



Government of **Western Australia**
Department of **Commerce**

Department of **Commerce**

Annual report 2008-09

DEPARTMENT OF COMMERCE

Annual Report 2008-09

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STATEMENT OF COMPLIANCE



The Hon Troy Buswell MLA
Minister for Commerce; Science and Innovation

In accordance with Section 63 of the *Financial Management Act 2006*, I hereby submit for your information and presentation to Parliament the Annual Report of the Department of Commerce for the year ended 30 June 2009.

The Annual Report has been prepared in accordance with the provisions of the *Financial Management Act 2006*.

This report also fulfils my obligations pursuant to section 26 of the *Consumer Affairs Act 1971*, section 60(2) of the *Credit (Administration) Act 1984*, section 12A of the *Debt Collectors Licensing Act 1964*, section 33 of the *Electricity Act 1945*, section 10A of the *Employment Agents Act 1976*, section 13CA of the *Gas Standards Act 1972*, section 12(1) of the *Retirement Villages Act 1992*, section 58 of the *Travel Agents Act 1985* and section 59H(2) of the *Water Services Licensing Act 1995*.

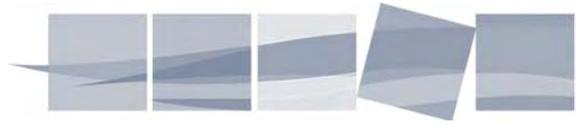
Brian Bradley
Accountable Authority

21 September 2009



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GUIDE TO SECTIONS

The Department of Commerce's 2008-09 Annual Report presents information on statutory compliance, financial, non-financial and operational performance. The Annual Report is structured in five sections in accordance with the requirements of the *Financial Management Act 2006*.

Overview

This section provides a review of the year, highlighting the department's broad strategic directions and priorities, and key issues and achievements. The section details the department's role, services, authority, Ministerial arrangements, organisational structure, legislation administered and the outcome based management structure.

Agency Performance

This section reports on the department's performance during the period including a report against our Resource Agreements, report on divisional activities and information on our people.

Significant Issues and Trends

This section contains information on the significant issues and trends that impact on the delivery of our services to the community of Western Australia.

Disclosures and Legal Compliance

This section contains the audited Financial Statements and Performance Indicator Report for the year ending 30 June 2009. The section also contains details of required disclosures and legal compliance obligations including financial and performance management, accountability, governance and reports required under specific legislation.

Appendices

This section provides additional information on the department's activities including changes to written laws, prosecutions and the functions of boards, commissions, committees, councils and tribunals.

Within these sections, the operations of the department are presented according to the department's services detailed in the outcome based management structure:

Consumer Protection

The provision of consumer protection advice, information, education and business regulation services to the Western Australian community.

Safety and Employment Protection

The provision of advice, information, education and regulation services to the Western Australian community in the areas of occupational safety and health, labour relations, resources safety, and energy safety.

Science, Innovation and Business

The promotion of science, innovation and business, through services including supporting the Science and Innovation Council with science policy development advice; administering research capability and infrastructure grants; supporting industry development through innovation and commercialisation; administering science and innovation programs and projects; and improving Indigenous prosperity through leadership and innovation in economic development programs.

Overview



This section provides a review of the year, highlighting the department's broad strategic directions and priorities, and key issues and achievements.

The section details the department's role, services, authority, Ministerial arrangements, organisational structure, legislation administered and the outcome based management structure.

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YEAR IN REVIEW

From the Director General

I am pleased to present the department's Annual Report for the year ending 30 June 2009. This has been a year of change and accomplishment for the Department of Commerce. Working together with business, industry and with other government agencies has enabled us to make significant achievements. I believe the department is in a better position today to respond to the new challenges and expectations of government.

Forming the department

Creating the Department of Commerce and bringing together people from the former Department of Consumer and Employment Protection (DOCEP) and the former Department of Industry and Resources (DOIR) on 1 January 2009 has given us an opportunity to rethink and refocus our efforts. At the same time, the Resources Safety Division was transferred to the Department of Mines and Petroleum.

This department has worked hard to maintain business as usual in a complex operating environment. We have faced significant internal challenges including how to harmonise our different working styles, systems, processes, information technology infrastructures, reporting mechanisms and accommodation. We have focused on delivering the Government's immediate priorities, consolidating our service delivery and establishing the new department.

During the year, a new government was elected and we welcome the opportunity to support the Minister for Commerce; Science and Innovation, the Hon Troy Buswell.

Operating environment

The department's operating environment continues to change and remain complex. The way the department does business is also changing, particularly as economic, demographic, policy and technology factors influence the expectations of services delivered. There is a need to develop more flexible and integrated service delivery in metropolitan and regional areas. We need to be responsive, flexible and adaptive to the needs of Western Australian businesses and the community. Close coordination with other government agencies is critical to delivering integrated whole of government outcomes. As a department, we are constantly looking for ways to continually improve the way we operate and to find innovative and practical service delivery solutions.

Our diverse operations reflect the significant issues that face the department. The Council of Australian Governments' reforms will have significant impacts across a number of our functions, including consumer protection, energy safety and occupational safety and health. The Consumer Protection Division will experience the most immediate impact with the transfer of key functions to the Commonwealth. This will impact on consumers, traders, employees and business systems. Developments in Western Australia's industrial relations environment will have implications for the department, in particular the outcomes of the independent review of the State industrial relations system and subsequent reform legislation. An independent review of the Science, Innovation and Business Division has also been commissioned.



Highlights

We made substantial progress in the implementation of the Council of Australian Governments' reforms, particularly in the Consumer Protection Division. On the legislative front, the department facilitated the drafting and passage of the *Transfer of Incorporation (HBF and HIF) Act 2009* through Parliament in 2008-09. The Labour Relations Division, in conjunction with the Department of Treasury and Finance, developed the State Government's new public sector wages policy. The EnergySafety Division developed regulations that will improve the safety of electrical installations by making it compulsory for residual current devices to be installed in a dwelling prior to the sale of the premises or change of tenant, or within two years in the case of leased premises.

In our regulatory role, the Consumer Protection Division successfully prosecuted a diverse range of complaints of misconduct and took civil action against a number of traders on behalf of consumers. The WorkSafe Division focused occupational safety and health compliance and proactive educational programs on nationally agreed priority industries and State priority areas which resulted in more than 10,000 investigations, more than 9,800 improvement notices and 700 prohibition notices issued. The Resources Safety Division implemented new dangerous goods regulations with the emphasis on assisting industry to comply through provision of guidance notes, codes of practice, information presentations, and inspections. More than 400 dangerous goods and explosives compliance inspections were conducted in Perth, Kalgoorlie and the Great Southern region.

Service delivery to customers continued to be a focus, with over 2.8 million visitors recorded for the department's FuelWatch service. The WorkSafe Division redesigned the 'SmartMove' internet site which aims to give young adults starting their first job a good general background on their rights and responsibilities for helping to ensure that the workplace is safe and healthy, both for themselves and others in the workplace.

Science and innovation was a new focus of the department in 2009, with the Science, Innovation and Business Division continuing its efforts to provide broadband infrastructure to regionally based projects including enhanced medical and emergency communications infrastructure and upgrades to Indigenous communities. Another significant project was the State Government's \$20 million investment in radio astronomy science. The International Centre for Radio Astronomy Research, a joint venture between the University of Western Australia and Curtin University of Technology, will be a significant factor in the enhancement of Australia's bid for the Square Kilometre Array, an international radio telescope project.

Within the department, corporate resources were allocated to assist in the transition of Science, Innovation and Business and Resources Safety Divisions. We have continued to build our organisational capability and develop and align the organisation so it can perform well and deliver value to customers, stakeholders and government. A strong focus will be on providing advice on emerging issues and trends that are likely to impact on, or are critical to the performance of the commerce environment in Western Australia.

In late 2008, we started developing the Corporate Plan 2009-2012, engaging the senior executive across the department in the process. Our vision is for a business environment that is productive, innovative, fair and safe. This establishes a shared strategic direction to guide our work in the future. We have outlined our values and our ongoing commitment to people - the people we serve, the people we work in partnership with and the people of our department. Underpinning our directions and approach are a number of strategies to guide our activities over the next three years.



The year ahead will be challenging but rewarding for the department. The need to improve outcomes for the Western Australian economy, coupled with the global economic outlook will make it important to find improved government efficiencies in the way we do business. We will focus on the key directions within the Corporate Plan to guide us through the period of change, as we implement the government's priorities and position the department for the future. In this dynamic environment, the department has performed well in maintaining its focus on its ongoing business while implementing change to respond to further challenges in 2009-10.

Appreciation

During the year, changes to the Corporate Executive team occurred with the retirement of the Energy Safety Division's Executive Director, Albert Koenig and the Resources Safety Division, led by Malcolm Russell, being transferred to the Department of Mines and Petroleum. I wish to acknowledge the contribution of these Executive Directors as well as welcome Peter Viney as the Executive Director of the Science, Innovation and Business Division.

Particularly in such a dynamic and challenging environment, the department's achievements would not have been possible without the dedication and professionalism of its employees. I thank them for their work during the year and look forward to working towards meeting the challenges facing us in the coming year. Many individuals, businesses and organisations have also contributed to our activities and our success and I want to acknowledge and thank these stakeholders. We look forward to continuing to work together to improve the outcomes for the Western Australian community.

Brian Bradley
Director General



Our highlights

This section provides the department's highlights for the 2008-09 financial year.

Consumer Protection

Council of Australian Governments' reform agenda

The Consumer Protection Division has been active in implementing the Council of Australian Governments' reform agenda involving the transfer of credit and finance broking regulation, business names and trade measurement to the Commonwealth Government. In addition to this, the implementation of a nationally uniform Australian Consumer Law and nationally consistent licensing for nominated occupational areas has been taking place. The division has also taken on a coordinating role for the State Government's process to transfer the regulation of personal property securities to the Commonwealth Government.

HBF Health Funds Inc. and Health Insurance Fund of W.A. legislation

The department facilitated the drafting and passage of the *Transfer of Incorporation (HBF and HIF) Act 2009* through Parliament in 2008-09. The legislation deems HBF Health Funds Inc and the Health Insurance Fund of W.A. (HIF) as registered companies under the *Corporations Act 2001* (Commonwealth). This assists the insurers to meet Commonwealth registration laws by 1 January 2010 and to continue to provide private health insurance to some 950,000 consumers.

Usage of FuelWatch reaches all time high

Overall, popularity with the department's FuelWatch service continued to increase in 2008-09 with 2.8 million website visitors recorded. Usage peaked in July 2008 and then decreased between August 2008 and February 2009 as fuel prices fell. Since March 2009, usage has resumed its upward trend as petrol prices began to increase and a weekly price cycle emerged in the Perth market. More than 42,000 people are now registered to receive regular FuelWatch price information, up from 38,500 last year.



Successful prosecutions

The Consumer Protection Division successfully prosecuted a diverse range of misconduct including misleading advertising, unlicensed motor vehicle dealing and breaches of the *Door to Door Trading Act 1987*. In addition, the Commissioner for Consumer Protection took civil action against a number of traders on behalf of consumers who either purchased but never received electronic equipment or had issues with vehicles they had previously purchased.



Safety and Employment Protection

Residual current devices

The EnergySafety Division developed regulations to improve the safety of electrical installations by making installation compulsory for residual current devices in a dwelling (house or unit) prior to the sale of the premises or within two years in the case of leased premises. The regulations were gazetted on 8 May 2009, following Ministerial approval.

Wood pole audit

The EnergySafety Division undertook an audit review of Western Power's management of its wood pole assets used for electricity distribution throughout the South West interconnected system. The Director of Energy Safety will issue orders on Western Power to correct major deficiencies identified in the review.

WorkSafe SmartMove

The WorkSafe Division redesigned the 'SmartMove' internet site to ensure it remains relevant to its audience by providing a broader content with more interactive features to better appeal to young adults. 'SmartMove' aims to give young adults starting their first job, a good general background on their rights and responsibilities for helping to ensure that the workplace is safe and healthy, both for themselves and others in the workplace.

Students read the information then complete a series of test questions and when a user successfully completes an industry module, 'SmartMove' generates a certificate acknowledging their participation in the program. 'SmartMove' is aligned to learning outcomes in the secondary schools curriculum and also to work safety units in the vocational education and training system.



WorkSafe compliance activities

During the year, the WorkSafe Division focused on occupational safety and health compliance and proactive educational programs on nationally agreed priority industries and State priority areas. In implementing the priority approach, WorkSafe completed more than 10,000 investigations, issued more than 9,800 improvement notices and more than 700 prohibition notices, and signed 37 prosecution notices.



Dangerous Goods Safety

The Resources Safety Division implemented new dangerous goods regulations with an emphasis on assisting industry to comply through provision of guidance notes, codes of practice, information presentations and inspections. Numerous presentations on the new regulations were given to conferences and industry groups at a range of locations including Perth, Albany, Bunbury, Geraldton, Karratha, Newman and Kalgoorlie. Over 1,000 people attended in total.

More than 400 dangerous goods and explosives compliance inspections were conducted in Perth, Kalgoorlie and the Great Southern region. A streamlined process for granting special berth approvals for ammonium nitrate was developed. This significantly reduces approval times while improving safety controls. Upgrades to electronic security systems at Kalgoorlie and Baldy's Explosives Reserves were completed, as was sealing of roads at Kalgoorlie.

New public sector wages policy

The Labour Relations Division, in conjunction with the Department of Treasury and Finance, developed the State Government's new public sector wages policy. The wages policy is based on protecting the real wages of public sector workers, relative to projected growth in the Western Australian Consumer Price Index (CPI). Where increases above CPI and up to the level of growth in the Wage Price Index are proposed, these need to be justified by improved efficiency and productivity. The division also jointly developed and delivered comprehensive presentations explaining the new policy to a number of public sector agencies. The new wages policy applies to all public sector agreements expiring on or after 1 July 2009.

Office of Shared Services

The Labour Relations Division supported the State Government's shared services environment by implementing a number of strategies for the standardisation, simplification and rationalisation of public sector employment conditions and instruments.

Science, Innovation and Business

Broadband

The Science, Innovation and Business Division continued efforts to provide broadband infrastructure to regionally based projects including enhanced medical and emergency communications infrastructure and upgrades to Indigenous communities. The department is liaising with the Commonwealth in a bid to secure further broadband funding and determine the State's contribution and requirements.

Radio astronomy

The State Government's \$20 million investment in radio astronomy science established the International Centre for Radio Astronomy Research, a joint venture between the University of Western Australia and Curtin University of Technology. The Centre is a significant factor in the enhancement of Australia's bid for the Square Kilometre Array.



Corporate

Transition of Science, Innovation and Business and Resources Safety Divisions

In January 2009, the Department of Commerce successfully transitioned the Science, Innovation and Business Division into the department from the former DOIR and the Resources Safety Division to the Department of Mines and Petroleum. The changes increased the diversity of the department's operations to include science and innovation.

Upgrade of core network infrastructure

The capabilities of the existing core information technology network infrastructure have been severely challenged because of the dramatic growth of the department over recent years. The previous infrastructure served the department well, however its design, lack of built-in redundancy, and the ageing cabling and technology could not carry the department into the future. Replacing this key infrastructure has resulted in a more manageable, scalable, resilient and capable network. The core network switch features built-in redundancy, enhanced security and greater speed and this has also reduced the complexity in our server room.

Corporate plan

The department commenced development of a new Corporate Plan for 2009 to 2012. The plan provides a framework for the department's operations and future directions. It will guide the department through a period of significant change to position it to meet future challenges, maximise opportunities and continue to provide dynamic and responsive services to the Western Australian community. The new plan will be launched in early 2009-10.

National Occupational Health, Safety and Injury Management Forum



Malcolm Russell, Executive Director
Resources Safety Division
Department of Mines and Petroleum (formerly DOCEP)

The department hosted for the first time, in Western Australia, the National Occupational Health, Safety and Injury Management Forum. This public sector forum meets to share approaches and work together to achieve safety performance targets set in the *National Occupational Health and Safety Strategy 2002-2012*. The national strategy was initiated by the Commonwealth with agreement from all states and territories in 2002 and aims to reduce accidents and incidents by 40 per cent and fatalities by 20 per cent between 2002 and 2012. The Perth forum was attended by both state and federal health, safety and injury senior public sector officers from across Australia and New Zealand.

More information on the department's operational highlights for 2008-09 can be found in the Agency Performance section of this report.



ABOUT THE DEPARTMENT

Enabling legislation

The Department of Commerce is established as a department under section 35 of the *Public Sector Management Act 1994*.

Responsible Minister

The Department of Commerce was responsible to the Hon Troy Buswell BEd MLA, Treasurer; Minister for Commerce; Science and Innovation; Housing and Works following the State election in September 2008.

Prior to the State election, for the administration of consumer protection legislation, the department was responsible to the Hon Sheila McHale MLA, former Minister for Disability Services; Tourism; Culture and the Arts; Consumer Protection. In relation to the administration of labour relations, occupational safety and health, energy safety and resources safety legislation, the department was responsible to the Hon Jon Ford JP MLC, former Minister for Employment Protection; Regional Development; Fisheries; the Kimberley, Pilbara and Gascoyne.

About us

The Department of Commerce maintains a vital role in facilitating a business environment that is productive, innovative, fair and safe. The department works to create a contemporary, diversified economy that provides for the growth, safety and protection of the Western Australian community by promoting innovation and science, enhancing capacity and ensuring a world class regulatory environment.

The department employs more than 1,000 people to deliver its services to the community of Western Australia across seven divisions:

- Consumer Protection;
- Energy Safety;
- Labour Relations;
- Science, Innovation and Business;
- WorkSafe;
- Corporate Services; and
- Office of the Director General.



The department's culture focuses on providing high quality services to customers and stakeholders through standards, policies, practices and procedures.



Changes to the department

On 1 January 2009, the DOCEP was renamed the Department of Commerce. In addition to the name change, the Science, Innovation and Business Division was transferred from the former DOIR to the department, while the Resources Safety Division was transferred to the Department of Mines and Petroleum. In context of this year's Annual Report, the changes to the department's functions will be reported as demonstrated in Table 1.

Table 1: Changes to the department's divisions and reporting for 2008-09

Division	1 July to 31 December 2008	1 January to 30 June 2009
Resources Safety Division	Responsibility of the Department of Commerce	Responsibility of the Department of Mines and Petroleum
Science, Innovation and Business Division	Responsibility of the Department of Mines and Petroleum	Responsibility of the Department of Commerce

The reporting of non-financial performance for the financial year was impacted by these changes and will be reported in accordance with the relevant Treasurer's Instruction.

Our vision, mission and values

The department's vision, mission and values for 2008-09 are provided.

Vision

A fair, safe and prosperous community.

Mission

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.

Values

Justice	We are fair, honest, open and equitable in word and action with everyone. We act with integrity and do not misuse our authority and position.
Value our people and their contribution	We recognise success. We also respect individuality and diversity, both inside and outside the organisation. We empower, support and develop our people.
Making a difference	Each and every staff member contributes to the success of our organisation in delivering a safer and fairer community. We continually strive to improve our services and our stakeholder relationships. We understand our customer needs, we are responsive and we work together.
Professionalism	We are individually accountable for our actions and ethical behaviour and for the success of our organisation. We use and manage resources in an efficient and responsible manner, and integrity is never compromised.



Our strategic direction

The department operates within a challenging and dynamic environment, where greater demands are placed on its resources. The department's five strategic directions provide a framework to respond to these challenges. In 2008-09 the directions were influencing and shaping our community's environment; enhancing the capability of the community; enhancing the regulatory environment; enforcing the law; and strengthening the department as an organisation.

Review of the corporate plan

Following the Premier's announcement in October 2008 of the formation of the Department of Commerce, the department commenced development of a new corporate plan. Several planning sessions were held, where the Corporate Executive conducted an environmental scan of the external and internal environment; developed a vision, mission and values for the department; and considered the key directions for the future. The department's leadership team, which comprises the Corporate Executive, Directors and key senior staff, was engaged in the process, with feedback from this session incorporated into the plan. Following Ministerial approval, the department's new Corporate Plan 2009-2012 will be launched in early 2009-10.

Our services

The Department of Commerce delivers services through divisions that focus on particular areas of the department's responsibilities. An outline of the key functions of the department's divisions is detailed below:

Consumer Protection

- 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

- administers electricity and gas technical and safety legislation, and provides policy and legislative advice to government;
- enforces safety and technical standards for electricity and gas networks;
- monitors reliability and quality of gas supplies and investigates consumers' related complaints;
- sets and enforces safety and energy efficiency standards for consumers' electrical and gas installations and appliances;
- licenses electrical contractors, electrical workers and gas fitters and carries out accident investigations;
- promotes energy infrastructure security and resilience; and
- promotes electrical and gas safety in industry and the community.



Labour Relations

- 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;
- coordinates public sector labour relations; and
- facilitates implementation of public sector wages policy in industrial agreement negotiations.

Resources Safety

(1 July-31 December 2008)

- administers occupational safety and health legislation relating to dangerous goods, mining, onshore petroleum operations and major hazard facilities and provides policy and legislative advice to government;
- promotes community safety through dangerous goods safety regulation;
- provides education and information to employers and employees to assist in preventing work related injury and disease and improving work safety and health performance;
- provides technical, risk management, policy and legislative advice to other government agencies; and
- contributes to technical and legislative committees and standard-setting organisations, both state and national.

Science, Innovation and Business

(1 January- 30 June 2009)

- promotes science;
- supports innovation;
- facilitates infrastructure;
- supports business economic development; and
- encourages industry participation in major projects.

WorkSafe

- 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.

Corporate Services

- provides financial and administrative services;
- provides information technology support services;
- delivers human resource management services;
- coordinates risk and business continuity management; and
- delivers corporate information services.

Office of the Director General

- provides a strategic focus to assist the Director General and the Corporate Executive to lead the department;
- develops and coordinates strategic policy;
- provides corporate development services including policy development, performance evaluation and corporate reporting;
- provides education and communication services including media relations services, campaign and event coordination and print and online information;
- provides internal audit services;
- coordinates regional services; and
- coordinates ministerial services for the department.



Regional Services

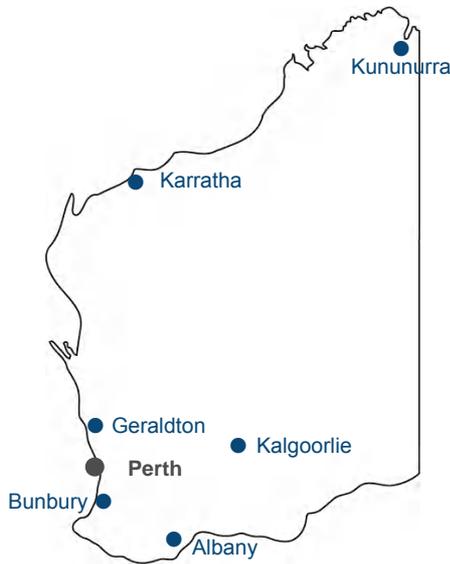


Figure 1: The Department of Commerce's regional services

The Department of Commerce's offices located in Albany, Bunbury, Geraldton, Kalgoorlie, Karratha and Kununurra provide a range of services to regional Western Australians (Figure 1). The delivery of regional services was undertaken by more than 45 employees across six divisions. Services to regional areas and communities were complemented by division specific initiatives to meet identified need and/or support core operational activities.

During the year, the department moved to new facilities at West Kalgoorlie which are shared with the Department of Mines and Petroleum. Work commenced on expanding and improving facilities at the Geraldton office to enhance customer services. Regional employees travelled to Perth for development and training during the year. The department continued to deliver relevant information to regional areas through improvements to the department's internet site.

The Department of Commerce has a service delivery arrangement with the Commonwealth Attorney General's Department and the Department of the Premier and Cabinet to deliver services to the Indian Ocean Territories. This service is funded by and performed on behalf of the Commonwealth under enabling legislation.

Our stakeholders

The Department of Commerce provides services to a wide range of stakeholders including:

- the Minister for Commerce;
- the Minister for Tourism (relating to the *Travel Agents Act 1985*);
- the community including regional areas;
- departmental employees;
- consumers;
- traders;
- business entities;
- employees;
- employers;
- employee and employer organisations;
- public sector organisations;
- Commonwealth and state government agencies;
- academic institutions and researchers; and
- a number of boards, commissions, committees, councils and tribunals.





Our organisation

The Department of Commerce's operating structure comprises a Director General, who oversees the Office of the Director General and six Executive Directors responsible for their relevant divisions. The Director General along with these six senior officers form the department's Corporate Executive.

The Corporate Executive operates under a governance structure and meets fortnightly. This ensures authority and accountability is shared between the Director General and each division. While the Director General is ultimately accountable for all the department'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.

The department's organisational structure is presented in Figure 2.

Our organisational structure

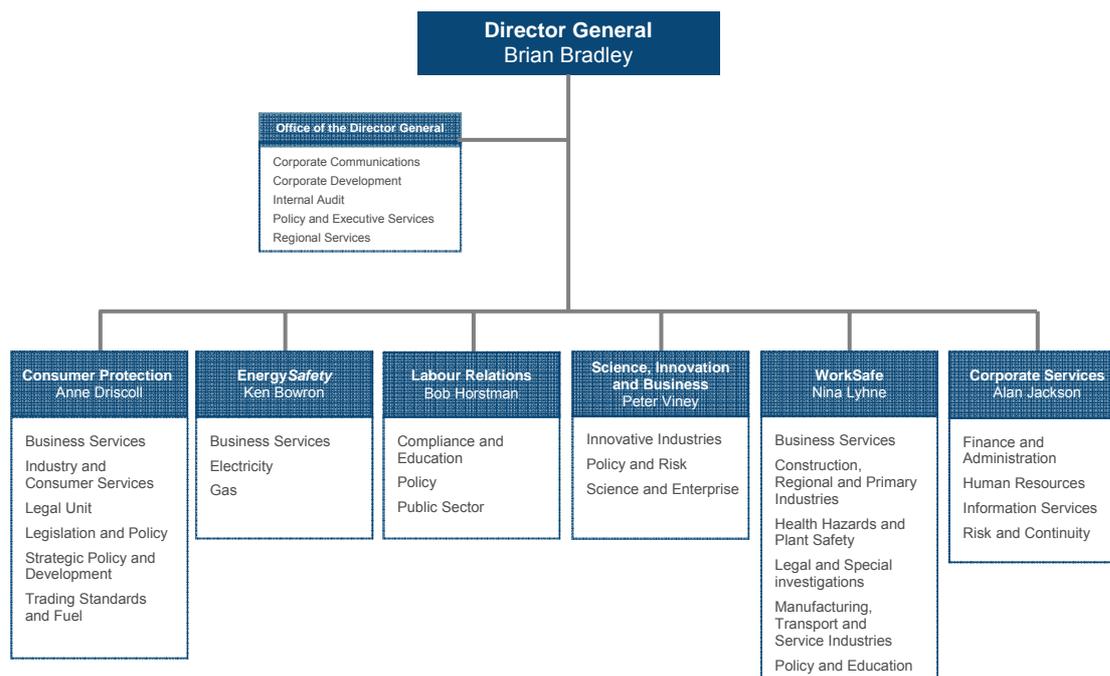
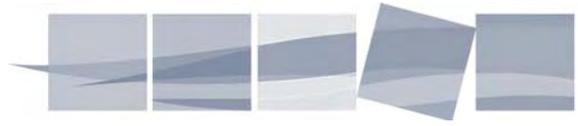


Figure 2: Organisational structure as at 30 June 2009



Our Corporate Executive team



Brian Bradley PSM

Director General

Brian Bradley has over 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 more than 20 years and was appointed as Commissioner of WorkSafe Western Australia in October 1998. In 2002, Brian was appointed Director General of the Department of Commerce (formerly DOCEP) after acting in the position since June 2001.

He is the deputy chair of the Western Australian Commission for Occupational Safety and Health and a member of the WorkCover Western Australia Authority. He was the Western Australian member on the Australian Safety and Compensation Council from 2005 to April 2009. Brian was awarded the Public Service Medal in 2003 for his contribution to safety and health in Western Australia.



Anne Driscoll

Executive Director, Consumer Protection

Commissioner for Consumer Protection and Prices Commissioner

Anne Driscoll was appointed Executive Director for the Consumer Protection Division in August 2008. Since graduating from the University of Western Australia with a Bachelor of Arts majoring in Psychology and Commerce, Anne has gained experience in numerous public sector roles. She worked in the employment and training sector for the Commonwealth Government for more than 20 years involved in both direct service delivery and major funding grants.

In 1999, Anne joined the Consumer Protection Division's executive management team as the Director of Business Services where she oversaw more than 150 employees performing a diversity of functions from the licensing and regulation of credit providers, mortgage brokers, debt collectors, charities, real estate and settlement agents, to the registration of business names and the provision of consumer protection services to regional Western Australia.



Ken Bowron

Executive Director, EnergySafety

Director of Energy Safety

Ken Bowron is the Executive Director of EnergySafety and 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. Ken has 34 years broad experience in the Western Australian energy industry.

His recent experience includes his tenure as Director of Electricity in the EnergySafety Division and senior management roles in generation, networks and the supply of energy services to customers in metropolitan, rural and remote areas. He is an electrical engineer with post graduate business qualifications. He has extensive technical and managerial experience ranging across planning, design, construction, operations and maintenance of power generation and transmission and distribution systems.



Robert (Bob) Horstman

Executive Director, Labour Relations

Bob Horstman was appointed as the Executive Director of the Labour Relations Division in June 2009, having initially been appointed as Acting Executive Director in April 2008. He has worked in all three directorates of the division in a variety of roles for 20 years with his previous substantive position being Policy Director. From 2001 to 2006, Bob was seconded from the department to the Minister's office responsible for State industrial relations as the Principal Labour Relations Policy Advisor.

In this role he was responsible for providing advice on industrial relations, occupational safety and health and workers' compensation issues. He has taught, researched and published in the fields of both industrial relations and human resources management in various tertiary education institutions in Australia and the United Kingdom. Bob holds a Masters Degree in Industrial Relations from Warwick University in the United Kingdom and has 10 years experience in various industrial relations roles in private sector organisations in the United Kingdom.



Peter Viney

Executive Director, Science, Innovation and Business

Peter Viney commenced as the Executive Director of the Science, Innovation and Business Division within the Department of Commerce in January 2009 following the transfer of the division from the former DOIR. Previously, Peter held the role of Deputy Director General, Performance and Review and the role of Deputy Director General, Office of Science, Technology and Innovation within the former DOIR.

Peter has qualifications in economics and political science and has a background working in executive roles in Commonwealth agencies including AusIndustry, the Australian Telecommunications Authority, and the Textiles, Clothing and Footwear Development Authority.



Nina Lyhne

*Executive Director, WorkSafe
Commissioner of WorkSafe Western Australia*

Nina Lyhne is the WorkSafe Western Australia Commissioner and is a member of Western Australia's Commission for Occupational Safety and Health. She also chairs a number of the Commission's advisory groups. Nina is a member of the Safe Work Australia Council and is involved in a number of national committees and forums. Nina Lyhne was appointed to her current position in April 2004.

Previously, she held the positions of Acting Executive Director, WorkSafe; the Executive Director of the Strategy Division; was a member of the WorkSafe Western Australia Corporate Executive and the Executive Director of the Office of Road Safety between 1998 and 2000. Nina has extensive experience from having worked in five state government 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.



Alan Jackson

Executive Director, Corporate Services

Alan Jackson commenced in his current position at the Department of Commerce in October 2004. Previously, he had worked in the public, private and tertiary education sectors. Alan's career has included nine years as a former management and organisational development consultant working with large public and private sector organisations throughout Australia. Prior to joining the department, he was the Director, Corporate Services at the Department of Treasury and Finance for four years.

Alan completed the Executive Fellows Program of the Australian and New Zealand School of Government and holds Associate Fellow and Certified Professional membership status for the Australian Institute of Management and the Australian Human Resource Institute. He has a Masters degree in Commerce from Curtin University and in the past, has been a part time lecturer at both Curtin University and Edith University over a number of years.



Malcolm Russell

Executive Director, Resources Safety

Malcolm Russell was the Executive Director of the Resources Safety Division until 31 December 2008, when the division was transferred to the Department of Mines and Petroleum.

The division formed part of the former DOCEP in July 2005. Prior to this Malcolm was Director of the Safety, Health and Environment Division within the former Department of Industry and Resources and was the Director, Marine Safety for Western Australia.

Malcolm has an engineering background with extensive senior management experience in both the private and public sectors, having worked on maintenance of nuclear submarines before joining Lloyds Register in London, specialising in safety compliance. During his period as Chief Executive Officer of the Marine Board of Victoria, he was appointed the inaugural Chair of the National Marine Safety Committee. Malcolm is a member of the Commission for Occupational Safety and Health, and appointed as Chief Dangerous Goods Officer under the *Dangerous Goods Safety Act 2004*.

Our people

The Department of Commerce is supported by a wealth of employees from diverse backgrounds, contributing to a broad range of functions established to serve the Western Australian community.

The department's employees are fundamentally governed by the *Public Sector Management Act 1994* and remunerated under the terms and conditions contained in the Public Service General Agreement 2008. Our employees' contributions to the department are valued through frequent acknowledgement of their successes and responses to challenges they face in their professional lives.

Further information on our employees is provided in the Agency Performance section of this report.



Legislation administered

The Department of Commerce administered 80 Acts of Parliament during 2008-09, as listed below. Reviews of legislation, regulations and codes of practice ensure the changing needs and expectations of the community are met, and that the regulatory framework is relevant. A full description of the scope and intent of these Acts is contained on the department's internet site at www.commerce.wa.gov.au.

<i>Associations Incorporation Act 1987</i>	<i>Door to Door Trading Act 1987</i>	<i>New Tax System Price Exploitation Code (Taxing) Act 1999</i>
<i>Auction Sales Act 1973</i>	<i>Electricity Act 1945</i>	<i>New Tax System Price Exploitation Code (Western Australia) Act 1999</i>
<i>Bills of Sale Act 1899</i>	<i>Employment Agents Act 1976</i>	<i>Occupational Safety and Health Act 1984</i>
<i>Builders' Registration Act 1939</i>	<i>Employment Dispute Resolution Act 2008</i>	<i>Painters' Registration Act 1961</i>
<i>Business Names Act 1962</i>	<i>Energy Coordination Act 1994</i>	<i>Petroleum Products Pricing Act 1983</i>
<i>Charitable Collections Act 1946</i>	<i>Energy Safety Act 2006</i>	<i>Petroleum Retailers Rights and Liabilities Act 1982</i>
<i>Chattel Securities Act 1987</i>	<i>Energy Safety Levy Act 2006</i>	<i>Public and Bank Holidays Act 1972</i>
<i>Churches of Christ, Scientist, Incorporation Act 1961</i>	<i>Fair Trading Act 1987</i>	<i>Real Estate and Business Agents Act 1978</i>
<i>City Club Act 1965</i>	<i>Finance Brokers Control Act 1975</i>	<i>Residential Parks (Long-Stay Tenants) Act 2006</i>
<i>Coal Industry Tribunal of Western Australia Act 1992</i>	<i>Fremantle Buffalo Club (Incorporated) Act 1964</i>	<i>Residential Tenancies Act 1987</i>
<i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i>	<i>Gas Standards Act 1972</i>	<i>Retail Trading Hours Act 1987</i>
<i>Companies (Co-operative) Act 1943</i>	<i>Growers Charge Act 1940</i>	<i>Retirement Villages Act 1992</i>
<i>Competition Policy Reform (Taxing) Act 1996</i>	<i>Hairdressers Registration Act 1946</i>	<i>Sale of Goods Act 1895</i>
<i>Competition Policy Reform (Western Australia) Act 1996</i>	<i>Hire Purchase Act 1959</i>	<i>Sale of Goods (Vienna Convention) Act 1986</i>
<i>Construction Industry Portable Paid Long Service Leave Act 1985</i>	<i>Home Building Contracts Act 1991</i>	<i>Settlement Agents Act 1981</i>
<i>Conspiracy and Protection of Property Act 1900</i>	<i>Industrial Relations Act 1979</i>	<i>Street Collections (Regulation) Act 1940</i>
<i>Consumer Affairs Act 1971</i>	<i>Industry and Technology Development Act 1998 (administered from 1 January 2009)</i>	<i>Sunday Entertainments Act 1979</i>
<i>Consumer Credit (Western Australia) Act 1996</i>	<i>Labour Relations Reform Act 2002</i>	<i>Trade Measurement Act 2006</i>
<i>Cooperative and Provident Societies Act 1903</i>	<i>Labour Relations Legislation Amendment Act 2006</i>	<i>Trade Measurement Administration Act 2006</i>
<i>Credit (Administration) Act 1984</i>	<i>Land Valuers Licensing Act 1978</i>	<i>Transfer of Incorporation (HBF and HIF) Act 2009</i>
<i>Credit Act 1984</i>	<i>Law Reform (Common Employment) Act 1951</i>	<i>Travel Agents Act 1985</i>
<i>Dangerous Goods Safety Act 2004 (administered until 31 December 2008)</i>	<i>Life Assurance Companies Act 1889</i>	<i>Water Services Licensing Act 1995 (Part 5A)</i>
<i>Debt Collectors Licensing Act 1964</i>	<i>Limited Partnership Act 1909</i>	<i>Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund Act 1932</i>
<i>Decimal Currency Act 1965</i>	<i>Long Service Leave Act 1958</i>	<i>Workmen's Wages Act 1898</i>
<i>Disposal of Uncollected Goods Act 1970</i>	<i>Metric Conversion Act 1972</i>	
<i>Distress for Rent Abolition Act 1936</i>	<i>Miners' Phthisis Act 1922</i>	
	<i>Mines Safety and Inspection Act 1994 (administered until 31 December 2008)</i>	
	<i>Minimum Conditions of Employment Act 1993</i>	
	<i>Motor Vehicle Dealers Act 1973</i>	
	<i>Motor Vehicle Repairers Act 2003</i>	



Boards, commissions, committees, councils and tribunals

The boards, commissions, committees, councils and tribunals have a range of functions including regulatory, advisory, licensing of participants in relevant industries, investigating complaints about the conduct of industry participants and taking disciplinary action where appropriate. These boards, commissions, committees, councils and tribunals are identified in Table 2 according to the department's three services. Appendix 4: Functions of boards, commissions, committees, councils and tribunals provides details of their role and functions. Appendix 5: Plumbers Licensing Board provides an outline of the role, activities and forecasts of the Board.

Table 2: Boards, commissions, committees, councils and tribunals

Consumer Protection	Safety and Employment Protection	Science, Innovation and Business ⁽³⁾
<ul style="list-style-type: none"> ▪ Builders' Registration Board ▪ Building Disputes Tribunal ▪ Charitable Collections Advisory Committee ▪ Consumer Product Safety Committee ▪ Hairdressers Registration Board of Western Australia ⁽¹⁾ ▪ Home Buyers Assistance and Advisory Committee ▪ Land Valuers Licensing Board ▪ Motor Vehicle Industry Board ▪ Painters' Registration Board ▪ Plumbers Licensing Board ▪ Real Estate and Business Agents Supervisory Board ▪ Retail Shops Advisory Committee ▪ Settlement Agents' Supervisory Board 	<ul style="list-style-type: none"> ▪ Board of Examiners ⁽²⁾ ▪ Commission for Occupational Safety and Health ▪ Electrical Licensing Board ▪ Gas Licensing Committee ▪ Mines Survey Board ⁽²⁾ ▪ Mining Industry Advisory Committee ⁽²⁾ 	<ul style="list-style-type: none"> ▪ Australian Marine Complex Business Development Committee ▪ Australian Marine Complex Overarching Committee ▪ Interim Board, International Centre for Radio Astronomy Research ▪ Premier's Science and Innovation Council ▪ Western Australian Regional Stakeholder Advisory Group ▪ Western Australian Technology and Industry Advisory Council

Notes:

- (1) The State Government intends to introduce legislation during 2009-10 to end the requirement for hairdressers to be registered in Western Australia. The legislation would abolish the Hairdressers Registration Board of Western Australia.
- (2) The department's Resources Safety Division administered this board/committee during the period 1 July to 31 December 2008.
- (3) The department's Science, Innovation and Business Division administered these boards/committees/councils during the period 1 January to 30 June 2009.



PERFORMANCE MANAGEMENT FRAMEWORK

Outcome based management framework

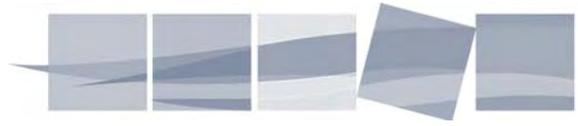
Western Australia's performance management framework monitors outcomes through the delivery of services. This is referred to as outcome based management (OBM) and it assists in the monitoring of the department's progress towards achievement of specific outcomes. Treasurer's Instruction 904 prescribes the mandatory requirements of OBM for agencies.

New Government goals

As part of the 2009-10 budget process new Government goals were developed, coupled with the *Premier's Circular 2007/05 Agency Strategic Management* being rescinded on 7 May 2009, the department's services and outcomes were linked to the new Government goals. Figure 3 demonstrates the linkages to the Government goals.

2007-08 OBM framework	Original 2008-09 OBM framework	Revised 2008-09 OBM framework
<i>DOCEP</i>	<i>DOCEP</i>	<i>Department of Commerce</i>
Government goals	Government goals	Government goals
<p>Better Services Enhancing the quality of life and well being of all people throughout Western Australia by providing high quality accessible services.</p>	<p>Better Services Enhancing the quality of life and well being of all people throughout Western Australia by providing high quality accessible services.</p>	<p>Outcomes Based Service Delivery Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.</p>
<p>Jobs and Economic Development Creating conditions that foster a strong economy delivering more jobs, opportunities and greater wealth for all Western Australians.</p>	<p>Jobs and Economic Development Creating conditions that foster a strong economy delivering more jobs, opportunities and greater wealth for all Western Australians.</p>	<p>Social and Environmental Responsibility Ensuring that economic activity is managed in a socially and environmentally responsible manner for the long-term benefit of the State.</p>
		<p>Financial and Economic Responsibility Responsibly managing the State's finances through the efficient and effective delivery of services, encouraging economic activity and reducing regulatory burdens on the private sector.</p>

Figure 3: Linkage to the Government's goals



Agency level outcomes and services

The department delivers services to achieve the agency level desired outcomes, which ultimately contributes to meeting the Government's goals. The department's revised 2008-09 OBM framework includes three agency level desired outcomes and three services. The agency level desired outcome is the effect or impact on the community or target clients of government services.

The department's key effectiveness indicators provide information on the extent to which outcomes have been achieved through the funding and delivery of agreed services, while key efficiency indicators are presented for each service. Efficiency indicators relate services to the level of resource inputs required to deliver them.

The linkage between the department's desired outcomes and services to the community, and the Government goals, to which the department makes its most significant contribution, is demonstrated in Figure 4.

