

Ministry of Fair Trading

Annual Report 2000-2001



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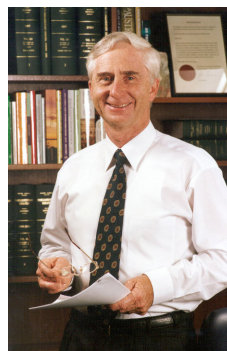
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STATEMENT OF COMPLIANCE

**To the Hon John Kobelke MLA
Minister for Consumer and Employment Protection**



In accordance with Section 62 of the *Financial Administration and Audit Act 1985*, I hereby submit for your information and presentation to Parliament the final Annual Report of the Ministry of Fair Trading for the year ended 30 June 2001.

This report also fulfils my obligations pursuant to Section 26 of the *Consumer Affairs Act 1971*, Section 60 of the *Credit (Administration Act) 1984*, Section 10A of the *Employment Agents Act 1976*, Section 7(5) of the *Petroleum Products Pricing Act 1983* and Section 12(1) of the *Retirement Villages Act 1992*.

This report has been prepared in accordance with the provisions of the *Financial Administration and Audit Act 1985*.



**Patrick Walker
CHIEF EXECUTIVE AND
COMMISSIONER FOR FAIR TRADING**

31 August 2001

COMMISSIONER'S FOREWORD

The year 2000-2001 provided the Ministry of Fair Trading with significant organisational challenges, not least of which were responding to issues relating to finance broking and petrol industry reforms.

It is pleasing to note however, that staff retained their commitment to ensuring our organisation's customers received the best possible service.

The Gunning Committee of Inquiry into Fair Trading Boards and Committees focused public attention on the regulation of a number of industries and identified weaknesses in previous practices that are now being addressed, both administratively and via new legislation. The close examination during the year of regulatory models and their application will, I am certain, ultimately result in greater protection for consumers generally.

The focus on finance broking placed a considerable strain on Ministry staff and I am grateful for their diligence and dedication in the face of heavy workloads during the year.

Community concerns led to the State Government seeking additional controls over petrol wholesale and retail markets, in the interests of consumers. The Ministry made significant progress toward achieving this, rapidly developing a program to amend legislation, as well as achieve compliance with new laws and also educate all participants in the marketplace. The goals in the coming year will be to achieve transparency of costs in the fuel industry, limit retail price fluctuations and tackle price-inequities in country regions.

In other important areas, the Ministry's telephone Call Centre continued to deal with almost 4,000 phone enquiries each week, providing a free advisory service to consumers and business people on their rights and obligations under fair trading laws. The Call Centre was nominated as one of two finalists in the Australian Teleservices Association State Awards (Under 50 Staff category).

Our Internet website was also a finalist in the Australian Financial Review 2000 National Internet Awards, recognising the useful and up-to-date information this resource provides to the public.



The Ministry has a heavy set of legislative responsibilities, administering 47 Acts of Parliament. Legislative amendments passed during the year include:

- the *Building Legislation Amendment Act 2000* passed through Parliament during November 2000 and came into effect on 8 December 2000;
- the *Consumer Credit (WA) Amendment Act 2000* came into effect during September 2000;
- the *Consumer Credit (WA) Amendment Regulations 2000* passed through the Executive Council in September 2000 and commenced on 29 October 2000;
- the *Motor Vehicle Dealers Amendment Bill 2000* and the *Fair Trading Amendment Bill 2000* were tabled as Green Bills during October 2000;
- the *Petroleum Products Pricing Amendment Bill 2000* passed through Parliament during November 2000;
- on 1 January 2001, the *Petroleum Products Pricing Regulations 2000* commenced; and
- the *Petroleum Legislation Amendment Bill 2001* passed through Parliament at the end of June 2001.

A new Bonds Management System for residential tenancy bonds was also implemented. This system enables the electronic transfer of funds for bond lodgements and disbursements, allowing it to be used as a more effective account keeping tool.

In the lead up to the State election in February 2001 the Government committed itself to a Consumer Justice Strategy. The Department of Consumer and Employment Protection will build upon the Government's focus on consumer justice by employing strategies to:

- establish processes to effectively review industry performance in relation to compliance trends and issues;
- develop and administer appropriate regulatory frameworks to facilitate stronger formal and informal dispute resolution mechanisms; and
- provide more extensive support to non-government consumer services.

Although this has been a challenging year for the Ministry, I am confident that our customers are receiving quality advice and support on an ongoing basis and especially where problems emerge. Where there are significant consumer protection issues of concern to the public, I am also satisfied that the Ministry is increasingly taking the most effective course of action and doing so more rapidly than ever. At the same time, staff are endeavouring to understand fully the issues facing traders and ensure these are taken into consideration at all times. Finally, I am confident that the Ministry will enter the new financial year as the Consumer Protection Division of the new Department of Consumer and Employment Protection with a resolve to deal with issues of priority and enhance its reputation as an effective protector of consumer rights.



Patrick Walker
CHIEF EXECUTIVE AND
COMMISSIONER FOR FAIR TRADING

31 August 2001

MISSION, VISION AND VALUES

The mission, vision and values for the past year were as follows.

Mission

Our **mission** promoted a commercial environment which maximises competitive opportunity and safeguards the public interest.

Vision

Our mission supported our **vision** to be an innovative leader in the promotion of fair trading through the management and use of our specialist knowledge and information.

Values

In carrying out our mission, our **values** were as follows:

- Fairness
- Accountability
- Innovation
- Responsiveness

The Government's focus on consumer justice, together with the creation of the new Department of Consumer and Employment Protection, will require a review of all of the above matters in the coming year.

THE YEAR IN REVIEW

The past year has been one of significant change, challenge and response by the Ministry of Fair Trading. As outlined below, the Ministry's staff remained open to major changes and a number took on additional responsibilities during the year to address issues in various industries.

The Labor Government was elected into office in WA during February 2001. The new government's platform included a Consumer Justice Strategy to implement a comprehensive review of industry performance; a review of existing consumer protection legislation; the strengthening of dispute resolution processes; renaming the Ministry of Fair Trading; and holding a Royal Commission with broad terms of reference into the finance broking industry to reveal the full extent of wrongdoing by industry participants.

Immediately after the election, the Government appointed a taskforce to critically assess the machinery of government. The taskforce received a significant quantity of submissions and consulted with the community in considering desirable reforms. A program of action was then prompted, implementing a restructure of departments and agencies by reducing the number of chief executives and senior executives, and condensing the number of departments and agencies.

As a result of this initiative, it was announced that the Ministry of Fair Trading, Department of Productivity and Labour Relations (DOPLAR), WorkSafe, and their associated registration and licensing boards, would join to form the Department of Consumer and Employment Protection, effective from 1 July 2001.

Building Legislation

The *Building Legislation Amendment Act 2000* was passed by Parliament in November 2000. The legislation includes amendments to the *Builders Registration Act 1939* and the *Home Building Contracts Act 1991*, aiming to:

- streamline the disputes resolution procedures and reduce the waiting period for the resolution of building disputes referred to the Building Disputes Tribunal;
- assist the Builders' Registration Board in the administration of both Acts, including strengthening its powers to deal with the failure, fraud or misconduct of a builder; and
- provide additional sources of revenue to assist the financial position of the Builder's Registration Board and enable it to carry out its statutory functions in a more efficient and effective manner.

The amendments were based on recommendations by the Building Legislation Changes Implementation Panel, which consisted of an independent chairperson and representatives from the Housing Industry Association, Master Builders Association, Consumers Association of WA, Builders' Registration Board and Ministry of Fair Trading.

In developing amendments, recommendations in the Statutory Review of the *Home Building Contracts Act 1991* (tabled in Parliament in March 1997) and the Independent Review of the Dispute Resolution Process (completed in December 1997) were taken into account.

Community Information

The Ministry delivers a number of ongoing community information services to the public. A number of initiatives undertaken during 2000-2001 are illustrated below.

Events

To maintain the profile of consumer issues generally, the Ministry participated in a number of metropolitan and regional events and expos during the year. These allowed visitors to obtain information about consumer rights and responsibilities. Some of the events and expos included the Perth Royal Show, EveryWoman Expo, New Homes and Renovation Expo, Small Business Expo, and seniors' events in Busselton and Bunbury.



Indian Ocean Territories

The Ministry provides fair trading services to the Indian Ocean Territories of Christmas Island and Cocos (Keeling) Islands on behalf of the Commonwealth Government.

A visit to Christmas Island in March 2001 provided individual consumers and traders with an opportunity to make personal contact with fair trading staff. An education class on various consumer issues was delivered to high school students. Issues included renting a home, signing contracts, and retail purchases. The Trading Standards Branch carried out a range of weight calibration testing on Christmas Island.



Other activities involving Indian Ocean Territories during the year included:

- facilitating licensing of travel agents on Christmas Island;
- transferring associations to Western Australian registration; and
- translating the publications, 'What We Do' and 'Incorporation of Associations' into Chinese and Malay.

On-line

The Ministry of Fair Trading's website continued to grow strongly throughout the year, with more than 11,000 visitors accessing the site each month. The website at www.fairtrading.wa.gov.au is updated daily with new information, and contains media statements, forms, publications and links to other sites likely to be of interest to visitors.

The home page also has a prominent link to the Ministry's free monthly online magazine for consumers and traders, called Fairbytes.



Web-users can subscribe to Fairbytes through the Ministry's website, and then automatically receive it by email each month. The magazine provides a cheap and effective way for the Ministry to inform and educate the public on consumer issues.

Publications

The Ministry produces more than 125 publications on a variety of fair trading issues, of which all but one (The Landlord's Handbook, \$9.95) are free. Among the most popular publications are those relating to shopping rights, tenancy laws, motor vehicles and scams. All publications, except The Landlord's Handbook, are available on our website at www.fairtrading.wa.gov.au, our offices, or other sources such as local libraries and community legal centres.

During the year, staff developed several new publications, including a purse-sized foldout guide on shopping rights for women. In association with industry organizations, the Ministry developed consumer brochures on hairdressing and carpet-cleaning issues. An additional publication targeting hairdressers accompanied the consumer brochure. In these cases, the relevant industry organisations actively distribute the publications to customers through their members.

Compliance

During 2000-2001, the Ministry undertook a more strategic approach in achieving implementation of compliance. Initiatives included:

- developing a new compliance manual;
- commencing accredited training for investigators;
- initiating standardised reports that track investigations trends (these are now reported across all investigations areas);
- establishing a process for an inventory of occupational licensing procedures to ensure that all statutory requirements are met and best practice processes are shared across the Ministry;
- using pro-active compliance visits and seminars in the real estate industry as an educative and quality assurance tool;
- improving early warning systems drawn from complaints data, to enable prompt identification of inappropriate trader activity; and
- implementation of a new real estate management information system that integrates licensing, compliance and proactive information, and provides a range of operational tools to ensure accuracy and timeliness.

Finance Broking

Serious problems associated with the finance broking industry were a major issue confronting the Ministry during 2000-2001. Those problems resulted in the establishment in 2000 of the Gunning Committee of Inquiry into Fair Trading Boards and Committees and the Legislative Council Select Committee into Finance Broking, and in 2001, the Temby Royal Commission of Inquiry into the Finance Broking Industry.

Initiatives

A range of initiatives designed to address problems in the finance broking and land valuation industries were implemented by the Ministry. These included establishing a temporary Finance and Valuation Industries Task Force that reported directly to the Chief Executive. The primary function of the Task Force was to identify problems within the finance broking and related industries and to develop appropriate strategic responses. Staff of the Task Force were involved in the investigation of complaints and discharging the Government's obligations in relation to supervisors appointed to failed finance broking businesses under the *Finance Brokers Control Act 1975*. The Task Force became a permanent branch in the Ministry's Industry and Consumer Services Directorate during April 2001.

Ministry staff supported the Finance Brokers Supervisory Board in implementing initiatives aimed at further protecting those who deal with finance brokers licensed to handle private investors' funds. For example, an initiative commenced in 2001 demands that brokers who renew unrestricted business certificates are required to submit six monthly audit reports to the Board. These brokers also are required to hold professional indemnity insurance as a condition of their licences.

Fair Trading staff developed a website for the Finance Brokers Supervisory Board containing information relevant to both the industry and its customers. The website was put on-line during April 2001. In addition, a newsletter for the finance broking industry and its customers was established and two editions were published and distributed between January and June 2001.

Substantial progress was made in the drafting of a Bill to improve protection of consumers using the services of finance brokers. The Finance Brokers Code of Conduct was reviewed and a new Code will be developed. The reviewed Code is expected to improve the level of information that finance brokers will be required to provide to consumers and new rules will strengthen controls on the activities of finance brokers.

Complaints

Officers investigating complaints about the finance broking and related industries have cooperated closely with the Police Service. When appropriate, complaints are referred to the Fraud Squad and have resulted in charges being laid.

Funding for Supervisors and Liquidators

During 2000-2001, the Government continued to fund the activities of supervisors appointed to Global Finance and Grubb Finance. These supervisors were appointed by the Finance Brokers Supervisory Board to preserve and protect the trust accounts and records of the finance brokers, particularly concerning entitlements of individual investors, until obtaining direction from the courts.

Funding was also provided for certain activities to be carried out by the respective liquidators of Global Finance and Grubb Finance in pursuing recovery action against a director, bank and auditor. If successful, this action will assist investors in maximizing the return of their investment. During February 2001, a supervisor was appointed to Knightsbridge Finance Pty Ltd. The Government continued to fund this supervisor. The Government also provided funding to cover the costs of the liquidator of Knightsbridge Finance Pty Ltd for managing loans in order to ensure that liquidator's fees do not further erode investors' assets.

Gunning Committee of Inquiry into Fair Trading Boards and Committees

On 1 March 2000, the Gunning Committee of Inquiry into Fair Trading Boards and Committees began its task of examining seven boards and one committee within the Fair Trading portfolio. The Committee reviewed the efficiency and effectiveness of the boards and committee, paying particular attention to the functions, powers, structures, procedures, resourcing, and operational costs. The first board reviewed was the Finance Brokers Supervisory Board. The first report of the Gunning Committee was tabled in Parliament on 5 September 2000. This report found that a number of finance brokers, property developers and land valuers had brought about considerable losses to investors through deficient, if not unscrupulous, business practices.

The report made 28 recommendations for changes to legislation governing the finance broking industry and to the policies and procedures of the Finance Brokers Supervisory Board and the Ministry. Cabinet endorsed, in principle, all of the recommendations in this report. Of the 28 recommendations contained in the Gunning Committee's report, most have been, or are being implemented, while the remainder are the subject of active consideration and legal advice.

Legislative Council Select Committee of Inquiry into Finance Broking

Following debate in the Legislative Council on 21 June 2000 that the terms of reference of the Gunning Inquiry were too narrow, and that a more wide-ranging inquiry was required, it was determined that a Select Committee be established to inquire into the finance broking industry.

The Committee was appointed to inquire into and report on the reasons for losses associated with the finance broking industry. Fifty-three witnesses gave evidence to the Select Committee including investors, past and present members of the Finance Brokers Supervisory Board and officers from various government agencies including the Ministry of Fair Trading.

The report released on 7 December 2000 was critical of the actions of finance brokers, borrowers, valuers, lawyers, auditors and their associates involved in the failed investments. The report also criticised the Finance Brokers Supervisory Board and the Ministry in relation to the administration of the *Finance Brokers Control Act 1975*.

The Select Committee made 10 recommendations. The three key recommendations related to a further inquiry into the finance broking industry, provision of financial assistance to investors involved in test cases, and avoidance of expensive court action by seeking agreement over compensation and assistance to investors.

Civil Action Against the Finance Brokers Supervisory Board

On 7 March 2001, the Master of the Supreme Court issued orders for pre-action discovery in respect of Van Stokkum -v- the Finance Brokers Supervisory Board CIV 2704 of 2000. The orders allowed pre-action discovery of files and documents about finance broker Blackburne and Dixon Pty Ltd only. Subsequently, the Finance Brokers Supervisory Board agreed to Consent Orders for discovery of documents by the legal representatives of nine additional plaintiffs in relation to a further nine finance brokers.

The Finance Brokers Supervisory Board requested that the Ministry, through its officers, conduct administration of the pre-action discovery on the Board's behalf. At 30 June 2001, preparation of files and documents for the discovery process was progressing.

Temby Royal Commission of Inquiry into the Finance Brokers Industry

On 24 April 2001 the Premier announced the appointment of Mr Ian Temby QC to conduct a Royal Commission of Inquiry into Western Australia's finance broking industry. Appointment of the Royal Commission required a two-stage process. The Ministry contributed to the first stage by providing a list of approximately 90 development projects that illustrated problems experienced by investors. Staff of the Royal Commission reviewed the list and selected 17 projects to become the focus of in-depth investigation.

The Terms of Reference of the Commission were announced on 8 June 2001. They require the Commissioner *"to inquire into and report on whether there have been unlawful or improper activities or practices relating to the finance broking industry in Western Australia, since 1 January 1994, as evidenced by the conduct of finance brokers, borrowers and those who provided services to them and to lenders, including but not limited to advisers, accountants, auditors, bankers, lawyers and valuers."* (paragraph 1).

The Terms of Reference also require the Commissioner to undertake the Inquiry with particular reference to the 17 development projects (paragraph 2). In addition, the Commissioner is required to report as to whether the conduct of the relevant State regulatory authorities was, in relation to all of the above, adequate in all of the circumstances (paragraph 3). The relevant State regulatory authorities referred to would be the Finance Brokers Supervisory Board, the Land Valuers Licensing Board and the Ministry. The Terms of Reference require the Commissioner to report by 21 December 2001.

The Royal Commission opened on 20 June 2001 and began hearing evidence on 25 June 2001. The initial hearings concentrated on practices in the industry. Hearings in relation to the State authorities will take place during the second half of the Commission's life.

Funding/Support

Consumer Credit Services

In Western Australia, the *Credit Act 1984* and the Consumer Credit Code generally regulate consumer credit contracts. The Commissioner for Fair Trading has a statutory right under the legislation to intervene in matters where consumers encounter difficulties meeting their credit obligations. The role of the Commissioner in such cases is to conciliate between the consumer and credit provider to achieve an outcome that is fair to both parties. In many cases this simply involves negotiating extensions of time to allow consumers to get their personal finances into order.

In 2000-2001, the Ministry renewed its service delivery agreement with the Consumer Credit Legal Service (WA) Inc for the provision of credit education and advice services to consumers. The agreement provides for annual funding of \$100,000 in two six-monthly instalments subject to Consumer Credit Legal Service (WA) Inc meeting performance standards.

Tenancy Advice and Education Program

The delivery of education and advisory services to tenants throughout Western Australia is provided from the surplus in the Rental Accommodation Fund (RAF), which is established under the *Residential Tenancies Act 1987*. The Rental Accommodation Fund is held by Treasury and consists of bond money paid by tenants together with the interest earned.

Total funding of \$674,000 in the 2000–2001 financial year was allocated to the following metropolitan and regional service providers:

- \$279,000 to the Tenants Advice Service.
- \$65,000 each to the Northern Suburbs Community Legal Service in conjunction with the Welfare Rights and Advocacy Service; Gosnells Community Legal Centre in conjunction with Sussex Street Community Law Service; and the Community Legal and Advocacy Centre in conjunction with the Southern Communities Advocacy and Legal Education Centre.
- \$50,000 each to the Pilbara Community Legal Centre; Goldfields Community Legal Centre Inc., Geraldton Resource Centre and the Agency for South West Accommodation.

Performance standards have been put in place against which the service providers are required to report. These reports are required on a six monthly basis. The standards relate to financial, quantity and customer satisfaction aspects of the service delivery. Assessment of performance against these standards is required for accountability purposes, to assist in the evaluation of compliance by the service providers with their contracts.

Following a review of the program and a needs assessment, the Ministry will be extending the service delivery arrangements to the east metropolitan and Kimberley regions in the next financial year and is progressing towards longer-term contractual arrangements.

GST and Home Building: Legal Action

A number of consumers entered into home building contracts with builders where the building work was due to be completed prior to the introduction of the Goods and Services Tax (GST). At the time of the contracts being entered into, builders may have also made representations to consumers about the likely date of practical completion of the building work, or the extent of any GST cost that would be passed onto the consumer.

Due to a wide range of factors, many of the contracts were not completed on time, and therefore ran past 1 July 2000. An issue then arose as to the liability of consumers and builders for the payment of the GST incurred on the goods and services provided under the contracts.

During January 2001, the Commissioner for Fair Trading successfully defended an appeal on behalf of a consumer in the District Court on a complaint involving GST and home building contracts that spanned 1 July 2000. A builder appealed to the District Court against a decision of the Building Disputes Committee which found that the builder could not pass on the costs of the GST incurred after 1 July 2000 to the consumer, under the terms of the home building contract. In this case, the contract did not include a specific clause dealing with the liability for the GST. Following the appeal, the District Court found in favour of the consumer. The builder has lodged an appeal against the decision with the Supreme Court, although there has been no hearing date set.

Although the decision in this case is only binding on this individual consumer's home building contract, the decision sent a clear message that builders can not automatically claim an additional amount for GST from consumers under home building contracts that spanned 1 July 2000, where no specific provision was made with respect to GST.

Housing Indemnity Insurance

The financial collapse of HIH Insurance Limited ('HIH') in March 2001 resulted in serious problems for both the home building industry and for consumers. HIH held a large share of the home indemnity insurance market in Western Australia and without a valid policy being in place, builders could not commence home building work.

The Housing Industry Association ('HIA') continued to provide home indemnity insurance to both HIA members and non-members through Home Owners Warranty ('HOW') on behalf of Royal & Sun Alliance Insurance Australia Limited. In March 2001, Dexta Corporation Limited applied for authorisation to offer home indemnity insurance policies in Western Australia. The application was approved and Jardine's commenced offering insurance on behalf of Dexta Corporation in Western Australia during April 2001. The large number of applications received by Dexta and the stricter financial criteria that it applied resulted in a comparatively lengthy approval process.

