



PART 4 MANAGEMENT AND ACCOUNTABILITY

Corporate governance

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

The ACCC's corporate governance framework equips the organisation with the necessary management processes 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 consists of the AER Board and SES employees of the ACCC.

Details of the leadership structure are shown in Figure 2.1 (page 24).

Australian Competition and Consumer Commission

The ACCC has a chair, two deputy chairs, four full-time members and four associate members (see Table 4.1).

Table 4.1: Terms of appointment—ACCC members (at 30 June 2012)

Position	Name	Appointed until
Chair	Rod Sims*	31 July 2016
Deputy chairs	Michael Schaper	29 May 2013
	Delia Rickard**	4 June 2017
Members	Sarah Court	30 April 2013
	Edward Willett	29 May 2013
	Joe Dimasi	27 November 2013
	Jill Walker	11 August 2014
Associate members	Christopher Chapman	13 October 2015
	Andrew Reeves	18 July 2013
	Mark Berry	30 November 2013
	Cristina Cifuentes	27 October 2015

* Rod Sims began his appointment as Chair on 1 August 2011. Mr Sims replaced former ACCC chairman, Graeme Samuel.

** Peter Kell left the ACCC on 28 October 2011 following his appointment to the Australian Securities and Investments Commission. Delia Rickard was appointed as deputy chair and began her five-year term on 4 June 2012.

CHAIR

Mr Rod Sims



Mr 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. Immediately prior to his appointment to the ACCC, he was the Chairman of the Independent Pricing and Regulatory Tribunal of New South Wales, Commissioner on the National Competition Council, Chairman of InfraCo Asia, Director of Ingeus Limited, and member of the Research and Policy Council of the Committee for Economic Development of Australia.

Rod 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 has been a Director of a number of private sector companies. During the late 1980s and early 1990s, Rod worked as the Deputy Secretary in the Commonwealth Department of Prime Minister and Cabinet responsible for economic, infrastructure and social policy and the Cabinet Office.

He also worked as Deputy Secretary in 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.

Mr Graeme Samuel



Mr Samuel was Chairman of the ACCC until 31 July 2011 when he concluded his eight-year term. Before his appointment as ACCC Chairman, he was President of the National Competition Council, Chairman of the Melbourne & Olympic Parks Trust, a commissioner of the Australian Football League, a member of the board of the Docklands Authority, and a director of Thakral Holdings Limited. He relinquished all these offices to assume his position with the ACCC.

Mr Samuel was also an Associate Member of the Australian Communications and Media Authority.

Mr Samuel holds a Bachelor of Laws (Melbourne) and Master of Laws (Monash). In 1998 Mr Samuel was appointed an Officer in the General Division of the Order of Australia and in 2010 he was elevated to a Companion in the General Division of the Order of Australia.

DEPUTY CHAIRS

Dr Michael Schaper



Dr Schaper was appointed to the Australian Competition and Consumer Commission in July 2008 for a period of five years as Deputy Chair with knowledge and experience of small business issues.

Dr Schaper brings extensive experience in the area of small business through his previous roles as ACT Small Business Commissioner, Dean of Murdoch University Business School in Western Australia, and head of the School of Business at Bond University in Queensland.

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, responsible for the university's entrepreneurship degree programs.

Between 2001 and 2003 Dr Schaper 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, Dr Schaper has worked as a professional small business advisor and as the owner of new business start-ups.

In 2009 he was recipient of the National Small Business Champion Award by 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 advisor to government at state and federal levels.

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

Dr Schaper is a member of the ACCC's Enforcement, Regulated Access and Price Monitoring, and Adjudication Committees.

Mr Peter Kell

Mr Kell was a Deputy Chair of the ACCC from July 2008 to October 2011. He served on the Consumer Policy Committee of the Organisation for Economic Cooperation and Development and the International Consumer Protection and Enforcement Network. He is also a member of the advisory board of the Financial Literacy Foundation.

Before joining the ACCC, Mr Kell was chief executive of CHOICE, and a board member of the global consumer organisation Consumers International. He has extensive experience in advancing consumer and market reform issues in Australia and internationally.

Mr Kell has a Bachelor of Arts (Hons) in economics from the University of Sydney.

Mr Kell chaired the Adjudication Committee and was a member of the Enforcement Committee until leaving to take up a Commissioner role at ASIC.

Ms Delia Rickard

Ms Rickard was appointed a Deputy Chair of the ACCC from 4 June 2012 for a term of five years. Ms Rickard brings extensive knowledge and experience in the area of consumer protection which is one of her main areas of focus at the ACCC.

Immediately prior to her appointment to the ACCC, Ms Rickard was the senior executive leader for consumers, advisers and retail investors at the Australian Securities and Investments Commission. She was ASIC's ACT Regional Commissioner.

Ms Rickard led much of ASIC's consumer protection work covering areas such as 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 role in the implementation of the Australian Government's Super Choice policy. More recently she became responsible for the supervision of financial advisers. Ms Rickard was also the founding Chair of ASIC's corporate social responsibility program.

Ms Rickard is a former head of the ACCC's then 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 has been on 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.

She was awarded the Public Service Medal for her contribution to consumer protection and financial services in 2011.

Ms Rickard holds a Bachelor of Arts and a Bachelor of Laws from the University of New South Wales.

Ms Rickard is a member of the ACCC's Enforcement and Communications Committees.

MEMBERS

Ms Sarah Court



Ms Sarah Court was appointed a commissioner of the ACCC in April 2008 for five years.

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

Ms Court's background in litigation and enforcement serves the Commission well in her role as Chair of the Commission's Enforcement Committee which oversees the ACCC's enforcement and litigation program.

Ms Court holds a Bachelor of Arts (Jurisprudence) and a Bachelor of Laws (Honours) from the University of Adelaide. She also holds a Graduate Diploma in Legal Practice from the ANU.

In addition to the Enforcement Committee, Ms Court also sits on the Commission's Mergers Review Committee and Adjudication Committee.

Mr Joe Dimasi



Mr Joe Dimasi was appointed a commissioner of the ACCC in December 2008 for five years, with a focus on regulation and fuel. Before his appointment, Mr Dimasi was the Executive General Manager of the Regulatory Affairs Division of the ACCC, a position he held since 1996. Before that, he was an assistant commissioner of the Industry Commission (now the Productivity Commission).

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

He has Bachelor and Masters degrees in Economics.

Mr Dimasi chairs the Regulated Access and Price Monitoring Committee and sits on the Mergers Review and Communications Committees.

