



Australian
Competition &
Consumer
Commission

Information Publication Scheme ACCC/AER Agency Plan

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Australian Competition and Consumer Commission
23 Marcus Clarke Street, Canberra, Australian Capital Territory, 2601

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Introduction

The Australian Competition and Consumer Commission (ACCC) is an independent Commonwealth statutory authority whose role is to enforce the *Competition and Consumer Act 2010* and a range of additional legislation, promoting competition, fair trading and regulating national infrastructure for the benefit of all Australians.

The Australian Energy Regulator (AER) is also an independent Commonwealth statutory authority and Australia's national energy market regulator. The AER has an independent Board, with its staff, resources and facilities being provided by the ACCC.

The ACCC and AER are agencies subject to the *Freedom of Information Act 1982* (FOI Act) and are required to comply with the Information Publication Scheme (IPS) set out in Part II of that Act. This plan describes how the ACCC and the AER propose to comply with those obligations as required by section 8(1) of the FOI Act.

Information Publication Scheme requirements

Under Part II of the FOI Act, the ACCC/AER must publish the information specified in s 8(2), as set out below. It may also publish additional information under s 8(4). Information published under the IPS must be kept accurate, up to date and complete.

Information required to be published

Section 8(2) of the FOI Act requires the following information to be published.

- (a) This document (the ACCC/AER plan of how it will comply with the IPS);
- (b) Details of the ACCC/AER structure;
- (c) As far as practicable, details of the ACCC/AER functions, including its decision-making powers and other powers affecting the public;
- (d) Details of statutory office holders appointed to the ACCC/AER;
- (e) The information in ACCC/AER annual reports laid before Parliament;
- (f) Details of arrangements for the public to comment on specific policy proposals that the ACCC/AER is responsible for;
- (g) Information in documents that the ACCC/AER routinely gives access in response to FOI requests, except certain personal and business information;
- (h) ACCC/AER information that is routinely provided to Parliament in response to requests and orders from Parliament;
- (i) ACCC/AER FOI contact officer details; and
- (j) ACCC/AER operational information.

Purpose

The purpose of this plan is to:

- a) describe what information the ACCC/AER publishes, how and to whom the information is published and how the ACCC/AER otherwise complies with the IPS requirements
- b) facilitate public consultation regarding these arrangements
- c) comply with s 8(1) of the FOI Act

Objectives

The objectives of this plan are to outline appropriate mechanisms and procedures to:

- a) manage the information holdings relevant to the IPS
- b) proactively identify and publish all information required to be published, including this Plan (s 8(2))
- c) proactively identify and publish any optional information (s 8(4))
- d) review and ensure on a regular basis that information published under the IPS is accurate, up-to date and complete (s 8B)
- e) ensure that information published under the IPS is discoverable, understandable and re-useable
- f) ensure that the format of online content conforms with the Web Content Accessibility Guidelines (Version 2)
- g) measure the success of the ACCC/AER IPS.

Establishing an Information Publication Scheme

The FOI Act requires all government agencies to have mechanisms and systems to enable them to comply with changes to the FOI Act on an ongoing basis.

Compliance Arrangements

To meet these obligations, the ACCC/AER has a website that enables documents to be published in accordance with the s 8(2) of the FOI Act (documents required under the IPS) and other information that also needs to be published as required by s 11C of the FOI Act¹. This website may also be used to make other information publicly available. The website, <http://foi.accc.gov.au>, has been operational from 1 May 2011.

¹ As documents required to be published under s 11C of the FOI Act are not part of the IPS, this aspect of the website is not covered in this plan.

The overseeing of the ACCC/AER compliance with the IPS is under the control of the Corporate Governance Board. The Board is chaired by the ACCC Chairman and is comprised of the following staff:

- ACCC Commissioners
- AER Board Members
- Chief Operating Officer
- Executive General Managers
- Director, Executive Office
- Chief Financial Officer
- Chief Information Officer
- General Manager, People and Culture
- General Manager, Strategic Communications Branch

The Corporate Governance Board is the primary governance body for the ACCC/AER. Its primary role is to set strategy and corporate planning, oversee internal budgets and resource management, ensure performance monitoring and planning.

The ACCC/AER in-house legal team, Legal and Economic Division, has prepared guidance to staff on the scope of ‘operational information’, which will be periodically reviewed, particularly in light of any guidance from the Office of the Australian Information Commissioner.

In order to ensure that the information published under the scheme is discoverable, understandable, machine-readable, accessible and useable, the ACCC/AER FOI Website has been set out in a user friendly manner; the search functionality provided on each page will search both titles and text of documents; the content is written in plain English and provided in machine readable formats where possible.

Details of access charges are published on the website. Charges will only apply to hardcopy documentation and will cover only the cost of production and delivery.

As noted above, documents published under the IPS must be kept accurate, up to date and complete. To achieve this, the ACCC/AER has put into place procedures to perform formal bi-annual checks of the FOI website content.

Information architecture

To meet these requirements, the ACCC/AER has established a website that enables:

- information required to be published under s.8(2) to be made publicly available; and

- ACCC operational information (eg, intranet type content such as internal policies, procedures, instructions, guidelines) to be made publicly available.

The design of the ACCC/AER FOI website is structured around a distinction between the IPS (including operational information) and information released in response to FOI requests (not part of the IPS). The operational information is grouped according to the functions and/or sections of the ACCC/AER. The ACCC/AER FOI website has been built using the Drupal platform, with website text in HTML format. Published documents will be in their original format where possible and an additional format provided for accessibility.

ACCC/AER operational information that has already been published on the main ACCC/AER website will continue to be hosted there, with links to this information provided on the ACCC/AER FOI Website.