On 22 May 2001, the Minister for Consumer Affairs approved an application from Australian Home Warranty Pty Ltd, a third insurer, to operate in the market. Policies could then be issued on behalf of Reward Insurance Limited through the brokers, Saville Hicks. The result was that home indemnity insurance for builders was available from three separate insurers as at 30 June 2001.

Based on its investigations, the Ministry believes that, although a bottleneck was created by the collapse of HIH and some processing delays for applications were still being experienced, home indemnity insurance was available to approved applicants. However, premiums increased during 2001 and the terms and conditions on which home indemnity insurance was offered were sometimes more strict. In the circumstances, builders were advised to approach all insurers to obtain the necessary advice in relation to application processing times and cost.

The Minister for Consumer Affairs established a home indemnity insurance forum comprising members of key stakeholder groups. The forum met weekly and considered short and long-term options for improved insurance arrangements. The forum was to report to the Minister in August 2001.

A Cabinet submission was also prepared proposing a government rescue package to assist homeowners who are currently covered by home indemnity insurance certificates issued by HIH, but who were not able to recover under a valid claim. It is anticipated that the rescue package will also assist builders progressing with work under home indemnity insurance certificates issued by HIH. In addition, builders who lodged building licence applications with local authorities prior to 15 March 2001 using certificates issued by HIH should be able to obtain building licences with a view to commencing work.

Info4pc

On 30 September 2000, Info4pc Pty Ltd advertised on the Internet and local media offering brand new computers for \$299. Full payment was needed up-front with a waiting time for delivery of up to 10 weeks. A condition on the sale price was that buyers had to complete a monthly questionnaire for up to three years. The company stated their intention was to on-sell the questionnaire data to businesses seeking marketing information about consumers.

The Ministry was concerned about the company's ability to supply computers at this price and by the fact that an identical business operation overseas had left thousands of consumers suffering losses. On 4 October 2000, the Ministry issued a general media release warning consumers and on 12 October 2000 the Ministry publicly named the company and issued further warnings to consumers. On 19 December 2000, the Ministry lodged an action against Info4pc Pty Ltd in the Supreme Court in Perth, for an injunction under the *Fair Trading Act 1987* on the basis that the company's operations breached the bait advertising provisions of the Act and the company was guilty of deceptive conduct.

As a result of the Ministry's action in the Supreme Court, the defendant's counsel gave an enforceable undertaking that the company would cease from advertising and accepting orders for computers in WA. This undertaking was later extended to include freezing of the company's accounts.

In January 2001, the Australian Competition and Consumer Commission (ACCC) sought the assistance of the Ministry to institute proceedings in the Federal Court on identical grounds to the Ministry's actions in the Western Australian Supreme Court. Consequently, an injunction was granted by the Federal Court to restrain Info4pc Pty Ltd from advertising or accepting orders for computers and the company was prohibited from using its bank accounts. Since mid-January 2001 the company's doors have been closed.

Court actions since January 2001 revealed that around \$300,000 was transferred from the company's accounts to a bank in Spain, contrary to the enforceable undertakings given by the company. Accordingly, contempt proceedings were initiated in both the Federal and Supreme Courts. These proceedings remain ongoing.

The Ministry's co-ordinated approach of using public warnings and court action ensured that consumers were made aware of the dangers in dealing with Info4pc Pty Ltd.

Motor Vehicles Legislation

A Green Bill proposing important changes to the Motor Vehicle Dealers Act was tabled in Parliament in October 2000. The Bill was the basis for consultation to progress issues such as a new warranty regime for used vehicles (including, for the first time, used car warranties on second-hand four wheel drive vehicles), and an increase in the disciplinary powers of the Motor Vehicle Dealers Licensing Board.

A state-wide survey of consumers and industry consultation forums were conducted to assess the need for the regulation of the motor vehicle repairers industry. Proposals to license repairers, register tradespersons, and regulate equipment standards are among some of the issues that will be further assessed and costed in the coming year. Consultation with industry and consumer groups is presently being conducted through a discussion paper on a proposal to establish a single Motor Vehicle Industry Board to regulate both motor vehicle dealers and motor vehicle repairers.

Western Australia is the only State with a system like FuelWatch – putting Western Australian motorists in a far more advantageous position than consumers anywhere else in Australia. Highly successful partnerships with metropolitan and regional television and radio stations, combined with consumers' direct access to the website and IVR services mean that nearly one million Western Australians see *FuelWatch* information daily.

The *FuelWatch* database also enables the Ministry to analyse the pricing patterns and market behaviour of the petroleum industry in Western Australia. This enhances the provision of quality advice to the Government and therefore provides greater protection of the public interest in the pricing of motor fuels.

Other major initiatives undertaken during the year include:

- The establishment of a Maximum Wholesale Price for all motor fuels from 12 April 2001, providing price transparency at the wholesale level. This initiative also gives retailers and distributors the opportunity to “spot purchase” fuel at a price lower than they may be able to make under their contracted arrangements.
- Amendments to the *Petroleum Retailers Rights and Liabilities Act 1982* via the *Petroleum Products Pricing Amendment Act 2001* allow retailers who have entered into, renewed or otherwise amended their contract with their primary supplier after 10 February 2001 (the date of the WA election), to purchase up to 50 per cent of their fuel supplies from someone other than their primary supplier.
- The drafting of new regulations requiring fuel retailers in a major regional centre (Albany) to display fuel prices on mandatory sign boards and fuel terminals to display wholesale prices both of which will be implemented early in 2001-2002.

These and other initiatives planned for the new year (including the setting of retail price caps in major regional centres) are aimed at achieving two key objectives:

- increasing price transparency at the wholesale and retail levels; and
- reducing the differential between the city and country prices.

Significant progress was made during the year to address the transparency issues at both the retail and wholesale levels. The focus in 2001-2002 will be on addressing the major issue of the price differentials for regional motorists.

Product Safety

The Ministry implemented a range of product safety initiatives during the year. The Product Safety Orders and Regulations were extensively reviewed during 2000-2001. The review has resulted in greater alignment of Western Australian and Commonwealth product safety standards. This project has provided greater clarity for consumers and industry due to consistent standards being established and the identification of additional changes that may be required in relation to jurisdictional matters and education.

In addition, a new skimmer box brochure and strategy for distribution was developed in consultation with the Royal Life Saving Society and Local Government as part of a pool fence inspection program. The Ministry also undertook research projects considering possible product safety standards for domestic trampolines and domestic household furniture as well as participating in a national enforcement officer's seminar to discuss cross border enforcement issues for product safety.

REVS for Boats

On 14 May 2001, the register of encumbered vehicles that protects consumers from financial loss was extended to cover recreational boats.

If a consumer purchases an encumbered boat and it is repossessed by a finance company, the consumer could lose their entire investment. The changes to the REVs system means that consumers buying a boat privately or through a boat dealer can ring REVS to check if there is money owing on the vessel by the previous owner. It is also hoped that this process will help to prevent boat theft. To introduce these changes, Ministry of Fair Trading staff worked closely with the Department of Transport, the WA Police Service (water police section) and the WA boating industry.

Trade Measurement

The Ministry undertook various initiatives in the trade measurement industry throughout the year, including:

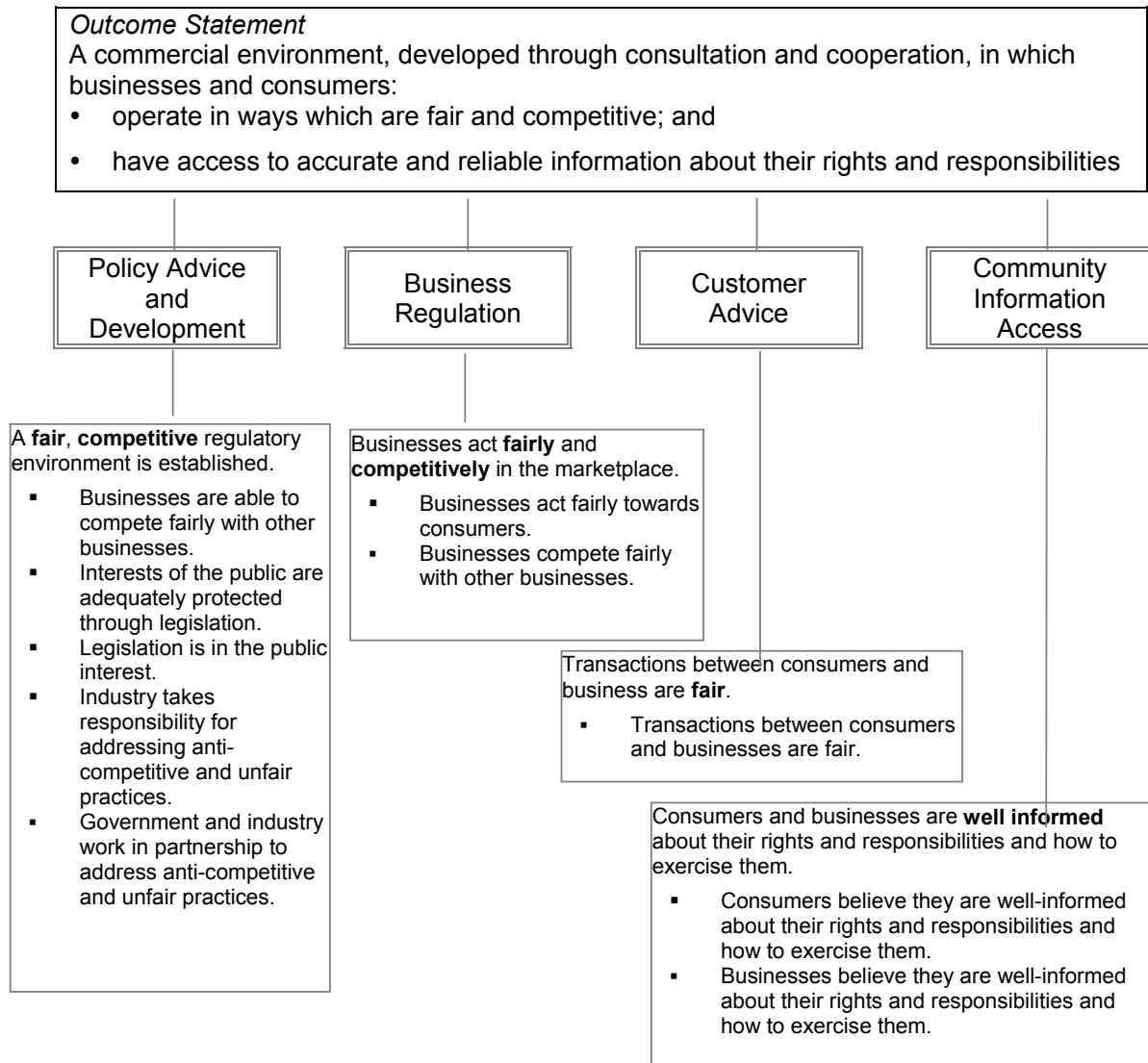
- conducting extra inspections in regional areas with the aim of improving compliance in the non-metropolitan area, particularly in fuel;
- commencing a concentrated inspection program of LPG (Liquefied Petroleum Gas) pumps; and
- carrying out a firewood media campaign and an education program with firewood merchants, together with a successful prosecution against a firewood merchant.



PERFORMANCE MEASURES

Relationship Between Output Areas and Performance Measures

The Ministry of Fair Trading's Strategic Plan identifies four outputs that are delivered to the Western Australian community. During 1998-99 the strategic framework, including impact statements and impact measures for each output area, was devised. This framework helps identify links between the outputs of the Ministry and the outcome desired by Government. This diagram illustrates these relationships.



Effectiveness Performance Indicators

Effectiveness in achieving the outcome of the Ministry is assessed in terms of the extent to which:

- the marketplace is fair;
- the marketplace is competitive; and
- the marketplace is well informed;

with the marketplace being the Western Australian market for goods and services.

The two key stakeholder groups in the marketplace are consumers and businesses. Since 1997 both businesses and consumers have been surveyed in order to collect data for the effectiveness performance indicators reported in the Annual Report of the Ministry. The data collected provides a baseline indicating perceptions of both groups of stakeholders. It was intended that the two stakeholder groups, consumers and business, would be surveyed in alternate years, although when possible the Ministry undertakes the surveys for both groups in the same year.

Both businesses and consumers were surveyed in 2000-2001 to collect data for the effectiveness performance indicators. The survey methodology is summarised below.

Consumers

A survey of 400 Western Australian consumers was undertaken by a private research firm, The Boshe Group, during November 2000 and February 2001. A sample size of 400 enables a maximum sampling error of $\pm 5\%$ (at the 95% confidence level). That is, for the proportions presented in the tables, we can be 95% confident that the “true” population proportion lies within $\pm 5\%$ of the proportion shown.

The sample was generated from a database called ‘Marketing Pro’ which is in turn sourced from the White Page listings. Respondents in the household were selected using the “birthday method” whereby the interviewer requested to speak to the person currently in the household who was next in line to celebrate his or her birthday. A response rate of 21.7% was achieved as 400 people agreed to participate in the survey and 1441 people refused.

Businesses

A survey of Western Australian businesses was undertaken by a private research firm, The Boshe Group, during November 2000 and February 2001. A sample size of 400 was aimed for to enable a maximum sampling error of $\pm 5\%$ (at the 95% confidence level). A total of 402 businesses agreed to participate in the survey. Based on the actual sample size, we can be 95% confident that the “true” population proportion lies within $\pm 5\%$ of the proportions presented in the tables.

The sample was generated from a database called ‘Marketing Pro’ which is in turn sourced from the Yellow and White Page listings. For the purpose of this survey only those businesses who deal directly with the public were interviewed.

Figure 1: To indicate a fair commercial environment

	1997-1998	1998-1999	1999-2000	2000-2001	Target
The extent to which business operators believe businesses generally act fairly toward consumers.	79.3%	No survey	84.3%	82%	80%
The extent to which consumers believe businesses generally act fairly toward consumers.	65.8%	66.4%	70.6%	67.7%	70%

Figure 1 provides a comparison of results over years from business and consumers in response to questions measuring their perception of a fair commercial environment. For 1999-2000 there was a slight increase in the number of respondents, both consumers and businesses, who believed that businesses generally act fairly towards consumers. The 2000-2001 results have fallen slightly from the 1999-2000 figure.

The Ministry of Fair Trading defines a fair commercial environment to be one in which businesses:

- Provide consumers with accurate information about standards and availability of goods and services; and
- Act fairly in relation to consumers.

Figure 2: To indicate a competitive commercial environment

	1997-1998	1998-1999	1999-2000	2000-2001	Target
<i>Even though they are affected by regulations and restrictions :</i>					
The extent to which business operators believe they are able to compete fairly with other businesses.	80.2%	No survey	79.9%	79.3%	80%

Figure 2 provides the survey results of the extent to which business operators believe they are able to compete in a fair and competitive environment. The figure shows virtually no change in the three survey periods. This demonstrates that the perception of a competitive commercial environment has been fairly stable during the period of the three surveys.

The Ministry of Fair Trading determines a competitive commercial environment to be one in which business operators believe that:

- Regulations which affect their business are necessary to protect the public;
- Even though there are regulations about how business can operate, their business is able to compete fairly with other businesses, and
- The way in which regulations are determined are clear and understandable.

Figure 3: To indicate an informed market place

	1997-1998	1998-1999	1999-2000	2000-2001	Target
The extent to which business operators believe they are well informed about their rights and responsibilities.	84.5%	No survey	82%	76.8%	80%
The extent to which consumers believe they are well informed about their rights and responsibilities.	65.3%	72.7%	67.5%	66.7%	70%

Figure 3 provides the results, over years, of business operators and consumers in response to questions measuring their perception of an informed marketplace. The results indicate that the perception of business operators has remained fairly constant. The results for consumer perceptions denote a slight drop in the extent to which consumers believe they are well informed about their rights and responsibilities.

The Ministry of Fair Trading determines an informed market place to be one in which businesses and consumers are aware of:

- The existence of laws concerning rights and responsibilities;
- The existence of information concerning rights and responsibilities; and
- The existence of dispute resolution services.

Efficiency Performance Indicators

Efficiency Performance Indicators have been calculated for each of the four output areas of the Ministry. The Indicators are based on cost measures for the output areas as published by Treasury in the Budget Papers for 2000-2001. In adopting these Efficiency Performance Indicators, the Ministry is further developing the use of unit costs as indicators of efficiency in each of its output areas.

The efficiency indicators are calculated by distributing total expenditure in accordance with the proportion of operational staff time devoted to delivering each output. The efficiency indicators duplicate the cost performance measure required under the Ministry's output based management commitments to Treasury.

The Ministry's total expenditure for 2000-2001 includes the atypical items outlined in Table1. These items are not directly attributable to the production of the Ministry's reported outputs. Consequently, the cost associated with these items has been excluded from the calculation of the Ministry's efficiency indicators.

Table 1: Atypical Items

<i>Item</i>	<i>Cost 2000-2001</i>	<i>Overview</i>
Gunning and Select Committee Inquiries	\$1,135,941	The Gunning Committee of Inquiry into Fair Trading Boards and Committee and the Upper House Select Committee of Inquiry into the Finance Broking Industry were undertakings of the WA Government for which the Ministry incurred costs in responding. Additionally, the Ministry was a conduit for the funding provided by Treasury for the Gunning Committee of Inquiry.
Special Investigations	\$3,712,130	Special Investigations is the term used to present the administration of costs for supervisors and administrators appointed to Grubb, Global and Knightsbridge finance brokers.
Direct Support to Boards	\$ 465,941	The costs recorded against Direct Support to the Boards are costs incurred by the Real Estate and Business Agents Supervisory Board and the Settlement Agents Supervisory Board which are paid, in the first instance, by the Ministry. The costs are fully recoverable from the Boards.

Table2: Efficiency Performance Indicators for the Output Areas of Policy Advice and Development, and Community Information Access

<i>Efficiency performance indicator</i>	<i>Actual cost for 1999-00</i>	<i>No. of services provided 1999-00</i>	<i>Average cost for 2000-2001</i>	<i>No. of services provided 2000-01</i>
<i>Output area : Policy Advice and Development²</i>				
Average cost per Competition Policy Review	\$109,087	3.40	\$178,082	1.2
Average cost per major policy project	\$264,096	2.85	\$97,887	10.2
Average cost per policy project	\$19,156	24.65	\$22,229	25.9
Average cost per routine policy task	\$968	732	\$646	1,118
<i>Output area : Community Information Access³</i>				
Average cost per community information development project	\$25,868	14	\$28,750	15.7
Average cost per community information service	\$0.94	771,028	\$0.11	7,483,348

² Efficiency indicator for the Policy Advice and Development Output Area was reported as Cost per 1000 head of population for 1998-99.

³ Efficiency indicator for the Community Information Access Output Area was reported as Cost per 1000 head of population for 1998-99.

Table 3: Efficiency Performance Indicators for the Output Areas of Business Regulation and Customer Advice

<i>Efficiency performance indicator</i>	<i>Actual cost for 1998-99</i>	<i>No. of services provided 1998-99</i>	<i>Actual cost for 1999-00</i>	<i>No. of services provided 1999-00</i>	<i>Average cost for 2000-01</i>	<i>No. of services provided 2000-01</i>
<i>Output area : Business Regulation</i>						
Average cost per registration service	\$7.30	327,598	\$7.04	328,719	\$4.36	643,834
Average cost per licensing service	\$135	8,777	\$69	19,918	\$113	14,158
Average cost per compliance action and sanction for breach of regulation	\$274	12,624	\$193	25,590	\$156	41,775
Average cost of Standards Notifications by the Prices Commissioner	New service				\$3.00	1,988
<i>Output area : Customer Advice</i>						
Average cost per advice service	\$4.10	468,123	\$3.25	653,442	\$3.05	786,620
Average cost per ministerial correspondence	Service previously included with conciliation service				\$628	1,435
Average cost per conciliation service	\$325	6,061	\$309	6,633	\$369	5,467
Average cost per application for Home Buyers Assistance	\$143	1,590	\$151	1,496	\$166	1,284

Efficiency Indicators for Policy Advice and Development and Community Information Access Output Areas

The 1998-1999 performance measures for the Policy Advice and The 1998-99 performance measure for both the Policy Advice and Development and Community Information Access output areas was the cost of delivering output per 1,000 head of population. During 1999-2000 the Ministry established mechanisms for unit costing in each of these output areas. This year is the second year in which the unit cost of services delivered has been used as efficiency indicators for the Policy Advice and Development, and Community Information Access Outputs.

In general, the services provided within the Policy Advice and Development, and Community Information Access Output Areas, excluding Community Information Development Projects, are demand driven. The number of Community Information Development Projects is determined by the Ministry in response to specifically identified issues within the marketplace. The varying complexity of each project included in these service areas can impact upon the quantity and cost of service delivery.

The total cost of the output area Policy Advice and Development includes \$1,135,941 which was allocated to the Gunning Inquiry into Fair Trading Boards and Committees, and the Legislative Council Select Committee into the Finance Industry in Western Australia. This funding has not been incorporated in the performance indicators.

Efficiency Indicators for Business Regulation and Customer Advice Output Areas

The Business Regulation and Customer Advice Output Areas deliver a large number of individual services directly to members of the public. Both are demand driven, responding to requests for services from customers or to specific situations that occur in the marketplace.

The total cost of the Business Regulation output area includes funding for supervisors in relation to finance brokers of \$3,718,475 and annual cost of direct support to the Boards of \$465,941. These funds have not been included in the performance indicators.

