

DEPARTMENT OF CONSUMER AND
EMPLOYMENT PROTECTION

Annual Report 2007-08

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STATEMENT OF COMPLIANCE



The Hon Troy Buswell MLA
Minister for Commerce

In accordance with Section 61(1) of the *Financial Management Act 2006*, I hereby submit for your information and presentation to Parliament the Annual Report of the Department of Consumer and Employment Protection (DOCEP) for the year ended 30 June 2008.

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

This report also fulfils my obligations pursuant to section 26 of the *Consumer Affairs Act 1971*, section 60(2) of the *Credit (Administration) Act 1984*, section 12A of the *Debt Collectors Licensing Act 1964*, section 33 of the *Electricity Act 1945*, section 10A of the *Employment Agents Act 1976*, Section 10 of the *Explosives and Dangerous Goods Act 1961*, section 13CA of the *Gas Standards Act 1972*, section 12(1) of the *Retirement Villages Act 1992*, section 58 of the *Travel Agents Act 1985* and section 59H(2) of the *Water Services Licensing Act 1995*.



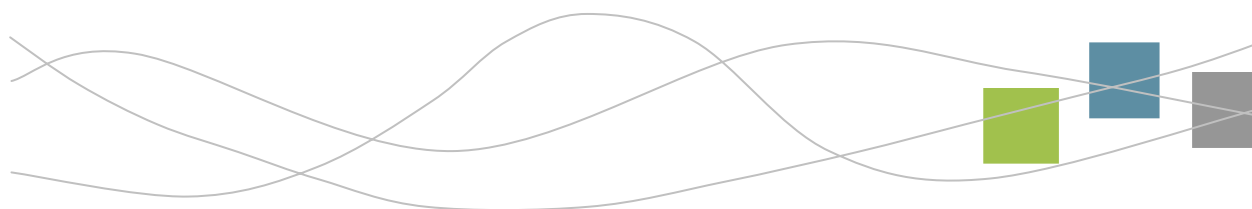
Brian Bradley
Accountable Authority

24 September 2008

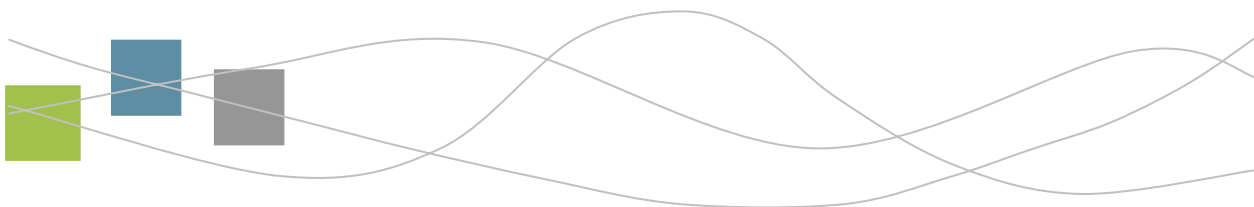


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GUIDE TO SECTIONS

DOCEP's 2007-08 Annual Report presents information on the statutory compliance, financial, non-financial and operational performance. The Annual Report is structured according to five sections in accordance with the requirements of the *Financial Management Act 2006*.

Overview

This section introduces you to the department with a review of the year including highlighting the broad strategic directions and priorities and noting key issues and achievements. It also details the department's role, services, authority, Ministerial arrangements, organisational structure, legislation administered and the outcome based management structure.

Agency Performance - Report on Operations

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

Significant Issues and Trends

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

Disclosures and Legal Compliance

This section contains the audited Financial Statements and Performance Indicator Report for the year ending 30 June 2008. The section also contains details of required disclosures and legal compliance obligations including financial and performance management, accountability, governance and reports required under specific legislation.

Appendices

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

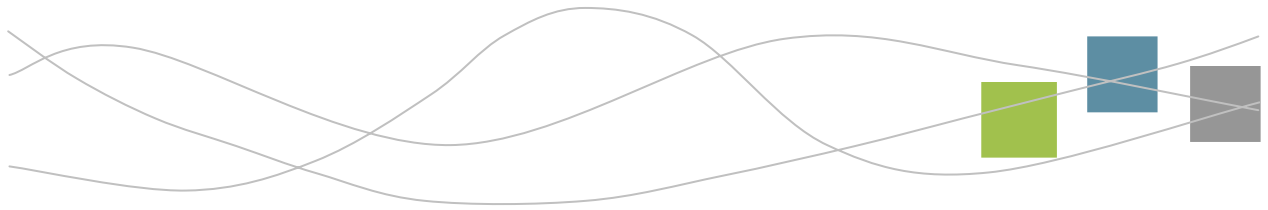
Within these sections, the operations of the department are presented according to the department's services detailed in the outcome based management structure. These services also correspond with the Ministerial portfolios of Consumer Protection and Employment Protection:

Consumer Protection

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

Safety and Employment Protection

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



OVERVIEW

This section introduces you to the department with a review of the year including highlighting the broad strategic directions and priorities and noting key issues and achievements.

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

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YEAR IN REVIEW

From the Director General



I am pleased to present the department's Annual Report for the year ending 30 June 2008.

In 2007-08, the department continued to support the Government in enhancing the lives of all members of the community, through creating an employment and trading environment that provides for the growth, safety and protection for all Western Australians.

We perform our role in a complex and dynamic environment that is characterised by continued growth of the Western Australian economy, a national policy agenda which aims to harmonise regulatory legislation across Australia, increasing levels of consumer debt and changing public and industry expectations about DOCEP's role and functions.

Looking back over the year, it has been productive and rewarding with key changes in legislation and a number of successful regulatory and educational programs.

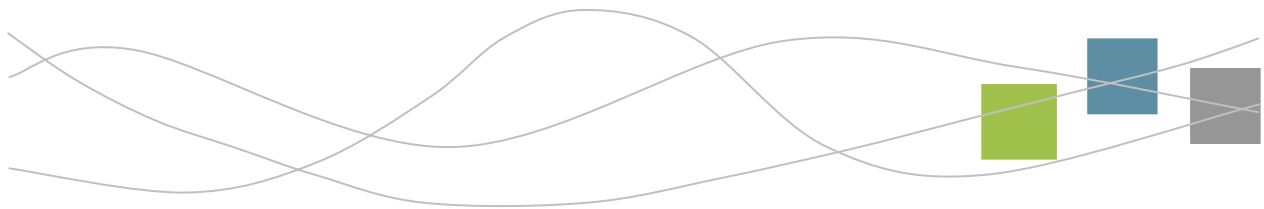
The consumer protection legislation was strengthened this year with the introduction of on-the-spot fines against misleading advertising and discount claims; changes to retirement village laws and residential park laws provided increased protection for residents; and consumers received greater protection against home construction delays and cost increases, following changes to the *Home Building Contracts Act 1991*.

A key role of DOCEP is to ensure compliance by various parties with regulatory and legislative requirements. During the year, the Consumer Protection Division successfully prosecuted a number of traders for various offences including harassment and coercion by a debt collector, misleading statements about price by a rug company and car hire company, unlicensed motor vehicle dealing, pyramid selling, fish substitution and breaches relating to fake leather jacket sales and maths tutoring. The department was also lead agency in coordinating a national *Uniform Consumer Credit Code* compliance program.

In addition, the Consumer Protection Division hosted the fifth National Consumer Congress which brought together a large number of parties, including key decision and policy makers from federal and state governments.

The EnergySafety Division conducted a series of free seminars across Western Australia for electrical industry personnel on major changes, and developed processes to respond to an increased demand for electrical and gas fitting licences as a result of an influx of interstate workers following the economic boom. The division also undertook a high-profile television advertising campaign aimed at reducing the number of electrical and gas related injuries and fatalities.

The Labour Relations Division worked to raise awareness of employers' and employees' rights and responsibilities. The division delivered a range of educational materials to workers and employers throughout the State, and focused its activities on important issues that influence workplace arrangements including pay equity, work-life balance, fathers at work and mature age employment. A specific focus also occurred in the area of vulnerable workers, young people, unfair dismissal, and Australian Workplace Agreements.



