



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

# **Final Report**

➤ **2016–2017**

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## Statement of legislative compliance

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**Hon. William (Bill) Joseph Johnston MLA**  
Minister for Mines and Petroleum;  
Commerce and Industrial  
Relations; Electoral Affairs;  
Asian Engagement.



**Hon. Paul Papalia, CSC, MLA**  
Minister for Tourism; Racing  
and Gaming; Small Business;  
Defence Issues; Citizenship and  
Multicultural Interests

In accordance with section 63 of the *Financial Management Act 2006*, I hereby submit for your information and presentation to Parliament, the Final Report of the Department of Commerce for the year ended 30 June 2017. The Final Report has been prepared in accordance with the provisions of the *Financial Management Act 2006*.

This report also fulfils my obligations pursuant to section 73(3) of the *Building Services (Registration) Act 2011*, section 26 of the *Consumer Affairs Act 1971*, section 60 of the *Credit (Administration) Act 1984*, section 12A of the *Debt Collectors Licensing Act 1964*, section 33 of the *Electricity Act 1945*, section 10A of the *Employment Agents Act 1976*, section 13CA of the *Gas Standards Act 1972*, section 19 of the *Industry and Technology Development Act 1998*, section 31 of the *Land Valuers Licensing Act 1978*, section 51 of the *Motor Vehicle Dealers Act 1973*, section 59H(2) of the *Plumbers Licensing Act 1995*, section 135(2) of the *Real Estate and Business Agents Act 1978*, section 12(1) of the *Retirement Villages Act 1992*, section 112(2) of the *Settlement Agents Act 1981* and section 58 of the *Travel Agents Act 1985*.

This report is submitted and signed by the Reporting Officer, Mr Lex McCulloch, as appointed by the Treasurer under Section 68(1) of the *Financial Management Act 2006*.

A handwritten signature in black ink, appearing to read 'Lex McCulloch'.

**Lex McCulloch**  
Reporting Officer  
28 September 2017

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## Guide to sections

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1

### Overview

Provides a review of the year, highlighting the Department of Commerce's broad strategic directions and priorities, key issues and achievements. The Overview section also details the department's role and the services it provides, its organisational structure, Ministerial arrangement, the legislation it was responsible for administering, its shared responsibilities and performance management framework.

2

### Agency performance

Reports on the department's performance during 2016–17 and includes a report against its Resource Agreement, a report on divisional activities and information about the people who made up the department's workforce.

3

### Significant issues impacting the agency

Provides information on current and emerging significant issues and trends impacting the department's operations.

4

### Disclosures and legal compliance

Contains the department's audited Financial Statements and Key Performance Indicators for the year ending 30 June 2017.

The section also provides details on required disclosures and legal compliance obligations, including financial and performance management, accountability, governance and reporting required under specific legislation administered by the department.

5

### Appendices

Provides additional information on the department's activities including agreements, changes to written laws, legal actions and the functions of the boards, commissions, committees, councils and tribunals administered by the department.

# Overview

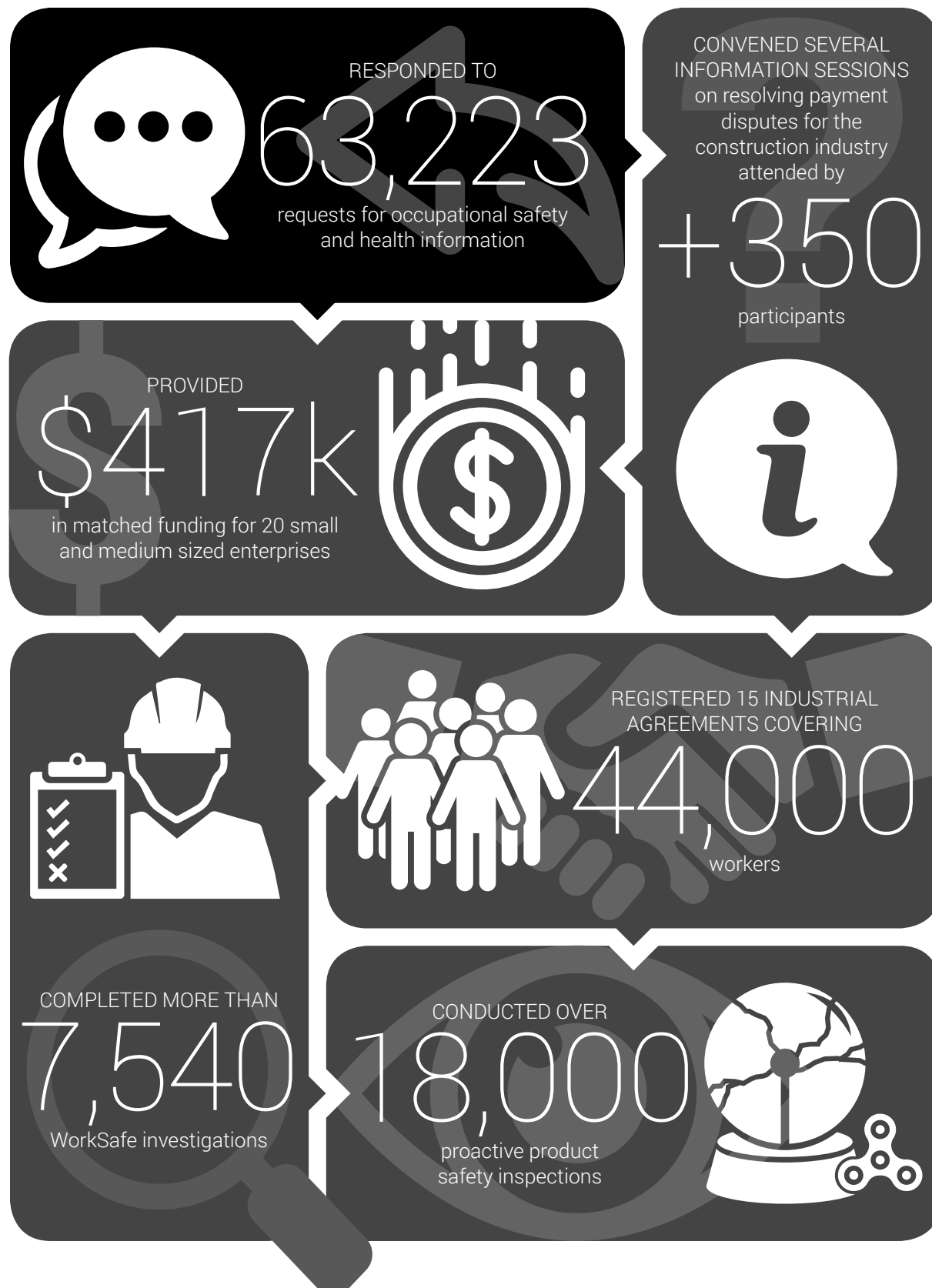
This section provides a review of the year, highlighting the Department of Commerce's broad strategic directions and priorities, key issues and achievements. The Overview section also details the services the department provides, its organisational structure during 2016–17, Ministerial arrangement, the legislation it was responsible for administering, its shared responsibilities and performance management framework.



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## Year in numbers

In 2016–2017 we:



We  
won



2 eNotice wins the Most Effective  
Government Solution category



Inspiring  
ICT Innovation  
in Western  
Australia

1 Winners at the 2016 Premiers  
Awards - Regional Mobile  
Communications Project (RMCP)

\$40M

RMCP was delivered through an innovative  
partnership with Telstra



deployed

113

base stations

mobile voice and broadband coverage across

137,000 km<sup>2</sup>  
of regional Western Australia

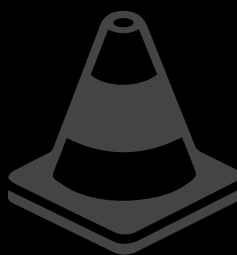


promises annual productivity  
improvements of at least

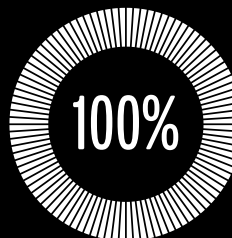
\$1M

across industry

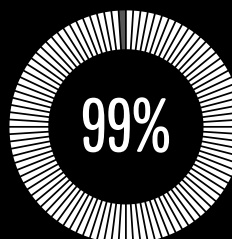
3 Platinum WorkSafe Plan  
Certificate of Achievement 2017



PLATINUM  
WorkSafe Plan  
Certificate of  
Achievement  
2017



- Management  
Commitment
- Consultation
- Training



- Planning
- Hazard  
Management

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## Director General's Year in review

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In its final 12 months of operation, the Department of Commerce (department) remained adaptive and flexible to suit the ever-changing environment in which it operates and meet

the many and varied needs of its customers. Through its persistence towards achieving a productive, equitable and safe Western Australia, the vision in our new *Strategic Plan 2016–2020*, the department accomplished a number of significant achievements during the year, even winning three awards, all of which is described in this report.

During 2016–17, a range of amendments to Acts administered by the department were made to remove unnecessary barriers to doing business and make life easier for the community and businesses. These changes to Consumer Protection legislation will reduce costs for licensed occupations, promote online licensing, and facilitate electronic communication for residential tenancy matters benefitting occupations including real estate agents, settlement agents, auctioneers and debt collectors.

By embracing technology and moving towards an online environment: EnergySafety produced eNotice, a web-based solution for the gas and electricity industry in Western Australia for lodging work notices; and WorkSafe launched a second stage for its new online reporting and injury notifications system. Both achievements have resulted in savings for both industry and Government, and I am delighted to report that in 2017 the department won an INCITE award at the WA Information Technology and Telecommunications Alliance for eNotice in the category of 'Most Effective Government Solution'.

Keeping the community informed about potential problems was another focus of the department during the year. Back in 2010–11, the Gas Appliance Rectification Programme survey was undertaken and approximately 900 poorly maintained gas installations in large blocks of

flats were identified. These were risk ranked and as at the end of June 2017, in conjunction with ATCO Gas Australia, 252 of these more serious multi-storey gas installations were completed and made safe. Intervening decisively and effectively when needed plays an important role in maintaining community trust. During the year, EnergySafety also continued to monitor energy network operators' asset management practices. This practice enabled the department to intervene if needed, to ensure energy network assets are maintained and refurbished in accordance with asset management strategies. Asset management strategies that are not adequate may lead to an upward trend in network incidents.

Another potential problem for the community on which the department maintained focus was the health and safety risks posed by non-conforming building products (NCBPs). A recent example of the risks that NCBPs can pose came to light in July 2016 with the detection of chrysotile asbestos in a roof panelling product at the new Perth Children's Hospital. Following this, the department commenced an independent audit on items of public concern relating in particular to asbestos, plumbing systems and fire safety. Additionally, Building Commission officers have been participating in a Senior Officer's Group which was set up by the Building Ministers Forum to focus on strategies for addressing NCBPs and report on ways to minimise the risks that are associated with the failure of building products to conform to relevant laws and regulations and at the point of import. Further to this, as part of the work of the Senior Officer's Group, the department is leading an independent research project to improve the evidence base relating to NCBPs to assist in determining the scale and prevalence of the problem. Work will continue in these areas into the next financial year.

The department's aspiration to deliver valuable solutions across Government was reflected in 2016–17 when: Labour Relations successfully implemented the then Government's Public Sector Wages Policy 2016 with 15 industrial agreements registered covering some 44,000 employees;

and the Regional Mobile Communications Project (RMCP), led by Industry Development, successfully provided reliable mobile voice and broadband coverage across 137,000 square kilometres of regional Western Australia for the first time. The RMCP, made possible by the State Government's Royalties for Regions, continued to change the way people live, learn, work and visit these regional areas by improving public safety and convenience, business productivity and social inclusion, and I am very pleased that the project won the Revitalising the Regions category at the 2016 Premier's Awards for Excellence in Public Sector Management.

Making it easier for community and industry to work with us has also been a focus throughout the year. An example of this is the department's licensing activities, formerly operating across four divisions across the department have been operating as a single team since February 2017. This interim structure allows the development of consistent service to licensees, particularly those holding multiple licenses from different licensing authorities.

The department has been working hard to foster a flexible, responsive and engaged workforce. By being progressive and innovative in our thinking, the department hoped to retain and attract high-calibre people. During 2016–17, the department: trialled a work-from-home initiative to increase employment satisfaction by enabling officers to manage their time and reduce travel impacts; recognised staff for continuous long service in Government with the Minister presenting them with a framed certificate and commemorative medallion; redesigned its performance development process to encourage a two-way conversation between managers and officers; and wherever possible removed, or at least minimised the requirement for experience in JDFs in order to reduce barriers for engaging a full range of diverse applicants.

So far in this section I have described some of the most significant achievements of the department, however on a personal level, I think the highlight of the year for me was the department obtaining the Platinum WorkSafe

Plan Certification of Achievement. This award was testament to the strong occupational safety and health culture within the department, so I congratulate the staff who worked so tirelessly to achieve this. Being recognised as the only Government agency with this level of certification is a true achievement and one of which we should be extremely proud.

### Acknowledgements

Finally, I would like to recognise the hard work of Anne Driscoll, who led the department for several years until 12 May 2017. Many of the achievements described in this report are a testament to Anne's determination, leadership and focus. I thank her for the outstanding contribution she made during her tenure both as Director General and Commissioner for Consumer Protection and wish her all the best for the future.

I also want to commend the staff who were responsible for the many achievements and outcomes outlined in this Annual Report and who during the year, have continued to shine with their high levels of professionalism, integrity and desire to make a difference. Significantly, this report has been written at a time of major change within the Western Australian Public Sector and as such this is the final report of the department. I look forward to uniting and building strong relationships with our colleagues from the former Department of Mines and Petroleum with who we will be working together in the next financial year and beyond in the newly formed Department of Mines, Industry Regulation and Safety.

It gives me great pleasure to present to you the final annual report for the department, the Final Report 2016–17.

## About the department

The department maintains a vital role in facilitating a business environment that is productive, innovative, fair and safe. It works to create a contemporary, diversified economy that provided for the growth, safety and protection of the Western Australian community. Developed in 2016, the department's Strategic Plan articulated the following vision, mission, success indicators and values.



### Vision

A productive, equitable and safe Western Australia.



### Mission

To be a trusted agency that enhances the wellbeing of our community and the growth of our State.

### We are successful when

#### The Western Australian economy strengthens and diversifies

- Unnecessary barriers to doing business are removed
- The safety and protection of our community is maintained in an evolving environment

#### Commerce is a trusted go-to organisation

- We keep the community informed and people know about potential problems
- We deliver solutions Commerce-wide and across government
- We intervene decisively and effectively when needed

#### We are known for our engaged and progressive workforce

- Community and industry find us easy to work with
- People want to join us
- Our culture encourages our people to achieve their potential



### We Value

- ✓ Putting our citizens first
- ✓ Taking responsibility
- ✓ Providing great service

- ✓ Trust and respect
- ✓ Innovative thinking
- ✓ Delivery with pride

### Enabling legislation

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

### Responsible Minister

In 2016–17, prior to the State election held on 11 March 2017, the department was responsible to the Hon. Michael Mischin, MLC, Attorney General and Minister for Commerce. Following the State election the department was responsible to the Hon. William (Bill) Johnston, MLA, Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement, and in relation to defence issues, the Hon. Paul Papalia, CSC, MLC, Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests.

## Services

The department delivers services through divisions that focus on particular areas of its responsibilities. The key functions of the department's seven divisions are as follows:

### Building Commission

- register or licence builders, painters, building surveyors, plumbers and construction contracts adjudicators;
- audit and inspect registered building service providers, investigate breaches of legislation and provide a dispute resolution service;
- set and monitor standards for building and plumbing services;
- develop and provide industry policy and legislation; and
- provide information and advice for industry and consumers.

### Corporate and Governance Services

- provide financial and administrative services;
- provide information technology support services;
- deliver human resource management services;
- coordinate risk and business continuity management;
- deliver corporate information services;
- provide corporate development services including policy development, performance evaluation and corporate reporting;
- provide internal audit services and undertake and assist in investigations as required; and
- coordinate the department's Aboriginal Employment Strategy.

### Consumer Protection

- provide information and advice to consumers and traders about their rights and responsibilities;
- help consumers resolve disputes with traders;
- monitor compliance with consumer protection legislation;
- investigate complaints about unfair trading practices;
- prosecute unscrupulous traders;
- regulate and licence a range of business activities; and
- develop, review and prepare amendments to legislation that protects consumers.

### EnergySafety

- administer electricity and gas technical safety legislation and provide policy and legislative advice to government;
- enforce safety and technical standards for electricity and gas networks;
- monitor reliability and quality of gas supplies and investigate consumer related complaints;
- set and enforce safety standards for consumers' electrical and gas installations and appliances;
- licence electrical contractors, electrical workers and gas fitters and carry out accident investigations; and
- promote electrical and gas safety in industry and the community.

### Labour Relations and Industry Development

- responsible for the coordination, governance and management of public sector labour relations;
- lead agency in the development, implementation and application of Public Sector Wages Policy;
- provide policy and legislative advice to government;
- provide information and education services to private sector employees and employers on their employment rights and obligations;
- investigate complaints from employees about breaches of State awards, agreements and industrial laws;
- assist government to grow industries and deliver and capitalise on strategic projects;
- support the Technology and Industry Advisory Council;
- responsible for providing advice about the application of the Building Construction Industry (BCI) code to various government works agencies, building and construction industry participants, unions, employee representatives and others in the community; and
- undertake educative and compliance activities to monitor compliance and investigate alleged breaches of the BCI Code.

### Office of the Director General

- support the Director General in managing the department's relationships with the Minister, the Executive Council, the Cabinet Office and Parliament;
- coordinate Ministerial services for the department; and
- provide support to the department's corporate governance committees, including the Corporate Executive Committee.

### WorkSafe

- administer occupational safety and health legislation and provide policy and legislative advice to government;
- provide education and information to employers and employees to assist in preventing work-related injury and disease and improve work safety and health performance; and
- enforce occupational safety and health law and assist with the resolution of issues in workplaces.

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## Our Corporate Executive for 2016–17

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**Anne Driscoll****Director General (until 12 May 2017)**

Anne Driscoll commenced in her role as Director General of the department in August 2015. Prior to this Anne was a member of the department's Corporate Executive as the Executive Director of the Consumer Protection Division for over seven years, where she also held the statutory position of Commissioner for Consumer Protection and Prices Commissioner.

Since graduating from The University of Western Australia with a Bachelor of Arts majoring in psychology and commerce, Anne has gained experience in numerous public sector roles. Before joining the department in 1999 as part of the Consumer Protection Division's executive management team, Anne worked in the employment and training sector for the Commonwealth Government for more than 20 years.

Anne was a member of the WorkCover WA Board, the Deputy Chair of the Commission for Occupational Safety and Health and also chaired the Property Industry Advisory and the Motor Vehicle Industry Advisory Committees.

**Lex McCulloch****A/Director General (13 May 2017 – 30 June 2017)****Executive Director, WorkSafe Division, WorkSafe Western Australia  
Commissioner**

Following Anne Driscoll's departure from the department, Lex McCulloch acted in the Director General role from 13 May to 30 June 2017.

Lex commenced working at the department in February 2011 as the Executive Director of the WorkSafe Division and WorkSafe Western Australia Commissioner. He has a Social Work Degree from Curtin University and has been in the Western Australian public sector since 1978, when he joined the Department for Community Welfare in Moora.

Lex has worked in a variety of locations across the State including Derby, Kalgoorlie, Port Hedland and Perth. Lex's various roles in a number of government agencies have provided him with a range of experiences such as leading restructuring processes and delivering on significant projects, all of which have been aimed at improving the wellbeing of people in Western Australia.

**David Hillyard****A/Executive Director, Consumer Protection Division, Commissioner for Consumer Protection**

David Hillyard was appointed as Acting Executive Director of the Consumer Protection Division in December 2015; prior to this he was the Director of Consumer Protection's Retail and Services Directorate.

David has worked with Consumer Protection for over 35 years and has been in senior management roles where most recently he was responsible for the regulation of the retail and services industries, motor vehicle sales and repair industries, as well as the incorporated association and charity sectors. David was awarded the Public Service Medal for outstanding public service in the areas of consumer protection and fair trading in the 2011 Queen's Birthday Honour List announced by the Governor-General.

**Peter Gow****Executive Director, Building Commission Division, Building Commissioner**

Peter Gow was appointed as the Executive Director of the Building Commission Division in July 2009. Peter has degrees in Engineering and Arts from The University of Western Australia and has post graduate qualifications in management from Deakin University. He commenced his career as a structural engineer with the Public Works Department in Western Australia and has extensive experience in building design, construction and project management.

From project work, Peter specialised in construction contracts and dispute resolution. In 2003, Peter was appointed to head the Office of Policy and Planning in the Department of Housing and Works, where he was responsible for construction industry and housing policy, corporate development and strategic planning and building codes and regulation. Since July 2009, he has led the Building Commission Division to progress building regulation reform. Peter has served on the national Built Environment Industry Innovation Council, the board of the Australian Housing and Urban Research Institute and is the Western Australian Government representative on the Australian Building Codes Board.

**Ken Bowron****Executive Director, EnergySafety Division, Director of Energy Safety**

Ken Bowron is the Executive Director of the EnergySafety Division and holds the statutory position of Director of Energy Safety, which is responsible for all electricity and most gas-related technical safety regulation in the state. Ken has over 40 years' broad experience in the Western Australian energy industry.

His experience includes his tenure in the EnergySafety Division and executive roles in the supply of energy services to customers in metropolitan, rural and remote areas. He is an electrical engineer, with post-graduate business qualifications and is a professional coach. He has extensive regulatory, commercial, technical and managerial experience, ranging across the energy industry.

**Kristin Berger****Executive Director, Labour Relations and Industry Development Division  
(until April 2017)**

Kristin Berger was appointed as the Executive Director of the Labour Relations and Industry Development Division in December 2016 after leading the Division in an acting capacity from January 2015, and the Public Sector Directorate of the Division since April 2012. Kristin holds a master's degree in Industrial Relations and Personnel Management from the University of London.

Kristin has more than 30 years' experience in the labour relations field working in industrial tribunals, unions, higher education and the public sector. Kristin has lectured at The University of Western Australia, Murdoch University and Edith Cowan University on Australian and international industrial relations, strategic human resource management and organisational behaviour and worked as a consultant providing industrial relations and human resource management services for various State and federal public sector agencies. She joined the department in 2002.

**Sandy Newby****A/Executive Director, Labour Relations and Industry Development Division  
(from 18 April 2017)**

Sandy Newby was appointed as the Acting Executive Director of the Labour Relations Division in April 2017 after leading the Public Sector Directorate of the Division since 2014.

Sandy has more than 20 years' experience in the labour relations field, with experience in both the union and management environment, and in particular, management of public sector industrial and employee relations.

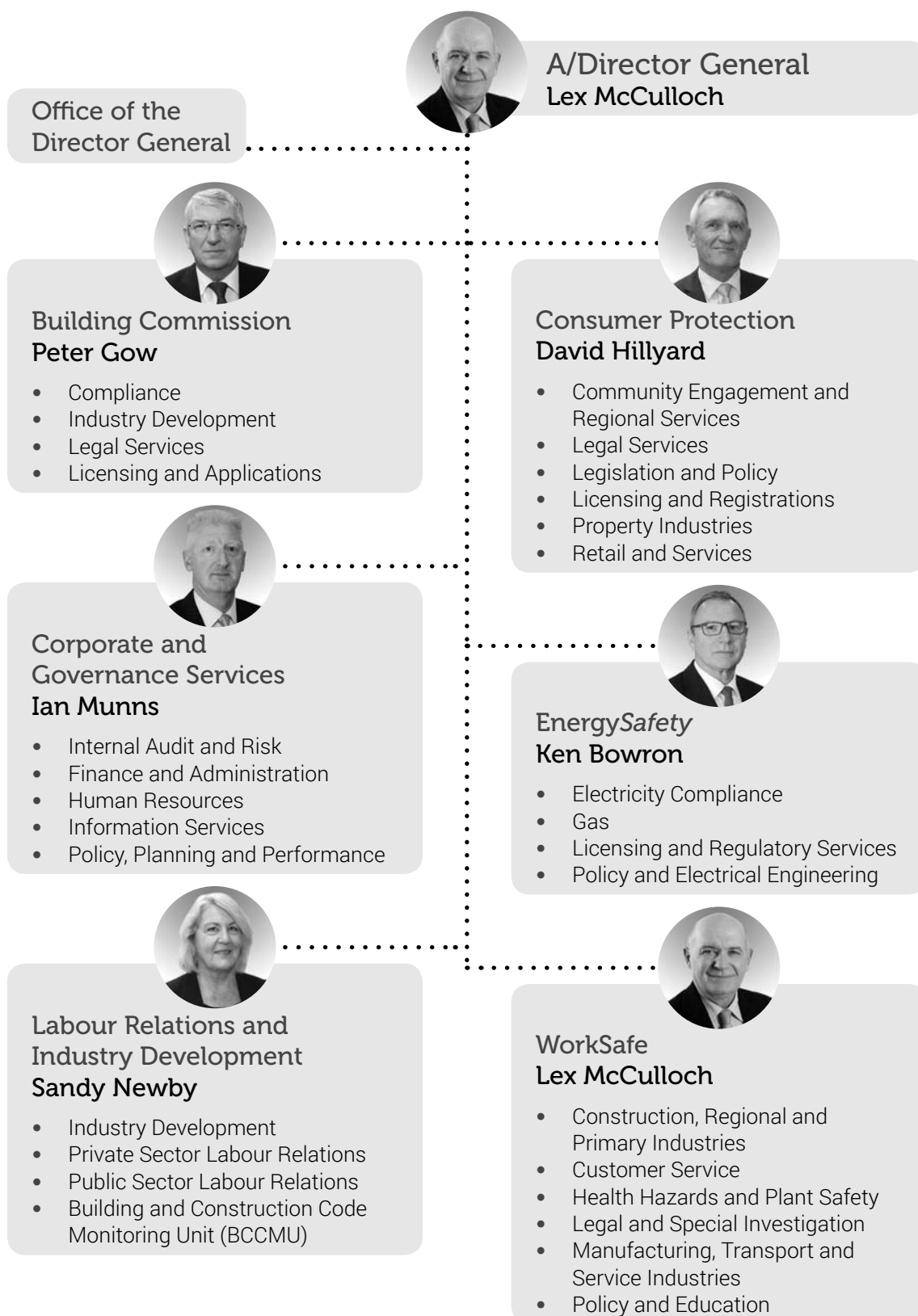
**Ian Munns****Executive Director, Corporate and Governance Services Division**

Ian Munns commenced in his position as Executive Director, Corporate Services in February 2016. He has previously worked for the department as the Director of Policy and Education in the WorkSafe Division for a period of five years.

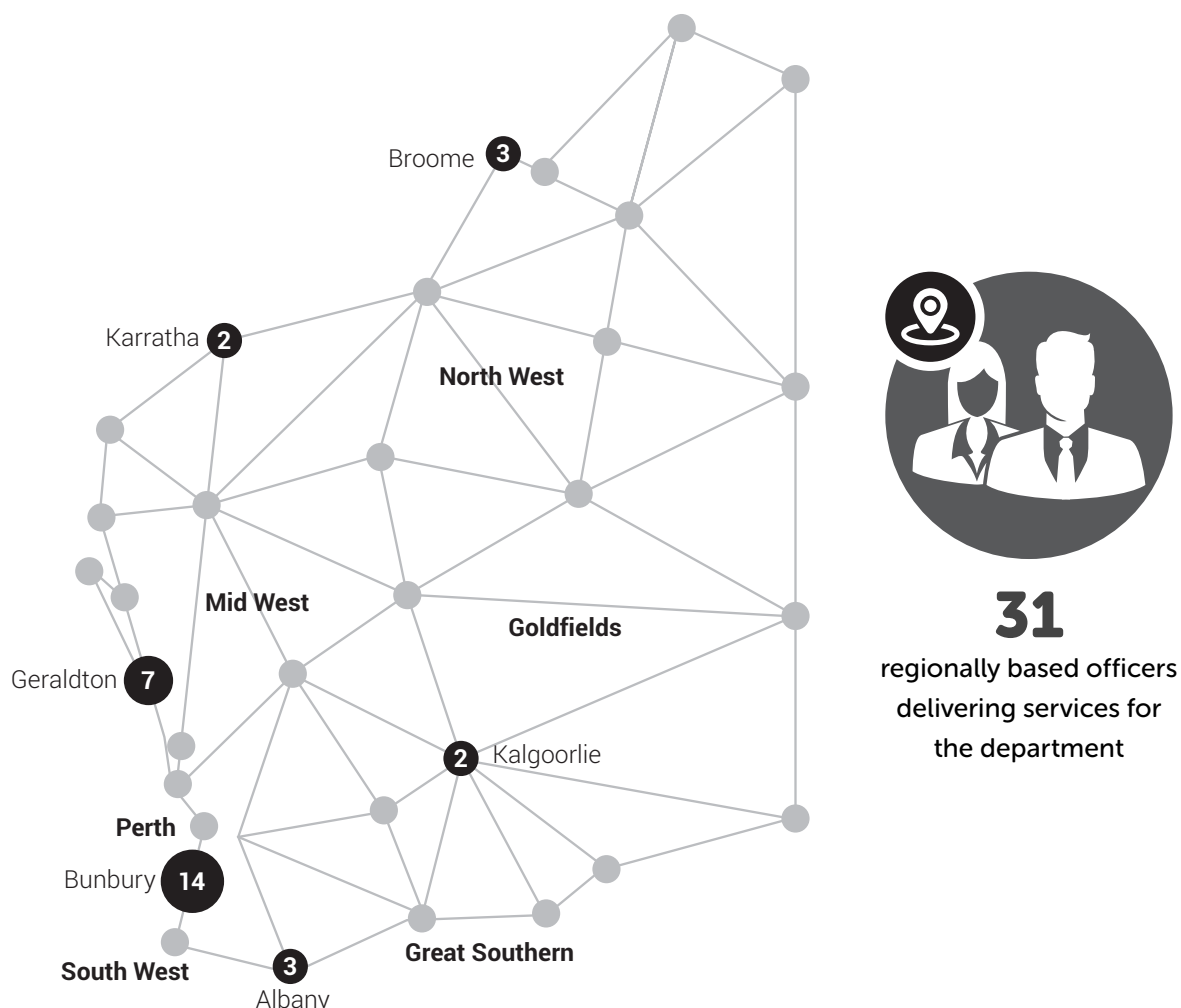
Ian has worked for 24 years in a variety of roles in the Australian Public Sector. Over his career, he has been involved in a diverse range of activities ranging from undertaking compliance activities through to several positions as a national manager for functions within a Commonwealth department.

## Operational structure

As at 30 June 2017



## Our regional services



**Figure 1: Location of regional offices**

The department has offices located in Albany, Broome, Bunbury, Geraldton, Kalgoorlie, and Karratha that provides a range of services to regional Western Australians (Figure 1, Location of regional offices). As at 30 June 2017, there were 31 regionally based officers delivering services for the various divisions of the department. Services to regional areas and communities are supplemented by division specific initiatives to meet identified needs or to support core operational activities. These activities can result in specialist employees operating in the regions.

A service delivery arrangement exists between the State of Western Australia and the Commonwealth for the delivery of a range of services to Christmas Island and the Cocos (Keeling) Islands. These services to the Indian Ocean Territories were fully funded by and performed on behalf of the Commonwealth Government under enabling legislation.

During the reporting period the department undertook a program of co-locations with other agencies in three of our regional locations to achieve efficiencies in accommodation costs. In July the department co-located with the Department of Finance in Broome; in November the department co-located with ten other agencies into the purpose built facility known as 'The Quarter' in Karratha; and in December the Department of Agriculture and Food co-located in to the department's premises in Kalgoorlie.

## Administered legislation

During the 2016–2017 financial year, the department administered 78 Acts of Parliament, listed below.

<i>Architects Act 2004</i>	<i>Gas Supply (Gas Quality Specifications) Act 2009 (Part 5, Division 2)</i>
<i>Associations Incorporation Act 2015</i>	<i>Growers Charge Act 1940</i>
<i>Auction Sales Act 1973</i>	<i>Hire Purchase Act 1959</i>
<i>Building Act 2011</i>	<i>Home Building Contracts Act 1991</i>
<i>Building Services (Complaint Resolution and Administration) Act 2011</i>	<i>Industrial Relations Act 1979</i>
<i>Building Services (Registration) Act 2011</i>	<i>Industry and Technology Development Act 1998</i>
<i>Building Services Levy Act 2011</i>	<i>Labour Relations Reform Act 2002 (included in Statutes (Repeals) Bill 2016 for repeal, but not passed)</i>
<i>Business Names (Commonwealth Powers) Act 2012</i>	<i>Land Valuers Licensing Act 1978</i>
<i>Business Names Act 1962</i>	<i>Law Reform (Common Employment) Act 1951</i>
<i>Charitable Collections Act 1946</i>	<i>Limited Partnership Act 2016</i>
<i>Chattel Securities Act 1987</i>	<i>Long Service Leave Act 1958</i>
<i>Churches of Christ, Scientist, Incorporation Act 1961</i>	<i>Metric Conversion Act 1972</i>
<i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i>	<i>Minimum Conditions of Employment Act 1993</i>
<i>Competition Policy Reform (Taxing) Act 1996</i>	<i>Motor Vehicle Dealers Act 1973</i>
<i>Competition Policy Reform (Western Australia) Act 1996</i>	<i>Motor Vehicle Repairers Act 2003</i>
<i>Conspiracy and Protection of Property Act 1900</i>	<i>New Tax System Price Exploitation Code (Taxing) Act 1999</i>
<i>Construction Contracts Act 2004</i>	<i>New Tax System Price Exploitation Code (Western Australia) Act 1999</i>
<i>Construction Industry Portable Paid Long Service Leave Act 1985</i>	<i>Occupational Safety and Health Act 1984</i>
<i>Consumer Affairs Act 1971 (expired 22/10/2016)</i>	<i>Personal Property Securities (Commonwealth Laws) Act 2011</i>
<i>Co-operatives Act 2009</i>	<i>Petroleum Products Pricing Act 1983</i>
<i>Credit (Administration) Act 1984</i>	<i>Petroleum Retailers Rights and Liabilities Act 1982</i>
<i>Credit (Commonwealth Powers) Act 2010</i>	<i>Plumbers Licensing Act 1995</i>
<i>Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Act 2010</i>	<i>Public and Bank Holidays Act 1972</i>
<i>Credit Act 1984</i>	<i>Real Estate and Business Agents Act 1978</i>
<i>Debt Collectors Licensing Act 1964</i>	<i>Residential Parks (Long-Stay Tenants) Act 2006</i>
<i>Decimal Currency Act 1965</i>	<i>Residential Tenancies Act 1987</i>
<i>Disposal of Uncollected Goods Act 1970</i>	<i>Retail Trading Hours Act 1987</i>
<i>Distress for Rent Abolition Act 1936</i>	<i>Retirement Villages Act 1992</i>
<i>Dividing Fences Act 1961</i>	<i>Sale of Goods Act 1895</i>
<i>Electricity Act 1945</i>	<i>Sale of Goods (Vienna Convention) Act 1986</i>
<i>Employment Agents Act 1976</i>	<i>Settlement Agents Act 1981</i>
<i>Employment Dispute Resolution Act 2008</i>	<i>Street Collections (Regulation) Act 1940</i>
<i>Energy Coordination Act 1994 (Part 2 and 3)</i>	<i>Sunday Entertainments Act 1979</i>
<i>Energy Safety Act 2006</i>	<i>Transfer of Incorporation (HBF and HIF) Act 2009</i>
<i>Energy Safety Levy Act 2006</i>	<i>Travel Agents Act 1985 (expired 25/01/2017)</i>
<i>Fair Trading Act 1987 (expired 22/10/2016)</i>	<i>Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund Act 1932</i>
<i>Fair Trading Act 2010</i>	<i>Western Australian Products Symbol Act 1972</i>
<i>Finance Brokers Control Act 1975</i>	<i>Workforce Reform Act 2014</i>
<i>Fremantle Buffalo Club (Incorporated) Act 1964</i>	
<i>Gas Standards Act 1972</i>	

## Performance management framework

### Outcome based management framework

Table 1 below illustrates the relationship in 2016–17 between the department's services and desired outcomes and the Government's goals to which it contributed.

**Table 1: Relationship to the Government's goals: 2016–17 outcome based management framework**

Government Goals	Agency Level Desired Outcomes	Services
<b>Results-Based Service Delivery:</b> Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.	<b>Outcome 1:</b> A fair trading environment that protects consumers and traders in Western Australia.	<b>Service 1: Consumer Protection</b> The provision of consumer protection advice, information, education and business regulation services to the Western Australian community.
	<b>Outcome 3:</b> Community in which the use of electricity and gas is regulated and safe.	<b>Service 3: Energy Safety</b> The provision of regulatory services to the Western Australian community through licensing and compliance activities in the area of energy safety.
<b>Financial and Economic Responsibility:</b> Responsibly managing the State's finances through the efficient and effective delivery of services, encouraging economic activity and reducing regulatory burdens on the private sector.	<b>Outcome 2:</b> Western Australian industry is competitive in targeted priority and emerging sectors.	<b>Service 2: Targeted Industry Development</b> Contributes to the State's economy by supporting industry development. Services include: <ul style="list-style-type: none"> <li>supporting industry development through research and infrastructure;</li> <li>supporting Western Australian industry competitiveness, capacity and capabilities and access to market opportunities; and</li> <li>providing policy development advice.</li> </ul>
	<b>Outcome 6:</b> Buildings and plumbing installations that are safe, sustainable and respond to community needs.	<b>Service 6: Building Commission</b> The provision of government administration, licensing, regulatory and dispute resolution services that enable the building and plumbing industries to efficiently deliver building and plumbing installations that are safe, sustainable and respond to community needs.
<b>Social and Environmental Responsibility:</b> Ensuring that economic activity is managed in a socially and environmentally responsible manner for the long-term benefit of the State.	<b>Outcome 4:</b> Shape and influence industrial relations systems in Western Australia.	<b>Service 4: Labour Relations</b> To assist private and public sector workplaces to be economically sustainable and fair by providing our stakeholders and clients with expert labour relations advice, education and regulation.
	<b>Outcome 5:</b> A workplace operated in a safe and healthy manner.	<b>Service 5: WorkSafe</b> The provision of advice, information, education, licensing and enforcement services to the Western Australian community in the area of occupational safety and health.

### Changes to the outcome based management framework

A review of the department's OBM framework was undertaken during 2016–17 and as a result of this review amendments were made to the definitions and related efficiency indicators for Service 2 and Service 6. Additionally, the methodology used to determine the WorkSafe efficiency indicator *Average cost per inspection or investigation* was revised to more accurately reflect the costing of this indicator.

## Shared responsibilities

The department contributed to the delivery of a number of whole of government and cross-agency initiatives. These initiatives had shared accountability for their successful implementation. The shared responsibilities with other agencies, detailed in Table 2, are reported against the 2016–17 Resource Agreement established between the responsible Minister, Director General and Treasurer.

**Table 2: Shared responsibilities with other agencies in 2016–17**

Initiative	Managing Fatigue in the Commercial Vehicle Sector	
Related outcome	A workplace operated in a safe and healthy manner.	
Contributing agencies	<ul style="list-style-type: none"> <li>Department of Commerce (WorkSafe Division)</li> <li>Western Australia Police</li> <li>Department of Transport</li> <li>Explosives and Dangerous Goods section of Resources Safety at the Department of Mines and Petroleum.</li> </ul>	
Report against target	<b>Target:</b>	Participation in four joint AUSTRANS road block operations.
	<b>Result:</b>	<p>Four AUSTRANS targeted roadblock operations were carried out on the border in regional areas. WorkSafe did not participate in these operations.</p> <p>Alternatively, a total of 240 proactive stops were planned for 2016–17 as part of a separate project for Fatigue and Isolated Drivers in the Commercial Vehicle Sector. This is a collaborative project involving the Department of Commerce (WorkSafe Division), Western Australia Police, and Main Roads Western Australia. This target was narrowly missed having completed 219 proactive stops/investigations including follow-ups.</p>
Initiative	Project Sunbird	
Related outcome	Reduction of community harm through identification of scam victims; intervention to stop the flow of funds to cyber-crime; intelligence of emerging scams to warn Western Australians and assist in prosecution of offenders.	
Contributing agencies	<ul style="list-style-type: none"> <li>Department of Commerce (Consumer Protection Division)</li> <li>Western Australia Police Major Fraud Squad</li> </ul>	
Report against target	<b>Target:</b>	The aim of Project Sunbird is to educate consumers on emerging scams and issue warnings through ScamNet, community presentations, media releases, and intervention. This is achieved through collaboration with relevant businesses and community organisations to reduce scam losses and provide support to victims. Networks are maintained with relevant State, National and International agencies to strengthen effectiveness of fraud prevention measures.
	<b>Result:</b>	In the 2016–17 financial year, the total number of first and second letters sent was 344 and 168 respectively.

<b>Initiative</b>	Harmonisation of Government Use of Radio in 400Mhz Band
<b>Related outcome</b>	As lead agency, agree with 70 contributing agencies to implement a plan to harmonise 10,000 radio licences, in accordance with the government use of radio communications.
<b>Contributing agencies</b>	<ul style="list-style-type: none"> <li>• Department of Commerce (Labour Relations and Industry Development Division)</li> <li>• Western Australia Police</li> <li>• Department of Fire and Emergency Services</li> <li>• Department of Parks and Wildlife</li> <li>• Department of the Premier and Cabinet</li> <li>• St John Ambulance Western Australia</li> <li>• Western Power</li> <li>• Surf Life Saving</li> <li>• Water Corporation</li> <li>• Several Local Councils</li> </ul>
<b>Report against target</b>	<p><b>Target:</b> Facilitate compliance by Western Australian Government users with 400Mhz Band Plan Transition. Transition Plan for government users will be implemented in accordance with Australian Communications and Media Authority guidelines and staged financial transitional arrangements.</p> <p><b>Result:</b> The majority of State Government agencies completed the milestone of transitioning to the harmonised government spectrum by the 31 December 2015 deadline. For those agencies that are still to comply, an extension or exception has been granted by the Australian Communications and Media Authority.</p>

<b>Initiative</b>	The Regional Telecommunications Project
<b>Related outcome</b>	As contracting agency, action the Regional Telecommunications Project obligations established with the Department of Regional Development
<b>Contributing agencies</b>	<ul style="list-style-type: none"> <li>• Department of Commerce (Labour Relations and Industry Development Division)</li> <li>• Department of Regional Development</li> <li>• Department of Parks and Wildlife</li> <li>• Department of Fire and Emergency Services</li> <li>• Western Australia Police</li> <li>• Department of Lands</li> <li>• Department of Finance</li> <li>• Regional Development Commissions</li> </ul>
<b>Report against target</b>	<p><b>Target:</b> Continue the delivery of 132 mobile phone towers co-funded by round 1 of the Commonwealth's Mobile Black Spot Program and the State's Regional Telecommunications Project.</p> <p>Nominations for additional Western Australia black spots to be considered under round 2 of the Mobile Black Spot Program with an additional \$60 million in funding announced for round 2 in June 2015.</p> <hr/> <p><b>Result:</b> A total of 62 mobile phone towers out of the 132 have been switched on to date. A further 78 mobile phone towers will be invested in regional Western Australia under round 2 of the Commonwealth's Mobile Black Spot Program and the State Governments Regional Telecommunications Project. To be completed end of 2018.</p>

# Agency performance

This section reports on the department's performance during 2016–17 and includes a report against its Resource Agreement, a report on divisional activities and information about the people who made up the department's workforce.



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Report on performance/operational highlights	27
Our people	43

## Resource Agreement

The Resource Agreement 2016–17 between the department's Director General, responsible Minister and State Treasurer, drafted in accordance with section 41 of the *Financial Management Act 2006*, articulated the services to be delivered by the department, its financial and non-financial performance targets and the government's desired outcomes in the delivery of those services. A summary of the department's financial and non-financial performance is provided below.

Further detailed information regarding the department's non-financial performance for the 2016–17 financial year is provided in the *Disclosures and Legal Compliance* section of this report. A summary of the department's performance against whole of government and cross-agency initiatives, as contained in the 2016–17 Resource Agreement, is presented in Table 2 of the *Overview* (Shared responsibilities) section of this report.

### Financial performance – actual results against budget targets

The department's performance against the financial targets set for the 2016–17 financial year is outlined in the below table.

**Table 3: Actual Results versus Budget Targets**

Financial Targets	2016–17 Target <sup>(1)</sup> \$'000	2016–17 Actual <sup>(2)</sup> \$'000	Variation \$'000	Explanation of Variance <sup>(3)</sup>
Total cost of services (expense limit) ( <i>sourced from Statement of Comprehensive Income</i> )	159,865	150,664	(9,201)	Total cost of services is below budget mainly due to reduced recruitment into vacant positions as a measure taken by the department to manage current and future Public Sector Workforce Renewal savings measures, and also to align with the decrease in revenue.
Net cost of services ( <i>sourced from Statement of Comprehensive Income</i> )	81,336	82,083	747	
Total equity ( <i>sourced from Statement of Financial Position</i> )	239,421	232,455	(6,966)	
Net increase/ (decrease) in cash held ( <i>sourced from Statement of Cash Flows</i> )	(19,794)	(9,554)	10,240	The actual net decrease in cash held was lower than budget, mainly due to fewer payments being made than budgeted as a result of reduced recruitment into vacant positions and also to align with the decrease in revenue.

Financial Targets	2016–17 Target <sup>(1)</sup> \$'000	2016–17 Actual <sup>(2)</sup> \$'000	Variation \$'000	Explanation of Variance <sup>(3)</sup>
Approved salary expense level	83,057	76,468	(6,589)	Actual salary expenditure is below budget due to reduced recruitment into vacant positions as a measure taken by the department to manage current and future Public Sector Workforce Renewal savings measures.

**Notes:**

- (1) The financial parameters were updated to reflect the impact of decisions after the 2016–17 Mid-Year Review.
- (2) As specified in the *Financial Statements* section of this report.
- (3) Material variances are considered to be variances 5 per cent or greater from the 2016–17 Target.

Working Cash Targets	2016–17 Target \$'000	2016–17 Actual <sup>(2)</sup> \$'000	Variation \$'000
Aged Working Cash Limit (at Budget)	7,399	7,798	N/A
Aged Working Cash Limit (at Actuals)	7,798	5,909	(1,889)

**Notes:**

- (1) Target reflects the agency's anticipated working cash for the relevant financial year.
- (2) Actual reflects the actual working cash held at the close of the financial year.

## Key Performance Indicators

The department's non-financial performance against the key effectiveness and efficiency indicators, as detailed in the 2016–17 Resource Agreement, is summarised below. For a detailed explanation of performance results please see the *Disclosures and Legal Compliance* section, starting from page 119.

**Table 4: Results for the 2016–17 key effectiveness indicators**

Effectiveness Indicator	Target	Actual	Variation	Explanation of Variance
Outcome 1: A fair trading environment that protects consumers and traders in Western Australia.				
The extent to which traders comply with regulatory requirements.	95%	95%	-	-
Outcome 2: Western Australian industry is competitive in targeted priority and emerging sectors.				
Extent to which clients and key stakeholders consider that the division's services contribute to innovative industry development.	75%	96%	21%	When setting the 2016–17 target it was anticipated that lower staff levels would result in lower key stakeholder satisfaction levels. Whilst staff levels were reduced, new operating models evolved leading to higher than anticipated satisfaction levels.
Outcome 3: Community in which the use of electricity and gas is regulated and safe.				
The number of electricity-related serious injuries and fatalities per million population.	Nil	6.60	6.60	Please refer to the Key Performance Indicators in the <i>Disclosures and Legal Compliance</i> section (page 127).
The number of gas-related serious injuries and fatalities per million population.	Nil	4.27	4.27	
Outcome 4: Shape and influence industrial relations systems in Western Australia.				
The extent to which employers comply with the requirements of labour relations laws.	75%	52%	23%	Please refer to the Key Performance Indicators in the <i>Disclosures and Legal Compliance</i> section (page 130).
Outcome 5: A workplace operated in a safe and healthy manner.				
The extent to which workplaces meet occupational safety and health criteria in priority areas (to indicate that workplaces are operated in a safe and healthy manner).	75%	72%	3%	-
Outcome 6: Buildings and plumbing installations that are safe, sustainable and respond to community needs.				
The extent to which building service providers comply with regulatory requirements.	85%	77%	8%	-

**Table 5: Results for the 2016–17 key efficiency indicators**

Efficiency Indicator	Target	Actual	Variation	Explanation of Variance
<b>Service 1: Consumer Protection</b>				
Average cost per client contact to provide information and advice	\$1.49	\$1.46	\$0.03	-
Average cost per policy project	\$308,783	\$151,197	\$157,586	This variance is attributable to an unexpected increase in 2016–17 in minor legislative and policy projects resulting in an unusually low unit cost result for the reporting year.
Average cost per inspection or investigation	\$512.75	\$331.24	\$181.51	The variance is due to an escalation in compliance inspections over and above Consumer Protection's standard inspection program in response to issues identified, specifically in the product safety area.
Average cost per registration or licence	\$11.15	\$11.47	\$0.32	-
<b>Service 2: Targeted Industry Development</b>				
Average cost per industry and technology project managed	\$258,029	\$278,566	\$20,537	-
<b>Service 3: Energy Safety</b>				
Average cost of regulatory services	\$6,326	\$2,059	\$4,267	Please refer to the Key Performance Indicators in the <i>Disclosures and legal compliance</i> section (page 128).
Average cost of provision of licensing services	\$32.40	\$32.10	\$0.30	-
<b>Service 4: Labour Relations</b>				
Average cost per hour of policy advice	\$179.82	\$254.11	\$74.29	This variance is mainly attributed to the realisation of divisional reform during the reporting period which created a cross-over of work and a change in resource allocation.
Average cost per client contact to provide information and advice	\$2.76	\$2.61	\$0.15	-

Efficiency Indicator	Target	Actual	Variation	Explanation of Variance
Average cost per inspection or Investigation	\$5,982	\$9,124	\$3,142	This variance is attributable to an increase in allocated resources to this activity, primarily due to the divisional reform undertaken during the reporting period and the creation of a new business area focussing on monitoring the recently introduced Western Australian Building and Construction Industry Code of Conduct 2016.
<b>Service 5: WorkSafe</b>				
Average cost per client contact to provide information and advice	\$3.62	\$3.04	\$0.58	This variance is attributable to an overall increase in web traffic to the WorkSafe website resulting in the predicted quantity of client contacts increasing during the reporting period and a subsequent decrease in average unit cost.
Average cost per inspection or investigation	\$1,913	\$2,111	\$198	Please refer to the Key Performance Indicators in the <i>Disclosures and legal compliance</i> section (page 135).
Average cost per registration or licence	\$77.67	\$90.05	\$12.38	This variance is attributable to the decrease in the number of licences or registrations during the reporting period as a result of the construction phase of major infrastructure projects drawing to a close and slowing building construction activities within the State.
<b>Service 6: Building Commission</b>				
Average cost per inspection	\$651.60	\$888.81	\$237.21	This variance is attributable to a number of inspection resources being diverted to major building audits, such as the Perth Children's Hospital, which led to a reduced availability to participate in general audit and inspection programs.
Average cost per registration or licence administered	\$403.37	\$425.98	\$22.61	-
Average cost per building services and home building work contract dispute resolved	\$6,802	\$6,652	\$150	-
Average cost per policy project managed	\$129,884	\$154,717	\$24,833	Please refer to the Key Performance Indicators in the <i>Disclosures and legal compliance</i> section (page 138).

## Report on performance/operational highlights

### Consumer Protection Division

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

#### Review of Consumer Protection laws

Consumer Protection continued its comprehensive program of legislative review and reform during 2016–17. The *Limited Partnerships Act 2016* commenced on 1 February 2017 modernising limited partnerships legislation. Reforms commenced on 1 January 2017 to align Western Australia's co-operatives laws with the Co-operatives National Law allowing locally registered co-operatives to seek opportunities to grow and develop their enterprises in other participating jurisdictions. Property industries also were reviewed with a range of amendments being made to Acts that will reduce costs for licensed occupations and promote online licensing. These changes will benefit occupations including real estate agents, settlement agents, auctioneers and debt collectors.

The statutory review of the *Residential Parks (Long stay Tenants) Act 2006* was also completed with legislative amendments being proposed for Government consideration.

Consultation occurred or continued on:

- options to amend the *Residential Tenancies Act 1987* to address interaction between the requirements of this Act and family violence orders, in line with recommendations of the Australian Law Reform Commission;
- whether legislation is required to regulate the boarding and lodging sector;
- reforms to the Australian Consumer Law as part of a national review;
- advancing a mandatory code of practice to regulate prepaid funeral funds in Western Australia;
- developing final proposals to amend the *Motor Vehicle Dealers Act 1973* and the *Motor Vehicle Repairers Act 2003*; and

- the appropriate form of licensing for auctioneers.

#### Trader Engagement Program

Consumer Protection introduced a formal Trader Engagement Program in 2016–17 to reduce the number of complaints received by helping businesses resolve issues using an ongoing self-regulatory approach. This program has been implemented across property and retail industries.

Initially, six individual businesses in the retail sector were recommended for involvement as well as two national suppliers. To date, ten suppliers have been engaged and early intervention work has been undertaken with a further five suppliers. Three real estate businesses have also been directly engaged through the program.

In a majority of cases, a significant reduction in the number of contacts with Consumer Protection has been experienced; other benefits including improved compliance with the legislation have also been evident. Most notably, businesses appear to appreciate the opportunity to participate in a more direct and proactive engagement with the industry regulator.

#### New codes of conduct

New codes of conduct for real estate agents and sales representatives, settlement agents and land valuers came into effect on 5 October 2016, increasing transparency for people buying or selling property in Western Australia.

The new codes were developed following consultation with industry stakeholders and have been updated so they are easier to read and comprehensible for both consumers and industry participants. Key reforms include strengthening the disclosure requirements to increase transparency in property transactions, updating supervision requirements for licensees to reflect technological advancements, and ensuring consistency with other property industry codes of conduct and the Australian Consumer Law.

The additions to the new codes aim to enhance the level of service agents already provide to their clients.

## Late bond lodgement

The Bond Administrator identified a sharp increase in the number of late bond lodgements in the latter half of 2016. As a result, Consumer Protection increased its focus on late bond lodgements by sending education, advice and formal warnings where appropriate, but also issued \$2,000 infringement notices as an enforcement tool for anyone with a history of late lodgements.

In the more serious instances offenders may face prosecution or disciplinary action and face penalties of up to \$20,000.