GOVERNMENT'S GOALS	AGENCY LEVEL GOVERNMENT DESIRED OUTCOME	SERVICES
Outcomes Based Service Delivery Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.	Outcome 1 A fair trading environment that protects consumers and traders in Western Australia.	Service 1: Consumer Protection The provision of consumer protection advice, information, education and business regulation services to the Western Australian community.
Social and Environmental Responsibility Ensuring that economic activity is managed in a socially and environmentally responsible manner for the long-term benefit of the State.	Outcome 2 A community in which workplaces are operated in a safe and fair manner.	Service 2: Safety and Employment Protection The provision of advice, information, education and regulation services to the Western Australian community in the areas of: occupational safety and health; energy safety; and labour relations.
Financial and Economic Responsibility Responsibly managing the State's finances through the efficient and effective delivery of services, encouraging economic activity and reducing regulatory burdens on the private sector.	Outcome 3 Enhancement of the State's economic sustainability and prosperity.	Service 3: Science, Innovation and Business Enhances the State's prosperity by promoting science, innovation and business. Services include: <ul style="list-style-type: none"> ▪ supporting the Science and Innovation Council with science policy development advice; ▪ administering research capability and infrastructure grants; ▪ supporting industry development through innovation and commercialisation; ▪ administering science and innovation programs and projects; and ▪ improving Indigenous prosperity through leadership and innovation in economic development programs.

Figure 4: Relationship to the Government's goals: Revised 2008-09 OBM framework



Changes to outcome based management framework

Figure 5 demonstrates the changes made to the agency level desired outcomes and the services.

2007-08 OBM framework	Original 2008-09 OBM framework	Revised 2008-09 OBM framework
<i>DOCEP</i>	<i>DOCEP</i>	<i>Department of Commerce</i>
1 July 2007-30 June 2008	1 July-31 December 2008	1 January-30 June 2009
Agency level desired outcome		
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: consumer protection; labour relations; occupational safety and health; energy safety and resources safety.	Outcome 1 A fair trading environment that protects consumers and traders in Western Australia. Outcome 2 ⁽¹⁾ A community in which workplaces are operated in a safe and fair manner.	Outcome 1 A fair trading environment that protects consumers and traders in Western Australia. Outcome 2 ⁽²⁾ A community in which workplaces are operated in a safe and fair manner. Outcome 3 ⁽³⁾ Enhancement of the State's economic sustainability and prosperity.
Services		
Service 1 Consumer Protection	Service 1 Consumer Protection	Service 1 Consumer Protection
Service 2 Safety and Employment Protection	Service 2 ⁽¹⁾ Safety and Employment Protection	Service 2 ⁽²⁾ Safety and Employment Protection
		Service 3 ⁽³⁾ Science, Innovation and Business

Figure 5: Changes to agency level desired outcomes and services: 2007-08 and 2008-09

Notes:

- (1) This outcome and service includes data from the Resources Safety Division.
- (2) This outcome and service excludes data from the Resources Safety Division as this function was transferred to the Department of Mines and Petroleum from 1 January 2009.
- (3) This outcome and service reflects the transfer of the Science, Innovation and Business function from the former DOIR to the department from 1 January 2009.



Original 2008-09 OBM framework

In February 2007, the Department of Treasury and Finance's Outcome Structure Review Group endorsed the DOCEP's OBM framework as an interim arrangement, for 2007-08 only as it considered that there were a number of key issues, which warranted further consideration prior to the commencement of the 2008-09 budget process. A further review of DOCEP's OBM framework was undertaken, with a framework being approved in February 2008 for the 2008-09 reporting period. The key changes from the 2007-08 OBM framework to the original 2008-09 OBM framework were:

- creation of an agency level desired outcome statement for each of the department's services;
- addition of two effectiveness indicators to underpin the agency outcome statements;
- aggregation of Service 1: Consumer Protection's efficiency indicators from 11 to four; and
- aggregation of Service 2: Safety and Employment Protection's efficiency indicators from five to four indicators.

Revised 2008-09 OBM framework

The redesignation of DOCEP to the Department of Commerce from 1 January 2009, the inclusion of a division from the former DOIR and the transfer of the Resources Safety Division to the Department of Mines and Petroleum, led to a requirement for the development of an OBM framework for the Department of Commerce.

In March 2009, the department's OBM framework was approved by the Outcome Structure Review Group applicable for the 2008-09 reporting period. This revised framework was based on DOCEP's original 2008-09 OBM framework approved for 2008-09, with the following changes:

- removal of an effectiveness indicator;
- addition of an agency level desired outcome and service relating to the Science, Innovation and Business Division;
- addition of new effectiveness and efficiency indicators to measure the outcome and service relating to Science, Innovation and Business; and
- removal of the Resources Safety Division's underpinning measures in Outcome 2 and Service 2: Safety and Employment Protection.



Shared responsibilities with other agencies

The Department of Commerce, as the lead agency, is responsible for coordinating the delivery and reporting on whole of government and cross-agency initiatives. These initiatives have shared accountability for the successful implementation of whole of government reform initiatives. The shared responsibilities with other agencies, contained in Table 3, are reported against the 2008-09 Resource Agreements established between the responsible Minister, Director General and Treasurer. Further information on Resource Agreement reporting is available in the Agency Performance section of this report.

Table 3: Shared responsibilities with other agencies in 2008-09

Initiative	Related outcome	Contributing agencies	Report against targets
Fair Pay and Conditions Policy WA 2008 (Procurement Policy) <i>Source: Resource Agreement – Employment Protection (DOCEP)</i>	To promote fairer, more flexible and more productive workplaces. Ensure fair terms and conditions of employment pursuant to government cleaning and security contracts. Enable collective representation at the workplace. Provide an efficient means of preventing and settling workplace disputes.	Department of Commerce (Labour Relations Division); Department of Treasury and Finance; Department of Housing and Works	This was an initiative of the previous government, which was not progressed by the current government because of the potential flow-on effect of the government subsidising the wages of private sector employees.
ThinkSafe Small Business Assistance Program <i>Source: Resource Agreement - Employment Protection (DOCEP)</i>	Improved capacity for small businesses in high risk areas to manage their occupational safety and health risks more effectively.	Department of Commerce (WorkSafe Division); Small Business Development Corporation; WorkCover WA	The target of 500 eligible small businesses to complete the assistance program was exceeded as 658 small businesses received a free and independent occupational safety and health consultancy service.
Managing Fatigue in the Commercial Vehicle Sector <i>Source: Resource Agreement - Employment Protection (DOCEP)</i>	Promote safe driving in the heavy vehicle commercial transport industry through a combination of education, compliance and enforcement strategies aimed at reducing driver fatigue.	Department of Commerce (WorkSafe Division); Main Roads Western Australia; Office of Road Safety; WA Police	The target of a minimum of four strategic coordinated intervention campaigns on the major east-west and north-south trucking routes was achieved.



Initiative	Related outcome	Contributing agencies	Report against targets
Implementation of State Broadband Network Strategy <i>Source: Resource Agreement (DOIR) ⁽¹⁾</i>	Enabling telecommunications broadband infrastructure across WA.	Department of Commerce (Science, Innovation and Business Division); Department of Treasury and Finance; Department of the Premier and Cabinet; Office of E-Government; Department of Education and Training; Health Department; WA Police	The State Broadband Network Strategy became redundant with the introduction of the National Broadband Network Strategy. However, the department is now working closely with Department of Treasury and Finance to leverage telecommunication expenditure in the regional areas under the Common Use Agreement to extend telecom infrastructure using a targeted approach.
Develop an international radio astronomy park in Western Australia's Mid West <i>Source: Resource Agreement (DOIR) ⁽¹⁾</i>	Support the State's bid for international Square Kilometre Array Project.	Commonwealth Scientific and Industrial Research Organisation (CSIRO); Department of Commerce (formerly DOIR); Department of Environment and Conservation; Department of Innovation, Industry, Science and Research; Department of Local Government and Regional Development; Department for Planning and Infrastructure; Department of the Premier and Cabinet; Mid West Development Commission; Office of Native Title; Pastoral Lands Board; State Solicitor's Office	The target to establish a Radio Astronomy Park was achieved through execution of a collaboration agreement between the State and CSIRO; the purchase of the Boolardy Station Lease; the execution of a lease agreement for the Murchison Radio-astronomy Observatory; and the execution of an Indigenous Land Use Agreement.

Notes:

(1) The department was responsible for this initiative from 1 January 2009.

The department recognises the benefits derived from working collaboratively with external parties by negotiating co-agency agreements, Instruments of Declaration, joint initiatives, Memoranda of Understanding and service delivery agreements with a range of organisations, within the public and private sector. Additional information on jointly delivered services with other organisations is provided at Appendix 1: Agreements and joint initiatives.

Agency Performance



This section reports on the department's performance during the period including a report against our Resource Agreements, report on divisional activities and information on our people.

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RESOURCE AGREEMENT

In accordance with section 41 of the *Financial Management Act 2006*, the Department of Commerce (formerly the Department of Consumer and Employment Protection (DOCEP)) has a Resource Agreement between the responsible Minister, Director General and Treasurer. The Resource Agreement articulates the Government's desired outcomes, the services to be delivered and the performance targets to be achieved for both financial and non-financial performance.

At the time of signing the Resource Agreement, the Director General was accountable to two Ministers for the performance of the department's functions and a Resource Agreement existed with each Minister. The Resource Agreements were prepared in the original 2008-09 outcome based management (OBM) framework as set out in the 2008-09 Budget Papers and the targets were set as part of the State Government's 2008-09 budget process. There is no provision under the *Financial Management Act 2006* and the Treasurer's Instructions for the Resource Agreement to be amended to reflect the changes that occurred during the year.

A summary of the department's performance against financial and non-financial targets for the 2008-09 financial year, as contained in these Resource Agreements, is reported in accordance with Treasurer's Instruction 808. In addition, where applicable the Department of Industry and Resources' (DOIR) Resource Agreement relating to the functions transferred to the department have been reported.

Financial targets

Table 4 provides a summary of the department's financial performance for 2008-09.

Table 4: Summary of financial performance for 2008-09

Indicator	Target ⁽¹⁾ \$'000	Actual ⁽⁵⁾ \$'000	Variation \$'000
Total cost of services (expense limit) (<i>details from Income Statement</i>)	\$111,412 ⁽²⁾	\$136,712	\$25,300 ^(a)
Net cost of services (<i>details from Income Statement</i>)	\$76,195 ⁽³⁾	\$104,142	\$27,947 ^(a)
Total equity (<i>details from Balance Sheet</i>)	\$42,594 ⁽⁴⁾	\$70,229	\$27,635 ^(a)
Net increase/(decrease) in cash held (<i>details from Cash Flow Statement</i>)	\$160 ⁽⁴⁾	\$540	\$380 ^(a)
Indicator	Target	Actual	Variation
Approved full time equivalent (FTE) staff level	922	983	61 ^(b)

Notes:

- (1) The targets were derived from the 2008-09 Budget Papers (No. 2, Volume 3, Part 13).
- (2) This figure included \$45,978,000 for the Consumer Protection Service and \$65,434,000 for the Safety and Employment Protection Service.
- (3) This figure included \$27,371,000 for the Consumer Protection Service and \$48,824,000 for the Safety and Employment Protection Service.
- (4) The total equity and net increase (decrease) in cash on hand figures related to the entire department which at the time of setting the target encompassed the Consumer Protection Service and Safety and Employment Protection Service only.
- (5) As specified in the Financial Statements section of this report.



Explanations of variances provided in Table 4 are as follows:

- (a) The variance is primarily due to the fact that the targets were derived from the 2008-09 Budget Papers and were therefore set prior to the significant changes to the department during 2008-09, which included the transferring out of the Resources Safety Division and the transferring in of the Science, Innovation and Business Division. The majority of the variances for these cost targets relates to the Science, Innovation and Business Division's grants funding program.
- (b) The variance is primarily due to the different basis of calculation. The target figure included only existing and substantive positions occupied in the financial year and did not include externally funded, Ministerial placements or secondees. Whereas, the actual result is based on the Public Sector Commission's Human Resources Minimum Obligatory Information Requirements (MOIR) data, which includes employees directly paid through the department's payroll including contractors; secondees both in or out of the department, paid by the agency; externally funded positions; and Ministerial placements.

Key performance indicators

This section provides a summary of the department's non-financial performance against 2008-09 targets for key effectiveness indicators and key efficiency indicators as contained in the 2008-09 Resource Agreements. The Resource Agreements were prepared in the original 2008-09 OBM framework as set out in the 2008-09 Budget Papers and the targets were set as part of the State Government's 2008-09 budget process.

The actual results have been reported in the revised 2008-09 OBM framework to ensure the information presented is relevant and useful to the reader of this report and to be consistent with the Performance Indicator Report. Results, where possible, have also been presented in the original 2008-09 OBM framework.

Key effectiveness indicators

Table 5 and 6 provides a summary of the department's non-financial performance relating to key effectiveness indicators for 2008-09.

Table 5: Results for the 2008-09 key effectiveness indicators

Indicator	Target ⁽¹⁾	Actual	Variation
Outcome 1: A fair trading environment that protects consumers and traders in Western Australia.			
The extent to which traders comply with regulatory requirements	95%	97% ⁽²⁾	2%
The extent of consumer confidence in Western Australia's trading environment	75%	71% ⁽²⁾	(4%)
Outcome 2: A community in which workplaces are operated in a safe and fair manner.			
The extent of compliance with safety and employment protection regulatory requirements	82%	76% ⁽³⁾ 77% ⁽⁴⁾	(6%) (5%)
The proportion of key measures exhibiting desirable trends in safety and employment protection	The Outcome Structure Review Group approved the removal of this indicator in March 2009.		



Notes:

- (1) The targets from the Resource Agreements were derived from the 2008-09 Target figure from the 2008-09 Budget Papers (No. 2, Volume 3, Part 13), which was based on the original 2008-09 OBM framework.
- (2) As this indicator was the same in both the original and revised 2008-09 OBM framework, the result shown in the revised 2008-09 OBM framework is comparable to the target.
- (3) The result is shown in the revised 2008-09 OBM framework (i.e. excludes the Resources Safety Division's underpinning measure) is not comparable to the target, which had been set in the original 2008-09 OBM framework and had included the Resources Safety Division's data.
- (4) For comparison purposes, the result is also shown in the original 2008-09 OBM framework. However the result includes the Resources Safety Division's underpinning measure for the period 1 July to 31 December 2008 only, as the Resources Safety Division was transferred to the Department of Mines and Petroleum effective from 1 January 2009.

Table 6: Results for the 2008-09 key effectiveness indicators ⁽¹⁾

Indicator	Target ⁽³⁾	Actual	Variation
Outcome 3: Enhancement of the State's economic sustainability and prosperity.			
Index of funding leverage obtained for Western Australia from science and innovation research grants	5.1:1	7.4:1 ⁽⁴⁾	2.3:1
Number of employment and business opportunities facilitated ⁽²⁾	885	675	(210) ^(a)

Notes:

- (1) These indicators and targets were part of the former DOIR's 2008-09 Resource Agreement.
- (2) Employment and business opportunities are specifically defined as employment opportunities, business start-ups, business development and expansion opportunities facilitated for Indigenous communities.
- (3) The targets in DOIR's Resource Agreement were derived from the 2008-09 Target figures from DOIR's 2008-09 Budget Papers (No. 2, Volume 1, Part 3), which was based on DOIR's OBM framework.
- (4) The result has been calculated for a similar indicator in the department's revised 2008-09 OBM framework which was based on DOIR's indicator. However, the methodology for calculating has changed from a running ratio (which included current active grants and concluded grants) to grants concluded for Centres of Excellence established since 2000.

Explanation of variance provided in Table 6 is as follows:

- (a) The variance between the actual result (675) and the target (885) for 2008-09 is due to the much lower than expected number of Indigenous employment opportunities. This was a consequence of the global economic crisis, coupled with the Aboriginal Economic Development unit being discontinued and the function being wound-up upon notification in May 2009 as part of the 2009-10 budget process Economic Audit Policy decision.

Key efficiency indicators

Table 7 and 8 provides a summary of the department's non-financial performance relating to key efficiency indicators for 2008-09.

Table 7: Results for the 2008-09 key efficiency indicators

Indicator	Target ⁽²⁾	Actual ⁽³⁾	Variation
Service 1: Consumer Protection ⁽¹⁾			
Average cost per client contact to provide information and advice	\$2.39	\$2.57	\$0.18
Average cost per policy project	\$18,898 ^(a)	\$209,387	\$190,489 ^(a)
Average cost per registration or licence	\$12.75	\$13.78	\$1.03
Average cost per inspection or investigation	\$477.01	\$541	\$63.99
Service 2: Safety and Employment Protection			
Average cost per hour of policy advice	\$147.06	\$107 ⁽⁴⁾	(\$40.06)



Indicator	Target ⁽²⁾	Actual ⁽³⁾	Variation
Average cost per client contact to provide information and advice	\$3.82	\$5.14 ⁽⁴⁾	\$1.32
		\$4.78 ⁽⁵⁾	\$0.96
Average cost per inspection or investigation	\$1,313	\$854 ⁽⁴⁾	(\$459)
		\$1,086 ⁽⁵⁾	(\$227)
Average cost per registration or licence	\$218.89	\$66.51 ⁽⁴⁾	(\$152.38)
		\$88.00 ⁽⁵⁾	(\$130.89)

Notes:

- (1) The indicators for the Consumer Protection Service were the same in both the original and revised 2008-09 OBM framework.
- (2) The targets from the Resource Agreements were derived from the 2008-09 Target figure from the 2008-09 Budget Papers (No. 2, Volume 3, Part 13), which was based on the original 2008-09 OBM framework.
- (3) The results shown are in the revised 2008-09 OBM framework. The organisational changes during the year impacted the costing allocation model (i.e. the Resources Safety Division's expenditure has been excluded from the Safety and Employment Protection Service and the full year costing for the Science, Innovation and Business Service is included).
- (4) The results shown are in the revised 2008-09 OBM framework (i.e. excludes the Resources Safety Division's underpinning measure) is not comparable to the target, which was set in the original 2008-09 OBM framework and had included the Resources Safety Division's data.
- (5) For comparison purposes the result is also shown in the original 2008-09 OBM framework. However the result includes the Resources Safety Division's underpinning measure for the period 1 July to 31 December 2008 (as the Resources Safety Division was transferred to the Department of Mines and Petroleum effective from 1 January 2009). In addition, the cost methodology is based on the financial statements, which includes expenditure incurred by the department for the Resources Safety Division for a six month period (1 July to 31 December 2008) and the Science, Innovation and Business Division for the six month period (1 January to 30 June 2009).

Explanation of variance provided in Table 7 is as follows:

- (a) The significant variance is due to the fact that the target included incorrectly classified policy projects (rather than policy tasks which are no longer included in this indicator). If the policy projects had been correctly classified, the target would have been \$259,842, for which the actual result is comparable.

Table 8: Results for the 2008-09 key efficiency indicators⁽¹⁾

Indicator	Target ⁽¹⁾	Actual ⁽²⁾	Variation ^(a)
Service 3: Science, Innovation and Business			
Average cost per science and innovation project managed	\$57,848	\$210,642	\$152,794

Notes:

- (1) This indicator and target were part of the former DOIR's 2008-09 Resource Agreement. The target was derived from the 2008-09 Target figure from DOIR's 2008-09 Budget Papers (No. 2, Volume 1, Part 3), which was based on DOIR's OBM framework.
- (2) This indicator was based on a former DOIR indicator, however the methodology was amended to include science and innovation projects in: Innovative WA programs; Centres of Excellence; science initiatives; specific purpose funding; policy; marine and defence; broadband; Technology Parks: industry participation; and other. In addition, the indicator excludes grants paid to external parties.

Explanation of variance provided in Table 8 is as follows:

- (a) The variance is due to the change in methodology for calculating this indicator.

A summary of the department's performance against whole of government and cross-agency initiatives as contained in the 2008-09 Resource Agreements is presented in Table 3: Shared responsibilities with other agencies in 2008-09 of the Overview section of this report.

For detailed information on the department's performance refer to the Performance Indicator Report.



OPERATIONAL HIGHLIGHTS

This section continues to highlight the department's major achievements for 2008-09.

Consumer Protection

Consumer Protection Division

About the division

The Consumer Protection Division provides consumers and traders with access to a fair and competitive marketplace by providing advice and assistance to the community.

Highlights

Development of legislation

The Consumer Protection Division completed a wide ranging statutory review of the *Retirement Villages Act 1992* to identify whether the current legislation meets the needs of the community. Some of the key areas addressed by the review included issues relating to contracts; disclosure information and cooling off periods; and the management and maintenance of retirement villages. A draft report of the review was submitted to the Minister in June 2009.

Drafting of a Bill to amend the *Residential Tenancies Act 1987* commenced following a review involving extensive research and public consultation. The high demand for rental properties has led to increased levels of dispute, highlighting the need for clear, understandable laws in relation to tenancy agreements. The division understands the need to maintain investment in the rental market and therefore, the new laws will seek to balance the competing interests of tenants and landlords and deliver an overall benefit to the community.

The Cooperatives Bill 2009 was introduced to Parliament in March 2009 and will replace two existing Acts. Cooperatives play an important role in the community, particularly in regional areas, and cover a range of industries including retail, agriculture, manufacturing, wool processing and taxi services. The new legislation modernises these laws and will give cooperatives access to new fundraising opportunities and improve opportunities for interstate trade by Western Australian cooperatives.

The Consumer Protection Division facilitated the drafting of the Retail Trading Hours Amendment Bill 2009 introduced into the Parliament by the Premier in June 2009. The Bill proposes amendments to trading hours to allow general retail shops in the metropolitan area to remain only open until 9.00pm each weeknight.



Proactive compliance sweep of South West regions

The Consumer Protection Division commenced a program to inform and educate consumers and businesses in regional Western Australia from 11 to 15 May 2009. Twelve employees including the Commissioner for Consumer Protection undertook and delivered a broad range of compliance and education sessions in Esperance, Kalgoorlie and Lake Grace covering activities including business registration, retirement villages, residential parks, petrol pricing, motor vehicle repairer licensing and price scanning.

Rental property information seminars

The Consumer Protection Division delivered two presentations entitled 'Renting out your Property: An Owners Guide' in Joondalup and Melville which attracted registration of more than 600 participants. The division also delivered seven seminars on factors to consider with reverse mortgages.

Economics and Industry Standing Committee Inquiry action

The Consumer Protection Division continued its investigation into the Economics and Industry Standing Committee Inquiry's findings and recommendations on disputes between management and residents at the Karrinyup Lakes Lifestyle Village. The division investigated alleged breaches of a Deed of Undertaking, commenced prosecution proceedings concerning misrepresentation under the *Fair Trading Act 1987* and the Commissioner commenced civil representative action in the District Court concerning breaches of contract relating to marketing and sale of leases.

Mystery shopping project

The Consumer Protection Division undertook an investigation into fish suppliers to discover whether consumers were receiving the product they paid for. The investigation covered supermarkets, restaurants, road side vendors and 'wet' fish supplies and found that no raw or cooked fillets tested were misrepresented and that accurate fish naming conventions were used. A national audit of bedding stores was also undertaken to determine if misleading two-price advertising was prevalent. In September 2008, 19 bedding and furniture stores were visited, eight of which were required to substantiate the pricing claims being made.

Home Buyers Assistance Account

A record number of applications were received for grants from the Home Buyers Assistance Account in 2008-09 with 4,948 grants approved, a 19 per cent increase from 2007-08. In total, over \$9.7 million was granted to Western Australian first home buyers in 2008-09.





Implementation of the *Trade Measurement Act 2006* provisions relating to the sale of alcohol

The Consumer Protection Division successfully implemented the introduction of laws relating to the method in which draught beers and some spirits are sold in Western Australia. These laws are designed to ensure correct measurement so that consumers can have the confidence that they receive the product they pay for. The implementation included consultation with industry representatives, dissemination of over 4,000 educational letters and brochures to industry stakeholders and an information booth at the Australian Hotels Association annual trade show.

Indigenous partnership program

A pilot project involving the Western Australian and Commonwealth governments was completed in June 2009. Under a trial arrangement workshops were held in six locations throughout Western Australia on topics which included governance training for Indigenous organisations. The course was based on a well-tested program being used by the Commonwealth Office of the Registrar of Indigenous Corporations.

Motor vehicles dealer inspection program

Since the program commenced in 2007, the Consumer Protection Division has visited a total of 1,581 motor vehicle dealer premises and inspected more than 27,000 vehicles across Western Australia. Of the vehicles inspected, 246 have been issued with defect orders for serious faults found and a further 488 vehicles were issued with a minor defect order.



Safety and Employment Protection

EnergySafety Division

About the division

The EnergySafety Division is fully industry funded and carries out the technical and safety regulation of electricity production, electricity transmission and distribution, electricity utilisation (consumers' installations and appliances), gas distribution and gas utilisation (consumers' installations and appliances).

Highlights

Bush fire investigations

The EnergySafety Division completed investigations into three significant wild fires initiated by failures of Western Power's electricity distribution system. The investigation reports were published on the EnergySafety section of the department's internet site.



National regulatory reform projects

Significant progress has been made in developing national regimes for electrical appliance safety approvals, gas appliance safety approvals, national electrical and gas trade licensing, and the harmonisation of energy supply technical and safety regulation. Electrical and gas safety regulators in other jurisdictions have accelerated work, which has resulted in significant progress on various national regulatory reform projects.

As the chair of the Gas Technical Regulations Committee, a notable achievement has been the conclusion after ten years, of the Trans Tasman Mutual Recognition Agreement in respect of gas appliances. Subject to New Zealand completing the necessary legislative changes, it will result in gas appliances being able to be sold in both Australia and New Zealand.

Regulatory model for energy efficiency of gas appliances

The department continued participation, at a national level, to progress improvements to the energy efficiency of gas appliances and equipment. Agreement on the regulatory model to be used has been delayed and it is estimated that this will be completed by 2010. It is anticipated that the proposed model will provide for each jurisdiction to regulate gas efficiency through existing legislation. Changes to the *Gas Standards Act 1972* will be required.

Inspections of domestic installations

Steady progress has been made to implement a scheme, developed by the Energy Safety Division, whereby home owners may have their electrical installations voluntarily inspected for safety on a fee-for-service basis, using participating electrical contractors. A similar service for gas consumers is planned for next year, subject to approval from the Government.

Omnibus Bill to control vegetation near power lines

An Omnibus Bill is under preparation to replace the simplistic provisions of Section 54 of the *Energy Operators (Powers) Act 1979* (dealing with the control of vegetation near power lines) with a new regulatory regime under the *Electricity Act 1945*.

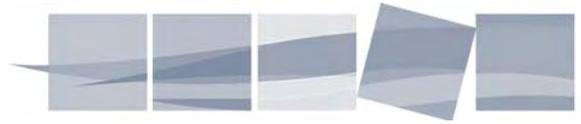


Improved regulatory compliance through application of a safety case

As a means of complying with the requirements of the Gas Standards (Gas Supply and System Safety) Regulations 2000, Alinta Gas has opted to use a safety case approach, which has been approved and will come into operation in 2009-10.

Implementation of the Electricity (Licensing) Regulations 1991

The Electricity (Licensing) Regulations 1991 covering electrical licensing and consumer electrical installations standards have been implemented, embracing latest versions of the Australian Wiring Rules, the Western Australian Electrical Requirements and relevant Australian Standards.



Labour Relations Division

About the division

The Labour Relations Division aims to promote and encourage flexible, balanced and productive employment practices in Western Australian workplaces that recognise the rights and obligations of both employees and employers.

Highlights

Flexible workplaces

Three key projects were undertaken by the Labour Relations Division to encourage greater flexibility in Western Australian workplaces. In the public sector, the Work Life Balance Implementation Project focused on training and supporting supervisors to manage flexible workers. An education campaign for small business owners on the benefits of mature age employment was undertaken to raise awareness of how flexibility can assist in retention of skilled and experienced employees.



The Pay Equity Audit Initiative has assisted a range of organisations to undertake pay equity audits to identify issues related to workforce participation and help build the internal capabilities of their workforces.

Services to small business

The Labour Relations Division has enhanced small business services by developing and delivering products to small business employers. Connecting with Regional Communities and Small Business Development Advisory Service programs were implemented initiatives that provide free information and advice on employment law obligations to small businesses.

Children and employment laws

The Labour Relations Division has raised the awareness of children and employment laws with employers and parents through the investigation of complaints and education mail-outs to businesses that operate in the retail and fast food industries.



Resources Safety Division

About the division

The Resources Safety Division promotes best practice in safety and health with companies and employees involved in dangerous goods, mining, onshore petroleum operations and major hazard facilities by educating and regulating industry. Resources Safety is also involved in developing safety standards.

Highlights

The division's highlights are reported for the period 1 July to 31 December 2008.

Occupational safety and health reform in mining

The Resources Safety Division continued to contribute to the development and finalisation of the National Mine Safety Framework strategies and implementation plan. The division participated in nation-wide consultation on these issues, continued to provide support and input to the debate and the processes, leading to the finalisation of the statutory review of the *Mines Safety and Inspection Act 1994*. Mine safety awareness programs were delivered at regional centres, including a new initiative to the exploration sector using innovative technology to ensure wider coverage of the State.

Petroleum safety

The Resources Safety Division continued to provide expert technical advice under a safety case regime in relation to the upstream onshore oil and gas industries through a Memorandum of Understanding with the former DOIR.

Management of hazardous manual tasks

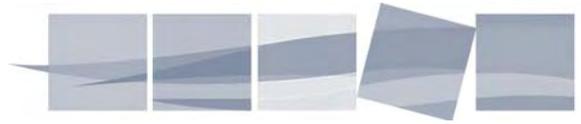
Musculoskeletal disorders arising from performing hazardous manual tasks represent more than a third of all reported accidents and compensation statistics in the resources industry. The Resources Safety Division established a tripartite working group to identify practical solutions to this issue and released a suite of reference materials.

System enhancements (e-forms)

The division has created several incident and health reporting electronic forms to replace the current paper-based process. The new e-forms are designed to validate data entries while being inputted at the mine site. Further forms are being released progressively to the industry. As a result of this initiative, data submission rates and accuracy have improved.

Risk-based health surveillance

The Resources Safety Division's risk-based health surveillance and biological monitoring guideline was released. This will help mine employers to meet their statutory requirements relating to biological monitoring, and the additional health surveillance required when employees are exposed to hazardous substances.



WorkSafe Division

About the division

The WorkSafe Division operates to promote safe and healthy workplaces in Western Australia by enforcing occupational safety and health laws, providing education and information about occupational safety and health matters to workers and employers, and aiming to achieve a workplace safety culture through industry and community awareness programs.



Highlights

Enhanced customer service approach

As part of an enhanced customer service approach, the WorkSafe Division:

- Organised the Perth Work Safe Forum in October 2008 at the Perth Convention Exhibition Centre. The forum was targeted at elected safety and health representatives and attended by around 570 delegates. The 2009 Work Safe Regional Forums were held in Karratha and Bunbury in May 2009.
- Presented 18 free lunchtime information sessions, '4thought sessions', at various locations on a range of occupational safety and health topics, to give participants information on workplace safety issues and provide an opportunity to discuss solutions.
- Conducted more than 51 information sessions at individual workplaces to support workplace risk management processes.
- Streamlined plant design registration and plant item registration procedures to provide an improved customer service.
- Responded to 43,445 requests for occupational safety and health information, received 1,750 notifications of injuries and disease and answered 2,942 emails to the Customer Help Centre.

National and state based campaigns

As part of a national intervention approach developed under the *National Occupational Health and Safety Strategy 2002-2012*, the division participated in targeted occupational safety and health education and enforcement drives including programs concerning manual tasks in the retail and wholesale trade supply chain; new and young workers in the hospitality sector; and aggressive behaviour in health care. The WorkSafe Division was responsible for the national coordination of the aggressive behaviour in health care campaign.

During the year, the division completed key compliance projects covering the safe operation of tower cranes at construction sites; the control of hazardous dusts, fumes and fibres across all industries; risk control related to the provision of disability services; and risk control in industry sectors including cabinet making, boat lifting, prefabricated building, seafood processing, and pubs, taverns and bars.



ThinkSafe Small Business Assistance Program

The ThinkSafe Small Business Assistance Program promotes the implementation of occupational safety and health systems and policies to small businesses in high risk industries, not-for-profit organisations and Indigenous groups. During the year, as part of the program, the division:

- Delivered a free and independent occupational safety and health consultancy service to 658 small businesses on a one-to-one consultation basis. This was an increase of 25 per cent on the previous year. Sixty-eight per cent of services were delivered to metropolitan area businesses and 32 per cent to the regions. Additional assistance on key occupational and health issues was provided to 52 small businesses that opted to be part of a program of follow up visits.
- Provided free and independent occupational safety and health consultancy services to 17 remote Indigenous communities which received a culturally appropriate adaptation of the ThinkSafe Small Business Assistance program. These remote communities were located in the Pilbara, Goldfields, Gascoyne and Mid West.



Participants in the ThinkSafe Program for Aboriginal Communities. Newman

Regional compliance activities

As part of an increased regional focus, the division delivered to key regional areas a range of targeted occupational safety and health education and enforcement drives in line with nationally agreed priority industries and priority issues. These included targeted inspection of construction sites in the South West, Mid West and Peel regions; construction sites and farms in the East Kimberley; and manufacturing industry activities including wineries, bakeries and metal fabrication in the South West. There were four major enforcement drives in relation to commercial driver fatigue, at regional locations across Western Australia in cooperation with other agencies. Fatigue remains a significant occupational safety and health issue in the commercial transport industry.

Reduction in work related injury and disease rates

According to the most recent preliminary workers' compensation claims data, the downward trend continues for lost time injuries and diseases in Western Australia with a 2.7 per cent reduction in overall frequency rate, from 10.7 in 2006-07 to 10.4 in 2007-08 (preliminary). The total rate of improvement for all injuries and diseases since the *Occupational Safety and Health Act 1984* came into effect 20 years ago in 1988-89, is 70.5 per cent.

Due to the volatility of work related fatalities, averages over five years are used to provide clear trend data. The most recent data shows the average traumatic work related fatality incidence rate for the five year period from 2004-05 to 2008-09 is 19.6. This is a 2.6 per cent decrease from 20.1 for the five year period of 2003-04 to 2007-08 indicating a positive shift in trend (downward).



Awards

The WorkSafe Plan is an assessment process that rates safety management systems and directs attention to areas that can be improved. The WorkSafe Plan is promoted by the WorkSafe Division to help workplaces introduce occupational safety and health management systems that support the practices required to establish and maintain safe systems of work. In 2008-09, five platinum, 11 gold and nine silver awards were awarded.

The Work Safety Awards Western Australia recognise outstanding occupational safety and health management, solutions and innovation in Western Australian workplaces that reduce the risk of work related injury and disease. In 2008, the award winners were Main Roads Western Australia, Southern Brake and Services Pty Ltd, Department of Agriculture and Food WA, APC Storage Solutions and Suzie Johns from Bunnings Morley.

Code of practice on the safe guarding of machinery and plant

A code of practice was developed on the safe guarding of machinery and plant to provide practical guidance on controlling risks, to assist workplaces to meet their legal obligation to provide and maintain a safe working environment. The lack of guarding on machinery is a significant cause of workplace deaths and injuries in Western Australia. The code of practice explains how to safely guard machinery and plant in the workplace, to ensure it does not pose a risk to safety and health.

Science, Innovation and Business

Science, Innovation and Business Division

About the division

The Science, Innovation and Business Division enhances the State's prosperity by promoting the expansion of science, innovation and business.



Highlights

Clinical trials

The Science, Innovation and Business Division assisted with establishing the early clinical trials facility at the Sir Charles Gairdner Hospital site in Nedlands with the State Government's funding being secured for the Western Australian Institute of Medical Research to establish the facility.

Australian Marine Complex

The division finalised the implementation of major capital works at the Australian Marine Complex and will continue to pursue opportunities for Western Australian industry to participate in local and international marine and defence off shore oil and gas markets.



Innovation

The division conducted a range of specific programs to facilitate successful innovation and commercialisation by the Western Australian based business including the WA Inventor of the Year Award and the 2008 WA Brilliant West Week.

Science

The Science, Innovation and Business Division undertook a number of initiatives to promote the importance of science to the State's economy. These included the 2008 Premier's Science Awards and the Dialogue with Youth Forum.

Square Kilometre Array

The division worked with other State and Commonwealth bodies to establish the Murchison Radio-astronomy Observatory for the Australian Square Kilometre Array Pathfinder telescope and other astronomy research projects.

Research

A range of funding agreements were finalised by the department on behalf of the State Government. Areas covered included Centres of Excellence in radio astronomy, climate change, geothermal and mineral mapping.

Infrastructure

Funding was committed to develop an industrial park in the Collie region which will be the site for a \$3.5 billion area project.

Desalination

The Science, Innovation and Business Division is working with the Commonwealth to establish a \$20 million National Centre for Desalination Research in Perth.

Corporate

Corporate Services Division

About the division

The Corporate Services Division supports the department's outcomes by providing effective governance and policies and procedures for a range of activities. Primarily this division is responsible for financial and asset management, procurement, information technology, human resources, corporate information, freedom of information, and facilities planning and management. This division also coordinates the risk and business continuity management planning and practices across the department. All policies and procedures are aligned to government policy and industry best practice.



Highlights

Count Us In Award nomination

The Department of Commerce was nominated for the 2008 Count Us In Awards coordinated by the Disability Services Commission for the State Government category. The department's ability to actively recruit and assess people with disabilities who are available for work was acknowledged at these awards. The department is proud of its achievements to support this strategic recruitment initiative.

Consolidation and virtualisation of servers

The first phase of an ongoing project to introduce a virtual server infrastructure environment has been completed. This has provided the department with more efficient, flexible and resilient platform to provide its computer services. The use of virtualisation has dramatically reduced the number and the complexity of the servers required to deliver services. This has also resulted in a reduction in the number of physical servers located in the Forrest Centre server room, saving on floor space, power and cooling usage.

Data migration and transition

The Corporate Services Division was actively involved with the migration of data for the Science, Innovation and Business Division and the Resources Safety Division. This involved transitioning and educating all new employees on the department's practices, protocols and standards. This work resulted in the development of new management procedures to accommodate the division's business activities.

Leadership development

A six module management program titled 'Managerial Effectiveness' was developed for the department to build the capabilities of the middle management group. The key objective of the program is to assist managers to better manage their employees. The program was attended by 47 managerial employees during the year.

Electronic and Document Records Management System

The department's Electronic Document and Records Management System, 'Objective' continued to be implemented across all business units. The system ensures there is a centralised system for the management of information regardless of its medium and this information is captured and retained according to legislative requirements.

Retention and disposal of records

In accordance with the *State Records Act 2000*, the Retention and Disposal Schedules for the Labour Relations and Consumer Protection Divisions were updated during 2008-09. This will be submitted for approval to the State Records Advisory Committee in 2009-10. Work in reducing the holdings of records at offsite storage facilities has commenced, with a dedicated retention and disposal team established. This team will ensure standardised and consistent practices are in place for handling inactive records, which are disposed of in a timely manner and in accordance with the approved Retention and Disposal Schedules.



Innovative Disability Recruitment Program

The Corporate Services Division conducts a unique annual recruitment activity, which enables people with disabilities the opportunity to undertake an interview and be registered for employment with the department. This initiative is supported by a collaborative relationship with Edge Employment Solutions. A database of candidates has been established for the department's managers to access when vacancies arise within their work area. Candidates' skills and abilities are matched according to the type of work they could perform. An Employment and Career Development Strategy will be developed and implemented for people with a disability in the coming year.

Records management training

A booklet titled 'Corporate information: Record keeping essentials' has been developed and is provided to all new employees. This booklet explains the importance of good records management practices and empowers employees to be accountable for creating and retaining accurate records within the department's electronic document and records management system. In addition, a records management segment has been included within the mandatory training attended by all new employees, to provide them with a more detailed understanding of their record keeping requirements as public officers.

Office of the Director General

About the division

The Office of the Director General provides strategic and executive support to the Director General and the Corporate Executive. This includes governance; whole-of-government policy coordination; parliamentary liaison; regional services; internal audit; strategic policy co-ordination; corporate development initiatives; strategic planning; corporate performance reporting; corporate communications and public affairs.

Highlights

Public sector safety, health and injury management: Annual reporting award

The Institute of Public Administration Australia (WA Branch) W.S. Lonnie Awards annually recognise excellence and improved accountability standards in annual reporting across the Western Australian public sector. A special award, co-sponsored by the Department of Commerce, Public Sector Commission, RiskCover and WorkCover WA, was established to recognise accountability and excellence in occupational safety, health and injury management reporting.



Nina Lyhne, Executive Director, WorkSafe presenting award to Main Roads WA

More than 120 public sector annual reports were reviewed for compliance with the *Public Sector Commissioner's Circular 2009-11: Code of practice: Occupational safety and health in the Western Australian public sector*, with the inaugural award for excellence in occupational safety, health and injury management reporting being awarded to Main Roads Western Australia. The Department of Commerce was short listed for the award.



Accountability and Ethical Decisions Making Training

The department's first 'Accountability and ethical decision making' session for the department's leadership team was held in early 2008-09. The session was designed to assist senior employees in finding answers to accountability questions that may arise in their daily work and explain expected standards of behaviour. The session focused on the six categories of conduct in the Conduct Guide produced by Office of the Public Sector Standards Commissioner. Employees will be trained in the next financial year.

Public Sector Safety, Health and Injury Management Network

The first Public Sector Occupational Safety, Health and Injury Management Network Forum occurred in May 2008 to assist public sector practitioners to exchange information and ideas in order to meet challenges within their workplaces. During 2008-09, a further two networking sessions were held which were highly successful and each attended by more than 100 practitioners. These forums covered topics on successful injury management and return to work using a buddy system; the importance of having an Occupational Safety and Health Business Plan; the management of stress claims; and provided the opportunity to talk to a panel of WorkSafe Inspectors.

Companion Card affiliation



During the year, the department became an affiliated organisation with the Companion Card Western Australia. The Companion Card allows people with a profound disability, who require attendant care for the rest of their lives, to participate in community activities and events, by allowing carers of people with disabilities to access events free of charge.

Informing our customers

The department continued to enhance its online material including developing youth oriented services and redeveloping 'Your First Job' and WorkSafe's 'SmartMove'. The change of the department's identity to the Department of Commerce also involved the development of the online branding and inclusion of the Science, Innovation and Business Division to the corporate web presence. The department's intranet services were also redeveloped during the year.

A new corporate identity and contemporary look for the department's wide range of printed information products, advertising and signage was developed during the year. A number of divisional promotional activities occurred including a motor vehicle repairers campaign, regional and Perth Work Safe Forums, Safe Work Australia Week (Western Australia), Work Safety Awards WA, WorkSafe Plan presentations, Safety Achievers Dinner, Consumer Protection Awards and WA Science Awards.

Over 170 publications were produced during the year to promote, educate and inform Western Australians about every aspect of the department's work. New publications included an information pack for new business owners registering a business name; a guide for long term residential park and lifestyle village operators; and consumer financial advice on renting goods and reserve mortgages. An advertising campaign relating to electrical and gas safety issues was undertaken during the year.





OUR PEOPLE

Department's profile

The Department of Commerce employs a diverse range of talented people who work together to provide a broad range of services to the Western Australian community. The department works to create workplaces where business outcomes are achieved, diversity is encouraged, health and safety is paramount, the wellbeing of employees is supported and the development of our people is championed.