Another significant development during the year was the implementation of the *Dangerous Goods Safety Act 2004* and supporting regulations developed by the Resources Safety Division. This follows years of work by the division to reform the dangerous goods safety legislation comprehensively and included improvements to counter-terrorism controls, through tighter management of ammonium nitrate and explosives.

The community impact of injury and disease was the focus of the WorkSafe Division's successful 'Come Home Safe' campaign, which struck an emotional chord in the community with its fundamental principle - we all have the right to come home safe to our families at the end of the working day. Another significant milestone was achieved in August 2007 with the release of the *Code of practice: Occupational safety and health in the Western Australian public sector*. This code is Australia's first for a state public sector.

Preventing work-related injury and disease remained a mandate for the WorkSafe Division. During 2007-08, the division focused occupational safety and health compliance and proactive educational programs on nationally agreed priority industries and state priority areas. These included targeted education and enforcement drives in relation to guarding of machinery in manufacturing, prevention of falls in general construction and manual handling and slips and trips in hospitals.

DOCEP delivers a range of services to support regional growth through ensuring a safe work environment and protecting consumers, traders, workers and employers. The department works closely with key regional stakeholders and government agencies to achieve the best outcomes for all Western Australians.

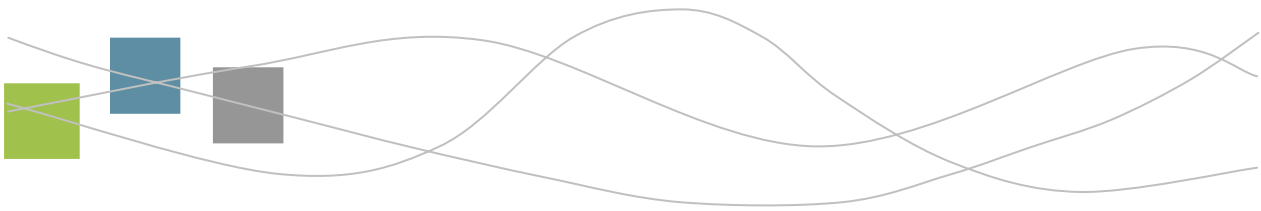
As well as maintaining delivery of key regional services, DOCEP undertook a number of programs over the year including conducting an extensive public consultation to assess the level and nature of problems associated with the practice of 'book-up', an informal credit system used by some retail traders in remote communities; delivering a proactive occupational safety and health compliance program throughout the Kimberley region; and developing a partnership project with selected remote Indigenous communities and registered training organisations, to promote work safety principles and practices using culturally appropriate training materials.

An effective corporate services function is essential to the success of any organisation and during the year DOCEP implemented a business continuity plan to prepare the department in the event of a major disruptive event, disaster or crisis; trialled a health and wellness pilot program; conducted a pay equity audit and implemented a revised performance review and development system.

One of the major challenges facing the department is attracting and retaining skilled, high calibre and motivated people. A number of initiatives were implemented or enhanced during the year including a pool recruitment program for level one and two positions, a mature age employment plan, phased retirement guidelines, and leadership programs.

The department's corporate governance function was strengthened with the development of a Reconciliation Action Plan designed to build, improve and develop positive relationships between Indigenous and non-Indigenous people and the Disability Access and Inclusion Plan 2007-2011 which ensures people with disabilities, their families and carers are able to access the department's range of services, information and facilities fully.

This year, a new look DOCEP internet service was launched which provides a consistent information structure and approach across divisions, enhanced search facility and improved accessibility and navigation.



Finally, congratulations to WorkSafe for receiving a prestigious Premier's Award for its ThinkSafe Small Business Assistance Program. The team behind the highly successful program has worked very hard since its launch in 2005 to develop, enhance and promote the program. As a result, more than 1,000 small businesses in Western Australia have received practical one-to-one advice on occupational safety and health management.

What has been achieved by the department this year is the result of the work of the staff. I thank them for their professionalism and commitment, which has been central to DOCEP's success in 2007-08. In this context, I would like to especially acknowledge the contribution and dedication of two Executive Directors, Patrick Walker and Susan Barrera, who left the department during the year. I wish them both all the best in their future endeavours and thank them for their contribution to the department.

Over the years, DOCEP has proven itself to be an adaptable, flexible organisation able to respond to new developments. The department will face some new and continuing challenges over the next year. As we think about the year ahead, these developments emphasise that enforcement, education and consultation with key partners are essential in strengthening legislation, ensuring regulatory compliance and changing behaviour. The department will also work closely with the Commonwealth and other states to respond to the national harmonisation agenda. We must also adequately invest in our leadership team and employees through development, training, recruitment and retention programs to ensure staff reach their full potential and to provide an ethical and sustainable organisation into the future.

I look forward to another year of achievement and continued improvement.

Brian Bradley
Director General



Our highlights

This section provides the department's highlights for the 2007-08 financial year.

Consumer Protection

Fifth National Consumer Congress

Consumer Protection convened and hosted the fifth National Consumer Congress during March 2008, with international speakers from China, Denmark, the European Union, New Zealand, Singapore, the United Kingdom and the United States of America and 244 local, national and international delegates.



The Congress brought together the key stakeholders in the Australian consumer protection framework, including federal and state government officials, consumer advocacy groups and business representatives, as well as interested members of the public. For the first time, the National Consumer Congress focussed on consumer protection issues in Asia and on sustainable consumption. Continuing benefits for Western Australia and Australia following the Congress have included establishing direct connections with the consumer movements and government organisations in Singapore, China and the European Union.

Successful prosecutions

Consumer Protection successfully prosecuted a diverse range of misconduct including undue harassment and coercion by a debt collector, misleading statements about price by a rug company and car hire company, unlicensed motor vehicle dealing, pyramid selling, fish substitution and breaches of the *Door to Door Trading Act 1987* relating to fake leather jacket sales and maths tutoring.

Review of the *Residential Tenancies Act 1987*

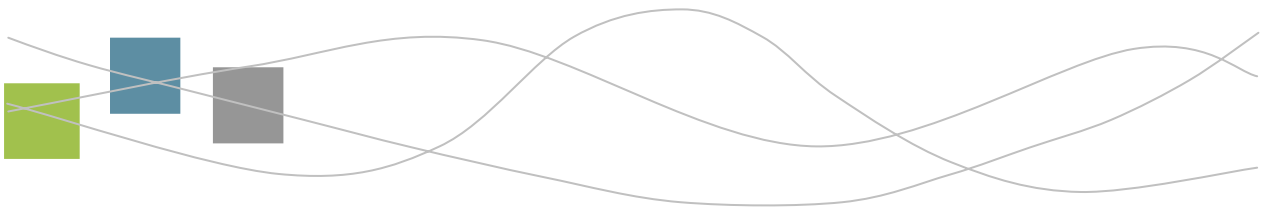
Consumer Protection finalised the review of the *Residential Tenancies Act 1987*.

Co-operatives Bill

The Co-operatives Bill 2007, which will completely modernise the law relating to co-operative companies in Western Australia, was introduced into Parliament in November 2007 and progressed to the Legislative Council in 2008, where its enactment was endorsed by the Uniform Legislation and Statutes Review Committee.

Proactive and routine inspections

Consumer Protection conducted 10,141 routine and proactive inspections to assess the extent to which traders comply with consumer protection legislation. This year, 93 per cent of traders inspected were found to comply with the regulatory requirements across a representative sample of Consumer Protection's legislative jurisdiction.



Residential parks legislation

The *Residential Parks (Long-Stay Tenants) Act 2006* commenced operation in August 2007, providing for the first time, specific protections for long term residents of residential parks and caravan parks. Consumer Protection has been closely monitoring the impact of the new legislation in the marketplace.

Motor vehicle repairers

Stage one of the implementation of the new regulatory regime for motor vehicle repairers in Western Australia, focussing on the obligations of tradespeople, was commenced, supported by state-wide industry information seminars. Supporting regulations for the implementation, focussing on business owners, were developed.

Information for seniors

Consumer Protection continued to address the needs of senior consumers as a priority. In conjunction with the Council on the Ageing, Consumer Protection developed *Smart choice: A consumer guide for Western Australians 50 +*, and a new information pack on reverse mortgages which was promoted through a series of community seminars.

