

Part 4
Management and
Accountability



Goal 5: Increasing our effectiveness as an organisation through a commitment to our people, planning and systems

2012-13 Strategies

- Review, update and document the ACCC's corporate governance.
- Building organisational capability and knowledge sharing through well trained and supported people.
- Promote a safe, healthy and respectful work environment for our people.
- Streamlining our management of projects.
- Transforming our specialist legal and economic services.
- Transforming our corporate support services and systems.

Corporate governance

2012–13 Strategy *Review, update and document the ACCC's corporate governance*

This chapter reports on the ACCC and AER's governance, financial, people, information management and other administrative activities.

The ACCC's corporate governance framework equips the organisation to achieve its strategic goals while complying with policies and legislation, maintaining performance standards and making the most cost-effective use of resources.

Senior leadership

The ACCC's senior leadership comprises members of the Commission (appointed by the Governor-General) and Senior Executive Service (SES) employees.

Senior leadership of the AER comprises the AER Board and SES employees of the ACCC.

Details of the leadership structure are in figure 2.1.

Australian Competition and Consumer Commission

The ACCC has a chair, two deputy chairs, four full-time members and three associate members. Their names and appointment terms are shown in table 4.1.

Table 4.1: Terms of appointment—current ACCC members (at 30 June 2013)

Position	Name	Appointed until
Chairman	Rod Sims	31 July 2016
Deputy chairs	Delia Rickard	3 June 2017
	Michael Schaper	29 May 2018
Members	Cristina Cifuentes	29 May 2018
	Sarah Court	30 April 2018
	Joe Dimasi	27 November 2013
	Jill Walker	11 August 2014
Associate members	Mark Berry	30 November 2013
	Christopher Chapman	13 October 2015
	Andrew Reeves	18 July 2013

Dr Schaper and Ms Court have been reappointed for five-year terms.

Ms Cifuentes began her five-year term on 30 May 2013.

Mr Edward Willett ended his second term as an ACCC commissioner and the Commonwealth representative on the AER Board on 29 May 2013.

Chairman

Mr Rod Sims



Rod Sims was appointed Chairman of the Australian Competition and Consumer Commission in August 2011 for a five-year term.

Rod has extensive business and public sector experience. Prior to his appointment to the ACCC, he was the Chairman of the Independent Pricing and Regulatory Tribunal of New South Wales, a Commissioner on the National Competition Council, Chairman of InfraCo Asia, Director of Ingeus Limited, and a member of the Research and Policy Council of the Committee for Economic Development of Australia. He was also a Director of Port Jackson's Partners Limited where he advised the CEOs and boards of some of Australia's top 50 companies on commercial corporate strategy over many years. Rod relinquished all of these roles on becoming Chairman of the ACCC.

Rod is also a past Chairman of the NSW Rail Infrastructure Corporation and the State Rail Authority and was a director of a number of private sector companies. During the late 1980s and early 1990s, Rod was the Deputy Secretary of the Commonwealth Department of Prime Minister and Cabinet and responsible for the economic, infrastructure and social policy and the Cabinet Office. He was also a Deputy Secretary of the Department of Transport and Communications.

Rod Sims holds a first class honours degree in Commerce from the University of Melbourne and a Master of Economics from the Australian National University.

Deputy chairs

Ms Delia Rickard



Delia Rickard was appointed to the position of Deputy Chair of the ACCC in June 2012 for five years.

Delia brings extensive public service experience in consumer protection. Prior to her appointment to the ACCC, she was the Senior Executive Leader for Consumers, Advisers and Retail Investors at the Australian Securities and Investments Commission (ASIC). She was also ASIC's ACT Regional Commissioner.

Delia led much of ASIC's consumer protection work in financial literacy and education, vulnerable and disadvantaged consumers, dispute resolution schemes, stakeholder relations and industry self-regulation. She was responsible for developing the National Financial Literacy Strategy and led ASIC's implementation of the government's Super Choice policy. More recently, she became responsible for the supervision of financial advisers. Delia was also the founding chair of ASIC's Corporate Social Responsibility Program.

Delia is a former head of the ACCC's Consumer Protection Branch and was a member of the Secretariat to the Wallis Inquiry into the regulation of Australia's financial system. She was also a member of the Australian Payments System Board for a number of years and a member of the steering committee for all four ANZ National Financial Literacy Surveys.

She is a trustee of the Jan Pentland Foundation—an organisation dedicated to supporting the financial counselling sector, and a judge for the annual MoneySmart Week awards.

In the January 2011 Australia Day Awards, Delia was awarded the Public Service Medal for her contribution to consumer protection and financial services.

Delia holds a Bachelor of Arts and a Bachelor of Law from the University of New South Wales.

Dr Michael Schaper



Michael Schaper was appointed to the ACCC in July 2008 for five years, and reappointed in May 2013 for a second five-year term, as Deputy Chair with knowledge of and experience in small business.

Michael brings extensive experience in small business through his previous roles as ACT Small Business Commissioner, Dean of Murdoch University Business School and head of the School of Business at Bond University.

A previous president of the Small Enterprise Association of Australia and New Zealand, he has been a member of the board of directors of the International Council for Small Business and has held the foundation professorial chair in Entrepreneurship and Small Business at the University of Newcastle. Prior to this, he was employed as a senior lecturer at Curtin University and was responsible for the university's entrepreneurship degree programs.

Between 2001 and 2003, Michael held several posts as visiting professor at the Ecole de Management Lyon, France, and the University of St Gallen in Switzerland. In Australia he has served as an adjunct professor at both Curtin University and the University of Canberra.

In addition to his extensive academic career, Michael has worked as a professional small business adviser and has owned a number of new business start-ups.

In 2009, he received the National Small Business Champion Award from the Council of Small Business Organisations of Australia.

The author or co-author of 10 business management books, he has been a regular columnist in a number of national magazines, newspapers and journals on business issues. He has also worked as a policy adviser for both state and Australian governments.

Michael is a member of the ACCC's Enforcement, Adjudication, and Regulated Access, Pricing and Monitoring committees.

He holds a PhD and a Master of Commerce from Curtin University, as well as a Bachelor of Arts from the University of Western Australia.

Members

Ms Cristina Cifuentes



Cristina Cifuentes was appointed an ACCC Commissioner in May 2013 for five years. From May 2013, she also became the acting Commonwealth full-time member of the Australian Energy Regulator.

Cristina has a breadth of experience in both the public and private sectors across public policy, finance and utility regulation, including positions at the Reserve Bank of Australia and the NSW Treasury. She served as the state part-time member of the AER between 2010 and 2013. Cristina was a member of the Independent Pricing and Regulatory Tribunal of New South Wales between 1997 and 2006.

Cristina is chair of the ACCC's Communications Committee and a member of the ACCC's Regulated Access, Pricing and Monitoring Committee.

Before becoming an ACCC commissioner, Cristina held a number of directorships including with the Hunter Water Corporation and First State Super Trustee Corporation.

Cristina holds a first class honours degree in Law and a degree in Economics.

Ms Sarah Court



Sarah Court was appointed a full-time ACCC Commissioner in April 2008.

She is a former senior executive lawyer and director with the Australian Government Solicitor. She brings to her role extensive experience in Commonwealth legal work, including restrictive trade practices, consumer protection and law enforcement litigation.

Sarah oversees the ACCC's Enforcement and Litigation Program and chairs the Commission's Enforcement Committee. Ms Court also sits on the Commission's Merger Review and Adjudication committees.

Sarah holds a Bachelor of Arts (Jurisprudence) and a Bachelor of Law (Honours) from the University of Adelaide as well as a Graduate Diploma in Legal Practice from the Australian National University.

Mr Joe Dimasi



Joe Dimasi was appointed an ACCC Commissioner in December 2008 for five years.

Before his appointment, Joe was the Executive General Manager of the Regulatory Affairs Division of the ACCC, a position he had occupied since 1996. Before that, he was an assistant commissioner of the Industry Commission (now the Productivity Commission).

Joe has been a senior economist in a number of organisations, including the Victorian departments of the Treasury, Premier and Cabinet, and Business.

He holds both a Bachelor and Master's degree in Economics.

Dr Jill Walker



Jill Walker was appointed as a Commissioner of the ACCC in August 2009 for five years.

She is the chair of the ACCC's Mergers Review and Adjudication committees and also a member of the Enforcement Committee. Jill is also an Associate Member of the New Zealand Commerce Commission and Chair of the International Air Services Commission.

