

Annual Report 2004-2005



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Statement of Compliance

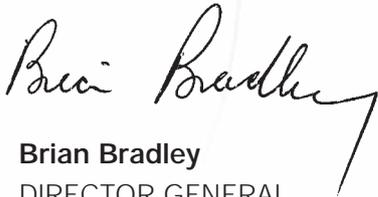
To the Hon John Kobelke MLA

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 Annual Report of the Department of Consumer and Employment Protection for the year ended 30 June 2005.

The Annual Report has been prepared in accordance with the provisions of the *Financial Administration and Audit Act 1985*.

This report also fulfils my obligations pursuant to Section 25 of the *Consumer Affairs Act 1971*, Section 60 of the *Credit (Administration) Act 1984*, Section 12A of the *Debt Collectors Licensing Act 1964*, Section 10A of the *Employment Agents Act 1976*, Section 175ZE(1) of the *Electoral Act 1907*, Section 58 of the *Travel Agents Act 1985* and Section 12(1) of the *Retirement Villages Act 1992*.

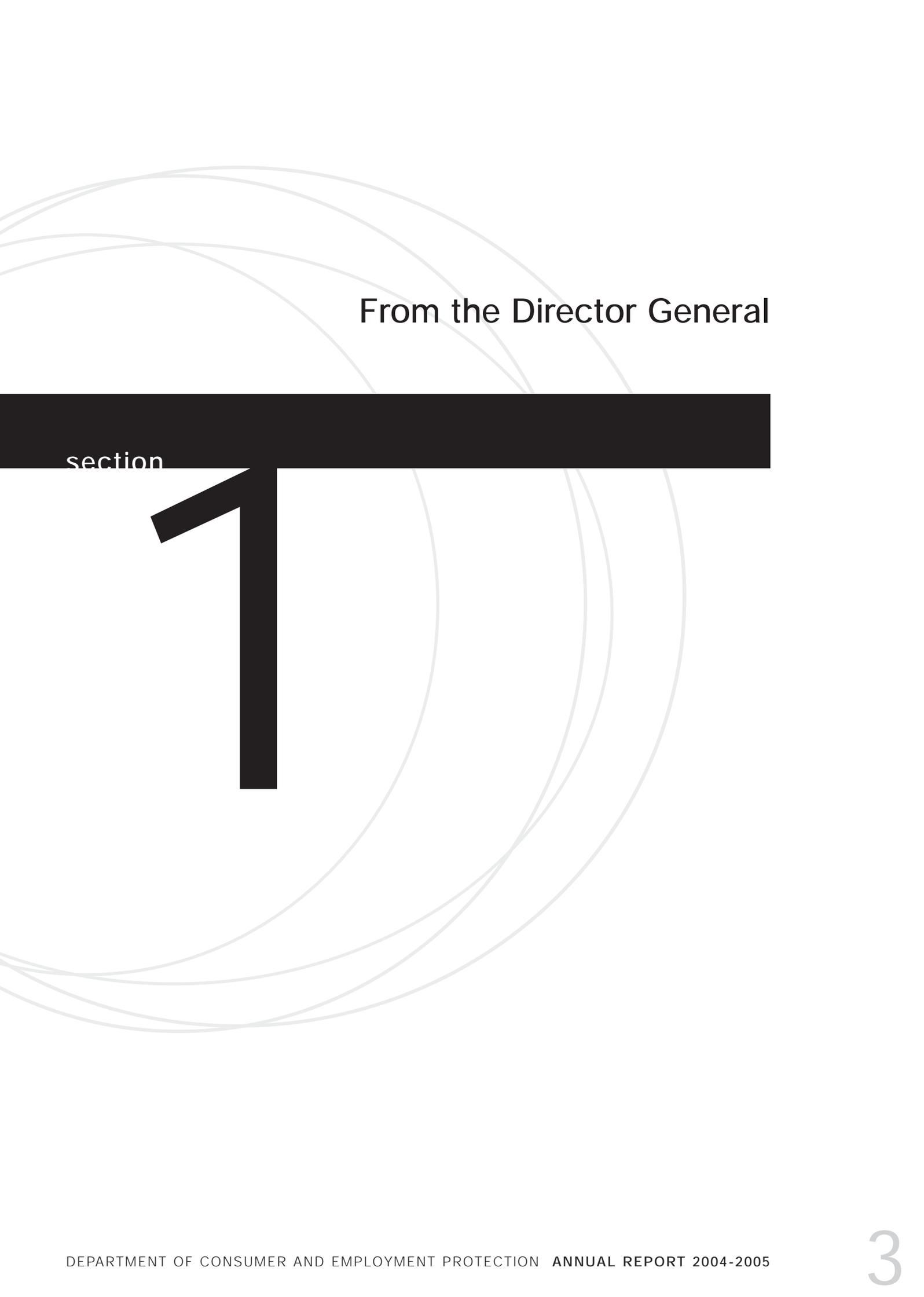


Brian Bradley

DIRECTOR GENERAL

DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION

31 August 2005

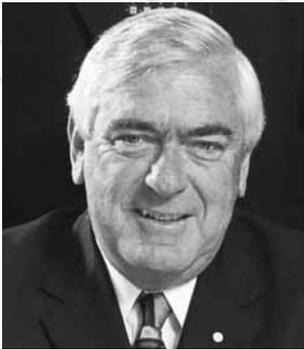


From the Director General

section

1

From the Director General



Last year saw many improvements in the way the Department of Consumer and Employment Protection (DOCEP) delivers its services to Western Australians. Substantial progress has occurred on a number of issues that impact on our stakeholders, making this fourth year of operation a successful one for DOCEP - and one in which we continued to grow as an integrated organisation.

DOCEP's activities are aligned with the five strategic goals in the Western Australian Public Sector's *Strategic Planning Framework Better Planning: Better Services*, and respond to our *Corporate Plan Future Directions 2002-2005*.

Safety and health was a prominent focus for DOCEP, with the new amendments to the *Occupational Safety and Health Act 1984* taking effect in January and April 2005. The amendments have been designed to strengthen and improve the existing provisions of the Act.

The 2004 ThinkSafe campaign, targeting small businesses in the aged care, agriculture, construction, retail and transport industries, has been evaluated, showing that occupational safety and health laws are easy to implement and have produced improvements in safety and health. The new ThinkSafe Small Business Strategy and the ThinkSafe Small Business Assistance Program give a free independent workplace safety check to businesses in high risk industries. Measures to improve safety in the tilt-up and precast concrete construction industry have been implemented.

Regional areas have been an important focus this year. A new WorkSafe inspector has been appointed in Albany, WorkSafe 2005 forums were held in the regions and a Farm Safety Strategy was developed. We enhanced customer services in the regions with the appointment of the Team Leader Regional Customer Services, to improve coordination and mentoring for regional Customer Service Officers.

Major electrical and gas audits, along with a comprehensive assessment of electricity supply system safety issues associated with the Tenterden fire, have been completed. Improvements to electrician training have been introduced, and a new electricity supply complaints database to enhance responses finalised.

A report on the Review of the Gender Pay Gap was tabled in Parliament and a new Pay Equity Unit will be established in 2005 to review the recommendations of the Report. Flexible work provisions have been built in to public sector awards and agreements to facilitate phased retirement and work-life balance options. Our Aboriginal Awareness Campaign focused on employee and employer rights.

Heightening awareness of both consumers' and traders' rights and responsibilities continued in 2004-05. We introduced a motor industry newsletter, piloted a youth radio program to highlight risk areas for young consumers, raised awareness of residential tenancy issues and examined the differentials between city and country prices in the regional petroleum market.

Work commenced on the Public Collections Bill, which will improve financial reporting requirements of charities and commercial fundraisers to make them more accountable for the public funds they collect. The Motor Vehicle Industry Board has been formed and met for the first time in January 2005, with its first task to look at the future licensing of motor vehicle repair businesses and certification of repairers.

As part of our aim to create an employment and trading environment that protects workers and consumers, DOCEP has introduced into Parliament the Residential Parks Bill to improve protection for park home residents. Also tabled in Parliament are Green Bill versions of the Trade Measurement Bill and Trade Measurement (Administration) Bill for a new weights and measures regulatory framework.

DOCEP significantly contributed to economically sustainable wages growth through submissions to the Western Australian Industrial Relations Commission regarding increases to the minimum weekly rates of pay under the *Minimum Conditions of Employment Act 1993*.

Communication of information to clients and the community has continued through seminars, business workshops, conferences, WorkSafe bulletins, and publication of new Codes of Practice for Tilt-Up Construction, Occupational Safety and Health in Call Centres, Fatigue Management for Commercial Drivers, the Fitness Industry and Extended Working Hours. Three new publications addressing parental leave guidelines and obligations for employers and employees have been released.

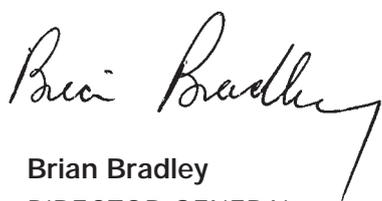
DOCEP is aligned with the whole-of-Government approach to environmental issues with its submission of a three year sustainability action plan and a continuing commitment to the State Government's Greenhouse Strategy and the Energy Smart Program.

Corporately, an Executive Workforce Planning Committee has been established to progress DOCEP's workforce planning, our Performance Development System has been launched, training continues for all staff in anti-bullying and equal employment opportunity, and we are in the process of developing a Risk Management Framework. Our Corporate Services Division has also been heavily involved in preparing to transfer its functions to the Shared Service Centre in Cannington. DOCEP's leadership team commenced development of the department's new corporate plan *Future Directions 2005-2008* that will come into effect from 1 July 2005.

Next financial year will see legislative responsibility for the safety and health regulation of minerals, resources and onshore petroleum safety, and dangerous goods, move to the Minister for Consumer and Employment Protection, with the Resources Safety Division (formerly known as the Safety and Health Division of the Department of Industry and Resources) coming under the administrative control of DOCEP. The feasibility of a longer term proposal for establishing a separate resources safety authority will be known during the year. The division comprises some 120 staff with regional offices in Kalgoorlie, Collie and Karratha and also operates explosives reserves at Baldivis and Kalgoorlie.

From a people perspective, I am very proud to announce that DOCEP has been awarded the Leading Edge Employer Award, the Leading Edge Advocate Award and the BizLink Employer of the Year Award for our significant contribution and commitment in creating and promoting quality employment opportunities for people with disabilities. It's good to see that we 'practise what we preach', and set a good example for Western Australian workplaces.

In conclusion, I congratulate and thank the staff of DOCEP for another productive year. Their hard work, dedication and professionalism make DOCEP an agency I am proud to call an employer of choice.



Brian Bradley
DIRECTOR GENERAL
DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION

31 August 2005



Profile of the Department of Consumer Employment and Protection

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Profile of the Department of Consumer and Employment Protection

WHAT ARE OUR SERVICES?

Western Australia's trading and workplace environments are continually changing and placing greater demands on consumers and workers.

To assist people to meet this challenge, the Department of Consumer and Employment Protection (DOCEP) seeks to create an employment and trading environment that provides for the growth, safety and protection of the community by:

- enhancing capacity;
- ensuring an effective regulatory environment; and
- enforcing the law.

The department provides a range of services in the following areas: consumer protection and business regulation, energy safety and supply quality, labour relations, and occupational safety and health.

The delivery of these services is managed through these key strategies:

- balancing the interests of consumers and traders, and employees and employers;
- developing, implementing and administering legislation and regulations in the areas of consumer protection, labour relations, occupational safety and health and energy safety;
- monitoring compliance with legislation and applying appropriate action in the event of non-compliance;
- providing policy and legislative advice to the Minister and other key stakeholders;
- providing accurate information and community education services;
- licensing and registration of business entities and individuals to meet appropriate standards;
- ensuring appropriate and relevant dispute resolution procedures are in place;
- managing fidelity funds to provide compensation for people who have encountered losses in specific areas of consumer protection; and
- participating in the State's emergency management framework.

DOCEP's structure focuses on particular areas to deliver these services and meet the organisation's responsibilities. The divisions are:

Consumer Protection Division, which:

- provides information and advice to consumers and traders about their rights and responsibilities;
- helps consumers resolve disputes with traders;
- monitors compliance with Consumer Protection legislation;
- investigates complaints about unfair trading practices;
- prosecutes unscrupulous traders;
- regulates and licenses a range of business activities; and
- develops, reviews and amends legislation that protects consumers.

Energy Safety Division, which:

- administers electricity and gas technical and safety legislation, and provides policy and legislative advice to Government;
- sets and enforces safety standards for electricity and gas networks;
- monitors reliability and quality of energy supplies and investigates consumers' related complaints;

- sets and enforces safety and energy efficiency standards for consumers' electrical and gas installations and appliances;
- licences electrical contractors, electrical workers and gas fitters and carries out accident investigations; and
- manages liquid fuel and gas supply emergencies, and promotes energy infrastructure security and resilience.

Labour Relations Division, which:

- provides policy and legislative advice to Government;
- provides information and education services to employees and employers on their employment rights and obligations;
- investigates complaints from employees about breaches of awards, agreements and industrial laws;
- provides labour relations services to and on behalf of Government and public sector employers; and
- coordinates public sector labour relations.

WorkSafe Division, which:

- administers occupational safety and health legislation and provides policy and legislative advice to Government;
- provides education and information to employers and employees to assist in preventing work-related injury and disease and improving work safety and health performance; and
- enforces occupational safety and health law and assists with the resolution of issues in workplaces.

Office of the Director General, which is responsible for:

- strategic policy development and coordination;
- corporate development;
- the delivery of print and online information;
- education and communication services;
- dealing with the media;
- promotions and campaigns; and
- integration and coordination of regional services.

Corporate Services Division, which provides DOCEP with services in the following areas:

- financial and administration services;
- information technology support services;
- human resource management; and
- corporate information services.

DOCEP has offices in Albany, Bunbury, Geraldton, Kalgoorlie and Karratha to ensure regional people can access these services.

The department has a corporate culture designed to provide high quality services to customers and stakeholders through standards, policies, practices and procedures. Industry funding is sought where necessary to supplement the department's resource base, and to integrate corporate functions, systems and services. As at 30 June 2005, the department had a total of 783 employees.

OUR STAKEHOLDERS

DOCEP services a wide range of stakeholders in Western Australia, including:

- the community;
- employees;
- employers;
- consumers;
- traders;
- business entities;
- public sector organisations;
- employee and employer organisations;
- academic institutions;
- the Minister for Consumer and Employment Protection; and
- the Minister for Energy.

DOCEP manages and implements 77 Acts of Parliament¹ on behalf of these stakeholders. Legislation, regulations and codes of practice are reviewed to meet the changing needs and expectations of the community. This results in a regulatory framework that is relevant to the community's needs.

ACHIEVEMENTS AND CHALLENGES

DOCEP's Achievements 2004-05

- Promoted family friendly work arrangements and flexible work provisions, including developing a mature age employment strategy. Labour Relations released three new publications addressing parental leave guidelines and obligations for employers and employees. Flexible work provisions were incorporated into public sector awards and agreements to facilitate phased retirement and work-life balance options.



- Developed *Working in Western Australia and Work-Life Balance in 2004 – A Snapshot of Western Australian Workplaces*. Both publications were based on the results of the 2004 Labour Relations Benchmarking Report and the 2004 Survey of Work-life Balance in Western Australia, undertaken by the Centre for Labour Market Research at the University of Western Australia.
- Made a significant contribution to economically sustainable wages growth through submissions by Labour Relations to the Western Australian Industrial Relations Commission regarding minimum weekly rates of pay under the *Minimum Conditions of Employment Act 1993*, and to the National and State Wage Cases. A significant number of awards were also updated to provide a minimum safety net for terms and conditions of employment.
- Continued the program of investigating alleged breaches of industrial awards and agreements with targeted inspection campaigns conducted to ensure that employers were observing their obligations under the *Industrial Relations Act 1979*.
- Conducted a major audit of the activities of Alinta Network Services in relation to the gas distribution system.
- Conducted an audit of Western Power's wood pole management systems under the provisions of the Electricity (Supply Standards and System Safety) Regulations 2001. The outcome of the audit is expected to be available by September 2005.
- Finalised the implementation of improvements to electrician training, in accordance with the Electrical Regulatory Authorities Council 2001 Licensing Policy.
- Implemented a new electricity supply complaints database that improved Energy Safety's ability to respond to complaints about power supply quality and reliability.
- Introduced the Trade Measurement Bill and the Trade Measurement (Administration) Bill into Parliament to enhance the regulatory framework for weights and measures consistent with other Australian jurisdictions.

¹ See Appendix One for full details

- Established the Motor Vehicle Industry Board, which regulates both the motor vehicle sales industry and the motor vehicle repairers industry, and commenced implementation of the motor vehicle repairers licensing and compliance regime.
- Successfully transferred licensing responsibility for debt collectors, credit providers, employment agents and travel agents to the Commissioner for Fair Trading under the *State Administrative Tribunal Act 2004*.
- Undertook successful prosecution and compliance actions in relation to consumer protection matters, such as unlicensed motor vehicle dealing, misleading and deceptive advertising and pre-packaged product labelling.
- Established a new compliance and inspection framework for regulating the plumbing industry and employed additional staff, including qualified plumbers to undertake various compliance programs.
- Progressed implementation of an enhanced information management system - the Compliance and Licensing System (CALs) – to facilitate better tracking of offenders across consumer protection industry areas, integrate business and company registers and improve the management of investigation caseloads. Phase 1 of CALs replaces a number of disparate systems for managing consumer complaints and occupational licensing.
- Conducted an extensive education program to promote the implementation of the Fitness Industry Code of Practice and commenced a proactive program to monitor trader compliance with the new code.
- Piloted a youth radio program aimed at increasing awareness of risk areas for young consumers, such as credit and budgeting, mobile phone contracts, vehicle purchases and property rental.
- Completed a review of the Western Australian auto gas market.
- Contributed to a Safety In The Home information program in partnership with Kidsafe and Landcorp. The resultant display home, built in Harvest Lakes, Atwell (south metropolitan), integrates product safety features and was opened in April 2005.
- Implemented amendments, as a result of a statutory review, to the *Occupational Safety and Health Act 1984*, including a substantial increase in penalties and provisions for appropriately trained safety and health representatives to issue Provisional Improvement Notices.
- Raised awareness of safety and health issues and changes to legislation through the publication and promotion of new WorkSafe bulletins, on topics including the general duty of care, Provisional Improvement Notices and establishing a safety and health committee.
- Created a ThinkSafe Small Business Strategy, which offered businesses in targeted high risk industries with fewer than 20 employees a free safety assessment of the workplace by an independent occupational safety and health consultant.
- Implemented a new package of measures to improve safety in the tilt-up and precast concrete construction industry. The package included new regulations, a training program and a new code of practice.
- Developed new requirements and guidance material to support the introduction of safety awareness training in the construction industry.
- During March 2005, the DOCEP Leadership Team (DLT) commenced development of the department's new corporate plan *Future Directions 2005-2008*. The DLT, which consists of the department's Director General, Executive Directors and Directors, attended a series of workshops and planning sessions to discuss the strategic direction of the department for the next three years. *Future Directions 2005-2008* will come into effect from 1 July 2005.
- In line with the State Government's *Leading the Way in Occupational Safety and Health Initiative*, DOCEP successfully held the second of two information forums for public sector occupational safety and health practitioners in November 2004.
- DOCEP was awarded a Leading Edge Employer Award and Leading Edge Advocate Award for its significant contribution and commitment in creating and promoting quality employment opportunities for people with disabilities. DOCEP also won the BizLink Employer of the Year Award.
- Launched the DOCEP Performance Development System in a co-ordinated approach to build DOCEP as an organisation in line with the *Future Directions 2002-2005* objectives.

- Implemented the Web Kiosk, allowing staff online access to their personal employment information such as payroll, leave, training and position details. Managers have additional access to view leave rosters, establishment information and leave balances.
- Continued to develop new human resources policies and integrate existing policies of the former Ministry of Fair Trading, Department of Productivity and Labour Relations and WorkSafe Western Australia.
- Completed significant data cleansing in preparation for the transition to the Shared Services function. A change management process is being implemented for staff and managers to assist the transition.

DOCEP's Challenges 2005-06

- The Federal Government's stated intention to create a 'unitary' industrial relations system will significantly impact on Western Australia's industrial relations system. The proposed legislation is critical to the conduct and regulation of Australian industrial relations systems.
- The ageing workforce and skills depletion due to staff retirement is expected to lead to labour shortages across a range of industries and occupations. DOCEP is developing strategies to deal with the anticipated workforce shortages and promotional activities to raise awareness of issues and remedies, including attraction and retention strategies, for the public and private sectors.
- The number of electrical and gas accidents in the general community is still unacceptably high. The public will need to be alerted to this fact through an electrical and gas safety awareness program. Funding has been made available for this purpose.
- The safe work practices of electricians need to be improved to reduce accidents and as educational programs have not had the desired effect, regulatory action to require a more planned approach to electrical work on or near live electrical equipment is now warranted.



- Western Australia is committed to national targets, which require a 20 per cent reduction in work-related fatalities and a 40 per cent reduction in work-related injuries between 2002 and 2012.
- Community expectations with respect to safety are increasing. The prominence given to certain hazards is changing and the growth in small business and self-employment will present challenges to the department.
- The expected passage of legislation in the areas of trade measurement, residential park living and public collections will have a significant impact as new procedures and processes to support the administration of the legislation will need to be implemented.
- The Government's decision to proceed with the implementation of the Review of Boards and Committees in the Consumer and Employment Protection portfolio will potentially impact on DOCEP.
- The transition process for DOCEP to the Shared Services function will require ongoing support and education for affected staff and the development of programs for departmental managers.

OUR OPERATING ENVIRONMENT

DOCEP's operating environment is subject to the impact of a range of important issues outside its control. Identifying new and improved methods to deliver services has therefore become a challenge in light of the following external issues:

- rapid advancements in technology;
- growth in small business, globalisation and the power of big business;
- better educated, more informed and ageing employees, employers and consumers;
- increasingly complex consumer transactions;
- an increased focus on information access and increasing customer expectations;
- ageing energy infrastructure; and
- increasing competition in the energy market.

Report on Operations

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Report on Operations

This section of the annual report focuses on the five strategic goals of the Western Australian Government that contribute to achieving the vision of a sustainable Western Australia. These goals are unchanged from last year:



Goal 1: People and Communities

To enhance the quality of life and wellbeing of all people throughout Western Australia.

Goal 2: The Economy

To develop a strong economy that delivers more jobs, more opportunities and greater wealth to Western Australians by creating the conditions required for investment and growth.

Goal 3: The Environment

To ensure that Western Australia has an environment in which resources are managed, developed and used sustainably, biological diversity is preserved and habitats protected.



Goal 4: The Regions

To ensure that regional Western Australia is strong and vibrant.

Goal 5: Governance

To govern for all Western Australians in an open, effective and efficient manner that also ensures a sustainable future.

The following matrix shows how DOCEP's four future directions are linked to the strategic goals of the Western Australian Government.

Table 1: DOCEP'S directions aligned to State strategic goals

State Strategic Goals	Direction 1	Direction 2	Direction 3	Direction 4
Goal 1: People and Communities Enhance quality of life and wellbeing	Enhancing the capability of the community Output <i>Community information and assistance</i>	Enhancing the regulatory environment Output <i>Regulatory framework</i>	Enforcing the law Output <i>Regulation enforcement</i>	DOCEP as an organisation
Goal 2: The Economy Develop a strong economy	Providing access to information and promoting fair practices so that consumers and traders: <ul style="list-style-type: none"> • exercise their rights; • meet their obligations; and • increase their confidence in the Western Australian trading and employment marketplaces. 	Developing and maintaining policy and legislation appropriate for a contemporary trading and employment marketplace to: <ul style="list-style-type: none"> • enhance consumer and employee confidence; • enable increases in business productivity fairly and safely; and • develop regulatory responses to changes within industry and the effects of globalisation. 	Enforcing regulations governing consumer protection, labour relations, occupational safety and health, and energy safety to: <ul style="list-style-type: none"> • protect consumers, traders, employees and employers; • increase levels of occupational safety and energy safety within the community; and • respond appropriately to emerging issues. 	N/a

Table 1: DOCEP'S directions aligned to State strategic goals cont'd

State Strategy Goals	Direction 1	Direction 2	Direction 3	Direction 4
	<p>Enhancing the capability of the community</p> <p>Output <i>Community information and assistance</i></p>	<p>Enhancing the regulatory environment</p> <p>Output <i>Regulatory framework</i></p>	<p>Enforcing the law</p> <p>Output <i>Regulation enforcement</i></p>	<p>DOCEP as an organisation</p>
<p>Goal 3: The environment An environment in which resources are managed, developed and used sustainably</p>	<p>Providing access to knowledge and information so that consumers can make better informed decisions regarding the energy efficiency of appliances.</p>	<p>Developing and maintaining policy and legislation appropriate for a contemporary energy marketplace, including:</p> <ul style="list-style-type: none"> • reviewing and amending legislation to reflect government priorities; and • developing appropriate regulatory responses to emerging issues. 	<p>Enforcing regulations governing the energy efficiency of appliances to:</p> <ul style="list-style-type: none"> • protect consumers; and • improve the efficiency of how our natural resources are used. 	<p>Effectively managing our physical resources in order to avoid waste and reduce emissions, including:</p> <ul style="list-style-type: none"> • recycling waste paper; and • using gas powered vehicles where practicable.
<p>Goal 4: The regions Strong and vibrant regional Western Australia</p>	<p>Providing access to knowledge, information and support so that regional consumers and employees can:</p> <ul style="list-style-type: none"> • exercise their rights; • meet their obligations; and • make better informed decisions in the consumer and employment marketplaces. 	<p>Developing and maintaining policy and legislation appropriate for a contemporary trading and employment marketplace, including:</p> <ul style="list-style-type: none"> • developing regional specific policy frameworks such as safety on farms; and • enhancing decision making through gaining a better understanding of regional issues. 	<p>Through offices located at Albany, Bunbury, Geraldton, Karratha and Kalgoorlie, enforcing regulations governing:</p> <ul style="list-style-type: none"> • consumer protection; • labour relations; • occupational safety and health; and • energy safety; in regional Western Australia. 	<p>N/a</p>
<p>Goal 5: Governance Open and effective governance</p>	<p>Developing and maintaining effective partnerships with relevant:</p> <ul style="list-style-type: none"> • government; • non-government; and • stakeholder groups; within the community. 	<p>Assisting the Government with the development of policy regarding the public sector as an employer, including:</p> <ul style="list-style-type: none"> • contributing to reviews of relevant legislation; and • providing advice concerning labour relations issues. 	<p>Enhancing service delivery through:</p> <ul style="list-style-type: none"> • the development of appropriate regulation enforcement strategies; and • training staff to meet the needs of the community. 	<p>Developing DOCEP as an organisation that has:</p> <ul style="list-style-type: none"> • skilled staff; • resources; • commitment; and • commitment and delivery of consumer and employment protection outcomes that meet government expectations.

STATE GOAL 1: PEOPLE AND COMMUNITIES

WHAT WE PLANNED TO ACHIEVE

- Evaluate the 2004 ThinkSafe campaign, which targeted small businesses within the aged care, agriculture, construction, retail and transport industries.
- Create a ThinkSafe Small Business Strategy and offer businesses, in targeted high-risk industries with fewer than 20 employees, a free safety assessment of the workplace by an independent occupational safety and health consultant.
- Provide improved support to safety and health representatives in workplaces.
- Collate and publish statistical information on work-related injury and disease to guide preventative occupational safety and health strategies and provide high quality, reliable information to stakeholders.
- Continue to focus occupational safety and health education and enforcement activity on identified priority areas and industries.
- Implement the Senior Consumers' Education Plan consistent with recommendations of the Active Ageing Taskforce.
- Implement a consumer education program for young consumers focusing on risk areas such as credit and budgeting, mobile phone contracts, purchase of cars and property rental.
- Develop and display educational material on the DOCEP website for people wishing to form cooperative companies and limited partnerships.
- Work with Kidsafe to promote safety in the home via a display home.
- Where appropriate, assist consumers to resolve disputes by taking legal action on their behalf.
- Promote the safe use of electricity and gas using a series of television advertisements.
- Introduce an internet-based facility for people to check limited amounts of licensing information of electrical and gas workers.
- Promote family friendly work arrangements to help employers and employees understand choices and flexibilities available in the labour relations system.
- Raise awareness of Western Australia's economic and labour market performance through the publication of *Working in Western Australia*.
- Raise awareness on employment rights and obligations for small business employers and disadvantaged groups, such as Indigenous workers.



WHAT WE HAVE ACHIEVED

2004 ThinkSafe campaign

During the year, WorkSafe commissioned an evaluation of the 2004 ThinkSafe campaign, which targeted small businesses within the aged care, agriculture, construction, retail and transport industries. Eighty-six per cent of those surveyed thought that occupational safety and health laws had produced improvements in safety and health. There was also a significant increase in those who believe these laws are easy to implement. Four in five workplaces surveyed now hold occupational safety and health meetings, and the number of workplaces that do not conduct safety inspections or audits continues to fall. Two-thirds of respondents said it was easy to get information and mentioned the WorkSafe website.

ThinkSafe small business assistance program



The five year ThinkSafe Small Business Strategy was launched in September 2004. The aim of the Strategy has been to increase the number of Western Australian small businesses (with fewer than 20 employees) within high risk industry sectors of agriculture/forestry/fishing, construction, health and community services, transport and storage, manufacturing and retail/wholesale that have compliant occupational safety and health systems and policies in place. A key initiative of the Strategy has been the ThinkSafe Small Business Assistance Program, which offers businesses in the targeted high-risk industries a free safety check of their workplace by an independent occupational safety and health consultant. The Program was promoted during three weeks of television advertising and two weeks of radio and press advertising in metropolitan and regional Western Australia in May/June 2005. During the year, 400 small businesses have applied for free safety checks. WorkCover Western Australia has provided half of the total funding for the Strategy and the Small Business Development Corporation, industry associations and other relevant government and non-government organisations were key partners in implementing the Program.

Support for safety and health representatives

During the year, WorkSafe has provided significant support to the Commission for Occupational Safety and Health (the Commission) in reviewing training courses for safety and health representatives in accordance with amendments to the *Occupational Safety and Health Act 1984* and revisions to the Commission's *Guidelines and Criteria for the Accreditation of Introductory Training Courses for Safety and Health Representatives*. This work has included updating the legislation training module and developing a new course component to qualify safety and health representatives to issue provisional improvement notices as required by the changes. Delivery of the new course material commenced in March 2005.

WorkSafe has also improved support provided to safety and health representatives in workplaces by:

- implementing a registration system and updating the 'starter kit' for newly registered safety and health representatives (badge, SafetyLine magazine subscription, handbook and a CD with safety and health codes of practice and guidance material);
- mailing key bulletins outlining changes to safety and health legislation to 4,800 safety and health representatives, and also writing to their employers to alert them to the changes to legislation; and
- providing an online forum to support networking by safety and health representatives.

Occupational safety and health targets and priorities

Western Australia is committed to national targets as part of the National OHS Strategy 2002-2012. The national target for work-related fatalities is to achieve a significant, continual reduction in the incidence of work-related fatalities with a reduction of at least 20 per cent by 30 June 2012, and with a reduction of 10 per cent being achieved by 30 June 2007. The national target for work-related injury is to achieve a reduction of at least 40 per cent by 30 June 2012, and with a reduction of 20 per cent being achieved by 30 June 2007. The Strategy calls for national efforts to prevent workplace death, injury and disease.

In working towards achieving the national targets, WorkSafe has focused occupational safety and health compliance and proactive educational programs on nationally agreed priority industries and state priority areas. The seven state priority areas for 2004-05 were working at heights, new and young workers, manual handling (lifting), hazardous substances, electricity, slips and trips, and forklifts.

As part of the national and state priority approach, WorkSafe has participated in coordinated compliance campaigns by workplace safety authorities in every State and Territory, as well as New Zealand. National compliance campaigns that have been completed were manual handling tasks in the health and community services sector and falls from height in construction.

Occupational safety and health statistics

In Western Australia, the total rate of improvement in the frequency of lost time injuries and diseases (LTI/Ds) since the *Occupational Safety and Health Act 1984* (the Act) came into effect in 1988-89 is 61 per cent. The rate of improvement from July 1999 to June 2004 has been 48 per cent, continuing the long-term downward trend. In 2003-04 (the most recent year available), there was a 2.1 per cent increase in the frequency of LTI/Ds. However, due to the preliminary nature of the data, it would be premature to conclude that the increase is significant.

The number of work-related fatalities remains unacceptably high with a total of 21 in Western Australia during 2004-05. Two occurred on mine sites covered by the *Mines Safety and Inspection Act 1994*, administered by the Department of Industry and Resources. The remaining 19 were under the jurisdiction of the Act administered by WorkSafe. The average annual fatality incidence rate for the five-year period from 2000-01 to 2004-05 was 21.2 fatalities per million workers, compared to 37.5 from 1988-89 to 1992-93.

Campaign to reduce manual handling injuries in the health and community services sector

WorkSafe has participated in a national campaign aimed at reducing the number of work-related manual handling injuries sustained by Australia's hospital and community service workers. The campaign has focused on helping workplaces to manage manual handling risks related to the design of their equipment and work environments, and have included active promotion and enforcement of the 'no lift' approach to patient handling. A total of 110 Western Australian workplaces were visited as part of the campaign, with 118 improvement notices issued and 16 verbal directions given. The campaign's communication strategy has included correspondence to workplaces and the distribution of information CDs. The campaign has been very successful in raising the profile of manual handling hazards and their management in the health and community services industry.

Campaign to prevent falls from height in the construction industry

Project findings for the national campaign to prevent falls from height in the construction industry were reviewed by WorkSafe and the project report has been finalised. The report is available from DOCEP's website. The campaign targeted the housing and small commercial construction sectors to check that builders and sub-contractors had identified fall hazards at their sites and put the necessary measures in place to prevent workers from falling. In Western Australia, 15 prohibition notices and 22 improvement notices have been issued, and 29 verbal directions given. Where roof edge protection, such as guard railing, was needed to prevent falls, controls were either non-existent or inadequate at 55 per cent of sites in Western Australia. Where a multi-trade scaffold, such as a general purpose perimeter scaffold, was required on site to prevent falls, it was either non-existent or inadequate at 42 per cent of sites in Western Australia. During the campaign, WorkSafe inspectors have distributed practical guidance material to help duty-holders understand how to comply with fall prevention requirements. The general level of compliance has been disappointing as industry was given advanced warning of the campaign.

WorkSafe levels of enforcement 2002-05

The following table shows the rate of enforcement by WorkSafe over the past three years.

Table 2: WorkSafe levels of enforcement

Year	Improvement Notices	Prohibition Notices	Prosecutions ²
2004-05	12,391	963	64
2003-04	11,848	870	65
2002-03	10,263	895	43

² In 2003-04 WorkSafe changed the point at which a prosecution is counted for statistical purposes, from the date an 'authority to prosecute' is signed to the date the 'complaint' is signed. As these events occur at different times, sometimes up to some months apart, the prosecutions data published in this Annual Report is not comparable with that published in the 2002-03 Annual Report. To enable comparisons to occur, the figures for 2002-03 have been recalculated using date of signing of the complaint, and published above.

Electrical and gas safety promotion

During the year Energy Safety conducted a campaign to promote the safe use of electricity and gas.

Three electrical television advertisements promoted the benefits of safety switches and the need to always use a licensed electrical contractor (as opposed to 'doing it yourself'). Three gas television advertisements promoted the need to maintain gas appliances (in particular, barbecues and space heaters) and the importance of being in attendance when gas hotplates are operating. The advertising campaign began in June 2005 and is scheduled to continue throughout July 2005.

Safety of the electricity network

Energy Safety has conducted an audit of Western Power's wood pole management systems in accordance with the provisions of the Electricity (Supply Standards and System Safety) Regulations 2001. The audit was initiated due to increasing concerns about failures of wood poles and the associated risk to the public. The outcome of the audit is expected to be available by September 2005.

Energy Safety staff have provided input into the Inquiry by the State Coroner into the deaths of two people during a bushfire at Tenterden in December 2003. This incident was caused by clashing of conductors on a Western Power overhead power line which resulted in hot debris falling to the ground and becoming the source of ignition of the fire.



As a consequence of the bushfire at Tenterden, and a similar incident at Mount Barker, Energy Safety has issued an order on Western Power to undertake a program of remedial work throughout the South West interconnected power system. The network operator is required to identify long spans of conductors on rural overhead lines and take appropriate action to prevent them from clashing. This program will take some years to complete.

Safety of aerial inspections of overhead power lines

It has become increasingly common to carry out aerial inspections of overhead power lines. An incident involving the fatal crash of a helicopter some time ago initiated the development of a code of practice to cover aerial surveillance of overhead lines. The code has been drafted and is with industry for comment.

Safety of natural gas supply system

Energy Safety has conducted a major audit of the activities of Alinta Network Services relating to the gas distribution system. Like other network operators, Alinta Network Services is required to comply with Gas Standards (Gas Supply and System Safety) Regulations 2000, to ensure that the distribution system is constructed, operated and maintained in a safe manner. A number of improvements that need to be undertaken have been identified, including the need for Alinta Network Services to install marker tape during the construction of gas mains to aid their detection when third parties work on the mains at a later date.

Electrical and gas licensing information online

Energy Safety has launched a new 'licensing information' product with its new-look website. The new facility allows members of the general public, licensed operatives, employers, training organisations and network operators to check online if a person is licensed as an electrical contractor, electrical worker or gas worker.

Seniors education initiatives

Research has commenced into best practice guidelines for seniors' community education and DOCEP has continued to be represented at relevant seniors' events. DOCEP participated in the annual Have-A-Go-Day, during which Consumer Protection distributed information to seniors and also contributed to community advocacy group meetings.

Young consumer education initiatives

Managing and Avoiding Debt: A Young Person's Guide has been published in partnership with the Office of Children and Youth. A pilot radio program, aimed at increasing awareness of risk areas for young consumers has been developed and aired in partnership with Groove FM. The program covered key areas relevant to ages 18-24, including renting, buying a car, credit, contracts and shopping rights.

In partnership with the Revelation International Film Festival and Screenwest, a competition for the production of short films on consumer topics has been launched. The competition will run in 2006, providing an innovative opportunity to raise awareness of consumer protection issues.

Educational material on the DOCEP website

New information and Frequently Asked Question pages, containing educational material about cooperative companies and limited partnerships, have been created on the DOCEP website. This included links to the Cooperative Federation of Western Australia, a register of auditors and liquidators approved under the *Associations Incorporation Act 1987* and the register of cooperative companies.

Safety in the home

In partnership with Kidsafe and Landcorp, DOCEP has contributed to a Safety In The Home information program. The project included the integration of product safety features into a new display home located in Harvest Lakes, Atwell, which was opened in April 2005. Work also commenced on the design of Safety In The Home information for DOCEP's website.

Assist consumers to resolve disputes

DOCEP has undertaken successful prosecution and compliance actions in relation to consumer protection matters, such as unlicensed motor vehicle dealing, misleading and deceptive advertising and pre-packaged product labelling.

Representative action in relation to a major dispute involving a collapsed cruise ship company and the South Australian Travel Centre has also been instigated. Representative action against hire car company Bayswater Hire Cars, landlord Rolf Voulon and an unlicensed dealer has been launched on behalf of consumers. Significant legal representation has also been provided to residents of the Lake Joondalup Lifestyle Village to negotiate settlement of purported "lease for life" contracts. This affected over 200 home sites within the complex.

Work and life balance initiatives

As part of its work and life balance strategy, Labour Relations has produced new publications to promote flexible work arrangements. These publications assist employers and employees in understanding their obligations and the flexibilities available under the labour relations system.

The results of a survey undertaken by the Centre for Labour Market Research have been documented in *Work-Life Balance in 2004 – Snapshot of Western Australian Workplaces*. This document provides a snapshot of how Western Australian workers are managing to combine lifestyle, family and working commitments.

The State Government, in its role as a major employer has incorporated into public sector awards and agreements a range of provisions to facilitate phased retirement and promote work and life balance. Some provisions are entitlements and others may be accessed by agreement between employers and employees.

Working in Western Australia – information and education

Labour Relations has produced a document based on the results of the 2004 Labour Relations Benchmarking Report, undertaken by the Centre for Labour Market Research at the University of Western Australia. The document, *Working in Western Australia*, provides a longitudinal analysis of key economic and labour market indicators within a national and international perspective.