The Department of Commerce employs 1,048 employees or 983 full time equivalents (FTEs). The department's employment profile, for 2008-09 (Table 9) shows that 53 per cent of employees were female, with 16 per cent of females employed on a part time basis. This positive result stems from the department's Flexible Working Arrangement Policy that is supported by management and utilised by employees.

Despite the continuous concern over an ageing workforce, 40 per cent of the department's employees are aged below 40 years. Through the use of Performance Review and Development Plans we are able to implement career and succession plans for all levels within the department. At the same time, the department is well supported by 18 per cent of employees who have worked in this agency for more than 10 years. The retention of the skills and knowledge of the employee is important as they are the mentors and coaches for the new workforce.

The Department of Commerce has a diverse workforce. There are people from 44 different countries who speak 23 languages. The department also employed 19 people with disabilities and nine people who are Aboriginal or Torres Strait Islander as at 30 March 2009.

Table 9: Department of Commerce's employment profile (FTEs) for 2008-09

Category	Female	Male	Total
Permanent full time	346.0	380.0	726.0
Permanent part time	64.3	12.2	76.5
Fixed term full time	95.0	62.0	157.0
Fixed term part time	18.0	5.4	23.4
Total full time equivalents (FTEs)	523.3	459.6	982.9

Administratively, the department regularly reviews human resource policies and processes to keep up-to-date with current demographic and environmental influences that affect our workforce.



Attracting and retaining

At the Department of Commerce we aim to recruit, develop and retain high calibre, skilled and motivated people. Improved employment options have been developed to ensure that the needs of our talented employees are met while fulfilling our business needs.

The department participated in the National Careers and Employment Expo held on 19 and 20 June 2009 at the Perth Convention and Exhibition Centre, as part of a strategic recruitment program. The department showcased its services to the community, prospective employees and future generations of school children from more than 38 schools. Around 15,000 people visited the department's display and were invited to register on the department's occupational database. This database is used to assist sourcing the skills required to supplement our workforce when required. Another highlight from this event was the opportunity to market the Department of Commerce which covers a vast scope of activities from safety, employment protection, consumer protection, science and innovation.



Human Resources employees at the National Careers and Employment Expo

Valuing equity and diversity

The department acknowledges differences in the workforce and adapts work practices to create an inclusive environment in which diverse skills, perspectives and backgrounds are valued. An Equity and Diversity Plan 2007-2009 was developed to support the State Government's commitment to developing an equitable and diverse workforce which is representative of the Western Australian community at all levels of employment and enables employees to combine work and family responsibilities. The plan incorporates the Indigenous employment strategy, the disability strategy and the diversity strategy, and ensures that equity and diversity are considered in all aspects of the department's work, particularly in recruitment and people management strategies.

Activities during the year that supported the Equity and Diversity Plan 2007-2009 included:

- New employees attended a one day workshop on equal opportunity law, workplace culture and bullying.
- Indigenous cross cultural awareness workshops were conducted with 104 participants.
- The department maintained its close working relationship with Edge Employment Solutions, a not-for-profit organisation, established for the purpose of assisting people with disabilities to establish careers. A recruitment day was held with 48 job seekers being interviewed and a recruitment pool of people available for temporary level one and level two positions was established. The International Day of People with a Disability was celebrated by holding a morning tea which was attended by an Edge Employment Solutions representative and managers across the department.
- A number of women's development programs were conducted with 54 participants.



- Work-life balance workshops were conducted including workshops specifically dealing with motherhood and fatherhood in the workplace.
- The Equity and Diversity Committee was established.
- All employees were requested to take part in an equal employment opportunity survey.

Learning and development

Employee learning and development

A wide variety of workshops were conducted during the year. These included written and interpersonal communications skills, customer service, creative thinking, career development, attraction and retention, equal employment opportunity, work life balance and management training. A total of 64 workshops were conducted through the internal training program with 927 participants attending programs.

Leadership development

Managerial effectiveness

A six module management program titled Managerial Effectiveness was developed for the department to build the capabilities of its mid-level managers. The program includes modules on valuing diversity; personality styles and effectiveness; managing conflict; strategic thinking and decision making; applied emotional intelligence; and the power to influence. The program was conducted three times with 47 managerial employees participating.

Department's leadership team

The Department of Commerce continued to focus on developing a positive corporate culture with clear leadership and open communication through presentations and workshops for the department's leadership team. These sessions are designed to enhance the team's abilities to build and sustain effective workplace relationships and to contribute to a more positive working environment for all employees. During the year, the leadership team's first session focused on accountability and ethical decision making and the second session on the department's new corporate plan.

The first session was in response to the Western Australian Government's commitment to provide training and advice to Directors General, the Senior Executive Service and public sector employees to promote ethical conduct and accountability across the public sector. In line with the *Public Sector Commissioner's Circular 2009-03 - Training on Accountable and Ethical Decision Making in the Western Australian Public Sector* employees will be trained in the next financial year.



Fiona Roche, Executive Director, Accountability Support Unit and Alan Barrett, Senior Policy Officer from the Department of the Premier and Cabinet attended the leadership team's ethical conduct and accountability session



The corporate plan was the topic of the second leadership session for the year. The leadership team was briefed on the department's vision and mission and the draft values and draft directions and strategies were reviewed. Feedback from this session was incorporated into the department's values, directions and strategies.



Department's leadership team's session to develop the new corporate plan

Women's development

A four module Women's Development Program was conducted for the first time in 2007-08. This program was designed to support the career development of mid-level female employees by offering specific development in four key areas. The format of the program facilitated networking and building support relationships between participants. Due to an overwhelming response and feedback, two additional programs were conducted during 2008-09. In addition, a two module program called Tapping Talent, was designed for level two and level three female employees. Another program titled Inner Excellence was designed specifically for regional female employees. The four programs were attended by 54 female employees.

Communicating with our employees

Employee committees

Effective workplace consultation relies on information sharing, access to facilities and training for all participants, and a commitment from both management and employee representatives to achieve workable and acceptable solutions to workplace issues. A joint consultative forum exists between workplace union delegates and the Director General, which continued to meet every six weeks during the year. The department also has an Occupational Safety and Health Committee and details of their activities are provided in the Disclosures and Legal Compliance (Government policy requirements) section of this report.

Internal communication

News on activities, by the Department of Commerce divisions and employees, is communicated through *Comm.News*, an online news service. In addition, the internal *HR Matters* publication provides advice, information and updates to management and employees on a wide range of issues and topics including equity and diversity, learning and development, the wellness program, occupational safety and health and changes to human resource processes and procedures. *HR Matters* also reminds employees of their responsibilities under the *Western Australian Code of Ethics* and the department's *Code of Conduct*.



Employee services

Employee assistance

The department's employee assistance program provides a range of personal and professional support services for our employees, managers and their families. This includes programs for the whole organisation as well as for specific situations such as traumatic workplace incidents. The employee assistance providers are a resource for managers and team leaders to effectively address challenging employee issues, as well as supporting personal functioning through solution-focused professional assistance, including short term counselling.

Support for charities and community groups

The Department of Commerce continued to provide ongoing support to local charities and community groups through a range of fundraising activities including casual dress days. During the past year, employees raised over \$3,400 which was donated to three charities the Red Cross Victorian Bushfire Appeal, National Bandanna Day (Canteen) and Daffodil Day (Cancer Council).

In addition, employees supported various community groups and charities such as St Vincent De Paul by donating goods and food for their Annual Christmas Appeal and providing blankets and towels for the Cat Haven of WA. Two employees also participated in the 'World's Greatest Shave', shaving their hair in support of the Leukaemia Foundation and raised over \$7,700.



An employee participates in the 'World's Greatest Shave' in support of the Leukaemia Foundation

Workplace wellness

Workplace wellness initiatives are designed to provide education and support to our employees. The department encourages healthy lifestyles and supports work-life balance to assist employees in dealing effectively with the stresses of everyday work and life problems.

A wellness program 'Work Safe, Work Well' was progressively implemented throughout the department during the year. Key activities during the year included lunchtime talks, exercise classes, influenza vaccinations, healthy heart checks and a '10,000 step' corporate challenge. An eight week healthy lifestyle program was attended by more than 120 employees. Healthy lifestyle choices were promoted through *Comm.News* and articles in the *HR Matters*. The wellness program was evaluated after nine months and due to its success, approval was granted to continue the program on an ongoing basis, including further implementation in regional offices.



An employee receives a healthy heart check

Significant Issues and Trends



This section contains information on the significant issues and trends that impact on the delivery of our services to the community of Western Australia.

Significant Issues and Trends

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SIGNIFICANT ISSUES AND TRENDS

Consumer Protection

- The implementation of the Council of Australian Governments' Seamless National Economy reform agenda has had a significant impact on the work undertaken by the Consumer Protection Division and will continue to do so through until 2012-13. The reform agenda will require the amendment of more than 30 Acts administered by the division and the transfer of significant areas of administrative responsibility to the Commonwealth Government, with a resultant impact on consumers, traders, employees and internal systems.
- Continuing high occupancy rates and, in particular, financial pressure on private landlords, are expected to result in more frequent consumer problems relating to residential tenancies. Proposed changes to the *Residential Tenancies Act 1987* seek to provide greater clarity to both landlords and tenants in a regulatory environment that respects the rights of all parties. The ageing population will also continue to present challenges in the areas of seniors' housing options such as retirement villages and park homes.
- The motor vehicle industry has been slow to take up the *Motor Vehicle Repairers Act 2003* licensing requirements with less than 20 per cent of businesses applying as at 30 June 2009. The influx of applications in the first months of the new financial year and a compliance program for the enforcement of this legislation will present significant challenges with flow on effects to other compliance activities.
- The Government's initiatives to amend retail trading hours in the metropolitan area have highlighted the demand for it to implement long-planned reforms of commercial tenancy legislation. The Consumer Protection Division will provide policy and legislative support for the proposed amendment Bills.
- The global financial crisis and associated slowdown in economic activity is likely to have ongoing effects on the viability of businesses with implications for consumers in the coming year. The Consumer Protection Division will continue to proactively identify early warning signs of businesses encountering difficulties and respond appropriately in order to protect Western Australian consumers.
- Due to noticeably higher incidents of regulatory non-compliance by plumbers in the regional areas of Western Australia than in the Perth metropolitan area, the department will increase the frequency and scope of its compliance inspection program in these areas. This will include audits being undertaken in mine sites and remote communities in order to address non-compliant work.
- The fiscal challenges facing the State will require greater focus on improving efficiencies of operation and creating opportunities to reduce the regulatory burden on business, while retaining appropriate levels of consumer protection. The Government will seek to remove the law requiring hairdressers to be licensed. The Government believes consumer protection, education and training, and occupational health and safety laws that have been enacted over time provide an appropriate level of consumer protection for clients of hairdressers. This would reduce red tape by removing barriers to entry into the hairdressing industry, reduce costs to small business and would assist in addressing skills shortages.



Safety and Employment Protection

- The Council of Australian Governments has agreed to achieve a 'seamless' Australian economy, including a uniform system of occupational licensing. The EnergySafety Division has been working closely with the Council of Australian Governments' Skills Taskforce to develop a scheme to harmonise electrical and gas licensing throughout Australia.
- The EnergySafety Division has been involved with a high level working group to oversee the implementation of the Electrical Equipment Safety System that will be a mixture of pre-market registration and post-market enforcement, with emphasis on the latter. Work on a similar Gas Equipment Safety System is underway and is expected to parallel closely with its electrical counterpart.
- A change to facilitate improvements to the *Gas Standards Act 1972* has proved necessary to provide nationally consistent powers, to make regulations dealing with the compliance aspects of the energy efficiency of gas appliances and equipment.
- An average of two electrocutions per annum has made it necessary for regulatory changes to require at least two safety switches (also known as residual current devices or RCDs) at the time of sale of a pre-2000 home or start of a new tenancy agreement. This was approved by the Executive Council and was published in the Government Gazette on 8 May 2009, marking the start of a three month notice period before the regulations become legally enforceable. The proposed regulatory change also requires at least two safety switches to be installed within two years in all rental properties, whether or not a change of tenant occurs. The EnergySafety Division is working with industry bodies to publicise this to the general public.
- The Ministerial Council for Energy has established a leaders group, to review the harmonisation of energy supply industry technical training and safety regulations. The EnergySafety Division is an active participant on both electricity and gas initiatives.
- Enactment of the Commonwealth Government's *Fair Work Act 2009* and the creation of Fair Work Australia in two stages from 1 July 2009 and 1 January 2010, will significantly change the employment arrangements for employers and 70 per cent of the Western Australian workforce currently in the federal system.
- The State Government will not refer its remaining industrial relations powers to the Commonwealth. Instead, it has established an independent review into the Western Australian industrial relations system to ensure it is flexible, balanced and productive and user-friendly for small business and the public sector.
- In light of the decision not to refer its remaining industrial relations powers to the Commonwealth, the State Government has committed to legislating for State employment so that the Western Australian public sector labour force is retained in the Western Australian industrial relations jurisdiction.



- A National Review into Model Occupational Health and Safety Laws was completed in January 2009 to inform the development of a model Occupational Health and Safety Act. Following decisions by the Workplace Relations Ministers' Council on the optimal structure and content of a model Act, Safe Work Australia is developing the model Act and supporting regulations for consideration by Workplace Relations Ministers' Council. It is anticipated that exposure drafts of the model Act and regulations will be released for public comment towards the end of 2009.

Under the Inter-Governmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety, all jurisdictions are required to implement the agreed model by December 2011. The WorkSafe Division is participating in the reform process to advance the interests of Western Australian workers and workplaces; and encouraging stakeholders to engage in the process by providing regular website updates, emails to key stakeholder groups and reports to the Commission for Occupational Safety and Health.

Science, Innovation and Business

- The Government has undertaken a major independent review of the Science, Innovation and Business Division to determine its future direction. The review which has encompassed views from industry bodies, the science and innovation business community and advisory groups, commenced in January 2009 with recommendations expected in 2009-10.
- As part of the 2009-10 State Budget it was announced that the department would cease to undertake the functions previously performed in relation to Aboriginal Economic Development.



Disclosures and Legal Compliance



This section contains the audited Financial Statements and Performance Indicator Report for the year ending 30 June 2009. The section also contains details of required disclosures and legal compliance obligations including financial and performance management, accountability, governance and reports required under specific legislation.

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AUDIT OPINION



Auditor General

INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

DEPARTMENT OF COMMERCE FINANCIAL STATEMENTS AND KEY PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2009

I have audited the accounts, financial statements, controls and key performance indicators of the Department of Commerce.

The financial statements comprise the Balance Sheet as at 30 June 2009, and the Income Statement, Statement of Changes in Equity, Cash Flow Statement, Schedule of Income and Expenses by Service, Schedule of Assets and Liabilities by Service, and Summary of Consolidated Account Appropriations and Income Estimates for the year then ended, a summary of significant accounting policies and other explanatory Notes.

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

Director General's Responsibility for the Financial Statements and Key Performance Indicators

The Director General is responsible for keeping proper accounts, and the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions, and the key performance indicators. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements and key performance indicators that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; making accounting estimates that are reasonable in the circumstances; and complying with the Financial Management Act 2006 and other relevant written law.

Summary of my Role

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements, controls and key performance indicators based on my audit. This was done by testing selected samples of the audit evidence. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion. Further information on my audit approach is provided in my audit practice statement. Refer www.audit.wa.gov.au/pubs/AuditPracStatement_Feb09.pdf.

An audit does not guarantee that every amount and disclosure in the financial statements and key performance indicators 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 and key performance indicators.



Department of Commerce
Financial Statements and Key Performance Indicators for the year ended 30 June 2009

Audit Opinion

In my opinion,

- (i) the financial statements are based on proper accounts and present fairly the financial position of the Department of Commerce at 30 June 2009 and its financial performance and cash flows for the year ended on that date. They are in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions;
- (ii) the controls exercised by the Department provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (iii) the key performance indicators of the Department are relevant and appropriate to help users assess the Department's performance and fairly represent the indicated performance for the year ended 30 June 2009.


COLIN MURPHY
AUDITOR GENERAL
18 September 2009



FINANCIAL STATEMENTS

Certification of Financial Statements for the year ended 30 June 2009

The accompanying financial statements of the Department of Commerce have been prepared in compliance with the provisions of the *Financial Management Act 2006* from proper accounts and records to present fairly the financial transactions for the financial year ending 30 June 2009 and the financial position as at 30 June 2009.

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

David Goodwin
Chief Finance Officer
10 September 2009

Brian Bradley
Accountable Authority
10 September 2009



Financial Statements

Department of Commerce Income Statement for the year ended 30 June 2009

	Note	2009 \$'000
COST OF SERVICES		
Expenses		
Employee benefits expenses	6	77,807
Supplies and services	7	15,907
Depreciation and amortisation expense	8	1,510
Finance costs	9	16
Administration expenses	10	8,782
Accommodation expenses	11	11,832
Grants and subsidies	12	19,377
Revaluation decrements expense	17	88
Other expenses	13	1,393
Total cost of services		<u>136,712</u>
Income		
Revenue		
User charges and fees	14	30,120
Other revenue	16	2,450
Total revenue		<u>32,570</u>
Total income other than income from State Government		<u>32,570</u>
NET COST OF SERVICES		<u>104,142</u>
INCOME FROM STATE GOVERNMENT		
Service appropriation	19	99,765
Resources received free of charge		864
Total income from State Government		<u>100,629</u>
SURPLUS/(DEFICIT) FOR THE PERIOD		<u><u>(3,513)</u></u>

Comparative figures have not been included due to the restructure of the Department.

The Income Statement should be read in conjunction with the accompanying notes.



Department of Commerce
Balance Sheet
as at 30 June 2009

	Note	2009 \$'000
Assets		
Current Assets		
Cash and cash equivalents	33	10,760
Restricted cash and cash equivalents	20	8,668
Receivables	21	11,374
Amounts receivable for services	22	1,120
Other current assets	23	54
Total Current Assets		<u>31,976</u>
Non-Current Assets		
Restricted cash and cash equivalents	20	1,149
Receivables	21	14,346
Amounts receivable for services	22	13,003
Property, plant and equipment	24	39,236
Intangible assets	25	3,395
Total Non-Current Assets		<u>71,129</u>
TOTAL ASSETS		<u><u>103,105</u></u>
Liabilities		
Current Liabilities		
Payables	27	7,059
Unearned revenues	30	3,279
Provisions	29	13,523
Other current liabilities	31	160
Total Current Liabilities		<u>24,021</u>
Non-Current Liabilities		
Payables	27	483
Unearned revenues	30	1,812
Borrowings	28	771
Provisions	29	5,789
Total Non-Current Liabilities		<u>8,855</u>
Total Liabilities		<u>32,876</u>
Net Assets		<u>70,229</u>
Equity		
Contributed equity	32	61,965
Reserves		3,951
Accumulated surplus		4,313
Total Equity		<u>70,229</u>

Comparative figures have not been included due to the restructure of the Department.

The Balance Sheet should be read in conjunction with the accompanying notes.



Department of Commerce
Statement of Changes in Equity
for the year ended 30 June 2009

	Note	2009
		\$'000
Balance of equity at start of period		40,541
CONTRIBUTED EQUITY		
	32	
Balance at start of period		30,595
Capital contribution		4,325
Other contributions by owners		45,317
Distribution to owners		<u>(18,272)</u>
Balance at end of period		<u>61,965</u>
RESERVES		
Asset Revaluation Reserve		
Balance at start of period		5,494
Asset Revaluation Reserve adjustment - Section 25		<u>(5,494)</u>
Restated balance at start of period		0
Gain from asset revaluation		<u>3,951</u>
Balance at end of period		<u>3,951</u>
ACCUMULATED SURPLUS		
Balance at start of period		4,452
Changes in accounting policy ^(b)		<u>(2,120)</u>
Restated balance at start of period		2,332
Asset Revaluation Reserve adjustment - Section 25		5,494
Surplus/(deficit) for the period		<u>(3,513)</u>
Balance at end of period		<u>4,313</u>
Balance of equity at end of period		<u><u>70,229</u></u>
Total income and expense for the period ^(a)		<u>438</u>

(a) The aggregate net amount attributable to each category of equity is: surplus/(deficit) (\$3,513,000) plus gains from asset revaluation \$3,951,000 (2008: deficit (\$1,809,000) plus gains from asset revaluation \$2,548,000).

(b) The change in Accounting policy relates to the increase in the asset capitalisation threshold from \$1,000 to \$5,000.

Comparative figures have not been included due to the restructure of the Department.

The Statement of Changes in Equity should be read in conjunction with the accompanying notes.



Department of Commerce
Cash Flow Statement
for the year ended 30 June 2009

	Note	2009 \$'000
CASH FLOWS FROM STATE GOVERNMENT		
Service appropriation		96,184
Capital contributions		4,325
Holding account drawdowns		1,120
Cash transferred from/(to) other State Government agency		514
Net cash provided by State Government		<u>102,143</u>
Utilised as follows:		
CASH FLOWS FROM OPERATING ACTIVITIES		
Payments		
Employee benefits		(69,183)
Superannuation		(6,209)
Supplies and services		(54,646)
Finance costs		(16)
GST payments on purchases		(5,339)
Other payments		(1,393)
Receipts		
User charges and fees		33,004
GST receipts on sales		627
GST receipts from taxation authority		2,810
Other receipts		2,450
Net cash provided by/(used in) operating activities	33	<u>(97,895)</u>
CASH FLOWS FROM INVESTING ACTIVITIES		
Proceeds from sale of non-current physical assets		0
Purchase of non-current physical assets ^(a)		(3,708)
Net cash provided by/(used in) investing activities		<u>(3,708)</u>
Net increase/(decrease) in cash and cash equivalents		540
Cash and cash equivalents at the beginning of the period		20,037
CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD	33	<u><u>20,577</u></u>

(a) Due to the change in capitalisation threshold where assets below \$5,000 are to be expensed, the cash flows under investing activities represents the extent to which expenditure has been made for resources that are initially recognised as an asset in the balance sheet. Therefore, expenditure on items below \$5,000 is to be classified as an operating activity.

Comparative figures have not been included due to the restructure of the Department.

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



Department of Commerce
Schedule of Income and Expenses by Service
for the year ended 30 June 2009

	Consumer Protection	Safety & Employment Protection	Science, Innovation and Business	Total
	2009	2009	2009	2009
	\$'000	\$'000	\$'000	\$'000
COST OF SERVICES				
Expenses				
Employee benefits expenses	32,405	38,933	6,469	77,807
Supplies and services	6,625	7,960	1,322	15,907
Depreciation and amortisation expense	628	756	126	1,510
Finance costs	7	8	1	16
Administration expenses	3,658	4,394	730	8,782
Accommodation expenses	4,927	5,921	984	11,832
Grants and subsidies	8,070	9,696	1,611	19,377
Revaluation decrement	37	44	7	88
Other expenses	580	697	116	1,393
Total cost of services	56,937	68,409	11,366	136,712
Income				
User Charges and Fees	16,956	12,808	356	30,120
Other revenue	1,379	1,042	29	2,450
Total income other than income from State Government	18,335	13,850	385	32,570
NET COST OF SERVICES	38,602	54,559	10,981	104,142
INCOME FROM STATE GOVERNMENT				
Service appropriation	41,550	49,921	8,294	99,765
Resources received free of charge	360	432	72	864
Total income from State Government	41,910	50,353	8,366	100,629
SURPLUS/(DEFICIT) FOR THE PERIOD	3,308	(4,206)	(2,615)	(3,513)

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



Department of Commerce
Schedule of Assets and Liabilities by Service
as at 30 June 2009

	Consumer Protection	Safety & Employment Protection	Science, Innovation and Business	General - Not Attributed	Total
	<u>2009</u>	<u>2009</u>	<u>2009</u>	<u>2009</u>	<u>2009</u>
	<u>\$'000</u>	<u>\$'000</u>	<u>\$'000</u>	<u>\$'000</u>	<u>\$'000</u>
Assets					
Current assets	1,415	7,142	0	23,419	31,976
Non-current assets	<u>0</u>	<u>0</u>	<u>24,504</u>	<u>46,625</u>	<u>71,129</u>
Total assets	<u>1,415</u>	<u>7,142</u>	<u>24,504</u>	<u>70,044</u>	<u>103,105</u>
Liabilities					
Current liabilities	1,515	1,763	0	20,743	24,021
Non-current liabilities	<u>456</u>	<u>0</u>	<u>771</u>	<u>7,628</u>	<u>8,855</u>
Total liabilities	<u>1,971</u>	<u>1,763</u>	<u>771</u>	<u>28,371</u>	<u>32,876</u>
NET ASSETS	<u>(556)</u>	<u>5,379</u>	<u>23,733</u>	<u>41,673</u>	<u>70,229</u>

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

The assets and liabilities classified as 'General Not Attributed' are applied across multiple services and therefore it is not possible to attribute to any individual service.



Department of Commerce

**Summary of Consolidated Account Appropriations and Income Estimates
for the year ended 30 June 2009**

	2009 Estimate \$'000	2009 Actual \$'000	Variance \$'000
DELIVERY OF SERVICES			
Item 100 Net amount appropriated to deliver services	73,464	76,622	3,158
Section 25 transfer of service appropriation ^(a)			
- From Commerce to DMP from 1 January 2009	(4,103)	(4,103)	0
- From DMP to Commerce from 1 January 2009	47,712	26,544	(21,168)
Amount Authorised by Other Statutes			
- Salaries and Allowances Act 1975	683	702	19
Total appropriations provided to deliver services	<u>117,756</u>	<u>99,765</u>	<u>(17,991)</u>
CAPITAL			
Item 173 Capital Contribution	2,770	2,770	0
Section 25 transfer of capital appropriation			
- From Commerce to DMP from 1 January 2009	(120)	(120)	0
- From DMP to Commerce from 1 January 2009	1,675	1,675	0
Total capital appropriations	<u>4,325</u>	<u>4,325</u>	<u>0</u>
GRAND TOTAL	<u>122,081</u>	<u>104,090</u>	<u>(17,991)</u>
Details of Expenses by Service			
Consumer Protection	45,978	48,873	2,895
Safety and Employment Protection	65,434	59,269	(6,165)
Less adjustment for Safety & Employment Protection transfer to DMP	(4,103)	0	4,103
Total Safety and Employment Protection	<u>61,331</u>	<u>59,269</u>	<u>(2,062)</u>
Science, Innovation & Business	0	28,570	28,570
Add adjustment for Science, Innovation & Business transfer from DMP	47,712	0	(47,712)
Total Science, Innovation & Business	<u>47,712</u>	<u>28,570</u>	<u>(19,142)</u>
Total Cost of Services	<u>155,021</u>	<u>136,712</u>	<u>(18,309)</u>
Less total income	(35,217)	(32,570)	2,647
Net Cost of Services	<u>119,804</u>	<u>104,142</u>	<u>(15,662)</u>
Adjustments ^(b)	(2,048)	(4,377)	(2,329)
Total appropriations provided to deliver services	<u>117,756</u>	<u>99,765</u>	<u>(17,991)</u>
Capital Expenditure			
Purchase of non-current physical assets	3,890	3,708	(182)
Capital Contribution (appropriation)	<u>3,890</u>	<u>3,708</u>	<u>(182)</u>
DETAILS OF ADMINISTERED INCOME ESTIMATES			
Other revenue	9,028	10,520	1,492
Total income estimates	<u>9,028</u>	<u>10,520</u>	<u>1,492</u>

(a) On the 1st of January 2009 the Science, Innovation and Technology Division was transferred from the Department of Mines and Petroleum (formerly the Department of Industry and Resources) to the Department of Commerce (formerly the Department of Consumer and Employment Protection).

(b) Adjustments comprise movements in cash balances and other accrual items such as receivables, payables and superannuation.

Note 37 'Explanatory statement' provides details of any significant variations between estimate and actual results for 2009.



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2009

Redesignation of the Department

Effective on and from 1 January 2009, the Governor has under the *Public Sector Management Act 1984* section 35(1)(d), altered the designation of the Department of Consumer and Employment Protection and designated it as the Department of Commerce. This redesignation gives effect to Machinery of Government changes and is related to:

The redesignation of the Department of Industry and Resources as the Department of Mines and Petroleum (DMP) with effect from 1 January 2009.

To give effect to Machinery of Government changes various functions have been transferred as follows:

- Resources Safety Division from the Commerce to DMP.
- Science and Innovation from DMP to Commerce.
- Aboriginal Economic Development from DMP to Commerce.

1. Departmental mission and funding

The Department of Commerce is an agency of the Government of Western Australia and seeks to create a trading and employment 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 is predominantly funded by Parliamentary appropriations and supplemented by external fees and charges. The fees charged are based on the full cost recovery basis. The financial statements encompass all funds through which the department controls resources to carry on its functions.

2. Australian equivalents to International Financial Reporting Standards

General

The Department's financial statements for the year ended 30 June 2009 have been prepared in accordance with Australian equivalents to International Financial Reporting Standards (AIFRS), which comprise a Framework for the Preparation and Presentation of Financial Statements (the Framework) and Australian Accounting Standards (including the Australian Accounting Interpretations).

In preparing these financial statements the Department has adopted, where relevant to its operations, new and revised Standards and Interpretations from their operative dates as issued by the AASB and formerly the Urgent Issues Group (UIG).

Early adoption of standards

The Department cannot early adopt an Australian Accounting Standard or Australian Accounting Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. No Standards and Interpretations that have been issued or amended but are not yet effective have been early adopted by the Department for the annual reporting period ended 30 June 2009.



3. Summary of significant accounting policies

(a) General Statement

The financial statements constitute a general purpose financial report which has been prepared in accordance with the Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board 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 Management Act and the Treasurer's Instructions are legislative provisions governing the preparation of financial statements and take precedence over the Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board.

Where modification is required and has a material or significant financial effect upon the reported results, details of that modification and the resulting financial effect are disclosed in the notes to the financial statements.

(b) Basis of Preparation

The financial statements have been prepared on the accrual basis of accounting using the historical cost convention, modified by the revaluation of land and buildings which have been measured at fair value.

The accounting policies adopted in the preparation of the financial statements have been consistently applied throughout all periods presented unless otherwise stated.

The financial statements are presented in Australian dollars and all values are rounded to the nearest thousand dollars (\$'000).

(c) Reporting Entity

The reporting entity comprises the Department of Commerce.

The Department administers assets, liabilities, income and expenses on behalf of Government that are not controlled by, nor integral to the function of the Department. These administered balances and transactions are not recognised in the principal financial statements of the Department but schedules are prepared on similar basis to the financial statements and are presented at note 45 'Administered Expenses and Income' and note 46 'Administered Assets and Liabilities'.

(d) Contributed Equity

AASB Interpretation 1038 'Contributions by Owners Made to Wholly-Owned Public Sector Entities' requires transfers, other than as a result of a restructure of administrative arrangements, in the nature of equity contributions to be designated by the Government (the owner) as contributions by owners (at the time of, or prior to transfer) before such transfers can be recognised as equity contributions. Capital contributions (appropriations) have been designated as contributions by owners by TI 955 'Contributions by Owners Made to Wholly-Owned Public Sector Entities' and have been credited directly to Contributed Equity.

Transfer of net assets to/from other agencies, other than as a result of a restructure of administrative arrangements, are designated as contributions by owners where the transfers are non-discretionary and non-reciprocal. See note 32 'Equity'.



Department of Commerce
Notes to the Financial Statements
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(e) Income

Revenue Recognition

Revenue is measured at the fair value of consideration received or receivable. Revenue is recognised for the major business activities as follows:

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 Treasury. See note 19 'Income from State Government' for further detail.

Net Appropriation Determination

The Treasurer may make a determination providing for prescribed receipts to be retained for services under the control of the Department. In accordance with the determination specified in the 2008-2009 Budget Statements, the Department retained \$38.288 million in 2009 (\$35.30 million in 2008) from the following:

- proceeds from fees and charges;
- sale of goods;
- Commonwealth specific purpose grants and contributions; and
- Other departmental revenue.

Rendering of services

Revenue is recognised upon delivery of the service to the client or by reference to the stage of completion of the transaction.

Sale of goods

Revenue is recognised from the sale of goods and disposal of other assets when the significant risks and rewards of ownership control transfer to the purchaser and can be measured reliably.

Grants, donations, gifts and other non-reciprocal contributions

Revenue is recognised at fair value when the Department obtains control over the assets comprising the contributions, which is usually when cash is received.

Other non-reciprocal contributions that are not contributions by owners 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.

Where contributions recognised as revenues during the reporting period were obtained on the condition that they be expended in a particular manner or used over a particular period, and those conditions were undischarged as at the balance sheet date, the nature of, and amounts pertaining to, those undischarged conditions are disclosed in the notes.

Gains

Gains may be realised or unrealised and are usually recognised on a net basis. These include gains arising on the disposal of non-current assets and some revaluations of non-current assets.



Department of Commerce
Notes to the Financial Statements
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(f) Borrowing costs

All borrowing costs are expensed.

(g) Property, plant and equipment

Capitalisation/Expensing of assets

Items of land are capitalised irrespective of value. All other property, plant and equipment are capitalised when their cost or fair value exceeds \$5,000. The cost of utilising assets is expensed (depreciated) over their useful lives. Items of property, plant and equipment costing less than \$5,000 are immediately expensed direct to the Income Statement (other than where they form part of a group of similar items which are significant in total).

From and for the 2008-09 year, the capitalisation threshold for property, plant and equipment has been increased from \$1,000 to \$5,000 in accordance with Treasurer's Instruction 1101(14)(ii).

Initial recognition and measurement

All items of property, plant and equipment are initially recognised at cost.

For items of property, plant and equipment acquired at no cost or for nominal consideration, the cost is their fair value at the date of acquisition.

Subsequent measurement

After recognition as an asset, the Department uses the revaluation model for the measurement of land and buildings and the cost model for all other property, plant and equipment. Land and buildings are carried at fair value less accumulated depreciation on buildings and accumulated impairment losses. All other items of property, plant and equipment are carried at historical cost less accumulated depreciation and accumulated impairment losses.

Where market-based evidence is available, the fair value of land and buildings is determined on the basis of current market buying values determined by reference to recent market transactions.

Where market-based evidence is not available, the fair value of land and buildings is determined on the basis of existing (current) use. This normally applies where buildings are specialised or where land use is restricted. Fair value for restricted use land assets is determined by reference to other unrestricted land in the area, net of any restoration costs. Fair value for existing use building assets is determined by reference to the depreciated replacement cost. Where the fair value of buildings is dependent on using the depreciated replacement cost, the accumulated depreciation is eliminated against the gross carrying amount of the asset and the net amount restated to the revalued amount.

Independent valuations of land and buildings are provided annually by the Western Australian Land Information Authority (Valuation Services) and recognised with sufficient regularity to ensure that the carrying amount does not differ materially from the asset's fair value at the balance sheet date.

The most significant assumptions in estimating fair value are made in assessing whether to apply the existing use basis to assets and in determining estimated useful life. Professional judgment by the valuer is required where the evidence does not provide a clear distinction between market type assets and existing use assets.

Refer to note 24 'Property, plant and equipment' for further information on revaluations.



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2009

Derecognition

Upon disposal or derecognition of an item of property, plant and equipment, any revaluation reserve relating to that asset is transferred to retained earnings.

Asset Revaluation Reserve

The asset revaluation reserve is used to record increments and decrements on the revaluation of non-current assets as described in note 24 'Property, plant and equipment'.

Depreciation

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

Land is not depreciated. Depreciation on other assets is calculated using the straight-line method, using rates that are reviewed annually. Estimated useful lives for each class of depreciable asset are:

Buildings	40 years
Property Infrastructure	5-15 years
Computer hardware	3 years
Computer software ^(a)	3 years
Furniture and fittings	10 years
Office equipment	5 years
Motor vehicles	5 years
Plant & Machinery	10 years

(a) Software that is integral to the operation of related hardware.

(h) Intangible Assets

Capitalisation/Expensing of assets

Acquisitions of intangible assets over \$5,000 and internally developed intangible assets costing \$100,000 or more are capitalised. The cost of utilising the assets is expensed (amortised) over their useful life. Costs incurred below these thresholds are immediately expensed directly to the Income Statement.

All acquired intangible assets are initially recognised at cost. For assets acquired at no cost or for nominal cost, the cost is their fair value at the date of acquisition. The cost model is applied for subsequent measurement requiring the asset to be carried at cost less any accumulated amortisation and accumulated impairment losses.

Amortisation of intangible assets with finite useful lives is calculated for the period of the expected benefit (estimated useful life) on the straight-line basis using rates that are reviewed annually. All intangible assets controlled by the department have a finite useful life and zero residual value.

Intangible assets held by the Department are amortised on a straight-line basis using rates that are reviewed annually.

The expected useful lives for intangible software assets are:

Internally developed systems	8 years
All other intangible software assets	3 years



Department of Commerce
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Computer Software

Software that is an integral part of the related hardware is treated as property, plant and equipment. Software that is not an integral part of the related hardware is treated as an intangible asset. Software costing less than \$5,000 is expensed in the year of acquisition.

Systems Development

For system developments, research costs are expensed as incurred. Development costs incurred on an individual project are carried forward when their future recoverability can reasonably be regarded as assured and where the total capitalised costs are likely to exceed \$100,000. Other development expenditures are expensed as incurred.

Web site costs

Web site costs are expensed when they are incurred unless the cost exceeds \$100,000. In this instance they are capitalised and amortised over their useful life.

(i) Impairment of Assets

Property, plant and equipment and intangible assets are tested, when appropriate, for any indication of impairment at each balance sheet date. Where there is an indication of impairment, the recoverable amount is estimated. Where the recoverable amount is less than the carrying amount, the asset is considered impaired and is written down to the recoverable amount and an impairment loss is recognised. As the Department is a not-for-profit entity, unless an asset has been identified as a surplus asset, the recoverable amount is the higher of an asset's fair value less costs to sell and depreciated replacement cost.

The risk of impairment is generally limited to circumstances where an asset's depreciation is materially understated or where the replacement cost is falling or where there is a significant change in useful life. Each relevant class of assets is reviewed annually to verify that the accumulated depreciation/amortisation reflects the level of consumption or expiration of asset's future economic benefits and to evaluate any impairment risk from falling replacement costs.

Intangible assets not yet available for use are tested for impairment at each balance sheet date irrespective of whether there is any indication of impairment.

See note 26 'Impairment of assets' for the outcome of impairment reviews and testing.

See note 3(q) 'Receivables' and note 21 'Receivables' for impairment of receivables.

(j) Non-Current Assets (or Disposal Groups) Classified as Held for Sale

The Department does not hold any non-current assets classified as held for sale.

(k) Leases

The Department does not have any finance leases.

The Department holds operating leases for head office and a number of branch office buildings. Lease payments are expensed on a straight-line basis over the lease term as this represents the pattern of benefits derived from the leased properties.



Department of Commerce
Notes to the Financial Statements
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(l) Financial Instruments

In addition to cash the Department has two categories of financial instruments:

- Loans and Receivables (cash and cash equivalents, receivables); and
- Non-trading financial liabilities (payables).

These have been disaggregated into the following classes:

Financial Assets

- Cash and cash equivalents
- Restricted cash and cash equivalents
- Receivables
- Amounts receivable for services

Financial Liabilities

- Payables
- Borrowings

Initial recognition and measurement of financial instruments is at fair value which normally equates to the transaction cost or the face value. Subsequent measurement is at amortised cost using the effective interest method.

The fair value of short-term receivables and payables is the transaction cost or the face value because there is no interest rate applicable and subsequent measurement is not required as the effect of discounting is not material.

(m) Cash and Cash Equivalents

For the purpose of the Cash Flow Statement, cash and cash equivalents includes restricted cash and cash equivalents. These are comprised of cash on hand and short-term deposits with original maturities of three months or less that are readily convertible to a known amount of cash and which are subject to insignificant risk of changes in value.

(n) Accrued Salaries

The accrued salaries suspense account (see note 20 'Restricted cash and cash equivalents') consists of amounts paid annually into a suspense account over a period of 10 financial years to largely meet the additional cash outflow in each eleventh year when 27 paydays occur instead of the normal 26. No interest is received on this account.

Accrued salaries (refer note 27 'Payables') represent the amount due to staff but unpaid at the end of the financial year, as the pay date for the last pay period for that financial year does not coincide with the end of the financial year. Accrued salaries are settled within a fortnight of the financial year end. The Department considers the carrying amount of accrued salaries to be equivalent to the net fair value.

(o) Amounts Receivable for Services (Holding Account)

The Department receives appropriation funding on an accrual basis that recognises the full annual cash and non-cash cost of services. The appropriations are paid partly in cash and partly as an asset (Holding Account receivable) that is accessible on the emergence of the cash funding requirement to cover items such as leave entitlements and asset replacement. See also note 19 'Income from State Government' and note 22 'Amounts receivable for services'.



Department of Commerce
Notes to the Financial Statements
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(p) Inventories

The Department does not hold any inventories.

(q) Receivables

Receivables are recognised and carried at original invoice amount less an allowance for uncollectible amounts. The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectible are written-off against the allowance account. The allowance for uncollectible amounts (doubtful debts) is raised when there is objective evidence that the Department will not be able to collect the debts. The carrying amount is equivalent to fair value, as it is due for settlement within 30 days. See note 21 'Receivables'.

(r) Payables

Payables are recognised when the Department becomes obliged to make future payments as a result of a purchase of assets or services. The carrying amount is equivalent to fair value, as they are generally settled within 30 days. See note 27 'Payables'.

(s) Amounts Due to the Treasurer

There are no amounts due to the Treasurer.

(t) Provisions

Provisions are liabilities of uncertain timing and amount and are recognised where there is a present legal, equitable or constructive obligation as a result of a past event and when the outflow of resources embodying economic benefits is probable and a reliable estimate can be made of the amount of the obligation. Provisions are reviewed at each balance sheet date. See note 29 'Provisions'.

(i) Provisions - Employee Benefits

Annual Leave and Long Service Leave

The liability for annual and long service leave expected to be settled within 12 months after the end of the balance sheet date is recognised and measured at the undiscounted amounts expected to be paid when the liabilities are settled. Annual and long service leave expected to be settled more than 12 months after the end of the balance sheet date is measured at the present value of amounts expected to be paid when the liabilities are settled. Leave liabilities are in respect of services provided by employees up to the balance sheet date.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions. In addition, the long service leave liability also considers the experience of employee departures and periods of service.

The expected future payments are discounted using market yields at the balance sheet date on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

All annual leave and unconditional long service leave provisions are classified as current liabilities as the Department does not have an unconditional right to defer settlement of the liability for at least 12 months after the balance sheet date.



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Sick Leave

Liabilities for sick leave are recognised when it is probable that sick leave paid in the future will be greater than the entitlement that will accrue in the future.

Past history indicates that on average, sick leave taken each reporting period is less than the entitlement accrued. This is expected to continue in future periods. Accordingly, it is unlikely that existing accumulated entitlements will be used by employees and no liability for unused sick leave entitlements is recognised. As sick leave is non-vesting, an expense is recognised in the income statement for this leave as it is taken.

Superannuation

The Government Employees Superannuation Board (GESB) administers the following superannuation schemes.