Efficiency Indicator Explanation of Result Variations

There are noteworthy differences between the previous years and this years actual efficiency indicator results for a number of the Ministry's service activities. The Ministry has identified various factors contributing to the results:

- The significant increase in the complexity of delivering services in several areas;
- The management of the Government commitment to regulating the WA Fuel Industry;
- The continuing need to respond to issues within the WA Finance Broking Industry; and
- The impact of increases in staffing levels.

REPORT ON OPERATIONS

Output Area 1: Policy Advice and Development

Description

The area of Policy Advice and Development is concerned with the development and maintenance of broad legislative and policy frameworks through:

- Reviewing legislation and introducing amendments when necessary.
- Analysing the performance of industries and how this relates to the Ministry's responsibilities.
- Providing policy advice within the Ministry's portfolio.
- Providing accurate and timely policy advice to the Minister for Fair Trading.

Objective

To promote a commercial environment that maximises competitive opportunity and safeguards the public interest by establishing a policy and legislative framework that supports the needs of all participants in the market.

This is being achieved by:

- Advising on and developing policy.
- Analysing the performance of specific industries in the marketplace.
- Reviewing legislation in relation to competition policy.
- Making recommendations on and amending legislation.
- Providing policy advice and support for administering legislation within the fair trading portfolio.
- Reviewing and analysing the commercial environment.
- Facilitating the development of processes that encourage fairness and equity.

Strategies

Our strategies include:

- Managing our National Competition Policy obligations.
- Developing strategic policy responses to market challenges.
- Planning, introducing and evaluating innovative services.

The following table outlines the Ministry's measures and commitments according to our Output Based Management structure with a comparison to the 1999-2000 financial year:

Table 4: Policy Advice and Development Performance Measures⁴

	2000-2001 Target	2000-2001 Actual	1999-2000 Actual
Quantity⁵			
Competition Policy Reviews	2	1.2	3.4
Major policy projects	7	10.2	2.85
Policy projects	10	25.9	24.65
Routine policy tasks	700	1,048	732
Quality			
Competition Policy Review reports accepted by the Minister	100%	100%	100%
Major policy projects meeting quality standards	90%	100%	100%
Policy projects meeting quality standards	90%	90%	100%
Routine policy tasks meeting quality standards	90%	100%	100%
Timeliness⁶			
Competition Policy reviews on target with State timetable	80%	80%	58.3%
Major policy projects completed within planned timeframes	90%	85.7%	33.3%
Policy projects completed within planned timeframes	90%	100%	82%
Routine policy tasks completed within planned timeframes	90%	90%	100%
Efficiency Indicator and Unit Cost			
Average cost per Competition Policy Review	\$123,000	\$178,082	\$109,087
Average cost per major policy project	\$114,000	\$97,887	\$264,096
Average cost per policy project	\$45,150	\$22,229	\$19,156
Average cost per routine policy task	\$1,414	\$646	\$968

Quality

The quality of policy projects, including Competition Policy, Major and Routine policy tasks are evaluated for quality based on acceptance by the highest ranking officer that receives the policy product. As can be seen in Table 5, the officer may be a Director within the Ministry or the Minister responsible for Fair Trading. The results for 2000-2001 are provided within the table.

Table 5: Quality Standards and Results for Each Area of Policy

Type of Policy Activity	Target	Actual
% of Competition Policy Review reports accepted by Minister	100%	100%
% of Major policy projects accepted by Minister	90%	100%
% of Policy projects accepted by Minister or relevant Director	90%	90%
% of Routine policy tasks accepted by the relevant Director	90%	100%

⁴ Comparative data in the 1998-1999 financial year is not relevant, due to extensive changes in the reporting methodology.

⁵ The system used for counting policy projects in the past resulted in an entire project being counted in the year it was completed. As this is no longer the case, only portions of policy projects completed during the 1999-2000 have been reported. The original forward estimates were made using the old measures.

⁶ Details underpinning these results are provided within the body of this section. The detailed information provides a more comprehensive representation of the Ministry's performance.

National Competition Policy Reviews

The central aim of National Competition Policy (NCP) is to help reduce prices to Australian households and costs to businesses, and to help make our industries more cost competitive. The introduction of reforms will not be based on economic principles alone, but is guided by a public interest test. The public interest test is broadly based with economic values being given no more weight than social and environmental considerations. That is, reforms are to be introduced only when they will benefit the general community.

This year the Ministry progressed National Competition Policy (NCP) reviews of more than twenty areas of legislation, including existing and new legislation. The NCP process adopted broad public consultation to take account of the views of industry, industry clients, consumers and the public as a whole.

Timeliness

To measure the timeliness of National Competition Policy Reviews, the Ministry establishes planned target dates for the completion of set milestones within the project. Table 6 provides the results for the % of times each milestone was achieved by the target date.

Table 6: *Timeliness Standards for National Competition Policy Reviews*

% of NCP reviews completed by target date	Target	Completed at target date
Consultation document published	80%	100%
Consultation process finalised	80%	79%
Reports submitted to Treasury	80%	49%
Actual Timeliness Performance	76%	

Major Policy Projects

Major policy projects are those that are rated as being highly complex. Such projects are likely to involve considerable consultation with a broad range of stakeholders, and significant development, review and/or amendment of legislation, regulations or codes of conduct.

Timeliness

To measure the timeliness of major policy projects, the Ministry establishes planned target dates for the completion of each project. Timeliness has been measured by monitoring the number of projects for which the final milestone was achieved by the target date. Table 7 provides the timeliness results of projects for which targets dates were to be achieved during 2000-2001.

Table 7: *Timeliness Performance for Major Policy Projects*

% of major projects completed by target date	Target date	Completed on time
Builders Legislation Amendment Act	Dec 2000	Yes
Consumer Credit (WA) Amendment Act	Sept 2000	Yes
Motor Vehicle Dealers Amendment Bill	Oct 2000	Yes
Fair Trading Amendment Bill	Oct 2000	Yes
Petroleum Products Amendment Bill 2000	Nov 2000	Yes
Petroleum Products Amendment Bill 2001	May 2001	Yes
Motor Vehicle Repairers Bill	Dec 2000	No
Actual Timeliness Performance	85.7%%	

Policy Projects

There are a number of general policy projects that impact on the policy framework administered by the Ministry of Fair Trading. Such projects are included within this service delivery area.

Timeliness

To measure the timeliness of policy projects, the Ministry establishes planned target dates for the completion of each project. Timeliness has been measured by monitoring the number of projects for which the final milestone was achieved by the target date. Table 8 provides the timeliness results for projects that were required to meet final milestone completion dates during 2000-2001.

Table 8: Timeliness Standards for Policy Projects

% Policy projects completed by target date	Target date	Completed on time
Consumer Credit Amendment Regulations	Oct 2000	Yes
Petroleum Products Pricing Regulations	Jan 2001	Yes
Business Names Regulations	Dec 2000	Yes
Hull Identification Number (HINS) Project	May 2001	Yes
Public Sector Review Project	Jan 2001	Yes
Painters Regulations	May 2001	Yes
Actual Timeliness Performance	100%	

Routine Policy

Timeliness

To measure the timeliness of routine policy tasks, the Ministry monitors the number of tasks that are completed by the required date. Required dates are determined by the Minister or Chief Executive as they are usually the recipient of the briefing note or speech. Table 9 provides the results for the % of times each task was completed by the required date.

Table 9: Timeliness of Routine Policy Tasks

Routine Policy Tasks	Target	Actual
% Briefing notes completed by due or negotiated due date	90%	90%
% Speeches completed by due or negotiated due date	100%	100%
Actual Timeliness Performance	95%	

Output Area 2: Community Information Access

Description

The Ministry provides information to the community through various strategies and networks, according to the needs of different groups of consumers and traders. Access to information enables the community to be better informed about fair trading issues. Reliable information also encourages fair and competitive behaviour through a range of strategies, including publications, events, seminars and the provision of online information.

Objective

The Ministry seeks to enhance community knowledge and understanding by:

- Promoting fair trading values and standards.
- Developing community networks and using technology to make it easier for people to access information.
- Developing strategic alliances with businesses and other organisations.

Strategies

Strategies to increase community access to fair trading information include:

- Maximising the use of existing community networks to reach all Western Australians.
- Actively creating and nurturing networks of government and non-government agencies and individuals.
- Developing skills and technology to maximise information management and access.
- Obtaining, managing and enhancing reliable, current and relevant fair trading information for the Western Australian community.

The following table outlines the Ministry's measures and commitments according to our Output Based Management with a comparison to the 1999-2000 financial year:

Table 10: Community Information Access Performance Measures⁷

	2000-2001 Target	2000-2001 Actual	1999-2000 Actual ⁸
Quantity			
Community information development projects	9	15.7	14
Units of information provided to the community	275,00	7,483,348	771,028
Quality			
Customers satisfied with information initiatives	90%	91%	92.6%
Customers satisfied with on-line information access	80%	Not measured	Not measured
Customers satisfied with other information access	90%	98%	Not measured
Timeliness			
Community information development projects meeting required timeliness	100%	100%	100%
Community information services meeting required response and turnaround times	95%	97%	96%
Efficiency Indicator and Unit Cost			
Average cost per community information development project	\$34,000	\$28,750	\$25,868
Average cost per community information service	\$3.37	\$0.79	\$0.94

Community Information Development Projects

The Ministry's commitment to providing the community with specific awareness raising projects is usually planned in response to emerging issues or to address problem areas within the WA marketplace. This year a number of information projects were developed and implemented with a degree of swiftness due to heightened community needs.

Quality

Generally it is the Ministry's aim to evaluate Community Information Development Projects for customer satisfaction. Many significant and urgent issues arose during 2000-2001 which impacted upon the time available to include evaluation processes for many projects. The need to implement particular information dissemination strategies without delay resulted in evaluation processes not being planned or undertaken for many of the projects.

⁷ Comparative data with the 1998-1999 financial year is not relevant, due to extensive changes in the reporting methodology.

⁸ Details underpinning these results are provided within the body of this section. The detailed information provides a more comprehensive representation of the Ministry's performance.

The following table outlines the Community Information Development Projects and, when completed, the customer satisfaction results.

Table 11: Quality of Community Information Development Projects

Community Information Development Project ⁹	Target % of customers satisfied	Actual satisfaction rating ¹⁰
Finance Brokers Supervisory Board Quarterly Newsletter	No target set as evaluation not planned.	Not evaluated
Finance Brokers Supervisory Board Website		Not evaluated
Fuelwatch Introduction of New Legislative Requirements to Fuel Retailers.		Not evaluated
Fuelwatch General Community Fuel Price Communications		Not evaluated
Fuelwatch Regional Outreach Strategy		Not evaluated
Fuelwatch Prices Commissioner's Forums		Not evaluated
Fuelwatch Community Email Subscription Service		Not evaluated
Ideal Home Show	90%	99%
Licensing Kit for Real Estate Agents	90%	96%
Fidelity Guarantee Fund Project	90%	92%
Firewood Traders Education Strategy	90%	TBA
Retailers Advertising Guide	90%	80%
Royal Show	90%	Not evaluated
Small Business Expo	90%	88%
Performance 2000-2001	90%	91%

Timeliness

Community Information Development Projects are significant projects that aim to increase community awareness about specific fair trading issues. The target dates for completion of these projects vary. Albeit, it is usually the aim of the Ministry staff to complete, and evaluate for customer satisfaction, the projects by the target date. This year the planned activity for many of the projects did not include evaluation. Therefore the timeliness results do not include the completion of evaluation processes unless such processes were planned.

⁹ Various evaluation methodologies, sample sizes and response rates apply for each of the customer satisfaction evaluations of the Community Information Development Projects. Therefore the confidence levels for the results are not consistent.

¹⁰ % of respondents satisfied or very satisfied.

Ongoing Community Information Services

In addition to community information development projects, the Ministry delivers a number of ongoing services to the public. A summary of the different forms of community information is represented in the following table.

Quantity

Table 12: Quantity of Ongoing Community Information

Ongoing Community Information	Quantity
Number of press releases issued	105
Number of press releases and syndicated columns issued through regional offices	35
Number of media initiated contacts	884
Number of on-line pages visited	733,655
Number of enquiries of notified prices to IVR	7,301
Number of contacts at shows and expos	7,207
Number of publications distributed	285,360
Number of Fuelwatch price advices provided to media outlets	6,448,801
Total Ongoing Community Information Services	7,483,348

Quality

To measure the quality of Community Information Services, the Ministry commissioned private consultants to conduct a survey to evaluate customer satisfaction. Recipients of a variety of the Ministry's publications were sent a self-completion questionnaire to provide feedback about various aspects of service delivery and overall satisfaction. At the 95% confidence level a sample error of +/- 10% was achieved.

Overall, the results were very positive. The ministry's publications appear to be well received, with:

- 95% of respondents finding that the publication improved their knowledge;
- 91% of respondents finding that the publication helped resolve the situation they were in; and
- 98% being satisfied or very satisfied with the publication in general.

Additionally, respondents were able to provide feedback on how particular publications could be improved. Few respondents made any specific suggestions. Comments that were made will be used by Ministry staff when reviewing the production of the relevant publications.

Timeliness

As a part of the Ministry's commitment to the provision of community information, timeliness standards and targets are set for the provision of requested publications. The standard and target for the distribution of publications is that requested publications will be sent within two working days of the request. The Ministry's target is that this will occur at least 95% of the time. During 2000-2001, 97% of requests were sent out within two days of being requested.

Output Area 3: Business Regulation

Description

This output includes activities required by law, including licensing and registration for a group of industries, monitoring compliance with relevant laws and, where necessary, applying sanctions.

Objective

The Ministry administers a regulatory framework that:

- Maintains appropriate commercial standards.
- Allows ready detection, remedies and, where necessary, the application of sanctions for unfair and/or unlawful business practices.

Strategies

To effectively administer the fair trading regulatory framework the Ministry employs a number of strategies, including:

- Compliance checks in the marketplace.
- Investigation of complaints.
- Licensing people from relevant occupations to ensure they are suitably qualified.
- Developing alternative enforcement approaches.
- Maximising the use of technology.
- Achieving economies of scale by developing formal liaison mechanisms with related agencies.

This table outlines the Ministry's measures and commitments according to our Output Based Management structure, with comparisons to the 1998-1999 and 1999-2000 financial years.

Table 13: Business Regulation Performance Measures

	2000-2001 Target	2000-2001 Actual	1999-2000 Actual	1998-1999 Actual
Quantity				
Compliance actions and sanctions for breaches of regulation	12,000	41,775	25,590	12,624
Licensing services	14,000	14,158	19,918	8,777
Registration services	320,000	643,834	328,719	327,598
Standards Notifications by the Prices Commissioner	-	1,988	-	-
Special investigation	1	1	2	N/A
Direct Support to Boards	-	1	-	-
Quality¹¹				
Compliance and application of sanctions that met standards	80%	Not measured	100%	Not measured
Customers satisfied with licensing services	90%	89%	93% ¹²	Not measured
Customers satisfied with registration services	90%	93%	92.7% ¹³	87.7% ¹⁴
Notification of Standards by the Prices commissioner that met quality standards	n/a ¹⁵	-	-	-
Timeliness				
Compliance and application of sanctions that met timeliness standards	80%	89%	94.1%	Not measured
Response time standards met for licensing services	85%	87%	92.8%	96% ¹⁶
Response time standards met for registration services	85%	88%	92.4%	
Notification of Standards by the Prices commissioner that met timeliness standards	New service ¹⁷	-	-	-
Efficiency Indicator and Unit Cost				
Average cost per compliance and application of sanctions	\$401	\$156	\$193	\$274
Average cost per licensing service	\$97	\$113	\$69	\$135
Average cost per registration service	\$7.59	\$8.21	\$7.04	\$7.30
Average cost per Notification of Standard by the Prices Commissioner	-	\$5.60	-	-
Annual Cost of Special Investigations	\$738,000	\$3,718,475	\$1,744,372	Not applicable

¹¹ Details underpinning the quality and timeliness results are provided within the body of this section. The detailed information provides a more comprehensive representation of the Ministry's performance.

¹² Evaluation of customer satisfaction for licensing services conducted in fourth quarter 99-00.

¹³ Evaluation of customer satisfaction for registration services conducted in fourth quarter 99-00.

¹⁴ Evaluation of customer satisfaction for registration services conducted in April-May 1999.

¹⁵ This item was introduced during 2000-2001, standards are still being developed.

¹⁶ Reported as one result, as a compilation of services within each service area.

¹⁷ This service was introduced during 2000-2001. Performance measures are being developed.

Registration Services

Registration services provided by the Ministry include the **Register of Encumbered Vehicles (REVs)**, **Business Names** and the **Bond Administrator**.

The function of **REVs** is to keep a register of all WA vehicles that are *encumbered* – that is, have money owing on them, or are being used as security for a loan. Potential purchasers of used cars can call Fair Trading and find out whether a car has a registered encumbrance. Verbal advice is provided free of charge, however inquirers are encouraged to purchase a written confirmation via certificate. This costs \$10, and provides a guarantee that no encumbrance can be applied.

The function of **Business Names** is to keep a public register of WA business names. Western Australian law requires any person who wishes to run a business under a name that is not their own, or that of a company, must register that name with Fair Trading.

When a tenant is required to pay a security bond, under a residential tenancy agreement, the money is required to be held with an authorised financial institution, in a real estate agent's trust account, or with the **Bond Administrator**. The Bond Administrator's function is administered by the Ministry of Fair Trading, which is currently the largest single holder of tenancy bonds in WA.

The following table is a summary of the quantity of registration services from these three areas.

Quantity

Table 14: Quantity of registration services provided 2000–2001

Activity outputs	2000-2001 Actual
Number of encumbrances registered with REVs	189,619
Number of Bills of Sale lodged	1,750
Number of Bills of Sale discharged	22
Number of bonds lodged	30,858
Number of bonds disposed	27,351
Number of new business names, incorporated associations and limited partnerships registered	27,701
Number of business names, incorporated associations and limited partnerships renewed	40,529
Number of business name registrations for which details were changed	24,315
Number of price changes from retailers to IVR	102,358
Number of price changes from retailers online	199,331
Total Registration Services	643,834

Quality

As a part of the Ministry's endeavour to understand the service requirements of customers and to evaluate performance, surveys are conducted to collect customer feedback. During 2000–2001 questionnaires were sent to customers who had used one of the Ministry's registration services. The majority of respondents agreed that the Ministry provided good service in all aspects of service delivery.

The three areas that comprise the Ministry's registration services are, Business Names, Registration of Encumbered Vehicles (REVs) and Tenancy Bonds. Overall satisfaction with each area of service was higher than the target of 90%. This result has remained consistent throughout the three years that customer satisfaction data has been collected. Table 15 depicts the actual results for each area, 1999, 2000 and 2001.

Table 15: Quality of Service Received Overall

Service	Target	2000-2001	1999-2000	1998-1999
Business Names	90%	93%	93%	91%
REVs	90%	95%	95%	93%
Tenancy Bonds	90%	92%	95%	91%
Performance 2000-2001	90%	93%	93%	92%

Timeliness

To measure the timeliness of registration services, the Ministry sets performance standards that it aims to meet on 85% of all occasions. The following table is a summary of these standards.

Table 16: Timeliness of Registration Services

Performance Standard	Target	2000-2001 Actual
% of Business Names lodgements served within 12 minutes	85%	84%
% of Business Names extract enquiries served within 8 minutes	85%	96%
% of Business Names calls answered within 2 minutes and 30 seconds	85%	97%
% of tenancy bond lodgement applications processed within 5 days of receipt of all requirements	85%	100%
% of tenancy bond disposal applications processed within 5 days of receipt of all requirements	85%	63%
Performance 2000-2001	85%	88%

Licensing

The Ministry is responsible for issuing a variety of licences. This includes, but is not limited to, occupational licences for real estate agents, settlement agents, motor vehicle salespeople, finance brokers, land valuers and travel agents. The Ministry also issues a variety of permits, such as those for charity street appeals and special retail trading hours, as well as issuing indemnity certificates to home owners who are entitled to dispose of goods that their former tenants have left behind. Additionally, under some circumstances the Ministry can issue car purchasers a warranty waiver, which means that the usual statutory warranty for certain vehicles over \$2,000 is set aside.

Quantity

The following table is a summary of the quantity of licensing services that the Ministry provided in 2000–2001. This table is a summary of the figure for licensing that is reported in *Table 13: Business Regulation Performance Measures*.

Table 17: Quantity of licensing services provided 2000-2001

Activity Outputs	2000-2001 Actual
Number of new licence applications processed	3,511
Number of licences renewed	3,271
Number of licences for which details have been changed	3,901
Number of licences cancelled	49
Number of licences suspended	4
Number of licences surrendered	151
Number of licences lapsed	874
Number of retail trading hours permits and exemptions processed requiring ministerial approval	40
Number of retail trading hours permits and exemptions processed	90
Number of warranty waivers issued	248
Number of owner-builder exemptions granted	1,381
Number of indemnity and disposal certificates processed	435
Number of owner-builder exemptions processed	203
Total licensing services	14,158

Quality

In order to gather customer satisfaction data regarding the Ministry's licensing services a telephone interview survey was conducted during 2000-2001. The volume of responses was sufficient to provide results within a +/- 5% sampling error for the overall result at the 95% confidence level. A similar survey was conducted for the 1999-2000 financial year.

Survey respondents were asked to indicate their level of agreement with a variety of statements relating to the quality of the licensing service provided. The majority of respondents were satisfied or very satisfied with the various aspects of service delivery.

As shown in Table 18, overall, 89% of respondents were satisfied or very satisfied with the Ministry's licensing services. Compared to the results for 1999-2000, this years result shows a slight decrease in the level of customer satisfaction.

In addition to providing feedback about satisfaction respondents are asked to make suggestions regarding service improvement. The majority of respondents advised that there were no necessary improvements that could be made, however, some respondents did have valuable suggestions in respect to the forms used and application process.

