



Appendices

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

Appendix 1: Agreements	180
Appendix 2: Changes to written laws	184
Appendix 3: Prosecutions	188
Appendix 4: Functions of boards, commissions, committees, councils and tribunals	217
Appendix 5: Annual Report feedback	222



Appendix 1: Agreements

The Department of Commerce recognises the benefits derived from working collaboratively with external parties from within both the public and private sectors. In many cases the department formalises this collaboration through the negotiation of co-agency agreements, Heads of Agreement, Memoranda of Understanding, Instruments of Declaration and inter-governmental arrangements. Details regarding these negotiated agreements are listed below.

Agreements

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*.

Co-agency agreements

Co-agency agreements in place during 2012-13:

- Australian Maritime Safety Authority
- Department of Transport, Marine Safety
- Department of Transport, (monitoring fatigue in the omnibus industry)
- Department of Transport, Office of Rail Safety

Heads of Agreement

Heads of Agreement in place during 2012-13:

- WorkCover WA

Memoranda of Understanding

Memoranda of Understanding in place during 2012-13:

<ul style="list-style-type: none"> • Associazione Parchi Scientifici E Tecnologici Italiani, Italy and Technology Park, Bentley • .au Domain Administration Limited • Australian Competition and Consumer Commission • Australian Securities and Investments Commission • Australian Securities and Investments Commission regarding co-operation, access to and use of information, referral of matters, and co-operation in education activities following the transfer of regulation of consumer credit under Western Australian credit legislation from the Western Australian Department of Commerce, Consumer Protection Division to the ASIC, and other matters to support the National Credit Law • Biotechnology Institute for sanofi-agentis BioGENEius Challenge of Western Australia • Bureau of WorkSafe Supervision and Administration Zhejiang Provincial Government • City of Kalgoorlie Boulder and the Plumbers' Licensing Board • Commonwealth of Australia in regard to access to information held on the Australian Business Register • CSIRO and the State of Western Australia regarding the SKA and Australian SKA Pathfinder Projects (Collaborative Agreement) • Confidentiality Undertaking with the ASIC regarding credit provider and finance broker licensee and complaint information provided prior to the transition of credit regulation to the Commonwealth 	<ul style="list-style-type: none"> • Confidentiality Undertaking with the Attorney-General's Department of the Australian Government regarding the provision of sample personal property securities (PPS) data to facilitate the transition of the Western Australian PPS register to the Commonwealth • Consumers' Association of WA (Inc) • Daedeok Innopolis, Korea and Technology Park Bentley, Western Australia • Department of the Attorney General (State Administrative Tribunal) in relation to the provision of tribunal services for complaints referred under section 11 of the <i>Building Services (Complaints Resolution and Administrative) Act 2011</i> • 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 wellbeing • Department of Education Services, Office of the Training Accreditation Council • Department of Fisheries regarding the exchange of information relating to investigations • Department of Immigration and Citizenship • Department of Mines and Petroleum, Resources Safety Division • Department of Mines and Petroleum and Department of State Development regarding a Graduate Program Partnership Agreement • Department of Mines and Petroleum and Department of State Development (Building Access) • Department of Mines and Petroleum and Department of State Development on local content
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<ul style="list-style-type: none"> • Department of Regional Development and Lands on Pilbara Fabrication and Services Common Use Facility (PFSCUF) • Department of Regional Development and Lands on Regional Mobile Communications Project • Department of State Development managing industry, technology and resources • Department of Transport 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 • Hangzhou National Hi-Tech Industry Development Zone and Technology Park Bentley of Western Australia • Health and Disability Services Complaint Office • National Industrial Chemicals Notification and Assessment Scheme • National Offshore Petroleum Safety and Environmental Management Authority • Office of Energy 	<ul style="list-style-type: none"> • Public Utilities Office • 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 <i>Occupational Safety and Health Act 1984</i> to police officers • Western Australia Police and Building Industry and Special Projects Inspectorate • The Bushfire Investigation Protocol between the EnergySafety Division, Department of Fire and Emergency Services, Western Power Corporation, Western Australia Police and the Department of Environment Regulation with respect to how each communicates with each other and acts in the event of fire that is suspected of being caused by electricity • Western Australian Police Major Fraud Squad regarding Project Sunbird
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Instruments of Declaration

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 that 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*.

Instruments of Declarations in place during 2012-13:

- BHP Billiton railway
- BHP Transport Marine Slipway on Special Lease 3116/3690, Burgess Point, BHP Iron Ore Nelson Point
- Boodarie Power Station, Port Hedland
- Griffin Coal Company Pty Limited - Premier Mine
- Hope Downs 4 project
- Jumblebar Mines Construction Project
- Karara to Tilley Railway
- Karara Mining Project
- Newman Power Station
- Pilbara Infrastructure Pty Ltd railway
- Pilbara Iron Pty Ltd railway
- Sino Iron mine site
- Spinifex Ridge Molybdenum (Moly Mines Australia Pty Ltd) mine site
- Wesfarmers Coal Limited - Premier Mine

Inter-governmental arrangements

Inter-governmental agreements articulate the commitment of jurisdictions to implement decisions.

Agreement in place during 2012-13:

- Inter-governmental agreement for the operation of the Australian Building Codes Board.
- Memorandum of Understanding between Department of Commerce – Consumer Protection Division and Department for Child Protection Non-government Policy and Funding regarding Supplementary Funding of Financial Counselling Service.
- Australian Government agencies responsible for enforcement of occupational safety and health legislation.

Inter-governmental arrangements for service delivery clearly articulate accountability and funding for the delivery of services by the department to a government authority.

Arrangements in place during 2012-13:

- Commonwealth of Australia and State of Western Australia regarding the delivery of services to the Christmas Island and Cocos (Keeling) Islands.
- Federal Fair Work Ombudsman to deliver education services to private sector employers and employees on transitional arrangements for Federal Modern Awards.

Appendix 2: Changes to written laws

Changes in written law initiated by the department during 2012-13 are outlined according to the responsible division in Tables 42 to 45 below.

Consumer Protection

Consumer Protection Division

Table 42: Amendments to written laws for the Consumer Protection Division in 2012-13

Written law / Title	Gazette number	Effective date
Auction Sales Amendment Regulations 2013	21 of 2013	5 February 2013
Chattel Securities Amendment Regulations 2012	98 of 2012	1 July 2012
Commercial Tenancy (Retail Shops) Agreements Amended Regulations (No. 2) 2012	220 of 2012	1 January 2013
<i>Commercial Tenancy (Retail Shops) Agreements Amendment Act 2011 – Proclamation – 59 of 2011</i>	219 of 2012	1 January 2013
Competition And Consumer (Tobacco) Amendment Information Standard 2012 (No. 1)	219 of 2012	30 November 2012
Competition And Consumer (Tobacco) Information Standard 2011	182 of 2012	15 October 2012
Consumer Goods (Portable Swimming Pools) Safety Standard 2013	6 of 2013	30 March 2014
Consumer Protection Notice No. 1 of 2013 – Safety Standard - Baby Walkers	33 of 2013	22 February 2013
Co-Operatives Amendment Regulations 2012	216 of 2012	27 November 2012

Written law / Title	Gazette number	Effective date
Debt Collectors Licensing Amendment Regulations 2012	98 of 2012	1 July 2012
Employment Agents Amendment Regulations 2012	98 of 2012	1 July 2012
<i>Fair Trading Act 2010 – Permanent Ban: Small, High Powered Magnets</i>	213 of 2012	16 November 2012
Fair Trading (Fitness Industry Code of Practice) Amendment Regulations 2013	82 of 2013	29 May 2013
Fair Trading (Retirement Villages Interim Code) Regulations 2012	169 of 2012	1 October 2012
Fair Trading (Retirement Villages Interim Code) Regulations 2013	15 of 2013	1 April 2013
<i>Australian Consumer Law (WA) Interim Ban – Small High Powered Magnets</i>		23 August 2012
<i>Australian Consumer Law (WA) Extension of Interim Ban – Small High Powered Magnets</i>		22 October 2012
Land Valuers Licensing Amendment Regulations 2012	98 of 2012	1 July 2012
Land Valuers Licensing Amendment Regulations (No. 2) 2012	239 of 2012	19 December 2012
Motor Vehicle Dealers (Licensing) Amendment Regulations 2012	98 of 2012	1 July 2012
Motor Vehicle Dealers (Prescribed Vehicles) Amendment Regulations 2012	172 of 2012	3 October 2012

Written law / Title	Gazette number	Effective date
Motor Vehicle Repairers Amendment Regulations 2012	98 of 2012	1 July 2012
Occupational Safety and Health Amendment Regulations (No. 3) 2012	101 of 2012	1 July 2012
Petroleum Products Pricing (Maximum Terminal Gate Price) Order 2013	46 of 2013	23 March 2013
Real Estate and Business Agents (General) Amendment Regulations 2012	98 of 2012	1 July 2012
Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2012	189 of 2012	24 October 2012
Residential Tenancies Amendment Regulations 2013	72 of 2013	1 July 2013
Retail Trading Hours (City of Albany) Variation Order No. 6 of 2012	6 of 2012	29 August 2012
Retail Trading Hours (City of Albany) Variation Order No. 7 of 2012	174 of 2012	6 October 2012
Retail Trading Hours (City of Albany) Christmas Variation Order 2012	213 of 2012	17 November 2012
Retail Trading Hours (City of Albany) Variation Order No 1 of 2013	224 of 2012	8 December 2012
Retail Trading Hours (City of Albany) Variation Order No. 2 of 2013	2 of 2013	9 January 2013
Retail Trading Hours (City of Albany) Variation Order (No. 3) 2013	30 of 2013	16 February 2013
Retail Trading Hours (City of Albany) Variation Order (No. 4) 2013	27 of 2013	9 February 2013
Retail Trading Hours (City of Albany) Variation Order (No. 5) 2013	36 of 2013	27 February 2013