Employees may contribute to the Pension Scheme, a defined benefit pension scheme now closed to new members or the Gold State Superannuation Scheme (GSS), a defined benefit lump sum scheme also closed to new members. The Department has no liabilities for superannuation charges under the Pension or the GSS Schemes as the liability has been assumed by Treasurer.

Employees commencing employment prior to 16 April 2007 who are not members of either the Pension or the GSS Schemes became non-contributory members of the West State Superannuation Scheme (WSS). Employees commencing employment on or after 16 April 2007 became members of the GESB Super Scheme (GESBS). Both of these schemes are accumulation schemes. The Department makes concurrent contributions to GESB on behalf of employees in compliance with the Commonwealth Government's *Superannuation Guarantee (Administration) Act 1992*. These contributions extinguish the liability for superannuation charges in respect of the WSS and GESBS Schemes.

The GESB makes all benefit payments in respect of the Pension and GSS Schemes, and is recouped by the Treasurer for the employer's share.

See also note 3(u) 'Superannuation Expense'.

(ii) Provisions - Other

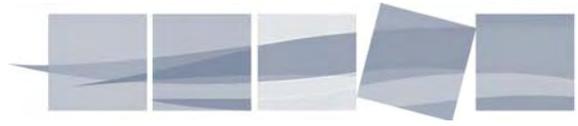
Employment On-Costs

Employment on-costs, including workers' compensation insurance, are not employee benefits and are recognised separately as liabilities and expenses when the employment to which they relate has occurred. Employment on-costs are included as part of 'Other expenses' and are not included as part of the Department's 'Employee benefits expense'. The related liability is included in Employment on-costs provision. (See note 13 'Other expenses' and note 29 'Provisions').

(u) Superannuation Expense

The following elements are included in calculating the superannuation expense in the Income Statement:

- (a) Defined benefit plans – For 2007-08, the change in the unfunded employer's liability (i.e. current service cost and, actuarial gains and losses) assumed by the Treasurer 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 (GSS); and



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Notes to the Financial Statements
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- (b) Defined contribution plans - Employer contributions paid to the GSS (concurrent contributions), the West State Superannuation Scheme (WSS), and the GESB Super Scheme (GESBS).

Defined benefit plans - For 2007-08, the movements (i.e. current service cost and, actuarial gains and losses) in the liabilities in respect of the Pension Scheme and the GSS transfer benefits are recognised as expenses directly in the Income Statement. As these liabilities are assumed by the Treasurer (refer note 3(u)(a)), a revenue titled 'Liabilities assumed by the Treasurer' equivalent to the expense is recognised under Income from State Government in the Income Statement (See note 19 'Income from State Government'). Commencing in 2008-09, the reporting of annual movements in these notional liabilities has been discontinued and is no longer recognised in the Income Statement.

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

Defined contribution plans - in order to reflect the Department's true cost of services, the Department is funded for the equivalent of employer contributions in respect of the GSS Scheme (excluding transfer benefits). These contributions were paid to the GESB during the year and placed in a trust account administered by the GESB on behalf of the Treasurer. The GESB subsequently paid these employer contributions in respect of the GSS Scheme to the Consolidated Account.

The GSS Scheme is a defined scheme for the purpose of employees and whole of government reporting. However, apart from the transfer benefit, it is a defined contribution plan for agency purposes because the concurrent contributions (defined contributions) made by the agency to GESB extinguishes the agency's obligations to the related superannuation liability.

(v) Resources Received Free of Charge or For Nominal Cost

Resources received free of charge or for nominal cost that can be reliably measured are recognised as income and as assets or expenses as appropriate, at fair value.

(w) Jointly Controlled Operations

The Department does not have any jointly controlled operations.

(x) Comparative Figures

Comparative figures have not been included due to the restructure of the Department. The Department's functions have changed significantly to the extent that providing comparative figures would be misleading. These significant changes have been outlined in the first paragraph of the notes to the statements.

(y) Loans converted to grants

The Department's range of assistance to industry includes loans, which are incrementally convertible to grants at prescribed intervals upon the recipients meeting performance milestones. The loans are recognised as loans receivable and an offsetting provision is made for the conversion of the loans to grants at the time of assistance.



Department of Commerce
Notes to the Financial Statements
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4. Disclosure of changes in accounting policy and estimates

Initial application of an Australian Accounting Standard

The Department has applied the following Australian Accounting Standards and Australian Accounting Interpretations effective for annual reporting periods beginning on or after 1 July 2008 that impacted on the Department:

Review of AAS 27 'Financial Reporting by Local Governments', AAS 29 'Financial Reporting by Government Departments and AAS 31 'Financial Reporting by Governments'. The AASB has made the following pronouncements from its short term review of AAS 27, AAS 29 and AAS 31:

AASB 1004 'Contributions';

AASB 1050 'Administered Items';

AASB 1051 'Land Under Roads';

AASB 1052 'Disaggregated Disclosures';

AASB 2007-9 'Amendments to Australian Accounting Standards arising from the review of AASs 27, 29 and 31 [AASB 3, AASB 5, AASB 8, AASB 101, AASB 114, AASB 116, AASB 127 & AASB 137]; Interpretation 1038 'Contributions by Owners Made to Wholly-Owned Public Sector Entities'.

The existing requirements in AAS 27, AAS 29 and AAS 31 have been transferred to the above new and revised topic-based Standards and Interpretation. These requirements remain substantively unchanged. The new and revised Standards and Interpretation make some modifications to disclosures and provide additional guidance (*for example, Australian Guidance to AASB 116 'Property, Plant and Equipment' in relation to heritage and cultural assets has been introduced*), otherwise there is no financial impact.

Future impact of Australian Accounting Standards not yet operative

The Department cannot early adopt an Australian Accounting Standard or Australian Accounting Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. Consequently, the Department has not applied early the following Australian Accounting Standards and Australian Accounting Interpretations that have been issued and which may impact the Department but are not yet effective. Where applicable, the Department plans to apply these Standards and Interpretations from their application date:

Title	Operative for reporting periods beginning on/after
AASB 101 'Presentation of Financial Statements' (September 2007). This Standard has been revised and will change the structure of the financial statements. These changes will require that owner changes in equity are presented separately from non-owner changes in equity. The Department does not expect any financial impact when the Standard is first applied.	1 January 2009
AASB 101 'Presentation of Financial Statements' (September 2007). This Standard has been revised and will change the structure of the financial statements. These changes will require that owner changes in equity are presented separately from non-owner changes in equity. The Department does not expect any financial impact when the Standard is first applied.	1 January 2009



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2009

Title	Operative for reporting periods beginning on/after
AASB 2008-13 'Amendments to Australian Accounting Standards arising from AASB Interpretation 17 – Distributions of Non-cash Assets to Owners [AASB 5 & AASB 110]. This Standard amends AASB 5 'Non-current Assets Held for Sale and Discontinued Operations' in respect of the classification, presentation and measurement of non-current assets held for distribution to owners in their capacity as owners. This may impact on the presentation and classification of Crown land held by the Department where the Crown land is to be sold by the Department of Regional Development and Lands (formerly Department for Planning and Infrastructure). The Department does not expect any financial impact when the Standard is first applied prospectively.	1 July 2009

Changes in Accounting Estimates

There were no changes in accounting estimates for the financial year.

Voluntary changes in Accounting Policy

As from the 1st July 2008 the Department changed the asset recognition threshold for property, plant and equipment and intangible assets from \$1,000 to \$5,000.

This is in accordance with a standard asset capitalisation threshold set under Treasurer's Instruction 1101 'Application of Australian Accounting Standards and Other Pronouncements'.

In applying this change the amount written off (\$2,122,358) has been adjusted under AASB 108 against the opening balance of accumulated retained earnings at 1 July 2008.

5. Services of the Department

Information about the Department's services and the expenses and income, that are reliably attributable to those services, is set out in the Schedule of Income and Expenses by Service. Information about expenses, revenues, assets and liabilities administered by the Department are given in notes 43, 45 and 46.

The three key services of the Department are:

Service 1: Consumer Protection

The provision of consumer protection advice, information, education and business regulation services to the Western Australian community.

Service 2: Safety and Employment Protection

The provision of advice, information, education and regulation services to the Western Australian community in the areas of occupational safety and health, resources safety, energy safety and labour relations.

Service 3: Science, Innovation and Business

Enhances the State's prosperity by promoting science, innovation and business. Services include supporting the Science and Innovation Council with science policy development advice; administering research capability and infrastructure grants; supporting industry development through innovation and commercialisation and administering science and innovation programs and projects.



Department of Commerce
Notes to the Financial Statements
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	2009
	\$'000
6. Employee benefits expense	
Wages and salaries ^(a)	66,894
Superannuation - defined contribution plans ^(b)	6,209
Long service leave ^(c)	1,380
Annual leave ^(c)	960
Other related expenses	2,364
	77,807

(a) Includes the value of the fringe benefit to the employee plus the fringe benefit tax component.

(b) Defined contribution plans include West State, GESB Super and Gold State (contributions paid).

(c) Includes a superannuation contribution component.

Employment on-costs such as workers' compensation insurance are included at Note 13 'Other expenses'. The employment on-costs liability is included at Note 29 'Provisions'.

7. Supplies and services

Consultants and contractors	9,621
Materials	1,094
Insurance	319
Motor vehicles	2,345
Travel	1,420
Other	1,108
	15,907

8. Depreciation and amortisation expense

Depreciation	
Computer Hardware	359
Computer Software	269
Furniture and Fittings	599
Vehicles	18
Office Equipment	103
Buildings	90
Property Infrastructure	13
Plant & Machinery	7
Total Depreciation	1,458

Amortisation

Intangible assets	52
Total amortisation	52

Total depreciation and amortisation	1,510
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9. Finance costs

Unwinding of discounts applied to provisions	16
	16



Department of Commerce
Notes to the Financial Statements
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	2009
	\$'000
10. Administration expenses	
Communications	2,546
Consumables	4,492
Maintenance	739
Other	1,005
	<u>8,782</u>
11. Accommodation expenses	
Lease rentals	11,245
Repairs and maintenance	285
Cleaning	302
	<u>11,832</u>
12. Grants and subsidies	
Farmsafe WA	69
Asbestos Diseases Society	100
Chamber of Commerce & Industry WA	70
Unions WA	63
Unions & Associations	260
Industry Development Financial Assistance	1,626
Science and Innovation	17,178
Other Miscellaneous	11
	<u>19,377</u>
13. Other expenses	
Employment on-costs ^(a)	1,313
Other ^(b)	80
Total other expenses	<u>1,393</u>
(a) Includes workers' compensation insurance and other employment on-costs. The on-costs liability associated with the recognition of annual and long service leave liability is included at note 29 'Provisions'. Superannuation contributions accrued as part of the provision for leave are employee benefits and are not included in employment on-costs.	
(b) Includes Audit Fee, refer to note 40 'Remuneration of auditor'.	
14. User charges and fees	
User charges and fees	<u>30,120</u>
The user charges and fees arise from the department's services in the following areas:	
Real Estate, Settlement Agents Boards & Rental Accommodation Fund	11,486
Business Names	751
Register of Encumbered Vehicles	1,256
Trading Standards	538
Worksafe	2,002
Energy Safety	9,719
Motor Vehicle Repairers	178
Plumbers	3,408
Resources Safety	756
Other	26
Total User Charges and Fees	<u>30,120</u>



Department of Commerce
Notes to the Financial Statements
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2009
\$'000

15. Commonwealth grants and contributions

No Commonwealth funding was received during the year

16. Other revenue

Other revenue	2,450
	2,450

17. Revaluation decrements

Revaluation decrements	88
	88

18. Net gain/(loss) on disposal of non-current assets

There were no capitalised assets disposed of during the year, therefore there were no costs or proceeds received or incurred.

19. Income from State Government

Appropriation received during the year:

Service appropriations ^(a)	99,765
	99,765

Resources received free of charge ^(c)

Determined on the basis of the following estimates provided by agencies:

Department of Treasury & Finance	305
State Solicitor's Office	347
Department of Housing and Works - Commercial Property	
Western Australian Land Information Authority	212
Total resources received free of charge	864

Total incomes from State Government	100,629
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(a) 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.

(b) The assumption of the superannuation liability by the Treasurer is a notional income to match 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. Commencing in 2008-09, the reporting of the notional superannuation expense and equivalent notional income has been discontinued.

(c) Where assets or services have been received free of charge or for nominal cost, 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.



Department of Commerce
Notes to the Financial Statements
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	2009 \$'000
20. Restricted cash and cash equivalents	
Current	
Consumer Credit Act (WA) ^(a)	445
Departmental Receipts in Suspense ^(a)	28
Safetyline Institute ^(a)	210
Indian Ocean Territories - Commonwealth Government ^(a)	84
Mine Safety Handbooks ^(a)	0
Petroleum Conferences ^(a)	0
Motor Vehicle Repairers (MVR) Industry Operating Account ^(a)	949
Motor Vehicle Repairers (MVR) Industry Education and Research Account ^(a)	10
Motor Vehicle Repairers (MVR) Industry Compensation Account ^(a)	10
Energy Safety Restricted Cash ^(a)	6,932
	8,668
Non-Current	
Accrued salaries suspense account ^(b)	1,149
	1,149
	9,817

(a) Refer to Note 43 'Special Purpose Accounts and Restricted Cash Accounts' for explanation of nature of restriction.

(b) 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.

21. Receivables

Current	
Trade debtors ^(a)	9,213
Loans and advances ^(b)	212
Allowance for impairment of receivables	(11)
GST receivables	1,055
Prepayments	905
Total current	11,374
Non Current	
Loans and advances ^(b)	14,346
Total non current	14,346

(a) Includes recoup of costs incurred, \$6.6m, for administering the Rental Accommodation Account in accordance with the *Residential Tenancies Act 1987* subject to approval from the Treasurer.

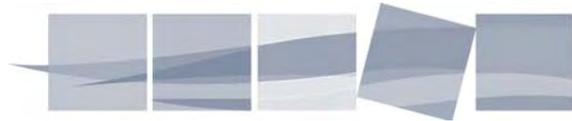
(b) The carrying amount of loans receivable approximates their net fair value.

Reconciliation of changes in the allowance for impairment of receivables.	
Balance at start of year	11
Doubtful debts expense recognised in the income statement	0
Amounts written off during the year	0
Amount recovered during the year	0
Balance at the end of the year	11



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2009

	2009
	\$'000
22. Amounts receivable for services	
Current	1,120
Non-Current	13,003
Total amounts receivable for services	14,123
Represents the non-cash component of service appropriations. See Note 3(o) 'Amounts Receivable for Services (Holding Account)'. It is restricted in that it can only be used for asset replacement or payment of leave liability.	
23. Other assets	
Current	
Other	54
	54
24. Property, plant and equipment	
Land ^(a)	
At fair value	20,401
	20,401
Buildings ^(a)	
At fair value	4,103
Accumulated depreciation	0
	4,103
Property Infrastructure	
At cost	0
Accumulated depreciation	0
	0
Plant & Machinery	
At cost	8
Accumulated depreciation	0
	8
Fixed Asset under Construction	
Construction costs	9,699
	9,699
Computer hardware	
At cost	3,178
Accumulated depreciation	(2,290)
	888
Computer software	
At cost	935
Accumulated depreciation	(623)
	312
Furniture and fittings	
At cost	6,961
Accumulated depreciation	(3,323)
	3,638
Vehicles	
At cost	80
Accumulated depreciation	(80)
	0
Office equipment	
At cost	920
Accumulated depreciation	(733)
	187



Department of Commerce
Notes to the Financial Statements
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	2009
	\$'000
Total	
At cost/fair value	46,285
Accumulated depreciation	<u>(7,049)</u>
Total Property, plant and equipment	<u>39,236</u>

(a) Land and buildings were revalued as at 1 July 2008 by the Western Australian Land Information Authority (Valuation Services). The valuations were performed during the year ended 30 June 2009 and recognised at 30 June 2009. In undertaking the revaluation, fair value was determined by reference to market values, where appropriate (land \$20,383,621, buildings \$4,103,384), or otherwise to its current use value (\$17,000). See note 3(f) 'Property, plant and equipment'.

Reconciliations

Reconciliations of the carrying amounts of property, plant and equipment at the beginning and end of the reporting period are set out below.

Land	
Carrying amount at start of year	12,599
Transfer (to) other government agency - Resources Safety	(12,599)
Transfer from other government agency - Science Innovation	16,450
Revaluation	<u>3,951</u>
Carrying amount at end of year	<u>20,401</u>
Buildings	
Carrying amount at start of year	2,829
Transfer (to) other government agency - Resources Safety	(2,792)
Transfer from other government agency - Science Innovation	4,244
Revaluation	(88)
Depreciation	<u>(90)</u>
Carrying amount at end of year	<u>4,103</u>
Property Infrastructure	
Carrying amount at start of year	370
Transfer from (to) other government agency	(353)
Capitalisation threshold from \$1,000 to \$5,000	(4)
Depreciation	<u>(13)</u>
Carrying amount at end of year	<u>0</u>
Plant & Machinery	
Carrying amount at start of year	106
Additions	8
Transfer (to) other government agency - Resources Safety	(90)
Capitalisation threshold from \$1,000 to \$5,000	(9)
Depreciation	<u>(7)</u>
Carrying amount at end of year	<u>8</u>
Fixed Assets under Construction	
Carrying amount at start of year	2,017
Additions	91
Transfer (to) other government agency - Resources Safety	(1,986)
Transfer from other government agency - Science Innovation	<u>9,577</u>
Carrying amount at end of year	<u>9,699</u>



Department of Commerce
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	2009
	\$'000
Computer hardware	
Carrying amount at start of year	2,819
Additions	350
Transfer (to) other government agency - Resources Safety	(35)
Transfer from other government agency - Science Innovation	21
Adjustments	(51)
Capitalisation threshold from \$1,000 to \$5,000	(1,857)
Depreciation	(359)
Carrying amount at end of year	<u>888</u>
Computer software	
Carrying amount at start of year	614
Additions	4
Transfer (to) other government agency - Resources Safety	(4)
Adjustments	3
Capitalisation threshold from \$1,000 to \$5,000	(36)
Depreciation	(269)
Carrying amount at end of year	<u>312</u>
Furniture and fittings	
Carrying amount at start of year	5,139
Additions	932
Transfer (to) other government agency - Resources Safety	(1,813)
Transfer from other government agency - Science Innovation	41
Capitalisation threshold from \$1,000 to \$5,000	(62)
Depreciation	(599)
Carrying amount at end of year	<u>3,638</u>
Vehicles	
Carrying amount at start of year	55
Transfer (to) other government agency - Resources Safety	(33)
Capitalisation threshold from \$1,000 to \$5,000	(4)
Adjustments	0
Depreciation	(18)
Carrying amount at end of year	<u>0</u>
Office equipment	
Carrying amount at start of year	405
Additions	30
Transfer (to) other government agency - Resources Safety	(39)
Transfer from other government agency - Science Innovation	51
Transfer from other government agency - Science Innovation (expensed)	(22)
Capitalisation threshold from \$1,000 to \$5,000	(136)
Adjustments	1
Depreciation	(103)
Carrying amount at end of year	<u>187</u>
Total - Property, plant and equipment	
Carrying amount at start of year	26,953
Additions	1,415
Transfer (to) other government agency - Resources Safety	(19,744)
Transfer from other government agency - Science Innovation	30,384
Transfer from other government agency - Science Innovation (expensed)	(22)
Adjustments	(47)
Revaluation	3,863
Capitalisation threshold from \$1,000 to \$5,000	(2,108)
Depreciation	(1,458)
Carrying amount at end of year	<u>39,236</u>



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2009

	2009
	\$'000
25. Intangible assets	
Computer software	
At cost	1,146
Accumulated amortisation	(1,097)
	<u>49</u>
Software development in progress	
At cost	3,346
	<u>3,346</u>
Total	
At cost/fair value	4,492
Accumulated depreciation	(1,097)
Total Intangible assets	<u>3,395</u>
Reconciliations	
Computer software	
Carrying amount at start of year	118
Capitalisation threshold adjustment	(12)
Addition corrections	(2)
Transfer from/(to) other government agency	(3)
Amortisation expense	(52)
Carrying amount at end of year	<u>49</u>
Software development in progress	
Carrying amount at start of year	1,051
Additions	2,295
Carrying amount at end of year	<u>3,346</u>
Total - Intangibles assets	
Carrying amount at start of year	1,169
Capitalisation threshold adjustment	(12)
Additions	2,293
Transfer from/(to) other government agency	(3)
Amortisation	(52)
Carrying amount at end of year	<u>3,395</u>
26. Impairment of assets	
<p>There were no indications of impairment of property, plant and equipment, infrastructure and intangible assets at 30 June 2009. The Department held no goodwill or intangible assets with an indefinite useful life during the reporting period and at balance sheet date there were no intangible assets not yet available for use.</p>	
27. Payables	
<u>Current</u>	
Trade payables	1,161
Accrued expenses	5,081
Accrued salaries ^(a)	817
	<u>7,059</u>
Non-current ^(b)	
Trust Account - Consumer Credit Act (WA)	445
Trust Account - Departmental Receipts in Suspense	28
Co-operatives - Companies Liquidation account	10
	<u>483</u>

(a) Amount owing for 2009, 3 working days \$816,917.13, as last pay falls on 25 June 2009. Amount owing for 2008 was \$522,350.33. 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.

(b) Refer to Note 43 'Special Purpose Accounts and Restricted Cash Accounts' for explanation.



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2009

	2009 \$'000
28. Borrowings	
<u>Non-current</u>	
WA Land Corp (Enterprise Units Development Agreement)	771
Total	771
 29. Provisions	
<u>Current</u>	
Employee benefits provision	
Annual leave ^(a)	5,779
Long service leave ^(b)	6,768
 Other provisions	
Employment on-costs ^(c)	976
 Total current provisions	13,523
 <u>Non-current</u>	
Employee benefits provision	
Long service leave ^(b)	5,737
 Other provisions	
Employment on-costs ^(c)	52
 Total non-current provisions	5,789

(a) Annual leave liabilities have been classified as current as there is no unconditional right to defer settlement for at least 12 months after balance sheet date. Assessments indicate that actual settlement of the liabilities will occur as follows:

Within 12 months of balance sheet date	3,451
More than 12 months after balance sheet date	2,328
	5,779

(b) Long service leave liabilities have been classified as current where there is no unconditional right to defer settlement for at least 12 months after balance sheet date. Assessments indicate that actual settlement of the liabilities will occur as follows:

Within 12 months of balance sheet date	4,736
More than 12 months after balance sheet date	7,768
	12,504

(c) The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including workers' compensation insurance. The provision is the present value of expected future payments. The associated expense, is included at note 13 'Other expenses'.



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2009

	2009 \$'000
<u>Movements in Other Provisions</u>	
Movements in each class of provisions during the financial year, other than employee benefits, are set out below.	
<u>Employment on-cost provision</u>	
Carrying amount at start of year	864
Additional provisions recognised	164
Carrying amount at end of year	1,028
30. Unearned revenues	
Current	
Unearned revenue ^(a)	3,279
	3,279
Non - Current	
Unearned revenue ^(a)	1,812
	1,812
<small>(a) Revenue received in advance for Plumbers licences & compliance certificates, and multiple year licences for Worksafe, Energy Safety and Motor Vehicle Repairers. This revenue will be recognised in the 2009-10 and subsequent years.</small>	
31. Other liabilities	
Current	
Other	160
	160
32. 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. The asset revaluation reserve represents that portion of equity resulting from the revaluation of non-current assets.	
Contributed equity	
Balance at the start of the year	30,595
<u>Contributions by owners</u>	
Capital contribution ^(b)	4,325
Transfer of net assets from other agencies: ^{(a) (c)}	
Department of Mines & Petroleum (Section 25)	45,317
Total contributions by owners	49,642
<u>Distributions to owners</u>	
Transfer of net assets to other agencies: ^{(a) (c)}	
Department of Mines and Petroleum (Section 25)	18,272
Total distributions to owners	18,272
Balance at the end of the year	61,965

(a) Under AASB 1004 'Contributions', transfers of net assets as a result of a restructure of administrative arrangements are to be accounted for as contributions by owners and distributions to owners.

(b) Under the Treasurer's Instruction TI 955 'Contributions by Owners Made to Wholly Owned Public Sector Entities' Capital Contributions (appropriations) have been designated as contributions by owners in accordance with AASB Interpretation 1038 'Contributions by Owners Made to Wholly-Owned Public Sector Entities'.



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2009

2009
\$'000

(c) Under TI 955, non-discretionary (non-reciprocal) transfers of net assets between State government agencies have been designated as contributions by owners in accordance with AASB Interpretation 1038, where the transferee agency accounts for a non-discretionary (non-reciprocal) transfer of net assets as a contribution by owners and the transferor agency accounts for the transfer as a distribution to owners.

Reserves

Asset revaluation reserve:

Balance at the start of the year	5,494
Revaluation reserve for assets transferred to other government agency	(5,494)
Net revaluation increments/(decrements):	
Land	3,951
Balance at the end of the year	<u>3,951</u>

Accumulated surplus/(deficit)

Balance at the start of the year	4,452
Change in accounting policy	(2,120)
Revaluation reserve for assets transferred to other government agency	5,494
Result for the period	(3,513)
Balance at the end of the year	<u>4,313</u>

Net assets transferred from Department of Mines and Petroleum

Cash and cash equivalents	4,016
Property, plant and equipment	30,385
Other assets	14,159
Borrowings	(771)
Provisions	(2,472)
Net assets transferred from Department of Mines and Petroleum	<u>45,317</u>

Net assets transferred to Department of Mines and Petroleum

Cash and cash equivalents	3,491
Property, plant and equipment	19,817
Receivables	62
Payables	(2,871)
Provisions	(2,227)
Net assets transferred to Department of Mines and Petroleum	<u>18,272</u>

On the 1st of January 2009 the Science, Innovation and Technology Division was transferred from the Department of Mines and Petroleum (formerly the Department of Industry and Resources) to the Department of Commerce (formerly the Department of Consumer and Employment Protection).

In accordance with AASB 1004.57 the following table summarises the activities of the Science, Innovation and Business (SIB) Division for the 2008-09 financial year.

	Jul-Dec 2008 Department of Mines and Petroleum \$'000	Jan-June 2009 Department of Commerce \$'000
Revenues ^(b)	843	752
Expenses	30,604	28,570

^(b) excludes appropriation



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2009

2009

\$'000

33. Notes to the Cash Flow Statement

Reconciliation of cash

Cash at the end of the financial year as shown in the Cash Flow Statement is reconciled to the related items in the Balance Sheet as follows:

Cash and cash equivalent	10,760
Restricted cash and cash equivalent (refer to note 20)	9,817
	<u>20,577</u>

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

Net cost of services	(104,142)
Non-cash items:	
Depreciation and amortisation expense	1,510
Resources received free of charge	864
Revaluation decrements	88
(Increase)/decrease in assets:	
Current receivables	(3,152)
Other current assets	217
<u>Increase/(decrease) in liabilities:</u>	
Current payables	273
Current unearned revenue	4,227
Current provisions	1,752
Other current liabilities	(14)
Non-current payables	(88)
Non-current unearned revenue	1,812
Non-current provisions	660
Net GST receipts/(payments)	(1,902)
Net cash provided by/(used in) operating activities	<u>(97,895)</u>

34. Commitments

(a) Lease commitments

The Department has a number of property leases for its operations both within the metropolitan area and country regions. The leases have various terms and conditions and expiry dates including rent reviews. Also included is the fleet motor vehicle lease costs.

Commitments in relation to non-cancellable operating leases contracted for at balance sheet date but not recognised in the financial statement are payable:

Within 1 year	13,920
Later than 1 year and not later than 5 years	41,034
Later than 5 years	23,614
	<u>78,568</u>
Representing:	
Non-cancellable operating leases	<u>78,568</u>



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2009

2009
\$'000

35. Contingent Liabilities and Contingent Assets

Contingent Liabilities

The Department has no contingent liabilities other than those incorporated in the financial statements.

Contingent Assets

The Department has no known contingent assets.

36. Events occurring after the balance sheet date

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

37. Explanatory statement

Significant variations between estimates and actual results for income and expense as presented in the financial statement titled 'Summary of Consolidated Account Appropriations and Income Estimates' are shown below. Significant variations are considered to be those greater than 10% or \$5 million.

(a) Significant variances between estimate and actual for 2009 - Total appropriation to deliver services:

	2009 Estimate \$000	2009 Actual \$000	Variation \$000
Total appropriation provided to deliver services for the year	117,756	99,765	(17,991)
Total income	35,217	32,570	(2,647)

Total appropriation provided to deliver services for the year

The variation is mainly due to Section 25 transfers between Department of Mines and Petroleum and Department of Commerce (\$43.609 million), supplementary funding (increase \$4.96 million), savings and efficiency dividends (decrease \$1.802 million), and the repositioning of grant funding to the outyears (decrease \$21.168 million).

Total income

The variation is mainly due to decreased activity in the business areas of Plumbers, Resources Safety and Real Estate following the downturn of the economic boom, resulting in less revenue than expected being received.

	2009 Estimate \$000	2009 Actual \$000	Variation \$000
Service Expenditure			
Consumer Protection	45,978	48,873	2,895
Safety and Employment Protection	61,331	59,269	(2,062)
Science, Innovation and Business	47,712	28,570	(19,142)

Science, Innovation and Business

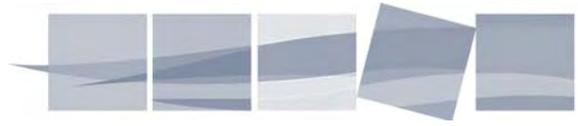
The variation is mainly due to the repositioning of grant funding to outyears from 2008-09 (decrease \$21.168 million) and supplementary funding received during the year.

(b) Significant variances between estimate and actual for 2009 - Administered Income

	2009 Estimate \$000	2009 Actual \$000	Variation \$000
Total Administered income	9,028	10,520	1,492

Total Administered income

The variation is mainly due to the interest received from and discounting of loans and Commonwealth funding received relating to the Section 25 transfer from Department of Mines and Petroleum.



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2009

38. Financial instruments

(a) Financial Risk Management Objectives and Policies

Financial instruments held by the Department are cash and cash equivalents, restricted cash and cash equivalents and receivables and payables. All of the Department's cash is held in the public bank account (non-interest bearing) apart from restricted cash held in a special purpose account. The Department has limited exposure to financial risks. The Department's overall risk management program focuses on managing the risks identified below.

Credit risk

Credit risk arises when there is the possibility of the Department's receivables defaulting on their contractual obligations resulting in financial loss to the Department. The Department measures credit risk on a fair value basis and monitors risk on a regular basis.

The maximum exposure to credit risk at balance sheet date in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any provisions for impairment, as shown in the table at Note 38(c).

Credit risk associated with the Department's financial assets is mainly comprised of receivables that are in the nature of loans to third parties. For receivables other than government, the Department trades only with recognised, creditworthy third parties. The Department has policies in place to ensure that sales of products, services and loans (included in receivables on the balance sheet) are made to customers with an appropriate credit history. In addition, receivable balances are monitored on an ongoing basis with the result that the Department's exposure to bad debts is minimal. There are no significant concentrations of credit risk other than a receivable of \$19 million to a company, receivable in 2014.

Allowance for impairment of financial assets is calculated based on past experience, and current and expected changes in client credit ratings. For financial assets that are either past due or impaired, refer to Note 38(c).

Liquidity risk

The Department is exposed to liquidity risk through its trading in the normal course of business. Liquidity risk arises when the Department is unable to meet its financial obligations as they fall due. The Department has appropriate procedures to manage cash flows including drawdowns of appropriations by monitoring forecast cash flows to ensure that sufficient funds are available to meet its commitments.

Market risk

The Department does not trade in foreign currency and is not materially exposed to other price risks (for example, equity securities or commodity prices changes). The Department's exposure to market risk for changes in interest rates relates primarily to the long term debt obligations. The Department's borrowings are through Landcorp and have variable rates. Other than as detailed in the Interest rate sensitivity analysis table at Note 38(c), the Department is not exposed to interest rate risk because apart from minor amounts of restricted cash, all other cash and cash equivalents and restricted cash are non-interest bearing.

(b) Categories of Financial Instruments

In addition to cash and cash equivalents, the carrying amounts of each of the following categories of financial assets and financial liabilities at the balance sheet date are as follows

	2009
	\$000
Financial Assets	
Cash and cash equivalents	10,760
Restricted cash and cash equivalents	9,817
Loans and Receivables ^(a)	24,665
Financial Liabilities	
Financial liabilities measured at amortised cost	8,313

(a) The amount of receivables excludes GST recoverable from the ATO (statutory receivable).



Department of Commerce
Notes to the Financial Statements
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(c) Financial Instrument Disclosures

Credit Risk and Interest Rate Risk Exposure

The following tables disclose the Department's maximum exposure to credit risk, interest rate exposures and ageing analysis of financial assets. The Department's maximum exposure to credit risk at the balance sheet date is the carrying amount of financial assets as shown below. The table discloses the ageing of financial assets that are past due but not impaired and impaired financial assets. The table is based on information provided to senior management of the Department.

The Department holds collateral as security relating to some of the financial assets it holds.

The Department does not hold any financial assets that had to have their terms renegotiated that would have otherwise resulted in them being past due or impaired.

Interest rate exposure and ageing analysis of financial assets ^(a)

	<u>Interest Rate Exposure</u>		<u>Past due but not impaired</u>		
	Carrying Amount \$000	Non-interest bearing \$000	Up to 3 months \$000	3-12 months \$000	1-2 years \$000
<u>Financial Assets</u>					
2009					
Cash and cash equivalents	10,760	10,760			
Restricted cash and cash equivalents	9,817	9,817			
Receivables ^(a)	9,213	9,213	1,261	49	125
Loans and advances	14,558	14,558			
Amounts receivable for services	14,123	14,123			
	<u>58,471</u>	<u>58,471</u>	<u>1,261</u>	<u>49</u>	<u>125</u>

(a) The amount of receivables excludes the GST recoverable from the ATO (statutory receivable).

Liquidity Risk

The following table details the contractual maturity analysis for financial liabilities. The contractual maturity amounts are representative of the undiscounted amounts at the balance sheet date. The table includes both interest and principle cash flows. An adjustment has been made where material.

Interest rate exposure and maturity analysis of financial liabilities

	Weighted Average Effective Interest Rate %	<u>Interest Rate Exposure</u>			<u>Maturity dates</u>
		Carrying Amount \$000	Variable interest rate \$000	Non-interest bearing \$000	More than 5 years \$000
<u>Financial Liabilities</u>					
2009					
Payables		7,542		7,542	
Borrowings	4.1	771	771		771
		<u>8,313</u>	<u>771</u>	<u>7,542</u>	<u>771</u>

The amounts disclosed are the contractual undiscounted cash flows of each class of financial liabilities.

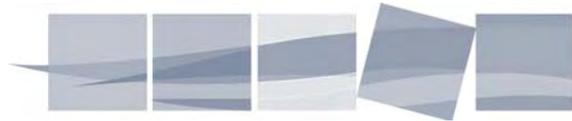
Interest rate sensitivity analysis

The following table represents a summary of the interest rate sensitivity of the Department's financial assets and liabilities at the balance sheet date on the surplus for the period and equity for a 1% change in interest rates. It is assumed that the change in interest rates is held constant throughout the reporting period.

	Carrying Amount \$000	-1% change		+1% change	
		Profit \$000	Equity \$000	Profit \$000	Equity \$000
2009					
<u>Financial Liabilities</u>					
Borrowings	771	(8)	(8)	8	8
Total increase/(decrease)		<u>(8)</u>	<u>(8)</u>	<u>8</u>	<u>8</u>

Fair Values

All financial assets and liabilities recognised in the balance sheet, whether they are carried at cost or fair value, are recognised at amounts that represent a reasonable approximation of fair value unless otherwise stated in the applicable notes.



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2009

2009
\$'000

39. Remuneration of Senior Officers

Remuneration

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

\$	2009
20,001 - 30,000	1
100,001 - 110,000	
110,001 - 120,000	4
120,001 - 130,000	1
130,001 - 140,000	1
140,001 - 150,000	1
150,001 - 160,000	1
180,001 - 190,000	
190,001 - 200,000	2
200,001 - 210,000	1
270,001 - 280,000	
280,001 - 290,000	1

The total remuneration of senior officers is: 2,003

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

No senior officers are members of the Pension Scheme.

40. Remuneration of auditor

Remuneration payable to the Auditor General for the financial year is as follows:

Auditing the accounts, financial statements and performance indicators 80

41. Related bodies

The Department has no related bodies.

42. Affiliated bodies

Western Australian Technology and industry Advisory Council (TIAC)

The Technology and Industry Advisory Council (TIAC), which was established by the *Technology Development Amendment Act 1987* and continues under the *Industry Technology Development Act 1988*, is totally funded by the Department. The TIAC was transferred from the Department of Mines and Petroleum on 1 January 2009.

43. Special Purpose Accounts and Restricted Cash Accounts

Summary Details

Special Purpose Accounts section 16(1)(c) of FMA (Controlled)

Consumer Credit Act (WA)	445
Departmental Receipts in Suspense	<u>28</u>
	<u>473</u>

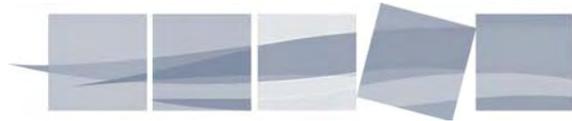
Restricted Cash Accounts

Safetyline Institute	210
Indian Ocean Territories - Commonwealth Government	84
Mine Safety Handbooks	0
Petroleum Conferences	0
Motor Vehicle Repairer's (MVR) Industry Operating Account	949
Motor Vehicle Repairer's (MVR) Industry Education & Research Acct	10
Motor Vehicle Repairer's (MVR) Industry Compensation Account	10
Co-operatives Companies Liquidation	10
Energy Safety Restricted Cash	<u>6,932</u>
	<u>8,205</u>
Western Australian Industry and Technology Development Account	<u>0</u>



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2009

	2009
	\$'000
Special Purpose Accounts section 16(1)(b) of FMA (Administered)	
Rental Accommodation Account	163,010
Regional Headworks Development Scheme	5,007
	<u>168,017</u>
Detailed Breakdown	
Special Purpose Accounts	
<u>Consumer Credit Act (WA) ^(a)</u>	
Balance at the start of the year	442
Receipts:	3
Payments:	0
Balance at the end of the year	<u>445</u>
<u>Departmental Receipts in Suspense ^(b)</u>	
Balance at the start of the year	129
Receipts:	28
Payments:	(129)
Balance at the end of the year	<u>28</u>
Restricted Cash Accounts	
<u>Safetyline Institute ^(c)</u>	
Balance at the start of the year	108
Receipts:	130
Payments:	(28)
Balance at the end of the year	<u>210</u>
<u>Indian Ocean Territories ^(d)</u>	
Balance at the start of the year	137
Receipts - Commonwealth	238
Receipts - other	0
Payments:	(291)
Balance at the end of the year	<u>84</u>
<u>Mine Safety Handbooks ^(e)</u>	
Balance at the start of the year	24
Receipts:	0
Payments:	(24)
Balance at the end of the year	<u>0</u>
<u>Petroleum Conferences ^(f)</u>	
Balance at the start of the year	121
Receipts:	0
Payments:	(121)
Balance at the end of the year	<u>0</u>
<u>MVR Industry Operating Account ^(g)</u>	
Balance at the start of the year	225
Receipts:	724
Payments:	0
Balance at the end of the year	<u>949</u>



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2009

	2009
	\$'000
<u>MVR Industry Education & Research Account</u> ^(g)	
Balance at the start of the year	2
Receipts:	8
Payments:	0
Balance at the end of the year	<u>10</u>
<u>MVR Industry Compensation Account</u> ^(g)	
Balance at the start of the year	2
Receipts:	8
Payments:	0
Balance at the end of the year	<u>10</u>
Co-operatives Companies Liquidation ^(h)	
Balance at the start of the year	0
Receipts:	10
Payments:	0
Balance at the end of the year	<u>10</u>
<u>Energy Safety Restricted Cash</u> ⁽ⁱ⁾	
Balance at the start of the year	4,226
Receipts:	11,995
Payments:	(9,289)
Balance at the end of the year	<u>6,932</u>
<u>Western Australian Industry and Technology Development Account</u> ^(j)	
Balance at the start of the year	0
Receipts:	11,426
Payments:	(11,426)
Balance at the end of the year	<u>0</u>

(a) Holds funds pending distribution in accordance with the *Consumer Credit (WA) Act 1996* or court direction.

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

(c) 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.

(d) The Department of Commerce has a service delivery agreement with the Commonwealth Government to undertake to provide its normal service to the Christmas and Cocos Islands.

(e) Holds funds for use in updating and amending the national CCIM Minerals Industry Safety Handbook.

(f) Holds funds used for the Petroleum Industry Safety and Environment Conference.

(g) Holds funds used for the Motor Vehicle Repairers Industry in accordance with the *Motor Vehicle Repairers Act 2003*.

(h) Holds unclaimed funds pending redistribution in accordance with the *Companies (Co-operative) Act 1943* Section 290(1).

(i) Holds funds used for the operation of the Energy Safety division of the Department of Commerce in accordance with the *Energy Safety Act 2006*.

(j) Records funds received and expenditure charged in accordance with the *Industry and Technology Act 1998* (ITDA). The Western Australian Industry and Technology Development account was transferred from the Department of Mines and Petroleum on 1 January 2009.



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2009

	2009 \$'000
Administered	
<u>Rental Accommodation Account ^(k)</u>	
Balance at start of the year	130,764
Receipts:	
Bonds received	87,777
Interest received	11,433
Other	165
Total receipts	99,375
Payments:	
Bonds disbursed	67,141
Administration costs	1,817
Grants	1,873
Other	(3,702)
Total Payments	67,129
Balance at the end of the year	163,010
 Regional Headworks Development Scheme ^(l)	
Balance at the start of the year	0
Receipts:	5,007
Payments:	0
Balance at the end of the year	5,007

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

(l) Holds funds appropriated for the purpose of providing assistance under the Regional Headworks Development Scheme (RHDS). The RHDS was transferred from the Department of Mines and Petroleum on 1 January 2009.

44. Supplementary financial information

Write-Offs

During the 2008-09 financial year \$23,097 of debts due to the State was written off. The debtors written off were mainly in the areas of Business Names comprising of numerous individual debts of such small amounts that would not be economical to pursue. The amounts were written off under the authority of:

The Accountable Authority	23
	23
<u>Losses through Theft, Defaults and Other Causes</u>	
Losses of public moneys and, public and other property through theft or default	123
Amounts recovered	123

Gifts of Public Property

The Department received no gifts of public property.

Acts of Grace

The Department made no Act of Grace payments.