An awareness raising campaign for Indigenous employers and employees has focused on advertisements on metropolitan and regional Indigenous radio stations. Broadcasting was in eight tribal languages and encouraged listeners to contact Wageline for information about employment rights and obligations.

A comprehensive workshop program for small business employers was launched in October 2004, and provided workshops in many locations throughout the metropolitan area. The workshops have focused on increasing employers' understanding of employment issues and obligations.

External events

DOCEP has been represented at a wide range of external events³ this year, including:

- National Aboriginal Islander Day Observance Committee Week
- Seniors Have-A-Go Day
- Parents, Babies and Children's Expo
- WA On Show
- Money Show
- City of Perth Pride Fairday
- Community Safety Month (WA)
- Seniors' Week
- Industrial Foundation for Accident Prevention (IFAP) Safety WA 2004 Conference
- Orientation Days – Notre Dame, Murdoch, Edith Cowan and Curtin Universities and the University of Western Australia
- National Consumers' Day
- AGCON 2005
- Ideal Home Show
- Law Week
- Hospitality on Show
- Safety in Schools Week
- Business Opportunities Expo

Events organised by the Department include:

- launch of inaugural Consumer Protection Awards
- launch of Consumer Protection's REVS website and campaign
- launch of WorkSafe's ThinkSafe Small Business Assistance Scheme
- launch of Consumer Protection's *Fitness Industry Code of Practice*
- launch of the Commission for Occupational Safety and Health's *Tilt-Up and Pre-Cast Concrete Construction Code of Practice*
- Consumer Protection Awards Presentation Evening
- Regional WorkSafe 2005 Forums in Geraldton and Karratha

Sponsorships

DOCEP sponsored the following awards and events in 2004-05:

- Australian Chamber of Commerce and Industry and Business Council of Australia
- Australia National Awards
- Master Builders' Association Awards
- Housing Industry Association Awards
- Western Australian Work and Family Award as part of the National Corporate Work and Family Award

³ Regional external events also took place and are listed in State Goal 4 – The Regions

- IFAP Safety WA 2004 Conference and Exhibition
- Australian Institute of Occupational Hygienists 2004 Conference
- AGCON 2005
- distribution of funding to seven community organisations, via the Consumer Credit Grants scheme
- sponsorship of the Master Builders Association and Housing Industry Association Awards
- partnership with Kidsafe and Landcorp to integrate product safety features into a display home at Harvest Lakes, Atwell
- launch of the Buy My Duck! Short Film Competition in partnership with the Revelation Perth International Film Festival and the Film and Television Institute of Western Australia
- contributed to the University of Western Australia's Gender Pay Gap Conference

Awards

Electricity Safety Awards 2004

Energy Safety, in conjunction with the Electrical Contractors' Association and Siemens, has sponsored and conducted the annual Electrical Safety Awards. The awards recognise electrical contracting companies that have excellent safety management processes which deliver good safe work outcomes. The winner of the award in the '10 or more employees' category was Downer RML. In the category of 'less than 10 employees', a special commendation was awarded to K9 Electrical of Geraldton.

Gas Safety Awards 2004

Energy Safety has presented its annual Gasfitting Award for the most outstanding apprentice in gasfitting to Sean Richardson. This award is held each year in conjunction with the Master Plumbers and Gasfitters Association's plumbing industry awards.

WorkSafe Award

The WorkSafe Award recognises outstanding occupational safety and health achievements within a workplace in designing, developing, introducing or implementing innovative safety and health procedures, work systems, plant, equipment or environmental changes.

Since 1990, WorkSafe has received 170 applications for WorkSafe Awards and awarded 52 awards. In 2004-05, WorkSafe Awards have been presented to Excelines Australia Pty Ltd for the Reverse Safe Electronic Reversing Alarm System and to Western Australian farmer, Mr Peter Bradford, for the Portable Standpipe.

WorkSafe Plan Awards

WorkSafe Plan is an assessment process that rates safety management systems and directs attention to areas that can be improved. WorkSafe has been promoting occupational safety and health management practices required to establish and maintain systems of work to ensure employees are not exposed to hazards.

WorkSafe Plan certificates of achievement are presented at three levels - Platinum (highest standards), Gold (good progress towards a best practice approach to safety and health management) and Silver (organisation meets minimum standards). Five Platinum, eight Gold and five Silver have been awarded in 2004-05.

2005 South West (WA) Small Business Awards - Employer of the Year Award

Labour Relations sponsors the South West (WA) Small Business Awards. This award is held each year in conjunction with the Leschenault Business Enterprise Centre and is part of the Telstra State/National Small Business Awards. A plaque is awarded to the winner and runner-up. The winner goes into the finals for the Telstra Small Business Awards.

Disability service plan outcomes

Meeting the needs of people with disabilities remains an important objective for DOCEP, not only in terms of access and inclusion, but also in employment strategies through partnerships with companies such as BizLink and Edge.

DOCEP's Disability Access and Inclusion Plan (DAIP), originally intended for implementation in June 2005, was reviewed and enhanced in line with legislative changes to the *Disability Services Act 1993*. It is anticipated that the DAIP will be implemented in August 2005.

Although the plan has yet to be implemented, DOCEP has undertaken strategies to address the desired outcomes contained in the Disability Services Regulations 2004 and these strategies are also aligned to DOCEP's *Future Directions 2002-2005* Corporate Plan:

Table 3: DOCEP's strategies against the Disability Service Regulations

Desired outcomes of Disability Services Regulations	DOCEP's Strategies	Link to DOCEP's Corporate Plan
People with disabilities have the same opportunities as other people to access the services of, and any events organised by, DOCEP.	Actions include: <ul style="list-style-type: none"> • Liaison with the Disability Services Commission, BizLink and Edge on access and employment issues. • Invitations to DOCEP events include contact details for any access requirements. 	Direction 1 – Enhancing the capability of the community
People with disabilities have the same opportunities as other people to access the buildings and other facilities of DOCEP.	Actions include: <ul style="list-style-type: none"> • Disability access audit. • Review on evacuation strategies for people with disabilities. 	Direction 1 – Enhancing the capability of the community
People with disabilities receive information from DOCEP in a format that will enable them to access the information as readily as other people.	Facilities include: <ul style="list-style-type: none"> • TTY facility. • Publications available in alternative formats. • Website redesign, including access for people with disabilities. 	Direction 1 – Enhancing the capability of the community
People with disabilities receive the same level and quality of service from the staff of DOCEP as other people receive.	Actions include: <ul style="list-style-type: none"> • Development of a new corporate induction package that will include comprehensive diversity training. • All managerial level employees are required to have knowledge and understanding of EEO and diversity. • Offering employment opportunities to people with disabilities. 	Direction 1 – Enhancing the capability of the community
People with disabilities have the same opportunities as other people to make complaints to DOCEP.	Actions include: <ul style="list-style-type: none"> • Diversity training for call centre staff. • Disabled Caller Support System (recording of complaints). 	Direction 1 – Enhancing the capability of the community
People with disabilities have the same opportunity as other people to participate in any public consultation by DOCEP.	Actions include: <ul style="list-style-type: none"> • Liaison with the Disability Services Commission to identify target groups for feedback on services and facilities. 	Direction 1 – Enhancing the capability of the community

STATE GOAL 2: THE ECONOMY

WHAT WE PLANNED TO ACHIEVE

- Enhance the labour relations regulatory environment through the provision of strategic, policy and legislative advice to Government; representing and making submissions on behalf of the State Government on state and national labour relations issues; and investigating and resolving non-compliance with labour relations legislation.
- Develop a mature age employment strategy as part of the Government's Active Ageing Strategy.
- Initiate an information campaign to inform workplaces of the key amendments to the *Occupational Safety and Health Act 1984*.
- Implement a package of reforms to improve safety on tilt-up construction sites in Western Australia.
- Undertake a coordinated enforcement campaign to reinforce the requirements of the code of practice for *Fatigue Management for Commercial Vehicle Drivers 2004*.
- Develop new requirements and guidance material to support the introduction of safety awareness training in the construction industry.
- Provide support and assistance to the Commission for Occupational Safety and Health.
- Implement an awareness campaign for consumers about misleading and deceptive advertising promotions.
- Maintain a focus on misleading and deceptive advertising to improve the level of compliance.
- Promote operator's rights and responsibilities under the new *Fitness Industry Code of Practice*.
- Establish the Motor Vehicle Industry Board and conduct an information and education campaign and develop a licensing framework supporting introduction of the motor vehicle repairers legislation.
- Introduce new legislation into Parliament relating to trade measurement, residential park living, limited partnerships and public collections.
- Implement the provisions of the Retail Shops and Fair Trading Legislation Amendment Bill 2003 in the areas of unconscionable conduct, commercial tenancy and retail trading hours.
- Manage the distribution of consumer credit grants to the non-government sector.
- Promote good governance in associations through promotion of a Governance handbook, developed by a community agency.
- Develop a policy in relation to appropriate regulation of holiday accommodation management.
- Finalise a review of the Western Australian auto gas market.
- Continue to target unlicensed motor vehicle dealers through a heightened compliance program.
- Establish a plumbing industry compliance and audit regime.
- Undertake a compliance review of cooperative companies.
- Evaluate compliance with pre-packed labelling requirements and undertake remedial action where necessary.
- Implement strategies involving the approval and regulation of mutual funds providing home indemnity insurance.
- Ensure a smooth transfer of responsibility for licensing decisions transferred to the Commissioner for Fair Trading under the *State Administrative Tribunal Act 2004*.
- Conduct an audit of Western Power's management system of its wood power poles.
- Develop a strategy to enclose joints in insulated cables in roof and ceiling spaces.



WHAT WE HAVE ACHIEVED

Contribution to economic growth

Submissions have been made to the Western Australian Industrial Relations Commission (WAIRC) regarding increases to the minimum weekly rates of pay under the *Minimum Conditions of Employment Act 1993*.

Submissions have been made to national and state wage cases.

Review of the gender pay gap

In November 2004, a report on the *Review of the Gender Pay Gap in Western Australia* was completed and tabled in Parliament. In April 2005, the Minister announced the establishment of a Pay Equity Unit within the Labour Relations division of DOCEP to review the recommendations of the report.

Mature age employment strategy

A Mature Age Employment Strategy for Western Australia has been developed as part of the Government's Active Ageing Strategy. The Strategy aimed to raise awareness of the impact of an ageing population on the workforce and to promote ongoing training, flexible working arrangements and phased retirement options to encourage mature workers to remain in the paid workforce.



Termination, change and redundancy

A submission has been made to the Termination, Change and Redundancy (TCR) Case, determined by the Western Australian Industrial Relations Commission (WAIRC) in response to an application by UnionsWA. The WAIRC issued a TCR General Order in terms sought by Labour Relations in May 2005. The General Order provides significant new benefits to all Western Australian employees, other than those employers employing fewer than 15 employees.

Contribution to national labour relations issues

Labour Relations have made several submissions on national labour relations issues during the year, including the Family Leave Provisions Test Case, Independent Contracting and Labour Hire, Balancing Work and Family, and the Building Construction Industry National Code Tied Grants.

Labour relations legislation

Amendments to the *Public and Bank Holidays Act 1992* came into effect in October 2004, which allowed banks to trade on Saturdays. This brings Western Australia into line with other Australian states.

A review of the *Labour Relations Reform Act 2002* has been completed and tabled in Parliament in November 2004.

Amendments have been made to the Industrial Magistrates Court (General Jurisdiction) Regulations 2005 to give practical application to the Court's structure and jurisdiction as a result of the amalgamation of the Court of Petty Sessions and Local Courts into the Magistrates Court of Western Australia.

Small business and the labour relations system

Promoting an understanding of the labour relations environment and the rights and obligations of employers and employees continues to be a fundamental role for Labour Relations. This role is facilitated through Wageline services, publications, seminars, site visits, meetings, and the investigation of complaints.

The Building Industry and Special Projects Inspectorate (BISPI) has carried out a compliance and education campaign for the roof tiling industry. This involved sending information packs to employers operating in the industry, providing free seminars, meeting with employer and employee associations, and inspecting time and wages records of randomly selected employers.

Compliance inspections have been conducted on a cross section of small businesses in the metropolitan area to ensure that employers were meeting their obligations under industrial laws and instruments. The compliance inspections involved a mail out to employers and examination of time and wages records of randomly selected employers in a range of industries and locations. Additionally, the department has continued to investigate complaints from individual employees alleging their employer had breached industrial instruments. These activities have resulted in the recovery of \$1,072,326.80 in identified underpayment of wages to employees.

Review and updating of awards

Since 2002, cash grants have been provided to unions, employer associations and community organisations to update State awards. The cash grants have enabled a substantial number of awards, in both the private and public sectors, to be updated to ensure they are compliant with the *Minimum Conditions of Employment Act 1993*, up to date, non-discriminatory and reflect contemporary work practices.

Labour Relations prosecutions

During the financial year, Labour Relations has initiated 10 prosecution actions for breaches of state industrial laws and federal and state awards. A significant prosecution was finalised in July 2004 when the Western Australian Industrial Relations Commission (WAIRC) suspended the State right of entry authorities of two union representatives for a three-month period in response to an application initiated by the Building Industry and Special Projects Inspectorate (BISPI). The applications were brought under the provisions of section 49(J)(5) of the *Industrial Relations Act 1979* and are the first of their kind to be successful under the right of entry provisions introduced by the *Labour Relations Reform Act 2002*.

Also, in December 2004, DOCEP successfully prosecuted the proprietor of a café under offence provisions in the *Industrial Relations Act 1979* for failing to comply with compliance orders issued by the Industrial Magistrates Court in a default judgement. The proprietor was fined \$2,000 for failing to comply with the orders. This prosecution was the first of its kind under the provisions introduced by the *Labour Relations Reform Act 2002*.

Key amendments to the *Occupational Safety and Health Act 1984*

Major changes in occupational safety and health laws, as recommended in the Laing Report (2002), came into effect during the year. Awareness of safety and health issues and changes to legislation were raised through an information campaign to inform workplaces, including the publication and promotion of new WorkSafe bulletins. These have been widely distributed and were sent to all safety and health representatives, as well as being made available from DOCEP's website. A key element of the changes empowers safety and health representatives including enabling those appropriately trained to issue provisional improvement notices (PINs). Other changes include significant penalty increases and the establishment of the Occupational Safety and Health Tribunal.

Details of published amendments to the *Occupational Safety and Health Act 1984* and regulations are provided in Appendix Two.

Safety improvements in the tilt-up and precast concrete construction industry

A package of reforms has been developed as a result of a two-year industry, union and government joint effort to improve safety on tilt-up construction sites in Western Australia. New regulations require all personnel involved in the manufacture of concrete panels or other tilt-up work to have completed an approved training course. A list of accredited training providers is available from DOCEP's website. The regulations are supported by a comprehensive code of practice, which sets out industry-wide guidelines for establishing and maintaining a safe working environment wherever tilt-up and precast concrete construction is used.

Commercial vehicle drivers' compliance with fatigue safety regulations

WorkSafe has undertaken a coordinated enforcement campaign with financial support from the Road Trauma Trust Fund, in partnership with the Police, Main Roads Department's Heavy Vehicles Section and the South Australian Department of Transport. The campaign aimed to reinforce the requirements of the code of practice for *Fatigue Management for Commercial Vehicle Drivers 2004* and to demonstrate the seriousness with which the Government views the issue of driver fatigue.

Held during February 2005, the campaign targeted, in two separate operations, Western Australia's northwest and east-west heavy vehicle traffic routes. Roadblocks were set up in key centres and drivers were stopped. Over the two operations, a total of 639 trucks were intercepted, with 37 prohibition and 45 improvement notices issued, and 113 follow up inspections scheduled. The successful operation has sent a clear message to the transport industry about the importance of organising trip schedules and driver rosters to minimise fatigue.

Safety awareness induction training for the construction industry

During the year, new regulations have been developed to support safety awareness training in the construction industry. The new requirements are for introductory safety awareness training featuring common content over a nominal duration of four hours. The requirements will apply to all employees and self-employed people working in the construction sector, including commercial, domestic, engineering and civil construction. The safety awareness training certificate, which will have a three-year validity period, will be recognised on all construction sites, regardless of who provides the training. There will be a transitional period for those currently in possession of an industry issued green or white card.

Support for the Commission for Occupational Safety and Health (the Commission)

Effective from 4 April 2005, the composition of the Commission has changed in line with amendments to the *Occupational Safety and Health Act 1984*.

WorkSafe has provided significant support to Commission advisory committees and working parties, in the development of material such as the *Code of Practice for Occupational Safety and Health in Call Centres* and the draft *Working Hours Code of Practice*.

WorkSafe prosecutions

The WorkSafe Reviews and Legal Services Unit coordinates the authorisation and conduct of prosecutions for alleged breaches of the *Occupational Safety and Health Act 1984* and Occupational Safety and Health Regulations 1996.

In 2004-05, complaints (now termed prosecution notices) have been signed for 64 new prosecutions. Proactive investigations by WorkSafe (not as a result of an injury or fatality) accounted for 18 of these prosecutions, with the remaining 46 arising from work-related injury or harm.

There have been 48 convictions⁴ recorded during the financial year, four prosecutions have been dismissed and three have been withdrawn. The 2004-05 convictions are detailed in Appendix Four.

During the period, one defendant was granted leave to appeal its penalty (appeal successful). Leave to appeal was refused in two cases – one application by the complainant and the other by the defendant (the latter decision being further appealed). One appeal by a defendant against a conviction was heard and dismissed, and leave was subsequently granted to further appeal the outcome.

Electrical safety improvements in older dwellings

Energy Safety has worked closely with electrical industry representatives to develop a strategy to deal with unenclosed joints in the electrical cables in roof and ceiling spaces of homes in Western Australia. People working in these areas may be unnecessarily exposed to additional electrical hazards. The new program will require home owners to have remedial work carried out to make the situations safe.

⁴ A prosecution is counted as a conviction if at least one charge is successful. A conviction that is subsequently appealed but remains unresolved is recorded as a conviction, but is not published in Appendix Four.

Gas and Electricity Safety Legislation Amendments Bill

Amendments to gas and electricity safety legislation have been reintroduced into Parliament. Although the Bill was initially introduced into Parliament during the term of the previous government, it failed to gain assent. As part of the Bill's planned reintroduction, the general penalties under the *Energy Coordination Act 1994*, *Gas Standards Act 1972* and the *Electricity Act 1945* have been increased to \$50,000 for individuals and \$250,000 for corporations under both Acts.

Energy supply security and resilience

Energy Safety has continued its work at the national level through representation on the National Oil Supplies Emergency Committee and the Energy Infrastructure Assurance Advisory Group (EIAAG)⁵. This has included hosting a series of energy infrastructure workshops in Perth on behalf of EIAAG and the Commonwealth Department of Industry Trade and Resources. The workshops were designed to map the Western Australian energy supply chain to determine strengths and identify possible vulnerabilities, as part of a national project on energy supply chain mapping. The workshops have proved to be successful in achieving their aims with GeoScience using the outcomes as part of a national supply chain-mapping project.

National Regulatory Uniformity Committees

Energy Safety has participated in the national Electricity Regulatory Authorities Council and the Gas Technical Regulators Committee, which comprise technical and safety regulators from all States and Territories of Australia and from New Zealand. These bodies seek to ensure uniformity in regulatory measures covering electricity or gas networks, consumers' installations, appliances and licensing of industry personnel.

Remote area inspections

Energy Safety has carried out safety inspections of 161 gas installations in camps situated on the northern group islands of the Arolhos Islands. Inspector's orders were issued to generally improve the safety standards of the gas installations and appliances.

Energy Safety prosecutions and disciplinary actions

Table 33 in Appendix Four provides details of prosecution action for breaches of the *Energy Coordination Act 1994*, the *Gas Standards Act 1972*, the Electricity (Licensing) Regulations 1991, the Electricity Regulations 1947, the Electricity (Supply Standards and System Safety) Regulations 2001, the Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 and the Gas Standards (Gas Supply and System Safety) Regulations 2000. Appendix Four also provides details of electricity and gas related accidents and disciplinary activities during 2004-05.

Misleading and deceptive advertising

A mapping exercise to track the services and type of information operational branches of Consumer Protection currently provide to businesses has been completed. A comprehensive survey of businesses to identify the information that they require from Consumer Protection has also been progressed. The resulting report will provide the foundation for the development and implementation of future awareness campaigns and information delivery to businesses.

The compliance focus on misleading and deceptive advertising has been maintained with a number of significant investigations resulting in major legal action taken against a range of traders.

Fitness Industry Code of Practice

A four-phase education program has been completed, which included briefing Consumer Protection staff, conducting industry seminars, producing industry and consumer publications and launching the *Fitness Industry Code of Practice* in December 2004, prior to introduction of the code in January 2005. A pro-active program to monitor trader compliance with the new Code has also commenced.

⁵ The Energy Infrastructure Assurance Advisory Group is part of the national framework known as the Trusted Information Sharing Network established by the Commonwealth Attorney General to share information on critical infrastructure protection.

Motor vehicle repairers legislation

The Motor Vehicle Industry Board, which replaced the Motor Vehicle Dealers Licensing Board, has been established to regulate the motor vehicle repair industry and the motor vehicle sales industry. Consultation for the development of regulations for motor vehicle repairers also progressed with a discussion paper issued to industry in May 2005. An information and education campaign is pending finalisation of the regulations.

A new motor industry newsletter has also been introduced. The first edition was published in December and posted to more than 9,000 motor industry participants, including more than 4,500 repairers. The first edition included a progress report on the implementation of the *Motor Vehicle Repairers Act 2003*.

New legislation

The Trade Measurement Bill 2004 and the Trade Measurement Administration Bill 2004 were introduced into Parliament on 26 November 2004 as Green bills for public comment, with the consultation period closing on 31 March 2005. The Bills were subsequently second read in Parliament on 24 May 2005.

A Bill to regulate residential park living was second read on 11 November 2004 but lapsed when Parliament was prorogued in January 2005. It is anticipated that the Bill will be available for re-introduction in the Spring 2005 session of Parliament and a comprehensive education campaign will be conducted pending passage of the legislation.

The first draft of the new limited partnership legislation was received from Parliamentary Counsel in January 2005. Although this legislation has not received a Government priority, it is expected that work will recommence in late 2005.

Drafting instructions have been completed for the Public Collections Bill, which will provide improved regulation of public collections. Subject to Government priority, it is expected the Bill will be available for introduction in Parliament in August 2005.

The Retail Shops and Fair Trading Legislation Amendment Bill 2003, which was to address issues in the areas of unconscionable conduct, commercial tenancy and retail trading hours, was defeated in the Legislative Council on 19 August 2004.

Consumer credit grants

A total of \$496,238 has been distributed to seven community organisations. Further distribution of funds (pending availability) is expected to continue to occur in 2005-06.

Good governance

In liaison with the Gosnells Community Legal Centre, DOCEP has contributed to the publication of *Inc – A Guide to Incorporated Associations*, which provides information on good governance for associations. The manual was launched on 11 May 2005 at the Tompkins Park Community and Recreation Centre.

The department has also liaised with the Department of Sport and Recreation to conduct governance seminars in Geraldton, Northam, Merredin, Southern Cross, Kalgoorlie and Esperance. A total of 25 information sessions were conducted in 15 regional locations and seven metropolitan locations, while Information Kiosks were conducted in a further nine regional locations.

Holiday accommodation management

Cabinet has endorsed drafting of amendments to the *Real Estate and Business Agents Act 1978* through the Consumer Protection Legislation Amendment and Repeal Bill 2005, which is expected to be introduced and passed in 2005. Negotiations have continued with Tourism Western Australia and the Tourism Council of Western Australia, which have both given their in-principle support for key DOCEP-initiated amendments to their jointly owned accreditation program. Once the negotiations are finalised, a Government Position Paper will be published outlining the proposed new self-regulatory regime for the holiday accommodation management industry.

FuelWatch

The review of the Western Australian auto gas market has been finalised, with the Minister approving the report in February 2005. The implementation of the recommendations is due to commence in 2005-06.

Compliance campaigns

Major compliance actions have been instigated against various traders, including a national floor covering retailer, a hire car operator and a restaurant for suspected breaches of the *Fair Trading Act 1987*. Significant legal representation has also been provided to residents of the Lake Joondalup Lifestyle Village to negotiate settlement of purported 'lease for life' contracts.

Targeting of unlicensed motor vehicle dealers has continued through a heightened compliance program. Two people were successfully prosecuted for unlicensed dealing and a further three matters are currently before the courts. DOCEP has also successfully appealed a magistrate's decision before the Supreme Court.



A compliance program to visit every registered cooperative company in Western Australia has been developed, and 66 compliance inspections of cooperatives in the metropolitan and regional areas have been subsequently conducted.

A focus on reviewing new and amended product packaging labels to ensure they meet marking and labelling requirements has been maintained. The number of inspections conducted increased by 8.4 per cent on the previous year, targeting 'at risk' products and market segments.

Plumbing industry compliance regime

On 1 July 2004, a statewide compliance and inspection framework for regulating the performance of plumbing work was established. The plumbing compliance activities are currently being coordinated from the metropolitan area and the Plumbers Branch, relocated to Osborne Park. To undertake the compliance activities, one senior compliance officer and six compliance officers qualified as plumbing inspectors have been appointed.

The framework provides for:

- carrying out proactive compliance activities including random audits of plumbing work;
- investigating workmanship complaints; and
- investigating alleged breaches of the plumber licensing regulations.

Home indemnity insurance

Various projects have been progressed, including the \$10 million cap deed of indemnity with Vero and approval of a new insurer, CGU. There are currently three Home Indemnity Insurance providers in the Western Australian market, and a fourth insurer has expressed interest. The insurer reporting guidelines are being developed in a similar fashion to procedures currently being introduced in New South Wales.

Tenancy advice services

Consumer Protection has participated in a range of seminars with real estate property managers to raise tenancy issues affecting Indigenous people, and also participated in a working party initiated by the Equal Opportunity Commission to inquire into discrimination against Indigenous people in residential tenancy issues.

Consumer Protection has hosted and participated in seminars with the Tenants Advisory Service and community legal centres, and has continued to administer grants under the Rental Accommodation Fund.

Consumer Advisory Council

Consumer Protection has continued to support the Consumer Advisory Council (the Council), which held six meetings during the year, addressing issues such as:

- the establishment of a consumer research and advocacy centre;
- consumer representation on Boards and Committees;
- website development; and
- a review of the *Fair Trading Act 1987* and the *Consumer Affairs Act 1971*.

The Council also presented a seminar titled 'Out of Bounds or in the Courts' in November 2004, which attracted 70 attendees.

State Administrative Tribunal

Consumer Protection has established appropriate protocols and procedures to support the transfer of licensing responsibilities for debt collectors, credit providers, employment agents and travel agents to the Commissioner for Fair Trading under the *State Administrative Tribunal Act 2004*, which came into operation from 1 January 2005.

Reporting requirements under Section 12A of the *Debt Collectors Licensing Act 1964*

The licensing and regulation of debt collectors under the *Debt Collectors Licensing Act 1964* was transferred to DOCEP from the Courts and the Western Australian Police Department respectively, from 1 January 2005. DOCEP has received no additional support staff or funding for this new activity.

The *Debt Collectors Licensing Act 1964* (the DCL Act) primarily operates to establish licensing arrangements for debt collectors and to prescribe procedures for the handling of trust account money.

The department received 32 complaints against debt collectors in 2004-05. Five of these related to allegations that individuals were operating without a debt collector's licence. These matters related to specific provisions within the DCL Act. Complaints about the conduct of licensed agents cannot directly be dealt with as breaches of the DCL Act so have been investigated as potential breaches under the *Fair Trading Act 1987* and the *Trade Practices Act 1974*. In the event that serious breaches of these Acts are proven, this provides grounds for the Commissioner for Fair Trading to take allegations to the State Administrative Tribunal that a licensee is not a fit and proper person to hold a licence under the DCL Act.

Section 12A of the DCL Act requires the Commissioner for Fair Trading to report on a number of matters, namely:

- (a) *the number, nature, and outcome, of –*
- (i) *investigations and inquiries undertaken by, or at the direction of, the Commissioner for the purposes of this Act;*

Table 4: *Debt Collectors Licensing Act* investigations and inquiries

	Licensing issues relating directly to the DCL Act	Conduct issues mostly of a conciliation nature	Total
Complaints received	5	27	32
Nature of complaints	People operating as debt collectors without a licence.	Conduct of licence.	
Outcome of complaints	1 was referred to another agency; 4 are outstanding.	14 resulted in an outcome to the satisfaction of the consumer; 4 warranted no action; 3 were referred to other agencies and the remainder were unclassified.	

(ii) *matters that have been brought before the State Administrative Tribunal under this Act;*

No matters have been referred to the State Administrative Tribunal.

(b) *the number and nature of matters referred to in paragraph (a) that are outstanding;*

Since the transfer of responsibility in January 2005, there are four complaints alleging trading without a licence (i.e. relating directly to the DCL Act) that are outstanding.

(c) *any trends or special problems that may have emerged;*

Although not classified as a 'trend' and not regulated by the DCL Act, the department was concerned about a number of complaints received from consumers who had received letters of demand for debt of which they had no knowledge. In addition, the letters provided no explanation as to the identity of the creditor and this added to the confusion for the recipient. Following enquiries made by DOCEP, it was evident that the particular debt collector was taking a 'scatter gun' approach by forwarding such letters to all people of the same name as the debtor. This matter was resolved in conjunction with Consumer Affairs Victoria, the State in which the debt collector is based. The debt collector has modified this practice with no further complaints subsequently received.

(d) *forecasts of the workload of the Commissioner in performing functions under this Act in the year after the year to which the report relates;*

The department has only had responsibility for the DCL Act since 1 January 2005, therefore, workload forecasting has been assessed within a six month period as at 30 June 2005. However, in the new financial year all licensing records obtained from the Courts will be re-entered into the department's new complaints and licensing system.

It is proposed to conduct a random audit on the trust accounts held and maintained by the licensees. A compliance audit of new departmental processes is also planned.

Additional workload is anticipated in relation to licence renewals, due mainly to the limited flexibility in renewal timeframes specified in the DCL Act.

A review of the DCL Act and the Regulations is scheduled for 2006.

(e) *any proposals for improving the performance of the Commissioner's functions under this Act.*

Given that the DCL Act does not permit a licence to be renewed within a short period (eg 28 days), a review of the legislation is preferred.

The department wishes to acknowledge the work being undertaken by the Australian Securities and Investments Commission (ASIC) and the Australian Competition and Consumer Commission (ACCC) in reviewing the ACCC publication *Debt Collectors and the Trade Practices Act*. This provides voluntary guidelines and the revised publication, when completed next year, will greatly assist the industry participants, many of whom are nationally operating companies.

Reporting requirements under Section 10A of the *Employment Agents Act 1976*

Responsibility for the licensing of Employment Agents was transferred from the Commercial Tribunal to DOCEP on 1 January 2005. In addition to conciliation of civil disputes, Consumer Protection has been conducting compliance investigations into alleged breaches of the *Employment Agents Act 1976*.

Section 10A of the *Employment Agents Act 1976* requires the Commissioner for Fair Trading to report on a number of matters, namely:

(a) *the number, nature, and outcome, of –*

(i) *investigations and inquiries undertaken by, or at the direction of, the Commissioner for the purposes of this Act;*

Table 5: *Employment Agents Act 1976* investigations and inquiries

During 2004-05, the Department received a total of 28 complaints related to Employment Agents. The following table compares this year's level of complaints with previous years:

Type of Service	Employment Agent (Services)	Employment Agent Licence holder or unlicensed activity	Total
2004-05	10 (compliance) 4 (conciliation)	14 (compliance) 0 (conciliation)	28
2003-04	11	10	21
2002-03	10	7	17
2001-02	25	5	30

(ii) *matters that have been brought before the State Administrative Tribunal under this Act;*

No matters were brought before the State Administrative Tribunal.

(b) *the number and nature of matters referred to in paragraph (a) that are outstanding;*

There were no outstanding matters at 30 June 2005.

(c) *any trends or special problems that may have emerged;*

Complaints against Employment Agents included:

- carrying on a business without a licence;
- advertising;
- unfair contract terms; or
- poor work performance by house cleaners employed through an Agency.

(d) *forecasts of the workload of the Commissioner in performing functions under this Act in the year after the year to which the report relates;*

The department has identified a need to introduce a proactive compliance program and to ensure that all licensed Employment Agents have better access to information affecting the licensing of their industry. New work programs for the 2005-06 financial year will be instigated.

(e) *any proposals for improving the performance of the Commissioner's functions under this Act.*

No immediate actions to improve the performance of the Commissioner's functions under this Act are proposed.

Reporting requirements under Section 58 of the *Travel Agents Act 1985*

Responsibility for the licensing of Travel Agents was transferred from the Commercial Tribunal to DOCEP on 1 January 2005. In addition to conciliation of civil disputes, Consumer Protection conducts compliance investigations into alleged breaches of the *Travel Agents Act 1985*.

Section 58 of the *Travel Agents Act 1985* requires the Commissioner for Fair Trading to report on a number of matters, namely:

(a) *the number, nature, and outcome, of –*

(i) *investigations and inquiries undertaken by, or at the direction of, the Commissioner for the purposes of this Act;*

Table 6: Travel Agents Act 1985 investigations and inquiries

During 2004-05, the department received a total of 729 complaints related to Travel Agents. The following table compares this year's level of complaints with previous years:

Type of Service	Travel Agent and Tour Operator services	Airlines, Tour Coach, Cruise Ships, Ferry or Train services	Holder of Travel Agent Licence or unlicensed activity	Total
2004-05	26 (compliance) 126 (conciliation)	7 (compliance) 534 (conciliation) ⁶	36 (compliance) 0 (conciliation)	729
2003-04	139		11	150
2002-03	126		19	145
2001-02	149		28	177

(ii) *matters that have been brought before the State Administrative Tribunal under this Act;*

No matters were brought before the State Administrative Tribunal.

(b) *the number and nature of matters referred to in paragraph (a) that are outstanding;*

No matters were brought before the State Administrative Tribunal as there were no outstanding matters at 30 June 2005. However, the department is aware of one issue relating to a licensed Travel Agent and the Travel Compensation Fund, which is currently before the Tribunal.

(c) *any trends or special problems that may have emerged;*

Marilyn Degrossa (unlicensed Travel Agent)

Over an extensive period of time from December 2002 until mid 2004, Ms Marilyn Degrossa presented herself as a travel agent when dealing with her customers. Ms Degrossa did not hold a Travel Agent's licence.

Despite being issued with a warning from the Department, Ms Degrossa continued to operate and accept money. The Department laid charges against Ms Degrossa on 19 July 2004 and further charges were laid against her on 13 August 2004.

Ms Degrossa was sentenced to eight months imprisonment, suspended for eighteen months and was required to undertake psychiatric counselling. Table 32 in Appendix Four provides details of the prosecution action.

Collapse of Around the World Cruises

A significant increase in the number of complaints lodged in the travel area was recorded as a result of the financial collapse of a new venture, Around the World Cruises (ATWC). Most affected consumers booked holidays through licensed Travel Agents.

The Department is currently working through options for the Commissioner for Fair Trading to represent a number of those consumers in civil action to determine if monies paid to various agents or principals can be recovered.

Other Issues

Other travel complaints relate to:

- arranging travel in combination with another type of business without obtaining a Travel Agent licence, eg operating backpacker accommodation and arranging travel tours and subsequent accommodation; or
- holding a licence for arranging domestic travel and accommodation but expanding into arranging international travel without holding the appropriate licence.

⁶ This figure is high due to complaints against Around the World Cruises

- (d) *forecasts of the workload of the Commissioner in performing functions under this Act in the year after the year to which the report relates;*

The department has identified a need to introduce a proactive compliance program and to ensure that all licensed Travel Agents have better access to information affecting the licensing of their industry. Information gained as a result of the collapse of Around the World Cruises during the year indicates that the legal actions will represent a significant workload in 2005-06. This is likely to result in some important legal precedents for the industry.

- (e) *any proposals for improving the performance of the Commissioner's functions under this Act.*

No immediate actions to improve the performance of the Commissioner's functions under this Act are proposed.

Reporting requirements under Section 33 of the *Electricity Act 1945*

Section 33 of the *Electricity Act 1945* requires the Director of Energy Safety to report on a number of matters, namely:

- (a) *Investigations and inquiries relating to discipline of electrical licensees:*

- (i) *undertaken by the Director of Energy Safety and referred to the Electrical Licensing Board:*

11 inquiries were undertaken for various breaches of the Electricity (Licensing) Regulations 1991, resulting in:

- six cases when electrical contractor and/or worker licences were suspended;
- eight cases when electrical contractor and/or electrical worker licences were cancelled; and
- one case when no further action was taken.

- (ii) *undertaken by the Director of Energy Safety and referred to the State Administrative Tribunal:*

There were no cases referred to the State Administrative Tribunal (as this Tribunal was established during the year and new procedures for referring cases have taken some time to finalise).

- (b) *Matters outstanding:*

In addition to the 11 inquiries above, two cases have been the subject of inquiry, but the cases have been deferred pending other legal action and are therefore considered to be outstanding.

- (c) *Trends or special problems:*

No trends or special problems.

- (d) *Forecasts for the workload of the Director of Energy Safety relating to licensing discipline matters:*

The licensing disciplinary workload in 2005-06 is expected to continue at about the same magnitude as the 2004-05 workload.

- (e) *Proposals for improving the performance of the Director's functions under this Act:*

There are no proposed improvements.

Reporting requirements under Section 13CA of the *Gas Standards Act 1972*

Section 13CA of the *Gas Standards Act 1972* requires the Director of Energy Safety to report on a number of matters, namely:

(a) *Investigations and inquiries relating to discipline of holders of gasfitting permits and authorisations:*

(i) *undertaken by the Director of Energy Safety:*

Three inquiries were undertaken for various breaches of the Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999, resulting in:

- one case where a permit was suspended; and
- two cases where Certificate of Competency Licences were cancelled.

(ii) *undertaken by the Director of Energy Safety and referred to the State Administrative Tribunal:*



There were no cases referred to the State Administrative Tribunal (as this Tribunal was established during the year and new procedures for referring cases have taken some time to finalise).

(b) *Matters outstanding:*

No outstanding matters.

(c) *Trends or special problems:*

No trends or special problems.

(d) *Forecasts for the workload of the Director of Energy Safety relating to licensing disciplinary matters:*

The licensing disciplinary workload in 2005-06 is expected to continue at about the same magnitude as the 2004-05 workload.

(e) *Proposals for improving the performance of the Director's functions under this Act:*

There are no proposed improvements.

STATE GOAL 3: THE ENVIRONMENT

WHAT WE PLANNED TO ACHIEVE

- Implement recommendations from energy audits conducted at DOCEP locations.
- Obtain grant funding from the Sustainable Energy Development Office (SEDO) to conduct further audits at other DOCEP locations.
- Continue to meet the State Government's Liquefied Petroleum Gas (LPG) Vehicle Policy.

WHAT WE HAVE ACHIEVED

In accordance with the Energy Smart Government Policy, we have committed to achieving a 12 per cent reduction in non-transport related energy use by 2006-07.

Table 7: Energy saving initiatives

Energy Smart Government program	2001-02 Baseline	2004-05	Variation
Energy consumption (MJ)	2,385,048	2,380,535	4,513
Energy cost (\$)	392,732	398,297	5,565
Greenhouse gas emissions (tonnes of CO ₂)	2,194	2,076	118
Performance indicators			
MJ/sqm	153	142	11
MJ/FTE	4,169	3,385	784

Energy saving initiatives

The following energy saving initiatives were implemented during 2004-05:

- a computer replacement program that replaced 179 (approximately 22 per cent) of the department's computers with more energy efficient models;
- sensor lighting was installed in a number of offices;
- triphosphor lighting was installed in a number of receptions, foyers and hallways;
- timing units were installed on continuous hot water systems;
- heat reflection blinds were installed in appropriate areas to reduced air-conditioning load; and
- grant funding was obtained from the SEDO's Energy Smart Grants Program in late 2004-05 for energy audits to occur within some of DOCEP's locations including the WestCentre, Dumas House and 20 Southport Street, Leederville.

Waste paper recycling

DOCEP encourages a culture of recycling and reducing waste paper through visible placement of posters and recycling bins. The department also utilises the Department of Treasury and Finance common-use contract for paper recycling. Where possible, technology such as email and the department's intranet has been utilised to ensure the amount of paper is minimised.