Written law / Title	Gazette number	Effective date
Retail Trading Hours (City of Albany) Variation Order (No. 6) 2013	64 of 2013	24 April 2013
Retail Trading Hours (Bunbury) Christmas Variation Order 2012	215 of 2012	24 November 2012
Retail Trading Hours (Shire of Collie) Christmas Variation Order 2012	224 of 2012	8 December 2012
Retail Trading Hours (Shire of Coolgardie) Christmas Variation Order 2012	232 of 2012	15 December 2012
Retail Trading Hours (City of Greater Geraldton) Christmas Variation Order 2012	215 of 2012	24 November 2012
Retail Trading Hours (City of Greater Geraldton) Variation Order No. 1 of 2013	4 of 2013	16 January 2013
Retail Trading Hours (City of Greater Geraldton) Variation Order No. 2 of 2013	51 of 2013	29 March 2013
Retail Trading Hours (Shire of Esperance) Christmas Variation Order 2012	214 of 2012	21 November 2012
Retail Trading Hours (Shire of Harvey) Variation Order 2012	141 of 2012	4 August 2012
Retail Trading Hours (Shire of Harvey) Christmas Variation Order 2012	232 of 2012	15 December 2012
Retail Trading Hours (Holiday Resorts) Regulations 2012	146 of 2012	26 August 2012
Retail Trading Hours (City of Kalgoorlie-Boulder) Christmas Variation Order 2012	222 of 2012	5 December 2012

Written law / Title	Gazette number	Effective date
Retail Trading Hours (Shire of Katanning) Christmas Variation Order 2012	201 of 2012	3 November 2012
Retail Trading Hours (Shire of Lake Grace) Variation Order 2012	215 of 2012	24 November 2012
Retail Trading Hours (City of Mandurah) Variation Order 2012	149 of 2012	26 August 2012
Retail Trading Hours (City of Mandurah) Christmas Variation Order 2012	222 of 2012	5 December 2012
Retail Trading Hours (City of Mandurah) Variation Order 2013	63 of 2013	20 April 2013
Retail Trading Hours (City of Mandurah) Variation Order (No. 2) 2013	76 of 2013	15 May 2013
Retail Trading Hours (Shire of Manjimup) Christmas Variation Order 2012	224 of 2012	8 December 2012
Retail Trading Hours (Shire of Murray) Variation Order 2012	193 of 2012	27 October 2012
Retail Trading Hours (Town of Narrogin) Christmas Variation Order 2012	221 of 2012	1 December 2012
Retail Trading Hours (Town of Narrogin) Variation Order 2013	75 of 2013	11 May 2013
Retail Trading Hours (City of Perth) Variation Order 2012	232 of 2012	15 December 2012
Retail Trading Hours (Public Holidays) Order 2012	146 of 2012	26 August 2012
Retail Trading Hours (Rockingham Holiday Resort) Order 2012	146 of 2012	26 August 2012

Written law / Title	Gazette number	Effective date
Retail Trading Hours (Wanneroo Holiday Resort) Order 2012	146 of 2012	26 August 2012
<i>Retail Trading Hours Amendment Act 2012</i> – Proclamation –13 of 2012	146 of 2012	26 August 2012
Settlement Agents Amendment Regulations 2012	162 of 2012	12 September 2012
Settlement Agents Amendment Regulations (No. 2) 2012	98 of 2012	1 July 2012
Travel Agents Amendment Regulations (No. 2) 2012	98 of 2012	1 July 2012
Travel Agents Amendment Regulations (No. 3) 2012	162 of 2012	12 September 2012

Safety and Employment Protection and Construction Standards

Building Commission Division

Table 43: Amendments to written laws for the Building Commission Division in 2012-13

Written law / Title	Gazette number	Effective date
<i>Building Amendment Act 2012 Part 2</i>		6 November 2012
<i>Building Amendment Act 2012 Parts 3 & 4</i>	239 of 2012	19 November 2012
Building Amendment Regulations (No. 3) 2012	219 of 2012	1 December 2012
Building Amendment Regulations (No. 2) 2012	238 of 2012	19 December 2012
Building Amendment Regulations (No. 2) 2013	96 of 2013	22 June 2013

Written law / Title	Gazette number	Effective date
Building Services (Complaint Resolution and Administration) Amendment Regulations (No. 3) 2012	144 of 2012	15 August 2012
Building Services (Registration) Amendment Regulations (No 3) 2012	100 of 2012	1 July 2012
Building Services (Registration) Amendment Regulations (No. 4) 2012	204 of 2012	7 November 2012
Building Services (Registration) Amendment Regulations (No. 5) 2012	239 of 2012	19 December 2012
Building Services (Registration) Amendment Regulations (No. 6) 2012	8 of 2013	23 January 2013
Building (s. 67 Exemption) Amendment Order 2012	133 of 2012	25 July 2012
Building (s. 67 Exemption) Amendment Order 2013	108 of 2013	29 June 2013
Building (s. 67 Exemption – Mount Lawley Primary School) Order 2012	134 of 2012	24 July 2012
Building (s. 67 Exemption) Order (No. 2) 2012	242 of 2012	22 December 2012
Home Building Contracts Amendment Regulations 2013	29 of 2013	13 February 2013
Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulation (No. 2) 2012	100 of 2012	1 July 2012

EnergySafety Division

Table 44: Amendments to written laws for the EnergySafety Division in 2012-13

Written law / Title	Gazette number	Effective date
Electricity (Prescribed Appliances and Published Specifications) Notice 2012	196 of 2012	30 October 2012
Electricity (Prescribed Appliances – Inverters) Notice 2012	196 of 2012	30 October 2012
Electricity (Licensing) Amendment Regulations (No. 2) 2012	99 of 2012	1 July 2012
Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations 2012	99 of 2012	1 July 2012

Labour Relations Division

There were no changes to written laws in 2012-13 for the Labour Relations Division.

WorkSafe Division

Table 45: Amendments to written laws for the WorkSafe Division in 2012-13

Written law / Title	Gazette number	Effective date
Occupational Safety and Health Amendment Regulations (No. 3) 2012	101 of 2012	1 July 2012
Occupational Safety and Health Amendment Regulations (No. 2) 2012	138 of 2012	28 July 2012
Occupational Safety and Health Amendment Regulations (No. 2) 2013	89 of 2013	15 June 2013
Occupational Safety and Health Amendment Regulations (No. 3) 2013	106 of 2013	1 July 2013

Industry, Science and Innovation

Industry, Science and Innovation Division

There were no changes to written laws in 2012-13 for the Industry, Science and Innovation Division.

Appendix 3: Prosecutions

Consumer Protection

Consumer Protection Division

Tables 46 to 52 provide details of action undertaken in 2012-13 by the Consumer Protection Division. For the purposes of Tables 46 to 52, the 'Commissioner' referred to is the Commissioner for Consumer Protection.

Court of Appeal

Table 46: Court of Appeal proceedings for the Consumer Protection Division in 2012-13

Name/ defendant/ parties	Nature	Outcome	Costs
Tanya Armstrong and Others v Commissioner	Appeal by successful claimants upon the Settlement Agents' Fidelity Guarantee Account against orders of the State Administrative Tribunal as to quantum of claim.	Leave to appeal granted. Hearing pending.	
Commissioner v Norman Phillip Carey	Appeal against decision of the State Administrative Tribunal to renew authorisation under the <i>Real Estate and Business Agents Act 1978</i> .	Leave to appeal granted. Hearing pending.	
Commissioner v Patrick Maurice Murphy	Appeal against decision of the State Administrative Tribunal to renew authorisation under <i>Motor Vehicle Dealers Act 1973</i> .	Leave to appeal refused. Appeal dismissed.	No order
Norman Phillip Carey v Commissioner	Further appeal against five criminal convictions for false or misleading representations as to the use to which land may be put contrary to s.12(2)(b) and s.81 <i>Fair Trading Act 1987</i> .	Leave to appeal granted. Hearing completed. Judgment reserved.	

Supreme Court

Table 47: Supreme Court proceedings for the Consumer Protection Division in 2012-13

Name/ defendant/ parties	Nature	Outcome	Costs
Commissioner v Alwyn Robert Healy	Application for injunction alleging contraventions of the <i>Fair Trading Act 1987</i> .	Proceedings stayed, to be dismissed if consumers repaid in accordance with an enforceable undertaking given.	
Commissioner v Brian Artawijaya Susilo and Patricia Miawati Susilo	Application for injunctions, declarations and civil penalties alleging contraventions of the <i>Australian Consumer Law (WA)</i> and the <i>Real Estate and Business Agents Act 1978</i> .	Interim injunction granted. Matter otherwise pending.	
Commissioner v E'Co Australia Pty Ltd, and Mark Brian Keay	Application for declarations and civil penalties alleging contraventions of the <i>Australian Consumer Law (WA)</i> .	Matter pending.	
Commissioner v Fay Marie Armstrong	Application for declarations, injunctions and compensation orders for breaches of enforceable undertaking under s.218 <i>Australian Consumer Law (WA)</i> .	Declarations, injunctions, and compensation orders to pay: - [Name Withheld] \$2,043.50; - [Name Withheld] \$613.90; and - [Name Withheld] \$716.65.	Costs of \$5,362.50
Commissioner v Graham George Standley, Jay Thomas Standley, Jaymal Pty Ltd, Lees Norman Standley, Rhys Graham Standley, and The Standley Group Pty Ltd	Appeal against acquittal in prosecution for: One charge of making false or misleading representation concerning price payable for land contrary to s.152(1)(c) <i>Australian Consumer Law (WA)</i> ; and (except for Lees Norman Standley): One charge of making false or misleading representation concerning location of land contrary to s.152(1)(d) <i>Australian Consumer Law (WA)</i> .	Matter pending.	