A delay in paying the tenancy bond money to the Bond Administrator puts those funds at risk and therefore Consumer Protection will continue to urge real estate agencies and private landlords to review their current bond processing practices and ensure they are in line with their legal obligations.

## Landlord bulletins

Consumer Protection identified that many of the calls it received were from landlords seeking clarification on how to correctly manage their rental properties. As a result, Consumer Protection introduced a subscription e-bulletin service for landlords which provides advice on how to locate educational resources, and guidance to ensure landlords use the correct forms and lodgement processes. Other matters have included Consumer Protection's new emphasis on enforcement action for landlords and property managers who do not lodge bond money within the required time. Future e-bulletins will provide information and updates on topics likely to affect residential investment properties with the view that this material will help provide landlords with a sound working knowledge of their rights and responsibilities in relation to their rental property.

## Case Study



### Fifteen year ban for real estate salesman over serious misconduct

A former York real estate salesman was banned for 15 years from applying for sales representative registration after being found guilty of serious misconduct over the sale of five properties which netted a profit of \$5.4 million.

The State Administrative Tribunal (SAT) found Paul Anthony King committed 13 breaches of the Code of Conduct while working as a sales representative for his father's real estate agency Colin King Real Estate.

The sale of five lots of land occurred between 2008 and 2010 with Colin and Paul King acting as selling agents for three of them and introducing the ultimate buyers in each sale. The lots were first sold to an intermediary company controlled by another of Colin's sons Michael King who was not a licensed real estate agent or sales representative.

The land lots were then immediately on-sold to Malaysian-based investors at substantially higher prices resulting in a \$5.4 million profit that directly benefited Michael King. The original owners and the Malaysian-based investors were not aware of the on-sale arrangements.

The SAT found the deal resulted in a significant loss to the original owners and Paul King's 'extremely dishonest and deceitful' conduct was at the upper end of the range of seriousness.

## Project Sunbird

Project Sunbird has continued to be a highly successful and effective intervention method which has contained losses for many Western Australian victims of romance and investment fraud. Figures from Project Sunbird in 2016 show that approximately 76 per cent who received a first letter warning that they were the potential victims of a scam, ceased sending money to West Africa.

In the five month period from 1 July 2016 – 1 December 2016, Project Sunbird identified an average of 53 new victims a month.



from 1 July 2016 – 1 December 2016,  
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a month

The Western Australia Police advised that because of resource priorities they were no longer able to analyse the extracted data to provide the names of potential victims. Since November 2016 Consumer Protection has been liaising with a variety of other enforcement agencies to determine other methods by which this data can be extracted.

### Online enhancements

On 1 September 2016, the BondsOnline eTransactions system became the only method for licensed real estate agents to lodge a tenancy bond. Industry feedback has been positive, with a number of stakeholders reporting that the new system is reducing processing times and costs associated with bond transactions. The eTransaction system was assessed by a leading defence and security company and meets national banking standards.

The new system is also reducing the department's costs in administering residential tenancy bonds. BondsOnline eTransactions is now being made available to private landlords and lessors who manage significant property portfolios.

Enhancements were also made to AssociationsOnline to strategically align to the department's high level corporate strategy of seeking opportunities to digitise our services to our customers, reduce operational costs, and reduce the volume of paper associated with managing corporate records, in an efficient, practical and sustainable manner.

The enhancements provide for functionality and transparency for associations who are enrolled to use the AssociationsOnline system. Associations have oversight over the lodgement process through a contemporary dashboard which allows increased visibility over the status of submitted applications.

### Case Study



#### Cannabis growing crime gangs target Perth landlords

Consumer Protection urged private landlords to be aware of South-East Asian crime gangs based in the eastern states renting homes from Perth landlords and turning them into indoor cannabis farms, causing extensive damage.

Over 21 homes during this financial year have been rented by members of the gangs who take out long-term leases using false identification and naming other gang members to provide fake references. Once the lease is signed, they then convert the house's interior into a hydroponic cannabis growing system.

The Western Australia Police are conducting an ongoing investigation and have so far seized cannabis crops worth \$6 million from the properties and estimate the value of stolen power at \$1 million.

## National Indigenous Consumer Strategy - It's OK to walk away

In 2016–17, the National Indigenous Consumer Strategy project was led by Consumer Protection. This project focused on raising awareness within Indigenous communities about how Indigenous consumers can exercise their consumer rights to manage high pressure sales tactics.

The "it's OK to walk away" campaign is currently running across all jurisdictions from the beginning of November 2016 to the end of September 2017. Indigenous consumers in urban, regional and remote communities across Australia suffer from several disadvantages in their dealings with traders. The project involves education targeted towards Indigenous consumers in these areas. As part of the communications kit: a media release; social media posts and tweets; poster and post card; Power-Point presentation; web content; and a song and video clip were produced.

Between November 2016 and February 2017 radio coverage reached over 126,000 listeners, newspaper coverage was disseminated to 36,577 readers, television coverage reached an estimated 35,000 people and outreach education activities reached over 500 people. Total audience reach for the campaign to date is over 450,000.

## You Tube [It's Ok to walk away music video](#)



## Product safety

Consumer Protection, with assistance from the senior regional officers in six locations across the State, undertook more than 18,000 proactive product safety inspections in 2016–17. These included, but were not limited to, toys or novelties containing: button batteries; inflatable frogs; Royal Show bags; bean bags; Christmas decorations; Halloween novelty toys; plasma lamps/balls; decorative fireplaces; portable swimming pools; ethanol burners; household cots; treadmills; polymer beads; toppling furniture; and fidget spinners. In 96 per cent of inspections, the products met the requirements in the mandatory standards. A safety investigation was also launched into children's novelty 'fidget spinners' due to concerns about some models which contain button batteries.

### Case Study



#### Ethanol burners banned

Portable decorative ethanol burners were banned from sale in Western Australia in December 2016, after serious injuries reported throughout Australia increased concerns about their safety. This ban remained in place until 14 July 2017 and applies to all table-top devices and to certain freestanding devices that do not have specified safety features and warnings.

In October 2016, a 28-year-old Perth woman suffered serious burns to her face and upper body after an ethanol burner exploded in the backyard of a Safety Bay home. This was closely followed by two people being injured in Queensland from an ethanol burner accident.

The biggest danger arising from these products occurs when consumers re-fuel the burner when it is still lit or warm. When the fuel is low, the flame can appear blue or clear, making it difficult to see. There is also a risk of the burner being knocked over, especially by children or pets, potentially causing serious burns to people nearby as well as damage to property.

## Building Commission Division

The Building Commission Division works to ensure fair and efficient building and plumbing industries by consolidating policy, standards and registration of practitioners and contractors.

### Western Australia's Second Building Summit

The State's second Building Summit, held on 9 August 2016, provided an opportunity for the building industry and Local and State Government agencies to further identify and expand on issues discussed at the inaugural Building Summit held in February 2016. The second summit was convened to again consult with key stakeholders and progress major reforms, with a view to improving the efficiency, productivity and consistency of the Western Australian building industry. Specific topics discussed at the summit included: electronic enablement in the building industry; engineering standards; and the implementation of bushfire reforms.

### Security of Payment

On 15 December 2016, important amendments to the *Construction Contracts Act 2004* came into effect, improving the operation of, and access to, the rapid adjudication scheme in this Act for resolving payment disputes under construction contracts. Since December 2016, the Building Commission has increased awareness and understanding of the avenues for resolving payment disputes by:

- establishing a new subcontractor hotline for general payment dispute enquiries;
- convening several information sessions for industry which were attended by over 350 participants; and
- releasing a new guide on the Building Commission website focused on subcontractor payment issues and disputes.

### Case Study

#### Perth Children's Hospital



The Building Commission's compliance activities made headlines in 2016–17, with several high-profile issues highlighting the importance of building regulation and providing opportunities for the division to showcase its expertise. The Building Commission's independent audit of the new Perth Children's Hospital (PCH) provided assurance that concerns regarding asbestos, plumbing, fire safety and others would be investigated and reported on by the industry's regulator. A separate audit of Yuanda-supplied building products confirmed that asbestos-containing products had not been used in 13 other Western Australian buildings. The release of the PCH audit report, in particular the most likely causes of lead contamination in the water supply, received widespread coverage across print, radio, online and television media outlets. A media event held in April 2017 (pictured) briefed members of the WA media on the technical aspects of the report. More recently, the Building Commission has drawn and expanded on its previous audits to address local concerns about the fire risk from aluminium composite panels following the Grenfell Tower fire in London. The Building Commission will continue to advocate the importance of its compliance role through the routine publishing of audit results, public warnings and disciplinary and prosecution outcomes.



## EnergySafety Division

The EnergySafety Division carries out the technical safety regulation of all of the electricity industry and most of the gas industry. The division is industry funded.

### eNotice

Under electricity and gas safety legislation in Western Australia, electrical contractors and gasfitters must certify that the work they have undertaken is complete, safe, complies with legislation and is ready for connection to the energy supply. This certification is made by submitting a Notice of Completion (Notice) to the relevant gas supplier or electricity network operator. The number of Notices submitted each year exceeds 300,000.

Up until 2016–17 this process was largely paper-based and very labour intensive for all parties. However, in the first quarter of 2016–17, EnergySafety rolled out eNotice, an online application for electronic submission of Notices.



eNotice promises annual productivity  
improvements of at least

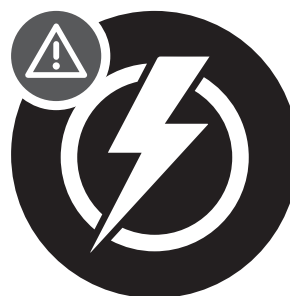
## \$1M across industry

eNotice promises annual productivity improvements of at least \$1 million across industry by significantly reducing the manual effort required for completing, delivering, validating and managing paper Notices. eNotice has achieved savings for both industry and government by saving time, supporting faster inspections and facilitating faster electricity and gas connections.

The new application has been well received by industry. Further information on eNotice winning an INCITE award is contained in the case study on page 33.

## Ban on live work

Following a spate of accidents involving electrical workers working on live equipment and in roof spaces of domestic dwellings, EnergySafety and WorkSafe recommended to the Government that safety legislation be amended to safeguard those working on or near energised electrical equipment.



Under the proposed changes, two regulatory measures will be implemented: a mandatory prohibition on electrical work on or near live electrical installations and equipment will be introduced; and the electricity main switch will have to be turned off before any workers enter the ceiling space of domestic properties.

Extensive consultation was held with industry, which generally supports the proposed changes.

The draft Code of Practice (Code) circulated during consultation is being amended to accommodate comments received. It is anticipated the amendment regulations and the associated Code will be published around September 2017.

## Case Study

**eNotice wins the Most Effective Government Solution category**

EnergySafety received the WA Information Technology and Telecommunications Alliance (WAITTA) INCITE award for eNotice in the category of 'Most Effective Government Solution'. eNotice is a web-based solution for the gas and electricity industry in Western Australia for lodging work notices. Replacing paper forms, eNotice has achieved savings for both industry and government by saving time, supporting faster inspections and facilitating faster electricity and gas connections.

The award recognises the innovation and business transformation that eNotice brings to government and society. It raises the profile of Western Australia's information and communication technology skills and brings a focus to the achievements of the Western Australian Government, the department and more specifically EnergySafety.

Mr Ken Bowron accepting an WA Information Technology and Telecommunications Alliance INCITE award for eNotice.



Inspiring  
ICT Innovation  
in Western  
Australia



## Labour Relations and Industry Development Division

The Labour Relations and Industry Development Division promotes and encourages a diversified Western Australian economy with sustainable and productive workplaces. It does this by partnering with key stakeholders, maintaining legislative and other frameworks for labour relations and industry development and representing government as an employer.

### Implementation of Government's Public Sector Wages Policy

During 2016–17 the Labour Relations directorate successfully implemented the Government's Public Sector Wages Policy with 15 industrial agreements registered covering some 44,000 employees. Labour Relations introduced and is now progressing the implementation of the new Public Sector Wages Policy 2017 which was announced on 12 May 2017. There are 21 industrial agreements currently in negotiation and a further 13 industrial agreements to commence negotiations in the next few months.



15 industrial agreements  
registered covering some

**44,000 employees**

### Proactive compliance campaigns

Labour Relations conducted two children in employment proactive campaigns in the fast food industry and the retail bakery industry in 2016–17. Comprehensive information was sent to 954 employers and relevant franchise head offices to improve compliance with laws regulating the employment of children under 15 years of age in these industries.

An education campaign was implemented to improve compliance with record keeping requirements by State system employers through promoting Wageline's record keeping templates to assist small business. The campaign integrated messages on the importance of maintaining adequate time and wages records and the potential consequences if records are not maintained into a broad range of client communication channels.

### Defence

The Industry Development directorate has been working with the Commonwealth Government, international defence contractors and local industry to ensure Western Australia is in a strong position for upcoming programs in naval shipbuilding and other defence capability streams.

The department hosted industry engagement events where local businesses were provided the opportunity to discuss their products and services directly to the potential prime contractors.



provided

**\$417,000**  
in matched funding

Through its Industry Facilitation and Support Program, Industry Development provided \$417,000 in matched funding to 20 small and medium size enterprises (SMEs) to improve their competitiveness and enable them to access defence supply chains.

The department also continued to play a key role in the governance and development of the Australian Marine Complex at Henderson.

## Regional telecommunications

The department was successful in securing co-contributions of \$19.8 million from the Commonwealth and \$26.6 million from industry for the construction of 55 mobile base stations and 23 small cell satellite installations under round two of the national Mobile Black Spot Program. All sites are due for completion in 2018.

The Regional Mobile Communications Project won an award at the 2016 Premier's Awards for Excellence in Public Sector Management. Refer to the following case study for further information.



successful in securing co-contributions of

**\$19.8 million**

from the Commonwealth and

**\$26.6 million**

from industry



**55 mobile**

base stations and

**23 small cell**

satellite installations

### Case Study



#### Winners at the 2016 Premiers Awards for Excellence in Public Sector Management

The department was recognised in the 2016 Premiers Awards for Excellence in Public Sector Management by winning the Revitalising the Regions category for the Regional Mobile Communications Project (RMCP).

Made possible by the State Government's Royalties for Regions, the \$40 million RMCP was delivered through an innovative partnership with Telstra that deployed 113 base stations in small communities and along key transport corridors. It has successfully provided reliable mobile voice and broadband coverage across 137,000 square kilometres of regional Western Australia (WA) for the first time. This investment continues to change the way people live, learn, work and visit these areas by improving public safety and convenience, business productivity and social inclusion.

RMCP is acknowledged nationally as an exemplar for public-private partnerships in mobile telecommunications. As a result of its success, the department secured additional Commonwealth and industry funding to further expand the mobile coverage footprint across regional WA.

**Left to right:** Mr David Ridgway, Telstra; Ms Meghan Barnes, Department of Regional Development; departmental staff Ms Kristin Berger and Ms Penny Griffin; Premier Colin Barnett; and departmental staff Ms Sue Cairns and Ms Anne Driscoll.



## Local industry participation

The department continued to implement a range of programs designed to build the capacity of SMEs throughout the State thereby increasing their national and international competitiveness. The defence sector has become a new focus for local business along with the continued opportunities for the supply of goods and services within the State Government market. Further administration and promotion of the Industry Facilitation and Support Program has:

- enabled Western Australia's steel fabricators, galvanisers and finishers to apply for funding aimed at supporting the steel industry in its efforts to meet the new Australian Steel Standard for the fabrication of structural steelwork; and
- enhanced the competitiveness of SMEs to better enable them to participate in the Commonwealth Government's \$89 billion naval shipbuilding and maintenance programs, and broader defence initiatives.

The department assisted in the development of over 20 industry participation plans for major Government projects and reviewed over 20 participation plans on project completion.



assisted in the development of over  
**20 industry**  
 participation plans for major  
 Government projects

## Western Australian Building and Construction Code Monitoring Unit

The Western Australian Building and Construction Code Monitoring Unit (BCCMU) was established in December 2016 to monitor compliance with the Western Australian Building and Construction Industry Code of Conduct 2016 (BCI Code). The BCI Code commenced on 1 January 2017 and was developed to ensure that Western Australian Government agencies, when expending public funds, contract with building contractors that conduct themselves in a reputable, fair, safe and responsible manner, both in dealings with the State of Western Australia and within the building and construction industry more broadly.



As at 30 June 2017, the  
 BCI Code applied to  
**70 projects**  
 worth approximately  
**\$990 million**

Since its establishment the BCCMU has published implementation guidelines and resources to assist building contractors comply with the BCI Code, and delivered presentations to more than 500 building industry participants outlining the obligations of the BCI Code. As at 30 June 2017, the BCI Code applied to 70 projects worth approximately \$990 million.

## WorkSafe Division

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

### Compliance activities

During the year, WorkSafe focused its occupational safety and health compliance and proactive educational programs on nationally agreed priority industries and State priority areas. In implementing this priority approach, the division: completed more than 7,540 investigations; issued 278 prohibition notices and 11,352 improvement notices; and signed 12 prosecution notices.



completed more than  
**7,540**  
investigations



issued  
**11,352**  
improvement notices

## Proactive campaigns

A number of key proactive team projects aligning with the *Australian Work Health and Safety Strategy 2012–2022* and targeting hazards and high levels of workplace injury and disease in industry sectors of concern were undertaken. These include: musculoskeletal disorders and manual task issues in workplaces; hazardous substances; noise induced hearing loss; work-related stress; managing violence/aggression in health care and community-based social assistance services; communicable diseases; support facilities in health care and educational workplaces; construction; air and space transport service and airport operations industries; fatigue/isolated commercial vehicle drivers; plant and plant movement; furniture retailing; other warehousing and storage services; cleaning services; waste industry; parks and gardens; accommodation; pubs, taverns and bars; labour supply services; takeaway food services; the registration and safety of plant in use and general safety and health matters at the Royal Show and major events; amusement centres (play and fun centres), including inflatables; other goods and equipment rental and hiring; packaging; architectural aluminium manufacturing and metal container manufacturing; other non-metallic mineral product manufacturing; steel pipe and tube manufacturing; metal roof and guttering manufacturing; railway rolling stock and repair services; isolation and lock-out/tag-out; and other hardware goods wholesaling and other wholesaling industries.

Risk management materials were distributed to workplaces to support these team projects.

## Safe Work October

National Safe Work Month, which is held in October each year, aims to build awareness of work health and safety, encourage discussion about safety at work and share positive workplace stories from across Australia. During the month in Western Australia, 402 participants attended various workshops held at Technology Park, Bentley. Safety topics covered during these workshops included: the importance of safe design; fatigue risk management; safe movement of vehicles; and diesel as a carcinogen. Of the 314 participants that completed a feedback survey, 92 per cent strongly agreed or agreed they had learned something new to take back to their workplace to help improve safety.



# 402

participants attended  
various workshops



of the 314 participants that  
completed a feedback survey

# 92 per cent

strongly agreed or agreed they  
had learned something new

## Case Study



### Former assessor fined for not complying with duties

During the year WorkSafe issued details of a prosecution against a WorkSafe Assessor who did not comply with their duties in assessing candidates for high risk work licences. The former assessor was fined a total of \$14,000 and had their registration as an assessor cancelled after they were found to have failed to properly conduct assessments, for example by marking incorrectly-answered questions as correct. WorkSafe Western Australian Commissioner Lex McCulloch commented that such prosecution action was evidence of how seriously WorkSafe takes any non-compliance with the duties of an assessor.



## Education and information sessions

As part of its continuing educational program approach, in 2016–17 WorkSafe presented 173 information sessions to 4,031 participants. These included, but were not limited to, 130 information sessions to 2,515 safety and health representatives, high school and TAFE students and 10 sessions tailored to individual workplaces to support workplace risk management processes. Thirteen sessions held at various locations around the state covering a range of occupational safety and health topics including harmonious workplaces, aged care and young workers. Nine seminars were also held for Licensed Asbestos Removalists and were attended by over 360 participants.

## Business Service Centre

During 2016–17 the WorkSafe Division responded to 63,223 requests for occupational safety and health information, received 1,946 notifications of injury and disease and answered 20,234 emails sent to the Customer Help Centre. Over 65,900 licences and registrations were processed in 2016–17, including the issue of 30,488 new classes of high-risk work licences and 30,057 high-risk work licence renewals.

The second stage of a new online service for clients was launched in November 2016. This additional service allows clients to submit injury notifications electronically enabling employers to report injuries at their convenience without being restricted to business hours. Since its launch, the new service has resulted in a 75 per cent uptake in injury notifications received from employers via the online channel.

### Case Study

#### Warning to Pokémon Go players not to access construction sites

WorkSafe issued a warning to Pokémon Go players to stay clear of construction sites. Players had been illegally accessing sites to chase the virtual characters that popped up there. WorkSafe warned that accessing construction sites without permission risked trespass charges and was a risk to personal safety. Employers were also warned they had a duty of care to ensure that people not involved with the site were not exposed to hazards there.



## WorkSafe Plan certification

The WorkSafe Plan is an assessment process that rates safety management systems and directs attention to areas that can be improved. The WorkSafe Plan is promoted by the WorkSafe Division to help workplaces introduce occupational safety and health management systems that support the practices required to establish and maintain safe systems of work.



# 21

workplaces were awarded a  
WorkSafe Plan certificate

In 2016–17, a total of 21 workplaces were awarded a WorkSafe Plan certificate. Seven workplaces were awarded platinum certification, gold certification was attained by nine workplaces, and silver certification was awarded to five workplaces.

The workplaces to achieve platinum certification were: CEVA Logistics; Rocky Bay Inc.; Cable Beach Club Resort and Spa; Albany Chip Terminal; Envar Group of Companies; Department of Commerce (further information on the department obtaining platinum certification can be found on page 41); and Brierty Limited.

### Work Safety Awards Western Australia

The Work Safety Awards Western Australia recognises outstanding occupational safety and health management, solutions and innovation in Western Australian workplaces that reduce the risk of work-related injury and disease. The 2016 winners were: Buckby Contracting Pty Ltd and Juniper, an aged care provider, who were jointly awarded for the best workplace safety and health management system; St Stephens School

for the best solution to an identified workplace safety and health issue; Tony Cannons from John Holland for best individual contribution to safety and health by a safety and health representative; and Ryan Knight from DM Civil for the best individual contribution to safety and health by an occupational safety and health (OSH) manager or person with formal OSH responsibilities.

### Case Study

#### Warning on falsified high risk work licences

WorkSafe issued two warnings during the year to carefully check high risk work licences after discovering falsified licences. Both licences had been altered to include classes of high risk work for which the owner had not been trained. WorkSafe reminded employers that high risk work licences were only issued to workers who had been trained and had the skills to perform high risk work. Employers and others in control of workplaces were urged to always sight original licences and double check the licence and registration search area on WorkSafe's website.



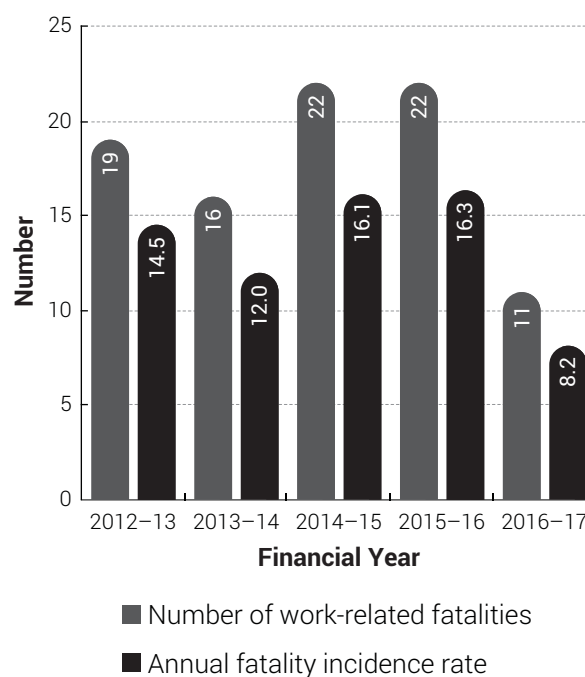
### Work-related injury and disease rates

According to the most recent preliminary workers' compensation claims data, work-related lost time injuries and diseases (LTI/Ds) in Western Australia recorded a 3.1 per cent increase in frequency rate, from 7.74 LTI/Ds per one million hours worked

in 2014–15 (revised data) to 7.98 in 2015–16 (preliminary). The five-year trend (2011–12 to 2015–16) shows a 3.0 per cent reduction. The total rate of improvement for all work-related injuries and diseases since the *Occupational Safety and Health Act 1984* came into effect 28 years ago in 1988–89 is 77.4 per cent. Please note, the above LTI/D figures have been rounded up to two decimal places.

Due to the volatility of work-related traumatic injury fatalities, averages over five years are used to provide clear trend data. The most recent data shows the average work-related traumatic injury fatality incidence rate for the five year period from 2012–13 to 2016–17 is 13.5 work-related traumatic injury fatalities per one million workers. This is a 6.9 per cent reduction from a fatality incidence rate of 14.5 for the five year period of 2011–12 to 2015–16. Figures have been rounded up to one decimal place.

**Figure 2: Work-related traumatic injury fatalities between 2012–13 and 2016–17<sup>(1)</sup>**



**Note:**

- (1) Annual data is subject to revision as more information becomes available. As such current data may not match data reported in previous annual reports.

## Corporate Highlights

### Corporate and Governance Services Division

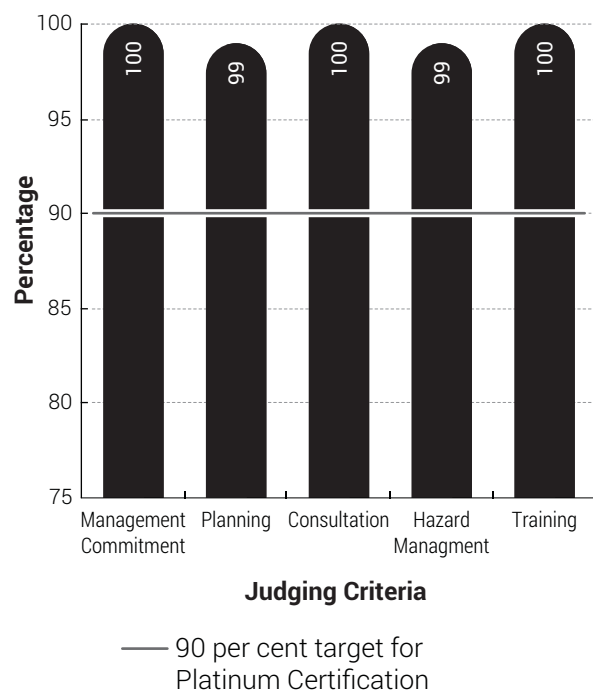
The Corporate and Governance Services Division supports the department's outcomes by providing effective governance and policies and procedures for a range of activities.

#### Platinum WorkSafe Award winners

In May 2017, the department was awarded WorkSafe Plan Certification at Platinum level for achieving the highest standards in OSH. This is the first time a Government agency has achieved platinum certification, with the department obtaining perfect scores against three of the five judging criteria.

A summary of the department's scores for each judging criteria has been provided below:

**Figure 3: Platinum Certification - WorkSafe Plan Audit Scores**



The external auditors Ace Health Specialists noted that since the last WorkSafe Plan external audit conducted in 2015, the department had progressed 33 actions to effectively implement the OSH Management System and facilitate continuous improvement. In addition, the audit findings demonstrated a positive OSH culture, and an excellent level of engagement was observed within the department.



**Left to right:** Mr Ken Chinnery, Ms Priscilla Bignoux and Mr Lex McCulloch.

#### Revised Code of Conduct

The department's Code of Conduct (Code) was reviewed in 2016, with the revised document being released to staff on 15 July 2016. The document builds on the Public Sector Commission's Code of Ethics and outlines the standards of behaviour and conduct staff are expected to apply as representatives of the department.

The Director General and Executive Directors encouraged employees to familiarise themselves with the Code, emphasising that not only does the Code apply to their professional behaviour during work time, but that it may also be relevant to situations involving the private activities and relationships of employees. In addition, Human Resources provided the Code to new employees as part of the induction program with all new employees being required to confirm their responsibility to read and adhere to it.

## Disability Access and Inclusion Plan 2017–2021

The department was proud to launch its new *Disability Access and Inclusion Plan 2017–2021* (DAIP) on 1 December 2016. The DAIP contains the department's strategies for ensuring that: people with disability, their families and carers have equal opportunity to the department's services and facilities; and people with disability work in an environment that is inclusive and free from all forms of unlawful discrimination and where people are valued for their diverse experiences, knowledge and abilities.

The department's approach is to work in partnership with the community and other public authorities to facilitate the inclusion of people with disability through improved access to our information, services and facilities. We are committed to consult with people with disability, their families and carers and where required, disability organisations, to ensure that barriers to access and inclusion are addressed appropriately.

The date the new DAIP was launched was selected to coincide with International Day of People with Disability which falls on 3 December 2016, thereby also raising awareness of this significant date. The DAIP is the department's fourth Disability Access and Inclusion Plan, and it continues the strong commitment we have demonstrated in previous years.

## Department

### Communication Services

This year the focus of the Online Services branch was on providing an alternative method for customers to access departmental services by bringing more services online; implementing a consistent social media strategy; using resources more efficiently; and on reducing manual handling by departmental staff. Towards the end of the year, Machinery of Government changes led to the department and the Department of Mines and Petroleum amalgamating to form the Department of Mines, Industry Regulation and Safety. Online Services developed uniform branding for the new department and developed and launched a rebranded website and intranet.

A wide range of online and offline communications services were provided to all areas of the department to support most divisional initiatives. Communication services included internal and external communications; campaign management and development; media liaison; graphic design; digital media creation; website maintenance and development, online surveys; and newsletter services.

Assistance was provided to deliver a range of campaigns and events including: the OSH and Wellbeing program; the Slips and Trips campaign; the Work Safety Awards and Executive Perspective breakfast for Safe Work October 2016; the Western Australian Consumer Protection Awards 2016; and the Building Commission's Building Summit.

Online Services continued a major project to redevelop the departmental intranet to improve productivity and internal communications within the department. As a result of the amalgamation the implementation was delayed, however it will be completed in the first half of the next financial year. Online Services also implemented major branding changes on departmental web services; redeveloped the WorkSafe Prosecution Database; and developed and managed other corporate web resources.

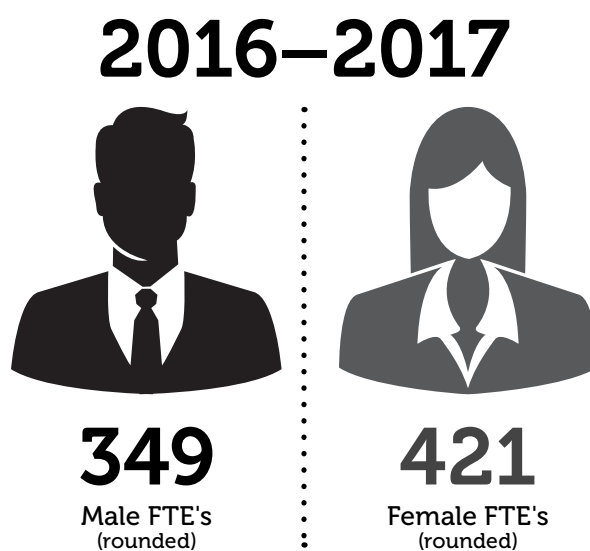
## Our people

The department employs a diverse range of talented people who work together to deliver its broad assortment of services to the Western Australian public.

As at 30 June 2017 the department employed 851 employees which equated to 770 full time equivalent positions. Table 6 provides a summary of the department's profile for 2016–17.

**Table 6: The department's comparative employment profile as at 30 June 2017**

Year	2016–17		
	Female	Male	Total
Permanent full time	290.5	303.8	594.3
Permanent part time	68.7	6.7	75.4
Fixed term full time	54.5	36.0	90.5
Fixed term part time	7.5	2.3	9.8
<b>Total FTEs</b>	<b>421.2</b>	<b>348.8</b>	<b>770</b>



### Workforce planning

Key workforce planning activities during the year included:

- the continued production of the monthly CEO Dashboard which monitors the department's performance over a range of key areas, with a focus on leave (usage, balances and liability), FTE, new starters and separations; and
- the updating of a number of demographic reports which are detailed below.

The following reports were completed for the department's divisions:

- the department's comprehensive demographic profile including comparison with the public sector and a review of equal employment opportunity outcomes and average salaries for the department and divisions;
- the maternity leave profile examined the return and retention of staff using maternity leave since 2010–11;
- the turnover and tenure snapshot reviewed the department's and divisions' turnover and tenure since 2012–13, as well as the types of separations and the demographics of separating staff;
- the age retirement snapshot reviewed age retirements and trends since 2005–06; and
- the Equal Employment Opportunity (EEO) snapshot reviewed the employment of people from the EEO groups since the establishment of the department in 2009.

## Attraction and retention

The department aims to recruit, develop and retain high calibre, skilled and motivated people. Improved employment options have been developed to ensure that the needs of our talented employees are met while fulfilling our business needs. To attract and retain the best possible people, the department offers a range of employee benefits which include:

- flexible working arrangements;
- work-life balance initiatives;
- a comprehensive health and wellness program;
- a financial capability strategy;
- retirement planning initiatives;
- a learning and development calendar; and
- study assistance.

## Valuing equity and diversity

The department acknowledges differences in the workforce and adapts work practices to create an inclusive environment in which diverse skills, perspectives and backgrounds are valued. The department aims to achieve an equitable and diverse workforce that is representative of the community at all levels of employment, and which enables employees to combine work and other responsibilities.

## Equal employment opportunity

The department has a culturally diverse workforce with employees identifying 38 separate countries as their respective places of birth. The percentage of employees from culturally diverse backgrounds within the department has been higher than the WA public sector average since 2012–13 and is close to the level in the Western Australian community (based on the 2016 census).

The percentage of employees with a disability has been higher than the WA public sector average since 2012–13 and is higher than the level in the Western Australian community (based on the 2011 census).

## Learning and development

A variety of workshops and programs were conducted through the internal learning and development calendar during 2016–17. Topics covered at these workshops and programs included communication skills, workplace diversity, career development and women's development.

## Accountable and ethical decision making

The online Accountable and Ethical Decision Making (AEDM) training forms a key part of the induction process for all new staff to the department. As at 30 June 2017, 98.6 per cent of all departmental staff have completed the AEDM training and assessment, while an additional 0.6 per cent are due to commence their training.



# 98.6 per cent

of all departmental staff have completed the  
AEDM training and assessment

The online training course covers six categories where public sector employees are required to display the most appropriate behaviour and comply with the accountability framework established by legislation and by Government.

The six categories are:

- personal behaviour;
- use of public resources;
- conflicts of interest;
- communication and official information;
- fraudulent and corrupt behaviour; and
- recordkeeping and use of information.

The department has also recently introduced refresher training in AEDM for existing staff who completed AEDM training more than five years ago. This is considered to be a reasonable timeframe for employees to refresh their understanding of the original training and also remind them about the department's policies that are in place to promote integrity.

### **My Money Matters financial capability strategy**

The My Money Matters financial capability strategy began in 2009–10 to assist staff to improve their financial literacy and wellbeing. The strategy has developed over time and now includes a comprehensive intranet site which contains a wide range of tools and resources. In addition, information sessions on a range of topics are conducted by the Government Employees Superannuation Board (GESB), the federal Department of Human Services Financial Information Service and the Public Trustee.

During 2016–17, 16 information sessions were attended by 313 staff. In addition, 63 staff attended an individual appointment with the department's GESB account manager or a financial information service officer.

### **My Retirement Readiness initiative**

The department has an ageing workforce with the percentage of employees who have reached minimum retirement age of 55 years, gradually increasing. The My Retirement Readiness initiative addresses the non-financial aspects of retirement and was developed to support staff to commence their retirement planning early. This initiative complements the My Money Matters strategy.

A retirement planning program was conducted twice during 2016–17 with 19 participants and the My Retirement Readiness initiative includes a comprehensive intranet site which contains a range of tools and resources.

### **Performance and Development Partnership Project**

In August 2016, the department invited employees to provide feedback on the department's performance management arrangements. The feedback revealed a desire for change,

specifically through more two-way feedback on performance, flexibility in how to approach performance management and improved follow through on development opportunities.

In response to employee needs and incorporating best practice in performance management, Human Resources developed an innovative system known as the Performance and Development Partnership (PDP). The purpose built system, planned to have online accessibility, offers flexible options that enable users to customise their performance management experience. The system focuses on managers and employees engaging in regular conversations on performance and development as a means to facilitate a no-surprises approach and to drive accountability for performance and development goals.

A suite of resources accompanying the new PDP will guide managers and employees alike in how to use and get the most value out of the system. Resources will include toolkits, interactive face-to-face training workshops and information sessions designed to equip managers and employees with knowledge in the system and learnings in how the PDP can drive performance, development and engagement.

### **Support for charities and community groups**

The department continued to provide ongoing support to local charities and community groups through a range of fundraising activities. During the past year, \$9,037.05 was raised and donated to 13 charities: the Birthing Kit Foundation, Oxfam Australia, Indigenous Literacy Foundation, Kidsafe, OneGirl, West Australian Pet Project, St Vincent de Paul Society Annual Christmas Appeal, Lifeline (through Living Stone), Harry Perkins Institute for Medical Research, Down Syndrome Association of WA, Cleft Palate and Lip Society of Australia, Wheelchair for Kids WA and Breast Cancer Care WA.

In addition to the 13 charities mentioned above, the Wellbeing team also raised \$387.10 by running a program, where for a gold coin donation to UNICEF, staff received a wellbeing pack which included a hand sanitiser and herbal tea.

Further, individual employees also supported various community groups and charities such as St Vincent De Paul Society by donating goods and food for their Annual Christmas Appeal. Staff also donated their time to the Telethon phone room over the Telethon weekend.



**\$9,037.05**

was raised and donated to 13 charities

## Employee services

### Employee assistance

The department's employee assistance program provides a range of personal and professional support services for all employees and their immediate families. This includes programs for the whole organisation as well as for specific situations such as traumatic workplace incidents.

In addition to the provision at a personal level of solution-focused professional assistance, which can include short term counselling, the employee assistance providers are also a resource for managers and team leaders to assist them effectively address challenging workplace issues.

### Workplace wellbeing

The department is committed to maintaining its employee's health, mental and social wellbeing as well as their physical safety. To support this commitment the department has a comprehensive Wellbeing Program 'Work Safe, Work Well'. The program offers a variety of healthy lifestyle initiatives and supports work life balance to assist employees in dealing effectively with the stresses of everyday work and life problems.

Key initiatives conducted through the Wellbeing Program in 2016–17 included (but were not limited to):

- financial wellbeing and money coaching sessions;
- health assessments (skin cancer checks, flu vaccinations, stroke checks, posture checks etc.);
- interactive workshops (ergonomics, flourishing and positive psychology, brain gut connection, food and mood etc.);
- mental health training for managers and leaders in the workplace, mental health first aid training for general staff and training in delivering effective customer service for people who have a mental illness;
- 10,000 step walking challenge;
- self-run meditations;
- OSH and Wellbeing Expos;
- launch of a SunSmart campaign - a new resource page developed to provide staff with the information and tools to maintain optimal safety from the sun when travelling or working outdoors. The resource page includes access to a Sunsmart widget, a customised Personal Protective Equipment (PPE) checklist, tips on sun safety in vehicles, skin self-checking tools, factsheets and video links to guides on the application of sunscreen, and how to identify the signs of heat stress;
- launch of the Mental Health Resource Kit - a new resource kit developed to provide staff with the information and tools to both maintain optimal mental health and learn more about mental health and mental illness. It also includes information on how to support a colleague and/or manage a direct report with mental illness; and
- employee assistance program briefing sessions and onsite appointments.

# Significant issues impacting the agency

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

A large, stylized number '3' is centered on the page. It is rendered in a light gray outline font. The background of the page features a complex, abstract geometric pattern of overlapping triangles and polygons in various shades of gray, creating a modern, textured effect.

Building Commission	48
Consumer Protection	48
EnergySafety	49
Labour Relations and Industry Development	50
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Department	50

## Significant issues and trends

### Building Commission

#### Building approvals

The *Building Act 2011* ensures construction and maintenance of buildings are compliant with building standards. Improved online application and processing, effective private sector assessment, and improved local government monitoring and enforcement, facilitate continuous improvement of building approval and certification processes. These processes provide the foundation for responsive action pending outcomes of national reviews and building standard-related incidents, including the London Grenfell Tower fire.

#### Home Indemnity Insurance

Following an actuarial review of the State's home indemnity insurance (HII) liabilities and premium structure, the government agreed to increase home indemnity insurance premiums for certain builder groups, effective 30 September 2017. This targeted increase represents a rebalancing of a legacy pricing structure and is the first step in policy reform. The current HII arrangements whereby QBE Insurance Group Limited (QBE) and Great Lakes Australia (GLA - formerly Calliden Group Ltd) issue HII and manage claims, with 100 per cent State backing, offers important cover for new home buyers should their builder be unable to complete construction or rectify defaults due to insolvency, death or disappearance. The arrangements with QBE are contracted to 31 October 2018 whilst the arrangement with GLA expires 31 October 2017. A working party with representation from the department, the Department of Treasury and the Insurance Commission of Western Australia is evaluating options for the broader reform of HII in Western Australia with a recommendation likely to be put to Cabinet by the end of the year.

### Security of payment

The Government has committed to improve security of payment for contractors, subcontractors and suppliers operating in the building and construction industries through a variety of legislative, contractual and educational reforms. These reforms will require the department to consult widely regarding available options and to work with government agencies to facilitate delivery.



### Consumer Protection

#### Code of Conduct – prepaid funerals

The Government has announced that a mandatory code of practice will be developed to regulate prepaid funeral funds in Western Australia. Prepaid funeral products have become increasingly popular with consumers who can pay large sums of money upfront for funeral arrangements. Consumer Protection will develop a draft code of practice for public consultation. The code will be designed to ensure that organisations selling funeral plans are held to high standards of conduct and that prepaid funeral monies are appropriately invested and protected.

#### Charitable Collections Act 1946

Consumer Protection will pursue a range of administrative initiatives and legislative amendments to the *Charitable Collections Act 1946*. In the current regulatory environment, where many licence holders already provide financial information to a variety of funding and regulatory agencies, this often results in unnecessary and unreasonable duplication in regulatory requirements. The proposed legislative changes will ensure consistency with respect to investigative powers while administrative reforms are designed to allow the streamlining of financial reporting.

## Retirement villages

As a result of emerging business models for the operation of retirement villages, and specific criticism and concern about retirement village contracts, regulators across Australia are examining a range of contractual issues. Consumer Protection will continue to focus on the management and operation of retirement villages in 2017–18, with a focus on any identified unfair contract terms and the application of deferred facilities or management fees. Work on the second stage of amendments to retirement villages' legislation is also currently being progressed and will see the remaining recommendations from the statutory review addressed.

## Significant changes in legislation

The Government has announced that amendments to the *Residential Parks (Long-stay Tenants) Act 2006* will be made to implement recommendations from the statutory review of the Act. Key issues addressed by the recommendations relate to certainty of contract, costs transparency and balance to ensure the viability of the sector. An amendment Bill will be drafted for introduction into Parliament in 2017–18.



Family violence is a key community issue that also impacts residential tenancy arrangements. At the end of January 2017 consultation closed on possible options to reform the *Residential Tenancies Act 1987* to deliver better outcomes for victims of family violence. Following analysis of submissions and further consultation where required, a report will be prepared for the Government making recommendations to amend the Act.

The national review of the operation of the Australian Consumer Law (ACL) was completed

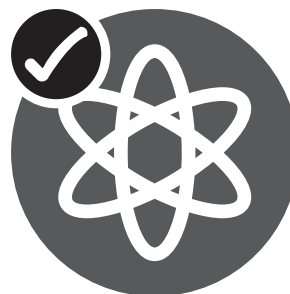
during 2016–17 and resulted in a range of proposed legislative amendments and further policy development that will be considered by consumer affairs Ministers early in the new financial year. Western Australia is actively involved in developing the amendment proposals and policy. In advance of the proposed reforms an amendment to the application mechanism in the *Fair Trading Act 2010* will be sought to provide for the automatic application of future amendments to the ACL.

## EnergySafety

### Energy Safety Bill

The energy sector has significantly evolved over recent times due to advances in energy-generation and storage technology. The Minister for Commerce and Industrial Relations has provided his consent for a review of the legislative framework administered by EnergySafety to be undertaken to ensure it reflects the reality of this sector. The outcomes of the review will inform the extent the legislative has to be amended. The proposed amendments will also aim to simplify and remove:

- any provisions that are no longer EnergySafety's responsibility;
- any inconsistencies or conflicts between pieces of legislation; and
- any overlaps that have occurred.



## Review of safe electrical work practices

The Government has endorsed the joint EnergySafety and WorkSafe proposals to ban work on energised electrical equipment after the deaths of three electrical workers in 2013–2014 and 2014–2015 in Western Australia. The proposed

changes to the Electricity (Licensing) Regulations 1991 and Occupational Safety and Health Regulations 1996 accompanied by Explanatory Notes and Code of Practice were circulated to industry in January 2017. The consultation period closed 31 March 2017 and EnergySafety has been working with the Parliamentary Counsel's Office (PCO) on accommodating feedback received during the consultation. While progress is dependent on the PCO's drafting priorities, EnergySafety is hopeful amendment regulations and the associated Code will be published around September 2017.

The changes aim to improve safety of electrical workers working on or near energised electrical equipment. They will also improve safety of all workers entering the ceiling space of domestic properties by requiring the electricity main switch to be turned off before any work is undertaken in the ceiling space. These initiatives will significantly improve the safety of Western Australian workers.

## Labour Relations and Industry Development

### Public Sector Wages Reform

The Government has commenced the first round of extensive reforms aimed at driving cultural change and creating cost savings across the public sector. An overhauled Public Sector Wages Policy commenced on 12 May 2017 and key industrial agreements covering approximately 80,000 public sector employees will be re-negotiated under the new Wages Policy setting in the 'first half of' the 2017–18 financial year. The department's Public Sector Labour Relations directorate will provide strategic and operational industrial advice on the development of the Wages Policy.

## WorkSafe

### Work Health and Safety Bill

The Government approved development of a new Work Health and Safety Bill which, based on model Work Health and Safety laws, will modernise and consolidate primary workplace health and safety legislation for the resources sector and general industry. The Bill will be supported by regulations aimed at aligning and improving consistency

between specific categories of industry at a State and national level.

### Increased penalties for offences under the *Occupational Safety and Health Act 1984*

WorkSafe carried out work to increase penalties for offences under the *Occupational Safety and Health Act 1984*. The outcome from the amendments will be increases to the penalties so that they are consistent with those in the national model Work Health and Safety Act.

## Department

### Online Licences Project

The Online Licences Project was initiated to simplify, standardise and offer a more convenient way for the citizens of Western Australia to apply for occupational licences and provide broader access to services. The project has delivered the foundational components in the first phase and is moving to a focus of integration and working with external business stakeholders before launching to the public. For WorkSafe, work is progressing regarding high risk work licence applications with a soft launch predicted for September 2017.

### 2017 Machinery of Government changes

Following the Machinery of Government changes announced by the Premier, the Hon. Mark McGowan MLA, on Friday 28 April 2017, the department's regulatory divisions amalgamated with the Department of Mines and Petroleum on 1 July 2017 to create the new Department of Mines, Industry Regulation and Safety. The Industry Development directorate, of what was the Labour Relations and Industry Development Division, joined the newly created Department of Jobs, Tourism, Science and Innovation.

The Department of Mines, Industry Regulation and Safety currently has three key business groups – Resources, Titles and Compliance; Safety; and Industry Regulation and Consumer Protection, and on behalf of the Western Australian Government works to ensure a safe, fair and responsible future for the community, industry and resources sector.

# Disclosures and legal compliance

Contains the department's audited Financial Statements and Key Performance Indicators for the year ending 30 June 2017.

The section also provides details on required disclosures and legal compliance obligations, including financial and performance management, accountability, governance and annual reporting required under specific legislation administered by the department.



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## Audit Opinion

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### Independent Auditor's Report

To the Parliament of Western Australia

### Department of Commerce Report on the Financial Statements

#### Opinion

I have audited the financial statements of the Department of Commerce which comprise the Statement of Financial Position as at 30 June 2017, the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows, Schedule of Income and Expenses by Service, Schedule of Assets and Liabilities by Service, and Summary of Consolidated Account Appropriations and Income Estimates for the year then ended, and Notes comprising a summary of significant accounting policies and other explanatory information, including Administered transactions and balances.

In my opinion, the financial statements are based on proper accounts and present fairly, in all material respects, the operating results and cash flows of the Department of Commerce for the year ended 30 June 2017 and the financial position at the end of that period. They are in accordance with Australian Accounting Standards, the *Financial Management Act 2006* and the Treasurer's Instructions.

#### Basis for Opinion

I conducted my audit in accordance with the Australian Auditing Standards. My responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of my report. I am independent of the Department in accordance with the *Auditor General Act 2006* and the relevant ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to my audit of the financial statements. I have also fulfilled my other ethical responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

### Key Audit Matters

Key audit matters are those matters that, in my professional judgement, were of most significance in the audit of the financial statements of the current period. These matters were addressed in the context of my audit of the financial statements as a whole, and in forming my opinion thereon, and I do not provide a separate opinion on these matters.

#### Recognition and measurement of Home Indemnity Insurance (HII) liability

In November 2013, the State assumed responsibility, on an emerging cost basis, for HII claims arising from the death, insolvency or disappearance of a builder or building group. In November 2016, this arrangement was extended to November 2018. Premiums are paid into an account administered by the department and claims are met from the account. This matter was significant to my audit because the valuation of the HII liability involved actuarial and management judgement. In addition, this liability was material to the financial statements. My audit procedures included assessing the valuation methodology and the reasonableness of the assumptions made by the actuary and by management. Based on the audit procedures performed, I concluded that the valuation methodology was adequate. The administered liability of \$38 million at 30 June 2017 is included as part of Other Current Liabilities at Note 49 of the financial statements.

## Responsibility of the Reporting Officer for the Financial Statements

The Department of Commerce ceased to exist as a department under the *Financial Management Act 2006* on 30 June 2017. The Treasurer appointed a Reporting Officer under section 68 of the Act who was responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards, the *Financial Management Act 2006* and the Treasurer's Instructions that are free from material misstatement, whether due to fraud or error.

## Auditor's Responsibility for the Audit of the Financial Statements

As required by the *Auditor General Act 2006*, my responsibility is to express an opinion on the financial statements. The objectives of my audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with Australian Auditing Standards, I exercise professional judgment and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery,

intentional omissions, misrepresentations, or the override of internal control.

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the agency's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Reporting Officer.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

From the matters communicated with the Reporting Officer, I determine those matters that were of most significance in the audit of the financial statements of the current period and are therefore the key audit matters. I describe these matters in the auditor's report unless law or regulation precludes public disclosure about the matter or when, in extremely rare circumstances, I determine that a matter should not be communicated in my report because of the adverse consequences of doing so would reasonably be expected to outweigh the public interest benefit of such communication.

## Report on Controls

### Opinion

I have undertaken a reasonable assurance engagement on the design and implementation of controls exercised by the Department of Commerce. The controls exercised by the Department are those policies and procedures established by the Director General to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions (the overall control objectives).

My opinion has been formed on the basis of the matters outlined in this report.

In my opinion, in all material respects, the controls exercised by the Department of Commerce are sufficiently adequate to provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities have been in accordance with legislative provisions during the year ended 30 June 2017.

### The Director General's Responsibilities

The Director General was responsible for designing, implementing and maintaining controls to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities are in accordance with the *Financial Management Act 2006*, the Treasurer's Instructions and other relevant written law.

### Auditor General's Responsibilities

As required by the *Auditor General Act 2006*, my responsibility as an assurance practitioner is to express an opinion on the suitability of the design of the controls to achieve the overall control objectives and the implementation of the controls as designed. I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3150 Assurance Engagements on Controls issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply

with relevant ethical requirements and plan and perform my procedures to obtain reasonable assurance about whether, in all material respects, the controls are suitably designed to achieve the overall control objectives and the controls, necessary to achieve the overall control objectives, were implemented as designed.

An assurance engagement to report on the design and implementation of controls involves performing procedures to obtain evidence about the suitability of the design of controls to achieve the overall control objectives and the implementation of those controls. The procedures selected depend on my judgement, including the assessment of the risks that controls are not suitably designed or implemented as designed. My procedures included testing the implementation of those controls that I consider necessary to achieve the overall control objectives.

I believe that the evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

### Limitations of Controls

Because of the inherent limitations of any internal control structure it is possible that, even if the controls are suitably designed and implemented as designed, once the controls are in operation, the overall control objectives may not be achieved so that fraud, error, or noncompliance with laws and regulations may occur and not be detected. Any projection of the outcome of the evaluation of the suitability of the design of controls to future periods is subject to the risk that the controls may become unsuitable because of changes in conditions.

## Report on the Key Performance Indicators

### Opinion

I have undertaken a reasonable assurance engagement on the key performance indicators of the Department of Commerce for the year ended 30 June 2017. The key performance indicators are the key effectiveness indicators and the key efficiency indicators that provide performance information about achieving outcomes and delivering services.

In my opinion, in all material respects, the key performance indicators of the Department of Commerce are relevant and appropriate to assist users to assess the Department's performance and fairly represent indicated performance for the year ended 30 June 2017.

### The Reporting Officer's Responsibility for the Key Performance Indicators

The Reporting Officer is responsible for the preparation and fair presentation of the key performance indicators in accordance with the *Financial Management Act 2006* and the Treasurer's Instructions and for such internal control as the Reporting Officer determines necessary to enable the preparation of key performance indicators that are free from material misstatement, whether due to fraud or error.

In preparing the key performance indicators, the Reporting Officer is responsible for identifying key performance indicators that are relevant and appropriate having regard to their purpose in accordance with Treasurer's Instruction 904 *Key Performance Indicators*.

### Auditor General's Responsibility

As required by the *Auditor General Act 2006*, my responsibility as an assurance practitioner is to express an opinion on the key performance indicators. The objectives of my engagement are to obtain reasonable assurance about whether the key performance indicators are relevant and appropriate to assist users to assess the agency's performance and whether the key performance indicators are free from material misstatement, whether due to fraud or error, and to issue an

auditor's report that includes my opinion. I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3000 *Assurance Engagements Other than Audits or Reviews of Historical Financial Information* issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply with relevant ethical requirements relating to assurance engagements.