She has extensive experience in trade practices and antitrust economics. Prior to joining the ACCC, Jill was a member of the Australian Competition Tribunal and worked as an economic consultant for LECG Ltd. She has also worked for the Network Economics Consulting Group and CRA International. She was a member of the South Australian Government's panel of expert assessors assisting the District Court in hearing appeals under the *Essential Services Commission Act 2002* and the *Gas Pipelines Access (South Australia) Act 1997*.

Jill was previously employed as an economic adviser by the ACCC and its predecessors, the Prices Surveillance Authority and the Trade Practices Commission. During this time she advised on significant cases, investigations, and authorisations.

Jill holds a Bachelor of Arts in Economics and a PhD in Land Economy from the University of Cambridge. She also holds a Master's degree in Economics from the University of Massachusetts.

Australian Energy Regulator

The Chair of the AER Board is Mr Andrew Reeves. As at 30 June 2013 the board of the AER had two members.*

Table 4.2: Terms of appointment—current AER members (at 30 June 2013)

Position	Name	Appointed until
Chair	Andrew Reeves	18 July 2013
Member	Cristina Cifuentes	26 October 2015

* A third member, Jim Cox, is scheduled to commence on 9 September 2013.

Chair

Mr Andrew Reeves



Andrew Reeves was appointed as the Chair of the Australian Energy Regulator in July 2010 following his appointment as a board member in July 2008 for five years. On 31 May 2013, Andrew was reappointed as Chairman and AER state and territory board member for a further 12 months, extending his term to July 2014.

Prior to the AER appointment, Andrew was Commissioner of the Tasmanian Government Prices Oversight Commission and Regulator of the Tasmanian electricity supply industry, responsible for technical and economic regulation of the sector, including performance standards and prices for distribution services and retail tariffs. Other responsibilities included regulation of the Tasmanian natural gas industry and investigation of the pricing policies of water authorities, the public transport operator and the provider of motor vehicle accident personal injury insurance. The commission also carried out occasional investigations of energy prices and analysed proposed energy sector reforms at the request of government.

Andrew's other previous government appointments include Director Energy Policy and mineral and petroleum development in Tasmania.

He has a degree in Engineering and postgraduate qualifications in Economics.

Members

Ms Cristina Cifuentes



On 30 May 2013, Ms Cristina Cifuentes was appointed as a Commissioner of the ACCC and acting full-time Commonwealth member of the AER Board, replacing Mr Ed Willett. Cristina serves as an AER Board member concurrently with her ACCC appointment.

Cristina was previously appointed as the part-time member of the AER from 27 October 2010.

Cristina's formal qualifications in Law and Economics and her membership of the Independent Pricing and Regulatory Tribunal of New South Wales between 1997 and 2006 give her a breadth of experience in energy networks and market regulation. Cristina has also held a number of directorships, including with the Hunter Water Corporation and First State Super Trustee Corporation.

Mr Jim Cox

Mr Cox was previously the Chief Executive Officer and full time member of IPART. Mr Cox has held positions with the Reserve Bank of Australia, the Department of Prime Minister and Cabinet and the Social Welfare Policy Secretariat of the Department of Social Security. He was a Principal Economist at the Office of EPAC between 1986 and 1989, and between 1989 and 1992 was a consultant to the New South Wales Cabinet Office. Mr Cox was Principal Adviser to the Government Pricing Tribunal of New South Wales from 1992 and was a Member of the Tribunal since January, 1996. He was Acting Chairman of IPART during 2004, 2009-10 and 2011.

Mr Cox was a visiting fellow at Monash University during 1985 and assisted the New Zealand Government with social policy changes during the early part of 1991.

Mr Cox has written extensively on economic and social policy issues. This work has been published, among others, by the New Zealand Business Roundtable and the Centre for Independent Studies. He was awarded the Public Service Medal in the Australia Day honours list in 2011 for outstanding public service to IPART.

Managing the ACCC

Committees

ACCC

The ACCC has two types of committees: subject matter committees, which help the Commission in its decision making and other functions, and corporate governance committees.

Table 4.3: Subject matter committees of the ACCC—roles and membership

Adjudication Committee	Jill Walker (Chair), Sarah Court, Michael Schaper, Rod Sims, Delia Rickard—considers adjudication issues and refers recommendations to the full Commission for decision; meets weekly.
Communications Committee	Cristina Cifuentes (Chair), Joe Dimasi, Delia Rickard, Rod Sims—considers telecommunications issues and refers recommendations to the full Commission for decision; meets weekly.
Enforcement Committee	Sarah Court (Chair), Delia Rickard, Michael Schaper, Rod Sims, Jill Walker—oversees the Enforcement Program and refers recommendations to the full Commission for decision; meets weekly.
Mergers Review Committee	Jill Walker (Chair), Sarah Court, Joe Dimasi, Rod Sims—considers merger reviews and refers certain recommendations to the full Commission for decision; meets weekly.
Regulated Access and Price Monitoring Committee	Joe Dimasi (Chair), Cristina Cifuentes, Andrew Reeves, Michael Schaper, Rod Sims—oversees access, price monitoring, transport and water issues; meets fortnightly.

Table 4.4: ACCC corporate governance committees—roles and membership

Corporate Governance Committee	ACCC and AER chairs and deputy chairs, commissioners, CEO, deputy CEOs and senior staff who consider corporate governance issues; meets quarterly.
Audit Committee	CEO, independent external member and senior staff responsible for overseeing internal audit activities, fraud control, risk management and corporate governance; meets quarterly.
Strategic Communications Committee	CEO, deputy CEOs and senior staff involved in the ACCC's communication and outreach activities; meets quarterly.
Information Management and Technology Services Committee	CEO and senior staff provide leadership and direction for committee activities; meets quarterly.
Health and Safety Committee	Representatives of the employer and staff representing the workplace; meets quarterly.
Organisational Wellbeing Committee	CEO, deputy CEOs and senior staff consider people management issues; meets quarterly.
Workplace Relations Committee	Representatives of the employer, employees and employee organisations; meets quarterly.

Audit Committee

The Audit Committee members are the ACCC Chief Executive Officer, ACCC Executive General Manager Corporate Division, two General Managers from ACCC line areas (rotating two-year terms) and an external, independent member.

The committee operates under the Audit Committee Charter, which is reviewed every two years, and oversees risk management, financial and management reporting and general governance. The committee develops a three-year strategic audit plan and oversees the delivery of the audits and implementation of the recommendations.

The following reviews were conducted during 2012–13: records management, project management, compliance with the *Financial Management and Accountability Act 1997*, governance health check and regulatory reviews.

Corporate and business plans

The ACCC and AER Corporate Plan for 2012–13 focused on those goals and strategies that would drive them towards their joint purpose of 'making markets work for consumers now and into the future'. The ACCC and AER's role is to protect, strengthen and supplement the way competition works in Australian markets and industries to improve the efficiency of the economy and to increase the welfare of Australians. This means both will act to improve consumer welfare, protect competition or stop conduct that is anti-competitive or harmful to consumers, and will promote the proper functioning of Australian markets.

The ACCC has developed strategies to achieve its five goals, which are to:

1. maintain and promote competition and remedy market failure
2. protect the interests and safety of consumers and support fair trading in markets
3. promote the economically efficient operation of, use of and investment in, monopoly infrastructure
4. increase our engagement with the broad range of groups affected by what we do
5. increase our effectiveness as an organisation through a commitment to our people, planning and systems.

Risk management

Risk management is a key element of the ACCC's strategic planning, decision making and business operations.

As part of its efforts to integrate risk management with planning and operations across the organisation, the ACCC maintains its risk management framework in accordance with the Australian National Audit Office/Comcover Better Practice Guide. Accordingly, the ACCC has a risk management policy and a strategic risk profile. The latter identifies risk exposures across all activities, and provides assurance that these exposures are adequately controlled and any gaps rectified.

The ACCC aims for best practice in controlling all risks by identifying priority exposures, addressing them through improvement strategies and contingency planning, and monitoring and reviewing ongoing risk. As a result, it is able to make well-informed decisions on risk controls.

Business continuity

Business continuity management strengthens business resilience, lessening the probability of incidents that may adversely affect ACCC operations, and minimising the impact should such incidents occur.