Name/ defendant/ parties	Nature	Outcome	Costs
Commissioner v Presto Property Solutions Pty Ltd and Rowan Amanda Lines	Application for injunctions, declarations and civil penalties alleging contraventions of the <i>Australian Consumer Law</i> (WA) and the <i>Fair Trading Act 1987</i> .	Matter pending.	
Penzar Pty Ltd v Commissioner	Appeal against conviction for one charge of entering into an agreement with intent to defeat, evade or prevent the operation of s.30 of the <i>Residential Tenancies Act 1987</i> contrary to s.82(2) of that Act.	Appeal allowed. Conviction set aside. Remitted to Magistrates Court for retrial. (Prosecution discontinued)	Costs to be agreed.
Retirement Care Australia (Hollywood) Pty Ltd v Commissioner and Others	Application for declarations pertaining to termination of 'retirement village scheme' and withdrawal of memorial under <i>Retirement Villages Act 1992</i> .	Application dismissed.	No order as to costs by prior agreement

District Court

Table 48: District Court proceedings for the Consumer Protection Division in 2012-13

Name/ defendant/ parties	Nature	Outcome	Costs
Commissioner v Corneliu Varodi	Application for restitution of surplus funds owing to Commissioner upon cancellation of the Rumanian Community of WA Inc. under <i>Associations Incorporation Act 1987</i> .	Order for restitution of \$30,000.	Costs pending
Commissioner v Peter Vukmirovic and Realgold Corporation Pty Ltd trading as 'Repave Spray-on Paving'	Application for injunctions, declarations and civil penalties alleging contraventions of the <i>Australian Consumer Law</i> (WA), and <i>Fair Trading Act 1987</i> .	Matter pending.	
Pasquale Minniti v Department of Commerce	Application under section 5A of the <i>Business Names Act 1962</i> by the Applicant to carry on business under the name "Collier Cars and Commercials".	Matter pending.	

State Administrative Tribunal

Table 49: State Administrative Tribunal outcomes for the Consumer Protection Division in 2012-13

Name/ defendant/ parties	Nature	Outcome	Costs
Commissioner v Beverly Jean Ockerby, Gemstone Holdings Pty Ltd trading as 'Ockerby Real Estate' and Robert John Ockerby	Application for disciplinary sanction against licensee under <i>Real Estate and Business Agents Act 1978</i> .	Beverly Jean Ockerby Failed to exercise skill, care and diligence contrary to s. 7 of the <i>Code of Conduct for Agents and Sales Representatives 1993</i> ; Failed to ascertain facts material to a transaction contrary to s. 8(1) of the Code; and Failed to communicate a fact material to a transaction contrary to s.8(2) of the Code. Fined \$2,000 Application against Gemstone Holdings Pty Ltd trading as 'Ockerby Real Estate', and Robert John Ockerby was withdrawn.	
Commissioner v Byron Hutton	Application for disciplinary sanction against licensee under <i>Real Estate and Business Agents Act 1978</i> .	Failed to act in best interest of principals contrary to s.2 of the <i>Code of Conduct for Agents and Sales Representatives 1993</i> ; Failed to act on principals' instructions contrary to s.4(2) of the Code; Failed to act fairly or honestly contrary to s.5(1) of the Code; and Sought reimbursement of expense without documentation contrary to s.15(1) of the Code; Reprimanded; Fined \$3,000; Disqualified for two years.	

Name/ defendant/ parties	Nature	Outcome	Costs
Commissioner v Catherine Anne Thompson	Application for disciplinary sanction under <i>Finance Brokers' Control Act 1975</i> .	Withdrawn. No longer licensed, and serving a term of imprisonment.	No order.
Commissioner v Deanne Jean Tabone	Application for disciplinary sanction against licensee under <i>Settlement Agents Act 1981</i> .	Received remuneration without authority contrary to s.43(1) of the Act; Failed to pay funds into trust contrary to s.49(1) of the Act; Failed to notify details of new trust account contrary to s.49C(1)(a) of the Act; Failed to provide to notify institution of new trust account contrary to s.49C(1)(b) of the Act; Failed to carry out services efficiently, honestly and without concealment or any form of misleading or deceptive conduct contrary to s.15 of the <i>Code of Conduct for Agents and Sales Representatives 1993</i> ; Failed to promptly pay money into trust contrary to s.22 of the Code; Fined \$3,000 (to be paid within 90 days or licence suspended).	\$500
Commissioner v John Samykannu, and Samykannu Pty Ltd trading as 'LJ Hooker Mirrabooka'	Application for disciplinary sanction under <i>Real Estate and Business Agents Act 1978</i> .	Judgment reserved.	
Commissioner v Mark Booty	Application for disciplinary sanction under <i>Finance Brokers' Control Act 1975</i> .	Withdrawn. No longer licensed, and serving term of imprisonment.	No order.

Name/ defendant/ parties	Nature	Outcome	Costs
Commissioner v Nora Allen Pty Ltd	Application for appointment of a supervisor under <i>Real Estate and Business Agents Act 1978</i> .	Commissioner authorised to appoint supervisor. Suspended from carrying on business. Restrained until further order from transacting upon bank accounts.	Liberty to apply.
Commissioner v Samantha Jane Louise Marshall	Application for disciplinary sanction under <i>Real Estate and Business Agents Act 1978</i> .	Withdrawn.	No order
Commissioner v Samuel Marc Barnes Siddall	Application for disciplinary sanction under <i>Real Estate and Business Agents Act 1978</i> .	Certificate of Registration cancelled. Disqualified permanently. Unfit to hold a Certificate of Registration pursuant to s.103(4)(d) <i>Real Estate and Business Agents Act 1978</i> .	\$1,012
Commissioner v Warren David McFarlane	Application for disciplinary sanction under: <i>Land Valuers' Licensing Act 1978</i> , and <i>Real Estate and Business Agents Act 1978</i> .	Disqualified from holding a land valuers' licence for 1 year from 28 May 2013. Unfit to be the holder of a licence pursuant to s.28(2)(d) <i>Land Valuers Licensing Act 1978</i> . Disqualified from registration as a real estate sales representative for two years from 28 May 2013; Failed to act fairly and honestly pursuant to s.7(1) <i>Code of Conduct for Agents and Sales Representatives 2011</i> . Unfit to be the holder of a certificate of registration pursuant to s.103(4)(d) <i>Real Estate and Business Agents Act 1978</i> . Fined \$1,000	No order \$500

Name/ defendant/ parties	Nature	Outcome	Costs
Mega-Property Group Pty Ltd trading as 'Mega Property Group' v Commissioner	Application to review Commissioner's decision to refuse retrospective licence renewal where new licence already granted.	Application withdrawn.	No order.
Norman Phillip Carey v Commissioner	Application to review Commissioner's decision to refuse renewal of a triennial certificate under <i>Real Estate and Business Agents Act 1978</i> .	Authorisation renewed subject to conditions.	No order.
Troy Byfield v Commissioner	Application to review Commissioner's decision to refuse renewal of authorisation under <i>Motor Vehicle Dealers Act 1973</i> .	Authorisation renewed.	No order.

Magistrates Court

Table 50: Magistrates Court proceedings for the Consumer Protection Division in 2012-13

Name/ defendant/ parties	Nature	Outcome	Costs
Commissioner on behalf of [Name Withheld] v Fay Marie Armstrong	Property seizure and sale order under <i>Civil Judgments Enforcement Act 2004</i> .	Matter pending.	
Commissioner on behalf of [Name Withheld] v Fay Marie Armstrong	Property seizure and sale order under <i>Civil Judgments Enforcement Act 2004</i> .	Matter pending.	
Commissioner on behalf of [Name Withheld] v Fay Marie Armstrong	Property seizure and sale order under <i>Civil Judgments Enforcement Act 2004</i> .	Matter pending.	
Commissioner v Adam David Golding	Prosecution for: One charge of unlicensed dealing contrary to s.30(1) <i>Motor Vehicle Dealers Act 1973</i> .	Convicted. Fined \$30,000	\$800
Commissioner v Bradley John Green	Prosecution for: One charge of unlicensed dealing contrary to s.30(1) <i>Motor Vehicle Dealers Act 1973</i> .	Convicted. Fined \$3,750	\$393.80