An assurance engagement involves performing procedures to obtain evidence about the amounts and disclosures in the key performance indicators. It also involves evaluating the relevance and appropriateness of the key performance indicators against the criteria and guidance in Treasurer's Instruction 904 for measuring the extent of outcome achievement and the efficiency of service delivery. The procedures selected depend on my judgement, including the assessment of the risks of material misstatement of the key performance indicators. In making these risk assessments I obtain an understanding of internal control relevant to the engagement in order to design procedures that are appropriate in the circumstances.

I believe that the evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

### My Independence and Quality Control Relating to the Reports on Controls and Key Performance Indicators

I have complied with the independence requirements of the *Auditor General Act 2006* and the relevant ethical requirements relating to assurance engagements. In accordance with ASQC 1 *Quality Control for Firms that Perform Audits and Reviews of Financial Reports and Other Financial Information, and Other Assurance Engagements*, the Office of the Auditor General maintains a comprehensive system of quality control including documented policies and procedures regarding compliance with ethical requirements, professional standards and applicable legal and regulatory requirements.

### **Matters Relating to the Electronic Publication of the Audited Financial Statements and Key Performance Indicators**

This auditor's report relates to the financial statements and key performance indicators of the Department of Commerce for the year ended 30 June 2017 included on the Department's website. The Department's management is responsible for the integrity of the Department's website. This audit does not provide assurance on the integrity of the Department's website. The auditor's report refers only to the financial statements and key performance indicators described above. It does not provide an opinion on any other information which may have been hyperlinked to/from these financial statements or key performance indicators. If users of the financial statements and key performance indicators are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited financial statements and key performance indicators to confirm the information contained in this website version of the financial statements and key performance indicators.




COLIN MURPHY  
AUDITOR GENERAL  
FOR WESTERN AUSTRALIA  
Perth, Western Australia  
14 September 2017

# Financial Statements

## Certification of Financial Statements for the year ended 30 June 2017

The accompanying financial statements of the Department of Commerce have been prepared in compliance with the provisions of the *Financial Management Act 2006* from proper accounts and records to present fairly the financial transactions for the financial year ending 30 June 2017 and the financial position as at 30 June 2017.

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



**Lex McCulloch**  
Reporting Officer  
12 September 2017

## Statement of Comprehensive Income

For the year ended 30 June 2017

	Note	2017 \$'000	2016 \$'000
<b>COST OF SERVICES</b>			
<b>Expenses</b>			
Employee benefits	4	85,057	83,769
Supplies and services	6	24,543	24,216
Depreciation and amortisation	7	4,100	4,271
Finance costs	8	22	24
Accommodation	9	8,902	10,683
Grants and subsidies	10	18,391	16,621
Revaluation decrements	16	117	-
Impairment	28	-	123
Other expenses	11	9,133	1,725
<b>Total cost of services</b>		<b>150,264</b>	<b>141,432</b>
<b>Income</b>			
<b>Revenue</b>			
User charges and fees	13	61,480	71,386
Sales	13	114	190
Commonwealth grants and contributions	14	418	362
Other revenue	15	6,158	6,326
<b>Total revenue</b>		<b>68,170</b>	<b>78,264</b>
<b>Gains</b>			
Other gains	18	11	146
<b>Total gains</b>		<b>11</b>	<b>146</b>
<b>Total income other than income from State Government</b>		<b>68,180</b>	<b>78,411</b>
<b>NET COST OF SERVICES</b>		<b>82,083</b>	<b>63,022</b>
<b>Income from State Government</b>	19		
Service appropriation		58,028	42,690
Services received free of charge		871	1,116
Royalties for Regions Fund		9,867	10,138
<b>Total income from State Government</b>		<b>68,766</b>	<b>53,944</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>		<b>(13,317)</b>	<b>(9,078)</b>
<b>OTHER COMPREHENSIVE INCOME</b>	34		
<b>Items not reclassified subsequently to profit or loss</b>			
Changes in asset revaluation surplus		(2,064)	20
<b>Total other comprehensive income</b>		<b>(2,064)</b>	<b>20</b>
<b>TOTAL COMPREHENSIVE INCOME FOR THE PERIOD</b>		<b>(15,381)</b>	<b>(9,058)</b>

See also the 'Schedule of Income and Expenses by Service'.

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

## Statement of Financial Position

As at 30 June 2017

	Note	2017 \$'000	2016 \$'000
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and cash equivalents	35	7,663	16,506
Restricted cash and cash equivalents	20	189,827	190,822
Receivables	21	5,032	10,762
Amounts receivable for services	22	2,974	53
Other current assets	23	1,655	741
<b>Total Current Assets</b>		<b>207,151</b>	<b>218,884</b>
<b>Non-Current Assets</b>			
Restricted cash and cash equivalents	20	285	-
Receivables	21	9,657	10,024
Amounts receivable for services	22	11,826	11,638
Property, plant and equipment	24	41,455	44,644
Intangible assets	27	10,319	9,538
<b>Total Non-Current Assets</b>		<b>73,541</b>	<b>75,844</b>
<b>TOTAL ASSETS</b>		<b>280,692</b>	<b>294,728</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	29	4,888	4,488
Unearned revenues	32	9,824	9,227
Provisions	31	18,645	18,420
Other current liabilities	33	367	341
<b>Total Current Liabilities</b>		<b>33,724</b>	<b>32,476</b>
<b>Non-Current Liabilities</b>			
Payables	29	500	589
Unearned revenues	32	9,601	8,665
Borrowings	30	771	771
Provisions	31	3,641	3,675
<b>Total Non-Current Liabilities</b>		<b>14,514</b>	<b>13,700</b>
<b>TOTAL LIABILITIES</b>		<b>48,238</b>	<b>46,176</b>
<b>NET ASSETS</b>		<b>232,455</b>	<b>248,552</b>
<b>EQUITY</b>			
	34		
Contributed equity		77,639	78,356
Reserves		8,972	11,036
Accumulated surplus		145,843	159,161
<b>TOTAL EQUITY</b>		<b>232,455</b>	<b>248,552</b>

See also the 'Schedule of Assets and Liabilities by Service'.

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

## Statement of Changes in Equity

For the year ended 30 June 2017

	Note	Contributed equity \$'000	Reserves \$'000	Accumulated surplus \$'000	Total equity \$'000
<b>Balance at 1 July 2015</b>	34	78,953	11,016	168,238	258,207
Surplus/(Deficit)		-	-	(9,078)	(9,078)
Other Comprehensive income		-	20	-	20
Total comprehensive income for the period		-	20	(9,078)	(9,058)
Transactions with owners in their capacity as owners:					
Distribution to owners		(597)	-	-	(597)
Total		(597)	-	-	(597)
<b>Balance at 30 June 2016</b>		78,356	11,036	159,161	248,552
<b>Balance at 1 July 2016</b>		78,356	11,036	159,161	248,552
Surplus/(Deficit)		-	-	(13,317)	(13,317)
Other Comprehensive income		-	(2,064)	-	(2,064)
Total comprehensive income for the period		-	(2,064)	(13,317)	(15,381)
Transactions with owners in their capacity as owners:					
Distribution to owners		(717)	-	-	(717)
Total		(717)	-	-	(717)
<b>Balance at 30 June 2017</b>		77,639	8,972	145,843	232,455

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

## Statement of Cash Flows

For the year ended 30 June 2017

	Note	2017 \$'000	2016 \$'000
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
Service appropriation		54,806	38,960
Holding account drawdowns		113	2,800
Royalties for Regions Fund		9,867	10,138
Distribution to owners		(717)	(597)
<b>Net cash provided by State Government</b>		<b>64,070</b>	<b>51,301</b>
<b>Utilised as follows:</b>			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee benefits		(84,589)	(86,880)
Supplies and services		(26,199)	(24,008)
Finance costs		(22)	(24)
Accommodation		(8,903)	(10,035)
Grants and subsidies		(17,995)	(17,706)
GST payments on purchases		(3,850)	(5,003)
Other payments		(1,733)	(1,719)
<b>Receipts</b>			
User charges and fees		61,568	67,793
Sale of goods and services		1,916	190
Commonwealth grants and contributions		318	362
GST receipts on sales		354	499
GST receipts from taxation authority		4,451	4,726
Other receipts		6,348	6,866
<b>Net cash provided by/(used in) operating activities</b>	<b>35</b>	<b>(68,336)</b>	<b>(64,940)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
<b>Payments</b>			
Purchase of non-current assets		(5,288)	(6,001)
<b>Net cash provided by/(used in) investing activities</b>		<b>(5,288)</b>	<b>(6,001)</b>
Net increase/(decrease) in cash and cash equivalents		(9,554)	(19,640)
Cash and cash equivalents at the beginning of the period		207,328	226,968
<b>CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD</b>	<b>35</b>	<b>197,774</b>	<b>207,328</b>

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

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

Income and expenses have been allocated directly to the appropriate service where known, with the balance being allocated on a notional proportionate basis.

## Schedule of Income and Expenses by Service

For the year ended 30 June 2017

	Consumer Protection		Industry and Technology		Energy Safety		Labour Relations		WorkSafe		Building Commission		Total	
	2017	2016	2017	2016	2017	2016	2017	2016	2017	2016	2017	2016	2017	2016
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>COST OF SERVICES</b>														
Expenses														
Employee benefits	31,182	31,259	3,165	2,549	9,731	9,747	5,865	5,814	18,429	18,311	16,685	16,090	85,057	83,769
Supplies and services	5,931	5,917	3,002	3,679	3,101	2,723	862	740	4,762	4,695	6,883	6,463	24,543	24,216
Depreciation and amortisation	1,941	2,133	84	233	526	452	365	258	763	776	420	419	4,100	4,271
Finance costs	-	-	22	24	-	-	-	-	-	-	-	-	22	24
Accommodation	4,159	5,452	66	385	927	945	1,202	752	1,132	1,568	1,416	1,580	8,902	10,683
Grants and subsidies	5,969	5,431	11,572	10,341	-	-	-	-	170	170	680	680	18,391	16,621
Revaluation decrement	-	-	-	-	-	-	117	-	-	-	-	-	117	-
Impairment	-	74	-	2	-	6	-	4	-	24	-	12	-	123
Other expenses	7,302	1,112	148	312	269	24	206	76	617	46	589	156	9,133	1,725
<b>Total cost of services</b>	<b>56,486</b>	<b>51,378</b>	<b>18,059</b>	<b>17,525</b>	<b>14,555</b>	<b>13,897</b>	<b>8,618</b>	<b>7,644</b>	<b>25,873</b>	<b>25,590</b>	<b>26,674</b>	<b>25,399</b>	<b>150,264</b>	<b>141,432</b>
<b>Income</b>														
User charges and fees	14,421	21,760	1,792	1,859	14,690	13,967	-	-	5,926	6,285	24,650	27,515	61,480	71,386
Sales	-	1	-	-	10	12	-	-	104	177	-	-	114	190
Commonwealth grants and contributions	280	237	-	1	67	58	1	1	42	40	27	25	418	362
Other revenue	3,868	4,476	691	835	167	170	109	105	388	419	936	322	6,158	6,326
Other gains	4	-	-	146	1	-	1	-	2	-	2	-	10	146
<b>Total income other than income from State Government</b>	<b>18,573</b>	<b>26,474</b>	<b>2,484</b>	<b>2,841</b>	<b>14,935</b>	<b>14,206</b>	<b>111</b>	<b>106</b>	<b>6,462</b>	<b>6,921</b>	<b>25,616</b>	<b>27,861</b>	<b>68,180</b>	<b>78,411</b>
<b>NET COST OF SERVICES</b>	<b>37,912</b>	<b>24,904</b>	<b>15,576</b>	<b>14,683</b>	<b>(380)</b>	<b>(310)</b>	<b>8,507</b>	<b>7,538</b>	<b>19,411</b>	<b>18,669</b>	<b>1,058</b>	<b>(2,463)</b>	<b>82,083</b>	<b>63,022</b>
<b>INCOME FROM STATE GOVERNMENT</b>														
Service appropriation	33,639	21,164	2,612	1,407	-	-	6,596	5,734	15,182	14,385	-	-	58,028	42,690
Services received free of charge	413	659	4	61	20	70	162	39	136	192	136	96	871	1,116
Royalties for Regions Fund	16	15	9,744	10,000	2	2	98	114	5	3	4	3	9,867	10,138
<b>Total income from State Government</b>	<b>34,067</b>	<b>21,838</b>	<b>12,360</b>	<b>11,468</b>	<b>21</b>	<b>71</b>	<b>6,856</b>	<b>5,887</b>	<b>15,322</b>	<b>14,580</b>	<b>140</b>	<b>99</b>	<b>68,766</b>	<b>53,944</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>	<b>(3,846)</b>	<b>(3,066)</b>	<b>(3,216)</b>	<b>(3,216)</b>	<b>401</b>	<b>381</b>	<b>(1,651)</b>	<b>(1,651)</b>	<b>(4,089)</b>	<b>(4,089)</b>	<b>(918)</b>	<b>2,562</b>	<b>(13,317)</b>	<b>(9,078)</b>

# Schedule of Assets and Liabilities by Service

As at 30 June 2017

	Consumer Protection		Industry and Technology		Energy Safety		Labour Relations		WorkSafe		Building Commission		Total	
	2017 \$'000	2016 \$'000	2017 \$'000	2016 \$'000	2017 \$'000	2016 \$'000	2017 \$'000	2016 \$'000	2017 \$'000	2016 \$'000	2017 \$'000	2016 \$'000	2017 \$'000	2016 \$'000
<b>Assets</b>														
Current assets	166,659	174,731	3,405	5,410	12,250	12,789	1,293	1,404	4,659	5,349	18,348	19,739	207,151	218,884
Non-current assets	9,078	9,825	49,343	51,901	3,556	4,264	1,583	1,799	4,574	4,774	4,699	3,989	73,541	75,844
<b>Total assets</b>	<b>175,737</b>	<b>184,557</b>	<b>52,748</b>	<b>57,311</b>	<b>15,806</b>	<b>17,052</b>	<b>2,875</b>	<b>3,204</b>	<b>9,233</b>	<b>10,123</b>	<b>23,047</b>	<b>23,728</b>	<b>280,692</b>	<b>294,728</b>
<b>Liabilities</b>														
Current liabilities	11,264	10,995	1,139	992	4,674	4,669	2,003	1,681	5,431	5,406	9,218	8,730	33,724	32,476
Non-current liabilities	4,606	4,580	897	870	3,546	4,056	244	347	777	770	3,933	3,586	14,514	13,700
<b>Total liabilities</b>	<b>15,870</b>	<b>15,575</b>	<b>2,036</b>	<b>1,862</b>	<b>8,220</b>	<b>8,725</b>	<b>2,247</b>	<b>2,028</b>	<b>6,208</b>	<b>6,176</b>	<b>13,151</b>	<b>12,316</b>	<b>48,238</b>	<b>46,176</b>
<b>NET ASSETS</b>	<b>159,867</b>	<b>168,982</b>	<b>50,712</b>	<b>55,449</b>	<b>7,585</b>	<b>8,327</b>	<b>628</b>	<b>1,176</b>	<b>3,025</b>	<b>3,947</b>	<b>9,896</b>	<b>11,412</b>	<b>232,455</b>	<b>248,552</b>

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

Assets and liabilities have been allocated directly to the appropriate service where known, with the balance being allocated on a notional proportionate basis.

## Summary of Consolidated Account Appropriations and Income Estimates

For the year ended 30 June 2017

	2017 Estimate \$'000	2017 Actual \$'000	Variance \$'000	2017 Actual \$'000	2016 Actual \$'000	Variance \$'000
<b>DELIVERY OF SERVICES</b>						
Item 80 Net amount appropriated to deliver services	56,860	56,783	(77)	56,783	41,476	15,307
Amount Authorised by Other Statutes						
- Salaries and Allowances Act 1975	1,245	1,245	-	1,245	1,214	31
<b>Total appropriations provided to deliver services</b>	<b>58,105</b>	<b>58,028</b>	<b>(77)</b>	<b>58,028</b>	<b>42,690</b>	<b>15,338</b>
<b>ADMINISTERED TRANSACTIONS</b>						
Item 81 Amount Provided for Administered Grants, Subsidies and Other Transfer Payments	7,644	-	(7,644)	-	-	-
<b>Total administered transactions</b>	<b>7,644</b>	<b>-</b>	<b>(7,644)</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>GRAND TOTAL</b>	<b>65,749</b>	<b>58,028</b>	<b>(7,721)</b>	<b>58,028</b>	<b>42,690</b>	<b>15,338</b>
<b>Details of Expenses by Service (b)</b>						
Consumer Protection	52,852	56,486	3,634	56,486	51,378	5,107
Industry and Technology	19,707	18,059	(1,648)	18,059	17,525	535
Energy Safety	15,111	14,555	(556)	14,555	13,897	659
Labour Relations	7,880	8,618	738	8,618	7,644	974
WorkSafe	26,674	25,873	(801)	25,873	25,590	282
Building Commission	30,602	26,674	(3,928)	26,674	25,399	1,275
<b>Total Cost of Services</b>	<b>152,826</b>	<b>150,264</b>	<b>(2,562)</b>	<b>150,264</b>	<b>141,432</b>	<b>8,831</b>
Less Total Income	(81,119)	(68,180)	12,939	(68,180)	(78,411)	10,231
Net Cost of Services	71,707	82,083	10,377	82,083	63,022	19,062
Adjustments (a)	(13,602)	(24,055)	(10,453)	(24,055)	(20,332)	(3,724)
<b>Total appropriations provided to deliver services</b>	<b>58,105</b>	<b>58,028</b>	<b>(77)</b>	<b>58,028</b>	<b>42,690</b>	<b>15,339</b>
<b>Capital Expenditure</b>						
Purchase of non-current assets	9,199	5,288	(3,911)	5,288	6,001	(713)
<b>Capital appropriation</b>	<b>9,199</b>	<b>5,288</b>	<b>(3,911)</b>	<b>5,288</b>	<b>6,001</b>	<b>(713)</b>
<b>Details of Income Estimates</b>						
Income disclosed as Administered Income	38,495	40,249	1,754	40,249	48,093	(7,844)
<b>Total income estimates</b>	<b>38,495</b>	<b>40,249</b>	<b>1,754</b>	<b>40,249</b>	<b>48,093</b>	<b>(7,844)</b>

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

(b) Details of Expenses by Service for 2017 Estimate are as reported in the 2016–17 Budget Papers.

Note 40 'Explanatory statement' and Note 48 'Explanatory statement for administered items' provides details of any significant variations between estimate and actual results for 2017 and between the actual results for 2016 and 2017.

# Notes to the Financial Statements

For the year ended 30 June 2017

## 1. Australian Accounting Standards

### General

The department's financial statements for the year ended 30 June 2017 have been prepared in accordance with Australian Accounting Standards. The term 'Australian Accounting Standards' includes Standards and Interpretations issued by the Australian Accounting Standard Board (AASB).

The department has adopted any applicable new and revised Australian Accounting Standards from their operative dates.

### Early adoption of standards

The department cannot early adopt an Australian Accounting Standard unless specifically permitted by Treasurer's instruction (TI) 1101 *'Application of Australian Accounting Standards and Other Pronouncements'*. There has been no early adoption of Australian Accounting Standards that have been issued or amended (but not operative) by the department for the annual reporting period ended 30 June 2017.

## 2. Summary of significant accounting policies

### (a) General Statement

The department is a not-for-profit reporting entity that prepares general purpose financial statements in accordance with Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB as applied by the Treasurer's instructions. Several of these are modified by the Treasurer's instruction to vary application, disclosure, format and wording.

The *Financial Management Act 2006* and the Treasurer's Instructions impose legislative provisions that govern the preparation of financial statements and take precedence over Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB.

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

### (b) Basis of Preparation

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

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

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

Note 2(x) 'Judgements made by management in applying accounting policies' discloses judgements that have been made in the process of applying the department's accounting policies resulting in the most significant effect on amounts recognised in the financial statements.

Note 2(y) 'Key sources of estimation uncertainty' discloses key assumptions made concerning the future, and other key sources of estimation uncertainty at the end of the reporting period, that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year.

### Machinery of Government changes

Under the *Public Sector Management Act 1994* section 35(1)(b), the Governor has amalgamated the departments designated Department of Commerce and Department of Mines and Petroleum; and resulted in the Department of Mines, Industry Regulation and Safety, with effect on and after 1 July 2017.

The financial statements have been prepared on the going concern basis as the net assets will be transferred to the

## Notes to the Financial Statements

For the year ended 30 June 2017

Department of Mines, Industry Regulation and Safety, that will continue to provide services to the public.

### (c) Reporting Entity

The reporting entity comprises the Department of Commerce.

#### Mission

The department's mission is to create a contemporary, diversified economy that provides for the growth, safety and protection of the community.

#### Services

The department provides the following services:

#### Service 1: Consumer Protection

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

#### Service 2: Industry and Technology

Contributes to the State's economy by promoting industry and technology. Services include supporting industry development through research and infrastructure, promoting Western Australian industry opportunities and capabilities, and providing policy development advice.

#### Service 3: Energy Safety

The provision of regulatory services to the Western Australian community through licensing and compliance activities in the area of energy safety.

#### Service 4: Labour Relations

To assist private and public sector workplaces to be economically sustainable and fair by providing our stakeholders and clients with expert labour relations advice, education and regulation.

#### Service 5: WorkSafe

The provision of advice, information, education, licensing and enforcement services to the Western Australian community in the area of occupational safety and health.

### Service 6: Building Commission

The provision of reform, regulatory and dispute resolution services that enable the building and plumbing industries to efficiently deliver buildings that are safe, sustainable and respond to community needs.

The department administers assets, liabilities, income and expenses on behalf of Government which are not controlled by, nor integral, to the function of the department. These administered balances and transactions are not recognised in the principal financial statements of the department but schedules are prepared using the same basis as the financial statements and are presented at Note 47 'Disclosure of Administered Income and Expenses by Service' and Note 49 'Administered Assets and Liabilities'.

### (d) Contributed Equity

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

The transfer of net assets to/from other agencies, other than as a result of a restructure of administrative arrangements, are designated as contributions by owners where the transfers are non-discretionary and non-reciprocal. See Note 34 'Equity'.

### (e) Income

#### Revenue Recognition

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

## Notes to the Financial Statements

For the year ended 30 June 2017

### Sale of goods

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

### Provision of services

Revenue is recognised by reference to the stage of completion of the transaction.

### Interest

Revenue is recognised as the interest accrues.

### Premium revenue

Direct premium comprises amounts charged to the policyholders but excludes taxes collected on behalf of third parties. The earned portion of premiums received is recognised as premium revenue in the Statement of Comprehensive Income (Administered). Premium revenue is earned from the date of attachment of risk and over the term of the policies written, based on the assessment of the likely pattern in which risk will emerge. A daily pro-rata basis is used to recognise revenue. The portion not earned as determined by the above method is classified on the Statement of Financial Position (Administered) as unearned premium. See Note 46 'Disclosure of administered expenses and income' and Note 49 'Disclosure of administered assets and liabilities' for further information.

### Unearned premium liabilities

The adequacy of the unearned premium liability is assessed by considering current estimates of all expected future cash flows relating to future claims covered by current insurance contracts. If the present value of the expected future cash flows relating to future claims, plus the additional risk margin to reflect the inherent uncertainty in the central estimate exceeds the unearned premium liability, then the unearned premium liability is deemed deficient. Any deficiency is recognised immediately in

the Statement of Comprehensive Income (Administered) as an expense, both gross and net of reinsurance. Any excess is recorded on the Statement of Financial Position as an unexpired risk liability. See Note 46 'Disclosure of administered expenses and income' and income and Note 49 'Disclosure of administered assets and liabilities' for further information.

### Service appropriations

Service appropriations are recognised as revenues at fair value in the period in which the department gains control of the appropriated funds. The department gains control of appropriated funds at the time those funds are deposited to the bank account or credited to the 'Amounts receivable for services' (holding account) held at Treasury. See Note 19 'Income from State Government' for further information.

### Net appropriation determination

The Treasurer may make a determination providing for prescribed receipts to be retained for services under the control of the department. In accordance with the determination specified in the 2016–2017 Budget Statements, the department retained \$68.180 million in 2017 (\$78.411 million in 2016) from the following:

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

### Grants, donations, gifts and other non-reciprocal contributions

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

Other non-reciprocal contributions that are not contributions by owners are recognised at their fair value. Contributions of services are only recognised when a fair value can be

## Notes to the Financial Statements

For the year ended 30 June 2017

reliably determined and the services would be purchased if not donated.

Royalties for Regions funds are recognised as revenue at fair value in the period in which the department obtains control over the funds. The department obtains control of the funds at the time the funds are deposited into the department's bank account.

### Gains

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

### (f) Borrowing Costs

All borrowing costs are expensed when incurred.

All loans payable are initially recognised at cost being the fair value of the net proceeds received. Subsequent measurement is at amortised cost using the effective interest rate method.

### (g) Property, Plant and Equipment

#### Capitalisation/expensing of assets

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

#### Initial recognition and measurement

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

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

### Subsequent measurement

Subsequent to initial recognition as an asset, the department uses the revaluation model for the measurement of land and buildings and the historical cost model for all property, plant and equipment. Land and buildings are carried at fair value less accumulated depreciation on buildings and accumulated impairment losses. All other items of property, plant and equipment are stated at historical cost less accumulated depreciation and accumulated impairment losses. Where market-based evidence is available, the fair value of land and buildings is determined on the basis of current market buying values determined by reference to recent market transactions. When buildings are revalued by reference to recent market transactions, the accumulated depreciation is eliminated against the gross carrying amount of the asset and the net amount restated to the revalued amount.

When market-based evidence is not available, the fair value of land and buildings is determined on the basis of existing use. This normally applies where buildings are specialised or where land use is restricted. Fair value for existing use building assets is determined by reference to the cost of replacing the remaining future economic benefits embodied in the asset, i.e. the depreciated replacement cost. Where the fair value of buildings is dependent on using the depreciated replacement cost basis, the gross carrying amount and the accumulated depreciation are restated proportionally.

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

# Notes to the Financial Statements

For the year ended 30 June 2017

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

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

## Derecognition

Upon disposal or derecognition of an item of property, plant and equipment, any revaluation surplus relating to that asset is retained in the asset revaluation surplus.

## Asset revaluation surplus

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

However, a net revaluation movement in respect of a class of assets in property, plant and equipment is recognised in the "Result for the period" to the extent that it reverses a net revaluation decrement of the same class of assets previously expensed in the "Result for the period". Also, a net revaluation decrement, in respect of a class of assets, is expensed in the "Result for the period" to the extent that there is no credit balance in the asset revaluation surplus for that same class of assets.

## Depreciation

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

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

Class of Asset	Years
Buildings	40
Property infrastructure	5 to 15
Computer hardware	3 to 5
Communication	5
Computer software <sup>(a)</sup>	3 to 5
Furniture and fittings	10
Office equipment	3 to 5
Plant and machinery	10

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

## (h) Intangible Assets

### Capitalisation/expensing of assets

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

All acquired and internally developed intangible assets are initially recognised at cost. For assets acquired at no cost or for nominal cost, the cost is their fair value at the date of acquisition.

The cost model is applied for subsequent measurement requiring the asset to be carried at cost less any accumulated amortisation and accumulated impairment losses.

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

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

## Notes to the Financial Statements

For the year ended 30 June 2017

The expected useful lives for intangible software assets are:

Internally developed systems	3–12 years
All other intangible software assets	3 years

### Computer software

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

### Systems development

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

### Web site costs

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

### (i) Impairment of Assets

Property, plant and equipment and intangible assets are tested, when appropriate, for any indication of impairment at the end of each reporting period. Where there is an indication of impairment, the recoverable amount is estimated. Where the recoverable amount is less than the carrying amount, the asset is considered impaired and is written down to the recoverable amount and an impairment loss is recognised. Where an asset measured at cost is written down to recoverable amount, an impairment loss is recognised in profit and loss. Where a previously revalued asset is written down to recoverable amount, the loss is recognised as a revaluation decrement

in other comprehensive income. As the department is a not for profit entity, unless an asset has been identified as a surplus asset, the recoverable amount is the higher of an asset's fair value less costs to sell and depreciated replacement cost.

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

Intangible assets not yet available for use are tested for impairment at the end of each reporting period irrespective of whether there is any indication of impairment.

The recoverable amount of assets identified as surplus assets is the higher of fair value less costs to sell and the present value of future cash flows expected to be derived from the asset. Surplus assets carried at fair value have no risk of material impairment where fair value is determined by reference to market-based evidence. Where fair value is determined by reference to depreciated replacement cost, surplus assets are at risk of impairment and the recoverable amount is measured. Surplus assets at cost are tested for indications of impairment at the end of the reporting period.

See Note 28 'Impairment of assets' for the outcome of impairment reviews and testing.

See Note 2(p) 'Receivables' and Note 21 'Receivables' for impairment of receivables.

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

The department does not have any non-current assets classified as held for sale during the year.

## Notes to the Financial Statements

For the year ended 30 June 2017

### (k) Leases

The department does not have any finance leases.

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

### (l) Financial Instruments

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

- Loans and receivables; and
- financial liabilities measured at amortised cost.

Financial instruments have been disaggregated into the following classes:

#### Financial Assets

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

#### Financial Liabilities

- Payables
- W.A. LandCorp Borrowings

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

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

### (m) Cash and Cash Equivalents

For the purpose of the Statement of Cash Flows, cash and cash equivalent

(and restricted cash and cash equivalent) assets comprise cash on hand and short-term deposits with original maturities of three months or less that are readily convertible to a known amount of cash and which are subject to insignificant risk of changes in value.

### (n) Accrued Salaries

Accrued salaries (refer Note 29 'Payables') represent the amount due to staff but unpaid at the end of the financial year, as the pay date for the last pay period for that financial year does not coincide with the end of the financial year. Accrued salaries are settled within a fortnight of the financial year end. The department considers the carrying amount of accrued salaries to be equivalent to the net fair value.

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

### (o) Amounts Receivable for Services (Holding Account)

The department receives funding on an accrual basis that recognises the full annual cash and non cash cost of services. The appropriations are paid partly in cash and partly as an asset (Holding Account receivable) that is accessible on the emergence of the cash funding requirement to cover items such as leave entitlements and asset replacement.

See also Note 19 'Income from State Government' and Note 22 'Amounts receivable for services (Holding Account)'.

### (p) Receivables

Receivables are recognised and carried at original invoice amount less an allowance for uncollectible amounts (i.e. impairment).

## Notes to the Financial Statements

For the year ended 30 June 2017

The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectible are written off against the allowance account. The allowance for uncollectible amounts (doubtful debts) is raised when there is objective evidence that the department will not be able to collect the debts. The carrying amount is equivalent to fair value, as it is due for settlement within 30 days. See Note 2(l) 'Financial Instruments' and Note 21 'Receivables'.

### (q) Payables

Payables are recognised at the amounts payable when the department becomes obliged to make future payments as a result of a purchase of assets or services. The carrying amount is equivalent to fair value, as they are generally settled within 30 days. See Note 2(l) 'Financial Instruments' and Note 29 'Payables'.

### (r) Claims and Outstanding Claims Liability

Claims expense represents payment for claims and the movement in outstanding claims liabilities. The liability covers claims reported but not paid ("RBNP"), claims incurred but not reported ("IBNR"), claims incurred but not enough reported ("IBNER") and the anticipated direct and indirect costs of settling those claims. The liability for outstanding claims is determined by having regard to the advice of the PricewaterhouseCoopers Actuarial report. The liability is measured as the central estimate of the present value of the expected future payments against claims incurred at the reporting date under general insurance contracts issued by the division. A risk margin is added to the outstanding claims provision, net of reinsurance and other recoveries, to allow for the net liability being adequate at a sufficiency level deemed appropriate. The expected future payments are discounted to present value at balance date using a risk-free rate implied by the yield curve on government bonds at

balance date. See Note 46 'Disclosure of administered expenses and income' and Note 49 'Disclosure of administered assets and liabilities' for further information.

### (s) Provisions

Provisions are liabilities of uncertain timing or amount and are recognised where there is a present legal or constructive obligation as a result of a past event and when the outflow of resources embodying economic benefits is probable and a reliable estimate can be made of the amount of the obligation. Provisions are reviewed at the end of each reporting period. See Note 31 'Provisions'.

#### (i) Provisions - Employee Benefits Annual Leave and Long Service Leave Provisions - employee benefits

All annual leave and long service leave provisions are in respect of employees' services up to the end of the reporting period.

#### Annual leave

Annual leave is not expected to be settled wholly within 12 months after the end of the reporting period and is therefore considered to be 'other long-term employee benefits'. The annual leave liability is recognised and measured at the present value of amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions, as well as the experience of employee departures and periods of service. The expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

The provision for annual leave is classified as a current liability as the department does not have an unconditional right to the

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## Notes to the Financial Statements

For the year ended 30 June 2017

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defer settlement of the liability for at least 12 months after the reporting period.

### Long service leave

Long service leave is not expected to be settled wholly within 12 months after the end of the reporting period and is therefore recognised and measured at the present value of amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions, as well as the experience of employee departures and periods of service. The expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

Unconditional long service leave provisions are classified as current liabilities as the department does not have an unconditional right to defer settlement of the liability for at least 12 months after the reporting period. Pre-conditional and conditional long service leave provisions are classified as non-current liabilities because the department has an unconditional right to defer the settlement of the liability until the employee has completed the requisite years of service.

### Deferred leave

The provision for deferred leave relates to Public Service employees who have entered into an agreement to self-fund an additional 12 months leave in the fifth year of the agreement. The provision recognises the value of salary set aside for employees to be used in the fifth year. This liability is measured on the same basis as annual leave. Deferred leave is reported as a current provision as employees can leave the scheme at their discretion at any time.

### Purchased leave

The provision for purchased leave relates to Public Service employees who have entered into an agreement to self-fund up to an additional 10 weeks leave per calendar year. The provision recognises the value of salary set aside for employees and is measured at the undiscounted amounts expected to be paid when the liabilities are settled.

### Superannuation

The Government Employees Superannuation Board (GESB) administers public sector superannuation arrangements in Western Australia in accordance with legislative requirements. Eligibility criteria for membership in particular schemes for public section employees vary according to commencement and implementation dates.

Eligible employees contribute to the Pension Scheme, a defined benefit pension scheme closed to new members since 1987, or the Gold State Superannuation Scheme (GSS), a defined benefit lump sum scheme closed to new members since 1995.

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

The department has no liabilities under the Pension or the GSS. The liabilities for the unfunded Pension Scheme and the unfunded GSS transfer benefits attributable to members who transferred from the Pension Scheme are assumed by the Treasurer. All other GSS obligations are funded by concurrent contributions made by the department to the GESB.

Employees commencing employment prior to 16 April 2007 who were not members of either the Pension or the GSS became non-

## Notes to the Financial Statements

For the year ended 30 June 2017

contributory members of the West State Superannuation Scheme (WSS). Employees commencing employment on or after 16 April 2007 became members of the GESB Super Scheme (GESBS). From 30 March 2012, existing members of the WSS or GESBS and new employees became able to choose their preferred superannuation fund. The department makes concurrent contributions to GESB or other funds on behalf of employees in compliance with the *Commonwealth Government's Superannuation Guarantee (Administration) Act 1992*. Contributions to these accumulation schemes extinguish the department's liability for superannuation charges in respect of employees who are not members of the Pension Scheme or GSS.

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

See also Note 2(t) 'Superannuation Expense'.

### (ii) Provisions - Other

#### Employment on-costs

Employment on-costs, including workers' compensation insurance, are not employee benefits and are recognised separately as liabilities and expenses when the employment to which they relate has occurred. Employment on-costs are included as part of 'Other expenses' and are not included as part of the department's 'Employee benefits expense'. The related liability is included in Employment on-costs provision (see Note 11 'Other expenses' and Note 31 'Provisions').

### (t) Superannuation Expense

The superannuation expense in the Statement of Comprehensive Income comprises of employer contributions paid to the GSS (concurrent contributions), the WSS, the GESBS or other superannuation funds. The employer contribution paid to the GESB in respect of the GSS is paid back into the Consolidated Account by the GESB.

### (u) Assets and Services Received Free of Charge or for Nominal Cost

Assets or services received free of charge or for nominal cost that the department would otherwise purchase if not donated, are recognised as income at the fair value of the assets or services where they can be reliably measured. A corresponding expense is recognised for services received. Receipts of assets are recognised in the Statement of Financial Position.

Assets or services received from other State Government agencies are separately disclosed under Income from State Government in the Statement of Comprehensive Income.

### (v) Comparative Figures

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

### (w) Loans Converted to Grants

The department's range of assistance to industry includes loans, which are incrementally convertible to grants at prescribed intervals upon the recipients meeting performance milestones. The loans are recognised as loans receivable and a waiver of the loan is recognised for the conversion of the loans to grants at the time of conversion.

### (x) Judgements Made by Management in Applying Accounting Policies

The preparation of financial statements requires management to make judgements about the application of accounting policies that have a significant effect on the amounts recognised in the financial statements. The department evaluates these judgements regularly.

#### Operating lease commitments

The department holds operating leases for head office and a number of branch office accommodations. Some of these leases relate to buildings of a temporary

## Notes to the Financial Statements

For the year ended 30 June 2017

nature and it has been determined that the lessor retains substantially all the risks and rewards incidental to ownership. Hence, these leases have been classified as operating leases.

### (y) Key Sources of Estimation Uncertainty

Key estimates and assumptions concerning the future are based on historical experience and various other factors that have a significant risk of causing a material adjustment to the carrying amount of assets and liabilities within the next financial year.

#### Long service leave

Several estimations and assumptions used in calculating the department's long service leave provision include expected future salary rates, discount rates, employee retention rates and expected future payments. Changes in these estimations and assumptions may impact on the carrying amount of the long service leave provision.

### (z) Critical Accounting Judgements and Estimates

The department makes estimates and assumptions in respect of certain key assets and liabilities. Estimates and judgements are regularly evaluated and are based on historical experience and other factors, including expectations of future events that are believed to be reasonable under the circumstances. The key areas in which critical estimates and judgements are applied are described below.

#### The ultimate liability arising from claims made under insurance contracts.

Provision is estimated at year end for the estimated cost of claims incurred but not settled at balance date, including the cost of claims incurred but not reported. The estimated cost of claims includes an estimate of the direct and indirect expenses to be incurred in settling claims. Whilst all reasonable steps are taken to ensure that adequate information is obtained on

outstanding claims expense, given the uncertainty in establishing claims provisions, it is likely that the final outcome will prove to be different from the original liability established. The estimation of unreported claims is generally subject to a greater degree of uncertainty than the estimation of the cost of settling claims already notified, where more information about the claim event is generally available. Unreported claims may not be apparent to the insurer until many years after the events giving rise to the claims. The liability component of the home business will typically display greater variation between initial case estimates and final outcomes because there is a greater degree of difficulty in estimating reserves for reported and unreported claims. The estimated cost of outstanding claims, is based upon an independent actuarial valuation which uses a variety of estimation techniques, generally based upon statistical analyses of historical experience, which assumes that the development pattern of current claims will be consistent with past claims experience. Allowance is made for changes or uncertainties which may create distortions in the underlying statistics or which might cause the cost of outstanding claims to increase or decrease when compared with the cost of previously settled claims including:

- changes in company processes which might accelerate or slow down the development and/or recording of paid or incurred claims, compared with the statistics from previous periods;
- changes in the legal environment;
- the effects of inflation;
- changes in the mix of business;
- the impact of large losses; and
- movements in industry benchmarks.

See Note 49 'Disclosure of administered assets and liabilities' for further information.

## Notes to the Financial Statements

For the year ended 30 June 2017

### 3. Disclosure of changes in accounting policy and estimates

#### Initial application of an Australian Accounting Standard

The department has applied the following Australian Accounting Standards effective for annual reporting periods beginning on or after 1 July 2016 that impacted on the department.

AASB 1057	<p><i>Application of Australian Accounting Standards</i></p> <p>This Standard lists the application paragraphs for each other Standard (and Interpretation), grouped where they are the same. There is no financial impact.</p>
AASB 2014-3	<p><i>Amendments to Australian Accounting Standards – Accounting for Acquisitions of Interests in Joint Operations [AASB 1 and 11]</i></p> <p>The department establishes Joint Operations in pursuit of its objectives and does not routinely acquire interests in Joint Operations. Therefore, there is no financial impact on application of the Standard.</p>
AASB 2014-4	<p><i>Amendments to Australian Accounting Standards – Clarification of Acceptable Methods of Depreciation and Amortisation [AASB 116 and 138]</i></p> <p>The adoption of this Standard has no financial impact for the department as depreciation and amortisation is not determined by reference to revenue generation, but by reference to consumption of future economic benefits.</p>
AASB 2014-9	<p><i>Amendments to Australian Accounting Standards – Equity Method in Separate Financial Statements [AASB 1, 127 and 128]</i></p> <p>This Standard amends AASB 127, and consequentially amends AASB 1 and AASB 128, to allow entities to use the equity method of accounting for investments in subsidiaries, joint ventures and associates in their separate financial statements. As the department has no joint ventures and associates, the application of the Standard has no financial impact.</p>
AASB 2015-1	<p><i>Amendments to Australian Accounting Standards Annual Improvements to Australian Accounting Standards 2012 2014 Cycle [AASB 1, 2, 3, 5, 7, 11, 110, 119, 121, 133, 134, 137 and 140]</i></p> <p>These amendments arise from the issuance of International Financial Reporting Standard Annual Improvements to IFRSs 2012–2014 Cycle in September 2014, and editorial corrections. The department has determined that the application of the Standard has no financial impact.</p>
AASB 2015-2	<p><i>Amendments to Australian Accounting Standards Disclosure Initiative: Amendments to AASB 101 [AASB 7, 101, 134 and 1049]</i></p> <p>This Standard amends AASB 101 to provide clarification regarding the disclosure requirements in AASB 101. Specifically, the Standard proposes narrow-focus amendments to address some of the concerns expressed about existing presentation and disclosure requirements and to ensure entities are able to use judgement when applying a Standard in determining what information to disclose in their financial statements. There is no financial impact.</p>

## Notes to the Financial Statements

For the year ended 30 June 2017

AASB 2015-6	<p><i>Amendments to Australian Accounting Standards Extending Related Party Disclosures to Not-for-Profit Public Sector Entities [AASB 10, 124 and 1049]</i></p> <p>The amendments extend the scope of AASB 124 to include application by not-for-profit public sector entities. Implementation guidance is included to assist application of the Standard by not-for-profit public sector entities. There is no financial impact.</p>
AASB 2015-10	<p><i>Amendments to Australian Accounting Standards Effective Date of Amendments to AASB 10 and 128</i></p> <p>This Standard defers the mandatory effective date (application date) of amendments to AASB 10 and AASB 128 that were originally made in AASB 2014-10 so that the amendments are required to be applied for annual reporting periods beginning on or after 1 January 2018 instead of 1 January 2016. There is no financial impact.</p>

### Future impact of Australian Accounting Standards not yet operative

The department cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 *Application of Australian Accounting Standards and Other Pronouncements* or by an exemption from TI 1101. By virtue of a limited exemption, the department has early adopted AASB 2015-7 *Amendments to Australian Accounting Standards Fair Value Disclosures of Not-for-Profit Public Sector Entities*. Where applicable, the department plans to apply the following Australian Accounting Standards from their application date.

Standard	Operative for reporting periods beginning on/after
<p><i>AASB 9 Financial Instruments</i></p> <p>This Standard supersedes AASB 139 <i>Financial Instruments: Recognition and Measurement</i>, introducing a number of changes to accounting treatments.</p> <p>The mandatory application date of this Standard is currently 1 January 2018 after being amended by AASB 2012-6, AASB 2013-9 and AASB 2014-1 <i>Amendments to Australian Accounting Standards</i>. The department has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2018
<p><i>AASB 15 Revenue from Contracts with Customers</i></p> <p>This Standard establishes the principles that the department shall apply to report useful information to users of financial statements about the nature, amount, timing and uncertainty of revenue and cash flows arising from a contract with a customer.</p> <p>The department's income is principally derived from appropriations which will be measured under AASB 1058 <i>Income of Not-for-Profit Entities</i> and will be unaffected by this change. However, the department has not yet determined the potential impact of the Standard on 'User charges and fees' and 'Sales' revenues. In broad terms, it is anticipated that the terms and conditions attached to these revenues will defer revenue recognition until the department has discharged its performance obligations.</p>	1 Jan 2019

# Notes to the Financial Statements

For the year ended 30 June 2017

Standard	Operative for reporting periods beginning on/after
<p><i>AASB 16 Leases</i></p> <p>1 Jan 2019</p> <p>This Standard introduces a single lessee accounting model and requires a lessee to recognise assets and liabilities for all leases with a term of more than 12 months, unless the underlying asset is of low value.</p> <p>Whilst the impact of AASB 16 has not yet been quantified, the entity currently has operating lease commitments for \$112.886 million. The department anticipates most of this amount will be brought onto the statement of financial position, excepting amounts pertinent to short term or low value leases. Interest and amortisation expense will increase and rental expense will decrease.</p>	
<p><i>AASB 1058 Income of Not-for-Profit Entities</i></p> <p>1 Jan 2019</p> <p>This Standard clarifies and simplifies the income recognition requirements that apply to Not-for-Profit (NFP) entities, more closely reflecting the economic reality of NFP entity transactions that are not contracts with customers. Timing of income recognition is dependent on whether such a transaction gives rise to a liability, a performance obligation (a promise to transfer a good or service), or, an obligation to acquire an asset. The department has not yet determined the application or the potential impact of the Standard.</p>	
<p><i>AASB 2010-7 Amendments to Australian Accounting Standards arising from AASB 9 (December 2010) [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 and 1038 and Int 2, 5, 10, 12, 19 and 127]</i></p> <p>1 Jan 2018</p> <p>This Standard makes consequential amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 9 in December 2010.</p> <p>The mandatory application date of this Standard has been amended by AASB 2012-6 and AASB 2014-1 to 1 January 2018. The department has not yet determined the application or the potential impact of the Standard.</p>	
<p><i>AASB 2014-1 Amendments to Australian Accounting Standards</i></p> <p>1 Jan 2018</p> <p>Part E of this Standard makes amendments to AASB 9 and consequential amendments to other Standards. It has not yet been assessed by the department to determine the application or the potential impact of the Standard.</p>	
<p><i>AASB 2014-5 Amendments to Australian Accounting Standards arising from AASB 15</i></p> <p>1 Jan 2018</p> <p>This Standard gives effect to the consequential amendments to Australian Accounting Standards (including Interpretations) arising from the issuance of AASB 15. The mandatory application date of this Standard has been amended by AASB 2015-8 to 1 January 2018. The department has not yet determined the application or the potential impact of the Standard.</p>	

## Notes to the Financial Statements

For the year ended 30 June 2017

Standard	Operative for reporting periods beginning on/after
<p><i>AASB 2014-7 Amendments to Australian Accounting Standards arising from AASB 9 (December 2014)</i></p> <p>This Standard gives effect to the consequential amendments to Australian Accounting Standards (including Interpretations) arising from the issuance of AASB 9 (December 2014). The department has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2018
<p><i>AASB 2014-10 Amendments to Australian Accounting Standards – Sale or Contribution of Assets between an Investor and its Associate or Joint Venture [AASB 10 and 128]</i></p> <p>This Standard amends AASB 10 and AASB 128 to address an inconsistency between the requirements in AASB 10 and those in AASB 128 (August 2011), in dealing with the sale or contribution of assets between an investor and its associate or joint venture. The mandatory effective date (application date) for the Standard has been deferred to 1 Jan 2018 by AASB 2015-10. The department has determined that the Standard has no financial impact.</p>	1 Jan 2018
<p><i>AASB 2015-8 Amendments to Australian Accounting Standards – Effective Date of AASB 15</i></p> <p>This Standard amends the mandatory effective date (application date) of AASB 15 Revenue from Contracts with Customers so that AASB 15 is required to be applied for annual reporting periods beginning on or after 1 January 2018 instead of 1 January 2017. For Not-for-Profit entities, the mandatory effective date has subsequently been amended to 1 January 2019 by AASB 2016-7. The department has not yet determined the application or the potential impact of AASB 15.</p>	1 Jan 2019
<p><i>AASB 2016-2 Amendments to Australian Accounting Standards - Disclosure Initiative: Amendments to AASB 107</i></p> <p>This Standard amends AASB 107 Statement of Cash Flows (August 2015) to require disclosures that enable users of financial statements to evaluate changes in liabilities arising from cash flows and non-cash changes. There is no financial impact.</p>	1 Jan 2017
<p><i>AASB 2016-3 Amendments to Australian Accounting Standards - Clarifications to AASB 15</i></p> <p>This Standard clarifies identifying performance obligations, principal versus agent considerations, timing of recognising revenue from granting a licence, and, provides further transitional provisions to AASB 15. The department has not yet determined the application or the potential impact.</p>	1 Jan 2018
<p><i>AASB 2016-4 Amendments to Australian Accounting Standards – Recoverable Amount of Non-Cash-Generating Specialised Assets of Not-for-Profit Entities</i></p> <p>This Standard clarifies that the recoverable amount of primarily non-cash-generating assets of not-for-profit entities, which are typically specialised in nature and held for continuing use of their service capacity, is expected to be materially the same as fair value determined under AASB 13 <i>Fair Value Measurement</i>. The department has not yet determined the application or the potential impact.</p>	1 Jan 2017

## Notes to the Financial Statements

For the year ended 30 June 2017

Standard	Operative for reporting periods beginning on/after
<i>AASB 2016-7 Amendments to Australian Accounting Standards – Deferral of AASB 15 for Not-for-Profit Entities</i>	1 Jan 2017
<p>This Standard amends the mandatory effective date (application date) of AASB 15 and defers the consequential amendments that were originally set out in AASB 2014-5 <i>Amendments to Australian Accounting Standards arising from AASB 15</i> for Not-for-Profit entities to annual reporting periods beginning on or after 1 January 2019, instead of 1 January 2018. There is no financial impact.</p>	
<i>AASB 2016-8 Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-for-Profit Entities</i>	1 Jan 2019
<p>This Standard inserts Australian requirements and authoritative implementation guidance for Not-for-Profit entities into AASB 9 and AASB 15. This guidance assists Not-for-Profit entities in applying those Standards to particular transactions and other events. There is no financial impact.</p>	
<i>AASB 2017-2 Amendments to Australian Accounting Standards – Further Annual Improvements 2014–2016 Cycle</i>	1 Jan 2017
<p>This Standard clarifies the scope of AASB 12 by specifying that the disclosure requirements apply to an entity's interests in other entities that are classified as held for sale, held for distribution to owners in their capacity as owners or discontinued operations in accordance with AASB 5. There is no financial impact.</p>	

### Changes in Accounting Estimates

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

#### 4. Employee benefits

	2017 \$'000	2016 \$'000
Wages and salaries	66,326	64,911
Severance payments - voluntary severance (a)	621	982
Superannuation - defined contribution plans (b)	7,620	7,511
Long service leave	2,528	2,766
Annual leave	6,804	6,524
Other related expenses (c)	1,158	1,074
	85,057	83,769

(a) The total amount paid by the department for voluntary severances for 2017 was \$0.844m (2016: \$1.305m) with the leave component of 2017: \$0.223m (2016: \$0.323m) being paid from the provisions account.

(b) Defined contribution plans include West State, Gold State, GESB and other eligible funds.

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

Employment on-costs such as workers' compensation insurance are included at Note 11 'Other expenses'. The employment on-costs liability is included at Note 31 'Provisions'.

## Notes to the Financial Statements

For the year ended 30 June 2017

### 5. Compensation of Key Management Personnel

The key management personnel include Ministers and senior officers of the department. However, the department is not obligated to compensate Ministers and therefore disclosures in relation to Ministers' compensation may be found in the Annual Report on State Finances.

Total compensation for senior officers of the department for the reporting period are presented within the following bands:

\$	2017	2016
20,001 – 30,000	-	1
40,001 – 50,000	-	1
80,001 – 90,000	-	1
100,001 – 110,000	-	1
110,001 – 120,000	-	2
150,001 – 160,000	-	2
160,001 – 170,000	2	-
200,001 – 210,000	1	-
230,001 – 240,000	1	1
250,001 – 260,000	1	-
260,001 – 270,000	1	2
270,001 – 280,000	1	1
290,001 – 300,000	1	-
310,001 – 320,000	1	-
330,001 – 340,000	-	1
	<b>\$'000</b>	<b>\$'000</b>
Short-term employee benefits	1,787	1,786
Post-employment benefits	199	199
Other long-term benefits	195	199
Total remuneration of senior officers	<b>2,181</b>	<b>2,184</b>

The total remuneration includes the superannuation expense incurred by the department in respect of senior officers.

The decrease in Senior Officers in 2016–17 is mainly due to less movement within the Senior Officer positions over the year.

Senior officers are those Key Management Personnel being responsible for planning, directing and controlling the activities of the department.

### 6. Supplies and services

	2017 \$'000	2016 \$'000
Communications	1,044	822
Consultants and contractors	14,518	15,360
Consumables	1,613	1,618
Materials	898	912
Insurance	412	531
Motor vehicles	1,014	931
Maintenance	462	451
Travel	478	354
Other (a)	4,102	3,237
	<b>24,543</b>	<b>24,216</b>

(a) Other expenses mainly comprises of expenses relating to software licences, and freight and mail services.

## Notes to the Financial Statements

For the year ended 30 June 2017

	2017 \$'000	2016 \$'000
<b>7. Depreciation and amortisation</b>		
<b>Depreciation</b>		
Computer hardware and communications	1,062	886
Furniture and fittings	151	174
Office equipment	169	159
Buildings	126	146
Leasehold improvement	71	32
<b>Total depreciation</b>	<b>1,580</b>	<b>1,398</b>
<b>Amortisation</b>		
Licences	71	73
Computer software	2,449	2,800
<b>Total amortisation</b>	<b>2,520</b>	<b>2,873</b>
<b>Total depreciation and amortisation</b>	<b>4,100</b>	<b>4,271</b>
<b>8. Finance costs</b>		
Interest	22	24
	22	24
<b>9. Accommodation</b>		
Lease rentals	7,910	9,575
Repairs and maintenance	207	192
Cleaning	246	268
Services received free of charge	539	648
	<b>8,902</b>	<b>10,683</b>
<b>10. Grants and subsidies</b>		
<b>Recurrent</b>		
Farmsafe WA	70	100
Asbestos Diseases Society	100	70
Industry and Innovation	1,147	1,116
Royalties for Regions - Regional Buy Local Initiatives - Stage 2	-	87
Royalties for Regions - Regional Mobile Telecommunications Project - Stage 2	10,425	9,138
Property Industry Grants	5,945	5,092
Australian Building Codes Board	580	580
Building Commission	100	100
Seniors Housing Information Service	-	309
Other Miscellaneous - contributions to Commonwealth and others	24	30
	<b>18,391</b>	<b>16,621</b>

## Notes to the Financial Statements

For the year ended 30 June 2017

### 11. Other expenses

	2017 \$'000	2016 \$'000
Other expenses (a)	9,133	1,725
	9,133	1,725
Other expenses mainly comprises of expenditure related to:		
Rental Accommodation Account - write back 2015–16 recoup (b)	5,526	-
Expensing of information systems development costs (c)	2,926	-

- (a) Includes workers' compensation insurance and other employment on-costs. The on-costs liability associated with the recognition of annual and long service leave liability is included at Note 31 'Provisions'. Superannuation contributions accrued as part of the provision for leave are employee benefits and are not included in employment on-costs.
- (b) There were concerns over the sustainability of the administered Rental Accommodation Account (RAA) arising out of the sustained period of low interest rates. Therefore, the department obtained Government approval to not receive its reimbursement of the 2015–16 bonds administration costs incurred under the *Residential Tenancies Act 1987* from the administered RAA. Consequently, Other Expenses for 2016–17 include a reversal of \$5.5m for the revenue accrued in the 2015–16 financial year.
- (c) Other Expenses includes the expensing of information systems development costs incurred during the year (\$1.795m), and the write down of prior year development and implementation costs (\$1.131m) that, through a combination of contractual issues and technology developments, were assessed as not qualifying for classification as intangible assets at year's end.