Department of Commerce
Schedule of Income and Expenses by Service (Administered)
for the year ended 30 June 2009

45. Disclosure of Administered Income and Expenses

	Consumer Protection	Safety & Employment Protection	Science, Innovation and Business	General - Not Attributed	Total
	2009	2009	2009	2009	2009
	\$'000	\$'000	\$'000	\$'000	\$'000
COST OF SERVICES					
Expenses					
Employee benefits expenses			111		111
Supplies and services			111		111
Grants and subsidies			3,198		3,198
Receipts paid into Consolidated account	9,281	253			9,534
Total administered expenses	9,281	253	3,420	0	12,954
Income					
Regulatory fees	9,281	253			9,534
Commonwealth grants and contributions	0			282	282
Other	0			704	704
Total administered income	9,281	253	0	986	10,520

Payments of fees and charges to the Consolidated Account

The Department of Commerce is responsible for the collection of certain fees and fines. These are not classified as controlled revenue and expenses and are credited to the Consolidated Account.

Collections made during the year:

Business Names Registrations	5,068
Other Registration Fees	117
Credit Providers	984
Employment Agents	258
Finance Brokers	1,177
Land Valuers	143
Motor Vehicle Dealers	766
Travel Agents	103
Plumbers	5
Petroleum Pricing	27
Product Safety	12
Resources Safety	19
Other	855
Total	9,534



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2009

	2009
	\$'000
46. Administered Assets and Liabilities	
Current Assets	
Cash and cash equivalents	4,056
Receivables	3,715
Total administered current assets	<u>7,771</u>
Non Current Assets	
Property, Plant and Equipment	10,597
Loans and Advances	11,679
Total administered non current assets	<u>22,276</u>
Total Administered Assets	<u>30,047</u>
Current Liabilities	
Payables	4
Accrued Expenses	98
Loans and Advances	1,964
Total administered current liabilities	<u>2,066</u>
Non Current Liabilities	
Loans and Advances	602
Total administered non current liabilities	<u>602</u>
Total Administered Liabilities	<u>2,668</u>
<p>The administered assets, liabilities, expenses and income are those which the Government requires the Department to administer on its behalf.</p>	



PERFORMANCE INDICATOR REPORT

Certification of Performance Indicator Report for the year ended 30 June 2009

I hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Department of Commerce's performance, and fairly represent the performance of the Department of Commerce for the financial year ended 30 June 2009.

Brian Bradley

Accountable Authority

11 September 2009



Performance Indicator Report

Relationship to the Government goals

Figure 6 demonstrates the linkage between the Department of Commerce's services to the community and the Government's goals.

GOVERNMENT'S GOALS	AGENCY LEVEL GOVERNMENT DESIRED OUTCOME	SERVICES
<p>Outcomes Based Service Delivery Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.</p>	<p>Outcome 1 A fair trading environment that protects consumers and traders in Western Australia.</p>	<p>Service 1: Consumer Protection The provision of consumer protection advice, information, education and business regulation services to the Western Australian community.</p>
<p>Social and Environmental Responsibility Ensuring that economic activity is managed in a socially and environmentally responsible manner for the long-term benefit of the State.</p>	<p>Outcome 2 A community in which workplaces are operated in a safe and fair manner.</p>	<p>Service 2: Safety and Employment Protection The provision of advice, information, education and regulation services to the Western Australian community in the areas of: occupational safety and health; energy safety; and labour relations.</p>
<p>Financial and Economic Responsibility Responsibly managing the State's finances through the efficient and effective delivery of services, encouraging economic activity and reducing regulatory burdens on the private sector.</p>	<p>Outcome 3 Enhancement of the State's economic sustainability and prosperity.</p>	<p>Service 3: Science, Innovation and Business Enhances the State's prosperity by promoting science, innovation and business. Services include:</p> <ul style="list-style-type: none"> ▪ supporting the Science and Innovation Council with science policy development advice; ▪ administering research capability and infrastructure grants; ▪ supporting industry development through innovation and commercialisation; ▪ administering science and innovation programs and projects; and ▪ improving Indigenous prosperity through leadership and innovation in economic development programs.

Figure 6: Relationship to the Government's goals for 2008-09 reporting



Changes to the department

The former Department of Consumer and Employment Protection (DOCEP) was redesignated effective from 1 January 2009 to the Department of Commerce. In addition to this name change, the Resources Safety Division was transferred to the Department of Mines and Petroleum and the Science, Innovation and Business Division was transferred to the department from the former Department of Industry and Resources (DOIR). The changes to the department led to a requirement for the development of an outcome based management (OBM) framework for the Department of Commerce.

Changes to the OBM framework

Treasurer's Instruction 904 - Key Performance Indicators requires disclosure of all changes in agency level government desired outcomes, services and key performance indicators in the agency's annual report. Information on the changes to the OBM framework can be found in the Overview section of this report (refer to Outcome based management framework and Changes to outcome based management framework).

Treasurer's Instructions

Treasurer's Instruction 904 - Key Performance Indicators requires a disclosure of comparison of actual results against budget targets for the key performance indicators, together with explanations of any material variations between actual results and budget targets.

As a revised 2008-09 OBM framework was approved in March 2009 to be applicable for this reporting period, the targets used are the 2008-09 Budget figure from the department's 2009-10 Budget Papers, which are based on the revised 2008-09 OBM framework.

Key effectiveness indicators

The department has adopted five key performance indicators of effectiveness to measure the extent to which the department achieves its three outcomes. Each of the operational divisions of the department has underpinning measures that contribute to the results reported for these effectiveness indicators. These indicators and underpinning measures are explained in the following sections.



Outcome one

A fair trading environment that protects consumers and traders in Western Australia.

Key effectiveness indicator one

The extent to which traders comply with regulatory requirements ⁽¹⁾

Result

Table 10: Key effectiveness indicator one

	2004-05 Actual⁽²⁾	2005-06 Actual⁽²⁾	2006-07 Actual⁽²⁾	2007-08 Actual⁽²⁾	2008-09 Target	2008-09 Actual
No. inspections	17,699	17,515	17,231	10,918		18,403
No. compliant	16,931	16,402	16,637	10,141		17,825
	96%	94%	97%	93%	95%	97%

Notes:

(1) This indicator was derived from an underpinning measure of an indicator from the 2007-08 OBM framework.

(2) For comparison purposes past years' results have been recast for the revised 2008-09 OBM framework.

The department's effectiveness in relation to the extent to which consumers are protected and businesses operate fairly is assessed in terms of the proportion of traders that comply with regulatory requirements. The extent to which breaches of a significant nature were identified is the basis for monitoring and reporting compliance. The extent of compliance is ascertained 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. Only those areas for which the Consumer Protection Division is directly responsible are used to ascertain the extent of compliance within the community. During 2008-09 18,403 consumer protection routine and proactive inspections were undertaken to provide the result reported. Of these inspections, 97 per cent of traders were found to be compliant with the regulatory requirements.



Key effectiveness indicator two

The extent of consumer confidence in Western Australia's trading environment⁽¹⁾

Result

Table 11: Key effectiveness indicator two

Underpinning Measures	2004-05 Actual⁽²⁾	2005-06 Actual⁽²⁾	2006-07 Actual⁽²⁾	2007-08 Actual⁽²⁾	2008-09 Target	2008-09 Actual
The extent to which consumers believe businesses generally act fairly towards consumers.	82%	82%	77%	78%		77%
The extent to which consumers believe they are well informed about their rights and responsibilities.	71%	68%	71%	66%		64%
	77%	75%	74%	72%	75%	71%

Notes:

- (1) This indicator was derived from underpinning measures of an indicator from the 2007-08 OBM framework.
- (2) For comparison purposes past years' results have been recast for the revised 2008-09 OBM framework.

The extent of consumer confidence is measured by 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. Results reported were determined by an independent survey, which has been conducted for the last 11 years.

A total of 4,319 calls were made from 25 May 2009 to 9 June 2009 to achieve 400 completed surveys. A sample size of 400 provides 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. Over three quarters (77 per cent) of total respondents believed that businesses act fairly towards consumers in 2008-09. This is comparable to 78 per cent result for last year. In 2008-09, the proportion of respondents who were either 'reasonably' or 'well' aware of their rights and responsibilities as a consumer was 64 per cent, compared with 66 per cent in 2007-08.



Outcome two

A community in which workplaces are operated in a safe and fair manner.

Key effectiveness indicator three:

The extent of compliance with safety and employment protection regulatory requirements ⁽¹⁾

Result

Table 12: Key effectiveness indicator three (Revised 2008-09 OBM framework)

Underpinning Measures		2005-06 Actual ⁽²⁾	2006-07 Actual ⁽²⁾	2007-08 Actual ⁽²⁾	2008-09 Target	2008-09 Actual ⁽²⁾
The extent to which employers comply with the requirements of labour relations laws.	No. elements	660	928	1,180		885
	No. compliant	476	690	898		624
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).	No. elements/ No. Priority Inspection Reports (PIRs) ⁽³⁾	59,231	48,598	45,361		11,904⁽⁴⁾
	No. compliant	49,266	39,913	37,416		9,141
The extent to which electricity and gas suppliers comply with approved inspection practices.	No. elements	95	N/A	248		11
	No. compliant	87	N/A	238		4
Total assessments contributing to result		59,986	49,526	46,789		12,800
Total occasions of compliance found		49,829	40,603	38,552		9,769
		83%	82%	82%	N/A	76%

Notes:

- (1) This indicator was derived from underpinning measures that related to the Safety and Employment Protection outcome of an indicator in the 2007-08 OBM framework without the Resources Safety Division's underpinning measure as this function was transferred effective from 1 January 2009 to the Department of Mines and Petroleum.
- (2) Past years' results have been recast for the revised 2008-09 OBM framework (i.e. excludes the Resources Safety Division's underpinning measure).
- (3) As at 15 August 2008, the system of recording changed from compliance against elements to compliance against Priority Inspection Reports (PIRs).
- (4) As a consequence of this change (Note 3), the results for 2008-09 are for the period 15 August 2008 to 30 June 2009. The 2008-09 Actual result for this underpinning measure is not comparable to past years.

In accordance with Treasurer's Instruction 903, Table 13 shows the results for this indicator in the original 2008-09 OBM framework and demonstrates performance of the Resources Safety Division which was the responsibility of the department until 31 December 2008.



Table 13: Key effectiveness indicator three (Original 2008-09 OBM framework)

Underpinning Measures		2005-06 Actual	2006-07 Actual	2007-08 Actual	2008-09 Target	2008-09 Actual
Total assessments contributing to result⁽¹⁾		59,986	49,526	46,789		12,800
Total occasions of compliance found⁽¹⁾		49,829	40,603	38,552		9,769
The extent to which industry comply with the <i>Mines Safety and Inspection Act 1994</i> .	No. elements	1,924	7,116	2,153		1,654⁽⁴⁾
	No. compliant	1,627	5,612	1,745		1,331⁽⁴⁾
Total assessments contributing to result		61,910	56,642	48,942		14,454
Total occasions of compliance found		51,456	46,215	40,297		11,100
		83% ⁽²⁾	82% ⁽²⁾	82% ⁽²⁾	82%⁽³⁾	77%

Notes:

- (1) These results are sourced from Table 12.
- (2) Past years' results have been recast to include the Resources Safety Division's underpinning measure.
- (3) The target is the 2008-09 Target figure from the 2008-09 Budget Papers, which was based on the original 2008-09 OBM framework (i.e. included the Resources Safety Division's underpinning measure).
- (4) The 2008-09 result for the Resources Safety Division's underpinning measure is for the period 1 July to 31 December 2008. The function was transferred to the Department of Mines and Petroleum effective from 1 January 2009.

In the revised 2008-09 OBM framework this effectiveness indicator has three underpinning measures (Table 12). The first being, the department's effectiveness regarding the extent to which employers comply with the requirements of the labour relations legislation. This is assessed in terms of the degree to which workplaces meet set criteria for priority areas. The five key elements assessed include payment of appropriate ordinary time rates; providing employees with annual leave and sick leave entitlements; recording start and finishing times; recording total hours worked; and recording employment under correct status. During 2008-09 the department finalised a total of 442 investigations into complaints by individual employees alleging that their employer had failed to pay appropriate entitlements under State industrial laws, awards and agreements. As part of its investigative process, the department reviewed the time and wage records for 222 employment matters out of the sample of 442 and Industrial Inspectors assessed the employers for five key elements, resulting in a total of 885 elements being checked and of these 624 or 71 per cent were found to be compliant.

The second, measures the department's effectiveness in ensuring workplaces operate in a safe and healthy manner. This is assessed in terms of the extent to which workplaces meet occupational safety and health criteria in priority areas. During the course of investigations inspectors complete Priority Investigation Reports (PIRs). These 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.



For the third underpinning measure, the Energy Safety Division conducts regular compliance audits on various elements of approved inspection plans to ensure that electricity and gas network operators and Liquefied Petroleum Gas (LPG) suppliers comply with their inspection obligations. Electricity and gas network operators and LPG suppliers are required to conduct targeted inspections of electrical installing and gasfitting work in accordance with an inspection plan, to ensure that the work by licensed industry operatives has been completed to the required standard and the installations are safe. During 2008-09 resources were allocated to assist gas network operators to develop acceptable inspection plans, which was reflected in the disappointing results and impacted the number of gas audits undertaken by the division. Audits of electricity suppliers were ongoing at the end of the financial year, and it is anticipated they will be finalised in 2009-10. Therefore the 2008-09 results represent audits conducted for gas suppliers.

In the original 2008-09 OBM framework for this indicator there was a fourth underpinning measure relating to the Resources Safety Division. This underpinning measure demonstrated the level of safety and health performance. Audits conducted by the division were designed to ensure industry compliance with the regulatory standards and best practice. Past years' results have been recast to include the Resources Safety Division's underpinning measure (Table 13). The 2008-09 result includes resources safety data for the six-month period 1 July to 31 December 2008, when the department was responsible for conducting audits of management systems in mining industry operations. The function was transferred to the Department of Mines and Petroleum effective from 1 January 2009.

Outcome three

Enhancement of the State's economic sustainability and prosperity.

Key effectiveness indicator four

Index of funding leverage obtained for Western Australia from science and innovation research grants

Result

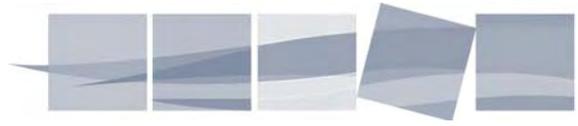
Table 14: Key effectiveness indicator four

	2004-05 Actual ⁽²⁾	2005-06 Actual ⁽²⁾	2006-07 Actual ⁽²⁾	2007-08 Actual ⁽²⁾	2008-09 Target	2008-09 Actual
Index of funding leverage obtained for Western Australia from science and innovation research grants ⁽¹⁾	10.8:1	6.7:1	7.3:1	8.3:1	N/A	7.4:1

Notes:

- (1) This indicator was based on an indicator of the former DOIR (now known as the Department of Mines and Petroleum) however the methodology for calculating has changed.
- (2) For comparison purposes past year's results have been recast for the revised 2008-09 OBM framework.

The department contributes to the enhancement of the State's economic sustainability and prosperity by leveraging additional research funding to assist industry to become more competitive. This key effectiveness indicator reports the ratio of dollars provided by the Commonwealth and other sources (such as industry, universities etc) against every dollar provided by the State in the form of grants to Centres of Excellence. The indicator relates to concluded grants for Centres of Excellence established since 2000.



This key effectiveness indicator was based on an indicator of the former DOIR (now known as the Department of Mines and Petroleum), however it was previously calculated on a running ratio which included current active grants and concluded grants. The methodology has been changed to grants concluded for Centres of Excellence established since 2000. The 2008-09 result is comparable to past years.

Key effectiveness indicator five

Number of employment and business opportunities facilitated

Result

Table 15: Key effectiveness indicator five

	2007-08 Actual⁽³⁾	2008-09 Target⁽⁴⁾	2008-09 Actual
Number of employment and business opportunities facilitated ⁽¹⁾⁽²⁾	590	885	675

Notes:

- (1) This indicator was based on an indicator of the former DOIR (now known as the Department of Mines and Petroleum), which had been introduced in DOIR's 2008-09 Budget Papers.
- (2) For the purposes of the effectiveness indicator, employment and business opportunities are specifically defined as employment opportunities, business start-ups, business development and expansion opportunities facilitated for Indigenous communities.
- (3) For comparison purposes, the 2007-08 result has been recast for the revised 2008-09 OBM framework.
- (4) As this effectiveness indicator was based on the former DOIR indicator and as the methodology did not change, the target is derived from the DOIR's 2008-09 Budget Papers, which was also shown in the Department of Commerce's 2009-10 Budget Papers as the 2008-09 Budget figure.

As part of the 2009-10 Budget process Economic Audit Policy decision, the Aboriginal Economic Development unit was discontinued and the funding transferred to other Government agencies. As such, this key effectiveness indicator will no longer apply from 2009-10.

The variance between the 2008-09 result (675) and the target (885) is due to the much lower than expected number of Indigenous employment opportunities as a consequence of the global economic crisis, coupled with the function being wound-up upon notification in May 2009.



Key efficiency indicators

Efficiency performance indicators have been formulated for each of the department's service areas: Consumer Protection, Safety and Employment Protection and Science, Innovation and Business. Each of these service areas is supported by a number of programs, which in turn are comprised of various underpinning activities carried out within the department. Each indicator shows the average cost per program. The indicators are calculated based on the department's cost allocation model to reflect the full cost, including overheads, of conducting the department's activities. The amount of the department's expenditure attributed to the provision of each program is determined by the amount of staff time allocated to undertaking projects and tasks associated with that program. The total cost of the program is then divided by the quantity of activities achieved.

Service 1: Consumer Protection

The provision of consumer protection advice, information, education and business regulation services to the Western Australian community.

Key efficiency indicator one

Average cost per client contact to provide information and advice

Descriptor

The Consumer Protection Division responds 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 a request for an encumbrance check, a Register of Encumbered Vehicles (REVS) certificate issued, or an enquiry for FuelWatch price information.

The Consumer Protection Division 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 and include online visitors to the department's internet sites and the delivery of mass-produced services including publication distribution and visitor attendance at shows, expos or seminars. A key element of the department's role is to provide advice and assistance to the community. The Consumer Protection Division provides customers with advice or assistance in relation to specific matters, typically on a one to one basis.

Result

Table 16: Key efficiency indicator one

Indicator	2007-08 Actual ⁽²⁾	2008-09 Target	2008-09 Actual ⁽³⁾
Average cost per client contact to provide information and advice ⁽¹⁾	\$2.66	\$2.40	\$2.57

Notes:

- (1) This indicator was based on an aggregation of indicators from the 2007-08 OBM framework.
- (2) For comparison purposes the 2007-08 result has been recast for the revised 2008-09 OBM framework.
- (3) The 2008-09 Actual result is based on the revised 2008-09 OBM framework.

Table 16 illustrates the average cost per client contact to provide information and advice. In 2008-09 the Consumer Protection Division provided 5,427,144 information and advice services compared to 5,265,456 in 2007-08. The 2008-09 result (\$2.57) varies from the target of (\$2.40) due to the less than anticipated amount (5,624,544) of information and advice services.



Key efficiency indicator two

Average cost per policy project

Descriptor

Major policy projects are aimed at enhancing the regulatory environment and are usually of significant duration, complexity and often involve public consultation. Major policy projects include: Cabinet submissions to print a new Bill; a 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; or new Government policy that requires extensive consultation with parties external to the agency.

Other policy projects which are of notable duration, moderate complexity and aimed at enhancing the regulatory environment or developing a new policy position are also included. These policy projects 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; or new or significant amendments to Government policy.

Result

Table 17: Key efficiency indicator two

Indicator	2007-08 Actual ⁽²⁾	2008-09 Target	2008-09 Actual ⁽³⁾
Average cost per policy project ⁽¹⁾	\$177,650	\$259,572	\$209,387

Notes:

- (1) This indicator was based on an aggregation of indicators from the 2007-08 OBM framework.
- (2) For comparison purposes the 2007-08 result has been recast for the revised 2008-09 OBM framework.
- (3) The 2008-09 Actual result is based on the revised 2008-09 OBM framework.

Table 17 illustrates the average cost per policy project. In 2008-09 the Consumer Protection Division undertook 32 policy projects, which was greater than the anticipated 24, but was comparable to the 33 completed in 2007-08. The 2008-09 result (\$209,387) varies from the target (\$259,572) published in the 2009-10 Budget Statements, due to the greater than expected number of policy projects completed.

Key efficiency indicator three

Average cost per registration or licence

Descriptor

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. The Consumer Protection Division administers and processes applications, which authorise individuals, employers or traders for certain occupations or purposes. 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.



Result

Table 18: Key efficiency indicator three

Indicator	2007-08 Actual ⁽²⁾	2008-09 Target	2008-09 Actual ⁽³⁾
Average cost per registration or licence ⁽¹⁾	\$11.98	\$14.16	\$13.78

Notes:

- (1) This indicator was based on an aggregation of indicators from the 2007-08 OBM framework.
- (2) For comparison purposes the 2007-08 result has been recast for the revised 2008-09 OBM framework.
- (3) The 2008-09 Actual result is based on the revised 2008-09 OBM framework.

Table 18 illustrates the average cost per registration or licence. During 2008-09, 908,137 registrations and licences were issued by the Consumer Protection Division. The 2008-09 result (\$13.78) is lower than the target (\$14.16) published in the 2009-10 Budget Statements, due to the greater than expected number of registrations or licences (808,020).

Key efficiency indicator four

Average cost per inspection or investigation

Descriptor

Undertaking inspections and audits is an important role of the department. These inspections and audits compare a current state or situation to acceptable standards, measures or practices. Compliance inspections and audit reports assess an employers or traders 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. A key element of the department's regulatory enforcement regime is investigations and compliance conciliation activities. The aim of departmental employees is to determine if a breach of the law has occurred or is occurring, and facilitate a settlement of a dispute.

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; the development and progression of matters for adjudication; and the implementation of outcomes such as sanctions.

Result

Table 19: Key efficiency indicator four

Indicator	2007-08 Actual ⁽²⁾	2008-09 Target	2008-09 Actual ⁽³⁾
Average cost inspection or investigation ⁽¹⁾	\$407	\$477	\$541

Notes:

- (1) This new indicator was based on an aggregation of indicators from the 2007-08 OBM framework.
- (2) For comparison purposes the 2007-08 result has been recast for the revised 2008-09 OBM framework.
- (3) The 2008-09 Actual result is based on the revised 2008-09 OBM framework.

Table 19 illustrates the average cost per inspection or investigation. In 2008-09, the Consumer Protection Division conducted 29,282 inspections or investigations. The 2008-09 result (\$541) varies from the target (\$477) published in the 2009-10 Budget Statements due to the lower than expected number of inspections or investigations (31,000) and coupled with the overall increase in allocated expenditure.



Service 2: Safety and Employment Protection

The provision of advice, information, education and regulation services to the Western Australian community in the areas of occupational safety and health, labour relations, and energy safety.

Key efficiency indicator five

Average cost per client contact to provide information or advice

Descriptor

The safety and employment divisions respond to enquiries from industry and members of the public and provide them with customised information or education. Responses vary from routine to complex technical enquiries. Responses to enquiries can be a result of telephone, in person or front counter, email or letter.

Information delivered may be non-customised and mass-produced and provide members of the public with information and raise awareness within the community. Education is delivered through a variety of mediums including, presentations, road shows, expos and seminars. This indicator reflects the Labour Relations Division's responsibilities in providing tailored advice and assistance to public sector agencies in relation to industrial disputes, policies and industrial agreements.

Result

Table 20: Key efficiency indicator five

Indicator	2007-08 Actual ⁽²⁾	2008-09 Target	2008-09 Actual ⁽³⁾	2008-09 Actual ⁽⁴⁾
Average cost per client contact to provide information and advice ⁽¹⁾	\$3.81	\$3.82	\$5.14	\$4.78

Notes:

- (1) This new indicator was based on an aggregation of indicators from the 2007-08 OBM framework.
- (2) For comparison purposes the 2007-08 result has been recast for the revised 2008-09 OBM framework.
- (3) The 2008-09 Actual result is based on the revised 2008-09 OBM framework and the same costing methodology as the target (i.e. the Resources Safety Division's expenditure has been excluded from the Safety and Employment Protection Service and the full year costing for the Science, Innovation and Business Service is included).
- (4) The result is based on the Financial Statements as it includes in the cost methodology, expenditure incurred by the department for the Resources Safety Division for a six month period (1 July to 31 December 2008) and the Science, Innovation and Business Division for a six month period (1 January to 30 June 2009).

Table 20 illustrates the average cost per client contact to provide information and advice by the safety and employment protection divisions. In 2008-09, the safety and employment protection divisions provided 2,857,114 information and education services compared to 3,331,723 in 2007-08. The 2008-09 result (\$5.14) varies from the target of (\$3.82) due to the less than the anticipated amount (3,296,367) of information and advice services and coupled with the overall increase in allocated expenditure.



Key efficiency indicator six

Average cost per hour of policy advice

Descriptor

This indicator reflects the development and amendment of labour relations policy, legislation and regulations; preparing submissions on behalf of the Minister and Government to State and Federal industrial tribunals, Senate Inquiries, etc in relation to the regulatory framework; providing policy advice to the Minister on labour relations and labour market trends; and policy support to the Minister. In addition, tailored advice and assistance is provided to public sector agencies in relation to industrial disputes, policies and industrial agreements.

Result

Table 21: Key efficiency indicator six

Indicator	2007-08 Actual ⁽²⁾	2008-09 Target	2008-09 Actual ⁽³⁾
Average cost per hour of policy advice ⁽¹⁾	\$140	\$147	\$107

Notes:

- (1) This indicator was based on an indicator from the 2007-08 OBM framework.
- (2) For comparison purposes the 2007-08 result has been recast for the revised 2008-09 OBM framework.
- (3) The 2008-09 Actual result is based on the revised 2008-09 OBM framework.

Table 21 illustrates the average cost per hour of policy advice provided by the Labour Relations Division. In 2008-09 the Labour Relations Division undertook 30,389 hours of policy advice, which was greater than the anticipated 25,000 hours. The 2008-09 result (\$107) varies from the target (\$147) published in the 2009-10 Budget Statements, due to this greater than expected number of hours of policy advice coupled with the lower than expected cost.

Key efficiency indicator seven

Average cost per inspection or investigation

Descriptor

Undertaking inspections, investigations and audits is an important role for the safety and employment protection divisions. Inspections, investigations and audits compare a current state or situation to acceptable standards, measures or practices to check compliance. These are conducted on a regular basis or can be a result of a complaint, and can involve a site visit or be complex in nature.

A key element of the safety and employment divisions' regulatory enforcement regime is to determine if a breach of the law has occurred or is occurring, and facilitate a settlement of a dispute. Compliance conciliations undertaken by the Labour Relations Division are to resolve issues between employees and employers, such as underpayment, without referral to formal redress procedures. Prosecutions, legal actions and proceedings are undertaken in response to the safety and employment protection divisions' determination that a breach of the law has occurred. Actions include prosecutions seeking the imposition of penalties or court action seeking injunctions.



Result

Table 22: Key efficiency indicator seven

Indicator	2007-08 Actual ⁽²⁾	2008-09 Target	2008-09 Actual ⁽³⁾	2008-09 Actual ⁽⁴⁾
Average cost per inspection or investigation ⁽¹⁾	\$926	\$918	\$854	\$1,086

Notes:

- (1) This indicator was based on an indicator from the 2007-08 OBM framework.
- (2) For comparison purposes the 2007-08 result has been recast for the revised 2008-09 OBM framework.
- (3) The 2008-09 Actual result is based on the revised 2008-09 OBM framework and the same costing methodology as the target (i.e. the Resources Safety Division's expenditure has been excluded from the Safety and Employment Protection Service and the full year costing for the Science, Innovation and Business Service is included).
- (4) The result is based on the Financial Statements as it includes in the cost methodology, expenditure incurred by the department for the Resources Safety Division for a six month period (1 July to 31 December 2008) and the Science, Innovation and Business Division for a six month period (1 January to 30 June 2009).

Table 22 illustrates the average cost per inspection or investigation. In 2008-09, the safety and employment protection divisions conducted 27,824 inspections or investigations as compared to 26,266 in 2007-08. The 2008-09 result (\$854) varies from the target (\$918) published in the 2009-10 Budget Statements, due to the lower than expected cost and greater than expected number of inspections or investigations (26,370).

Key efficiency indicator eight

Average cost per registration or licence

Descriptor

The safety divisions administer and process applications, which authorise individuals or employers for certain occupations or purposes. Generally, the processing of the application for a licence results in the customer being provided with a licence (frequently with conditions attached), being issued with a renewed licence, or having their licence refused or cancelled or details updated.

Result

Table 23: Key efficiency indicator eight

Indicator	2007-08 Actual ⁽²⁾	2008-09 Target	2008-09 Actual ⁽³⁾	2008-09 Actual ⁽⁴⁾
Average cost per registration or licence ⁽¹⁾	\$53.68	\$62.19	\$66.51	\$88.00

Notes:

- (1) This indicator was based on an indicator from the 2007-08 OBM framework, but in the revised 2008-09 OBM framework data has not been included for the Resources Safety Division in the Safety and Employment Protection Service.
- (2) For comparison purposes the 2007-08 result has been recast for the revised 2008-09 OBM framework.
- (3) The 2008-09 Actual result is based on the revised 2008-09 OBM framework and the same costing methodology as the target (i.e. the Resources Safety Division's expenditure has been excluded from the Safety and Employment Protection Service and the full year costing for the Science, Innovation and Business Service is included).
- (4) The result is based on the Financial Statements as it includes in the cost methodology, expenditure incurred by the department for the Resources Safety Division for a six month period (1 July to 31 December 2008) and the Science, Innovation and Business Division for a six month period (1 January to 30 June 2009).

Table 23 shows the average cost per registration or licence issued to the community for the safety divisions. During 2008-09, 73,244 registrations or licences were issued. The 2008-09 result (\$66.51) is comparable to the target (\$62.19) published in the 2009-10 Budget Papers.



Service 3: Science, Innovation and Business

Enhances the State's prosperity by promoting science, innovation and business. Services include:

- supporting the Science and Innovation Council with science policy development advice;
- administering research capability and infrastructure grants;
- supporting industry development through innovation and commercialisation;
- administering science and innovation programs and projects; and
- improving Indigenous prosperity through leadership and innovation in economic development programs.

Key efficiency indicator nine

Average cost per science and innovation project managed

Descriptor

This key efficiency indicator illustrates the average cost per science and innovation project managed. This includes science and innovation projects in: Innovative WA programs; Centres of Excellence; science initiatives; specific purpose funding; policy; marine and defence; broadband; Technology Parks, industry participation; and other. The indicators reflect the full cost of conducting the department's activities including overheads.

Result

Table 24: Key efficiency indicator nine

Indicator	2007-08 Actual ⁽³⁾	2008-09 Target	2008-09 Actual ⁽³⁾
Average cost per science and innovation project managed ⁽¹⁾⁽²⁾	\$196,800	N/A	\$210,642

Notes:

- (1) This indicator was based on an indicator of the former DOIR (now known as Department of Mines and Petroleum), however the methodology was amended to include science and innovation projects in: Innovative WA programs; Centres of Excellence; science initiatives; specific purpose funding; policy; marine and defence; broadband; Technology Parks, industry participation; and other. In addition, the indicator excludes grants paid to external parties. The 2007-08 actual has been recalculated based on this new methodology.
- (2) This efficiency indicator excludes grants paid to external parties.
- (3) For comparison purposes the 2007-08 result has been recast for the revised 2008-09 OBM framework.

Table 24 shows the average cost per science and innovation project managed. During 2008-09, 97 projects were managed at an average cost of \$210,642 as compared to 93 projects managed at an average cost of \$196,800 in 2007-08.



MINISTERIAL DIRECTIVES

Treasurer's Instruction 903(12) requires the department to disclose information on any Ministerial directives relevant to the setting and achievement of desired outcomes or operational objectives, investment activities and financing activities. There were no directives issued by the responsible Minister during 2008-09.

OTHER FINANCIAL DISCLOSURES

Pricing policies for services

Statutory fees are charged for various licensing and other services provided by the Department of Commerce. Fees are increased in line with government policy. The fee changes for 2008 were published in the Government Gazette on 17 June 2008 and came into effect on 1 July 2008. The fees are available on the department's internet site.

Capital works projects

The capital works program provides essential infrastructure support for the department to implement a range of projects that assist in the delivery of services. Table 25 identifies the capital works projects that remain ongoing at the end of the financial year and Table 26 the projects completed during the year.

Table 25: Capital works projects ongoing

Project title	Estimated total cost	Estimated cost to complete	Planned year of completion
Computer and software program	\$4,481,000	\$275,686	2009-10
Business Names system ⁽¹⁾	\$2,000,000	\$1,500,000	2010-11
Integrated Document Management System ⁽²⁾	\$1,600,000	\$330,124	2010-11
Compliance Management System ⁽³⁾	\$6,300,000	\$2,300,000	2011-12
Bentley Technology Park – Stage 1 implementation ⁽⁴⁾	\$5,771,000	\$1,967,000	2009-10

Notes:

- (1) Redevelopment of the Association system is being delivered in line with expected legislation. Delays have been experienced in the drafting process and the legislative priority. The system is expected to be delivered prior to July 2010.
- (2) Completion of the Integrated Document Management System project was planned during 2008-09, however, the project was reprioritised as a result of work associated with the machinery of government transitions during the year. It will be completed during 2009-10.
- (3) The Compliance Management System delivery costs are expected to be significantly higher than the estimated \$2.3 million however this is the capital remaining in the original bids. The final cost and scope inclusion is being reviewed. The compliance licensing component is currently under construction.
- (4) This capital works project was administered by the Department of Commerce from 1 January 2009 as a result of the transfer of the Science, Innovation and Business Division to the department.

Table 26: Capital works completed during 2008-09

Project title	Cost	Year completed
DOCEP eBiz	\$1,540,000	2008-09
Business systems and on-line infrastructure	\$1,100,000	2008-09



GOVERNANCE DISCLOSURES

Disclosure of contracts by senior officers

In accordance with the Treasurer's Instruction 903 (14(iii)), senior officers of the department are required to disclose particulars, other than normal contracts of employment of service, of any interest in any existing or proposed contract which a senior officer; or a firm of which a senior officer is a member; or an entity in which a senior officer has a substantial financial interest, has made with the agency or any subsidiary body, related body or affiliated body of the agency.

For 2008-09, other than normal contracts of employment of service, no senior officers, or firms of which senior officers are members, or entities in which senior officers have substantial interests, had any interests in existing or proposed contracts with the department and senior officers.

In accordance with the Treasurer's Instruction 903 (14(ii)), senior officers of the department are required to disclose the particulars of any shares in any subsidiary body of the agency held as a nominee or held beneficially. In 2008-09, no senior officers held shares in any subsidiary body of the agency held as a nominee or held beneficially.

Governance framework

The Department of Commerce's Corporate Charter, which is regularly reviewed, sets out its governance principles covering:

- 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 department has a 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.

Freedom of Information

The *Freedom of Information Act 1992* enables the public to participate more effectively in governing the State and to make Western Australia more accountable to the public. It gives people a right of access to documents held by a government agency. The spirit and intent of this Act is to provide access to applicants promptly and at the lowest possible cost. The Department of Commerce's philosophy is that it will endeavour to make as much information as possible available. The Manager of Corporate Information oversees the management of Freedom of Information (FOI), and is the nominated departmental contact for the Office of the Information Commissioner.



Each division has a nominated FOI officer, who coordinates the processing of FOI requests. The Corporate Information area arranges training for FOI officers, provides advice to FOI officers or applicants and maintains statistical information according to legislative requirements of the Act. The department's FOI Statement together with departmental FOI contact details are available on the department's internet site.

Internal audit

The Department of Commerce's internal audit function assists management to effectively discharge their responsibilities by providing independent analysis, appraisals, advice and recommendations concerning departmental functions, activities and systems. Internal audit provides appraisals and advice to the Director General, Executive Directors, directors and managers to promote and achieve sound management and control over activities of the department and to promote efficient and effective operations. These appraisals include:

- comprehensive audits of the department's management information systems, control systems and activities;
- providing assessments of compliance with legislative requirements and regulations, departmental and government policies;
- assessments of controls over accounting and financial records and to ensure public property, money, and resources are properly safeguarded;
- management oriented appraisals of the department's operations and activities;
- undertaking special investigations into allegations of breaches of legislation, policies, the department's *Code of Conduct* or alleged misconduct; and
- follow-up reported audit recommendations.

An annual risk based audit plan was developed to review departmental functions and operations and was endorsed by the department's Audit Committee. Some changes made to the plan in the second half of the year reflect the change in departmental name and include additional audit work to address identified risks to cover the new Science, Innovation and Business Division. The majority of internal audit work in 2008-09 was undertaken in-house as a result of the ability to recruit and retain experienced internal audit employees. Given the structural changes to the department, the Audit Charter was reviewed resulting in minor changes to the membership of the Audit Committee. A database to record and manage outstanding audit recommendations was implemented. Several investigations undertaken during the year were a result of issues identified during audits.

Risk and business continuity management

In accordance with the Australian/New Zealand Standard for Risk Management (4360:2004), the department continues to implement the policy, process and procedures outlined in its risk management framework. This ensures operational areas identify and assess key risks and develop and implement risk treatment plans, where necessary.

The department has a comprehensive suite of business continuity plans to ensure functionality is restored to its vital business services should a critical incident or disaster occur. These continuity plans are supported by recovery procedures for critical information technology systems and applications and, more recently, plans to protect department staff and customers in the event of an influenza pandemic.



OTHER LEGAL REQUIREMENTS

Advertising

In accordance with section 175ZE of the *Electoral Act 1907*, the Department of Commerce incurred expenditure in advertising, direct mail, market research, media advertising and polling. Total expenditure for 2008-09 was \$452,894.76. Expenditure was incurred in the areas outlined in Table 27.

Table 27: Expenditure 2008-09 reported in accordance with the *Electoral Act 1907*

Expenditure category and organisations	Total Cost
Advertising agencies	\$433,765.12
Adcorp	\$324.37
Adcorp Australia Limited	\$139.02
Adcorp Marketing Communications	\$10,548.98
Adcorp Marketing Communications	\$75,880.61
Council on the Ageing (WA) Inc.	\$3,909.09
Dowd Publications	\$3,095.00
Engineers Media	\$300.00
Kalannie Community Telecentre	\$10.91
Legal Practice Board	\$60.00
Marketforce Communications	\$851.75
Marketforce Express	\$23,936.40
Marketforce Productions	\$36,085.31
Media Decisions	\$251,940.67
Mitchell and Partners Australia Pty Ltd	\$21,358.01
Motor Trade Association of W.A.	\$550.00
Murdoch University Guild of Students	\$1,650.00
National Web Directory Pty Ltd	\$1,400.00
Shire of Christmas Island	\$540.00
Specialist News Pty Ltd	\$450.00
Waroon Community Centre Telecentre	\$70.00
West Australian Publishers	\$665.00
Market research organisations	\$5,255.00
Advantage Communications and Marketing	\$5,255.00
Polling organisations	\$3,000.00
Screencheck Australia Pty Ltd	\$3,000.00
Direct mail organisations	\$359.46
Northside Logistics and Finishers	\$359.46
Media advertising organisations	\$10,515.18
Brando Marketing	\$4,305.89
Chamber of Commerce and Industry Western Australia	\$1,850.00
Concept Media	\$790.20
Job Media Pty Ltd	\$360.00
Marsh Agencies Pty Ltd	\$1,359.09
Vinten Browning Advertising	\$1,850.00



Compliance with public sector standards and ethical codes

In accordance with section 31(1) of the *Public Sector Management Act 1994*, I confirm:

1. In the administration of the Department of Commerce, I have complied with the *Public Sector Standards* in Human Resource Management, the *Western Australian Public Sector Code of Ethics* and the department's *Code of Conduct*.
2. I have put in place procedures designed to ensure such compliance and conducted an appropriate internal assessments to satisfy myself that the statement made above (in number one) is correct.
3. The applications made for breach of standards review and the corresponding outcomes for the reporting period are:

Table 28: Compliance with *Public Sector Standards* for 2008-09

Applications for breach of standard and outcomes	Number
Number lodged	Six
Number of breaches found (including details of multiple breaches per application)	Nil
Number still under review	Nil

Brian Bradley

Accountable Authority

21 September 2009

Table 29 provides details on activities undertaken by the department relating to ensuring compliance with *Public Sector Standards* and ethical codes in 2008-09. This information has also been provided to the Office of the Public Sector Standards Commissioner for inclusion in the Commissioner's Annual Compliance Report. Human resources policies and ethical codes in relation to these standards and codes are available to all employees through the department's intranet site and online induction package.



Table 29: Activities relating to monitoring compliance with *Public Sector Standards* and ethical codes for 2008-09

Significant action taken to monitor and ensure compliance
<i>Public Sector Standards</i>
<ul style="list-style-type: none"> ▪ Provided information to all new employees as part of the induction program. ▪ Published regular articles in the internal <i>HR Matters</i> newsletter to remind line managers and employees on compliance requirements in accordance with <i>Public Sector Standards</i>. ▪ Assessed compliance with Standards through internal audits and review of breach claims.
<i>Western Australian Public Sector Code of Ethics</i>
<ul style="list-style-type: none"> ▪ Monitored compliance with the <i>Western Australian Public Sector Code of Ethics</i> through the Director General's and Executive Director's performance agreements. ▪ Advised employees of the revised <i>Western Australian Code of Ethics</i> through the internal <i>HR Matters</i> newsletter. ▪ Conducted an assessment of grievances lodged with management. ▪ Provided information to all new employees as part of the induction program.
<i>Code of Conduct</i>
<ul style="list-style-type: none"> ▪ Provided information to all new employees as part of the induction program. ▪ Ensured employees affirmed their commitment to the department's <i>Code of Conduct</i> as part of the revised performance management system.

Disability access and inclusion

The Department of Commerce is committed to improving access and equity for all its customer groups and ensuring that people who have a disability are included, and participate in, shaping the range of services and initiatives of the department. The *Disability Services Act 1993* requires that public authorities develop and implement a Disability Access and Inclusion Plan that furthers the principles and to report on the current activities undertaken to achieve the six desired access and inclusion outcomes.

The Department of Commerce's Disability Access and Inclusion Plan 2007-2011 (the plan) is compliant with the requirements of the *Disability Services Act 1993*. An annual implementation plan was developed to assist in achieving the disability access and inclusion outcomes detailed in the department's plan. The implementation plan comprises of a list of overarching strategies to guide activities and support the six desired outcomes.

In accordance with section 29(1) of the *Disability Services Act 1993*, the department is required to report on the actions undertaken to implement the plan. Table 30 provides a summary of how the department improved access to its services, buildings and information for people with a disability.



Table 30: Disability access and inclusion outcomes for 2008-09

Outcome 1

People with disabilities have the same opportunities as other people to access the services of, and any events organised by, the relevant public authority.

- Developed and communicated the 2008-09 annual implementation plan to the department's employees.
- Amended departmental quotation/purchasing forms to facilitate employee and contractor awareness of the requirement for agents and contractors to conduct their business in a manner that is consistent with the legislation and the department's plan. These amendments also assisted in capturing details for annual reporting to the Disability Services Commission.
- Approval was granted for the department to be an affiliated organisation with the Companion Card Western Australia Program from 1 July 2009. This program allows carers of people with disabilities to access events free of charge.
- Undertook a recruitment program for people with disabilities to be registered for work with the department.