Name/ defendant/ parties	Nature	Outcome	Costs
Commissioner v Bucciarelli Automotives Pty Ltd trading as 'Bucciarelli BMW Centre', and Franco Bucciarelli	Prosecution of both defendants for: One charge of carrying on a business which included carrying out repair work contrary to s.9(1) <i>Motor Vehicles Repairers Act 2003</i> ;	Bucciarelli Automotives Pty Ltd trading as 'Bucciarelli BMW Centre' convicted all charges. Fined \$3,000	\$241
	One charge of advertising the carrying on of a business which included carrying out repair work contrary to s.11 <i>Motor Vehicles Repairers Act 2003</i> ; and Three charges of permitting other person to carry out repair work contrary to s.39(3) <i>Motor Vehicles Repairers Act 2003</i> . Franco Bucciarelli charged as Director of corporate contravener Bucciarelli Automotives Pty Ltd pursuant to s.110(1) <i>Motor Vehicle Repairers Act 2003</i> .	Franco Bucciarelli convicted all charges. Fined \$3,000	\$241
Commissioner v Cheryl Joy Oliver	Prosecution for: One charge of making a false or misleading representation concerning the existence of a right or remedy contrary to s.12(1)(l) <i>Real Estate and Business Agents Act 1978</i> .	Acquitted.	\$3,000
Commissioner v Christopher Michler	Prosecution for: One charge of carrying on a business which included carrying out repair work contrary to s.9(1) <i>Motor Vehicles Repairers Act 2003</i> .	Convicted. Fined \$1,750	\$353
Commissioner v Dalbir Kandola, and Deepam Investments Pty Ltd	Prosecution of both defendants for: Four charges of falsely representing the history or previous use of a vehicle contrary to s.12(1)(a) <i>Fair Trading Act 1987</i> ; and	Dalbir Kandola convicted all charges. Fined \$6,975	\$750
	One charge of making false and misleading representations concerning the existence or effect of a warranty contrary to s.12(1)(l) <i>Fair Trading Act 1987</i> . Dalbir Kandola charged as Director of corporate contravener Deepam Investments Pty Ltd pursuant to s.81(1) <i>Fair Trading Act 1987</i> .	Deepam Investments Pty Ltd convicted all charges. Fined \$26,025	\$2,250

Name/ defendant/ parties	Nature	Outcome	Costs
Commissioner v Dalefin Holdings Pty Ltd	Prosecution for: Fourteen charges of failing to pay the amount of the security bond to the Bond Administrator as soon as practicable contrary to s.29(4)(b) <i>Residential Tenancies Act 1987</i> .	Convicted all charges. Fined \$8,000	\$275
Commissioner v Dalgon Pty Ltd	Prosecution for: Twenty seven charges of failing to pay security bonds to the Bond Administrator as soon as practicable contrary to s.29(4)(b) <i>Residential Tenancies Act 1987</i> .	Convicted all charges. Fined \$10,000	\$275
Commissioner v David Paul Gammal	Prosecution for: One charge of carrying out functions of a real estate sales representative without holding a current certificate of registration contrary to s.44(1) <i>Real Estate and Business Agents Act 1978</i> .	Convicted. Fined \$1,000	\$748
Commissioner v Drie Pty Ltd trading as 'Armadale Real Estate'	Prosecution for: One charge of failing to pay security bond to the Bond Administrator as soon as practicable contrary to s.29(4)(b) <i>Residential Tenancies Act 1987</i> .	Convicted. Fined \$500	\$253
Commissioner v Fadhill Hoosen Dulloo	Prosecution for: One charge of unlicensed dealing contrary to s.30(1) <i>Motor Vehicle Dealers Act 1973</i> .	Convicted. Fined \$8,000	\$581
Commissioner v Faizan Afzal	Prosecution for: One charge of unlicensed dealing contrary to s.30(1) <i>Motor Vehicle Dealers Act 1973</i> .	Convicted. Fined \$10,000	\$425

Name/ defendant/ parties	Nature	Outcome	Costs
Commissioner v Fanfare Pty Ltd, Gregory John Norris and Philip Carl Doherty	<p>Prosecution of all defendants for:</p> <p>One charge of falsely representing the history or previous use of a vehicle contrary to s.12(1)(a) <i>Fair Trading Act 1987</i>; and</p> <p>Two charges of falsely representing the performance characteristics of a vehicle contrary to s.12(1)(e) <i>Fair Trading Act 1987</i>.</p> <p>Gregory John Norris and Philip Carl Doherty charged as Directors of corporate contravener Fanfare Pty Ltd pursuant to s.81(1) <i>Fair Trading Act 1987</i>.</p>	<p>Fanfare Pty Ltd convicted all charges. Fined \$6,000</p> <p>Gregory John Norris convicted all charges. Fined \$6,000</p> <p>Philip Carl Doherty convicted all charges. Fined \$6,000</p>	<p>\$425.30</p> <p>\$425.30</p> <p>\$425.30</p>
Commissioner v Fay Marie Armstrong	<p>Prosecution for:</p> <p>Three charges alleging false or misleading representations as to quality and previous history of goods contrary to s.12(1)(a) <i>Fair Trading Act 1987</i>.</p>	Discontinued.	No order
Commissioner v Graeme John Eddington	<p>Prosecution for :</p> <p>One charge of participating in pyramid scheme contrary to s.164 <i>Australian Consumer Law</i> (WA); and</p> <p>Two charges of attempting to induce participation in a pyramid scheme contrary to s.164(2) <i>Australian Consumer Law</i> (WA).</p>	<p>Convicted on two charges. Fined \$10,000.</p> <p>One charge under s.164(2) <i>Australian Consumer Law</i> (WA) dismissed.</p>	\$5,886
Commissioner v Graham George Standley, Jay Thomas Standley, Jaymal Pty Ltd, Lees Norman Standley, Rhys Graham Standley and The Standley Group Pty Ltd	<p>Prosecution of all defendants for:</p> <p>One charge of making false or misleading representation concerning price payable for land contrary to s.152(1)(c) <i>Australian Consumer Law</i> (WA); and</p> <p>(except for Lees Norman Standley):</p> <p>One charge of making false or misleading representation concerning location of land contrary to s.152(1)(d) <i>Australian Consumer Law</i> (WA).</p>	<p>Acquitted all charges. (Appeal against acquittal pending)</p>	Global costs \$18,300

Name/ defendant/ parties	Nature	Outcome	Costs
Commissioner v Gregson Auctioneers and Valuers Pty Ltd and Jonathan Paul Gregson	<p>Prosecution of both defendants for:</p> <p>One charge of accepting an unlicensed vehicle under a consignment agreement that was not in writing signed by the consignee and the consignor contrary to s.32B(1) <i>Motor Vehicle Dealers Act 1973</i>; and</p> <p>One charge of receiving money from the sale of a vehicle on consignment and failing to pay all the money into a trust account no later than the next business day contrary to s.32D(1) <i>Motor Vehicle Dealers Act 1973</i>.</p> <p>Jonathan Paul Gregson charged as Director of corporate contravener Gregsons Auctioneers and Valuers Pty Ltd pursuant to s.55(1) <i>Motor Vehicle Dealers Act 1973</i>.</p>	<p>Gregson Auctioneers and Valuers Pty Ltd convicted all charges.</p> <p>Fined \$1,500</p> <p>Jonathan Paul Gregson convicted all charges.</p> <p>Fined \$1,500</p>	<p>\$531.80</p> <p>\$531.80</p>
Commissioner v Just Property Management (WA) Pty Ltd	<p>Prosecution for:</p> <p>Thirty seven charges of failing to pay security bonds to the Bond Administrator as soon as practicable contrary to s.29(4)(b) <i>Residential Tenancies Act 1987</i>.</p>	<p>Convicted all charges.</p> <p>Fined \$10,000</p>	\$715
Commissioner v K.J. and C. Thompson Pty Ltd	<p>Prosecution for:</p> <p>One charge of carrying on a business which included carrying out repair work contrary to s.9(1) <i>Motor Vehicles Repairers Act 2003</i>.</p>	<p>Convicted.</p> <p>Fined \$10,000</p>	\$962
Commissioner v Michelle Louise Owen	<p>Prosecution for:</p> <p>Eleven charges of making false or misleading representation that services had approval contrary to s.151(1)(h) <i>Australian Consumer Law (WA)</i>.</p>	<p>Convicted all charges.</p> <p>Fined \$4,000</p>	\$275
Commissioner v [Name Withheld], and [Name Withheld]	<p>Prosecution of both defendants for:</p> <p>One charge of carrying on a business which included carrying out repair work contrary to s.9(1) <i>Motor Vehicles Repairers Act 2003</i>.</p>	<p>First Defendant convicted.</p> <p>Order for spent conviction.</p> <p>Fined \$500</p> <p>Second Defendant convicted.</p> <p>Order for spent conviction.</p> <p>Fined \$500</p>	<p>\$122.50</p> <p>\$122.50</p>