Mr Edward Willett



Mr Edward Willett was re-appointed in June 2008 for a five-year term and continues his regulatory focus, especially in the area of telecommunications. Before his appointment to the ACCC, he was the inaugural Executive Director of the National Competition Council for seven years.

Before that he worked as an assistant commissioner with the Industry Commission and helped develop the Australian Government Department of Industry, Science and Technology's role in business law and regulation, spent three years as deputy head of the Australian Government's Office of Regulation Review and was involved in other Industry Commission inquiry work and research.

He also spent three years with the New Zealand Ministry of External Relations and Trade as an adviser on international economics and trade and eight years as an economist with the Department of Defence.

Mr Willett has degrees in law and economics and a postgraduate diploma in international law.

Mr Willett chairs the Communications Committee and sits on the Adjudication and Regulated Access and Price Monitoring Committees.

Dr Jill Walker



Dr Jill Walker was appointed as a commissioner of the ACCC in August 2009 for a five-year term.

Dr Walker has extensive experience in the fields of trade practices and antitrust economics. Prior to joining the ACCC, Dr Walker was a member of the Australian Competition Tribunal and worked as an economic consultant for LECG Ltd. She also worked for the Network Economics Consulting Group (NECG) and CRA International. Dr Walker 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*.

Dr Walker has previously been employed as an economic adviser by the ACCC and its predecessors, the Prices Surveillance Authority and the Trade Practices Commission. During this time she provided advice on significant cases, investigations, and authorisations.

Dr Walker holds a Bachelor of Arts in Economics and a PhD in Land Economy from the University of Cambridge. She also holds a Masters degree in Economics from the University of Massachusetts.

Dr Walker is the chair of the ACCC's Mergers Review and Adjudication Committees and a member of the Enforcement Committee. Dr Walker is also an Associate Member of the New Zealand Commerce Commission and Chair of the International Air Services Commission. Her experience in adjudication and mergers is invaluable in her role as chair of these respective committees.

AUSTRALIAN ENERGY REGULATOR

The Chair of the AER Board is Mr Andrew Reeves. The Board of the AER has three members (see Table 4.2).

Table 4.2: Terms of appointment—AER members (at 30 June 2012)

Position	Name	Appointed until
Chair	Andrew Reeves	18 July 2013
Members	Edward Willett	29 May 2013
	Cristina Cifuentes	27 October 2015

CHAIR

Mr Andrew Reeves



Mr Andrew Reeves was appointed the Chair of the AER on 19 July 2010 for a three-year term. He previously served as the part-time state/territory member of the AER from 17 July 2008. Before his appointment to the AER, he was commissioner of the Tasmanian Government Prices Oversight Commission and regulator of the Tasmanian electricity supply industry, responsible for technical and economic regulation (including performance standards and prices for distribution services and retail tariffs). In this capacity he was an Associate Member of the ACCC.

Mr Reeves is a qualified engineer, with post-graduate qualifications in economics.

MEMBERS

Mr Edward Willett



Mr Edward Willett is a member of the ACCC. (See ACCC members' biographies on page 165 for more information.)

Part IIIA of the *Competition and Consumer Act 2010* provides that one of the members of the AER must also be a member of the ACCC.

Ms Cristina Cifuentes

Ms Cristina Cifuentes was appointed as part-time member of the AER and associate commissioner of the ACCC for five years from 27 October 2010. Cristina Cifuentes has qualifications in law and economics and holds a number of directorships and executive roles, including as director of First State Super Trustee Corporation and Hunter Water Corporation.

She has relevant market regulatory experience, including as a member of IPART between 1997 and 2006.

Managing the ACCC

COMMITTEES

ACCC

The business of the ACCC is governed by a number of committees, which are delineated into two separate streams—subject matter committees and governance committees. The subject matter committees meet to discuss the business of the ACCC. These committees make recommendations to help the Commission in its decision making. The corporate governance and other functional committees are responsible for ensuring that the ACCC complies with all requirements of the Australian Public Service, as well as overseeing the health and wellbeing of individual staff and the ACCC as a whole.

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

Adjudication Committee	Jill Walker (Chair), Sarah Court, Michael Schaper, Rod Sims, Ed Willett—considers authorisation and collective bargaining issues and refers recommendations to the full Commission for decision; meets weekly.
Communications Committee	Ed Willett (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 enforcement program and compliance initiatives 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 recommendations to the full Commission for decision; meets weekly.
Regulated Access and Price Monitoring Committee	Joe Dimasi (Chair), Michael Schaper, Andrew Reeves, Rod Sims, Ed Willett—oversees access, price monitoring, transport and water issues; meets fortnightly.

Table 4.4: Governance and functional committees of the ACCC—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 Steering Committee	CEO and senior staff provide leadership and direction for IMTS activities; meets quarterly.
Work Health and Safety Committee	Representatives of the employer and staff representing the workplace; meets quarterly.
Organisational Wellbeing Committee	CEO, Deputy CEOs and senior staff to consider people management issues; meets quarterly.
Workplace Relations Committee	Representatives of the employer, employees and employee organisations; meets quarterly.

Corporate and business plans

The ACCC and AER Corporate Plan for 2011–12 focused on those goals and strategies that would drive the ACCC and AER towards its purpose of enhancing the welfare of the Australian community by fostering competitive, efficient, fair and informed markets. Competitive markets increase the prosperity and welfare of Australian consumers, and the ACCC and AER's aim is to bring greater competitiveness and fair trading to the Australian economy. The ACCC has developed strategies to achieve its four goals, which are to:

1. promote vigorous, lawful competition and informed markets
2. encourage fair trading, protection of consumers, and product safety
3. regulate national infrastructure and other markets where competition is limited
4. develop resources and tools for a dynamic organisation.

The full corporate plan is available on the ACCC website.

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 into planning and operations across the organisation, the ACCC reviewed and updated its risk management framework in accordance with the Australian National Audit Office/Comcover Better Practice Guide, including an updated Risk Management Policy and the development of a Strategic Risk Profile. The latter identifies risk exposures across all our activities and provides assurance that these exposures are adequately controlled and that any gaps are rectified.

The ACCC's aim is to achieve best practice in controlling all the risks to which the ACCC is exposed. It will achieve this by identifying priority exposures, addressing these with a combination of improvement strategies and contingency planning, and monitoring and reviewing ongoing risk to account for changes in operations to enable the ACCC to make well-informed decisions on risk controls.