Table 18: Customer satisfaction with licensing services

Performance Standard	Target	2001	2000
% of customers satisfied with licensing services	90%	89%	93%

Timeliness

Table 19 provides a list of the standards and results that underpin the Ministry's overall performance in relation to the timeliness of licensing services.

Table 19: Timeliness standards for licensing services

Performance Standard	2000-2001 Target	2000-2001 Actual
% of applicants for new Real Estate Agent Licences advised of outcome within 8 days of Board decision	85%	96%
% of Credit Provider Licence applications processed within 8 calendar days	85%	100%
% of Employment Agent Licence applications processed within 8 calendar days	85%	100%
% of Indemnity Certificates processed within 8 calendar days	85%	96%
% of Motor Vehicle Dealer licences processed within 8 calendar days	85%	88%
% of Owner Builder applications processed within 8 calendar days	85%	63%
% of Real Estate Sales Representatives Registration applications finalised within 8 days	85%	82%
% of Retail Trading Hour Exemption Certificates processed within 10 working days	85%	60%
% of Retail trading hours Permits processed within 8 calendar days	85%	95%
Licensing % of Travel Agents licences processed within 8 calendar days	85%	89%
Performance 2000-2001	85%	87%

Compliance Activities and Application of Sanctions

The Ministry works towards ensuring compliance with fair trading laws in many different ways. For example, Ministry officers investigate complaints and conduct investigations if there are grounds to believe that fair trading laws are being broken. If appropriate, the Ministry may issue informal or formal warnings, name traders or prosecute.

Quantity

Table 20: Quantity of compliance activities and application of sanctions during 2000-2001

Activity Outputs	2000-2001 Actual
Number of compliance inspections conducted	38,088
Number of investigation files closed	2,312
Number of informal warnings issued	650
Number of formal warnings issued	191
Number of deeds or letters of undertaking agreed to	2
Number of times trader named	10
Number of charges laid	145
Number of allegations	193
Number of injunctions obtained	0
Number of prosecutions for non-indictable offences	19
Number of prosecutions for indictable offences (or preparations for such prosecutions)	5
Number of board inquiries or proceedings related to sanctions	130
Number of appeals	9
Number of Subrogation Actions	0
Number of Fidelity Fund Investigations	0
Number of Fidelity Fund Hearings	21
Total Compliance and Application of Sanctions	41,775

Quality

The Ministry is continually examining options for valid and reliable measures to monitor and report the quality of compliance and sanction activities. Due to the nature of this service it is difficult to establish quality standards based on customer satisfaction or service recipient evaluations.

Timeliness

To measure the timeliness of compliance and application of sanction services, the Ministry sets performance standards that it aims to meet on 85% of all occasions. The following table is a summary of these standards.

Table 21: Compliance and Application of Sanction Services

Performance standard	Target	2000-2001 Actual
% of real estate general investigations commenced within 14 days of lodgement	85%	81%
% of real estate fidelity fund claim assessments commenced within 14 days of receipt of claim	85%	82%
% of preliminary reports of real estate fidelity fund claims submitted to the Board's Business Manager within 8 weeks of the claim	85%	100%
% of real estate audit investigations commenced within 14 days	85%	96%
% of motor vehicle and travel industry compliance investigations acknowledged within 4 days	85%	92%
% of motor vehicle and travel industry compliance investigations commenced within 10 days	85%	78%
% of motor vehicle and travel industry compliance investigations completed within 12 weeks	85%	76%
% of settlement agent investigations commenced within 14 days of lodgement	85%	100%
% of settlement agent audit investigations commenced within 14 days	85%	100%
Performance 2000-2001	85%	89%

Naming of Traders

Naming traders is one of the tools available to the Ministry to ensure traders comply with the legislation it administers. Naming can be a means of providing an immediate and urgent warning to members of the public of illegal or unfair conduct. Naming can also influence problem traders to remedy their unfair practices, deter other traders from adopting such practices and provide information to the public about ways to deal with problem traders and how to obtain any redress to which they may be entitled. The Commissioner for Fair Trading named the following entities in 2000-2001.

Table 22: Traders publicly named by the Ministry of Fair Trading 2000-2001

Trader named	Description of activities	Date named
Dantin and Associates	Envelope stuffing scheme.	28/5/2001
Project 21	Email-based version of traditional envelope stuffing scheme.	28/5/2001
God Man: Our Final Evolution	Las Vegas based scam promising sexual, financial and physical success.	20/4/2001
The Alpha Club	Alleged pyramid scheme.	30/3/2001
Internet Business Guide	Unsolicited directory advertising ex-Switzerland.	15/3/2001
John Clarke	Supplier and builder of kit homes.	9/11/2000
Info4pc.com Pty Ltd	Computer retailer.	12/10/2000
Justin Grant Inc	Overseas competitions.	25/9/2000
Bill's Camera House	Discount cameras.	17/7/2000
Estates General Promulgatus	Overseas wills fraud.	3/7/2000

Standards Notification by the Prices Commissioner

In order to meet the desired outcomes of the Government in relation to Western Australian petroleum marketplace, a number of services were developed and delivered for the first time during 2000-2001. One such service was Standards Notifications by the Prices Commissioner.

Standards Notifications by the Prices Commissioner are the specification of the maximum wholesale price for all grades of petrol and diesel sold from declared fuel terminals. All fuel terminals in the metropolitan area and major regional centres are declared terminals, however, Notifications do not override prices set through contractual arrangements made between wholesalers and retailers.

Quantity

In order to satisfy key reporting requirements, services provided to the public need to be monitored and recorded. The quantity measure for a service reflects the number of units produced. The service of Standards Notifications by the Prices Commissioner is counted by recording the number of times the Prices Commissioner prescribes the maximum wholesale price for all grades of petrol and diesel sold from declared fuel terminals.

Since the introduction of the service, Standards Notifications by the Prices Commissioner, 1,988 Standards Notifications have been provided.

Quality

Measures of service quality usually take into account the customer needs and desirable service standards. The development of relevant and meaningful quality standards for many services requires time to develop and trial various options. The Ministry is presently undertaking the process of developing appropriate quality standards for the service of Standards Notifications by the Prices Commissioner.

Timeliness

Timeliness measures aim to provide parameters for acceptable timeframes of service delivery. The development of timeframes for the service of Standards Notifications by the Prices Commissioner that are appropriate and acceptable to all stakeholders will occur during the coming year.

Output Area 4: Customer Advice

Description

This output provides advice in response to consumer or business enquiries about rights and responsibilities. It also includes conciliation of complaints and processing of Home Buyers' Assistance applications on behalf of the Real Estate and Business Agents Supervisory Board. Consumers can come into one of the Ministry's offices in person for advice, or ring the Ministry. The Ministry has three major enquiry lines, which are the Call Centre, REVs and Business Names.

Objective

To inform and encourage consumers to exercise their rights and responsibilities and resolve their own disputes and to encourage businesses to trade fairly and competitively.

Strategies

The Ministry of Fair Trading uses a number of strategies to provide advice and assistance to customers, including:

- Maximising the use of technology.
- Establishing alliances with related organisations.
- Encouraging the development of industry and business dispute resolution mechanisms.
- Researching customer needs and responding in a pro-active way to those needs.
- Implementing quality assurance processes.

This table outlines the Ministry's measures and commitments according to our Output Based Management structure, with a comparison to the 1998-1999 and 1999-2000 financial years.

Table 23: Customer Advice Performance Measures

	2000–2001 Target	2000–2001 Actual	1999–2000 Actual	1998–1999 Actual	
Quantity					
Advice services	480,000	786,620	653,442	468,123	
Conciliation services	5,900	5,467	6,633	6,061	
Ministerial Correspondence	1,150	1,435	This information was previously combined with Conciliation Services.0		
Applications for Home Buyers Assistance	1,225	1,284	1,496	1,590	
Quality¹⁸					
Customers satisfied with advice services	90%	94%	89%	85% ¹⁹	
Customers satisfied with conciliation services	90%	82%	79.6%		
Minister satisfied with quality of correspondence prepared	90%	Not measured	Not measured		
Customers satisfied with Home Buyers Assistance scheme service	90%	93%	Not measured		
Timeliness					
Advice services completed within planned timeframes	85%	89%	94.2%	98% ²⁰	
Conciliation services completed within planned timeframes	85%	85%	95%		
Ministerial correspondence completed within planned timeframes	85%	37%	N/a ²¹		
Applications for Home Buyers Assistance processed within planned timeframes.	85%	100%	91%		
Efficiency Indicator and Unit Cost					
Average cost per advice service	\$4.49	\$3.05	\$3.25	\$4.10	
Average cost per conciliation service	\$240	\$369	\$309	\$325	
Average cost per Ministerial correspondence	\$332	\$628	n/a ²²		
Average cost per application processed for Home Buyers Assistance			\$151	\$143	

¹⁸ Details underpinning the quality and timeliness results are provided within the body of this section. The detailed information provides a more comprehensive representation of the Ministry's performance.

¹⁹ One result was reported for all services within this output area.

²⁰ One result was reported for all services within this output area.

²¹ This service was not reported with as a discrete performance measure.

²² This service was not reported with as a discrete performance measure.

Advice Services

The Ministry provides advice on a wide variety of topics to both consumers and traders. For example, the Ministry regularly receives calls relating to problems that consumers have with faulty goods, advertising and refunds.

The Ministry also provides advice on other areas, such as:

- credit problems;
- retirement villages;
- motor vehicles;
- buying or selling a home; and
- renting a home.

Quantity

The following table is a breakdown of the different customer advice activities that are listed as one figure in *Table 23: Customer Advice Performance Measures*.

Table 24: Quantities of customer advice services

Activity outputs	2000-2001 Actual
Number of calls to the Call Centre answered	259,257
Number of telephone advice enquiries answered	244,671
Number of counter enquiries	56,063
Number of website email enquiries answered	46,860
Number of written enquiries answered	198
Number of motor vehicle trader enquiries	68
Number of REVS encumbrance checks processed	162,622
Number of REVS certificates issued	16,881
Total Advice Services	786,620

There has been a significant increase in the total occasions of service in 2000-2001 over the previous financial year. This is due in part to a significant increase in activity in several areas, such as the huge demand for *Fuelwatch* information.

Quality

Surveys to assess customer satisfaction with the Ministry's telephone advice service have been conducted during 1999-2000 and 2000-2001. This year the sample size provided results with a potential sampling error of +/- 5% at the 95% confidence level. The survey sample was taken from users of the Ministry's Call Centre.

Survey respondents were very positive in general about the quality of the service that Ministry staff provided. Particular aspects of service that are highly rated by customers include staff being polite and courteous and the time taken to reach a staff member. Overall, 98% of respondents considered the staff polite and 94% of respondents were satisfied with the time taken.

On the whole, the survey results are very positive, and suggest that the Call Centre is meeting customer expectations. The result for general satisfaction with the service was 94%, which is a slight increase compared to last year when 89.6% of respondents were generally satisfied.

Table 25: Percentage Response in Overall Satisfaction with Advice Services

Performance Standard	Target	2001	2000
% of customers satisfied with advice services	90%	94%	89%

Timeliness

To measure the timeliness of telephone advice services, the Ministry sets performance standards that it aims to meet on 85% of all occasions. The following table is a summary of these standards.

Table 26: Timeliness of Telephone Advice Services

Performance Standard	Target	2000–2001 Actual
% of general advice enquiries answered within 2 minutes and 30 seconds.	85%	88%
% of Registration of Encumbered Vehicle enquiries answered within 2 minutes and 30 seconds.	85%	90%
Performance 2000-2001	85%	89%

Conciliation

The Ministry has a significant role in conciliation when consumers and traders have a disagreement that they cannot resolve satisfactorily. For example, the Ministry conciliates complaints involving the following areas:

- real estate
- tenancy
- motor vehicles
- travel
- retail
- service industries
- finance industry

Quantity

The following table provides a breakdown of the different conciliation processes that form the total number of services provided as presented in the table, *Customer Advice Performance Measures*.

Table 27: Quantity of Conciliation services

Activity outputs	2000-2001 Actual
Number of conciliation files closed	5,170
Number of trade measurement conciliation files closed	297
Total occasions of service	5,467

Quality

Customer satisfaction is one of the measures used by the Ministry to assess the quality of its conciliation service. During 2001, the Ministry commissioned a private research firm to conduct a telephone survey to collect feedback about customer satisfaction with the conciliation services provided. The survey was identical to surveys conducted for 1999 and 2000. Repeating the survey enables direct comparison of the annual results. For the 2000-2001 survey there were 404 respondents, which allowed a potential sampling error of within +/- 5% at the 95% confidence level.

Of the customers surveyed, 82.2% were satisfied with the Ministry's conciliation service, a slight improvement on the results recorded for the previous survey periods. The results for the survey indicated that if the conciliation process did not have an outcome that was favourable to the consumer, such as a refund of the purchase price, then there was a significantly increased likelihood that the customer would be dissatisfied with the service provided. This is consistent with the results of the identical survey of conciliation services which was conducted during 2000 and 1999. The conciliation process outcome reported by the Ministry generally correlated with the customer's perception of the outcome. There was also a correlation between the perceived outcome of the conciliation, and the overall satisfaction reported by the respondent.

Comparisons with the previous year's results show a general trend of increase in positive responses. The following table illustrates the overall satisfaction results during the three survey periods.

Table 28: Percentage Response in Overall Satisfaction with Conciliation

Performance Standard	Target	2001	2000	1999
% of customers satisfied with conciliation services	90%	82.2%	79.6%	78.1%

The high percentage of positive responses gathered during the survey indicates that Ministry staff has been providing the type of service that customers wanted. The most frequent suggestions for improvements to the services provided by the Ministry were that the Ministry should have additional resources and increased powers to address consumer issues. The suggested improvements are essentially the same as results from previous years.

Timeliness

The Ministry aims to provide conciliation services in a timely manner, resolving disputes as quickly as possible. A review of the conciliation service timeliness standard for 2000-2001 resulted in a reduction of the target timeframe. The target timeframe was reduced from 16 weeks to 8 weeks, accompanied by a slight reduction of the target percentage from 95% to 85%. During the 2000-2001 reporting period, the Ministry met its target of closing 85% of conciliation files within 8 weeks.

Table 29: Timeliness Conciliation services

Performance standard	Target	Actual performance 2000-2001
% of conciliation files closed within 8 weeks	85%	85%

Ministerials

This service is the reply to Ministerial correspondence prepared for the Minister's Office, which is the "customer". Ministerial correspondence is generally information for a member of the community who has written or contacted the Minister with a request.

Quantity

The following table provides the total number of services provided as presented in *Table 24: Customer Advice Performance Measures*, for Ministerial Correspondence. For previous years this item was recorded as an item within Conciliation Services.

Table 30: Quantity of Ministerials completed

Activity output	2000-2001 Actual
Number of Ministerial correspondence items completed	1,435

Quality

The quality performance measure for Ministerial Correspondence is the level of satisfaction of the Minister. Due to the nature of the service performance results may be assumed by the number of items accepted by the Minister. However, the Ministry would like to implement a more formal evaluation process for reporting results. To date this process is still to be developed.

Timeliness

The Ministry aims to process Ministerial Correspondence items by the date prescribed by the Minister's Office. In turn this provides members of the community with a response to their request as quickly as possible. During the 2000-2001 reporting period, the Ministry did not achieve its target of responding to 85% of Ministerial Correspondence items by the prescribed date.

A significant number of Ministerial items were very complex in nature and required considerable time and resources to provide a quality response. Table 31 provides the results for 2000-2001.

Table 31: Timeliness of Ministerials completed

Performance Standard	Target	2000-2001 Actual
% of Ministerial Correspondence items competed within required timeframes	85%	37%

Home Buyers Assistance Fund

The Ministry administers the Home Buyers Assistance Fund under a service delivery agreement with the Real Estate and Business Agents Supervisory Board. The Home Buyers Assistance Fund is established under the *Real Estate and Business Agents Act 1978* to provide first home buyers with financial support. The scheme provides a grant of up to \$2,000 for the incidental expenses of first home buyers when they purchase an established or partially built home through a licensed real estate agent. The scheme is funded from interest paid on real estate agents' trust accounts.

The incidental expenses for which grants can be made include stamp duty, registration fees, solicitor and/or conveyancing fees, valuation fees, inspection fees, establishment fees, mortgage insurance premiums and lending institution fees associated with lodging the application.

Quantity

The quantity of Home Buyers Assistance applications achieved each year is determined by community demand. Table 32 provides the specific quantity of services provided during 2000-2001.

Table 32: Quantity of Home Buyers Assistance applications processed

Activity output	2000-2001 Actual
Number of applications for Home Buyers Assistance processed	1,284

Quality

Quality standards for the processing of the Home Buyers Assistance Fund were developed during 2000-2001. A survey to collect customer satisfaction data regarding the Home Buyers Assistance Fund was conducted over a six month period, from January to June 2001. Unfortunately a generally poor response rate resulted in a reliability level of +/- 11% at the 95% confidence level.

Several questions within the survey related to the applicants source of information regarding the scheme and the process undertaken to apply for assistance. Real estate agents were cited as the most common source of awareness about the scheme.

Nearly two thirds of the survey respondents were people aged between 20 and 39. The most common mode of contact was the telephone, with approximately 60% of respondents using the telephone to seek information about the scheme. Additionally, it was interesting to note that a number of people reported that their real estate agent or financial institution provided significant assistance with the application process.

The majority of applicants were very positive about the service they received from the Ministry. Respondents rated the clarity and usefulness of information provided very highly. The table below provides detail about the percentage of respondents that were satisfied or very satisfied with each of the aspects of service stated.

Table 33: Satisfaction with aspects of home buyers assistance service.

Aspect of Performance	Actual performance 2000-2001
The information / advice I was given was clearly explained	95%
The information / advice I was given assisted my application	98%
The officer :	
Was polite and courteous	100%
Was knowledgeable	98%
Was helpful	100%
Was easy to contact	88%
kept me informed	82%
The time taken to process the application	83%

Overall customer satisfaction is the reported performance measure, as provided in Table 24, *Customer Advice Performance Measures*. This result is specifically presented in the following table.

Table 34: Overall satisfaction with home buyers assistance service.

Performance standard	Actual performance 2000-2001
% of customers satisfied or very satisfied with home buyers assistance service overall	93%

Timeliness

The Ministry aims to process homebuyer assistance scheme applications in a timely manner, providing applicants with a response as quickly as possible. During the 2000-2001 reporting period, the Ministry exceeded its target of issuing 85% of cheques to applicants within 8 days of approval. The table below provides the results for 2000-2001.

Table 35: Timeliness of Home Buyers Assistance applications processed

Performance Standard	Target	2000-2001 Actual
Home Buyers Assistance cheques to be issued within 14 days of approval being granted for home buyers assistance	85%	100%

CORPORATE INFORMATION

Executive Management Team

Chief Executive

Patrick Walker

Mr Walker was appointed Chief Executive and Commissioner for Fair Trading in June 1998. Prior to this he had extensive management experience in Local Government with his most recent positions being Chief Executive at the City of Subiaco (1993-1998) and Chief Executive of the Town of Narrogin (1986-1993).



He is a former Western Australian president and a National Director of the Institute of Municipal Management. He is currently a member of the Legal Aid Commission, the Medical Board of Western Australia and the Advisory Council to the Australian Institute of Management (WA). He is also a trustee of the National Travel Compensation Fund.

Director Strategic Development

Gary Newcombe B Juris LLB

Mr Newcombe was appointed Director, Strategic Development in April 1999. Mr Newcombe was the Ministry's Acting Director, Legal, Competition and Real Estate Policy between December 1996 and April 1999, having joined the Ministry in June 1996 as a Legal Officer. Prior to joining the Ministry, Mr Newcombe worked in a variety of roles in State and Commonwealth public services and the WA Legislative Council.



Between May-December 2000, he filled the temporary position of Director Projects, with responsibility for the Gunning Committee of Inquiry into Fair Trading Boards and Committees, the Select Committee into the Finance Broking Industry, and Planning. During this time, **Mr Neil Stanbury BA** acted in Mr Newcombe's absence. Mr Stanbury is the substantive Manager of the Public Affairs and Education Branch.

Director Business Services

Anne Driscoll BA

Ms Driscoll was appointed to the Director Business Services position in April 1999 after a 22-year career in the Australian public service. As Director Business Services, Ms Driscoll has chaired the National Consumer Product Safety Advisory Committee and is the Western Australian chair of the Consumer Product Safety Advisory Committee. Ms Driscoll also has primary responsibility for developing and implementing the service delivery agreements with the Real Estate and Business Agents Supervisory Board and the Settlement Agents Supervisory Board.

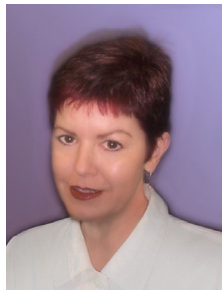


Ms Driscoll's prior positions have included service delivery roles such as Regional Manager for Employment Services and WA State Manager of Student Assistance (Austudy and Abstudy). Ms Driscoll has additionally worked in strategic development positions such as Branch Manager, Planning and Performance in the Department of Employment, Education, Training and Youth Affairs.

Director Corporate Services

Barbara Macnish

Ms Macnish was appointed to the position of Director Corporate Services in May 1999. Ms Macnish has had considerable experience in organisational and corporate development, strategic planning and change management with extensive experience in both the State and Australian public sectors.



Ms Macnish's previous positions include Director Corporate Services with the Government Employees Superannuation Board, and Regional Manager, Assistant Area Manager, Coordinator Strategic Planning and Director Public Relations with the then Department of Social Security. She is undertaking post-graduate business studies.

In May 2001, Ms Macnish commenced in the role as Acting Assistant Commissioner to the Petroleum Products Pricing Unit. **Mr Michael Johnson BA** is acting in the Director Corporate Services position in Ms Macnish's absence. Mr Johnson is the substantive General Manager of the Real Estate Branch and has previously held a number of managerial positions within the Division.