Name/ defendant/ parties	Nature	Outcome	Costs
Commissioner v Natalie Jane Briggs	<p>Prosecution for:</p> <p>Three charges of unauthorised withdrawals from agency trust account contrary to s.49(4) <i>Settlements Agents Act 1981</i>;</p> <p>Three charges of failing to pay trust funds contrary to s.49(5) <i>Settlements Agents Act 1981</i>;</p> <p>One charge of failing to keep full and accurate records of trust receipts and payments contrary to s.49(6)(a) <i>Settlements Agents Act 1981</i>;</p> <p>One charge of failing to enter in the accounts particulars of trust receipts and payments contrary to s.49(6)(b) <i>Settlements Agents Act 1981</i>;</p> <p>One charge of failing to keep accounts in such a manner that they could be conveniently and properly audited contrary to s.49(6)(c) <i>Settlements Agents Act 1981</i>;</p> <p>Three charges of failing to produce to auditor all accounts in her possession relating to trust monies received by her contrary to s.58(1) <i>Settlements Agents Act 1981</i>; and</p> <p>One charge of failing to furnish the auditor with all such particulars as he reasonably requires for the purposes of an audit contrary to s.58(1) <i>Settlements Agents Act 1981</i>.</p>	<p>Convicted all charges.</p> <p>Fined \$8,000</p>	\$823
Commissioner v Peter John Dawson	<p>Prosecution for:</p> <p>One charge of failing to hold a current certificate of registration and carrying out the functions of a business sales representative s.45(1) <i>Real Estate and Business Agents Act 1978</i>.</p>	<p>Convicted.</p> <p>Fined \$2,000</p>	\$3,000
Commissioner v Raheem Al-Mouswy	<p>Prosecution for:</p> <p>One charge of unlicensed dealing contrary to s.30(1) <i>Motor Vehicle Dealers Act 1973</i>.</p>	<p>Convicted.</p> <p>Fined \$1,500</p>	\$752

Name/ defendant/ parties	Nature	Outcome	Costs
Commissioner v Raymond John Goodall	Prosecution for: Two charges of making false or misleading representation that services had approval contrary to s.151(1)(h) of the <i>Australian Consumer Law</i> (WA); and One charge of operating without a licence and misleading customers about his licence status contrary to s.9 <i>Motor Vehicles Repairers Act 2003</i> .	Convicted all charges. Fined \$5,500	\$2,000
Commissioner v Salvatore Messina	Property seizure and sale order under <i>Civil Judgments Enforcement Act 2004</i> .	Order satisfied.	
Commissioner v Sean Robert Weinthal, and Tracey Gordon	Prosecution of both defendants for: Two charges of undue harassment or coercion in connection with the supply of services contrary to s.168 <i>Australian Consumer Law</i> (WA).	Sean Robert Weinthal convicted on one charge. Fined \$750 Tracey Gordon convicted on one charge. Fined \$750 Second charge for both Defendants dismissed.	\$1,742.40 \$1,742.40

Name/ defendant/ parties	Nature	Outcome	Costs
Commissioner v Solar Harness Nominees Pty Ltd	<p>Prosecution for:</p> <p>One charge of failing to provide information concerning consumers' rights to terminate an unsolicited consumer agreement contrary to s.173(1)(a)(i) <i>Australian Consumer Law</i> (WA);</p> <p>One charge of failing to provide information as to the way to exercise the right to termination can be exercised contrary to s.173(1)(a)(ii) <i>Australian Consumer Law</i> (WA);</p> <p>One charge of making an unsolicited consumer agreement without including a front page notice conspicuously and prominently informing of consumers' rights to terminate the agreement contrary to s.175(1)(b)(i) <i>Australian Consumer Law</i> (WA);</p> <p>One charge of making an unsolicited consumer agreement without including a front page notice conspicuously and prominently setting out prescribed information contrary to s.175(1)(b)(ii) <i>Australian Consumer Law</i> (WA); and</p> <p>One charge of making an unsolicited consumer agreement without a notice that may be used to terminate an agreement contrary to s.175(1) <i>Australian Consumer Law</i> (WA).</p>	<p>Convicted all charges.</p> <p>Fined \$15,000</p>	\$1,320
Commissioner v Terrence Fletcher	<p>Prosecution for:</p> <p>One charge of unlicensed dealing contrary to s.30(1) <i>Motor Vehicle Dealers Act 1973</i>.</p>	<p>Convicted.</p> <p>Fined \$5,500</p>	\$1,109

Name/ defendant/ parties	Nature	Outcome	Costs
Commissioner v Travis Robert Turnbull	<p>Prosecution for:</p> <p>Carried on business under a business name (TRT Automotive Refinishers) that was not exempted under s.5(1)(a) and not registered contrary to s.5(1) <i>Business Names Act 1962</i>; and</p> <p>One charge of carrying on a business which included carrying out repair work contrary to s.9(1) <i>Motor Vehicles Repairers Act 2003</i>.</p>	<p>Convicted all charges.</p> <p>Fined \$5,000</p>	\$466
Commissioner v Zabiullah Sadat	<p>Prosecution for:</p> <p>One charge of failing to keep or cause to be kept a register in the prescribed form at any authorised premises contrary to s.25(1) <i>Motor Vehicle Dealers Act 1973</i>;</p> <p>One charge of failing to record or cause to be recorded prescribed particulars transactions contrary to s.25(1) <i>Motor Vehicle Dealers Act 1973</i>;</p> <p>One charge of accepting a vehicle under a consignment agreement and failing to provide an agreement in writing signed by the consignee and consignor contrary to s.32B(1)(a) <i>Motor Vehicle Dealers Act 1973</i>;</p> <p>One charge of accepting a vehicle under a consignment agreement and failing to provide an agreement containing the prescribed particulars, terms and conditions contrary to s.32B(1) <i>Motor Vehicle Dealers Act 1973</i>;</p> <p>One charge of accepting a vehicle for sale under a consignment agreement without an account designated as a trust account contrary to s.32C <i>Motor Vehicle Dealers Act 1973</i>;</p>	<p>Convicted all charges.</p> <p>Fined \$8,000</p>	\$1,731.95

Name/ defendant/ parties	Nature	Outcome	Costs
Commissioner v Zabiullah Sadat (cont.)	<p>One charge of selling and failing to cause not less than two copies of the notice attached to the vehicle to be made out and signed by him, or a yard manager or salesperson acting on his behalf contrary to s.33(7)(a) <i>Motor Vehicle Dealers Act 1973</i>;</p> <p>One charge of selling and failing to cause not less than two copies of the notice made out to be signed by the purchaser contrary to s.33(7)(a) <i>Motor Vehicle Dealers Act 1973</i>;</p> <p>One charge of selling a vehicle without an agreement in writing signed by the dealer or his agent, and the purchaser contrary to s.42A(5) <i>Motor Vehicle Dealers Act 1973</i>; and</p> <p>One charge of selling a vehicle, without an agreement containing the prescribed particulars, terms and conditions contrary to s.42A(5) <i>Motor Vehicle Dealers Act 1973</i>.</p>		
Stefan Richard Reksmiss v Fay Marie Armstrong	<p>Prosecution for:</p> <p>Seventeen charges of animal cruelty contrary to s.19(1) <i>Animal Welfare Act 2002</i>.</p>	<p>Convicted all charges.</p> <p>Permanently banned from having control of more than one dog at any time.</p> <p>Fined \$34,000</p>	\$9,505.85

Enforceable undertakings

Table 51: Enforceable undertakings issued by the Commissioner for Consumer Protection pursuant to section 218 of the *Australian Consumer Law* (WA) in 2012-13.

Name of Party	Date Accepted
Joel McLeod	12 September 2012
Matthew Jarvis	13 May 2013
[Name Withheld]	24 June 2013
United Fencing WA Pty Ltd and James Lee Battah	28 March 2013



Substantiation Notices

Table 52: Substantiation Notices are issued by the Commissioner for Consumer Protection pursuant to section 219 of the *Australian Consumer Law (WA)*.

Name of Party	Date Issued	Date Answered
[Name Withheld]	19 July 2012	8 August 2012
[Name Withheld]	4 December 2012	8 February 2013
[Name Withheld]	4 December 2012	1 February 2013
[Name Withheld]	4 December 2012	19 December 2012
[Name Withheld]	4 December 2012	8 December 2012
[Name Withheld]	4 December 2012	20 December 2012
[Name Withheld]	4 December 2012	19 December 2012
[Name Withheld]	21 December 2012	9 January 2013
[Name Withheld]	16 January 2013	22 February 2013
[Name Withheld]	14 March 2013	17 June 2013
[Name Withheld]	21 May 2013	12 June 2013 (in part)
[Name Withheld]	24 June 2013	-

Safety and Employment Protection and Construction Standards

Building Commission Division

Prosecutions – Magistrates Court

Table 53 provides the prosecution action finalised in 2012-13 on behalf of the Plumbers' Licensing Board (the Board) by the Building Commission Division and the State Solicitor's Office.

Table 53: Prosecution outcomes for the Plumbers' Licensing Board in the Magistrates' Court in 2012-13

Name/defendant/parties	Legislation	Offence	Fine	Costs
Water Services Licensing (Plumbers' Licensing and Plumbing Standards) Regulations 2000				
Gary Hill	<i>Water Services Licensing Act 1995 s9(1)</i>	Unlicensed plumbing	\$750	\$213.50
Rohan O'Neill	<i>Water Services Licensing Act 1995 s9(1)</i>	Unlicensed plumbing	\$1000	N/A

EnergySafety Division

Prosecution outcomes for the EnergySafety Division in 2012-13

EnergySafety Division investigations

Electricity-related serious accidents and fatalities

The number of electricity-related serious accidents and fatalities reported to the EnergySafety Division during 2012-13 is provided in Table 54.

Table 54: Number of reported electricity-related serious accidents and fatalities

Reports	Number
Electric shocks	1564
Serious electrical accidents (1)	11*
Fatalities (included in serious electrical accidents)	2*

Note:

Electrical shock incidents resulting in the person requiring assessment and/or treatment at a medical facility.

*The data provided in Table 54 relates to accidents based on date of accident. This data may not include all accidents due to time delay in reporting such accidents.