During 2012–13, the ACCC tested whether business units could continue to operate in emergency situations and will continue to do so annually.

Fraud control

The ACCC developed a Fraud Control Plan for 2012–14. The plan provides for fraud prevention, detection, investigation, reporting and data collection procedures that meet our specific needs and comply with the Commonwealth Fraud Control Guidelines. The plan is reviewed annually by the ACCC Audit Committee.

Ethical standards

Conflicts of interest

The ACCC is proud of its ethical standards and ensures there is continued public confidence in its integrity and that of its staff. As an organisation which often investigates misrepresentation of information or unconscionable business conduct, it is vital that the ACCC maintain the trust of the Australian people, government and businesses.

To maintain confidence in its integrity, the ACCC has strict procedures to identify and properly manage any personal interests that may cause an actual or perceived conflict of interest. As statutory office holders, commissioners are held to high standards of conduct. These standards derive from a number of regulations, codes of conduct and the common law and are individually supplemented by commissioners' appointments to ad hoc ACCC committees and delegations under other related legislation.

All members and employees of the ACCC and AER must declare any actual or apparent conflicts of interest annually. These are noted by their general manager and centrally recorded to ensure staff are not involved in matters where there are potential conflicts.

ACCC members must provide the Chairman with an annual statement of personal interests and cannot participate in matters in which they or a member of their direct family may have a real or perceived conflict of interest.

As a general rule, ACCC commissioners and staff cannot accept gifts and hospitality because acceptance could compromise, or be seen to compromise, the organisation's integrity. During 2012–13, policy amendments introduced a \$50 minimum threshold for formal declaration, which aligns the ACCC with many Australian Public Service (APS) agencies, while allowing the organisation to display a high level of integrity and ethical behaviour in our day-to-day work.

APS Values/Code of Conduct

The ACCC is committed to maintaining a workplace culture that promotes and upholds the behaviours specified in the APS Values and Code of Conduct and makes these the cornerstone of all human resources policies and guidelines.

As part of their induction to the ACCC, employees must complete an e-learning module on ethics and conduct. Further information about the APS Values and Code of Conduct is provided during corporate induction sessions. In addition, the ACCC has introduced

the Respect Program following staff survey feedback showing that a number of staff had experienced or witnessed disrespectful behaviour. The program clarifies that respect in the workplace concerns much more than preventing bullying and harassment and dictates how staff work with colleagues each day.

Misconduct by employees of the ACCC is dealt with as a breach of the APS Code of Conduct. In 2012–13, two new allegations were investigated, one of which was concluded. Two investigations into allegations made in the previous year were concluded.

External scrutiny

As an agency of the Australian Government, the ACCC is held to account for its activities by a variety of external bodies, including:

- courts
- tribunals
- Parliament
- agencies holding administrative oversight, including the Commonwealth Ombudsman.

These bodies have the power to review decisions or work of the ACCC, investigate them and either uphold the decision of the ACCC, or order the ACCC to make changes if necessary. Each year the ACCC reports on its interaction with these bodies to ensure the organisation is transparent about any external scrutiny.

Judicial decisions

In February 2012, Pro Teeth Whitening (Aust) Pty Ltd issued proceedings in the Federal Circuit Court seeking judicial review of the decisions in February 2012 by the then Parliamentary Secretary to issue a compulsory recall notice in respect of certain teeth whitening products. In May 2013 that application was dismissed. This decision has been appealed to the Federal Court. Pro Teeth Whitening has also commenced proceedings in the Queensland Supreme Court against various Commonwealth parties.

Administrative Appeals Tribunal

There was one application to the Administrative Appeals Tribunal involving an ACCC freedom of information decision in 2012–13. The application was withdrawn before the tribunal considered it.

Office of the Merit Protection Commissioner

One application for review was made to the Office of the Merit Protection Commissioner in 2012–13. This matter, together with another from a previous reporting year, was finalised.

The Fair Work Ombudsman

Two matters were referred to the Fair Work Ombudsman for review in 2012–13. Both were finalised.

Office of the Australian Information Commissioner

There were no requests for review concerning the ACCC lodged with the Office of the Australian Information Commissioner in 2012–13. Four matters were carried over from the previous financial year. Two decisions were made in 2012–13 and two matters are awaiting a decision.

Australian Competition Tribunal

On 19 April 2013 the Australian Competition Tribunal issued a decision affirming the ACCC's notice revoking an exclusive dealing notification lodged by Co-operative Bulk Handling Limited. See the case study on page 53 for more information.

Parliamentary scrutiny

The ACCC's 2012–13 annual report was tabled in the Senate in October 2012. Details of our input to parliamentary and other inquiries appear on pages 186–8.

Commonwealth Ombudsman

In 2012–13, the Commonwealth Ombudsman did not report the ACCC to parliament or find any administrative deficiencies.

Privacy Commissioner

The Office of the Federal Privacy Commissioner did not approach the ACCC/AER about any complaints in 2012–13.

Australian Human Rights Commission

The ACCC/AER was approached by the Human Rights Commission in relation to one complaint in 2012–13.

Performance audits

Other than its report on financial statements, the ACCC was not subject to a report on its operations by the Auditor-General in 2012–13.

Service charter

The ACCC has a service charter stating the values that guide its service, the standard of service that individuals and businesses can expect, and the steps they can take if these standards are not met. The service charter is available from the ACCC website and at each ACCC office.

The ACCC is committed to:

- providing courteous, professional, quality service
- responding to the needs of all people regardless of their personal attributes or circumstances
- remaining objective and adhering to guidelines on conflict of interest
- answering questions promptly and explaining its decisions.

On 5 June 2013, the ACCC launched its revised service charter, which is available at www.accc.gov.au/about-us/australian-competition-consumer-commission/service-charter

The ACCC received a complaint about service standards from one complainant to which the Chief Executive Officer responded.

Building organisational capability

2012–13 Strategy

Building organisational capability and knowledge sharing through well trained and supported people

The Human Resources (HR) Branch supports all areas of the ACCC, AER and National Competition Council by managing a range of human resources, activities and development, including recruitment, work health and safety and learning and development.

In 2012–13, the HR Branch focused on:

- enhancing the organisation's online recruiting capabilities
- introducing a new learning management system to enhance learning and development (L&D) opportunities
- implementing a revised performance management framework to produce better outcomes for employees and management
- implementing phase two of the ACCC Respect Program to reduce harassment and bullying in the workplace
- managing a number of staff surveys, including the biennial 'Pulse' survey to gauge employee views on organisational issues and culture
- delivering the organisation's Wellness and Diversity Program.

Looking after our people

The ACCC and AER ran a Wellness and Diversity Program throughout 2012–13 aimed at promoting a positive and inclusive workplace culture. The program encouraged employees to participate in wellbeing activities including exercise and meditation to reduce stress, and raised awareness of mental health issues. Employees were active in fundraising for various community projects and charities, an activity which many view as complementing their work responsibilities.

Respect

During the year, ACCC moved into the second phase of the Respect Program, which built on the sessions conducted in 2011–12 and reinforced expectations regarding respectful behaviour. The program workshops, attendance at which is compulsory, focused on how all staff should work with, and treat, their colleagues. Eighty three per cent of all staff have now completed Respect training.

Promoting a healthy lifestyle

The Healthy Lifestyle Reimbursement Scheme recognises the benefits of a healthy lifestyle for staff and is part of the ACCC Enterprise Agreement. Employees can claim up to \$300 annually for items such as sporting equipment and clothing which help them maintain and improve their health and wellbeing. Seventy eight per cent of employees claimed this benefit in 2012–13.

Mental health

In October 2012, ACCC offices across the country ran activities during Mental Health Week raising employee awareness about the importance of mental health and resilience. The week was again popular, with a number of diverse events including meditation, walks around city locations, and participation in the Australian National University's pilot Mental Health Guru program.

November

In November 2012, a number of employees from all offices enrolled in the ACCC team for November. The team raised funds for various men's health initiatives and received strong support from staff.

2012 Christmas decorations competition

During December 2012, all ACCC offices competed to bring festive cheer to work. Employees worked with their colleagues to bring in, or create, their own decorations. Each area was judged on their creativity and Christmas spirit, with the two major winners donating their prize money, collected from staff contributions, to their nominated charities.

Performance management

In 2012–13, the ACCC implemented its new Individual Performance Framework. The framework was developed in consultation with staff and details how the organisation can support and recognise good performance. It was designed to create standard procedures and guidelines for managing performance and applies to all staff, including the SES.