Director Industry & Consumer Services

Noela Taylor BA (Hons) Mphil

Ms Taylor has extensive experience in service delivery, planning and strategic policy positions across State Government. She was appointed Director Industry and Consumer Services in April 2000. Prior to this appointment she was responsible for creating a one-stop shop for the delivery of land information and services at the Department of Land Administration.



Between 1994-98, Ms Taylor worked at the Disability Services Commission as the Manager Access Improvement and was a member of Corporate Executive for one year as A/Director Policy and Planning. Previous positions include managing the Western Australian Local Government Grants Commission and several policy positions with the Department of Local Government and Office of Women's Interests.

A/Principal Legal Officer

Elizabeth Needham BA (Jur), GDLP, LLM

Ms Needham was appointed Acting Principal Legal Officer in January 2000. She first joined the Ministry as a Legal Officer with the Real Estate Branch in June 1999.

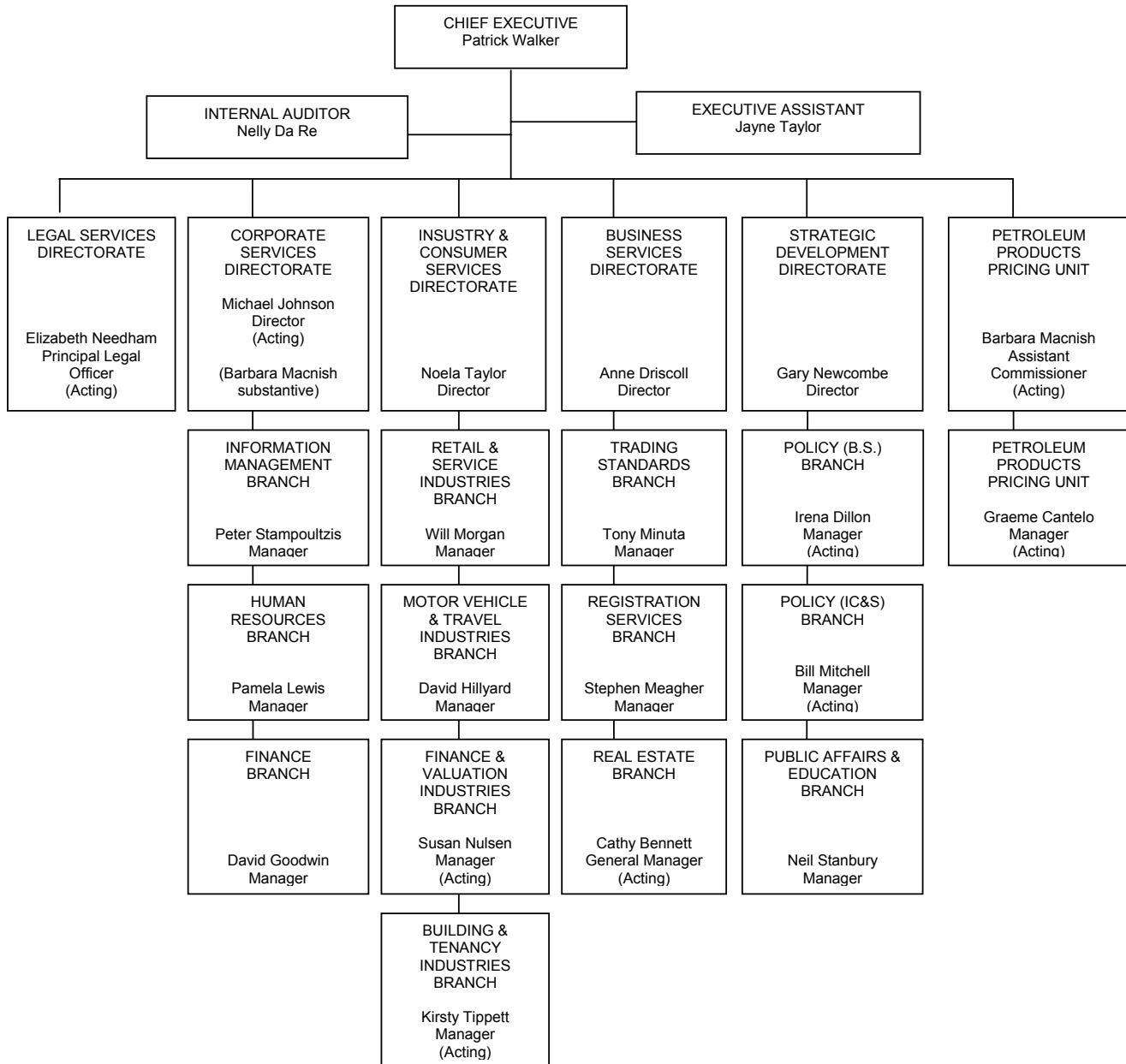
Prior to joining the Ministry, Ms Needham practiced law as a consultant at the Legal Aid Commission and in the community legal sector, where she managed a statewide human rights information and legal service.

Ms Needham has also worked as an academic in the para-legal and justice programmes at Edith Cowan University.



Organisational Chart

Ministry Structure, as at 30th June 2001



Corporate Issues

Goods and Services Tax

Along with all Australian businesses, the Ministry addressed issues associated with the introduction of the universal Goods and Services Tax. Until 30 June 2000 the Ministry, as a government agency, was not subject to direct wholesale sales tax (WST). Under the new tax regime however, all the goods and services purchased are subject to the GST. The Ministry's small number of fees for service provided to clients now has GST applied to them. This obliged the Ministry to make changes to financial systems and a major review of supplier costs. The Ministry achieved full GST compliance prior to 30 June 2000.

Pricing Policy

The Ministry reassesses the fees that it charges for services and licenses on a yearly basis, pursuant to Section 5b of the *Finance Administration and Audit Act 1985*. In view of the pending merger of the Ministry with the Department of Productivity and Labour Relations and WorkSafe, and the anticipated changes to underlying costs structure that this is likely to bring about, the Ministry decided not to vary its fees and charges during 2000-2001.

Process Improvement Initiatives

To assist in fast-tracking recommendations raised by the Gunning Inquiry, both the Industry and Consumer Services and Business Services directorates have established two key positions to improve service delivery through process improvement initiatives. These positions are responsible for the development and delivery of process improvement training to staff; the establishment of key performance indicators; refinement and development of procedural manuals; the establishment of reporting mechanisms which more effectively monitor service delivery and standards; and the development of a tracking system for monitoring trader activity, which will assist in proactive compliance action and/or education.

Registration Services Branch Review

A structural review of the Registration Services Branch was undertaken in 2000-2001. The review sought to identify more efficient work processes, greater flexibility in staffing to improve customer services and enhanced career and work options for staff. The new structure has now been implemented and addresses these issues through the greater use of part-time positions at peak times, a new focus on improved work processes facilitated by a dedicated continuous improvement officer and enhanced capacity for compliance and multi-skilling of staff.

Trading Standards Branch Review

A review of the Trading Standards Branch commenced in 2000-2001, with the aim of clarifying the future direction of the Branch given market and regulatory requirements and an identification of how best to configure staff resources to achieve optimum outputs. A comprehensive independent review was undertaken clarifying consumer, trader and government requirements, identifying the most effective work practices and structures for meeting these demands. It is expected that the project will be completed in 2001-2002.

Report on Equity, Access and Customer Focus

The Ministry aims to provide access and to support customers and staff equitably, developing programmes that reach all groups. The Ministry also aims to ensure that customers and staff with special needs have access to necessary services. The various groups that the Ministry has specific strategies for are outlined below:

Focus Group	Planned outcome	Achieved outcome
Disability Service	<p>Adapt existing services to ensure they meet the needs of people with disabilities.</p> <p>Improve access to building and facilities.</p> <p>Provide information about services in formats that meet the communication requirements of people with disabilities.</p> <p>Deliver advice and services by staff that are aware of, and understand the needs of people with disabilities.</p>	<p>In the Ministry's staff induction program, data is collected which identifies people with disabilities. This data will be used to develop programs to assist applicants from these groups.</p> <p>Customer surveys are also used to gain a greater awareness of people with disabilities and to assist in providing better access.</p> <p>The Ministry's website conforms to the World Wide Web Consortium Standard for sight-impaired people. This means that the website can be accessed by those visually impaired people who have voice recognition software loaded onto their computers.</p> <p>Requests for information to be provided in alternate formats such as Braille, large print, disk, audio-tape were responded to and the public was advised of alternative formats.</p> <p>Promotion of Auslan training to all customer service staff and provision of Auslan Aids.</p>
Indigenous Persons	<p>Encourage indigenous youth to apply for traineeships.</p> <p>Collect demographic data when conducting customer surveys to establish indigenous representation.</p> <p>Encourage indigenous persons to apply for job vacancies at the Ministry.</p>	<p>The Ministry has not yet been able to recruit indigenous youth into a traineeship programme.</p> <p>When appropriate, demographic data has been included in customer surveys. This information is compared to statistics about the Western Australian population to ensure appropriate representation of minority groups.</p> <p>In the Ministry's induction program, data is collected which identifies Aboriginal and Torres Strait Islanders. This data will be used to develop programs to assist applicants from these groups.</p>

Focus Group	Planned outcome	Achieved outcome
Language Services and people of non-English Speaking Backgrounds	<p>Provide people from non-English speaking backgrounds with equal access to Fair Trading services.</p> <p>Encourage people from non-English speaking backgrounds to apply for job vacancies at the Ministry.</p> <p>Provide translation of publications in Chinese and Malay.</p>	<p>The Ministry offers access to an interpreter at no cost to the customer. This service is available throughout the year.</p> <p>The Ministry conducted surveys that identified the non-English speaking backgrounds for REVs, Business Names and Bonds customers to ensure that Ministry services are accessible.</p> <p>In the Ministry's induction program, data is collected which identifies people from a non-English speaking background. This data will be used to develop programs to assist applicants from these groups.</p> <p>The Ministry has printed the publications, 'What We Do' and 'Incorporation of Associations' into Chinese and Malay. Supplies of pamphlets are on display at Indian Ocean Territory shire council offices and are available from the Ministry.</p>
Women	<p>Recruit more women into senior management positions.</p> <p>Provide for more flexible leave and work practices that will be of assistance to female employees.</p>	<p>The Ministry has continued to maintain a strong female representation at an executive level. As in the previous year, three out of the four substantive Directors are female. A further two senior positions; Principal Legal Officer and the Assistant Commissioner of Fuel Watch are also currently staffed by women.</p> <p>The Ministry is committed to encouraging flexible leave and work practices. This can be demonstrated by a willingness to offer part-time positions where it is convenient to the operational needs and those of the employee. Furthermore, the Ministry offered both female and male staff the opportunity to have their leave paid out in accordance with the EBA and WPA.</p> <p>A review of the Registration Services Branch also saw a formal creation of increased permanent part-time positions to both improve customer service and offer improved part-time work opportunities.</p>

Focus Group	Planned outcome	Achieved outcome
Women (Cont'd)	<p>Establish best practice in procedures to increase the proportion of women applicants and appointees.</p> <p>Raise the awareness of women's issues and their specific needs amongst all staff members.</p> <p>Better inform women on how to get a fairer go when buying a vehicle or having it serviced or repaired.</p>	<p>The Ministry has introduced a new Recruitment and Selection policy and a comprehensive guidelines package that is aligned with the current HR standards and the requirements of equity, merit and probity. The Ministry is also taking part in a national initiative to gather and assess data, and develop strategies to address any areas of discrimination.</p> <p>The Ministry actively promoted such needs and issues amongst staff throughout the year. One of the main vehicles to do this was organising a speech by Rona Okley, a distinguished female with long-standing ties to consumer protection issues in WA, as part of the International Women's Day celebrations.</p> <p>The release of the national report <i>The Way Ahead: Women and the Motor Vehicle Industry</i> occurred in January 2001. The report, which was produced collaboratively by fair trading agencies, worked closely with industry and community organisations. The report contains strategies to make it easier for women dealing with the motor vehicle industry and suggests a number of strategy options to assist women, including encouraging more employment of women in the motor vehicle industry and ensuring that women have access to advice about buying a car.</p>
Youth	Provide career opportunities to school leavers.	The Ministry continues to be open to providing career opportunities to school leavers. At present, a traineeship has been offered to one school-aged person.

Focus Group	Planned outcome	Achieved outcome
Youth (cont'd)	Provide education programs and policy specifically targeting young people aged 12 to 25 years.	<p>The Ministry continued with its commitment to educating youth about their fair trading rights and responsibilities. Initiatives included fair trading officers giving talks to school groups and the mail distribution to secondary schools of a youth information product on credit and budgeting. "Don't Splash Your Cash", a wallet-sized information card, was a major promotion for National Consumer Day in October 2000, supported by the display of posters in schools that participated.</p> <p>The Ministry is currently looking at the exposure of young people to consumer debt, through things such as mobile phone contracts and "don't pay now" type offers on household goods. New education measures may arise from this work in the new financial year.</p>

Organisational Review by the Ministry of Premier and Cabinet

The Director General of the Ministry of Premier and Cabinet was requested to arrange a review of the Ministry of Fair Trading in 2000. The (then) Government's Gunning Committee Implementation Panel made the request based on the Gunning Committee Inquiry into the Fair Trading Boards and Committees recommendations. Due to a limited timeframe the review undertook to provide a snapshot of the organisation's health.

Overall the team who conducted the review concluded that, if the Ministry is able to overcome several significant challenges, it appears well placed to address the recommendations made by the Gunning Committee. The main points identified by the review are listed below.

- A relative ineffectiveness of previous submissions for additional funding for staff and other resources.
- An inability to obtain a higher priority for the legislative amendment programme.
- Inadequate staff resources to meet existing and projected workloads to meet statutory obligations.
- A lack of adequate funding for outsourcing certain functions and non-salary related expenses in support of in-house functions and projects.
- Shortcomings in information systems and information technology resources in support of diverse services.
- An uncompetitive salary structure.
- Inadequate resources to carry out urgently needed research and development work.
- A need for greater emphasis on market or customer driven organisational design, resourcing, strategic and service planning.

The Ministry of Fair Trading accepted the recommendations made and has taken steps to secure the means to address issues within its control.

Our People

Table 37: Summary of number of employees for 2000-2001

SALARY RANGE \$	WOMEN 2000-2001	MALES 2000-2001	TOTAL 2000-2001
0 – 33,556	84	20	104
33,557 – 38,577	37	15	52
38,578 – 43,431	17	14	31
43,432 – 47,604	10	23	33
47,605 – 55,376	13	33	46
55,377 – 64,567	12	13	25
64,568 – 72,824	6	14	20
72,825 – 83,586	0	2	2
83,587 – 94,798	3	1	4
94,798 + above	0	1	1
Total	182	136	318

Note: These figures do not include 64 board members.

Workplace Relations

The Ministry has developed a good working relationship with the Community and Public Sector Union (CPSU) and also works closely with staff through its Joint Consultative Committee (JCC). It is pleasing to note that as in the year 2000-2001, the Ministry continued to have no industrial issues or disputes.

Midway through the year, considerable work was undertaken on the development and negotiation of a new EBA and WPA. However, with the introduction of the Government's Wages Parity Policy, development of these agreements ceased and the Ministry is awaiting the outcome of negotiations on the public sector framework agreement.

The Ministry has a number of corporate policies in place that predominantly relate to human resource management issues. Significant progress has been made during the past 12 months with a number of new policies developed and others being reviewed and updated. Many of the new policies provide guidance to management and staff on broader issues such as the use of Temporary Special Allowances, Leave Management, Acting and Relieving, and secondary employment at jobs other than at the Ministry. The Ministry's Joint Consultative Committee, which comprises management representatives and elected staff, reviews all policies prior to them being made available to all staff on the Ministry's intranet system.

Occupational Safety and Health Issues

As in the previous year, considerable emphasis was placed this year on improving the management of occupational health issues in the workplace. This included:

- Training managers and safety representatives in Occupational Health and Safety.
- Refocusing the Occupational Health and Safety Committee so that it takes a more proactive role in prevention issues.
- The continued use of an external consultant to conduct person specific ergonomic assessments as part of the Ministry's commitment to a healthy and safe workplace.
- Development of individual rehabilitation plans for injured employees in consultation with the employees and their managers.
- Promotion of the Ministry's Employment Assistance Programme via internal newsletters and the induction process.
- On-site influenza vaccines for interested staff at the staff member's cost.
- New members joining the Ministry's Occupational Health and Safety Committee.
- Work commencing on revised guidelines and procedures for eyesight reimbursement.

The Ministry's Employee Assistance Program has been operational and available to all staff for several years. This program continues to provide an effective counselling and support service to staff requiring support with workplace related or personal issues.

Workers' Compensation Claims

The Ministry received three new workers' compensation claims during the year with one of these claims still being subject to acceptance by RiskCover, the Government's insurance body.

The Ministry embarked on a more intensive case management approach, which resulted in the successful resolution of four claims throughout the year, two of which were highly complex claims. At the end of the year the Ministry had seven outstanding workers' compensation claims, four of which have carried over from previous years.

The Ministry has continued its proactive approach toward managing workplace health and safety issues. During the year managers and supervisors participated in training programs to assist the management of current claims and to reduce the incidence of future claims.

The Ministry remains committed to providing a safe and supportive working environment, as is consistent with our duty and standard of care as an employer. This is reflected in our commitment to provide effective rehabilitation programmes for ill or injured employees. Additionally, the introduction of a new sick leave policy has meant that managers are provided with considerably more guidance and information about effective sick leave management.

Freedom of Information

During the 2000-2001 financial year the Ministry received 21 applications under the *Freedom of Information Act 1992*. Of these, 18 related to non-personal information and 3 were for personal information. This compares with a total of 30 applications received during 1999-2000.

Table 38: Summary of Freedom of Information outcomes of applications

	Non-personal information	Personal information
Granted in full	0	
Granted in part	6	
Refused	8	3
Withdrawn	2	
Not yet decided	2	
Total	18	3

The Ministry's Freedom of Information Coordinator facilitates the handling of all requests. Freedom of Information requests should be addressed to:

FOI Coordinator
Ministry of Fair Trading
7th Floor
Forrest Centre
219 St Georges Terrace
PERTH WA 6000

The Ministry has a comprehensive Information Statement, which fulfils its Freedom of Information requirements and is lodged with the Information Commissioner. This Information Statement can also be found on the Ministry's website, at www.fairtrading.wa.gov.au

If assistance is required in completing a request or inquiring into the progress of an application, contact the FOI Coordinator at the above address or:

- By telephone on 9282 0777
- By facsimile on 9282 0850
- By email to: records@mft.wa.gov.au

Statement of Compliance with Public Sector Standards

Section 31 of the *Public Sector Management Act 1994* requires the Chief Executive of all government agencies to include in the Annual Report, a report on the extent to which the agency complied with the nine Human Resource Standards and the Code of Ethics that apply across the public sector.

In the administration of the Ministry of Fair Trading, I have complied with the Public Sector Standards in Human Resource Management, the WA Public Sector Code of Ethics and our Code of Conduct. I have put in place procedures designed to ensure such compliance and conducted appropriate internal assessments to satisfy myself that this statement is correct.

The Ministry received two requests for review. One in relation to the Transfer Standard, where no breach was found, and the other involved the recruitment and selection process for the Ministry's Call Centre. Although the media advertisement for the Call Centre indicated that the applicant's first phone call to request the selection package would form part of the selection process the reviewer found that the advertisement could have been clearer in that regard. The Ministry has taken this advice into account in subsequent advertising.

A handwritten signature in black ink, appearing to read 'P. Walker', with a stylized flourish at the end.

Patrick Walker
CHIEF EXECUTIVE AND
COMMISSIONER FOR FAIR TRADING

31 August 2001

Statement of Compliance with Relevant Written Laws

Electoral Act 1907

Section 175ZE of the *Electoral Act 1907* requires the Ministry to include a statement in the annual report setting out details of expenditure incurred by the Ministry on certain classes of organisations. The total expenditure was \$220,444. A breakdown is given below:

Table 39: Expenditure incurred by the Ministry on certain classes of organisations

Type of expense	Name of company	\$
▪ Advertising agencies	Bulldog Graphics	2,385
	FIT The Agency	1,581
	Marketforce Productions	37,319
	Media Decisions WA	160,977
▪ Market research organisations	Hides Consulting Group	18,182
▪ Direct mail organisations		-
▪ Polling organisations		-
▪ Media advertising organisations		-
Total		220,444

Enabling Legislation

The Ministry of Fair Trading is established as a department under Section 21 of the *Public Service Management Act 1994*. The Department of Consumer Affairs, to which this Ministry is a successor, was established retrospectively to April 6, 1983 by the *Acts Amendment (Consumer Affairs) Act 1985*.

Legislation Administered

The Ministry assists the Minister with the administration of the Acts of Parliament listed in Appendix 2 of this report.

Legislation Affecting the Ministry's Activities

In the performance of its functions, the Ministry complies with the following relevant laws:

Financial Administration and Audit Act 1985 (FAAA); Corporations (Western Australia) Act 1990; State Supply Commission Act 1991; Public Sector Management Act 1994; Salaries and Allowances Act 1975; Public and Bank Holidays Act 1972; Equal Opportunity Act 1984; Equal Opportunity Amendment Acts 1998 and 1992; Government Employees Superannuation Act 1987; Occupational Health, Safety and Welfare Act 1984; Workers' Compensation and Assistance Act 1981; Industrial Relations Act 1989; Government Employees' Housing Act 1984; Parliamentary Commissioner Act 1971; and Freedom of Information Act 1992.