Consumer protection for tourists

In recognition of the importance of tourism to the Western Australian economy, Consumer Protection applied a new focus to consumer protection issues for tourists, publishing and widely distributing a *Tourists' Guide to Consumer Protection* in five languages and participating as one of only four state consumer agencies on the new national Tourist Consumer Protection Working Group.

Consumer Credit Code compliance

Consumer Protection initiated and led a national project which audited compliance with the Consumer Credit Code by bank and non-bank lenders when issuing standard and lo-doc home loans.

FuelWatch



As petrol prices increased over the year, more consumers utilised the FuelWatch service to search for lower prices. The number of annual visitors to the FuelWatch internet site increased by 28 per cent to 2,571,721 and the number of email subscribers also increased by 20 per cent to 38,564.

'Book-up' practices

Consumer Protection undertook extensive public consultation to assess the level and nature of problems associated with the practice of 'book-up', an informal credit system used by some retail traders in remote communities.



Safety and Employment Protection

Electrical industry seminars

EnergySafety conducted a series of free seminars for electrical industry personnel across Western Australia, including many regional centres, to explain major changes to enforcement powers, changes to the Electricity (Licensing) Regulations 1991, the new edition of the Wiring Rules and the new edition of the WA Electrical Requirements. The new code for safe work practices for electricians was also covered.

Safety awareness campaign

EnergySafety conducted a safety awareness campaign aimed at reducing the number of electrical and gas fatalities. The campaign included television and radio advertisements.



Industrial relations bills

Three industrial relations Bills were developed to provide greater legislative protection for employees adversely affected by Work Choices. The legislation aims to strengthen employment protection for vulnerable workers including children and injured workers.

Successful prosecutions

Labour Relations successfully prosecuted a range of breaches of employment related legislation including the illegal employment of children and failure to pay state award and long service leave entitlements.

Dangerous Goods Safety Act 2004



Regulations covering explosives, dangerous goods transport, storage and handling, major hazard facilities, ports and security risk substances were gazetted on 31 December 2007, with proclamation in March 2008. Codes of practice covering fireworks, dangerous goods storage and handling, ammonium nitrate storage and underground storage tanks were introduced. The new *Dangerous Goods Safety Act 2004* stimulates higher levels of public and occupational safety and environmental protection by allowing industry to utilise a risk management approach and the flexibility of performance-based legislation.

Counter-terrorism measures for explosives and security risk substances implemented

The new regulations for explosives and security risk substances, effective from 1 March 2008, introduced requirements for dangerous goods security cards and security management systems as counter-terrorism measures. Tighter security controls, including background checks for individual licence holders and all persons with unsupervised access to explosives and ammonium nitrate will be phased in over a period of 12 months.



WorkSafe compliance activities

WorkSafe focused occupational safety and health compliance and proactive educational programs on nationally agreed priority industries and state priority areas. In implementing the priority approach, WorkSafe completed 9,975 general investigations, 12,237 priority inspection reports, issued more than 9,500 improvement notices and over 600 prohibition notices. During the year, there were 23 successful prosecutions.

National intervention campaigns

As part of a national intervention approach, WorkSafe participated in targeted occupational safety and health education and enforcement drives in relation to guarding of machinery in manufacturing, prevention of falls in general construction and manual handling and slips and trips in hospitals.

Public sector occupational safety, health and injury management

During the year, DOCEP developed Australia's first *Code of practice: Occupational safety and health in the Western Australian public sector*. The code of practice was successfully launched in August 2007 together with a Premier's Circular outlining new occupational safety, health and injury management annual reporting requirements for public sector agencies. Also coinciding with the completion of the code of practice was the launch of an internet site called: Safety, health and injury management for the Western Australian public sector (www.publicsectorsafety.wa.gov.au). The internet site provides an information gateway to encourage the development of a culture within the Western Australian public sector that supports workplaces free of work-related injuries and diseases.



(L-R) Brian Bradley, Director General and Tony Cooke, Chair, Commission for Occupational Safety and Health

Corporate

Pool recruitment strategy

In May 2007, DOCEP conducted its clerical pool recruitment day. The aim of this initiative is to establish a pool of suitable candidates who would subsequently be engaged for permanent or temporary full time, part time and casual vacancies within DOCEP. This strategy has continued to prove successful in reducing time delays in screening suitable candidates, as well as gaining a large pool of people who are readily available for work. In the current economic climate, where people resources are scarce, DOCEP has managed to attract on average over 150 people at each of the recruitment days.



Integrated document management system

Objective, the department's electronic and document records management system, continued to be rolled out to business units. It provides a centralised system for the management of information (regardless of medium) is captured and retained according to legislative requirements.

Disability Access and Inclusion Plan

DOCEP finalised its Disability Access and Inclusion Plan 2007-2011, following public consultation in 2006-07. The department is committed to improving access and equity for all its customer groups and ensuring that people who have a disability are included, and participate in, shaping the range of services and initiatives of DOCEP. The plan, which complies with the requirements of the *Disability Services Act 1993*, provides a framework for progressing better access to buildings, services and information and increased opportunities to participate in consultative forums. The plan is available on the department's internet site.

Reconciliation Action Plan

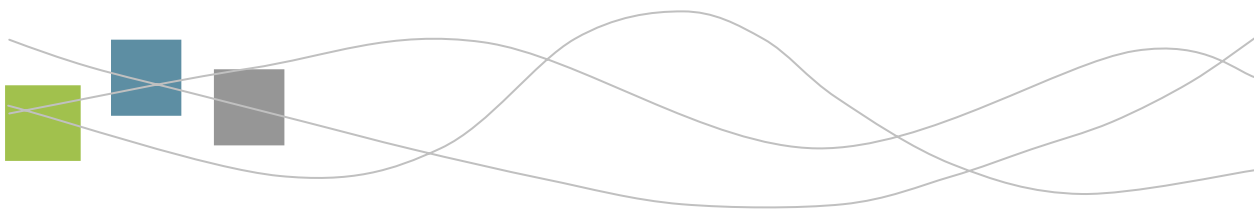
DOCEP strives to build positive and valuable relationships and networks with Indigenous and non-Indigenous people, through strategies based on respect, understanding and recognition. DOCEP developed and the Corporate Executive endorsed in March 2008, a Reconciliation Action Plan for 2008-09 in response to an initiative by the Department of Indigenous Affairs. The plan provides a framework for DOCEP to build, develop and improve relationships between Indigenous and non-Indigenous people. The plan has been submitted to Reconciliation Australia for approval. Once approved, the department is committed to implementing the strategies over the next 12 months.

New DOCEP website

DOCEP's new look internet service was launched in February 2008. The new internet site provides a consistent information structure and approach across divisions, enhanced search facility and improved accessibility and navigation.



More information on the department's major achievements for 2007-08 can be found in the Report on Operations section of this report.