Outcome 2

People with disabilities have the same opportunities as other people to access the buildings and other facilities of the relevant public authority.

- Ensured that designs for any building fit outs complied with accessibility requirements.
- Continued to ensure new leases or renewal of existing leases take into account the needs of people with disabilities.
- Trialed an internal access (building and amenities) audit checklist for use in regional areas. The trial was conducted at the newly acquired premises in Kalgoorlie. This process will be extended to other regional offices during 2009-10.
- Promoted the importance of considering access issues when selecting a venue for departmental events and meetings.
- Commenced development of a departmental events checklist for introduction in 2009-10.

Outcome 3

People with disabilities receive information from the relevant public authority in a format that will enable them to access the information as readily as other people are able to access it.

- Promoted the National Relay Service number and the availability of information and services in alternative formats in new publications. The plan is available upon request in alternative formats.
- Integrated procedures for providing guidance to employees as to how they can obtain information in alternative formats into business unit processes.

Outcome 4

People with disabilities receive the same level and quality of service from the staff of the relevant public authority.

- Continued to ensure that employees are aware of, and understand the needs of people with disabilities to provide advice and services accordingly. Resources continue to be available to support employees in delivering appropriate services to people with disabilities.
- Included information on the department's plan as part of the induction process for new employees.



Outcome 5

People with disabilities have the same opportunities as other people to make complaints to the relevant public authority.

- Continued to ensure people with disabilities, using the department's services or accessing our premises, can provide feedback through the department's customer service feedback forms or through a specific feedback form regarding the plan. The forms are available in hard copy and online. The department's processes allow for a representative of the complainant to complete the form on their behalf, and to identify whether the complainant requires information in alternative formats or has special requirements.

Outcome 6

People with disabilities have the same opportunities as other people to participate in any public consultation by the relevant public authority.

- Continued to seek comment, as appropriate, from people with disabilities and/or appropriate representative groups as part of consultative strategies.

International Labour Organisation Convention 81 – Labour inspections

Australia is a member nation of the International Labour Organisation. The International Labour Organisation is the peak international organisation responsible for setting international labour standards through the development and monitoring of International Conventions and Recommendations. The Australian Government ratified *International Labour Organisation Convention 81 – Labour inspections* on 24 June 1975. Article 21 of Convention 81 requires certain information to be published in annual reports for each of the central inspection authorities.

In Western Australia, the Department of Commerce is the government department (or 'central authority') that is responsible for conducting labour inspections in relation to workplace safety, and wages and conditions of employment. The reporting in this section relates to the inspection services delivered by Labour Relations Division and WorkSafe Division for 2008-09 and Resources Safety Division for the period 1 July to 31 December 2008. The Resources Safety Division was transferred to the Department of Mines and Petroleum from 1 January 2009.

Article 21 of Convention 81 requires the department to report on a number of matters namely:

- (a) Laws and regulations relevant to the work of the inspection service;

Legislation administered by the department is provided in the Overview section of this report. Changes to written laws during 2008-09, relevant to the work of the inspection service, are provided in Appendix 2: Changes to written laws (Table 39 to 41). The Significant Issues and Trends section of this report also provides information on issues and trends impacting the department and the inspection environment.



(b) Staff of the labour inspection service;

The department currently employs 15 industrial inspectors in the Labour Relations Division. The WorkSafe Division has a full time equivalent complement of 103 inspectorate positions. The Resources Safety Division had 50 inspectors as at 31 December 2008.

(c) Statistics of workplaces liable to inspection and the number of workers employed therein;

There were a total of 204,570 businesses liable for inspection by Western Australia's workplace inspectors according to the Australian Bureau of Statistics publication *8165.0 - Counts of Australian Businesses, including Entries and Exits* (June 2009). These businesses employed a total of 1,169,522 employees on average according to the Australian Bureau of Statistics *Labour Force Estimates, total employed* (June 2009).

(d) Statistics of inspections visits;

During 2008-09, the Labour Relations Division undertook 210 inspection visits and the WorkSafe Division undertook more than 11,000 workplace visits. The Resources Safety Division, between the period 1 July and 31 December 2008, carried out 899 inspections, 77 investigations and 20 audits.

(e) Statistics of violations and penalties imposed; and

Information on the number of violations and penalties imposed is provided in Appendix 3: Prosecutions section of this report. Details of prosecutions for the Labour Relations Division are published in Table 55 and prosecutions for the WorkSafe Division are published in Table 56. During the year, the WorkSafe Division issued more than 9,800 improvement notices and over 700 prohibition notices. The Labour Relations Division found that out of the 294 employers inspected, 601 committed breaches of awards, agreements or legislation and 21 prosecutions were undertaken and 5 penalties imposed.

(f) Statistics of industrial accidents and occupational diseases.

The lost time injury and disease (LTI/D) frequency rate is the principal measure of safety performance in Western Australia, and is also used to monitor performance against national targets. The frequency rate is calculated using the formula: Number of LTI/D divided by number of hours worked multiplied by 1,000,000. A lost time work-related injury or disease is counted where there is at least one complete day or shift off work.

Information on work-related injury or disease frequency rates for Western Australia is provided in the Agency Performance section of this report. Information on disease groups that are being monitored at a national level are contained in *Occupational Disease Indicators* published by Safe Work Australia on 23 February 2009. A copy can be accessed on the Safe Work Australia internet site at www.safeworkaustralia.gov.au.



Specific agency reporting

Credit (Administration) Act 1984

The *Credit (Administration) Act 1984* (the CA Act) sets out a licensing regime for individuals providing credit regulated in Western Australia by the *Credit Act 1984* or Consumer Credit (Western Australia) Code (the Code). The Commissioner for Consumer Protection (the Commissioner) is the responsible licensing authority under this Act.

As at 30 June 2009 there were 185 licensed credit providers operating in Western Australia. Over the course of the year, 16 licences were surrendered or cancelled and 25 new licences were granted. A number of classes of 'persons' who provide consumer credit but are otherwise regulated, such as banks, are exempt from the licensing requirements of the CA Act. Over the year, a new consumer publication was developed concerning consumer leases, which are currently captured by the Code. The brochure outlines the features of consumer leases and provides general tips for consumers who are considering using this product.

As a result of amendments made in August 2008, the Code now applies to the use of bill facilities (promissory notes and bills of exchange) for the provision of consumer credit in Western Australia. This style of contract was used by a number of 'payday lenders' in Western Australia. Persons who utilise bill facilities must now hold a credit provider's licence and ensure that they comply with the requirements of the Code. All affected entities have successfully applied for licences since the amendments came into effect.

Section 60(2) of the CA Act requires the Commissioner 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;

The CA Act provides that the Commissioner may make investigations or inquiries into the conduct of a licensed credit provider. However, the Commissioner is responsible for enforcing the requirements of the Code, which applies to all persons providing consumer credit to residents of Western Australia, not just persons licensed as credit providers under the Act. Additionally, the Code provides that the Department of Commerce may assist a debtor in negotiating a change to the terms of a credit contract on the basis of hardship.



Table 31: Credit (Administration) Act 1984: Investigation summary for 2008-09

	Investigations of licensing matters related directly to the Act	Investigations of conduct matters generally relating to the Code	Conciliations generally concerning the negotiation of a change to a credit contract under the Code	Total
Ongoing matters as at 1 July 2008	2	18	8	28
Matters commenced	5	58	72	135
Matters concluded	6	72	74	152
Ongoing matters as at 30 June 2009	1	4	6	11

Of the 152 matters concluded in 2008-09, the following outcomes were recorded:

- Fifty-two agreements were reached;
- Seventy-six resulted in no action being taken including complaints lapsed or withdrawn;
- thirteen were referred to another agency; and
- eleven administrative warnings, cautions, education or advice issued.

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

The Commissioner commenced proceedings this year in the State Administrative Tribunal (the Tribunal) against a licensed credit provider for a key requirement breach of the Code in relation to the overcharging of interest to borrowers on a number of consumer credit contracts. The Tribunal found that there had been no contravention of the Code. An appeal against this finding was upheld by the Supreme Court this year, and the orders made by the Tribunal were set aside. The matter was remitted to the Tribunal for reconsideration in light of the Court's decision and is expected to be dealt with in the 2009-10 financial year.

In addition, an appeal was commenced in the Tribunal this year against the Commissioner's refusal to issue a credit providers licence to a body corporate. The Tribunal found that the Commissioner acted correctly in refusing to grant the licence. The applicant commenced an appeal against the Tribunal's decision in the Supreme Court this year and, while the Court did not find that the Commissioner acted incorrectly in refusing to grant the licence, certain judicial findings of fact which were relied on by the Tribunal were overturned. Both the department and the applicant have appealed the decision of the Supreme Court. The appeal is expected to be heard in the 2009-10 financial year.



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

Of the 11 matters ongoing at the end of the period one relates to the licensing requirements under the Act, four relate to general conduct concerns and six are conciliations generally concerning a negotiation of change to the credit contract.

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

The department has met with industry and consumer representatives throughout the year to discuss credit and debt collection matters. These meetings have provided a forum for the department to facilitate discussions between the Australian Securities and Investments Commission, industry and consumer representatives regarding arrangements for the pending transfer of responsibility for consumer credit regulation to the Commonwealth.

- (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; and

In October 2008, the Council of Australian Governments agreed to transfer the responsibility for all consumer credit regulation to the Commonwealth. It is currently proposed that this transfer takes effect from 1 November 2009. Administration of credit provider licensing and compliance moves to the Australian Securities and Investments Commission from that date. The Commissioner has taken an active role in discussions regarding a national regime and will continue to be involved in the lead up to the transition.

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

The department supports the transfer of credit regulation to the Commonwealth as most lenders operate nationally. The Consumer Protection Division is actively participating in discussions relating to these reforms to ensure protections existing in Western Australia are established in the national regime.

Debt Collectors Licensing Act 1964

The *Debt Collectors Licensing Act 1964* (the DCL Act) sets out a licensing regime for debt collectors and prescribes procedures for the handling of trust account money. The Commissioner for Consumer Protection (the Commissioner) is the responsible licensing authority under the DCL Act.

As at 30 June 2009, there were 74 licensed debt collectors operating in Western Australia. Over the course of the year 11 licences expired or were surrendered and 18 new licences were granted.



Section 12A of the DCL Act requires the Commissioner 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 32: Debt Collectors Licensing Act 1964: Investigation summary for 2008-09

	Licensing issues relating directly to the DCL Act	Conduct issues	Conciliations generally concerning confirmation of whether debt owed	Total
Number ongoing as at 1 July 2008	0	5	2	7
Number commenced	4	12	10	26
Number concluded	4	16	11	31
Number ongoing as at 30 June 2009	0	1	1	2

Of the 31 matters concluded in 2008-09, the following outcomes were recorded:

- ten agreements were reached;
- fourteen resulted in no action being taken including complaints lapsed or withdrawn;
- five were referred to another agency; and
- two administrative warnings, cautions, education letters or letters of advice were issued.

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

No proceedings were commenced in the State Administrative Tribunal during this financial year.

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

Of the two complaints ongoing at the end of the period, one relates to the conduct of a licensed debt collector and the other a dispute over the debt collection fees charged.

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

The department met with industry and consumer representatives throughout the year to discuss credit and debt collection matters. These meetings serve to inform the department's various compliance, proactive compliance and education initiatives on debt collection and facilitate discussions between the Australian Securities and Investments Commission and industry or consumer representatives regarding any impact on the debt collection industry arising from the pending transfer of responsibility for consumer credit to the Commonwealth.



- (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; and

The Commissioner will continue to handle the licensing of debt collectors and related compliance and proactive matters.

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

The Consumer Protection Division would welcome the introduction of nationally consistent regulation of the debt collection industry and has previously proposed to the Productivity Commission and the Council of Australian Governments' Business Regulation and Competition Working Group that the regulation of debt collection should be part of a national framework. A project to examine this is now part of the Ministerial Council on Consumer Affairs' work program.

Electricity Act 1945

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

- (a) in relation to the discipline of electrical licensees, the number, nature, and outcome, of the -
- (i) investigations and inquiries undertaken under this Act by, or at the direction of, the Director and referred to the Electrical Licensing Board; and
There were 10 matters.
 - (ii) matters undertaken by the Director that have been brought before the State Administrative Tribunal under this Act by the Director;
There were no matters.
- (b) the number and nature of matters referred to in paragraph (a) that are outstanding;
There were no matters outstanding.
- (c) any trends or special problems that may have emerged;
There were no trends or special problems that require reporting.
- (d) forecasts of the workload of the Director in performing functions under this Act in the year after the year to which the report relates; and
There are no forecasts of workload to report.
- (e) any proposals for improving the performance of the Director's functions under this Act.
There are no proposals for improving performance to report.



Employment Agents Act 1976

The Department of Commerce administers a range of functions under the *Employment Agents Act 1976* (the EA Act) including the granting and renewal of licenses, compliance activities and a range of education and advisory services. As at 30 June 2009, there were 632 licensed employment agents operating in Western Australia. Over the course of the year, 72 licences expired or were surrendered, 133 licences were renewed and 92 new licences were granted.

Section 10A of the EA Act requires the Commissioner for Consumer Protection (the Commissioner) 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;

During 2008-09, the department completed six investigations related to employment agents.

Table 33: *Employment Agents Act 1976: Investigations and inquiries in 2008-09*

	Employment agent licence holder or unlicensed activity	Conduct issues	Conciliations	Total
Number ongoing as at 1 July 2008	5	0	0	5
Number commenced	2	0	13	15
Number concluded	6	0	12	18
Number ongoing as at 30 June 2009	1	0	1	2

The Consumer Protection Division has continued the successful proactive compliance program implemented in 2005-06. In 2008-09 the proactive program focused on visits to those employment agents which had newly granted licences in order to determine compliance with the EA Act.

In 2008-09, 76 licensed employment agents were visited. Findings from the visits found 49 were fully compliant with the EA Act and 21 had not commenced trading due to the current economic climate. Six had minor administrative issues of which four have since been rectified and two are currently ongoing. The administrative issues related to minor matters such as failing to notify change of address or using a scale of fees that had not been approved by the Commissioner. Two businesses were visited in response to allegations of unlicensed trading. In each instance the business provided a satisfactory explanation that required no further action. Both businesses applied for, and were granted, a licence.

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

There were no matters brought before the State Administrative Tribunal.



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

As at 30 June 2009, there was one compliance investigation and one conciliation outstanding.

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

The majority of compliance work related to allegations of unlicensed trading.

- (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; and

The Commissioner will continue to manage the licensing and compliance matters referred to above, although it is anticipated that the current economic downturn will impact employment agents. This may result in a decrease in licence applications and a trend toward business closure or non commencement of trade.

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

The department will continue with its proactive program. The email notification database implemented in 2006-07 has continued to improve the dissemination of information relating to licensing and compliance matters. The Consumer Protection Division will continue this service to keep licensees informed of developments and areas of concern.

Gas Standards Act 1972

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

- (a) in relation to the discipline of holders of gasfitting permits and authorisations, the number, nature, and outcome, of the -
- (i) investigations and inquiries undertaken under this Act by, or at the direction of, the Director; and

There were no matters.

- (ii) matters undertaken by the Director and referred to the State Administrative Tribunal under this Act by the Director;

There were no matters.

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

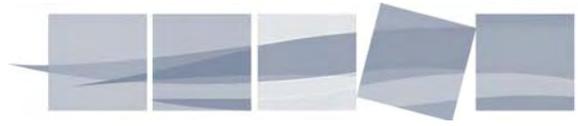
There were no matters outstanding.

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

There were no trends or special problems that require reporting.

- (d) forecasts of the workload of the Director in performing functions under this Act in the year after the year to which the report relates relating to licensing discipline matters; and

There are no forecasts of workload to report.



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

There are no proposals for improving performance to report.

Retirement Villages Act 1992

The *Retirement Villages Act 1992* (the RV Act) was established to regulate retirement villages and the rights of residents in such villages. The Commissioner for Consumer Protection (the Commissioner) is responsible for several functions under this Act, including compliance activities and the conciliation of disputes between residents and retirement village owners. A comprehensive review of the RV Act and its operations is being finalised.

This year, the Consumer Protection Division conciliated or investigated 18 complaints regarding retirement villages. These reflected a diverse range of matters including issues about fees and charges, the meaning of contract terms, maintenance, refurbishment of properties, marketing and sale of units, strata titles, dispute resolution processes, budget expenditures, facilities and amenities.

In June 2008, the report from the Parliamentary Economics and Industry Standing Committee Inquiry into matters related to disputes between management and residents at the Karrinyup Lakes Lifestyle Village was tabled in the Legislative Assembly. The department's response to this report was tabled on 4 December 2008. The Consumer Protection Division continues to deal with a range of issues arising from the Inquiry and significant resources have been allocated to a range of investigations and litigation arising from those disputes yet to be resolved at this village.

The Consumer Protection Division initiated a proactive compliance program in 2008 to ensure retirement village operators comply with requirements set out in the RV Act. The aim of the program is to provide assistance to retirement villages where issues of non-compliance are identified. The Consumer Protection Division visited 134 retirement villages, during the year, with no major issues identified.

Travel Agents Act 1985

The department administers a range of functions under the *Travel Agents Act 1985* (the TA Act) including the granting and renewal of licences, compliance activities and a range of education and advisory services. The department also undertakes the conciliation of disputes involving travel agents and consumers. The Minister for Tourism maintains the portfolio responsibilities of the TA Act. As at 30 June 2009, there were 403 licensed travel agents operating in Western Australia. Over the course of the year, 35 licences were surrendered, 70 licences were renewed and 18 new licences were granted.

Section 58 of the TA Act requires the Commissioner for Consumer Protection (the Commissioner) 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;

During 2008-09, the department completed 37 investigations related to travel agents.



Table 34: *Travel Agents Act 1985*: Investigations and inquiries in 2008-09

	Travel agents and tour operator services	Airlines, tour coach, cruise ships, ferry or train services	Holder of travel agent licence or unlicensed activity	Conciliations	Total
Number ongoing as at 1 July 2008	7	12	2	0	21
Number commenced	1	22	0	34	57
Number concluded	6	29	2	25	62
Number ongoing as at 30 June 2009	2	5	0	9	16

During 2008-09, allegations of unlicensed activity were firstly examined by the licensing area prior to formal investigation. Significantly, the licensing area has been able to clarify or obtain licensing compliance in many cases. This has significantly reduced the number of formal investigations.

The proactive compliance program continues to provide information to travel agents about compliance with the TA Act leading to improved practices throughout the industry. In 2008-09, 107 travel agents were visited including those with newly granted licences. Of those visited, 67 were fully compliant with the TA Act, 37 non-compliant and three unlicensed.

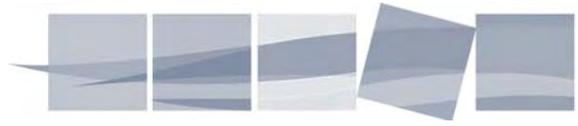
Three businesses were visited in response to allegations of unlicensed trading. In two instances, it was established that a travel agent licence was not required and in the third instance a travel agent licence was applied for and granted.

The areas of non-compliance were administrative matters and were not considered to be serious or systemic breaches of the TA Act. In most instances compliance with the legislation was achieved quickly and related to issues such as:

- business name certificate not on display;
- travel agent licence certificate not on display;
- 'Licensed Travel Agent' sticker not displayed;
- nominated manager not in attendance;
- failure to notify of a new manager within 14 days; and
- failure to notify a change of licence particulars within 14 days.

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

There were no matters brought before the State Administrative Tribunal. Prosecution notices were served on a business for charges of false representations as to the price of services contrary to the *Fair Trading Act 1987*.



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

There are currently seven investigations outstanding. These complaints relate to an allegation of misappropriation of funds by a licensed travel agent and two instances of unlicensed trading activity. One of the instances of unlicensed trading involved an employee of a licensed travel agent potentially misappropriating funds from consumers and acting outside the scope of his employment. The Western Australian Police have led charges in relation to this matter. The second instance relates to an individual selling travel in conjunction with another business venture.

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

The Consumer Protection Division remains concerned about complaints relating to advertised fares not being available and misrepresented terms and conditions being conveyed to clients. An investigation about the non-availability of advertised fares by a major industry player is currently underway. The Consumer Protection Division will continue to monitor these issues, particularly given the current economic downturn which may increase competition in the travel industry and the amount of creative and potentially false advertising undertaken. There has been a decrease in the number of travel agents failing to advise the department of change of particulars in relation to their licences.

- (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; and

The Consumer Protection Division will continue to focus its proactive program visits on newly licensed agents providing detailed information to agents regarding their legislative requirements. The department continues to liaise with all jurisdictions in regard to their policies relating to mobile travel agents, virtual offices and office managers. Additionally, the operations of mobile travel agents are being reviewed in terms of the legislative licensing requirements.

The number of licences issued has continued to fall over the past five years. It is likely this is due to an increase in the number of consumers booking their travel online through the internet or with non-Western Australian based travel agents and the growth in major industry players, leading to a number of smaller industry participants being absorbed or leaving the market.

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

The department will continue with its proactive program and email bulletins providing information to all agents, promoting the nomination of proxy managers and raising awareness of the administrative requirements of the TA Act. The Ministerial Council on Consumer Affairs has also initiated a review of consumer protection measures in the travel and travel related services market.



Water Services Licensing Act 1995

Part 5A of the *Water Services Licensing Act 1995* (the WSL Act) establishes the Plumbers Licensing Board (the Board) to regulate the plumbing trade that serves the Western Australian community. Further information is provided in Appendix 5: Plumbers Licensing Board of this report.

At the end of 2008-09, there were 5,001 plumbers licensed by the Board to carry out a variety of plumbing work for residential, commercial and industrial purposes and for other sectors of the economy. This specialised workforce comprised 2,465 licensed plumbing contractors, 2,406 licensed tradespersons, who work under the general direction and control of the licensed plumbing contractors, and 130 restricted plumbing permit holders authorised only to replace hot water units.

Section 59 H (2) of the WSL Act requires the department's Annual Report to include details of:

- (a) the number, nature, and outcome, of –
 - (i) investigations and inquiries undertaken by, or at the direction of, the Board into licensing under this Act;

Table 35: *Water Services Licensing Act 1995*: Compliance investigations and complaints in 2008-09

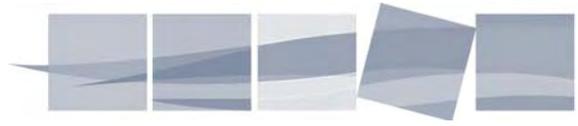
	Alleged unsatisfactory workmanship	Alleged unlicensed plumbing	Other regulation breaches	Total
Ongoing matters as at 1 July 2008	12	2	16	30
Matters commenced	56	23	35	114
Matters concluded	56	20	46	122
Ongoing matters as at 30 June 2009	12	5	5	22

A number of investigations were undertaken where the Board found unsatisfactory workmanship or breaches of relevant regulations. Warnings and rectification notices were issued on the licensed plumbing contractors. Unlicensed plumbing was also pursued for the protection of consumers and the credibility of the industry. In 2008-09, the Board used the department's legal services or the State Solicitor's Office to action these matters before the Magistrates Court. Details of action taken can be found in the Appendix 3: Prosecutions.

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

One matter was brought before the State Administrative Tribunal under this Act. Details of action taken can be found in the Appendix 3: Prosecutions.

The Board conducts disciplinary inquiries in the case of licensed plumbing contractors, tradespersons and restricted plumbing permit holders who have been cited for failing to comply with the regulations in carrying out plumbing work defined under the WSL Act.



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

In 2008-09, the Board allocated additional resources to undertake investigations and enquiry activities leading to an increase in matters concluded. Table 35 demonstrates that there were 22 matters outstanding as at 30 June 2009. These matters comprise of complaints on workmanship, unlicensed plumbing and other regulatory breaches that were identified through the proactive audits or through consumer complaints.

In order to reduce the carry over of unsatisfactory workmanship and breaches, rectification and infringement notices were issued by the Board, with plumbers required to attend technical nights and induction sessions to remain aware of their obligations under the Regulations. The Board will continue to institute speedy proceedings against persons undertaking illegal plumbing.

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

Despite a downturn in the level of economic activity, there has been a sustained demand for plumbing trade services, with licensed plumbers faced with working longer hours to meet demand. Profiling indicates the local plumbing workforce is ageing across all categories with plumbers preparing to leave the trade for retirement and other reasons. This trend underscores the need for the Board to promote an ongoing supply of tradespersons and new apprenticeship numbers. TAFE has reported new plumbing apprentice numbers dropped from 416 in 2008 to 115 in 2009.

In 2008-09, the Board licensed 132 plumbing contractors, and the numbers of tradespersons increased by 345. Migrant applicants continue to make up a significant portion of this growth. The Board is examining ways under its existing Regulations to assist registered training organisations to attract and progress new apprenticeships and further the skills development of new tradespersons and existing licensed plumbers.

- (d) forecasts of the workload of the Board in the year after the year to which the report relates;

The Board anticipates a number of amendments to the Regulations being made early in 2009-10 to update licensing of plumbing work standards that have been in place since July 2007. The Board is scheduled to relocate from its Osborne Park address to join the Building Commission in West Perth from September 2009. Plumbing industry stakeholders will be notified of the move and the Board will work with the department's Building Commission Division to ensure services to the plumbing trade and community are maintained during and following the relocation.

The development of common policy for the Building Commission in key areas such as sustainability in new construction and in response to the Council of Australian Governments' initiatives for a national licensing system and the National Construction Code will be a focus for the coming year.

The Board's register of licensed plumbing contractors and tradespersons will continue to grow dependent on the relative level of Western Australian building activity and levels of unemployment interstate and overseas. The Board will liaise with registered training organisations over the content and delivery of education and training at all entry levels for potential licensed plumbers.



The Board's budget for the coming year includes provision for an expansion of its technical compliance services particularly in regional areas to support the regulation of licensed plumbing work and the guarantee of this work. This initiative will be reinforced by an education campaign on regulation awareness for licensed plumbers.

- (e) any proposals for improving the operation of the Board.

The Board anticipates opportunities for its operations and employees in joining the Building Commission. These enhancements will cover all aspects of the Board's core functions of licensing, compliance, inspections and investigations as well as its administration, finances, policies, regulations, trade education and training and community engagement. Operational improvements will flow from proposals being developed by the Board to:

- apply technologies to improve the effectiveness of its licensing regime, field operations and business practices via web enhancements, on-line lodgement and the use of specialised software; and
- conduct a review of the WSL Act to better respond to community expectations of the plumbing trade. Principal drivers for the change are water and energy issues associated with sustainability, the ongoing education and specialised training of plumbers and current changes at the national level in licensing and construction matters.

Recordkeeping Plan

The Department of Commerce's Recordkeeping Plan codifies record keeping practices and ensures compliance with the regulatory obligations. The management of the department's corporate documents and information is conducted within the framework of the *State Records Act 2000* and the State Records Commission of Western Australia's Principles and Standards 2002 (incorporating Standard 2, Principle 6).

It is a requirement under this Standard that the department's Recordkeeping Plan be reviewed and updated every five years. The department's Recordkeeping Plan has been reviewed and updated to reflect the changes during the past five years including the acquisition of the Science, Innovation and Business Division and the transfer of the Resources Safety Division to the Department of Mines and Petroleum. The revised plan was lodged with the State Records Office of Western Australia in June 2009 for final approval and endorsement.

The department has mandatory records and document management training that all employees attend as part of their induction. Additional training and relevant training material has been made available to employees upon request and has been tailored to meet business unit needs. Regular information in the form of emails to employees and short presentations to business units are held to ensure that they are familiar with their record keeping responsibilities.

In addition, the department has in place departmental record keeping policies and standards which includes the management of emails. A booklet titled 'Corporate information: Record keeping essentials' has been developed, is available on the intranet and is provided to all new employees that attend the mandatory electronic document and records management system one day training session. The Corporate Services Division has representatives at the various department offices that provide regular advice, inductions and also provide this booklet to new employees.



GOVERNMENT POLICY REQUIREMENTS

Corruption prevention

In accordance with the *Public Sector Commissioner's Circular 2009-25: Corruption prevention*, agencies are required to incorporate in their risk management activities, specific consideration of the risk of corruption and misconduct. It is designed to ensure that agencies have considered the risk of corruption and misconduct as a component of their organisational risk and ensure that a plan is in place to reduce the risk of corruption and misconduct.

The Department of Commerce maintained its effort towards ensuring the potential for corruption within the department was minimised. The department continued to build a positive working relationship with the Corruption and Crime Commission including meeting with Corruption and Crime Commission officers on a regular basis to discuss issues of common concern and seeking advice and guidance on a range of matters as required.

The department's risk management plan outlines key risk management strategies, plans and procedures, with a component being the agency's internal audit function as well as corruption and misconduct processes.

In 2008-09, several activities were undertaken to minimise the potential for corrupt behaviour and included the following:

- The Department of the Premier and Cabinet's Accountability and Ethics Unit delivered specialised training for the department's senior management team in early 2008-09 and arrangements are in place for the training to be delivered to employees in 2009-10.
- The department engaged a consultancy firm to assess the agency's governance framework and the financial, operational and fraud related risks of the contracting process. The report's findings including a detailed risk assessment of the department's processes, risks and controls will be considered in 2009-10 to identify any gaps in the governance processes and to develop strategies to eliminate them.
- Senior officers attended the launch of the Corruption and Crime Commission's guidelines entitled 'Misconduct Resistance Strategy - an integrated governance approach to protecting agency integrity' and managers and employees were encouraged to attend subsequent workshops explaining the benefits of the new strategy.
- Work was commenced on revising the department's *Code of Conduct* and developing a conflict of interest policy with a view to implementing the policy early in 2009-10.
- The department's intranet was used to inform departmental employees of the need to comply with the *Western Australian Public Sector Code of Ethics* and the Department of Commerce's *Code of Conduct*.
- A number of matters were referred to the Corruption and Crime Commission for further investigation.



Customer feedback

The Department of Commerce is committed to understanding and striving to exceed our customer service standards and encouraging customer feedback to improve our services. Customer feedback can be provided a number of ways including via the internet site, by telephone, informing our counter service employees, or by writing an email or letter to the department. The feedback recorded can be used to understand our customer expectations, determine the extent to which we can deliver, address systemic shortfalls which will improve our service delivery, streamline our processes and acknowledge the good efforts of our employees.

The department's *Customer Service Charter* reflects our operations and delivery services to customers. The Charter specifies how employees are expected to conduct themselves and details the standards we endeavor to meet. The Charter is available on the department's internet site.

In November 2008, the Consumer Call Centre was named the 'Best Call Centre in the West' by the current affairs show *Today Tonight*. The program reported that out of the call centers surveyed, the Consumer Call Centre answered the calls promptly with an average time of 19 seconds and was noted for its comprehensive and timely service.

The department has a Customer Service Policy as required by the *Public Sector Commissioner's Circular 2009-27: Complaints management*. The department's performance in relation to customer feedback is monitored quarterly by the Corporate Executive. As a result of customer feedback, learning and development initiatives were delivered to employees on topics such as 'Dealing with challenging telephone customers' and 'Interpersonal and communication skills'.

Occupational safety, health and injury management

In accordance with the *Public Sector Commissioner's Circular 2009-11: Code of practice: Occupational safety and health in the Western Australian public sector* (the Circular), the department complies with the requirements of the *Occupational Safety and Health Act 1984*, the *Workers' Compensation and Injury Management Act 1981* and the *Code of practice: Occupational safety and health in the Western Australian public sector*.

Our commitment to our employees

The Department of Commerce recognises the value of its employees and is committed to preventing injury and illness by providing a safe and healthy work environment. The department recognises the success of occupational safety, health and injury management activities and relies on the active participation and cooperation of both the employer and employee. The department's occupational safety and health commitment is designed to raise awareness of safety and health obligations and to promote safer work practices.

In the event that a workplace injury occurs, the department has an established injury management system, which details the steps taken when a workplace injury occurs to assist injured employees to return to work as soon as medically appropriate. The system ensures that injury management intervention occurs quickly and properly, so that injured employees can remain at work or return to work at the earliest appropriate time. The department's injury management system is compliant with the requirements of the *Workers' Compensation and Injury Management Act 1981* and the Code of Practice (Injury Management) 2005.



The department's occupational safety and health system and injury management system are available to employees on the department's intranet site and communicated as part of occupational safety and health training.

Consultation mechanisms

Both management and employees are committed to improved and effective consultation in the workplace. Consultation provides employees with an opportunity to participate fully in decisions which impact on their working lives. The establishment of an appropriate forum to consult has resulted in better decision making with shared decisions leading to more effective implementation.

The Occupational Safety and Health Committee, established in 2003, comprises of safety and health representatives and management representatives and is focused on the continuous improvement of occupational safety and health performance. The Committee meets monthly to discuss matters relating to workplace matters that affect the health and welfare of employees. The department's executive, safety and health representatives and employees are committed to the goal of a workplace that is free of work related injuries and disease and to achieve a standard of excellence in occupational safety and health management. During the year, the Committee discussed and resolved issues raised by employees, reviewed accident and incident forms to ensure that hazards were addressed to eliminate or reduce future issues, and discussed injury trends and identified preventative measures that promote a safe working environment.

Our performance

A pilot audit of the occupational safety and health management system within one of the department's operating divisions was conducted during 2008-09. The findings of this audit provided a basis for an improvement action plan. The department will examine options for conducting an audit of the department's occupational safety and health management system during 2009-10.

In 2008-09, occupational safety, health and injury management activities included:

- developed and implemented an occupational safety and health improvement action plan as a result of the pilot audit conducted during the year;
- revised the occupational safety and health induction training program for new employees;
- developed five new training programs for managers and supervisors on occupational safety and health responsibilities; injury management; overview of the workers' compensation system; incident reporting and investigation; and risk management. These programs will be implemented in 2009-10;
- implemented a training program for safety and health representatives;
- implemented the First Aid Allowance Policy and developed a Fitness for Work Policy;
- developed internal procedures for injury management and incident reporting and investigation and developed an occupational safety and health risk assessment template; and
- improved the system of reporting and recording hazards, incidents and injuries. In particular, reporting to the Corporate Executive was enhanced.



The department's performance against targets contained in the Circular is demonstrated in Table 36.

Table 36: Occupational safety, health and injury management performance

Measure	Actual Results		Results against Target	
	2007-08 ⁽¹⁾	2008-09	Target	Result
Number of fatalities	0	0	0 (zero)	Target achieved.
Lost time injury and/or disease incidence rate	0.53	0.92	0 or 10% reduction	Target not achieved. There is an increase on the previous year. ⁽³⁾
Lost time injury and/or disease severity rate	20.00	11.11	0 or 10% reduction	Target achieved. There was 44% reduction on the previous year.
Percentage of injured workers returned to work within 28 weeks	Not applicable	100%	Actual percentage result	100% of injured workers returned to work.
Percentage of managers trained in occupational safety, health and injury management responsibilities	Not applicable	3.91% ⁽²⁾	Greater than or equal to 50%	The target was not achieved. ⁽⁴⁾

Notes:

- (1) The results are sourced from the department's Annual Report 2007-08.
- (2) The training for managers during the year, related to their occupational safety and health responsibilities. Injury management is undertaken as a separate training session and will be implemented during 2009-10.
- (3) The number of lost time claims lodged increased from 7 in 2007-08 to 9 in 2008-09, while the number of full time equivalents increased from 931 in 2007-08 to 982 in 2008-09.
- (4) The target for 2008-09 was not achieved as a result of training for managers only commencing in late 2008-09. As identified in the 2008-09 activities above, five new training programs for managers and supervisors have been developed and will commence in 2009-10.

Whole of government Public Sector Safety and Injury Management Initiative

The Public Sector Safety and Injury Management Initiative provides a whole of government approach to workplace safety and injury management. The initiative also supports a commitment by all Australian jurisdictions to the achievement of the *National Occupational Health and Safety Strategy 2002-2012* in particular Priority Five, which is to strengthen the capacity of government to influence occupational health and safety outcomes.

The initiative is an example of how the public service can work together to develop a culture that advocates and supports a workplace free of work related injuries and diseases. The initiative is designed to promote the Western Australian public sector as a leader in safety, health and injury management by fostering a coordinated approach across public sector agencies. The Department of Commerce is the lead agency responsible for the initiative. A steering committee was also established to foster senior management commitment and provide guidance to public sector agencies. The Steering Committee has senior officers from the Department of Commerce, the Public Sector Commission, RiskCover, WorkCover WA and a UnionsWA nominee.



The key activity of the initiative includes identifying and developing strategic initiatives to assist agencies to improve safety and injury management performance and thereby reduce workers' compensation costs. The initiative also promotes best practice safety, health and injury management across the public sector. In August 2007, the Code of Practice: Occupational Safety and Health in the Public Sector was launched and is supported by the *Public Sector Commissioner's Circular 2009-11: Code of practice: Occupational safety and health in the Western Australian public sector*.

In 2008-09, activities undertaken in support of the initiative were:

- hosted the National Occupational Safety, Health and Injury Management Forum in Perth;
- developed a return to work measure for reporting by public sector agencies in the 2008-09 annual report;
- reissued the *Premier's Circular 2007/12: Code of practice: Occupational safety and health in the Western Australian public sector* content as the *Public Sector Commissioner's Circular 2009-11: Code of practice: Occupational safety and health in the Western Australian public sector*;
- organised two Occupational Safety, Health and Injury Management Network sessions for public sector practitioners;
- delivered a session at the 2008 Work Safe Forum to over 80 of the attendees on 'Working together – Meeting occupational safety and health challenges in the public sector' with positive feedback on the session being received; and
- established a special Occupational Safety, Health and Injury Management Annual Reporting award at the Institute of Public Administration Australia's (WA Division) WS Lonnie Awards. The winner of the 2008 award was Main Roads Western Australia, with special commendation for Department of Fisheries; Zoological Parks Authority; Department of Agriculture and Food; Department of Commerce; and the Insurance Commission of WA.

Reconciliation Action Plan

The department has a Reconciliation Action Plan, which aims to build positive relationships between Indigenous and non-Indigenous people. The plan was endorsed by the Department of Indigenous Affairs, and approved by Reconciliation Australia in 2008. It contains key strategies including creating career development opportunities, such as Indigenous business traineeships, developing educational initiatives for employees and customers and liaising with Indigenous support groups and services. The Reconciliation Action Plan is available on the department's internet site.

In 2008-09, activities relating to the plan included:

- education officers represented the department at a number of Indigenous community events;
- delivered cultural awareness training for employees;
- the department's ThinkSafe consultants visited 17 Indigenous communities in the Goldfields, Pilbara, Mid West and Gascoyne and received positive feedback;



- a National Indigenous Consumer Strategy internet site was established and is maintained as a useful central resource for consumer agencies in this State and an aid in resource sharing; and
- the role of the Senior Compliance Officer consulting with Indigenous communities to improve plumbing standards was expanded to include broader coverage of remote and isolated communities.

Other initiatives within the plan are of an ongoing nature and their progression is on track. New initiatives will be submitted to Reconciliation Australia for their endorsement in the coming financial year.

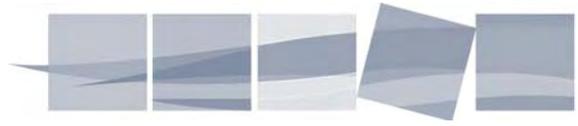
Substantive equality

In accordance with *Public Sector Commissioner's Circular 2009-23: Implementation of the policy framework for substantive equality*, the department ensures the substantive equality policy framework is reflected appropriately in operational, strategic and departmental plans. The framework is designed to eliminate systemic direct and indirect discrimination on the grounds specified in the *Equal Opportunity Act 1984*, in the provision of public sector services and by promoting sensitivity to the different needs of client groups.

The department's Substantive Equality Committee reviews client needs and service delivery to ensure equal outcomes for Indigenous and culturally diverse client groups. The Committee has placed emphasis on customer service delivery to these groups for information and education resources. Achievements in implementing the framework during 2008-09 included:

- a WorkSafe Division inspection campaign in the East Kimberley area focused on providing individual advice to small businesses, farms and other workplaces in the area;
- an ongoing program to educate employees about substantive equality through our online induction program and specific training courses in cross cultural awareness;
- raising awareness of employment rights through targeted publications, involvement in seminars held for migrant groups undertaking English language training and making sure resources are available at Migrant Resource Centres;
- a series of 90 information seminars, held by the Labour Relations Division for workers in the security industry, an area of significant employment for migrant workers. These seminars contributed positively to the industry as a whole, by improving employee understanding of their rights and employer compliance with industrial laws;
- employment of two full time Indigenous community education officers and development of an innovative tenancy education program by the Consumer Protection Division to improve the skills of service providers and better inform the department of the issues facing culturally and linguistically diverse tenants; and
- the Consumer Protection Division participated in the National Indigenous Consumer Strategy Reference Group's review of the National Indigenous Consumer Strategy.

Progress against the policy framework continues through the review of current policies and projects and maintaining effective communication networks with relevant Indigenous community organisations.



Sustainability

Activities for 2008-09 in the delivery of environmental sustainability included:

- Reduction in energy consumption: The agency continued to participate in the Government Energy Smart program and the new Energy Management Plan was implemented in 2009.
- Additional resources have been allocated and an Energy Management Team was formed representing all areas of the agency. The team is responsible for the identification, implementation and education of energy efficient programs and projects.
- Reduction in water consumption: The Water Efficiency Management Plan was completed and accepted by the Water Corporation. Recommendations made under the plan are being implemented across the agency's sites.
- Reduction in the department's fleet vehicle emissions: The agency has adopted new fleet policies with replacement vehicles being updated to more fuel efficient and lower CO₂ emission models, in line with Western Australian Government Fleet Policy.

Sustainable procurement has been achieved by ensuring the department's procurement processes are compliant with the State Supply Commission's requirements.

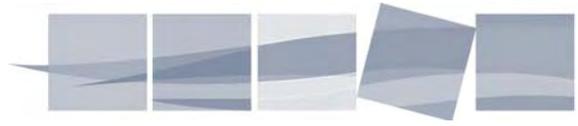


Appendices



This section provides additional information on the department's activities including agreements and joint initiatives, changes to written laws, prosecutions and the functions of boards, commissions, committees, councils and tribunals.

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APPENDICES

Appendix 1: Agreements and joint initiatives

The Department of Commerce recognises the benefits derived from working collaboratively with external parties by negotiating Memoranda of Understanding and Instruments of Declaration with a range of organisations, within the public and private sector. These agreements 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 agreements 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, and always with regard to other governing legislation, such as the *Commonwealth Privacy Act 1988*.

Construction work at mine sites falls under the jurisdiction of the *Mines Safety and Inspection Act 1994* (the MSI Act) and the *Mining Act 1978*. Section 4(3) of the *Occupational Safety and Health Act 1984* (the OSH Act), provides for the Minister administering the OSH Act and the Minister administering the MSI Act and *Mining Act 1978* may declare, in an 'instrument of declaration,' that the OSH Act or provisions of it apply to, or in relation to, a workplace normally falling under the jurisdiction of the MSI Act or the *Mining Act 1978*.