State Government vehicle fleet

In 2001, the State Government announced a LPG Vehicle Policy, which requires all agencies to substitute at least 25 per cent of their six-cylinder vehicles due for replacement in a calendar year with LPG fuelled vehicles. DOCEP met the 25 per cent target in the 2004 calendar year and has been committed to ensure compliance in 2005 and subsequent years.

Energy Efficiency Labelling and Minimum Energy Performance Standards

Energy Safety has been involved in developing and enforcing legislation for electrical and gas Energy Efficiency Labelling and Minimum Energy Performance Standards for certain electrical and gas appliances, including popular single-phase air conditioners. New requirements became law in Western Australia with respect to energy efficiency labelling and minimum energy performance standards applicable to electrical appliances and equipment. These new requirements are an important contribution to improving Australia's overall efficiency of energy use, and to minimising greenhouse gas production through reduced electricity consumption.

Energy Safety has certified the hydrogen fuel cell installations fitted in metropolitan buses, so that the trial of the use of hydrogen as a vehicle fuel could proceed.

Sustainability

In December 2004, DOCEP developed and produced its three-year Sustainability Action Plan as part of the Western Australian Government's State Sustainability Strategy. The plan encompasses a number of commitments for DOCEP for 2005 to 2007 in accordance with the *Sustainability Code of Practice for Government Agencies* and the *Resource Guide for Implementation* (the code).

DOCEP has continued its liaison with the Sustainability Policy Unit in terms of guidance, information sharing and reporting. Many of DOCEP's commitments have already been implemented prior to the plan's development, therefore actions are ongoing on a regular basis.

Some major achievements already met in the plan's six months of operation include:

- adoption of a web enabled services delivery platform to enable clients to self service without resorting to using transport to centralised service centres such as the front counter in the CBD;
- consolidation of server equipment in November 2004 to achieve a power consumption saving as one of the uninterruptable power supply (UPS) services was decommissioned. This has surpassed the target of a 25 per cent saving;
- representation from DOCEP on the Gas Appliance and Equipment Energy Efficiency Committee (GAEEEC) to contribute to the gas appliance labelling scheme in preparation for Energy Safety's role of drafting legislation for the administration/enforcement of energy labelling for gas appliances;
- ongoing compliance with the Sustainable Energy Development Office (SEDO) Energy Smart Initiative throughout the year in terms of meeting energy consumption levels and installation of sensor lights at major DOCEP locations;
- ongoing support for waste paper recycling, plus viewing and usage of online services/publications rather than hard copy, throughout the year; and
- implementation of an online induction process for new employees to reduce paper consumption.

State Greenhouse Strategy

On 30 June 2005, DOCEP lodged its *Greenhouse Strategy Report* with the Department of Premier and Cabinet's Greenhouse Unit. The report provided input into the *Reporting and Monitoring Framework for the Western Australian Greenhouse Strategy*. Apart from the standard strategy actions applicable to all agencies, DOCEP has one additional designated action, in partnership with the SEDO. This involves contribution to the National Appliance and Equipment Energy Efficiency Program to ensure Western Australia maximises its share of the expected financial and greenhouse saving.

The report has provided progress on DOCEP's actions and detailed significant actions relating to greenhouse and climate change undertaken, including:

- ongoing replacement of fleet vehicles with gas vehicles;
- ongoing replacement of six cylinder vehicles with four cylinder;
- ongoing commitment to the Energy Smart Initiative;
- representation from DOCEP on the Gas Appliance and Equipment Energy Efficiency Committee (GAEEEC) to prepare for energy labelling of gas appliances; and
- ongoing commitment to waste paper recycling and encouragement of more online services to reduce paper usage.

STATE GOAL 4: THE REGIONS

COMMITMENT TO REGIONAL WESTERN AUSTRALIA



Regional areas have been an important focus again this year with DOCEP making improvements in service provision, personnel, and facilities in a number of regional centres. DOCEP services to the regions have included advice, assistance and information to consumers, traders, employers and employees.

DOCEP has also provided Consumer Protection and WorkSafe services to Christmas Island and the Cocos (Keeling) Islands on behalf of the Federal Department of Transport and Regional Services.

DOCEP has regional offices in Albany, Bunbury, Geraldton, Kalgoorlie and Karratha that enhance service delivery to regional Western Australia. Regional residents can also access information and services through the DOCEP website or through DOCEP's call centres.

WHAT WE PLANNED TO ACHIEVE

- Provide information seminars and advice in both metropolitan and regional areas.
- Conduct a Western Power wood pole safety management system compliance audit and monitor Western Power's remedial action work aimed at preventing power line conductor clashing (such as at Mt Barker and later Tenterden).
- Monitor Western Power's efforts to identify defective and unsafe service apparatus across the State, as well as its efforts to improve initial connections safety.
- Work with the new customer services structure in Bunbury and regional offices to deliver a procedures manual for customer services officers. Improve Regional Officers' Output Based Management (OBM) data collection processes and systems. Continue to review the future suitability of the location of DOCEP regional offices in Albany, Bunbury, Geraldton, Kalgoorlie and Karratha. Review the possibility of co-location with other Government agencies in the long term.
- Conduct an audit of training needs and plan a program of relevant training for regional customer service officers, in consultation with HR training officers.
- Liaise with divisional directors, managers and project team leaders to organise the annual Regional Officers Conference. Identify cross-divisional customer service issues for process improvement in regional offices. Coordinate cross-DOCEP activities and the shared resources of regional offices as required. Represent regional interests on inter-divisional, inter-agency and interstate committees in relation to regional development.
- Liaison across the divisions regarding publications, information on the intranet, DOCEP News, campaigns and expos, regional information, media involvement, public relations, and displays.

WHAT WE HAVE ACHIEVED

Remote area safety inspections

In conjunction with the Department of Fisheries, 161 gas installations in camps situated on the group of northern islands of the Abrolhos Islands have been inspected. Inspector orders have been issued to gas consumers to improve the standards of safety of LPG installations throughout the islands. Significant improvements in installations are expected before the start of the next fishing season.

Farm Safety Strategy

Early in the year, the Minister for Consumer and Employment Protection announced the State Government's plan to direct \$100,000 to a Farm Safety Strategy. The Strategy features free of charge farm visits and workshops by safety and health advisors to assist farmers in conducting risk assessments and preparing safety and health action plans. The Strategy is a joint effort of the Farmsafe WA Alliance and the Western Australian Farmers' Federation, with the support of WorkSafe. The safety audits have generated a positive response from farmers.

Wool Harvesting Industry Workshops and Shed Assessments

As part of the ThinkSafe Small Business Strategy, funding has been provided for the delivery of the Western Australian Shearing Contractors Association (Inc) (WASCA) Wool Harvesting Shed Assessments this year. The WASCA Shed Assessment program consists of a series of three hour in-shed sessions followed by the development of an individualised Shed Improvement Plan for each shed owner, to provide direct assistance to both shearing contractors and shed owners. A total of 21 shed assessments have been successfully conducted in the regions during the year.

New services

DOCEP has introduced a new compliance framework for the plumbing industry. Regional offices are now able to collect fees and issue compliance documentation for the plumbing industry. Development work has been undertaken for online cashiering systems to improve services to clients and efficiency in processing of revenue.

Indian Ocean Territories

Under a service delivery agreement with the Federal Department of Transport and Regional Services, DOCEP has provided Consumer Protection and WorkSafe services to the communities of Christmas Island and the Cocos (Keeling) Islands, located off the Western Australian coast.

Consumer Protection has provided advice and assistance to island clients in response to telephone, email and mail enquiries. It has also assisted clients to resolve disputes with traders through conciliation. A Consumer Protection officer has visited the islands to provide individual consumers, traders and community groups with services as necessary. In the past year, two visits have been made by Consumer Protection staff, a Plumbers Licensing Board Inspector and a Weights and Measures Inspector from the Trading Standards Branch.

Two WorkSafe inspection visits have also occurred for the purposes of following up on previous notices issued, conducting proactive inspections and to discuss any safety and health issues with employees and employers on the islands. Over the course of these two visits, 40 improvement notices and two prohibition notices have been issued.

WorkSafe 2005 Forums – Geraldton and Karratha

The WorkSafe 2005 Forums were held in Geraldton on 19 May 2005 and in Karratha on 25 and 26 May 2005. The forums focussed on occupational safety and health issues affecting Western Australian workplaces, jointly presented by WorkSafe, the Commission for Occupational Safety and Health and the Department of Industry and Resources. The forums have been tailored for safety and health representatives, but have also been relevant to managers. The WorkSafe 2005 Regional Forums attracted delegates from within both non-mining and mining sectors and provided plenty of opportunities for discussion and networking.

Community events and field days

DOCEP has been represented at regional shows and displays including:

- Kununurra Agricultural Show;
- Albany Agricultural Show;
- Bunbury TAFE Orientation Day; and
- North West Expo in Broome.

Our staff and services

- An Indigenous Contact Officer was appointed to the Bunbury office on a part-time basis to provide a link to the South West Indigenous population and to act as an Indigenous Education Officer for the South West region. The role focuses on providing consumer information to Indigenous communities, although the officer also refers any complaints or concerns about labour relations, occupational safety and health and energy safety issues to the relevant senior staff in DOCEP's Bunbury office.

- WorkSafe has successfully relocated an inspector to Albany to provide a higher level of service in this developing area. Selection processes have been finalised to locate an inspector in Geraldton to meet identified needs that require a higher level of service.
- A new framework for providing quality customer service from regional offices has been introduced with the appointment of a Team Leader Regional Customer Services. This position provides a coordination, mentoring and training role for new customer service officers (CSOs).
- An online procedures manual for CSOs was launched at the November 2004 DOCEP CSOs Regional Conference. The manual has been implemented to ensure consistency of procedures and information across all regional offices.
- DOCEP's annual Regional Conference for senior divisional officers was held in June 2005 to access corporate training with colleagues and address common regional issues.
- Regional offices at Albany, Bunbury and Karratha have been upgraded to improve customer services, accommodate additional staff and improve security.

Table 8: Regional offices and key services as at June 2005

Location	Consumer Protection	WorkSafe	Labour Relations	Energy Safety	Number of staff
Albany	✓	✓	✓		4
Bunbury	✓	✓	✓	✓	16
Geraldton	✓		✓	✓	5
Kalgoorlie	✓		✓	✓	5
Karratha	✓	✓	✓	✓	7

Regional Development Policy

In line with Cabinet's decision in 2003, agencies are required to report through the Regional Development Policy implementation process on contributions to outcome priorities for the outcomes identified as relevant to their agency.

A summary of DOCEP's achievements against the Government's Regional Development Policy is set out in the following table. These achievements are also aligned to strategies in DOCEP's *Future Directions 2002-2005* Corporate Plan.

Table 9: DOCEP's Regional development policy achievements

Outcome 3 - Effective government service delivery to the regions

Regional Priorities	DOCEP's Strategies	Link to DOCEP's Corporate Plan
Effective government service delivery	<ul style="list-style-type: none"> • New structure and procedures in place for improved customer service in the regions. • Indigenous Liaison Officer appointed to the Bunbury office. • WorkSafe inspector appointed to Albany office. • Marketing DOCEP services at regional events. • Upgrades to regional offices for additional staff, services and security. • Telecentres used to distribute information related to DOCEP activities. 	Direction 4 – Building DOCEP as an organisation

Outcome 8 – Fair pricing for regional residents and businesses

Regional Priorities	DOCEP's Strategies	Link to DOCEP's Corporate Plan
Fair pricing structures for goods and services in regional Western Australia	<ul style="list-style-type: none"> • Ongoing monitoring of legislative requirements related to wholesale and retail fuel sales. 	Direction 4 – Enhancing the regulatory environment

Outcome 11 – Safe regional communities

Regional Priorities	DOCEP's Strategies	Link to DOCEP's Corporate Plan
Reduced number of workplace injuries and deaths	<ul style="list-style-type: none"> • WorkSafe forums held in Geraldton and Karratha. • Farm Safety Strategy – free farm visits and workshops. • Wool harvesting industry workshops and shed assessments. • Appointment of WorkSafe inspector to the Albany office. 	Direction 1 – Enhancing the capability of the community

STATE GOAL 5: GOVERNANCE

WHAT WE PLANNED TO ACHIEVE

- Assist the Government as an employer by providing policy and legislative advice, representing the Government in industrial proceedings, and coordinating public sector labour relations.
- Introduce administrative and procedural changes to support the introduction and operation of the State Administrative Tribunal.
- Implement enhanced information management systems to better track offenders across consumer protection industry areas, integrate business and company registers and improve the management of investigation caseloads.
- Implement a new weights and measures licensing and instrument monitoring framework in association with the expected passage of uniform trade measurement legislation.
- Identify and remove non-operating associations from the Incorporated Associations register, including cancellation/wind-up of entities and dispersal of assets.
- Develop and implement a training program for Consumer Protection staff regarding the consumer protection legislative framework.
- Develop and implement training programs for Consumer Protection staff, including Investigator Workshops, Team Leader Training and Cross Cultural Training.
- Establish the Plumbers and Motor Vehicles staff offices with Trading Standards Branch in Osborne Park.
- Standardise Job Description Forms to encourage applicants and to facilitate recruitment of the best people for positions.
- Improve industry funding for technical and safety regulation of the electrical and gas industries.

WHAT WE HAVE ACHIEVED

- Developed a proposal for the energy industry to fund the work of Energy Safety.
- Negotiated and registered eight public sector general agreements for the year ending 30 June 2005.
- Reviewed 52 Civil Service Association agency specific agreements, facilitated the renegotiation of 41 agreements and progressed the cancellation of 11 agreements.
- Progressed award updating for multi-respondent and agency specific awards for the public sector.
- Undertaken a review of entitlements of Reservists employed in the public sector in response to changes to the federal *Defence Reserve Service (Protection) Act 2001*, which resulted in revising policy, guidelines and paid leave entitlements for public sector employees.
- Provided advice and assistance in the establishment of shared service centres, and commenced the creation of a labour relations and human resource information database for application across the public sector.
- Incorporated flexible work provisions into awards and agreements to facilitate phased retirement and promote work and life balance. The provisions include combining sick leave, carers' leave and short leave, extending purchased leave arrangements, and extending paid parental leave.
- Prepared a joint submission, in conjunction with the University of Western Australia, for funding from the Australian Research Council for a linkage project grant to undertake a whole-of-workplace approach to implementing effective work/life policies in the Western Australian public sector.
- In line with the Government's Leading the Way in Occupational Safety and Health initiative and recent amendments to the *Occupational Safety and Health Act 1984*, drafted a code of practice for public sector agencies on occupational safety and health laws. This Code is expected to be completed in early 2005-06.

- In November 2004, DOCEP successfully hosted the second of two information forums that were part of the Leading the Way in Occupational Safety and Health initiative and attended by representatives from public sector agencies, identified as having specialist occupational safety and health staff. The initiative was designed to promote improved occupational safety and health performance, raise awareness of impending legislative changes, determine clear accountability and reporting requirements and improve communication between occupational safety and health professionals across the public sector.
- In line with the National Occupational Health and Safety Strategy 2002-2012 and the Leading the Way in Occupational Safety and Health initiative, liaison with the Office of Shared Services on the development of an efficient centralised system to assist smaller public sector agencies to more effectively manage their own occupational safety and health and workers' compensation outcomes. This system is being piloted and is expected to be introduced during 2005-06.
- Provided executive officer and research support for the tripartite Mines Safety Improvement Group and completion of an interim report of recommendations to the Minister for State Development on the future of safety in the resources sector in Western Australia.

State Administrative Tribunal

The State Administrative Tribunal (SAT) legislation was passed by Parliament enabling the SAT to operate from 1 January 2005. Appropriate administrative and procedural changes have been implemented to support the transfer of licensing responsibilities for Debt Collectors, Credit Providers, Employment Agents and Travel Agents to the Commissioner for Fair Trading.

Information management system

The Complaints and Licensing System (CALs), went live in June 2005. CALs replaces a number of disparate systems for managing consumer complaints and occupational licensing. It will enhance management and performance monitoring of the occupational groups administered by DOCEP. CALs Phase 2 will extend the Consumer Protection system to include trading standards licensing requirements, plumbers licensing functions and online service delivery.

Weights and Measures licensing

The Trade Measurement Bill 2004 and the Trade Measurement Administration Bill 2004 have been introduced into Parliament and were second read on 24 May 2005. Preliminary work to establish a new weights and measures licensing framework consistent with the legislation has commenced in preparation for passage of the legislation during 2005-06.

Incorporated Associations register

DOCEP has conducted an extensive advertising campaign and contacted peak bodies and local government authorities to identify associations that no longer operate. Around 1,500 letters were sent to potentially inactive associations to determine their current status, identifying approximately 9,000 associations that may fit in this category. By the end of 2004-05, all but 2,737 associations had been contacted. It is anticipated that the process of cancelling defunct associations will occur in the first half of 2005-06.

Consumer Protection performance management and training

A training program focused on the consumer protection legislative framework has been developed in liaison with the University of Western Australia's Faculty of Law. A number of Consumer Protection staff at all levels are participating in the program, which commenced in June 2005.

A training program tailored to investigative staff has been conducted. Attendees received a Certificate IV in Statutory Investigations Skills. Training provided by the Legal Unit on content and topical compliance matters complemented the launch of the Consumer Protection Investigations Manual, which was issued to all investigators.

To complement the implementation of DOCEP's Performance Development System, approximately 40 Consumer Protection staff have completed a Team Leader Training Program over four months.

The Indigenous Community Education Officers have developed a comprehensive Cross Cultural Awareness program, which is gradually being delivered to Consumer Protection staff. Call Centre and Executive staff have already received the training.

Relocation to Osborne Park

The refurbishment and fit out of the Selby Street premises has been finalised, enabling the Motor Vehicles and Plumbers Branches to relocate. The staff moved on 25 October 2004 and operations have subsequently been running smoothly at Osborne Park.

Corruption prevention

DOCEP's *Code of Conduct* now includes a chapter addressing corrupt conduct. This ensures current staff are made aware of their responsibilities towards corruption prevention and forms part of the staff induction process for new employees. The publication also addresses what staff need to know in relation to acceptance of gifts or benefits, public comments, protection of confidential information and consequences, should breach of the code occur.

A policy titled *Information Security* is in place to protect DOCEP's information resources and its users. It contains a comprehensive guide on computer access, use and security, and provides guidance on reporting problems, security breaches and suspected disclosure of sensitive or confidential information.

In November 2004, DOCEP developed an Anti-Corruption Action Plan detailing objectives and reforms for the department to combat corruption. Information contained within the action plan also formed part of the Office of Federal Affairs' submission for the Commonwealth Government's commitment to an Anti-Corruption Plan for Asia and the Pacific.

DOCEP has also developed guidelines for reporting misconduct. These guidelines provide instruction for staff and management to recognise, deal with, and prevent, suspected corruption and misconduct within the department and the public service, and how to notify the Corruption and Crime Commission. These were published on DOCEP's intranet in June 2005.

Customer service strategy

DOCEP's Customer Service Strategy evolved in 2003 to cater for the department's diverse customer needs. The basis of the Strategy stems from DOCEP's corporate plan, *Future Directions 2002-2005*, and provides guidance to management and staff on customer service standards and how to implement them.

During the year, the department continued to improve its service to customers by measures such as:

- continued efforts to ensure that human resource processes and systems reflected a commitment to customer service; and
- conducting training sessions to key frontline customer service staff to stress the importance of obtaining customer feedback about services, and to emphasise the importance of interpreting services for customers who have difficulty understanding English.

A survey of frontline customer service staff has been conducted to assess how customer service areas performed according to the targets in DOCEP's Customer Service Standards. The results showed that DOCEP's frontline and internal support areas have been consistent with DOCEP's principles and practices of a customer-focused organisation, signifying 91 per cent of actions in the Strategy have been implemented.

During 2004-05, DOCEP received 61 complaints and 142 compliments. The Customer Complaints and Feedback Database indicates that the 69 per cent of customer complaints have been resolved in less than two weeks, which met the targeted timeframe identified in DOCEP's Customer Service Strategy.

The review of DOCEP's Customer Service Strategy, policy and feedback handling procedures commenced during 2004-05. Preliminary work also commenced to upgrade the Customer Complaints and Feedback Database, allowing improvements for enhanced reporting, improved usage as a process improvement tool, and the addition of automated functions to ensure improved service delivery and customer service outcomes.



Corporate Compliance

section

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Corporate Compliance



David Goodwin
Principal
Accounting
Officer

LEGISLATION

Enabling legislation

DOCEP was established as a department under Section 21 of the *Public Sector Management Act 1994*.

Responsible ministers

DOCEP is responsible to the Hon John Kobelke MLA, Minister for Consumer and Employment Protection, for the administration of consumer protection, labour relations, and occupational safety and health legislation.

The Director and staff of Energy Safety are responsible to the Hon Alan Carpenter MLA, Minister for Energy, for administration of legislation dealing with the technical and safety regulation of all electricity and most gas activities in Western Australia but report to the Minister for Consumer and Employment Protection for all budget and human resource issues.

Legislation administered

DOCEP assists the Minister for Consumer and Employment Protection with the administration of legislation listed in Appendix One.

Legislation affecting departmental activities

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

- *A New Tax System (Fringe Benefits Reporting) Act 1999*
- *A New Tax System (Goods and Services Tax) Act 1999*
- *Appropriation (Consolidated Fund) Act 1999*
- *Disability Services Act 1993*
- *Corruption and Crime Commission Act 2003*
- *Electoral Act 1907*
- *Equal Opportunity Act 1984*
- *Electronic Transactions Act 2003*
- *Financial Administration and Audit Act 1985*
- *Freedom of Information Act 1992*
- *Government Employees' Housing Act 1964*
- *Government Employees' Superannuation Act 1987*
- *Industrial Relations Act 1979*
- *Labour Relations Reform Act 2002*
- *Library Board of Western Australia Act 1951*
- *Motor Vehicle Repairers Act 2003*
- *Minimum Conditions of Employment Act 1993*
- *Mutual Recognition (Western Australia) Act 1995*
- *Occupational Safety and Health Act 1984*
- *Occupational Safety and Health Regulations 1996*
- *Occupiers' Liability Act 1985*
- *Public and Bank Holidays Act 1972*
- *Public Interest Disclosure Act 2003*
- *Public Sector Management Act 1994*
- *Public Sector Management (Redeployment and Redundancy) Regulations 1994*

- *Salaries and Allowances Act 1975*
- *Spam Act 2003*
- *Superannuation Guarantee (Administration) Act 1992*
- *State Supply Commission Act 1991*
- *State Records Act 2000*
- *Workers' Compensation and Rehabilitation Act 1981.*

The following written laws also impact on DOCEP's activities:

- *Competition Policy Reform (WA) Act 1996*
- *Constitution Act 1889*
- *Constitution Acts Amendment Act 1899*
- *Coroners' Act 1996*
- *Criminal Code Act Compilation Act 1913*
- *Defence Act 1903*
- *Evidence Act 1906*
- *Financial Agreement Acts 1928 and 1995*
- *Interpretation Act 1984*
- *State Administrative Tribunal Act 2004*
- *Trade Practices Act 1974*
- Treasurer's Advance Authorisation Supply, Loan and Appropriation

In the financial administration of DOCEP, we have, to the best of our knowledge, complied with the requirements of the *Financial Administration and Audit Act 1985* and every other relevant law, and exercised controls which provide reasonable assurance that the receipt and expenditure of monies and acquisition and disposal of public property and incurring 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.



ACCOUNTABLE OFFICER



PRINCIPAL ACCOUNTING OFFICER

COMPLIANCE WITH HUMAN RESOURCE MANAGEMENT STANDARDS

In the administration of DOCEP, I have complied with the *Public Sector Standards in Human Resource Management*, the *Western Australian Public Sector Code of Ethics* and our *Code of Conduct*.

I have put in place procedures designed to ensure such compliance and have undertaken appropriate internal processes to satisfy myself the statement made above is correct.

In relation to the *Public Sector Standards in Human Resource Management*, such processes include:

- conducting regular reviews of human resource policies and procedures to ensure consistency with and references to the public sector standards, and to promote best practice and quality assurance;
- incorporating broad employee, executive management and Corporate Executive consultation and input into policy development, and ensuring these policies are widely communicated and accessible via DOCEP's Intranet. A Consultation Draft of new/reviewed HR Policies is placed on the Intranet and the opportunity to provide feedback promoted to all staff. This process provides all employees with an awareness and ownership of human resource policies;
- providing a comprehensive induction program that raises staff awareness of the *Public Sector Standards in Human Resource Management*, *Code of Ethics*, the *Code of Conduct* and other relevant human resource policies and practices;
- referencing the *Public Sector Standards in Human Resource Management* in information kits such as the recruitment and selection package and the grievance resolution guidelines;
- providing training to staff and managers on the department's Performance Development System;
- providing relevant training programs to managers and employees to ensure those in attendance have a knowledge and understanding of human resource policies, processes and compliance requirements;
- encouraging supervisors and managers to attend leadership and management development courses conducted by the Office of Public Sector Management;
- seeking feedback from staff through exit questionnaires;
- quality assurance through independent checks of human resource transactions; and
- providing human resource staff, through their attendance at appropriate training workshops and seminars, with skills enabling them to provide accurate advice and support to managers and employees in all areas of human resource management.

A summary of applications for breach of claims against the Public Sector Standards in Human Resource Management lodged under the Public Sector Management (Examination and Review Procedures) Regulations 2001 for the period up to 30 June 2005 is as follows:

Table 10: Total Claims – Recruitment, Selection and Appointment Standard

Claims	
Claims lodged 2004-2005	6
Claims not finalised from previous financial year	0
Total claims in 2004-05	6
Outcomes	
Withdrawn in agency	0
Resolved in agency	0
Still pending in agency	3
Referred to Office of the Public Sector Standards Commissioner (OPSSC)	3
Total claims in 2004-05	6

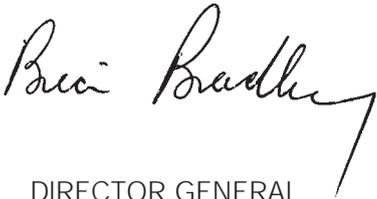
No allegations of breach were received in relation to any of the other Public Sector Standards in Human Resource Management.

COMPLIANCE WITH CODE OF ETHICS AND CODE OF CONDUCT

To ensure compliance with the *Code of Ethics and Code of Conduct* DOCEP has:

- included the *Code of Ethics and Code of Conduct* in the employee induction program;
- made these Codes available to all staff in hard copy and on the intranet;
- developed organisational policies and guidelines in accordance with the *Code of Ethics and Code of Conduct*;
- facilitated customer feedback and complaints;
- requested financial audits by the Office of the Auditor General;
- sought feedback from staff through exit questionnaires; and
- commenced a review of the *Code of Conduct* involving consultation with staff.

There were three claims of non-compliance with the *Code of Conduct* lodged with the department in 2004-05. Of the three claims, two were resolved within our department and one is still under internal investigation.



DIRECTOR GENERAL
DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION

31 August 2005

PRICING

Statutory fees are charged for various licensing and other services provided by DOCEP. Details are contained on DOCEP's website. Fees are increased in line with Government policy, and DOCEP is currently consolidating the process to enable all price changes to be approved and then published at the same time on 1 July each year.

INFORMATION

Freedom of information

The Manager of Corporate Information oversees the management of Freedom of Information (FOI) records and is the nominated DOCEP contact for the Government's Information Commission. Corporate Information also arranges training for the FOI officers.

Each division has a nominated FOI officer who coordinates the FOI requests and ensures the integrity of its records management. Corporate Information is the first point of contact for FOI requests for Consumer Protection, Labour Relations and Energy Safety. Inquiries or applications for these divisions can be lodged at the Forrest Centre, 219 St George's Terrace, Perth. For WorkSafe, the Manager of the Customer Services Centre, assisted by a dedicated FOI officer, is the first point of contact and is located at the WestCentre, Level 5, 1260 Hay Street, West Perth.

For the year ending 30 June 2005, DOCEP dealt with 114 requests for information in accordance with the *Freedom of Information Act 1992*.

Information statement

DOCEP has a Freedom of Information Statement prepared in accordance with Section 96 of the *Freedom of Information Act 1992*. The full document (revised in May 2005) is available on the department's website and outlines the functions of DOCEP, the kind of documents held and how those documents can be accessed, plus the arrangements that exist to enable members of the public to participate in policy formulation.

Document and records management

The records management services at DOCEP are evaluated on an ongoing basis as part of our business improvement strategy. A major initiative in document and records management is the Integrated Document Management System (IDMS) project, which was launched in March 2005. IDMS will enable DOCEP to meet the growing demands of an e-environment in line with the Government's E-government Strategy, and DOCEP's growing role as an information provider to the community.

The IDMS project is a business service and an enterprise component within the Online Strategic Services Plan. It defines DOCEP's vision to transform the internal management business functions and also the delivery of its services online. The Project is in the process of being implemented. A thorough evaluation of records management procedures and compliance regime with reference to the Record Keeping Plan (RKP) was completed in the last twelve months. This will be monitored as the project progresses over the next 18 months. Currently Corporate Information and a project team are developing a study, profiling document management, that also evaluates the business and compliance role of Records Management services.

The management of DOCEP's corporate documents and information is conducted within the framework of the *State Records Act 2000* (the Act) and the State Records Standards. The RKP, a requirement of the Act, codifies DOCEP's record keeping practices and ensures that the department meets its regulatory obligations.

The implementation of the RKP has a focus on the document management in business services environment and provides a frame of reference for the IDMS. Its major activities include the management of DOCEP's records and information life cycle, quality control, audit, business improvement and continuity in the wider integrated document management environment. Many of the activities are ongoing and include:

- continued business improvement services;
- realignment of the structure of Corporate Information to reflect the additional growth in document management, appropriate competencies and skills required for a more complex environment; and
- effective implementation of an IDMS that is able to meet the demands of an electronic and digital document and records environment.

The current training program offers a variety of services, induction of all new employees, training at the desktop for individuals, small group training as part of the business improvement process and formal structure training. Information is also published on the Intranet that reinforces the role of employees and their responsibilities. However, the IDMS project will increase this training capability. It will further strengthen the record keeping responsibilities of employees.

PUBLIC INTEREST DISCLOSURES

Corporate Executive appointed a Public Interest Disclosure (PID) officer in 2003. All staff have been advised of the legislation and their rights and responsibilities in relation to the *Public Interest Disclosure Act 2003*. To enhance communication of this initiative, the department provides a link on both its intranet and internet for individuals considering a PID action, while internal procedures have been put in place to ensure confidentiality. In 2004-05, no public interest disclosures were made.

ADVERTISING AND SPONSORSHIP

In accordance with section 175ZE of the *Electoral Act 1907*, DOCEP incurred the following expenditure in advertising, market research, polling, direct mail and media advertising.

Total expenditure for 2004-05 was \$1,649,267.32. Expenditure was incurred in the areas outlined in Table 11 below.

Table 11: Advertising and sponsorship expenditure for 2004-05

Advertising agencies <ul style="list-style-type: none"> • Aspermont Limited • Backspin Pty Ltd • Brainestorm Production • Gatecrasher Advertising • Linc • Market Equity • MJB and B Advertising and Marketing • Thirty Seven South Films • Vinten Browning 	\$105,840.70
Direct mail organisations <ul style="list-style-type: none"> • Lasermail • Northside Logistics • Templar Distribution 	\$51,005.26
Market research organisations <ul style="list-style-type: none"> • Advantage Communications and Marketing • Colmar Brunton WA Pty Ltd • Meerkats • Patterson Market Research • Summit Training Services 	\$179,379.54
Media advertising <ul style="list-style-type: none"> • Albany Chamber of Commerce and Industry • Marketforce Productions • Media Decisions 	\$1,256,812.55
Sponsorship <ul style="list-style-type: none"> • AMP Benefit Fund Australia • Arts Law Centre • Australian Institute for Occupational Hygienists • Care Inc Financial • Cooperative Federation • Engineers Association • Housing Industry Association • Industrial Relations Society • Leschenault Business Enterprise Centre • Livestock Transport Association • Master Builders Association • Master Plumbers and Gasfitters Association • NSW Government • Revelation Perth • University of Western Australia 	\$56,229.27

DOCEP and its people

section

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DOCEP and its people

OUR OFFICE

DEPARTMENT OPERATING STRUCTURE / CORPORATE GOVERNANCE

DOCEP's operating structure consists of a Director General and six divisions. Each division has an Executive Director, who participates in the Corporate Executive with the Director General. Corporate Executive operates under a governance structure and meets fortnightly. This ensures authority and accountability is shared between the Director General and the divisions. DOCEP's strategic directions are agreed collectively through the Corporate Executive, and each division creates its business plan within the board parameters of the strategic directions.

While the Director General is ultimately accountable for all DOCEP's activities, each division, through its relevant Executive Director, has significant autonomy in day-to-day decision-making, allocation of resources and determination of divisional priorities. Each division has an Executive Management Committee chaired by the relevant Executive Director.

Corporate and support services are provided centrally by the Corporate Services Division and the Office of the Director General.

DOCEP's Corporate Charter sets out its corporate governance principles, which include:

- accountability and decision-making;
- role and operation of Corporate Executive;
- strategic planning and reporting;
- financial and human resource management; and
- Ministerial communications and correspondence.

The Corporate Charter was adopted in November 2003 and is regularly reviewed and updated.

CORPORATE EXECUTIVE



Brian Bradley PSM

Director General

Brian Bradley has 40 years experience in the Western Australian public sector. He has been involved principally in safety and health since 1983. Brian worked for WorkSafe for over 20 years and was appointed as Commissioner of WorkSafe Western Australia in October 1998. In 2002, Brian was appointed as Director General of DOCEP after acting in the position since June 2001.

He is currently a member of the National Occupational Health and Safety Commission, chair of the NOHSC Prevention Committee and deputy chair of the Western Australian Commission for Occupational Safety and Health. He is also a member of the Workers' Compensation and Rehabilitation Commission of WA. Brian was awarded the Public Service Medal in 2003 for his contribution to health and safety in Western Australia.

Patrick Walker

*Executive Director, Consumer Protection
Commissioner for Fair Trading and Prices Commissioner*

Patrick Walker commenced his current position as Commissioner for Fair Trading and Prices Commissioner in June 1998. Prior to this, he had extensive management experience in local government, with most recent positions as Chief Executive Officer at the City of Subiaco (1993 to 1998) and Chief Executive Officer at the Town of Narrogin (1986 to 1993). In addition to performing the role of Executive Director, Consumer Protection, Patrick is also a member of the Consumer Advisory Council, Legal Aid Commission of Western Australia and a member of the Medical Board of Western Australia.

Jeff Radisich

Executive Director, Labour Relations

Jeff Radisich was appointed to his current position in June 2004. Prior to this, he was Acting Executive Director, Labour Relations from July 2001 and previously Acting Chief Executive Officer, Department of Productivity and Labour Relations. Jeff has had extensive experience in public sector labour relations since 1982. His experience and expertise covers the provision of services to government, public and private sectors on labour relations legislation, policy and practice.

Nina Lyhne

*Executive Director, WorkSafe
Commissioner of WorkSafe Western Australia*

Nina Lyhne was appointed as Executive Director and Commissioner of WorkSafe in April 2004. Prior to this appointment, she was Acting Executive Director, WorkSafe. Previously, Nina was the Executive Director of DOCEP's Strategy Division, a member of the WorkSafe Western Australia Corporate Executive, and Executive Director of the Office of Road Safety (1998 to 2000). Nina has extensive experience in the State Government where she has worked for five different agencies in sectors ranging from commerce and trade, to community development and occupational safety and health. She has been a member of the Corporate Executive in the last three agencies in which she has worked.

Albert Koenig

*Executive Director, Energy Safety
Director of Energy Safety*

Albert Koenig also holds the statutory position of Director of Energy Safety, which is responsible for all electricity and most gas related technical and safety regulation in the State. He is an engineer with wide experience in energy industry regulation. He was instrumental in the planning and establishment of his organisation as an independent regulatory unit from January 1995, when the State Energy Commission of Western Australia ceased as part of the restructuring of the energy industry. Prior to this, he worked in the utility industry, consulting engineering, heavy industry and in the former Public Works Department of Western Australia. He is currently a member of various national and state level boards and committees dealing with technical standardisation, emergency management and critical infrastructure security and resilience.

Alan Jackson

Executive Director, Corporate Services

Alan commenced his current position in October 2004. Prior to this, he had extensive senior management experience in the public, private and tertiary education sectors including his most recent position of Director, Corporate Services at the Department of Treasury and Finance. Alan's experience includes nine years of consulting to large public and private sector organisations throughout Australia on numerous strategic issues. He was also a sessional lecturer for two prominent Western Australian universities over a number of years. Alan is an Associate Fellow of the Australian Institute of Management (AIM) and the Australian Human Resource Institute (AHRI), and has a Master of Commerce.

John Donovan

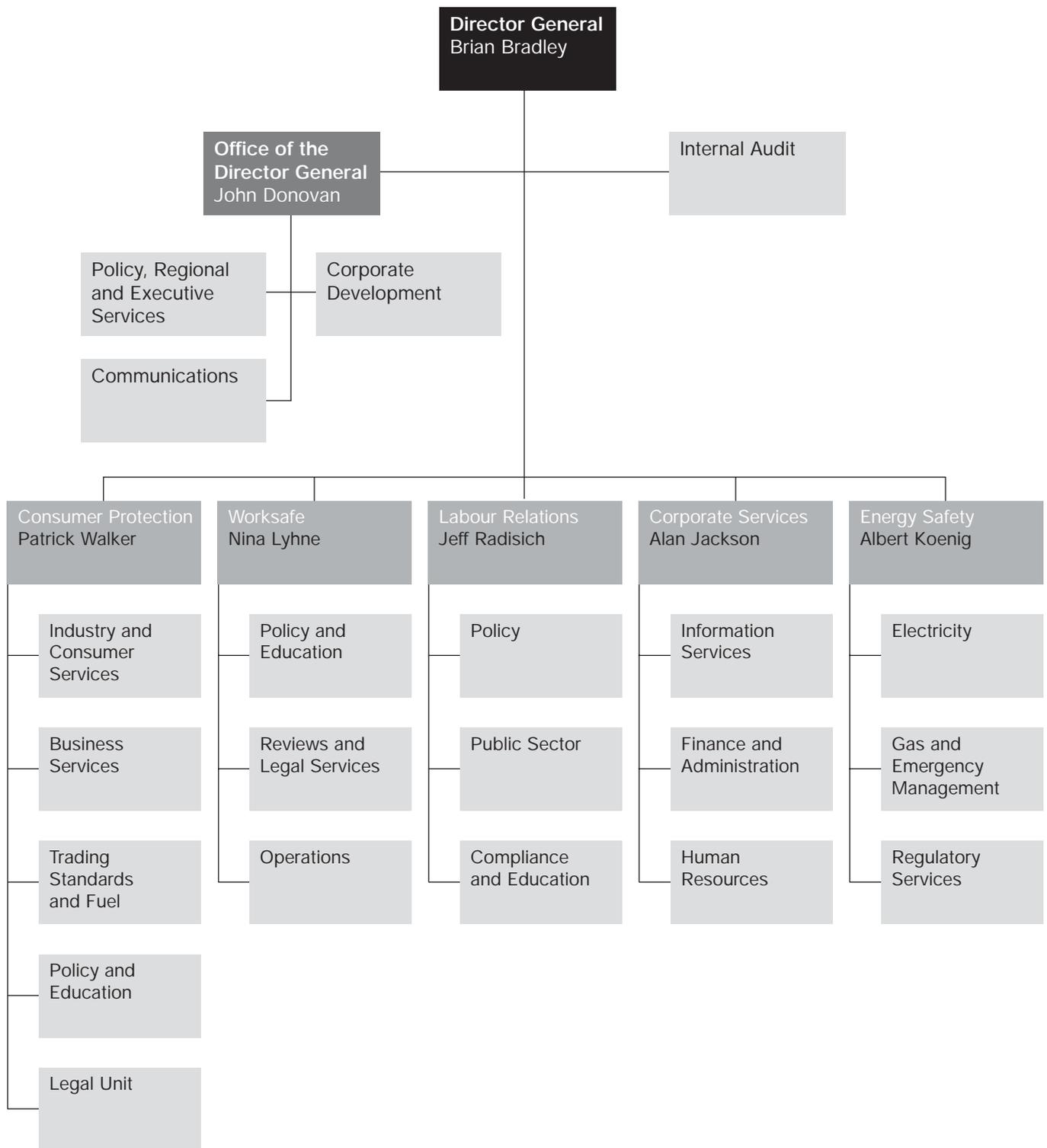
A/Executive Director, Office of the Director General

John Donovan commenced his current position in February 2005 and was previously DOCEP's Human Resources Director. He has had extensive management and policy experience in the New South Wales and Western Australian public sectors including WorkSafe, the Western Australian Museum, Departments of the Arts, Premier and Cabinet, State Development, Transport and Energy (NSW) and been a Corporate Executive member of five agencies. John has been a government appointee on boards, including the Western Australian Renewable Energy Advisory Council, an elected local government councillor and is a Board Member of a Disability Support Foundation.