The following written laws also impact upon the Ministry's activities:

Constitution Act 1889 and Constitution Amendments Act 1899; Treasurer's Advance Authorisation; Supply, Loan and Appropriation Acts; Financial Agreement Act 1928; Financial Agreement Amendment Acts 1944, 1966 and 1976; Interpretation Act 1984; and Commonwealth National Measurement Act 1948 (Federal Government legislation).

In the financial administration of the Ministry we have, to the best of our knowledge, complied with the requirements of the *Financial Administration and Audit Act 1985* and every other relevant written law and exercised controls which provide reasonable assurance that the receipt and expenditure of moneys and acquisition and disposal of public property and incurring of liabilities have been in accordance with legislative provisions. At the date of signing, I am not aware of any circumstances that would render the particulars included in this statement misleading or inaccurate.

A handwritten signature in black ink, appearing to read 'P. Walker', with a stylized flourish at the end.

Patrick Walker
CHIEF EXECUTIVE AND
COMMISSIONER FOR FAIR TRADING

31 August 2001

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Auditor General's Opinion

To the Parliament of Western Australia

MINISTRY OF FAIR TRADING FINANCIAL STATEMENTS FOR THE YEAR ENDED JUNE 30, 2001

Scope

I have audited the final accounts and financial statements of the Ministry of Fair Trading for the year ended June 30, 2001 under the provisions of the Financial Administration and Audit Act 1985.

The Chief Executive Officer was responsible for keeping proper accounts and maintaining adequate systems of internal control, preparing and presenting the financial statements, and complying with the Act and other relevant written law. The primary responsibility for the detection, investigation and prevention of irregularities rested with the Chief Executive Officer. Following the abolition of the Ministry with effect from July 1, 2001, the Treasurer appointed a Reporting Officer under the provisions of section 65A of the Act, who was responsible for preparing and presenting the final financial statements.

My audit was performed in accordance with section 79 of the Act to form an opinion based on a reasonable level of assurance. The audit procedures included examining, on a test basis, the controls exercised by the Ministry to ensure financial regularity in accordance with legislative provisions, evidence to provide reasonable assurance that the amounts and other disclosures in the financial statements are free of material misstatement and the evaluation of accounting of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial professional reporting requirements and the Treasurer's Instructions so as to present a view which is consistent with my understanding of the Ministry's financial position, the results of its operations and its cash flows.

The audit opinion expressed below has been formed on the above basis.

Audit Opinion

In my opinion,

- (i) the controls exercised by the Ministry of Fair Trading provide reasonable assurance that the receipt and expenditure of moneys and the acquisition and disposal of property and the incurring of liabilities have been in accordance with legislative provisions; and
- (ii) the Statement of Financial Performance, Statement of Financial Position, Statement of Cash Flows, Output Schedule of Expenses and Revenues and Summary of Consolidated Fund Appropriations and Revenue Estimates and the Notes to and forming part of the financial statements are based on proper accounts and present fairly in accordance with applicable Accounting Standards, other mandatory professional reporting requirements and the Treasurer's Instructions, the financial position of the Ministry at June 30, 2001 and the results of its operations and its cash flows for the year then ended.



D D R PEARSON
AUDITOR GENERAL

October 11, 2001

Certification of Financial Statements

The accompanying financial statements of the Ministry of Fair Trading have been prepared in compliance with the provisions of the Financial Administration and Audit Act 1985 from proper accounts and records to present fairly the financial transactions for the financial year ending June 30, 2001 and the financial position as at June 30, 2001.

At the date of signing we are not aware of any circumstances which would render the particulars included in the financial statements misleading or inaccurate.

A handwritten signature in black ink, appearing to read 'Patrick Walker', with a stylized flourish at the end.

Patrick Walker
Reporting Officer

15 August 2001

Certification of Performance Indicators

I hereby certify that the attached performance indicators are based on proper records and fairly represent the performance of the Ministry for the financial year ended 30th June, 2001.

A handwritten signature in black ink, appearing to read 'Patrick Walker', with a stylized flourish at the end.

Patrick Walker
Reporting Officer

15 August 2001

Operating Statement
For the year ended 30 June 2001

	Note	2000/01 (\$'000)	1999/00 (\$'000)
COST OF SERVICES			
Expenses from ordinary activities			
Employee expenses	4	13,647	10,223
Supplies and services	5	8,088	5,031
Depreciation and amortisation expenses	6	884	776
Administration expenses	7	1,618	1,570
Grants & subsidies	8	119	432
Accommodation expenses	9	667	635
Net loss on disposal of non-current assets	10	866	58
 Total cost of services		 25,889	 18,725
Revenue from ordinary activities			
 User charges and fees	 11	 9,196	 8,169
Other revenue	12	213	357
 Total revenues from ordinary activities		 9,409	 8,526
 Net cost of services		 16,479	 10,199
REVENUES FROM GOVERNMENT			
Appropriations	13	17,619	12,094
Carrying amount of assets transferred	13	-	(41)
Resources received free of charge	14	124	99
Liabilities assumed by the Treasurer	15	1,271	265
 Total revenues from Government		 19,014	 12,417
 CHANGE IN NET ASSETS		 2,534	 2,218

The Statement of Financial Performance should be read in conjunction with the accompanying notes.

Statement of Financial Position

For the year ended 30 June 2001

	Note	2000/01 (\$'000)	1999/00 (\$'000)
CURRENT ASSETS			
Cash assets	16	5,600	1,686
Restricted cash assets	16	446	321
Receivables	17	701	599
Total current assets		<u>6,747</u>	<u>2,606</u>
NON-CURRENT ASSETS			
Property, plant, equipment and vehicles	18	3,256	4,001
Total non-current assets		<u>3,256</u>	<u>4,001</u>
Total assets		<u><u>10,003</u></u>	<u><u>6,607</u></u>
CURRENT LIABILITIES			
Payables	19	735	576
Accrued salaries	20	299	244
Provisions	21	1,351	1,184
Interest Bearing liabilities	24	2	2
Total current liabilities		<u>2,387</u>	<u>2,006</u>
NON-CURRENT LIABILITIES			
Provisions	21	955	472
Interest Bearing liabilities	24	1	3
Total non-current liabilities		<u>956</u>	<u>475</u>
Total liabilities		<u>3,343</u>	<u>2,481</u>
EQUITY	22		
Accumulated Surplus		6,660	4,126
Total Equity		<u>6,660</u>	<u>4,126</u>
Total Liabilities and Equity		<u><u>10,003</u></u>	<u><u>6,607</u></u>

The Statement of Financial Position should be read in conjunction with the accompanying notes.

Statement of Cash Flows

For the year ended 30 June 2001

	Note	2000/01 (\$'000) Inflows (Outflows)	1999/00 (\$'000) Inflows (Outflows)
CASH FLOWS FROM GOVERNMENT			
Recurrent appropriations		17,319	9,052
Capital appropriations		300	2,878
Other appropriations		-	164
Net cash provided by Government		17,619	12,094
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee costs		(11,670)	(9,857)
Supplies and services		(9,321)	(6,646)
Accommodation		(667)	(629)
GST payments on purchases		(1,073)	-
Receipts			
User charges and fees		9,094	8,500
Other revenues		100	357
GST receipts from Tax authority		804	-
GST receipts on sales		45	
Net cash used in operating activities	23	(12,688)	(8,275)
CASH FLOWS USED IN INVESTING ACTIVITIES			
Proceeds from sale of non-current assets		-	28
Purchase of non-current assets		(892)	(3,025)
Net cash used in investing activities		(892)	(2,997)
Net increase / (decrease) in cash held		4,039	822
Cash assets at the beginning of the reporting period		2,007	1,185
Cash assets at the end of the reporting period	23	6,046	2,007

The Statement of Cash Flows should be read in conjunction with the accompanying notes.

Output Schedule of Expenses and Revenues

For the year ended 30 June 2001

	Total		Policy Advice and Development		Community Information Access		Business Regulation		Customer Advice	
	00/01	99/00	00/01	99/00	00/01	99/00	00/01	99/00	00/01	99/00
	Note									
COST OF SERVICES										
A. OPERATING EXPENSES										
Employment expenses	4	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Supplies & services	5	13,647	10,223	1,947	1,431	677	613	5,828	2,955	2,351
Depreciation & amortisation expenses	6	8,088	5,031	1,154	704	401	302	2,868	1,751	1,157
Administration expenses	7	884	776	126	109	44	47	442	191	178
Accommodation expenses	9	1,618	1,570	231	220	80	94	895	350	361
Grants & subsidies	8	667	635	95	89	33	38	362	144	146
Net Loss on Disposals	10	119	432	17	60	6	26	247	26	99
		866	58	124	8	43	3	34	187	13
Total Operating Expenses		25,889	18,725	3,694	2,621	1,285	1,123	10,676	5,605	4,305
B. REVENUE FROM SERVICES										
Operating Revenue	11	9,196	8,169	222	13	115	27	5,593	2,832	2,536
Other Income	12	213	357	5	50	3	21	204	66	82
		16,479	10,199	3,467	2,558	1,167	1,075	4,879	2,708	1,687
C. NET COST OF SERVICES										
D. REVENUES FROM GOVERNMENT										
Appropriations	13	17,619	12,094	2,514	1,693	874	726	10,416	6,893	2,782
Resources received free of charge	14	124	99	18	14	6	6	73	56	23
Liabilities assumed by Treasurer	15	1,271	265	181	37	63	16	751	151	61
Carrying costs of assets transferred	13	-	(41)	-	(6)	-	(2)	(24)	-	(9)
		19,014	12,417	2,713	1,738	943	746	11,241	7,076	2,857
Total Revenues from Government										
CHANGE IN NET ASSETS										
RESULTING FROM OPERATIONS		2,534	2,218	(754)	(820)	(224)	(329)	2,103	1,409	1,170

The Output Schedule of Expenses and Revenues should be read in conjunction with the accompanying notes.

Summary of Consolidated Fund Appropriations and Revenue Estimates

For the year ended 30 June 2001

	2000/01			1999/00		
	Estimate \$'000	Actual \$'000	Variation \$'000	Estimate \$'000	Actual \$'000	Variation \$'000
RECURRENT						
Amount required to fund outputs for the year Less retained revenue— Section 23A of the Financial Administration and Audit Act	15,966 8,638	26,562 9,409	10,596 771	14,760 7,928	17,937 8,885	3,177 957
Item 80 amount provided to fund outputs for the year	7,328	17,153	9,825	6,832	9,052	2,220
Amount Authorised by Other Statutes - Salaries and Allowances Act 1975	166	166	-	125	164	39
Total recurrent services	7,494	17,319	9,825	6,957	9,216	2,259
CAPITAL						
Item 168 amount provided for capital services for the year	300	300	-	2,878	2,878	-
Total capital services	300	300	-	2,878	2,878	-
GRAND TOTAL	7,794	17,619	9,825	9,835	12,094	2,259

Summary of Consolidated Fund Appropriations and Revenue Estimates

For the year ended 30 June 2001

	2000/01			1999/00		
	Estimate	Actual	Variation	Estimate	Actual	Variation
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
DETAILS OF EXPENDITURE						
Recurrent						
Outputs						
1 Policy Advice and Development	2,386	6,426	4,040	2,978	2,398	(580)
2 Community Information Access	1,093	2,164	1,071	804	1,028	224
3 Business Regulation	8,372	16,942	8,570	6,682	9,765	3083
4 Customer Advice	3,686	5,020	1,334	4,421	3,940	(481)
Total recurrent expenditure	15,537	30,552	15,015	14,885	17,131	2246
Less						
Retained Revenue	8,078	9,194	(1,116)	7928	8885	(957)
Administered						
Change in operating account balances	35	4,039	(4,004)	-	822	(822)
Consolidated Fund Recurrent Appropriations	7,424	17,319	9,895	6,957	9,069	2111
Capital						
Capital Expenditure	300	300	-	2,878	3,025	(147)
Grand Total of Appropriations	7,724	17,619	(9,895)	9,835	12,094	(2259)
Details of Administered Revenue Estimates						
Revenues disclosed as administered revenues	4,972	5,344	372	6222	6428	206

Notes to Financial Statements

For the year ended 30 June 2001

1 Ministry's mission and funding

The Ministry's mission is "To promote a commercial environment which maximises competitive opportunity and safeguards the public interest".

2 Significant accounting policies

The following accounting policies have been adopted in the preparation of the financial statements. Unless otherwise stated these policies are consistent with those adopted in the previous year.

(a) General Statement

The financial statements constitute a general purpose financial report which has been prepared in accordance with Australian Accounting Standards and UIG Consensus Views as applied by the Treasurer's Instructions. Several of these are modified by the Treasurer's Instructions to vary the application, disclosure, format and wording. The Financial Administration and Audit Act and the Treasurer's Instructions are legislative provisions governing the preparation of financial statements and take precedence over Australian Accounting Standards and UIG Consensus Views. The modifications are intended to fulfil the requirements of general application to the public sector together with the need for greater disclosure and also to satisfy accountability requirements.

If any such modification has a material or significant financial effect upon the reported results, details of that modification and where practicable, the resulting financial effect is disclosed in individual notes to these financial statements.

(b) Basis of accounting

The financial statements have been prepared in accordance with Australian Accounting Standard AAS 29 as modified by Treasurer's Instruction 1101A (where Australian Accounting Standards and UIG Consensus Views are modified by Treasurer's Instructions, any material or significant financial effects are quantified where practicable and disclosed by way of note). There are no modifications giving rise to material or significant financial effects.

The statements have been prepared on the accrual basis of accounting using the historical cost convention.

Administered assets, liabilities, expenses and revenues are not integral to the Ministry in carrying out its functions and are disclosed in the notes to the financial statements, forming part of the general purpose financial report of the Ministry. The administered items are disclosed on the same basis as is described above for the financial statements of the Ministry. The administered assets, liabilities, expenses and revenues are those which the Government requires the Ministry to administer on its behalf. The assets do not render any service potential or future economic benefits to the Ministry, the liabilities do not require the future sacrifice of service potential or future economic benefits of the Ministry, and the expenses and revenues are not attributable to the Ministry.

As the administered assets, liabilities, expenses and revenues are not recognised in the principal financial statements of the Ministry, the disclosure requirements of Australian Accounting Standard AAS 33, Presentation and Disclosure of Financial Instruments, are not applied to administered transactions.

(c) Appropriations from Government

Appropriations in the nature of revenue, whether recurrent or capital, are recognised as revenues in the period in which the Ministry gains control of the appropriated funds. The Ministry gains control of appropriated funds at the time those funds are deposited into the Ministry's bank account.

(d) Operating accounts and net appropriation determination.

Amounts appropriated are deposited into the account and any revenues which are the subject of net appropriation determinations are also deposited into the account. Revenues not subject to net appropriation determinations are credited to the Consolidated Fund. All payments of the Ministry are made from the operating account. In accordance with Section 23A of the Financial Administration and Audit Act 1985, the Treasurer has determined that the Ministry of Fair Trading may retain monies received by the Ministry from the provision of services under the control of the Ministry. This determination took effect from the financial year starting July 1, 1998 and shall continue for succeeding years until revoked. The monies received and retained are to be applied to the Ministry's outputs as specified in the budget statements for the relevant year.

(e) Depreciation of non-current assets

All non-current assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of their future economic benefit.

Depreciation is provided for on the straight line basis, using rates which are reviewed annually. Useful lives for each class of depreciable asset are:

Computer Hardware	5 years
Computer Software	5 years
Furniture and fittings	10 to 15 years
Office Equipment / miscellaneous items	4 to 10 years
Leased Office Equipment	5 years
Artwork	3 years
Vehicles	5 years

(f) Employee entitlements

Annual and long service leave

Annual leave

This entitlement is recognised at current remuneration rates and is measured at the amount unpaid at the reporting date in respect to employees' service up to that date.

Long Service Leave

A liability for long service leave is recognised and is measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date. Consideration is given, when assessing expected future payments, to expected future wage and salary levels including relevant on costs, experience of employee departures and periods of service. Expected future payments are discounted using interest rates to obtain the estimated future cash outflows.

This method of measurement of the liability is consistent with the requirements of Australian Accounting Standard AAS 30 "Accounting for Employee Entitlements".

Superannuation

Staff may contribute to the Superannuation and Family Benefits Act Scheme, a defined benefits pension scheme now closed to new members, or to the Gold State Superannuation Scheme, a defined benefit and lump sum scheme now also closed to new members. All staff who do not contribute to either of these schemes become non-contributory members of the West State Superannuation Scheme, an accumulation fund complying with the Commonwealth Government's Superannuation Guarantee (Administration) Act 1992.

The superannuation expense comprises the following elements:

- (i) change in the unfunded employer's liability in respect of current employees who are members of the Superannuation and Family Benefits Act Scheme and current employees who accrued a benefit on transfer from that Scheme to the Gold State Superannuation Scheme; and
- (ii) notional employer contributions which would have been paid to the Gold State Superannuation Scheme and West State Superannuation Scheme if the Ministry had made concurrent employer contributions to those Schemes.
- (iii) actual payments made as part of remuneration packages of employees which totalled \$ 18,274.

The superannuation expense does not include payment of pensions to retirees, as this does not constitute part of the cost of services provided by the Ministry in the current year.

(g) Leases

The Ministry's rights and obligations under finance leases, which are leases that effectively substantially transfer to the Ministry all of the risks and benefits incidental to ownership of the leased items, are initially recognised as assets and liabilities equal in amount to the present value of the minimum lease payments. The assets are disclosed as plant, equipment and vehicles under lease, and are depreciated to the Statement of Financial Performance over the period during which the Ministry is expected to benefit from use of the leased assets. Minimum lease payments are allocated between interest expense and reduction of the lease liability, according to the interest rate implicit in the lease.

Finance lease liabilities are allocated between current and non-current components. The principal component of lease payments due on or before the end of the succeeding year is disclosed as a current liability, and the remainder of the lease liability is disclosed as a non-current liability.

The Ministry has entered into a number of operating lease arrangements for buildings, vehicles and office equipment where the lessors effectively retain all of the risks and benefits incident to ownership of the items held under the operating leases. Equal instalments of the lease payments are charged to the operating statement over the lease term as this is representative of the pattern of benefits to be derived from the leased property.

(h) Resources Received Free of Charge or For Nominal Value

Resources received free of charge or for nominal value which can be reliably measured are recognised as revenues and as assets or expenses as appropriate at fair value.

(i) Receivables

Accounts receivable are recognised at the amounts receivable as they are due for settlement no more than 30 days from the date of recognition.

Collectability of accounts receivable is reviewed on an ongoing basis. Debts, which are known to be uncollectable, are written off. A provision for doubtful debts is raised where some doubts as to collection exists and in any event where debt is more than 60 days overdue.

(j) Accrued Salaries

Accrued salaries suspense account consists of amounts paid annually into a suspense account over a period of 10 financial years to largely meet the additional cash outflow in each eleventh year when 27 pay days occur in that year instead of the normal 26. No interest is received on this account.

Accrued salaries represent the amount due to staff but unpaid at the end of the financial year, as the end of the last pay period for that financial year does not coincide with the end of the financial year. Accrued salaries are settled within a few days of the financial year end. The Ministry considers the carrying amount of accrued salaries to be equivalent to the net fair value.

(k) Payables

Payables, including accruals not yet billed, are recognised when the Ministry becomes obliged to make future payments as a result of a purchase of assets or services. Accounts Payable are generally settled within 30 days.

(l) Net Fair Values of Financial Assets and Liabilities

The carrying amount of financial assets and liabilities recorded in the financial statements are not materially different from their net fair value.

(m) Comparative Figures

Comparative figures are, where appropriate, reclassified so as to be comparable with the figures presented in the current financial year.

(n) Revenue Recognition

Revenue from the sale of goods and disposal of other assets and the rendering of services, is recognised when the Ministry has passed control of the goods or other assets or delivery of the service to the customer.

(o) Grants and Other Contributions Revenue

Grants, donations, gifts and other non-reciprocal contributions are recognised as revenue when the Ministry obtains control over the assets comprising the contributions. Control is normally obtained upon their receipt.

3. Outputs of the Ministry

Information about the Ministry's outputs and the expenses and revenues, which are reliably attributable to the outputs set out in the Outputs Schedule. Information about expenses, revenues, assets and liabilities administered by the Ministry are given in the schedule of Administered Expenses and Revenue and the schedule of Administered Assets and Liabilities.

The Ministry has identified four outputs that will assist it to achieve our stated outcome of a "commercial environment developed through consultation and co-operation, in which business and consumers operate in ways which are fair and competitive; and have access to accurate and reliable information about their rights and responsibilities".

The four outputs are identified below.

Output 1. Policy Advice and Development

The development of broad legislative and policy frameworks most appropriate to achieving the outcome. This involves policy advice, policy development, industry analysis, competition policy, legislative review, legislative amendments and planning and evaluation of innovative services.

Output 2. Community Information Access

The provision of information to the community through information strategies and networks. This enables the community in general to be better informed and encourages fair and competitive behaviour through a range of strategies including publications, events, education and on line information.

Output 3. Business Regulation

The provision of activities required under legislation including facilitating licensing and registrations; monitoring compliance; and where necessary, seeking application of sanctions.

Output 4. Customer Advice

The provision of advice in response to direct consumer or business enquiries about rights and responsibilities in relation to specific transactions, which may also involve conciliation of complaints.