The framework aligns individual performance agreements with branch plans, which are based on the Corporate Plan. A key component of the framework implementation was training all staff on the importance of speaking regularly about performance so that there are no surprises in the formal discussions at the start, mid-point or end of the performance cycle.

The first full performance cycle was completed by 31 July 2013. The ACCC improved online performance reporting mechanisms during the year and will review the performance framework in late 2013. The review will gauge its effectiveness in the first full cycle and identify areas for improvement.

Staff development

Leadership development continued in 2012–13 across all staff levels. Achievements included:

- improved L&D governance arrangements and a new L&D strategy overseen by the Organisational Wellbeing Committee
- introduction of programs to achieve cultural change and build management and leadership capabilities
- refinement of the core operational skills and knowledge required by staff
- support for the implementation of organisational policies and practices relating to performance management and staff development.

Specialist and technical economics and regulatory training

In 2012–13, employees of the ACCC's Regulatory Affairs Division attended specialist and technical economic and regulatory training to improve their skills and knowledge.

External training covered areas such as:

- advanced Microsoft Excel functions and tools
- sophisticated econometric analysis techniques
- stakeholder engagement strategies
- preparation of accessible web content.

Staff also took advantage of in-house L&D opportunities offered by the ACCC, including:

- technical briefings on telecommunications infrastructure, functions and purpose
- courses in economics and finance
- workshops on project management tools and templates.

Learning and development governance arrangements

Work continued on analysing and reviewing the allocation of the L&D budget to ensure that it meets ACCC objectives. The L&D Reference Group, which represents all business areas, gave expert advice on resource distribution, ensuring a more targeted approach to knowledge building that enhances the core operational skills of our staff.

Leadership programs

Leadership training was one of the main elements of the L&D program. In 2012, the Executive Level 1 leadership program was reviewed and, following market consultation, a new provider was sourced. Three programs were run under the new arrangements, with feedback showing that the new program is assisting staff in leadership roles. The APS 4–6 program equipped new supervisors and team leaders with the requisite management skills.

A new Executive Level 2 professional development program is under development and will be launched in 2013. The program will be tailored to meet individual needs.

Initiatives to address the gender balance in senior roles continued. To coincide with International Women's Day celebrations in March 2013, the ACCC held events to empower all female staff and encourage them to consider senior management roles. The ACCC will roll out further such initiatives in 2013–14.

New learning management system

In June 2013, the HR Branch implemented a new system to simplify L&D activities, including their coordination and delivery. The system will allow the ACCC to enhance its e-learning capabilities, thereby giving staff more flexibility and choice in L&D.

Blow your own trumpet

The ACCC is introducing an internal staff transfer register to allow easier internal movement of staff. To support its introduction, the aptly named 'Blow Your Own Trumpet' course explained how APS recruitment operates and offered tips on how to be competitive when applying for a job. Staff feedback was extremely positive.

Mentoring

An improved 12-month Mentoring Program started in May 2013 after a review of the ACCC's earlier mentoring network. All staff were invited to apply, either as a mentor or mentee, with 20 mentoring pairs matched in the first cycle.

The program uses a framework for creating good relationships between mentors and mentees, providing appropriate training at an early stage. Mentees meet regularly with their mentors, all senior ACCC staff, to discuss career development and opportunities for management roles in a supportive environment. In the process, mentors are challenged to further develop their own management and leadership skills.

Through the program, the ACCC aims to encourage and retain talented staff, build networks and reinforce the value it places on workforce diversity.

Learning and development summary

Training and development costs in 2012–13 totalled \$3 984 956. This comprised:

- salaries of staff on development activities, \$1 142 552
- salaries of L&D unit staff, \$759 877
- course and conference fees and studies assistance, \$1 339 571
- cost of staff travel for training purposes, \$651 592
- venue hire and other costs, \$91 364.

The amount spent on L&D represented 3.9 per cent of the annual employee benefit cost.

Study assistance for employees includes study leave and full or partial reimbursement of tuition fees for approved courses. ACCC policy and guidelines emphasise postgraduate studies, with most assistance provided for postgraduate studies in Economics, Law and Business.

During the year, 76 employees participated in the study assistance scheme. The ACCC reimbursed \$205 830 in fees and granted leave with pay for employees to attend lectures and tutorials totalling the equivalent of \$215 590 in paid time.

Table 4.5: Attendance at courses, seminars and learning activities—2010–11, 2011–12 and 2012–13

Type	Number of attendees		
	2010–11	2011–12	2012–13
Operational skills and knowledge	535	892	#1903
Legal skills and knowledge	232	620	944
Applying the Act	141	92	113
Economics and regulatory activities	314	233	360
Leadership, supervision and management	890	810	*1110

Increase from previous F/Y due to compulsory attendance at Respect phase 2 workshops and IAP training.

* Increase from previous F/Y due to roll out of the APS 4–6 Leadership Program across the agency.

Workforce planning

The ACCC's budgeted staff level for 2012–13 was 745 average staffing level full-time equivalents. This included seven full-time ACCC members, one full-time AER member and one part-time AER member for a portion of the year, with Cristina Cifuentes now a full-time ACCC commissioner.

At 30 June 2013, the total number of full-time equivalent staff, including ACCC and AER members, was 850.97 (844.3 in June 2012). The budgeted staff level for 2013–14 is 802 average staffing level full-time equivalents.

The total number of staff employed (including ACCC and AER members, part-time employees and employees absent on leave and secondments) at 30 June 2013 was 892 (885 in June 2012).

Appendix 2 shows the number of employees by gender, classification and location. Figure 4.1 illustrates the age profile of staff at the ACCC while figure 4.2 shows the distribution of males and females at each classification level.

In 2012–13, the findings of a review of executive and administrative support staff were implemented, including the introduction of capability profiles and specific work level standards, and the development of opportunities and career paths. As a result, there is greater consistency in executive assistant and support staff roles across the organisation and the ACCC is better able to target specific capabilities for future recruitment.

Figure 4.1: Age profile of ACCC staff (at 30 June 2013)

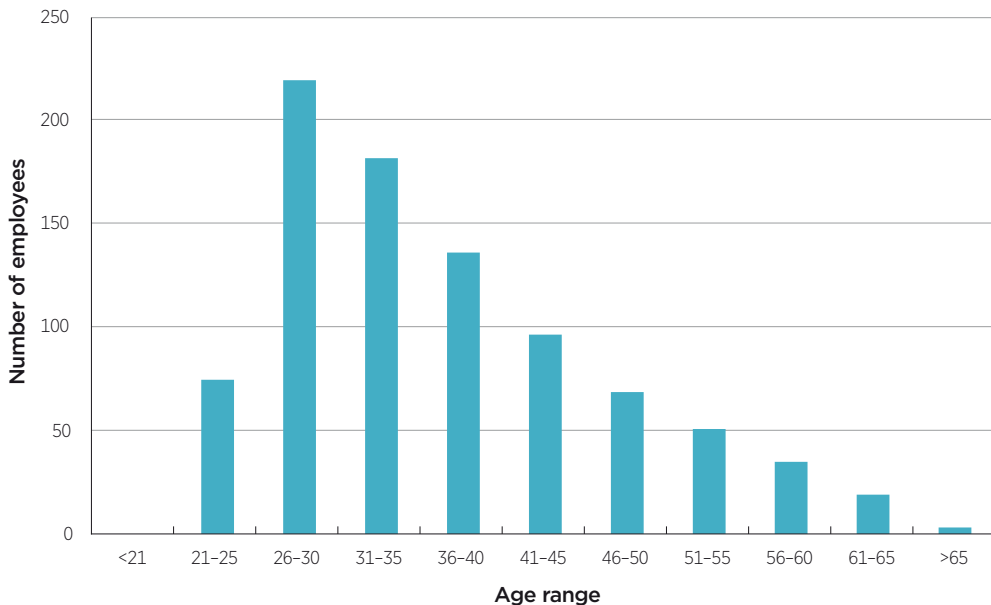
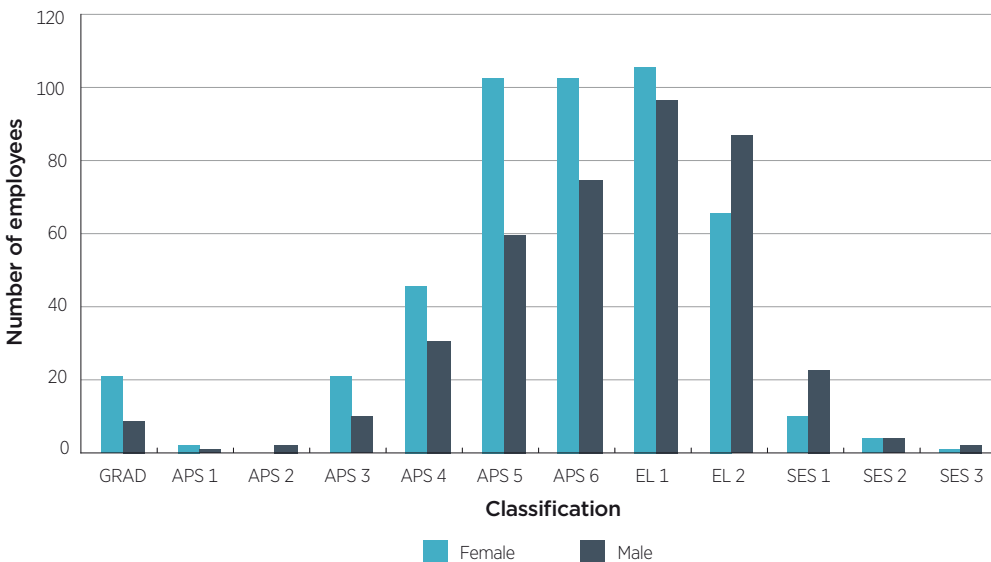