Co-agency agreements

Co-agency agreements in place during 2008-09:

- Australian Maritime Safety Authority
- Fatigue Management in the Omnibus Industry, Department of Planning and Infrastructure ⁽¹⁾
- Marine Safety Business Unit, Department of Planning and Infrastructure ⁽¹⁾
- Office of Rail Safety, Department of Planning and Infrastructure ⁽¹⁾

Note:

(1) The Department of Planning and Infrastructure became the Department of Transport on 1 July 2009.

Instruments of Declaration

Instruments of Declarations in place during 2008-09:

- BHP Billiton Iron Ore Boodarie mine site (regarding demolition work)
- BHP Billiton Iron Ore Pty Ltd's Yandi construction project
- BHP Transport Marine Slipway
- Brockman 4 mine site
- Griffin Coal Company Pty Limited - Premier Mine
- Mesa A iron ore project
- Pilbara Infrastructure Pty Ltd
- Pilbara Iron Pty Ltd
- Sino Iron mine site
- Spinifex Ridge Molybdenum mine site
- Wesfarmers Coal Limited - Premier Mine.



Joint initiatives with other agencies

These initiatives relate to the operations of the Resources Safety Division, which was a division of the department until 31 December 2008.

HAZMAT Emergency Advisory Team

The Resources Safety Division participates in the HAZMAT Emergency Advisory Team (HEAT) which provides 24-hour emergency response services to Fire and Emergency Services Authority (FESA) and the Western Australian Police on incidents involving hazardous materials. Response to an emergency involving hazardous materials (HAZMAT) is a complex operation that takes into consideration the safety of the public, property, fire-fighters and the environment. When an incident is confirmed to involve hazardous materials, specialist advisors from government agencies, industry and local government convene into a team. HEAT provides information throughout the operation until the site is declared safe. Once the emergency is over, FESA fire-fighters ensure the site is left as close as possible to its original condition. This is done in conjunction with relevant government agencies and the owner of the hazardous materials, who is responsible for removal and disposal.

On road enforcement of vehicles transporting dangerous goods

The Resources Safety Division, in conjunction with Main Roads Western Australia, conducts on road enforcement of the *Dangerous Goods Safety Act 2004*. This is a key measure for keeping the community safe from hazards associated with the transport of dangerous goods. Main Roads Western Australia undertakes inspections of vehicles transporting dangerous goods, advising Resources Safety of the nature of any compliance breaches, and taking any necessary steps to safeguard against a potential dangerous on-road situation. The Resources Safety Division provides Main Roads Western Australia with technical advice, training, and statutory authority, conducting follow-up investigations and enforcement actions (issuing notices and infringements or prosecutions) where required.

Safety regulatory services and technical advice in relation to petroleum facilities and pipelines

The Resources Safety Division provided safety regulatory services and technical advice to the former Department of Industry and Resources (DOIR), in relation to onshore petroleum facilities and pipelines. Petroleum operations, including petroleum pipelines, are subject to a risk-based safety case approach. The Resources Safety Division, on behalf of the former DOIR, conducted assessment of safety cases and pipeline management plans, audits and inspections and investigations. Offshore petroleum safety legislation is administered by National Offshore Petroleum Safety Authority.



Memoranda of Understanding

Memoranda of Understanding in place during 2008-09:

- .au Domain Administration Limited
- Australian Competition and Consumer Commission
- Australian Government agencies responsible for enforcement of occupational safety and health legislation
- Australian Securities and Investment Commission ^{(1) (2)}
- Bureau of WorkSafe Supervision and Administration Zhejiang Provincial Government (expired on 18 April 2009)
- Chamber of Minerals and Energy of Western Australia ⁽¹⁾
- City of Kalgoorlie Boulder and the Plumbers Licensing Board
- Commissioner of Taxation (in capacity of Registrar of the Australian Business Register) for access to company registrations
- The Commonwealth Government, Office of the Register of Indigenous Corporations and the Western Australian Government, Department of Indigenous Affairs regarding corporate governance training programs
- Commonwealth of Australia and the State of Western Australia regarding the Square Kilometre Array Project ⁽²⁾
- Commonwealth Scientific and Industrial Research Organisation (CSIRO) and the state of Western Australia regarding the Square Kilometre Array and Australian Square Kilometre Array Pathfinder Projects (Collaborative Agreement) ⁽²⁾
- Consumers' Association of WA
- Department for Child Protection regarding referrals of suspected breaches of children in employment laws; notification of potential child protection issues arising from investigations; and joint responses to circumstances where the nature of a child's employment may jeopardise their well being
- Department of Education Services, Office of the Training Accreditation Council
- Department of Environment, Water, Heritage and the Arts (formerly the Commonwealth Department of Environment and Heritage) regarding the provision of fuel quality sampling services
- Department of Immigration and Citizenship (formerly the Commonwealth Department of Immigration, Multicultural and Indigenous Affairs)
- Department of Mines and Petroleum (formerly DOIR) regarding safety regulatory services covered by *Petroleum and Geothermal Energy Resources Act 1967* and the *Petroleum Pipelines Act 1969* ⁽¹⁾
- Department of Mines and Petroleum, Resources Safety Division ⁽³⁾
- Department of Planning and Infrastructure (became the Department of Transport on 1 July 2009) regarding the Department of Commerce's access to the Transport Executive and Licensing Information System and vice versa the Department of Transport's access to Complaints and Licensing System
- Economic Regulation Authority
- Energy Ombudsman
- Environmental Protection Authority regarding proposals involving dangerous goods and public safety ⁽¹⁾



- Fire and Emergency Services Authority, Department of Environment and Conservation (formerly the Department of Conservation and Land Management), Western Australia Police, Department of Mines and Petroleum (formerly DOIR), etc regarding fire investigation ⁽¹⁾
- Healthways and the Department of Commerce regarding the exchange of information on incorporated associations
- Main Roads Western Australia regarding on-road enforcement of dangerous goods transportation ⁽¹⁾
- National Industrial Chemicals Notification and Assessment Scheme
- National Offshore Petroleum Safety Authority ⁽⁴⁾
- Office of Energy
- State Administration of Work Safety, People's Republic of China
- Water Corporation and the Plumbers Licensing Board
- Western Australian Agriculture Authority regarding Western Australia's 'Buy West, Eat Best' food marketing program
- Western Australia Police regarding the application of *Occupational Safety and Health Act 1984* to police officers
- Western Australia Police and Building Industry and Special Projects Inspectorate

Notes:

- (1) The department administered this Memorandum of Understanding during the period 1 July to 31 December 2008 when the Resources Safety Division was part of the department. The division was transferred to the Department of Mines and Petroleum on 1 January 2009.
- (2) The department administered this Memorandum of Understanding during the period 1 January to 30 June 2009 following the Science, Innovation and Business Division's transfer to the department. The division was previously a division of the former DOIR.
- (3) The department administered this Memorandum of Understanding between the WorkSafe Division of the Department of Commerce and the Resources Safety Division of the Department of Mines and Petroleum during the period 1 January to 30 June 2009.
- (4) The Resources Safety Division administered this agreement jointly with the WorkSafe Division from 28 December 2006 to 31 December 2008. The Resources Safety Division's involvement ceased following the division's transfer to the Department of Mines and Petroleum on 1 January 2009. The WorkSafe Division administered this agreement from 28 December 2006 and continues to administer the agreement as at 30 June 2009.

Service delivery agreement

Service delivery agreements in place during 2008-09:

- Australian Taxation Office (Commissioner of Taxation) for the Australian Business Register
- Commonwealth of Australia and State of Western Australia regarding the delivery of services to the Christmas Island and Cocos (Keeling) Islands ⁽¹⁾
- Real Estate and Business Agents Supervisory Board regarding the delivery of regulatory services to the Board
- Settlement Agents Supervisory Board regarding the delivery of regulatory services to the Board

Note:

- (1) Due to the structural changes to the department during 2008-09, this service delivery agreement was applicable to the Resources Safety Division between 1 July and 31 December 2008.



Appendix 2: Changes to written laws

Changes in written law initiated by the department during 2008-09 are outlined according to the responsible division in Table 37 to 41.

Consumer Protection

Consumer Protection Division

Table 37: Amendments to written laws for the Consumer Protection Division in 2008-09

Written law / Title	Number	Effective or Gazettal date
Bills of Sale (Fees) Amendment Regulations 2008	2008	1 July 2008
Builders' Registration Amendment Regulations 2008	2008	1 July 2008
Builders' Registration Amendment Regulations (no. 2) 2008	No. 2 of 2008	1 July 2008
Charitable Collections Amendment Regulations 2009	No. 103	12 June 2009
<i>Consumer Affairs Act 1971</i>		
Order prohibiting supply of goods: Abrus precatorius	No. 178	17 October 2008
Order prohibiting supply of goods: Candles with wicks containing lead	No. 178	17 October 2008
Order prohibiting supply of goods: Childrens toys with lead migration level greater than 90 mg/kg of lead	No. 71	24 April 2009
Order prohibiting supply of goods: Glucomannan in tablet form	No. 178	17 October 2008
Order prohibiting supply of goods: Ice pipes	No. 178	17 October 2008
Order prohibiting supply of goods: Imitation baby's dummies	No. 178	17 October 2008
Order prohibiting supply of goods: Imitation tongue stud	No. 178	17 October 2008
Order prohibiting supply of goods: Novelty and/or liquid filled balls	No. 178	17 October 2008
Order prohibiting supply of goods: 'Puff cigarettes'	No. 178	17 October 2008
Order restricting supply of goods: Moveable soccer goals	No. 178	17 October 2008
Order restricting supply of goods: Helmets for pedal cyclists	No. 133	1 August 2008
Order restricting supply of goods: Bicycle helmets	No. 205	5 December 2008
Restriction Order: Portable fire extinguishers	No. 47	27 March 2009
Revocations: Autotrend sun filter	No. 19	13 February 2009
Revocations: Balloon blowing novelties	No. 19	13 February 2009
Revocations: Erasers shaped like dummies	No. 19	13 February 2009
Revocations: Seatbelt accessories	No. 19	13 February 2009



Written law / Title	Number	Effective or Gazettal date
Revocations: Shoei Sf1 motorcycle windscreens	No. 19	13 February 2009
Revocations: Snake bite kits	No. 19	13 February 2009
Revocations: Socially offensive toys	No. 19	13 February 2009
Revocations: Whistle bottle confectionery	No. 19	13 February 2009
Consumer Credit (Western Australia) Code Regulations Amendment Order 2008	No. 137	8 August 2008
Credit (Administration) Amendment Regulations 2008	2008	1 July 2008
Debt Collectors Licensing Amendment Regulations 2008	2008	1 July 2008
Employment Agents Amendment Regulations 2008	2008	1 July 2008
Fair Trading (Product Safety Standard) Amendment Regulations (No. 3) 2008	No. 146	22 August 2008
Fair Trading (Product Safety Standard) Amendment Regulations (No. 4) 2008	No. 229	30 December 2008
Finance Brokers Control (General) Amendment Regulations (No. 2) 2008	No. 2 of 2008	1 July 2008
Land Valuers Licensing Amendment Regulations 2008	2008	1 July 2008
Motor Vehicle Dealers (Licensing) Amendment Regulations 2008	2008	1 July 2008
Motor Vehicle Repairers Amendment Regulations (No. 2) 2008	No. 2 of 2008	1 July 2008
Motor Vehicle Repairers Amendment Regulations 2009	No. 50	31 March 2009
Painters' Registration Board Amendment Rules 2008	2008	1 July 2008
Petroleum Products Pricing Amendment Regulations 2008	No. 138	12 August 2008
Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2008	2008	1 July 2008
Real Estate And Business Agents (General) Amendment Regulations 2009	No. 68	17 April 2009
Real Estate And Business Agents (General) Amendment Regulations (No. 2) 2009	No. 78	8 May 2009
Real Estate And Business Agents (General) Amendment Regulations (No. 3) 2008	No. 225	23 December 2008
Retail Trading Hours Regional Exemption Order 2008	No. 229	30 December 2008
Retail Trading Hours Variation Order 2008	No. 149	26 August 2008
Retail Trading Hours Variation Order 2008	No. 167	30 September 2008
Retail Trading Hours (Bunbury) Exemption Order 2008	No. 195	21 November 2008
Retail Trading Hours (Motor Vehicle Shops) Variation Order 2008	No. 223	22 December 2008
Retail Trading Hours (Small Retail Shops) Amendment Order 2008	No. 119	8 July 2008



Written law / Title	Number	Effective or Gazettal date
Retail Trading Hours (Tourism Precincts) Amendment Order 2009	No. 19	13 February 2009
Retail Trading Hours (Tourism Precincts) Variation Order 2008	No. 149	26 August 2008
Retail Trading Hours (Tourism Precincts) Variation Order 2008	No. 167	30 September 2008
Retail Trading Hours (Tourism Precincts) Variation Order 2009	No. 71	24 April 2009
Settlement Agents Amendment Regulations 2008	2008	1 July 2008
Settlement Agents Amendment Regulations (No. 2) 2008	No. 229	30 December 2008
Trade Measurement Amendment Regulations 2008	2008	1 July 2008
Trade Measurement Amendment Regulations 2009	No. 19	13 February 2009
Trade Measurement Amendment Regulations (No. 2) 2008	No. 225	23 December 2008
Trade Measurement Amendment Regulations (No. 2) 2009	No. 19	13 February 2009
<i>Transfer of Incorporation (HBF and HIF) Act 2009</i>	No. 11	29 June 2009
Travel Agents Amendment Regulations 2008	2008	1 July 2008
Western Australian Aged Sailors, Soldiers And Airmen's Relief Fund Regulations 2009	No. 73	28 April 2009

There were no changes to written laws in 2008-09 for the Plumbers Licensing Board.

Safety and Employment Protection

Energy Safety Division

Table 38: Amendments to written laws for the Energy Safety Division in 2008-09

Written law / Title	Number	Effective or Gazettal date
Electricity Amendment Regulations 2009	78 of 2009	8 May 2009
Electricity (Licensing) Amendment Regulations 2007	271 of 2007	1 July 2008
Electricity (Licensing) Amendment Regulations 2008	94 of 2008	1 July 2008
Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations 2008	94 of 2008	1 July 2008



Labour Relations Division

Table 39: Amendments to written laws for the Labour Relations Division in 2008-09

Written law / Title	Number	Effective or Gazettal date
<i>Employment Dispute Resolution Act 2008</i>	2008	1 December 2008

Resources Safety Division

Table 40: Amendments to written laws for the Resources Safety Division in 2008-09⁽¹⁾

Written law / Title	Number	Effective or Gazettal date
Mines Safety and Inspection Amendment Regulations (No. 2) 2008	No. 2 of 2008	1 July 2008

Note:

(1) Reporting relates to the period 1 July to 31 December 2008.

WorkSafe Division

Table 41: Amendments to written laws for the WorkSafe Division in 2008-09

Written law / Title	Number	Effective or Gazettal date
Occupational Safety and Health Amendment Regulations (No. 4) 2008	No. 4 of 2008	7 Nov 2008
Occupational Safety and Health Amendment Regulations (No. 7) 2008	No. 7 of 2008	1 July 2008
Occupational Safety and Health Amendment Regulations 2008	2008	28 Nov 2008
Occupational Safety and Health Amendment Regulations (No. 2) 2009	No. 2 of 2009	15 May 2009
Occupational Safety and Health Amendment Regulations 2009	2009	5 June 2009
Occupational Safety and Health Amendment Regulations (No. 6) 2009	No. 6 of 2009	23 June 2009

Science, Innovation and Business

Science, Innovation and Business Division

The Science, Innovation and Business Division had no changes to written laws during 2008-09.



Appendix 3: Prosecutions

Consumer Protection

Consumer Protection Division

Table 42: Prosecution outcomes (including appeals against prosecution) for the Consumer Protection Division in 2008-09

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<i>Business Names Act 1962</i>				
TTR Duramax (Aust) Pty Ltd t/as The Icon Bistro & another	Sections 5(1), 20(a), 20(b) and 29	Carrying on business under an unregistered business name	\$100	\$429
<i>Door to Door Trading Act 1987</i>				
La Kismet Pty Ltd & Jay Phillip	Sections 7 and 8	Failing to comply with a requirement for prescribed contracts. Consideration accepted from a consumer or services supplied to a consumer before expiration of cooling off period.	\$1,000	\$231
New Image Photographics Pty Ltd & Brian Beddington	Sections 7 and 8	Failing to comply with a requirement for prescribed contracts. Consideration accepted from a consumer or services supplied to a consumer before expiration of cooling off period.	Matter dismissed.	Costs of \$3,700 awarded against the department.
Bluesky Healthcare Pty Ltd, George Michael Papos & Damian Bruce Ryan	Sections 7 and 8	Failing to comply with a requirement for prescribed contracts. Consideration accepted from a consumer or services supplied to a consumer before expiration of cooling off period.	Each of the accused acquitted on all charges.	Agreed costs of \$10,000 awarded against the department.
Bluesky Healthcare Pty Ltd, George Michael Papos & Damian Bruce Ryan	Sections 7 and 8	Appeal against decision.	The department successfully appealed Magistrates Court decision. However, the matter is now on appeal to the Court of Appeal.	N/A



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Door to Door Trading Act 1987 and Fair Trading Act 1987				
Craftmatic Australia Pty Ltd & Ashley Francis Day	<i>Door to Door Trading Act 1987</i> section 8(1) <i>Fair Trading Act 1987</i> section 12(1)(1)	Falsely representing that goods are of a particular standard, quality, grade, composition, style or model or have had a particular history or particular previous use.	\$2,300	\$1,650
Fair Trading Act 1987				
Allied Holdings Pty Ltd	Section 12(1)(g)	Four charges relating to false and misleading representations as to the price of goods and services.	\$18,000	\$4,360
Bayswater Car Rental Pty Ltd & Arnold Kluck & Dirk Kluck	Section 12(1)(g)	Twelve charges of misleading advertising.	\$30,000	N/A
Sunstone Holdings Pty Ltd t/as Sunstone Design & Peter Duddy	Section 52(1)	Supplying blinds which contravened a Product Safety Order in force under the <i>Consumer Affairs Act 1971</i>	\$8,800	\$5,628.5
Hajir Mobin t/as A. B. H. Perth Plumbing & Gas Services	Section 12(1)(f)	Making false and misleading representations in relation to sponsorship, affiliation or approval.	\$10,800	\$418
Motor Vehicles Dealers Act 1973				
Spent conviction-name withheld	Section 30(1)	Engaging in motor vehicle dealing without holding a motor vehicle dealer's licence.	\$2,000	\$308
Michael Holmes	Section 30(1)	Engaging in motor vehicle dealing without holding a motor vehicle dealer's licence.	\$5,000	\$7,000



Table 43: Civil action outcomes for the Consumer Protection Division in 2008-09

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Common law				
Hunter Valley Coaches Pty Ltd t/as Murphy's Commercials	Civil claim on behalf of a consumer	Orders by consent. The effect of the orders is that the consumers are to keep the bus purchased with the title free of any encumbrances from the finance company and Murphy's Commercials.	N/A	N/A
Dubove Pty Ltd t/as Esprit Autos	Civil claim on behalf of a consumer	Orders by consent. The effect of the orders is for Esprit Autos to pay the consumer \$3,500 in full and final settlement.	N/A	N/A
Richard McPharlin t/as Are-Jays Electronics	Civil claim on behalf of 35 consumers	Mr McPharlin breached his contract with each consumer by not supplying electronic equipment that was previously ordered and paid for.	\$17,464 Total damages awarded for all claims	\$3,986.40 Total costs for all claims
Fair Trading Act 1987				
Rugs a Million	Section 12	Rugs a Million consented to declarations that it engaged in misleading or deceptive conduct and agreed to temporary injunctions preventing it from engaging in similar conduct for 12 months.	N/A	N/A

Table 44: State Administrative Tribunal outcomes for the Consumer Protection Division in 2008-09

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Associations Incorporation Act 1987				
Subiaco Football Club Past Players and Officials Inc	Section 4(6)	Review of Commissioner's decision to refuse to decline to incorporate an association. The Commissioner's decision was upheld.	N/A	N/A
Finance Brokers Control Act 1975				
M.A.E. Consultants Pty Ltd & Mary Gartland-Abbott	Section 27(1)(c)	Review of Board's decision to not grant Ms Abbott-Etherington a finance broker's licence. Ms Abbott-Etherington withdrew her appeal.	N/A	N/A



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Motor Vehicle Dealers Act 1973				
Julio Gonzalez	Section 22(1)	Review of Board's decision to not grant Mr Gonzalez a salesperson's licence. The Board's decision was upheld.	N/A	N/A

Plumbers Licensing Board

Table 45 provides the prosecution action finalised in 2008-09 on behalf of the Plumbers Licensing Board (the Board) by the Consumer Protection Division and the State Solicitor's Office.

Table 45: Prosecution outcomes for the Plumbers Licensing Board in the Magistrates' Court in 2008-09

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000				
Andrew Gerrard Power	Regulation 72(1)	Thirty-three charges of failing to comply with rectification notices issued by Board.	\$3,300	\$769
Domenic Carmelo Lombardo	Regulations 9(1), 48(1), 72(1) and 90(1)	Five charges including carrying out plumbing work without being the holder of a licence or permit, and failing to comply with rectification notices issued by the Board.	\$2,750	\$2,007
Hajir (Henry) Mobin	Regulation 9(1)	Eighteen charges relating to the carrying out of plumbing work without being the holder of a licence or permit, as prescribed by regulations.	\$10,800	\$418
James Raymond Hudson	Regulation 72(1)	One charge of not complying with a rectification notice issued by the Board.	\$800	\$301
Paul Joseph Duffy	Regulation 9(1)	One charge relating to the carrying out of plumbing work without being the holder of a licence or permit, as prescribed by regulations.	\$500	\$324

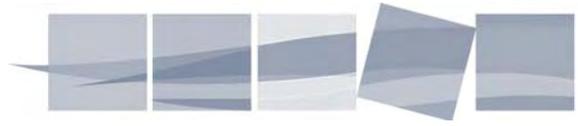


Table 46: State Administrative Tribunal outcomes for the Plumbers Licensing Board in 2008-09

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Water Services Plumbing (Plumbers Licensing and Plumbing Standards) Regulations 2000				
William Fitzpatrick	Regulation 100	Review of the Board's decision to not grant Mr Fitzpatrick with a plumbing contractor's licence. Mr Fitzpatrick withdrew his appeal.	N/A	N/A

Real Estate and Business Agents Supervisory Board

Table 47: State Administrative Tribunal (the Tribunal) for the Real Estate and Business Agents Supervisory Board in 2008-09

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Ahmed Eddie Kamil	<i>Real Estate and Business Agents Act 1978</i> , section 103(4)(d) Code of Conduct for Agents and Sales Representatives, articles 5(1), 5(2), 10(1) and 10(2)	Knowingly misled or deceived a party in a transaction; failed to act fairly and honestly; continued to act where to do so would place his interest in conflict with that of his principal; and indirectly purchased an interest in real estate which he was engaged to sell, without obtaining the prior written consent of his principal.	Cancellation of registration and disqualified from holding a registration for a period of ten years.	The costs of the Board in bringing and maintaining this application in the sum to be agreed by the parties or, in the absence of agreement, to be fixed by the President of the State Administrative Tribunal.
Illyarrie Nominees Pty Ltd	<i>Real Estate and Business Agents Act 1978</i> , section 68(4)	Debited monies from one of its trust accounts.	\$4,000	\$500
Bernice Goddard	<i>Real Estate and Business Agents Act 1978</i> , section 68(4) Code of Conduct for Agents and Sales Representatives, article 6(2)	Debited monies from one of the agency's trust accounts; and failed to properly supervise the agency business.	\$500	\$500



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Michael Moojan Mavaddat	<i>Real Estate and Business Agents Act 1978</i> , sections 61(3)(c), 61(5) and 60(2)	Dishonest conduct and misuse of company funds for his own purposes.	\$1,000 and cancellation of his triennial certificate and permanent disqualification from holding a licence or triennial certificate.	To be agreed if not fixed by the State Administrative Tribunal.
We Rent Property Management Pty Ltd	<i>Real Estate and Business Agents Act 1978</i> , sections 64(2) and 64(4) Code of Conduct for Agents and Sales Representatives, articles 14(a) and 10(3)	Received valuable consideration for or in relation to the sale of two properties of which an employee had an interest; received a valuable consideration greater than the amount agreed in writing with the principal; and received a commission in respect of the sale of three properties where the principal had not given prior written informed consent.	\$500 and refund the commission paid of the property sold in February 2003 if the vendor requests such to occur.	\$500
Betty Garlett	Code of Conduct for Agents and Sales Representatives, article 7	Did not exercise skill, care and diligence.	\$500	\$500
Kerry McEarchern	Code of Conduct for Agents and Sales Representatives, article 7	Did not exercise skill, care and diligence.	\$500	\$500
Giovanna Noblett	Code of Conduct for Agents and Sales Representatives, article 6(2)	Inadequate supervision and did not take reasonable steps to ensure the Code of Conduct and Act were complied with.	\$1,500	\$500
Gavin Plows	<i>Real Estate and Business Agents Act 1978</i> , sections 68(4) and 68(6)(d) Code of Conduct for Agents and Sales Representatives, article 15(1)	Debited monies from his trust account; failed to correctly balance his trust account; did not promptly supply to the principal relevant information and material which his principal may reasonably require in order to be satisfied.	\$2,500	\$500



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Robert Caruso	Code of Conduct for Agents and Sales Representatives, articles 2, 5(2), 7, 10(1) and 10(2)	Failed to act in the best interests of his principal; knowingly misled and deceived his principal as to the payment of the deposit for certain properties; failed to exercise skill, care and diligence; continued to act in a situation in which his interests were in conflict with the interests of the principal; and became beneficially interested in the purchase of certain property without the prior written consent of his principal.	\$1,500	\$500
Across Pty Ltd	Code of Conduct for Agents and Sales Representatives, articles 4(1) and 4(3)	Represented itself as acting as an agent of behalf of the owners of property without written authority; and advertised a property for sale without written authority.	\$2,500	\$500
Jeanette Radley	Code of Conduct for Agents and Sales Representatives, article 4(1)	Represented herself as acting as an agent on behalf of the owners of the property without written authority.	\$1,250	\$500
Garrick McCamey	Code of Conduct for Agents and Sales Representatives, articles 2, 7 and 8(1)	Failed to act in the best interests of the seller; failed to exercise skill, care and diligence; and failed to make all reasonable efforts to ascertain or verify the facts which a prudent agent would have ascertained.	\$1,200	\$500



Settlement Agents Supervisory Board

Table 48: State Administrative Tribunal for the Settlement Agents Supervisory Board in 2008-09

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Champion Settlements Pty Ltd	<i>Settlement Agents Act 1981</i> , sections 49(3) and 84(1) <i>Settlement Agents' Code of Conduct 1982</i> , rules 16, 11, 12, 6a(2) and 7	Paid out funds from its trust account to another settlement agent at settlement without receiving clear written instructions from its client; and various breaches of the Code of Conduct.	\$3,000	\$500
Ealing Pty Ltd t/as Cape Settlements	<i>Settlement Agents Act 1981</i> , section 84 <i>Settlement Agents' Code of Conduct 1982</i> , rules 16, 11, 6A(2) and 7	Failed to ascertain all pertinent facts, when it was necessary or prudent to do so; failed to recommend client seek legal advice when it was necessary or prudent to do so; failed as soon as practicable after receipt of the appointment to act to sign that document and forward a true copy to client; and continued to act on behalf of both.	\$2,000	\$500
Michelle Morgan t/as Dynamic Settlements	<i>Settlement Agents Act 1981</i> , sections 49(4) and 84(2)(c)(ii) and (iii) <i>Settlement Agents' Code of Conduct 1982</i> , rule 24	Paid out funds from her trust account in circumstances not permitted by that section; and paid money into her trust account knowing it to be deficient.	\$4,000	\$500

Table 49: Supreme Court outcomes for the Settlement Agents Supervisory Board in 2008-09

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
LJ Hooker Settlements Pty Ltd	<i>Settlement Agents Act 1981</i> , section 44(8)	The Supreme Court upheld the decision of the State Administrative Tribunal to dismiss the application against the respondent.	N/A	N/A



Employment Protection

Energy Safety Division

Table 50: Prosecution outcomes for the Energy Safety Division in 2008-09

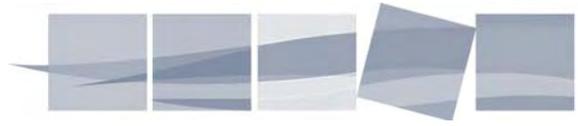
Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Electricity (Licensing) Regulations 1991				
Eric Peter Cosh (Kallaroo)	Regulation 19(1)	Carried out electrical work whilst not authorised by licence or permit.	\$1,500.00 ⁽¹⁾	\$571.70 ⁽¹⁾
	Regulation 33 (1)	Carried on business as an electrical contractor whilst not authorised by a Western Australian electrical contractors (WA EC) licence.		
Bryan Thomas Dell (Landsdale)	Regulation 19(1)	Carried out electrical work whilst not authorised by licence or permit.	\$800.00 ⁽¹⁾	\$371.70 ⁽¹⁾
	Regulation 33 (1)	Carried on business as an electrical contractor whilst not authorised by a WA EC licence.		
Shaun Griffiths (Bullcreek)	Regulation 19(1) (2 breaches)	Carried out electrical work whilst not authorised by licence or permit.	\$5,000.00 ⁽¹⁾	\$569.20 ⁽¹⁾
Andrew Gunning (Esperance)	Regulation 19(1)	Carried out electrical work without holding an electrical workers licence.	\$800.00	\$569.20
Garry Hayes (Port Kennedy)	Regulation 19(1)	Carried out electrical work whilst not authorised by licence or permit.	\$800.00	\$569.20 ⁽¹⁾
	Regulation 33(1)	Carried on business as an electrical contractor whilst not authorised by a WA EC licence.	\$500.00	
Josip Kovac (Mandurah)	Regulation 19(1)	Carried out electrical work whilst not authorised by licence or permit.	\$1,200.00 ⁽¹⁾	\$571.70 ⁽¹⁾
	Regulation 33(1) (2 breaches)	Carried on business as an electrical contractor whilst not authorised by a WA EC licence.		
Daniel Lawrence (Collie)	Regulation 19(1)	Carried out electrical work without holding an electrical workers licence.	\$1,200.00	\$569.20
Allan Little (Esperance)	Regulation 19(1)	Carried out electrical work without holding an electrical workers licence.	\$2,500.00	\$2195.90
Timothy Moncrieff (South Perth)	Regulation 19(1)	Carried out electrical work whilst not authorised by licence or permit.	\$2,250.00	\$571.70

(1) Denotes global fine was issued.



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Matthew Frederick Neal (Margaret River)	Regulation 19(1)	Carried out electrical work whilst not authorised by licence or permit.	\$1,000.00	\$719.20
Roger Stanton (Marangaroo)	Regulation 19(1)	Carried out electrical work whilst not authorised by licence or permit.	\$1,500.00 ⁽¹⁾	\$571.70 ⁽¹⁾
	Regulation 33(1)	Carried on business as an electrical contractor whilst not authorised by a WA EC licence.		
Minh Thanh Tran (Ballajura)	Regulation 19(1) (3 breaches)	Carried out electrical work without holding an electrical workers licence.	\$3,000.00 ⁽¹⁾	\$769.20 ⁽¹⁾
	Regulation 33(1) (3 breaches)	Carried on business as an electrical contractor whilst not authorised by a WA EC licence.		
Sampath Wickramaratne (Willetton)	Regulation 19(1)	Carried out electrical work without holding an electrical workers licence.	\$750.00 ⁽¹⁾	\$769.20 ⁽¹⁾
	Regulation 33(1)	Carried on business as an electrical contractor whilst not authorised by a WA EC licence.		
Peter Abraham (Bridport, Tasmania)	Regulation 33(1) (2 breaches)	Carried on business as an electrical contractor whilst not authorised by a WA EC licence.	\$1,200.00 ⁽¹⁾	\$571.70 ⁽¹⁾
Stephen Barker (Clarkson)	Regulation 33(1)	Carried on business as an electrical contractor whilst not authorised by a WA EC licence.	\$300.00	\$269.20
Robin Johnson Engineering Pty Ltd (Somerton Park)	Regulation 33(1)	Carried on business as an electrical contractor whilst not authorised by a WA EC licence.	\$2,000.00	\$1,665.56
Daniel Shanks (Morley)	Regulation 33(1)	Carried on business as an electrical contractor whilst not authorised by a WA EC licence.	\$1,500.00	\$571.70
Daniel Brennan (Heathridge)	Regulation 49(1)	Carried out substandard electrical work.	\$500.00	\$569.20
Darren Fairburn (Sorrento)	Regulation 49(1)	Carried out substandard electrical work.	\$500.00 ⁽¹⁾	\$571.20 ⁽¹⁾
Sorrento Electrix (Sorrento)	Regulation 52(3)	Submitted a Notice of Completion to the relevant Network Operator when the electrical installing work was not complete.		

(1) Denotes global fine was issued.



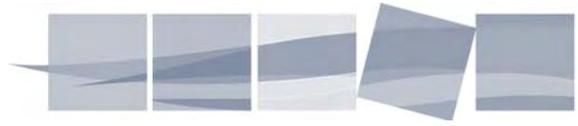
Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Russell Green (St James)	Regulation 49(1)	Carried out substandard electrical work.	\$2,500.00	\$569.20 ⁽¹⁾
R & C Green Pty Ltd t/as Avant Electrical Services (St James)	Regulation 52(3)	Submitted a Notice of Completion for electrical installing work that was defective and therefore not complete.	\$1,500.00	
Mathew Houlihan (Bunbury)	Regulation 49(1)	Carried out substandard electrical work.	\$2,500.00 ⁽¹⁾	\$569.20 ⁽¹⁾
M & K Houlihan t/as Island Tyme Electrical (Bunbury)	Regulation 52(3)	Submitted a Notice of Completion to the Network Operator for electrical installing work when the work was defective and therefore not complete.		
Jamie Kershaw (Bertram)	Regulation 49(1)	Carried out substandard electrical work.	\$500.00	\$571.70 ⁽¹⁾
Cockburn Electrical Company (Bertram)	Regulation 52(3)	Submitted a Notice of Completion to the Network Operator for electrical installing work when the work was defective and therefore not complete.	\$5,000.00	
Philip Mumenthaler (Kununurra)	Regulation 49(1)	Carried out substandard electrical work.	\$3,000.00 ⁽¹⁾	\$1,727.77 ⁽¹⁾
Phils Electrical & Mechanical Services (Kununurra)	Regulation 52(3)	Submitted a Notice of Completion to the relevant Network Operator when the electrical installing work was not complete.		
Peter Richards (Padbury)	Regulation 49(1)	Carried out substandard electrical work.	\$2,500.00 ⁽¹⁾	\$569.20 ⁽¹⁾
	Regulation 52(3)	Submitted a Notice of Completion to the Network Operator for electrical installing work when the work was defective and therefore not complete.		
Deano Serraino (Nollamara)	Regulation 49(1) (2 breaches)	Carried out substandard electrical work.	\$1,000.00 ⁽¹⁾	\$571.70 ⁽¹⁾
Foundas Electrical Service (Innaloo)	Regulation 52(3)	Submitted a Notice of Completion to the relevant Network Operator when the electrical installing work was not complete.		

(1) Denotes global fine was issued.



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Robert Wicks (Wilson)	Regulation 49(1) (2 breaches)	Carried out substandard electrical work.	\$1,250.00 ⁽¹⁾	\$569.20 ⁽¹⁾
R E D Electrical (Wilson)	Regulation 52(3)	Submitted a Notice of Completion to the Network Operator for electrical installing work when the work was defective and therefore not complete.		
Shane Willis (Cable Beach)	Regulation 49(1)	Carried out substandard electrical work.	\$1,000.00 ⁽¹⁾	\$571.70 ⁽¹⁾
	Regulation 52(3)	Submitted a Notice of Completion to the relevant Network Operator when the electrical installing work was not complete.		
Carl Christopher Blowers (Mindarie)	Regulation 50(A)	Permitted unsafe wiring or equipment to be connected to an electrical installation.	\$750.00	\$571.70
Domenico Mercuri (Hearn Hill)	Regulation 50(1)	Did not provide adequate supervision for an apprentice.	\$500.00	\$571.70
Cusack Electrical Technologies Pty Ltd (Bunbury)	Regulation 51(1)	Failed to submit a Preliminary Notice to the Network Operator.	\$2,000.00 ⁽¹⁾	\$569.20 ⁽¹⁾
	Regulation 52(1)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.		
Donnybrook Electrics (Donnybrook)	Regulation 51(1)	Failed to submit a Preliminary Notice to the relevant Network Operator.	\$800.00	\$1669.20 ⁽¹⁾
Scott Logan (Donnybrook)	Regulation 49(1) (2 breaches)	Carried out substandard electrical work.	\$1,200.00	
G & T Holdings (WA) Pty Ltd t/as Dianella Electrics (Bunbury)	Regulation 51(1)	Failed to submit a Preliminary Notice to the Network Operator.	\$1,000.00 ⁽¹⁾	\$571.70 ⁽¹⁾
	Regulation 52(1) (One breach)	Failed to submit a Notice of Completion to the Network Operator on completion of the electrical installing work.		
Riches & Sons Pty Ltd t/as Outback Power (Northam)	Regulation 51(1)	Failed to submit Preliminary Notice to the relevant Network Operator within the required timeframe.	\$1,500.00 ⁽¹⁾	\$571.70 ⁽¹⁾
	Regulation 52(1)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.		

(1) Denotes global fine was issued.



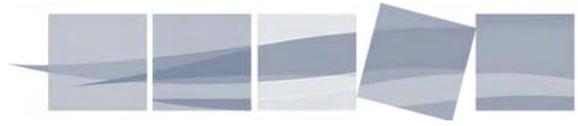
Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Denham Electrical Pty Ltd (Bayswater)	Regulation 52(1) (4 breaches)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$2,000.00 ⁽¹⁾	\$571.70 ⁽¹⁾
Done-Rite Electric (Two Rocks)	Regulation 52(1) (18 breaches)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$500.00 ⁽¹⁾	\$500.00
Exceptional Electrical Service (Southern River)	Regulation 52(1) (28 breaches)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$5,400.00	\$571.70
Goldraid Pty Ltd t/as Leon Best Electrical (Bullcreek)	Regulation 52(1)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$1,000.00	\$571.70
Paul Kinsella (Mt Hawthorn)	Regulation 52(1) (8 breaches)	Failed to submit a Notice of Completion to the network operator on completion of electrical installing work.	\$4,000.00 ⁽¹⁾	\$569.20
Shane Barry Mayfield (Kewdale)	Regulation 52(1) (10 breaches)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$1,500.00	\$571.70
M D N Electrical Contractors (Merredin)	Regulation 52(1) (4 breaches)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$400.00	\$621.70
Nathan Panevski t/as Statesman Electrical (Hillarys)	Regulation 52(1) (28 breaches)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$3,000.00 ⁽¹⁾	\$771.70 ⁽¹⁾
Stephen John Parr (Singleton)	Regulation 52(1) (6 breaches)	Failed to submit a Notice of Completion to the Network Operator on completion of the electrical installing work.	\$1,500.00	\$571.70
Seacross Holdings Pty Ltd t/as Addwest Air-conditioning (Kingsley)	Regulation 52(1) (9 breaches)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$3,500.00 ⁽¹⁾	\$571.70 ⁽¹⁾
Sheed Electrical (Kalgoorlie)	Regulation 52(1) (8 breaches)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$700.00 ⁽¹⁾	\$571.70 ⁽¹⁾
Steve Pilkington t/as Steve the Sparky (Hamilton Hill)	Regulation 52(1) (10 breaches)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$5,000.00	\$571.20

(1) Denotes global fine was issued.



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Widdeson Electrics (Morley)	Regulation 52(1) (11 breaches)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$750.00 ⁽¹⁾	\$400.00 ⁽¹⁾
Cable West Electrical Pty Ltd (Bunbury)	Regulation 52(3)	Submitted a Notice of Completion to the relevant Network Operator when the electrical installing work was not complete.	\$2,000.00	\$671.70
Xanthippe Pty Ltd t/as Keslec Electrical Technologies (Ballajura)	Regulation 52(3)	Submitted a Notice of Completion to the relevant Network Operator when the electrical installing work was not complete.	\$500.00	\$371.70
Robert Lawer (Carnarvon)	Regulation 63(1)	Failed to immediately report an electrical accident.	\$300.00	\$369.20
Electricity Act 1945				
Good Prosperity Pty Ltd t/as The Hong Kong Furniture Company (Baulkham Hills, NSW)	Regulation 33B(2) (9 breaches)	Selling and offering for sale electrical appliances of a prescribed type that were not approved.	\$2,000.00	\$569.20
Electricity (Supply Standards and System Safety) Regulations 2001				
Electricity Networks Corporation t/as Western Power (Perth)	Regulation 10(1)(c)	Did not carry out a prescribed activity so far as is reasonable and practicable in such a way as to avoid or minimise any damage to property, inconvenience or other detriment as a result of the activity.	\$12,000.00	\$571.70
Electricity Networks Corporation t/as Western Power (Perth)	Regulation 25	Did not maintain their service apparatus in a safe condition.	\$20,000.00	\$569.20
Electricity Networks Corporation t/as Western Power (Perth)	Regulation 25	Did not maintain their service apparatus in a safe condition.	\$5,000.00	\$571.70
City West Electrics Pty Ltd t/as Harvey Norman Electrics City West (Winthrop)	Regulation 33(1) (2 breaches)	Failed to have energy efficiency labels fitted to appliances that were on display and for sale.	\$500.00 ⁽¹⁾	\$571.70 ⁽¹⁾

(1) Denotes global fine was issued.



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Gas Standards Act 1972				
Michael Ainsworth (Morley)	Section 13A(2)	Carried out gasfitting work while not holding a certificate of competency, permit or authorisation allowing him to do so.	\$2,500.00	\$571.70
Godfrey Mervin Davids (South Perth)	Section 13A(2)	Carried out gasfitting work while not holding a certificate of competency, permit or authorisation allowing him to do so.	\$2,500.00	\$569.20
Kevin Donovan (Viveash)	Section 13A(2)	Carried out gasfitting work while not holding a certificate of competency, permit or authorisation allowing him to do so.	\$2,000.00	\$571.70
Michaelangelo Frisina (Karrinyup)	Section 13A(2)	Carried out gasfitting work while not holding a certificate of competency, permit or authorisation allowing him to do so.	\$800.00	\$1,055.70
Hajir Mobin (Ridgewood)	Section 13A(2)	Carried out gasfitting work while not holding a certificate of competency, permit or authorisation allowing him to do so.	\$24,000.00 ⁽¹⁾	\$971.70
Brian David Peisley (Maddington)	Section 13A(2)	Carried out gasfitting work while not holding a certificate of competency, permit or authorisation allowing him to do so.	\$3,000.00	\$569.20
Ovenclean (Joondalup)	Section 13D	Sale of gas appliances not being approved by the Director or of a class or type approved by the Director.	\$3,000.00	\$671.20
Julian Simpson (Rockingham)	Section 13A(2)	Carried out gasfitting work while not holding a certificate of competency, permit or authorisation allowing him to do so.	\$1,000.00	\$569.20
Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999				
Kornelis Berkelaar (Byford)	Regulations 15(2), 28(2), 28(3), 28(3a)(b) and 34	Failed to supervise an authorised permit holder. Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to keep records of each gas fitter employed.	\$2,000.00	\$569.20

(1) Denotes global fine was issued.



