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OCCUPATIONAL HEALTH AND SAFETY

The Treasury actively encourages and supports a safe and healthy working environment for its staff. In accordance with the *Occupational Health and Safety (Commonwealth Employment) Act 1991* and Treasury's Occupational Health and Safety Policy and Agreement, Treasury continued to implement wellbeing strategies in 2005-06, with a primary emphasis on prevention, early intervention and education.

In the 2005 Treasury Staff Survey, 91 per cent of respondents indicated that Treasury is a safe and healthy workplace. The 2006 Balanced Scorecard also showed positive results with a 90 per cent satisfaction rate with occupational health and safety services.

Treasury's Health Month was successfully launched in September 2005 by Sarah Ryan, Olympic swimmer and media commentator. During Health Month, staff were encouraged to take part in the 10,000 Steps programme which included a virtual journey from Rockhampton to the Gold Coast. Around 300 staff purchased subsidised pedometers and 150 staff participated in the 10,000 Steps virtual journey. Other Health Month initiatives included wellbeing seminars attended by 265 staff and introduction in Treasury's cafeteria of a new healthy menu range offering nutritious, low fat alternatives.

Treasury's Comcare premium rate continues to decrease relative to the average Commonwealth agency rate. The rate for 2006-07 is 0.59 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 1.77 per cent for the Commonwealth as a whole.

During 2005-06, Treasury received 33 incident reports, 5 of which resulted in compensation claims. No notices were given under sections 29, 46 and 47 of the *Occupational Health and Safety (Commonwealth Employment) Act 1991*. All Treasury staff are encouraged to report incidents as soon as they occur. All incidents are investigated as a matter of priority. Immediate action is then taken to rectify hazards and ensure employees are provided with appropriate assistance and support.

As a preventive measure, Treasury staff were offered training on workstation set-up to help them understand ergonomic principles, workplace practices, exercise and workstation adjustment. Twenty-one staff participated in this training programme in 2005-06. One-on-one workstation assessments were also available, with 150 assessments completed in 2005-06. In addition, staff who were prescribed glasses for the use of screen-based equipment were reimbursed for a portion of the cost. Sixty staff sought screen-based eyesight appointments in 2005-06, with 12 receiving partial reimbursement for glasses.

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.

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To keep staff active, Treasury delivered a number of onsite health activities throughout the year at lunchtime including pilates, body balance, flexibility for life and aerobics.

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

The employee assistance provider also offers a ManagerAssist™ service which assists managers and team leaders manage situations relating to work performance and personal difficulties.

Treasury's first aid officers continue to play a vital role in providing first aid to staff. First aid officers are located on each floor to ensure employees in need receive immediate assistance.

Treasury's health and safety representatives help manage risks by conducting quarterly workplace inspections to assess and rectify workplace hazards and promote health and safety awareness. Occupational health and safety issues which cannot be rectified by health and safety representatives may be raised with Treasury's Occupational Health and Safety Committee.

Treasury's Occupational Health and Safety Committee meets quarterly to develop, monitor and review measures aimed at protecting the wellbeing of employees. Committee members also offer advice on more complex health and safety issues.

As part of the 2004-2006 Certified Agreement, 715 employees took advantage of Treasury's Healthy Lifestyle Payment during 2005-06. This one-off annual payment of \$400 is available to contribute to activities such as stress management, gym membership, quit smoking workshops and similar activities which promote a healthy lifestyle.

FREEDOM OF INFORMATION

Treasury handles Freedom of Information matters for Treasury, the Foreign Investment Review Board, the Takeovers 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*, 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 3 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:

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- 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, Corporate Services and Fiscal Group; 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, Corporate Services and Fiscal Group; General Manager, Commonwealth-State Relations Division; and General Manager, Budget Policy Division.
- Under the *Disposal of Forfeited Articles Direction Act 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 Act 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 has been delegated by the Treasurer 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 Administration 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*, to approve the Australian Prudential Regulation Authority to enter into an agreement to provide prudential regulation of advice services for a fee.
- Under subsection 35(1) of the *Archives Act 1983*, the Assistant Treasurer, on behalf of the Treasurer, has delegated to the General Manager, Corporations and Financial Services Division the authorisation to arrange to exempt records from the open access period.
- 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 sub-delegated them to Treasury officials. The Secretary holds powers in his

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own right under the *Financial Management and Accountability Act 1997*, and these have also been delegated to Treasury officials.