Figure 4.2: Gender profile of ACCC staff (at 30 June 2013)



Attracting and retaining staff

The ACCC attracts and retains suitably qualified employees by continuing to leverage its positive reputation; promoting its commitment to engaging and rewarding jobs; and by offering flexible working conditions, L&D opportunities and competitive remuneration packages.

During 2012–13, the ACCC conducted 115 selection processes. In addition, it established a voluntary internal staff transfer register to allow easy movement of ongoing staff at level from one business area to another. The initiative, which staff welcomed, both enables the ACCC to retain experienced staff by providing development opportunities and streamlines the filling of staff vacancies.

The HR recruitment team also:

- adopted digital and social media advertising methods in addition to traditional advertising
- enhanced the ACCC's e-Recruit online application system and processes
- targeted applicants with transferable skills in hard-to-fill locations such as Darwin.

These methods proved successful and generated strong interest from suitably qualified candidates. The result was more than 300 successful selection outcomes including promotions, engagements and transfers.

The ACCC recruited 32 graduates through the 2012 Graduate Recruitment Program, which ran from February to November 2012. The final intake for the 2013 program was 29 from more than 1800 applications. Over the 10 months of the program, graduates complete three rotations and undertake comprehensive on-the-job and formal training.

During 2012–13, senior management continued to promote a better work/life balance for executive staff by monitoring and reporting on executive working hours. Where an executive level employee works more than 110 per cent of the standard working hours in a quarter, they and their manager must agree on a plan to reduce the number of hours worked. This strategy has elevated the issue of executive working hours and encouraged Executive Level staff and their supervisors to monitor working hours in the interest of maintaining a healthy work/life balance.

The average turnover of permanent staff during the year was 8.6 per cent, a decrease from 9.3 per cent in 2011–12.

Table 4.6: Staff turnover according to separation type, 2012–13

Separation	Classification	Number of staff
External transfer or promotion	Non-SES	27
	SES	1
Redundancy	Non-SES	8
Contract expired	Non-SES	21
	SES	1
Resignations	Non-SES	42
Retirements	Non-SES	3
	SES	1
Other	Non-SES	3
TOTAL		107

Staff consultation

The Workplace Relations Committee (see table 4.4), meets quarterly to consult on employment conditions and other matters affecting the implementation of the enterprise agreement, including:

- productivity savings contemplated by, and costs arising from, the agreement
- workplace issues arising from the agreement
- work value standards
- the development and review of ACCC employment-related policies
- procedures and guidelines.

The ACCC Work Health and Safety Committee (see table 4.4) is a joint management and staff committee established in accordance with the *Workplace Health and Safety Act 2011* to facilitate:

- consultation and cooperation between the ACCC and workers on work health and safety matters
- continuous improvement in managing these matters by the ACCC.

Employment agreements

Senior executive remuneration

The remuneration for ACCC and AER members is determined by the Remuneration Tribunal in accordance with:

- the *Remuneration Tribunal Act 1973*
- Determination 2012/24, Remuneration and Allowances for Holders of Full-Time Public Office
- Determination 2012/13, Remuneration and Allowances for Holders of Part-Time Public Office.

Tables 4.7 and 4.8 set out the nature and amount of remuneration for ACCC and AER members.

Table 4.7: Remuneration of members of the ACCC (at 30 June 2013)

Full-time	Position	Base salary	Total remuneration of office
1	Chairman	\$490 000	\$700 000
2	Deputy chair	\$367 500	\$525 000
4	Member	\$315 000	\$450 000

Table 4.8: Remuneration of members of the AER (at 30 June 2013)

Full-time	Position	Base salary	Total remuneration of office
1	Chairman	\$350 000	\$500 000
0	Member	\$237 250	\$325 000
Part-time	Position	Fees	
1	Member	\$1081/day	

Enterprise agreement

The ACCC enterprise agreement for 2011–14 sets out: classification structures, the performance management framework, remuneration, flexible working conditions, leave, cooperative working relationships, workplace adjustments and other working conditions and allowances.

Under the agreement, employees received a 3 per cent salary increase on 1 July 2012 at the start of the financial year, with an additional 3 per cent increase paid from 1 July 2013.

The HR Workplace Relations Team is now preparing for the next round of enterprise agreement negotiations as the current agreement will nominally expire on 30 June 2014.

Determinations

SES employees are subject to individual determinations covering remuneration, leave and a range of other employment conditions. These determinations are made in accordance with the *Public Service Act 1999*.

Common law contracts and Australian Workplace Agreements

No employee is covered by a common law contract or an Australian Workplace Agreement.

**Table 4.9: Number of employees covered by each industrial instrument
(at 30 June 2013)**

	ACCC Enterprise Agreement 2011–14	Section 24 determinations
APS 1	3	0
APS 2	2	0
APS 3	31	0
APS 4	77	0
APS 5	163	0
APS 6	178	0
EL 1	203	0
EL 2	153	1
SES 1	0	33
SES 2	0	8
SES 3	0	3
GRAD	30	0

Table 4.10: Salary ranges for APS employees (at 30 June 2013)

	ACCC Employee Collective Agreement 2011-14	Section 24
APS 1	\$43 524-\$48 107	-
APS 2	\$49 255-\$54 618	-
APS 3	\$56 100-\$60 553	-
APS 4	\$62 532-\$67 893	-
APS 5	\$69 745-\$73 953	-
APS 6	\$77 201-\$86 529	-
EL 1	\$95 919-\$106 154	-
EL 2	\$111 203-\$130 320	\$150 009
SES 1	-	\$168 341-\$195 177
SES 2	-	\$224 557-\$281 216
SES 3	-	\$285 792-\$360 500
L1	\$60 553-\$119 322	-
L2	\$126 098-\$133 654	-
GRAD	\$54 618-\$62 532	-

Table 4.11: Performance pay

	SES B1	SES B2	SES B3	ACCC
Number who received bonus	33	8	2	43
Total bonus	\$411 241	\$181 272	-	\$59 2513
Average bonus	\$12 461	\$22 659	-	\$35 120
Range	\$6313-\$18 298	\$21 052-\$26 364	-	\$6313-\$26 364

* As the ACCC has only three SES Band 3 employees, details have been omitted to protect privacy.

Improving the work environment

2012–13 Strategy

Promote a safe, healthy and respectful work environment for our people

Workplace health and safety

During this year, the ACCC further enhanced the policies, guidelines and practices required under the *Workplace Health and Safety Act 2012* and associated legislation. This was done in consultation with employees through formal work health and safety consultative forums made up of employee appointed health and safety representatives.

Appendix 3 provides information on workplace health and safety programs and outcomes for the year.

Workplace diversity

Workplace diversity involves recognising and valuing individual differences and managing diversity at work to maximise organisational effectiveness. The ACCC actively supports workplace diversity and is continually developing employment arrangements that support and promote it.