### 12. Related Party Transactions

The department is a wholly owned and controlled entity of the State of Western Australia.

Related parties of the department include:

- all Ministers and their close family members, and their controlled or jointly controlled entities;
- all senior officers and their close family members, and their controlled or jointly controlled entities;
- other departments and public sector entities, including related bodies included in the whole of government consolidated financial statements;
- associates and joint ventures, that are included in the whole of government consolidated financial statements; and
- the Government Employees Superannuation Board (GESB).

#### Significant transactions with government related entities

Significant transactions include:

- service appropriations (Note 19);
- services received free of charge (Note 19);
- Royalties for Regions Fund (Note 19);
- lease rental payments to the Department of Finance (Note 9);
- motor vehicle lease payments of \$0.82 million to the Department of Finance (Note 6);
- commitments for future lease payments to the Department of Finance (Note 37);
- remuneration for services provided by the Auditor General (Note 41); and
- insurance payments to the Insurance Commission of W.A. (Note 6).

#### Material transactions with other related parties

- superannuation payments to GESB of \$7.0 million (Note 4).

The department had no material related party transactions with Ministers/senior officers or their close family members or their controlled (or jointly controlled) entities for disclosure.

## Notes to the Financial Statements

For the year ended 30 June 2017

### 13. User charges and fees and sales

#### User charges and fees

#### Sales

The user charges and fees arise from the department's services in the following areas:

	2017 \$'000	2016 \$'000
User charges and fees	61,480	71,386
Sales	114	190
Rental Accommodation Account (a)	-	5,526
WorkSafe	5,879	6,242
EnergySafety	14,690	13,965
Motor Vehicle Dealers and Repairers	2,312	2,219
Consumer Protection	12,102	14,002
Building Commission	24,523	27,415
Other	1,974	2,017
<b>Total User Charges and Fees</b>	<b>61,480</b>	<b>71,386</b>
Sales		
General	104	177
Publications	10	13
<b>Total Sales</b>	<b>114</b>	<b>190</b>

(a) Refer to Note 11 (b).

### 14. Commonwealth grants and contributions

Commonwealth funding received during the year	418	362
	418	362

### 15. Other revenue

Miscellaneous revenue for various recoups, contributions, interest, refunds etc.	6,158	6,326
	6,158	6,326
Other revenue mainly comprises of revenue received from:		
Interest received	3,161	3,617
Prior year recoups from Administered fund	-	1,233

### 16. Revaluation decrements

Revaluation decrements	117	-
	117	-

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

There were no gains or losses from the disposal of non-current assets.

## Notes to the Financial Statements

For the year ended 30 June 2017

### 18. Other gains

	2017 \$'000	2016 \$'000
Impairment gain		
Computer hardware	10	-
Furniture and fittings	1	-
Revaluation gain		
Buildings	-	146
	11	146

### 19. Income from State Government

#### Appropriation received during the year:

Service appropriation (a)	58,028	42,690
	58,028	42,690

#### Services received free of charge from other State Government agencies during the period:

Department of Finance - Building Management and Works	539	648
State Solicitor's Office	332	327
Department of Finance (Procurement)	-	120
Western Australian Land Information Authority (Landgate)	-	22
	871	1,116

#### Royalties for Regions Fund: (b)

Regional Community Services Account	524	138
Regional Infrastructure and Headworks Account	9,343	10,000
	9,867	10,138
	68,766	53,944

(a) Service appropriations fund the net cost of services delivered. Appropriation revenue comprises a cash component and a receivable (asset). The receivable (holding account) comprises the budgeted depreciation expense for the year and any agreed increases in leave liability during the year.

(b) This is a sub-fund within the over-arching 'Royalties for Regions Fund'. The recurrent funds are committed to projects and programs in WA regional areas.

## Notes to the Financial Statements

For the year ended 30 June 2017

	2017 \$'000	2016 \$'000
<b>20. Restricted cash and cash equivalents</b>		
<b>Current (a)</b>		
Consumer Credit Act (WA)	103	103
Departmental Receipts in Suspense	22	80
State Trading Concerns	1,131	1,053
Motor Vehicle Repair (MVR) Industry Education and Research Account	132	115
Motor Vehicle Repair (MVR) Industry Compensation Account	120	106
Co-operatives Companies Liquidation Account	12	12
EnergySafety Account	12,061	11,239
Real Estate - Education and General Purpose Account	25,332	28,428
Real Estate - Fidelity Guarantee Account	45,578	44,742
Real Estate - Home Buyers Assistance Account	15,235	16,426
Real Estate and Business Agents Supervisory Board Trust Account	362	354
Settlement Agents - Education and General Purpose Account	26,685	25,912
Settlements Agents - Fidelity Guarantee Account	45,790	43,800
Building Services Trust Dispute Remedies	-	42
Building Services Account	15,165	15,522
	187,729	187,934
Indian Ocean Territories - Commonwealth Government	37	107
Royalties for Regions Fund	2,061	2,781
	2,098	2,888
<b>Total current</b>	189,827	190,822
<b>Non-current</b>		
Accrued salaries suspense account (b)	285	-
<b>Total non-current</b>	285	-
<b>Total restricted cash and cash equivalents</b>	190,112	190,822

(a) Refer to Note 44 'Special Purpose Accounts and Restricted Cash Accounts' for explanation of nature of restriction.

(b) Funds held in the suspense account for the purpose of meeting the 27th pay in a financial year that occurs every 11 years.

## Notes to the Financial Statements

For the year ended 30 June 2017

### 21. Receivables

	2017 \$'000	2016 \$'000
<b>Current</b>		
Trade debtors	302	414
Allowance for impairment of receivables	(4)	(26)
GST receivables	1,353	1,167
Accrued revenue	3,099	9,081
	4,750	10,636
Loans (a)	282	126
<b>Total current</b>	<b>5,032</b>	<b>10,762</b>
<b>Non-Current</b>		
Loans (a)	9,657	10,024
<b>Total non-current</b>	<b>9,657</b>	<b>10,024</b>
<b>Total receivables</b>	<b>14,689</b>	<b>20,786</b>

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

#### Reconciliation of changes in the allowance for impairment of receivables:

Balance at start of period	26	26
Amounts written off during the period	(18)	-
Amount recovered during the period	(3)	-
<b>Balance at the end of the period</b>	<b>4</b>	<b>26</b>

The department does not hold any collateral as security or other credit enhancements relating to receivables.

### 22. Amounts receivable for services (Holding Account)

Current	2,974	53
Non-current	11,826	11,638
<b>Total amounts receivable for services</b>	<b>14,800</b>	<b>11,691</b>

Represents the non-cash component of service appropriations. See Note 2(o) 'Amounts Receivable for Services (Holding Account)'. It is restricted in that it can only be used for asset replacement or payment of leave liability.

### 23. Other current assets

<b>Current</b>		
Prepayments	1,577	722
Miscellaneous assets such as credit card and travel clearing accounts etc.	78	18
	1,655	741

## Notes to the Financial Statements

For the year ended 30 June 2017

### 24. Property, plant and equipment

	2017 \$'000	2016 \$'000
<b>Land (a)</b>		
At fair value	34,073	36,136
	34,073	36,136
<b>Buildings (a)</b>		
At fair value	4,813	5,056
	4,813	5,056
<b>Leasehold</b>		
At cost	456	351
Accumulated depreciation	(102)	(45)
	354	306
<b>Computer hardware and communications</b>		
At cost	4,905	4,741
Accumulated depreciation	(3,481)	(2,648)
Accumulated impairment losses	-	(15)
	1,425	2,077
<b>Furniture and fittings</b>		
At cost	1,679	2,295
Accumulated depreciation	(1,278)	(1,654)
Accumulated impairment losses	-	(91)
	401	551
<b>Office equipment</b>		
At cost	1,004	1,177
Accumulated depreciation	(614)	(652)
Accumulated impairment losses	-	(8)
	390	517
<b>Total</b>		
At cost/fair value	46,929	49,757
Accumulated depreciation	(5,475)	(5,000)
Accumulated impairment losses	-	(114)
<b>Total property, plant and equipment</b>	<b>41,455</b>	<b>44,644</b>

(a) Land and buildings were revalued as at 1 July 2016 by the Western Australian Land Information Authority (Valuation Services). The valuations were performed during the year ended 30 June 2017 and recognised at 30 June 2017. In undertaking the revaluation, fair value was determined by reference to market values, for land \$33,670,462 (2016: \$35,734,150) and buildings \$4,812,696 (2016: \$5,056,384), or otherwise to its current use value for land \$402,250 (2016: \$402,150). Formation of fair value measurements are provided in Note 26 'Fair Value Measurement'.

## Notes to the Financial Statements

For the year ended 30 June 2017

### Reconciliations

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

	2017 \$'000	2016 \$'000
<b>Land</b>		
Carrying amount at start of period	36,136	36,116
Revaluation	(2,064)	20
Carrying amount at end of period	34,073	36,136
<b>Buildings</b>		
Carrying amount at start of period	5,056	5,056
Revaluation	(117)	146
Depreciation	(126)	(146)
Carrying amount at end of period	4,813	5,056
<b>Leasehold</b>		
Carrying amount at start of period	306	203
Additions	119	135
Depreciation	(71)	(32)
Carrying amount at end of period	354	306
<b>Computer hardware and communications</b>		
Carrying amount at start of period	2,077	2,119
Additions	414	994
Depreciation	(1,062)	(886)
Impairment losses	-	(6)
Impairment gains	10	-
Account reclassification	(14)	(144)
Carrying amount at end of period	1,425	2,077
<b>Furniture and fittings</b>		
Carrying amount at start of period	551	807
Additions	-	8
Depreciation	(151)	(174)
Impairment losses	-	(91)
Impairment gains	1	-
Carrying amount at end of period	401	551
<b>Office equipment</b>		
Carrying amount at start of period	517	401
Additions	37	169
Depreciation	(169)	(159)
Impairment losses	-	(3)
Account reclassification	5	112
Carrying amount at end of period	390	517

## Notes to the Financial Statements

For the year ended 30 June 2017

	2017 \$'000	2016 \$'000
<b>Total - property, plant and equipment</b>		
Carrying amount at start of period	44,644	44,702
Additions	570	1,307
Revaluation	(2,181)	166
Depreciation	(1,580)	(1,398)
Impairment losses	-	(99)
Impairment gains	11	-
Account reclassification	(9)	(32)
Carrying amount at end of period	41,455	44,644

### 25. Non-current assets classified as held for sale (Buildings)

The department has no buildings held for sale.

### 26. Fair value measurements

Assets measured at fair value	Level 1	Level 2	Level 3	Fair Value
				At end of period
2017	\$'000	\$'000	\$'000	\$'000
Land (Note 24)	-	33,671	402	34,073
Buildings (Note 24)	-	4,813	-	4,813
	-	38,483	402	38,885
Assets measured at fair value	Level 1	Level 2	Level 3	Fair Value
				At end of period
2016	\$'000	\$'000	\$'000	\$'000
Land (Note 24)	-	35,734	402	36,136
Buildings (Note 24)	-	5,056	-	5,056
	-	40,791	402	41,193

There were no transfers between Levels 1, 2 or 3 during the current and the previous period.

#### Valuation techniques to derive Level 2 fair values

Level 2 fair values of land and buildings were derived using the market approach. Market evidence of sales prices of comparable land and buildings (office accommodation) in close proximity is used to determine price per square metre.

Fair value measurements using significant unobservable inputs (Level 3)	Land 2017 \$'000	Land 2016 \$'000
Fair value at start of period	402	402
Revaluation increments/(decrements) recognised in Other Comprehensive Income	-	-
Fair Value at end of period (a)	402	402

(a) Restricted land for road verges, pump station and drain sump

## Notes to the Financial Statements

For the year ended 30 June 2017

### Valuation process

There were no changes in valuation techniques during the period.

Transfers in and out of a fair value level are recognised on the date of the event or change in circumstances that caused the transfer. Transfers are generally limited to assets newly classified as non-current assets held for sale as Treasurer's instructions require valuations of land and buildings to be categorised within Level 3 where the valuations will utilise significant Level 3 inputs on a recurring basis.

### Land (Level 3 fair values)

Fair value for restricted use land is based on market value, by either using market evidence of sales of comparable land that is unrestricted less restoration costs to return the site to a vacant and marketable condition (low restricted use land), or, comparison with market evidence for land with low level utility (high restricted use land). Relevant comparators of land with low level utility are selected by the Western Australian Land Information Authority (Valuation Services) and represents the application of a significant Level 3 input in this valuation methodology. The fair value measurement is sensitive to values of comparator land, with higher values of comparator land correlating with higher estimated fair values of land.

### Information about significant unobservable inputs (Level 3) in fair value measurement.

Description	Fair value 2017 \$000	Fair value 2016 \$000	Valuation technique(s)	Unobservable Inputs
Land	402	402	Market approach	Selection of land with similar approximate utility

Reconciliations of the opening and closing balances are provided in Note 24 'Property, plant and equipment'.

### Basis of valuation

In the absence of market-based evidence, due to the specialised nature of some non-financial assets, these assets are valued at Level 3 of the fair value hierarchy on an existing use basis. The existing use basis recognises that restrictions or limitations have been placed on their use and disposal when they are not determined to be surplus to requirements. These restrictions are imposed by virtue of the land (for road verges, drain sump, pump station) being held to deliver a specific community service (Technology Park Bentley).

## Notes to the Financial Statements

For the year ended 30 June 2017

	2017 \$'000	2016 \$'000
<b>27. Intangible assets</b>		
<b>Computer software</b>		
At cost	19,742	16,882
Accumulated amortisation	(12,714)	(10,236)
	7,028	6,647
<b>Licences</b>		
At cost	247	911
Accumulated amortisation	(235)	(164)
	12	747
<b>Software development in progress</b>		
At cost	3,279	2,144
	3,279	2,144
<b>Total</b>		
At cost	23,268	19,938
Accumulated amortisation	(12,949)	(10,400)
Total intangible assets	10,319	9,538
<b>Reconciliations</b>		
<b>Computer software</b>		
Carrying amount at start of period	6,647	6,927
Additions	8	240
Reclassification	(2)	-
Transfer - completed software	2,824	2,279
Amortisation	(2,449)	(2,800)
Carrying amount at end of period	7,028	6,647
<b>Licences</b>		
Carrying amount at start of period	747	138
Additions	-	682
Reclassification	(285)	-
Amortisation	(71)	(73)
Asset write down	(380)	-
Carrying amount at end of period	12	747
<b>Software development in progress</b>		
Carrying amount at start of period	2,144	700
Additions	4,710	3,772
Transfer - completed software	(2,824)	(2,279)
Reclassification	2	(49)
Asset write down	(752)	-
Carrying amount at end of period	3,279	2,144
<b>Total - intangibles assets</b>		
Carrying amount at start of period	9,538	7,765
Additions	4,718	4,695
Reclassification	(285)	(49)
Amortisation	(2,520)	(2,873)
Asset write down	(1,131)	-
Carrying amount at end of period	10,319	9,538

## Notes to the Financial Statements

For the year ended 30 June 2017

### 28. Impairment of assets

	2017 \$'000	2016 \$'000
Computing hardware and communications	-	6
Furniture and fittings	-	91
Office equipment	-	3
Debtors	-	24
	-	123

### 29. Payables

#### Current

Trade payables	1,519	2,347
Accrued expenses	3,032	2,087
Accrued salaries	337	54
	4,888	4,488

#### Non-current (a)

##### Trust Accounts

Consumer Credit Act (WA)	103	103
Departmental Receipts in Suspense	22	77
Building Services Trust Dispute Remedies Account	-	42
Real Estate and Business Agents Supervisory Board	363	356
Co-operatives - Companies Liquidation Account	12	12
	500	589

Refer to Note 36 'Financial Instruments' and Note 2(l) 'Financial Instruments'.

(a) Refer to Note 44 'Special Purpose Accounts and Restricted Cash Accounts' for the nature of these payables.

### 30. Borrowings

#### Non-current

LandCorp (Enterprise Units Development Agreement)	771	771
	771	771

Amount of loan facility owed by the Department of Commerce to LandCorp.

## Notes to the Financial Statements

For the year ended 30 June 2017

### 31. Provisions

#### Current

Employee benefits provision		
Annual leave (a)	6,278	5,856
Long service leave (b)	12,023	12,292
Deferred salary scheme (c)	177	98
Purchased leave (d)	91	99

#### Other provisions

Employment on-costs (e)	76	74
-------------------------	----	----

#### Total current provisions

#### Non-current

Employee benefits provision		
Long service leave (b)	3,626	3,660

#### Other provisions

Employment on-costs (e)	15	15
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#### Total non-current provisions

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

Within 12 months of the end of the reporting period	4,500	4,269
More than 12 months after the reporting period	1,778	1,588
	6,278	5,856

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

Within 12 months of the end of the reporting period	4,841	4,955
More than 12 months after the reporting period	10,809	10,997
	15,649	15,952

- (c) Deferred salary scheme liabilities have been classified as current where there is no unconditional right to defer settlement for at least 12 months after the end of the reporting period. Actual settlement of the liabilities is expected to occur as follows:

Within 12 months of the end of the reporting period	-	-
More than 12 months after the reporting period	177	98
	177	98

## Notes to the Financial Statements

For the year ended 30 June 2017

	2017 \$'000	2016 \$'000
(d) Purchased leave liabilities have been classified as current where there is no unconditional right to defer settlement for at least 12 months after the end of the reporting period. Actual settlement of the liabilities is expected to occur as follows:		
Within 12 months of the end of the reporting period	91	99
More than 12 months after the reporting period	-	-
	91	99
(e) The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including workers' compensation insurance. The provision is the present value of expected future payments.		

### Movements in other provisions

Movements in each class of provisions during the financial year, other than employee benefits, are set out below.

#### Employment on-cost provision

Carrying amount at start of period	89	106
Additional/(reversals of) provisions recognised	3	(17)
Carrying amount at end of period	92	89

## 32. Unearned revenues

### Current

Unearned revenue (a)	9,824	9,227
	9,824	9,227

### Non-current

Unearned revenue (a)	9,601	8,665
	9,601	8,665

- (a) Unearned revenues are revenue received in advance for multiple year licences for EnergySafety, Motor Vehicle Repairers, Plumbers, Real Estate, Settlement Agents, Painters, Builders and Building Surveyors. This revenue will be recognised from 2017–18 and subsequent years.

## 33. Other liabilities

### Current

Miscellaneous liabilities such as stale and returned cheques, refunds etc.	367	341
	367	341

## Notes to the Financial Statements

For the year ended 30 June 2017

### 34. Equity

The Government holds the equity interest in the department on behalf of the community. Equity represents the residual interest in the net assets of the department. The asset revaluation surplus represents that portion of equity resulting from the revaluation of non-current assets.

#### Contributed equity

Balance at the start of the period

2017  
\$'000

2016  
\$'000

78,356

78,953

#### Contributions by owners

Capital appropriation

-

-

#### Total contributions by owners

-

-

#### Distribution to owners

Transfer of net assets to other agencies:

Department of Treasury

(717)

(597)

#### Total distributions to owners

(717)

(597)

#### Balance at the end of period

77,639

78,356

#### Reserves

##### Asset revaluation surplus:

Balance at the start of period

11,036

11,016

Net revaluation increments/(decrements)

Land

(2,064)

20

Balance at end of period

8,972

11,036

#### Accumulated surplus

Balance at start of period

159,161

168,238

Result for the period

(13,317)

(9,078)

Balance at end of period

145,843

159,161

#### Total Equity at end of period

232,455

248,552

## Notes to the Financial Statements

For the year ended 30 June 2017

### 35. Notes to the Statement of Cash Flows

#### Reconciliation of cash

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

	2017 \$'000	2016 \$'000
Cash and cash equivalents	7,663	16,506
Restricted cash and cash equivalents (refer to Note 20)	190,112	190,822
	197,774	207,328

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

<b>Net cost of services</b>	(82,083)	(63,022)
<b>Non-cash items:</b>		
Depreciation and amortisation expense (Note 7)	4,100	4,271
Services received free of charge (Note 19)	871	1,116
Net revaluation (increment)/decrement (Note 16)	117	(146)
Reclassification of assets (Note 24 and 27)	294	81
Impairment loss (Note 28)	-	123
Impairment gain (Note 18)	(11)	-
Asset write down (Note 27)	1,131	-
<b>(Increase)/decrease in assets:</b>		
Current receivables (a)	5,143	(5,888)
Other current assets	(914)	(376)
<b>Increase/(decrease) in liabilities:</b>		
Current payables (a)	400	(3,828)
Current unearned revenue	597	1,320
Current provisions	226	(474)
Other current liabilities	26	-
Non-current payables	(89)	59
Non-current unearned revenue	936	1,514
Non-current provisions	(34)	(76)
Other non-current liabilities	-	164
Net GST receipts/(payments) (b)	955	222
<b>Net cash provided by/(used in) operating activities</b>	<b>(68,336)</b>	<b>(64,940)</b>

(a) Note that the Australian Taxation Office (ATO) receivable/payable in respect of GST and the receivable/payable in respect of the sale/purchase of non-current assets are not included in these items as they do not form part of the reconciling items.

(b) This is the net GST paid/received, i. e. cash transactions.

### 36. Financial instruments

#### (a) Financial Risk Management Objectives and Policies

Financial instruments held by the department are cash and cash equivalents, restricted cash and cash equivalents, loans and receivables, payables and borrowings. The department has limited exposure to financial risks. The department's overall risk management program focuses on managing the risks identified below.

## Notes to the Financial Statements

For the year ended 30 June 2017

### Credit risk

Credit risk arises when there is the possibility of the department's receivables defaulting on their contractual obligations resulting in financial loss to the department.

The maximum exposure to credit risk at the end of the reporting period in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any provisions for impairment, as shown in the table at Note 36(c) 'Financial instruments disclosures' and Note 21 'Receivables'.

Credit risk associated with the department's financial assets is minimal, mainly comprised of receivables that are in the nature of loans to third parties and the amounts receivable for services (holding account). For receivables other than government, the department trades only with recognised, creditworthy third parties. The department has policies in place to ensure that sales of products, services and loans are made to customers with an appropriate credit history. In addition, receivable balances are monitored on an ongoing basis with the result that the department's exposure to bad debts is minimal. There are no significant concentrations of credit risk other than a loan receivable \$10.8 million to a company with annual repayments maturing 2025 (2016: \$11.6 million).

Allowance for impairment of financial assets is calculated based on objective evidence such as observable data in client credit ratings. For financial assets that are either past due or impaired, refer to Note 35(c).

### Liquidity risk

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

### Market risk

The department does not trade in foreign currency and is not materially exposed to other price risks (for example, equity securities or commodity prices changes). The department's exposure to market risk relates to changes in interest rates on a long term debt with LandCorp, and funds held in real estate and settlement agents restricted cash accounts. Other than this, the department is not exposed to interest rate risk because all other cash and cash equivalents and restricted cash are non-interest bearing.

### (b) Categories of Financial Instruments

In addition to cash and cash equivalents, the carrying amounts of each of the following categories of financial assets and financial liabilities at the end of the reporting period are as follows.

	2017 \$'000	2016 \$'000
<b>Financial Assets</b>		
Cash and cash equivalents	7,663	16,506
Restricted cash and cash equivalents	190,112	190,822
Loans and receivables (i)	13,336	19,619
Amount receivable for services	14,800	11,691
<b>Financial Liabilities</b>		
Financial liabilities measured at amortised cost	6,159	5,849

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

## Notes to the Financial Statements

For the year ended 30 June 2017

### (c) Financial Instrument Disclosures

#### Credit risk

The following table details the department's maximum exposure to credit risk and the ageing analysis of financial assets. The department's maximum exposure to credit risk at the end of the reporting period is the carrying amount of financial assets as shown below. The table discloses the ageing of financial assets that are past due but not impaired and impaired financial assets. The table is based on information provided to senior management of the department.

The department does not hold collateral as security or other credit enhancement relating to the financial assets it holds.

#### Aged analysis of financial assets

	Carrying amount \$'000	Not past due and not impaired \$'000	Past due but not impaired					Impaired financial assets \$'000
			Up to 1 month \$'000	1 to 3 months \$'000	3 months to 1 year \$'000	1 to 5 years \$'000	More than 5 years \$'000	
<b>Financial Assets</b>								
<b>2017</b>								
Cash and cash equivalents	7,663	7,663	-	-	-	-	-	-
Restricted cash and cash equivalents	190,112	190,112	-	-	-	-	-	-
Receivables (a)	3,397	3,393	-	-	-	4	-	-
Loans receivable	9,939	9,939	-	-	-	-	-	-
Amounts receivable for services	14,800	14,800	-	-	-	-	-	-
	225,910	225,907	-	-	-	4	-	-
<b>2016</b>								
Cash and cash equivalents	16,506	16,506	-	-	-	-	-	-
Restricted cash and cash equivalents	190,822	190,822	-	-	-	-	-	-
Receivables (a)	9,469	9,406	43	3	13	5	-	-
Loans receivable	10,150	10,150	-	-	-	-	-	-
Amounts receivable for services	11,691	11,691	-	-	-	-	-	-
	238,638	238,575	43	3	13	5	-	-

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

## Notes to the Financial Statements

For the year ended 30 June 2017

### Liquidity risk and interest rate exposure

The following table details the department's interest rate exposure and the contractual maturity analysis of financial assets and financial liabilities. The maturity analysis section includes interest and principal cash flows. The interest rate exposure section analysis only the carrying amounts of each item.

### Interest rate exposure and maturity analysis of financial assets and financial liabilities

	Interest rate exposure					Nominal amount \$'000	Maturity dates				
	Weighted average effective interest rate %	Carrying amount \$'000	Fixed interest rate \$'000	Variable interest rate \$'000	Non-interest bearing \$'000		Up to 1 months \$'000	1 to 3 months \$'000	3 months to 1 year \$'000	1 to 5 years \$'000	More than 5 years \$'000
<b>2017</b>											
<b>Financial Assets</b>											
Cash and cash equivalents	-	7,663	-	-	7,663	7,663	7,663	-	-	-	-
Restricted cash and cash equivalents	1.98%	190,112	-	158,983	31,128	190,112	189,827	-	-	-	285
Receivables (a)	-	3,397	-	-	3,397	3,397	3,397	-	-	-	-
Loans receivable	-	9,939	-	-	9,939	9,939	-	-	-	282	9,657
Amounts receivable for services	-	14,800	-	-	14,800	14,800	113	-	-	14,687	-
		225,910	-	158,983	66,927	225,910	201,000	-	-	14,969	9,941
<b>Financial Liabilities</b>											
Payables	-	5,388	-	-	5,388	5,388	5,388	-	-	-	-
Borrowings	2.79%	771	-	771	-	771	-	-	-	-	771
		6,159	-	771	5,388	6,159	5,388	-	-	-	771

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

## Notes to the Financial Statements

For the year ended 30 June 2017

### Interest rate exposure and maturity analysis of financial assets and financial liabilities

	Interest rate exposure					Nominal amount \$'000	Maturity dates				
	Weighted average effective interest rate %	Carrying amount \$'000	Fixed interest rate \$'000	Variable interest rate \$'000	Non-interest bearing \$'000		Up to 1 months \$'000	1 to 3 months \$'000	3 months to 1 year \$'000	1 to 5 years \$'000	More than 5 years \$'000
<b>2016</b>											
<b>Financial Assets</b>											
Cash and cash equivalents	-	16,506	-	-	16,506	16,506	16,506	-	-	-	-
Restricted cash and cash equivalent	2.28%	190,822	-	159,663	31,159	190,822	190,822	-	-	-	-
Receivables (a)	-	9,469	-	-	9,469	9,469	9,469	-	-	-	-
Loans receivable	-	10,150	-	-	10,150	10,150	-	-	-	126	10,024
Amounts receivable for services	-	11,691	-	-	11,691	11,691	53	-	-	11,638	-
		238,638	-	159,663	78,975	238,638	216,850	-	-	11,764	10,024
<b>Financial Liabilities</b>											
Payables	-	5,078	-	-	5,078	5,078	5,078	-	-	-	-
Borrowings	3.14%	771	-	771	-	771	-	-	-	-	771
		5,849	-	771	5,078	5,849	5,078	-	-	-	771

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

### Interest rate sensitivity analysis

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

	Carrying amount \$'000	-100 basis points		+100 basis points	
		Surplus \$'000	Equity \$'000	Surplus \$'000	Equity \$'000
<b>2017</b>					
<b>Financial Assets</b>					
Restricted cash and cash equivalents	158,983	(1,590)	(1,590)	1,590	1,590
<b>Financial Liabilities</b>					
Borrowings	771	8	8	(8)	(8)
Total increase/(decrease)		(1,582)	(1,582)	1,582	1,582

## Notes to the Financial Statements

For the year ended 30 June 2017

	Carrying amount \$'000	-100 basis points		+100 basis points	
		Surplus \$'000	Equity \$'000	Surplus \$'000	Equity \$'000
<b>2016</b>					
<b>Financial Assets</b>					
Restricted cash and cash equivalents	159,663	(1,597)	(1,597)	1,597	1,597
<b>Financial Liabilities</b>					
Borrowings	771	8	8	(8)	(8)
Total increase/ (decrease)		(1,589)	(1,589)	1,589	1,589

### Fair values

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

### 37. Commitments

2017  
\$'000

2016  
\$'000

The commitments below are inclusive of GST.

#### Non cancellable operating lease commitments

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

Commitments for minimum lease payments are payable as follows:

Within 1 year	8,507	9,600
Later than 1 year and not later than 5 years	60,284	44,338
Later than 5 years	44,094	64,928
	112,886	118,865

The property leases are non-cancellable leases with various terms, with rent payable monthly in advance. Contingent rent provisions within the lease agreements require that the minimum lease payments shall be increased by the lower of CPI or 4 per cent per annum. An option exists to renew the leases at the end of the various terms for additional terms.

#### Capital expenditure commitments

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

Within 1 year	5,465	6,365
Later than 1 year and not later than 5 years	-	-
Later than 5 years	-	-
	5,465	6,365

## Notes to the Financial Statements

For the year ended 30 June 2017

### Other expenditure commitments

Other expenditure commitments for day to day operations contracted for at the end of the reporting period but not recognised as liabilities, are payable as follows:

	2017 \$'000	2016 \$'000
Within 1 year	2,470	2,947
Later than 1 year and not later than 5 years	-	-
Later than 5 years	-	-
	2,470	2,947

## 38. Contingent Liabilities and Contingent Assets

### Contingent Liabilities (Controlled)

#### Industry and Technology Development Act

As the responsible Minister under the *Industry and Technology Development Act of 1998* (ITD Act), the Minister for Commerce (or his predecessors) is a signatory to one Investment Security Guarantee (ISG). ISGs are signed by the Minister, General Manager of the Forest Products Commission (FPC) and timber processors. Under an ISG, the Minister is liable to pay compensation under certain circumstances where the Forest Products Commission (FPC) is unable to supply contracted amounts of timber. The total contingent liability for the one ISG at 30 June 2017 was \$11.7m. The responsibility for the ITD Act has been transferred to the Department of Jobs, Tourism, Science and Innovation with effect on and from 1 July 2017.

#### Fidelity Guarantee Account (FGA) Claims

A total of 40 claims against the Fidelity Guarantee Accounts with a total value of \$531,024.94 consisting of:

- (a) 2 claims against the Settlement Agents FGA yet to be decided and with a total value of \$103,045.85.
- (b) 38 claims against the Real Estate Agents FGA yet to be decided to the value of \$427,978.09
- (c) No claims in dispute (appealed) at this time.

These figures do not include legal costs or any interest claims. Reasonable legal costs are claimable. Claims for interest are not allowable, as per proceedings in the Supreme Court after the State Administrative Tribunal decided that interest wasn't allowable.

#### Motor Vehicle Repairers Act 2003

There may be a number of claims from affected parties for a total value up to \$84,000. Any claims are contingent on the consumer exhausting other recovery processes.

### Contingent Liabilities (Administered)

#### Home Indemnity Insurance

The contingent liability for Home Indemnity Insurance (HII) has been assessed to be the future claims liability (FCL) as at 30 June 2017. The FCL is an estimation of the future claims costs which will arise as a result of events which will occur in the future for currently in-force HII policies. In accordance with the PricewaterhouseCoopers actuarial report, the future claims liability has been assessed at an approximate value of \$23,258,000 as at 30 June 2017.

### Contingent Assets

The department does not have any contingent assets.

## Notes to the Financial Statements

For the year ended 30 June 2017

### 39. Events occurring after the end of the reporting period

The functions and staff, and the assets, liabilities and equity of the Department of Commerce were effectively amalgamated into the newly designated Department of Mines, Industry Regulation and Safety, and Department of Jobs, Tourism, Science and Innovation with effect on and from 1 July 2017. Consequently, this will be the final Annual Financial Statements for the Department of Commerce.

### 40. Explanatory statement

All variances between estimates (original budget) and actual results for 2017, and between the actual results for 2017 and 2016 are shown below. Narratives are provided for key variations selected from observed major variances, which are generally greater than:

- 5 per cent and \$2.9 million for the Statements of Comprehensive Income and Cash Flows; and
- 5 per cent and \$5.6 million for the Statement of Financial Position.

	Actual 2017 \$'000	Original budget 2017 \$'000	Variance between actual and budget for 2017 \$'000	Variance note	Actual 2017 \$'000	Actual 2016 \$'000	Variance between actual results for 2017 and 2016 \$'000	Variance note
<b>Statement of Comprehensive Income</b>								
<b>COST OF SERVICES</b>								
<b>Expenses</b>								
Employee benefits	85,057	90,553	(5,496)	A	85,057	83,769	1,289	
Supplies and services	24,543	27,386	(2,843)	B	24,543	24,216	326	
Depreciation and amortisation	4,100	4,419	(319)		4,100	4,271	(171)	
Finance costs	22	28	(6)		22	24	(3)	
Accommodation	8,902	8,918	(16)		8,902	10,683	(1,781)	
Grants and subsidies	18,391	19,193	(802)		18,391	16,621	1,770	
Revaluation decrements	117	-	117		117	-	117	
Impairment	-	-	-		-	123	(123)	
Other expenses	9,133	2,329	6,804	C	9,133	1,725	7,407	BA
<b>Total cost of services</b>	<b>150,264</b>	<b>152,826</b>	<b>(2,562)</b>		<b>150,264</b>	<b>141,432</b>	<b>8,831</b>	
<b>Income</b>								
<b>Revenue</b>								
User charges and fees	61,480	75,019	(13,539)	D	61,480	71,386	(9,906)	BB
Sales	114	295	(181)		114	190	(76)	
Commonwealth grants and contributions	418	456	(38)		418	362	56	
Other revenue	6,158	5,349	809		6,158	6,326	(169)	
<b>Total revenue</b>	<b>68,170</b>	<b>81,119</b>	<b>(12,949)</b>		<b>68,170</b>	<b>78,264</b>	<b>(10,094)</b>	
<b>Gains</b>								
Other gains	11	-	11		11	146	(136)	
<b>Total gains</b>	<b>11</b>	<b>-</b>	<b>11</b>		<b>11</b>	<b>146</b>	<b>(136)</b>	
<b>Total income other than income from State Government</b>	<b>68,180</b>	<b>81,119</b>	<b>(12,939)</b>		<b>68,180</b>	<b>78,411</b>	<b>(10,230)</b>	
<b>NET COST OF SERVICES</b>	<b>82,083</b>	<b>71,707</b>	<b>10,376</b>		<b>82,083</b>	<b>63,022</b>	<b>19,062</b>	

Variance explanations commence on page 108.

## Notes to the Financial Statements

For the year ended 30 June 2017

	Actual 2017 \$'000	Original budget 2017 \$'000	Variance between actual and budget for 2017 \$'000	Variance note	Actual 2017 \$'000	Actual 2016 \$'000	Variance between actual results for 2017 and 2016 \$'000	Variance note
<b>Income from State Government</b>								
Service appropriation	58,028	58,105	(77)		58,028	42,690	15,338	BC
Services received free of charge	871	1,364	(493)		871	1,116	(246)	
Royalties for Regions Fund	9,867	10,444	(577)		9,867	10,138	(271)	
<b>Total income from State Government</b>	<b>68,766</b>	<b>69,913</b>	<b>(1,147)</b>		<b>68,766</b>	<b>53,944</b>	<b>14,822</b>	
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>	<b>(13,317)</b>	<b>(1,794)</b>	<b>(11,523)</b>		<b>(13,317)</b>	<b>(9,078)</b>	<b>(4,240)</b>	
<b>OTHER COMPREHENSIVE INCOME</b>								
<b>Items not reclassified subsequently to profit or loss</b>								
Changes in asset revaluation surplus	(2,064)	-	(2,064)		(2,064)	20	(2,083)	
<b>Total other comprehensive income</b>	<b>(2,064)</b>	<b>-</b>	<b>(2,064)</b>		<b>(2,064)</b>	<b>20</b>	<b>(2,083)</b>	
<b>TOTAL COMPREHENSIVE INCOME FOR THE PERIOD</b>	<b>(15,381)</b>	<b>(1,794)</b>	<b>(13,587)</b>		<b>(15,381)</b>	<b>(9,058)</b>	<b>(6,323)</b>	

Variance explanations commence on page 108.

# Notes to the Financial Statements

For the year ended 30 June 2017

	Actual 2017 \$'000	Original budget 2017 \$'000	Variance between actual and budget for 2017 \$'000	Variance note	Actual 2017 \$'000	Actual 2016 \$'000	Variance between actual results for 2017 and 2016 \$'000	Variance note
<b>Statement of Financial Position</b>								
<b>ASSETS</b>								
<b>Current Assets</b>								
Cash and cash equivalents	7,663	16,601	(8,938)	E	7,663	16,506	(8,844)	BD
Restricted cash and cash equivalents	189,827	167,748	22,079	F	189,827	190,822	(995)	
Receivables	5,032	7,714	(2,682)		5,032	10,762	(5,729)	BE
Amounts receivable for services	2,974	3,320	(346)		2,974	53	2,921	
Other current assets	1,655	363	1,292		1,655	741	914	
<b>Total Current Assets</b>	<b>207,151</b>	<b>195,746</b>	<b>11,405</b>		<b>207,151</b>	<b>218,884</b>	<b>(11,732)</b>	
<b>Non-Current Assets</b>								
Restricted cash and cash equivalents	285	-	285		285	-	285	
Receivables	9,657	7,380	2,277		9,657	10,024	(368)	
Amounts receivable for services	11,826	12,477	(651)		11,826	11,638	188	
Property, plant and equipment	41,455	46,641	(5,186)		41,455	44,644	(3,190)	
Intangible assets	10,319	17,717	(7,398)	G	10,319	9,538	781	
<b>Total Non-Current Assets</b>	<b>73,541</b>	<b>84,215</b>	<b>(10,674)</b>		<b>73,541</b>	<b>75,844</b>	<b>(2,303)</b>	
<b>TOTAL ASSETS</b>	<b>280,692</b>	<b>279,961</b>	<b>731</b>		<b>280,692</b>	<b>294,728</b>	<b>(14,036)</b>	
<b>LIABILITIES</b>								
<b>Current Liabilities</b>								
Payables	4,888	5,868	(980)		4,888	4,488	400	
Unearned revenues	9,824	8,084	1,740		9,824	9,227	597	
Provisions	18,645	17,687	958		18,645	18,420	226	
Other current liabilities	367	88	279		367	341	26	
<b>Total Current Liabilities</b>	<b>33,724</b>	<b>31,727</b>	<b>1,997</b>		<b>33,724</b>	<b>32,476</b>	<b>1,249</b>	
<b>Non-Current Liabilities</b>								
Payables	500	-	500		500	589	(89)	
Unearned revenues	9,601	7,681	1,920		9,601	8,665	936	
Borrowings	771	771	-		771	771	-	
Provisions	3,641	3,751	(110)		3,641	3,675	(34)	
<b>Total Non-Current Liabilities</b>	<b>14,514</b>	<b>12,203</b>	<b>2,311</b>		<b>14,514</b>	<b>13,700</b>	<b>814</b>	
<b>TOTAL LIABILITIES</b>	<b>48,238</b>	<b>43,930</b>	<b>4,308</b>		<b>48,238</b>	<b>46,176</b>	<b>2,062</b>	
<b>NET ASSETS</b>	<b>232,455</b>	<b>236,031</b>	<b>(3,576)</b>		<b>232,455</b>	<b>248,552</b>	<b>(16,098)</b>	
<b>EQUITY</b>								
Contributed equity	77,639	77,639	-		77,639	78,356	(717)	
Reserves	8,972	11,016	(2,044)		8,972	11,036	(2,064)	
Accumulated surplus	145,843	147,376	(1,533)		145,843	159,161	(13,317)	
<b>TOTAL EQUITY</b>	<b>232,455</b>	<b>236,031</b>	<b>(3,576)</b>		<b>232,455</b>	<b>248,552</b>	<b>(16,098)</b>	

Variance explanations commence on page 108.

## Notes to the Financial Statements

For the year ended 30 June 2017

	Actual 2017 \$'000	Original budget 2017 \$'000	Variance between actual and budget for 2017 \$'000	Variance note	Actual 2017 \$'000	Actual 2016 \$'000	Variance between actual results for 2017 and 2016 \$'000	Variance note
<b>Statement of Cash Flows</b>								
<b>CASH FLOWS FROM STATE GOVERNMENT</b>								
Service appropriation	54,806	53,946	860		54,806	38,960	15,846	BF
Holding account drawdowns	113	53	60		113	2,800	(2,687)	
Royalties for Regions Fund	9,867	10,444	(577)		9,867	10,138	(271)	
Distribution to owners	(717)	-	(717)		(717)	(597)	(120)	
<b>Net cash provided by State Government</b>	<b>64,070</b>	<b>64,443</b>	<b>(373)</b>		<b>64,070</b>	<b>51,301</b>	<b>12,769</b>	
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>								
<b>Payments</b>								
Employee benefits	(84,589)	(90,769)	6,180	H	(84,589)	(86,880)	2,291	
Supplies and services	(26,199)	(28,659)	2,460		(26,199)	(24,008)	(2,191)	
Finance costs	(22)	(28)	6		(22)	(24)	2	
Accommodation	(8,903)	(7,517)	(1,386)		(8,903)	(10,035)	1,132	
Grants and subsidies	(17,995)	(19,493)	1,498		(17,995)	(17,706)	(289)	
GST payments on purchases	(3,850)	(2,570)	(1,280)		(3,850)	(5,003)	1,153	
Other payments	(1,733)	(793)	(940)		(1,733)	(1,719)	(14)	
<b>Receipts</b>								
User charges and fees	61,568	73,882	(12,314)	I	61,568	67,793	(6,225)	BG
Sale of goods and services	1,916	456	1,460		1,916	190	1,726	
Commonwealth grants and contributions	318	-	318		318	362	(44)	
GST receipts on sales	354	670	(316)		354	499	(145)	
GST receipts from taxation authority	4,451	1,900	2,551		4,451	4,726	(275)	
Other receipts	6,348	6,150	198		6,348	6,866	(518)	
<b>Net cash provided by/(used in) operating activities</b>	<b>(68,336)</b>	<b>(66,771)</b>	<b>(1,565)</b>		<b>(68,336)</b>	<b>(64,940)</b>	<b>(3,397)</b>	
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>								
<b>Payments</b>								
Purchase of non-current assets	(5,288)	(9,199)	3,911	J	(5,288)	(6,001)	713	
<b>Receipts</b>								
Other receipts from investing activities	-	717	(717)		-	-	-	
<b>Net cash provided by/(used in) investing activities</b>	<b>(5,288)</b>	<b>(8,482)</b>	<b>3,194</b>		<b>(5,288)</b>	<b>(6,001)</b>	<b>713</b>	
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>								
<b>Payments</b>								
Other repayments	-	(717)	717		-	-	-	
<b>Net cash provided by/(used in) financing activities</b>	<b>-</b>	<b>(717)</b>	<b>717</b>		<b>-</b>	<b>-</b>	<b>-</b>	
Net increase in cash and cash equivalents	(9,554)	(11,527)	2,690		(9,554)	(19,640)	10,085	
Cash and cash equivalents at the beginning of the period	207,328	195,876	11,452		207,328	226,968	(19,640)	
<b>CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD</b>	<b>197,774</b>	<b>184,349</b>	<b>14,142</b>		<b>197,774</b>	<b>207,328</b>	<b>(9,555)</b>	

Variance explanations commence on page 108.

## Notes to the Financial Statements

For the year ended 30 June 2017

### Explanations (Controlled Operations)

#### Major Estimate (Original Budget) and Actual (2017) Variance Narratives for Controlled Operations

##### Statement of comprehensive income

- A Employee benefits are under budget by \$5.5 million due to reduced recruitment into vacant positions as a measure taken by the department to manage current and future Public Sector Workforce Renewal savings measures, and to also align with the decrease in revenue.
- B Supplies and services are under budget by \$2.8 million due to expenditure being generally constrained, in line with the lower than expected revenue.
- C Other expenses are \$6.8 million over budget, largely due to the reversal of prior year accrued revenue from the Rental Accommodation Account of \$5.5 million, as the department forwent its recoup of the bonds administration costs in 2016–17 (refer to Note 11). The expensing of information systems development costs of \$1.8 million also contributed to the increase (refer to Note 11).
- D User charges and fees are \$13.6 million under budget due to the department forgoing its recoup of the bonds administration costs in 2016–17, lower than expected income from the agent trust accounts held under the Real Estate and Settlement Agent Acts, and a decline in Building Commission and WorkSafe user charges and fees due to softening market conditions.

##### Statement of financial position

- E Cash and cash equivalents are \$8.90 million under budget due to a significant decrease in revenue for the year, without a comparable decrease in expenditure, which caused the cash balances to be drawn on during the year.
- F Restricted cash and cash equivalents are \$22.1 million over budget due to the increase of the property industry and building services account balances as outgoings from these restricted accounts were less than anticipated.
- G Intangible assets are \$7.4 million under budget due to the rescheduling of the purchase and acquisition of information and communication technology capital assets under the department's Strategic Information Plan.

##### Statement of cash flows

- H Employee benefits payments are \$6.2 million under budget for the same reasons as those identified in note A.
- I User fees and charges are \$12.3 million under budget for the same reasons as those identified in note D.
- J Purchase of non-current assets is \$3.9 million under budget due to delays in Information Technology projects and Building Commission reform projects.

#### Major Actual (2017) and Comparative (2016) Variance Narratives for Controlled Items

##### Statement of comprehensive income

- BA Other expenses have increased by \$7.4 million, largely due to the reversal of prior year accrued revenue from the Rental Accommodation Account of \$5.5 million, as the department forwent its recoup of the bonds administration costs in 2016–17 (refer to Note 11). The expensing of information systems development costs of \$1.8 million also contributed to the increase (refer to Note 11).

## Notes to the Financial Statements

For the year ended 30 June 2017

- BB User charges and fees have decreased by \$9.9 million due to the department forgoing its recoup of the bonds administration costs in 2016–17, lower income from the agent trust accounts held under the Real Estate and Settlement Agent Acts, and a decline in Building Commission and WorkSafe user charges and fees due to softening market conditions.
- BC Service appropriations have increased by \$15.3 million as the department did not fully drawdown the appropriations in 2015–16, due to excess cash balances. However the full drawdown was made in 2016–17.

### Statement of financial position

- BD Cash and cash equivalents have decreased by \$8.9 million for the same reasons as those identified in note E.
- BE Receivables have decreased by \$5.8 million as last year the department expected to recoup the bonds administration costs from the Rental Accommodation Account in 2016–17. However, to ensure the sustainability of the Rental Accommodation Account, the department forwent its recoup in 2016–17, and the department is not expecting to recoup the costs in 2017–18.

### Statement of cash flows

- BF Service appropriations have increased by \$15.8 million for the same reasons as those identified in note BC.
- BG User charges and fees have decreased by \$6.2 million for the same reasons as those identified in note BB.

41. Remuneration of auditor	2017 \$'000	2016 \$'000
Remuneration paid or payable to the Auditor General in respect of the audit for the current financial year is as follows:		
Auditing of financial statements, controls and key performance indicators	206	207

### 42. Related bodies

The department has no related bodies.

### 43. Affiliated bodies

Western Australian Technology and Industry Advisory Council (TIAC).

The Technology and Industry Advisory Council (TIAC), which was established by the *Technology Development Amendment Act 1987* and continued under the *Industry and Technology Development Act 1998* (ITDA), was totally funded by the department.

Western Australian Industry and Technology Development Account (a)

Balance at the start of period	2,760	2,610
Receipts	13,649	14,427
Payments	(14,335)	(14,277)
Balance at the end of the period	2,074	2,760

(a) Records funds received and expenditure charged in accordance with the ITDA.

The Western Australian Technology and Industry Advisory Council (TIAC) has transferred to the Department of Jobs, Tourism, Science and Innovation with effect on and from 1 July 2017.

## Notes to the Financial Statements

For the year ended 30 June 2017

### 44. Special purpose accounts and restricted cash accounts

	2017 \$'000	2016 \$'000
Summary		
Special Purpose Accounts section 16 of <i>Financial Management Act 2006</i>		
Consumer Credit Act (WA)	103	103
Departmental Receipts in Suspense	22	80
State Trading Concerns	1,131	1,053
Motor Vehicle Repair (MVR) Industry Education and Research Account	132	115
Motor Vehicle Repair (MVR) Industry Compensation Account	120	106
Co-operatives Companies Liquidation Account	12	12
EnergySafety Account	12,061	11,239
Real Estate - Education and General Purpose Account	25,332	28,428
Real Estate - Fidelity Guarantee Account	45,578	44,742
Real Estate - Home Buyers Assistance Account	15,235	16,426
Real Estate and Business Agents Supervisory Board Trust Account	362	354
Settlement Agents - Education and General Purpose Account	26,685	25,912
Settlement Agents - Fidelity Guarantee Account	45,790	43,800
Building Services Trust Dispute Remedies	-	42
Building Services Account	15,165	15,522
	187,729	187,934
<b>Restricted Cash Accounts</b>		
Indian Ocean Territories - Commonwealth Government	37	107
Royalties for Regions	2,061	2,781
	2,098	2,888

## Notes to the Financial Statements

For the year ended 30 June 2017

	2017 \$'000	2016 \$'000
<b>Detailed Breakdown</b>		
<b>Special Purpose Accounts</b>		
<b>Consumer Credit Act (WA)</b>		
Holds funds pending distribution in accordance with the <i>Consumer Credit (WA) Act 1996</i> or court direction.		
Balance at the start of period	103	103
Receipts	-	-
Payments	-	-
Balance at the end of period	103	103
<b>Departmental Receipts in Suspense</b>		
Holds funds pending identification of the purpose for which the monies were received.		
Balance at the start of period	80	157
Receipts	9	100
Payments	(67)	(177)
Balance at the end of period	22	80
<b>State Trading Concerns</b>		
The fund was created under the <i>State Trading Concerns Act 1916</i> and controls income received in respect of the provisions of copyright materials and relevant trade mark advertising opportunities or similar arrangements.		
Balance at the start of period	1,053	899
Receipts	105	176
Payments	(27)	(22)
Balance at the end of period	1,131	1,053
<b>MVR Industry Education and Research Account</b>		
Holds funds used for the Motor Vehicle Repairers Industry in accordance with the <i>Motor Vehicle Repairers Act 2003</i> .		
Balance at the start of period	115	97
Receipts	18	19
Payments	(1)	(1)
Balance at the end of period	132	115
<b>MVR Industry Compensation Account</b>		
Holds funds used for the Motor Vehicle Repairers Industry in accordance with the <i>Motor Vehicle Repairers Act 2003</i> .		
Balance at the start of period	106	94
Receipts	15	19
Payments	(1)	(7)
Balance at the end of period	120	106
<b>Co-operatives Companies Liquidation Account</b>		
Holds unclaimed funds pending redistribution in accordance with the <i>Companies (Co-operative) Act 1943</i> section 290(1).		
Balance at the start of period	12	12
Receipts	-	-
Payments	-	-
Balance at the end of period	12	12

## Notes to the Financial Statements

For the year ended 30 June 2017

	2017 \$'000	2016 \$'000
<b>EnergySafety Account</b>		
Holds funds used for the provision of functions and services in accordance with the <i>Energy Safety Act 2006</i> .		
Balance at the start of period	11,239	11,417
Receipts	15,476	14,909
Payments	(14,653)	(15,087)
Balance at the end of period	12,061	11,239
<b>Real Estate - Education and General Purpose Account</b>		
Holds funds used for the operation of the Education and General Purpose Account in accordance with the <i>Real Estate and Business Agents Act 1978</i> .		
Balance at the start of period	28,428	30,550
Receipts	6,638	8,420
Payments	(9,734)	(10,541)
Balance at the end of period	25,332	28,428
<b>Real Estate - Fidelity Guarantee Account</b>		
Holds funds used for the operation of the Fidelity Guarantee Account in accordance with the <i>Real Estate and Business Agents Act 1978</i> .		
Balance at the start of period	44,742	44,025
Receipts	1,401	1,593
Payments	(564)	(875)
Balance at the end of period	45,578	44,742
<b>Real Estate - Home Buyers Assistance Account</b>		
Holds funds used for the operation of the Home Buyers Assistance Account in accordance with the <i>Real Estate and Business Agents Act 1978</i> .		
Balance at the start of period	16,426	15,920
Receipts	3,319	4,118
Payments	(4,510)	(3,612)
Balance at the end of period	15,235	16,426
<b>Real Estate and Business Agents Supervisory Board Trust Account</b>		
Holds funds as a result of legal proceedings and liquidations of agencies in accordance with the Trust Statement.		
Balance at the start of period	354	257
Receipts	8	100
Payments	-	(2)
Balance at the end of period	362	354
<b>Settlement Agents - Education and General Purpose Account</b>		
Holds funds used for the operation of the Education and General Purpose Account in accordance with the <i>Settlement Agents Act 1981</i> .		
Balance at the start of period	25,912	24,920
Receipts	1,735	2,105
Payments	(962)	(1,113)
Balance at the end of period	26,685	25,912

## Notes to the Financial Statements

For the year ended 30 June 2017

	2017 \$'000	2016 \$'000
<b>Settlement Agents - Fidelity Guarantee Account</b>		
Holds funds used for the operation of the Fidelity Guarantee Account in accordance with the <i>Settlement Agents Act 1981</i> .		
Balance at the start of period	43,800	41,468
Receipts	1,990	2,336
Payments	-	(4)
Balance at the end of period	45,790	43,800
<b>Building Services Trust Dispute Remedies Account</b>		
Holds money in trust in connection with orders made by the Building Commission and State Administrative Tribunal under the <i>Building Services (Complaint Resolution and Administration) Act 2011</i> .		
Balance at the start of period	42	-
Receipts	-	42
Payments	(42)	-
Balance at the end of period	-	42
<b>Building Services Account</b>		
Holds funds used for the provision of functions and services in accordance with building services acts.		
Balance at the start of period	15,522	11,587
Receipts	26,481	30,485
Payments	(26,837)	(26,550)
Balance at the end of period	15,165	15,522
<b>Restricted Cash Accounts</b>		
<b>Indian Ocean Territories</b>		
The Department of Commerce has a service delivery agreement with the Commonwealth Government to undertake to provide its normal service to the Christmas and Cocos Islands.		
Balance at the start of period	107	-
Receipts	206	351
Payments	(276)	(244)
Balance at the end of period	37	107
<b>Royalties for Regions</b>		
This is a sub-fund within the over-arching 'Royalties for Regions Fund'. The recurrent funds are committed to projects and programs in WA regional areas.		
Balance at the start of period	2,781	4,288
Receipts	9,840	10,204
Payments	(10,560)	(11,711)
Balance at the end of period	2,061	2,781

## Notes to the Financial Statements

For the year ended 30 June 2017

### 45. Supplementary financial information

2017 \$'000	2016 \$'000
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#### Write-Offs

During the financial year ending 30 June 2017, \$95,984.50 (2016: \$114,325.38) of debts due to the State were written off. These related mainly to individual regulatory fee transactions considered uneconomic to pursue further and payments to former staff (salary and superannuation). The amounts were written off under the authority of:

The Accountable Authority

96	114
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#### Losses through Theft, Defaults and Other Causes

Losses of public moneys and, public and other property through theft or default.