Table 55: Serious electricity-related accidents notified per million population (not including wilful incidents)

Year	Number per million (1)	Five Year Average
2008-09	9	13
2009-10	6	10
2010-11	5	8
2011-12	3	7
2012-13	5	6

Note:

(1) 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 5.16 accidents per one million population. This represents a slight increase over the previous reporting periods. There were two electrical shock fatalities in the 2012-13 financial year.

Details are as follows:

A portable generator was being used to charge a car battery. The victim mistakenly plugged in the 12 volt DC charging cord into the generator's 240 ac volt socket outlet and received a fatal electric shock.

A tradesman's assistant was working in a roof space assisting an electrician by pulling cables through a conduit into the roof space. The cables were live as they had not been isolated. The tradesman's assistant received a fatal electric shock when he made contact with the cable.

Gas-related incidents and fatalities

The number of gas-related serious accidents and fatalities reported to the EnergySafety Division during 2012-13 is provided in Table 56.

Table 56: Number of reported gas-related serious accidents and fatalities

Reports	Number
Incidents	82
Accidents (persons injured)	22
Fatalities	1

Table 57: Gas-related accidents notified per million population (not including wilful incidents)

Year	Number per million (1)	Five Year Average
2008-09	5	8
2009-10	7	7
2010-11	6	7
2011-12	6	6
2012-13	9	7

Note:

(1) 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 9.14 accidents per one million population which has increased over the previous reporting period. There was one fatality reported in the 2012-13 financial year.

Details of the fatality are as follows:

LPG was leaking from a mechanical bolted sleeved coupling on a gas main in the verge, near the residence at 282 Middleton Road, Centennial Park, Albany and permeated into the lower ground floor bedroom of this residence. The presence of an LPG as vapour cloud in the bedroom was ignited by an electrical source. The explosion and fire that followed proved fatal to a resident.

Infringement Notices

The EnergySafety 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 78 (7 Electricity and 71 Gas) Infringement Notices issued by the EnergySafety Division between the period 1 July 2012 and 30 June 2013.

Table 58: Prosecution outcomes for the Energy Safety Division in 2012-13

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<i>Electricity (Licensing) Regulations 1991</i>				
2G'S SMI PTY LTD T/As Sun Wise Electrics (SWE) (Bunbury)	Regulation 52(3)	Submitting a Notice of Completion to the network operator when the electrical work was defective and therefore incomplete.	\$10,000	\$866
Grant John & Rebecca Simone Adamson T/As Adamson Electrical Services (Malaga)	Regulation 52(3)	Submitting a Notice of Completion to the network operator when the electrical work was defective and therefore incomplete.	\$2,500	\$653
Joel Albrey (Bunbury)	Regulation 49(1)	Carried out unsafe and substandard electrical work.	\$2,000	\$575
Bradley Ashworth (Queens Park)	Regulation 49(1)	Carried out unsafe and substandard electrical work.	\$5,000	\$650
Peter Bagley (Boulder)	Regulation 50(1)	Did not effectively supervise an electrical apprentice.	\$5,000	\$575
Johannes Botha (Duncraig)	Regulation 33(1)	Carrying on business as an electrical contractor while not authorised by an electrical contractor's licence.	\$5,000	\$654
	Regulation 49(1) (3 breaches)	Carried out unsafe and substandard electrical work.		
Warwick Broad (Darch)	Regulation 49(1)	Carried out unsafe and substandard electrical work.	\$5,000	\$651
Darren Burvill (Milpara)	Regulation 49(1)	Carried out unsafe and substandard electrical work.	\$3,500	
Carlowen Pty Ltd T/As GBF Underground Mining Company (Subiaco)	Regulation 53(3)	Employing, engaging and instructing an electrical apprentice to carry out electrical work while not authorised by an electrician's training licence.	\$2,500	\$575
Anthony Luckham Carr (Mount Barker)	Regulation 19(1)	Carrying out electrical installing work while not authorised by licence or permit.	\$11,000	
	Regulation 33(1)	Carrying on business as an electrical contractor while not authorised by an electrical contractor's licence.		
	Regulation 49(1)	Carried out unsafe and substandard electrical work.		
Allan Casey (Busselton)	Regulation 49(1)	Carried out unsafe and substandard electrical work.	\$5,000	\$575
Allan William Casey T/As C.A.C Electrics (Busselton)	Regulation 52(3)	Submitting a Notice of Completion to the network operator when the electrical work was defective and therefore incomplete.		

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<i>Electricity (Licensing) Regulations 1991 (cont.)</i>				
D & L Hueppauff Pty Ltd (Bunbury)	Regulation 52(3)	Submitting a Notice of Completion to the network operator when the electrical work was defective and therefore incomplete.	\$2,000	\$654
Billy-Jo Day (Australind)	Regulation 49(1)	Carried out unsafe and substandard electrical work.	\$5,000	\$575
Jayson Doran (Gidgegannup)	Regulation 49(1)	Carried out unsafe and substandard electrical work.	\$500	\$345
Doran Consolidated Pty Ltd (Gidgegannup)	Regulation 52C(1)(b)(i)	Submitted a Notice of Completion to the network operator when the completed electrical installing work had not been adequately checked and tested to ensure it was safe.	\$1,000	\$345
Gemini Pty Ltd Gemini Electrical Contracting (Bulgarra)	Regulation 52(3) (4 breaches)	Submitting a Notice of Completion to the network operator when the electrical work was defective and therefore incomplete.	\$18,000	\$656
Robert Gilchrist (Usher)	Regulation 49(1)	Carried out unsafe and substandard electrical work.	\$2,000	\$6,378
Heru Holdings Pty Ltd T/As Fujiaire Airconditioning (Cockburn Central)	Regulation 52(3)	Submitting a Notice of Completion to the network operator when the electrical work was defective and therefore incomplete.	\$15,000	\$575
Andrew Hill (Milpara)	Regulation 49(1)	Carried out unsafe and substandard electrical work.	\$9,500	\$764
Daryl Hueppauff (Bunbury)	Regulation 49(1)	Carried out unsafe and substandard electrical work.	\$8,000	\$654
Jabiru Industries Pty Ltd Electaire Products (Milpara)	Regulation 52(3)	Submitting a Notice of Completion to the network operator when the electrical work was defective and therefore incomplete.	\$38,000	\$654
Jandco Electrics (WA) Pty Ltd T/As Jandco Electrics (Bunbury)	Regulation 52(3)	Submitting a Notice of Completion to the network operator when the electrical work was defective and therefore incomplete.	\$2,000	\$151
David Kember (North Perth)	Regulation 49(1)	Carried out unsafe and substandard electrical work.	\$5,000	\$654
Kembro Pty Ltd T/As Kemmech (Morley)	Regulation 52(3)	Submitting a Notice of Completion to the network operator when the electrical work was defective and therefore incomplete.	\$2,500	\$654
Ryan Lee (Jandakot)	Regulation 49(1)	Carried out unsafe and substandard electrical work.	\$5,000	\$650
Brian Lynch (Kununurra)	Regulation 49(1)	Carried out unsafe and substandard electrical work.	\$10,000	\$575

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<i>Electricity (Licensing) Regulations 1991 (cont.)</i>				
Paul Murphy (Kalamunda)	Regulation 19(1)	Carrying out electrical installing work while not authorised by licence or permit.	\$1,500	\$654
Leigh Newett (Karratha)	Regulation 49(1) (4 Breaches)	Carried out unsafe and substandard electrical work.	\$8,000	\$656
Kevin O'Reilly (Kalamunda)	Regulation 53(2) Regulation 63(2)	Employing, engaging or instructing a person to carry out electrical work while he was not authorised by a licence or a permit. Not reporting an electrical accident involving a person or persons to the network operator immediately.	\$25,000	\$653
Steven Petkovic (Sorrento)	Regulation 49(1)	Carried out unsafe and substandard electrical work.	\$3,000	\$575
Vernon Ivan Postmus T/As V J Electrical (Warnbro)	Regulation 52(3)	Submitting a Notice of Completion to the network operator when the electrical work was defective and therefore incomplete.	\$1,000	\$654
Precision Cabling Systems Pty Ltd (Malaga)	Regulation 52C(1)(b)(i)	Submitted a Notice of Completion to the network operator when the completed electrical installing work had not been adequately checked and tested to ensure it was safe.	\$5,000	\$575
Robert Pugh (Warnbro)	Regulation 49(1)	Carried out unsafe and substandard electrical work.	\$10,000	\$571
Steven Sliskovic (Jolimont)	Regulation 49(1)	Carried out unsafe and substandard electrical work.	\$5,000	\$575
Spent Conviction	Regulation 50A	Causing or permitting wiring that was in an unsafe condition to be connected to the electricity supply.	\$1,000	\$2,671
Spent Conviction	Regulation 52(3)	Submitting a Notice of Completion to the network operator when the electrical work was defective and therefore incomplete.	\$2,500	\$653
Spent Conviction	Regulation 52(3)	Submitting a Notice of Completion to the network operator when the electrical work was defective and therefore incomplete.	\$5,000	\$1,265
Spent Conviction	Regulation 52C(1)(b)(i)	Submitting a Notice of Completion to the network operator when the completed electrical installing work had not been checked and tested to ensure it was safe.		