	2000/01 (\$'000)	1999/00 (\$'000)
4 Employee Expenses		
Salaries	11,716	9,944
Change in annual leave entitlements	119	411
Change in long service leave entitlements	523	(415)
Superannuation notional expenditure	1,271	265
Superannuation actual expenditure	18	18
	<u>13,647</u>	<u>10,223</u>
5 Supplies and services		
Consultants & contractors	7,654	4,687
Materials	179	116
Repairs & Maintenance	254	182
Travel	1	46
	<u>8,088</u>	<u>5,031</u>
6 Depreciation and amortisation expense		
Depreciation		
Furniture & Fittings	422	189
Office Equipment	61	69
Computer equipment	327	398
Computing Software	69	111
Vehicles	3	-
	<u>882</u>	<u>767</u>
Amortisation		
Leased office equipment	2	9
	<u>884</u>	<u>776</u>
7 Administration expenses		
Communications	699	766
Consumables	148	265
Electricity and water	143	144
Advertising	270	138
Other staff costs	357	257
	<u>1,618</u>	<u>1,570</u>
8 Grants & subsidies		
Consumer Credit Legal Services (WA) Inc	100	163
Geraldton Resource Centre (Inc)	-	28
Financial Counsellors	-	37
Builders Registration Board (one off funding arrangement)	-	200
Master Builders Association	-	3
Receiver of Public Publications	8	1
Monash University	11	-
	<u>119</u>	<u>432</u>

	2000/01 (\$'000)	1999/00 (\$'000)
9 Accommodation expenses		
Expenses incurred during the year	661	629
Resources received free of charge	6	6
	<u>667</u>	<u>635</u>
10 Losses on disposal of non-current assets		
Carrying amount of assets disposed	866	86
Gross proceeds on the sale of assets	-	28
	<u>866</u>	<u>58</u>
Net loss on sale of assets		
Furniture & fittings sold due to relocation.		
11 User charges and fees		
Business Names searches	905	823
Chattels Security	1,542	1,672
Consumer Assistance	1,344	1,206
Supervisory Boards	4,898	4,365
Others	507	103
	<u>9,196</u>	<u>8,169</u>
12 Other revenues		
Miscellaneous and recoups	100	357
Notional Revenue - Take up of assets	113	-
	<u>213</u>	<u>357</u>
13 Revenues from Government		
Appropriation		
Recurrent	17,319	9,216
Capital	300	2,878
	<u>17,619</u>	<u>12,094</u>
Carrying expense amount of assets transferred	-	(41)
14 Resources received free of charge		
Administration Expenses	118	93
Accommodation Expenses	6	6
	<u>124</u>	<u>99</u>
Resources received free of charge has been determined on the basis of the following estimates provided by agencies		
Office of the Auditor General - external audit services	25	18
Government Property Office -property management services	6	6
Crown Solicitors Office	93	75
	<u>124</u>	<u>99</u>

	2000/01 (\$'000)	1999/00 (\$'000)
15 Liabilities assumed by the Treasurer		
Superannuation	1,271	265
	<u>1,271</u>	<u>265</u>
16 Cash assets		
Operating account	5,575	1,650
Cash on hand	25	36
Restricted Cash		
Restricted Cash assets (i)	139	100
Accrued salaries suspense account (ii)	307	221
	<u>6,046</u>	<u>2,007</u>
(i) Restricted cash pending dispersion directed by the Act and/or Court for		
(a) Consumer Credit Trust A/c - \$ 39,000.		
(b) Departmental receipts in suspense A/c - \$ 100,000.		
(ii) Amount held in suspense account is only to be used for the purpose of meeting the 27th pay in a financial year that occurs every 11 years.		
17 Receivables		
Goods and services supplied	488	610
Less: provision for doubtful debts	(11)	(11)
GST receivable	224	-
	<u>701</u>	<u>599</u>
18 Property, plant, equipment		
Computer equipment		
At cost	2,180	2,608
Accumulated depreciation	<u>(1,062)</u>	<u>(1,328)</u>
	1,118	1,280
Computer software		
At cost	505	777
Accumulated depreciation	<u>(179)</u>	<u>(258)</u>
	326	519
Furniture and fittings		
At cost	2,122	2,187
Accumulated depreciation	<u>(604)</u>	<u>(206)</u>
	1,518	1,981
Office equipment/ miscellaneous items		
At cost	472	485
Accumulated depreciation	<u>(262)</u>	<u>(282)</u>
	211	203
Vehicles		
At cost	84	-
Accumulated depreciation	<u>(3)</u>	<u>-</u>
	80	-

	2000/01 (\$'000)	1999/00 (\$'000)
Art work		
At cost	3	
Accumulated depreciation	(1)	
	<u>2</u>	<u>-</u>
Leased office equipments		
At cost	10	45
Accumulated depreciation	(8)	(27)
	<u>2</u>	<u>18</u>
Total property, plant and equipment at cost	5,376	6,102
Total accumulated depreciation	(2,119)	(2,101)
Total of property, plant, equipment	<u>3,257</u>	<u>4,001</u>

Reconciliations

Reconciliations of the carrying amounts of property, plant, equipment and vehicles at the beginning and end of the current and previous year are set out below.

Computer Equipment

Carrying amount at the start of the year	1,281	1,099
Additions	645	562
Disposals	481	-
Depreciation	<u>327</u>	<u>381</u>
Carrying amount at the end of the year	<u>1,118</u>	<u>1,280</u>

Computer Software

Carrying amount at the start of the year	519	339
Additions	152	269
Disposals	276	-
Depreciation	<u>69</u>	<u>89</u>
Carrying amount at the end of the year	<u>326</u>	<u>519</u>

Furniture & Fittings

Carrying amount at the start of the year	1,981	184
Additions	17	1,965
Disposals	58	-
Depreciation	<u>422</u>	<u>168</u>
Carrying amount at the end of the year	<u>1,518</u>	<u>1,981</u>

	2000/01 (\$'000)	1999/00 (\$'000)
Office Equipment		
Carrying amount at the start of the year	203	230
Additions	115	42
Disposals	46	-
Depreciation	61	69
Carrying amount at the end of the year	211	203
Vehicles		
Carrying amount at the start of the year	-	-
Additions	83	-
Disposals	-	-
Depreciation	3	-
Carrying amount at the end of the year	80	-
Artwork		
Carrying amount at the start of the year	-	-
Additions	3	-
Disposals	-	-
Depreciation	1	-
Carrying amount at the end of the year	2	-
Leased Office equipments		
Carrying amount at the start of the year	18	27
Additions	-	-
Disposals	7	-
Depreciation	9	9
Carrying amount at the end of the year	2	18
19 Payables		
Goods and services received	735	576
	2000/01 (\$'000)	1999/00 (\$'000)
20 Accrued salaries		
Amounts owing for the seven working days from 22 June to 30 June 2001 (2000: 6days)	299	244
21 Provisions		
Current liabilities		
Liability for annual leave	779	657
Liability for long service leave	572	527
	1,351	1,184
Non-current liabilities		
Liability for long service leave	955	472
	955	472

	2000/01 (\$'000)	1999/00 (\$'000)
22 Equity		
Equity represents the residual interest in the net assets of the Ministry. The Government holds the equity interest in the Ministry on behalf of the community.		
Accumulated surplus/ (deficit)		
Opening Balance	4,126	1,908
Change in net assets resulting from operations	2,534	2,218
Balance at the end of the year	6,660	4,126
Total Equity	6,660	4,126
23 Reconciliation of net cash used in operating activities to net cost of services		
For the purposes of the Statement of Cash Flows, 'cash' has been deemed to include cash assets and restricted assets		
Net cost of services	16,479	10,199
(Increase) / Decrease in employee entitlements	(650)	4
(Increase)/decrease in accrued salaries	(55)	(105)
(Increase)/decrease in accounts payable	(159)	(238)
(Increase)/decrease in financial lease liability	2	8
Increase/(decrease) in prepayments	-	(64)
Increase/(decrease) in accounts receivable	102	(331)
Notional superannuation expense	(1,271)	(265)
Notional Income - Take up of assets	113	-
Resources received free of charge	(124)	(99)
Depreciation	(884)	(776)
Loss on disposal of non-current assets	(866)	(58)
Net cash (used in)/from operating activities	12,688	8,275
Reconciliation of Cash		
Operating account	5,575	1,650
Cash on hand	25	36
Restricted Cash		
Accrued salaries suspense account	307	221
Cash in Suspense Trust A/c	139	100
Closing cash balance as per cash flow statement	6,046	2,007

24 Commitments for expenditure

a Capital expenditure commitments

Capital expenditure commitments being contracted capital expenditure additional to the amounts reported in the financial statements, are payable as follows:

Within 1 year	116	-
Later than 1 year and not later than 5 years	-	-
Later than 5 years	-	-

b Finance Leases

Analysis of finance lease commitments:

Payable no later than 1 year	2	2
Payable later than 1 year and not later than 2 years	1	2
Payable later than 2 years and not later than 5 years	-	2
Payable later than 5 years	-	-

Deduct: Future finance charges on finance leases	(0)	(1)
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Provided for as Interest Bearing liability	<u>3</u>	<u>5</u>
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Representing lease liabilities

Current	2	2
Non-Current	<u>1</u>	<u>3</u>
	<u>3</u>	<u>5</u>

Lease liabilities are effectively secured as the rights to the leased asset revert to the lessor in the event of default.

c Vehicle Lease

At the reporting date, the Department had the following vehicle lease obligations under operating leases (these obligations are not recognised as liabilities):

Not later than 1 year	94	104
Later than 1 year and not later than 5 years	58	29
	<u>152</u>	<u>133</u>

d Operating Leases

At the reporting date, the Department had the following obligations under operating leases (these obligations are not recognised as liabilities):

Non-cancellable operating lease commitments

Not later than 1 year	1,233	915
Later than 1 year and not later than 2 years	1,182	1,146
Later than 2 year and not later than 5 years	3,406	3,371
Later than 5 years	2,571	3,693
	<u>8,392</u>	<u>9,125</u>

25 Remuneration and retirement benefits of Senior Officers

Definition

A Senior Officer means a person, by whatever name called, who is concerned or takes part in the management of the agency. The agency's Senior Officers comprise members of the Corporate Executive.

The number of Senior Officers whose total of fees, salaries and other benefits received, or due and receivable, for the financial year, who fall within the following band is:

\$	2000/01	1999/00
0 - 10000	-	1
70,001 - 80,000	1	1
80,001 - 90,000	-	1
90,001 - 100,000	4	1
100,001- 110,000	-	1
140,001- 150,000	-	1
160,001- 170,000	1	-
Total	6	6

The total remuneration of senior officers is:

623

516

Retirement benefits

The following amounts in respect of retirement benefits for senior officers were paid or became payable for the financial year:

Total notional contributions to Gold State Superannuation Scheme and West State Superannuation Scheme

58

56

No senior officers are members of the Superannuation and Family Benefits Act Scheme.

26 Explanatory statement

The Summary of Consolidated Fund Appropriations and Revenue Estimates discloses appropriations and other statutes expenditure estimates, the actual expenditures made and revenue estimates and payments into Consolidated Fund, all on a cash basis.

The following explanations are provided in accordance with
Treasurer's Instruction 945:

A Significant variations between actual outcomes for the financial year and outcomes for the immediately preceding financial year where the variation is greater than 10% or \$ 100,000.

	2000/01 \$000	1999/00 \$000	Variation \$000	%
(i) Retained Revenue	9,196	8,885	311	4%
Increase in User charges and fees as compared to the preceding year were due to the following reasons:				
a Revenue from Real Estate and Business Agents Supervisory Board and Settlement Agents Board increased by \$ 533,000 under the Service Delivery Agreements.				
b Trading Standards Branch increased its revenue by 26% over the previous year.				
c Reimbursement of administration costs for Rental Accommodation Fund increased by 11%.				
(ii) Administered Revenue	5,344	6,433	(1,089)	(17%)
A decline of 22% in revenue was due to reduction in Business Names registrations and renewals. The Renewal fees for Business names registrations were cancelled as of March 2000. This resulted in 33% loss in revenue from cancellations in renewals.				
There was a general decrease in revenue from the Land valuers, Finance Brokers and Motor vehicle business agents' licences by \$ 77,707.				
(iii) Capital Expenditure	300	3,025	(2,725)	(90%)
Additional funding received in 1999/ 00 for relocation of the Ministry's various offices and fit out costs of the Ministry's new premises.				

B Significant variations where actual revenues and expenditure exceeded or were less than budget estimates for the financial year where the variation is greater than 10% or \$100,000.

	2000/01 \$000	Budget \$000	Variation \$000	%
1 Retained Revenue	9,196	8,078	1,118	14%

The increase in revenue as against the budget for the year are due to the following reasons:

a Revenue estimated for the year was lower by 29% due to cancellations of renewal fees for Business names for the year.

b There was an increase of 22% in the actual costs reimbursed for the administration of the Rental Accommodation Fund for 2000/01.

c Increase of 20% in revenue as against estimated, was due to revision of Service Delivery Agreements for Real Estate and Settlement Agents Supervisory boards.

2 Outputs

(i) Policy advice and development	6,426	2,386	4,040	169%
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Increased output costs due to activities associated with:

a. the Gunning Inquiry and Legislative Council select committee.
Supplementary funding received for this \$1,757,000 .

b. the establishment of Petroleum Pricing Unit in accordance with the Petroleum Products Amendment Bill 2000.
Supplementary funding received \$ 779,000.

(ii) Community Information Access	2,164	1,093	1,071	98%
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a. Supplementary funding of \$ 244,000 received for provision of information for new Petrol Pricing Unit.

b. Costs of Community information development projects - \$ 551,724

	2000/01 \$000	Budget \$000	Variance \$000	%
(iii) Business Regulation	16,942	8,372	8,570	102%

Additional costs incurred for the various projects:

^aGunning enquiry costs. Additional funding received \$ 311,000

^bFunding for Supervisors and Liquidators - Global and Grubb Finance - Additional Funding received \$ 2,735,000

^cCosts of implementing the Gunning Committee's recommendations related to the Finance Brokers Supervisory Board. Supplementary funding received - \$ 1,479,000.

^dCosts of establishment of Petroleum Pricing Unit - Additional funding received \$ 708,000.

(iv) Customer Advice	5,020	3,686	1,334	36%
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Increased costs due to the development and installation of the Fuel Watch web site. Supplementary funding received - \$ 190,000.

27 Additional Financial Instruments Disclosures

Interest rate risk exposure.

The Department's exposure to interest rate risk, repricing maturities and the effective interest rates on financial instruments are:

	2000/01 (\$'000)	1999/00 (\$'000)
Assets	Non Interest Bearing	Non Interest Bearing
Cash assets	5,600	1,686
Restricted cash assets	446	321
Receivables	701	599
Total financial assets	<u>6,747</u>	<u>2,606</u>
Liabilities	Non Interest Bearing	Non Interest Bearing
Payables	735	576
Accrued salaries	299	244
Employee entitlements	2,306	1,656
Total financial liabilities	<u>3,340</u>	<u>2,476</u>
Net financial assets (liabilities)	<u>3,407</u>	<u>130</u>

None of the Department's financial instruments are interest bearing.

	2000/01 (\$'000)	1999/00 (\$'000)
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Credit risk exposure

All financial assets are unsecured.
Amounts owing by other government agencies are guaranteed and therefore no credit risk exists in respect of those amounts. In respect of other financial assets the carrying amounts represent the Department's maximum exposure to credit risk in relation to those assets.

The following is an analysis of amounts owing by other government agencies:

Western Australian Government agencies	9	-
Government agencies of other jurisdictions	9	-
Total	18	-

28 Schedule of Administered Items.

Administered Expenses and Revenues

Expenses

Payments to consolidated fund	5,344	6,433
Total administered expenses	5,344	6,433

Revenues

Fees and fines	5,344	6,428
Total administered revenues	5,344	6,428

Administered Assets and Liabilities

Administered Assets

Assets

Cash	16	439
Total administered assets	16	439

Liabilities

Current Accounts Payable	16	439
Total administered liabilities	16	439

Note

(i) Payments of Fees and Fines to the Consolidated Fund

The Ministry is responsible for the collection of certain fees and fines. These are not classified as operating revenues or expenses, and are credited to Consolidated Fund.

Collections made during the year were:

Business Names Registrations	4,201	5,405
Other Registration Fees	80	88
Credit Providers	387	313
Employment Agents	39	49
Finance Brokers	36	73
Land Valuers	4	18
Motor Vehicle Dealers	388	415
Travel Agents	209	68
Total	<u>5,344</u>	<u>6,429</u>

29 Other commitments

The Ministry has no other commitments as at 30 June 2001.

30 Contingent obligations

One matter in connection with the Finance Industry could have potential liability for the Ministry. Insufficient information available as of 30th June 2001 to estimate potential liability.

31 Events occurring after reporting date

The Ministry of Fair Trading has merged with the Department of Productivity and Labour Relations and Worksafe to form a new entity - The Department of Consumer and Employment Protection - as of 1st July 2001.

32 Related bodies

The Ministry has no related bodies.

33 Affiliated bodies

Responsibilities of the Ministry in supporting Affiliated Bodies

Quasi - judicial and Regulatory bodies

The following quasi-judicial and regulatory bodies were responsible to the Minister for Fair Trading during this financial year and are financially dependant upon the Ministry (to the extent of the amounts stated), but were not subject to its operational control:

- (i) The Land Valuers Licensing Board established under s 5 of the Land Valuers Licensing Act 1987. - \$ 38,717

(ii) The Motor Vehicle Dealers Licensing Board established under s 7 of the Motor Vehicles Dealers Act 1973. \$ 33,104.

(iii) The Finance Brokers Supervisory Board established under s 6 Finance Brokers Control Act 1975. \$ 248,890

(iv) The Charitable Collections Advisory Committee established under s 6 of the Charitable Collections Act 1946. \$ 63,147

Other Affiliated Bodies

The following bodies were financially dependant upon the Ministry for at least 50 per cent of their funding, but were not subject to its operational control:

The Consumer Products Safety Committee established under s 23E of the Consumer Affairs Act 1971.

The Tenants Advisory Service, funded in order to provide an advisory service to tenants.

The Ministry provides staff and administrative support in licensing matters to the Commercial Tribunal for Travel Agents, Credit Providers and Employment agents which are not separate accountable authorities.

34 Losses Written Off

There were no losses written off by the Ministry during the 2000/01 financial year.

35 Gifts of Public Property

There were no gifts of public property provided by the Ministry during the 2000/01 financial year.

36 Service delivery agreements

Purpose

- a The Ministry has a service level agreement with the Commonwealth Government, whereby the Ministry undertakes to provide its normal services to the **Christmas and Cocos Islands**.

	2000/01 (\$'000)	1999/00 (\$'000)
Opening Balance	9	17
Receipts	128	92
Expenditure	112	100
Closing Balance	25	9

	2000/01 (\$'000)	1999/00 (\$'000)
b The Ministry has a service delivery agreement with the Real Estate & Business Agents Supervisory Board for the provision of administrative and regulatory services.		
Receipts	4,423	3,314
c The Ministry has a service delivery agreement with the Settlement Agents Supervisory Board for the provision of administrative and regulatory services.		
Receipts	475	676
37 Trust funds		
a Settlement Payments Account (Non-Interest Bearing)		
Opening Balance	4	4
Receipts	-	-
Payments	-	-
Closing Balance	<u>4</u>	<u>4</u>
b Consumer Credit Act (WA) - Receipts in Trust Account		
Opening Balance	-	-
Receipts	39	-
Payments	-	-
Closing Balance	<u>39</u>	<u>-</u>
c Rental Accommodation Fund		
Opening Balance	31,971	28,316
Receipts	25,282	23,538
Payments	<u>21,410</u>	<u>19,883</u>
Closing Balance	35,842	31,971
d Department Receipts in Suspense		
Opening Balance	-	-
Receipts	100	-
Payments	-	-
Closing Balance	<u>100</u>	<u>-</u>

END OF FINANCIAL STATEMENTS

APPENDICES

Regulatory Boards

The Ministry of Fair Trading's portfolio includes legislation that regulates and controls a number of occupational and industry groups, such as builders and real estate agents. In a number of cases, the legislation establishes a board or committee that is responsible for licensing and supervision of members of a particular occupational group. In some cases these boards and committees receive financial and other support from the Ministry. Other boards operate independently and are self funding and the Ministry's role is limited to the provision of policy support to the Minister. The boards and committees administered by the Ministry are as follows:

Builders' Registration Board

Relevant Legislation	Major Functions of Board	Ministry Support
<i>Builders' Registration Act 1939</i>	<ul style="list-style-type: none">Registers builders.Determines training courses and experience required for registration.Undertakes proceedings for offences against the Act.Cancels and suspends registration where required, under the Act.Maintains administrative support of the Building Disputes Committee.Investigates complaints of faulty or sub-standard building work.	The Ministry does not support the Board with either funding or staff. The licence fees and interest on investments fund the Board. However, the Ministry provides support to the Minister on matters related to the operation of the Board, and on policy matters.

Building Disputes Committee

Relevant Legislation	Major Functions of Board	Ministry Support
<i>Builders' Registration Act 1939</i>	<ul style="list-style-type: none">Deals with complaints about contractual and workmanship matters between consumers and builders.	The Ministry does not support the Committee with either funding or staff. However, the Ministry provides support to the Minister on matters related to the operation of the Committee, and on policy matters.

Commercial Tribunal

Relevant Legislation	Ministry Support
<i>Chattel Securities Act 1987</i> <i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i> <i>Credit Act 1984</i> <i>Credit (Administration) Act 1984</i> <i>Fair Trading Act 1987</i> <i>Travel Agents Act 1985</i>	The Ministry of Fair Trading provides staff and administrative support for matters relating to travel agents, employment agents and credit providers. Otherwise the Tribunal is staffed and funded by the Ministry of Justice.

Finance Brokers Supervisory Board

Relevant Legislation	Major Functions of Board	Ministry Support
<i>Finance Brokers Control Act 1975</i>	<ul style="list-style-type: none">▪ Licenses finance brokers, grants business certificates that authorise the holder to carry on business as a finance broker.▪ Supervises activities of finance brokers.▪ Prescribes a code of conduct for brokers.▪ Conducts investigations and inquiries for the purpose of determining whether brokers have been complying with the requirements of the Act, the Code of Conduct or any special conditions on their licences or business certificates.▪ Imposes sanctions on finance brokers who have been found to act improperly.▪ Fixes the maximum amount of remuneration payable to brokers for services rendered.▪ Oversees trust account audits that finance brokers are required to provide.▪ Advises the Minister regarding general administration of the Act.	The Ministry of Fair Trading funds the Board and staff are provided for administrative support.