1	-
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Amounts recovered.

1	-
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#### Gifts of Public Property

The department did not provide gifts of public property.

-	-
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#### Acts of Grace

The department made no act of grace payments.

-	-
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### 46. Disclosure of administered income and expenses

#### Expenses

Supplies and services

2,770	8,416
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Grants and subsidies

3,293	4,091
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Receipts paid into consolidated account

480	2,003
-----	-------

Other expenses

28,397	12,721
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#### Total administered expenses

34,940	27,231
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#### Revenue

User charges and fees

221	174
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Interest revenue

7,836	8,995
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Other revenue

30,192	28,979
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Appropriation

2,000	9,945
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#### Total administered revenue

40,249	48,093
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The administered income and expenses are those which the Government requires the department to administer on its behalf.

## Notes to the Financial Statements

For the year ended 30 June 2017

### 47. Disclosure of administered income and expenses by service

	Consumer Protection		Industry and Technology		Energy Safety		Building Commission		Total	
	2017 \$'000	2016 \$'000	2017 \$'000	2016 \$'000	2017 \$'000	2016 \$'000	2017 \$'000	2016 \$'000	2017 \$'000	2016 \$'000
<b>COST OF SERVICES</b>										
<b>Expenses</b>										
Supplies and services	2,770	8,416	-	-	-	-	-	-	2,770	8,416
Grants and subsidies	3,293	4,091	-	-	-	-	-	-	3,293	4,091
Receipts paid into consolidated account	261	1,785	98	141	63	57	58	21	480	2,003
Other expenses	58	23	-	-	-	-	28,339	12,698	28,397	12,721
<b>Total administered expenses</b>	<b>6,382</b>	<b>14,315</b>	<b>98</b>	<b>141</b>	<b>63</b>	<b>57</b>	<b>28,397</b>	<b>12,719</b>	<b>34,940</b>	<b>27,231</b>
<b>Income</b>										
User charges and fees	98	96	-	-	63	57	60	21	221	174
Interest	7,738	8,855	98	141	-	-	-	-	7,836	8,995
Other revenue	5,690	1,675	327	390	-	-	24,175	26,914	30,192	28,979
Service appropriation	-	-	-	-	-	-	2,000	9,945	2,000	9,945
<b>Total administered income</b>	<b>13,525</b>	<b>10,626</b>	<b>425</b>	<b>530</b>	<b>63</b>	<b>57</b>	<b>26,235</b>	<b>36,880</b>	<b>40,249</b>	<b>48,093</b>

## Notes to the Financial Statements

For the year ended 30 June 2017

### 48. Explanatory statement for Administered Items

All variances between estimates (original budget) and actual results for 2017, and between the actual results for 2017 and 2016 are shown below. Narratives are provided for key variations selected from observed major variances, which are generally greater than:

- 5 per cent and \$0.8 million for the Statement of Comprehensive Income.

	Actual 2017 \$'000	Original budget 2017 \$'000	Variance between actual and budget for 2017 \$'000	Variance note	Actual 2017 \$'000	Actual 2016 \$'000	Variance between actual results for 2017 and 2016 \$'000	Variance note
<b>Disclosure of administered expenses and income</b>								
<b>Expenses</b>								
Supplies and services	2,770	6,059	(3,289)	A	2,770	8,416	(5,645)	F
Grants and subsidies	3,293	3,010	283		3,293	4,091	(798)	G
Receipts paid into consolidated account	480	408	72		480	2,003	(1,523)	H
Other expenses	28,397	18,459	9,938	B	28,397	12,721	15,676	I
<b>Total administered expenses</b>	<b>34,940</b>	<b>27,936</b>	<b>7,004</b>		<b>34,940</b>	<b>27,231</b>	<b>7,709</b>	
<b>Income</b>								
User charges and fees	221	250	(29)		221	174	47	
Interest revenue	7,836	7,123	713	C	7,836	8,995	(1,160)	J
Other revenue	30,192	23,478	6,714	D	30,192	28,979	1,213	K
Appropriation	2,000	7,644	(5,644)	E	2,000	9,945	(7,945)	L
<b>Total administered income</b>	<b>40,249</b>	<b>38,495</b>	<b>1,754</b>		<b>40,249</b>	<b>48,093</b>	<b>(7,844)</b>	
<b>NET INCOME FROM ADMINISTERED ITEMS</b>	<b>5,308</b>	<b>10,559</b>	<b>(5,251)</b>		<b>5,308</b>	<b>20,862</b>	<b>(15,553)</b>	

#### Explanations (Administered Operations)

##### Major Estimate (Original Budget) and Actual (2017) Variance Narratives for Administered Items

##### Statement of comprehensive income

- A Supplies and services are \$3.3 million under budget, mainly due to the bonds administration costs from the Rental Accommodation Account not being reimbursed as budgeted.
- B Other expenses are \$9.9 million over budget due to the higher than expected Home Indemnity Insurance (HII) claims costs, which resulted from a number of building company failures during the year.
- C Interest revenue is \$0.7 million over budget due to an improvement in interest rates towards the end of 2016–17, which was not reflected in the budget.
- D Other revenue is \$6.7 million over budget mainly due to the reversal of prior year accrued expense for the reimbursement of bond administration costs from the Rental Accommodation Account of \$5.5 million, which was forgone in 2016–17 (refer to Note 11) and HII premium revenue being higher than the budget.
- E Appropriation is \$5.6 million under budget as it was anticipated that the HII Reinsurance Account would require appropriations to offset the projected shortfall in the special purpose account. However, this was not required as the receipts for the year exceeded the payments.

## Notes to the Financial Statements

For the year ended 30 June 2017

### Major Actual (2017) and Comparative (2016) Variance Narratives for Administered Items

#### Statement of comprehensive income

- F Supplies and services have decreased by \$5.6 million for the same reason as identified in note A.
- G Grants and subsidies have decreased by \$0.8 million as the Tenancy Advice and Education Services grants contracts were renegotiated to provide for lower grant payments from 2016–17.
- H Receipts paid into consolidated account have decreased by \$1.5 million due to a one-off payment from the Commonwealth in 2015–16 which was non-retained, and related to residual funds which arose following the deregulation of the travel agent's industry.
- I Other expenses have increased by \$15.7 million for the same reason as identified in note B.
- J Interest revenue has decreased by \$1.2 million due to lower interest rates in 2016–17 as compared to prior year.
- K Other revenue has increased by \$1.2 million due to the reimbursement of bond administration costs from the Rental Accommodation Account being foregone for 2016–17, offset by a decrease in HII premium revenue and a one-off payment from the Commonwealth received in 2015–16, relating to residual funds which arose following the deregulation of the travel agent's industry.
- L Appropriation has decreased by \$7.9 million as the only administered appropriation received for 2016–17 related to a Cabinet decision to make an ex gratia payment for subsidence in two Mullaloo properties. In prior year, appropriations were received to offset the expected shortfall in the balance of the Home Indemnity Insurance Reassurance Account.

### 49. Disclosure of administered assets and liabilities

#### ASSETS

##### Current Assets

Cash and cash equivalents	866	156
Restricted cash and cash equivalents	387,628	390,068
Receivables	5,232	5,078

##### Total Administered Current Assets

393,726 395,302

##### Non-Current Assets

Receivables	10,583	11,377
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##### Total Administered Non-Current Assets

10,583 11,377

#### TOTAL ADMINISTERED ASSETS

404,309 406,678

#### LIABILITIES

##### Current Liabilities

Payables	4,866	9,367
Other current liabilities	392,162	394,278

##### Total Administered Current Liabilities

397,028 403,645

#### TOTAL ADMINISTERED LIABILITIES

397,028 403,645

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

## Notes to the Financial Statements

For the year ended 30 June 2017

	2017 \$'000	2016 \$'000
<b>Summary</b>		
Special Purpose Accounts section 16 of <i>Financial Management Act 2006 (Administered)</i>		
Rental Accommodation Account	372,745	379,549
Home Indemnity Insurance (HII) Reinsurance Account	14,879	10,518
	387,625	390,066
<b>Restricted Cash Account</b>		
Home Indemnity Insurance (HII) Reinsurance Account	-	-
	-	-

### Detailed Breakdown

#### Special Purpose Account (Administered)

Rental Accommodation Account

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

Balance at start of period	379,549	379,634
Receipts:		
Bonds received	162,271	168,359
Interest received	7,869	8,749
Other	(32)	43
Total receipts	170,108	177,152
Payments:		
Bonds disbursed	(170,642)	(170,441)
Administration costs	(2,760)	(2,934)
Grants	(3,293)	(4,091)
Other	(216)	229
Total Payments	(176,911)	(177,237)
Balance at the end of period	372,745	379,549

#### Home Indemnity Insurance (HII) Reinsurance Account

Holds the net premiums paid to the State by the insurers for reinsurance under the HII arrangements.

Balance at the start of period	10,518	-
Receipts	28,564	48,951
Payments	(24,202)	(38,433)
Balance at the end of period	14,879	10,518

#### Restricted Cash Account (Administered)

##### Home Indemnity Insurance (HII) Reinsurance Account

Holds the net premiums paid to the State by the insurers for reinsurance under the HII arrangements.

Balance at the start of period	-	10,229
Receipts	-	-
Payments	-	(10,229)
Balance at the end of period	-	-

During 2015–16 a Special Purpose Account (SPA) for the HII funds was created and the funds were transferred and reported against the SPA in 2015–16.


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## Key Performance Indicators

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### Certification of Key Performance Indicators

I hereby certify that the key performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Department of Commerce's performance, and fairly represent the performance of the Department of Commerce for the financial year ended 30 June 2017.



**Lex McCulloch**  
Reporting Officer  
12 September 2017

### Outcome Based Management (OBM) Framework

The Department of Commerce's Outcome Based Management (OBM) structure was revised during 2016–17. Changes to the OBM were implemented as part of the 2016–17 Budget Papers process and further amendments were implemented during the year for 2016–17 reporting. These amendments related to the definitions and related efficiency indicators for Service 2: Targeted Industry Development and Service 6: Building Commission. Additionally, the methodology used to determine the WorkSafe efficiency indicator *Average cost per inspection or investigation* was revised to more accurately reflect the costing of this indicator.

### Key effectiveness indicators

There are seven key effectiveness indicators adopted by the department, which measure the extent to which its six outcomes are achieved.

### Key efficiency indicators

Efficiency performance indicators have been formulated for each of the department's six service areas: Consumer Protection; Targeted Industry Development; Energy Safety; Labour Relations; WorkSafe; and Building Commission. Each service area is supported by a number of programs, which in turn are comprised of various underpinning activities carried out within the department.

All efficiency indicators illustrate the average cost per program. They reflect the cost, including overheads, of conducting the department's operational activities. The amount of the department's expenditure attributed to the provision of each program is calculated based on the amount of estimated staff time allocated to undertaking the activities (projects and tasks) associated with that program. The total cost of the program is then divided by the quantity of activities achieved. These indicators exclude grants paid to external parties, costs associated with the implementation of the Agency Expenditure Review (AER) and the cost of non-operational activities.

## Key Performance Indicators

The linkage of the department's desired outcomes and services to the community and the Government Goals is demonstrated in Table 7:

**Table 7: Relationship to the Government's goals for 2016–17**

Government Goals	Agency Level Desired Outcomes	Services
<b>Results-Based Service Delivery:</b> Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.	<b>Outcome 1:</b> A fair trading environment that protects consumers and traders in Western Australia.	<b>Service 1: Consumer Protection</b> The provision of consumer protection advice, information, education and business regulation services to the Western Australian community.
	<b>Outcome 3:</b> Community in which the use of electricity and gas is regulated and safe.	<b>Service 3: Energy Safety</b> The provision of regulatory services to the Western Australian community through licensing and compliance activities in the area of energy safety.
<b>Financial and Economic Responsibility:</b> Responsibly managing the State's finances through the efficient and effective delivery of services, encouraging economic activity and reducing regulatory burdens on the private sector.	<b>Outcome 2:</b> Western Australian industry is competitive in targeted priority and emerging sectors.	<b>Service 2: Targeted Industry Development</b> Contributes to the State's economy by supporting industry development. Services include: <ul style="list-style-type: none"> <li>supporting industry development through research and infrastructure;</li> <li>supporting Western Australian industry competitiveness, capacity and capabilities and access to market opportunities; and</li> <li>providing policy development advice.</li> </ul>
	<b>Outcome 6:</b> Buildings and plumbing installations that are safe, sustainable and respond to community needs.	<b>Service 6: Building Commission</b> The provision of government administration, licensing, regulatory and dispute resolution services that enable the building and plumbing industries to efficiently deliver building and plumbing installations that are safe, sustainable and respond to community needs.
<b>Social and Environmental Responsibility:</b> Ensuring that economic activity is managed in a socially and environmentally responsible manner for the long-term benefit of the State.	<b>Outcome 4:</b> Shape and influence industrial relations systems in Western Australia.	<b>Service 4: Labour Relations</b> To assist private and public sector workplaces to be economically sustainable and fair by providing our stakeholders and clients with expert labour relations advice, education and regulation.
	<b>Outcome 5:</b> A workplace operated in a safe and healthy manner.	<b>Service 5: WorkSafe</b> The provision of advice, information, education, licensing and enforcement services to the Western Australian community in the area of occupational safety and health.

## Outcome one

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

### Key effectiveness indicator 1

The extent to which traders comply with regulatory requirements

**Table 8: Key effectiveness indicator 1**

Measure	2012–13 Actual	2013–14 Actual	2014–15 Actual	2015–16 Actual	2016–17 Actual	2016–17 Target <sup>(1)</sup>
Number of inspections	28,751	22,981	31,648	33,577	34,859	
Number compliant	27,851	22,193	30,261	32,028	33,072	
Result	97%	97%	96%	95%	95%	95%

**Note:**

(1) The target is derived from the '2016–17 Budget Target' figure published in the department's 2016–17 Budget Papers and is the percentage of total compliance over total inspections.

The department's effectiveness in relation to the extent to which consumers are protected and businesses operate fairly is assessed in terms of the proportion of traders that comply with regulatory requirements. The extent to which breaches of a significant nature were identified is the basis for monitoring and reporting compliance. The extent of compliance is ascertained by assessing businesses against criteria established by the department, in particular priority areas regarding compliance with consumer protection legislation. During the course of inspections, inspectors verify traders' compliance against a list of regulatory requirements. Only those areas for which the Consumer Protection Division is directly responsible are used to ascertain the extent of compliance within the community. During 2016–17, 34,859 consumer protection routine and proactive inspections, as compared to 33,577 in 2015–16, were undertaken to provide the result reported.

Of these inspections, 95 per cent of traders were found to be compliant with the regulatory requirements, which is equal to the 2015–16 results and achieved the 2016–17 target set of 95 per cent.

## Service 1: Consumer Protection

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

**Table 9: Key efficiency indicators 1.1–1.4**

Indicators	2014–15 Actual <sup>(1)</sup>	2015–16 Actual <sup>(1)</sup>	2016–17 Actual	2016–17 Target <sup>(2)</sup>
1.1 Average cost per client contact to provide information and advice	\$2.38	\$1.62	\$1.46	\$1.49
1.2 Average cost per policy project	\$173,801	\$244,789	\$151,197	\$308,783
1.3 Average cost per inspection or investigation	\$387.71	\$365.47	\$331.24	\$512.75
1.4 Average cost per registration or licence	\$14.64	\$11.88	\$11.47	\$11.15

**Notes:**

(1) The 2014–15 and 2015–16 results shown are as published in the department's 2015–16 Annual Report.

(2) The target is derived from the '2016–17 Budget Target' figure published in the department's 2016–17 Budget Papers.

### Key efficiency indicator 1.1 - Average cost per client contact to provide information and advice

The Consumer Protection Division responds to enquiries from members of the public and provides them with customised information or education. A key element of the department's role is also to provide more tailored advice and assistance to the community in relation to specific matters, typically on a one-to-one basis and of a short duration. The response can be a result of telephone, front counter, email or letter enquiry.

The division delivers non-customised and mass-produced services that provide members of the public with information and raises awareness within the community. Many of these activities are automated and include online visitors to the department's websites (including FuelWatch and ScamNet) and the delivery of mass-produced services, including publication distribution and visitor attendance at shows, expos or seminars.

Through the Consumer Protection Service, the department undertook 11,751,733 activities in 2016–17 to provide information and advice services, which is more than both the 10,739,916 (9 per cent) undertaken in 2015–16 and the estimated 10,658,611 (10 per cent). This is due to an increase in client contacts via ScamNet and Scamquery emails; advice line calls regarding residential tenancy bonds; contacts at shows and expos and an increase in calls to the Associations advice line due to the implementation of new associations' legislation during the reporting period. As a result, the average cost per unit to provide information and advice was \$1.46, which is less than the 2015–16 figure of \$1.62 (10 per cent) and the 2016–17 target of \$1.49 (2 per cent).

### Key efficiency indicator 1.2 - Average cost per policy project

Major policy projects are aimed at enhancing the regulatory environment and usually involve significant duration, complexity and public consultation. Major policy projects include Cabinet submissions to print a new Bill; the introduction of new mandatory codes; amendments to an existing Act or mandatory code to implement a government policy change that requires consultation with parties external to the agency; or new government policy that requires extensive consultation with parties external to the agency. Other policy projects of notable duration, moderate complexity and aimed at enhancing the regulatory environment or developing a new policy position are also included. These policy projects produce new or amended subsidiary legislation (such as a regulation or order); voluntary codes, guidance notes or equivalent; briefing notes or policy submissions to a Minister or other external bodies; Cabinet submissions; or new or significant amendments to government policy.

Through the Consumer Protection Service, the department undertook 26 policy projects, which was significantly higher than the anticipated target of 12 (117 per cent) and the 16 undertaken in 2015–16 (63 per cent). This was due to an unexpected increase in minor legislative and other policy projects (for example, the implementation of multiple sets of individual amendment regulations in support of red tape amendments passed by the Parliament in November 2016; the implementation of product safety standards; and appointments to committees) resulting in an unusually low unit cost in 2016–17 of \$151,197. Although the 2016–17 average cost per policy project is significantly less (51 per cent) than the target of \$308,783, this target was set with the anticipation of a higher unit cost during 2016–17, as the capacity to conclude policy projects was projected to be limited by available parliamentary sitting time due to the 2017 State election.

### Key efficiency indicator 1.3 - Average cost per inspection or investigation

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

A key element of the department's regulatory enforcement regime is investigations and compliance. Departmental employees determine if a breach of the law has occurred or is occurring, investigate to determine if legal action is warranted or whether education is a preferred means of achieving compliance.

Prosecutions, legal actions and proceedings are undertaken in response to the department's determination that a breach of the law has occurred and there is a broader public interest in commencing legal proceedings. Actions include prosecutions seeking the imposition of penalties; court action seeking injunctions; the development and progression of matters for adjudication; and the implementation of outcomes such as sanctions.

Through the Consumer Protection Service, the department conducted 37,651 inspections or investigations in 2016–17, which was slightly more (5 per cent) than the 35,956 undertaken in 2015–16, but significantly higher (52 per cent) than the anticipated 24,766. This increase is attributed to an escalation in compliance inspections in response to issues identified over and above the standard inspection program Consumer Protection had in place; the additional inspections targeted emerging areas such as fidget spinners, growing beads and button batteries. The average cost per inspection or investigation of \$331.24 in 2016–17 is less (9 per cent) than the 2015–16 result of \$365.47, and significantly less (35 per cent) than the target of \$512.75, due to the increase in the number of inspections or investigations during the reporting period.

**Key efficiency indicator 1.4 - Average cost per registration or licence**

As required under the laws administered by the department, the Consumer Protection Division has maintained public registers that record specific information regarding incorporated associations, tenancy bonds, cooperative companies, limited partnerships and fuel price changes from retailers. The division administers and processes applications, which authorise individuals or traders for certain occupations or purposes. Generally, the process of administering an occupational licence involves the customer being provided with a licence, being issued with a renewed licence, or having their licence cancelled or details updated.

Through the Consumer Protection Service during 2016–17, there were 879,125 registrations and licences administered, which was slightly more than last year's figure of 819,088 (7 per cent) and comparable to the anticipated 868,416. The average cost per registration or licence of \$11.47 in 2016–17 was comparable to both the 2015–16 result of \$11.88 (3 per cent) and the target of \$11.15 (3 per cent).

## Outcome two

Western Australian industry is competitive in targeted priority and emerging sectors.

### Key effectiveness indicator 2

The extent to which clients and key stakeholders consider that the division's services contribute to innovative industry development

**Table 10: Key effectiveness indicator 2**

Measure	2013–14 Actual <sup>(1)</sup>	2014–15 Actual	2015–16 Actual	2016–17 Actual	2016–17 Target <sup>(2)</sup>
Extent to which clients and key stakeholders consider that the division's services contribute to innovative industry development.	88%	92%	88%	96%	75%

#### Notes:

(1) Following the transfer of responsibility of science functions to the Department of the Premier and Cabinet, a review of the outcome and effectiveness indicator was undertaken as part of the 2013–14 Budget Statement process. This outcome and effectiveness indicator were introduced to provide a stronger industry focus as innovative industry development is seen as a key indicator that Western Australian industry is remaining competitive.

(2) The target is derived from the '2016–17 Budget Target' figure published in the department's 2016–17 Budget Papers.

Since the Department's Labour Relations and Industry Development Division's Industry Development Directorate (IDD) is not able to independently measure the extent of innovative industry development in Western Australia on a macro level, the directorate sought the opinion of its clients and key stakeholders on whether IDD's services contribute to innovative industry. Clients and key stakeholders include, but are not limited to, individual businesses, industry associations, local governments and tertiary institutions. If their views are positive, then the directorate can be confident that its services are contributing to Western Australian industry remaining competitive.

During 2016–17, respondents were from a variety of organisations including associations and peak bodies, businesses, state and local governments, and universities and or research organisations. Stakeholders were surveyed both at the time of service delivery, such as after acceptance of Industry Facilitation and Support Program grant funding, or via an online survey for regional telecommunications project events and large scale defence industry briefings.

The survey was completed to a confidence level of 95 per cent with a margin of error of  $\pm 3.5$  per cent. Surveys were issued to 365 stakeholders in total, of which 51 were undeliverable and 119 completed and returned, representing an overall response rate of 38 per cent. The 2016–17 satisfaction result was 96 per cent, which was 8 per cent higher than the 2015–16 year's result of 88 per cent, and 21 per cent higher than the target of 75 per cent. The 2016–17 target figure was set early in 2016 and the basis for setting the target at 75 per cent was that lower staff levels would result in lower satisfaction levels of IDD's clients and key stakeholders. Whilst staff levels were reduced, new operating models evolved, including a push within the defence sector on a national level, leading to higher than anticipated satisfaction levels.

## Service 2: Targeted Industry Development

Contributes to the State's economy by supporting industry development. Services include:

- supporting industry development through research and infrastructure;
- supporting Western Australian industry competitiveness, capacity and capabilities and access to market opportunities; and
- providing policy development advice.

### Key efficiency indicator 2 - Average cost per industry development project supported

This indicator was revised during 2016–17 from 'Average cost per industry and technology project managed' to 'Average cost per industry development project supported'. IDD reviewed both its Service and related Key Efficiency Indicator to more accurately reflect the activities undertaken, with the emphasis of 'supporting industry development' rather than 'promoting industry and technology'.

This indicator illustrates the average cost per project supported. The types of industry development projects for this indicator include projects in: Commercialisation Programs; Policy Development; Marine and Defence; Telecommunications; Technology Parks; and Local Industry Participation.

**Table 11: Key efficiency indicator 2**

Indicator	2015–16 Actual <sup>(1)</sup>	2016–17 Actual <sup>(2)</sup>	2016–17 Target <sup>(3)</sup>
Average cost per industry development project supported	\$246,296	\$278,566	\$258,029

**Notes:**

(1) The 2015–16 result shown as published in the department's 2015–16 Annual Report was based on the previous indicator of 'Average cost per industry and technology project managed' and include 4 innovation projects.

(2) In 2016–17, this indicator was refined from 'Average cost per industry and technology project managed' to 'Average cost per industry development project supported' and there were no innovation projects included.

(3) The target is derived from the '2016–17 Budget Target' figure published in the department's 2016–17 Budget Papers.

During 2016–17, 24 projects were managed, which is less (17 per cent) than the 29 managed in 2015–16, and the 29 expected. The target was, however, set prior to the knowledge that the innovation program was being transferred to the Department of Finance's Office of the Government Chief Information Officer, which occurred from 25 May 2016. The average cost per industry development project supported in 2016–17 of \$278,566 is more (13 per cent) than the 2015–16 result of \$246,296 and also the target of \$258,029 (8 per cent) due to the decrease in the number of projects managed during the reporting period.

## Outcome three

Community in which the use of electricity and gas is regulated and safe.

### Key effectiveness indicators

3.1 The number of electricity-related serious injuries and fatalities per million population

3.2 The number of gas-related serious injuries and fatalities per million population

**Table 12: Key effectiveness indicators 3.1 and 3.2**

Measures	2014–15 Actual <sup>(1)</sup>	2015–16 Actual <sup>(1)</sup>	2016–17 Actual	2016–17 Target <sup>(8)</sup>
The number of electricity-related serious injuries and fatalities per million population	7.32 <sup>(2)</sup>	3.05 <sup>(4)</sup>	6.60 <sup>(6)</sup>	Nil
The number of gas-related serious injuries and fatalities per million population	9.63 <sup>(3)</sup>	4.57 <sup>(5)</sup>	4.27 <sup>(7)</sup>	Nil

#### Notes:

- (1) The 2014–15 and 2015–16 results shown are as published in the department's 2015–16 Annual Report.
- (2) In 2014–15 there were 19 serious electrical accidents which included 12 incidents of hospitalisation, 5 incidents with medical treatment and 2 fatalities.
- (3) In 2014–15 there were 25 serious gas accidents which included 12 incidents of hospitalisation, 12 incidents with medical treatment and 1 fatality.
- (4) In 2015–16 there were 8 serious electrical accidents which included 3 incidents of hospitalisation, 4 incidents with medical treatment and 1 fatality.
- (5) In 2015–16 there were 12 serious gas accidents which included 12 incidents with medical treatment only.
- (6) In 2016–17 there were 17 serious electrical accidents which included 5 incidents of hospitalisation, 12 incidents with medical treatment and no fatalities.
- (7) In 2016–17 there were 11 serious gas accidents which included 3 incidents of hospitalisation, 7 incidents with medical treatment and 1 fatality.
- (8) The targets are derived from the '2016–17 Budget Target' figure published in the department's 2016–17 Budget Papers.

Two effectiveness indicators measure this outcome, with the targets being set at zero as the desired outcome is to have no serious injuries and fatalities in both the electricity and gas energy areas.

The first is the number of electricity-related serious injuries and fatalities per million population, which measures how effective the electricity-related regulatory regime is, and subsequently the safety of the community. This indicator provides information regarding this department's effectiveness concerning the achievement of a community in which the use of electricity is regulated and safe. This indicator provides meaningful performance information as the primary purpose of the legislation administered by the EnergySafety Division is to reduce or eliminate such incidents. The number of reported electricity related serious accidents tends to vary between 10 and 20 per year. During 2016–17, there were 17 reported serious electrical accidents which is within this range. The increase from the 2015–16 actual figure is primarily in the number of reported serious electrical accidents requiring medical treatment which increased from 4 in 2015–16 to 12 in 2016–17.

The second measure, the number of gas-related serious injuries and fatalities per million population, measures how effective the gas-related regulatory regime is, and subsequently the safety of the community. This indicator provides information regarding this department's effectiveness concerning the achievement of a community in which the use of gas is regulated and safe. During 2016–17 there were 11 serious gas incidents, equating to a 2016–17 actual result of 4.27 for this indicator, which is comparable to the 2015–16 actual of 4.57.

## Service 3: Energy Safety

The provision of regulatory services to the Western Australian community through licensing and compliance activities in the area of energy safety.

This service and related efficiency indicators were introduced as part of the 2015–16 Budget Papers process. Prior to this the EnergySafety Division contributed to a combined service with Labour Relations, WorkSafe and Building Commission Divisions.

**Table 13: Key efficiency indicators 3.1 and 3.2**

Indicators	2014–15 Actual <sup>(1)</sup>	2015–16 Actual <sup>(1)</sup>	2016–17 Actual	2016–17 Target <sup>(8)</sup>
Average Cost of regulatory services	\$4,251 <sup>(2)</sup>	\$3,887 <sup>(3)</sup>	\$2,059 <sup>(4)</sup>	\$6,326
Average Cost of provision of licensing services	\$32.68 <sup>(5)</sup>	\$30.30 <sup>(6)</sup>	\$32.10 <sup>(7)</sup>	\$32.40

**Notes:**

- (1) The 2014–15 and 2015–16 results shown are as published in the department's 2015–16 Annual Report.
- (2) Result consists of 245 Electricity and 638 Gas inspections, and 687 Electricity and 1,058 Gas investigations. Total of 2,628 inspections and investigations.
- (3) Result consists of 1,328 Electricity and 419 Gas inspections, and 318 Electricity and 975 Gas investigations. Total of 3,040 inspections and investigations.
- (4) Consists of 4,236 Electricity and 456 Gas inspections, and 298 Electricity and 1,064 Gas investigations. Total of 6,054 inspections and investigations as at 30 June 2017.
- (5) This includes 52,791 electrical-based licences and 9,068 gas-based licences. Total of 61,859 licences administered as at 30 June 2015.
- (6) This includes 55,057 electrical-based licences and 9,278 gas-based licences. Total of 64,335 licences administered as at 30 June 2016.
- (7) This includes 54,219 electrical-based licences and 9,450 gas-based licences. Total of 63,669 licences administered as at 30 June 2017.
- (8) The targets are derived from the '2016–17 Budget Target' figure published in the department's 2016–17 Budget Papers.

### Key efficiency indicators 3.1- Average cost of regulatory services

Regulatory services include investigations and compliance inspections. Investigations are a systematic enquiry to determine compliance or a breach, and may result in a decision ranging from taking no further action to the pursuit of legal action. Compliance inspections are inspections that are not undertaken in relation to any ongoing investigation and may result in a decision ranging from taking no further action to the pursuit of legal action. Inspections and investigations ensure compliance with legislative requirements to provide a safe environment for workers and the public.

Through the Energy Safety Service, the department conducted 6,054 inspections or investigations during 2016–17, which was significantly more than both last year's figure of 3,040 and the anticipated 2,000. The increase in the number of compliance inspections can be attributed to a combination of elements including EnergySafety engaging additional temporary inspectors to carry out remote inspections and that the rearrangement of metropolitan work programs led to an increase in inspections related to residual current device (RCD) compliance and electrical contractor advertising. This increase in inspection numbers led to the average cost of regulatory services in 2016–17 of \$2,059 being significantly less than both the 2015–16 result of \$3,887 (47 per cent) and the target of \$6,326 (67 per cent).

**Key efficiency indicators 3.2 - Average cost of provision of licensing service**

Licensing services are transactions related to electricity and gas licences, but may include involvement of a regulatory board and follow up by technical staff to ensure that the pre-requisites to issue a licence are met. Transactions can be in person, by written correspondence or online, and require the processing of forms, checking of documentation for accuracy, and maintaining or updating of the licence database. Licensing services also include, but are not limited to, amendments to licence categories, replacing or adding nominees, renewals and restoration of licences. The number of licences administered is the total number of licences at the end of the financial year.

Through the Energy Safety Service the department administered 63,669 registrations and licences in 2016–17, which is comparable to both last year's figure of 64,335 and the anticipated 63,730. The average cost of provision of licensing service of \$32.10 in 2016–17 is comparable to both the 2015–16 result of \$30.30 and the target of \$32.40.

## Outcome four

Shape and influence industrial relations systems in Western Australia.

### Key effectiveness indicator 4

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

**Table 14: Key effectiveness indicator 4**

Measure		2012–13 Actual	2013–14 Actual	2014–15 Actual	2015–16 Actual	2016–17 Actual	2016–17 Target <sup>(1)</sup>
The extent to which employers comply with the requirements of labour relations laws	No. elements	467	271	355	311	381	
	No. compliant	303	182	234	181	198	
Result		65%	67%	66%	58%	52%	75%

**Note:**

<sup>(1)</sup> The target is derived from the '2016–17 Budget Target' figure published in the department's 2016–17 Budget Papers.

This measure relates to the department's effectiveness regarding the extent to which employers comply with the requirements of State industrial laws, which is assessed in terms of the degree to which workplaces meet set criteria for labour relations priority areas. The five key elements assessed are: payment of appropriate ordinary time rates of pay; providing employees with annual leave and sick leave entitlements; recording start and finishing times; recording total hours worked; and recording employment under correct status. During 2016–17, the department reviewed 109 employers' time and wage records against all or part of the five key elements during the formal investigation phase.

A total of 381 elements were assessed, with 198 (52 per cent) being found to be compliant. The variation of 23 per cent between the 2016–17 result of 52 per cent and the target of 75 per cent is predominately due to the Division delaying implementation of its proactive inspection program, particularly due to the high number of complaints lodged during the reporting period. Consequently, data for this indicator has been based on employers who have had complaints made against them and are therefore more likely to have breached industrial laws.

## Service 4: Labour Relations

To assist private and public sector workplaces to be economically sustainable and fair by providing our stakeholders and clients with expert labour relations advice, education and regulation.

This service and related efficiency indicators were implemented as part of the 2015–16 Budget Papers process. Prior to this the Labour Relations Division contributed to a combined service with EnergySafety, WorkSafe and Building Commission divisions.

**Table 15: Key efficiency indicators 4.1, 4.2 and 4.3**

Indicators	2014–15 Actual <sup>(1)</sup>	2015–16 Actual <sup>(1)</sup>	2016–17 Actual	2016–17 Target <sup>(2)</sup>
4.1 Average cost per hour of policy advice	\$167.16	\$177.63	\$254.11	\$179.82
4.2 Average cost per client contact to provide information and advice	\$2.59	\$2.70	\$2.61	\$2.76
4.3 Average cost per inspection or investigation	\$8,216	\$7,524	\$9,124	\$5,982

**Notes:**

(1) The 2014–15 and 2015–16 results shown are as published in the department's 2015–16 Annual Report.

(2) The targets are derived from the '2016–17 Budget Target' figure published in the department's 2016–17 Budget Papers.

### Key efficiency indicator 4.1 - Average cost per hour of policy advice

This indicator reflects the policy, legal and legislative advice provided to government and other stakeholders through the Labour Relations Service. It includes the research, preparation and delivery of policy advice and support to the Minister; submissions on behalf of the Minister and Government at tribunals, inquiries or reviews; legislative and regulatory amendments; and statutory appointments and proclamations.

Through the Labour Relations Service, the department undertook 8,946 hours of policy advice in 2016–17, which was significantly lower (16 per cent) than the result of 10,641 in 2015–16 and the target of 10,240 (13 per cent). The reduction in policy hours undertaken during the reporting period compared to both the target and 2015–16 actual reflects a change in focus towards priority areas of compliance and information provision to clients, particularly during the first half of 2016–17.

The average cost per hour of policy advice in 2016–17 was \$254.11; 43 per cent more than the 2015–16 actual result of \$177.63; and 41 per cent more than the target of \$179.82. The increase in cost per unit was mainly attributed to the realisation of Divisional reform during the reporting period and the creation of the new Building and Construction Code Monitoring Unit, which created a cross-over of work and a change in resource allocation.

#### Key efficiency indicator 4.2 - Average cost per client contact to provide information and advice

This indicator reflects the information and advice activities delivered to clients through the Labour Relations Service. It includes activities relating to the department's role in the implementation and application of the Public Sector Wages Policy Statement 2016; the provision of labour relations services to and on behalf of government and public sector employers; and provision of information and education services to private sector employees and employers on their employment rights and obligations.

Through the Labour Relations Service, the department undertook 1,442,051 information and advice activities; which is slightly more than both the 2015–16 result of 1,361,172 (6 per cent) and the estimated 1,385,152 (4 per cent). As a result, the cost per unit of information and advice for 2016–17 of \$2.61 was slightly less than both the 2015–16 figure of \$2.70 (3 per cent) and the target of \$2.76 (5 per cent).

#### Key efficiency indicator 4.3 - Average cost per inspection or investigation

This indicator reflects the regulatory enforcement of State awards, agreements and industrial laws through the Labour Relations Service. It includes the investigation of complaints from employees alleging that an employer has failed to pay appropriate entitlements.

Through the Labour Relations Service, the department conducted 252 conciliations, investigations and prosecutions in 2016–17, which was more (7 per cent) than the 235 in 2015–16, but lower (8 per cent) than the target of 275. This increase between the 2015–16 and 2016–17 actuals is primarily attributable to an increase in investigations undertaken during the reporting period. The Division also implemented new policies and guidelines during 2016–17 to improve the timeliness and effectiveness of investigations. The average cost per inspection or investigation was \$9,124 in 2016–17, which was significantly higher (21 per cent) than the 2015–16 result of \$7,524, and the target of \$5,982 (53 per cent). This is attributable to an increase in allocated resources, primarily due to the Divisional reform undertaken during the reporting period and the creation of a new business area focussing on monitoring the recently introduced Western Australian Building and Construction Code of Conduct 2016.

## Outcome five

A workplace operated in a safe and healthy manner.

### Key effectiveness indicator 5

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

**Table 16: Key effectiveness indicator 5**

Measure		2012–13 Actual	2013–14 Actual	2014–15 Actual	2015–16 Actual	2016–17 Actual	2016–17 Target <sup>(2)</sup>
The extent to which workplaces meet occupational safety and health criteria in priority areas (to indicate that workplaces are operated in a safe and healthy manner) <sup>(1)</sup>	No. Priority Inspection Reports	15,481	17,113	17,993	20,189	18,857	
	No. compliant	10,570	11,603	12,736	14,716	13,567	
Result		68%	68%	71%	73%	72%	75%

**Notes:**

(1) This effectiveness indicator was introduced in 2015–16 Budget Papers. As it was based on a previous underpinning measure historical data is available for earlier years.

(2) The target is derived from the '2016–17 Budget Target' figure published in the department's 2016–17 Budget Papers.

This indicator examines the department's effectiveness in ensuring workplaces operate in a safe and healthy manner. This is assessed in terms of the extent to which workplaces meet occupational safety and health criteria in priority areas. During the course of investigations, inspectors complete Priority Inspection Reports (PIRs). These PIRs contain a checklist of elements constituting the minimum requirements for inspectors to assess when the workplace being visited falls within one of the priority areas. All investigations for PIRs were conducted using a standard format introduced during 2000–01. The checklist of elements, used as the assessment tool, is not a full compliance check, but represents the key elements established for the relevant priority area. For some of these workplace investigations which fall within one of the priority areas the inspector assesses the priority area to determine if compliant or non-compliant and prepares a PIR. Not all visits/inspections include PIRs.

During 2016–17, 18,857 PIRs were undertaken as compared to 20,189 in 2015–16 to provide the result reported. Of these, 72 per cent were found to be compliant, which was slightly lower than the target of 75 per cent but comparable to the 2015–16 result of 73 per cent.

## Service 5: WorkSafe

The provision of advice, information, education, licencing and enforcement services to the Western Australian community in the area of occupational safety and health.

This service and related efficiency indicators were introduced as part of the 2015–16 Budget Papers process. Prior to this the WorkSafe Division contributed to a combined service with Energy Safety, Labour Relations and Building Commission.

**Table 17: Key efficiency indicator 5.1**

Indicators	2014–15 Actual	2015–16 Actual	2016–17 Actual	2016–17 Target
5.1 Average cost per client contact to provide information and advice	\$4.00 <sup>(1)</sup>	\$3.34 <sup>(1)</sup>	\$3.04	\$3.62 <sup>(2)</sup>
5.2 Average cost per inspection or investigation	\$2,013 <sup>(3)</sup>	\$1,785 <sup>(3)</sup>	\$2,111	\$1,913 <sup>(3)</sup>
5.3 Average cost per registration or licence	\$84.53 <sup>(1)</sup>	\$86.47 <sup>(1)</sup>	\$90.05	\$77.67 <sup>(2)</sup>

**Notes:**

(1) The 2014–15 and 2015–16 results shown are as published in the department's 2015–16 Annual Report.

(2) The target is derived from the '2016–17 Budget Target' figure published in the department's 2016–17 Budget Papers.

(3) For comparison purposes, these results have been recast due to the change in methodology in 2016–17.

### Key efficiency indicator 5.1 - Average cost per client contact to provide information and advice

This indicator includes activities in the areas of occupational safety and health, relating to the provision of information and education to members of the community to encourage, influence and promote safer and healthier workplaces for all.

Customer enquiry services are usually one-to-one transactions of a short duration. The transactions can be in person, emailed, written or via telephone. Other activities are automated such as online visitors to the website, or include the delivery of services, such as the Work Safety Awards event or Safe Work October campaigns.

Through the WorkSafe Service, the department undertook 1,144,273 activities in 2016–17 to provide information and advice services, which is more than both the 1,054,379 undertaken in 2015–16 (9 per cent) and the estimated 967,993 (18 per cent). An overall increase in web traffic to the WorkSafe website, specifically including the SmartMove page, led to the quantity of client contacts increasing during the reporting period. As a result, the average cost per client contact to provide information and advice in 2016–17 of \$3.04 was less than both the 2015–16 figure of \$3.34 (9 per cent) and the 2016–17 target of \$3.62 (16 per cent).

### Key efficiency indicator 5.2 - Average cost per inspection or investigation

A key element of the department's regulatory enforcement regime is inspections, investigations and compliance activities. The aim of departmental staff is to determine if a breach of the law has occurred, or is occurring, and to correct these by means of education or enforcement.

Inspections and investigations are usually one-to-one transactions, such as an Inspector entering a workplace to ensure compliance against occupational safety and health requirements. These services may require several occasions of contact or supplementary tasks. The provision of these services usually requires a site visit by an inspector.

The methodology for this efficiency indicator was amended during 2016–17 and includes only the number of 'investigations' reported via the case management system, and no longer includes the number of PIRs (which more accurately reflect the compliance and will continue to be used to measure the effectiveness indicator 5 above).

This indicator includes audits carried out by inspectors on registered assessors and licence holders, inspections on workplace premises and investigations of businesses or employer.

Through the WorkSafe Service, the department in 2016–17 conducted 7,540 inspections or investigations which is less than the 2015–16 figure of 8,736 (14 per cent), and the anticipated 8,341 (10 per cent). The complexity and scope of some serious injury and fatality investigations conducted in 2016–17, particularly fatality investigations in the construction industry, reduced the number of available inspector resources available to conduct other additional investigations and inspections. Consequently, the average cost per inspection or investigation in 2016–17 of \$2,111 was more than the 2015–16 result of \$1,785 (18 per cent) and the target of \$1,913 (10 per cent) due to the decrease in the number of inspections or investigations during the reporting period.

### Key efficiency indicator 5.3 - Average cost per registration or licence

WorkSafe issues and administers Asbestos Removal Licences, Demolition Licences, High Risk Work Licence (HRWL) per class issues and the renewal of HRWL, Assessor Registrations, Plant Design Registrations and Plant Registrations.

In 2016–17, through the WorkSafe Service, 65,951 registrations and licences were issued by the department, which was lower (2 per cent) than the 67,020 in 2015–16, and less (11 per cent) than the anticipated 73,937. This was the result of the construction phase of major infrastructure projects drawing to a close and slowing building construction activities, which impacted on the number of licences issued during the 2016–17 reporting period. The average cost per registration or licence in 2016–17 of \$90.05 was more than the 2015–16 result of \$86.47 (4 per cent) and the target of \$77.67 (16 per cent) due to the decrease in the number of licences or registrations during the reporting period.

## Outcome 6

Buildings and plumbing installations that are safe, sustainable and respond to community needs.

### Key effectiveness indicator 6

The extent to which building service providers comply with regulatory requirements

**Table 18: Key effectiveness indicator 6**

Measure		2014–15 Actual <sup>(1)</sup>	2015–16 Actual	2016–17 Actual	2016–17 Target <sup>(2)</sup>
The extent to which building service providers comply with regulatory requirements.	No. of elements	N/A	18,950	15,525	
	No. compliant	N/A	14,850	11,972	
Result		N/A	78%	77%	85%

**Notes:**

(1) This indicator was implemented for 2015–16 reporting as part of the 2016–17 Budget Papers process and as such there is no historical '2014–15 Actual', the result is shown as N/A.

(2) The target is derived from the '2016–17 Budget Target' figure published in the department's 2016–17 Budget Papers.

This indicator provides information regarding this department's effectiveness concerning the achievement of buildings and plumbing installations that are safe, sustainable and respond to community needs. During 2016–17, there were 5,676 proactive inspections undertaken as part of the audit program in relation to the priority areas for registered building contractors, licensed plumbing contractors, registered painters, registered building surveyors and non-registered building service providers (i.e owner-builders) as compared to 5,731 in 2015–16. The 2016–17 result for this indicator was that 77 per cent of building service providers complied with regulatory requirements, which is comparable to the 2015–16 result of 78 per cent. This target of 85 per cent was set as a stretch target that aspires to achieve the outcome of a higher level of compliance within the building service provider industries.

## Service 6: Building Commission

The provision of government administration, licensing, regulatory and dispute resolution services that enable the building and plumbing industries, to efficiently deliver buildings and plumbing installations, that are safe, sustainable and respond to community needs.

**Table 19: Key efficiency indicator 6.1–6.4**

Indicators <sup>(1)</sup>	2015–16 Actual <sup>(2)</sup>	2016–17 Actual	2016–17 Target <sup>(3)</sup>
6.1 Average cost per inspection	\$708.89	\$888.81	\$651.60
6.2 Average cost per registration or licence administered	\$395.41	\$425.98	\$403.37
6.3 Average cost per building services and home building work contract dispute resolved.	\$6,242	\$6,652	\$6,802
6.4 Average cost per policy project managed	\$126,231	\$154,717	\$129,884

**Notes:**

- (1) The Building Commission refined its definition of its service and introduced four new efficiency indicators in the 2016–17 Budget Papers process for implementation in 2016–17 reporting.
- (2) For comparison purposes the 2015–16 Actual results have been recast.
- (3) The targets are derived from the '2016–17 Target' figures published in the department's 2016–17 Budget Papers.

### Key efficiency indicator 6.1 - Average cost per inspection

A key element of this department's regulatory enforcement regime is to perform inspections of building services work to ensure compliance with building standards or the approved plans and specifications. Inspections of building services work (including that of builders, painters, plumbers and building surveyors) may be undertaken. Inspections performed fall under three categories:

- **General inspections:** Proactive inspections designed to determine how building services have been carried out and how building standards have been applied.
- **Compliance audit inspections:** Inspections undertaken of the work of a building services provider as part of a compliance audit.
- **Investigations:** Inspections undertaken as part of an investigation into an alleged disciplinary matter or statutory offence.

During 2016–17, through the Building Commission Service, the department conducted 5,606 inspections, which is less than both the 2015–16 figure of 5,878 (5 per cent), and the anticipated 6,280 (11 per cent). This variation was due to a number of resources being diverted to major building audits, such as the Perth Children's Hospital, meaning a reduced availability to participate in general audit and inspection programs. This overall decrease in the total number of inspections undertaken and the increase filling of employee vacancies in 2016–17 meant the average cost per inspection for 2016–17 of \$888.81 is more than both the 2015–16 result of \$708.89 (25 per cent) and the target of \$651.60 (36 per cent).

### Key efficiency indicator 6.2 - Average cost per registration or licence administered

Registration and licensing service transactions can be received in person or by written correspondence and require the assessment of the applicant's information and the processing of forms. However, transactions may include involvement of a regulatory board and follow up by staff to ensure all required documentation is received.

This indicator was revised during the 2016–17 Budget Papers process for implementation during the 2016–17 reporting period to now be a point in time measure, that being the sum of all current registrations or licences at the end of the financial year.

During 2016–17, through the Building Commission Service, 24,110 registrations and licences were administered by the department which was slightly more (2 per cent) than the 23,655 in 2015–16, and the anticipated 22,996 (5 per cent). The average cost per registration or licence administered in 2016–17 of \$425.98 was slightly more than the 2015–16 result of \$395.41 (8 per cent) and the target of \$403.37 (6 per cent).

### Key efficiency indicator 6.3 - Average cost per building services and home building work contract dispute resolved

This new indicator measures the efficiency with which the Building Commission Division finalises complaints that it receives thus providing a measure of its dispute resolution service (for the purpose of this indicator, the finalisation of a complaint includes complaints that may be: dismissed; refused; referred to the State Administrative Tribunal; or subject to orders issued by the Building Commissioner).

During 2016–17, through the Building Commission Service, 897 building services and home building work contract disputes were finalised. This was less than the 1,018 finalised in 2015–16 (12 per cent) and the anticipated 1,020 (12 per cent). The average cost per building services and home building work contract dispute finalised in 2016–17 of \$6,652 was slightly less than the target of \$6,802 (2 per cent), but slightly more than the 2015–16 actual of \$6,242 (7 per

cent) due to a decrease in the number of building services and home building work contract disputes received in the reporting period.

### Key efficiency indicator 6.4 - Average cost per policy project managed

This is a new indicator to measure the efficiency in which the Building Commission Division provides policy advice and administrative support to government through legislative policy projects, administration of the home indemnity insurance scheme, administration of the adjudication system established under construction contracts legislation, as well as coordinating appointments to the Architects Board, the Building Services Board and the Plumbers Licensing Board.

For the Building Commission Service, the department undertook 38 policy projects during the 2016–17 reporting period, which was more than the anticipated target of 34 (12 per cent) and the 36 undertaken in 2015–16 (6 per cent). The slight increase in the quantity of projects was more than offset by increased staffing costs associated with the recruitment of additional staff to progress the former Government's election commitments in relation to security of payments reform; and the transfer of the administration of the adjudication system established under construction contracts legislation to the policy branch in January 2017. This change in resourcing meant that the average cost per policy project in 2016–17 of \$154,717 is more than both the target of \$129,884 (19 per cent) and the \$126,231 (23 per cent) of 2015–16.

## Ministerial directives

*Treasurer's instruction 903(12)* requires the department to disclose information on any Ministerial directives relevant to the setting and achievement of desired outcomes or operational objectives, investment activities and financing activities. There were no directives issued by the responsible Minister during 2016–17.

### Other financial disclosures

#### Pricing policies for services

Statutory fees are charged to the public for various licensing and other services provided by the department. These fees are reviewed annually in accordance with government policy.

The fee changes for 2016–17 were published in *Government Gazette No. 91* on 3 June 2016 and came into effect on 1 July 2016. Details regarding the fees are available on the department's website.

#### Capital works projects

The department's capital works program provides essential infrastructure support that allows it to implement a range of projects that assist it in the delivery of its services. Table 20 identifies the capital works projects that remain ongoing at the end of the financial year.

There were no completed or discontinued capital works projects during 2016–17.

**Table 20: Ongoing capital works projects**

Project title	Estimated total cost (\$'000)	Estimated cost to complete (\$'000)	Planned year of completion
Information Communication Technology (ICT) Infrastructure:			
Building Commission – Regulation reform	4,850	3,634	2018–19
EnergySafety Compliance Management System – Stage two	2,547	1,943	2018–19
Strategic Information Plan	20,134	9,509	2019–20
Southern precinct	1,865	1,423	2018–19

### Governance disclosures

#### Unauthorised credit card expenditure

Agencies are required to publish details in their annual report of instances where a Western Australian Government Purchasing Card (a 'credit card') is utilised for personal use. Officers of the department hold corporate credit cards where their job functions warrant use of this facility. During the financial year 8,698 transactions worth \$3,224,771 were performed, including the following accidental use of corporate cards for personal use:

	2016–17
Number of times the corporate credit card was used for personal purposes	\$9.00
Aggregate amount of personal use expenditure	\$400.09
Aggregate amount of personal use expenditure settled by the due date	\$208.09
Aggregate amount of personal use expenditure settled after the due date	\$192.00
Aggregate amount of personal use expenditure outstanding at June 30	\$0.00
Number of referrals for disciplinary action instigated	\$0.00

## Governance framework

The department operates under a governance structure in which authority and accountability is shared between the Director General and the divisions. While the Director General has ultimately accountable for the full range of the department's activities, the divisions, through the relevant Executive Director, has considerable autonomy in day-to-day decision-making, allocation of resources and determination of priorities within the divisions.