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<i>Electricity (Licensing) Regulations 1991 (cont.)</i>				
Robert & Kathrine Taylor T/As Warren Electrical Service (Manjimup)	Regulation 52(3)	Submitting a Notice of Completion to the network operator when the electrical work was defective and therefore incomplete.	\$5,000	\$575
Darcy Telfer (Meadow Spring)	Regulation 49(1)	Carried out unsafe and substandard electrical work.	\$8,000	\$656
Craig Walker T/As Zaps Electrical (Greenfields)	Regulation 52C(1)(b)(i)	Submitting a Notice of Completion to the network operator when the completed electrical installing work had not been checked and tested to ensure it was safe.	\$5,000	\$2,650
<i>Electricity Act 1945</i>				
Electricity Networks Corporation T/As Western Power (Perth)	Section 25(1)(a)	Failed to maintain all service apparatus in a safe and fit condition for supplying electricity.	\$25,000	\$690
Electricity Networks Corporation T/As Western Power (Perth)	Section 25(1)(a)	Failed to maintain all service apparatus in a safe and fit condition for supplying electricity.	\$45,000	\$570
Electricity Networks Corporation T/As Western Power (Perth)	Section 25(1)(a)	Failed to maintain all service apparatus in a safe and fit condition for supplying electricity.	\$50,000	\$1,923
<i>Electricity (Supply Standards and System Safety) Regulations 2001</i>				
Electricity Networks Corporation T/As Western Power (Perth)	Regulation 10(1)(a)	Failed to ensure that prescribed activity was, so far as was reasonable and practicable, carried out in such a way as to provide for the safety of persons.	\$101,250	\$6,245
Electricity Networks Corporation T/As Western Power (Perth)	Regulation 10(1)(c)	Failed to avoid or minimise any damage to property, inconvenience or other detriment as a result of the activity.	\$12,500	\$3,425
<i>Gas Standards Act 1972</i>				
John Benjamin Durant	Sec 13A(2)	Engaging in unauthorised gasfitting work.	\$5,000	\$575
<i>Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999</i>				
Robert Cooper	Reg 18(2)(a)(i) Reg 30	Failing to ensure gas installation complies with prescribed requirements. Failing to rectify defects and give notice of rectification within required time.	\$5,000	\$575

Labour Relations Division

Table 59: Prosecution outcomes for the Labour Relations Division in 2012-13

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<i>Children and Community Services Act 2004</i>				
Kentucky Fried Chicken Pty Ltd	Section 190(1) CCS Act	16 x Unlawfully employ children under 15 years.	\$30,000	Nil
<i>Industrial Relations Act 1979</i>				
Robert Allen	Section 102 (1) IR Act	Obstruction.	Discontinued	

WorkSafe Division

The WorkSafe Western Australia Commissioner enforces the *Occupational Safety and Health Act 1984* (OSH Act) and the Occupational Safety and Health Regulations 1996 (the Regulations) by prosecuting persons who commit the offences under the OSH Act and Regulations. The WorkSafe Division coordinates and supports this function.

In 2012-13, prosecution notices were signed for 33 new prosecutions. There were 24 convictions recorded during the financial year (Note: A prosecution is counted as a conviction if at least one charge is successful).

Table 60: Prosecution outcomes for the WorkSafe Division in 2012-13

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<i>Occupational Safety and Health Act 1984</i>				
BROWN Terrence Ronald (See Terry's Crane Hire Pty Ltd)	55(1)	As a director of body corporate guilty of an offence where that offence occurred with the consent of the director, or was attributable to any neglect on the part of the director.	\$20,000	Costs imposed on Company
Diamond Powder Coaters WA Pty Ltd (ACN 128 579 368)	19(1) & 19A(2)	Failed to provide and maintain a working environment in which its employee was not exposed to hazards, and by that contravention caused the death of its employee.	\$85,000	\$3521.70
D'Orsogna Limited (ACN 063 427 752)	19(1) & 19A(2)	Failed to provide and maintain a working environment in which its employee was not exposed to hazards, and by that contravention caused serious harm.	\$10,000	\$1548.00

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<i>Occupational Safety and Health Act 1984 (cont.)</i>				
Harvest Freshcuts Pty Ltd (ACN 067 682 875)	19(1) & 19A(2)	Failed to provide and maintain a working environment in which its employees were not exposed to hazards, and by that contravention caused serious harm.	\$40,000	\$12,000.00
Industrial Progress Corporation Pty Ltd (ACN 008 775 442) t/a Roofmart WA	19(1) & 19A(2)	Failed to provide and maintain a working environment in which its employees were not exposed to hazards, and by that contravention caused serious harm.	\$45,000	\$3532.90
Massena Pty Ltd (ACN 071 456 203) t/a Star Freightlines	19(1) & 19A(3) 3A(2)(b)(i)	Failed to provide and maintain a working environment in which its employees were not exposed to hazards.	\$20,000	\$1591.00
MAXNetwork Pty Ltd (ACN 067 092 737)	19(1) & 19A(3)	Failed to provide and maintain a working environment in which its employees were not exposed to hazards.	\$50,000	\$4631.65
National Fleet Administrative Services Pty Ltd (ACN 085 912 670)	21(2)(b)(i) & 21A(2)	Failed to ensure the health and safety of a person not its employee was not adversely affected as a result of any hazard that arises from or increased by the work being undertaken by an employee and by that contravention caused serious harm.	\$60,000	\$7673.00
Personal Buying Service Pty Ltd (ACN 008 755 306)	19(1) & 19A(2)	Failed to provide and maintain a working environment in which its employees were not exposed to hazards and by that failure caused serious harm.	\$90,000	\$1706.00
Santelli Building Co Pty Ltd (ACN 009 435 125)	22(1) & 22A(3) 3A(2)(b)(i)	Failed to take measures to ensure that the workplace, was such that persons who were at the workplace were not exposed to hazards.	\$7500	\$7725.33
SHIELDS Gerald James	19(1) & 19A(3)	Failed to provide and maintain a working environment in which its employees were not exposed to hazards.	\$12,000	\$1393.30
STC Industries (WA) Pty Ltd (ACN 120 517 937)	23I(3), 23J(1) & 54	Failed to notify the WorkSafe Western Australia Commissioner of a prescribed injury that occurred at the Accused's workplace.	\$2500	\$352.00
Terry's Crane & Hire Pty Ltd (ACN 120 000 268) <i>(See BROWN Terrence Ronald)</i>	23D(2), 19(1) & 19(A)(2) 3A(3) (b)(i)	Failed to provide and maintain a working environment in which the contractor was not exposed to hazards, and by that failure caused serious harm to the contractor.	\$51,000	\$1604.10

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<i>Occupational Safety and Health Act 1984 (cont.)</i>				
Thiess Services Pty Ltd (ACN 010 725 247)	21(2)(b) & 21A(3) and 19(1) & 19A(3)	Charge 1 - Failed to ensure the safety or health of a person, not its employee, was not adversely affected as a result of any hazard that arose from or increased by work that was being undertaken by the accused or employee of the accused, or system of work that was being operated by the accused. Charge 2 - Failed to provide and maintain a working environment in which that employer's employees were not exposed to hazards.	\$65,000.00	\$7974.70
Tox Free (Kwinana) Pty Ltd (ACN 071 329 765)	19(1) & 19A(3) 23I(3), 23J(1), & 54	Charge 1 - Failed to provide and maintain a working environment in which its employees were not exposed to hazards. Charge 2- Failed to notify the WorkSafe Western Australia Commissioner of a prescribed injury that occurred at the Accused's workplace.	Charge 1 \$45,000.00 Charge 2 \$5000.00	\$2031.30
Westcoast Wools Pty Ltd (ACN 074 110 419)	19(1), 19A(3) & 23I(3), 23J(1) & 54	Charge 1 - Failed to provide and maintain a working environment in which its employees were not exposed to hazards. Charge 2 - Failed to notify the WorkSafe Western Australia Commissioner of a prescribed injury that occurred at the Accused's workplace.	Charge 1 \$15,000.00 Charge 2 \$2500.00	\$1343.80
<i>Occupational Safety and Health Regulations 1996</i>				
Brendan Keith Purchase t/a Brendan Keith Carpentry Service	3.55(2)	Failed to ensure that either edge protection or a fall injury prevention system was provided and kept in place.	\$4000.00	\$748.00

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<i>Occupational Safety and Health Regulations 1996 (cont.)</i>				
GRAHAM Donald Robert	5.45(2A)	Failed to ensure that asbestos work involving more than 10 m2 of non-friable asbestos-containing material was done by the holder of an unrestricted licence or a restricted licence or a person employed or otherwise engaged by the holder of an unrestricted licence or a restricted licence and was done in accordance with Part 9 of the Code of Practice for the Safe Removal of Asbestos 2nd edition.	\$2500.00	\$331.80
KEP Management Services Pty Ltd (ACN 074 110 393) t/a Phillips Engineering	6.2(3)	Charge 1 & 2 - Allowed another person to do high risk work (dogging work), when that person did not hold a high risk work licence for that class of work.	\$10,000.00	\$859.80
LONG Mathew David	3.55(2)	Failed to ensure that either edge protection or a fall injury prevention system was provided and kept in place.	\$2500.00	\$374.00
Maasprop Pty Ltd (ACN 105 353 580)	5.45(2A)	Failed to ensure that asbestos work involving more than 10 m2 of non-friable asbestos-containing material was done by the holder of an unrestricted licence or a restricted licence or a person employed or otherwise engaged by the holder of an unrestricted licence or a restricted licence.	\$3000.00	\$331.80
Rhino (WA) Pty Ltd (ACN 105 829 516)	3.55(2)	Failed to ensure that either edge protection or a fall injury prevention system was provided and kept in place.	\$4000.00	\$584.80
Taramore Pty Ltd (ACN 102 633 750) t/a Ontraq Haulage	3.131(1)(a), 3.132(2)(a) & 3.131(1)(b)	Charge 1-8 Failed to ensure that a commercial vehicle driver (who drives without a relief driver) drove that vehicle and took appropriate breaks. Charge 9 - Failed to ensure that a commercial vehicle driver was certified by a medical practitioner as fit to drive the vehicle.	\$9,000.00	\$11,000.00
Toowong Pastures Pty Ltd (ACN 127 356 567)	3.55(2)	Failed to ensure that either edge protection or a fall injury prevention system was provided and kept in place.	\$5000.00	\$859.70

Reviews of notices issued by WorkSafe Division inspectors

The WorkSafe Division coordinates and supports the WorkSafe Western Australia Commissioner's (the Commissioner) review of notices issued by WorkSafe Division inspectors under the *Occupational Safety and Health Act 1984* (OSH Act), and consideration of applications for exemptions under the Regulations.