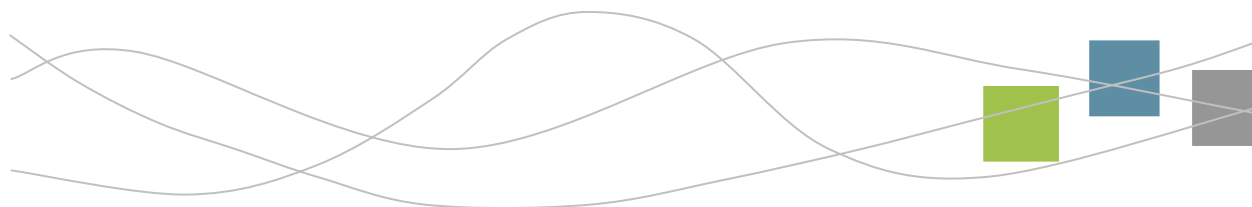


Our outlook

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

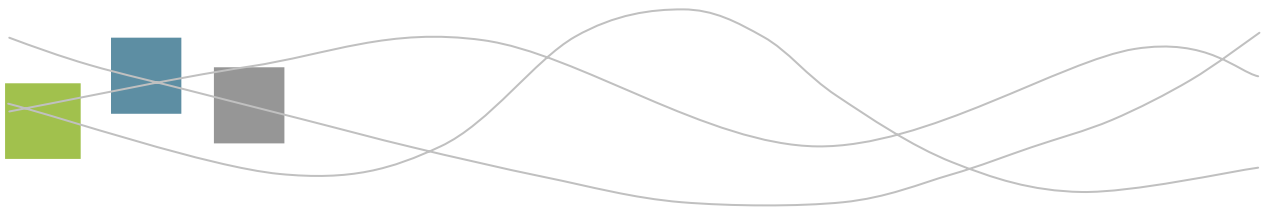
Consumer Protection

- Introduce into Parliament new legislation for incorporated associations, retirement villages, commercial tenancies, residential tenancies and public collections.
- Harmonise Commonwealth, state and territory product safety legislation as well as product safety bans and mandatory standards.
- Prepare for, and contribute to, the transfer of trade measurement regulation to the Commonwealth Government, to be administered by the National Measurement Institute.
- Transfer and commence the administration of 'As Constructed Property Drainage Installation Diagrams' from water service providers and Local Government authorities to the Plumbers Licensing Board.
- Assess the need for a mandatory code of conduct for 'book-up' based on community consultation undertaken. As required, develop regulations to implement the code of conduct.
- Further develop the educational material, licence forms, financial returns and software enhancements needed to implement the cooperatives legislation and public collections legislation.
- Streamline the registration of business names and Australian Business Numbers as part of a Council of Australian Governments (COAG) initiative.
- Extend the compulsory professional development program of the Real Estate and Business Agents Supervisory Board by requiring that real estate sales representatives participate in the scheme from January 2009.
- Implement new proactive compliance and education programs to accompany the commencement of the prepaid funeral funds code of practice.
- Undertake a program to audit *Uniform Consumer Credit Code* compliance by lenders when providing credit card products.
- Establish a liaison program with established migrant and refugee service providers to improve awareness of consumer protection services, and identify consumer protection issues, among newly arrived migrants and refugees.
- Respond to the findings of the Productivity Commission's Review of Australia's Consumer Policy Framework by harmonising the *Fair Trading Act 1987* and the *Trade Practices Act 1974* and commencing the transfer of credit regulation to the Commonwealth.



Safety and Employment Protection

- Implement the amended Electricity (Licensing) Regulations 1991 which cover electrical licensing and consumer electrical installations standards.
- Implement a scheme, developed by EnergySafety, whereby homeowners may have their electrical installations inspected for safety on a fee-for-service basis, using electrical contractors. A similar service for gas consumers is planned for the following year.
- Develop the first stage of the implementation framework for the new regulatory regime covering the safety of electrical appliances and equipment.
- Implement regulations that make it compulsory for residual current devices to be installed in a dwelling (house or unit) prior to the sale of the premises and in the case of leased premises, within two years.
- Develop legislative amendments to replace the simplistic provisions of section 54 of the *Energy Operators (Powers) Act 1979* (which deals with the control of vegetation near power lines) with a new regulatory regime under the *Electricity Act 1945*.
- Work with the Commonwealth Government and other states to develop the structure, content and administrative arrangements for the planned national industrial relations system.
- Raise awareness of reforms to the State industrial relations system designed to protect the interests of vulnerable workers.
- Implement and monitor, in conjunction with other agencies, the Government's Fair Pay and Conditions Policy to ensure that employees of cleaning contractors and security firms working for the Government receive fair pay and working conditions.
- Work with public and private sector organisations to implement work-life balance, pay equity audits and mature age employment strategies to create more flexible, productive and fairer workplaces.
- Strengthen services to assist low paid, vulnerable workers and small businesses and raise awareness of fair employment practices.
- Launch 'Your First Job', an online learning resource to provide students with a comprehensive overview of the employment relationship.
- Implement initiatives to better coordinate labour relations compliance and advisory services delivered by the State and Commonwealth Governments.
- Develop and implement strategies for the standardisation and simplification of public sector employment conditions and the rationalisation of public sector employment instruments to support the shared services environment.



- Implement licensing elements of the compliance management program.
- Implement the new dangerous goods regulations, including completion of supporting guidelines and other information materials, and the development of assessment and approval procedures.
- Finalise for Government approval, and commence implementation of, a strategy for the future management of explosives reserves in Western Australia.
- Develop an industry-wide action plan targeted at reducing occupational exposures to diesel particulates.
- Develop and refine proposals for legislative regime changes to implement 'safety case' regulation in the mining industry.
- Regulate a number of new major hazard facilities due to the re-classification of some existing facilities (currently not classified as major hazard facilities). These will include a number of existing and new mine sites.
- Participate in national compliance programs developed under the national occupational safety and health strategy including programs focussing on manual tasks and being hit by moving vehicles such as forklifts in the retail and wholesale trade supply chain; new and young workers in hospitality or service industries; and violence in health care.
- Contribute to the development of a harmonised system of occupational health and safety in Australia including finalisation of a national model Act and supporting regulations.
- Enhance the provision of occupational safety and health advice to small businesses in high risk industries by utilising additional modes of service delivery.
- Develop a code of practice on the safe guarding of machinery and plant to provide practical guidance on controlling risks to assist employers to meet their obligations.
- Review the WorkSafe Plan which promotes the management practices needed to establish and maintain safe workplaces.
- Ensure workplaces are informed about new regulations for asbestos licensing and improve awareness of safe asbestos removal methods.
- Develop legislative amendments to facilitate occupational safety and health information sharing with other government agencies to improve community outcomes and better coordinate services between agencies.



ABOUT THE DEPARTMENT

Enabling legislation

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

Responsible Ministers

In 2007-08, for the administration of consumer protection legislation, DOCEP was responsible to the Hon Sheila McHale MLA, Minister for Disability Services; Tourism; Culture and the Arts; Consumer Protection.

In 2007-08, for the administration of labour relations, occupational safety and health, energy safety and resources safety legislation, DOCEP was responsible to the Hon Jon Ford JP MLC, Minister for Employment Protection; Regional Development; Fisheries; the Kimberley, Pilbara and Gascoyne.

About us

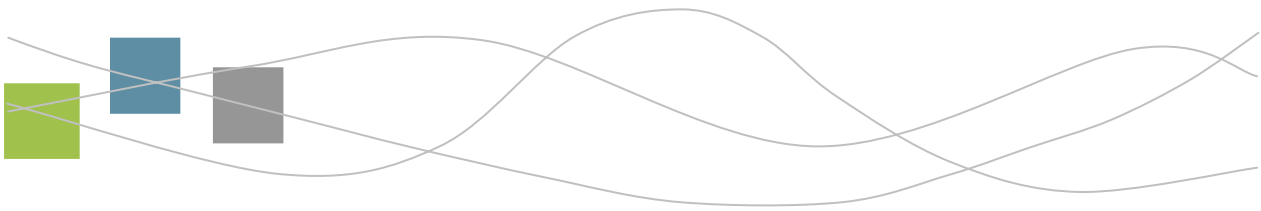
DOCEP maintains a vital role in creating a safe, fair and prosperous Western Australian community. The department works to increase the capacity of the community to facilitate economic growth, ensure a safe work environment and protect consumers, traders, workers and employers.

The department was created to support the Minister for Consumer Protection and the Minister for Employment Protection in administering the consumer protection and employment protection legislation.

The department employs more than 900 employees to deliver its services to the community of Western Australia across seven divisions:

- Consumer Protection;
- Energy Safety;
- Labour Relations;
- Resources Safety;
- WorkSafe;
- Corporate Services; and
- Office of the Director General.

The department's corporate culture is focused on providing high quality services to customers and stakeholders through standards, policies, practices and procedures. To achieve this, we seek industry funding where necessary to supplement our resource base, and integrate corporate functions, systems and services.



Our vision, mission and values

Vision

A fair, safe and prosperous community.

Mission

To create an employment and trading environment that provides for the growth, safety and protection of the community by:

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

Values

Justice

We are fair, honest, open and equitable in word and action with everyone. We act with integrity and do not misuse our authority and position.

Value our people and their contribution

We recognise success. We also respect individuality and diversity, both inside and outside the organisation. We empower, support and develop our people.

Making a difference

Each and every staff member contributes to the success of our organisation in delivering a safer and fairer community. We continually strive to improve our services and our stakeholder relationships. We understand our customer needs, we are responsive and we work together.

Professionalism

We are individually accountable for our actions and ethical behaviour and for the success of our organisation. We use and manage resources in an efficient and responsible manner, and integrity is never compromised.