Business continuity

Business continuity management is intended to strengthen business resilience, with the aim of lessening the probability of incidents occurring that may adversely affect ACCC operations, and to minimise the impact should incidents occur.

Business continuity plans were successfully put into effect at the Canberra office in 2011–12, in response to an emergency situation. Business continuity scenario testing exercises were undertaken for all business continuity teams and will continue on an annual basis.

Fraud control

The ACCC developed a Fraud Control Plan for 2010–12. The policy and plan provide for fraud prevention, detection, investigation, reporting and data collection procedures and processes that meet the specific needs of the ACCC and comply with the *Commonwealth Fraud Control Guidelines*. The plan is reviewed by the ACCC Audit Committee.

Ethical standards

Conflicts of interest

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

To maintain confidence in its integrity, the ACCC has strict procedures in place to identify and properly manage any personal interests that may give rise to an actual or perceived conflict of interest. An updated Code of Conduct for Commission Members and Associate Members was released in February 2012.

As statutory office holders, Commission members ('members') are held to high standards of conduct. These standards derive from a number of enactments, various codes of conduct and the common law and are individually supplemented by members' appointments to ad hoc ACCC committees and delegations held under other related legislation.

All members and employees of the ACCC and AER must declare any actual or apparent conflicts of interest annually. This is approved by their General Manager and a central record maintained to ensure staff are not involved in matters in which they are conflicted.

ACCC members must provide the Chair with an annual statement of personal interests. One of the outcomes of this is that there is a specific protocol in place governing the participation of one ACCC/AER member in any decision, in recognition of his spouse's professional position.

As a general rule gifts and hospitality cannot be accepted because they could compromise, or be seen to compromise, the integrity of the ACCC, its members or employees. In the case of a gift or hospitality being accepted, they must be declared.

APS Values and 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. All human resources policies and guidelines are underpinned by these principles.

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, to clarify expectations regarding respectful behaviour in the workplace. The program teaches that respectful behaviour is much more than stamping out bullying and harassment, it includes how you work and treat your colleagues on a day to day basis. The ACCC aims to develop a culture of respect and cooperation by working with staff to cultivate it internally. This program was developed following staff survey feedback which showed a number of staff had received or witnessed disrespectful behaviour.

Misconduct by employees of the ACCC is dealt with according to the procedure for managing alleged breaches of the APS Code of Conduct. In 2011–12, two allegations were investigated, with two 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: the courts; tribunals; Parliament and those 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

A review of compulsory recalls ordered by the then Parliamentary Secretary to the Treasurer, the Hon David Bradbury MP, on 6 February, was sought under the Administrative Decisions (Judicial Review) Act, and a decision in the Federal Magistrates' Court is pending.

Administrative Appeals Tribunal (AAT)

There were no applications for the AAT to review any ACCC FOI decisions in 2011–12, while two applications lodged in 2009–10 were finalised.

Office of the Australian Information Commissioner

The Information Commissioner received five review requests about the ACCC during 2011–12, none of which were finalised.

Australian Competition Tribunal

A number of the AER's decisions were taken to the Australian Competition Tribunal on appeal. Details of these appeals are listed on page 290.

Parliamentary scrutiny

The ACCC's 2010–11 annual report was tabled in the Senate in October 2011.

Commonwealth Ombudsman

During 2011–12 there were no reports to parliament or findings of administrative deficiency by the Commonwealth Ombudsman about the ACCC.

Privacy Commissioner

The Office of the Federal Privacy Commissioner did not receive any complaints about the ACCC/AER in 2011–12.

Australian Human Rights Commission

The Human Rights Commission did not receive any complaints about the ACCC/AER in 2011–12.

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 2011–12.

SERVICE CHARTER

The ACCC takes its responsibility to its stakeholders very seriously and has a service charter highlighting the values that guide its service to Australian consumers, businesses and parliament. If any of these stakeholders feel that these standards are not met, they can take steps to remedy this. These steps are outlined in the service charter, which is available from the ACCC website and all ACCC offices.

These customer service standards were developed following feedback from employees and stakeholders, and reflect the pride and care that employees take in their work.

Customer service standards

The ACCC will:

- provide a courteous, professional, quality service
- respond to the needs of all people, regardless of their personal attributes or circumstances
- be objective and adhere to guidelines on any conflict of interest
- answer questions promptly and explain its decisions.

Part of the customer service standard is a guarantee to respond to telephone messages within two business days and respond within 28 days to any correspondence requiring a response. The CEO will respond to any written complaints about the ACCC's service within 14 day of receiving them.

The ACCC received complaints against the service charter from five complainants, to which the CEO responded and resolved.

Supporting the ACCC's business

There are two types of functional areas of the ACCC, one being responsible for delivering the statutory functions of the organisation, the second type of area provides internal support services for the ACCC. These areas provide services to the entire organisation, to ensure that the ACCC has the legal and economic advice, qualified employees and other corporate services, such as information technology, to enable it to fulfil its mandate.

Legal services

The legal requirements of the ACCC and AER are provided by the in-house Legal Group and a panel of law firms and counsel.

A new panel of law firms started on 1 January 2012, consisting of: AGS; Corrs Chambers Westgarth; DLA Piper; Baker & McKenzie; and Norton Rose. These firms provide legal services to both the enforcement and non-enforcement operations of the ACCC and AER. The current panel arrangements will remain in place until the end of 2013, and each of these firms has been appointed to the Commonwealth's Legal Services Multi-Use List.

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

- Competition and Consumer Law Unit (formerly the Trade Practices and Litigation Unit), which provides legal services 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 legal advice on complex and significant issues across the ACCC and AER.

See page 149 under 'Timely delivery of high quality and strategic legal and litigation services within an integrated national framework of internal and external lawyers' for more information on ACCC legal services support.

FREEDOM OF INFORMATION (FOI)

Agencies subject to the *Freedom of Information Act 1982* (FOI Act) are required to publish information to the public as part of the Information Publication Scheme (IPS). This requirement is in Part II of the FOI Act and has replaced the former requirement to publish a section 8 statement in an annual report. Each agency must display on its website a plan showing what information it publishes in accordance with the IPS requirements.

ECONOMIC ADVICE

In-house economics advice for the ACCC is provided by two groups:

- Competition and Consumer Unit, which provides economic advice to the ACCC's competition and consumer areas
- Regulatory Development Branch, which provides economic (including finance advice) to the ACCC and AER on regulatory matters.

See page 150 under 'Ability to incorporate the latest thinking in regulatory and competition economics into the ACCC's work' for more information on the work of these areas of the ACCC.