WorkSafe Division 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 when the contravention must be stopped.

WorkSafe Division 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 2012-13, in accordance with section 51 of the OSH Act, 744 notices were reviewed by the Commissioner. Review outcomes are detailed in Tables 61 to 64.

Table 61: Review of improvement notices for the WorkSafe Division in 2012-13

Outcome	Number
Affirmed	19
Affirmed with time extended	633
Affirmed, modified and time extended	3
Affirmed with modification to wording	0
Notice cancelled by Commissioner	9
Review request withdrawn	6
Compliance effected on time and while under review	32
Received too late for review	36
Occupational Safety and Health Tribunal affirmed and time extended	0
Occupational Safety and Health Tribunal withdrawn by client	0
Total processed from 1 July 2012 to 30 June 2013	738

Table 62: Review of prohibition notices for the WorkSafe Division in 2012-13

Outcome	Number
Affirmed	3
Affirmed with modification to wording	0
Notice cancelled by Commissioner	0
Received too late for review	0
Request withdrawn by client	2
Occupational Safety and Health Tribunal withdrawn by client	1
Total processed from 1 July 2012 to 30 June 2013	6



Table 63: Review of improvement notices for the WorkSafe Division 2008-09 to 2012-13

Year	Improvement notices issued	Improvement notice reviews processed	Percentage (%)
2008-09	9,852	917	9.3
2009-10	10,648	970	9.1
2010-11	10,419	947	9.1
2011-12	8,216	636	7.7
2012-13	11,972	738	6.2

Table 64: Review of prohibition notices for the WorkSafe Division 2008-09 to 2012-13

Year	Prohibition notices issued	Prohibition notice reviews processed	Percentage (%)
2008-09	722	1	0.1
2009-10	705	10	1.4
2010-11	602	10	1.6
2011-12	399	3	0.7
2012-13	552	6	1.1

Exemption from Regulations

The Commissioner may exempt a person from compliance with the Regulations. During the year the Commissioner received 46 applications for an exemption and granted 30 exemptions. None of these decisions of the Commissioner were appealed.

Appendix 4: Functions of boards, commissions, committees, councils and tribunals

Consumer Protection committees

Table 65: Functions of the Consumer Protection committees in 2012-13

Name	Charitable Collections Advisory Committee
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 Advisory Committee
Legislation	<i>Fair Trading Act 2010 (Section 63I)</i>
Principal functions	To advise the Minister and the Commissioner for Consumer Protection on: <ul style="list-style-type: none"> (a) the activities and policies of the department as they affect consumers; (b) current and emerging consumer issues; (c) research and education projects relating to consumers; and (d) any matter referred to the Committee by the Minister or the Commissioner.

Name	Motor Vehicle Industry Advisory Committee
Legislation	<i>Fair Trading Act 2010 (Section 63E)</i>
Principal functions	To advise the Minister and the Commissioner for Consumer Protection on: <ul style="list-style-type: none"> (a) the regulation of the motor vehicle dealing and repair industry in Western Australia, including the licensing, certification and training of persons or businesses who or which engage in motor vehicle dealing and repair; (b) the provision by the Commissioner of education, information and advice to consumers and to the motor vehicle dealing and repair industry in Western Australia; and (c) any matter referred to the Committee by the Minister or the Commissioner.

Name	Property Industry Advisory Committee
Legislation	<i>Fair Trading Act 2010 (Section 63A)</i>
Principal functions	To provide advice to the Minister for Commerce and the Commissioner for Consumer Protection on the regulation of the land valuation, real estate and settlement industries in Western Australia and the provision of education, information and advice to consumers. The Committee also advises on the criteria required to receive grants from the Homebuyers Assistance Account and any other issues as requested by the Minister or Commissioner.
Name	Retail Shops Advisory Committee
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 enable shops to open outside of prescribed times or the selling of goods or services that are not prescribed.

Safety and Employment Protection and Construction Standards boards

The Safety and Employment Protection and Construction Standards 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 66: Functions of Safety and Employment Protection and Construction Standards regulatory boards in 2012-13

Name	Building Services Board		
Legislation	<i>Building Act 2011, Building Services (Complaint Resolution and Administration) Act 2011, Building Services (Registration) Act 2011</i>		
Principal functions	Registration of builders, painters and building surveyors in the Board's area of jurisdiction.		
Source of funding	Self funded (registration fees, building licence levies, complaint application fees)	Annual Report	No, reported in the department's annual report
Management of funds	No	Investigations	No
Employment of employees	The Board does not engage employees. Employees of the department support this Board.	Number of entities regulated	6462 Builders 2765 Painters 401 Building Surveyors

Name	Electrical Licensing Board		
Legislation	<i>Electricity (Licensing) Regulations 1991</i>		
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.	Number of entities regulated	48,003 electrical operatives

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	Monitor matters relating to the qualification and training of plumbers, advise the Minister on matters relating to the licensing and regulation of plumbers, administer the licensing scheme for plumbers and perform licensing, disciplinary and other functions.		
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	No	Investigations	No
Employment of employees	The Board does not engage employees. Employees of the department support this Board.	Number of entities regulated	3,147 licensed plumbing contractors; 3,788 tradespersons; and 99 restricted plumbing permit holders.

The Architects Board of Western Australia is an independent statutory board responsible for the regulation of architects in Western Australia under the *Architects Act 2004*. However, the Department of Commerce provides policy advice to the Minister for Commerce to assist in the administration of this Act. A statutory review of the Architects Act is scheduled to occur in 2013-14. More information about the operation of the Architects Board can be obtained from: www.architectsboard.org.au

Safety and Employment Protection and Construction Standards commissions and committees

Table 67: Functions of the Safety and Employment Protection and Construction Standards commission and committees in 2012-13

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, gasfitting permits and authorisations. To make recommendations on retraining and other restrictions and warnings.
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

Principal functions (cont.)	<ul style="list-style-type: none"> 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; Risk Advisory Committee; Legislation Advisory Committee; Working Hours Review Working Party; Asbestos Management Review Working Party; and Work Safety Awards 2012 judging panel. <p>Further information is provided in the Commission's annual report.</p>		
Source of funding	Department of Commerce, WorkSafe Division budget	Annual Report	Yes
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 support the Commission.	Number of entities regulated	All Western Australian workplaces except those regulated under the <i>Mines Safety and Inspection Act 1994</i> or Commonwealth legislation.

Industry, Science and Innovation committees and councils

Table 68: Functions of the Industry, Science and Innovation committees and councils in 2012-13

Name	Australian Marine Complex Overarching Committee
Principal functions	Assist in coordinating inter-agency management.
Name	Pilbara Fabrication and Services Common Use Facility (PFSCUF) Steering Committee
Principal functions	<ul style="list-style-type: none"> • Provide coordination and strategic advice in relation to the PFSCUF. • Provide a conduit through which key government agencies can assist and consult regarding the PFSCUF. • Review recommendations in relation to PFSCUF based on feasibility studies. • Facilitate and support opportunities for the development of the PFSCUF concept. • Identify and communicate opportunities and benefits created by the proposed project and, where necessary, advise the Government of possible issues which may generate adverse reactions.
Name	Western Australian Technology and Industry Advisory Council
Principal functions	<p>The Council, under Section 21 of the <i>Industry and Technology Development Act 1998</i>, is required to:</p> <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

Principal functions (cont.)	<ul style="list-style-type: none"> • 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"> (a) role of industry, science and technology in the policies of government; (b) social and economic impact of industrial and technological change; (c) employment and training needs and opportunities relating to industrial, scientific and technological activities in the State; (d) adequacy of, priorities among and co-ordination of, scientific, industrial and technological activities in the State; (e) methods of stimulating desirable industrial and technological advances in the State; (f) application of industrial, scientific and technological advances to the services of the Government; and (g) promotion of public awareness and understanding of development in industry, science and technology.
Other	Under section 26(1) of the <i>Industry and Technology Development Act 1998</i> , the Council must, in each year, prepare and give to the Minister a report on its operations and proceedings for the previous financial year.

Appendix 5: Annual Report feedback

The Department of Commerce welcomes your feedback on the 2012-13 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?

Very effective Effective Average 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 2012-13 Annual Report?

- Background information on the Department of Commerce
- Information on the Department of Commerce's performance in 2012-13
- 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 website at
www.commerce.wa.gov.au