DECLARATION OF INTERESTS

The Corporate Executive Team of DOCEP acknowledges the requirement to declare any existing or proposed contract between DOCEP and a senior officer and reports that during this financial year there were no conflicts of this nature to declare.

CORPORATE ORGANISATIONAL CHART



OUR RESOURCES

INFORMATION RESOURCES

DOCEP has continued to focus strongly on developing new web based services for the public and industry. Infrastructure and systems environments have been developed that support the delivery of reliable and secure internet services for all new or improved business functions. The Information Services Directorate provides the skills, resources and management over many projects. The following are some of the highlights achieved.

Compliance and Licensing System (CALs)

A significant re-development that supports the core of Consumer Protection activities, was the installation of a new and much improved licensing system, CALs, delivered into production in June 2005. The initial successful roll-out was to a limited group of licensing areas. Other licensing groups will be rolled into CALs in July 2005. This system brings together almost all of Consumer Protection's licensing types and information on licensees. Compliance and complaint services are also managed by this new system, providing a single view of Consumer Protection licensee operations and issues. A web specific service to the public and industry is planned for the later half of 2005.

Compliance and Licensing System – Labour Relations (CALs-LR)

Labour Relations is a partner in this CALs project to replace the aging Awards Complaints System. Development commenced in August 2004 and is well underway, with a live version scheduled for delivery in the second half of 2005. This product will consolidate all of the division's industrial award compliance and support activities. Improved web services are planned as an extension to this product.

Business Names

A new web service that manages renewals of Business Names went live in July 2004 and is now available to the general public. The service assists business name owners to renew, search and request business name extracts online. The service assists the public and industry to self service, without the need to visit DOCEP offices in the city. Facilitating the application of new business names online is the next step in delivering an improved service. This next stage is planned to commence early in 2006.

Trade Standards

In May 2005, the Trade Standards business group commenced a project to deliver services over the web to accredited compliance licensees. Licensees will have access to the latest information on measures and standards. Accredited compliance officers will be able to inspect equipment and then submit the results of those inspections online to DOCEP.

DOCEP, via the internet, is endeavouring to provide simplified access to valuable information and services to enable the best performance possible for the industry. These web services will also allow DOCEP to better inform industries and make valuable information available to the public.

Plumbers Enquiry

A new service that allows the public and industry to enquire about licensed plumbers is now in production. This service will allow enquirers to validate that a plumber has valid credentials to perform the required service.

Electrical Safety Services

A new service to the electrical industry has been developed which allows secure access by electrical contractors. The service allows a contractor to ensure the currency of an electricians' licensing details. The web service has particular application to the remote areas of the state. The web service solves issues of access and timeliness supporting better decisions by contractors.

Integrated Document Management System (IDMS)

The largest project commitment for DOCEP is the IDMS⁷ that commenced in April 2005. This system replaces all document-centric services that exist within the department at present. The project will create a consolidated corporate repository of information that is easily accessible. These IDMS technologies are sourced from Objective Corporation, an Australian owned company. The project has its first deliverables in the second half of 2005.

CAPITAL WORKS PROGRAM

The 2004-05 Capital Works Program amounted to \$2.11 million. This program provides essential infrastructure support for DOCEP to develop and implement a range of projects that assist in the delivery of departmental services. These include ongoing projects such as continued replacement and upgrading of computer and software programs, providing infrastructure for additional staff, corporate technology and the enhancement of Online Services and Business Systems.

Table 12 summarises DOCEP's Capital Works Projects for 2004-05:

Table 12: Capital Works Projects

Project Title	Estimated Total Cost	Estimated Cost to Complete	Planned Year of Completion	Explanation of Variation to Planned Cost
Infrastructure for Additional Staff	\$ 386,000	\$ 0	Completed 2004-05	No variation
Business Systems Development and Enhancement	\$ 2,070,000	\$ 386,288	2005-06	No variation expected
Corporate Technology Infrastructure	\$ 648,000	\$ 122,506	2005-06	No variation expected
DOCEP eBiz	\$ 1,540,000	\$ 996,114	2005-06	No variation expected
Computer and Software Program 2002-03	\$ 493,000	\$ 0	Completed 2004-05	No variation
Computer and Software Program 2003-04	\$ 791,000	\$ 588,814	2005-06	No variation expected
Additional WorkSafe Inspectors' Infrastructure	\$ 381,000	\$ 0	2005-06	No variation expected
Minor Equipment Purchases	\$ 952,000	\$ 319,909	2005-06	No variation expected
Computer and Software 2004-05	\$ 127,000	\$ 127,000	2005-06	No variation expected
Computer and Software 2004-05 and 2005-06	\$ 1,500,000	\$ 1,260,426	2005-06	No variation expected

⁷ More information on this project can be found in Section 4 - Corporate Compliance – Documents and Records Management

COMMUNICATIONS DIRECTORATE

The Communications Directorate is a corporate resource that provides a range of services to DOCEP, including media liaison, publications, campaigns, events and online products and advice. It provides Promotions, Online and Information services.

Promotions

The Promotions Team provides strategic advice to the four operational divisions of the department to coordinate advertising campaigns and a range of educational and promotional events.

Project plans are developed and implemented with timelines for major campaigns and events. Media bookings and contracts are arranged and contracts for external services are managed in areas such as advertising, market research, graphic design, audio visual requirements, catering and provision of display systems, departmental merchandise and promotional items.

Major achievements in 2004-05 included coordination of:

- radio and press campaigns promoting youth and Indigenous issues and Wageline for Labour Relations;
- WorkSafe 2005 ThinkSafe Small Business Assistance Scheme television and radio campaign;
- Energy Safety gas and electrical safety television campaign;
- twelve display booths at external expos, shows and conferences in metro and regional areas;
- seven Ministerial launches;
- three WorkSafe Forums at Geraldton and Karratha;
- DOCEP participation in Community Safety Month and Safety in Schools Week;
- presentations by the Minister for Consumer and Employment Protection, the department's Director General or the WorkSafe Commissioner of 18 WorkSafe Plan certificates and two WorkSafe Award certificates in workplaces; and
- Consumer Protection Awards presentation evening.

The Promotions Team also provides executive support to the department's Information and Education Coordination Committee, which coordinates department-wide events.

Online Services

The Online Services Team is responsible for the development, maintenance and ongoing management of the department's online information services. This includes sites for DOCEP as a whole and for each division, along with the department's corporate intranet. The team provides expert advice and assistance on the development of online transactional and commerce services and participates in departmental and government online policy development.

In 2004-05, DOCEP's website attracted more than three million visitors, an increase of more than 1.3 million over the previous financial year.

Online Services has completed the second stage of content management implementation, which will allow operational staff across DOCEP to manage their own online content. The department's web content management system now includes major divisional sites for Energy Safety and Labour Relations. New divisional sites for Consumer Protection and WorkSafe are expected to be completed by October 2005.

The content management system has also been implemented for internal intranet content, including content from branches in Corporate Services, WorkSafe, Consumer Protection and Labour Relations divisions, and within the Office of the Director General. Energy Safety and remaining branches within each division will be included within the 2005-06 period. This is part of Online Services' plans to ensure that DOCEP's online services fully comply with both the *State Records Act 2000* and the Guidelines for State Government Websites, and to improve services for all staff.

Other achievements include:

- provided expert advice on the redesign and redevelopment of the ThinkSafe Club online service;
- assisted Labour Relations in the development of a specialised Work-Life campaign website;
- completed the development of the Consumers' Association of Western Australia website, in conjunction with Consumer Protection and the Consumers' Association;
- assisted in the development of a number of transactional online services under the BizLine umbrella service. These include Energy Safety Licensing online service and the Plumbers' Board enquiry service;
- worked towards complete implementation of web content management on all internal and external online information services;
- planned the launch of new Consumer Protection and WorkSafe web services;
- finalised the purchase of an electronic newsletter subscription service to benefit all parts of DOCEP.

Information

The Information Team manages the development, production, storage and distribution of divisional publications. Services include writing, editing, proof reading, graphic design, print production and distribution of DOCEP's publications. The team also maintains and monitors compliance to the Government print media style guide.

In 2004, DOCEP awarded a two-year contract to Templar Distribution for the provision of storage facilities, stock control and despatching services of its publications.

The Information Team manages the off-site storage of DOCEP's publications using an online ordering system. The system enables stock levels to be monitored for accuracy and to ensure stocks are available to meet orders. This service enables staff, including those in regional offices, to order publications online and receive them in a timely and efficient manner.

In 2005, Lamb Print won the contract to print the bulk of DOCEP's publications, enabling the routine printing tasks to be carried out efficiently.

As part of its service to internal clients, the Information Team provides strategic advice to DOCEP's divisions on publications planning, promoting, marketing and distributing the numerous publications produced. It is also responsible for all DOCEP corporate publications.

Examples of publications the team has provided advice on and produced during the year include the:

- *Fitness Industry Code of Practice*;
- Worksafe occupational health and safety bulletins;
- *Pregnancy and Parental Leave* publication; and
- *Guide for Property Owners and Managers of Rented Properties*.

The Information Team also provides media advice and announcements, responds to media enquiries and issues on behalf of WorkSafe, Energy Safety and Labour Relations, and deals with many media enquiries, comment and articles on a range of issues. Media issues for Consumer Protection are handled by staff responsible for that division. The team also manages advertising bookings and production and arranges media training.

OUR PEOPLE

DOCEP's workforce brings together people from a wide range of backgrounds and experience to provide a broad range of services to the Western Australian community. The department had 783 employees (715 FTEs) on the payroll system at 30 June 2005, plus 92 members of boards, compared with 770 staff last year.

DOCEP's staff are managed through a range of policies, procedures and feedback mechanisms. Investing time and financial resources into staff as important internal customers ensures they are efficient and effective in serving the public. The process of managing staff and their performance was improved this year when the Human Resources Directorate launched a DOCEP-wide Performance Development System in 2004 (see *Learning and Development*).

Significant emphasis has been placed on creating and promoting employment opportunities for disabled workers. Employment pathways are created through the development of partnerships with leading traineeship organisations.

POLICIES

New human resource policies and procedures are continually developed and implemented to ensure DOCEP is well equipped to deal with increasing change in the public service. Staff play a key role in developing these policies and procedures through a consultative process using DOCEP's intranet. Policies are then reviewed and placed back on the intranet as a final document.

A major achievement for the Human Resource Directorate this year has been the distribution of the Diversity Survey which aimed to measure DOCEP's commitment to ensuring employment practices were fair to everyone. The results are being used to implement fair and equitable policies and strategies to meet the needs of all staff, and will assist in highlighting and celebrating the benefits of having such a diverse workforce.

The development of the Disability Access and Inclusion Plan 2005-2008 to support employees and customers with disabilities has been another key achievement this year. DOCEP adopted the Plan to ensure that people with disabilities, their families and carers could easily access DOCEP's services and facilities. DOCEP's customers and staff worked together to develop the Plan, which has been intrinsic to meeting the objectives outlined in the *Future Directions 2002-2005* Corporate Plan.

General policies endorsed and implemented have been:

- Prevention of Violence Policy and Guidelines
- Leave Management Policy
- Flexible Working Arrangements Policy and Guidelines
- Secondment Policy and Guidelines
- Overpayments Policy and Guidelines
- Separations Policy, Guidelines and Exit Survey
- Study Leave Policy, Guidelines and Checklist
- Transfer Policy, Guidelines and Checklist

RECRUITMENT, SELECTION AND REDEPLOYMENT

DOCEP placed a combination of 112 contract and permanent vacancies on the Western Australian Government Job Board up to 30 June 2005.

Redeployee numbers decreased from four at 30 June 2004, to two at 30 June 2005. Redeployees are provided with encouragement, support and opportunities to assist them in finding suitable alternative employment.

DOCEP works closely with Bizlink WA and Edge Employment Solutions to offer employment for people with disabilities. DOCEP and Edge have continued their commitment to placing a student for initial assessment as part of the Government's School-Based Traineeship program.

The Inspector Development and Training Plan has continued to provide new WorkSafe inspectors with the required skills, knowledge and competencies to achieve the requirements of their jobs. Inspectors are also considered for advancement in their employment under the Criteria Progression Program.

An independent, confidential and professional counselling service has been available to all employees and their immediate families if the need arises. This service offers registered psychologists or social workers with wide-ranging experience in handling various problems.

LEARNING AND DEVELOPMENT

The DOCEP-wide Performance Development System has been a major new initiative this year. Training has been conducted by the Learning and Development team for most managers and staff to assist them in implementing the work-management and development tool. Coaching training for all managers and supervisors has been provided to help them communicate effectively with their staff. Training is also delivered on a quarterly basis to all new employees.

In addition to the online induction process at DOCEP, quarterly training in 'Prevention of Workplace Bullying Among DOCEP Employees' was conducted, while 'Equal Opportunity Awareness' training was recently added to the quarterly calendar of events.

The Learning and Development team has continued to provide consulting services in strategic planning, training needs analysis and change management initiatives, along with the coordination or provision of training courses. In 2004-05, these training courses included:

- Conflict Management
- Negotiation and Conciliation
- Better Writing
- Application and Interview Techniques
- Government Employee Superannuation Board seminars
- Certificate IV Workplace Training and Assessment
- Certificate IV Government Statutory Investigations (Enforcement)

OCCUPATIONAL SAFETY AND HEALTH COMMITTEE

The department seeks to achieve positive occupational safety and health outcomes through its Occupational Safety and Health Committee.

Since 30 June 2004, the Occupational Safety and Health Committee has met eight times to address a range of issues and initiatives including:

- implementation of the First Responder System (provides early access to defibrillation);
- accidents and incidents investigations;
- investigation of an evacuation chair for physically disabled employees;
- employee safety awareness sessions;
- replenishment of first aid kits;
- Fire Warden/First Aid Officer training;
- online incident reporting;
- personal protective equipment;
- incidence of cancer at Trading Standards Branch;
- Disability Services Plan;
- Wellness Program; and
- smoking around DOCEP Offices.

OSH PERFORMANCE STATISTICS

In accordance with the Human Resource Minimum Obligatory Information Requirements (HR MOIR) of the Department of Premier and Cabinet, DOCEP provides the following summary statistics.

Table 13: HR MOIR Figures 2004-05

HR MOIR INDICATOR	DOCEP RESULT
Rehabilitation success rate	"N" ⁸
Lost time injury/disease frequency rate	5.95
Cost of claims incurred per \$100 wageroll	0.7497
Contribution rate	0.36

WORKERS' COMPENSATION AND REHABILITATION STATISTICS

Table 14: Workers' Compensation Figures 2004-05

WORKERS' COMPENSATION MEASURE	DOCEP RESULT
Total number of active claims during 2004-05	32
Total number of new workers' compensation claims received during the year 2004-05	17
Total cost of all claims	\$129,122.00

HUMAN RESOURCES MANAGEMENT SYSTEM

DOCEP implemented an update of the Concept HR management system and, in accordance with the provisions of the Public Service General Agreement 2004, converted the sick leave credits of staff to personal leave.

EQUAL OPPORTUNITY OUTCOMES

Table 15: Employees by salary level and gender (excluding members of boards)

Salary levels	2005		2004	
	Women	Men	Women	Men
\$0 to \$38,660.99	41	12	64	17
\$38,661 to \$44,542.99	87	32	107	47
\$44,543 to \$50,155.99	85	45	72	37
\$50,156 to \$55,794.99	54	54	46	58
\$55,795 to \$64,927.99	55	66	52	95
\$64,928 to \$75,658.99	41	77	25	48
\$75,659 to \$85,692.99	21	28	19	39
\$85,693 to \$98,179.99	11	39	6	20
\$98,180 to \$111,508.99	6	12	3	5
\$111,509 \$1,000,000	5	12	2	8
Totals	406	377	396	374

Note: salary levels are in accordance with MOIR Equal Employment Opportunity data. Statistics for 2004 are the rates as per 30 June 2004 (provided for comparative purposes). Statistics for 2005 are as per 30 June 2005.

⁸ In accordance with the HR MOIR Data Definitions (June 2004) "N" equates to no eligible employees for this category.

EQUITY AND DIVERSITY PLAN

DOCEP's Equity and Diversity Plan represents our specific strategies and performance objectives for achieving the Government's overall commitment. This is an important document, not just because of its relationship to achieving the Government's Equity and Diversity Plan, but because our strategies and objectives are interwoven into the culture of DOCEP.

DOCEP has undertaken strategies to address the desired outcomes contained in the Equity and Diversity Plan, based on the Outcome Standards Framework for Equal Employment Opportunity (EEO)/Diversity Planning and these are also aligned to DOCEP's *Future Directions 2002-2005* Corporate Plan:

Table 16: DOCEP's strategies against the Equity and Diversity Plan

Outcome 1 - Workplace Culture and Accountability

EEO/Diversity Priorities	DOCEP's Strategies	Link to DOCEP's Corporate Plan
DOCEP values and has clear management accountability for EEO and Diversity. There is an inclusive work environment that is free from sexual and racial harassment, and harassment due to any of the grounds covered by equal opportunity legislation.	<ul style="list-style-type: none"> • Mandatory training in EEO for all staff. • Regular articles in HR News in respect to EEO issues. • DOCEP Exit Survey. • Regular review of Human Resource Policies. 	Direction 4 – Building DOCEP as an organisation

Outcome 2 - Work Practices Support Equity and Diversity

EEO/Diversity Priorities	DOCEP's Strategies	Link to DOCEP's Corporate Plan
Workplace policies and practices support the achievement of equity and diversity objectives and are free from bias and unlawful discrimination against existing and/or potential employees.	<ul style="list-style-type: none"> • Family rooms available. • Flexible working arrangements are accommodated as far as is practicable. • Flexible Work Arrangements Policy and Guidelines developed. • Review of job descriptions as they are advertised. Levels 4 and above are required to be amended to include a criterion on EEO and Diversity. • Selection panel training. 	Direction 4 – Building DOCEP as an organisation

Outcome 3 - An Equitable and Diverse Workplace

EEO/Diversity Priorities	DOCEP's Strategies	Link to DOCEP's Corporate Plan
DOCEP has an equitable and diverse workplace profile at all levels that is suited to business imperatives and consistent with Government policy and legislative frameworks.	<ul style="list-style-type: none"> • DOCEP Diversity Survey. • Disability Employment Strategy. • Statistical data on diversity is provided to DOCEP's Corporate Executive. • Continual monitoring and reporting on EEO Groups. 	Direction 4 – Building DOCEP as an organisation

COMMUNITY ACHIEVEMENTS/COMMITMENTS/BALANCING WORK AND HEALTH

During 2004-05, some of DOCEP's divisions have taken part in community events such as the 2005 Freeway Bike Hike in March 2005 with Energy Safety staff participating to raise money for the Asthma Foundation. In October 2004, the Consumer Protection Community Education Team provided information and assistance on seniors' rights as consumers as part of Seniors Have-A-Go Day.

From a departmental perspective, Executive Directors invited staff to be part of Harmony Week in March 2005 and to promote fitness and health, the Human Resources Directorate launched the 'Find 30 Pedometer Program' in August 2004.

DOCEP has continued its general fundraising throughout 2004-05 supporting special charity events including Daffodil Day, Bandanna Day, Red Nose Day, Jeans for Genes and has also rallied as a team to donate money to the Tsunami Appeal in February 2005.

REGULATORY BOARDS AND COMMITTEES / TRIBUNALS

The boards in the Consumer and Employment Protection portfolio have a range of functions including licensing of participants in relevant industries, investigating complaints about the conduct of industry participants and taking disciplinary action where appropriate.

Table 17 is a brief summary of the functions of each board.

Table 17: Regulatory Boards and Committees / Tribunals

BOARD	LEGISLATION	PRINCIPAL FUNCTIONS	INVESTIGATIONS	MANAGEMENT OF FUNDS	OTHER	SOURCING OF FUNDING	EMPLOYMENT OF STAFF	NUMBER OF ENTITIES REGULATED
Real Estate and Business Agents' Supervisory Board*	Real Estate and Business Agents Act 1978 (WA)	Licensing of real estate and business agents and registration of developers and sales representatives.	Yes	Yes	Advise Minister on administration of Act and regulations; Conduct and promote education and provide advisory services; Conciliation; Prescription of codes of conduct; Education; Overseeing agents' trust accounts.	Self funded (licence and registration fees and interest on trust accounts and investments)	Employed by Board Service delivery agreement with DOCEP.	2,850 agents 8,000 sales representatives
Settlement Agents' Supervisory Board*	Settlement Agents' Act 1981 (WA)	Licensing of settlement agents	Yes	Yes	Advise Minister on administration of Act and regulations; Conduct and promote education and provide advisory services; Prescribing maximum fees; Prescription of codes of conduct; Education; Overseeing agents' trust accounts.	Self funded (licence and registration fees and interest on investments)	Employed by Board. Service delivery agreement with DOCEP.	615 agents
Land Valuers Licensing Board	Land Valuers Licensing Act 1978 (WA)	Licensing of land valuers	Yes	No	Advice to the Minister; Prescribing maximum fees; Prescribing codes of conduct; Conduct examinations and appoint examiners.	Consumer Protection (Consolidated Fund)	Employees of Consumer Protection	470 valuers
Builders' Registration Board*	Builders' Registration Act 1939 (WA)	Registration of builders	Yes	Yes	Set workmanship standards; Determine training and examination requirements; Education.	Self funded (Registration fees, building licence levies, complaint application fees)	Employed by Board	4,950 builders

BOARD	LEGISLATION	PRINCIPAL FUNCTIONS	INVESTIGATIONS	MANAGEMENT OF FUNDS	OTHER	SOURCING OF FUNDING	EMPLOYMENT OF STAFF	NUMBER OF ENTITIES REGULATED
Painters' Registration Board*	Painters' Registration Act 1961 (WA)	Registration of painters	Yes	Yes	Set workmanship standards; Investigate painting work, as requested; Make work orders to remedy unsatisfactory work; Prescribe examination requirements.	Self funded (Registration fees)	Employed by Board	2,520 painters
Motor Vehicle Industry Board ⁹	Motor Vehicle Dealers Act 1973 (WA); Motor Vehicle Repairs Act 2003 (WA)	Licensing of motor vehicle dealers and repairers, car market operators, yard managers and salespeople	No	No	Approve courses (and people who provide courses) for the training of dealers, repairers, yard managers and salespeople.	Consumer Protection (Consolidated Fund)	Employees of Consumer Protection	780 motor dealers 880 yard managers 1,800 salespeople
Hairdressers Registration Board	Hairdressers Registration Act 1946 (WA)	Registration of hairdressers	Yes	Yes	Holding examinations; Making recommendation to health authorities regarding hygiene and sanitation standards.	Self funded (Registration fees)	Employed by Board	4,400 hairdressers
Plumbers Licensing Board	Water Services Coordination Act 1995 (WA)	Licensing of plumbers and tradespeople	No	Yes	Monitor and advise on training standards.	Self funded (Licence fees)	Employed by Board	1,800 lic plumbers 1,200 tradespeople
Finance Brokers Supervisory Board	Finance Brokers Control Act 1975 (WA)	Licensing of finance brokers	Yes	No		Consumer Protection (Consolidated Fund)	Employees of Consumer Protection	
Electrical Licensing Board	Electricity Act 1945 (WA)	The determination of competence of applicants for, and holders of, licences and permits issued under the Electricity (Licensing) Regulations 1991	No	No		Energy Safety (Licence fees)	Employees of Energy Safety	27,000 electrical operatives 6,500 gas operatives

* Signifies self funded Board or Committee.

⁹ During 2004-05, the Motor Vehicle Industry Board replaced the Motor Vehicle Dealers Licensing Board. In addition to the functions carried out by the previous Board, the MVIB is also responsible for regulation of the motor vehicle repairers industry. However, this function has not yet commenced, as appropriate regulations and supporting processes and procedures are currently being established.

COMMITTEES AND BUILDING DISPUTES TRIBUNAL

Table 18 below is a brief summary of the functions of each committee. The Building Disputes Tribunal was established and is managed by the *Builders' Registration Act 1939* however it is a tribunal established under legislation DOCEP administers on behalf of the Minister for Consumer and Employment Protection.

Table 18: Committees and Building Disputes Tribunal

BOARD / COMMITTEE	BUILDING DISPUTES TRIBUNAL	PETROLEUM PRODUCTS PRICES ADVISORY COMMITTEE	HOME BUYERS ASSISTANCE ADVISORY COMMITTEE	RETAIL SHOPS ADVISORY COMMITTEE	CONSUMER PRODUCT SAFETY COMMITTEE	CHARITABLE COLLECTIONS ADVISORY COMMITTEE	GAS LICENSING COMMITTEE
LEGISLATION	Builders' Registration Act 1939	Petroleum Products Pricing Act 1983 (WA)	Real Estate and Business Agents Act 1978 (WA)	Retail Trading Hours Act 1987 (WA)	Consumer Affairs Act 1971 (WA)	Charitable Collections Act 1946 (WA)	Gas Standards Act 1972
PRINCIPAL FUNCTIONS	To hear and settle contractual and workmanship disputes between consumers and builders.	To advise the Minister or Commissioner whether or not petroleum products or services should be declared; To advise the Minister or Commissioner whether or not maximum prices should be fixed in relation to declared petroleum products or services.	To consider applications for financial assistance from first home buyers and make recommendations to REBA.	To investigate and make recommendations to the Minister relating to the operation and administration of the Act; Make recommendations to the Commissioner for Fair Trading on the issue of permits to remain open or to provide goods or services that are not prescribed.	Make recommendations to the Commissioner for Fair Trading that prohibit or restrict the supply of goods.	To advise the Minister in relation to applications for licences; To conduct inquiries and make recommendations to the Minister in respect of the revocation of licences.	To make recommendations to the Director of Energy Safety on competence of applicants for, and holders of, gasfitting permits and authorisations; To make recommendations on retraining and other restrictions and warnings.
SOURCE OF FUNDING	Builders' Registration Board	Consumer Protection (Consolidated Fund)	Real Estate and Business Agents Supervisory Board (REBA)	Consumer Protection (Consolidated Fund)	Consumer Protection (Consolidated Fund)	Consumer Protection (Consolidated Fund)	Energy Safety (Licence Fees)

Performance Indicators

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AUDITOR GENERAL

INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2005

Audit Opinion

In my opinion, the key effectiveness and efficiency performance indicators of the Department of Consumer and Employment Protection are relevant and appropriate to help users assess the Department's performance and fairly represent the indicated performance for the year ended 30 June 2005.

Scope

The Director General's Role

The Director General is responsible for developing and maintaining proper records and systems for preparing performance indicators.

The performance indicators consist of key indicators of effectiveness and efficiency.

Summary of my Role

As required by the Financial Administration and Audit Act 1985, I have independently audited the performance indicators to express an opinion on them. This was done by looking at a sample of the evidence.

An audit does not guarantee that every amount and disclosure in the performance indicators is error free, nor does it examine all evidence and every transaction. However, my audit procedures should identify errors or omissions significant enough to adversely affect the decisions of users of the performance indicators.

D D R PEARSON
AUDITOR GENERAL
30 September 2005

Performance Indicators

The Department of Consumer and Employment Protection's (DOCEP) performance framework that was implemented during 2003-04 reflects the Purpose Statement and the Corporate Directions contained within the DOCEP Corporate Plan, Future Directions 2002-05.

The department's purpose is to create a trading and employment environment that protects consumers and workers. This purpose is underpinned by the four directions included in the Corporate Plan:

- **Direction 1** – enhancing the capability of the community;
- **Direction 2** – enhancing the regulatory environment;
- **Direction 3** – enforcing the law; and
- **Direction 4** – building DOCEP as an organisation.

Additionally, the department's outcome is aligned to the *State Strategic Planning Framework, Better Planning: Better Services*. Table 19 demonstrates the linkage between DOCEP's services to the community and the State Strategic Goals to which the department makes its most significant contribution.

Table 19: DOCEP's relationship with the State Strategic Goals

State Strategic Goal		People and Communities <i>Enhance quality of life and well-being</i>	The Economy <i>Develop a strong economy</i>
Agency Level Outcome		A community in which members meet their responsibilities and where the rights of all parties are protected in relation to the various areas of DOCEP's responsibility: <ul style="list-style-type: none"> • consumer protection; • labour relations; • occupational safety and health; and • energy safety. 	
Agency Service(s)	1. Community Information and Assistance	Access to knowledge, information and support so that members of the community can exercise their rights and meet their obligations in the various areas of DOCEP's responsibility.	
	2. Regulatory Framework	Development and maintenance of policy and legislation which reflect community expectations in relation to the various areas of DOCEP's responsibility.	
	3. Regulation Enforcement	Enforcement of regulation governing the various areas of DOCEP's responsibility.	

EFFECTIVENESS PERFORMANCE INDICATORS

The department has adopted two key performance indicators of effectiveness to measure the extent to which DOCEP achieves the outcome of:

A community in which members meet their responsibilities and where the rights of all parties are protected in relation to the various areas of DOCEP's responsibility: consumer protection; labour relations; occupational safety and health; and energy safety.

These two high-level indicators endeavour to provide an avenue to present information across the breadth of the department's areas of responsibility. These two effectiveness indicators are:

1. the extent to which members of the community comply with the requirements of regulation in the various areas of DOCEP's responsibility; and
2. the proportion of key measures exhibiting desirable trends in the various areas of DOCEP's responsibility.

Each of the operational divisions of DOCEP has underpinning measures that contribute to the results reported for these effectiveness indicators. These indicators and underpinning measures are explained in the following sections.

EFFECTIVENESS KEY PERFORMANCE INDICATOR ONE:

The extent to which members of the community comply with the requirements of regulation in the various areas of DOCEP's responsibility.

Table 20: Effectiveness Key Performance Indicator One Result

	Target	2003-04 Actual	2004-05 Actual
The extent to which members of the community comply with the requirements of regulation in the various areas of DOCEP's responsibility.	70%	85%	86%

The key performance indicator in Table 20 aims to provide information regarding DOCEP's effectiveness concerning the achievement of a community in which its members meet their responsibilities. The number of compliant employers or traders reported through the conduct of proactive compliance activities is aggregated to provide a single result for DOCEP. The department has five measures that contribute to this effectiveness indicator.

Table 21 provides an overview of these underpinning measures and the department's level of performance for each measure.

Table 21: Underpinning Measures – Effectiveness Key Performance Indicator One

<i>Underpinning Measure</i>		2003-04	2004-05
The extent to which traders comply with regulatory requirements (as demonstrated by the incidence of serious breaches identified during routine and proactive inspections).	<i>No. inspections</i>	17,936	17,699
	<i>No. compliant</i>	16,783	16,931
The extent to which employers comply with the requirements of labour relations laws.	<i>No. elements</i>	1,840	1,315
	<i>No. compliant</i>	1,446	972
The extent to which workplaces meet occupational safety and health criteria in priority areas (to indicate that workplaces are operated in a safe and healthy manner).	<i>No. elements</i>	52,558	58,796
	<i>No. compliant</i>	43,567	49,351
The extent to which electricity supply meets quality benchmarks.	<i>No. benchmarks</i>	12	12
	<i>No. achieved</i>	8	7
The extent to which gas supply meets quality benchmarks.	<i>No. samples tested</i>	219	220
	<i>No. samples compliant</i>	212	203
Total assessments contributing to result		72,565	78,042
Total occasions compliance found		62,016	67,464
Result		85%	86%
Target		70%	70%

The extent to which traders comply with regulatory requirements (as demonstrated by the incidence of serious breaches identified during routine and proactive inspections).

Table 22: Consumer Protection Proactive Inspections

		2003-04	2004-05
The extent to which traders comply with regulatory requirements (as demonstrated by the incidence of serious breaches identified during routine and proactive inspections).	<i>No. inspections</i>	17,936	17,699
	<i>No. compliant</i>	16,783	16,931
Result		94%	96%
Target		70%	70%

Performance

As indicated in Table 22, during 2004-05 17,699 Consumer Protection routine and proactive inspections were undertaken to provide the result reported. Of these inspections, 96 per cent of traders were found to be compliant with the regulatory requirements. This result surpasses the 2003-04 result of 94 per cent.

Despite achieving a result of 96 per cent, the target of 70 per cent was considered appropriate when taking into account the various factors, some of which the department has no or little control over, that can influence the results.

Approach

The department's effectiveness regarding the extent to which consumers are protected and that businesses operate fairly is assessed in terms of the degree to which traders comply with regulatory requirements.

In accordance with DOCEP's Compliance Strategy, the assumption is that most individuals and organisations will comply, or try to comply with their obligations. Therefore, although there is a vast array of breaches of consumer protection legislation that can occur within the community, it was determined that the extent to which breaches of a significant nature were prevalent within the community should be the basis for monitoring and reporting compliance.

Not all compliance activities undertaken by Consumer Protection are the direct responsibility of the department or the Commissioner for Fair Trading. Some compliance activities undertaken by Consumer Protection are the responsibility of various regulatory boards. It was resolved that only those areas for which Consumer Protection is directly responsible would be monitored and reported regarding the extent of compliance within the community.

The result for this underpinning measure is obtained by assessing businesses against criteria established by the department in particular priority areas regarding compliance with consumer protection legislation. During the course of inspections, inspectors verify traders' compliance against a list of regulatory requirements.

The extent to which employers comply with the requirements of labour relations laws.

Table 23: Labour Relations Targeted Inspection Campaigns

		2003-04	2004-05
The extent to which employers comply with the requirements of labour relations laws.	<i>No. elements</i>	1,840	1,315
	<i>No. compliant</i>	1,446	972
Result		79%	74%
Target		70%	70%

Performance

During 2004-05, a total of 263 workplaces were inspected as part of targeted labour relations compliance campaigns. At these workplaces, five key elements were assessed, resulting in a total of 1,315 elements being checked. Of these 1,315 elements, 972 or 74 per cent were found to be compliant. This compares with 79 per cent compliance for 2003-04.

Approach

The department's effectiveness, regarding the extent to which employers comply with the requirements of the labour relations legislation, is assessed in terms of the degree to which workplaces meet set criteria for Labour Relations' priority areas.

Labour Relations Inspectors met with employers and examined the time and wages records for the most recent pay record for all employees within the business and recorded information on data collection sheets. The five key elements assessed were:

- paying of appropriate ordinary time rates of pay;
- providing employees with annual and sick leave entitlements;
- recording start and finishing times;
- recording total hours worked; and
- recording employment under correct status.

During 2004-05, Inspectors from the Labour Relations division carried out separate targeted inspection campaigns. Inspections were conducted in Midland, Malaga, Canning Vale and Rockingham and within the diving industry and the roof tiling industry.

For the Midland campaign, 144 businesses were selected. Of these, 93 businesses met the criteria to enable an inspection on compliance with awards and employment legislation. The reasons why the 51 businesses did not meet the criteria included there were no employees, the business was no longer in operation, the head office was in another location and dual business names. For the Malaga, Canning Vale and Rockingham campaigns, businesses were selected from a list supplied by Education and Advisory Services identifying those businesses as being highly likely not to be complying with their obligations after an education campaign conducted during 2003-04. This sample was supplemented by randomly selected businesses listed by Education and Advisory Services as being visited during its 2003-04 campaign and which employed workers under the same awards or agreements as those businesses selected under the initial criterion. In total, 93 inspections were carried out in this geographical campaign.

Another category of businesses inspected were those where there had been a previous complaint. Between December 2003 and December 2004, the department finalised 1,027 inspections and investigations of complaints from individual employees alleging their employer had not paid them appropriate entitlements under State awards or agreements. Of these 1,027 businesses, 48 businesses were selected for inspection.

The two industry campaigns were the diving campaign and the roof tilers campaign. The diving campaign was a result of a campaign during 2003-04 where businesses were identified as being highly likely not to be complying with labour relations obligations. This list was supplemented with recreational diving businesses operating under state agreements and legislation. In total, only two businesses were inspected as the remainder had no employees or had become insolvent.

The roof tiling industry campaign was conducted in response to a significant industrial dispute within the industry with allegations of employees not receiving appropriate entitlements under relevant awards and agreements. A total of 30 businesses were selected for inspection, of which 27 businesses were inspected during the 2004-05 financial year.

The extent to which workplaces meet occupational safety and health criteria in priority areas (to indicate that workplaces are operated in a safe and healthy manner).

Table 24: Occupational Safety and Health Priority Investigation Reports

		2001-02	2002-03	2003-04	2004-05
The extent to which workplaces meet occupational safety and health criteria in priority areas (to indicate that workplaces operate in a safe and healthy manner).	<i>No. elements</i>	28,307	32,432	52,558	58,796
	<i>No. compliant</i>	22,959	26,389	43,567	49,351
Result		81%	81%	83%	84%
Target		100%	80%	80%	80%

Performance

As indicated in Table 24, during 2004-05 the level to which workplaces met occupational safety and health criteria in priority areas increased to 84 per cent. There has been a steady rise in the number of workplaces complying with occupational safety and health legislation during the past four years. The extent of compliance increased by one per cent for 2004-05 compared to 2003-04.

Approach

The WorkSafe division's effectiveness in bringing about workplaces that operate in a safe and healthy manner is assessed in terms of the extent to which workplaces meet set criteria for work safety and health in priority areas.

The result for this underpinning measure is obtained by assessing workplaces against the criteria established by the department in particular priority areas. During the course of investigations, inspectors complete Priority Investigation Reports (PIRs). During 2004-05 a total of 16,430 PIRs were completed. PIRs contain a checklist of elements that constitute the minimum requirements for inspectors to assess when the workplace being visited falls within one of the priority areas. All investigations for PIRs were conducted using a standard format introduced during 2000-01. The checklist of elements, used as the assessment tool, is not a full compliance check, but represents the key elements established for the relevant priority area.

It is important to note that improved compliance in the priority areas and for individual elements may not be reflected from one year to the next. Inspectors visit a range of workplaces and do not necessarily return to the same workplace each year. However, the approach of identifying and assessing priority areas is a useful one, enabling longer term trends in the level of compliance to be identified.

The extent to which electricity supply meets quality benchmarks.

Table 25: Quality of Electricity Supply

		2002-03	2003-04	2004-05
The extent to which electricity supply meets quality benchmarks.	<i>No. benchmarks</i>	12	12	12
	<i>No. achieved</i>	9	8	7
Result		75%	67%	58%
Target		95%	95%	95%

Performance

During 2004-05, seven out of 12, equally weighted quality benchmarks for the supply of electricity were achieved. This indicates that 58 per cent of the electricity supply met the quality benchmarks, a decrease of nine per cent as reported for 2003-04. The targets for the four benchmarks relating to the average duration of interruption and the benchmark relating to the average number of times a consumer's supply is interrupted per year in Western Australian Isolated Networks were exceeded.

Approach

The department's effectiveness in ensuring a safe and reliable electricity supply is assessed in terms of the extent to which the electricity supply meets set benchmarks.

The department administers the Electricity (Supply Standards and System Safety) Regulations 2001, which set benchmarks regarding the quality and reliability of electricity supplies within Western Australia. These regulations also include provisions for consumers to complain regarding the quality and reliability of electricity supplied. As the technical regulator of suppliers of electricity within the State, the department aims to influence the quality of supply to consumers. The results for the effectiveness indicators are obtained by collecting information regarding the quality, including reliability or continuity, of electricity supplied to consumers.

During 2004-05, Energy Safety received 18 complaints regarding the quality or reliability of electricity supply. Based on a population of approximately 867,000 customers of electricity supplied through the Western Power electricity supply system, the 18 complaints received in total represent less than 0.002 per cent of all electricity customers.

The extent to which gas supply meets quality benchmarks.

Table 26: Quality of Gas Supply

		2003-04	2004-05
The extent to which gas supply meets quality benchmarks.	<i>No. samples tested</i>	219	220
	<i>No. samples compliant</i>	212	203
Result		97%	92%
Target		100%	100%

Performance

During 2004-05, a total of 220 samples of Liquid Petroleum Gas (LP Gas) and natural gas were tested, with 203 of these samples meeting quality benchmarks. Therefore, an overall result of 92 per cent was achieved for 2004-05. This is a five per cent decrease from 2003-04.