The ACCC continues to participate in the APS Indigenous Program and actively seeks Indigenous graduates for the annual Graduate Program. We also participated in the Work Exposure Program run by the Department of Education, Employment and Workplace Relations. Under the program, Indigenous high school students spend a day learning about the ACCC and careers in consumer protection and competition.

The ACCC is also relaunching its *Reconciliation Action Plan* in 2013–14.

In other initiatives to promote diversity, leave with or without pay is available for a number of specific events. For example, leave can be granted for ceremonial purposes to employees of Aboriginal or Torres Strait Islander descent and for employees to participate in community services or observe cultural or religious traditions.

In 2012–13, the ACCC set up the Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Employee Ally Network where staff, regardless of their sexual orientation, volunteered to be allies to LGBTI employees and champion diversity in the workplace. The network, which received strong support from staff, is the subject of a case study later in this chapter. Along with numerous other APS and private sector agencies, the ACCC also became a member of Pride in Diversity, an organisation that promotes LGBTI workplace inclusion.

The ACCC joined the Australian Network on Disability and, in 2012–13, participated for the first time in the Stepping Into Program, which gives two people with disabilities an opportunity to work at the ACCC in their professional field over a one-month internship.

Another diversity highlight was the ACCC's continued involvement in International Women's Day (8 March 2013) and ongoing support to develop women's careers in the ACCC. Each office participated in activities celebrating the achievement of women, with some holding luncheons with prominent guest speakers. Encouragingly, a large number of ACCC men attended events to show their support for their colleagues and workplace diversity.

ACCC Chairman Rod Sims delivered a video address supporting International Women's Day and workplace diversity. Rod urged women to reach their full potential by pursuing opportunities to advance their careers.

In March 2013, the ACCC launched a number of new programs to support women in the workplace. These included: confidence training for all women; mentors for Executive Level 2 female employees; scholarships to participate in leadership programs; and unconscious bias training for senior leaders to identify and address any biases against women.

Table 4.12: Workplace diversity profile (at 30 June 2013)

	Total	Female	ATSI	CLDB	PWD
SES and ACCC/AER members	52	19	0	3	1
Lawyer 1	12	9	0	4	0
Lawyer 2	25	15	0	4	0
EL 2	128	50	0	15	1
EL 1	194	100	0	22	3
APS 6	175	101	3	38	4
APS 5	163	103	1	37	3
APS 4	77	46	1	13	0
APS 3	31	21	0	2	2
APS 2	2	0	0	0	1
APS 1	3	2	0	1	0
GRAD	30	21	1	9	1
Total	892	487	6	148	16
Proportion of total		54.60%	0.67%	16.59%	1.79%

ATSI = people from Aboriginal or Torres Strait Islander backgrounds; CLDB = self-identified people from culturally or linguistically diverse backgrounds; PWD = people with disabilities. A staff member could be classified under one, two or all three of these headings.

Disability reporting

Since 1994, Australian departments and agencies have reported on their performance as policy adviser, purchaser, employer, regulator and provider under the Commonwealth Disability Strategy. In 2007–08, reporting on the employer role was transferred to the Australian Public Service Commission's State of the Service Report and the *APS Statistical Bulletin*. These reports are available at www.apsc.gov.au. From 2010–11, departments and agencies were no longer been required to report on these functions.

The Commonwealth Disability Strategy has been overtaken by a new *National Disability Strategy 2010–2020* which sets out a 10-year policy framework to improve the lives of people with disability, promote participation and create a more inclusive society. A high level two-yearly report will track progress against each of the six outcome areas of the Strategy and present a picture of how people with disability are faring. The first of these reports will be available in 2014, and will be available at www.fahcsia.gov.au.

The Social Inclusion Measurement and Reporting Strategy agreed by the government in December 2009 will also include some reporting on disability matters in its regular *How Australia is Faring report* and, if appropriate, in strategic change indicators in agency Annual Reports. More detail on social inclusion matters can be found at www.socialinclusion.gov.au.



Case study

Encouraging our employees to be themselves and reach their full potential

In a significant initiative to promote workplace inclusion, healthy living and diversity, the ACCC this year set up an employee ally network for LGBTI employees.

The proposal came from a gay employee who noted the ACCC had not previously recognised LGBTI staff or their workplace issues. Armed with the network proposal, he approached the Deputy CEO Regulation in September 2012, who immediately became one of the network's executive sponsors, and encouraged the employee to approach other senior managers. Within a short time, 20 senior managers had agreed to be LGBTI allies.

The employee later formalised the network through the ACCC's Organisational Wellbeing Committee, which then arranged for the ACCC to join Pride in Diversity, an organisation which promotes LGBTI workplace inclusion.

From February 2013, sexual orientation and gender diversity in the workplace training was offered across ACCC offices. Ally training was also offered in the Sydney, Canberra and Melbourne offices.

At the end of June 2013, 70 employees had joined the network and more than 10 per cent of ACCC staff had completed diversity training. In formal feedback, some later ranked the training as up with the best they had attended.

In support of the network, the ACCC also marked the International Day Against Homophobia (17 May 2013) for the first time with a message of support from the CEO and posters in each office.

Streamlining our project management

2012–13 Strategy *Streamlining our management of projects*

The government introduced the Agency Capability Initiative to improve agencies' organisational capability to commission, manage and realise benefits from ICT-enabled investments. Agencies, including the ACCC, are using the Portfolio, Programme and Project Management Maturity Model (P3M3[®]) as the common methodology for assessing their organisational capability.

In response to this requirement, the ACCC has developed and implemented the existing project management framework and focused on increasing and refining its project management capability. Since its establishment, the ACCC's Project Management Office has progressively developed a governance framework based on best practice and has successfully implemented the framework for managing projects. It has trained project managers and potential project managers on applying PRINCE2 to enhance project management, leading to better use of the framework.

Improving specialist services

2012–13 Strategy *Transforming our specialist legal and economic services*

Legal services

The ACCC Legal Group consists of three core units providing in-house legal services to specific business areas, and General and Special Counsel. The three core units are:

- Competition and Consumer Law Unit, which provides legal service to the ACCC's Enforcement and Compliance Division, and Mergers and Adjudication Group
- Regulatory Law Unit, which provides legal services to the ACCC and AER on regulatory matters
- Corporate Law Unit, which deals with corporate in-house issues, strategic development initiatives, and freedom of information requests.

Special and General Counsel provide additional high level independent strategic advice on complex major issues across all areas of the ACCC and AER.

The roles of in-house lawyers include providing legal advice and specialist skills in drafting legal documents and helping to prepare and manage litigation. They also manage external lawyers who are engaged where additional resources are needed, or as required under the Legal Services Directions. In-house lawyers are located in most ACCC offices to ensure that specialist legal services are available to staff at all times.

During 2012–13, the Legal Group continued to provide in-house legal support services across the ACCC/AER and coordinate the effective use of external lawyers. A number of key initiatives were undertaken to improve the effectiveness of the group, including:

- reviewing the cost management of external legal service providers, resulting in a more streamlined procurement process, improved monitoring of external legal costs, and clear roles and responsibilities and a consistent approach to cost management issues

- commencing implementation of the ACCC/AER's transition to the Legal Services Multi-Use List to take advantage of opportunities to access a broader range of external legal service providers and achieve further cost savings from whole of government arrangements
- providing opportunities for staff to gain experience in different units to broaden their capabilities and increase flexibility across the Legal Group
- enhancing communications with internal stakeholders and external legal service providers through regular liaison meetings to discuss expectations and provide feedback on service provision
- establishing regular liaison meetings with other Australian regulators to exchange views and experiences on providing effective in-house legal services
- establishing a project to better use technology to efficiently and effectively manage legal compliance obligations, knowledge management, and cost management
- facilitating continuing legal education across the ACCC and AER
- starting a rolling program to develop consistent court precedents.

Legal technology services

Transforming our legal support services

The legal technology services function within the Legal Group specialises in information management and case support for investigations and litigation by the ACCC. During the reporting period, activities included:

- coordinating the conversion of relevant material into formats compliant with document exchange protocols and court requirements
- arranging secure access to material for ACCC staff, legal panel firms and counsel
- designing workflows to increase the efficiency and consistency of large document reviews
- negotiating, implementing and enforcing document exchange protocols, in conjunction with internal lawyers and panel firms
- preparing electronic exchange of discoverable material
- providing Ringtail legal software training and advice.