Our direction, services and structure

Our strategic direction

Creating a trading and employment environment that protects consumers and workers is the key objective of DOCEP. The department operates within a challenging environment, with changes to trading and work environments placing greater demands on consumers and workers than ever before through a range of impacting issues. The department's strategic direction is outlined in the department's corporate plan, *Future Directions 2005-2008*. The plan contains five directions:

Direction 1: Influencing and shaping our community's environment.

Direction 2: Enhancing the capability of the community.

Direction 3: Enhancing the regulatory environment.

Direction 4: Enforcing the law.

Direction 5: Strengthening DOCEP as an organisation.

DOCEP's strategic directions are agreed collectively through the Corporate Executive and each division develops a business plan within the broad parameters of the strategic directions.

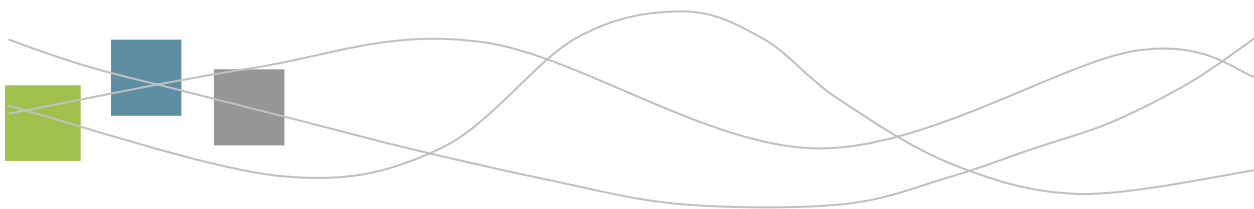
In July 2007, the department's Corporate Executive reviewed the continued relevance of the corporate plan, *Future Directions 2005-2008* to ensure that effort was aligned towards the achievement of the corporate directions. This process identified priority strategies and key initiatives which were implemented during 2007-08.



Electrical industry seminar held by the Energy Safety Division



Corporate Services Division at the National Careers and Employment Expo



Our services

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

Consumer Protection

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

Energy Safety

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

Labour Relations

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

Resources Safety

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



WorkSafe

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

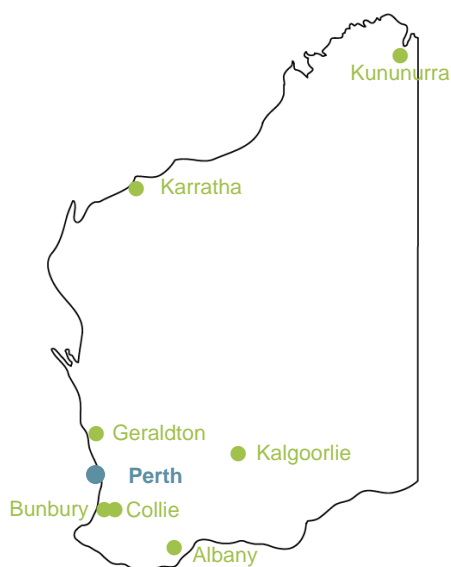
Corporate Services

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

Office of the Director General

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

Regional Services



DOCEP offices located in Albany, Bunbury, Collie, Geraldton, Kalgoorlie, Karratha and Kununurra provide a range of services to regional Western Australia. Regional office services during the year were supplemented in remote areas by fly-in and fly-out arrangements to ensure continuity of service delivery.

During the last year, the Bunbury office was expanded with improvements made to facilities and the co-location of all Kalgoorlie regional staff in one new premise was approved. As a result of an internal regional review to ensure management and administration systems effectively delivered the best service to regional customers, each divisional Executive Director undertook a strategic coordination and advocacy role for a regional office. In addition, regional conferences were held to network regional employees and provide learning and development opportunities.

Figure 1: DOCEP's regional services

The department continued to ensure the availability of information to regional areas through improvements to the department's internet site. DOCEP has a Service Delivery Arrangement with the Commonwealth Department of Transport and Regional Services and the Department of the Premier and Cabinet which identifies the service provision by DOCEP to the region.



Our stakeholders

DOCEP provides a service to a wide range of stakeholders, predominantly in Western Australia, including:

- the community;
- employees;
- employers;
- consumers;
- traders;
- business entities;
- public sector organisations;
- employee and employer organisations;
- Commonwealth and state government agencies;
- academic institutions;
- a number of statutory boards, committees, commissions and tribunals;
- DOCEP employees;
- the Minister for Consumer Protection; and
- the Minister for Employment Protection.

Our organisation

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

The Corporate Executive operates under a governance structure and meets fortnightly. This ensures authority and accountability is shared between the Director General and each division. While the Director General is ultimately accountable for all DOCEP's activities, each division, through its relevant Executive Director, has significant autonomy in day-to-day decision making, allocation of resources and determination of divisional priorities. Each division has an Executive Management Committee chaired by the relevant Executive Director.

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

Our organisational structure

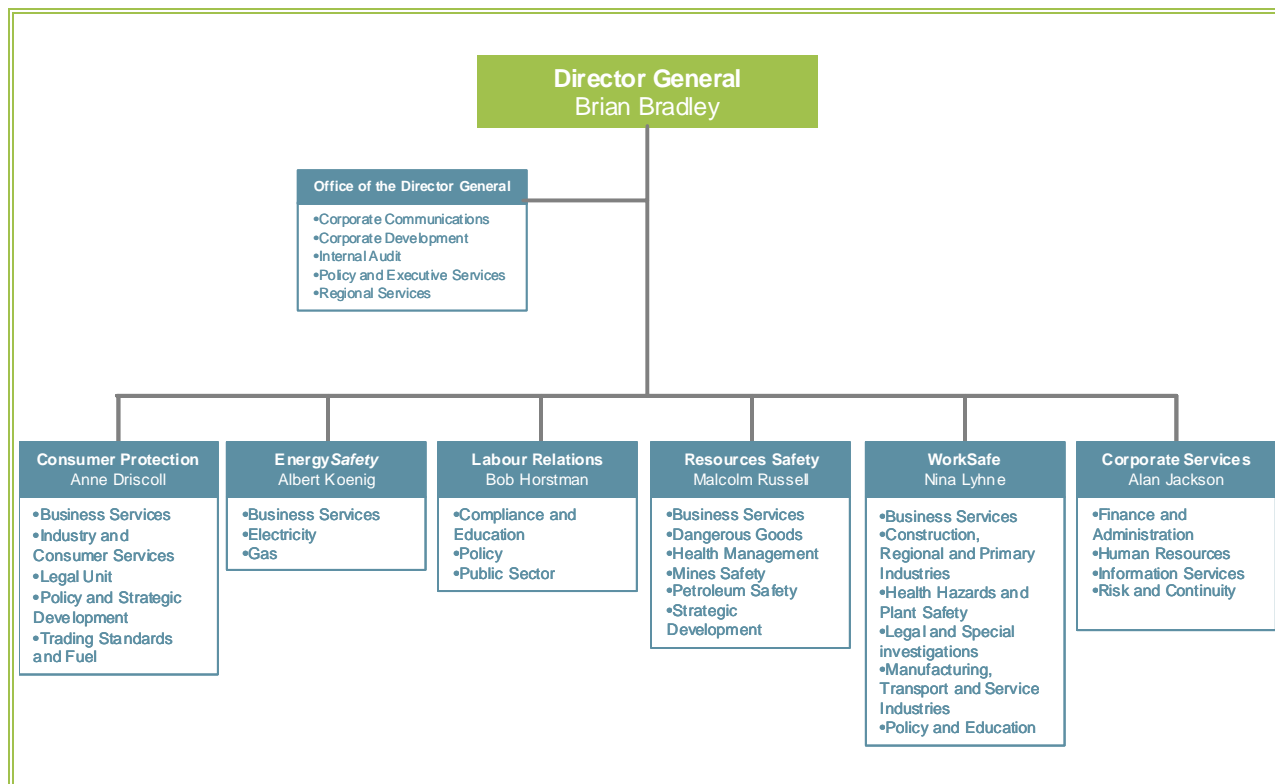


Figure 2: Organisational structure as at 30 June 2008

Our Corporate Executive team



Brian Bradley PSM

Director General

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

He is a member of the Australian Safety Compensation Council, formerly known as National Occupational Health and Safety Commission. He is also the deputy chair of the Western Australian Commission for Occupational Safety and Health and a member of the WorkCover Western Australia Authority. Brian was awarded the Public Service Medal in 2003 for his contribution to safety and health in Western Australia.