Approach

The results are obtained by collecting information regarding the technical quality of LP Gas and natural gas.

The quality of natural gas entering reticulation systems is monitored for compliance with specifications contained within the Gas Standards (Gas Supply and System Safety) Regulations 2000. Monitoring programs include gas within the Dampier to Bunbury Gas Pipeline and Parmelia Pipeline, which both supply gas to the south west of the State, and the Goldfields Pipeline, which supplies Kalgoorlie. During 2004-05 insufficient natural gas odorant levels were found in 14 of the 171 samples tested.

A result for the quality of Autogas and Heating Grade LP Gas was obtained by taking 49 samples from service stations and LP Gas reticulation systems. Samples were assessed for compliance of the gas composition and odorant level requirements contained within the Gas Standards (Gas Supply and System Safety) Regulations 2000. Of the 49 samples tested, all were found to comply with the quality specifications and only three were found to contain insufficient levels of odorant.

EFFECTIVENESS KEY PERFORMANCE INDICATOR TWO:

The proportion of key measures exhibiting desirable trends in the various areas of DOCEP's responsibility.

Table 27: Effectiveness Key Performance Indicator Two Result

	Target	2003-04 Actual	2004-05 Actual
The proportion of key measures exhibiting desirable trends in the various areas of DOCEP's responsibility.	70%	100%	100%

This key performance indicator aims to provide information regarding DOCEP's effectiveness concerning the achievement of a community in which members meet their responsibilities and their rights are protected.

Key areas that indicate the combined effectiveness of public policy and compliance activities in DOCEP's areas of responsibility are identified and relevant trends monitored. The proportion, or percentage, of key areas exhibiting the desired trend provides the reported result. Table 28 outlines the underpinning measures from each division that contribute to this effectiveness indicator.

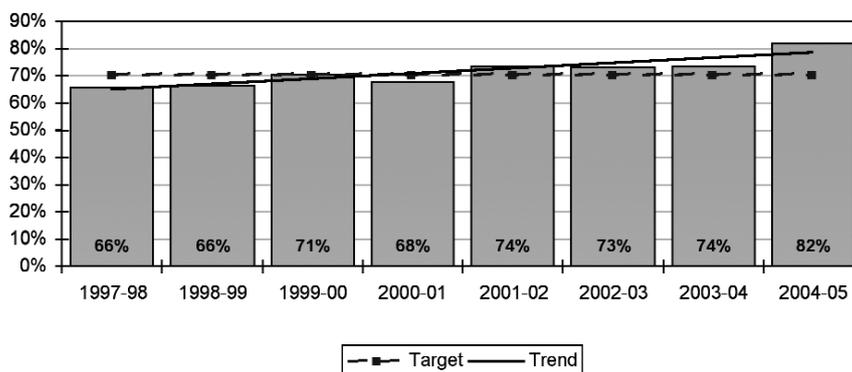
This key performance indicator was introduced for 2003-04 and a target of 70 per cent was established. Each measure accounts for approximately 14 per cent of the overall result and, therefore, information underpinning this KPI could be susceptible to large swings. Despite this, the department has achieved a result of 100 per cent.

Table 28: Underpinning Measure – Effectiveness Key Performance Indicator Two

<i>Underpinning Measure</i>	Desired Trend Achieved 2003-04	Desired Trend Achieved 2004-05
The extent to which consumers believe businesses generally act fairly towards consumers.	Yes	Yes
The extent to which consumers believe they are well informed about their rights and responsibilities.	Yes	Yes
The extent to which the information provided to employees, employers and public sector agencies has increased their understanding of their rights and obligations and the flexibilities under the labour relations framework.	Yes	Yes
The frequency of work-related injury and disease per million hours worked.	Yes	Yes
The incidence of work-related fatalities per million workers.	Yes	Yes
The number of electricity caused serious injuries per million population.	Yes	Yes
The number of gas caused injuries per million population.	Yes	Yes
Total	7/7	7/7
Result	100%	100%
Target	70%	70%

The extent to which consumers believe businesses generally act fairly to consumers.

Figure 1: Consumers believing businesses act fairly

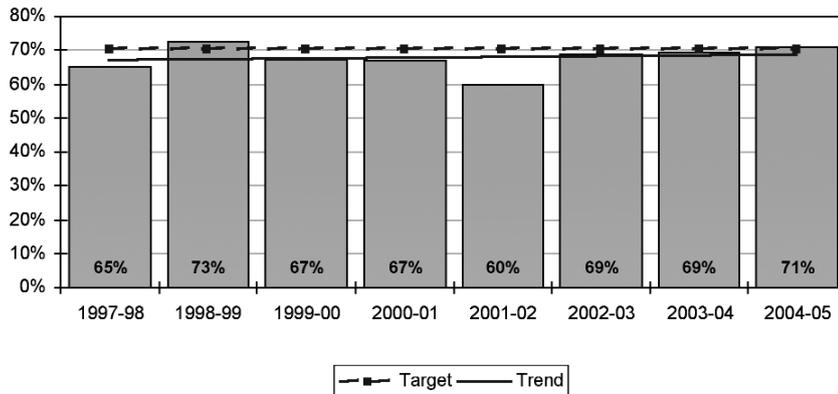


Performance

A significant increase in the extent to which the community believes that businesses generally act fairly towards consumers has been seen during 2004-05. As indicated in Figure 1, during 2004-05, 82 per cent of the community believed that businesses act fairly, as compared to 74 per cent during 2003-04 and the upward trend that has been seen over the last seven years has continued.

The extent to which consumers believe they are well informed about their rights and responsibilities.

Figure 2: Consumers believing they are well informed



Performance

As Figure 2 demonstrates, an increase of two per cent in the number of consumers who believed they were well informed about their rights and responsibilities has been recorded for 2004-05. The slight upward trend continues with the 2004-05 result above the 1997-05 average of 68 per cent.

Approach

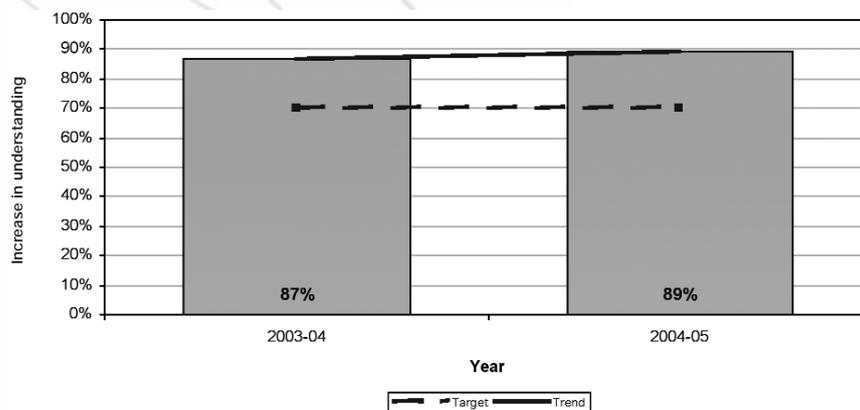
Results reported in Figures 1 and 2 were both determined by an independent survey. For the past eight years Consumer Protection division has engaged an independent market research agency to evaluate perceptions of consumers toward the Western Australian marketplace. The division's indicators relate to the extent to which consumers believe businesses generally act fairly to consumers and the extent to which consumers believe they are well informed about their rights and responsibilities.

Over the ten-month period between September 2004 and June 2005, approximately 40 random telephone surveys were conducted each month. This resulted in a total sample size of 410. A sample size of 410 enables a maximum sampling error of ± 4.9 per cent at a 95 per cent confidence level. All respondents were aged 18 years or over and interviews were conducted in both the Perth metropolitan area and regional Western Australia. A proportionate sample was drawn so that the number of interviews conducted in regional Western Australia and the Perth metropolitan area reflected true population proportions. No sampling was undertaken in relation to age or gender.

The survey sample was generated from the latest edition of the White Pages on CD ROM. To randomise the sample, the person in the household next in line for a birthday was requested to participate in the survey. Overall, a total of 4,850 calls were made. The overall response rate was 25 per cent, with 410 of those contacted agreeing to participate in the survey and 1,196 refusing. Of the total number of calls made, 3,244 were excluded from the response rate calculations for such reasons as they were engaged, wrong or disconnected numbers, the respondent was not home, the respondent was not a resident of the household, or the call was answered by an answering machine or fax.

The extent to which the information provided to employees, employers and public sector agencies has increased their understanding of their rights and obligations and the flexibilities under the labour relations framework.

Figure 3: Labour Relations' client understanding their rights and obligations



Performance

During 2004-05, 89 per cent of employees, employers and public sector agencies believed information provided to them by Labour Relations division increased their understanding of their rights, obligations and the flexibilities under the labour relations framework. This is a two percent increase from 2003-04, and well above the 70 per cent target, and indicates that the trend is heading in the desired upward direction.

Approach

A key role of the Labour Relations division is to provide information to key clients including employees, employers and public sector agencies. In order to determine the effectiveness of the labour relations information provided, surveys are conducted to determine the extent to which this information has increased the key clients' understanding of their rights and obligations and the flexibilities under the labour relations framework.

During 2004-05, data was collected from a total of 700 employers and employees via two telephone surveys. These surveys of private sector clients were undertaken by an independent research firm and included clients throughout the State. The sample of 700 was made up of 350 employers and 350 employees who were selected at random from clients who contacted either Wageline or whose cases were investigated and finalised by the Labour Relations Compliance section during 2004-05. The sample size of 700 enables a maximum sampling error of ± 5 per cent at a 95 per cent confidence level.

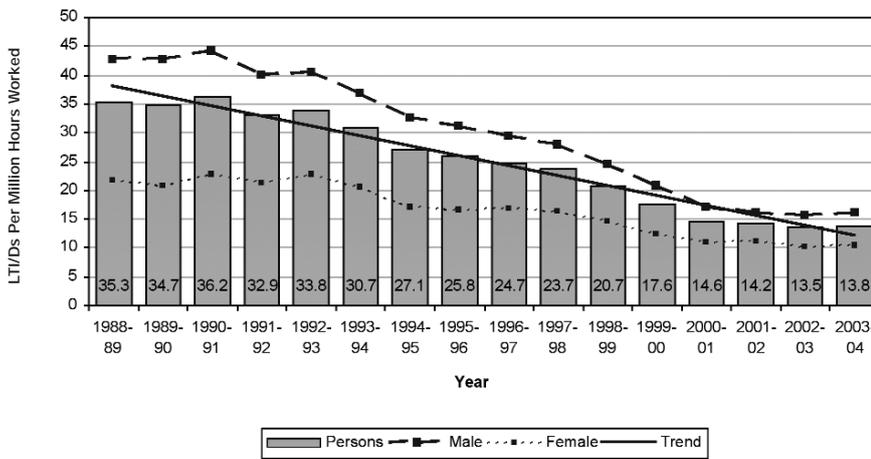
Of the 350 employers and 350 employees surveyed, 200 of each were sourced through Wageline and 150 of each were surveyed at the completion of an investigation process.

For the respondents sourced via Wageline, approximately 500 contact details were provided to the research firm each quarter. The research firm then randomly contacted 50 employers and 50 employees each quarter. A total of 400 employers and employees completed this survey. Similarly, for the survey conducted after an investigation, contact details were provided to the market research company at the end of each quarter once a complaint file was finalised. For 2004-05, the number of employees and employers averaged 135 for each group per quarter. From this list, the research firm contacted approximately 50 employees and 50 employers for the three quarters to March 2005. A combined total of 300 employers and employees completed the survey.

Labour Relations, in its role as coordinator of public sector relations, conducts a survey of its client agencies. For 2004-05, surveys were handed to public sector clients at the Small Agency Network meetings and emailed to those agencies that do not attend these meetings. The total sample size was 97 public sector clients and the number of surveys returned in 2004-05 was 56 or a response rate of 57.7 per cent.

The frequency of work-related injury and disease per million hours worked. (LTI/Ds per million hours worked).

Figure 4: Work-related injury and disease WA



Performance

In Western Australia the total rate of improvement in the frequency of lost time injury and diseases (LTI/Ds) since the *Occupational Safety and Health Act 1984* came into effect in 1988-89 is 61 per cent. The rate of improvement from July 1999 to June 2004 is 48 per cent, continuing the long-term downward trend. During 2003-04, (the most recent year available), there was a 2.1 per cent increase in the frequency of LTI/Ds. However, due to the preliminary nature of the data it would be premature to conclude that the increase is significant.

Approach

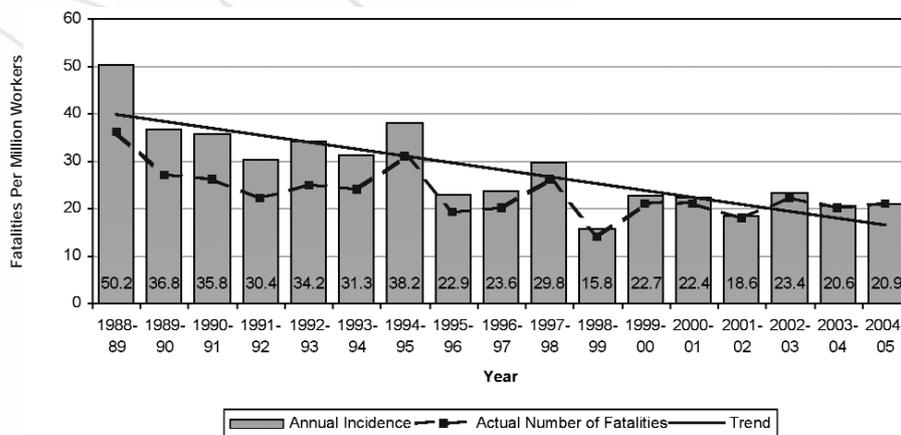
The WorkSafe division's primary objective is that Western Australian workplaces are free of work-related injuries and diseases. To gauge our progress towards achieving this objective, the extent to which there is a reduction in the rate of lost time injuries and disease is monitored. This performance measure encompasses national targets, which require a 40 per cent reduction in work-related injuries and diseases between 2002 and 2012, with a reduction of 20 per cent being achieved by 30 June 2007.

At the start of each year, WorkCover WA send WorkSafe updated workers' compensation claims data. This data contains records of injuries or diseases with one or more days or shifts lost. The number of millions of hours worked by employees in Western Australia for the most recent year are obtained by WorkCover WA from the Australian Bureau of Statistics Labour Force Survey.

It should be noted that the workers' compensation data from which frequency rates are derived are dynamic, and subject to ongoing revision. Claims are counted by the year of lodgement and therefore, the number of claims may be adjusted for earlier years if pending claims are accepted or rejected. LTI/Ds are counted according to the year the claim was lodged, rather than when the injury or disease actually occurred.

The incidence of work-related fatalities per million workers.

Figure 5: Work-related fatalities WA



Performance

During 2004-05 the number of work-related fatalities per million workers was 20.9, a slight increase from 20.6 in 2003-04. There has been a continuing downward trend in fatality rates since the *Occupational Safety and Health Act 1984* came into effect in 1988-89. The average traumatic work-related fatality incidence rate for the five-year period from 2000-01 to 2004-05 is 21.2, compared to an average fatality incidence rate for the five-year period from 1988-89 to 1992-93 of 37.5.

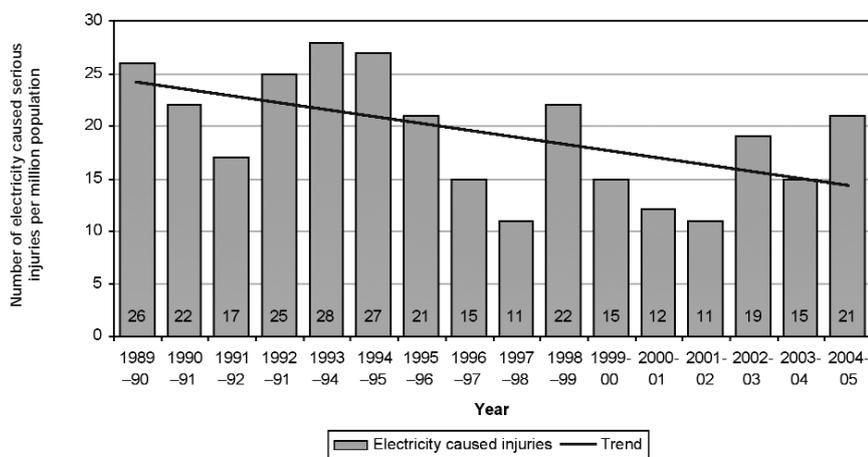
Approach

The WorkSafe division collects and maintains a list of known traumatic work-related fatalities falling under the legislative jurisdiction of the *Occupational Safety and Health Act 1984* and, for completeness, includes in its statistics those work-related fatalities covered by the *Mines Safety and Inspection Act 1994* under the jurisdiction of the Department of Industry and Resources. The data include all categories of workers and self-employed people, irrespective of whether they are covered by the state's workers' compensation system. Not included are the deaths attributed to occupational disease, natural causes and journey claims that may result in an accepted workers' compensation claim. Deaths resulting from on-duty road traffic accidents are only included where there is a clear relationship between the accident and the work being performed and there is an occupational safety and health hazard identified in the causal factors of the accident.

WorkSafe records work related fatalities according to the guidelines set out in an information paper, *Recording of Traumatic Work Related Fatalities*. At the end of each financial year, the number of workers in Western Australia is obtained from the Australian Bureau of Statistics Labour Force Survey data. The incidence rate is then calculated using the formula: (Number of fatalities/Number of workers) x 1,000,000. Fatalities are counted according to the year the incident or event that caused the death took place rather than when the death actually occurred. Reported data is subject to revision from year to year as coronial findings and other information may not be available at the time of producing annual statistical reports.

The number of electricity caused serious injuries per million population.

Figure 6: Serious electricity injuries WA



Performance

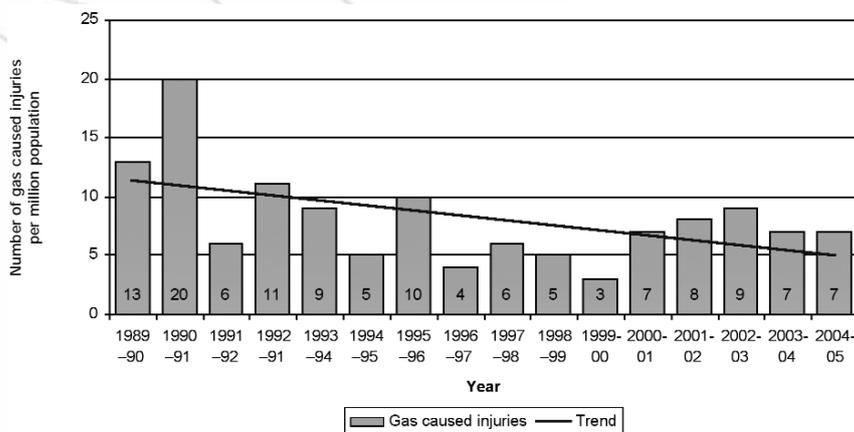
During 2004-05, there has been an increase from 15 to 21 electricity related serious injuries per million population occurring. Albeit, the long-term downward trend continues. It is assumed that, if all energy related safety standards are met, a result of nil would be achieved. However, it is recognised that an expectation of no accidents is idealistic, therefore, the department endeavours to achieve a downward trend. During 2004-05, the actual number of electricity related accidents when injury has been sustained requiring hospital treatment, was 37, with four fatalities, resulting in a total of 41.

Approach

The Energy Safety division obtains results by monitoring the number of reported accidents involving electricity within Western Australia. Under Regulation 63 (1) of the Electricity (Licensing) Regulations 1991 every member of the community, consumer or industry, is required to report electricity caused accidents that has resulted or is likely to cause danger to life or property to the Director of Energy Safety and the relevant supply authority. The incidents reported to the Director of Energy Safety are recorded and the performance result is calculated as a number of reported incidents per million population. The Western Australian population, as reported by the Australian Bureau of Statistics for the December 2004 quarter was 1,998,400 and it is this value that was used in calculating the 2004-05 result.

The number of gas caused injuries per million population.

Figure 7: Gas injuries WA



Performance

The long-term downward trend continued during 2004-05 with seven gas injuries per million population occurring. Whilst the department endeavours to achieve a result of nil, this expectation of no accidents is idealistic. Performance during 2004-05 has resulted in a five year average of eight injuries per million. During 2004-05, a total of 14 gas related accidents, where injury has been sustained requiring hospital treatment, occurred.

Approach

Under Regulation 42 (1) of the Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999, any incident involving gas that causes, or is likely to cause, injury to a person or damage to property must be reported to the Director of Energy Safety or gas supplier. Such accidents are defined as those resulting in injury and assessed as having gas as the primary cause. The incidents reported to the Director of Energy Safety are recorded and the performance result is calculated as a number of reported incidents per million population. The Western Australian population, as reported by the Australian Bureau of Statistics for the December 2004 quarter was 1,998,400 and it is this value that was used in calculating the 2004-05 result.

EFFICIENCY PERFORMANCE INDICATORS

Efficiency performance indicators have been calculated for each of the service areas of the department. The performance framework, that was adopted by the Department of Consumer and Employment Protection in 2003-04, aims to provide the general community with a clearer understanding of the activities of the department.

Efficiency performance indicators have been calculated for each of the services and the indicators are based on cost measures for each service.

The cost performance measure for services provided by DOCEP reflects the full cost, including overheads, of providing the service. The amount of DOCEP's expenditure attributed to the provision of each service is determined by the amount of staff time allocated to undertaking projects and tasks associated with the service. The total cost of the service is then divided by the quantity of services provided.

OUTPUT 1: COMMUNITY INFORMATION AND ASSISTANCE.

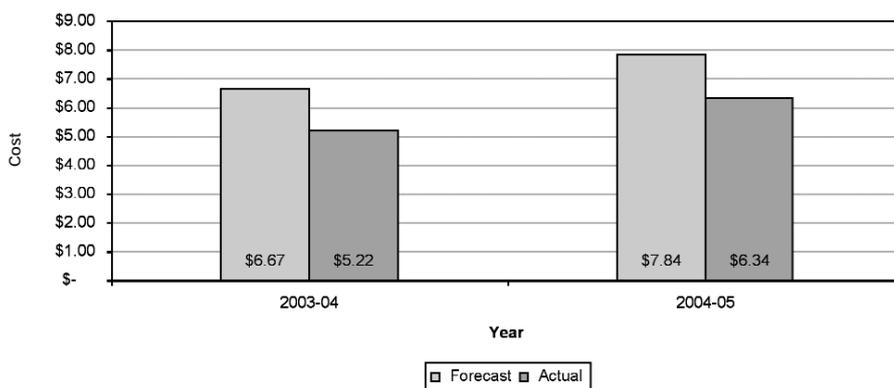
Average cost per response to customer enquiry.

The Department of Consumer and Employment Protection provides responses to enquiries from members of the public and provides them with customised information or education. Responses are usually on a one to one basis and of a short duration. The response can be a result of telephone, front counter, email or letter enquiry or through a request for an encumbrance check, a REVS certificate issued, or an enquiry for FuelWatch price information.

Figure 8 demonstrates the average cost per response to customer enquiries. During 2004-05 the department responded to a total of 1,013,896 customer enquiries as compared to 955,575 during 2003-04. Despite this increase in the number of services provided, the increase in cost from 2003-04 can be attributed to an overall increase in allocated expenditure.

The decrease in the actual cost per service to \$6.34 as compared to the 2004-05 forecast of \$7.84, can be attributed to the actual number of services provided exceeding the estimate. For 2004-05 it was estimated that only 760,000 services would be provided, but the department responded to a total of 1,013,896 customer enquiries.

Figure 8: Average cost per response to customer enquiry



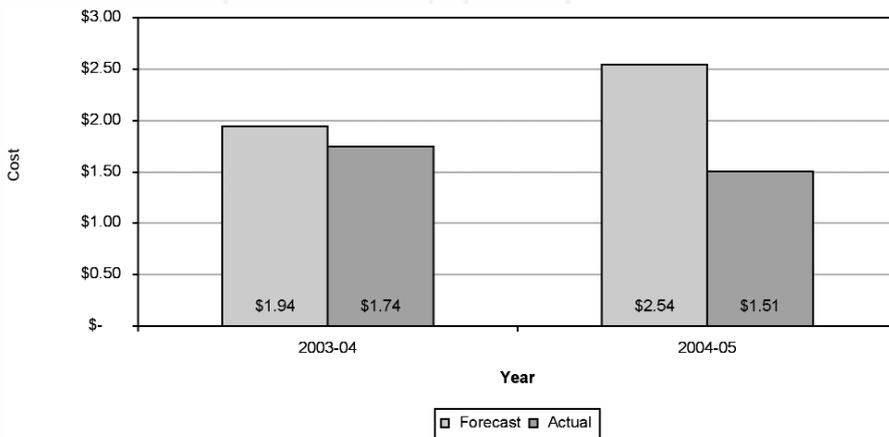
Average cost per information and education service.

The department provides non-customised and mass-produced services that provide members of the public with information and raise awareness within the community. Many of these activities are automated. These activities include online visitors and the delivery of mass-produced services, such as the distribution of publications, or visitors attending shows, expos, or seminars.

Figure 9 demonstrates the average cost per information and education service. During 2004-05 the department provided 5,368,028 information and education services as compared to 4,186,063 services provided during 2003-04. This increase in the number of services provided has resulted in a decrease in unit cost.

For 2004-05 it was anticipated that only 2,800,000 information and education services would be provided. It is this significant increase in the actual number of transactions completed that has resulted in a decrease in the actual cost per service.

Figure 9: Average cost per information and education service



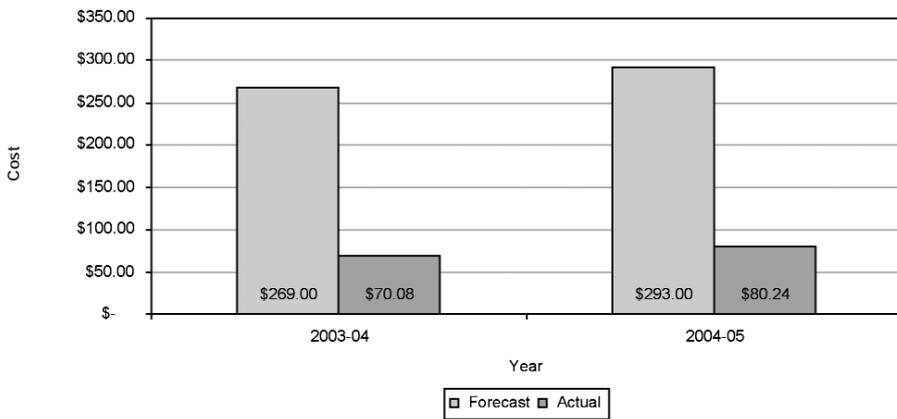
Average cost per advice or assistance service.

A key element of the department's role is to provide advice and assistance to the community. The department provides customers with advice or assistance in relation to specific matters and usually this is on a one to one basis. The provision of assistance may require several occasions of contact or additional tasks, such as a conciliation process between a consumer and trader.

Figure 10 demonstrates the average cost of providing advice and assistance to the community. During 2004-05 the department provided 39,896 advice and assistance services as compared to 35,531 last year. Despite this increase in the number of services provided, the increase in cost from 2003-04 can be attributed to an overall increase in allocated expenditure.

The significant variation between the 2004-05 actual cost and forecast is due to the number of actual services provided exceeding the anticipated result. When the targets were set for 2004-05, no actual comparable data was available. The actual number of services provided is approximately four times the original predication and therefore the unit cost is significantly reduced.

Figure 10: Average cost per advice or assistance service



OUTPUT 2: REGULATORY FRAMEWORK.

Average cost per major policy project.

Major policy projects are aimed at enhancing the regulatory environment and are usually of significant duration and complexity and often require public consultation.

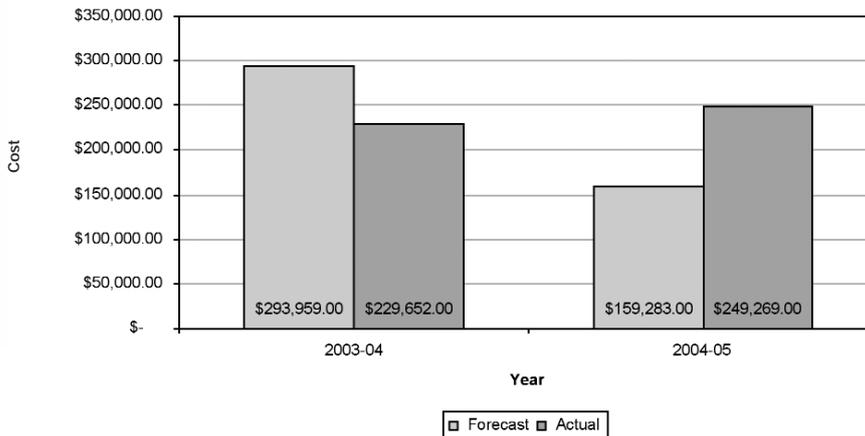
Major policy projects produced include:

- Cabinet Submissions to print a new Bill;
- new mandatory code;
- amendments to an existing Act or mandatory code to implement a Government policy change which requires consultation with parties external to the agency; and
- new Government policy that requires extensive consultation with parties external to the agency.

Figure 11 demonstrates the average cost of completing major policy projects. During 2004-05 the department completed 10 major policy projects, as compared to 11 during 2003-04. It is this decrease in the number of major policy projects completed that has resulted in an increase in cost.

The variation between the 2004-05 forecast and actual result is also due to a decrease in the actual number of major policy projects completed. No actual comparable data was available when the 2004-05 targets were set and it was anticipated that 15 major policy projects would be completed.

Figure 11: Average cost per major policy project



Average cost per policy project.

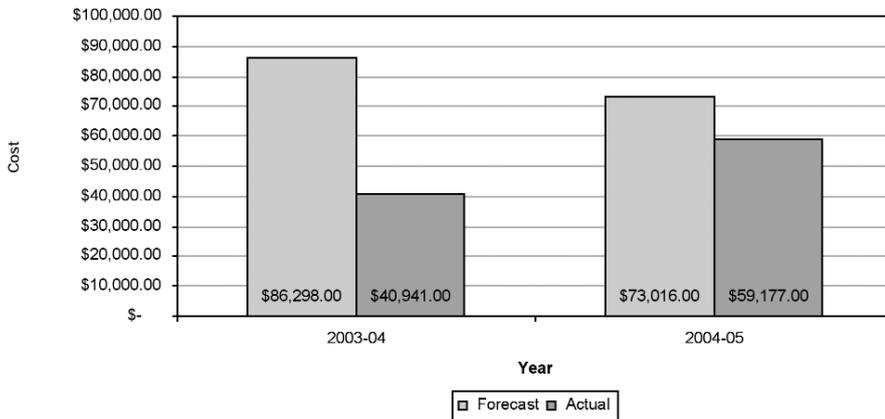
Policy projects are of notable duration and moderate complexity and are aimed at enhancing the regulatory environment or developing a new policy position. This includes projects to produce:

- new or amended subsidiary legislation (such as a regulation or Order);
- voluntary code, guidance note or equivalent;
- briefing notes or policy submissions to a Minister or other external bodies;
- Cabinet submissions; and
- new, or significant amendments to Government policy.

Figure 12 demonstrates the average cost of completing policy projects. During 2004-05 the department completed 76 policy projects as compared to 99 in 2003-04. It is this decrease in the number of policy projects completed that has resulted in an increase in actual cost per unit.

For 2004-05 it was anticipated that only 55 policy projects would be completed. The reduction in cost between the 2004-05 forecast and actual result is due to this increase in the actual number of policy projects completed.

Figure 12: Average cost per policy project



Average cost per policy task.

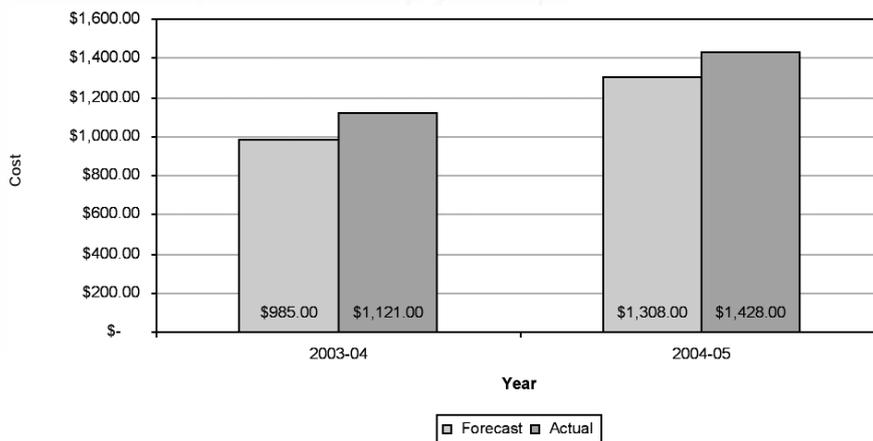
Policy tasks are generally of shorter duration and are routine in nature compared to major policy projects and policy projects. These tasks are usually in response to a request or proactively provide information regarding the regulatory framework and related issues. Policy tasks can include:

- briefing notes which are provided to the Minister's Office;
- draft responses to Parliamentary Questions prepared;
- replies to Ministerial correspondence prepared for the Minister's Office;
- routine minor amendments to regulations; and
- circulars, briefing notes or policy submissions to a party external to the agency, using existing material or policy.

Figure 13 demonstrates the average cost of completing policy tasks. During 2004-05 the department completed 2,413 policy tasks, slightly down from the 2003-04 total of 2,556. It is this decrease in the number of policy tasks completed that has resulted in an increase in the actual average cost per unit.

The minor increase in cost between the 2004-05 forecast and actual result can be attributed to a slight decrease in the actual number of policy tasks completed. For 2004-05, it was anticipated that 2,500 policy tasks would be completed, but a figure slightly less than this was achieved.

Figure 13: Average cost per policy task



OUTPUT 3: REGULATORY ENFORCEMENT.

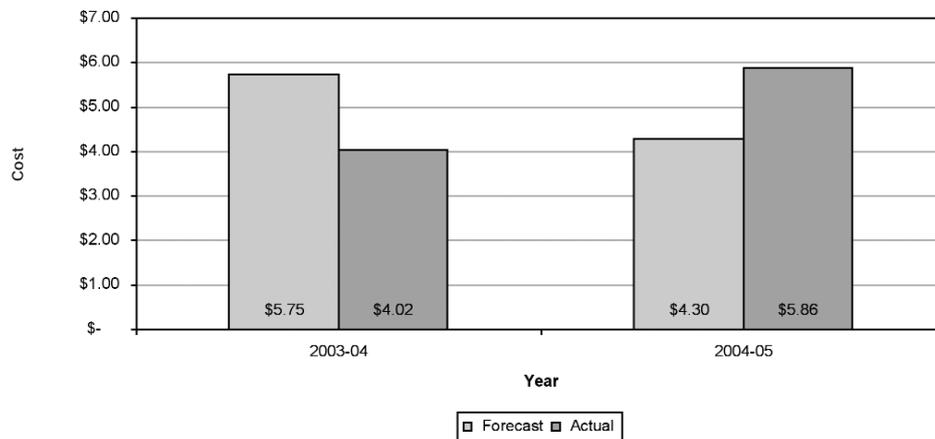
Average cost per registration service.

As required under the laws administered by the department, the Consumer Protection division maintains public registers which record specific information and other necessary details regarding REVS, business names, incorporated associations, tenancy bonds, cooperative companies, limited partnerships and fuel price changes from retailers.

Figure 14 shows the average cost of providing registration services to the community. During 2004-05 the department provided 812,707 registration services. This compares to 821,693 registration services provided during 2003-04. The increase in the average cost per service for 2004-05 as compared to 2003-04 can be attributed to this decrease in the number of registration services provided.

The increase in the 2004-05 actual cost per service as compared to the forecast can be attributed to an overall increase in allocated expenditure.

Figure 14: Average cost per registration service



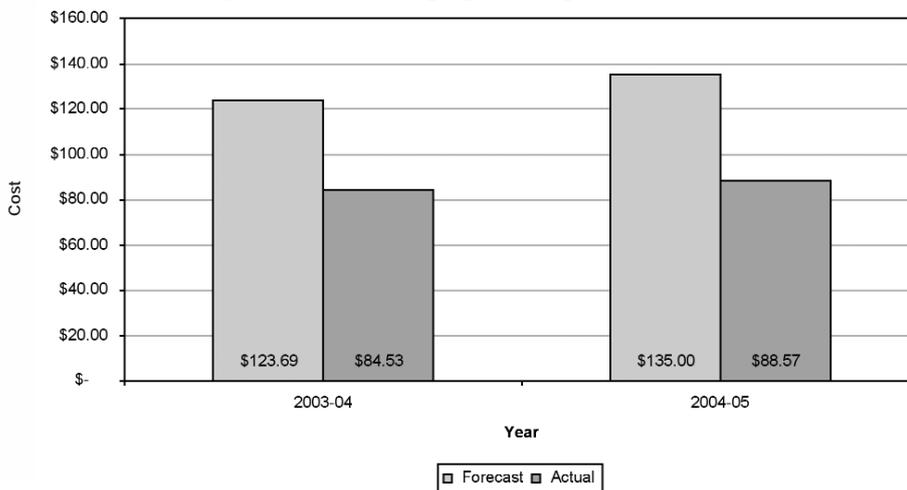
Average cost per licensing service.

The department administers and processes applications, which authorise individuals, employers or traders for occupations, certain purposes or conditions. Generally, the processing of the application for an occupational licence results in the customer being provided with or refused a licence, being issued with a renewed licence, or having their licence cancelled or details updated.

Figure 15 illustrates the average cost of providing licensing service to the community. During 2004-05 the department provided 42,085 licensing services as compared with 38,629 last year. The slight increase in cost from \$84.53 to \$88.57 is attributable to an overall increase in allocated expenditure.

The decrease in the actual cost per licensing service to \$88.57 as compared to the 2004-05 forecast of \$135.00 can be attributed to the actual number of services provided exceeding the estimate. As no actual comparable data was available when the 2004-05 estimates were set, it was anticipated that only 31,000 services would be provided, when 42,085 transactions were actually completed.

Figure 15: Average cost per licensing service

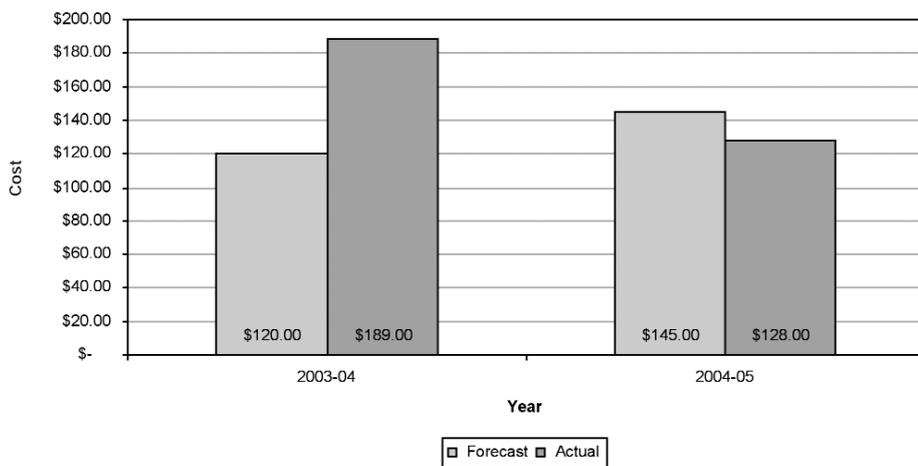


Average cost per inspection and audit.

An important role of the department is undertaking inspections and audits. Inspections and audits compare a current state or situation to acceptable standards, measures or practices. Compliance inspections and audit reports assess an employer's or trader's level of compliance with a set standard and usually involve a one to one transaction such as an inspector undertaking an assessment regarding a trader or employer meeting specified criteria.

Data shown in Figure 16 illustrates the average cost of inspections and audits. During 2004-05 the department completed a total of 40,552 inspections and audits. This compares to 37,104 inspections and audits being completed during 2003-04. The reduced cost per service seen since last year is a result of this increase in the number of services provided. The reduction in the 2004-05 actual cost as compared with the forecast is due to the number of services provided exceeding the anticipated quantity.