The Corporate Charter as maintained by the department sets out the governance principles under which it operates and establishes the limits of divisional autonomy in the key areas of:

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

The Corporate Charter also provides procedures for managing:

- internal committees;
- Corporate Executive submissions; and
- policy development.

## Internal audit

Internal Audit provides independent analysis, appraisal and advice concerning a range of the department's functions, services and systems. Activities include audits of the department's management information systems; assessment of compliance with legislation and assessment of controls over accounting and financial records. The Internal Audit Charter and Terms of Reference for the Audit and Risk Governance Committee were also refreshed during the year. The Audit and Risk Committee met on five occasions in 2016–17.

Key audits undertaken during 2016–17 include: compliance with State Supply Commission requirements; licensing benchmark review; corporate credit cards; BondsOnline eTransactions; and bond manual forms. In addition, controls advice was provided in relation to the new online licensing system being developed by the department.

## Risk and business continuity management

The department continues to implement the policy, process and procedures outlined in its risk management framework, ensuring that operational areas identify and assess key risks, and develop and implement risk treatment plans in accordance with the Australian and New Zealand Standard for risk management (AS/NZS ISI 31000:2009).

The department's business continuity plans were reviewed and refreshed during the year, and disaster recovery testing for two operational systems was successfully executed.

## Boards, commissions, committees, councils and tribunals

The boards, commissions, committees, councils and tribunals facilitated by the department are responsible for the delivery of a range of advisory, regulatory, industry licensing and dispute resolution functions. They are identified in Table 21 on the next page according to the department's division that they fall under.

*Appendix 4: Functions of boards, commissions, committees, councils and tribunals* provides further detail on their specific roles and functions and a breakdown of the remuneration received by their members.

**Table 21: Boards, commissions, committees, councils and tribunals**

Division	Board, commission, committee, council or tribunal
Building Commission	<ul style="list-style-type: none"> <li>• Building Services Board</li> <li>• Plumbers Licensing Board</li> </ul>
Consumer Protection	<ul style="list-style-type: none"> <li>• Charitable Collections Advisory Committee</li> <li>• Consumer Advisory Committee</li> <li>• Motor Vehicle Industry Advisory Committee</li> <li>• Property Industry Advisory Committee</li> </ul>
EnergySafety	<ul style="list-style-type: none"> <li>• Electrical Licensing Board</li> <li>• Gas Licensing Committee</li> </ul>
Labour Relations and Industry Development	<ul style="list-style-type: none"> <li>• Australian Marine Complex Overarching Committee</li> <li>• Western Australian Technology and Industry Advisory Council (TIAC)</li> <li>• Wheatstone Local Content Steering Committee</li> <li>• Browse Local Content Steering Committee</li> </ul>
WorkSafe	<ul style="list-style-type: none"> <li>• Commission for Occupational Safety and Health</li> <li>• Construction Industry Safety Advisory Committee</li> <li>• WorkSafe Awards Judging Panel</li> <li>• Legislation Advisory Committee</li> <li>• Mining Industry Advisory Committee</li> <li>• Focus Area Working Party(s)</li> </ul>

## Other legal requirements

### Advertising

In accordance with section 175ZE of the *Electoral Act 1907* the department's 2016–17 expenditure in relation to payments made to advertising agencies, direct mail organisations and media advertising organisations is detailed in the table below.

**Table 22: Total expenditure 2016–17** (figures have been rounded to the nearest dollar.)

Expenditure category and organisations	Total cost (\$)
<b>Advertising agencies</b>	<b>97,887</b>
Adcorp Australia Limited	39,592
Community Newspaper Group Limited	9,285
Farm Guide	1,530
Western Australian Newspapers Ltd	46,426
Western Indigenous Media T/A Mulga Mail	1,054
<b>Direct mail organisations</b>	<b>3,181</b>
Campaign Monitor	108
CreateSend.com	380
Ezimap	990
Zipform Pty Ltd	1,702
<b>Media advertising organisations</b>	<b>130,110</b>
Carat Media Services Pty Ltd	121,473
Facebook	137
Marketforce	8,500
<b>Total</b>	<b>231,178</b>

### Compliance with public sector standards

In accordance with section 31(1) of the *Public Sector Management Act 1994* the department complied with the Public Sector Standards and the Western Australian Public Sector Code of Ethics. Policies and procedures designed to ensure such compliance (including the department's Code of Conduct) were in place and appropriate internal assessments were conducted.

The number of breaches lodged, found and still under review during 2016–17 is detailed in the table below.

**Table 23: Applications for breach of standard and corresponding outcomes for 2016–17**

	Number
Number lodged	6
Number of breaches found (including details of multiple breaches per application)	0
Number still under review	0

Table 24 provides details on activities undertaken by the department relating to ensuring compliance with Public Sector Standards and ethical codes in 2016–17. This information has also been provided to the Public Sector Commission for inclusion in the State of the Sector Report. Human resources policies and ethical codes in relation to these standards and codes are available to all employees through the department's intranet site and online induction package.

**Table 24: Activities relating to monitoring compliance with Public Sector Standards and ethical codes for 2016–17**

Public Sector Standards
<ul style="list-style-type: none"> <li>Completion of audit and reviews of human resources related processes. This includes audits of all employment selection processes undertaken by the department to verify compliance with <i>Public Sector Commissioner's Instruction No. 1: Employment Standard</i>; reviews of the controls over employee commencements and terminations; and the adequacy and accuracy of payroll procedures.</li> <li>Maintenance of resources to educate and support line managers in their roles. One such resource is the Managers Toolkit, available on the department's intranet, which provides managers with an array of information, support and tools to help them effectively and efficiently manage their staff.</li> <li>Provided information to new employees and contract staff as part of the induction program and maintained regular information and highlighted articles on intranet site for all staff.</li> </ul>
Western Australian Public Sector Code of Ethics
<ul style="list-style-type: none"> <li>Monitored targets for staff completion of Accountable and Ethical Decision Making training in performance agreements for the Director General and Executive Directors.</li> <li>Provided information to new employees as part of the induction program.</li> </ul>
Code of Conduct
<ul style="list-style-type: none"> <li>Provided information to new employees as part of the induction program; all new employees are required to confirm their responsibility to read and adhere to the Code of Conduct.</li> </ul>

## Disability access and inclusion outcomes

The department is committed to improving access and equity for all its customer groups and ensuring that people with disability are included, and participate, in shaping the range of services and initiatives of the department. The *Disability Services Act 1993* requires that public authorities develop and implement a Disability Access and Inclusion Plan (DAIP) to achieve the seven access and inclusion outcomes specified by the Disability Services Commission and report on these achievements.

Table 25 provides a summary of how the department provided access to its services, buildings and information in accordance with the *Disability Access and Inclusion Plan 2017–21* – Annual Implementation Plan 2016–17.

**Table 25: Disability access and inclusion outcomes for 2016–17**

**Outcome 1** - People with disability have the same opportunities as other people to access the services of, and any events organised by, the relevant public authority.

- Produced an accessible version of the Guide to Creating Accessible Events and promoted this to staff.
- Collected data for reporting on contractor's compliance with DAIP requirements.
- The Disability Access and Inclusion Committee (Committee) met four times during the financial year to review the progress of the Implementation Plan and other disability access and inclusion activities.
- Reported to the Committee unresolved and emerging issues relating to providing services to people with disability.
- Provided an end-of-year update on the progress of the DAIP to the Corporate Executive.

**Outcome 2** - People with disability have the same opportunities as other people to access the buildings and other facilities of the relevant public authority.

- Building access maps were maintained on the department's website.
- Details of public parking facilities for people with disability were maintained on the department's website.
- Parking facilities for staff with disability were made available where needed.
- Building access audits were undertaken for all of the department's work sites.
- A Personal Emergency Evacuation Plan was developed for any staff with physical, mental or sensory impairment, either temporary or permanent that requires assistance during an emergency evacuation.
- The Disability Services Commission's initiative Changing Places was promoted internally to staff.

**Outcome 3** - People with disability receive information from the relevant public authority in a format that will enable them to access the information as readily as other people are able to access it.

- A guide on how staff can obtain alternative formats for people with disability was promoted internally to all staff.
- Strived to ensure that any new or re-printed publications contained a statement advising the availability of alternative formats.
- Conducted a review of the content on the disability access and inclusion information intranet page.
- Updated the department's website to include the Disability Access and Inclusion Feedback form.

**Outcome 4** - People with disability receive the same level and quality of service from the staff of the relevant public authority.

- News stories to raise awareness of the importance of carers were promoted to staff.
- News stories to raise awareness of World Autism Week and World Down Syndrome Day were promoted to all staff.

**Outcome 5** - People with disability have the same opportunities as other people to make complaints to the relevant public authority.

- The department continually monitored the mailbox [disability@commerce.wa.gov.au](mailto:disability@commerce.wa.gov.au) to ensure complaints about access and inclusion are addressed.

**Outcome 6** - People with disability have the same opportunities as other people to participate in any public consultation by the relevant public authority.

- The needs of people with disability were considered when arranging events/public consultation information sessions.
- Disability access and inclusion stakeholders were consulted during the review of the department's DAIP and the development of the new DAIP.

**Outcome 7** - People with disability have the same opportunities as other people to access employment with the Department of Commerce.

- Applicants are asked if they required additional assistance to attend interviews when applying for an advertised vacancy.
- Equal opportunity statement promoting commitment to workplace equity and diversity and encouraging people with disability to apply, was published on every advertised vacancy.
- Applicants were advised in job advertisements that information can be provided in alternative formats on request.

## Recordkeeping Plans

As required, under section 19 of the *State Records Act 2000* (SR Act), the department has a Recordkeeping Plan which was approved by the State Records Commission in August 2012. The Plan, approved on 30 August 2012, is accessible to all staff via the department's intranet.

In accordance with section 29 of the SR Act, a review of the Recordkeeping Plan was undertaken during 2016–17. The Recordkeeping Plan Review Report was approved by the department's Director General and sent to the State Records Office on 20 June 2017. It has been presented to the State Records Commission for consideration. By submitting this Review Report, the department complied with the requirement to review its Recordkeeping Plan within a five year period.

## Recordkeeping policy

In line with the *State Records Commission Standard 2, Principle 2*, the department's recordkeeping program is supported by policies and procedures. The Recordkeeping Policy and the Digital Transition Policy establish the object and intent of the recordkeeping program. Standards, operating procedures and business rules direct and frame recordkeeping practice at the desktop.

The Recordkeeping Policy has been reviewed and updated, along with a number of operational and desktop procedures.

## Recordkeeping system

The repositories of recorded information, related to business transactions and activities across the department, are a combination of business-specific information systems and an electronic document and records management system (EDRMS).

## Evaluation of the efficiency and effectiveness of the recordkeeping systems

At the system level, qualitative and quantitative checks of the EDRMS are conducted on a regular basis. Monthly statistics analyse system usage and availability, storage levels and demand. Data integrity is maintained using regular checks and audit trails that capture all actions on files and documents.

## Digitisation strategy

In 2016, the Commerce Digitisation Program was established. There were three projects in the work program.

- EDRMS Refresh Project – a project to replace and upgrade the existing EDRMS to obtain greater functionality, useability and value for money. A project team was established to evaluate current and future needs. A tender for replacement software was initiated.
- Digital Transition Project – a project to promote and support adoption of a predominately digital and paper-limited records and information environment, using

a combination of business process re-engineering and automation. This project is to continue when the EDRMS Refresh Project is completed.

- Paper Debt Reduction Project – a project that aims to reduce the reliance on paper records and address the stockpile of physical files and documents. Preliminary work has been undertaken to identify the scope of the project.

### Staff training, information sessions

On-boarding and off-boarding processes have been established for the department. Designated records staff continue to schedule one-to-one desktop sessions for new staff which are focused on identifying the employee's business needs and associated recordkeeping requirements. Records staff also work with employees leaving the department to ensure there is an orderly handover of files and all departmental documents are captured into the EDRMS or relevant business system.

All staff using the EDRMS are required to complete an online training module. Face-to-face sessions are arranged for individuals or groups requesting training on specific functions.

Records staff can access subject-specific training courses delivered by an external service provider. Records staff can also use workshops and presentations offered by the State Records Office and Records and Information Management Professionals Australasia (the national professional body) for ongoing professional development.

### Induction program

All new staff, including temporary staff and contractors, are required to complete the online recordkeeping module mandated in the department-wide induction program. The course covers the legislative and policy framework for recordkeeping, the role of managers and supervisors, and individual responsibilities of government employees.

A minimum pass mark has been set, along with a time frame for completion. Reporting tools monitor progression and completion rates. Participants and line managers are alerted if the course has not been completed within the specified time frame.

### Education and awareness

The intranet is used to publish information about recordkeeping. News bulletins draw attention to the changing nature of records and information management, provide advice or instruction on handling physical records, and guidance on the management of digital records. Periodic department-wide and divisional emails remind staff of the department's needs and practices regarding recordkeeping and individual recordkeeping responsibilities and obligations.

### Freedom of Information

The *Freedom of Information Act 1992* gives the public a right to access departmental documents, subject to some limitations. The public can also apply to have personal information about themselves, held in departmental documents, amended if that information is inaccurate, incomplete, out of date or misleading. Where possible, information is disclosed outside the Freedom of Information process. If this is not possible, access applications are dealt with promptly and efficiently, and at the lowest possible costs.

Access applications can be lodged personally at metropolitan and regional offices, or sent to a central post office address.

## International Labour Organisation Convention 81: Labour Inspections

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

In Western Australia, the department is the 'central authority' responsible for conducting labour inspections for workplace safety, and wages and conditions of employment. The reporting in this section relates to the inspection services delivered by the Labour Relations and Industry Development Division and the WorkSafe Division for 2016–17.

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

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

Legislation administered by the department is provided in the *Overview* section of this report. Changes to written laws during 2016–17, relevant to the work of the inspection service, are provided in *Appendix 2: Changes to written laws* (Table 40). The *Significant issues impacting the agency* section of this report also provides information on issues and trends impacting the department and the inspection environment.

(b) *Staff of the labour inspection service*

In 2016–17, the department employed the full-time equivalent of 8.55 industrial inspectors in the Labour Relations and Industry Development Division. The WorkSafe Division had a full time equivalent complement of 93 inspectorate staff.

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

As at June 2016, there was a total of 225,006 businesses operating in Western Australia (Australian Bureau of Statistics, Counts of Australian Businesses, including Entries and Exits, June 2016). As at June 2017, total employment in Western Australia was 1,363,300 persons (ABS, Labour Force – trend data, Australia, June 2017).

It should be noted that the Western Australian industrial relations system applies only to unincorporated businesses and the state public sector. The department estimates that between one third and one fifth of Western Australian employees are covered by the State system.

(d) *Statistics of inspections visits*

During 2016–17, the Labour Relations and Industry Development Division investigated 108 employers and the WorkSafe Division undertook 7,536 physical workplace visits including repeat visits.

(e) *Statistics of violations and penalties imposed*

Information on the number of violations and penalties imposed is provided in the *Appendix 3: Legal Actions* section of this report. Details of prosecutions for the Labour Relations and Industry Development Division are published in Table 62 and prosecutions for the WorkSafe Division are published in Table 63. The details of improvement and prohibition notices issued by the WorkSafe Division are published in 66 to 69. The Labour Relations and Industry Development Division found that out of the 108 employers inspected, 329 separate breaches of awards, agreements or legislation were identified and four prosecutions were undertaken.

(f) *Statistics of industrial accidents and occupational diseases*

The lost time injury and disease (LTI/D) frequency rate is the principal measure of safety performance in Western Australia,

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

The *Agency Performance (Operational Highlights)* section of this report provides information on work-related injury or disease frequency rates for Western Australia. Information on disease groups that are being monitored at a national level are contained in the Safe Work Australia publication, *Occupational Disease Indicators*. A copy of the publication can be accessed on the Safe Work Australia website ([www.safeworkaustralia.gov.au](http://www.safeworkaustralia.gov.au)).

### Agency specific reporting

Please note, some Act specific reporting figures relating to ongoing complaints, investigations or inquiries for the start of the 2016–17 financial year differ slightly to the ongoing figures for the end of the 2015–16 financial year provided within the department's 2015–16 annual report. This is due to the data within the Complaints and Licensing System (CALs) used by the department being dynamic in nature with the details and classifications of certain types of complaints, investigations or inquiries changing as a result of the department obtaining further information regarding these complaints, investigations or inquiries. This potential reclassification can result in differing 'ongoing' figures.

## Building Commission Division

### *Construction Contracts Act 2004*

The *Construction Contracts Act 2004* provides for a rapid independent adjudication to resolve payment disputes associated with construction contracts, whether they are written or oral. A decision is made on the information available and can be enforced as if it was an order of the court. This process does not inhibit parties from seeking other legal remedies but this process cannot be used if the dispute is the subject of an order, judgement of other finding dealing with the matter.

Before 1 November in each year, the Building Commissioner must give the Minister a written report about the operation and effectiveness of this Act in the financial year that ended in that year. Quarterly and annual reporting for this Act can be found on the department's website.

### *Plumbers Licensing Act 1995*

Part 5A of the *Plumbers Licensing Act 1995* (the PL Act) establishes the Plumbers Licensing Board (the Board) to regulate the plumbing trade that serves the Western Australian community. The Board forms part of the Building Commission Division.

At the end of the year, there were 7,381 plumbers licensed by the Board to carry out water supply, sanitary and drainage plumbing work for residential, commercial and industrial purposes and for other sectors of the economy. This specialised workforce comprised 3,577 licensed plumbing contractors, 3,673 licensed tradespersons, who work under the general direction and control of the licensed plumbing contractors, 99 restricted plumbing permit holders who replace certain hot water units and 32 provisional tradesperson licences (drainage plumbing).

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

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

(i) *investigations and inquiries undertaken by, or at the direction of, the Board into licensing under this Act;*

**Table 26: Plumbers Licensing Act 1995: Compliance investigations and complaints in 2016–17**

	Alleged unsatisfactory workmanship	Alleged unlicensed plumbing	Other regulation breaches	Total
Ongoing matters as at 1 July 2016	7	12	7	26
Matters commenced	189 <sup>(1)</sup>	19	103 <sup>(2)</sup>	311
Matters concluded	173	20	93	286
Ongoing matters as at 30 June 2017	23	11	17	51

**Notes:**

(1) Rectification notices were issued for all of the matters that were commenced.

(2) 103 infringement notices issued by the Audit Branch includes 5 breaches investigated by the Enforcement Branch.

There were 440 informal complaints received from licensed plumbers about non-compliance by other plumbers and unlicensed plumbing work and 719 informal complaints received from consumers about unsatisfactory plumbing work.

There were 4,684 calls to the technical advice line from licensed plumbers seeking advice on plumbing work.

There were 70 audits of licensed plumbing contractors carried out across the State.

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

There were 178 building service complaints and 0 disciplinary complaints brought before the State Administrative Tribunal in 2016–17.

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

Of the 51 ongoing matters as at 30 June 2017, there were 23 unsatisfactory workmanship matters, 11 alleged unlicensed plumbing, 4 disciplinary breaches and 13 offences outstanding.

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

On 15 July 2016 the Building Commission commenced an audit of the Perth Children's Hospital on aluminium composite panels and fire door sets; stainless steel pipe corrosion; vitreous enamel (VE) panels and curtain wall glazing. The scope of the audit was expanded on 5 September 2016 after the discovery of lead in the drinking water supply at the site. The final report, which was released in April 2017, identified four potential sources of the lead, and remedial work was commenced by the State. The Building Commission is continuing to monitor the situation until the water supply is deemed safe to use as per the Australian Drinking Water guidelines.

(d) *forecasts of the workload of the Board in the year after the year to which the report relates; and*

There were no forecasts of the workload of the Board.

(e) *any proposals for improving the operation of the Board.*

There were no proposals for improving the operation of the Board.

## Consumer Protection Division

### ***Credit (Administration) Act 1984***

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

On 1 July 2010 responsibility for regulation of credit was transferred to the Commonwealth Government, specifically the Australian Securities and Investments Commission (ASIC), and the department's responsibilities in relation to credit regulation ceased. All matters are now managed by the ASIC.

### ***Debt Collectors Licensing Act 1964***

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

As at 30 June 2017, there were 82 licensed debt collectors operating in Western Australia. Over the course of the year, 7 licences expired and an additional licence was surrendered, 67 licences were renewed and 12 new licences were granted.

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

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

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

The department dealt with a number of disputes against debt collection agencies during 2016–17, with four of these matters being conciliated between the parties as they represented contractual disputes.

**Table 27: *Debt Collectors Licensing Act 1964: Investigation summary for 2016–17***

	Licensing issues relating directly to the DCL Act	Conduct issues	Conciliations generally concerning confirmation of whether debt owed	Total
Number ongoing as at 1 July 2016	1	0	0	1
Number commenced	1	0	4	5
Number concluded	1	0	4	5
Number ongoing as at 30 June 2017	1	0	0	1

One investigation about an alleged unlicensed debt collection concluded in 2016–17 for which the interstate debt collector was provided education and direction about operating in Western Australia.

Of the four conciliation matters concluded in 2016–17, three matters resulted in education and advice being provided and one resulted in the parties reaching an agreement.

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

There were no matters brought before the State Administrative Tribunal under the DCL Act for the 2016–17 financial year.

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

There is one matter outstanding as of 30 June 2017, which involves unlicensed activities.

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

There are no known trends or special problems that will affect a change in workload in this area of activity.

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

There is no change anticipated.

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

There were no recommendations.

### **Employment Agents Act 1976**

The department administers a range of functions under the *Employment Agents Act 1976* (the EA Act) including the granting and renewal of licences, compliance activities and a range of education and advisory services. The Consumer Protection Division undertakes the conciliation of disputes involving employment agents and consumers.

As at 30 June 2017, there were 490 licensed employment agents operating in Western Australia. Over the course of the year, 71 licences expired and an additional two were surrendered, 87 licences were renewed and 49 new licences were granted.

Section 10A of the EA Act requires the Commissioner to report on a number of matters, namely:

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

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

Allegations that indicated a breach of legislation may have occurred were categorised as investigations. During 2016–17, the department completed eight investigations about employment licence holders or unlicensed activities. There were six related to allegations of unlicensed activities and two related to conduct of employment agents.

**Table 28: *Employment Agents Act 1976: Investigations and inquiries in 2016–17***

	Employment agent licence holder or unlicensed activity	Conduct issues	Conciliations	Total
Number ongoing as at 1 July 2016 <sup>(1)</sup>	1	2	0	3
Number commenced	6	0	0	6
Number concluded	6	2	0	8
Number ongoing as at 30 June 2017	1	0	0	1

**Note:**

(1) The number of ongoing as at 1 July 2016 may differ from the figures reported in the 2015–16 Annual Report because of subsequent actions affecting closure dates for investigations and inquiries.

Of the eight investigation matters concluded in 2016–17, the following outcomes were recorded:

- three matters resulted in an administrative warning being issued; and
- five matters resulted in education or advice being provided.

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

No matters were brought before the State Administrative Tribunal under the EA Act for the 2016–17 financial year.

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

The one outstanding investigation relates to potential unlicensed activities by an employment agent.

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

This financial year, the main focus of complaints involved operating as an employment agent without the necessary licence.

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

In the 2015–16 financial year, Consumer Protection sought industry and stakeholder opinions on proposed changes to the EA Act which included the introduction of negative licensing and changes to conduct requirements.

A submission on the proposed changes was provided to the new Government for consideration in the 2016–17 financial year.

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

There were no recommendations.

### **Land Valuers Licensing Act 1978**

The department administers a range of functions under the *Land Valuers Licensing Act 1978* (the LV Act) including the granting and renewal of licences, compliance activities and a range of education and advisory services.

As at 30 June 2017, there were 888 licensed land valuers in Western Australia. Over the course of the year 32 licences expired, 393 licences were renewed, one licence was surrendered and 54 new licences were granted.

Section 31 of the LV Act requires the Chief Executive Officer of the department to report on a number of matters namely:

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

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

The department received two complaints during the year. Both complaints related to alleged non-disclosure of material facts.

**Table 29: Land Valuers Licensing Act 1978: Investigations and inquiries in 2016–17**

	Issues concerning valuation practices	Advertising and marketing issues	Issues relating to fees and charges	Licensing issues	Total
Number ongoing as at 1 July 2016	0	0	0	0	0
Number commenced	2	0	0	0	2
Number concluded	0	0	0	0	0
Number ongoing as at 30 June 2017	2	0	0	0	2

The department continued a proactive compliance program introduced in 2011–12 for licensed land valuers. The proactive compliance program aims to assist land valuers in complying with legislative requirements, identify and rectify areas of risk, and provide general advice to licensees on complying with legislative requirements. This financial year, the department visited 87 valuers.

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

No matters were brought before the SAT under the LV Act.

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

There are two outstanding matters as identified in paragraph (a). Both matters, which involve alleged failures to disclose material facts, are currently being examined.

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

There were no trends or special problems that emerged.

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

The department will publish educational material in the coming year, where appropriate, to support the new Licensed Valuers Code of Conduct 2016.

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

The Licensed Valuers Code of Conduct 2016 came into effect on 1 October 2016.

The new Code of Conduct will make the rules consistent, where appropriate, with the other property industry codes of conduct and the Australian Consumer Law. The new code also includes specific supervision requirements for non-licensed assistants who support licensed valuers and further clarification on recordkeeping and risk management requirements.

### **Motor Vehicle Dealers Act 1973**

The department administers a range of functions under the *Motor Vehicle Dealers Act 1973* (the MVD Act) including the granting and renewal of licences, compliance activities and a range of education and advisory services.

Section 51 of the MVD Act requires the Chief Executive Officer of the department to report on a number of matters namely:

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

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

**Table 30: Motor Vehicle Dealers Act 1973: Investigations and inquiries in 2016–17**

	Issues concerning unlicensed activities	General breaches	Conciliation <sup>(1)</sup>	Total
Number ongoing as at 1 July 2016 <sup>(2)</sup>	23	25	98	146
Number commenced	85	33	1,229	1,347
Number concluded	68	30	1,237	1,335
Number ongoing as at 30 June 2017	40	28	90	158

**Notes:**

- (1) Conciliations are conducted at the direction of the Commissioner, under the *Fair Trading Act 2010*. Data reported relates to conciliations involving licensed motor vehicle dealers only.
- (2) The number of ongoing as at 1 July 2016 may differ from the figures reported in the 2015–16 Annual Report because of subsequent actions affecting the closure dates for issues concerning unlicensed activities, general breaches and conciliation.

**Table 31: The outcomes for the matters concluded were as follows:**

**Conciliation:**

Agreement reached to settle	425
Education, advice or information given	189
Complaint lapsed or withdrawn	126
Complaint not substantiated	74
Other	423
<b>TOTAL:</b>	<b>1,237</b>

**Compliance and Investigations:**

Complaint not substantiated	29
Education/Advice	24
No action taken - other reason	12
Corrective advice accepted	11
Other	22
<b>TOTAL:</b>	<b>98</b>

- (ii) matters that have been brought before the State Administrative Tribunal by the Commissioner;

There were two matters brought before the State Administrative Tribunal.

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

**Conciliations**

Most of the 90 conciliation matters that remained as at 30 June 2017 related to defective goods, unsatisfactory goods or performance, warranties, contractual disputes, harsh or unconscionable conduct, with the remainder being general issues.

## Compliance and investigations

Of the 68 compliance and investigations matters that were ongoing as at 30 June 2017, 40 related to investigations of unlicensed activities. The remaining concerned fitness to hold a licence, false and misleading advertising, accepting payment without intention to supply, consignment trust account audit matters and general breaches such as misconduct and undesirable practices.

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

The Department of Transport (DoT) has implemented new analytics software which has seen a significant increase in the number of referrals into potential unlicensed dealing activities. To date, DoT has referred 60 individuals where the data indicates a person has bought or sold a significant number of vehicles.

This influx of unlicensed dealing investigations has necessitated a change in our assessment criteria where focus will be on those with the most significant numbers of activity, ability to readily identify a person of interest, profit made and the overall likelihood of resolving the matter.

The issue of manufacturer's warranties on 'demonstrator' vehicles has also been an area of focus by the department. The MVD Act defines a demonstrator vehicle as a vehicle licensed to the dealer by whom it is being sold or offered or exposed for sale and has been used by that dealer for the purposes of demonstration.

The MVD Act also prescribes that the manufacturer's warranty on demonstrator vehicles commences at the time the vehicle is sold to the consumer. As such the purchaser is entitled to the full manufacturer's warranty in terms of time and mileage from the date of purchase. The warranty on a demonstration vehicle is only affected in terms of distance travelled, with the odometer reading at the time of purchase allowed to be deducted.

Industry practice is that the manufacturer's warranty starts from the time that the vehicle is licensed into the dealer's name, or ordered by the dealer and not from the time of sale to a purchaser. This right is enshrined in the MVD Act so it is illegal for motor vehicle dealers not to offer buyers the full time length of the manufacturer's warranty.

The department has done significant education and media with industry and consumers alike to ensure both sides are aware of this requirement and consumer right.

- (d) *forecasts of the workload of the Commissioner in the year after the year to which the report relates; and*

The department forecasts that the current three year average of conciliation complaints (1,400) and investigations (350) per annum will continue in the coming financial year.

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

The department is continuing with a full review of the MVD Act. The initial consultation process with relevant stakeholders and a consultation regulatory impact statement has been completed. The department is in the final stages of completing the decision regulatory impact statement which will be forwarded to the Minister for consideration.

In the interim amendments to the MVD Act will be proposed this year to see the introduction of a uniform audit period for consignment trust accounts. The proposed audit period would be a financial year, with the audit report being due within three months after 30 June of each year. The current audit period is 12 months from the opening of the consignment trust account.

A further amendment will be the removal of the requirement for dealers to have to complete and send in a form when surrendering the licence plates of a vehicle to the Licensing Authority.

This, along with a number of other administrative changes to the Motor Vehicle Dealers (Licensing) Regulations 1974 will reduce the red-tape impost on motor vehicle dealers.

### ***Real Estate and Business Agents Act 1978***

The department administers a range of functions under the *Real Estate and Business Agents Act 1978* (the RE Act) including the granting and renewal of licences, compliance and conciliation activities and a range of education and advisory services. As at 30 June 2017 there were 4,261 licensed real estate and business agents who held a current triennial certificate and 11,654 sales representatives registered in Western Australia. Over the course of the year, 202 triennial certificates expired and an additional 138 were surrendered, 1,043 triennial certificates were renewed and 306 new licences were granted. During this same period, 1,694 sales registrations expired and an additional 30 were surrendered, 1,819 registrations were renewed and 1,436 new registrations were granted.

Section 135 of the RE Act requires the department to report on a number of matters in its annual report, namely:

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

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

The department investigated a range of general and financial compliance issues during the year. The investigations examined unlicensed or unregistered activity, failure to disclose pertinent facts, professional conduct, alleged trust account breaches and related auditing matters, advertising and marketing, property management services, and fitness to hold a licence.

**Table 32: *Real Estate and Business Agents Act 1978: Investigations and inquiries in 2016–17***

	General compliance issues	Financial compliance issues	Conciliations	Total
Number ongoing as at 1 July 2016 <sup>(1)</sup>	231	24	9	264
Number commenced	472	374	93	939
Number concluded	584	334	92	1,010
Number ongoing as at 30 June 2017	119	64	10	193

**Note:**

(1) The number of ongoing as at 1 July 2016 may differ from the figures reported in the 2015–16 Annual Report because of subsequent actions affecting the closure dates for general and financial compliance issues and conciliations.

For the 584 general compliance and investigation matters concluded during the year, the following outcomes were recorded: 229 education or advice letters were sent; 157 warning letters were issued; 121 resulted in no action being taken or no offence detected, 28 matters were referred to another agency; 12 resulted in fines; eight complaints related to briefs for disciplinary proceedings before the State Administrative Tribunal (SAT); two complaints related to briefs for prosecution. The remaining 27 complaints resulted in other compliance outcomes.

Where prosecution matters have been finalised, the outcomes are detailed in *Appendix 3: Legal Actions*.

The department continued its proactive compliance program that aims to assist agents in complying with legislative requirements, identifying and rectifying areas of risk and providing advice and support to agents in an effort to avert operational problems. The program encourages high levels of industry best practice.

This financial year, the department completed 461 proactive visits, with no major systemic issues identified. Some of the more common issues proactive compliance officers provided guidance on during the year were: poorly written contractual conditions; reconciling trust accounts at the end of the month; correct titling for trust accounts; late renewal of triennial certificates and registrations; keeping sufficient client identification documents; and the process of disclosing and identifying material facts.

The department also administers the Real Estate and Business Agents Fidelity Guarantee Account (REBA Fidelity Account). The purpose of the REBA Fidelity Account is to provide financial reimbursement to people who suffer pecuniary or property loss through any defalcation by a licensee who holds a triennial certificate, in the course of the business of that licensee. This also includes the actions of licensee's employees.

During the year, consumers lodged 43 new claims against the REBA Fidelity Account and 19 claims were finalised. Eight of the finalised claims were allowed; seven were partially allowed; one was disallowed and two were withdrawn. One further claim resulted in no action being taken. The 15 claims allowed or partially allowed resulted in a total of \$168,192 being reimbursed. At 30 June 2017, there were 43 real estate claims outstanding against the account with a total provisional value of \$422,326.

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

This financial year, there were 17 matters before the State Administrative Tribunal under the RE Act or the Real Estate and Business Agents and Sales Representatives Code of Conduct 2016. Thirteen of these matters were finalised, two were withdrawn and two were pending. The nature and outcome of all matters are provided in *Appendix 3: Legal Actions*.

The issues before the State Administrative Tribunal included a real estate sales representative breaching a special condition on his certificate

of registration, a property manager who stole tenants' money, a real estate agency mishandling the deposit from the sale of a property, a sales representative being banned for misconduct over the sale of properties and a real estate agent being banned over false sales documentation.

(iii) *matters that have been dealt with through the conciliation process under this Act;*

The department dealt with a range of matters in conciliation during the year, including: property management issues such as fees and charges; bond matters; poor communication; general breaches of legislation; professional conduct; advertising; and marketing.

Of the 92 conciliations concluded during the year, the following outcomes were recorded: 36 resulted in agreement between parties to settle the matter; 29 complaints were unable to be conciliated due to a variety of reasons; 14 education and advice letters were sent; five complaints lapsed or were withdrawn and eight further complaints involved general outcomes. As the nature of disputes is ultimately a civil matter, where conciliation could not reach a resolution and the department felt the complainants had a reasonable case, they were advised of the option of taking their complaint to the Magistrates Court.

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

As at 30 June 2017, there were 119 investigation matters, 64 financial compliance matters and 10 conciliation matters outstanding.

- The 119 investigation matters relate to: property management; audit matters; unlicensed activities; deceptive conduct; advertising and marketing issues; and general breaches of legislation.

- The 64 financial compliance matters relate to trust account matters and general breaches of legislation.
- The 10 outstanding conciliation matters relate to a range of property management issues.

As at 30 June 2017, there were three matters before the State Administrative Tribunal under the RE Act that have not been finalised, as detailed in *Appendix 3: Legal Actions*.

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

The bond administrator identified a substantial increase in the number of late lodgement of tenancy bonds in the second half of 2016. Consumer Protection subsequently warned the real estate industry that it would be taking a close look at any late lodgements.

As part of the process, Consumer Protection provided education advice to a number of property managers and private lessors. The more serious enforcement tools of formal warnings and infringement notices were used for those who had previously been warned and had a history of late lodgements.

Consumer Protection will continue to urge private landlords and real estate agencies to review their current bond processing practices to ensure they comply with their legal obligations.

(d) *forecasts of the workload of the Commissioner in the year after the year to which the report relates; and*

The Commissioner expects a similar workload for this industry over the coming year. The department will monitor a number of new real estate sales methods that appear to be gaining traction in the marketplace. This includes claims made on comparison websites, online sales platforms and sales techniques such as transparent negotiation.

The Commissioner is also aware that the ongoing soft market conditions are causing real estate agents added financial pressure.

This will require a greater focus on issues such as professional conduct and the protection and security of trust account monies.

The department will disseminate information about new scams and real estate fraud. Proactive education, media and bulletins will play an important role in reminding agents to be aware of best practices and ensure they have the appropriate security strategies in place.

The Commissioner will also monitor the control and supervision of real estate agencies, which will include focussing on such things as the late renewal of triennial certificates.

(e) *any proposals for improving the operation of the Commissioner.*

On 16 November 2016 the Parliament of Western Australia passed the Residential Tenancies Amendment Bill 2015 and the Licensing Provisions Bill 2015. The amendments reduce the administrative burden for lessors and real estate agents, and should help reduce rental costs for tenants.

The changes will, among other things, simplify the process of serving certain notices and improve the process for dealing with abandoned goods. These changes to the law will be monitored to ensure that the industry understands the changes and implications for their clients.

### **Retirement Villages Act 1992**

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

This financial year, the department conciliated or investigated 44 complaints relating to retirement villages of which 34 were finalised. The complaints related to a diverse range of matters including issues regarding unjust fees,

general financial management, misleading advertising and general property management.

The department has continued with a proactive compliance program to ensure retirement village operators comply with the requirements set out in the RV Act. This program aims to provide assistance to retirement villages where issues of non-compliance are identified. As part of the program, proactive compliance officers also meet with representatives of village residents committees and discuss any issues that the residents may have with village management.

The department also visited 74 retirement villages and identified a range of issues including the mistaken use of residential tenancy agreements rather than compliant contracts. A visit to a retirement village in the south west also found concerns about its financial viability. The department is currently investigating this matter.

Officers provided educational advice and monitored the various operators' progress in implementing compliant contracts and addressing the financial management issues.

Changes from the Statutory Review of Retirement Villages Legislation came into force this financial year. One change included village operators having to provide new disclosure statements that inform potential residents about key features and costs associated with entering, living in and leaving a retirement village before they sign a contract.

Work has progressed on the second stage of reforms from the Statutory Review, focussing on the key concept provisions of the legislation in the context of emerging village models; provision for partial removal of a retirement memorial without diminishing residents' rights; reserve funds; and the creation of a public list of retirement villages with prescribed information. Stakeholder consultation around implementation of some of the remaining reforms is scheduled for late 2017.

During the financial year, the department also dealt with a range of issues involving a not-for-profit incorporated association that owns and runs a number of retirement villages. The main concerns included allegations of financial

mismanagement, bullying conduct, a lack of corporate oversight, prevention of the formation of a residents' committee and a non-compliant dispute resolution process. The department managed to resolve the substantive concerns so no further action was required. Investigations and independent experts determined there were no substantive financial concerns.

However, it was evident the Board of Management may not have fully appreciated some of the financial risks associated with a number of corporate management issues. Management therefore agreed to put in place a range of governance checks and balances, which included keeping residents informed of developments and addressing poor communication between management and residents.

The department was also instrumental in resolving a number of matters at a not-for-profit incorporated association that runs three western suburbs retirement villages as one village. The issues included: financial mismanagement; a precarious financial position; and a (former) board that lacked the acumen to run the village. The department worked closely with residents and the board to protect the interests of residents. Election of a new board and developing a business model to stabilise the financial position of the association are in progress.

The department's Seniors Housing Advisory Centre continues to provide advice to consumers on their retirement housing options, enabling informed choices when entering into a residence contract or other form of retirement living.

### **Settlement Agents Act 1981**

The department administers a range of functions under the *Settlement Agents Act 1981* (the SA Act) including the granting and renewal of licences, compliance activities and a range of education and advisory services. As at 30 June 2017, there were 686 licensed settlement agents who held a current triennial certificate in Western Australia. Over the course of the year, 30 triennial certificates expired and an additional 23 were surrendered, 183 triennial certificates were renewed and 30 new licences were granted.

Section 112 of the SA Act requires the department to report on a number of matters namely:

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

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

The department investigated matters relating to general breaches of legislation, unlicensed activity, alleged audit and trust account breaches, general financial mismanagement, failure to act in the best interest of a principal and failure to ascertain pertinent facts.

**Table 33: Settlement Agents Act 1981: Investigations and inquiries in 2016–17**

	General compliance issues	Financial compliance issues	Total
Number ongoing as at 1 July 2016	6	1	7
Number commenced	33	36	69
Number concluded	31	36	67
Number ongoing as at 30 June 2017	8	1	9

Of the 67 compliance matters concluded during the year, the following outcomes were recorded: 37 education or advice letters were sent; 13 warning letters were issued; 10 complaints resulted in no action due to no offence being detected or other reasons; four were referred for investigation; one complaint was referred to another agency; one involved a lapsed license and one complaint was withdrawn.

The department continued its proactive compliance program that assists agents to understand and comply with legislative requirements, to identify and rectify areas of risk and provide advice

and support. The program promotes high levels of industry best practice.

This financial year the department completed 98 proactive visits. Some of the more common issues identified included: agencies failing to reconcile their trust accounts on a monthly basis; not correctly naming trust accounts; incorrect information on documents and correspondence; errors on forms allowing the agent to act for both parties; failure to secure valuable documents; and errors on forms that provide an agent with a valid appointment to act.

The department also administers the Settlement Agents Fidelity Guarantee Account (SA Fidelity Account). The purpose of the SA Fidelity Account is to provide financial reimbursement to people who suffer pecuniary loss or property loss through any defalcation by a licensee, in the course of the business of that licensee. This also includes the actions of the licensee's employees.

During the year, one new claim for \$68,775 was lodged against the SA Fidelity Account. No claims were finalised. As at 30 June 2017, there were two claims outstanding against the account with a total provisional value of \$103,046.

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

No matters were brought before the State Administrative Tribunal under the SA Act.

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

As at 30 June 2017 there were eight general compliance matters and one financial compliance matter outstanding. The matters relate to: professional conduct; general breaches of legislation; trust account misappropriation; failure to act in the best interest of the principal; and unlicensed activity.

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

While there were no key substantive trends in the department's interaction with the settlement industry, it did deal with a number of settlement agents who voiced concerns about soft market conditions causing added financial pressures.

Settlement agents have been undertaking e-conveyancing for more than two years and it has proved to be reliable and effective. The department continues to support settlement agents to manage business change and reform internal processes. The move to mandatory paperless conveyancing will involve a number of challenges and opportunities for the industry including reducing resistance to change and eliminating the system's perceived complexity.

- (d) *forecasts of the workload of the Commissioner in the year after the year to which the report relates; and*

The department will continue to assist the industry with the proposed changes to the withholding tax on foreign residents selling property. These changes will apply to contracts entered into on, or after 1 July 2017 for real property disposals where the contract price is \$750,000 and above. The withholding tax on foreign residents' rate will also change from the existing rate of 10 per cent to 12.5 per cent. The existing \$2 million threshold and 10 per cent rate will still apply for any contracts entered into before 1 July 2017 even if they are not due to settle until after 1 July 2017.

Australian resident sellers of real property with a market value of \$750,000 or above must apply for a clearance certificate to ensure no funds are withheld from their sale proceeds. The department's support will include a range of training initiatives and provision of educational material. The department will continue to resource proactive compliance with an aim to visit all settlement agents every three to four years.

- (e) *any proposals for improving the operation of the Commissioner.*

The introduction of the new *Settlement Agents Code of Conduct 2016* makes the code consistent, where appropriate, with the other property industry codes and the *Australian Consumer Law*. The department will continue to provide educational support to the industry for the new code.

### ***Travel Agents Act 1985***

Travel agents were previously regulated by the *Travel Agents Act 1985* and the *Travel Agents Regulations 1986*. This legislation set out a licensing regime and industry standards to protect consumers from inadequate service or financial loss arising from failure to pass on funds to suppliers and/or insolvency of the travel agent. This also required travel agents to participate in a national Travel Compensation Fund scheme.

The national deregulation of travel agent licensing across Australia came into effect in Western Australia on 8 October 2014 and resulted in the Travel Compensation Fund ceasing to operate. Subsequently, the *Travel Agents Act 1985* was repealed on 25 January 2017.

Although travel agents are no longer required to be licensed, Consumer Protection continues to monitor the industry in cases where agents have ceased trading and consumers have been impacted, such as with Azberg Pty Ltd trading as Global Plus Holidays in July 2016. The department also accepts complaints in regard to allegations of misconduct that may fall within the provisions of the *Australian Consumer Law* and assists consumers through conciliation.

## EnergySafety Division

### *Electricity Act 1945*

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

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

(i) *investigations and inquiries undertaken under this Act by, or at the direction of, the Director; and*

The following numbers of investigations and inquiries were concluded in 2016–17

**Table 34: *Electricity Act 1945*: Investigations and inquiries concluded in 2016–17**

Nature	Number
Audits	2
Compliance inspections	4,236
Investigations - Breaches	298
<b>Total</b>	<b>4,536</b>

Outcomes <sup>(1)</sup>	Number
Appeal rejected	1
Further inspection(s)	2
Further investigation	37
Issue incident report/hazard alert	3
Issue inspectors Order	53
Refer to Electrical Licensing Board	4
Licensing Board - Failed competency assessment	1
No further action	3,703
Not inspected	838
Lapsed prosecution	10
Proceed with prosecution	11
Prosecution - Convicted	12
Prosecution - No conviction/dismissed	1
Prosecution - Withdrawn	3
Infringement	6
Project goal delivered	134
Provide advice	39
RCDs inadequate. Advice given	19
Stop Sale Notice	2
Verbal warning	4
Written warning	78
<b>Total</b>	<b>4,961</b>

**Note:**

(1) Compliance actions may take more than one year to complete. Therefore the outcomes recorded above may relate to investigations carried out in an earlier year. Also there can be more than one compliance action for an investigation.

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

There were no such matters.

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

**Table 35: Electricity Act 1945: Number and nature of matters outstanding for 2016–17**

Nature	Number
Audit (Network Operator)	0
Compliance inspection	1,284
Investigation	175
<b>Total</b>	<b>1,459</b>

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

During the year EnergySafety engaged three electrical inspectors on fixed term contracts to assist in the inspection of electrical installing work carried out by electrical contractors. This initiative reduced the backlog of outstanding inspections by 39 per cent while also addressing the new inspections required under its sample inspection system.

EnergySafety has not been able to fill its full time vacant senior electrical inspector positions. In addition two contracted senior electrical inspectors resigned and one senior electrical inspector and two managers retired during the year.

EnergySafety has continued to prioritise its workload based on risk assessment and some work was not completed. This also resulted in some investigations taking longer to complete than planned. In 10 cases EnergySafety could not complete the investigation within the two year statutory limitation period.

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

The downturn in the State's resources sector and the fall in construction activity have not eased EnergySafety's workload. Work demand trends thus far show no sign of abating and appear to continue into 2017–18.

The growth of licensed operatives in Western Australia is expected to decrease slightly when compared to previous years. The

number of notices for completed work each year to electricity network operators and EnergySafety is expected to increase, as in past years.

EnergySafety's inspection and investigation workload is unlikely to decrease.

The number of outstanding and lapsed investigations and compliance inspections will grow unless EnergySafety can recruit inspectors to fill the vacant positions.

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

The trend for serious accidents resulting from 'live' work has shown a slight increase over recent times and EnergySafety, in conjunction with WorkSafe, is working on new legislation to address the issue.

The department will persist in its attempt to recruit technical staff to fill the vacant positions.

EnergySafety has developed and implemented a Compliance Management System (CMS). CMS provides a basic platform for managing all of EnergySafety's compliance functions. During the next financial year it is intended to enhance this basic platform and introduce improved functionality that should increase work efficiency.

### Gas Standards Act 1972

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

- (a) *the number, nature, and outcome, of the -*
- (i) *investigations and inquiries undertaken under this Act by, or at the direction of, the Director; and*

The following investigations and inquiries were concluded in 2016–17

**Table 36: Gas Standards Act 1972: Investigations and inquiries concluded in 2016–17**

Nature	Number
Audit (Network Operator)	13
Compliance inspection	451
Investigations	1,058
<b>Total</b>	<b>1,522</b>

Outcomes <sup>(1)</sup>	Number
Appeal rejected	2
Appeal upheld	13
Appeal withdrawn	2
Corrective Action Request	1
Further investigation	11
Infringement	45
Inspectors Orders cancelled	13
Issue Inspectors Order	10
No further action	776
Not gas related	5
Not inspected	14
Not investigated	25
Proceed with prosecution	1
Provide advice	4
Variation/Exemption approved	21
Verbal warning	441
Written warning	200
<b>Total</b>	<b>1,584</b>

### Note:

- (1) Compliance actions may take more than one year to complete. Therefore the outcomes recorded above may relate to investigations carried out in an earlier year. Also there can be more than one compliance action for an investigation.

- (ii) *matters that have been brought before the State Administrative Tribunal under this Act by the Director.*

There were no such matters.

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

Nature	Number
Audit (Network Operator)	20
Compliance inspection	62
Incident investigation	141
<b>Total</b>	<b>2,23</b>

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

There were no trends or special problems that emerged.

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

There were no forecasts of the workload of the Director.

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

There were no recommendations.

## Government policy requirements

### Commitment to reconciliation

The department is committed to maintaining positive relationships with Aboriginal and Torres Strait Islander communities through the strategies outlined in its *Reconciliation Action Plan 2014–2016*. These strategies addressed Reconciliation Australia's key focus areas: relationships; respect; and opportunities, through the development of initiatives for the education of employees and customers, and liaison with Aboriginal support groups.

**Table 37: Summary of the key activities undertaken during 2016–17 in support of the department's Reconciliation Action Plan**

#### Area of focus: Relationships

- Celebrated Aboriginal and Torres Strait Islander culture and significant events by promoting and encouraging staff engagement in the reconciliation process.
- Informed departmental business areas about the identity of key Aboriginal and Torres Strait Islander stakeholders. A list of key stakeholders was developed and maintained for the department and is promoted on the Aboriginal Portal.

#### Area of focus: Respect

- Increased the knowledge and raised staff awareness of Aboriginal and Torres Strait Islander culture and history.
- Highlighted key Aboriginal community organisations and their work towards addressing social disadvantage through our fundraising activity casual dress days, and contributed the raised funds back to the community groups.
- Delivered cultural awareness training to provide an opportunity for staff to engage and contribute when working with Aboriginal or Torres Strait Islander employees. Wider exposure and understanding of the culture is vital to creating pathways and new ways of working with Aboriginal or Torres Strait Islander people.

#### Area of focus: Opportunities

- Continued to create opportunities for Aboriginal and Torres Strait Islander participation and employment within the department through a partnership with the Public Sector Commission Aboriginal Traineeship Program.
- Provided opportunities and encouraged staff at level 7 and above to participate in the Jawun Secondment Program to share their skills and experience and support Aboriginal and Torres Strait Islander people and organisations in the East and West Kimberley of Western Australia.

### Aboriginal and Torres Strait Islander recruitment, retention and career development

It is the department's commitment to empower, support and develop its people by respecting individuality and diversity, both internal and external to the organisation, as stated in the department's *Aboriginal Employment Strategy 2013–2015* (the Aboriginal Employment Strategy). The Aboriginal Employment Strategy contains three key action areas: workplace environment; attraction and recruitment; and retention and career development.

The department continues to work towards its target of 3.2 per cent Aboriginal and Torres Strait Islander employment and as at 30 June 2017, 1.5 per cent of the department's employees identified as Aboriginal or Torres Strait Islander.

Table 38 provides a summary of the key activities undertaken during 2016–17 in support of the department's Aboriginal Employment Strategy.

**Table 38: Summary of the key activities undertaken during 2016–17 in support of the department's Aboriginal Employment Strategy**

**Key action area: Workplace environment**

- A culturally inclusive work environment establishes a foundation for Aboriginal people to feel confident in their ability to perform their job in a culturally safe and secure environment. The department will continue to enhance and develop initiatives that will create and maintain a culturally inclusive workplace to support Aboriginal people, ultimately leading to higher retention and job satisfaction levels for Aboriginal employees.
- Cultural awareness training is implemented to ensure that staff engagement and participation levels increase and we continue to build upon current knowledge and experiences staff may have with Aboriginal people and the impacts of social disadvantages when working with Aboriginal employees or the community.

**Key action area: Attraction and recruitment**

- The department will directly focus on efforts to recruit Aboriginal youth through the Aboriginal Traineeship Program in partnership with the Public Sector Commission. This includes looking at innovative ways to become more active in preparing Aboriginal people for public service jobs. Invested recognition to develop a better relationship with the Aboriginal community will empower all individuals to acquire skills to participate effectively at all levels.
- We will continue to participate in the Future Footprints Career Expo aimed at youth in the higher education system to widen our exposure to promote our department and attract Aboriginal youth into our workforce.

**Key action area: Retention and career development**

- The final key action area focuses on effective retention measures that enhance both the employment continuity and career development within the department to support employees with pathways to progress into leadership roles. The department's Aboriginal informal mentoring program has successfully connected our Aboriginal staff with the Aboriginal trainees commencing within our department to provide advice and guidance in their career development and pathway.

The Aboriginal Employee Committee (Committee) was established in 2014 for Aboriginal employees to provide support and advice on recruitment, retention and career development for Aboriginal staff to the department. In November 2015 the Committee changed its name to the Moorditj-Kart, Yakiny-Djooritj, Kanangoor-Mila (MYK Committee). This was a significant step for the MYK Committee that is reflective of the Aboriginal staff and their commitment to Aboriginal employment. The meaning of the name for the MYK Committee is *'strong minds standing together for a brighter future.'*

**Substantive equality**

In accordance with the *Equal Opportunity Act 1984* and the *Public Sector Commissioner's Circular 2015-01: Substantive Equality (Implementation of the Policy Framework (Addressing systemic discrimination in service delivery))*, the department is committed to ensuring substantive equality is reflected appropriately in divisional operations, strategies and policies.

The department's Substantive Equality Committee is responsible for monitoring the Policy Framework for Substantive Equality to assess client needs. The Committee has placed emphasis on enhancing service delivery to Aboriginal and other culturally diverse client groups through the provision of specific information and education resources to ensure equal outcomes.

The department was also represented on a number of cross-government networks and committees including:

- National Indigenous Consumer Strategy Implementation Reference Group; and
- Disability Services Commission State Government Networking Group.

Progress against the Policy Framework continues through the review of current policies and projects and maintaining effective communication networks with relevant Indigenous community organisations.