**Anne Driscoll**

Acting Executive Director, Consumer Protection

Acting Commissioner for Consumer Protection and Prices Commissioner

Anne Driscoll was appointed as Acting Executive Director for the Consumer Protection Division in April 2008. Since graduating from the University of Western Australia with a Bachelor of Arts majoring in Psychology and Commerce, Anne Driscoll has gained experience in numerous public sector roles. She worked in the employment and training sector for the Commonwealth Government for more than 20 years

involved in both direct service delivery and major funding grants.

In 1999, Anne joined the Consumer Protection executive management team at the DOCEP as the Director of Business Services. Her permanent position oversees responsibility for more than 150 employees who perform a diversity of functions from the licensing and regulation of finance brokers, debt collectors, credit providers, charities and real estate and settlement agents, to the registration of business names and the provision of consumer protection services to regional Western Australia.

**Albert Koenig**

Executive Director, EnergySafety

Director of Energy Safety

Albert Koenig also holds the statutory position of Director of Energy Safety, which is responsible for all electricity and most gas related technical and safety regulation in the State. Albert is a professional engineer with wide experience in energy industry regulation.

He was instrumental in the planning and establishment of his organisation as an independent regulatory unit from January 1995, when the State Energy Commission of Western Australia ceased as part of the restructuring of the energy industry. Prior to this, he worked in the utility industry, consulting engineering, heavy industry and in the former Public Works Department of Western Australia. He is a member of various national and state-level boards and committees dealing with energy industry technical standardisation and also critical infrastructure security and resilience.

**Robert (Bob) Horstman**

Acting Executive Director, Labour Relations

Bob Horstman was appointed as Acting Executive Director for the Labour Relations Division in April 2008. He has worked in all three directorates of the division in a variety of roles for 19 years with his substantive position being Policy Director.

From 2001 to 2006, Bob was seconded from the department as the Principal Labour Relations Policy Advisor to the Minister for Employment Protection responsible for providing advice on industrial relations, occupational health and safety and workers' compensation issues. He has taught and researched in the fields of both industrial relations and human resources management in various tertiary education institutions in Australia and the United Kingdom. Bob also has 10 years experience in various industrial relations roles within private sector organisations in the United Kingdom.



Malcolm Russell

Executive Director, Resources Safety

Malcolm Russell was Director of the Safety, Health and Environment Division within the Department of Industry and Resources when this division was transferred to DOCEP in July 2005. Previously, he was the Director, Marine Safety for Western Australia.

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



Nina Lyhne

Executive Director, WorkSafe

Commissioner of WorkSafe Western Australia

Nina Lyhne is the WorkSafe Western Australia Commissioner and is a member of Western Australia's Commission for Occupational Safety and Health. She also chairs a number of the Commission's advisory groups. Nina is a member of the National Australian Safety and Compensation Council's Health and Safety Committee and is involved in a number of national committees and forums.

Nina Lyhne was appointed to her current position in April 2004. Prior to this, she was Acting Executive Director, WorkSafe. Previously, Nina was the Executive Director of DOCEP's Strategy Division, a member of the WorkSafe Western Australia Corporate Executive, and Executive Director of the Office of Road Safety (1998 to 2000).

Nina has extensive experience from having worked in five state government agencies in sectors ranging from commerce and trade, to community development and occupational safety and health. She has been a member of the Corporate Executive in the last three agencies in which she has worked.



Alan Jackson

Executive Director, Corporate Services

Alan Jackson commenced in his current position at DOCEP in October 2004. Prior to this, he had extensive senior management experience in the public, private and tertiary education sectors. Alan's roles have included nine years as a management and organisational development consultant to large public and private sector organisations throughout Australia. Prior to joining DOCEP, he had four years as the

Director, Corporate Services at the Department of Treasury and Finance.

Alan is an Associate Fellow of the Australian Institute of Management and is a Certified Professional member of the Australian Human Resource Institute. He holds a Masters degree in Commerce majoring in Human Resources from Curtin University and was a part-time lecturer for two prominent Western Australian universities over a number of years.



Our people

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

The department's employees are fundamentally governed by the *Public Sector Management Act 1994* and remunerated under the terms and conditions contained in the Public Service General Agreement 2006. Our employees' contributions to the department are valued through frequent acknowledgement of their successes and the challenges they face in their professional arena.



Anton Gangemi, Registrations
Project Officer, Consumer Protection
Division

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

Awards

DOCEP was proud this year to win the Premier's Award for the Better Services for large and small organisations category. The ThinkSafe Small Business Assistance Program delivered by WorkSafe, was judged the best service from 20 competitive entrants.

WorkSafe has worked very hard since its launch in 2005 to develop, enhance and promote the program. As a result, more than 1,000 small businesses in Western Australia have received practical one-to-one advice on occupational safety and health management.

The program's success is also a result of collaborative partnerships with industry associations and two key stakeholders, WorkCover WA and the Small Business Development Corporation.



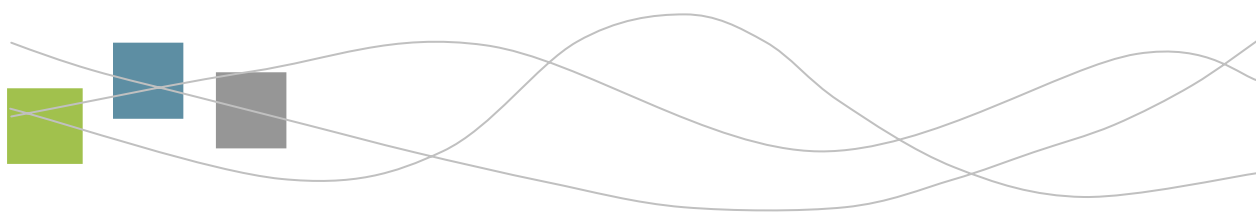
(L-R) Margaret Allen, A/Director Business Services, Energy
Safety Division; Brian Bradley, Director General; Gemma Brown,
ThinkSafe Small Business Manager, WorkSafe Division; and Gail
McGowan, Director Policy and Education, WorkSafe Division.



Legislation administered

DOCEP administered a total of 81 Acts of Parliament during 2007-08, as shown below. Reviews of legislation, regulations and codes of practice ensures the changing needs and expectations of the community are met, and that the regulatory framework is relevant to the needs of the community. A full description of the scope and intent of these Acts is contained on DOCEP's internet site at www.docep.wa.gov.au.

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



Regulatory boards, committees, commissions and tribunals

The boards, committees, commissions and tribunals in both the Consumer Protection and Employment Protection portfolios have a range of functions including advisory, licensing of participants in relevant industries, investigating complaints about the conduct of industry participants and taking disciplinary action where appropriate. These boards, committees, commissions and tribunals include:

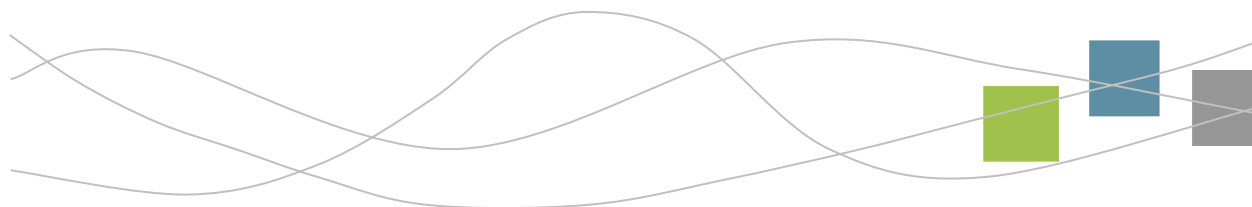
Consumer Protection

- Builders' Registration Board
- Building Disputes Tribunal
- Charitable Collections Advisory Committee
- Consumer Product Safety Committee
- Hairdressers Registration Board
- Home Buyers Assistance and Advisory Committee
- Land Valuers Licensing Board
- Motor Vehicle Industry Board
- Painters' Registration Board
- Plumbers Licensing Board
- Real Estate and Business Agents' Supervisory Board
- Retail Shops Advisory Committee
- Settlement Agents' Supervisory Board.