Figure 16: Average cost per inspection and audit



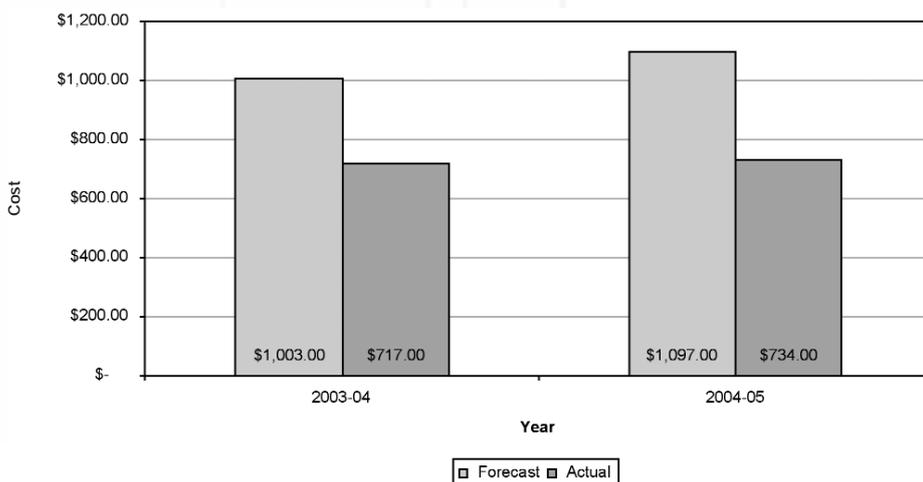
Average cost per investigation and compliance conciliation.

A key element of the department's regulatory enforcement regime is investigations and compliance conciliation activities. The aim of departmental staff is to determine if a breach of the law has occurred or is occurring, and facilitate a settlement of a dispute. Usually the provision of this service requires a visit by a DOCEP investigator to the premises of the trader or employer. Compliance conciliations are undertaken by the Labour Relations division to resolve issues between employees and traders, such as underpayment, without referral to formal redress procedures.

Figure 17 demonstrates the average cost of investigations and compliance conciliations. During 2004-05 the department completed 33,344 investigations and compliance conciliations as compared to 31,583 during 2003-04. Although not significant, the increase in the 2004-05 actual cost per service as compared to the 2003-04 result can be attributed to the increased complex nature of some investigations.

The reduced actual cost per service, compared to the 2004-05 forecast is due to an increase in transaction volumes. It was anticipated that only 23,000 investigation and compliance conciliation services would be provided during 2004-05.

Figure 17: Average cost per investigation and compliance conciliation



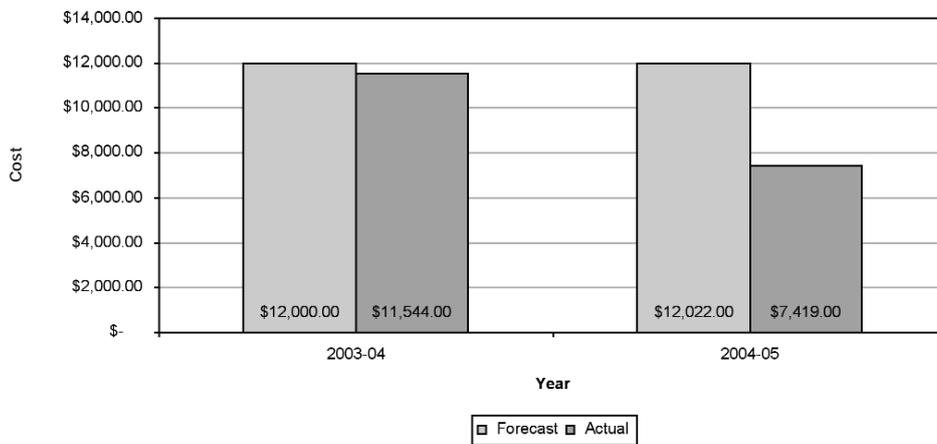
Average cost per prosecution, legal action and proceeding.

Prosecutions, legal actions and proceedings are undertaken in response to the department's determination that a breach of the law has occurred. Actions include prosecutions seeking the imposition of penalties, court action seeking injunctions, representations to Boards with disciplinary powers, the development and progression of matters for adjudication and the implementation of outcomes such as sanctions.

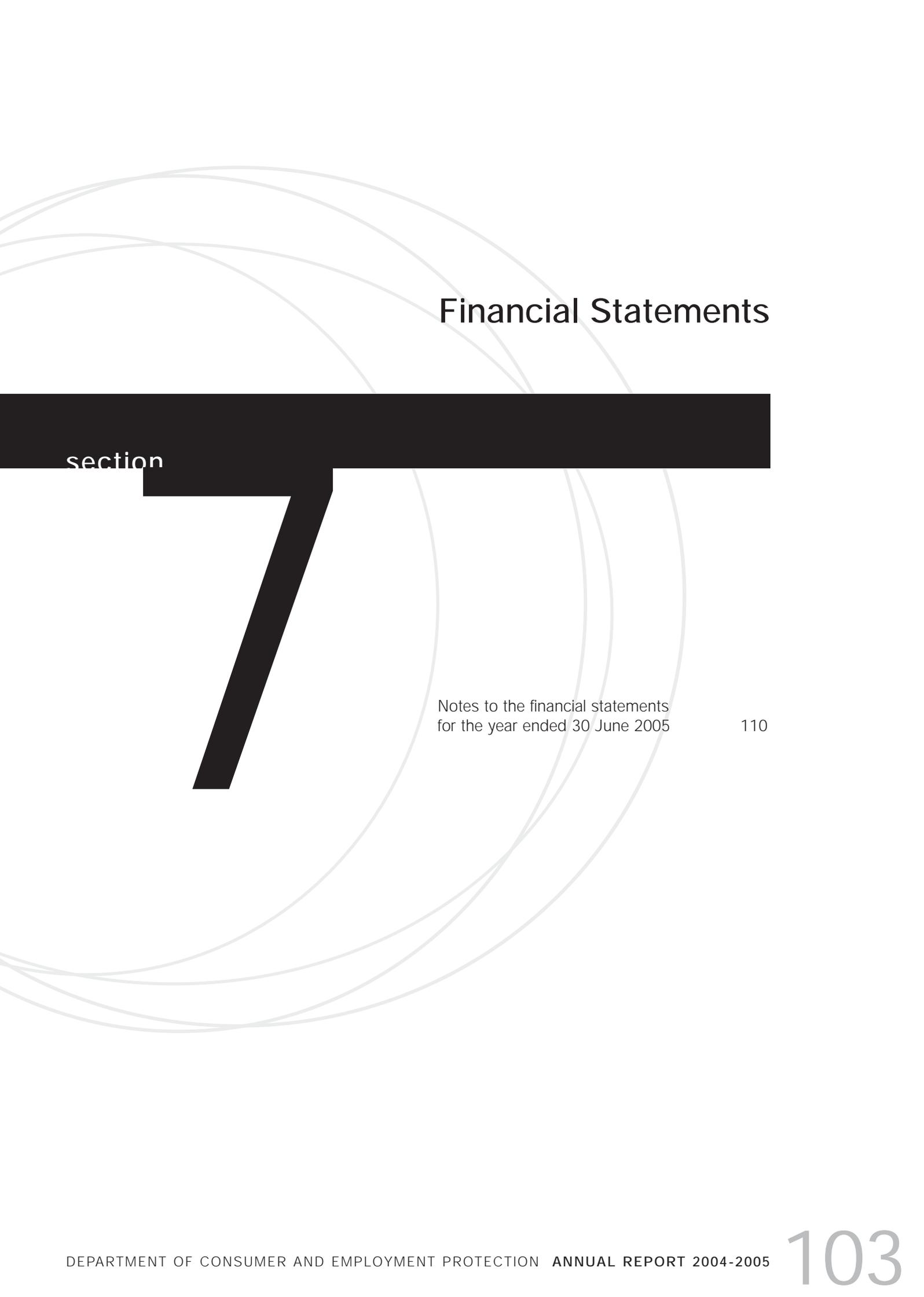
Figure 18 illustrates the average cost of completing prosecutions, legal actions and proceedings. During 2004-05 the department completed 397 legal proceedings, up from 228 in 2003-04. It is this increase in the volume of transactions that has resulted in the decrease in average cost.

For 2004-05, it was estimated that only 200 legal proceedings would be completed, so again, this decrease in the cost per service can be attributed to the increase in the number of services provided.

Figure 18: Average cost per prosecution, legal action and proceeding







Financial Statements

section

Notes to the financial statements
for the year ended 30 June 2005

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AUDITOR GENERAL

INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2005

Audit Opinion

In my opinion,

- (i) the controls exercised by the Department of Consumer and Employment Protection provide reasonable assurance that the receipt and expenditure of moneys, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (ii) the financial statements are based on proper accounts and present fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia and the Treasurer's Instructions, the financial position of the Department at 30 June 2005 and its financial performance and cash flows for the year ended on that date.

Scope

The Director General's Role

The Director General is responsible for keeping proper accounts and maintaining adequate systems of internal control, preparing the financial statements, and complying with the Financial Administration and Audit Act 1985 (the Act) and other relevant written law.

The financial statements consist of the Statement of Financial Performance, Statement of Financial Position, Statement of Cash Flows, Schedule of Expenses and Revenues by Service, Summary of Consolidated Fund Appropriations and Revenue Estimates, and the Notes to the Financial Statements.

Summary of my Role

As required by the Act, I have independently audited the accounts and financial statements to express an opinion on the controls and financial statements. This was done by looking at a sample of the evidence.

An audit does not guarantee that every amount and disclosure in the financial statements is error free. The term "reasonable assurance" recognises that an audit does not examine all evidence and every transaction. However, my audit procedures should identify errors or omissions significant enough to adversely affect the decisions of users of the financial statements.

D D R PEARSON
AUDITOR GENERAL
30 September 2005

STATEMENT OF FINANCIAL PERFORMANCE
for the year ended 30 June 2005

	Note	2005 \$'000	2004 \$'000
COST OF SERVICES			
Expenses from ordinary activities			
Employee expenses	4	46,951	42,804
Supplies and services	5	8,494	7,827
Depreciation expense	6	1,438	1,754
Administration expenses	7	5,676	4,603
Accommodation expenses	8	5,132	4,928
Grants and subsidies	9	761	522
Capital user charge	10	808	625
Carrying amount of non-current assets disposed of	15	2	0
Other expense from ordinary activities	11	0	23
Total cost of services		69,262	63,086
Revenues from ordinary activities			
<i>Revenue from operating activities</i>			
User charges and fees	12	18,633	15,852
Commonwealth grants and contributions	13	532	384
<i>Revenue from non-operating activities</i>			
Other revenues from ordinary activities	14	1,255	1,570
Proceeds from disposal of non-current assets	15	2	13
Total revenues from ordinary activities		20,422	17,819
NET COST OF SERVICES		48,840	45,267
REVENUES FROM STATE GOVERNMENT			
Service Appropriation	16	47,007	45,298
Liabilities assumed by the Treasurer		908	551
Resources received free of charge		650	516
Total revenues from State Government		48,565	46,365
CHANGE IN NET ASSETS		(275)	1,098

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

STATEMENT OF FINANCIAL POSITION
as at 30 June 2005

	Note	2005 \$'000	2004 \$'000
Current Assets			
Cash assets	26 (a)	8,147	9,892
Restricted cash assets	17	767	2,577
Receivables	18	4,718	2,640
Amounts receivable for services	19	3,763	2,799
Other assets	20	489	690
Total Current Assets		17,884	18,598
Non-Current Assets			
Property, plant, equipment and vehicles	21	5,290	4,938
Other assets	20	0	8
Total Non-Current Assets		5,290	4,946
TOTAL ASSETS		23,174	23,544
Current Liabilities			
Payables	22	1,205	1,507
Unearned revenues	24	473	350
Provisions	23	6,051	6,167
Other liabilities	24	138	1,906
Total Current Liabilities		7,867	9,930
Non-Current Liabilities			
Payables	22	708	791
Provisions	23	4,566	3,798
Total Non-Current Liabilities		5,274	4,589
Total Liabilities		13,141	14,519
Equity	25		
Contributed equity		7,075	5,792
Accumulated surplus		2,958	3,233
Total Equity		10,033	9,025
TOTAL LIABILITIES AND EQUITY		23,174	23,544

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

STATEMENT OF CASH FLOWS
for the year ended 30 June 2005

	Note	2005 \$'000	2004 \$'000
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriation		45,187	43,146
Capital contributions		1,283	1,372
Holding account drawdowns		856	1,297
Net cash provided by State Government		47,326	45,815
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee costs		(41,583)	(37,379)
Superannuation		(3,808)	(3,936)
Supplies and services		(21,356)	(15,995)
Capital User Charge		(808)	(625)
GST payments on purchases		(2,172)	(2,002)
Other payments		0	(23)
Receipts			
User charges and fees		17,017	17,899
Commonwealth grants and contributions		532	384
GST receipts on sales		445	225
GST receipts from taxation authority		1,388	1,420
Other receipts		1,255	1,570
Net cash provided by/(used in) operating activities	26 (b)	(49,090)	(38,462)
CASH FLOWS FROM INVESTING ACTIVITIES			
Proceeds from sale of non-current assets		2	13
Purchase of non-current assets		(1,793)	(1,817)
Net cash provided by/(used in) investing activities		(1,791)	(1,804)
Net increase/(decrease) in cash held		(3,555)	5,549
Cash assets at the beginning of the financial year		12,469	6,920
CASH ASSETS AT THE END OF THE FINANCIAL YEAR	26 (a)	8,914	12,469

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

SCHEDULE OF EXPENSES AND REVENUES BY SERVICE

for the year ended 30 June 2005

	Community Information and Assistance		Regulatory Framework		Regulation Enforcement		Total	
	2005 \$'000	2004 \$'000	2005 \$'000	2004 \$'000	2005 \$'000	2004 \$'000	2005 \$'000	2004 \$'000
COST OF SERVICES								
Expenses from ordinary activities								
Employee expenses	12,015	10,008	7,075	6,432	27,861	26,364	46,951	42,804
Supplies and services	2,174	1,830	1,280	1,176	5,040	4,821	8,494	7,827
Depreciation expense	368	410	217	264	853	1,080	1,438	1,754
Administration expenses	1,453	1,076	855	692	3,368	2,835	5,676	4,603
Accommodation expenses	1,314	1,152	773	741	3,045	3,035	5,132	4,928
Grants and subsidies	194	122	115	78	452	322	761	522
Capital User Charge	207	146	122	94	479	385	808	625
Carrying amount of non-current assets disposed	1	0	0	0	1	0	2	0
Other expenses from ordinary activities	0	5	0	3	0	14	0	23
Total cost of services	17,726	14,749	10,437	9,480	41,099	38,856	69,262	63,086
Revenues from ordinary activities								
User Charges and Fees	3,235	3,706	792	2,382	14,606	9,764	18,633	15,852
Commonwealth grants and contributions	92	90	23	58	417	237	532	384
Other revenues from ordinary activities	218	367	53	236	984	967	1,255	1,570
Proceeds from disposal of non-current assets	0	3	0	2	2	8	2	13
Total revenues from ordinary activities	3,545	4,166	868	2,678	16,009	10,976	20,422	17,819
NET COST OF SERVICES	14,181	10,583	9,569	6,802	25,090	27,880	48,840	45,267
REVENUES FROM STATE GOVERNMENT								
Service appropriation	12,030	10,591	7,083	6,807	27,894	27,900	47,007	45,298
Liabilities assumed by the Treasurer	232	129	137	83	539	339	908	551
Resources received free of charge	166	121	98	78	386	318	650	516
Total revenues from State Government	12,428	10,841	7,318	6,968	28,819	28,557	48,565	46,365
CHANGE IN NET ASSETS	(1,753)	258	(2,251)	166	3,729	677	(275)	1,098

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

SUMMARY OF CONSOLIDATED FUND APPROPRIATIONS AND REVENUE ESTIMATES
for the year ended 30 June 2005

	2005 Estimate \$'000	2005 Actual \$'000	Variance \$'000	2005 Actual \$'000	2004 Actual \$'000	Variance \$'000
DELIVERY OF SERVICES						
Item 54 Net amount appropriated to deliver services	45,269	46,889	1,620	46,889	45,150	1,739
Section 25 transfer of appropriation		0	0	0	30	(30)
Amount Authorised by Other Statutes – <i>Salaries and Allowances Act 1975</i>	118	118	0	118	118	0
Total appropriations provided to deliver services	45,387	47,007	1,620	47,007	45,298	1,709
CAPITAL						
Item 131 Capital Contribution	1,283	1,283	0	1,283	1,372	(89)
GRAND TOTAL OF APPROPRIATIONS	46,670	48,290	1,620	48,290	46,670	1,620
Details of Expenses by Service						
Community Information & Assistance	16,003	17,726	1,723	17,726	14,750	2,976
Regulatory Framework	9,674	10,437	763	10,437	9,480	957
Regulation Enforcement	37,926	41,099	3,173	41,099	38,856	2,243
Total Cost of Services	63,603	69,262	5,659	69,262	63,086	6,176
Less total revenues from ordinary activities	16,551	20,422	3,871	20,422	17,819	2,603
Net Cost of Services	47,052	48,840	1,788	48,840	45,267	3,573
Adjustments (1)	(1,665)	(1,833)	(168)	(1,833)	31	(1,864)
Total appropriations provided to deliver services	45,387	47,007	1,620	47,007	45,298	1,709
Capital Expenditure						
Purchase of non-current physical assets	1,283	1,283	0	1,283	1,372	(89)
Capital Contribution (appropriation)	1,283	1,283	0	1,283	1,372	(89)

DETAILS OF REVENUE ESTIMATES

Revenues disclosed as Administered Revenues	6,349	7,105	756	7,105	5,311	1,794
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(1) Adjustments are related to movements in cash balances and other accrual items such as receivables, payables and superannuation.

The Summary of Consolidated Fund Appropriations and Revenue Estimates has been prepared on an accrual basis.

The Summary of Consolidated Fund Appropriations, Variance to Budget and Actual should be read in conjunction with the accompanying notes.

This Summary provides the basis for the Explanatory Statement information requirements of TI 945, set out in Note 30.

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2005

1. Departmental mission and funding

DOCEP is an agency of the Government of Western Australia and seeks to create a trading and employment environment that protects consumers and workers. The department is predominantly funded by Parliamentary appropriations and supplemented by external fees and charges.

In the process of reporting on the department as a single entity, all intra-entity transactions and balances have been eliminated.

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.

General Statement

The financial statements constitute a general purpose financial report which has been prepared in accordance with Accounting Standards, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board, and Urgent Issues Group (UIG) Consensus Views as applied by the Treasurer's Instructions. Several of these are modified by the Treasurer's Instructions to vary application, disclosure, format and wording. The Financial Administration and *Audit Act 1985* and the Treasurer's Instructions are legislative provisions governing the preparation of financial statements and take precedence over accounting Standards, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board, 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, are disclosed in individual notes to these financial statements.

Basis of Accounting

The financial statements have been prepared in accordance with Accounting Standard AAS29.

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

Administered assets, liabilities, expenses and revenues are not integral to the department 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 department. The administered items are disclosed on the same basis as is described above for the financial statements of the department.

The administered assets, liabilities, expenses and revenues are those which the Government requires the department to administer on its behalf. The assets do not render any service potential or future economic benefits to the department, the liabilities do not require the future sacrifice of service potential or future economic benefits of the department, and the expenses and revenues are not attributable to the department.

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

(a) Service Appropriations

Service Appropriations are recognised as revenues in the period in which the department gains control of the appropriated funds. The department gains control of appropriated funds at the time those funds are deposited into the department's bank account or credited to the holding account held at the Department of Treasury and Finance.

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2005

(b) Contributed Equity

Under UIG 38 Contributions by Owners Made to Wholly-Owned Public Sector Entities transfers in the nature of equity contributions must be designated by the Government (owners) as contributions by owners (at the time of, or prior to transfer) before such transfers can be recognised as equity contributions in the financial statements. Capital contributions (appropriations) have been designated as contributions by owners and have been credited directly to Contributed Equity in the Statement of Financial Position.

(c) Net Appropriation Determination

Pursuant to section 23A of the *Financial Administration and Audit Act 1985*, the net appropriation determination by the Treasurer provides for retention of the following moneys received by the department:

- proceeds from fees and charges;
- Commonwealth specific purpose grants and contributions;
- revenues derived from the sale of real property;
- one-off revenues with a value of less than \$10,000 derived from the sale of property other than real property; and
- other departmental revenue.

In accordance with the determination, the department retained \$20,422m in 2005 (\$17,819m in 2004).

Retained revenues may only be applied to the services specified in the 2004-05 Budget Statements.

(d) Grants and Other Contributions

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

Contributions are recognised at their fair value. Contributions of services are only recognised when a fair value can be reliably determined and the services would be purchased if not donated.

(e) Revenue Recognition

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

(f) Acquisitions of assets

The cost method of accounting is used for all acquisitions of assets. Cost is measured as the fair value of the assets given up or liabilities undertaken at the date of acquisition plus incidental costs directly attributable to the acquisition.

Assets acquired at no cost or for nominal consideration, are initially recognised at their fair value at the date of acquisition.

(g) Depreciation of non-current assets

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

Depreciation is calculated on a straight-line basis, using rates which are reviewed annually. Expected useful lives for each class of depreciable asset are:

Computer hardware	3 years
Computer software	3 years
Furniture and fittings	10 years
Office equipment	5 years
Vehicles	5 years

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2005

(h) Leases

The department has entered into a number of operating lease arrangements for the rent of the office building where the lessor effectively retains 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 Statement of Financial Performance over the lease term, as this is representative of the pattern of benefits to be derived from the leased property.

(i) Cash

For the purpose of the Statement of Cash Flows, cash includes cash assets and restricted cash assets.

(j) Accrued Salaries

The accrued salaries suspense account (refer note 17) consists of amounts paid annually into a suspense account over a period of ten financial years to largely meet the additional cash outflow in each eleventh year when 27 paydays occur in that year instead of the normal 26. No interest is received on this account.

Accrued salaries (refer note 24) 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 department considers the carrying amount of accrued salaries to be equivalent to the net fair value.

(k) Receivables

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

Collectability of receivables 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 doubt as to collection exists.

(l) Licences

(i) Software

Significant costs associated with the acquisition or development of computer software are capitalised and amortised on a straight-line basis over the periods of the expected benefit.

(ii) Web site costs

The department considers that it is not possible that any economic benefit of its web sites can be reliably determined or measured. Therefore costs in relation to web sites controlled by the department are charged as expenses.

(m) Payables

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

(n) Employee benefits

Annual leave

This benefit is recognised at the reporting date in respect to employees' services up to that date and is measured at the nominal amounts expected to be paid when the liabilities are settled.

Long service leave

The liability for long service leave expected to be settled within twelve months of the reporting date is recognised in the provisions for employee benefits and is measured at the nominal amounts expected to be paid when the liability is settled. The liability for long service leave, expected to be settled more than twelve months from the reporting date, is recognised in the provisions for employee benefits and is measured at 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.

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2005

Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match, as closely as possible, the estimated future cash outflows.

Superannuation

Staff may contribute to the Pension Scheme, a defined benefits pension scheme now closed to new members, or to the Gold State Superannuation Scheme, a defined benefit 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*. All of these schemes are administered by the Government Employees Superannuation Board (GESB).

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 Pension Scheme and current employees who accrued a benefit on transfer from that Scheme to the Gold State Superannuation Scheme; and
- (ii) employer contributions paid to the Gold State Superannuation Scheme and the West State Superannuation Scheme.

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 Department in the current year.

A revenue Liabilities assumed by the Treasurer equivalent to (i) is recognised under Revenues from State Government in the Statement of Financial Performance as the unfunded liability is assumed by the Treasurer. The GESB makes the benefit payments and is recouped by the Treasurer.

The Department is funded for employer contributions in respect of the Gold State Superannuation Scheme and the West State Superannuation Scheme. These contributions were paid to the GESB during the year. The GESB subsequently paid the employer contributions in respect of the Gold State Superannuation Scheme to the Consolidated Fund.

The liabilities for superannuation charges under the Gold State Superannuation Scheme and West State Superannuation Scheme are extinguished by payment of employer contributions to the GESB.

Employee benefit on-costs

Employee benefit on-costs are recognised and included in employee benefit liabilities and costs when the employee benefits to which they relate are recognised as liabilities and expenses. (See notes 4 and 23).

(o) 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.

(p) Comparative Figures

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

(q) Rounding of amounts

Amounts in the financial statements have been rounded to the nearest thousand dollars, or in certain cases, to the nearest dollar.

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2005

3. Services of the Department

Information about DOCEP's services and the expenses and revenues, which are reliably attributable to those services, is set out in the Service Schedule. Information about expenses, revenues, assets and liabilities administered by the department are given in notes 35, 37 and 38.

The three key services of the department are:

Service 1: Community Information and Assistance

Access to knowledge, information and support so that members of the community can exercise their rights and meet their obligations in the various areas of DOCEP's responsibility.

Service 2: Regulatory Framework

Development and maintenance of policy and legislation which reflect community expectations in relation to the various areas of DOCEP's responsibility.

Service 3: Regulation Enforcement

Enforcement of regulation governing the various areas of DOCEP's responsibility.

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2005

	2005 \$'000	2004 \$'000
4. Employee expenses		
Wages and salaries	39,765	36,087
Superannuation	4,716	3,936
Long service leave	920	468
Annual leave	(228)	464
Other related expenses (1)	1,778	1,849
	<hr/>	<hr/>
	46,951	42,804
	<hr/>	<hr/>
(1) The employee expenses include superannuation, workers compensation premiums and other employment on-costs associated with the recognition of annual and long service leave liability. The related on-costs liability is included in employee benefits liabilities at Note 23.		
5. Supplies and Services		
Consultants and contractors	5362	4966
Materials	758	776
Insurance	253	203
Motor vehicles	1403	1223
Other	718	659
	<hr/>	<hr/>
	8,494	7,827
	<hr/>	<hr/>
6. Depreciation expense		
Computer Hardware	638	970
Computer Software	274	253
Furniture and Fittings	368	365
Vehicles	8	17
Office Equipment	150	149
	<hr/>	<hr/>
	1,438	1,754
	<hr/>	<hr/>
7. Administration expenses		
Communications	1,707	1,524
Consumables	1,948	1,730
Maintenance	679	572
Other	1,342	777
	<hr/>	<hr/>
	5,676	4,603
	<hr/>	<hr/>
8. Accommodation expenses		
Lease rentals	4,805	4,605
Repairs and maintenance	166	191
Cleaning	1,342	132
	<hr/>	<hr/>
	5,676	4,928
	<hr/>	<hr/>
9. Grants and subsidies		
Consumer Credit Legal Services	55	82
Farmsafe WA	70	70
Asbestos Diseases Society	83	83
Chamber of Commerce & Industry WA	60	60
Unions WA	60	60
Unions & Associations – award updating	206	108
Western Australia Council of Social Service (Inc)	200	0
Other Miscellaneous	27	59
	<hr/>	<hr/>
	761	522
	<hr/>	<hr/>

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2005

	2005 \$'000	2004 \$'000
10. Capital User Charge		
Capital User Charge	808	625
<p>A capital user charge rate of eight per cent has been set by Government and represents the opportunity cost of capital invested in the net assets of the Department used in the provision of services. The charge is calculated on the net assets adjusted to take account of exempt assets. Payments are made to the Department of Treasury and Finance on a quarterly basis.</p>		
11. Other expenses from ordinary activities		
Adjustments from prior year	0	23
12. User charges and fees		
User charges and fees	18,633	15,852
User charges and fees breakdown		
Real Estate & Settlement Agents Boards – recoup of costs	8,268	8,361
Business names	1,174	1,114
REVS	1,942	1,893
Trading Standards	304	340
Worksafe	1,409	1,172
Energy Safety	2,216	2,453
Plumbers	3,304	503
Other	16	16
Total User Charges and Fees	18,633	15,852
13. Commonwealth grants and contributions		
Indian Ocean Territories	213	204
Compliance and Information Services (1)	319	180
	532	384
<p>(1) Federal funding for the delivery of compliance and information services.</p>		
14. Other revenues from ordinary activities		
Other revenue	1,255	1,570
	1,255	1,570
15. Net gain/(loss) on disposal of non-current assets		
Gain on Disposal of Non-Current Assets		
Computer – Hardware	2	13
Loss on Disposal of Non-Current Assets		
Office equipment	(2)	0
Net gain/(loss)	0	13

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2005

	2005 \$'000	2004 \$'000
16. Revenues from State Government		
Appropriation revenue received during the year:		
Service appropriations (1)	47,007	45,298
	47,007	45,298
The following liabilities have been assumed by the Treasurer during the financial year:		
Superannuation (2)	908	551
Total liabilities assumed by the Treasurer	908	551
Resources received free of charge (3) Determined on the basis of the following estimates provided by agencies:		
Department of Treasury & Finance	84	0
State Solicitor's Office	495	444
Department of Housing and Works – Commercial Property	71	72
Total resources received free of charge	650	516
Total revenues from State Government	48,565	46,365

- (1) Service appropriations are accrual amounts reflecting the full cost of services delivered. The appropriation revenue comprises a cash component and a receivable (asset). The receivable (holding account) comprises the depreciation expense for the year and any agreed increases in leave liability during the year.
- (2) The assumption of the superannuation liability by the Treasurer is only a notional revenue to offset the notional superannuation expense reported in respect of current employees who are members of the pension scheme and current employees who have a transfer benefit entitlement under the Gold State superannuation scheme.
- (3) Where assets or services have been received free of charge or for nominal consideration, the Department recognises revenues (except where the contributions of assets or services are in the nature of contributions by owners in which case the Department shall make a direct adjustment to equity) equivalent to the fair value of the assets and/or the fair value of those services that can be reliably determined and which would have been purchased if not donated, and those fair values shall be recognised as assets or expenses, as applicable.

17. Restricted cash assets

Current		
Consumer Credit Trust Account (1)	571	664
Departmental Receipts in Suspense (1)	137	127
Commonwealth Government – Indian Ocean Territories (1)	3	18
Safetyline Institute (1)	56	87
Accrued salaries suspense account (2)	0	1,681
	767	2,577

- (1) Refer to Note 35 for explanation of nature of restriction.
- (2) Amount held in the suspense account is only to be used for the purpose of meeting the 27th pay in a financial year that occurs every 11 years.

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2005

	2005 \$'000	2004 \$'000
18. Receivables		
Current		
Trade debtors	4,390	2,294
Provision for doubtful debts	(11)	(11)
GST receivables	339	357
	4,718	2,640
19. Amounts receivable for services		
Current	3,763	2,799
This asset represents the non-cash component of service appropriations. It is restricted in that it can only be used for asset replacement or payment of leave liability.		
20. Other assets		
Current		
Prepayments	489	690
	489	690
Non-current		
Prepayments	0	8
	0	8
21. Property, plant, equipment and vehicles		
Computer hardware		
At cost	4,462	3,967
Accumulated depreciation	(3,457)	(2,854)
	1,005	1,113
Computer software		
At cost	1,220	1,093
Accumulated depreciation	(866)	(588)
	354	505
Furniture and fittings		
At cost	4,737	3,861
Accumulated depreciation	(1,410)	(1,042)
	3,327	2,819
Vehicles		
At cost	80	80
Accumulated depreciation	(58)	(50)
	22	30
Office equipment		
At cost	1,128	869
Accumulated depreciation	(546)	(398)
	582	471
Total		
At cost	11,627	9,870
Accumulated depreciation	(6,337)	(4,932)
Total Property, Plant, Equipment and Vehicles	5,290	4,938

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2005

	2005 \$'000	2004 \$'000
Reconciliations		
Reconciliations of the carrying amounts of property, plant, equipment and vehicles at the beginning and end of the current and previous financial year are set out below.		
Computer hardware		
Carrying amount at start of year	1,113	1,230
Additions	532	853
Disposals	(2)	0
Depreciation	(638)	(970)
Carrying amount at end of year	1,005	1,113
Computer software		
Carrying amount at start of year	505	249
Additions	123	505
Depreciation	(274)	(249)
Carrying amount at end of year	354	505
Furniture and fittings		
Carrying amount at start of year	2,819	2,930
Additions	876	254
Depreciation	(368)	(365)
Carrying amount at end of year	3,327	2,819
Vehicles		
Carrying amount at start of year	30	47
Depreciation	(8)	(17)
Carrying amount at end of year	22	30
Office equipment		
Carrying amount at start of year	471	419
Additions	261	201
Depreciation	(150)	(149)
Carrying amount at end of year	582	471
Total – Property, Plant, Equipment and Vehicles		
Carrying amount at start of year	4,938	4,875
Additions	1,792	1,813
Disposals	(2)	0
Depreciation	(1,438)	(1,750)
Carrying amount at end of year	5,290	4,938

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2005

	2005 \$'000	2004 \$'000
22. Payables		
Current		
Trade payables	1,205	1,507
	1,205	1,507
Non-current (1)		
Trust Account – Consumer Credit Act (WA)	571	664
Trust Account – Departmental Receipts in Suspense	137	127
	708	791

(1) Refer to Note 35.

23. Provisions

Current		
Employee Benefits		
Annual leave	3,125	3,524
Long service leave	2,447	2,417
Other employee benefits (1)	479	226
	6,051	6,167
Non-current		
Long service leave	4,267	3,659
Other employee benefits (1)	299	139
	4,566	3,798

(1) The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including superannuation and workers compensation premiums. The liability for such on-costs is included here. The associated expense is included under Other related expenses (under Employee Expenses) at Note 4.

The Department considers the carrying amount of employee benefits to approximate the net fair value.

Employee Benefit Liabilities

The aggregate employee benefit liability recognised and included in the financial statements is as follows:

Provision for employee benefits:

Current	6,051	6,167
Non-current	4,566	3,798
	10,617	9,965

24. Other liabilities

Current		
Accrued salaries (1)	0	1,785
Unearned revenue – Plumbers Licensing Board	473	350
Other	138	121
	611	2,256

(1) No amount owing for 2005 as the last pay fell on 30/06/05 (2004 - 17/6/04 to 30/6/04, nine working days). Accrued salaries are settled within a few working days of the financial year end. The carrying amount of accrued salaries is equivalent to the net fair value.

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2005

	2005 \$'000	2004 \$'000
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25. Equity

Equity represents the residual interest in the net assets of the Department. The Government holds the equity interest in the Department on behalf of the community.

Contributed equity

Opening balance	5,792	4,420
Capital contribution (1)	1,283	1,372
Closing balance	7,075	5,792

(1) Capital contributions have been designated as contributions by owners and are credited directly to equity in the Statement of Financial Position.

Accumulated surplus

Opening balance	3,233	2,135
Change in net assets	(275)	1,098
Closing balance	2,958	3,233

26. Notes to the Statement of Cash Flows

(a) Reconciliation of cash

Cash at the end of the financial year as shown in the Statement of Cash Flows is reconciled to the related items in the Statement of Financial Position as follows:

Cash assets	8,147	9,892
Restricted cash assets (refer to Note 17)	767	2,577
	8,914	12,469

(b) Reconciliation of net cost of services to net cash flows provided by/(used in) operating activities

Net cost of services	(48,840)	(45,267)
Non-cash items:		
Depreciation expense	1,438	1,754
Superannuation expense	908	551
Resources received free of charge	650	516
Net (gain)/loss on sale of property, plant and equipment	0	(13)
(Increase)/decrease in assets:		
Current receivables (2)	(1,739)	1,944
Other current assets	210	(39)
Increase/(decrease) in liabilities:		
Current payables (2)	(302)	399
Current provisions	(116)	735
Unearned revenue	123	103
Non-current payables	(83)	107
Other liabilities	(1,768)	902
Non current provisions	768	203
Net GST receipts/payments (1)	(339)	(357)
Net cash provided by/(used in) operating activities	(49,090)	(38,462)

(1) This is the net GST paid/received ie cash transactions.

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2005

	2005 \$'000	2004 \$'000
27. Commitments for expenditure		
(a) Lease commitments		
Commitments in relation to leases contracted for at reporting date but not recognised as liabilities are payable:		
Within 1 year	6,700	6,600
Later than 1 year and not later than 5 years	26,800	23,100
Later than 5 years	10,000	10,500
	43,500	40,200
Representing:		
Non-cancellable operating leases	43,500	40,200

28. Contingent Liabilities

In addition to the liabilities incorporated in the financial statements, the Department has the following contingent liabilities:

- The State of Western Australia has granted a deed of indemnity dated 7 February 2001 to the liquidators of specified finance companies in respect to identified State funded legal recovery actions pursuant to their duties as appointed liquidators. It is not practicable to estimate the amount of the potential liability, although it is appropriate to note that no claims are currently envisaged.
- A class action is being pursued by approximately 3,000 investors against various parties for the recovery of funds, in the vicinity of \$100 million, claimed to have been lost through finance broking transactions. The State Government is one of the parties subject to this claim and is defending the matter which is currently before the courts.

29. Events occurring after reporting date

The department is not aware of any events occurring after the reporting date that materially affect these financial statements.

30. 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 the Consolidated Fund Appropriations are now on an accrual basis.

The following explanations are provided in accordance with Treasurer's Instruction 945. Significant variations are considered to be those greater than 10 per cent.

(i) Significant variances between estimate and actual – Total appropriation to purchase services:

	2005 Estimate \$'000	2005 Actual \$'000
Total appropriation provided to deliver services for the year	45,387	47,007
Total revenues from ordinary activities	16,551	20,422

Total appropriation provided to deliver services for the year – variance \$1,620,000

The variance across the three appropriation services is mainly due to the reinstatement of \$1.5m in relation to industry funding for Energy Safety and \$0.2m for the provision of a grant to the Western Australian Council of Social Services.

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2005

Total revenues from ordinary activities – variance \$3,861,000

The variance is mainly due to the additional funds received in the areas of Plumbers, Certificates of Competencies, recoup from Rental Accommodation Fund, Compliance and Information Services, and the Ritter Inquiry.

(ii) Significant variances between actual and prior year actual – Total appropriation to purchase services.

	2005 Actual \$'000	2004 Actual \$'000
Total appropriation provided to deliver services for the year	47,007	45,298
Total revenues from ordinary activities	20,422	17,819

Total appropriation provided to deliver services for the year – variance \$1,709,000

The variance across the three appropriation services is mainly due to the reinstatement of \$1.5m in relation to industry funding for Energy Safety and \$0.2m for the provision of a grant to the Western Australian Council of Social Services.

Total revenues from ordinary activities - variance \$2,593,000

The variance is mainly due to the increased revenue received for inspection and licensing activities (eg. Plumbers) than prior year.

(iii) Significant variances between actual and prior year actual – Capital Contribution:

	2005 Actual \$'000	2004 Actual \$'000
Capital contribution	1,283	1,372
No significant variance.		

(iv) Significant variances between estimate and actual, and actual and prior year actual – Administered Revenues

	2005 Estimate \$'000	2005 Actual \$'000
Administered revenues	6,349	7,105

Total administered revenues - variance \$756,000

The variance between the estimate and actual for 2005 is mainly due to more revenue being received from Credit Providers, Finance Brokers, Land Valuers, Motor Vehicle Dealers, and Travel Agents than anticipated.

	2005 Actual \$'000	2004 Actual \$'000
Administered revenues	7,105	5,311

Total administered revenues - variance \$1,794,000

The variance between the actual figures for 2005 and 2004 is mainly due to more revenue received from Business Names Registration.

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2005

31. Financial instruments

(a) Interest Rate Risk Exposure

Currently the department has no exposure to interest rate risk or repricing maturities as its operating bank account is a non-interest bearing account and its financial instruments are therefore stated at their net fair value.

(b) Credit Risk Exposure

All financial assets are unsecured.

The carrying amount represents the Department's maximum exposure to credit risk in respect of those amounts.

32. Remuneration of Senior Officers

Remuneration

The number of senior officers, whose total of fees, salaries, superannuation and other benefits for the financial year, fall within the following bands are:

\$	2005	2004
30,001 - 40,000	2	0
60,001 - 70,000	1	0
80,001 - 90,000	1	2
90,001 - 100,000	0	8
100,001 - 110,000	0	5
110,001 - 120,000	2	5
120,001 - 130,000	3	1
130,001 - 140,000	6	1
140,001 - 150,000	1	0
150,001 - 160,000	1	0
160,001 - 170,000	0	1
180,001 - 190,000	1	1
200,001 - 210,000	1	0
230,001 - 240,000	1	0

The total remuneration of senior officers is: 2,557 2,641

The superannuation included here represents the superannuation expense incurred by the Department in respect of senior officers.