### Occupational safety, health and injury management

In accordance with the Public Sector Commissioner's Circular 2012-05: Code of Practice: Occupational Safety and Health in the Western Australian Public Sector (the Circular), the department complies with the requirements of the *Occupational Safety and Health Act 1984*, the *Workers' Compensation and Injury Management Act 1981* and the Code of Practice: Occupational Safety and Health in the Western Australian Public Sector.

#### The department's commitment

The department recognises the value of its employees and is committed to providing a safe and healthy work environment focused on the prevention of injury and illness. It recognises the importance of effective occupational safety, health (OSH) and injury management systems and practices and relies on the active participation and cooperation of both management and employees to achieve this.

The department also recognises the vital role that senior managements' commitment to effective occupational safety, health and injury management processes plays in the development of a strong safety and injury management culture aimed at best protecting the health and safety of its employees. It is committed to raising awareness of safety and health obligations and promoting safer work practices.

### Consultation mechanisms

Management and employees are committed to improved and effective consultation in the workplace. Consultation provides employees with an opportunity to participate fully in decisions which impact on their working lives. The establishment of an appropriate forum for consultation has resulted in better decision making, leading to more effective implementation. The department maintains an Occupational Safety and Health Committee (the Committee) which comprises safety and health representatives and management representatives and is focused on the continuous improvement of occupational safety and health performance.

In 2016–17 the Committee met every six weeks to discuss workplace matters that affect the safety, health and wellbeing of employees. During the year the Committee discussed and resolved issues raised by employees, reviewed policies and procedures, reviewed controls and measures to ensure that hazards were addressed to eliminate or reduce potential issues, and discussed injury trends and identified preventative measures which promote a safe working environment.

### Injury management system

The department strives to prevent injuries at work occurring through raising awareness of safety and health obligations and promoting safe work practices, however, in the unfortunate event of a workplace injury occurring, it has an established injury management system, which details the steps taken to assist injured employees return to work as soon as medically appropriate.

The department's injury management system is compliant with the requirements of the *Workers' Compensation and Injury Management Act 1981* and the Workers' Compensation Code of Practice (Injury Management) 2005 and ensures the establishment of an official return to work program for any employee of the department injured while at work for when they are able to return to work in either a partial or total capacity.

Information regarding the department's OSH and injury management systems are available to employees on a dedicated 'OSH Toolkit'

page found on the department's intranet site. Additionally, information is communicated as part of OSH training for employees, managers and supervisors and through the Committee.

### Our performance

To ensure the effectiveness of the department's OSH management system it is evaluated each year through an OSH and Wellbeing Survey. The 2017 OSH and Wellbeing Survey, was launched in February 2017 by the Director General.

The aim of the survey is to gauge current safety and health culture and level of awareness within the department so that strategies for improvement could be identified and incorporated into the OSH Improvement Plan 2017–18.

On the whole the survey responses demonstrated a positive safety and health culture within the department; with the major highlights as follows:

- 90 per cent of staff reporting that they had been provided adequate written instructions about the safety and health aspects of their role;
- 94 per cent of staff agreed that safety and health issues are acted upon within a reasonable time;
- 95 per cent of staff agreed that incidents and hazards are always investigated and followed up;
- 70 per cent of participants felt that their understanding of OSH had improved over the past 12 months (this was a 16 per cent improvement over the past 12 months);
- 94 per cent of participants felt the department was supportive towards the management of both work and non-work related injury/medical conditions;
- 99 per cent of participants advised that they would take action against an unsafe work practice by either reporting it and/or saying something directly to the person; and

- 97 per cent of participants were aware of their legal responsibilities relating to OSH (i.e. report hazards, follow safety instructions).

The department provides OSH training to employees in accordance with the *Occupational Safety and Health Act 1984*. The OSH Induction is mandatory for all new employees within four weeks of commencement. This training covers ergonomics, manual handling, bullying, hazard identification and risk assessment, legislative requirements, the Committee, duty of care and the functions of a safety and health representative.

OSH and injury management training is provided to all managers and supervisors. This training covers the requirements of managers and supervisors set by their legal obligations for OSH and injury management in addition to the management of workplace hazards and risks, development of return to work programs and common issues that may impact a person's fitness for work. Attendance to this training is reported as a key performance indicator for each division within the department and is mandatory for all managers and supervisors, with refresher training undertaken every three years.

### Achievements

In May 2017 the department was awarded a WorkSafe Platinum Certificate of Achievement for its OSH Management System. The WorkSafe Plan Certificates of Achievement are awarded to organisations that have had an independent assessment of their workplace safety and health practices undertaken and have achieved high ratings in each element of the WorkSafe Plan, in addition to having rates of work-related injury and disease that are reducing, or being kept at low levels.

In receiving the Platinum level of certification, the department received a score of 100 per cent for three of the five elements assessed – management commitment, consultation and training. It also scored 99 per cent for the remaining two elements, hazard and risk management and planning.

In June 2017 the department was announced as a finalist for the Mentally Healthy Workplace Award by the Western Australian Association for Mental Health. The Western Australian Mental Health Awards (Awards) aim to recognise and reward the achievements of those who demonstrate initiatives inspiring others and promoting positive mental health in supporting consumers of mental health services, their families and carers.

The department was awarded second runner up at the Awards which were held in July 2017.

**Table 39: Occupational safety, health and injury management performance**

Measure	Actual Results			Results Against Target	
	2014–15	2015–16	2016–17	Target	Result
Number of fatalities	0	0	0	0 (zero)	On target
Lost time injury and/or disease incidence rate	0	0.134	0.25 <sup>(1)</sup>	0 or 10% reduction	See note below
Lost time injury and/or disease severity rate	0	0	0	0 or 10% reduction	On target
Percentage of injured workers returned to work:	N/A	100%	100%	Actual percentage result	On target
i) within 13 weeks					
ii) within 26 weeks					
Percentage of managers trained in occupational safety, health and injury management responsibilities	100%	100%	100%	Greater than or equal to 80%	On target

**Note:**

<sup>(1)</sup> During 2016–17 there were two compensable non-severe lost time injury claims that have been finalised.

## Whole of Government Public Sector Safety and Injury Management Initiative

The Public Sector Safety and Injury Management Initiative provides a whole of government approach to workplace safety and injury management. The initiative supports a commitment by all Australian jurisdictions to the achievement of the Australian Workplace Health and Safety Strategy 2012–2022.

The initiative is an example of how the public sector can work together to develop a culture that advocates and supports a workplace free of work-related injuries and diseases. The initiative is designed to promote the Western Australian public sector as a leader in safety, health and injury management by fostering a coordinated approach across public sector agencies. The department is the lead agency responsible for the initiative.

A steering committee was established to foster senior management commitment and provide guidance to public sector agencies. The steering committee has senior officers from the department, the Public Sector Commission, RiskCover, WorkCover WA and a UnionsWA nominee.

The key activities of the initiative include identifying and developing strategic initiatives to assist agencies to improve safety and injury management performance and thereby reduce workers'

compensation costs. The initiative also promotes best practice safety, health and injury management across the public sector through the *Code of Practice: Occupational Safety and Health in the Western Australian Public Sector* and the *Public Sector Commissioner's Circular 2012-05: Code of Practice: Occupational Safety and Health in the Western Australian Public Sector* (the Circular).

Key activities undertaken by the department in support of the initiative in 2016–17 included:

- There was one Public Sector Occupational Safety, Health and Injury Network session held November 2016 on Creating and Maintaining Psychologically Healthy Workplaces. In addition to providing participants with: the current workers' compensation statistics; industry trends; the results for the WorkSafe work-related stress project 2014–15; and a number of case studies; the forum covered:
  - OSH and injury management systems – an award winning example of what a good OSH and injury management system looks like presented by Ray Lucas, Department of Transport;
  - how employers can identify and manage risk factors to psychological health and comply with OSH obligations presented by Justine McGillivray, WorkSafe; and
  - strategies and interventions to promote well-being/reduce stress presented by Dr Ali Burston, Organisational Psychologist.
- The promotion of inclusion of workplace safety, health and injury management activities in Chief Executive Officer performance agreements.
- Co-sponsorship of the special workplace safety and health and injury management reporting award for the 2015–16 reporting year at the W.S Lonnie Awards held in March 2017.
- Participation, as the Western Australian representative, in several National Workplace Safety, Health and Injury Management forum teleconferences to share and disseminate

information inter-jurisdictionally on public sector workplace health and safety and injury management best practice.

- Continued review of compliance with the Circular which saw a further improvement in the number of public sector managers and supervisors who received training in occupational safety, health and injury management responsibilities and overall compliance with OSH and injury management reporting experienced an upward trend.

## Customer feedback

The department is committed to understanding and striving to exceed our customer service standards by encouraging customer feedback to improve our services. Customers can provide feedback in a number of ways including via the internet, by telephone, by informing our counter service employees, or by written communication to the department. The feedback recorded is used to understand our customer expectations, determine the extent to which we can deliver on these expectations, address systemic shortfalls which will improve our service delivery, streamline our processes and acknowledge the good efforts of our employees.

The department has a Customer Service Policy as required by the *Public Sector Commissioner's Circular 2009-27: Complaints management*. The department's performance in relation to customer feedback is monitored by the Corporate Executive.

In 2016–17 the department received 92 pieces of feedback via its online customer service feedback form. Of these, 32 per cent were compliments; 15 per cent were suggestions and 53 per cent were complaints.

# Appendices

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

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## Appendix 1: Agreements

The department recognises the benefits derived from working collaboratively with external parties from 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 2016–17:

- Department of Transport, (monitoring fatigue in the omnibus industry)
- Australian Tax Office/Australian Business Registry
- Department of Transport, Marine Safety

### Heads of Agreement

Heads of Agreement in place during 2016–17:

- WorkCover WA
- Great Lakes Australia (formerly Calliden Group Ltd)
- QBE Insurance Group Limited

### Memoranda of Understanding

Memoranda of Understanding in place during 2016–17:

- .au Domain Administration Limited
- Associazione Scientifici E Tecnologici Italiani, Italy and Technology Park, Bentley
- Australian Competition and Consumer 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 Australian Securities and Investments Commission, and other matters to support the National Credit Law
- Building Commission and the Plumbers Licensing Board
- Confidentiality Undertaking with the Australian Securities and Investments Commission regarding credit provider and finance broker licensee and complaint information provided prior to the transition of credit regulation to the Commonwealth
- Confidentiality Undertaking with the Attorney-General's Department of the Australian Government regarding the provision of sample personal property securities data to facilitate the transition of the Western Australian personal property securities register to the Commonwealth Consumers' Association of WA (Inc)
- Communication During Liquid Fuel Supply Disruptions between the Public Utilities Office and Consumer Protection
- Consumers' Association of Western Australia Inc
- Daedeok Innopolis, Korea and Technology Park, Bentley, Western Australia

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- 
- Department for Child Protection and Family Support - Non-government Policy and Funding regarding Supplementary Funding of Financial Counselling Service
  - Department for Child Protection and Family Support 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 Mines and Petroleum, Resources Safety Division on Administration of Occupational Safety and Health Legislation
  - Department of Regional Development regarding funding for the Royalties for Regions initiatives administering district allowance across the public sector
  - Department of Regional Development and Lands on Regional Buy Local Initiatives
  - Department of Regional Development on Regional Telecommunications Project
  - Department of Regional Development on State Agricultural Telecommunication s Infrastructure Improvement Project
  - Department of Regional Development - Regional Buy Local Initiatives Stage 3. Review of the Effectiveness of the Buy Local Policy in Regional Western Australia
  - Department of Regional Development - Royalties for Regions - Seizing the Opportunity Agriculture - Infrastructure Investment Fund - State Agricultural Telecommunications Infrastructure Improvement Fund
  - 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 the department's Complaints and Licensing System
  - Economic Regulation Authority
  - Energy Ombudsman
  - Fortescue Metals Group Ltd for delivery of support services to Aboriginal SMEs
  - Hangzhou National Hi-Tech Industry Development Zone and Technology Park Bentley of Western Australia
  - Heads of Workplace Safety Authorities and The Fair Work Commission to facilitate liaison, mutual cooperation and information exchange
  - Health and Disability Services Complaint Office
  - Landcorp and AMC Management (WA) Pty Ltd regarding respective roles and responsibilities related to the Australian Marine Complex
  - National Industrial Chemicals Notification and Assessment Scheme
  - National Offshore Petroleum Safety Authority
  - Public Utilities Office
  - State Administrative Tribunal
  - Supply of Australian Charities and Not-for-profits Commission data
  - Water Corporation and the Plumbers Licensing Board
  - Western Australian Bushfire Investigation Protocol (Department of Environment and Conservation, Department of Fire and Emergency Services, Western Australia Police and Western Power)
  - Western Australian Police – the sharing of assets and information to meet operational needs
  - Western Australia Police regarding protocols in relation to the application of *Occupational Safety and Health Act 1984* to police officers

## 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* (the Mine Act). 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 the Mine Act 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 Mine Act.

Instruments of Declarations in place during 2016–17:

- BHP Billiton Iron Ore Pty Ltd Pilbara Railway
- Boodarie Power Station, Port Hedland
- Griffin Coal Company Pty Limited - Premier Mine
- Karara to Tilley Railway
- Newman Power Station
- Pilbara Infrastructure Pty Ltd Railway
- Pilbara Iron Pty Ltd Railway
- Roy Hill Infrastructure Pty Ltd - Roy Hill Railway
- Wesfarmers Coal Limited - Premier Mine

## Inter-governmental agreements and arrangements

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

Agreements in place during 2016–17:

- Assistance Protocol for Caravan Park (Residential Park) Closures
- Australian Government agencies responsible for enforcement of occupational safety and health legislation
- Inter-governmental agreement for the operation of the Australian Building Codes Board
- Inter-governmental agreement for the Australian Consumer Law
- Inter-governmental agreement for business names agreement
- Personal Property Securities Law Agreement
- Regulatory and Operational Reform in Occupational Health and Safety

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 2016–17:

- Commonwealth of Australia and State of Western Australia regarding the delivery of services to the Christmas Island and Cocos (Keeling) Islands.
- Deed for services with the Department of Environment and Energy (Commonwealth) for the undertaking of Greenhouse and Energy Minimum Standards inspections, intelligence gathering and reporting on behalf of the Commonwealth.

## Appendix 2: Changes to written laws

Changes in written law initiated by the department during 2016–17 are outlined according to the responsible division in Tables 40 to 43 below.

### Consumer Protection Division

**Table 40: Amendments to written laws for the Consumer Protection Division in 2016–17**

Written law / Title	Gazette number	Effective date
<i>Fair Trading Act 2010</i> – Consumer Goods (Self-Balancing Scooters) Safety Standard 2016	129 of 2016	19 July 2016
<i>Fair Trading Act 2010</i> – Country of Origin Food Labelling Information Standard 2016	140 of 2016	1 August 2016
Retail Trading Hours (City of Greater Geraldton) Christmas Variation Order 2016	146 of 2016	13 August 2016
Retail Trading Hours (City of Kalgoorlie-Boulder) Race Round Variation Order 2016	161 of 2016	7 September 2016
Retail Trading Hours (Small Retail Shops) Amendment Order 2016	171 of 2016	24 September 2016
Settlement Agents Amendment Regulations 2016	180 of 2016	5 October 2016
Licensed Valuers Code of Conduct 2016	181 of 2016	5 October 2016
Real Estate and Business Agents and Sales Representatives Code of Conduct 2016	181 of 2016	5 October 2016
Settlement Agents Code of Conduct 2016	181 of 2016	5 October 2016
<i>Consumer Affairs Act 1971</i> Expiry Proclamation 2016	191 of 2016	22 October 2016
<i>Fair Trading Act 1987</i> Expiry Proclamation 2016	191 of 2016	22 October 2016
Petroleum Products Pricing Amendment Regulations 2016	191 of 2016	22 October 2016
Retail Trading Hours (City of Albany) Christmas Holiday Variation Order 2016	199 of 2016	5 November 2016
Retail Trading Hours (City of Kalgoorlie-Boulder) Christmas Variation Order 2016	199 of 2016	5 November 2016
Retail Trading Hours (City of Mandurah) Christmas Variation Order 2016	199 of 2016	5 November 2016
Retail Trading Hours (Shire of Katanning) Christmas Variation Order 2016	201 of 2016	12 November 2016
Retail Trading Hours (Shire of Narrogin) Christmas Variation Order 2016	205 of 2016	19 November 2016
Retail Trading Hours (Perth Metropolitan Area) Christmas Variation Order 2016	208 of 2016	26 November 2016
Retail Trading Hours (Regional) Christmas Variation Order 2016	208 of 2016	26 November 2016
Retail Trading Hours (Shire of Corrigin) Christmas Variation Order 2016	217 of 2016	3 December 2016
Retail Trading Hours (Shire of Collie) Christmas Variation Order 2016	221 of 2016	10 December 2016

Written law / Title	Gazette number	Effective date
<i>Retail Trading Hours Amendment Act 2016</i> Commencement Proclamation 2016	224 of 2016	14 December 2016
Retail Trading Hours Amendment Regulations 2016	224 of 2016	14 December 2016
Retail Trading Hours (Shire of Merredin) Variation Order 2016	226 of 2016	17 December 2016
<i>Fair Trading Act 2010</i> – Fair Trading (Retirement Villages Code) Amendment Regulations 2016	233 of 2016	31 December 2016
<i>Co-operatives Amendment Act 2016</i> Commencement Proclamation 2016	213 of 2016	1 January 2017
Co-operatives Amendment Regulations 2016	214 of 2016	1 January 2017
<i>Travel Agents Act 1985</i> Expiry Notice 2016	20 of 2017	25 January 2017
Retail Trading Hours (City of Albany) Variation Order (No.1) 2017	26 of 2017	28 January 2017
<i>Limited Partnerships Act 2016</i> Commencement Proclamation 2017	29 of 2017	1 February 2017
Limited Partnerships Regulations 2017	29 of 2017	1 February 2017
Retail Trading Hours (Perth Metropolitan Area) Public Holiday Variation Order 2017	34 of 2017	8 February 2017
Associations Incorporation Amendment Regulations 2017	54 of 2017	11 March 2017
Charitable Collections Amendment Regulations 2017	54 of 2017	11 March 2017
Retail Trading Hours (City of Greater Geraldton) Public Holiday Variation Order 2017	60 of 2017	22 March 2017
<i>Fair Trading Act 2010</i> – Australian Consumer Law (Free Range Egg Labelling) Information Standard 2017	84 of 2017	1 May 2017
<i>Fair Trading Act 2010</i> – Consumer Goods (Children's Nightwear and Limited Daywear and Paper Patterns For Children's Nightwear) Safety Standard 2017	91 of 2017	9 May 2017
<i>Co-operatives Act 2009</i> – Approval of Certain Alterations of Rules (Section 103(1B))	95 of 2017	19 May 2017
<i>Co-operatives Act 2009</i> – Register of Co-operatives (Section 454(2))	95 of 2017	19 May 2017
Retail Trading Hours (City of Albany) Queen's Birthday Variation Order 2017	96 of 2017	24 May 2017
<i>Fair Trading Act 2010</i> – Consumer Goods (Babies' Dummies and Dummy Chains) Safety Standard 2017	99 of 2017	26 May 2017
<i>Disposal of Uncollected Goods Amendment Act 2016</i> Commencement Proclamation 2017	111 of 2017	10 June 2017
Disposal of Uncollected Goods Amendment Regulations 2017	111 of 2017	10 June 2017
<i>Licensing Provisions Amendment Act 2016</i> Commencement Proclamation (No. 3) 2017	127 of 2017	27 June 2017

Written law / Title	Gazette number	Effective date
Licensing Provisions Regulations Amendment Regulations 2017	127 of 2017	27 June 2017
<i>Licensing Provisions Amendment Act 2016</i> Commencement Proclamation (No. 2) 2017	132 of 2017	30 June 2017
<i>Residential Tenancies Amendment Act 2016</i> Commencement Proclamation 2017	132 of 2017	30 June 2017
Real Estate and Business Agents (General) Amendment Regulations 2017	132 of 2017	30 June 2017
Residential Tenancies Amendment Regulations 2017	132 of 2017	30 June 2017
Fair Trading (Fitness Industry Interim Code) Regulations 2017	133 of 2017	30 June 2017

## Building Commission Division

**Table 41: Amendments to written laws for the Building Commission Division in 2016–17**

Written law / Title	Gazette number	Effective date
Plumbers Licensing and Plumbing Standards Amendment Regulations (No. 2) 2016	224 of 2016	14 December 2016
Plumbers Licensing and Plumbing Standards Amendment Regulations (No. 3) 2016	224 of 2016	14 December 2016
<i>Construction Contracts Amendment Act 2016</i>	Act No. 55 of 2016	15 December 2016; 3 April 2017
Building Amendment Regulations 2017	34 of 2017	8 February 2017
Building Services (Registration) Amendment Regulations 2017	70 of 2017	1 April 2017

## EnergySafety Division

**Table 42: Amendments to written laws for the EnergySafety Division in 2016–17**

Written law / Title	Gazette number	Effective date
Gas Standards (Gas Supply and System Safety) Amendment Regulations 2016	185 of 2016	12 October 2016
Electricity (Licensing) Amendment Regulations 2017	85 of 2017	3 May 2017

## Department

**Table 43: Amendments to written laws for the department in 2016–17**

Written law / Title	Gazette number	Effective date
Commerce Regulations Amendment (Fees and Charges) Regulations 2016	91 of 2016	1 July 2016

## Appendix 3: Legal actions

### Consumer Protection Division

Tables 44 to 50 provide details of action undertaken in 2016–17 by the Consumer Protection Division. For the purposes of Tables 44 to 49, the 'Commissioner' referred to is the Commissioner for Consumer Protection.

#### Federal Court

**Table 44: Federal Court of Australia proceedings for the Consumer Protection Division in 2016–17**

Name: defendant/ parties	Legislation	Nature	Outcome	Costs
Commissioner v Unleash Solar Pty Ltd (in liquidation) and	Section (s). 29(1), s.36(4) and s.32(2) of the Australian Consumer Law WA (ACL)	Application for declarations, injunctions and pecuniary penalties for the following contraventions:  Making false or misleading representations, accepting payment for goods or services and failing to supply those goods or services within the time promised upon payment or within a reasonable time and failing to supply a gift or free item.	Declarations.  Pecuniary penalty: \$390,000	-
Dionysios Perdikoyannis	s.29(1), s.36(4) and s.32(2) of the ACL	Application for declarations, injunctions and pecuniary penalties for the following contraventions:  Making false or misleading representations, accepting payment for goods or services and failing to supply those goods or services within the time promised upon payment or within a reasonable time and failing to supply a gift or free item.	Declarations.  Restrained from running a solar business for three years.  Pecuniary penalty: \$145,000	-

## Court of Appeal

**Table 45: Court of Appeal proceedings for the Consumer Protection Division in 2016–17**

Name: defendant/ parties	Nature	Outcome	Costs
ACN 158 148 951 Pty Ltd v Commissioner	Appeal against conviction.	Matter pending.	-
Centex Australasia Pty Ltd and Rick Anthony Bantleman v Commissioner	Appeal from decision of State Administrative Tribunal.	Orders of the State Administrative Tribunal be set aside and substituted with an Order dismissing the Tribunal proceedings.	\$38,000
Colin Maxwell King v Commissioner	Appeal from decision of State Administrative Tribunal.	Matter pending.	-
Fourmi Pty Ltd v Commissioner	Appeal from decision of Supreme Court.	Appeal dismissed.	\$4,837.80
Paul Anthony King v Commissioner	Appeal from decision of State Administrative Tribunal.	Matter pending.	-
Simone Lockett v Commissioner	Appeal against order for costs.	Matter pending.	-

## Supreme Court

**Table 46: Supreme Court proceedings for the Consumer Protection Division in 2016–17**

Name: defendant/ parties	Legislation	Nature	Outcome	Costs
Adam David Golding v Commissioner		Appeal against conviction and sentence.	Matter pending.	-
Commissioner v Fourmi Pty Ltd		Application for declarations, injunctions and compensation orders.	Matter pending.	-
Commissioner v Hajir Mobin	s.29(1) and s.18 of the ACL	Application for declarations, injunctions and pecuniary penalties for the following contraventions:  Making false or misleading representations and misleading and deceptive conduct.	Matter pending.	-

## District Court

**Table 47: District Court proceedings for the Consumer Protection Division in 2016–17**

Name:

defendant/ parties	Legislation	Nature	Outcome	Costs
Commissioner v [Name Withheld]	s.21(1) of the ACL	Engaged in conduct that is, in trade or commerce and in connection with the supply of goods or services to a person, in all the circumstances, unconscionable.	Proceedings withdrawn.	-

## State Administrative Tribunal

**Table 48: State Administrative Tribunal outcomes for the Consumer Protection Division in 2016–17**

Name:

defendant/ parties	Legislation	Nature	Outcome	Costs
Amanda Jane Thorneycroft v Commissioner	s.29 of the <i>Real Estate and Business Agents Act 1978</i> (REBA Act)	Application for review of the decision of the Commissioner to refuse her real estate agent's licence application.	Matter withdrawn.	-
Anna Marie Ponzio v Commissioner	s.9(1) of the <i>Associations Incorporation Act 1987</i>	Application for review of the Commissioner's decision to approve the incorporation of Far North Community Association.	Application dismissed.	-
Anne Black v Commissioner	<i>Associations Incorporation Act 2015</i> (AIA Act)	Application for review of the Commissioner's decision to refuse incorporation of Husky Rescue WA.	Matter pending.	-
Bradley Wray v Commissioner	<i>Chattel Securities Act 1987</i>	Application for review of the decision of the Commissioner to refuse claim for compensation.	Dismissed.	-
Brian John Whitehead v Commissioner	s.17 of the <i>Motor Vehicle Dealers Act 1973</i> (MVD Act)	Application for review of the Commissioner's decision to refuse his renewal of motor vehicle salesperson's licence.	Commissioner reconsidered his decision and determined to vary the decision and grant the applicant a salesperson's licence.  Matter withdrawn.	-

## Name:

defendant/ parties	Legislation	Nature	Outcome	Costs
Colin Maxwell King v Commissioner	s.31 of the REBA Act	Application for review of the Commissioner's decision to refuse renewal of his Real Estate and Business Agents Triennial Certificate.	Dismissed.	\$19,500
Franck Teissier v Commissioner	s.112 of the REBA Act	Application for review of the decision of the Commissioner to disallow his claim against the Fidelity Guarantee Account.	Matter pending.	-
Hajir Mobin v Commissioner	s.47 of the REBA Act	Application for review of the Commissioner's decision refusing his application for a sales representative registration.	Matter pending.	-
Kareem Hassan v Commissioner	s.47 of the REBA Act	Application for review of the Commissioner's decision refusing his application for a sales representative registration.	Matter withdrawn.	-
Renee Smith v Commissioner	s.31(3) of the REBA Act	Application for review of the Commissioner's decision to refuse to renew her triennial certificate.	Commissioner's decision set aside. Substituted a decision granting the Applicant's application for renewal of her triennial certificate.	-
Commissioner v AIM Investments Australia Pty Ltd and	s.68(1) of the REBA Act	Application for disciplinary sanction for failing to pay monies received in respect of a transaction into a trust account.	Reprimanded. Fine: \$8,000	\$4,500
Aman Deep Singh	s.68(1) of the REBA Act	Application for disciplinary sanction for failing to pay monies received in respect of a transaction into a trust account.	Reprimanded. Fine: \$8,000	\$4,500

## Name:

defendant/ parties	Legislation	Nature	Outcome	Costs
Commissioner v Anthony Palermo	s.103(2) (c)(i) of the REBA Act	Application for disciplinary action for failing to comply with a special condition of his registration.	Matter pending.	-
Commissioner v Brendan Geoffrey Dabinett	s.29(4) and s.33(1) of the <i>Residential Tenancies Act 1987</i> (RT Act)  Article 7(1) of the Code of Conduct for Agents and Sales Representatives 2011 (ASR Code)	Application for disciplinary action for failing to give receipts to the tenants for the security bond payments and rent payments and failing to act fairly and honestly.	Reprimanded.  Fine: \$3,000  Suspended for nine months.	\$1,200
Commissioner v Bridgeline Pty Ltd trading as Harcourts Alliance and	s.68 of the REBA Act	Application for disciplinary action for paying money withdrawn from a trust account to the person or persons unlawfully entitled or authorised to receive them and failing to correctly balance the accounts at the end of each month.	Matter pending.	-
Rhonda Merle Massam	s.8(2) of the ASR Code	Application for failing to properly supervise the agency business whilst in bona fide control of the agency business.		
Commissioner v Caputo and Clay Pty Ltd trading as Harcourts Integrity	s.68 of the REBA Act and s.9 of the ASR Code	Application for disciplinary sanction for failing to deposit monies received as soon as practicable into a trust account, withdrawing monies without authorisation and failing to keep full and accurate accounts of all monies received, and failing to exercise due skill, care and diligence.	Reprimanded.  Fine: \$5,000	\$308

## Name:

defendant/ parties	Legislation	Nature	Outcome	Costs
Commissioner v Chant Ram Pty Ltd and	s.29(c) of the REBA Act and s.8(1) of the ASR Code	Application for disciplinary sanction for failing to have a licensed director for 23 months.  Application for disciplinary sanction failing to properly supervise the agency business.	Reprimanded.  Fine: \$2,500	-
Maria Josephine Intini	s.8(2) of the ASR Code	Application for disciplinary sanction for failing to properly supervise the agency business.	Reprimanded.  Fine: \$2,500	
Commissioner v Ean Jacob Rozario	s.69(2)(a), s68(1) (a) (ii) and s.68(1) (b)(i) respectively of the <i>Motor Vehicle Repairer's Act 2003</i> (MVR Act)	Application for disciplinary action for failing to provide police clearances or inform the Commissioner of conviction for offences and conditions attached to his certificate.	Reprimanded.  Disqualified from holding or obtaining a Motor Vehicle Repairer's Certificate.	-
Commissioner v Easy Invest Pty Ltd trading as Logos Realty and	s.7(1) of the ASR Code	Application for disciplinary action for failing to act fairly and honestly.	Reprimanded.  Licence cancelled.	-
Joseph Weng Kong Cheong	s.7(1) of the ASR Code	Failing to act fairly and honestly.	Reprimanded.  Licence cancelled and disqualified for 15 years.	
Commissioner v M Property Pty Ltd	s.10(2) of the ASR Code	Application for disciplinary sanction for failure to disclose a material fact.	Reprimanded  Fine: \$5,000	\$1,000

## Name:

defendant/ parties	Legislation	Nature	Outcome	Costs
Commissioner v Mark Bruce Hourn	s.50(3) of the REBA Act	Application for disciplinary action for failing to comply with a special condition on his sales representative certificate of registration.	Reprimanded. Fine: \$1,000 Condition imposed on registration requiring the outstanding CPD points for 2013, 2014 and 2015 to be completed by 30 September 2017.  If outstanding CPD points not completed by 30 September 2017, registration to be suspended for a period of six months from 1 October 2017.	\$500
Commissioner v Mayco Pty Ltd and Stephen and Louis May	s.47(1) of the <i>Fair Trading Act 2010</i> (FT Act)	Application for sanction for contravening a prescribed code of practice (namely the Fair Trading (Retirement Villages Code) Regulations 2015 and its predecessors) under by:  Failing to provide promotional material that is truthful, accurate and unambiguous; failing to provide prudent, efficient and economical management of a retirement village; and failing to treat residents fairly and not subject them to abuse or exploitation.	Mayco Pty Ltd to publish corrective statements, remove particular material from its publications, implement a maintenance reporting procedure and make refund payments.	-

## Name:

defendant/ parties	Legislation	Nature	Outcome	Costs
Commissioner v Olivia Loretta Anne Murray	s.44(3) of the REBA Act.	Application for disciplinary action for holding herself out as being in the employment of a licensee who is the holder of a current triennial certificate when not employed by the licensee.	Matter pending.	-
Commissioner v Reallocate Australia Pty Ltd trading as Realty Executive and	s.68(1), s.68(6)(a), (b) and (d) of the REBA Act  s.16(a) of the ASR Code	Application for disciplinary sanction for failing to pay money of a transaction into a trust account as soon as practicable, failing to keep full and accurate accounts of all monies received and paid on behalf of any other person, failing to enter account particulars of the amount received or paid before the end of the next business day and failing to correctly balance the accounts at the end of each month.  Application for disciplinary sanction for demanding or receiving valuable consideration for a service which is greater than the amount agreed in writing with the principal.	Reprimanded.  Fine: \$5,000	\$500
Keith Moffit Howes	s.8(2) of the ASR Code	Application for disciplinary sanction for failing to properly supervise the agency business.	Reprimanded.  Fine: \$1,500	\$500
Commissioner v Samantha Peploe	s.151(1)(h) of the ACL and s7(1) of the ASR Code	Application for disciplinary sanction for making a false or misleading representation regarding an affiliation and failed to act fairly and honestly.	Reprimanded.  Suspended for six months.	\$3,000

## Name:

defendant/ parties	Legislation	Nature	Outcome	Costs
Commissioner v Stephen Jeffrey Sokol	s.68(1)(a) (ii) of the MVR Act	Application for disciplinary action for failing to comply with a condition attached to a certificate.	Reprimanded. Fine: \$1,000	\$500
Commissioner v Sunrun Nominees Pty Ltd trading as House Real Estate WA and	s.68 of the REBA Act	Application for disciplinary sanction for unauthorised withdrawal from a trust account monies received by an agent.	Reprimanded. Fine: \$12,000	\$3,000
Frank Andrew Torre	s.68(4) of the REBA Act	Application for disciplinary sanction for authorising the early withdrawal of the sales commission and transferring the deposit into a separate interest bearing account without the authority.	Suspended for three months. Fine: \$12,000	\$4,884
	s.7 of the ASR Code	Acted dishonestly and unfairly by obtaining the consent of the vendor of the property to the early receipt of the commission.		
Commissioner v S and G Realty Pty Ltd trading as Ray White (Jones and Associates)	s.10(2) of the ASR Code	Application for disciplinary sanction for failing to promptly communicate a fact material to a transaction to any person who may be affected by it.	Reprimanded. Fine: \$1,000	\$500
Commissioner v The King and I Pty Ltd, Colin Maxwell King and Paul Anthony King	Clauses 2,5,8 and 10 of the ASR Code	Application for disciplinary sanction for failing to act in the best interests of their principal, failing to act fairly and honestly, knowingly misleading the original sellers and failing to disclose material facts.	Proceedings dismissed (The King and I Pty Ltd and Colin Maxwell King).  Disqualified for 15 years (Paul Anthony King).	\$19,500

## Magistrates Court

**Table 49: Magistrates Court proceedings for the Consumer Protection Division in 2016–17**

Name: defendant/ parties	Legislation	Nature	Outcome	Costs
Adam David Golding v Commissioner	s.30 of the MVD Act	Application to set aside conviction and sentence dated 2 October 2012 for unlicensed motor vehicle dealings.	Dismissed.	-
Serugga Timothy Bukonya v Commissioner	s.71(2) of the <i>Criminal Procedure Act 2004</i>	Application to set aside a decision made in his absence.	Granted.	-
Commissioner v ACN 158 148 951 Pty Ltd	s.151(1) of the ACL	One charge for making a false or misleading representation.	Guilty. Fine: \$20,000	\$15,680.90
	s.173, s.175 and s.178 of the ACL	Twenty-two charges of negotiating unsolicited consumer agreements.	Fine: \$10,000 Guilty.	
[Name Withheld]	s.151(1)(l) of the ACL	One charge for making a false or misleading representation while director of ACN 158 148 951 Pty Ltd.	Fine: \$2,000	\$1,742.00
	s.95(1) of the FT Act			
	s.173, s.175 and s.178 of the ACL	22 charges of negotiating unsolicited consumer agreements while director of ACN 158 148 951 Pty Ltd pursuant to s95(1) of the <i>Fair Trading Act 2010</i> .	Fine: \$1,000	
Commissioner v Acceler8 Group Pty Ltd trading as Bali D'luxe and	s.158(7) of the ACL	Five charges for accepting payments for services and failing to supply the services within the period specified.	Guilty. Fine: \$50,000	-
[Name Withheld]	s.158(7) of the ACL	Five charges for accepting payments for services and failing to supply the services within the period specified.	Guilty. Fine: \$10,000 Compensation to five consumers totalling \$75,775.70. Disqualified from managing a corporation for a period of 5 years.	\$1,772.10

## Name:

defendant/ parties	Legislation	Nature	Outcome	Costs
Commissioner v Ahmed Eddie Kamil	s.27 of the RT Act	Seventeen charges for failing to provide a copy of the agreement in the prescribed form, failing to give receipt for a bond and failing to provide property condition at the termination of the contract.	Matter pending.	-
Commissioner v Amanda Jayne Jones	s.68(6)(d), s.70 and s.26 of the REBA Act	Seven charges of failing to correctly balance the accounts at the end of each month, one charge of failing to have the trust account audited and one charge of unlicensed trading.	Fine: \$8,000	\$832
Commissioner v Blake Ball trading as Balls Walls	s.158(7) of the ACL	Three charges of accepting payment and failing to supply goods or services within the period specified or a reasonable time.	Matter pending.	-
Commissioner v Christopher Brocklebank	s.158(7) of the ACL	Three charges for accepting monies and failing to supply goods within a reasonable time.	Guilty. Fine: \$9,000 Compensation of \$3,700 to three consumers.	\$7,963.10
Commissioner v Daniel Murray Howard	s.158(7) of the ACL	Three charges of accepting payment for home improvement services and failing to supply those services.	Guilty. Fine: \$6,000 Compensation to consumers: \$2,150	\$3,800
Commissioner v Golden Bay Properties Pty Ltd trading as Jumbuck Wool Insulation	s.151(1)(a) of the ACL	One charge of misleading representation to consumers that the insulation batts are of a particular standard, quality, value grade or composition.	Guilty. Fine: \$18,000	\$11,967.96

## Name:

defendant/ parties	Legislation	Nature	Outcome	Costs
Commissioner v GTA Australia Pty Ltd and	s.173(1)(c)(i) of the ACL	One charge of failing to give prescribed information by telephone in relation to an unsolicited consumer agreement.	Guilty. Fine: \$5,000	\$1,761
	s.173(1)(c)(ii) of the ACL	One charge of failing to give prescribed information in writing in relation to an unsolicited consumer agreement.		
	s.179(1)(a)(ii) of the ACL	One charge of accepting payment under an unsolicited consumer agreement in the period of 10 business days.		
Kristopher Corbett	s.173(1)(c)(i) of the ACL	One charge of failing to give prescribed information by telephone in relation to an unsolicited consumer agreement.	Guilty. Fine: \$2,500 Compensation to one consumer \$4,700	\$1,761
	s.173(1)(c)(ii) of the ACL	One charge of failing to give prescribed information in writing in relation to an unsolicited consumer agreement.		
	s.179(1)(a)(ii) of the ACL	One charge of accepting payment under an unsolicited consumer agreement in the period of 10 business days.		
Commissioner v Ghalib Sharif Jaber Khleif	s.30(1) of the MVD Act	One charge of buying and selling vehicles without a licence.	Acquitted.	-

## Name:

defendant/ parties	Legislation	Nature	Outcome	Costs
Commissioner v Green Engineering Pty Ltd and	s.171(1)(b), s.173(1)(a) and s.175(1)(c) of the ACL	Three charges concerning the failure to comply with the unsolicited consumer agreement requirements.	Acquitted of charge under section 175(1) (c) of the ACL. Guilty of all other charges.  Fine: \$15,000	\$6,097.80
	s.89(1) and s.182(1) of the ACL	A charge of including a term that is void in an unsolicited consumer agreement.		
	s.151(1)(m) of the ACL	Two charges concerning false or misleading representations made in the unsolicited consumer agreement.		
[Name Withheld]	s.171(1)(b), s.173(1)(a) and s.175(1)(c) of the ACL	Three charges concerning the failure to comply with the unsolicited consumer agreement requirements.	Acquitted of charge under s.175(1)(c) of the ACL. Guilty of all other charges.	
	s.89(1), s.182(1) of the ACL	A charge of including a term that is void in an unsolicited consumer agreement.	Fine: \$5,000	
	s.151(1)(m) of the ACL	Two charges concerning false or misleading representations made in the unsolicited consumer agreement.		
Commissioner v Hasna Hena (One Stop Solar Energy) and	s.174(1) of the ACL	Nine charges of negotiating unsolicited consumer agreement and did not provide a copy of the agreement to the consumer.	Matter pending.	-
Shafiqur Rahman	s.174(1) of the ACL	Eight charges negotiating unsolicited consumer agreement and did not provide a copy of the agreement to the consumer.		

## Name:

defendant/ parties	Legislation	Nature	Outcome	Costs
Commissioner v Joseph Anthony Wholesale Pty Ltd and	s.158(7) of the ACL	Four charges of wrongly accepting payment for goods or services and failing to supply all the goods or services within the specified period.	Guilty. Fine: \$22,000 Compensation awarded to four consumers totalling \$7,665.27.	\$5,568.20
Anthony George Riordan	s.158(7) of the ACL and s.95(1) of the FT Act	Four charges of accepting payment and failing to supply goods within the period specified while being a director of Joseph Anthony Wholesale Pty Ltd.	Guilty. Global Fine: \$16,000	
Commissioner v Jarrad Graeme Hand and	s.179(1) and s.151(1) of the ACL	Two charges of unsolicited consumer agreement accepted payment in connection with goods or services within 10 business days and supply or promotion of the supply of goods or services represented that the person had sponsorship, approval or affiliation the person did not have.	Fine: \$1,500	\$622.25
[Name Withheld]	s.179(10 and s.151(1) of the ACL	Two charges of unsolicited consumer agreement accepted payment in connection with goods or services within 10 business days and supply or promotion of the supply of goods or services represented that the person had sponsorship, approval or affiliation the person did not have.	Fine: \$1,500	\$622.25
Commissioner v Jayde Ashleigh Grundy	s.30(1) of the MVD Act	One charge for engaging in unlicensed dealing, namely by buying and selling vehicles, whilst not the holder of a valid motor vehicle dealers licence.	Guilty. Fine: \$9,140	\$2,186.05

## Name:

defendant/ parties	Legislation	Nature	Outcome	Costs
Commissioner v Josephine Wei-Wei Liao	s.151(1)(i) of the ACL	Two charges of making a false or misleading representation regarding the price of services.	Matter pending.	-
	s.158(7) of the ACL	Three charges of accepting payment for property management services and failing to provide those services within the period specified.		
	s.26 of REBA Act	One charge of holding out as a real estate agent without a licence.		
	s.60(3) of the REBA Act	Eight charges of demanding or receiving a commission or reward in respect of services as an agent without a licence.		
Commissioner v Kevin Edward Gilbee	s.158(7) of the ACL	Two charges of wrongly accepting payment and failing to provide services.	Discontinued.	\$10,000 awarded
Commissioner v Majid Hussain Al Asadi	s.30(1) of the MVD Act	One charge of unlicensed motor vehicle dealing.	Guilty. Fine: \$5,000	\$601.50
Commissioner v Marlene Pavlovich	s.59F(1) of the RT Act	One charge for altering, removing or adding to the lock without the consent of the tenant and without reasonable excuse.	Guilty. Fine: \$3,000	\$8,907
	s.80 of the RT Act	One charge of entering premises for the purpose of recovering possession without a court order.		
Commissioner v Mark Anthony Lambley	s.30(1) of the MVD Act	One charge for engaging in unlicensed dealing, namely by buying and selling vehicles, whilst not the holder of a valid motor vehicle dealers licence.	Matter pending	-

## Name:

defendant/ parties	Legislation	Nature	Outcome	Costs
Commissioner v Nicholas Charles Gudden trading as Exclusive Patios	s.158(7) of the ACL	One charge for accepting payment and failing to supply goods or services within the period specified or a reasonable time.	Matter pending.	-
Commissioner v [Name Withheld]	s.30(1) of the MVD Act	One charge for unlicensed dealing without a valid motor vehicle dealers licence.	Guilty. Fine: \$3,000	\$432.70
Commissioner v Puresol Pty Ltd and	s.151(1) of the ACL	Three charges of making a false or misleading representation that the goods have a benefit to reduce power costs.	Guilty. Fine: \$20,000	\$2,864
	s.159(2) of the ACL	Two charges of making a false or misleading representation in a material particular concerning the profitability of a business.		
Daniel Victor Leverett	s.151(1) of the ACL and s.95(1) of the FT Act	Three charges of making a false or misleading representation that the goods have a benefit to reduce power costs while director of Puresol Pty Ltd.	Guilty. Fine: \$10,000	\$1,718
Commissioner v Rhyce Daniel Power	s.158(7) of the ACL	One charge for accepting payment and failing to supply goods or services within the period specified or a reasonable time.	Guilty. Fine: \$3,500 Compensation of \$6,000 to one consumer.	\$2,504.50
Commissioner v Sammi Amir Alsaad	s.30(1) of the MVD Act	One charge of unlicensed motor vehicle dealing.	Discontinued.	-
Commissioner v Samuel Michael Gossage	s.158(7) of the ACL	One charge of accepting payment for services and failing to supply all the services.	Matter pending.	-

Overview	Agency performance	Significant issues impacting the agency	Disclosures and legal compliance	Appendices
<hr/>				
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<b>Name:</b>				
defendant/ parties	Legislation	Nature	Outcome	Costs
Commissioner v Sean Robert Weinthal	s.168(1)(b)(ii) of the ACL	One charge for unduly harassing a person in connection with the payment for goods and services.	Guilty. Fine: \$4,000	\$3,000
Commissioner v Serugga Timothy Bukenya trading as T.I.M. Automotive Services	s.9(1) of the MVR Act	One charge of carrying out repairs without a valid licence.	Guilty. Fine: \$10,000	\$8,016.63
Commissioner v Simone Lockett trading as Cinderellas by Simone	s.158(7) of the ACL	Three charges of wrongly accepting payment and not providing services within a reasonable time.	Acquitted.	\$6,000 awarded
Commissioner v Solar HC Pty Ltd trading as Affordable Home Comfort and	s.158(7) of the ACL	16 charges of accepting payment without supplying goods.	Guilty. Fine: \$150,000 Compensation orders to six consumers totalling \$11,940.	\$7,659.40
Maxwell Raymond Healy as director of Solar HC Pty Ltd.	s.95 of the FT Act	16 charges of allowing accepting payment without supplying goods.	Guilty. Fine: \$10,000	\$7,659.40
Maxwell Raymond Healy trading as Dual Cycle Air	s.158(7) of the ACL	Eight charges of accepting payment without supplying goods.	Acquitted.	-
Commissioner v Steven John Pietersen trading as Flawless Glass Fencing	s.158(7) of the ACL	Four charges of accepting payment for goods and services and failing to supply all the goods and services within the period specified and/or a reasonable time.	Pay restitution to four consumers, totalling to \$9,776. Orders as to penalty and costs are subject to compensation payments.	-
Commissioner v Success Resources Australia Pty Ltd	s.158(7) of the ACL	Three charges of accepting payment for goods or services and failing to supply all goods or services within a reasonable time.	Matter pending.	-

Overview	Agency performance	Significant issues impacting the agency	Disclosures and legal compliance	Appendices
<hr/>				
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<b>Name:</b>				
defendant/ parties	Legislation	Nature	Outcome	Costs
Commissioner v Tomas Mijatovic and	s.82 of the RT Act	Two charges for listing personal information about a tenant on the TICA database before the tenancy had ended, and without giving the tenant at least 14 days to review the personal information and make submissions.	Guilty. Fine: \$5,500	\$9,000
	s.29(4)(b) of the RT Act	Five charges for failure to properly process bond payments received from tenant.		
White City Investments Pty Ltd and	s.27A of the RT Act	One charge of entering into a written residential tenancy agreement that was not in the form prescribed.	Guilty. Fine: \$1,200	\$1,500
	s.93(1)(a) of the RT Act	One charge of failure to take all reasonable steps to ensure that a security bond held with an Australian Financial Institution that was paid in relation to the agreement, was paid from the account to either the tenant or bond administrator.	Guilty. Fine: \$1,200	\$1,500
Trend City Investments Pty Ltd	s.27A of the RT Act	Two charges for the use of outdated prescribed forms including a written residential tenancy contract and tenant information form.	Guilty. Fine: \$500	\$606.60
Commissioner v Trent Danny Caines trading as TDC Landscaping	s.158(7) of the ACL	Eight charges of accepting payment and failing to supply goods or services within the period specified or a reasonable time.	Matter pending.	-
Commissioner v Tyson John Vacher trading as Black Tie Waiters	s.158(7) of the ACL	Four charges of accepting payment for services and failing to supply all the services.	Matter pending.	-

## Name:

defendant/ parties	Legislation	Nature	Outcome	Costs
Commissioner v Westtech Surfacing Pty Ltd and	s.151(1)(i) and s.179 of the ACL	Five charges of making false or misleading representation with respect to price, failure to give consumer a copy of an unsolicited consumer agreement and accepting payment.	Matter pending.	-
William Orchard	s.95 of the FT Act	Five charges under s95 of the FT Act: as a director of Westtech Surfacing Pty Ltd and at the time of the commission of each of the above offences.		

## Search warrant applications – Magistrates Court

**Table 50: Outcome of applications for search warrants under section 71 of the *Fair Trading Act 2010***

Nature of Investigation	Investigation	Outcome
Non-compliant residence contracts and has failed to manage the Village in a prudent, economical and effective manner which has caused significant financial loss, treated residents in an unfair manner or subjected them to abuse or exploitation, acted in a manner which placed the wellbeing or financial interests at risk.	s.13(2) and s.758B of the <i>Retirement Villages Act 1992</i>  Clause 3(d), 12(2), 16(1)(a), 16(2)(g) and 19(8)(b) of the Fair Trading (Retirement Villages Code) Regulations 2015	Granted.
Carried on business that consists of or includes carrying out repair work on or to motor vehicles without holding a business licence.	s.9 of the MVR Act	Granted.
Unlicensed motor vehicle dealings without holding a valid licence.	s.30(1) of the MVD Act	Granted.
Unauthorised and unlawful withdrawals of money from the trust account, failure to pay money withdrawn from the trust account to persons lawfully entitled or authorised to receive them and failure to keep proper accounts.	s.68(4), s.68(5) and s.68(6) of the REBA Act	Granted.

Nature of Investigation	Investigation	Outcome
Carried on a business of the sale of motor vehicles under consignment agreement whilst not being the holder of an open designated trust account and made a false and misleading representation as to the sale price of motor vehicles.	s.32C and s.151(1)(i) of the MVD Act	Granted.
Carried on a business that consists of carrying out repair work and advertising to this effect without a business licence.	s.9(1) and s.11 of the MVR Act	
Failure to keep proper accounts and failure to properly supervise the agency and failure to exercise due skill, care and diligence.	s.8(2) of the REBA Act and s.9 of the ASR Code	Granted.
Made a false or misleading representation about the price of goods or services and that services have sponsorship, approval, characteristics, uses or benefits.	s.151(1) of the ACL	Granted.
Made an unauthorised withdrawal from a trust account.	s.68(4) of the REBA Act	Granted.
Received monies by the Agency or on behalf of another person and made an unauthorised withdrawal, failed to keep full and accurate accounts of all money received and failed to act fairly and honestly.	s.7(1) of the ASR Code	Granted.
Carried on a business of repair work without a licence.	s.9(1), s.11 and s.39(2) of the MVR Act	Granted.
Carried on or advertised a business that consists of or includes repair work of a class prescribed by the regulations whilst being unlicensed.	s.9(1) and s.11 of the MVR Act	Granted.

Nature of Investigation	Investigation	Outcome
Unauthorised and unlawful withdrawals from the trust account and failure to keep proper records.	s.68(4), s.68(5) and s.68(6) of the REBA Act	Granted.
Failing to pay monies into a trust account as soon as practicable, demanding or receiving commission without a valid appointment to act and withdrawing monies from the trust account for an unauthorised purpose.	s.60(3), s.68(1) and s.68(4) of the REBA Act	Granted.

## Building Commission Division

### Prosecutions – Magistrates Court

Tables 51 to 56 provide details of action undertaken in 2016–17 by the Building Commission Division.

**Table 51: Prosecution outcomes for the Plumbers Licensing Board in the Magistrates' Court in 2016–17**

Name:

defendant/parties	Legislation	Offence	Fine	Costs
Plumbers Licensing and Plumbing Standards Regulations 2000 (PLPSR)				
Gary Clayton Hummerston	r.19(3) PLPSR	Failure to comply with condition of licence.	\$500.00	\$200.00
Hajir Mobin	r.9(1) of the PLPSR	Not holding a licence or permit, carried out plumbing work.	\$750.00	\$562.60
	r.9(1) of the PLPSR	Not holding a licence or permit, carried out plumbing work.	\$1,000.00	
	r.9(1) of the PLPSR	Not holding a licence or permit, carried out plumbing work.	\$1,200.00	
	r.72(1) of the PLPSR	Failed to comply with rectification notice.	\$1,500.00	
	r.72(1) of the PLPSR	Failed to comply with rectification notice.	\$1,500.00	
	r.72(1) of the PLPSR	Failed to comply with rectification notice.	\$1,500.00	
William Arthur Walsh	r.42(1) of the PLPSR	Failed to provide certificate of compliance.	Withdrawn.	\$3,200 against Building Commission

Overview	Agency performance	Significant issues impacting the agency	Disclosures and legal compliance	Appendices

**Table 52: Prosecution outcomes for the Building Commissioner in the Magistrates' Court in 2016–17**

Name: defendant/parties	Legislation	Offence	Fine	Costs
<i>Building Services (Registration) Act 2011 (BSR), Building Services (Complaint Resolution and Administration) Act 2011 (BSCRA), Builders' Registration Act 1939 (BRA), Home Building Contracts Act 1991 (HBCA)</i>				
Barrowman Holdings Pty Ltd	s.4(4) of the HBCA	No prescribed notice.	\$10,000.00	\$412.62
	s.10(1)(a)(i) of the HBCA	Excess deposit.		
	s.13(1) of the HBCA	Rise and Fall clause.		
Christopher Ronald Francis Gordon	s.4(4) of the HBCA	Non-complying contract.	\$8,000.00	\$714.00
	s.4(4) of the HBCA	Non-complying contract.		
	s.10(1)(a)(i) of the HBCA	Excess deposit.		
	s.10(1)(a)(i) of the HBCA	Excess deposit.		
Complete Ceilings and Renovations Pty Ltd	s.4(4) of the HBCA	No prescribed notice.	\$1,000.00	\$570.00
	s.4(4) of the HBCA	Non-complying contract.	\$1,000.00	
	s.4(4) of the HBCA	Non-complying contract.	\$2,000.00	
	s.4(4) of the HBCA	Non-complying contract.	\$3,000.00	
	s.7(1) of the BSR	Undertook to carry out builder work whilst not registered.	\$20,000.00	
	s.7(3) of the HBCA	Non-complying variations.	\$300.00	
	s.10(1)(a)(i) of the HBCA	Excess deposit.	\$20,000.00	
	s.10(1)(a)(i) of the HBCA	Excess deposit.	\$1,500.00 and compensation order of \$9,855.00	
	s.10(5) of the HBCA	Non-genuine progress payment.	\$5,000.00	
	s.10(5) of the HBCA	Non-genuine progress payment.	\$8,000.00	
	s.25C(1) of the HBCA	No HII.	\$10,000.00	
	s.53(1) of the BSCRA	Failed to comply with building remedy order (BRO).	\$50,000.00	
	s.53(1) of the BSCRA	Failed to comply with BRO.	\$80,000.00	

## Name:

defendant/parties	Legislation	Offence	Fine	Costs
David Walter Ah Chee (director of Shed Systems Pty Ltd)	s.4(4) of the HBCA	Non-complying contract.	\$25,000.00	\$789.88
	s.4(4) of the HBCA	Non-complying contract.		
	s.7(3) of the HBCA	Non-complying variations.		
	s.7(3) of the HBCA	Non-complying variations.		
	s.10(1)(a)(i) of the HBCA	Excess deposit.		
	s.10(1)(a)(i) of the HBCA	Excess deposit.		
	s.13(1) of the HBCA	Rise and Fall clause.		
	s.13(1) of the HBCA	Rise and Fall clause.		
	s.7(1) of the BSRA	Undertook to carry out prescribed building service whilst not registered.		
Gordon Leslie Bodsworth	s.4(4) of the HBCA	Non-complying contract.	\$500.00	\$414.00
	s.10(1)(a)(i) of the HBCA	Excess deposit.	\$2,000.00	
Graeme Williams	s.25C(2) of the HBCA	Failed to furnish a policy certificate prior to a demand for payment.	\$2,000.00	\$413.00
Jon Marcel	s.4(4) of the HBCA	Non-complying contract.	\$7,500.00	\$714.00
	s.7(1) of the BSR	Undertook to carry out prescribed building service whilst no registered.		
	s.7(1) of the BSR	Carried out prescribed building service whilst not registered.		
	s.10(1)(a)(i) of the HBCA	Excess deposit.		
	s.25C(1) of the HBCA	No HII.		