Economic advice

In-house economics advice for the ACCC is provided by two groups, the Regulatory Development Branch and the Competition and Consumer Economic Unit.

Regulatory Development Branch

Provides economic (including finance) advice to the ACCC and AER on regulatory matters. See page 168 for further detail.

Competition and Consumer Economic Unit

The Competition and Consumer Economic Unit (CCEU) consists of seven competition economists whose role is to provide specialist economic advice to the Enforcement and Compliance Division and Mergers and Adjudication Group within the ACCC.

The CCEU has three core roles.

One is to provide economic advice and assist project teams relating to specific investigations. This involves a range of tasks including assisting the team in developing and refining an understanding of the potential effects of the conduct of interest on competition, identifying relevant information that may assist in assessing the likely competitive effects of the conduct and quantitative analysis to assess these likely effects.

Another is to provide economic advice, research support and peer review services to strategic projects within the Competition and Consumer area of the ACCC. This involves a range of activities including preparing economic research papers on issues relevant to implementing the Competition and Consumer Act.

The CCEU also plays a role in developing and educating ACCC staff to improve the understanding and application of economics and economic techniques to examining competition issues. This involves running training programs and arranging for seminars by academics and experts in the field of competition economics on topics of interest.

Freedom of information

Agencies operating under the *Freedom of Information Act 1982* (FOI Act) must publish information for the public as part of the Information Publication Scheme. This requirement has replaced the former requirement to publish a statement in an annual report. Each agency's website must include a plan showing the information it publishes in accordance with the scheme's requirements.

Transforming corporate support

2012–13 Strategy *Transforming our corporate support services and systems*

Information communication and technology

During the year, the Information Management and Technology Services Branch focused on finalising the Transformation Program put in place to rectify identified deficiencies in the ACCC's infrastructure and developing a new corporate website. It was the second full year of the program and the first with Datacom NSW supporting information and communication technology (ICT) services.

During the year, aging, storage systems and servers were replaced and the move to standard equipment reduced support costs and provided staff with current software.

A Capital Management Plan to ensure managed, cyclical upgrades of all equipment and prevent the need for future, one-off costly upgrades was also developed.

Move to a dedicated data centre

Multiple power and air-conditioning failures between October 2012 and January 2013 forced the move of ICT equipment to a dedicated data centre with surplus power and cooling. This solution also significantly improved the ACCC's offsite disaster recovery capabilities. In organising the move the ACCC used a data centre provider from the panel established under whole of government arrangements.

Internal printing

The ACCC must meet whole of government sustainability targets, including a ratio of 20 desktops per printer by 2015. During 2013, a new standardised printer fleet was installed. Features including high speed printing and secure printing will allow existing printers to be retired without replacement as their warranty expires.

Video conferencing

High definition video conferencing was made available to all staff, and has helped decrease travel costs. The number of conferencing units available was increased by 50 per cent to manage high demand for their use.

Office productivity tools

A significant upgrade to TRIM, the agency's electronic document and records management system, allowed a further upgrade to the office productivity software, Microsoft Office 2010. The migration of 7.7 million electronic records was completed over the long weekend in June 2013, providing staff with current document handling software.

An upgrade of the email system was completed in June 2013. It involved moving to a new server and software version, and the introduction of email archiving to reduce the size of the holdings and improve performance and search facilities.

Virtual desktop infrastructure

Implemented in 2010, the ACCC virtual desktop infrastructure (VDI) had become the leading cause of agency-wide system failures. One of the early requirements of the Transformation Program was therefore to extend the capacity of the supporting systems. With new equipment installed in August 2012, the availability of additional capacity means staff lose less system time if there is equipment failure. High definition video streaming to the desktop is now available following an upgrade to the VDI software. The responsiveness of applications running in the VDI was improved by increasing the processing capacity and memory of the virtual desktop in May 2013.

Wireless network

The wireless network available in Sydney, Melbourne and Canberra was extended to all other agency sites. Primarily supporting mobile platforms, it also improves resilience in the event of a network failure and, by allowing limited personal use, provides a benefit to staff.

Conducting business as usual

Website

Development of a new ACCC website was completed in February 2013. Built using open source technology Drupal, the website achieved Web Content Accessibility Guidelines 2.0 compliance and exceptional usability testing results. Further details on the site appear in the case study later in this chapter.

Commitment to whole of government arrangements

The ACCC operated in accordance with whole of government ICT requirements in relation to services benchmarking, workforce plans, software upgrades, procurement and sustainability.

When preparing to refresh its wide area network services, the ACCC used the whole of government internet based network connection services panel, which returned significant savings to government.

The ACCC moved to the Defence Secure Gateway with the agreement of its nominated lead agencies, the Australian Taxation Office, the Australian Government Information Management Office and the Department of Defence.

The annual P3M3 assessment (Portfolio, Programme, and Project Management Maturity Model) showed an improvement in the change capability of the agency in late 2012. The need to improve the robustness of decision making in ICT management resulted in development of a set of ICT architecture principles together with the establishment of an architecture review group.

Security

With changes being made to ICT infrastructure under the Transformation Program, the ACCC had the perfect opportunity to improve security. The network perimeter security was improved through simplifying connections to the internet while the occurrence of human error was addressed by a staff awareness campaign and development of e-learning modules.

Supporting office relocations

ACCC office relocations in Hobart and Townsville necessitated new network connections as well as moving the ICT equipment in each office. Preparations were also made for additional office space in Canberra.

Workflow and case management

Following the implementation of Microsoft Dynamics to support the InfoCentre, a review led to the decision to use Dynamics to replace the existing ACCC workflow and case management system. Initial work was done to analyse the business functions requiring system support. In parallel, the ACCC sought to identify a partner to assist in implementing Dynamics, leading in April 2013 to the selection of Sypaq.

Interactive voice response

An interactive voice response system was installed in the InfoCentre to route calls to the most appropriate InfoCentre agent and play messages to incoming callers.

Managing applications

A management system was developed to support the regulatory function of Wheat Exports Australia, which was transferred to the ACCC in December 2012.

There were upgrades in software versions and an analytics module added to Ringtail, the agency's litigation management system.

Business intelligence

A working group was established to recommend how the ACCC should build its business intelligence capability. Work continued on analysing data holdings to generate business intelligence, with a number of pilot projects completed.

Communicating our messages

The Strategic Communications Branch plays a key role in positioning the ACCC and AER, and informing consumers, business, media and government about their work and role. As well as working with the Commission daily on media issues, the branch liaises with business areas to ensure that all published information is accurate, easy to understand and available in multiple formats, including magazine and newspaper articles, hard copy publications and, of course, the internet.

Strategic Communications Committee

The Strategic Communications Committee comprising senior staff from across the ACCC and AER is responsible for positioning the ACCC through the development of high level communication strategies. During 2012-13, the committee oversaw preparation of a whole of organisation communications strategy and a visual style guide, and evaluated communication across the web, media, campaigns, events and major speeches.

Online communications

ACCC and AER websites

The ACCC reviewed its main website in response to changing government requirements and feedback from users. The agency consulted both internal and external stakeholders and their views were considered in deciding on the new site's information architecture and design. Phase one of the new website was launched in February 2013 and phase two is scheduled for completion by the end of 2013. The case study later in this chapter has more details.

The ACCC website had nearly four million visits (a decrease on the almost five million visits in the previous year); the AER website more than 460 000 visits, (an increase on the almost 260 000 on the previous year); the recalls website 1 266 610 visits (compared with 1 092 095 the previous year); and the SCAMwatch website approximately 1 650 000 (an increase from the 1 132 884 visits in the previous year). The product safety website had more than 669 000 visits, compared with 455 628 in the previous year.

As part of its responsibilities under the National Energy Retail Law, the AER developed an energy price comparator website (www.energymadeeasy.gov.au) during 2011-12. It was launched on 1 July 2012, when the National Energy Retail Law commenced in Tasmania, South Australia and the Australian Capital Territory, and on 1 July 2013 in New South Wales.

Social media

The Strategic Communications Branch manages social media accounts on Facebook, YouTube and Twitter to support ACCC communication activities.

The ACCC established a Consumer Rights Facebook page for a short-term consumer guarantees campaign. The page builds awareness of consumer issues and promotes interaction with our audiences, allowing us to deliver general information about ACCC activities and respond to simple enquiries and comments. The Facebook page has 1197 'likes' and its following continues to grow.