Corporate services

The Corporate Division encompasses four branches: Finance and Corporate Services, Information Management and Technology Services (IMTS), Human Resources, and Strategic Communications. While this is the smallest division in the ACCC, it is a key support area for the rest of the organisation, and works closely across the organisation to provide strategic support for the business areas.

The Corporate Division was formed in 2009–10 and since then has worked to improve the ability of the business areas to meet their goals. The strategic vision of the Corporate Division encompasses improvements across all four of its branches, with a number of projects, such as Leadership and the Transformation Program, spanning several years.

INFORMATION MANAGEMENT AND TECHNOLOGY SERVICES BRANCH

The work of the Information Management and Technology Services (IMTS) Branch has made a significant difference to the ACCC. As with any modern organisation, information technology is key to not only providing a stable and secure environment with tools to enable the business now, but also to position the organisation for future demands. The details of IMTS' contribution to the functionality of the ACCC is on page 153 in Part 3.

Continuing the Transformation Program

The Transformation Program began in 2010–11 in response to issues in ICT delivery. These included unreliable infrastructure and delays in the implementation of an Electronic Document Record Management System (EDRMS). The Transformation Program will ensure the ACCC has the capability to operate in a stable and secure IT environment, and is positioned to continue to enhance business

capability. In 2011–12 significant advances in the Transformation Program included: establishing IT governance structures; appointing program and project managers to oversee specific areas of work; and the delivery of a Technology Roadmap.

Completing the EDRMS implementation

The completion of the centralised Electronic Document Record Management System saw this three-year project move onto a business-as-usual footing. The original implementation was supported by a series of software releases through the year to increase stability and improve productivity.

Recruiting ICT skilled staff

The capability of the internal ICT team was enhanced with the recruitment of nine new staff, or 40 per cent of the branch, with a focus on skills in application and web development; testing; business change; and contract and change management.

Conducting business as usual

Agile development methodology

With new staff in place, the ACCC adopted an agile development methodology to improve productivity and client satisfaction with software changes. All development and testing staff were trained in the new practice.

Commitment to whole of government arrangements

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

During the year the ACCC worked with the Australian Taxation Office to investigate the possibility for sharing an improved internet gateway.

Securing the environment

ICT security remained a priority following recognition of growing threats originating from an internet presence. IMTS focused on hardening the ICT environment in line with Defence Signals Directorate recommendations, to resist cyber attacks.

Perth office refit

An ongoing accommodation refresh in Perth was supported in late 2011 by providing a bolstered secure remote access system to staff while the office was refurbished.

Social media access

Broader access to certain social media tools, including Facebook and Twitter, was provided to business units and all staff in late 2011 after due consideration of security and risks. Some social media remains blocked due to high security risk, while the ACCC social media policy restricts others.

Support for new websites for the ACCC and AER

Approval was given in 2011 to replace the main ACCC website following significant review of the effectiveness of the website conducted in the preceding year. A new information architecture and design was completed by June 2012 with further work to be done on building the new site and migrating content in the coming year. IMTS also provided assistance to the Australian Energy Regulator developing the new Energy Made Easy website.

Transformation Program

Managed services arrangements

The ACCC has for some years outsourced the management of its ICT services, including: service desk; servers; networks; storage; database administration, and desktop. The contract with the then provider expired on 30 June 2011, with an extension approved to allow time for a review of the service model. The ACCC used the coordinated procurement provisions to acquire the services of Datacom Systems (NSW) from the Department of Sustainability, Environment, Water, Population and Communities. A separate but comparable contract was signed on 7 March 2012. Following a due diligence and transition period, Datacom started provision of the managed services on 4 June 2012.

Review of critical applications

The business application used to manage contacts with the ACCC and establish and manage cases was reviewed, with a focus on business processes and the relevant support required.

In June, the findings of the review recommended a commercial offering be used to replace the bespoke application.

Technology road map

Refresh of desktops

All desktops and monitors in the ACCC were replaced during the year, with the equipment sourced from whole of government panels. This, combined with the rollout of Microsoft Office 2007 to all desktops, had an immediate improvement in performance in both software and hardware, and resulted in productivity benefits.

The rollout of Office 2010 will occur after other software upgrades are completed, following the schedule of the Technology Roadmap plan.

Review and upgrade of software licences

A review of software licences was conducted during the year to ensure appropriate and current licensing arrangements were in place. It was also an opportunity to discontinue some licences and achieve savings. The review included signing up to the Microsoft volume sourcing arrangement in order to access and ensure support for new operating systems, desktop productivity and specialist software.

Building reliability into the infrastructure

Software and hardware outages continued in 2011–12, though less frequently than previously. Many of these outages related to out of date or unsupported components, as identified in the technical roadmap review. Immediate remediation was conducted, either in response to outages or to prevent them. With the start of Datacom as the managed services provider, the overhaul of equipment began in May 2012. Priority was given to modernising the server hardware fleet, increasing redundancy to our critical systems, updating software versions, introducing service management facilities, and improved business continuity facilities.

Business applications

Video conferencing

As video conferencing is a key part of the ACCC's daily operations, approval was given to purchase a new system. A managed services solution was contracted, including the purchase of new high definition end points as well as additional coverage to allow more meetings to be conducted concurrently.

Mobile device management

A pilot study was conducted to deliver email, calendar updates and documents securely to tablet and smart phone devices. The pilot applied the iOS hardening guidelines issued by the Defence Signals Directorate in 2012. The pilot study is not yet completed, but the response to date has been positive.

Wireless network

To decrease the effect of any possible system outage, an unsecured wireless network was established in the ACCC offices in Canberra, Melbourne and Sydney. This network also supports the use of mobile devices by staff.

Contact and case management

IMTS assisted the Infocentre in the procurement and implementation of a contact management system to record details of phone and email contacts and to identify and support potential cases for investigation.

Business intelligence

Pilot projects were established during the year to investigate improved access to data and record repositories. Objectives of the pilots are to improve understanding in areas of product safety, energy regulation and document discovery.

Legal technology services

The Legal technology services function is part of the IMTS Branch which specialises in information management and case support services for investigations and litigation undertaken by the ACCC. During the reporting period, legal technology services continued to support investigations and litigation across the ACCC including:

- 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 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
- provision of Ringtail legal software training and advice
- coordinating the provision of digital forensic services.

An upgrade to the Ringtail legal software infrastructure was successfully completed in April 2012.

