122
How nature and amount of remuneration for SES officers is determined	122
Internal and external scrutiny	123-132
Significant developments in external scrutiny	125-132
Judicial decisions and decisions of administrative tribunals	130-132
Reports by the Auditor-General, a Parliamentary Committee or the Commonwealth Ombudsman	125-127
Management of human resources	133-143
Assessment of effectiveness in managing and developing human resources to achieve departmental objectives	133-140
Workforce planning, staff turnover and retention	136
Impact and features of workplace agreement and AWAs	135
Training development undertaken and its impact	137-139
Occupational health and safety performance	259-261
Productivity gains	133-143
Statistics on staffing	140-143
Assets management	144
Assessment of effectiveness of assets management	
Purchasing	144
Assessment of purchasing against core policies and principles	

<b>Requirement</b>	<b>Page/s</b>
<b>Part 3: Management and accountability (continued)</b>	
Consultants	
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.	145-149
Workplace diversity	150-153
Report on performance in implementing the Commonwealth Disability Strategy	152
<b>Part 4: Financial statements</b>	
Financial Statements	155-256
<b>Part 5: Appendices</b>	
Occupational health and safety (section 74 of the <i>Occupational Health and Safety Act 1991</i> )	259-261
Freedom of information (subsection 8(1) of the <i>Freedom of Information Act 1982</i> )	262-274
Advertising and market research (section 311A of the <i>Commonwealth Electoral Act 1918</i> )	275
Ecologically sustainable development and environmental performance (section 516A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> )	276-277
Grants	278
Legal services expenditure	279

## ABBREVIATIONS AND ACRONYMS

---

AASB	Australian Accounting Standards Board
ABS	Australian Bureau of Statistics
ACCC	Australian Competition and Consumer Commission
ADB	Asian Development Bank
ANAO	Australian National Audit Office
AOFM	Australian Office of Financial Management
APEC	Asia-Pacific Economic Cooperation
APRA	Australian Prudential Regulation Authority
APS	Australian Public Service
ARPC	Australian Reinsurance Pool Corporation
ASEAN	Association of Southeast Asian Nations
ASIC	Australian Securities and Investments Commission
AS/NZS	Australian/New Zealand Standard
ATO	Australian Taxation Office
AusAID	Australian Agency for International Development
AWA	Australian Workplace Agreement
CBA	Commonwealth Bank of Australia
CBOSC	Commonwealth Bank Officers' Superannuation Corporation
COAG	Council of Australian Governments
CSS	Commonwealth Superannuation Scheme
EBRD	European Bank for Reconstruction and Development
EL	Executive level
FCA	Family Court of Australia
FIFA	Fédération Internationale de Football Association
FMA Act	<i>Financial Management and Accountability Act 1997</i>
FMO	Finance Minister's Orders
GRA	General revenue assistance
GST	Goods and services tax
HCS	HIH Claims Support
HLIC	Housing Loans Insurance Corporation
IBRD	International Bank for Reconstruction and Development
ICP	Insurance Core Principle
IDA	International Development Association
IFC	International Finance Corporation
IMF	International Monetary Fund
IT	Information technology
KPMG	Klynveld Peat Marwick Goerdeler

MIGA	Multilateral Investment Guarantee Agency
MYEFO	Mid-Year Economic and Fiscal Outlook
NAIDOC	National Aborigines and Islanders Day Observance Committee
NP	National Partnerships
NSW	New South Wales
NZ	New Zealand
OECD	Organisation for Economic Co-operation and Development
OPA	Official Public Account
PAYG	Pay-as-you-go
PRGF	Poverty Reduction and Growth Facility
PRINCE 2	Projects in Controlled Environments
PSS	Public Sector Superannuation Scheme
PSSap	Public Sector Superannuation accumulation plan
RBA	Reserve Bank of Australia
SBR	Standard Business Reporting
SDR	Special Drawing Rights
SES	Senior executive service
SPP	Specific Purpose Payment
TOFA	Taxation of Financial Arrangements
UEFO	Updated Economic and Fiscal Outlook
US	United States