The ACCC YouTube channel hosts videos on a range of topics for use on other social media sites and the ACCC website. Videos on the channel have been viewed 21 089 times.

A new Twitter account, @accgovau, was launched in February 2013 to coincide with the launch of the new ACCC website. As the ACCC's primary Twitter account, it is used to communicate general messages about the ACCC as well as respond to Twitter users. It has 874 followers.

Case study

Improving web communications

Feedback from business and consumers on the ACCC's old website showed the need for an upgrade. It was, they said, text heavy, cluttered, and unappealing. Navigation was difficult and there were few features.

The ACCC also needed to meet the Web Content Accessibility Guidelines 2.0, follow the recommendations of the government 2.0 taskforce, and make the site a more effective communication channel.

Launched on 23 February 2013, the new website for our key audiences—consumers, business and industry—has information tailored to their needs. The aim was to create a site that allows us to engage more effectively with the Australian community, clearly explain our role in consumer protection and competition matters, and highlight current activities.

The site has a completely new design and navigation to make it more user-friendly. And, with an improved search function, mega menus and tags, there are many ways for users to find information.

Not only does the new site comply with government standards, it's also usable and useful. We've refreshed our content, communicating in simple language and advising on what action to take or where to go for further information.

One of the new features is the ability to listen to a page. This is particularly helpful for people with low literacy or those from non-English speaking backgrounds and Indigenous communities.

The site makes our most popular topics, tools and apps more visible and the Twitter stream on the homepage keeps users up-to-date with all official ACCC tweets. The 'share' function also enables users to share any page on their preferred social network.

Usability testing was conducted in April 2013. The results were a very high task completion rating and net promoter score, an industry benchmark for testing users' loyalty to a product or service. In addition, survey feedback showed that users were impressed with the clean look and feel, and helpful information.

Since the launch of the ACCC website, the number of calls received by the ACCC InfoCentre from consumers and small business has fallen. Anecdotal feedback suggests the trend is due to the new website successfully providing information which is easy to find and easy to understand.

News releases and speeches

The ACCC issued 295 and the AER 29 news releases in 2012–13. The Chairman, commissioners and senior staff undertook more than 127 public speaking engagements.

Publications

The ACCC and AER:

- released 39 new publications in both print and electronic versions, and another 45 as web-only publications, a total of 81 compared to 69 in 2011–12
- distributed 701 248 print items compared to 984 215 in 2011–12
- recorded 830 119 visits to its online publications compared to 868 935 in 2011–12.

With more businesses and consumers accessing online communications and engaging with the ACCC via social media and other digital platforms, our hard copy publication distribution has decreased. However, 2012–13 saw campaigns for consumer guarantees and product safety increase the number of traditional publications produced and distributed. Some, such as the *Little Black Book of Scams* and *Keeping baby safe*, became very popular—the latter also in its digital form.

A review of our more popular printed publications (including the *Little Black Book of Scams* and the *Keeping baby safe* booklet) was completed in 2012–13 with a view to reducing production costs. The redesigns involved re-writing some content, changing the sizes, colour complexity and finishes, and introducing more efficient design to reduce the page count without losing readability. The most significant saving came from the *Little Black Book of Scams*, where the changes allowed us to print 50 000 copies for the same cost as 10 000 copies in the previous design.

Finance and Corporate Services

The Finance and Corporate Service Branch is responsible for all ACCC financial matters, as well as maintaining the physical offices.

Over the last year the branch:

- relocated and refurbished the ACCC's Townsville office
- introduced a new accommodation booking system
- bid for new policy proposals in conjunction with business areas
- introduced and enforced physical security measures across the ACCC
- introduced a reinvigorated Mentoring Program across the agency.

This was in addition to the business as usual functions reported below.

Assets management

Assets managed by the ACCC include:

- buildings, including fit-outs and leasehold improvements
- infrastructure, plant and equipment, including office equipment, furniture and fittings and computer equipment
- intangibles including computer software.

Activities undertaken in 2012–13 to confirm the validity and valuation of assets held included:

- a stocktake to confirm the location of assets
- an assessment of impairment in accordance with government requirements to ensure that the ACCC only carries assets at a value above the recoverable amount
- a fair value assessment to ensure that assets are recorded at their appropriate value in line with accounting standards.

Purchasing

ACCC's use of Australian Government resources and its expenditure of public money are subject to the *Financial Management and Accountability Act 1997*.

Responsibility for procurement lies with the financial delegates in each business unit, who have support from a central procurement team. The team advises on risk management, probity, specification development and contract management. Low-risk procurements (valued at less than \$80 000) are managed by business units. Procurements of \$80 000 or more and whole of government and panel arrangements are managed by both the business unit and the central procurement team, ensuring that the ACCC complies with the Commonwealth Procurement Rules.

Tenders

The ACCC advertises all tender opportunities through the AusTender website, www.tenders.gov.au, with all contracts worth \$100 000 or more reported on the ACCC website in line with the Senate Order on Departmental and Agency Contracts. Information on contracts and consultancies awarded by the ACCC is also available on the AusTender website.

The ACCC's annual procurement plan was published on the AusTender site by 1 July 2013. No contracts were exempted from the contract reporting requirements in 2012-13.

Consultancy contracts

During 2012-13, the ACCC entered 62 new consultancy contracts involving actual expenditure of \$4.4 million. In addition, there were 17 ongoing consultancy contracts involving actual expenditure of \$4.0 million.

The ACCC engages consultants where it lacks specialist expertise or when independent research, review or assessment is required. Consultants typically investigate or diagnose a defined issue or problem; carry out reviews or evaluations; or provide independent advice, information or creative solutions to assist ACCC decision making.

Prior to engaging consultants, the ACCC takes into account the skills and resources required for the task, the skills available internally, and the cost effectiveness of engaging external expertise.

The decision to engage a consultant is made accordance with the *Financial Management and Accountability Act 1997* and related regulations, including the Commonwealth Procurement Guidelines. In 2012-13, consultants were engaged through open public tender, select tender (including through panel arrangements), and direct sourcing.

Table 4.13: Consultancy trend data

	2010-11	2011-12	2012-13
Number of new consultancies	99	66	62
Expenditure on new consultancies	\$5.1 m	\$4.4 m	\$4.4 m
Number of ongoing consultancies	21	24	17
Expenditure on ongoing consultancies	\$1.8 m	\$2.8 m	\$4.0 m

Note: The above figures are GST inclusive and include all consultancies over \$10 000 as indicated on AusTender.

Exempt contracts

The ACCC had no exempt contracts for the financial year.

Environmental performance

Mandatory environmental reporting

The ACCC operates in line with the Energy Efficiency in Government Operations Policy, reporting annual levels of energy use and emissions to the Department of Sustainability, Environment, Water, Population and Communities.

To meet the requirements of the National Packaging Covenant, the ACCC also reports on the volume of packaging and paper waste it produces.

Environmental performance

The ACCC remains committed to the development of best practice in environmental sustainability and performance. The ACCC's environmental policy puts in place strategies to achieve improved sustainability, incorporating the Australian Government ICT Sustainability Plan 2010–2015 and better practices outlined by the Australian National Audit Office.

The ACCC informally and continuously reviews of the various measures it employs to reduce the environmental impact of its activities. Where further efficiencies are identified, the ACCC endeavours to put required the measures in place to realise them. Everything is done in accordance with both the applicable funding and environmental guidelines available to the ACCC.

The ACCC's environment policy reflects the positive attitude of the community towards buying 'green'. ACCC employees are strongly encouraged to consider good environmental performance when purchasing on behalf of the agency.

Environmentally friendly products can assist in the efficient and effective use of energy, water and materials, and can therefore lower financial costs. The ACCC places significant emphasis on green products when determining value for money.

Grant programs

Neither the ACCC nor the AER administers any grant programs.

Financial performance

The ACCC's financial statements, both administered and departmental, are in Part 5 of this report. A financial reporting summary, including information about revenue and expenditure, and an operating statement and a staffing summary, is provided in Part 1.

The ACCC's outcome summary in Appendix 1 contains a resource summary.

Developments that have affected or may affect the ACCC's operations or financial results

No developments since the end of the financial year have affected, or may affect, Outcome 1 operations or financial results.