33. Related bodies

The Department has no related bodies.

34. Affiliated bodies

The Department has no affiliated bodies.

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2005

	2005 \$'000	2004 \$'000
35. Trust and Restricted Cash Accounts		
Summary Details		
Trust Accounts (Controlled)		
<i>Consumer Credit Act (WA)</i>	571	664
Departmental Receipts in Suspense	137	127
	708	791
Trust Accounts (Administered)		
Rental Accommodation Fund	65,157	51,743
Restricted Cash Accounts		
Safetyline Institute	55	87
Indian Ocean Territories	3	18
	58	105
Detailed Breakdown		
Trust Accounts		
<i>Consumer Credit Act (WA) (1)</i>		
Opening balance	664	544
Receipts:	85	320
Payments:	(178)	(200)
Closing balance	571	664
<i>Departmental Receipts in Suspense (2)</i>		
Opening balance	127	140
Receipts:	328	127
Payments:	(318)	(140)
Closing balance	137	127

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2005

	2005 \$'000	2004 \$'000
Administered		
<i>Rental Accommodation Fund (3)</i>		
Opening balance	51,743	43,904
Receipts:	45,154	37,366
Payments:	(31,740)	(29,527)
Closing balance	65,157	51,743

(1) Holds funds pending distribution in accordance with the *Consumer Credit (WA) Act 1986* or court direction.

(2) Holds funds pending identification of the purpose for which the monies were received.

(3) Holds rental security bonds and the interest income there in accordance with clause 3(1) of schedule 1 of the *Residential Tenancies Act 1987*.

Restricted Cash Accounts

Safetyline Institute (4)

Opening balance	87	76
Receipts:	12	11
Payments:	(44)	0
Closing balance	55	87

Indian Ocean Territories (5)

Opening balance	18	(11)
Receipts:	213	204
Payments:	(228)	(175)
Closing balance	3	18

(4) The fund was created under the *State Trading Concerns Act 1916* and controls income received in respect of the provisions of copyright materials and a relevant trade mark advertising opportunities or similar arrangements.

(5) DOCEP has a service delivery agreement with the Commonwealth Government to undertake to provide its normal service to the Christmas and Cocos Islands.

36. Supplementary financial information

Write-Offs

During the financial year \$20,016.75 of debts, mainly Business Names, due to the State was written off under the authority of:

The Accountable Officer	20	12
The Minister	0	47
	20	59

Losses through Theft, Defaults and Other Causes

Losses of public monies and public and other property through theft or default	0	10
Amount recovered	0	10

Gifts of Public Property

The Department received no gifts of public property.

NOTES TO THE FINANCIAL STATEMENTS

for the year ended 30 June 2005

	2005 \$'000	2004 \$'000
37. Administered Expenses and Revenues		
Expenses		
Receipts paid into Consolidated Fund	7,105	5,311
Total administered expenses	7,105	5,311
Revenues		
Regulatory fees and charges	7,105	5,311
Total administered revenues	7,105	5,311
Payments of Fees and Fines to the Consolidated Fund. DOCEP is responsible for the collection of certain fees and fines. These are not classified as operating revenue and expenses and are credited to the Consolidated Fund.		
Collections made during the year:		
Business Names Registrations	5134	3615
Other Registration Fees	111	108
Credit Providers	588	590
Employment Agents	97	73
Finance Brokers	200	146
Land Valuers	164	12
Motor Vehicle Dealers	646	608
Travel Agents	156	93
Plumbers	1	2
Petroleum Pricing	2	64
Other	6	0
Total	7,105	5,311

38. Administered Assets and Liabilities

Current Assets

Receivables	106	136
Total administered current assets	106	136

Total Administered Assets

106 **136**

Current Liabilities

Payables	106	136
Total administered current liabilities	106	136

Total Administered Liabilities

106 **136**

The administered assets, liabilities, expenses and revenues are those which the Government requires the department to administer on its behalf.

39. The Impact of Adopting Australian Equivalents to IFRS

Australia is adopting equivalents to International Financial Reporting Standards (AIFRS) for reporting periods beginning on or after 1 January 2005. The Department of Consumer and Employment Protection will adopt these Standards for the first time for the year ended 30 June 2006.

AASB 1047 'Disclosing the Impacts of Adopting Australian Equivalent to International Financial Reporting Standards' requires disclosure of any known or reliably estimable information about the impacts on the financial statements had they been prepared using AIFRSs.

The information provided below discloses the main areas impacted due to the effects of adopting AIFRS. The Department of Consumer and Employment Protection has determined the quantitative impacts using the best estimates available at the time of preparing the 30 June 2005 financial statements.

These amounts may change in circumstances where the accounting standards and/or interpretations applicable to the first AIFRS financial statements are amended or revised.

(a) Reconciliation of total equity as presented under previous AGAAP to that under AIFRS:

	30 June 2005 \$'000	1 July 2004 \$'000
Total equity under previous AGAAP	23,174	23,544
Adjustments to accumulated surplus/(deficiency):		
Decrease in provisions (1)	(70)	(3)
Total equity under previous AIFRS	23,104	23,541

Other Impacts

AASB 138 Intangible Assets – requires computer software not integral to the operation of hardware to be classified as intangible assets.

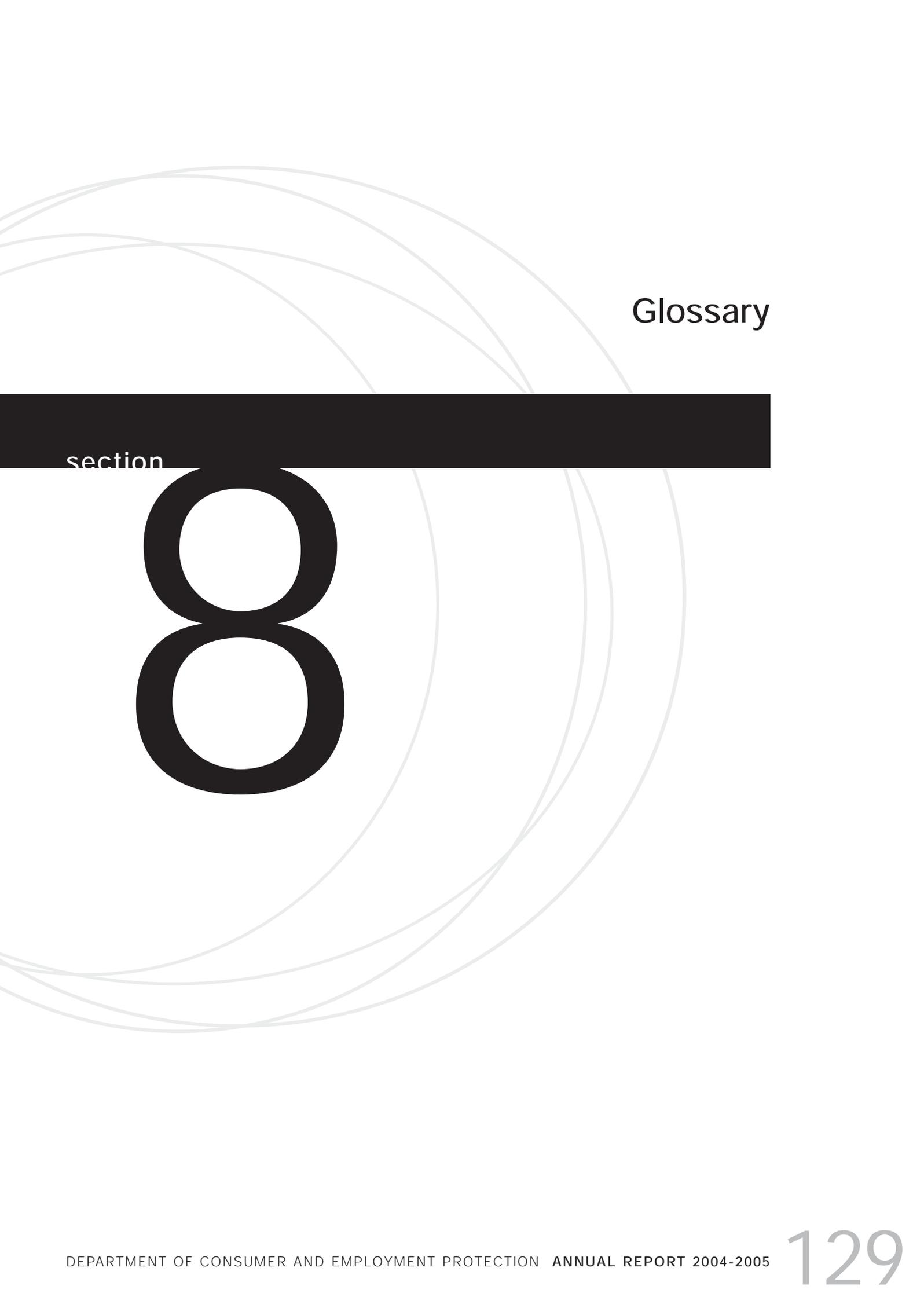
In this respect the carrying cost of software that is not integral to the operation of hardware currently held under property, plant and equipment for the value of \$306,238.54 will be required to be reclassified as an intangible asset. This is only a re-classification of assets and has no impact on the financial position of the Department.

(b) Reconciliation of surplus/(deficit) for the period as presented under previous AGAAP to that under AIFRS:

	30 June 2005 \$'000
Surplus/(deficit) for the period under previous AGAAP	(275)
Decrease in salary due to decrease in provisions (1)	70
Surplus/(deficit) for the period under AIFRS	(205)

(1) AASB1028 Employee Benefits – this standard will be replaced by AAS119 Employee Benefits under the new standards.

Due to a slight change in methodology of calculating employee benefits under AAS119 the annual leave liability will decrease by \$69,663. This decrease in liabilities will result in a corresponding decrease in expenses for the period.



Glossary

section

8

GLOSSARY

AASB	Australian Accounting Standards Board
ACCC	Australian Competition and Consumer Commission
AHRI	Australian Human Resource Institute
AIM	Australian Institute of Management
ASIC	Australian Securities and Investment Commission
ATWC	Around the World Cruises
BISPI	Building Industry and Special Projects Inspectorate
CALS	Compliance and Licensing System
CBD	Central Business District
CSA	Civil Service Association
CSO	Customer Service Officer
DAIP	Disability and Inclusion Plan
DCL	Debt Collectors Licensing
DLT	DOCEP Leadership Team
DOCEP	Department of Consumer and Employment Protection
EEO	Equal Employment Opportunity
EIAAG	Energy Infrastructure Assurance Advisory Group
EO	Equal Opportunity
FOI	Freedom of Information
FTA	<i>Fair Trading Act</i>
FTE	Full time equivalent
GAEEEC	Gas Appliance and Equipment Energy Efficiency Committee
HR	Human Resources
HR MOIR	Human Resource Minimum Obligatory Information Requirements
ICO	Indigenous Contact Officer
IDMS	Integrated Document Management System
IFAP	Industrial Foundation for Accident Prevention
IFRS	International Financial Reporting Standards
KPI	Key Performance Indicator
LPG	Liquefied Petroleum Gas
LTI/Ds	Lost Time Injuries and Diseases
MEPS	Minimum Energy Performance Standards
MOU	Memorandum of Understanding
MVIB	Motor Vehicle Industry Board
NOHSC	National Occupational Health and Safety Commission
NSW	New South Wales
OBM	Output Based Management
OPSSC	Office of the Public Sector Standards Commissioner
OSH	Occupational Safety and Health
PI	Performance Indicator
PID	Public Interest Disclosure
PINs	Provisional Improvement Notices
PIR	Priority Investigation Reports
PSM	Public Sector Medal
RAMS	Recruitment Advertising Management System
REBA	Real Estate Board Australia
REVS	Register of Encumbered Vehicles
RKP	Record Keeping Plan
SAT	State Administrative Tribunal
SEDO	Sustainable Energy Development Office
TCR	Termination, Change and Redundancy
TPA	<i>Trade Practices Act</i>
UPS	Uninterruptable Power Supply
WA	Western Australia
WAIRC	Western Australian Industrial Relations Commission
WASCA	Western Australian Shearing Contractors Associations



Appendices

section

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APPENDIX ONE

LEGISLATION ADMINISTERED BY DOCEP

DOCEP assists the Minister for Consumer and Employment Protection with the administration of the following Acts of Parliament:

Acts Amendment and Repeal Industrial Relations Act (No.2) 1984 - consolidates, amends and replaces the *Industrial Arbitration Act 1912*, and amends the *Industrial Relations Act 1979*. Transitional provisions still apply.

Associations Incorporation Act 1987 - provides a means by which associations (such as clubs and societies) can become incorporated bodies.

Auction Sales Act 1973 - provides for the licensing of auctioneers.

Bills of Sale Act 1899 - provides for the creation of personal property securities and originally provided a registration scheme covering most personal property. The *Chattel Securities Act 1987* has amended the operation of this Act and limited its scope.

Builders' Registration Act 1939* - provides for a system of registration and discipline for builders throughout Western Australia and establishes the Builders Registration Board and the Building Disputes Tribunal.

Business Names Act 1962 - establishes a system of registration of business names.

Charitable Collections Act 1946 - provides for a system for licensing of organisations collecting for charitable purposes from the public and establishes the Charitable Collections Advisory Committee.

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 and recreational boats (the Register of Encumbered Vehicles).

Churches of Christ, Scientist, Incorporation Act 1961 - Provides for the incorporation of the First Church of Christ, Scientist.

City Club Act 1965 - Provides for the assets and liabilities of The City Club Ltd to be transferred to The City Club incorporated under the *Associations Incorporation Act 1987*.

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.

Companies (Co-operative) Act 1943 - regulates the formation of cooperative Companies and their management.

Competition Policy Reform (Taxing) Act 1996 - provides the power to collect certain fees imposed by the *Competition Policy Reform (W.A.) Act 1996* as taxes, as required by the *Constitution Acts Amendment Act 1899*.

Competition Policy Reform (Western Australia) 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. The Act is administered in Western Australia by the Australian Competition and Consumer Commission.

Conspiracy and Protection of Property Act 1900 - protects persons who combine together to take industrial action, from being liable to be convicted of the crime of conspiracy.

Construction Industry Portable Paid Long Service Leave Act 1985 - provides portable long service leave entitlements to employees in the construction industry.

* DOCEP assists with the administration of the *Builders' Registration Act 1939* in conjunction with the relevant statutory board.

Consumer Affairs Act 1971 - establishes the office of Commissioner for Fair Trading, sets out the function of the department in relation to consumer protection and empowers the Commissioner to discharge those functions. Also includes provisions relating to product safety and establishes the Consumer Products Safety Committee.

Consumer Credit (Western Australia) Act 1996 - applies nationally consistent laws for the regulation of consumer lending in Western Australia as the Consumer Credit Code. Regulates all forms of consumer credit including home loans and applies to all credit providers including banks, building societies and credit unions. From 1 June 2002 also regulates short-term credit providers (pay-day lenders).

Cooperative and Provident Societies Act 1903 - regulates the formation and management of co-operative and provident societies in Western Australia.

Credit (Administration) Act 1984 - establishes a licensing system for credit providers who provide credit under the *Credit Act 1984*.

Credit Act 1984 - regulates the provision of credit for private purposes in amounts less than \$20,000. Essentially replaced by the Consumer Credit Code applied under the *Consumer Credit (Western Australia) Act 1966*.

Debt Collectors Licensing Act 1964 - establishes a licensing and disciplinary system for debt collectors.

Decimal Currency Act 1965 - amends references in State Acts to pounds, shillings and pence to reflect the introduction of decimal currency in Australia in 1966.

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 located.

Distress for Rent Abolition Act 1936 - subject to the operation of the *Property Law Act 1969*, abolishes the remedy of distress (seizure of personal property) for arrears of rent.

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.

Employment Agents Act 1976 - establishes a licensing and disciplinary system for employment agents.

Fair Trading Act 1987 - deals with misleading or deceptive conduct and related issues, pyramid sales schemes and related consumer issues, consumer warranties, and provides for creation of codes of conduct for businesses.

Finance Brokers Control Act 1975 - establishes the Finance Brokers Supervisory Board and provides for a system of licensing and disciplining of finance brokers.

Fremantle Buffalo Club (Incorporated) Act 1964 - transfers the assets and liabilities of The Fremantle Buffalo Club Ltd to The Fremantle Buffalo Club incorporated under the *Associations Incorporation Act 1987*.

Growers Charge Act 1940 - reserves to the grower of certain crops, which are subject to a bill of sale or other security, an interest in such crops by creating a charge in his favour.

Hairdressers Registration Act 1946* - establishes the Hairdressers Registration Board and provides for a system of registering and disciplining hairdressers.

* DOCEP assists with the administration of the *Hairdressers Registration Act 1946* in conjunction with the relevant statutory board.

Hire Purchase Act 1959 - in part only, regulates the provisions of hire purchase finance. Operation of the Act is significantly affected by the *Acts Amendment and Repeal (Competition Policy) Act 2003*. Part 9 of this Act repeals the *Hire Purchase Act 1959* except for Section 15 (right of hirer to surplus monies following repossession of goods), Section 24 (re-opening by a court of harsh and unconscionable agreements) and Section 25 (power of a court to restrain repossession of farm vehicles and machinery). These provisions continue to operate in relation to hire purchase agreements entered into after the commencement of the *Acts Amendment and Repeal (Competition Policy) Act 2003*.

Home Building Contracts Act 1991 - regulates contracts between consumers and builders for performing home building work and makes provision for home indemnity insurance.

Industrial Legislation Amendment Act 1995 - provides further amendments to the *Industrial Relations Act 1979*.

Industrial Relations Act 1979 - establishes the Western Australian Industrial Relations Commission, and provides the framework for award and agreement making and the resolution of industrial disputes.

Industrial Relations Amendment Act 1993 - amends the *Industrial Relations Act 1979*.

Industrial Relations Legislation Amendment and Repeal Act 1995 - amends the *Industrial Relations Act 1979* and repealed various redundant statutes.

Labour Relations Legislation Amendment Act 1997 - provides further amendments to the *Industrial Relations Act 1979*.

Labour Relations Legislation Reform Act 1997 - amends the *Industrial Relations Act 1979* and the *Workplace Agreements Act 1993*.

Labour Relations Reform Act 2002 - amends the *Industrial Relations Act 1979*, the *Minimum Conditions of Employment Act 1993* and provided for the repeal of the *Workplace Agreements Act 1993*.

Land Valuers Licensing Act 1987 - establishes the Land Valuers Licensing Board and provides for a system of licensing and disciplining of land valuers.

Law Reform (Common Employment) Act 1951 - places vicarious liability on employers for injury to an employee caused by negligence of a fellow employee.

Limited Partnership Act 1909 - regulates the creation of limited partnerships and the rights and obligations of members of limited partnerships.

Long Service Leave Act 1958 - provides a long service leave entitlement for employees whose employment is not subject to an award or other industrial instrument.

Metric Conversion Act 1972 - provides for the use of the metric system of measurement to replace previous references to physical quantities in other legislation.

Minimum Conditions of Employment Act 1993 - provides a safety net of minimum conditions of employment for all employees in the state labour relations system.

Motor Vehicle Dealers Act 1973 - provides for a licensing and discipline system for motor vehicle dealers and establishes the Motor Vehicle Industry Board (which replaced the Motor Vehicle Dealers Licensing Board).

Motor Vehicle Repairers Act 2003 - provides for a licensing, registration and discipline system for motor vehicle repair businesses and employees.

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.

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.

Occupational Safety and Health Act 1984 - promotes and improves standards for occupational safety and health, establishes the Commission for Occupational Safety and Health and facilitates the co-ordination of the administration of the laws relating to occupational safety and health and for incidental and other purposes.

Painters' Registration Act 1961* - establishes the Painters' Registration Board and provides for a system of registration and disciplining of painters.

Petroleum Products Pricing Act 1983 - provides for control of petroleum product prices in circumstances specified in the Act.

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.

Public and Bank Holidays Act 1972 - prescribes the public holidays and bank holidays which are to be observed within Western Australia.

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.

Residential Tenancies Act 1987 - regulates the formation of residential tenancy agreements and the conduct of the parties bound by those agreements.

Retail Trading Hours Act 1987 - provides for the regulation of trading hours to be observed by businesses operating in Western Australia.

Retirement Villages Act 1992 - regulates the establishment of retirement villages and the rights of residents of retirement villages.

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.

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.

Settlement Agents Act 1981 - establishes Settlement Agents Supervisory Board and provides for a licensing and disciplinary system for settlement agents.

Shearers' Accommodation Act 1912 - provides for the proper and sufficient accommodation of shearers and shed-hands, and for incidental and other purposes. (*Repealed on 1 January 2005*).

Street Collections (Regulation) Act 1940 - establishes a system for regulating the conduct of street collections.

Sunday Entertainment Act 1979 - regulates the ability of businesses to open on Sundays.

Trading Stamp Act 1981 - prohibits the redemption of "third party trading stamps".

Travel Agents Act 1985 - provides for a system of licensing of travel agents.

Water Services Co-ordination Act 1995 (Part 5 only) - establishes the Plumbers Licensing Board and provides for a system of registering and disciplining plumbers.

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.

Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund Act 1932 - establishes the Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund and a board of trustees to administer and apply the fund to the benefit of aged sailors, soldiers and airmen. The Fund receives one half of the proceeds of Poppy Day conducted by the RSL on Remembrance Day.

* DOCEP assists with the administration of the *Painters' Registration Act 1961* in conjunction with the relevant statutory board.

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).

Workmen's Wages Act 1898 - provides for wages of people employed in manual labour be paid weekly unless the employee otherwise agrees in writing, and for employees to secure payment of their wages against money due to their employer.

Additionally, the Director of Energy Safety and the Energy Safety division assist the Minister for Energy to administer the following Acts of Parliament:

Electricity Act 1945 - covers the safety and performance of electricity networks, the safety of consumers' electrical installations (including the licensing of operatives) and the safety and energy efficiency of electrical appliances.

Energy Co-ordination Act 1994 - inter alia provides for the statutory office of the Director of Energy Safety and establishes the powers of Inspectors.

Fuel, Energy and Power Resources Act 1972 - provides for the conservation and utilisation of the present and future sources and supplies of fuel, energy and power in and to Western Australia.

Gas Standards Act 1972 - covers the standards of purity, pressure and safety of gas supplied, the safety of gas networks, the safety of consumers' gas installations (including the licensing of operatives) and the safety of gas appliances.

APPENDIX TWO

CHANGES IN WRITTEN LAW

Consumer Protection

Amendments that DOCEP initiated during the year are outlined in Table 29 below.

Table 29: Consumer Protection amendments to written law 2004-05

Written law	Number	Gazettal date
Associations Incorporation Amendment Regulations	2004	30 December 2004
Associations Incorporation Amendment Regulations	2005	28 June 2005
Bills of Sale (Fees) Amendment Regulations	2005	28 June 2005
Builders' Registration Amendment Regulations	2005	28 June 2005
Business Names Amendment Regulations	2005	28 June 2005
Business Names Amendment Regulations	(No. 2) 2004	20 July 2004
Chattel Securities Amendment Regulations	2005	28 June 2005
<i>Co-operative and Provident Societies Act</i> Amendment Regulations	2004	30 December 2004
Co-operative and Provident Societies Amendment Regulations	2005	11 January 2005
Commercial Tenancy (Retail Shops) Agreements Amendment Regulations	2004	30 December 2004
Consumer Credit (Western Australia) Code Regulations Amendment Order	2004	31 December 2004
Credit (Administration) Amendment Regulations	2005	28 June 2005
Credit Amendment Regulations	2004	30 December 2004
Debt Collectors Licensing Amendment Regulations	2004	30 December 2004
Door to Door Trading Amendment Regulations	2004	13 August 2004
Employment Agents Amendment Regulations	(No. 2) 2004	30 December 2004
Fair Trading (Fitness Industry Code of Practice) Regulations	2004	20 August 2004
Fair Trading (Product Information Standard) Regulations	2005	29 June 2005
Fair Trading (Product Information Standard) Amendment Regulations	2004	1 October 2004
Fair Trading (Product Information Standard) Amendment Regulations	(No. 2) 2004	5 November 2004
Fair Trading (Product Information Standard) Amendment Regulations	(No. 3) 2004	31 December 2004
<i>Finance Brokers Control Amendment Act</i>	(No. 53) 2004	26 November 2004
Finance Brokers Control (General) Amendment Regulations	(No. 2) 2004	30 December 2004
Hairdressers Registration Amendment Regulations	2005	28 June 2005
Hire-Purchase (General) Amendment Regulations	2004	30 December 2004
Home Building Contracts (Home Indemnity Insurance Exemptions) Amendment Regulations	2004	16 November 2004
Land Valuers Licensing Amendment Regulations	2004	30 December 2004
Land Valuers Licensing Amendment Regulations	2005	28 June 2005

Table 29: Consumer Protection amendments to written law 2004-05

Written law	Number	Gazettal date
Limited Partnerships Amendment Rules	2005	28 June 2005
<i>Motor Vehicle Dealers Amendment Act</i>	(No. 2) 2003	21 December 2004 31 December 2004
Motor Vehicle Dealers (Licensing) Amendment Regulations	2005	28 June 2005
Painters' Registration Board Amendment Rules	2004	30 December 2004
Painters' Registration Board Amendment Rules	2005	28 June 2005
Real Estate and Business Agents (General) Amendment Regulations	(No. 2) 2004	30 December 2004
Residential Tenancies Amendment Regulations	2005	29 April 2005
Residential Tenancies Amendment Regulations	2004	24 December 2004
Retirement Villages Amendment Regulations	2004	30 December 2004
Settlement Agents Amendment Regulations	(No. 3) 2004	21 January 2005
Settlement Agents Amendment Regulations	(No. 4) 2004	30 December 2004
Travel Agents Amendment Regulations	2004	31 December 2004
Travel Agents (Exemption) Order	2004	31 December 2004
Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulations	(No. 3) 2004	30 December 2004
Weights and Measures Amendment Regulations	2005	28 June 2005

Energy Safety

Amendments that DOCEP initiated during the year are outlined in Table 30 below.

Table 30: Energy Safety amendments to written law 2004-05

Written law	Number	Gazettal date
Electricity (Licensing) Amendment Regulations	(No. 2) 2004	13 July 2004
Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations	(No. 1) 2004	13 July 2004
Energy Coordination (Designation of Inspectors) Amendment Regulations	(No. 1) 2004	5 November 2004
Electricity Amendment Regulations	(No. 1) 2004	9 November 2004
Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations	(No. 2) 2004	30 December 2004
Electricity (Licensing) Amendment Regulations	(No. 3) 2004	30 December 2004

WorkSafe

Amendments that DOCEP initiated during the year are outlined in Table 31 below.

Table 31: WorkSafe amendments to written law 2004-05

Written law	Number	Gazettal date
Occupational Safety and Health Amendment Regulations	(No. 3) 2004	22 October 2004
<i>Occupational Safety and Health Legislation Amendment and Repeal Act 2004</i> (Proclamation)	(No. 51) 2004	14 December 2004
Occupational Safety and Health Amendment Regulations	(No. 6) 2004	14 December 2004
Occupational Safety and Health Amendment Regulations	2005	7 January 2005
Occupational Safety and Health Amendment Regulations	(No. 3) 2005	4 March 2005
Occupational Safety and Health Amendment Regulations	(No. 4) 2005	1 April 2005
Occupational Safety and Health Amendment Regulations	(No. 8) 2005	28 June 2005

APPENDIX THREE

MEMORANDA OF UNDERSTANDING, CO-AGENCY AGREEMENTS AND INSTRUMENTS OF DECLARATION

Memoranda of understanding

DOCEP recognises the benefits derived from working collaboratively with external parties by negotiating a number of Memoranda of Understandings (MOUs) with a range of organisations within the public and private sector. These MOUs provide a structured and formal arrangement for information sharing, and are designed to improve the flow of information between parties where the two have a common interest or legislative responsibility.

In most cases the scope of MOUs is limited to selected areas of mutual interest, so there are limited powers of request and exchange. At all times the information exchanged is in accordance with a legislative power to do so, and always with regard to other governing legislation such as the *Privacy Act 1988 (Cwth)*.

Examples of agencies/bodies that DOCEP had MOUs with during 2004-05 include:

- Australian Competition and Consumer Commission (ACCC)
- Australian Securities and Investments Commission (ASIC)
- Australian Taxation Office
- Comcare (provision of investigation services)
- Consumers' Association
- CrimTrac Agency (Commonwealth)
- Department of Immigration and Multicultural and Indigenous Affairs
- Department of Planning and Infrastructure

Co-agency agreements

Co-agency Agreements in place during 2004-05 have been with:

- Australian Marine Safety Authority
- Department for Planning and Infrastructure (monitoring of fatigue management in the omnibus industry, marine safety and rail safety)
- Department of Industry and Resources (occupational safety and health legislation)
- Fire and Emergency Services Authority
- Western Australian Police Service

Instruments of declaration

The Minister for Consumer and Employment Protection enters into Instruments of Declaration with the Minister for State Development under Section 4(3) of the *Occupational Safety and Health Act 1984*, where jurisdiction may overlap. During 2004-05 the following instruments were in operation:

- BHP Iron Ore's dry-docking operations at Nelson Point
- Part of Griffin Coal Mining Company Ltd operations in Collie
- Any railway or rolling stock operated, managed or controlled by the Pilbara Rail Company Pty Ltd
- Any railway or rolling stock operated, managed or controlled by Pilbara Iron Pty Ltd

APPENDIX FOUR

PROSECUTIONS, INVESTIGATIONS AND REVIEWS

CONSUMER PROTECTION PROSECUTIONS

The following table provides details and results of prosecution action finalised during 2004-05 by the Legal Unit of Consumer Protection. The table also includes prosecution actions undertaken on behalf of the Real Estate and Business Agents Supervisory Board and the Settlement Agents Supervisory Board.

Table 32: Consumer Protection prosecutions 2004-05

Name/Defendant/ Parties	Legislation	Offence	Fine	Court Costs
Abundant Life Ministries WA Inc & Faith Chapel Inc	<i>Associations Incorporation Act 1987</i> (s31)	Application to wind up association.	Application successful	\$0.00
Commissioner on behalf of consumer Joel Camp	<i>Consumer Affairs Act 1971</i> (s18)	Representation by Commission on behalf of a consumer. Claim for conversion of a motor vehicle purchase by consumer.	\$4,000.00 paid to consumer	\$0.00
AVCO Financial Services Ltd	<i>Credit Act 1984</i> (ss 85; ss86)	Consumer credit grant settlement.	\$85,000.00	\$5,000.00
Directors Paul Matthews & John Whitley of Joka Group Pty Ltd t/as Home Ownership Company WA	<i>Door to Door Trading Act 1987</i> (s7; s18)	Flawed supply contract and harassment of consumers.	Company fined \$3,000.00 Paul Matthews fined \$1,000.00 John Whitley fined \$1,500.00	\$0.00
Director Iain Melotte of OPES Group	<i>Door to Door Trading Act 1987</i> (s7)	Failure to act in best interests of client.	\$4,750.00	\$0.00
Darren Warrilow	<i>Door to Door Trading Act 1987</i> (s7; s8)	Itinerant door-to-door trader of painting and roofing work.	\$3,500.00	\$1,219.00
Jason Robinson	<i>Door to Door Trading Act 1987</i> (s7; s8)	Failing to comply with various requirements.	\$3,500.00	\$1,219.00
Director Kevin Archer of Cash Care	<i>Door to Door Trading Act 1987</i> (s7)	Failure to provide forms and clauses in contract.	\$400.00	\$250.00
Director Stefan Williams of Cash Care	<i>Door to Door Trading Act 1987</i> (s7)	Failure to provide forms and clauses in contract in relation to a debt reduction program.	\$400.00	\$250.00
Multiclad Group Pty Ltd t/as Multiclad Australia	<i>Fair Trading Act 1987</i> (s12)	Misrepresentations of Industry Affiliations.	\$1,500.00	\$1,800.00
Julie Fong Yoke Chin	<i>Fair Trading Act 1987</i> (s24(4)(b); s69)	Amazing Grace – pyramid sales scheme.	\$5,000.00	\$0.00
Ross Douglas Turbett and Yvonne Dorothy Turbett t/as Warnbro Quality Meats	<i>Fair Trading Act 1987</i> (s12(1)(a))	Short weight meat products.	\$1,200.00	\$450.00

Table 32: Consumer Protection prosecutions 2004-05 cont'd

Name/Defendant/ Parties	Legislation	Offence	Fine	Court Costs
Colin & Diana Price	<i>Fair Trading Act 1987</i> (s24)	Abundance pyramid sales scheme.	Each fined \$1,750.00	Each charged \$68.00
Director Iain Melotte t/as City Finance (WA) Pty Ltd	<i>Finance Brokers Control Act 1975</i> (s44(6))	Exceeded maximum remuneration schedule for Finance Brokers.	\$500.00	\$0.00
John Margaria	<i>Finance Brokers Control Act 1975</i> (s82)	Inappropriate conduct.	Permanent Disqualification	\$3,000.00
Leslie Butson of Eyetim Pty Ltd	<i>Finance Brokers Control Act 1975</i> (s48(1); s48(5)(b); s48(5)(c); s50(1))	Breaches of the requirements for an audit.	Reprimand	\$0.00
Rodney Gardiner	<i>Land Valuers Licensing Act 1978</i> (s27(1))	Negligence and incompetence as a licenced valuer.	\$800.00	\$2,000.00
Christopher Dawson	<i>Motor Vehicle Dealers Act 1973</i> (s30)	Unlicensed motor vehicle dealings.	\$8,000.00	\$250.00
Sean Beaumaster	<i>Motor Vehicle Dealers Act 1973</i> (s30)	Unlicensed motor vehicle dealings.	\$500.00	\$0.00
Director Bill Bagga of Farm Cove Pty Ltd t/as Action Motors	<i>Motor Vehicle Dealers Act 1973</i> (s42A(5))	Flawed motor vehicle sales contracts.	Bill Bagga fined \$400.00 Farm Cove Pty Ltd fined \$4,000.00	Bill Bagga \$0.00 costs Farm Cove Pty Ltd \$399.50 costs
Garry Victor Coe	<i>Motor Vehicle Dealers Act 1973</i> (s17(1)(b); s20)	Not a fit and proper person to hold a salesperson's licence.	2 year disqualification	\$0.00
Londy Pty Ltd t/as Purely Commercials	<i>Motor Vehicle Dealers Act 1973</i> (s45)	False representations about the number of kilometres a vehicle had travelled.	\$2,000.00	\$0.00
Director Denise Wellstead of I & D Nominees t/as Roy Weston Bassendean	<i>Real Estate and Business Agents Act 1978</i> (s64(2) and Article 10(2) – code of conduct)	Inappropriate dealings.	\$3,000.00	\$0.00
Rolf Voulon t/as Biltrad Global Investment Corporation Pty Ltd	<i>Residential Tenancies Act 1987</i> (s29(4)(a)(b)(d))	Bond not lodged in trust account.	\$1,000.00	\$600.00
Rolf Voulon t/as Biltrad Global Investment Corporation Pty Ltd	<i>Residential Tenancies Act 1987</i> (s54(1)(b))	Non provision of fully executed lease to tenant.	\$500.00	\$663.70
Electronics Boutique Australia Pty Ltd	<i>Retail Trading Hours Act 1987</i>	Out of regulated hours trading.	\$600.00	\$0.00
Marilyn De Grussa	<i>Travel Agents Act 1985</i> (s7(1))	Unlicensed travel agent.	Intensive Supervision Order	\$586.00

Table 32: Consumer Protection prosecutions 2004-05 cont'd

Name/Defendant/ Parties	Legislation	Offence	Fine	Court Costs
Allenhill Pty Ltd t/as Dewsons Riverton	<i>Weights and Measures Act 1915 (s27(G))</i>	Short weight pre-packed products.	\$250.00	\$150.00
Wesfarmers Kleenheat Gas Pty Ltd	<i>Weights and Measures Act 1915 (s27(G))</i>	Short weight gas bottles.	\$5,000.00	\$349.00
Wayne McFaddyen t/as S & W Industries	<i>Weights and Measures Act 1915 (s27G))</i>	Short weight firewood.	\$800.00	\$370.00
Brian Luff and Lavina Luff t/as Budget Soils & Garden Supplies	<i>Weights and Measures Act 1915 (s27G))</i>	Short weight mulch and manure.	Brian Luff fined \$1,200.00 Lavina Luff fined \$500.00	Brian Luff - \$176.00 costs Lavina Luff - \$0.00 costs
Action Supermarkets Pty Ltd t/as Action Supermarket Halls Head, Stirling, Kalamunda	<i>Weights and Measures Act 1915 (s27(G))</i>	Short weight pre-packed bakery products.	\$15,000.00	\$3,175.00
Action Supermarkets Leda	<i>Weights and Measures Act 1915 (s27G(2)(a))</i>	Short weight products.	\$20,000.00	\$3,399.00

Real Estate & Business Agents Supervisory Board Outcomes

Ian Butler	<i>Real Estate and Business Agents Act 1978 (s132(a)(ii))</i>	Failed to give substantial time and attention to the business.	Caution	\$500.00
Torquay Securities Pty Ltd t/as Torrens Real Estate	<i>Real Estate and Business Agents Act 1978 (s54(1))</i>	Employed unregistered and unlicensed real estate sales representative.	\$0.00	\$4,000.00
Joseph Stephen Miranda of Torquay Securities Pty Ltd t/as Torrens Real Estate	<i>Real Estate and Business Agents Act 1978 (Article 7 of the Code of Conduct)</i>	Failed to exercise skills, care and diligence.	Suspended fine of \$1,000.00 on the condition that Mr Miranda complete a course in Contract Law for Real Estate or equivalent within 6 months.	\$1,000.00
Gavan Antonovich of Torquay Securities Pty Ltd t/as Torrens Real Estate	<i>Real Estate and Business Agents Act 1978 (Article 6(2) of the Code of Conduct)</i>	Failed to adequately supervise the agency business.	\$1,000.00	\$0.00
Abbas Cheaib of Torquay Securities Pty Ltd t/as Torrens Real Estate	<i>Real Estate and Business Agents Act 1978 (s44(2))</i>	Holding himself out as a real estate sales representative whilst not the holder of a current registration certificate.	\$1,000.00	\$0.00

Table 32: Consumer Protection prosecutions 2004-05 cont'd

Name/Defendant/ Parties	Legislation	Offence	Fine	Court Costs
Acecove Nominees Pty Ltd	<i>Real Estate and Business Agents Act 1978</i> (s30(3); s34(3))	Failing to comply with special conditions of triennial certificate.	Reprimand	\$0.00
Roderick John Crofts of Blacklaw Pty Ltd t/as LJ Hooker Karratha	<i>Real Estate and Business Agents Act 1978</i> (Breach of Articles 5(1); 5(2),2; 4(2) of Code of Conduct)	Failure to act fairly and honestly - misleading and deceptive conduct; failure to act in best interests of principal; failure to act in accordance with instruction of principal.	No penalty. A bar was placed on Mr Crofts' certificate of registration to prevent it being renewed before December 2009.	\$0.00
Seaway Holdings Pty Ltd	<i>Real Estate and Business Agents Act 1978</i> (s60(3) plus Breach of Articles 5(1); 5(2); 8(2); 4(1); 4(3) of Code of Conduct)	Received commission without valid appointment to act; failure to act fairly and honestly; misleading and deceptive conduct; failure to communicate facts material to a transaction to person affected; act as agent without written authority; advertise real estate without written authority.	\$1,000.00	\$1,000.00
William Francis Shire of Seaway Holdings Pty Ltd	<i>Real Estate and Business Agents Act 1978</i> Breach of Article 6(2) of Code of Conduct	Failure to properly supervise agency business.	Reprimand	\$1,000.00
Allan Brown of Seaway Holdings Pty Ltd	<i>Real Estate and Business Agents Act 1978</i> (s47(1)(b) plus Breach of Articles 5(1); 5(2); 5(3); 8(2); 4(1); 4(3) of the Code of Conduct)	Board not satisfied that Mr Brown is a person of good character and repute and a fit and proper person to hold a certificate of registration. Failure to act fairly and honestly; harsh or unconscionable conduct; knowingly misled or deceived parties in negotiations or transaction; failure to communicate material facts to any person affected; failure to obtain written authority to act; advertised real estate without written authority.	\$3,000.00 Certificate cancelled for one year	\$3,000.00