- The Secretary has authorised Senior Executive Service (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.
- The Treasurer has delegated his powers to the Secretary, in accordance with subsections 33(5), 33A(6) and 36(8) of the *Freedom of Information Act 1982*, in respect of documents of the Department of the Treasury.
- Under the following legislation the Secretary has delegated to nominated Treasury officials certain of his responsibilities and decision-making powers as an employer: *Public Service Act 1999*; *Public Service Regulations 1999*; *Public Service Classification Rules 2000*; *Public Service Commissioner's Directions 1999*; *Long Service Leave (Commonwealth Employees) Act 1976*; *Maternity Leave (Commonwealth Employees) Act 1973*; and *Safety, Rehabilitation and Compensation Act 1988*.

Arrangements for outside participation

People or organisations outside the Australian Government administration may participate in forming policy or administering enactments and schemes for which 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 discussions with companies and organisations to monitor, analyse and report on economic conditions and prospects. Treasury also engages in consultation to inform the development and implementation of specific policy proposals, including a comprehensive consultation programme on substantive tax and superannuation policy proposals. By being fully informed of the effects of specific proposals, 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, in tax design and legislation, Treasury liaises with peak bodies on issues relating to the tax system as a whole, with specialist stakeholder groups focusing on more specific areas of tax, and with stakeholders on specific measures. Treasury prepares a consultation

report three times a year with details of the consultation strategy for announced tax measures and the progress of the consultation. This report is provided to the Board of Taxation and published on the Treasury website.

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

When engaging in community consultation, the Treasury seeks to involve an appropriate range of stakeholders; 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.

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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 up to three years and members may be reappointed. The Secretary to the Treasury, the Commissioner of Taxation and the First Parliamentary Counsel serve as ex officio members.

The Board of Taxation provides advice to the Treasurer on:

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

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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 2005-06, Treasury and the Treasurer received 38 requests for access to documents under the *Freedom of Information Act 1982*, compared with 37 requests in the previous year. Further details are set out in Table 18.

Table 18: Freedom of Information statistics 2005-06

Description	Number
Requests received	
On hand at 1 July 2005	12
Received	38
Breakdown across Treasury	
Treasurer	2
Executive	0
Fiscal Group	7
Revenue Group	14
Macroeconomic Group	1
Markets Group	11
Corporate Services Division	1
Strategic Communications Division	1
Australian Accounting Standards Board	1
Action on requests	
Access in full	2
Access in part	11
Access refused or no documents located	6
Transferred in whole	4
Withdrawn/lapsed	17
Current as at 30 June 2006	10
Internal review	
Applications	4
Review by Administrative Appeals Tribunal	
Outstanding at 1 July 2005	1
New applications	3
Withdrawn	0
Fees and charges	
Total application fees collected	\$1,180.00
Total charges collected	\$19,393.00
Total application fees and charges collected	\$20,573.00

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 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 2005-06.

ADVERTISING AND MARKET RESEARCH

The following table sets out amounts paid by Treasury on advertising and market research in 2005-06.