Communicating our messages

The Strategic Communications Branch (SCB) plays a key role in positioning the ACCC and informing the public, business, media and government about its work. As well as working with the Commission daily on media issues, SCB works with business areas to ensure that information to benefit consumers and businesses is accurate, easy to understand and can be sourced in a variety of ways, including magazine and newspaper articles, publications and of course, the internet.

Publications

The ACCC and AER:

- published 55 new publications in both print and electronic versions, and another 14 were web-only publications, a total of 69 compared to 63 in 2010–11
- distributed 984 215 print items compared to 396 300 in 2010–11
- recorded 868 935 visits to its online publications compared to 820 448 in 2010–11
- issued *Update* in August, December and April in 2011–12.

With the increasing use of online communications and the ACCC's use of a variety of social media and other digital platforms to engage audiences, the general trend of publications and information accessed online has been steadily increasing over recent years with a corresponding decrease in the general trend in hard copy publication distribution. However 2011–12 saw a number of campaigns for consumer guarantees and product safety which increased the numbers of publications produced and distributed. Some hard copy publications, such as the *Little Black Book of Scams* and *Keeping baby safe*, continue to be very popular—the latter also has significant uptake of the digital versions.

News releases and speeches

The ACCC issued 273 and the AER issued 19 news releases in 2011–12. The Chair, commissioners, and senior staff undertook more than 136 public speaking engagements.

ACCC and AER websites

The ACCC website had more than 4 946 859 visits (an increase on the more than three million the previous year); the AER website had more than 258 724 visits, (similar to the 240 000 the previous year); the recalls website had 1 092 095 visits (compared to 864 000 the previous year); and the SCAMwatch website approximately 1 132 884 (an increase from the 820 000 the previous year). The product safety website had more than 455 628 visits, compared to 223 000 the previous year.

The ACCC began a review of its main website in response to government requirements and feedback from users. A major focus of the update has been widespread consultation with both internal and external stakeholders, which has fed into the development of the information architecture and updated design. The new website is scheduled for completion in the 2012–13 year.

The AER launched a redeveloped website (www.aer.gov.au) on 30 May 2012 and as part of its responsibilities under the National Energy Retail Law, also developed an energy price comparator website (www.energymadeeasy.gov.au) during the 2011–12 financial year. Energy Made Easy will launch on 1 July 2012, when the National Energy Retail Law commences in Tasmania and the Australian Capital Territory.

Strategic Communications Committee

The Strategic Communications Committee (SCC) is made up of senior staff from across the ACCC/AER and is responsible for the direction of the ACCC's positioning, high level communication strategies, and the ACCC's response to web 2.0 and other platforms. The committee has played a key role in the updating of the main ACCC website.

LOOKING AFTER OUR 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. The HR Branch has played a key role in the learning and development (L&D) strategy that develops the leadership capability of all staff across the ACCC. This was done in response to the staff survey and has been well received by all staff.

In 2011–12 the HR Branch focused on:

- developing and delivering the 2011–14 enterprise agreement
- managing the staff survey, conducted every two years
- developing an individual performance management framework
- implementing systems to support new workplace health and safety legislation
- upgrading payroll and recruitment systems to focus on better automation and online capability
- promoting employee wellbeing and respectful behaviours
- developing a learning and development strategy that better meets business requirements.

Looking after our people

The ACCC's 2010 staff survey and the 2011 cultural analysis report identified a number of issues affecting the health and wellbeing of staff in the workplace. These included a desire for an improved work/life balance for staff at all levels. The executive recognised these as major issues for staff, and in addition to reform of management practices, agreed to introduce a workplace health and wellbeing program, for both physical and mental health. Features of this program are:

Respect program—Respect is something that all staff are entitled to. It is the focus of the national Respect program introduced in 2011. Seminars were held for staff across the ACCC to promote 'respect' in the workplace—what it is, how to provide it and what to do if you don't think it is happening. Staff at all levels discussed situations where respect was not present, and developed strategies to help them create a safe and productive workplace culture. This is a responsibility of all staff, no matter what their level. The Australian Public Service Commission considers this a best practice program, and in its State of the Service 2010–11 report highlighted the ACCC's Respect program as a key example of a public service organisational strategy to combat harassment or bullying.

Healthy lifestyle reimbursement scheme—This recognises the benefits of a healthy lifestyle for staff and is part of the ACCC Enterprise Agreement. Employees can claim a payment of up to \$300 annually for items such as sporting equipment and clothing to help them maintain and improve their health and wellbeing. More than 90 per cent of employees claimed this benefit this financial year.

Mental Health Week—The focus of the ACCC's Mental Health Week was on the importance of mental health, and on providing tools and strategies to employees to help improve their mental health and resilience. The comprehensive program of events was very popular and included relaxation and mindfulness workshops, group walks, on site yoga and Tai Chi classes, and a variety of presentations by experts in the field of mental health.

R U OK Day program—This encouraged employees to look out for their colleagues by asking them if they are OK, rather than stay silent. The ACCC embraced the national R U OK Day, not only to help individuals but to help develop a supportive work place. Information was prominently displayed around the offices and motivational speakers presented on a range of mental health topics.

International Women's Day—To encourage women in the ACCC at all levels in their professional and personal lives, the ACCC held events at each location celebrating International Women's Day. This involved a variety of discussions and high profile speakers, such as ABC journalist Virginia Haussegger, and Margo Northey, a representative of the Wadeye Palngun Wurnanget 'Women Together' Association. This program of initiatives was positively received by ACCC staff, both male and female.

The ACCC is proud that this health and wellbeing program was a finalist in the inaugural Comcare Work Health and Safety Awards, in the category of Best Workplace Health and Wellbeing program. The ACCC will continue to monitor the health and wellbeing of its staff and the success of the program to adapt it as necessary to ensure it remains effective.



Performance management

In 2011–12 the ACCC redeveloped its performance management framework in consultation with staff. The new framework maintains an emphasis on feedback, appraisal and development, while increasing the focus on aligning individual outcomes with ACCC business plans. The framework provides guidance, tools and templates to help staff achieve the objectives of commitment, motivation and high performance.

The framework was finalised in June 2012 for online implementation in August 2012.

While the framework was being developed and trialled, existing arrangements were maintained for 2011–12, including biannual professional development plans, a learning needs analysis tool, and performance appraisal criteria for specific appraisal events.