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
John Bristow (Beechboro)	Regulations 28(2), 28(3), 28(3a)(b), and 28(3a)(c)	Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$1,000.00	\$569.20
Peter John Fogliani (Henderson)	Regulations 20(1b), 28(2), 28(3), 28(3a)(b), and 28(3a)(c)	Failed to ensure the appliance was installed in accordance with the manufacturer's installation instructions. Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$1,200.00	\$571.70
Robert Scott Fowler (Mindarie)	Regulations 18(2)(a)(ii) and 28(2)	Failed to ensure that every part of the gas installation on which the work was done or that is affected by the work is safe to use. Failed to fit a compliance badge to the gas installation.	\$800.00	\$571.70
SPENT CONVICTION (Name withheld)	Regulations 28(2), 18 and 32	Failed to fit a compliance badge to the gas installation. Failed to ensure every part of the gas installation complied with the requirements in Regulation 32.	\$400.00	\$69.20
David Kitchen (Edgewater)	Regulations 28(2), 28(3), 28(3a)(b), and 28(3a)(c)	Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$1,000.00	\$669.20
Hajir Mobin (Ridgewood)	Regulation 38(1)	Advertised or represented that he was the holder of a certificate of competency, a permit or authorisation whilst not being the holder of certificate of competency, permit or authorisation.	\$24,000.00 ⁽¹⁾	\$971.70
Sabah Nouri Al-Saad (Ballajura)	Regulations 18(2)(a)(i), 18(2)(a)(ii), 28(3a)(a), and 30(1)(a)	Failed to ensure every part of the gas installation complied with the requirements in Regulation 32. Failed to ensure every part of the gas installations was safe to use. Failed to submit a Notice of Completion to the Director. Failed to rectify the gas fitting work to comply with the regulations.	\$1,200.00	\$2,857.20

(1) Denotes global fine was issued.



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Iain Paterson (Jane Brook)	Regulations 28(2), 28(3), 28(3a)(b), and 28(3a)(c)	Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$2,500.00	\$569.20
George Sutton (Coodanup)	Regulations 20(1)(b), 26(1)(a), 28(2), 28(3), 28(3a)(b), 28(3a)(c), and 30	Failed to ensure the appliance was installed in accordance with the manufacturer's installation instructions. Failed to ensure a consumer's gas installation was gas-tight. Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer. Failed to provide a Notice of Rectification within required time.	\$3,000.00	\$1,060.20
Nathan Valli (Geraldton)	Regulations 26(1)(a), 28(2), 28(3), 28(3a)(b), and 28(3a)(c)	Failed to ensure a consumer's gas installation was gas-tight. Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$1,000.00	\$569.20

Note:

(1) Denotes global fine was issued.

Energy *Safety* investigations

Electricity related serious accidents and fatalities

The number of electricity related serious accidents and fatalities reported to the Energy *Safety* Division during 2008-09 is provided in Table 51.

Table 51: Number of reported electricity related serious accidents and fatalities

Reports	Number
Electric shocks	1,089
Serious electrical accidents ⁽¹⁾	21
Fatalities (included in serious electrical accidents)	4

Note:

(1) Electrical shock incidents resulting in the person requiring assessment and/or treatment at a medical facility.



The data provided in Table 52 relates to accidents based on date of accident. This data may not include all accidents due to time delay in reporting such accidents.

Table 52: Serious electricity related accidents notified per million population (not including wilful incidents)

Year	Number per million ⁽¹⁾	Five Year Average
2004-05	23	16
2005-06	15	16
2006-07	9	16
2007-08	10	15
2008-09	9	13

Note:

- (1) In Table 52, some of the numbers of serious electricity related accidents notified per million population differ from the figures given in previous annual reports. These corrections resulted from a comprehensive review of statistics of serious electricity related accidents notified.

The electrical accident rate for the reporting period was nine accidents per one million population. The number of serious electrical accidents includes four fatalities in which electricity was found to be the cause. Details are as follows:

- The deceased person was unlicensed and working on a 'live' wiring junction lighting circuit in the roof space of the dwelling. After removing insulation tape and a connector from the 'active' conductor of the lighting circuit wiring joint, the deceased's right hand made contact with this conductor, which resulted in the deceased receiving a fatal electric shock. The deceased was also in contact with steel conductive roof frames in the roof space, which were also connected to the general mass of earth.
- The deceased was standing on a metal ladder and resting against the steel frame of the patio while installing shade cloth on a patio when his thumb came into contact with 'live' parts of the electric drill plug he was using and received a fatal electric shock. The shroud on the plug had not been fitted correctly.
- A child dismantled a juice extractor and removed the 240 volt electric motor and then plugged the motor, which had exposed 'live' parts into a socket outlet. The child touched the 'live' parts on the motor and earth and received a fatal electric shock.
- The deceased came into contact with 'live parts' of a commercial dishwasher and in doing so, received a fatal electric shock.

Gas related incidents and fatalities

The number of gas related serious accidents and fatalities reported to the Energy Safety Division during 2008-09 is provided in Table 53.

Table 53: Number of reported gas related serious accidents and fatalities

Reports	Number
Incidents	63
Accidents (persons injured)	11
Fatalities	0



Table 54: Gas related accidents notified per million population (not including wilful incidents)

Year	Number per million ⁽¹⁾	Five Year Average
2004-05	9	10
2005-06	8	10
2006-07	9	9
2007-08	7	8
2008-09	5	8

Note:

- (1) In Table 54, some of the numbers of gas related accidents notified per million population differ from the figures given in previous annual reports. These corrections resulted from a comprehensive review of statistics of gas related accidents notified.

The gas accident rate for the reporting period was five accidents per one million population, a decrease over the previous reporting period. There were no fatalities reported for gas during the year.

Infringement Notices

The Energy Safety Division has continued to issue Infringement Notices as a system to provide an efficient and cost compliant regime for selected breaches. The system covers both gas and electricity and deals with non-compliance aspects of electrical and gas installations. There were 357 Infringement Notices issued by the Energy Safety Division between the period 1 July 2008 and 30 June 2009.

Labour Relations Division

Table 55: Prosecution outcomes for the Labour Relations Division in 2008-09

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<i>Children and Community Services Act 2004</i>				
Domino's Pizza Enterprises Ltd t/as Domino's Inglewood	Section 190(1)	Unlawfully employ child under 15 years.	\$7,500 Guilty	Nil
Gold Mountain Enterprises Pty Ltd t/as Video Ezy Dianella	Section 190(1)	Unlawfully employ child under 15 years.	Not Guilty	\$4,500
Red Rooster Foods Pty Ltd t/as Red Rooster Esperance	Section 190(1)	Unlawfully employ child under 15 years.	\$3,000 Guilty	Nil
Ronald Anthony Steele	Section 190(1)	Withdrawn.	N/A	N/A
<i>Industrial Relations Act 1979</i>				
BMN Phillips Pty Ltd t/as Maddington Childcare Centre	Section 83(1)	Underpayment of wages.	Default judgment. Order to pay \$1,647.80 in underpaid wages.	Nil



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Greg Zadeian t/as Cyder Rock Employment	Section 83(1)	Underpayment of wages.	Default judgment. Order to pay \$437.20 in underpaid wages. Fine \$400	\$162.80
Gregg Anthony Clarke t/as GSC Transport Services	Section 83(1)	Underpayment of wages.	Default judgment. Order to pay \$4,122.21 in underpaid wages. Fine \$750	\$357.83
Peter William Ball t/as Wanneroo Coffee Lounge	Section 83(1)	Underpayment of wages.	Private settlement at pre-trial conference.	Not Applicable
KJ & KS Holden t/as Federal Hotel (relating to three workers)	Section 83(1)	Underpayment of wages.	Private settlement at pre-trial conference.	Not Applicable
Madras New Woodlands Pty Ltd t/as Madras New Woodlands (relating to three workers)	Section 83(1)	Underpayment of wages.	Private settlement at pre-trial conference.	Not Applicable
Southern Forests Hotel Motel Pty Ltd t/as Southern Forests Hotel Motel	Section 83(1)	Underpayment of wages.	Private settlement at pre-trial conference.	Not Applicable
Mary Theseira t/as Omega Skin Spa	Section 83(1)	Failure to pay entitlements in accordance with <i>Minimum Conditions of Employment Act 1993</i> .	Private settlement at pre-trial conference.	Not Applicable
Van Hun Tran t/as Silver Coast Bakery	Section 83(1)	Underpayment of wages.	Private settlement at pre-trial conference.	Not Applicable

Resources Safety

There were no prosecutions for the Resources Safety Division between the period 1 July and 31 December 2008.



WorkSafe

The WorkSafe Western Australia Commissioner (the Commissioner) enforces the *Occupational Safety and Health Act 1984* (OSH Act) and the Occupational Safety and Health Regulations 1996 by prosecuting persons who commit the offences under the OSH Act and Regulations. The WorkSafe Division coordinates and supports this function.

In 2008-09, prosecution notices were signed for 37 new prosecutions. There were 18 convictions recorded during the financial year (Note: A prosecution is counted as a conviction if at least one charge is successful). The 2008-09 convictions are detailed in Table 56. Two prosecutions were withdrawn at Court by the prosecution and one prosecution was dismissed. During the period, one appeal commenced and is waiting to be decided by the Court and one appeal, which commenced during a previous financial year, was dismissed.

Table 56 provides details of convictions recorded during 2008-09 for breaches of the OSH Act and Regulations.

Table 56: Prosecution outcomes for the WorkSafe Division in 2008-09

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<i>Occupational Safety and Health Act 1984</i>				
Bradken Resources Pty Ltd	Section 21(2)(b) and 21A(2)	Failed to ensure that the safety or health of a person who was not its employee was not adversely affected as a result of a hazard, thereby causing a death.	\$100,000.00	\$1,369.20
Premium Grain Handlers Pty Ltd	Section 19(1) and 19A3	Failed to provide and maintain a working environment where its employees were not exposed to hazards.	\$8,000.00	\$1,500.00
Shaun Benjamin Earl	Section 20(1)(b) and 20(5)	Failed to take reasonable care for the safety and health of personnel causing serious harm.	\$3,000.00	\$9,830.76
T E Wang Pty Ltd t/as New Idea Furniture	Section 19(1) and 19A(2)	Failed to provide and maintain a safe working environment, thereby causing serious harm to an employee.	\$40,000.00 (Global)	Each party bore their own costs.
	Section 23D <i>Refer to Regulations for further charge</i>	Failed to provide and maintain a safe working environment, thereby causing serious harm to a contractor.		
Sean Peter Sellin	Section 19(1) and 19(6)	Failed to provide and maintain a safe working environment.	\$15,000.00	\$6,827.27
Siobhan Kerry Farrell t/as Pizza Express	Section 19(1) and 19A(3)	Failed to provide and maintain a safe working environment.	\$4,500.00	\$848.70
D'Amelio Stone Pty Ltd	Section 19(1) and 19A(2)	Failed to provide and maintain a safe working environment, thereby causing the death of an employee.	\$60,000.00	\$4,690.70



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Anthony Nicola D'Amelio	Section 55(1a)(b) and 55(1b)	As a director of a body corporate, failed to provide and maintain a safe working environment, thereby causing the death of an employee.	\$20,000.00	Included in the above costs (\$4,690.70) for D'Amelio Stone Pty Ltd
Jeremy Paul Blakiston Fowler (t/as Electro Power Services)	Section 22(1) and 22A(3)	As a person in control of the workplace, failed to minimise the risk of hazards to non-employees so far as was practicable.	\$10,000.00	\$878.70
Schutz DSL (Australia) Pty Ltd (formerly known as DSL Drum Services Pty Ltd)	Section 23F, 19(1) and 19A(2)	Failed to provide and maintain a safe working environment thereby causing serious harm.	\$30,000.00	\$1,420.70
Charles Watsford Lindsay Thomson	Section 23F, 19(1) and 19A(3)	Failed to provide and maintain a working environment where its employees were not exposed to hazards.	\$15,000.00	\$1,057.70
Grant William Fraser	Section 20(1)(b) and 20A(3)	Failed to take reasonable care at work.	\$1,000.00	\$600.70
Svitzer Australia Pty Ltd (formerly Adsteam Harbour Pty Ltd)	Section 19(1), 19A(3) and 3A(2)(b)	Failed to provide and maintain a working environment where its employees were not exposed to hazards.	\$10,000.00	\$1,180.70
Occupational Safety and Health Regulations 1996				
T E Wang Pty Ltd t/as New Idea Furniture	Regulation 4.55(1)(a)	Failed to ensure a person operating an industrial lift truck satisfied the competency requirements.	\$750.00	Each party bore their own costs.
Mitchell West Pty Ltd	Regulation 3.131(a) (16 breaches)	Failed to ensure that a driver, who drove without a relief driver, had in a 72 hour period, at least 27 hours of non-work time.	\$35,000.00	\$1,655.69
JBT Corp Pty Ltd	Regulation 3.88E(a) and 1.16	Failed to ensure the fixing of a concrete panel complied with Australian Standard 3850, section 7.	\$20,000.00	\$738.70
	Regulation 3.88E(b) and 1.16	Failed to ensure removal of temporary bracing of a concrete panel complied with Australian Standard 3850, section 7.	\$20,000.00	Included in the above costs
	Regulation 3.88J(1)(b) and 1.16	Failed to ensure that persons involved in the work had completed an approved course.	\$20,000.00	Included in the above costs



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Hanssen Pty Ltd	Regulation 3.88J(1)(b)	Failed to ensure that persons involved in tilt-up work had completed an approved course.	\$20,000.00	\$1,156.70
	Regulation 3.88J(1)(b)	Failed to ensure that persons involved in tilt-up work had completed an approved course.	\$20,000.00	Included in the above costs
P.C.H. Pty. Ltd.	Regulation 3.88D(1)(b) and 1.16	Failed to ensure that the temporary bracing of a concrete panel complied with AS 3850, section 6.	\$2,500.00	\$870.70
Wytona Pty Ltd t/as Sun City Bakeries	Regulation 3.131(1)(a), 3.132(2)(a) and 1.16(2)(b)(ii)	Failed to ensure that a commercial vehicle driver had appropriate breaks.	\$15,000.00	\$9,500.00

Reviews of notices issued by WorkSafe inspectors

WorkSafe coordinates and supports the Commissioner in reviewing notices issued by WorkSafe Inspectors under the OSH Act, and in considering applications for exemptions under the Regulations.

WorkSafe Inspectors issue Improvement Notices to persons who may be contravening the OSH Act and Regulations. An Improvement Notice tells the recipient they may be committing an offence, identifies the offence, and sets a time by which the contravention must be stopped. WorkSafe Inspectors can also issue Prohibition Notices to persons who may be involved in an activity that involves a risk of imminent and serious harm or injury to a person. A Prohibition Notice tells the recipient that they must immediately stop the activity.

A request for a review of an Improvement Notice can be lodged with the 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 refer the matter to the Occupational Safety and Health Tribunal for further review (Section 51A of the OSH Act). The decision of the Tribunal may be further appealed.

During 2008-09, 915 requests for the Commissioner to review a notice in accordance with Section 51 of the OSH Act were processed. Review outcomes are detailed in Table 57.



Table 57: Review of improvement notices for the WorkSafe Division in 2008-09

Outcome	Number
Affirmed	4
Affirmed with time extended	761
Affirmed, modified and time extended	4
Notice cancelled by Commissioner	18 ⁽¹⁾
Review request withdrawn	1
Compliance effected on time and while under review	50
Received too late for review	76
Total processed from 1 July 2008 to 30 June 2009	914

Note:

- (1) The Occupational Safety and Health Tribunal revoked one decision of the Commissioner and cancelled the associated Improvement Notice.

Table 58: Review of prohibition notices for the WorkSafe Division in 2008-09

Outcome	Number
Affirmed	0
Request withdrawn by applicant	0
Notice cancelled by Commissioner	1
Occupational Safety and Health Tribunal affirmed with modification	0
Total processed from 1 July 2008 to 30 June 2009	1

Table 59: Review of improvement notices for the WorkSafe Division 2005-06 to 2008-09

Year	Improvement notices issued	Improvement notices reviewed	Percentage (%)
2005-06	11,691	1,260	10.8
2006-07	10,365	1,033	10.0
2007-08	9,726	973	10.0
2008-09	9,852	917	9.3

Table 60: Review of prohibition notices for the WorkSafe Division 2005-06 to 2008-09

Year	Prohibition notices issued	Prohibition notices reviewed	Percentage (%)
2005-06	708	13	1.8
2006-07	638	4	0.6
2007-08	675	11	1.6
2008-09	722	1	0.1

Exemption from Regulations

The Commissioner may exempt a person from having to comply with the Regulations. The Commissioner received 25 applications for an exemption and granted 10 exemptions. None of these decisions of the Commissioner were appealed.



Appendix 4: Functions of boards, commissions, committees, councils and tribunals

Consumer Protection boards

The Consumer Protection Division's boards 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 61 is a brief summary of the functions of each regulatory board.

Table 61: Functions of Consumer Protection regulatory boards in 2008-09

Name	Builders' Registration Board		
Legislation	<i>Builders' Registration Act 1939</i>		
Principal functions	Registration of builders in the Board's area of jurisdiction.		
Other	Maintain a register of registered builders; determine training and examination requirements; carry out building information and educational activities; take proceedings for offences against the <i>Builders' Registration Act 1939</i> and the <i>Home Building Contracts Act 1991</i> .		
Source of funding	Self funded (registration fees, building licence levies, complaint application fees)	Annual Report	Yes www.builders.wa.gov.au
Management of funds	Yes	Investigations	Yes
Employment of employees	Employed by the Board	Number of entities regulated	6,057 builders (as at 15 June 2009)
Name	Hairdressers Registration Board of Western Australia		
Legislation	<i>Hairdressers Registration Act 1946</i> ; Hairdressers Registration Regulations 1965		
Principal functions	Register hairdressers within the legislative jurisdiction in Western Australia.		
Other	Hold examinations; make recommendation to the health authorities regarding hygiene and sanitation standards; and take proceedings for offences against the <i>Hairdressers Registration Act 1946</i> .		
Source of funding	Self funded from statutory fees	Annual Report	Yes www.hrb.org.au
Management of funds	Yes	Investigations	Yes
Employment of employees	Employed by the Board	Number of entities regulated	6,454 registered hairdressers (as at 30 June 2009)



Name	Land Valuers Licensing Board		
Legislation	<i>Land Valuers Licensing Act 1978</i>		
Principal functions	Licensing and regulation of land valuers.		
Other	Advice to the Minister; making allegations to the State Administrative Tribunal that there is proper cause for disciplinary action against licensed land valuers; establishing codes of conduct; and fixing maximum fees.		
Source of funding	Department of Commerce, Consumer Protection Division (Consolidated Fund)	Annual Report	Yes www.commerce.wa.gov.au
Management of funds	No. Managed as part of the divisional budget.	Investigations	Yes
Employment of employees	The Board does not engage employees. Employees of the department support this Board.	Number of entities regulated	717 valuers

Name	Motor Vehicle Industry Board		
Legislation	<i>Motor Vehicle Dealers Act 1973; Motor Vehicle Repairers Act 2003</i>		
Principal functions	Licensing of motor vehicle dealers, their yard managers and salespersons; and licensing of motor vehicle repair businesses and certification of repair tradespersons.		
Other	Advice to the Minister; making allegations to the State Administrative Tribunal that there is proper cause for disciplinary action against licensed motor vehicle dealers and their staff; and approving training courses for the motor vehicle sales and repair industry.		
Source of funding	Department of Commerce, Consumer Protection Division (Consolidated Fund)	Annual Report	Yes www.commerce.wa.gov.au
Management of funds	No. Managed as part of the divisional budget.	Investigations	Yes
Employment of employees	The Board does not engage employees. Employees of the department support this Board.	Number of entities regulated	814 dealers; 2 car market operators; 76 exemption holders; 1,065 yard managers; 1,978 salespersons; 510 repair businesses; and 5,098 certified repairers (as at 17 June 2009)



Name	Painters' Registration Board		
Legislation	<i>Painters' Registration Act 1961</i>		
Principal functions	Registration of painters in the Board's area of jurisdiction.		
Other	Maintain a register of painters; prescribe the course of training and examination for painters; ensure adequate supervision of painting; and receive complaints against painters in relation to work that is not carried out in a proper and workmanlike manner, take proceedings for offences against the <i>Painters' Registration Act 1961</i> .		
Source of funding	Self funded (Registration fees, application fees and penalties)	Annual Report	Yes www.painters.wa.gov.au
Management of funds	Yes	Investigations	Yes
Employment of employees	Employed by the Board	Number of entities regulated	2,956 painters (as at 15 June 2009)

Name	Plumbers Licensing Board		
Legislation	<i>Water Services Licensing Act 1995, Part 5A</i>		
Principal functions	Licensing of plumbing contractors, tradespersons and certain permit holders.		
Other	Advises Minister on the administration of the Act and Regulations; sets state-wide industry standards for licensing, compliance and legislation; and monitors plumbing trade education and training and provides technical advisory services in support of plumbing workmanship standards to safeguard consumers' interests.		
Source of funding	Self funded (Fees from a triennial licensing regime and a compliance and inspection framework).	Annual Report	No, reported in the department's annual report.
Management of funds	Yes	Investigations	Yes
Employment of employees	The Board does not engage employees. Employees of the department support this Board.	Number of entities regulated	2,465 licensed plumbing contractors; 2,406 tradespersons; and 130 restricted plumbing permit holders.



Name	Real Estate and Business Agents' Supervisory Board		
Legislation	<i>Real Estate and Business Agents Act 1978</i>		
Principal functions	Licensing and registration of real estate and business agents, developers and sales representatives.		
Other	Advise Minister on administration of the Act, Regulations and Code of Conduct; makes recommendations and submits proposals regarding the Act, Regulations and the Code of Conduct; conducts compliance activities; promotes education and provides advisory services; conciliation; oversees agents' trust accounts; and administers the Fidelity Guarantee Account and the Home Buyers Assistance Account.		
Source of funding	Self funded (licence and registration fees and interest on trust accounts and investments)	Annual Report	Yes www.reba.wa.gov.au
Management of funds	Yes	Investigations	Yes
Employment of employees	Employed by Board. A service delivery agreement exists with the department.	Number of entities regulated	3,507 agents and 9,586 sales representatives

Name	Settlement Agents Supervisory Board		
Legislation	<i>Settlement Agents Act 1981</i>		
Principal functions	Licensing and registration of settlement agents.		
Other	Advise Minister on administration of Act and Regulations and Code of Conduct; makes recommendations and submits proposals regarding the Act, Regulations and Code of Conduct; conducts compliance activities; promotes education and provides advisory services; conciliation; oversees agents' trust accounts and administers the Fidelity Guarantee Account.		
Source of funding	Self funded (Licence and registration fees and interest on trust accounts and investments)	Annual Report	Yes www.sasb.wa.gov.au
Management of funds	Yes	Investigations	Yes
Employment of employees	Employed by the Board. A service delivery agreement exists with the department.	Number of entities regulated	710 agents



Consumer Protection committees and tribunals

Table 62 is a brief summary of the functions of each Consumer Protection committee and tribunal.

Table 62: Functions of the Consumer Protection committees and tribunals in 2008-09

Name	Building Disputes Tribunal
Legislation	<i>Builders' Registration Act 1939</i>
Principal functions	To hear and settle contractual and workmanship disputes between owners and builders.
Name	Charitable Collections Advisory Committee ⁽¹⁾
Legislation	<i>Charitable Collections Act 1946</i>
Principal functions	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.
Name	Consumer Product Safety Committee ⁽¹⁾
Legislation	<i>Consumer Affairs Act 1971</i>
Principal functions	To make recommendations to the Commissioner for Consumer Protection that prohibits or restricts the supply of goods.
Name	Home Buyers Assistance and Advisory Committee
Legislation	<i>Real Estate and Business Agents Act 1978</i>
Principal functions	To consider applications for financial assistance from first home buyers and make recommendations to Real Estate and Business Agents Supervisory Board.
Name	Retail Shops Advisory Committee ⁽¹⁾
Legislation	<i>Retail Trading Hours Act 1987</i>
Principal functions	To investigate and make recommendations to the Minister relating to the operation and administration of the Act, to make recommendations to the Commissioner for Consumer Protection on the issue of permits to remain open or to provide goods or services that are not prescribed.

Note:

(1) The Consumer Protection Division provided administrative support to these committees in 2008-09.



Safety and Employment Protection boards

The Safety and Employment Protection boards have a range of functions including advisory, licensing of participants in relevant industries, investigating complaints about the conduct of industry participants and taking disciplinary action where appropriate. Table 63 provides a brief summary of the functions of each board.

Table 63: Functions of Safety and Employment Protection regulatory boards in 2008-09

Name	Board of Examiners ⁽¹⁾		
Legislation	<i>Mines Safety and Inspection Act 1994</i>		
Principal functions	<p>The Board of Examiners' functions are:</p> <ul style="list-style-type: none"> ▪ to examine in accordance with the Mines Safety and Inspection Regulations 1995, qualifications, experience and character of applicants, for certificates of competency and issue such certificates where appropriate; and ▪ to receive, consider and inquire into complaints concerning holders of certificates of competency and to suspend or cancel such certificates where appropriate. <p>Other functions are outlined in the Regulations. The Board of Examiners cover the following areas:</p> <ul style="list-style-type: none"> ▪ Quarry Managers (Mine Managers-Surface, including restricted Quarry Managers); ▪ First Class Mine Managers (Mine Managers-any mine including Underground, and also including Underground Supervisors). Note: Coal certification has slightly different nomenclature; and ▪ Winding Engine Drivers (of two classes). 		
Source of funding	The department's, Resources Safety Division's budget with some degree of self funding (retained licence and registration fees)	Annual Report	No
Management of funds	No. Managed as part of the divisional budget.	Investigations	Yes
Employment of employees	The Board does not engage employees. Employees of the department support this Board.	Number of entities regulated	1,147 First Class Mine Managers; 2,400 Underground Supervisors; 879 Quarry Managers; 1,174 Restricted Quarry Managers; and 20 Winding Engine Drivers

Note:

(1) Reported for the period 1 July to 31 December 2008.



Name	Electrical Licensing Board		
Legislation	Electricity (Licensing) Regulations 1991		
Principal functions	Licensing of electrical contractors and workers.		
Other	General advice to the Minister and Director of Energy Safety on the training and licensing of electrical contractors and workers.		
Source of funding	Department of Commerce, Energy Safety Division budget (licence fees)	Annual Report	No
Management of funds	No. Managed as part of the divisional budget.	Investigations	Only for the determination of competence of applicants for, and holders of, licences and permits issued pursuant to Electricity (Licensing) Regulations 1991. Licence work compliance investigations are conducted by the Energy Safety Division.
Employment of employees	The Board does not engage employees. Employees of Department of Commerce support this Board.	Number of entities regulated	35,281 electrical operatives

Name	Mines Survey Board ⁽¹⁾		
Legislation	<i>Mines Safety and Inspection Act 1994</i>		
Principal functions	<p>The functions of the Mines Survey Board are:</p> <ul style="list-style-type: none"> ▪ to advise the Minister on survey matters relating to mines and mining operations, including quarries and quarry operations; ▪ to examine the qualifications, experience and character of persons applying for authorised mine surveyor's certificates (of two classes) and issue such certificates where appropriate; and ▪ to deal with complaints concerning the holders of authorised mine surveyor's certificates and to suspend or cancel such certificates where appropriate. 		
Source of funding	The department's Resources Safety Division's budget with some degree of self funding (retained licence and registration fees)	Annual Report	No
Management of funds	No. Managed as part of the divisional budget	Investigations	Yes
Employment of employees	The Board does not engage employees. Employees of the department support this Board.	Number of entities regulated	333 Authorised Mine Surveyor Grade 1; and 233 Authorised Mine Surveyor Grade 2

Note:

(1) Reported for the period 1 July to 31 December 2008.



Safety and Employment Protection commissions and committees

Table 64 provides a brief summary of the functions of each commission and committee.

Table 64: Functions of the Safety and Employment Protection commission and committees in 2008-09

Name	Commission for Occupational Safety and Health		
Legislation	<i>Occupational Safety and Health Act 1984</i>		
Principal functions	<p>The Commission for Occupational Safety and Health (the Commission) was established in April 1985 (as the Occupational Health, Safety and Welfare Commission) under section 6 of this Act. The tripartite Commission's functions include:</p> <ul style="list-style-type: none"> ▪ to inquire into and report to the Minister upon any matters referred to it by the Minister; ▪ to make recommendations to the Minister with respect to this Act; ▪ to develop and review the Occupational Safety and Health legislation and associated standards and make recommendations to the Minister; ▪ to examine, review and make recommendations to the Minister in relation to existing and proposed registration or licensing schemes relating to occupational safety and health; and ▪ to provide advice to and cooperate with government departments, public authorities, unions, employer organisations and other interested parties. 		
Other	<p>Commission advisory committees and working parties operational during the year were:</p> <ul style="list-style-type: none"> ▪ Construction Industry Safety Advisory Committee; ▪ Emerging Issues and Risk Management Advisory Committee; ▪ Legislation Advisory Committee; ▪ Man Overboard Working Party; and ▪ Waterfront Industry Working Party. <p>Further information on the activities is provided in the Commission's annual report.</p>		
Source of funding	Department of Commerce, WorkSafe Division budget	Annual Report	Yes www.commerce.wa.gov.au
Management of funds	No. Managed as part of the divisional budget.	Investigations	No
Employment of employees	The Commission does not engage employees. Employees of the Department of Commerce support the Commission.	Number of entities regulated	All Western Australian workplaces except those under the <i>Mines Safety and Inspection Act 1994</i> or Commonwealth legislation.



Name	Gas Licensing Committee		
Legislation	<i>Gas Standards Act 1972</i>		
Principal functions	To make recommendations to the Director of Energy Safety on competence of applicants for, and holders of, gas fitting permits and authorisations. To make recommendations on retraining and other restrictions and warnings.		
Name	Mining Industry Advisory Committee ⁽¹⁾		
Legislation	<i>Occupational Safety and Health Act 1984</i>		
Principal functions	<p>The tripartite Mining Industry Advisory Committee (MIAC) is a statutory committee of the Commission for Occupational Safety and Health (the Commission). The functions of the committee are:</p> <ul style="list-style-type: none"> ▪ to advise and make recommendations to the Ministers and the Commission on occupational safety and health matters concerning the mining industry; ▪ to liaise with the Commission to coordinate activities on related functions and to maintain parallel standards; ▪ to inquire into and report to the Ministers regarding any matter referred to it by the Ministers relating to occupational safety and health in the mining industry; ▪ to make recommendations to the Minister for Mines regarding the formulation, amendment, or repeal of laws relating to occupational safety and health for which that Minister is responsible; ▪ to prepare or recommend the adoption of codes of practice, guidelines, standards, specifications or other forms of guidance for the purpose of assisting employers, self employed persons, employees, manufacturers or other persons to maintain appropriate standards of occupational safety and health in the mining industry; and ▪ to provide advice on (i) education and publications; and (ii) training and training courses, with respect to occupational safety and health in the mining industry. 		
Other	<p>The MIAC did not meet formally during this period due to the expiration of members' terms in August 2008 and the State election truncating the reappointment process that was underway. An informal meeting was held in October 2008. The subsequent allocation of the <i>Mines Safety and Inspection Act 1994</i> to the Hon Norman Moore MLC, Minister for Mines and Petroleum, in conjunction with the impending move of the Resources Safety Division to the new Department of Mines and Petroleum, necessitates the reconstitution of MIAC. The Committee's new chairperson and membership will involve joint agreement between the Minister for Mines and Petroleum and the Minister for Commerce, the Hon Troy Buswell MLA, who is responsible for the <i>Occupational Safety and Health Act 1984</i> under which MIAC is constituted.</p>		
Source of funding	Department of Commerce, Resources Safety Division budget	Annual Report	No
Management of funds	No. Managed as part of the divisional budget.	Investigations	No
Employment of employees	The committee does not engage employees. Employees of Department of Commerce support the committee.	Number of entities regulated	75,866 employees in the mining industry (as at 31 October 2008)

Note:

(1) Reported for the period 1 July to 31 December 2008.



Science, Innovation and Business boards, committees and councils

Table 65 provides a brief summary of the functions of each board, committee or council.

Table 65: Functions of the Science, Innovation and Business boards, committees and councils in 2008-09 ⁽¹⁾

Name	Australian Marine Complex Business Development Committee
Principal functions	Advice on Australian Marine Complex expansion opportunity.
Name	Australian Marine Complex Overarching Committee
Principal functions	Assist in coordinating interagency management.
Name	Interim Board, International Centre for Radio Astronomy Research
Principal functions	Assist in establishment of the centre.
Name	Premier's Science and Innovation Council
Principal functions	The Council was formed to provide the Government with independent advice on science matters in Western Australia, particularly related to the strategic direction of State Government investment in science to build capacity to diversify the economy.
Name	Western Australian Regional Stakeholder Advisory Group
Principal functions	Advice on regional issues relating to the Square Kilometre Array Project and establishment of the Murchison Radio-astronomy Observatory.
Name	Western Australian Technology and Industry Advisory Council
Principal functions	The Council, under Section 21 of the <i>Industry and Technology Development Act 1998</i> , is required to: <ul style="list-style-type: none"> ▪ provide advice to the Minister, at the initiative of the Council or at the request of the Minister, on any matter relating to the objects of the Act; and ▪ carry out, collaborate in or procure research, studies or investigations on any matter relating to the objects of the Act, including the: <ol style="list-style-type: none"> (i) role of industry, science and technology in the policies of government; (ii) social and economic impact of industrial and technological change; (iii) employment and training needs and opportunities relating to industrial, scientific and technological activities in the State; (iv) adequacy of, priorities among and coordination of, scientific, industrial and technological activities in the State; (v) methods of stimulating desirable industrial and technological advances in the State; (vi) application of industrial, scientific and technological advances to the services of the Government; and (vii) promotion of public awareness and understanding of development in industry, science and technology.

Note:

(1) Reported for the period 1 January to 30 June 2009.



Appendix 5: Plumbers Licensing Board

The Plumbers Licensing Board (the Board) does not produce a separate Annual Report, however, this Appendix to the department's Annual Report details the Board's function, membership, highlights and forecasts of future activity.

Role of the Board

Part 5A of the *Water Services Licensing Act 1995* (the WSL Act) establishes the Plumbers Licensing Board (the Board) with functions related to the licensing of plumbers, to provide for regulation making powers, licensing matters, the carrying out of plumbing work and to make related provisions.

The WSL Act empowers the Board to regulate the State's plumbing trade through a licensing regime for appropriately qualified plumbers to carry out water supply, sanitary and drainage plumbing work to support the community and its economy. The Board operates a state-wide compliance and inspection framework to ensure high standards and performance for all licensed plumbing work and to enforce a statutory guarantee of workmanship for consumers. The Board also functions to monitor the plumbing trades' education and training standards, to advise the Minister in these matters and to provide industry and consumers with relevant information on plumbing matters.

Board membership

Chairperson

Judy Seif

Judy Seif is a Perth-based barrister appointed by the Minister as the Board's Chairperson. Judy has key skills and knowledge in law, finance, policy development and media, with significant experience in the operation of boards and committees. Her advocacy work over more than 15 years includes representing clients in both the public and private sectors.

Deputy Chairperson

Christopher (Chris) Jones

Chris Jones is a licensed plumbing contractor with more than 30 years plumbing experience. Chris has operated his own plumbing business in the Pilbara and Gascoyne Region since 1992 and has been appointed by the Minister as a person with knowledge of, and experience in, the plumbing industry. He is a current member of the Small Business Development Corporation and is also a Justice of the Peace.

Members

Anthony (Richard) Ballem

Richard Ballem has been appointed by the Minister as a person with knowledge and experience of the plumbing industry nominated by the Western Australian Drainage Association. Richard is a licensed plumbing contractor in drainage plumbing with over 40 years experience in the industry and is a past president of Western Australian Drainage Association.



Gerald McDonald

Gerald McDonald was appointed by the Minister as a person with knowledge and experience of the plumbing industry nominated by the Communications, Electrical and Plumbing Union. Gerald is a licensed plumbing tradesperson and gas fitter with nearly 40 years experience in the plumbing and construction industries. He is currently employed by the Western Australian Department of Health as a hospital maintenance tradesperson with responsibility for maintaining the State's major hospitals.

Joanne Parnell

Joanne Parnell represents the interests of consumers. Joanne has a background in strategic business planning and development, sales and marketing both within metropolitan and rural Australia.

Margaret Stockton

Margaret Stockton represents the interests of consumers. Margaret has extensive experience in managing human services and consultancy in strategic planning, evaluation and project management in the public and private sectors. She has extensive experience in advocating for consumer interests.

Noel Abercromby

Noel Abercromby was appointed by the Minister as a person with knowledge and experience of the plumbing industry representing the Master Plumbers and Gas Fitters Association. A former president of the Master Plumbers and Gas Fitters Association, Noel has over 25 years experience in the plumbing industry including substantial involvement in a supervisory role during the construction of the Burswood Hotel complex. He is currently the co-owner and Managing Director of Samson Plumbing and Gas Pty Ltd.

Former Members

During the year, Kim Byrne resigned from the Board and Rob Hampson did not re-nominate.

Highlights 2008-09

The Board continued its recognition of plumbing service excellence by sponsoring the Plumber of the Year and Plumbing Business of the Year at the Master Plumbers and Gas Fitters Association Awards in November 2008. The Board delivered enhanced education and training services for plumbers by upgrading its induction sessions for new licensed plumbing contractors and opening the sessions to include new tradespersons. Over 60 induction sessions were held during the year, with 10 delivered during regional visits in conjunction with board meetings or during inspections by compliance officers. The Board published four new Technical Notes on plumbing work issues to assist licensed plumbers in complying with national plumbing standards adopted by the Regulations and modifications to suit Western Australia's building approach and other local conditions.

The Board conducted a campaign over the Christmas period involving nearly 350 hardware stores state-wide to remind customers, purchasing plumbing products, of the importance of using licensed plumbers to undertake any home plumbing work. Each store was issued with display signs and copies of the brochure titled 'Having plumbing work done?' which outlines risks to family health and safety from do-it-yourself work prevalent over the holiday season.



The Board also participated in two major trade and consumer information promotional events at the Perth Convention Centre, the Perth Plumbing Show in October 2008 and the Master Builders Association's Home Improvement Show and Sustainable Energy Expo in May 2009. In the second event, the Board co-hosted a stand with representatives from the Builders Registration Board and other agencies leading up to the announcement of the establishment of the Building Commission. In May 2009, the Board launched a new Consumer Advice Line: 1300 249 223 to provide consumers with ready access to information on plumbing services. The free-call telephone service enables customers to check the licensing details of their plumber and obtain other advice on plumbing work standards and products in their homes.

Significant issues and trends

The Board's operations will form part of the Building Commission in 2009-10. The new division of the Department of Commerce will initially bring together the regulation of key building, plumbing and painting trades to better coordinate services for the construction industry and its consumers. Over the last year, the Board participated in detailed discussions and undertaken forward planning over all aspects of the new Commission. The Board welcomes this move and anticipates a smooth transition, with value added to its business services for the plumbing sector and consumers.

Sustainability issues in water and energy usage will be increasingly more important for the Board to consider in regulating plumbing work. Consumers will rely on enhanced services and advice from licensed plumbers on matters such as clean water delivery, recycling and alternate water sources, system design and safe waste discharge, low emissions hot water systems and product knowledge. The Board is preparing for changes in regulations and promoting further plumber education and training to meet these demands.

The regulation of plumbing work in Western Australia will be impacted by two Council of Australian Governments' agreements. A proposed National Licensing System will harmonise the licensing, standards and regulatory arrangements covering plumbing as an essential trade. This will reduce regulatory costs and improve the capacity of licensed plumbers to operate under any state jurisdiction. The Board will be providing comment on legislation leading up to the implementation of the national system in the coming years. A National Construction Code will also link existing building and plumbing codes under one reference. The Board's move to the Building Commission will assist in retaining the building approach particular to this State's conditions, within this national initiative.



Appendix 6: Annual Report feedback

The Department of Commerce welcomes your feedback on the 2008-09 Annual Report.

1. Overall how effective do you think the Annual Report was in communicating our activities?

- Very effective Effective Average Poor

2. Please rate the following elements of the Annual Report (using a number from the rating scale below):

	Excellent	Good	Average	Poor	Very Poor
Information/content	1	2	3	4	5
Layout of information	1	2	3	4	5
Ease of finding information	1	2	3	4	5
Readability	1	2	3	4	5
Ease of comprehension	1	2	3	4	5

3. Overall, how do you rate this Annual Report?

- Excellent Good Satisfactory Poor

4. In your opinion, how could our next Annual Report be improved?

5. General comments:

6. For what purpose did you read or refer to the 2008-09 Annual Report?

- Background information on the Department of Commerce
- Information on the Department of Commerce's performance in 2008-09
- Information on the future direction of the Department of Commerce
- Information on the employees and management of the Department of Commerce
- Other (please specify) _____

Thank you for participating in the survey.

Please return completed form to:

Office of the Director General, Department of Commerce
Locked Bag 14 CLOISTERS SQUARE WA 6850 or fax (08) 9282 0407

This form is also available on the department's internet site at www.commerce.wa.gov.au.

www.commerce.wa.gov.au

Consumer Protection

Forrest Centre
219 St Georges Terrace
Perth Western Australia 6000
Advice line (cost of a
local call statewide) 1300 30 40 54
Administration (08) 9282 0777
Facsimile (08) 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
Email..... consumer@commerce.wa.gov.au

Energy Safety

303 Sevenoaks Street
Cannington Western Australia 6107
Telephone (08) 9422 5200
Facsimile (08) 9422 5244
Electrical and gas licensing ... (08) 9422 5282
Email.....energysafety@commerce.wa.gov.au

Labour Relations

Dumas House
3rd Floor, 2 Havelock Street
West Perth Western Australia 6005
Wageline 1300 655 266
Telephone (08) 9222 7700
Facsimile (08) 9222 7777
Building Industry and
Special Projects Inspectorate ... 1800 306 002
Email..labourrelations@commerce.wa.gov.au

Science, Innovation and Business

Level 7, 1 Adelaide Terrace
East Perth Western Australia 6004
Telephone 1300 136 237
Facsimile (08) 9263 8100
Email.....sib@commerce.wa.gov.au

WorkSafe

WestCentre
5th Floor, 1260 Hay Street
West Perth Western Australia 6005
Customer help centre 1300 307 877
Administration (08) 9327 8777
Facsimile (08) 9321 8973
Email.....safety@commerce.wa.gov.au

Regional offices

Goldfields/Esperance (08) 9026 3250
Great Southern (08) 9842 8366
Kimberley (08) 9169 2811
Mid-West (08) 9964 5644
North-West (08) 9185 0900
South-West (08) 9722 2888

National Relay Service: 13 36 77

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Cloisters Square Western Australia 6850