Table 19: 2005-06 expenditure for advertising and market research

Vendor	Purpose	Cost (\$)
AAP Information Services	Media releases announcing applications and decisions of the Takeovers Panel	3,771
Attorney-General's Department	Announcements regarding foreign investment proposals	12,584
Attorney-General's Department	Announcements regarding legislative instruments	2,366
DBM Consulting Pty Ltd*	Provision of market research for Financial Literacy Benchmarking	198,000
George Patterson Y & R Pty Ltd	GST campaign television advertising	9,079
Hays Personnel Services	Recruitment advertising — general vacancies	18,002
HMA Blaze	Recruitment advertising — general vacancies	363,993
HMA Blaze	Recruitment advertising — graduate recruitment	52,117
HMA Blaze	Advertising for Financial Reporting Council consultancies	25,697
HMA Blaze	Advertising for appointments Auditing and Assurance Standards Board	16,822
HMA Blaze	Advertising for appointments Australian Accounting Standards Board	15,981
HMA Blaze	Announcements regarding foreign investment proposals	11,581
HMA Blaze	Media announcement regarding civil penalties	4,625
Hobsons Australia	Recruitment advertising — graduate recruitment	7,150
Publicis Mojo Pty Ltd*	Creative services for the Financial Literacy Foundation Campaign	672,009
Quantum Market Research*	Developmental market research consultancy for Financial Literacy Foundation Information Campaign	339,344
Universal McCann	GST campaign television advertising	136,024
Universal McCann	Financial Literacy Programme television advertising	128,523
Total		2,017,670

Notes: These figures are inclusive of GST. Projects totaling less than \$1,500 for the year and accrued expenses are not included in this table.

* Items also reported in Table 15 Consultancies.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

In 2005-06, Treasury continued to develop and incorporate best practice strategies that enable the department to improve its overall energy consumption. Treasury participates in various government forums and has in place strategies to improve the environmental performance of its office based activities in energy and water conservation and waste minimisation.

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

Energy management

Treasury has further reduced its overall energy consumption, in line with government energy consumption targets for this reporting period. A planned Energy Audit in 2006-07, should provide the opportunity for Treasury to effect further reductions in energy consumption.

The Treasury building is controlled by a building management system that provides energy management and reporting facilities for three separate tenancies within the building. Tenancy areas are separately metered to allow monitoring and profiling and the diagnosis of consumption to the distribution board level.

Electricity supplies have power analysis facilities to provide instantaneous 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. Lighting in areas that are not in constant use, such as conference rooms and meeting rooms, is controlled by infrared motion detection. 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 14001:1996. Consistent with its commitment to ongoing improvement in overall environmental performance, Treasury undertook a review of its Environmental Management Plan in early 2006, with a view to gaining certification to the revised International Standard 14001: 2004.

Paper and glass and plastics recycling

Treasury recycles 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 which simplifies the separation of recyclable items previously sent to landfill. In 2005-06, Treasury recycled 188 cubic metres of used paper, 10 per cent more than in 2004-05. In addition, there was 23 per cent more recycling of glass and plastics from the staff kitchens.

Treasury's target is to reduce its waste to landfill by 90 per cent.

Compost recycling

Treasury currently has a two year contract with a compostable recycling service. The service enables compostable waste which would normally be sent to landfill to be recycled organically.

Treasury's staff kitchens have sealed compost waste containers. This service enables compost waste to be recycled organically. In 2005-06, Treasury recycled 3,044 kilograms of compost, 3 per cent more than in 2004-05.

Procurement practices

Treasury purchases goods and services in accordance with environmental procurement policy as set out in the Commonwealth Procurement Guidelines. This ensures that 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. Treasury actively encourages all areas to purchase and use recycled paper and stationery products.

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

Water usage

Tenancies within Treasury building are not metered separately for water consumption. The overall water consumption for the building in 2005-06 was 14,311 kilolitres compared with 17,150 kilolitres in 2004-05. Awareness of water conservation issues was raised through staff notices.

DISCRETIONARY GRANTS

In 2005-06 Treasury administered the following discretionary grants:

- Two contributions to the Australian Research Council grant to assess the social and fiscal policy implications of an ageing population totaling \$44,000.
- Asian Economic Panel Meeting: contribution of \$11,000 to the Australian National University to discuss economic and policy issues that are of vital importance to Asian economies collectively or individually.
- Thirty fifth Annual Conference of Economists: contribution of \$6,000 to the Economic Society of Australia (Western Australian Branch).
- Financial Literacy and Inclusion Forum: contribution of \$7,500 to the Australian Financial Counseling and Credit Reform Association to address the information needs of Australians with low incomes.
- Organisation for Economic Cooperation and Development Comparative Taxation Study: contribution of \$10,000 to the OECD for assisting with Australia's Comparative Taxation Study.