Land Valuers Licensing Board

Relevant Legislation	Major Functions of Board	Ministry Support
<i>Land Valuers Licensing Act 1978</i>	<ul style="list-style-type: none">▪ Licenses land valuers.▪ Supervises and controls the practice of land valuations.▪ Prescribes a code of conduct.▪ Directs inquires into the conduct of valuers to determine whether a proper cause for disciplinary action exists.▪ Imposes sanctions on land valuers found to have acted improperly.▪ Deals with maximum amounts of remuneration payable to valuers for services rendered.▪ Advises the Minister as to the general administration of the Act.	The Ministry of Fair Trading funds the Board and staff are provided for administrative support.

Motor Vehicle Dealers Licensing Board

Relevant Legislation	Major Functions of Board	Ministry Support
<i>Motor Vehicle Dealers Act 1973</i>	<ul style="list-style-type: none">▪ Licenses appropriate entities to carry on business in the motor vehicle industry.▪ Denies access of unfit entities to the motor vehicle sales industry.▪ Removes unfit entities from the motor vehicle sales industry.▪ Ensures the registration and maintenance of appropriate facilities by licensed entities.	The Ministry of Fair Trading funds the Board and staff are provided for administrative support.

Painters' Registration Board

Relevant Legislation	Major Functions of Board	Ministry Support
<i>Painters' Registration Act 1961</i>	<ul style="list-style-type: none"> ▪ Determines applications for registration under the Act. ▪ Maintains a register of all persons registered under the Act. ▪ Prescribes training courses and conducts examinations. ▪ Receives and investigates complaints of faulty or substandard workmanship and makes orders for rectification. ▪ Cancels and suspends registration, where necessary under the Act. ▪ Investigates and takes proceedings for offences against the Act. 	The Ministry of Fair Trading does not support the Board with either funding or staff. The Board is funded by licence fees and pays the Builders' Registration Board for staff. The Ministry provides support to the Minister on matters related to the operation of the Board and on policy matters.

Real Estate and Business Agents Supervisory Board

Relevant Legislation	Major Functions of Board	Ministry Support
<i>Real Estate and Business Agents Act 1978</i>	<ul style="list-style-type: none"> ▪ Licenses real estate and business agents' licences. ▪ Advises the Minister regarding general administration of the Act. ▪ Issues certificates of registration for real estate sales representatives. ▪ Conducts and promotes education and advisory services for licensed agents, registered sales representatives and members of the public. ▪ Oversees trust account audits which licensees are required to provide annually. ▪ Conducts inquiries to determine whether agents and sales representatives have been complying with the Act, Regulations and Code of Conduct. ▪ Disciplines agents and sales representatives found to be acting improperly. ▪ Administers the Real Estate and Business Agents Fidelity Guarantee Fund. ▪ Administers the Home Buyers' Assistance Fund. 	Licensing fees and interest earned on trust accounts independently finances the Board. Staff and other resources are provided by the Ministry of Fair Trading under a service delivery agreement for policy, education, advice, conciliation, compliance activities and licence processes.

Settlement Agents Supervisory Board

Relevant Legislation	Major Functions of Board	Ministry Support
<i>Settlement Agents Act 1981</i>	<ul style="list-style-type: none">▪ Licensing settlement agents.▪ Advising the Minister as to the general administration of the Act.▪ Conducting and promoting education and advisory services for licensed agents and members of the public.▪ Conducting inquiries for the purpose of determining whether settlement agents have been acting within the requirements of the Act, Regulations or Codes of Conduct.▪ Assessing trust account audits which licensees are required to provide annually.▪ Disciplining settlement agents whose conduct breaches the Act.	Licensing fees and interest earned on trust accounts independently finances the Board. Staff and other resources are provided by the Ministry of Fair Trading under a service delivery agreement for policy, education, advice, compliance activities and licence processes.

Application of Sanctions

When one of the regulatory boards that the Ministry supports intends to prosecute an occupational licence holder, the Ministry directs the efforts to prosecute. Compliance activities for the regulatory boards that the Ministry supports are reported in each of the relevant board's annual reports. A summary of the quantity of this application of sanctions is reported in Output 3: Business Regulation.

Affiliated Committees

The following bodies were financially dependent upon Fair Trading for at least 50% of their funding and were supported by staff provided by the Ministry, but were not subject to its operational control.

Charitable Collections Advisory Committee

Relevant Legislation	Major Functions of Board	Ministry Support
<i>Charitable Collections Act 1946</i>	<ul style="list-style-type: none">▪ Providing independent advice on charitable collections issues to the Minister.	The Ministry of Fair Trading funds the Board and staff are provided for administrative support.

Consumer Products Safety Committee

Relevant Legislation	Major Functions of Board	Ministry Support
<i>Consumer Affairs Act 1971</i>	<ul style="list-style-type: none">▪ Providing independent advice on charitable collections issues to the Minister.▪ Considering, investigating and examining the safety of goods.	A staff member from the Ministry of Fair Trading chairs the Committee. The Ministry of Fair Trading funds the Board and staff are provided for administrative support.

Petroleum Products Pricing Advisory Committee

Relevant Legislation	Major Functions of Board	Ministry Support
<i>Petroleum Products Pricing Act 1983</i>	<ul style="list-style-type: none">▪ Advising the Minister or the Commissioner for Fair Trading, in his capacity as the Prices Commissioner, on any matters related to the pricing of petroleum products.	The Ministry of Fair Trading funds the Board and staff are provided for administrative support.

Retail Shops Advisory Committee

Relevant Legislation	Major Functions of Board	Ministry Support
<i>Retail Trading Hours Act 1987</i>	<ul style="list-style-type: none">▪ Considering issues and making recommendations relating to retail trading laws.	The Ministry of Fair Trading funds the Board and staff are provided for administrative support.

Legislation Administered

The Ministry assists the Minister with the administration of the following Acts of Parliament:

1. ***Associations Incorporation Act 1987*** - provides a means by which associations (such as clubs and societies) can become incorporated bodies.
2. ***Auction Sales Act 1973*** - provides for the licensing of auctioneers.
3. ***Bills of Sale Act 1899*** - the Act provides for the creation of personal property securities and originally provided a registration scheme covering most personal property. The *Chattels Securities Act 1987* has amended the operation of this Act and limited its scope.
4. ***Bread Act 1982*** - provides for a system of licensing bake-houses and limits trading and baking hours.
5. ***Builders' Registration Act 1939*** - provides for a system of registration and discipline of builders and for the establishment of the Building Disputes Committee.
6. ***Business Names Act 1962*** - establishes a system of registration of business names.
7. ***Charitable Collections Act 1946*** - establishes a system for licensing of charitable organisations and inspection of their financial records.
8. ***Chattel Securities Act 1987*** - provides for a system of creation and registration of personal property securities. At present operation of the Act is limited to registering securities over motor vehicles.
9. ***Commercial Tenancy (Retail Shops) Agreements Act 1985*** - regulates some aspects of the relationship between commercial landlords and tenants in relation to retail shops and provides for a dispute resolution process.
10. ***Companies (Co-operative) Act 1943*** - regulates the formation of Cooperative Companies and their management.
11. ***Competition Policy Reform Act 1996*** - applies certain parts of the *Trade Practices Act 1974* of the Commonwealth as the law of Western Australia, to prohibit all persons carrying on business in this State from engaging in anti-competitive conduct.
12. ***Competition Policy (Taxation) Act 1996*** - provides the power to collect certain fees imposed by the *Competition Policy Reform Act* as taxes, as required by the *Constitution Acts Amendment Act 1899*.
13. ***Consumer Affairs Act 1971*** - establishes the Ministry of Fair Trading (originally Consumer Affairs) and the office of Commissioner for Fair Trading. Describes the functions of the Ministry and empowers the Commissioner to undertake those functions and do other things in relation to them.
14. ***Consumer Credit (Western Australia) Act 1996*** - applies nationally consistent laws for the regulation of consumer lending in Western Australia.
15. ***Credit Act 1984*** - regulates the provision of credit for private purposes in amounts less than \$20,000.
16. ***Credit (Administration) Act 1984*** - establishes a licensing system for credit providers who provide credit under the *Credit Act 1984*.

17. ***Debt Collectors Licensing Act 1964*** - establishes a licensing and disciplinary system for debt collectors.
18. ***Disposal of Uncollected Goods Act 1970*** - provides a statutory system to provide for the orderly sale and disposal of uncollected goods and goods the owners of which cannot be traced.
19. ***Distress for Rent Abolition Act 1936*** - abolished, subject to the operation of the *Property Law Act*, the remedy of distress (seizure of personal property) for arrears of rent.
20. ***Door to Door Trading Act 1987*** - regulates the conduct of businesses engaged in door to door trading and provides consumer remedies for goods or services purchased in the course of door to door trading.
21. ***Employment Agents Act 1976*** - establishes a licensing and disciplinary system for employment agents.
22. ***Fair Trading Act 1987*** - deals with misleading or deceptive conduct and related issues, pyramid sales schemes and related issues, consumer warranties, and provides for creation of codes of conduct for businesses.
23. ***Finance Brokers Control Act 1975*** - establishes Finance Brokers Supervisory Board and provides for a system of licensing and disciplining of finance brokers.
24. ***Hire Purchase Act 1959*** - regulates the provisions of hire purchase finance. Operation of the Act is affected by the *Credit Act 1984*.
25. ***Home Building Contracts Act 1991*** - regulates contracts between consumers and builders for performing home building work.
26. ***Land Valuers Licensing Act 1978*** - establishes Land Valuers Licensing Board and provides for a system of licensing and disciplining of land valuers.
27. ***Limited Partnership Act 1909*** - regulates the creation of limited partnerships and the rights and obligations of members of limited partnerships.
28. ***Metric Conversion Act 1972*** - provides for the use of the metric system of measurement to replace previous references to physical quantities in other legislation.
29. ***Motor Vehicle Dealers Act 1973*** - establishes the Motor Vehicle Dealers Licensing Board and provides for a licensing and discipline system for motor vehicle dealers, yard managers and salespersons.
30. ***New Tax System Price Exploitation Code (Western Australia) Act 1999*** - applies the provisions of the Commonwealth's New Tax System Price Exploitation Code to individuals and partnerships.
31. ***New Tax System Price Exploitation Code (Taxing) Act 1999*** - supports the introduction of the New Tax System Price Exploitation Code by imposing any necessary fees.
32. ***Painters Registration Act 1961*** - establishes the Painters' Registration Board and provides for a system of registration and disciplining of painters.
33. ***Petroleum Products Pricing Act 1983*** - provides for control of petroleum product prices in circumstances specified in the Act.
34. ***Petroleum Retailers Rights and Liabilities Act 1982*** - deals with the rights and liabilities of persons in businesses occupying land for the purpose of selling petroleum products.

35. ***Real Estate and Business Agents Act 1978*** - establishes the Real Estate and Business Agents Supervisory Board and provides for a system of licensing and discipline for real estate and business agents.
36. ***Residential Tenancies Act 1987*** - regulates the formation of residential tenancy agreements and the conduct of the parties bound by those agreements.
37. ***Retail Trading Hours Act 1987*** - provides for the regulation of trading hours to be observed by businesses operating in Western Australia.
38. ***Retirement Villages Act 1992*** - regulates the establishment of retirement villages and the rights of residents of retirement villages.
39. ***Sale of Goods Act 1895*** - to be read in conjunction with the *Fair Trading Act 1987*. Implies into contracts, in circumstances described in the Act, terms and conditions relating to the sale of goods.
40. ***Sale of Goods (Vienna Convention) Act 1986*** - incorporates into Western Australian law the provisions of the United Nations Convention on Contracts for the international sale of goods.
41. ***Settlement Agents Act 1981*** - establishes Settlement Agents Supervisory Board and provides for a licensing and disciplinary system for settlement agents.
42. ***Street Collections (Regulation) Act 1940*** - establishes a system for regulating the conduct of street collections.
43. ***Sunday Entertainment Act 1979*** - regulates the ability of businesses to open on Sundays.
44. ***Trading Stamp Act 1981*** - prohibits the redemption of "third party trading stamps".
45. ***Travel Agents Act 1985*** - provides for a system of licensing of travel agents.
46. ***Weights and Measures Act 1915*** - provides for uniform standards of weighing and measurement in Western Australia and for the maintenance of standard weights and measures.
47. ***Wheat Products (Prices Fixation) Act 1938*** - provides for the establishment of the Wheat Products Prices Committee and for the Committee to have the power to fix minimum and maximum prices for the sale of wheat and wheat products (not operating).

Publications

For copies of most of the following publications, either visit the Ministry's website at www.fairtrading.wa.gov.au, telephone 9282 0895, or write to: The Publications Officer, Ministry of Fair Trading, Locked Bag 14, Cloisters Square, WA, 6850. To assist people with special needs, all of the Ministry's publications are freely available in other formats upon request.

Boarding and Lodging

- ☐ Boarders and lodgers

Building Notes

- ☐ Hiring a builder or contractor
- ☐ Complaints and disputes
- ☐ Taking precautions against termite damage
- ☐ Building disputes committee
- ☐ Home indemnity insurance
- ☐ Duty of care and skill
- ☐ Understanding the preparation of plans agreement
- ☐ Roof restoration
- ☐ Protection against termites
- ☐ Dealing with condensation and mould
- ☐ A guide to the *Home Building Contracts Act*
- ☐ Building your new home – a checklist

Business Notes

- ☐ Customers want a refund
- ☐ Quoting for repairs
- ☐ Damaged goods
- ☐ Contracts of sale: the law of buying and selling
- ☐ Lay-by sales
- ☐ When customers complain
- ☐ Pricing, price tags, scanners and store signs
- ☐ Industry - based dispute resolution
- ☐ Complaint handling guidelines for traders
- ☐ Customer charters & information disclosure
- ☐ Corporate compliance programs
- ☐ Linked suppliers & the new Consumer Credit Code
- ☐ The consumer credit code
- ☐ Disposal of uncollected goods
- ☐ Retailer's advertising guide
- ☐ Retail shop leases
- ☐ Our refund policy signs
- ☐ Shopping bag checks

Consumer Notes

- ☐ Your rights when shopping: lay-by
- ☐ Your rights when shopping: returning goods
- ☐ Dealing with door-to-door salespeople
- ☐ If they don't pay – what happens if Court or Tribunal Orders are not paid
- ☐ Tips on signing contracts
- ☐ Handy credit tips
- ☐ Credit - what happens when you can't pay
- ☐ Getting help when you can't repay a loan
- ☐ Credit relief and the commercial tribunal
- ☐ The new Consumer Credit Code
- ☐ Buying a computer
- ☐ Tips on internet shopping
- ☐ Finance brokers and mortgage investments
- ☐ Choosing an internet service provider
- ☐ Wise choice
- ☐ Do you want to risk losing your home?

Fair Trading Notes

- ☐ What we do
- ☐ Fair Trading Act: a guide for the fair trader
- ☐ Understanding check-out scanners
- ☐ Retail trading hours
- ☐ Associations Incorporation - guidelines
- ☐ You and your business name
- ☐ Little black book of scams
- ☐ A guide to licensing charitable collections
- ☐ Street collections in the Perth metropolitan area

Motor Vehicle Notes

- ☐ Car buyer's checklist
- ☐ A warning for people buying vehicles privately
- ☐ Waiving a used car warranty
- ☐ Motor vehicle trader enquiry service
- ☐ Motor vehicle repairs

Product Safety Notes

- ☐ Death by skimmer box
- ☐ Safe toys for kids
- ☐ Understanding toughened glass
- ☐ Product safety responsibilities
- ☐ Disposable and cheap refillable cigarette lighters
- ☐ Keeping baby safe - a guide to nursery furniture
- ☐ Making your baby's cot safer
- ☐ Do you supply cots for trade or commerce?

Property Rental

- ☐ The Landlord's Handbook - *second edition* (\$9.95) *This publication also contains all Tenancy Notes*

Real Estate Notes

- ☐ Buying vacant land
- ☐ Buying a home through an agent
- ☐ Auction sales
- ☐ Sale by offer and acceptance
- ☐ Property settlement
- ☐ Timber pest inspections and reports
- ☐ Negotiating fees and services with a real estate and business agent
- ☐ Land valuers

Retirement Villages

- ☐ So you're thinking of moving into a retirement village?
- ☐ Standard Charter

Tenancy Notes

- ☐ Starting a tenancy
- ☐ Who's responsible in a tenancy?
- ☐ Bonds and rent
- ☐ Abandoned rental premises or goods
- ☐ Paying for water
- ☐ Ending a tenancy
- ☐ Service of notices - what to issue
- ☐ Service of notices - how and when to issue
- ☐ Settling disputes in court
- ☐ Tenancy bonds: a guide
- ☐ Preparing for court

Travel

- ☐ Planning your holiday - a consumer's guide
- ☐ Travel agent's kit - an agent's guide

Contact Us

The Ministry's Call Centre number line is **1300 30 40 54**. Regional callers will automatically be connected to their local office on this number, or diverted to the head office if the regional line is busy. This line is charged at a local call cost for all callers. Our website (www.fairtrading.wa.gov.au) is updated daily containing new information likely to be of interest to visitors. Additionally, queries can be directed to our email address: <mailto:online@mft.wa.gov.au>.

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Glossary

Australian Competition and Consumer Commission (ACCC)	An independent statutory authority, the ACCC administers the <i>Trade Practices Act 1974</i> and the <i>Prices Surveillance Act 1983</i> . The ACCC, which was formed in 1995 through the merger of the Prices Surveillance Authority and the Trade Practices Commission, also plays an important role in the implementation of the National Competition Policy Reform Program.
ASIC	The Australian Securities and Investments Commission.
Code of Practice	A document that sets out specific standards of conduct for an industry in relation to its customers. A code may be mandatory or voluntary.
Commonwealth Retail Tenancy Group	A Commonwealth group formed to examine the introduction of nationally consistent legislation relating to retail tenancy.
FAAA	The <i>Financial Administration and Audit Act 1985</i> . The finances of all government agencies must comply with this Act.
Fair Trading Officers Advisory Committee (FTOAC)	A committee comprising senior officers representing Fair Trading and Consumer Affairs agencies throughout Australia. This provides an information-sharing forum on operational matters.
Finance and Valuation Industries Task Force	A task force that investigates alleged wrongdoing in the finance and valuation industries. The role of the task force is to develop a comprehensive compliance program for the industry, initiate regulatory reform, meet the Ministry's obligations to the supervisors and provide policy support to the Chief Executive and Minister.
"Get rich quick" schemes	Schemes which offer the promise of high monetary return, but very often fail to deliver. These schemes, which include pyramid-trading schemes, are frequently illegal.
Gunning Committee of Inquiry into Fair Trading Boards and Committees	The role of this Committee is to examine the effectiveness and efficiency of eight boards and committee in the Fair Trading portfolio. The only board to be reviewed during 1999-2000 was the Finance Brokers Supervisory Board. The Inquiry commenced hearings on 4 April 2000.
Green Bill	A draft Bill that is tabled in Parliament for the purpose of seeking public comment.
Ministerial Council on Consumer Affairs (MCCA)	A council comprising of Ministers of Fair Trading representing the Commonwealth and States and Territories of Australia and New Zealand. This body considers fair trading matters of national importance.
National Competition Policy Package (NCP)	A Commonwealth Government initiative to which the State Government is a party. It is a set of reforms aimed at promoting competition at all levels of the Australian economy.
National Standards Commission	A body that provides advice to the Commonwealth Government on matters relating to the national trade measurement system.

OBM	Output Based Management. An approach to management that focuses on what is produced by government agencies and links it to outcomes in the community desired by government.
Pyramid trading schemes	Schemes in which people make money mainly from the sale of the right to recruit others. These schemes, which are sometimes referred to as “get rich quick” schemes, are illegal.
Reference group	A group formed to support Fair Trading in conducting legislative reviews, developing new policy and implementing operational plans. Membership of the group generally includes industry and consumer representatives. This ensures that wide ranges of views are considered and enhances Fair Trading’s consultative and cooperative partnerships with its customers.
Register of Encumbered Vehicles (REVS)	A register of motor vehicles, recreational boats and unlicensed self-propelled farm machinery on which there is a financial interest by another party (e.g. a financier).
Retail Shops Advisory Committee	A committee established under the <i>Retail Trading Hours Act 1987</i> and includes representatives from consumers, small and large retailers, tourism, and unions. The role of the committee is to provide advice and recommendations to the Minister on the application of the Act.
Standing Committee of Attorneys General	A committee comprising of Attorney Generals representing the Commonwealth, States and Territories of Australia. This body considers relevant matters of national importance.
Standing Committee of Officials of Consumer Affairs (SCOCA)	A committee comprising departmental heads from fair trading and consumer affairs agencies throughout Australia and New Zealand. This body considers relevant matters of national importance.
Trading Standards Branch	Branch of the Ministry, formerly known as Trade Measurement Unit.
Trade Practices Act	A Commonwealth Act similar to the State <i>Fair Trading Act 1987</i> but directed towards the business practices of companies and those involved in inter-state trade and commerce. This Act is within the jurisdiction of the Australian Competition and Consumer Commission.
Travel Compensation Fund	A national fund requiring membership from all licensed travel agents. Primarily, the Fund offers compensation to travellers in the event that a licensed travel agent fails to account for monies received.
Uniform Consumer Credit Code Management Committee (UCCCMC)	The national advisory committee responsible to SCOCA for monitoring and coordinating all activities relating to the Consumer Credit Code. Its membership comprises representatives from the fair trading/consumer affairs agencies of all Australian states.

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