There is no cost for accessing or downloading this content. Charges may be applicable to obtain information in an alternative format.

Information required to be published

Under the IPS, certain information is required to be published as specified under s 8(2) of the FOI Act. In accordance with s 8(2), the ACCC/AER has published the following information.

- a) The ACCC/AER Agency plan for the IPS (s 8(2)(a))
- b) Who we are (s 8(2)(b) and s 8(2)(d)), including an organisational chart and details of statutory appointments
- c) What we do (s 8(2)(c) and s 8(2)(j)), including information about the agency's functions, decision making powers and operational information including rules and guidelines that assist the agency to make decisions or recommendations affecting members of the public
- d) Our reports and responses to Parliament (s 8(2)(e) and s 8(2)(h)), including annual reports, documents required by law to be tabled in Parliament, documents routinely tabled in accordance with Senate Standing Orders
- e) Routinely requested information (s 8(2)(g))
- f) Details of consultation arrangements for the public are routinely provided on the main ACCC/AER site as consultation requirements arise (s 8(2)(f))
- g) Contact us details for the FOI Contact Officer ((s 8(2)(i))

Optional information

The ACCC main website (<http://www.accc.gov.au>) houses a large amount of optional information, as do the other ACCC sites: <http://www.aer.gov.au>;

<http://www.productsafety.gov.au>; <http://www.scamwatch.gov.au>; and <http://www.recalls.gov.au> .

This includes ACCC/AER priorities, corporate and strategic plans, details of the regulatory functions performed by the ACCC/AER, lists of files and contracts, in addition to a large range of information for consumers, businesses and regulated industries.

The information published on other ACCC/AER websites is in accordance with s.28 of the *Competition and Consumer Act 2010* and we will consider publishing additional information on the FOI website on an individual case basis.

Administering the agency IPS

The ACCC/AER will continue to meet its IPS obligations by:

- maintaining a robust information management framework by configuring the records management database to alert an FOI Content Coordinator when operational information is updated
- setting a review date on each published document to alert the FOI Content Coordinator who will confirm with content owners that it is still current
- conducting an operational information review with all business areas every 6 months to ensure all information in this category is captured and published
- performing ongoing maintenance of information that is required to be published under s 8(2) (information that must be published) via regular website content reviews
- ensuring the information published continues to be discoverable, accessible, useable, as well as accurate, up-to-date and accessible by regularly reviewing content and staying apprised of developments in accessibility technology and continuing to offer documentation in accessible formats
- ensuring the information about any charges to be imposed and how they will be calculated continues to be published (ss 8D(4) and 8D(5))
- ensuring information published under the IPS complies with WCAG 2.0 guidelines for accessibility

It is anticipated that the ACCC/AER IPS will mature over time as more operational information is developed and added to the website.

Review

As required by s.9 of the FOI Act, the ACCC/AER will review the operation of its Information Publication Scheme, in conjunction with the Information Commissioner, as appropriate from time to time and in any case within 5 years.

The ACCC/AER will review and revise this plan at least annually. This will be facilitated by the FOI Unit in conjunction with bi-annual checks of the FOI website content.

The ACCC/AER will measure the success of its FOI Website via feedback collected from internal and external users, as well as anonymous data collected on website traffic, in addition to any feedback from the Office of the Australian Information Commissioner.

Contacts

Infocentre: 1300 302 502

Website: www.accc.gov.au

Callers who are deaf or have a hearing or speech impairment can contact the ACCC through the National Relay Service www.relayservice.com.au

For other business information go to www.business.gov.au

Addresses

National office

23 Marcus Clarke Street
Canberra ACT 2601

GPO Box 3131
Canberra ACT 2601

Tel: (02) 6243 1111
Fax: (02) 6243 1199

New South Wales

Level 20
175 Pitt Street
Sydney NSW 2000

GPO Box 3648
Sydney NSW 2001

Tel: (02) 9230 9133
Fax: (02) 9223 1092

Victoria

Level 17
2 Lonsdale Street
Melbourne Vic 3000

GPO Box 520
Melbourne Vic 3001

Tel: (03) 9290 1800

Western Australia

Level 5
1 William Street
Perth WA 6000

PO Box 6381
East Perth WA 6892

Tel: (08) 9325 0600
Fax: (08) 9325 5976

Queensland

Brisbane

Level 24
400 George Street
Brisbane Qld 4000

PO Box 12241
George Street Post Office
Brisbane Qld 4003

Tel: (07) 3835 4666
Fax: (07) 3835 4653

Townsville

Suite 2, Level 9
Suncorp Plaza
61-73 Sturt Street
Townsville Qld 4810

PO Box 2016
Townsville Qld 4810

Tel: (07) 4729 2666
Fax: (07) 4721 1538

South Australia

Level 2
19 Grenfell Street
Adelaide SA 5000

GPO Box 922
Adelaide SA 5001

Tel: (08) 8213 3444

Northern Territory

Level 8
National Mutual Centre
9–11 Cavenagh St
Darwin NT 0800

GPO Box 3056
Darwin NT 0801

Tel: (08) 8946 9666
Fax: (08) 8946 9600

Tasmania

Level 2
70 Collins Street
(Cnr Collins and
Argyle Streets)
Hobart Tas 7000

GPO Box 1210
Hobart Tas 7001

Tel: (03) 6215 9333
Fax: (03) 6234 7796

Australian Energy Regulator

Level 17
2 Lonsdale Street
Melbourne Vic 3000

GPO Box 520
Melbourne Vic 3001

Tel: (03) 9290 1444