Staff development

Leadership development across all levels of staff continues to be a key focus, and achievements in 2011–12 include:

- dedicated L&D governance arrangements and the development of an L&D strategy in conjunction with the organisational wellbeing committee
- significant resourcing to build the management and leadership capability of the ACCC
- building and refining the core operational skills and knowledge of staff
- supporting the implementation of organisational policies and practices on staff management and staff development.

There was a significant increase of resources in this area, since the agency places a high priority on developing and enhancing leadership capacity and management in the organisation, along with building operational capacity to support the introduction of the Australian Consumer Law. To achieve these goals, learning and development governance arrangements were improved, leadership programs implemented and the Respect program introduced.

Learning and development governance arrangements

To improve the allocation of the L&D budget and ensure it meets ACCC objectives, new governance arrangements were put in place in November 2011. An L&D Board was created, to be the strategic decision making body which provides oversight of the L&D Strategy to ensure activities are aligned to business priorities, and to set clear parameters around L&D expenditure. The board's overarching responsibility is to determine the allocation of L&D resources against agreed priorities on an annual basis. The board is co-chaired by the two Deputy CEOs, and all groups in the ACCC are represented.

Leadership programs

Leadership training in the ACCC continued to be a focus of the L&D program. In 2011 the programs for executive level staff were extended to provide development for staff across the APS 4 to 6 levels. A total of 167 staff participated in leadership training across the APS 4 to EL2 levels.

Among initiatives aimed at addressing the issue of gender balance in senior roles, the ACCC continued its program of events supporting women. Coinciding with International Women's Day, events were held in major offices to help empower female staff and encourage them to take the step into senior management roles. Events also included a charity element to enable women in the ACCC to help less fortunate members of the community.

ACCC Mentoring Program

Following an extensive review and feedback from staff involved in mentoring networks at the ACCC, an improved 12-month mentoring program began in May 2012. Staff were invited to apply to participate in the program as either a mentor or mentee. The program is relatively informal however a level of structured training and support is provided over the initial period of the mentoring relationship.

The ACCC Mentoring Program is part of the ACCC's Professional Development Program and supported by the ACCC as an effective career development strategy. The program provides a framework for employees to regularly meet and be guided and supported by more senior and experienced staff within the ACCC. It also provides a forum for staff to discuss their career development and opportunities for leadership and management roles with current leaders and managers. The program explicitly links with the ACCC's L&D strategy, leadership development and performance management systems.

The ACCC Mentoring Program is aimed at retaining talented staff within the organisation, building networks across the ACCC, and providing ongoing support and encouragement to staff. To achieve this goal the ACCC expects the mentoring relationship to provide a supportive and confidential environment for staff to plan their career development, reinforce the value the ACCC places on diversity of talent, and challenge mentors to also develop their management and leadership ability.

Respect programs

In response to feedback from staff surveys about some instances of inappropriate behaviour, several initiatives were established, including a Respect training program in the second half of 2011.

Feedback from this program was positive, and staff reported, in the biennial staff survey, a higher level of satisfaction in this area than the APS average. Further work on respect is being undertaken, with senior management developing ACCC specific values and internal workshops implementing strategies to ensure all staff are treated respectfully.

Learning and development—summary of activities

Training and development costs in 2011–12 totalled \$3 984 956. This comprised salaries of staff on development activities, \$1 142 552; salaries of Learning and Development unit employees, \$759 877; course and conference fees and studies assistance, \$1 339 571; cost of staff travel for training purposes, \$651 592; and venue hire and other costs, \$91 364. This represents 3.9 per cent of the annual employee benefit cost.

Employees are eligible for study assistance in the form of study leave and full or partial reimbursement of tuition fees for approved courses of study.

The study leave policy and guidelines emphasise post-graduate studies, with most assistance provided for post-graduate studies in economics, law and business.

During the year, 97 employees participated in the study assistance scheme. The ACCC reimbursed \$140 236 in fees to ongoing employees and granted leave with pay for employees to attend lectures and tutorials totalling an equivalent of \$172 777 in paid time.

Table 4.5: Attendance at courses, seminars and learning events 2009–10, 2010–11 and 2011–12

Type	Number of attendees		
	2009–10	2010–11	2011–12
Operational skills and knowledge	1491	535	892
Legal skills and knowledge	511	232	620
Applying the Act	330	141	92
Economics and regulatory	539	314	233
Leadership, supervision and management	225	890	810

Workforce planning

The ACCC's budgeted staff level for 2011–12 was 813 (average staffing level) full-time equivalents. This included seven full-time ACCC members, one full-time AER member and one part-time AER member.

The total number of full-time equivalent staff, including ACCC and AER members, employed at 30 June 2012 was 844.3 (an increase of 45.32 on 2010–11).

The total number of staff employed (including ACCC and AER members, part-time employees and employees absent on leave and secondments) at 30 June 2012 was 885 (842 in June 2011).

During 2011–12 the ACCC reviewed the executive and support staff stream, which saw the establishment of capability profiles, tailored work level standards, development opportunities and career paths for executive assistants and support staff. The implementation of these new resources will result in greater consistency across executive assistant and support staff duties, as well as assist in targeting specific capabilities for future recruitment needs.

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.