## Name:

defendant/parties	Legislation	Offence	Fine	Costs
Mal Afrasiabi	s.4(4) of the HBCA	Non-complying contract.	\$19,000.00	\$1,164.00
	s.4(4) of the HBCA	No prescribed notice.		
	s.4(4) of the HBCA	No prescribed notice.		
	s.5(2) of the BSRA	Hold out or imply to be registered.		
	s.7(1) of the BSRA	Undertook to carry out prescribed building service whilst not registered.		
	s.7(1) of the BSRA	Undertook to carry out prescribed building service whilst not registered.		
	s.10(1)(a)(i) of the HBCA	Excess deposit.		
	s.10(1)(a)(i) HBCA	Excess deposit.		
	s.10(1)(a)(i) HBCA	Excess deposit.		
	s.25C(1) HBCA	No HII.		
	s.25C(1) HBCA	No HII.		
	s.25C(1) HBCA	No HII.		
	s.25C(2) HBCA	Failed to furnish a policy certificate prior to a demand for payment.		
	s.25C(2) HBCA	Failed to furnish a policy certificate prior to a demand for payment.		
	s.25C(2) HBCA	Failed to furnish a policy certificate prior to a demand for payment.		
Mark Straw (Director of Complete Ceilings and Renovations Pty Ltd)	s.4(4) HBCA	Non-complying contract.	\$400.00	\$430.00
	s.10(5) of the HBCA	Non-genuine progress payment.	\$2,000.00	
	s.53(1) of the BSCRA	Failed to comply with BRO.	\$15,000.00	
	s.53(1) of the BSCRA	Failed to comply with BRO.	\$10,000.00	
Matthew John Paterson	s.4(4) of the HBCA	Non-complying contract.	\$2,000.00	\$714.96
	s.10(1)(a)(i) of the HBCA	Excess deposit.		

## Name:

defendant/parties	Legislation	Offence	Fine	Costs
Peter John	s.7(1) of the BSRA	Undertook to carry out painter work whilst not registered.	\$2,500.00	\$719.64
Barry Ikin	s.7(1) of the BSRA	Carried out painter work whilst not registered.		
	s.7(1) of the BSRA	Undertook to carry out painter work whilst not registered.		
	s.7(1) of the BSRA	Carried out painter work whilst not registered.		
	s.7(1) of the BSRA	Undertook to carry out painter work whilst not registered.		
	s.7(1) of the BSRA	Carried out painter work whilst not registered.		
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	s.7(1) of the BSRA	Carried out painter work whilst not registered.		
	s.7(1) of the BSRA	Undertook to carry out painter work whilst not registered.		
	s.7(1) of the BSRA	Carried out painter work whilst not registered.		
	s.7(1) of the BSRA	Undertook to carry out painter work whilst not registered.		
	s.7(1) of the BSRA	Carried out painter work whilst not registered.		
	s.7(1) of the BSRA	Undertook to carry out painter work whilst not registered.		
	s.7(1) of the BSRA	Carried out painter work whilst not registered.		
	s.7(1) of the BSRA	Undertook to carry out painter work whilst not registered.		
	s.7(1) of the BSRA	Carried out painter work whilst not registered.		

Overview	Agency performance	Significant issues impacting the agency	Disclosures and legal compliance	Appendices
Name:				
defendant/parties	Legislation	Offence	Fine	Costs
Roberta Francesca Keown	s.10(1)(a)(i) of the HBCA	Excess deposit.	\$500.00	\$578.00
	s.10(1)(a)(i) of the HBCA	Excess deposit.	\$500.00	
	s.53(1) of the BSCRA	Failure to comply with Order of the Building Commissioner.	\$500.00	
Rohan Keane O'Neill	s.4(4) of the HBCA	Non-complying contract.	\$500.00	\$2,963.03
	s.53(1) of the BSCRA	Failure to comply with Order of the Building Commissioner.	\$3,000.00	\$3,980.73
Sean Joseph Keown	s.10(1)(a)(i) of the HBCA	Excess deposit.	\$500.00	\$578.00
	s.10(1)(a)(i) of the HBCA	Excess deposit.	\$500.00	
	s.53(1) of the BSCRA	Failure to comply with Order of the Building Commissioner.	\$500.00	
Shed Systems Pty Ltd	s.4(4) of the HBCA	Non-complying contract.	\$75,000.00	\$789.88
	s.4(4) of the HBCA	Non-complying contract.		
	s.7(3) of the HBCA	Non-complying variations.		
	s.7(3) of the HBCA	Non-complying variations.		
	s.10(1)(a)(i) of the HBCA	Excess deposit.		
	s.10(1)(a)(i) of the HBCA	Excess deposit.		
	s.13(1) of the HBCA	Rise and Fall clause.		
	s.13(1) of the HBCA	Rise and Fall clause.		
	s.7(1) of the BSRA	Undertook to carry out prescribed building service whilst not registered.		
Stuart William Barrowman (Director of Barrowman Holdings Pty Ltd)	s.4(4) of the HBCA	No prescribed notice.	\$5,000.00	\$412.62
	s.10(1)(a)(i) of the HBCA	Excess deposit.		
	s.13(1) of the HBCA	Rise and Fall clause.		

## Name:

defendant/parties	Legislation	Offence	Fine	Costs
Top Class Roof Restorations Pty Ltd	s.4(4) of the HBCA	Non-complying contract.	\$500.00	\$563.79
	s.4(4) of the HBCA	No prescribed notice.		
	s.4(4) of the HBCA	No prescribed notice.		
	s.10(1)(a)(i) of the HBCA	Excess deposit.	\$5,000.00	
Troy Anthony Coward (Director of Top Class Roof Restorations Pty Ltd)	s.4(4) of the HBCA	Non-complying contract.	\$500.00	N/A
	s.4(4) of the HBCA	No prescribed notice.		
	s.4(4) of the HBCA	No prescribed notice.		
	s.10(1)(a)(i) of the HBCA	Excess deposit.	\$1,000.00	

## State Administrative Tribunal Appeals

**Table 53: State Administrative Tribunal Appeals for the Building Services Board in 2016–17**

Name/Applicant	Decision Type	Outcome
Joseph Rowe-Martin	Decision of Board refusing building surveying practitioner registration.	Board consented to application. Upon payment of fees, granted registration.

There were no State Administrative Tribunal Appeals for the Plumber's Licensing Board in 2016–17

Overview	Agency performance	Significant issues impacting the agency	Disclosures and legal compliance	Appendices

## State Administrative Tribunal disciplinary matters

**Table 54: State Administrative Tribunal disciplinary matters commenced for the Building Services Board in 2016–17**

Name: defendant/parties	Allegations	Fine	Fine	Non-monetary penalty
<i>Building Services (Registration) Act 2011</i>				
Adam Thistlethwaite	s.53(1)(e) Negligent or Incompetent Conduct	\$4,500	\$1,000	
Anthony Douglas Clay	s.53(1)(e) Negligent or Incompetent Conduct s.53(1)(j)(ii) Misleading or deceptive conduct	\$5,000	\$1,500	
Barry Windsor	s.53(1)(j)(ii) Misleading or deceptive conduct	\$7,500	\$500	
Danmar Homes Pty Ltd	s.53(1)(e) Negligent or Incompetent Conduct	\$30,000	\$1,500	
Francesco Di Labio	s.53(1)(e) Negligent or Incompetent Conduct s.53(1)(g) Failed to manage and supervise building work s.53(1)(j)(ii) Misleading or deceptive conduct	\$15,000	\$1,000	
Jeffrey West	s.53(1)(j)(ii) Misleading or deceptive conduct s.53(1)(e) Negligent or Incompetent Conduct s.53(1)(l) Failed to comply with order of the SAT	\$15,000	\$3,200	
Nicola Multari	s.53(1)(j)(ii) Misleading or deceptive conduct s.53(1)(e) Negligent or Incompetent Conduct	\$7,500	\$500	
Robert Williams	s.53(1)(e) Negligent or Incompetent Conduct	\$15,000	N/A	
Squire Homes Pty Ltd	s.53(1)(e) Negligent or Incompetent Conduct	\$15,000	\$1,000	

**Table 55: State Administrative Tribunal disciplinary matters commenced for the Plumbers Licensing Board in 2016–17**

Name: defendant/parties	Allegations	Fine	Fine	Non-monetary penalty
Plumbers Licensing and Plumbing Standards Regulations 2000 (PLPSR)				
Nicholas Bradley Mason	r.27(l)(ii) Failed to comply with an order of the SAT	N/A	\$1,000	Plumbing contractor license suspended three months.
	r.27(e) Failed to give the Board a Notice of Intention, contrary to r 41(1) PLPSR			Ordered to attend Plumbing Induction within three months
	r.27(e) Failed to give the Board a Certificate of Compliance, contrary to 42(1)(a) PLPSR			
	r.27(e) Failed to give the Owner a Certificate of Compliance, contrary to 42(1)(b) PLPSR			
	r.27(e) Failed to comply with a rectification notice, contrary to r 72(1) PLPSR			

#### Other legal proceedings

**Table 56: Other Legal proceedings: High Court Appeals for the Plumbers Licensing Board 2016–17**

Name/ defendant/ parties	Allegations	Non-monetary penalty
Raoul Agapis	Application to the High Court	Application dismissed with costs (not yet determined).

## EnergySafety Division

### EnergySafety Division investigations

#### Electricity-related shocks, serious accidents and fatalities

The number of electricity-related shocks, serious accidents requiring hospitalisation or medical treatment and fatalities reported to the EnergySafety Division during 2016–17 is provided in Table 57.

**Table 57: Number of reported electricity-related shocks, serious accidents and fatalities<sup>(1)</sup>**

Reports	Number
Electric shocks	1,602
Serious electrical accidents (hospitalisation)	5
Serious electrical accident (medical treatment)	12
Fatalities	0

**Note:**

- (1) In previous years electrical accidents (medical treatment), where no hospitalisation occurred but when medical treatment was required, were reported as serious electrical accidents. Due to an improvement in data collection it is now possible to provide a more detailed breakdown of electrical accidents. Therefore, serious electrical accidents (hospitalisation and medically treated) and fatalities have been combined together when comparing over the past years as shown below in Table 58.

**Table 58: Serious electricity-related accidents notified per million population (not including wilful incidents)**

Year	Number per million <sup>(1)</sup>	Five Year Average
2012–13	8	7
2013–14	4	6
2014–15	7	6
2015–16	3	5
2016–17	7	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 7 per one million population. This represents an increase from the previous year mainly due to a rise in the reported number of incidents requiring medical treatment. There were no electricity-related fatalities in the 2016–17 financial year.

## Gas-related incidents, accidents and fatalities

The number of gas-related incidents, accidents and fatalities reported to the EnergySafety Division during 2016–17 is provided in Table 59.

**Table 59: Number of reported gas-related incidents, serious accidents, accidents and fatalities<sup>(1)</sup>**

Reports	Number
Incidents	128
Serious accidents (hospitalisations)	3
Serious accidents (medical treatment)	7
Fatalities	1

**Note:**

- (1) Previously all accidents were reported in single category. Due to an improvement in data collection systems it is now possible to provide a more detailed breakdown of gas-related incidents. Therefore, serious accidents (hospitalisation and medically treated) and fatalities have been combined together when comparing gas-related accidents over the past years as shown below in Table 60.

**Table 60: Gas-related accidents notified per million population (not including wilful incidents)**

Year	Number per million <sup>(1)</sup>	Five year average
2012–13	9	7
2013–14	12	8
2014–15	10	8
2015–16	5	8
2016–17	4	8

**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 review of notified gas-related accidents and data validation.

The gas accident rate for the reporting period was 4 per one million population which has decreased over the previous reporting period. There was one fatality reported in the 2016–2017 financial year. The victim in this fatality was alleged to have been sniffing liquefied petroleum gas. There was a fire and an explosion in which the victim sustained burns and succumbed to his injuries.

## Infringement Notices

The EnergySafety Division has continued to issue Infringement Notices as a system to provide an efficient and cost effective compliance regime for selected breaches. The system covers both gas and electricity and deals with non-compliance aspects of electrical and gas installations. There were 51 (6 electricity and 45 gas) Infringement Notices issued by the EnergySafety Division between the period 1 July 2016 and 30 June 2017.

**Table 61: Prosecution outcomes for the EnergySafety Division in 2016–17**

Name: defendant/parties	Legislation	Offence	Fine	Costs
Electricity (Licensing) Regulations 1991				
Cornelis and Margaret Van Der Veen	r.49(1)	Carrying out, or causing or permitting to be carried out, unsafe electrical work contrary to AS/NZS 3000:2007.	\$5,000.00 (Global Fine)	\$1,000.00
	r.52(3)	Sending a notice of completion of notifiable work in relation to uncompleted and unsafe work.		
Duncraig Electrical Pty Ltd	r.52(3)	Sending a notice of completion of notifiable work in relation to uncompleted and unsafe work.	\$35,000.00	\$3,000.00
Jason Aaron Nominees Pty Ltd T/As Pascoe's Gas and Water	r.33(1)	Carrying on business as an electrical contractor without a licence.	\$5,000.00	\$5291.80
Malcolm Cooper	r.49(1)	Carrying out, or causing or permitting to be carried out, unsafe electrical work contrary to AS/NZS 3000:2007.	\$6,000.00	\$867.50
Sebastian Pizzale	r.49(1)	Carrying out, or causing or permitting to be carried out, unsafe electrical work contrary to AS/NZS 3000:2007.	\$2,000.00	\$742.50
Shane Hogarth	r.49(1)	Carrying out, or causing or permitting to be carried out, unsafe electrical work contrary to AS/NZS 3000:2007.	\$15,000.00	\$3,500.00

## Name:

defendant/parties	Legislation	Offence	Fine	Costs
Powercare (WA) Pty Ltd	r.50	Inadequate supervision of a trainee or other person requiring supervision, where the work is on or near live electrical installation or equipment.	\$45,000.00 (Global Fine)	\$12,000.00
	r.52B(1)	Failing to prepare and deliver an electrical safety certificate for electrical installing work.		
	r.63(2)	Person fails to report an electrical accident immediately they become aware.		
Electricity Regulations 1947				
Hamersley Iron Pty Ltd T/As Rio Tinto	r.242(1)(b)	A network operator supplied electricity to a premises and the connection of the supply of electricity to the premises caused, or is likely to cause, the consumers' electric installations to become unsafe.	\$60,000.00	\$742.50
Electricity (Supply Standards and System Safety) Regulations 2001				
Electricity Networks Corporation T/As Western Power	r.10(1)(a)	A Network Operator failing to ensure that a prescribed activity was carried out to provide for the safety of persons.	\$75,000.00	\$649.70
Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999				
Jason Aaron Nominees Pty Ltd T/As Pascoe's Gas and Water	r.42	Failing to report incident causing, or likely to cause, injury or damage.	\$3,082.35	\$2,105.60

## Labour Relations and Industry Development Division

**Table 62: Prosecution outcomes for the Labour Relations and Industry Development Division in 2016–17**

Name: defendant/parties	Legislation	Offence	Fine	Costs
<i>Industrial Relations Act 1979</i>				
Department of Commerce v Patrick Allan Nugawela	s.102 and 83E	Obstruction.	\$4,000	\$121
<i>Long Service Leave Act 1958</i>				
Department of Commerce v Hydraulic Manifolds Australia Pty Ltd	s.8(3) and 9(2)	Failure to pay pro rata long service leave on termination.	\$8,584.74	\$1,222.09 interest
Department of Commerce v Hydraulic Manifolds Australia Pty Ltd	s.8(2) and 9(2)	Failure to pay long service leave on termination.	\$5,003.15	\$639.03 interest
Department of Commerce v Tubend Dynaform Pty Ltd	s.8(2) and 9(2)	Failure to pay long service leave on termination.	\$11,527.11	\$2,450.28 interest

## WorkSafe Division

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

In 2016–17, prosecution notices were signed for 12 new prosecutions (40 charges). There were 13 convictions (53 charges) recorded during the financial year (Note: A prosecution is counted as a conviction if at least one charge is successful). During the financial period, one appeal was commenced before the Supreme Court of Western Australia with the decision pending. Table 63 provides details of convictions recorded during 2016–17 for breaches of the OSH Act and Regulations.

**Table 63: Prosecution outcomes for the WorkSafe Division in 2016–17**

Name: defendant/parties	Legislation	Offence	Fine	Costs
<i>Occupational Safety and Health Act 1984</i>				
Eastlink Enterprise Pty Ltd (ACN 109 159 999)	s.19(1), s.19A(3) and s.3A(2)(b)(i)	As an employer, failed so far as practicable, to provide and maintain a working environment in which its employees were not exposed to hazards.	\$20,000.00	\$517.50
Elan Energy Management Pty Ltd (ACN 009 401 861)	s.19(1), s.19A(2) and s.3A(3)(b)(i)	As an employer, failed so far as practicable, to provide and maintain a working environment in which its employees were not exposed to hazards, and by that failure caused serious harm to an employee.	\$80,000.00	\$2,013.00
Farmer Charles Roy	s.20(1)(b) s.20A(2) and s.20A(2)(c)	As an employee, failed to take reasonable care to avoid adversely affecting the safety or health of any other person through any act or omission at work, and by that failure caused serious harm to such a person.	\$7,500.00	\$517.00
Hoff-Higgins Gypsum Metallica Rongonvi	s.20(1)(b) s.20A(2) and s.20A(2)(c)	As an employee, failed to take reasonable care to avoid adversely affecting the safety or health of any other person through any act or omission at work, and by that failure caused the death of another person.	\$7,200.00	\$800.00

## Name:

defendant/parties	Legislation	Offence	Fine	Costs
Lewis Thomas William	s.20(1)(b) s.20A(2) and s.20A(2)(c)	As an employee, failed to take reasonable care to avoid adversely affecting the safety or health of any other person through any act or omission at work, and by that failure caused serious harm to such a person.	\$11,000.00	\$1,745.50
Resource Recovery Solutions Pty Ltd (ACN 128 285 263)	s.23F, s.19(1), s.19A(2) and s.3A(3)(b)(i)	As a client of a labour hire company, failed to provide and maintain a working environment in which a worker was not exposed to hazards, and by that failure caused the death of that worker.	\$85,000.00	\$2,488.50
Shire of Waroona	s.22(1)(a), s.22A(2) and s.3A(3)(b)(i)	As a person in control, failed to take measures to ensure that the workplace was such that persons at the workplace were not exposed to hazards, and by that failure caused the death of a person.	\$110,000.00	\$8,336.30
Taylor Leslie	s.20(1)(b) s.20A(2) and s.20A(2)(c)	As an employee, failed to take reasonable care to avoid adversely affecting the safety or health of any other person through any act of omission at work and by that failure caused the death of another person.	\$9,500.00	\$12,052.75
The Pilbara Infrastructure Pty Ltd (ACN 103 096 340)	s.21(2)(a)(i), s.21A(3) and s.3A(2)(b)(i)	As an employer, failed to ensure that the safety of a person, not being its employee, was not adversely affected wholly or in part as a result of work that had been or was being undertaken by its employee, and by that contravention caused serious harm to another person.	\$50,000.00	\$145,000.00

## Name:

defendant/parties	Legislation	Offence	Fine	Costs
[Name Withheld]	s.20(1)(b) s.20A(2) and s.20A(2)(c)	As an employee, failed to take reasonable care to avoid adversely affecting the safety or health of any other person through any act or omission at work, and by that failure caused serious harm to such a person.	\$6,000.00 and Spent conviction granted	\$400.20
Occupational Safety and Health Regulations 1996				
Cleveland Freightlines Pty Ltd (ACN 007 853 465)	r.3.134(1) and r.1.16(2)(b)(ii) r.3.131(1)(a), r.3.132(2)(a) and r.1.16(2)(b)(ii)	Charges 1 – 9 Failed to ensure that a record was established and kept current in respect of work time, breaks from driving and non-work time of each commercial vehicle driver who is required to drive a commercial vehicle that forms whole or part of the workplace in accordance with the regulation.  Charges 10 – 15 Failed to ensure that a commercial vehicle driver who was required to drive a commercial vehicle that formed whole or part of a workplace (without a relief driver) drove that vehicle in accordance with the regulations.	\$27,000.00 Global fine	\$1,355.60

## Name:

defendant/parties	Legislation	Offence	Fine	Costs
Prominent Nominees Pty Ltd (ACN 100 411 916)	r.3.131(1)(a), r.3.132(2)(a) and r.1.16(2)(b)(i) r.3.131(i)(b) and r.1.16(2)(b)(i) r.3.134(1) and r.1.16(2)(b)(i)	Charges 1-9, 12, 14-21 Failed to ensure that a commercial vehicle driver who was required to drive a commercial vehicle that formed whole or part of a workplace (without a relief driver) drove that vehicle in accordance with the regulations.  Charge 10 Failed to ensure that a commercial vehicle driver who was required to drive a commercial vehicle that formed the whole or part of the workplace, was certified by a medical practitioner as fit to drive that vehicle.  Charge 11 and 13 Failed to ensure that a record was established and kept current in respect of work time, breaks from driving and non-work time of each commercial vehicle driver who is required to drive a commercial vehicle that forms whole or part of the workplace in accordance with the regulation.	\$15,000.00 Global fine	\$867.50

## Name:

defendant/parties	Legislation	Offence	Fine	Costs
Sully Kenneth William	r.6.20(2)(b) r.6.20(2)(c) and r.1.15(2)(a)	Charges 1 – 3 Being a high risk work assessor, issued a notice of satisfactory assessment in respect of a person's performance of high risk work of a particular class without having assessed that person's competency in accordance with the approved assessment instrument for work of that class.  Charge 4-7 Being a high risk work assessor, issued a notice of satisfactory assessment in respect of a person's performance of high risk work of a particular class without having regard to the results of the assessment, being satisfied that the person is competent to do work of that class.	\$14,000.00  Total fine (\$2,000.00 per charge)	\$105.60

**Table 64: Court of Appeal proceedings for WorkSafe Division in 2016–2017**

## Name:

defendant/parties	Legislation	Offence	Fine	Costs
Cleveland Freightlines Pty Ltd (ACN 007 853 465)	r.3.134(1) and r.1.16(2)(b)(ii) r.3.131(1)(a), r.3.132(2)(a) and r.1.16(2)(b)(ii)	Appeal against sentence	Currently before the Supreme Court of Western Australia	

## Other Legal work

### Subpoena to Produce

WorkSafe received 24 subpoenas to produce documents to the District Court of Western Australia in relation to workplace incidents/accidents.

### Coronial Liaison

During 2016–17 WorkSafe notified the Coroner of 10 commenced investigations into workplace fatalities and 13 investigations completed. WorkSafe received three requests for documents from the Coroner in relation to workplace fatalities.

### Administrative Assessor Hearings

In accordance with regulations 6.28 or 6.29 of the Occupational Safety and Health Regulations 1996 the WorkSafe Western Australia Commissioner can hold a hearing into the basis of allegations of a HWRL Registered Assessor breaching the Occupational Safety and Health Regulations 1996 to determine whether a registration of an assessor should be suspended or cancelled. For the purposes of Tables 65 to 70, the 'Commissioner' referred to is the WorkSafe Western Australian Commissioner.

**Table 65: Assessor Hearings for WorkSafe Division in 2016–2017**

Name: defendant/parties	Legislation	Nature	Outcome
Kenneth William Sully	r.6.20(2)(b)	HWRL Assessor registration Classes CO, C6, RB and DG	Registration cancelled
Terence Haines	r.6.20(2)(b) and r.6.20(2)(c)	HWRL Assessor registration classes LF, C2 and SA	Suspended for 3 months

### Reviews of notices issued by WorkSafe inspectors

The WorkSafe Division co-ordinates and supports the Commissioner's review of notices issued by WorkSafe inspectors under the OSH Act and undertakes consideration of applications for exemptions under the Regulations.

WorkSafe inspectors issue improvement notices to persons who may be contravening the OSH Act and Regulations. An improvement notice tells the recipient they may be committing an offence, identifies the offence, and sets a time by when the contravention must be stopped. WorkSafe inspectors can also issue prohibition notices to persons who may be involved in an activity that involves a risk of imminent and serious harm or injury to a person. A prohibition notice tells the recipient that they must immediately stop the activity.

A request for a review of an improvement notice can be lodged with the Commissioner before the deadline for compliance specified in the notice. A request for a review of a prohibition notice can be lodged with the Commissioner within seven days of the issue of the notice (or such further time as may be allowed by the Commissioner).

Improvement notices are suspended while they are being reviewed by the Commissioner, but prohibition notices remain in force. After considering a request for a review of a notice, the Commissioner can affirm, modify or cancel the notice. An applicant who is not satisfied with the decision of the Commissioner may refer the matter to the Occupational Safety and Health Tribunal for further review (Section 51A of the OSH Act). The decision of the Tribunal may be further appealed.

During 2016–17, in accordance with section 51 of the OSH Act, 565 notices were reviewed by the Commissioner. Review outcomes are detailed in Tables 66 and 69.

<i>Overview</i>	<i>Agency performance</i>	<i>Significant issues impacting the agency</i>	<i>Disclosures and legal compliance</i>	<i>Appendices</i>

**Table 66: Review of improvement notices for the WorkSafe Division in 2016–17**

Outcome	Number
Affirmed	6
Affirmed with time extended	471
Affirmed, modified and time extended	9
Notice cancelled by Commissioner	31
Review request withdrawn	6
Compliance effected on time and while under review	9
Received too late for review	30
Occupational Safety and Health Tribunal affirmed and time extended	0
Occupational Safety and Health Tribunal withdrawn by client	0
<b>Total processed from 1 July 2016 to 30 June 2017</b>	<b>562</b>

**Table 67: Review of prohibition notices for the WorkSafe Division in 2016–17**

Outcome	Number
Notice cancelled by Commissioner	2
Review request withdrawn	1
<b>Total processed from 1 July 2016 to 30 June 2017</b>	<b>3</b>

**Table 68: Review of improvement notices for the WorkSafe Division 2012–13 to 2016–17**

Year	Improvement notices issued	Improvement notice reviews processed	Percentage (%)
2012–13	11,972	738	6.2
2013–14	12,585	784	6.2
2014–15	12,044	778	6.5
2015–16	11,897	543	4.6
2016–17	11,352	562	5.0

**Table 69: Review of prohibition notices for the WorkSafe Division 2012–13 to 2016–17**

Year	Prohibition notices issued	Prohibition notices reviews processed	Percentage (%)
2012–13	552	6	1.1
2013–14	550	6	1.1
2014–15	427	4	0.9
2015–16	279	12	4.3
2016–17	278	3	1.1

## Exemption from Regulations

The Commissioner may exempt a person from compliance with the Occupational Safety and Health Regulations 1996. During the financial year the Commissioner received 78 applications for an exemption, two requests for modifications on a previous exemption granted and granted 54 exemptions. Two decisions of the Commissioner are being appealed in the Occupational Safety and Health Tribunal.

## Occupational Safety and Health Tribunal

During 2016–17, four new applications for a further review of a decision of the Commissioner were lodged with the Occupational Safety and Health Tribunal (under section 51A of the *Occupational Safety and Health Act 1984*).

**Table 70: Proceedings before the Occupational Safety and Health Tribunal 2016–17**

OSHT Number	Name/Applicant	Decision type	Outcome
OSHT 5 of 2016	Exhaust Control Industries Pty Ltd	Decision to deregister plant design.	Decision substituted by registration with conditions and exemptions granted
OSHT 2 of 2017	Hanssen Pty Ltd	Decision to not grant an exemption from the OSH regulations.	Currently before the Tribunal
OSHT 4 of 2017	Mercor Group Pty Ltd	Decision to not cancel an improvement notice.	Currently before the Tribunal
OSHT 5 of 2017	Hanssen Pty Ltd	Decision to not grant an exemption from the OSH regulations and not cancel an improvement notice.	Currently before the Tribunal

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

### Consumer Protection

For the purposes of Consumer Protection committees (Table 71), Government members who are ineligible for remuneration will be referred to as 'ineligible' and members who did not apply for sitting fees will be referred to as 'did not apply'.

**Table 71: Functions of the Consumer Protection committees in 2016–17**

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.				
Position	Name	Type of remuneration	Period of membership	Gross remuneration
Chair	Ms Pauline Logan	per meeting	12 months	\$4,440
Member	Mr Errol James	per meeting	12 months	\$2,500
Member	Mrs Annette Frazer	per meeting	12 months	\$3,000
Member	Dr Helen Grzyb	per meeting	12 months	\$3,000
Member	Mr David Craig	per meeting	12 months	\$2,750
				<b>Total: \$15,690</b>
Consumer Advisory Committee				
Legislation: <i>Fair Trading Act 2010</i> (Section 63I)				
Principal functions: To advise the Minister and the Commissioner for Consumer Protection on:				
(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 for Consumer Protection.				
Position	Name	Type of remuneration	Period of membership	Gross remuneration
Chair	Ms Judy McGowan	per meeting	6 months	\$1,140
Member	Professor Eileen Webb	per meeting	12 months	\$250
Member	Mr Scott Phillips	per meeting	12 months	\$750
Member	Ms Bronwyn Kitching	per meeting	12 months	\$750
Member	Ms Sandra Brown	did not attend any meetings	6 months	\$0
Member	Ms Margaret Nadebaum	per meeting	6 months	\$500
Member	Mr Andre Shannon	per meeting	6 months	\$500
Ex-Officio	Mr David Hillyard	ineligible	12 months	\$0
				<b>Total: \$3,890</b>

**Motor Vehicle Industry Advisory Committee****Legislation:** *Fair Trading Act 2010* (Section 63E)**Principal functions:** To advise the Minister and the Commissioner for Consumer Protection on:

- (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.

Position	Name	Type of remuneration	Period of membership	Gross remuneration
Chair	Ms Anne Driscoll	ineligible	11 months	\$0
Member	Mr Stephen Moir	did not apply	12 months	\$0
Member	Mr Anthony Carter	did not apply	12 months	\$0
Member	Mr David Dye	did not apply	12 months	\$0
Member	Mr Patrick Browne	did not apply	12 months	\$0
Member	Mr Michael Wilkinson	did not apply	8 months	\$0
Member	Mr Patrick Walker	did not apply	12 months	\$0
Member	Mr Peter Hayter	did not apply	8 months	\$0
Ex-Officio	Mr David Hillyard	ineligible	12 months	\$0
				<b>Total: \$0</b>

### Property Industry Advisory Committee

**Legislation:** *Fair Trading Act 2010* (Section 63A)

**Principal functions:** The Property Industry Advisory Committee provides advice to the Minister and Commissioner for Consumer Protection on the regulation of licensed property occupations in Western Australia. In addition, the Committee also advises the Minister and Commissioner on the provision of education, information and advice to consumers and to the real estate, settlement and land valuation industries in Western Australia and on any matter referred to the Committee by the Minister or Commissioner.

Position	Name	Type of remuneration	Period of membership	Gross remuneration
Chair	Ms Anne Driscoll	ineligible	11 months	\$0
Member	Mr Neville Pozzi	did not apply	12 months	\$0
Member	Mr Dion Dosualdo	did not apply	12 months	\$0
Member	Ms Ida Smithwick	did not apply	12 months	\$0
Member	Mr Todd Schaffer	did not apply	12 months	\$0
Member	Mr Patrick Lilburne	did not apply	12 months	\$0
Member	Mr Bradley Potter	did not apply	12 months	\$0
Member	Mr Hayden Groves	did not apply	12 months	\$0
Member	Ms Francie Andrews	did not apply	8 months	\$0
Ex-Officio	Mr David Hillyard	ineligible	12 months	\$0
				<b>Total: \$0</b>

## Building Commission

**Table 72: Functions of the Building Commission boards in 2016–17**

Building Services Board				
<b>Legislation:</b> <i>Building Act 2011, Building Services (Complaint Resolution and Administration) Act 2011, Building Services (Registration) Act 2011.</i>				
<b>Principal functions:</b> Registration of builders, painters and building surveyors in the Board's area of jurisdiction.				
<b>Other:</b> Advise the Minister and the Building Commissioner on matters to which the <i>Building Services (Registration) Act 2011</i> applies.				
<b>Source of funding:</b> Building Services Account.				
<b>Annual Report:</b> No, reported in the department's annual report				
<b>Management of funds:</b> No.				
<b>Investigations:</b> No.				
<b>Employment of employees:</b> The Board does not engage employees. Employees of the department support this Board.				
<b>Number of licences regulated:</b> 10,493 Builders, 5,049 Painters and 518 Building Surveyors				
Position	Name	Type of remuneration	Period of membership	Gross remuneration
Chair	Mr Steven Carulli	annual	12 months	\$9,763
Deputy Chair	Mr Helmut Schwanke	annual	12 months	\$7,166
Member	Ms Genevieve Cleary	annual	12 months	\$4,431
Member	Mr Mark Donnelly	annual	12 months	\$4,091
Member	Mr Laurence Kruize	annual	12 months	\$6,408
Member	Mr Jack Mast	annual	12 months	\$5,910
Member	Ms Joanne Motteram	annual	12 months	\$6,083
Member	Ms Faye Stewart	annual	12 months	\$5,910
Member	Mr Graham Teede	annual	12 months	\$6,423
				<b>Total: \$56,185</b>

### Plumbers Licensing Board

**Legislation:** *Plumbers Licensing Act 1995*, Part 5A.

**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:** Building Services Account.

**Annual Report:** No, reported in the department's annual report.

**Management of funds:** No.

**Investigations:** Yes.

**Employment of employees:** The Board does not engage employees. Employees of the department support this Board.

**Number of licences regulated:** 3,577 licensed plumbing contractors, 3,673 tradespersons, 99 restricted plumbing permit holders and 32 provisional tradesperson licences (drainage plumbing)

Position	Name	Type of remuneration	Period of membership	Gross remuneration
Chair	Mr Howard Croxon	annual	12 months	\$8,479
Deputy Chair	Mr Richard Schwenke	annual	12 months	\$4,344
Deputy Chair	Mr Brian Bintley	annual	12 months	\$5,095
Member	Mr Robert Goodchild	annual	12 months	\$4,331
Member	Mr Clinton Holborn	annual	12 months	\$4,484
Member	Ms Sonia McKeiver	annual	12 months	\$4,629
Member	Mr Michael Wynne	annual	12 months	\$4,318
				<b>Total: \$35,680</b>

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* (Arch Act). However, the Department of Commerce provides policy advice to the Minister for Commerce to assist in the administration of this Act. More information about the operation of the Architects' Board can be obtained from: [www.architectsboard.org.au](http://www.architectsboard.org.au)

## EnergySafety

For the purposes of EnergySafety boards and committees (Table 73), Government members who are ineligible for remuneration will be referred to as 'ineligible'.

**Table 73: Functions of the EnergySafety boards and committees in 2016–17**

Electrical Licensing Board				
<b>Legislation:</b> Electricity (Licensing) Regulations 1991.				
<b>Principal functions:</b> Licensing of electrical contractors and workers.				
<b>Other:</b> General advice to the Minister and Director of Energy Safety on the training and licensing of electrical contractors and workers.				
<b>Source of funding:</b> Department of Commerce, EnergySafety Division budget (licence fees)				
<b>Annual Report:</b> No.				
<b>Management of funds:</b> No.				
<b>Investigations:</b> 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 EnergySafety Division.				
<b>Employment of employees:</b> The Board does not engage employees.				
<b>Number of licences regulated:</b> 54,219 electrical operatives				
Position	Name	Type of remuneration	Period of membership	Gross remuneration
Chair	Mr Kevan McGill	per meeting	12 months	\$6,930
Member	Mr Greg Wilton	per meeting	10 months	\$2,200
Member	Mr Geoff Kelly	per meeting	12 months	\$3,300
Member	Mr Peter Beveridge	per meeting	12 months	\$3,080
Member	Mr Patrick Tierney	per meeting	12 months	\$3,300
Member	Mr Momcilo Andric	per meeting	12 months	\$2,640
Member	Mr Frank Hough, JP	per meeting	12 months	\$3,520
Member	Mr Sajjid Abdoolakhan	ineligible	12 months	N/A
				<b>Total: \$24,970</b>

### Gas Licensing Committee

**Legislation:** Gas Standards Act 1972

**Principal functions:** To make recommendations to the Director of Energy Safety on competence of applicants for, and holders of, gas fitting permits and authorisations. To make recommendations on retraining and other restrictions and warnings.

Position	Name	Type of remuneration	Period of membership	Gross remuneration
Chair	Mr Peter Stewart	ineligible	12 months	\$0
Member	Mr David Robertson	ineligible	12 months	\$0
Member	Mr Kevin Hooper	ineligible	12 months	\$0
				<b>Total: \$0</b>

## WorkSafe

For the purposes of WorkSafe commissions and committees (Table 74), Government members who are ineligible for remuneration will be referred to as 'ineligible', members who did not apply for sitting fees will be referred to as 'did not apply', and union representatives who do not accept individual payments will be referred to as 'union'.

**Table 74: Functions of the WorkSafe commissions and committees in 2016–17**

### Commission for Occupational Safety and Health

**Legislation:** *Occupational Safety and Health Act 1984*

**Principal functions:** 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:

- to inquire into and report to the Minister upon any matters referred to it by the Minister;
- to make recommendations to the Minister with respect to this Act;
- to develop and review the occupational safety and health legislation and associated standards and make recommendations to the Minister;
- to examine, review and make recommendations to the Minister in relation to existing and proposed registration or licensing schemes relating to occupational safety and health; and
- to provide advice to and cooperate with government departments, public authorities, unions, employer organisations and other interested parties.

**Commission advisory committees and working parties operational during the year were:**

- Construction Industry Safety Advisory Committee
- WorkSafe Awards Judging Panel 2016
- Legislation Advisory Committee
- Focus Areas Party(s)

Further information is provided in the Commission's annual report.

**Source of funding:** Department of Commerce, WorkSafe Division budget

**Annual Report:** Yes [www.commerce.wa.gov.au](http://www.commerce.wa.gov.au)

**Management of funds:** No. Managed as part of the divisional budget.

**Investigations:** No.

**Employment of employees:** The Commission does not engage employees. Employees of the department support the Commission.

**Number of entities regulated:** All Western Australian workplaces except those regulated under the *Mines Safety and Inspection Act 1994* or Commonwealth legislation.

## Commission for Occupational Safety and Health cont.

Position	Name	Type of remuneration	Period of membership	Gross remuneration
Chair	Mr George Allingame	annual	1 July 2016 – 6 June 2017	\$21,749
	Ms Stephanie Mayman		7 June onwards	\$0
Deputy Chair	Ms Anne Driscoll	ineligible	12 months	\$0
Member	Mr Lex McCulloch	ineligible	12 months	\$0
Member	Mr Simon Ridge	ineligible	12 months	\$0
Member	Ms Andrea Roelofs	per meeting	12 months	\$3,456
Member	Ms Joy Barrett	union	12 months	\$0
Member	Dr Matthew Davies	per meeting	12 months	\$3,072
Member	Mr Owen Whittle	union	12 months	\$0
Member	Mr Michael Zoetbrood	union	12 months	\$0
Member	Dr Barry Chesson	per meeting	12 months	\$3,072
Member	Ms Nicole Roocke	per meeting	12 months	\$3,072
Member	Dr Michael Lucas	per meeting	9 months	\$2,688
Member	Ms Jennifer Low	per meeting	8 months	\$2,304
				<b>Total: \$39,413</b>

Remuneration for the Commission for Occupational Safety and Health (the Commission) is set by the Minister for Commerce and Industrial Relations on the recommendation of the Public Sector Commissioner.

## Sub-committees of the Commission for Occupational Safety and Health

Construction Industry Safety Advisory Committee				
Position	Name	Type of remuneration	Period of membership	Remuneration ex-GST
Chair	WorkSafe Western Australia Commissioner	ineligible	12 months	\$0
Member	Representative from WorkSafe	ineligible	12 months	\$0
Member	Representative from WorkSafe	ineligible	12 months	\$0
Member	Representative from Construction, Forestry, Mining and Energy Union	per meeting	12 months	\$1,452
Member	Representative from Chamber of Commerce and Industry of Western Australia	per meeting	12 months	\$726
Member	Representative from Master Builders Association of Western Australia	did not apply	12 months	\$0
Member	Representative from Housing Industry Australia	did not apply	12 months	\$0
Member	Representative from UnionsWA	per meeting	12 months	\$968
Member	Representative from Australian Manufacturing Workers' Union	per meeting	12 months	\$1,452
Member	Representative from Master Builders Association of Western Australia	did not apply	1 month	\$0
				<b>Total: \$4,598</b>

Legislation Advisory<sup>(1)</sup>

Position	Name	Type of remuneration	Period of membership	Remuneration ex-GST
Chair	Department of Commerce	ineligible	12 months	\$0
Member	Representative from WorkSafe	ineligible	12 months	\$0
Member	Representative from WorkSafe	ineligible	12 months	\$0
Member	Representative from Department of Mines and Petroleum	ineligible	12 months	\$0
Member	Representative from Construction, Forestry, Mining and Energy Union	per meeting	12 months	\$0
Member	Representative from UnionsWA	per meeting	12 months	\$0
Member	Representative from Chamber of Minerals and Energy of Western Australia	per meeting	12 months	\$0
Member	Representative from Chamber of Commerce and Industry of Western Australia	per meeting	12 months	\$0
				<b>Total: \$0</b>

**Note:**

(1) The Legislation Advisory Committee did not meet over the reporting period and therefore no remuneration was paid.

## Focus Areas Working Party(s)

Position	Name	Type of remuneration	Period of membership	Remuneration ex-GST
Chair	WorkSafe Commissioner	Ineligible	12 months	\$0
Member	Representative from WorkSafe	Ineligible	12 months	\$0
Member	Representative from Department of Fisheries	Ineligible	12 months	\$0
Member	Representative from Chamber of Minerals and Energy of Western Australia	per meeting	12 months	\$968
Member	Representative from Chamber of Commerce and Industry of Western Australia	per meeting	12 months	\$1,452
Member	Representative from UnionsWA	per meeting	12 months	\$1,210
Member	Representative from UnionsWA	per meeting	12 months	\$484
Member	Dr Matthew Davies	per meeting	12 months	\$484
Member	Dr Barry Chesson	per meeting	12 months	\$484
Member	Representative from Maritime Union of Australia	per meeting	12 months	\$968
				<b>Total: \$6,050</b>

### Mining Industry Advisory Committee (MIAC)

**Principal functions:** The MIAC, under section 14A of the *Occupational Safety and Health Act 1984* (OSH Act) is a subcommittee of the Commission for Occupational Safety and Health (Commission) and is required to:

- advise and make recommendations to the Ministers responsible for occupational safety and health (OSH) in Western Australia and the Commission on OSH matters concerning the mining industry;
- liaise with the Commission to coordinate activities on related functions and maintain parallel standards;
- inquire into and report to the Ministers regarding any matter referred to it by the Ministers relating to OSH in the mining industry;
- make recommendations to the Minister for Mines and Petroleum regarding the formulation, amendment or repeal of laws relating to OSH for which that Minister is responsible
- prepare or recommend the adoption of codes of practice, guidelines, standards and specifications or other forms of guidance for the purpose of assisting employers, self-employed persons, employees, manufacturers or other persons to maintain appropriate OSH standards in the mining industry; and
- provide advice on education, publications, training and training courses with respect to OSH in the mining industry.

Position	Name	Type of remuneration	Period of membership	Remuneration ex-GST <sup>(1)</sup>
Chair	Mr Simon Ridge	ineligible	12 months	\$0
Member	Mr Andrew Chaplyn	ineligible	12 months	\$0
Member	Mr Simon Bennison	did not apply	12 months	\$0
Member	Mr Christopher Davis	did not apply	12 months	\$0
Member	Ms Adrienne Labombard	did not apply	12 months	\$0
Member	Ms Peta Libby	did not apply	12 months	\$0
Member	Mr Glenn McLaren	did not apply	12 months	\$0
Member	Mr Stephen Price <sup>(2)</sup>	did not apply	9 months - Resigned.	\$0
	Mr Mike Zoetbrood		4 months	
Member	Mr Martin Ralph <sup>(3)</sup>	did not apply	8 months - Resigned	\$0
Member	Mr Greg Stagbouer	did not apply	12 months	\$0
Member	Mr Gary Wood	did not apply	12 months	\$0
Member	Mr Adrian Vujcic	did not apply	12 months	\$0
				<b>Total: \$0</b>

#### Notes:

(1) During the 2016–2017 reporting period no members claimed sitting fees.

(2) Mr Stephen Price resigned in March 2017 and was replaced by Mr Mike Zoetbrood. Mr Zoetbrood was formally appointed by the Minister in August 2017.

(3) During the reporting period Mr Martin Ralph resigned from MIAC in February 2017.

**WorkSafe Awards Judging Panel 2016**

**Principal functions:** To judge the 2016 WorkSafe Awards. Established as a departmental committee.

Position	Name	Type of remuneration	Period of membership	Remuneration ex-GST
Member	Mr Ian Foot WorkSafe	ineligible	12 months	\$0
Member	Mr Lex McCulloch WorkSafe	ineligible	12 months	\$0
Member	Ms Andrea Roelofs Chamber of Commerce and Industry of Western Australia	did not apply	12 months	\$0
Member	Mr Owen Whittle UnionsWA	did not apply	12 months	\$0
				<b>Total: \$0</b>

The WorkSafe Awards judging panel is reconvened annually. While some members may have served on this panel in previous years, the period of membership listed above is for the most recent panel.

## Labour Relations and Industry Development committees and councils

For the purposes of Labour Relations and Industry Development committees and councils (Table 75), Government members who are ineligible for remuneration will be referred to as 'ineligible'.

**Table 75: Functions of the Labour Relations and Industry Development committees and council in 2016–17**

Australian Marine Complex Overarching Committee				
Principal functions: Assist in coordinating interagency management.				
Position	Name	Type of remuneration	Period of membership	Remuneration ex-GST
Chair	Ms Anne Driscoll	ineligible	12 months	\$0
Member	Ms Kristin Berger	ineligible	12 months	\$0
Member	Mr John O'Hare	ineligible	12 months	\$0
Member	Mr Andrew Griggs	ineligible	12 months	\$0
Member	Mr Frank Marra LandCorp	ineligible	12 months	\$0
Member	Mr John Hackett LandCorp	ineligible	12 months	\$0
Member	Mr Mark Pasalich LandCorp	ineligible	12 months	\$0
Member	Mr Mark Cornish LandCorp	ineligible	12 months	\$0
Member	Mr Mike Bailey AMC Management	N/A	12 months	\$0
Member	Mr Jonathan Smith AMC Management	N/A	12 months	\$0
				<b>Total: \$0</b>


Browse Local Content Steering Committee				
Principal functions: Reviews local content outcomes from the Woodside operated Browse Project.				
Position	Name	Type of remuneration	Period of membership	Remuneration ex-GST
Chair	Mr John O'Hare, Department of Commerce	ineligible	12 months	\$0
Deputy Chair	Mr Peter Cox, Department of Commerce	ineligible	12 months	\$0
Member	Ms Megan Chinnery, Department of Commerce	ineligible	12 months	\$0
Member	Ms Melissa Smith, Chevron	N/A	12 months	\$0
Member	Mr Bill Sashegyi, Chevron	N/A	12 months	\$0
Member	Mr Richard Swarbrick, Department of Industry, Innovation and Science (Federal)	N/A	12 months	\$0
Member	Mr Christopher Cottam, Department of State Development	ineligible	12 months	\$0
Member	Ms Eliza Ryan, Department of State Development	ineligible	12 months	\$0
				Total: \$0

**Western Australian Technology and Industry Advisory Council (Council)**

**Principal functions:** The Council, under section 21 of the *Industry and Technology Development Act 1998*, is required to:

- provide advice to the Minister, at the initiative of the Council or at the request of the Minister, on any matter relating to the objects of the Act; and
- carry out, collaborate in or procure research, studies or investigations on any matter relating to the objects of the Act, including the:
  - (i) role of industry, science and technology in the policies of government;
  - (ii) social and economic impact of industrial and technological change;
  - (iii) employment and training needs and opportunities relating to industrial, scientific and technological activities in the State;
  - (iv) adequacy of, priorities among and co-ordination of, scientific, industrial and technological activities in the State;
  - (v) methods of stimulating desirable industrial and technological advances in the State;
  - (vi) application of industrial, scientific and technological advances to the services of the Government; and
  - (vii) promotion of public awareness and understanding of development in industry, science and technology.

**Other:** Under section 26(1) of the *Industry and Technology Development Act 1998*, the Council must, in each year, prepare and give to the Minister a report on its operations and proceedings for the previous financial year.

Position	Name	Type of remuneration	Period of membership	Gross remuneration
Chair	Mr Alan Bansemer	Annual	12 months	\$40,000.00
Member	Mr Andy Farrant	Sitting fees (\$660 per meeting)	12 months	\$3,960.00
Member	Mr Jim Ross	Sitting fees (\$660 per meeting)	6 months (resigned 31 Dec 2016)	\$1,320.00
Member	Mr Shaun Collin	Sitting fees (\$660 per meeting)	12 months	\$3,960.00
Member	Ms Lyn Beazley	Sitting Fees (\$660 per meeting)	12 months	\$3,960.00
Member	Mr Barry Marshall	ineligible	12 months	\$0
Member	Ms Anne Driscoll/ Mr Lex McCulloch	ineligible	12 months	\$0
				<b>Total: \$53,200</b>

**Wheatstone Local Content Steering Committee**

**Principal functions:** To monitor and report local content participation and outcomes generated through the construction and operational phases of the Chevron Wheatstone Project.

To assist in identifying potential opportunities for locally based businesses arising from the Project and also barriers to their participation.

To review procurement activities and assist the Project in maximising the level of local content.

To identify opportunities to publicise and promote the benefits of the Project's sourcing decisions, and where necessary, to provide advice to the State of possible issues which may generate adverse reactions.

**Other:** N/A

**Source of funding:** N/A

**Annual Report:** N/A.

**Management of funds:** N/A

**Investigations:** N/A

**Employment of employees:** 0

**Number of licences regulated:** N/A

## Appendix 5: Annual Report feedback

### The Department of Commerce welcomes your feedback on the 2016–17 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 (please tick in the relevant box to indicate your rating):

	Excellent	Good	Average	Poor	Very Poor
Information/content	1	2	3	4	5
Layout of information	1	2	3	4	5
Ease of finding information	1	2	3	4	5
Readability	1	2	3	4	5
Ease of comprehension	1	2	3	4	5

3. Overall, how do you rate this Annual Report?

☐ Excellent   ☐ Good   ☐ Satisfactory   ☐ Poor

4. In your opinion, how could our next Annual Report be improved?

5. General comments:

6. For what purpose did you read or refer to the 2016–17 Annual Report?

- ☐ Background information on the department.  
☐ Information on the department's performance in 2016–17.  
☐ Information on the future direction of the department.  
☐ Information on the employees and management of the department.  
☐ Other (please specify).

**Thank you for participating in the survey.**

**Please return completed form to:**

Policy, Planning and Performance, Department of Mines, Industry Regulation and Safety  
 Locked Bag 14 CLOISTERS SQUARE WA 6850  
 This form is also available on the department's internet site at [www.dmirs.wa.gov.au](http://www.dmirs.wa.gov.au)

**Building Commission Division**

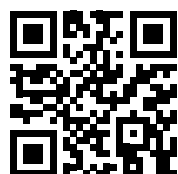
Telephone ..... 1300 489 099  
Email ..... bcinfo@dmirs.wa.gov.au

**Consumer Protection Division**

Telephone ..... 1300 136 237  
..... (08) 6552 9596  
Advice Line ..... 1300 304 054  
Email ..... consumer@dmirs.wa.gov.au

**EnergySafety Division**

Telephone ..... (08) 6251 1900  
Email ..... energysafety@dmirs.wa.gov.au

**Labour Relations and Industry  
Development Division**

Telephone (Wageline) ..... 1300 655 266  
(Labour Relations)..... (08) 6251 2100  
(Industry Development) ..... (08) 9222 0555  
Email ..... labourrelations@dmirs.wa.gov.au  
Email ..... industry@jtsi.wa.gov.au

**WorkSafe Division**

Telephone ..... 1300 307 877  
..... (08) 6251 2200  
Email ..... safety@dmirs.wa.gov.au

**Regional offices**

Goldfields/Esperance..... (08) 9026 3250  
Great Southern ..... (08) 9842 8366  
Kimberley ..... (08) 9191 8400  
Mid-West..... (08) 9920 9800  
North-West..... (08) 9185 0900  
South-West ..... (08) 9722 2888

National Relay Service..... 13 36 77