



Significant issues impacting the agency

This section provides information on current and emerging significant issues and trends impacting the department's operations.

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Consumer Protection

Housing and tenancy

Housing matters, particularly for older citizens, will remain a focus for the Consumer Protection Division. Important amendments to the [Retirement Villages Act 1992](#), arising from a statutory review, were passed by Parliament in November 2012. These amendments and the [associated regulations](#), commenced in April 2014. A revised Code of Conduct for retirement villages will be introduced in 2014–15 and will complete the first stage of reforms. Work will commence on a second Bill to complete the reforms during 2014–15. A statutory review of [residential parks regulations](#) began in 2013–14 and will be completed during 2014–15, with policy options developed for government consideration. The Consumer Protection Division will begin consulting on the rights and obligations for boarders and lodgers in early 2015.



Licensing

With the government focused on red tape reduction, considerable work is being undertaken to make the regulation of occupational licences in Western Australia more efficient. A national decision was made to deregulate travel agents and work is occurring to repeal Western Australian legislation in line with the national transition plan.

At the state level, the regulation of motor vehicle dealers and repairers is under review, fee deregulation is proposed for land valuers and settlement agents, and property industry codes of conduct are being updated. With the termination of the Council of Australian Governments' proposed National Occupational Licensing Scheme, the Consumer Protection Division will also participate in national initiatives to improve labour mobility in certain licensed occupations.



(L-R) Anne Driscoll, Det Snr Sgt Dom Blackshaw, Mr Ibrahim Lamorde (Commissioner Nigerian Police), Mr Ayo Olowonih (Commandant - Nigerian Economic and Financial Crimes Commission Academy).

Consumer fraud

The Consumer Protection Division continues to collaborate with the Western Australian Police Major Fraud Squad through Project Sunbird to monitor and disrupt sophisticated and systematic international fraud targeting Western Australians. Project Sunbird has found approximately \$600,000 is lost each month by Western Australian victims transferring funds to a discreet number of foreign countries. The sophistication, diversity and reach of consumer fraud has required new and innovative responses, with a focus on data analysis, effective use of social and traditional media and establishing links with international law enforcement agencies. The division is working with other Commonwealth, state and territory agencies to develop a response to this growing issue.

Project **SUNBIRD**
fighting consumer fraud

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Safety and Employment Protection and Construction Standards

Home indemnity insurance

Private insurers ceased underwriting home indemnity insurance in Western Australia from 1 November 2013. The state entered into an interim agreement late October 2013, with the two remaining insurers Calliden and QBE, to 100 per cent reinsure policies issued after 1 November 2013, while a more suitable scheme is developed and implemented. The Building Commission Division has worked closely with the Department of Treasury and the Insurance Commission of Western Australia to examine options for a public sector scheme, and after considerable evaluation recommended to Cabinet that the current contracts with Calliden and QBE be extended for a period of 24 months whilst the parameters of home indemnity insurance are reviewed to attract renewed private insurer interest in the medium to long term.

Review of plumbing regulation

In 2013 the department commissioned a review of the plumbing regulation framework put in place in 1995. The review has formed the basis for modernisation of plumbing regulation in Western Australia and better alignment with the processes used to regulate building, electrical and gasfitting work. Work is underway to draft a new Plumbing Act that will support the [National Construction Code](#) and provide levy funding for the keeping of plumbing records, audit, complaints and enforcement.

The implementation of Western Australia's new building laws was the first step towards moving our state towards an integrated, risk-based system of building regulation. The Building Commission Division continues to work on improving legislation including a review of plumbing regulations. These changes are aimed at freeing the building and plumbing industries from unnecessary red tape and providing better protection to Western Australian consumers. – A/Executive Director, Sandy Randall

Risk-based building regulation

New building legislation enacted in 2011 provided a comprehensive set of controls to manage risk to the community and consumers relating to buildings and the building process. To smooth the transition to the new framework, controls that were in place under previous legislation were applied on implementation in 2011–12. The Building Commission Division has been working steadily with industry and other stakeholders to assess risk and target modern controls in an orderly way to minimise red tape, ensure regulation is proportionate to risk and to encourage productivity and innovation. This approach is being applied to recommendations

from the Regulatory Gatekeeping Unit of the Department of Finance, on its review of planning and building approval processes, the approval of owner-builders and the registration of technical fire and bushfire specialists.



Albany incident and coronial inquest

On 20 July 2012 a gas explosion at 282 Middleton Road, Albany, led to a structural collapse of the residential property that caused a fatality. In addition, one occupant received severe burns from the associated fire and three other occupants escaped with minor injuries.

EnergySafety Division investigators determined that a repair to a small gas leak on the verge near a property in February 2012 caused ground settlement and a larger leak on a nearby fitting. The released gas ultimately infiltrated the

under-floor area of the property. When gas had sufficiently built up, it ignited in the front room causing the explosion.

The Coroner made his findings on 22 November 2013 and made three recommendations:

Recommendation 1: To audit all ATCO Gas Australia prescribed activities relating to components used in the Albany network.

Response: The EnergySafety Division is reviewing those components that are not covered in the Australian Standards and has extended the Coroner's recommended scope to fit-for-purpose testing and evaluations of custom-made, non-standardised components. This work is in progress and will continue for several months.

Recommendation 2: To review current regulations in relation to odorants, interpretations of effectiveness when the odourised gas travels through soil, and the effects this has on the odourant.

Response: The [Gas Standards \(Gas Supply and System Safety\) Regulations 2000](#) have been reviewed and it was determined that they reflect what is physically possible and do not require any changes.

Recommendation 3: To make sure that Albany residents are made aware that certain types of building construction are more susceptible to the ingress of liquified petroleum gas (LPG) than others, including risk mitigation strategies and reference to alarms.