Safety and Employment Protection

- Board of Examiners
- Commission for Occupational Safety and Health
- Electrical Licensing Board
- Gas Licensing Committee
- Mining Industry Advisory Committee
- Mines Survey Board.

Appendix 4: Functions of regulatory boards, committees, commissions and tribunals provides details of their role and functions. Appendix 5: Plumbers Licensing Board provides an outline of the role, activities and forecasts of the Plumbers Licensing Board.



PERFORMANCE MANAGEMENT FRAMEWORK

Outcome based management framework

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

Agency level government desired outcomes integrate with the Government's strategic directions articulated in *Better Planning: Better Futures – A Strategic Planning Framework for the Western Australian Public Sector*. This framework sets out the Government's vision and goals as well as a number of strategic outcomes. The strategic outcomes contribute to the realisation of five goals, relating to:

- Goal 1. Better Services
- Goal 2. Jobs and Economic Development
- Goal 3. Lifestyle and the Environment
- Goal 4. Regional Development
- Goal 5. Governance and Public Sector Improvement.

The department delivers services to achieve the agency level desired outcomes, which ultimately contributes to meeting the Government's goals. DOCEP's outcome based management framework for 2007-08 includes an agency level desired outcome and two services. The agency level desired outcome is the effect or impact on the community or target clients of government services.

The department's agency level desired outcome contributes directly to Goal 1: Better Services through its focus on the safety and protection of workers and others in the community and to Government Goal 2: Jobs and Economic Development through its contribution to a fair and flexible labour market and the promotion of free and fair trade.

The linkage between DOCEP's services to the community and the Government's State Strategic Goals, to which the department makes its most significant contribution, is demonstrated in Figure 3.

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



Changes to outcome based management framework

In light of the release of the revised *Strategic Planning Framework for the Western Australian Public Sector, Better Planning, Better Futures*, DOCEP reviewed the link between the department's desired outcome, services and the Government's goals.

The Outcome Structure Review Group approved the department's interim outcome based management framework for 2007-08 in February 2007. The 2007-08 framework provides a mechanism to meet Ministerial accountability requirements and enable users of the budget statements and key performance indicators to better understand the information reported. It also more closely links services to the department's administrative structure at agency and divisional level.

The linkage to the Government's State Strategic Goals for the 2007-08 financial year is demonstrated in Figure 3.

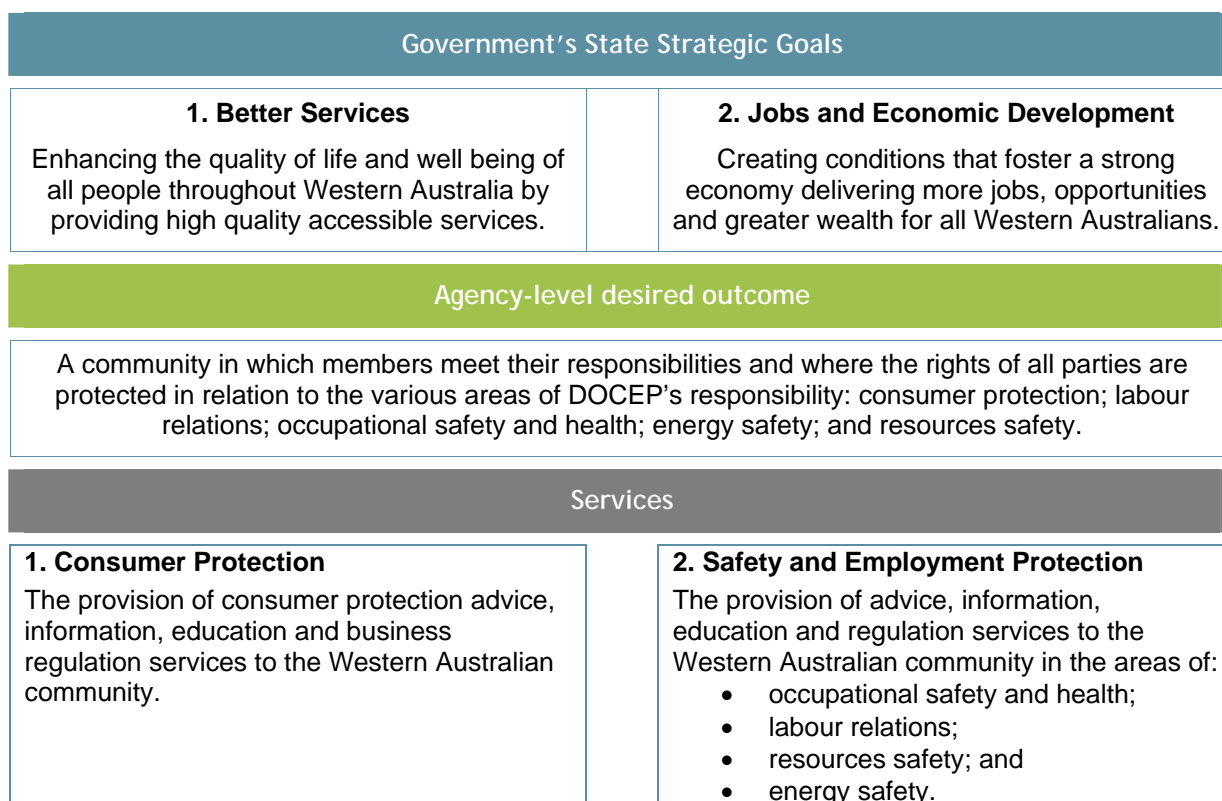
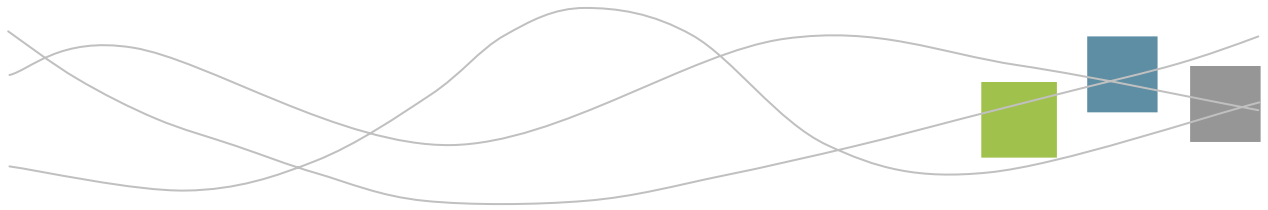


Figure 3: Relationship to the Government's State Strategic Goals: Framework for 2007-08

Shared responsibilities with other agencies

DOCEP recognises the benefits derived from working collaboratively with external parties by negotiating Memoranda of Understanding and Instruments of Declaration with a range of organisations, within the public and private sector. Information on shared responsibilities to jointly deliver services with other government agencies is provided at Appendix 1: Memoranda of Understanding and Instruments of Declaration.



AGENCY PERFORMANCE – REPORT ON OPERATIONS

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

Resource Agreement	32
Major achievements	35
Our people	47



RESOURCE AGREEMENT

In accordance with section 41 of the *Financial Management Act 2006*, DOCEP has a Resource Agreement between the responsible Minister, Director General and Treasurer. The Resource Agreement articulates the Government's desired outcomes, the services to be delivered and the performance targets to be achieved for both financial and non-financial performance. The Director General of DOCEP is accountable to two Ministers for the performance of the department's functions. A Resource Agreement exists with each Minister to support this reporting relationship. The reporting relationship between the two Ministers and the department's operations are as follows:

Minister for Consumer Protection	Consumer Protection
Minister for Employment Protection	Labour Relations, WorkSafe, Energy Safety, and Resources Safety

For the 2007-08 financial year, the Resource Agreements were identical and report on the operations of the whole department. As a result, the reporting in this section is applicable to both Resource Agreements. A summary of the department's performance against financial and non-financial targets for the 2007-08 financial year, as contained in the Resource Agreement, is reported in accordance with Treasurer's Instruction 808. Targets are set annually as part of the State Government's budget process.