Table 32: Consumer Protection prosecutions 2004-05 cont'd

Name/Defendant/ Parties	Legislation	Offence	Fine	Court Costs
Leslie Robert Patton of Rosewell Corporation Pty Ltd t/as DRE Property Management	<i>Real Estate and Business Agents Act 1978</i> (s68(4); s68(6)(d); s68(6)(a); s68(6)(c); s68(1))	Misconduct in relation to trust account.	Company's licence cancelled. Mr Patton's licence cancelled and Mr Patton fined \$5,000.00	\$0.00
Douglas Frank Brewer t/as National Australia Realty	<i>Real Estate and Business Agents Act 1978</i> (Breach of s64(4); Article 6(1) of the Code of Conduct)	Agent held reward or valuable consideration in relation to transaction in respect of which agent or employee had interest. Failure to properly supervise agency business.	\$3,000.00 fine Licence cancelled & disqualified for 5 years	\$39,093.25
Martin Banning t/as Quinn Martin Corp International	<i>Real Estate and Business Agents Act 1978</i> (Breach of Articles 5(1); 10(1) of the Code of Conduct)	Failure to act fairly and honestly. Agent accepted engagement to act or continued to act, where his interest is in conflict with that of principal.	\$1,000.00 Licence cancelled; disqualified permanently	\$39,093.25
JE and ME Davies t/as Davies First National	<i>Real Estate and Business Agents Act 1978</i> (s54(1))	Non-adherence to Act in relation to employment of a sales representative.	\$2,000.00	Combined amount of \$8,000.00
James Ernest Davies t/as Davies First National	<i>Real Estate and Business Agents Act 1978</i> (Breach of Article 6(2) of the Code of Conduct)	Failure to properly supervise the agency business.	\$1,000.00	
David Cowley Real Estate t/as Ray White (South Perth)	<i>Real Estate and Business Agents Act 1978</i> (Breach of Articles 5(2); (7) of the Code of Conduct)	Misleading or deceptive conduct; failure to exercise skill, care and diligence.	\$1,000.00 and reprimand	\$7,000.00 global amount in costs
David Leigh Cowley of David Cowley Real Estate	<i>Real Estate and Business Agents Act 1978</i> (Breach of Article 6(2) of the Code of Conduct)	Failure to properly supervise the agency business.	Caution	\$7,000.00 global amount in costs
Patricia Cowley of David Cowley Real Estate	<i>Real Estate and Business Agents Act 1978</i> (Breach of Article 5(2) of the Code of Conduct)	Misleading and deceptive conduct.	\$1,500.00	\$7,000 global amount in costs

Supervisory & Settlement Agents Board Outcomes

Rosvin Pty Ltd t/as Champion Bay Settlements	<i>Settlement Agents Act 1981</i> (s49(6)(a); 49(6)(d))	Failure to maintain a full and accurate account of trust monies.	\$3,000.00	\$1,000.00
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Table 32: Consumer Protection prosecutions 2004-05 cont'd

Name/Defendant/ Parties	Legislation	Offence	Fine	Court Costs
Susan Pollard	<i>Settlement</i> <i>Agents Act 1981</i> Breach of s42(2); s49(4); s84(2)(d) Rule 15, Rule 19	Failing to act honestly.	Permanent Disqualification	\$0.00
Brulee Pty Ltd t/as LJW Settlement Services	<i>Settlement</i> <i>Agents Act 1981</i> Breach of s49(2); s49(4); s84(2)(d) Rule 15, Rule 19	Failing to act honestly.	Permanent Disqualification	\$0.00
Daglish Holdings Pty Ltd t/as Simply Settlements	<i>Settlement</i> <i>Agents Act 1981</i> s46(3)(b) and Rule 9, Rule 16	Failure to communicate all available pertinent facts concerning a transaction.	Fine \$500.00 Penalty \$1,500.00	\$500.00
Strand Settlements Pty Ltd t/as Strand Settlement Services	<i>Settlement</i> <i>Agents Act 1981</i>	Unlawful payment of monetary rewards to Roy Weston franchisees that referred buyers and sellers to the agency.	\$8,250.00	\$10,300.00

Plumbers Licensing Board Outcomes

Graeme Black	<i>Water Services Coordination Act 1995</i> (Regulation 9(1))	Unlicensed plumbing work.	\$750.00	\$368.45
Dennis Rhodes	<i>Water Services Coordination Act 1995</i> (Regulation 9(1))	Unlicensed plumbing work.	\$750.00	\$310.45
Jacobus Van Der Kooij	<i>Water Services Coordination Act 1995</i> (Regulation 9(1))	Unlicensed plumbing work.	\$200.00	\$310.45
Ronald Newport	<i>Water Services Coordination Act 1995</i> (Regulation 9(1))	Unlicensed plumbing work.	\$200.00	\$0.00
Ron Speldewinde	<i>Water Services Coordination Act 1995</i> (Regulation 9(1))	Unlicensed plumbing work.	\$1,000.00	\$72.50

ENERGY SAFETY PROSECUTIONS

The following table provides details and results of prosecution action finalised during 2004-05 by Energy Safety:

Table 33: Energy Safety prosecutions 2004-05

Name (and suburb of residence at time of offence)	Legislation	Offence	Fine	Court Costs
Keith Child (Mindarie)	<i>Energy Coordination Act 1994</i> Section 20(3)	Gave false and misleading information in regards to his gas licence status to his employer and Alinta.	* \$500.00	* \$288.45
Western Power Corporation t/as Western Power (Perth)	Electricity Regulations 1947 Regulation 242	Connected electricity supply without ensuring that all service apparatus was installed and maintained in a safe manner.	\$15,000.00	\$343.45
Western Power Corporation t/as Western Power (Perth)	Electricity Regulations 1947 Regulation 242	Connected electricity supply without ensuring that all service apparatus was installed and maintained in a safe manner.	\$15,000.00	\$683.45
Western Power Corporation t/as Western Power (Perth)	Electricity Regulations 1947 Regulation 242	Connected electricity supply without ensuring that all service apparatus was installed and maintained in a safe manner.	\$15,000.00	\$343.45
Western Power Corporation t/as Western Power (Perth)	Electricity Regulations 1947 Regulation 242	Connected electricity supply without ensuring that all service apparatus was installed and maintained in a safe manner.	\$13,000.00	\$1,500.00
Western Power Corporation t/as Western Power (Perth)	Electricity Regulations 1947 Regulation 242	Connected electricity supply without ensuring that all service apparatus was installed and maintained in a safe manner.	\$15,000.00	\$343.45
Western Power Corporation t/as Western Power (Perth)	Electricity Regulations 1947 Regulation 242	Connected electricity supply without ensuring that all service apparatus was installed and maintained in a safe manner.	\$15,000.00	\$343.45
Nathaniel James (Albany)	Electricity (Licensing) Regulations 1991 Regulation 19(1)	Carried out electrical work without holding an electrical workers licence.	\$1,000.00	\$278.45
Scott MacKenzie (Esperance)	Electricity (Licensing) Regulations 1991 Regulation 19(1)	Carried out electrical work without holding an electrical workers licence.	*	*

Table 33: Energy Safety prosecutions 2004-05 cont'd

Name (and suburb of residence at time of offence)	Legislation	Offence	Fine	Court Costs
Neil Gascoyne (Karrinyup)	Electricity (Licensing) Regulations 1991 Regulation 19(1)	Carried out electrical work without holding an electrical workers licence.	\$2,000.00	\$233.45
Michael Jelly (Waikiki)	Electricity (Licensing) Regulations 1991 Regulation 19(1)	Carried out electrical work without holding an electrical workers licence.	\$1,000.00	\$333.45
David Lloyd (Edgewater)	Electricity (Licensing) Regulations 1991 Regulation 19(1)	Carried out electrical work without holding an electrical workers licence.	\$1,000.00	\$388.45
Gordon Elam (Maddington)	Electricity (Licensing) Regulations 1991 Regulation 19(1)	Carried out electrical work without holding an electrical workers licence.	\$750.00	\$345.00
Simon Atkinson (Karratha)	Electricity (Licensing) Regulations 1991 Regulation 49(1)	Carried out substandard electrical work.	\$500.00 *	\$428.45 *
Mark Berkelmans (Connolly)	Electricity (Licensing) Regulations 1991 Regulation 49(1)	Carried out substandard electrical work.	\$2,000.00 *	\$322.45 *
Ronald Costen (Joondalup)	Electricity (Licensing) Regulations 1991 Regulation 49(1)	Carried out substandard electrical work.	\$2,500.00	\$144.20
Michael Gorton (Kelmscott)	Electricity (Licensing) Regulations 1991 Regulation 49(1)	Carried out substandard electrical work.	\$500.00	\$310.45
Bradley Hotker (Albany)	Electricity (Licensing) Regulations 1991 Regulation 49(1)	Carried out substandard electrical work.	*	*
Scott MacKenzie (Esperance)	Electricity (Licensing) Regulations 1991 Regulation 49(1)	Carried out substandard electrical work.	\$3,000.00 *	\$523.45 *
Simrat Singh (Willetton)	Electricity (Licensing) Regulations 1991 Regulation 49(1)	Carried out substandard electrical work.	\$750.00	\$332.45
Travis Stephens (Leeming)	Electricity (Licensing) Regulations 1991 Regulation 49(1)	Carried out substandard electrical work.	\$1,500.00	\$299.70
Bradley Morrissey (Bullsbrook)	Electricity (Licensing) Regulations 1991 Regulation 49(1)	Carried out substandard electrical work.	\$1,000.00	\$568.90

Table 33: Energy Safety prosecutions 2004-05 cont'd

Name (and suburb of residence at time of offence)	Legislation	Offence	Fine	Court Costs
Bruce McKenna (Pannawonica)	Electricity (Licensing) Regulations 1991 Regulation 50A	Permitted unsafe wiring or equipment to be connected.	\$650.00	\$420.70
Bradley Hotker t/as Brad Hotker Electrics (Albany)	Electricity (Licensing) Regulations 1991 Regulation 52(3)	Submitted a Notice of Completion to the relevant supply authority in respect of electrical installing work not completed.	\$1,500.00 *	\$278.45 *
Lorrans Electrical Services (Joondalup)	Electricity (Licensing) Regulations 1991 Regulation 52(3)	Submitted a Notice of Completion to the relevant supply authority in respect of electrical installing work not completed.	\$1,500.00	\$144.25
Mark's Electrical Contracting Service (Connolly)	Electricity (Licensing) Regulations 1991 Regulation 52(3)	Submitted a Notice of Completion to the relevant supply authority in respect of electrical installing work not completed.	*	*
Coral Coast Electrical (West Perth)	Electricity (Licensing) Regulations 1991 Regulation 52(3)	Submitted a Notice of Completion to the relevant supply authority in respect of electrical installing work not completed.	\$4,500.00	\$310.45
Western Mining Corporation t/as Leinster Nickel Operations (Leinster)	Electricity (Licensing) Regulations 1991 Regulation 53(2)	Employed/instructed an unlicensed person to carry out electrical work.	\$200.00	\$257.70
Richard MacFarlan (Derby)	Electricity (Licensing) Regulations 1991 Regulation 53(2)	Employed/instructed an unlicensed person to carry out electrical work.	\$1,200.00	\$343.45
Reece Craddock (Bullsbrook)	Electricity (Licensing) Regulations 1991 Regulation 63	Failed to report an electrical accident.	\$100.00	\$277.70
Mark Daley (Bullsbrook)	Electricity (Licensing) Regulations 1991 Regulation 63	Failed to report an electrical accident.	\$100.00	\$217.70
Western Power Corporation t/as Western Power (Perth)	Electricity (Supply Standards and System Safety) Regulations 2001 Regulation 10	Did not ensure that prescribed activities were, so far as was reasonable and practicable, carried out in a way as to ensure the safety of persons.	\$10,000.00	\$7,500.00

Table 33: Energy Safety prosecutions 2004-05 cont'd

Name (and suburb of residence at time of offence)	Legislation	Offence	Fine	Court Costs
Raymond Noon (Parmelia)	<i>Gas Standards Act 1972</i> Section 13A	Carried out gasfitting work while not holding a Certificate of Competency, Permit or Authorisation.	\$500.00	\$288.45
Grant Otto (Gooseberry Hill)	<i>Gas Standards Act 1972</i> Section 13A	Carried out gasfitting work while not holding a Certificate of Competency, Permit or Authorisation.	\$250.00	\$233.45
Keith Child (Mindarie)	<i>Gas Standards Act 1972</i> Section 13A(2)	Carried out unauthorised gasfitting work.	*	*
Clinton Koulouvi (North Perth)	<i>Gas Standards Act 1972</i> Section 13A(2)	Carried out unauthorised gasfitting work.	\$1,500.00	\$444.00
Russell Lally (Kewdale)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Regulation 18(1)	Failed to ensure gasfitting work was carried out in a safe manner.	\$1,500.00 *	\$310.45 *
Paul Sawyer (Woodlands)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Regulation 18(1)	Failed to ensure gasfitting work was carried out in a safe manner.	\$1,000.00 *	\$343.45 *
Paul Sawyer (Woodlands)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Regulations 18(2)(a)(i), 19(a)	Failed to ensure that every part of the gas installation on which the work was done or that was effected by the work, complied with the requirements referred to in Regulation 32.	*	*
Russell Lally (Kewdale)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Regulation 26(1)	Did not ensure that the gas installation was made gas-tight.	*	*
Martin Power (Joondalup)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Regulation 27(2)	Failed to submit a preliminary notice to the gas supplier before the work commenced.	\$600.00 *	\$233.45 *

Table 33: Energy Safety prosecutions 2004-05 cont'd

Name (and suburb of residence at time of offence)	Legislation	Offence	Fine	Court Costs
Martin Power (Joondalup)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Regulation 28(2)	Failed to fit a compliance badge to the gas installation.	*	*
Alan Dalby (Trigg)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Regulation 28(2)	Failed to fit a compliance badge to the gas installation.	\$700.00 *	\$340.00 *
Michael Palassis (Atwell)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Regulation 28(2)	Failed to fit a compliance badge to the gas installation.	\$2,500.00 *	\$343.45 *
Peter Clements (Willetton)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Regulation 28(2)	Failed to fit a compliance badge to the gas installation.	\$800.00 *	\$443.45 *
Tyrone Harston (Coolbellup)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Regulation 28(2)	Failed to fit a compliance badge to the gas installation.	\$800.00 *	\$443.45 *
Martin Power (Joondalup)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Regulation 28(3a)(b)	Failed to submit a Notice of Completion to the gas supplier.	*	*
Alan Dalby (Trigg)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Regulation 28(3a)(b)	Failed to submit a Notice of Completion to the gas supplier.	*	*
Michael Palassis (Atwell)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Regulation 28(3a)(b)	Failed to submit a Notice of Completion to the gas supplier.	*	*
Peter Clements (Willetton)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Regulation 28(3a)(b)	Failed to submit a Notice of Completion to the gas supplier.	*	*

Table 33: Energy Safety prosecutions 2004-05 cont'd

Name (and suburb of residence at time of offence)	Legislation	Offence	Fine	Court Costs
Tyrone Harston (Coolbellup)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Regulation 28(3a)(b)	Failed to submit a Notice of Completion to the gas supplier.	*	*
Martin Power (Joondalup)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Regulation 28(3a)(c)	Failed to give a copy of the Notice of Completion to the customer.	*	*
Michael Palassis (Atwell)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Regulation 28(3a)(c)	Failed to give a copy of the Notice of Completion to the customer.	*	*
Peter Clements (Willetton)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Regulation 28(3a)(c)	Failed to give a copy of the Notice of Completion to the customer.	*	*
Tyrone Harston (Coolbellup)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Regulation 28(3a)(c)	Failed to give a copy of the Notice of Completion to the customer.	*	*
Tyrone Harston (Coolbellup)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Regulations 30(1)(a), 30(1)(b)	Failed to ensure gasfitting work was made to comply with regulations and provide a Notice of Rectification within 7 days.	*	*
Keith Child (Mindarie)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Regulation 38(1)	Represented himself as an authorised gas fitter when he was not authorised and falsified documentation (Notices of Completion), knowing that he was not an authorised gas fitter.	*	*
Michael Palassis (Atwell)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Clause 602(1)(a)	Failed to install a suitable fire resistant barrier on a timber wall behind a water heater.	*	*

Table 33: Energy Safety prosecutions 2004-05 cont'd

Name (and suburb of residence at time of offence)	Legislation	Offence	Fine	Court Costs
Allan Walton (Maddington)	Gas Standards (Gas Supply and System Safety) Regulations 2000 Regulation 21(1)(b)	Carried out an activity which resulted in damage to a live gas main.	\$300.00	\$328.45

* Global penalty (more than one offence)

LABOUR RELATIONS PROSECUTIONS

Table 34 provides details and results of prosecution action finalised during 2004-05 by Labour Relations.

Table 34: Labour Relations prosecutions 2004-05

Name/Defendant/ Parties	Legislation	Offence	Fine	Court Costs
Joseph McDonald	<i>Industrial Relations Act 1979</i> (Section 49J(5))	Authorised representative acted improperly.	Convicted Authority suspended for 3 months.	
Michael Buchan	<i>Industrial Relations Act 1979</i> (Section 49J(5))	Authorised representative acted improperly.	Convicted Authority suspended for 3 months.	
Eco Tours Pty Ltd t/as Western Travel Bug	<i>Industrial Relations Act 1979</i>	Failure to pay State award entitlements.	Convicted Fine \$660.00 Payment \$7,082.00.	\$127.00
Andrew Robert Mackay (Etto)	<i>Industrial Relations Act 1979</i> (Section 102(1))	Obstruction.	Convicted Fine \$650.00	\$72.00
Choppin Patisserie	<i>Industrial Relations Act 1979</i>	Failure to pay State award entitlements.	Convicted Payment \$4,933.00	
Andrew Robert Mackay (Etto)	<i>Industrial Relations Act 1979</i>	Failure to comply with IMC order. (Section 83E(1))	Convicted Fine \$2,000.00	
Olten Pty Ltd t/as MSA Security	<i>Industrial Relations Act 1979</i>	Failure to pay Federal award entitlements.	Settled through pre-trial process	
Madison Avenue	<i>Minimum Conditions of Employment Act 1993</i>	Failure to pay <i>Minimum Conditions of Employment Act 1993</i> entitlements.	Convicted Fine \$3,825.00 Payment \$6,160.00	
Palace Cinemas	<i>Workplace Relations Act 1979</i>	Failure to pay Federal award entitlements.	Settled through pre-trial process	
Bijan Adel t/as Vulcan's Café & Lunch Bar	<i>Industrial Relations Act 1979</i>	Failure to pay State award entitlements.	Convicted Fine \$500.00 Payment \$4,825.00	

WORKSAFE PROSECUTIONS

Table 35 provides details of convictions recorded during 2004-05 for breaches of the *Occupational Safety and Health Act 1984* and the *Occupational Safety and Health Regulations 1996*. It does not include matters known to be under appeal as at 30 June 2005.

Table 35: WorkSafe prosecutions 2004-05

Name/Defendant/ Parties	Legislation	Offence	Fine	Court Costs
Lempira Holdings Pty Ltd	Sections 19(1) and 19(7)	Failed to provide and maintain a working environment in which employees were not exposed to hazards, causing serious harm to an employee.	\$30,000.00	\$607.70
Golden Mile Orchards Pty Ltd	Section 19(3)	Failed to forthwith notify the Commissioner of a prescribed injury to an employee.	\$3,000.00	\$387.70
	Regulation 4.37(1)(f)	Failed to provide measures to prevent, as far as was practicable, the use of plant, in a manner that could render that plant a hazard to a person at the workplace.	\$5,000.00	
Lomwest Pty Ltd t/as Dewsons Mandurah	Regulation 4.55(a)	Failed to ensure that an industrial lift truck was operated in accordance with AS 2359.2.	\$2,500.00	
	Regulation 4.55(1)	Failed to ensure that a person who had reached 17 years of age operated an industrial lift truck in accordance with Regulation 4.55(1)(b).	\$2,500.00	
Calamar Enterprises Pty Ltd t/as Harlsan Industries	Regulation 3.98(1)(b)	Failed to ensure that a flashback arrester was fitted to the blowpipe of a manifolded cylinder pack.	\$1,500.00 Global Fine	\$218.45
	Regulation 3.98(1)(b)	Failed to ensure that a flashback arrester was fitted on the operator's side of each regulator connection or gas discharge of a manifold cylinder pack		
	Regulation 3.34(1)(e)	Failed to ensure that the area of the workplace at which personal protective equipment was required to be used was identified by signs in accordance with and complying with AS 1319.		

Table 35: WorkSafe prosecutions 2004-05 cont'd

Name/Defendant/ Parties	Legislation	Offence	Fine	Court Costs
Mark Browner	Regulation 3.55(1)(a)	A self-employed person at a workplace failed to ensure that compliant edge protection was provided and kept in place where there was a risk that he could fall 2 or more metres from a scaffold at the workplace.	\$300.00	\$178.45
Gus Mulder	Sections 20(1)(a) and 20(4)	Failed to take reasonable care to ensure his own health and safety at work by being elevated on the tynes of a forklift truck.	\$300.00	\$178.45
Graham Johnson t/as Peroni's In the Park	Section 19(3)	Failed to forthwith notify the Commissioner of a prescribed injury to an employee.	\$50.00	\$178.45
Electronics Sheetmetal Pty Ltd t/as MSS Production Engineers	Regulation 4.37(1)(h)	Failed to ensure, as far as was practicable, that a guard provided was kept in position while the plant was operated.	\$1,500.00	\$178.45
Tony Fazzalari t/as Stonehaven Demolition Contractors	Regulation 3.117(2)	Did class 2 demolition work without an appropriate licence.	\$1,500.00	\$178.45
Remo Gullotto t/as Capital Demolition & Earthmoving	Regulation 3.117(1)	Did class 1 demolition work without an appropriate licence.	\$1,000.00	\$178.45
City of Bayswater	Regulation 3.117(2)	Holder of class 2 demolition licence did class 2 demolition work that was not in accordance with conditions 1 and 2 of licence.	\$500.00	\$178.45
	Regulation 3.124(1)	Failed to ensure security fencing was provided around the perimeter of the demolition site.	\$250.00	
Derby Industries Pty Ltd	Section 19(3)	Failed to forthwith notify the Commissioner of a prescribed injury to an employee.	\$1,200.00	\$178.45

Table 35: WorkSafe prosecutions 2004-05 cont'd

Name/Defendant/ Parties	Legislation	Offence	Fine	Court Costs
Sean O'Connor t/as Busselton Demolition	Regulation 5.50(a)	Failed to ensure that work involving the use of asbestos cement building materials at the workplace was done in accordance with section 9 of the <i>Code of Practice for the Safe Removal of Asbestos</i> [NOHSC: 2002 (1988)].	\$3,500.00	\$178.45
Challenge Dairy Cooperative Ltd	Regulation 4.37(1)(f)	Failed to ensure that every dangerous part of a fixed powered plant was, as far as practicable, securely fenced or guarded.	\$5,000.00	\$178.45
	Regulation 4.37A(2)	Failed to ensure that all hazards associated with and all energy sources of the plant were identified and to authorise a person to carry out the matters referred to in regulation 4.37A(2).	\$5,000.00	
AFI (WA) Pty Ltd t/as Australian Furniture Importers	Regulation 4.37(1)(f)	Failed to ensure that every dangerous part of a mobile powered plant was, as far as practicable, securely fenced or guarded.	\$2,500.00	\$178.45
Leslie Charles Bonner t/as L.C. Bonners Transport	Regulation 3.131(1)(a) x 6 charges	Failed to ensure that commercial vehicle drivers drove in accordance with regulation 3.132(2)(a).	\$10,000.00 Global Fine	\$233.45
KGT Freight Management Pty Ltd t/as KGT Freight Management	Section 19(3)	Failed to forthwith notify the Commissioner of a prescribed injury to an employee.	\$600.00	\$649.27
Bolaro Investments Pty Ltd t/as KGT Freight Management	Section 19(3)	Failed to forthwith notify the Commissioner of a prescribed injury to an employee.	\$600.00	See above
Chandler Macleod Group Ltd	Section 19(3)	Failed to forthwith notify the Commissioner of a prescribed injury to an employee.	\$2,500.00	\$178.45

Table 35: WorkSafe prosecutions 2004-05 cont'd

Name/Defendant/ Parties	Legislation	Offence	Fine	Court Costs
Anyco Pty Ltd	Sections 19(1) and 19(7)	Failed, so far as was practicable, to provide and maintain a working environment in which its employees were not exposed to hazards, causing serious harm to an employee.	\$12,000.00	\$508.45
Urbanstone Pty Ltd	Sections 19(1) and 19(7)	Failed, so far as was practicable, to provide and maintain a working environment in which its employees were not exposed to hazards and, in particular, in relation to plant, causing serious harm to an employee.	\$7,000.00	\$357.70
Todd Andrew Shearer	Sections 21(1)(b) and 21(3)	Failed so far as was practicable to ensure that the safety or health of a person not being his employee, was not adversely affected in part as a result of the work in which he was engaged, causing the death of that person.	\$12,000.00	\$1,500.00
Dean Barry Hammond	Sections 20(1)(b) and 20(4)	Failed to take reasonable care to avoid adversely affecting the safety or health of another person through an act at work, namely operating a forklift truck in such a way that the person was elevated approximately 2 metres above the ground on a pallet on the tynes of the forklift truck.	\$1,500.00	\$550.00
Golden Mile Orchards Pty Ltd	Regulation 4.37(1)(f)	Failed to provide measures to prevent, as far as was practicable, the use of plant, namely a powered take off on a spray tank unit, in a manner that could render that plant a hazard to a person at the workplace.	\$6,000.00	\$497.70

Table 35: WorkSafe prosecutions 2004-05 cont'd

Name/Defendant/ Parties	Legislation	Offence	Fine	Court Costs
Susac Nominees Pty Ltd	Sections 21(1)(b) and 21(2)	Failed, so far as was practicable, to ensure that the safety or health of persons not being his employees was not adversely affected as a result of the work in which he or any of his employees was engaged.	\$15,000.00	\$398.45
Prindon Holdings Pty Ltd t/as Tyco Motion & Control	Sections 19(1) and 19(7)	Failed to provide and maintain, so far as was practicable, a working environment in which its employees were not exposed to hazards, causing serious harm to an employee.	\$22,000.00	\$618.45
Cord Nominees Pty Ltd t/as Hardchrome Sales	Regulation 5.23(1)	Failed to ensure that health surveillance of the type required was provided at no cost to the person and was supervised by an appointed medical practitioner.	\$1,500.00	\$618.45
Atlas Group Pty Ltd	Sections 19(1) and 19(6)	Failed, so far as was practicable, to provide and maintain a working environment in which its employees were not exposed to hazards.	\$18,000.00	\$1,288.45
Goldfields Contractors WA Pty Ltd	Sections 19(1) and 19(7)	Failed to provide and maintain, so far as was practicable, a working environment in which its employees were not exposed to hazards, causing the death of an employee.	\$150,000.00	\$1,000.00
Stratton Creek Pty Ltd t/as Crown Roofing	Regulation 3.117(3)	Did class 3 demolition work without an appropriate licence.	\$1,500.00	\$348.45
Rangal Pty Ltd t/as A & N Fontanini	Regulation 4.37(1)(f)	Failed to ensure that every dangerous part of a mobile powered plant, namely the power input coupling of a rotating power take off shaft between a tractor and a mulcher, was as far as practicable, securely fenced or guarded.	\$6,000.00	\$288.45

Table 35: WorkSafe prosecutions 2004-05 cont'd

Name/Defendant/ Parties	Legislation	Offence	Fine	Court Costs
JWH Group Pty Ltd t/as In-Vogue Two Storey Designs	Regulation 3.55(1)(b)	Did not ensure that compliant edge protection was provided and kept in place when there was a risk that a person could fall 2 or more metres from the edge of formwork at the workplace.	\$4,000.00	\$584.45
Maya Nominees Pty Ltd t/as Maya Masala Indian Brasserie	Regulation 4.37(1)(f) Regulation 4.37(1)(f)	Failed to ensure that dangerous parts of two fixed powered plant were, so far as practicable, securely fenced or guarded.	\$2,500.00 \$2,500.00	\$398.45
Fermor Pty Ltd t/as Robey Jones & Co	Section 19(3)	Failed to forthwith notify the Commissioner of a prescribed injury to an employee.	\$2,500.00 Global Fine with the two prosecutions below.	\$415.35
Anne Jones t/as Robey Jones & Co	Section 19(3)	See above.	Global Fine with the prosecution above and below.	
Robey Jones t/as Robey Jones & Co	Section 19(3)	See above.	Global Fine with the two prosecutions above.	
Lowrie Constructions (WA) Pty Ltd	Sections 19(1) and 19(6)	Failed, so far as was practicable, to provide and maintain a working environment in which its employees were not exposed to hazards.	\$20,000.00	\$5,000.00
Wespine Industries Pty Ltd	Sections 21(1)(b) and 21(3)	Failed to ensure, so far as was practicable, that the safety or health of persons not being its employees were not adversely affected as a result of the work in which it or any of its employees were engaged, causing serious harm to a person.	\$25,000.00	\$728.45
Harvey Fresh (1994) Ltd t/as Harvey Fresh	Section 19(3)	Failed to forthwith notify the Commissioner of a prescribed injury to an employee.	\$3,000.00	\$450.45

Table 35: WorkSafe prosecutions 2004-05 cont'd

Name/Defendant/ Parties	Legislation	Offence	Fine	Court Costs
Androm Pty Ltd t/as Buckingham Redevelopment Company	Regulation 3.55(1)(a)	Failed to ensure that compliant edge protection was provided and kept in place where there was a risk that a person could fall 2 or more metres at the workplace.	\$1,500.00	\$288.45
Amcors Packaging (Australia) Pty Ltd t/as Amcor Flexibles Australasia	Regulation 4.37(1)(f)	Failed to ensure that every dangerous part of a mobile powered plant was, as far as practicable, securely guarded.	\$3,000.00	\$453.45
SP Hay Pty Ltd	Sections 21(1)(b) and 21(2)	Failed, so far as was practicable, to ensure that the safety of a person not being its employee was not adversely affected as a result of the work in which its employees were engaged.	\$10,000.00	\$250.00
SP Hay Pty Ltd	Sections 21(1)(b) and 21(2)	Failed, so far as was practicable, to ensure that the safety of a person not being its employee was not adversely affected as a result of the work in which its employees were engaged.	\$15,000.00	\$250.00
Galtis Pty Ltd t/as Bouvard Marine	Sections 21(1)(b) and 21(3)	Failed to ensure so far as was practicable that the safety or health of a person not being its employee was not adversely affected wholly or in part as a result of the work in which it was engaged.	\$10,000.00 Global fine with the prosecution below.	\$468.45
Dummett Enterprises Pty Ltd t/as Bouvard Marine	Sections 21(1)(b) and 21(3)	See above.	See above.	See above.
Koast Corporation Pty Ltd t/as Green Recycling	Sections 19(1) and 19(6)	Failed, so far as was practicable, to provide and maintain a working environment in which its employees were not exposed to hazards.	\$15,000.00	\$398.45
Santex Plastering Contractors Pty Ltd	Regulation 3.55(1)(a)	Failed to ensure that compliant edge protection was provided and kept in place where there was a risk that a person could fall 2 or more metres at the workplace.	\$5,000.00	\$2,300.00

Table 35: WorkSafe prosecutions 2004-05 cont'd

Name/Defendant/ Parties	Legislation	Offence	Fine	Court Costs
Red Rooster Foods Pty Ltd t/as Red Rooster Foods	Sections 19(1) and 19(6)	Failed, so far as was practicable, to provide and maintain a working environment in which its employees were not exposed to hazards.	\$5,000.00	\$728.45

REVIEWS OF NOTICES ISSUED BY WORKSAFE INSPECTORS

WorkSafe Reviews and Legal Services coordinates and supports the Commissioner's functions in reviewing notices issued by WorkSafe's inspectors under the *Occupational Safety and Health Act 1984*, and considering applications for exemptions under the Regulations.

A request for a review of an Improvement Notice can be lodged with the WorkSafe Western Australia Commissioner before the deadline for compliance specified in the notice. A request for a review of a Prohibition Notice can be lodged with the Commissioner within seven days of the issue of the notice (or such further time as may be allowed by the Commissioner).

Improvement Notices are suspended while they are being reviewed by the Commissioner, but Prohibition Notices remain in force. After considering a request for a review of a notice, the Commissioner can affirm, modify or cancel the notice. An applicant who is not satisfied with the decision of the Commissioner may, from 4 April 2005, refer the matter to the Occupational Safety and Health Tribunal for further review (Section 51A of the Act). Prior to 4 April 2005, notices have been referred to a safety and health magistrate for further review.

During 2004-05, 1,010 requests for the WorkSafe Western Australia Commissioner to review a notice in accordance with Section 51 of the *Occupational Safety and Health Act 1984* have been processed. Review outcomes are as follows:

Table 36: Review of Improvement Notices 2004-05

Outcome	Number
Affirmed	20
Affirmed with time extended	865
Affirmed, modified and time extended	5
Cancelled by Commissioner	20
Review request withdrawn	5
Compliance effected on time and while under review	38
Received too late for review	57
Total reviewed from 1 July 2004 to 30 June 2005	1,010

There has been one request, which was subsequently withdrawn by the applicant, for a safety and health magistrate to further review a notice under Section 51A of the Act.

From the date of proclamation on 4 April 2005 until the end of the reporting period three applications were lodged before the Occupational Safety and Health Tribunal.

Each application was referred under Section 51A of the *Occupational Safety and Health Act 1984* seeking a further review of Improvement Notices issued by the WorkSafe Western Australian Commissioner.

- The first was lodged on 27 April 2005, the matter was heard and determined and the final Order concluding the matter was issued on 25 May 2005.

- The second was lodged on 27 April 2005, the matter was heard and determined and the final Order concluding the matter was issued on 29 June 2005.
- The third was lodged on 6 May 2005 and the Order discontinuing the matter was issued on 20 May 2005.

Table 37: Review of prohibition notices 2004-05

Outcome	Number
Affirmed	7
Affirmed with modification to wording	2
Cancelled by Commissioner	5
Total reviewed from 1 July 2004 to 30 June 2005	14

The tables below show the percentage of notices reviewed in comparison with the total number of notices issued over the past three years.

Table 38: Review of improvement notices 2002-2005

Year	Improvement notices issued	Improvement notices reviewed	%
2002-03	10,263	882	8.6
2003-04	11,848	1,011	8.5
2004-05	12,391	1,010	8.2

Table 39: Review of prohibition notices 2002-2005

Year	Prohibition notices issued	Prohibition notices reviewed	%
2002-03	895	13	1.5
2003-04	870	20	2.3
2004-05	963	14	1.5

Exemption from regulations

The Commissioner granted 36 exemptions from the Occupational Safety and Health Regulations 1996. Exemptions were generally granted on a conditional basis, following consultation with relevant parties, and published in the Government Gazette.

ENERGY SAFETY INVESTIGATIONS

Electricity related serious accidents and fatalities

The following were reported to Energy Safety during the year:

Electric shocks	1,037
Serious electrical accidents ¹	41
Fatalities (included in serious electrical accidents)	4

¹ Electrical shock incidents resulting in the person requiring assessment and/or treatment at a medical facility.

Table 40: Serious electricity related accidents notified per 1,000,000 (million) population (not including wilful incidents)

Year	Number	Five year average
1995-96	21	24
1996-97	15	23
1997-98	11	20
1998-99	22	19
1999-00	15	17
2000-01	12	15
2001-02	11	14
2002-03	19	16
2003-04	15	14
2004-05	21	16

The electrical accident rate for the reporting period was 21 accidents per one million population, a significant increase above 15 per million in the previous year. This figure is unacceptably high.

The serious electrical accidents included four fatalities in which electricity was found to be the cause. Briefly:

- an electrical worker was electrocuted when he accidentally picked up live fallen 415 volt aerial street supply cables from the street verge;
- a person received a fatal electric shock from a portable generator when he mistakenly plugged a homemade two-core direct current battery charging lead into the 240 volt alternating current outlet instead of the 12 volt direct current outlet;
- a person received a fatal electric shock from a steel rope touching a clothesline which had become live via metallic buildings due to an active to earth fault on a water cooler. There was also an open circuit on the earthing circuit; and
- a person was electrocuted when he made contact with a gas heater which was plugged into a socket outlet and had become live due to the fixed wiring earth conductor coming into contact with an active conductor at an unenclosed cable junction. There was also an open circuit on the earthing circuit.

Gas related incidents and fatalities

The following have been reported to Energy Safety during the year:

Incidents	96
Accidents (persons injured)	14
Fatalities	0

Table 41: Gas related accidents notified per 1,000,000 (million) population (not including wilful incidents)

Year	Number	Five year average
1995-96	20	8
1996-97	4	8
1997-98	6	7
1998-99	5	6
1999-00	3	6
2000-01	7	5
2001-02	8	6
2002-03	9	6
2003-04	8	7
2004-05	7	8

The gas accident rate for the reporting period was seven accidents per one million population, a decrease from eight per million in the previous year.

There were no gas related fatalities.

Table 42: Electrical disciplinary activities

Interview and enquiry outcomes – electrical disciplinary activities	
Electrical contractor licences cancelled	3
Electrical worker licences cancelled	5
Electrical contractor licences suspended	2
Electrical worker licences suspended	4
Operatives required to undertake a competency assessment	10
Operatives censured	2
Operatives required to undertake further training	7

Table 43: Gas disciplinary activities

Interview and enquiry outcomes – gas disciplinary activities	
Certificates of Competency cancelled	2
Permits suspended	1
Gas fitters required to undertake further training	0
Operatives censured	0
Licences with conditions placed upon them	0



**Department of Consumer
and Employment Protection**
Government of Western Australia

METROPOLITAN OFFICES

Consumer Protection

Forrest Centre
219 St Georges Terrace
Perth Western Australia 6000

Locked Bag 14
Cloisters Square Western Australia 6850

Advice Line: 1300 30 40 54
(cost of a local call statewide)

Administration: +61 8 9282 0777

Facsimile: +61 8 9282 0850

Business Names: 1300 30 40 14

REVS: 1300 30 40 24

FuelWatch prices: 1300 55 08 08

FuelWatch information: 1300 55 45 45

TTY: +61 8 9282 0800

Email: consumer@docep.wa.gov.au

Energy Safety

20 Southport Street
West Leederville Western Australia 6007

Locked Bag 1
Osborne Park DC Western Australia 6916

Telephone: +61 8 9422 5200

Facsimile: +61 8 9422 5244

Email: energysafety@docep.wa.gov.au

Labour Relations

Dumas House
2 Havelock Street
West Perth Western Australia 6005

Wageline: 1300 655 266

Telephone: +61 8 9222 7700

Facsimile: +61 8 9222 7777

Email: labourrelations@docep.wa.gov.au

WorkSafe

WestCentre
5th Floor, 1260 Hay Street
West Perth Western Australia 6005

PO Box 294
West Perth Western Australia 6872

Telephone: +61 8 9327 8777

Facsimile: +61 8 9321 8973

TTY: +61 8 9327 8838

Email: safety@docep.wa.gov.au

REGIONAL OFFICES

Great Southern

Unit 2, 129 Aberdeen Street
Albany Western Australia 6330

PO Box 832
Albany Western Australia 6331

Telephone: +61 8 9842 8366

Facsimile: +61 8 9842 8377

Goldfields / Esperance

Viskovich House
377 Hannan Street
Kalgoorlie Western Australia 6430

PO Box 10154
Kalgoorlie Western Australia 6433

Telephone: +61 8 9021 5966

Facsimile: +61 8 9021 5977

Mid West

50-52 Durlacher St
Geraldton Western Australia 6530

PO Box 1447
Geraldton Western Australia 6531

Telephone: +61 8 9964 5644

Facsimile: +61 8 9964 5678

North West

Unit 9, Karratha Village Shopping Centre, Sharpe Ave
Karratha Western Australia 6714

PO Box 5
Karratha Western Australia 6714

Telephone: +61 8 9185 0900

Facsimile: +61 8 9185 1234

South West

Bunbury Tower
8th Floor, 61 Victoria Street
Bunbury Western Australia 6230

PO Box 1747
Bunbury Western Australia 6231

Telephone: +61 8 9722 2888

Facsimile: +61 8 9791 2263