Figure 4.1: Age profile of ACCC staff, 30 June 2012

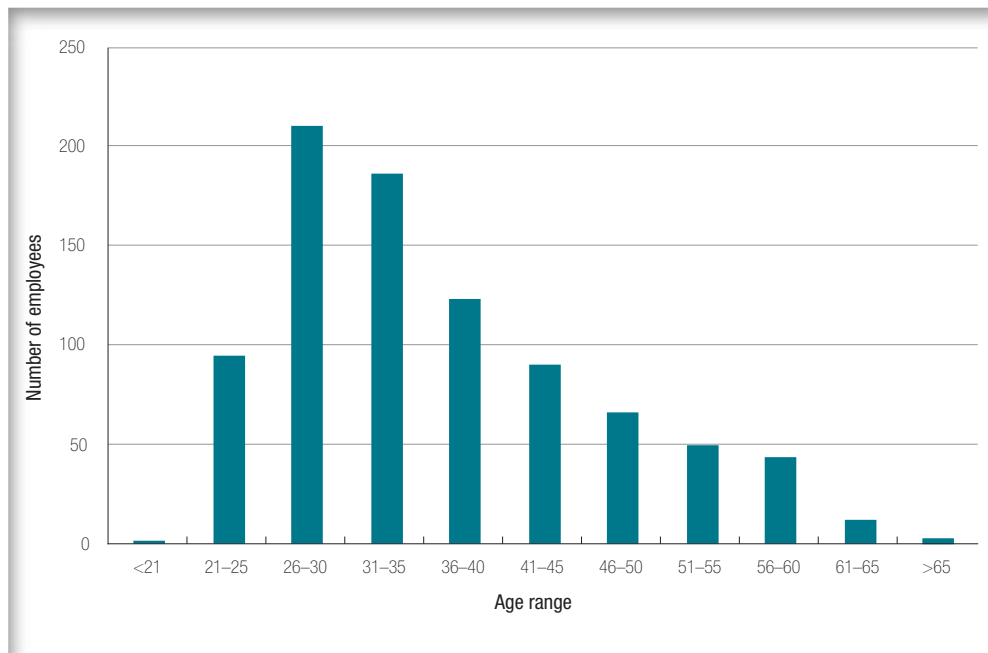
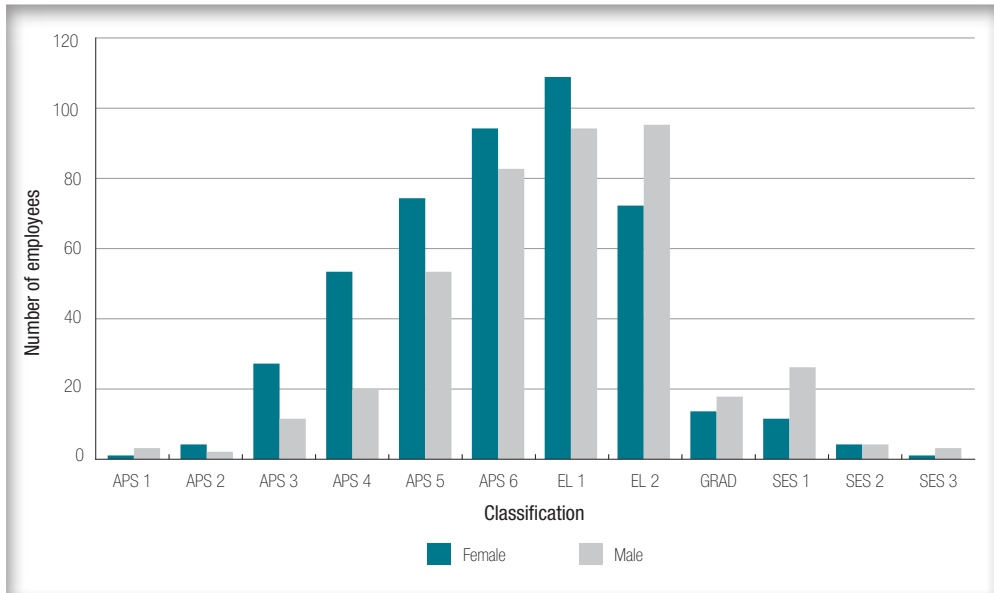


Figure 4.2: Gender profile of ACCC staff, 30 June 2012



Attracting and retaining staff

To support several new policy proposals the ACCC had a marginal increase of its FTE in the first half of 2011–12. Many of these new positions were able to be filled through a strong internal field. However, other specialist positions, combined with the need to backfill positions, resulted in the ACCC completing more than 160 selection processes throughout 2011–12.

To attract suitably qualified candidates the ACCC continued to leverage its brand and promoted its commitment to engaging and rewarding jobs and flexible working conditions, as well as learning and development opportunities and competitive remuneration packages. In addition, the recruitment team:

- used alternative and traditional advertising mediums including print and digital
- used online application methods
- targeted suitable passive job seekers
- targeted applicants with transferable skills in hard-to-fill locations, such as Darwin.

These methods generated strong interest from suitably qualified candidates and led to more than 300 successful selection outcomes (promotions, engagements, transfers).

During this period senior management demonstrated a commitment to retaining executive level (EL) staff, by monitoring and reporting on EL working hours. Where an EL employee works in excess of 110 per cent of standard working hours in a quarter, the employee and their manager are obliged to enter into a management plan. This strategy has raised the profile of EL working hours, encouraging EL employees and their supervisors to monitor EL working hours on an ongoing basis to maintain a healthy work life balance.

Average turnover of permanent staff during the year was 9.3 per cent (a decrease from 13.44 per cent in 2010–11).

Table 4.6: Staff turnover according to separation type, for 2011–12

Separation	Classification	Number of Staff
External transfer or promotion	Non-SES	28
Redundancy	Non-SES	32
Contract expired	Non-SES	32
Resignations	Non-SES	76
	SES	3
Retirements	Non-SES	7
	SES	1
Other	Non-SES	1
TOTAL		180

Staff consultation

The Workplace Relations Committee (see Table 4.4), the ACCC's formal consultative body, meets quarterly to consult on conditions of employment and other matters affecting the implementation of the enterprise agreement, including:

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

The ACCC Work Health and Safety (WHS) Committee (see Table 4.4) is a joint management and staff committee, established in accordance with section 75 of the *Workplace Health and Safety Act 2011*, to facilitate:

- consultation and cooperation between the ACCC and workers on WHS matters
- continuous improvement in the management of WHS 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* and Determination 2010/10 Remuneration and Allowances for Holders of Full-Time Public Office and Determination 2010/11 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 (as at 30 June 2012)

Full-time	Position	Base salary	Total remuneration of office
1	Chair	\$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 (as at 30 June 2012)

Full-time	Position	Base salary	Total remuneration of office
1	Chair	\$350 000	\$500 000
0	Member	\$230 000	\$301 160
Part-time	Position	Fees	
1	Member	\$1049/day	

ENTERPRISE AGREEMENT

The ACCC developed and implemented a new enterprise agreement, which started on 27 July 2011 with a nominal expiry date of 30 June 2014. The ACCC enterprise agreement 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 at the start of the 2011–12 financial year, with an additional 3 per cent salary increase occurring on 1 July 2012 and 1 July 2013.

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 s. 24 of the *Public Service Act*.