Response: Approximately 12,000 LPG safety awareness fact sheets were mailed to Albany residents living within 100 metres of ATCO's infrastructure. Two display panels illustrating the different types of gas alarms available have also been set up at the City of Albany and the department's Albany offices.

Overhead power lines and private wood poles

The EnergySafety Division continues to closely monitor Western Power's mitigation strategies to ensure that all reasonable measures are employed to avoid incidents related to overhead power lines.

Bushfires in Parkerville in January 2014 and Chidlow in December 2012 were ignited by fallen private power poles that were old and poorly maintained. The EnergySafety Division is working with network operators and the public to improve the safety of these private power poles and has drafted an options paper, in conjunction with the Public Utilities Office, with a recommended course of government action accepted by the Ministers for Commerce and Energy. Their joint submission to Cabinet was expected during September 2014.



Energy Safety Act

The [Energy Safety Act 2006](#) is being rewritten to remove inconsistencies between various Acts and the suite of legislation associated with the [Electricity Industry Act 2004](#). The reforms will provide for:

- the appropriate sharing of information with other Western Australian investigation agencies and energy-related safety agencies in Australia and New Zealand;
- the rationalisation of statutory responsibilities for the control of vegetation near power lines;
- expiry dates for certificates of competency for gas fitting;
- removal of duplication and overlap between existing legislative provisions;
- updating the systems for approval of electrical equipment as part of a new national scheme; and
- merging the [Electricity Act 1945](#), [Gas Standards Act 1972](#), parts of the [Energy Coordination Act 1994](#) and the [Energy Safety Act 2006](#) into a consolidated and simpler Act.

Faulty electrical cables and direct current isolating switches

The Energy Safety Division is working with the Consumer Protection Division to replace potentially faulty “Infinity” brand electrical cables and direct current isolating switches used on solar installations. More information on this initiative is in the [Agency Performance \(Report on Performance/Operational Highlights\)](#) section of this report.

Electricity (Network Safety) Regulations 2014

The proposed Electricity (Network Safety) Regulations 2014 are being written to replace the existing [Electricity \(Supply Standards and System Safety\) Regulations 2001](#). The rewrite will delete all references to metering as this is not a safety matter. Regulations about ‘safety cases’ will also be deleted. The new regulations will require network operators to develop and implement a safety management system that complies with *Australian Standard AS 5577 – 2013 Electricity network safety management systems* (standard). All Australian governments have agreed to reference this standard in legislation that deals with the safe design, construction, maintenance, operation and decommissioning of electricity networks under their jurisdiction. It is anticipated the new regulations will be available later in 2014.

Labour Relations Legislation Amendment and Repeal Bill 2012

The draft Labour Relations Legislation Amendment and Repeal Bill 2012 was tabled in Parliament in November 2012 as a Green Bill for public consultation. The department has provided advice to the government on stakeholder feedback, as well as possible amendments to the Green Bill. The government has determined changes to the proposed legislation, which the department will progress in conjunction with Parliamentary Counsel, with a view to introducing it to the Western Australian Parliament in 2015. The department will also be responsible for implementing any new legislation including developing necessary regulations and education material, assisting with the award modernisation process and providing additional compliance and educative services to private sector employees and employers.

Public sector reform

The Labour Relations Division monitors, coordinates and manages labour relations risks arising from the continued implementation of reform measures across the public sector including the effects of the [Workforce Reform Act 2014](#), application of the [Public Sector Wages Policy Statement 2014](#), and agency reforms.

Industry and Technology

International competition

The high Australian dollar, rapidly expanding global technologies, modularisation and floating liquefied natural gas continue to impact on local industry participation.

In response, the department will continue to implement the Western Australian Government Local Industry Participation Framework. Its focus will be on new initiatives to further build the international competitiveness of local suppliers, and to provide early alerts of contract opportunities and challenges.

Operation phase of resource projects

There has been substantial investment in, and construction of, new capacity in the resources sector, including onshore minerals and offshore oil and gas. Many of the projects are now transitioning from construction to operational phase and this presents long-term opportunities for local companies.

Growing industries and communities in the north

In the north of Western Australia the growth of the resources sector, increased defence presence, and expanding community sizes, continues to result in increased demand for construction and logistics. Specialised infrastructure needs to be developed to support the expansion and to help local companies remain competitive. The business case for the Pilbara Fabrication and Services Common User

Facility - identifying a solution to specialised industrial infrastructure needs - has been completed and is under consideration.

Regional mobile communications infrastructure

For business efficiency and improved community safety, adequate access to modern communications infrastructure in regional areas is essential. During 2013–14, a total of 30 Regional Mobile Communications Project (RMCP) towers were finalised, providing regional Western Australia with a running tally of 101 RMCP towers. Once completed, 113 towers across the state will increase mobile coverage in regional Western Australia by 22 per cent and boost access to next generation broadband services. The \$39.2million State Government investment has leveraged substantial private sector investment in the infrastructure.

Improved mobile telecommunications coverage assists emergency services, regional businesses, agri-business operations, tourism, the logistics industry and local communities.

Government radio re-planning including emergency services

Based on a 2009 Council of Australian Governments agreement, the Australian Communications and Media Authority is re-planning the government 400MHz spectrum. The Industry and Innovation Division is assisting more than 70 State Government agencies

including emergency services, to comply with this agreement by identifying their spectrum needs and gaining the best economic outcomes for Western Australia.

Program rationalisation

Following the transfer of the science function to the Department of the Premier and Cabinet, the programs Industry and Technology Service will continue to support include Local Participation, Marine and Defence, Innovation, including the state's technology precincts, and the Digital Economy.