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 (as at 30 June 2012)

	ACCC Enterprise Agreement 2011–14	Section 24 determinations
APS 1	4	0
APS 2	8	0
APS 3	43	0
APS 4	79	0
APS 5	133	0
APS 6	179	0
EL 1	205	0
EL 2	148	1
SES 1	0	33
SES 2	0	8
SES 3	0	3
GRAD	32	0

Table 4.10: Salary ranges for APS employees (as at 30 June 2012)

	ACCC Employee Collective Agreement 2011–14	Section 24
APS 1	\$42 257–\$46 705	–
APS 2	\$47 821–\$53 027	–
APS 3	\$54 466–\$58 789	–
APS 4	\$60 710–\$65 916	–
APS 5	\$67 713–\$71 799	–
APS 6	\$74 952–\$84 009	–
EL 1	\$93 125–\$103 062	–
EL 2	\$107 964–\$126 524	\$150 009
SES 1	–	\$126 298–\$215 920
SES 2	–	\$166 400–\$270 400
SES 3	–	\$215 920–\$360 500
L1	\$58 789–\$115 846	–
L2	\$122 425–\$129 761	–
GRAD	\$53 027–\$60 710	–

Table 4.11: Performance pay

	SES 1	SES 2	SES 3	ACCC
Number who received bonus	33	8	2	43
Total bonus	\$476 810	\$171 434	–	\$648 244
Average bonus	\$14 448	\$21 429	–	\$35 877
Range	\$4 046–\$23 458	\$10 796–\$29 225	–	\$4 046–\$29 225

* As the ACCC has only three Senior Executive Service Band 3 employees, these details have been omitted to protect privacy.

Workplace diversity

The ACCC actively supports workplace diversity and is continually developing employment arrangements that support diversity. These include flexible hours of work, part-time work, home-based work, parental leave and study leave.

The ACCC participates in the APS Indigenous program and actively recruits Indigenous graduates into the annual Graduate Program.

In addition, leave with or without pay is available for specific events. For example, leave for ceremonial purposes can be granted to employees of Aboriginal or Torres Strait Islander descent; leave for enlistment, peacetime training and deployment can be granted to defence reservists; and leave can be granted to employees for participation in community services and to attend days of cultural or religious significance.

Table 4.12: Workplace diversity profile (as at 30 June 2012)

	Total	Female	ATSI	CLDB	PWD
Senior Executive Service and ACCC/AER members	59	21	0	3	1
Lawyer 1	13	9	0	5	0
Lawyer 2	25	15	0	4	0
EL 2	142	57	0	17	1
EL 1	194	103	0	20	3
APS 6	173	92	3	39	2
APS 5	126	73	0	25	4
APS 4	73	53	0	17	0
APS 3	38	27	0	4	2
APS 2	6	4	0	0	0
APS 1	4	1	0	1	0
GRAD	32	14	3	5	0
Total	885	469	6	140	13
Proportion of total		52.99%	0.68%	15.82%	1.47%

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.

WORKPLACE HEALTH AND SAFETY

The *Workplace Health and Safety Act 2012* provided the impetus for a comprehensive review of our WHS systems.

This was conducted in consultation with employees through the formal WHS consultative forums, and with WHS representatives.

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

Disability reporting

Since 1994, Commonwealth 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 have no longer been required to report on these functions.

The Commonwealth Disability Strategy has been overtaken by a new National Disability Strategy which sets out a 10-year national policy framework for improving life for Australians with disability, their families and carers. A high level report to track progress for people with disability at a national level will be produced by the Standing Council on Community, Housing and Disability Services to the

Council of Australian Governments 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

FINANCE AND CORPORATE SERVICES

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

Over the last year the branch:

- refurbished the ACCC's Perth office
- introduced a new system for booking travel
- bid for New Policy Proposals (NPPs) in conjunction with business areas
- introduced and enforced physical security measures across the ACCC
- established the Project Management Office, implemented training and the project management governance framework.

This is in addition to its business as usual functions as listed 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 2011–12 to provide assurance as to the validity and valuation of the assets held included:

- a stocktake to confirm the location of assets
- an assessment of impairment in accordance with AASB 136 Impairment of Assets to ensure that the ACCC only carries assets at a value above 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 Commonwealth resources and expenditure of public money is subject to the *Financial Management and Accountability Act 1997* (FMA Act).

Responsibility for procurement lies with the financial delegates within business units. Those units are supported by a central procurement team staffed by procurement officers with, or in the process of attaining, qualifications in government procurement and contract management. This team provides advice 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, 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 Guidelines*. Procurement guidance and key templates were reviewed and updated in preparation for the Commonwealth Procurement Rules which become effective on 1 July 2012 and for inclusion of requirements under the *Work Health and Safety Act 2011*.

All major contracts entered into in 2010–11 contained provisions, as required, allowing the Auditor-General access to information held by contractors relating to contract performance.

TENDERS

The ACCC advertises all tender opportunities through the AusTender website at www.tenders.gov.au. During the year the ACCC implemented electronic lodgement of tenders via AusTender.

Contracts of \$100 000 or more were reported on the ACCC's 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 AusTender by 1 July 2012. No contracts were exempted from the contract reporting requirements in 2011–12.

Consultancy contracts

During 2011–12, 66 new consultancy contracts were entered into, involving total actual expenditure of \$4.4 million. In addition, 23 ongoing consultancy contracts were active during the 2011–12 year, involving total actual expenditure of \$2.8 million.

The ACCC engages consultants where it lacks specialist expertise or when independent research, review or assessment is required. Consultants are typically engaged to investigate or diagnose a defined issue or problem; carry out defined reviews or evaluations; or provide independent advice, information or creative solutions to assist in the ACCC's 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 FMA Act and related regulations including the *Commonwealth Procurement Guidelines*. In 2011–12, consultants were engaged through open public tender, select tender (including through panel arrangements), and direct sourcing.

Table 4.13: Consultancy—trend data

	2009–10	2010–11	2011–12
Number of new consultancies	129	99	66
Expenditure on new consultancies	\$8.1 m	\$5.1 m	\$4.4 m
Number of ongoing consultancies	5	21	24
Expenditure on ongoing consultancies	\$1.6 m	\$1.8 m	\$2.8 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 guidelines

MANDATORY ENVIRONMENTAL REPORTING

The ACCC operates in line with the Energy Efficiency in Government Operations Policy, reporting annual levels of energy use and emissions, via the Online System for Comprehensive Activity Reporting, 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 environmental policy puts in place strategies to achieve improved sustainable practices, incorporating the Australian Government ICT Sustainability Plan 2010–2015 and general better practices outlined by the Australian National Audit Office.

The ACCC uses a process of informal, continuous review of the various measures it employs to reduce the environmental impact of its activities. Where further efficiencies are identified in the course of business, the ACCC endeavours to put in place the measures required to realise these efficiencies. All of the above is done in accordance with both the applicable funding and environmental guidelines available to the ACCC.

The ACCC's environment policy reflects the changing 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 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, expenditure, 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.