Financial targets

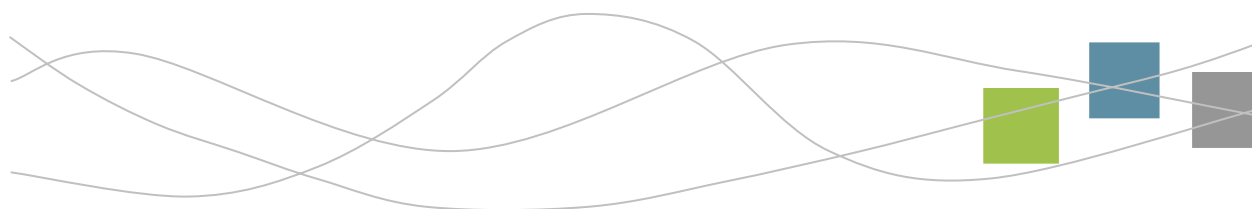
Table 1 provides a summary of the department's financial performance for 2007-08.

Table 1: Summary of financial performance for 2007-08

Indicator	Target ⁽¹⁾ \$'000	Actual ⁽²⁾ \$'000	Variation \$'000
Total cost of services (expense limit) (details from Income Statement)	\$97,522	\$109,621	\$12,099 ^(a)
Net cost of services (details from Income Statement)	\$68,790	\$74,315	\$5,525 ^(a)
Total equity (details from Balance Sheet)	\$28,137	\$40,541	\$12,404 ^(b)
Net increase/(decrease) in cash held (details from Cash Flow Statement)	\$176	\$5,445	\$5,269 ^(c)
Indicator	Target	Actual	Variation
Approved full time equivalent (FTE) staff level	875	931	56 ^(d)

Notes:

- (1) As specified in the 2007-08 Budget Statements (Budget Paper No. 2, Volume 2, Part 8, p. 653).
- (2) As specified in the Financial Statements section of this report.



Explanations of variances provided in Table 1 are as follows:

- (a) The variance is primarily due to additional funding received during 2007-08 including Shared Corporate Services Reform \$1.485 million, Residential Gas Appliance Survey \$1.000 million, Western Australia Industrial Relations Commission transfer of funds \$2.000 million, WorkSafe Business Centre \$1.111 million, Fair Pay and Conditions Policy \$0.031 million, CSA Specified Callings \$0.257 million, EnergySafety increase in expenditure \$0.344 million, salary increase back pay \$1.000 million, accommodation arrears lease payments \$1.400 million, and greater than anticipated revenue across the department in the areas of Plumbers Licensing Board, EnergySafety, Resources Safety, WorkSafe and Consumer Protection leading to increased expenditure.
- (b) The variance is primarily due to an increase in the cash at bank (unspent capital funds \$4.365 million and additional capital funding for accommodation \$2.290 million), contribution by owner (transfer of assets from Main Roads WA \$1.902 million), reserves (revaluation of land and buildings \$2.548 million).
- (c) The variance is primarily due to additional funds being received, which increased the cash at the bank. There were various reasons these funds were not fully expended as at 30 June 2008, including the unspent capital funds of \$4.365 million.
- (d) The variance is primarily due to the recruitment and filling of vacant positions and also an increase in industry funding and fees and charges arising out of increased levels of activity, allowing for additional full time equivalents.

Outcomes, services and performance information

This section provides a summary of the department's non-financial performance against 2007-08 targets for key effectiveness indicators and key efficiency indicators. More detailed information on the department's performance is reported in the Disclosures and Legal Compliance (Performance Indicator Report) section of this report.

Key effectiveness indicators

Table 2 provides a summary of the department's non-financial performance relating to key effectiveness indicators for 2007-08.

Table 2: Results for the 2007-08 key effectiveness indicators

Indicator	Target ⁽¹⁾	Actual ⁽²⁾	Variation ⁽³⁾
Outcome: A community in which members meet their responsibilities and where the rights of all parties are protected in relation to the various areas of DOCEP's responsibility: consumer protection; labour relations; occupational safety and health; energy safety; and resources safety.			
The extent to which members of the community comply with the requirements of regulations in the various areas of department's responsibility.	85%	84%	(1%)
The proportion of key measures exhibiting desirable trends in the various areas of the department's responsibility.	80%	89%	9%



Key efficiency indicators

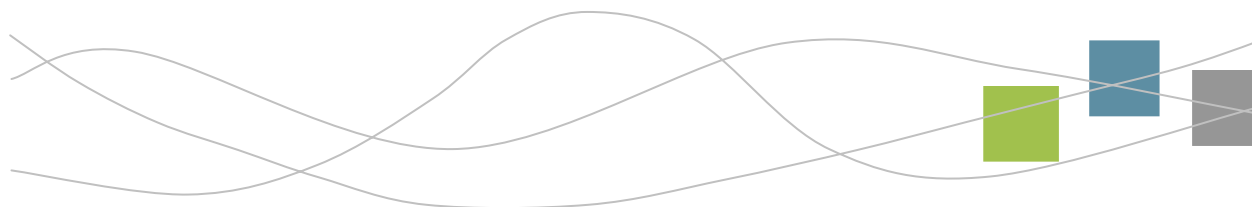
Table 3 provides a summary of the department's non-financial performance relating to key efficiency indicators for 2007-08.

Table 3: Results for the 2007-08 key efficiency indicators

Indicator	Target ⁽¹⁾	Actual ⁽²⁾	Variation ⁽³⁾	
Service 1: Consumer Protection				
Average cost per response to customer enquiry.	\$6.04	\$8.12	\$2.08	34%
Average cost per information and education service.	\$1.05	\$0.80	(\$0.25)	(24%)
Average cost per advice or assistance service.	\$526.09	\$319.02	(\$207.07)	(39%)
Average cost per major policy project.	\$367,583.00	\$308,559.67	(\$59,023.33)	(16%)
Average cost per policy project.	\$15,829.00	\$56,113.07	\$40,284.07	254%
Average cost per policy task.	\$1,777.00	\$1,421.17	(\$355.83)	(20%)
Average cost per registration service.	\$6.62	\$7.18	\$0.56	8%
Average cost per licensing service.	\$45.18	\$33.10	(\$12.08)	(27%)
Average cost per inspection or audit.	\$107.01	\$169.73	\$62.72	59%
Average cost per investigation.	\$1,966.00	\$1,979.34	\$13.34	1%
Average cost per prosecution, legal action and proceeding.	\$6,533.00	\$2,495.60	(\$4037.40)	(62%)
Service 2: Safety and Employment Protection				
Average cost per client contact to provide information or education.	\$2.69	\$3.46	\$0.77	29%
Average cost per client contact to provide advice or assistance.	\$25.02	\$36.46	\$11.44	46%
Average cost per hour of policy advice.	\$162.28	\$140.37	(\$21.91)	(14%)
Average cost per inspection and investigation.	\$1,113.94	\$1,334.46	\$220.52	20%
Average cost per registration or licence.	\$134.72	\$92.50	(\$42.22)	(31%)

Notes:

- (1) As specified in the 2007-08 Budget Statements (Budget Paper No. 2, Volume 2, Part 8, p. 653).
- (2) As specified in the Performance Indicator Report section of this report.
- (3) Further explanations are also contained in the Performance Indicator Report section of this report.



MAJOR ACHIEVEMENTS

This section continues to highlight the department's major achievements for 2007-08.

Consumer Protection

About the division

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

Achievements

Incorporated associations

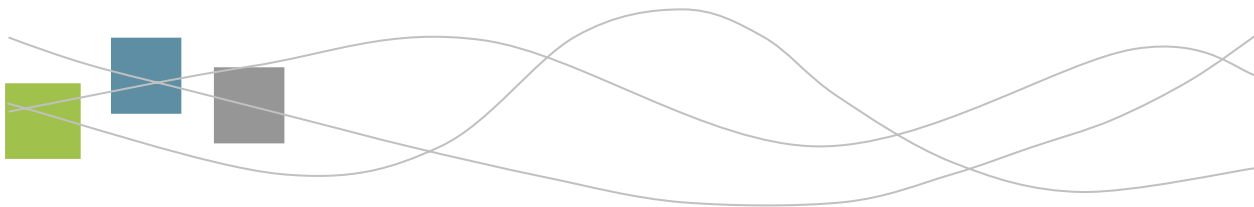
Consumer Protection established a bi-annual newsletter for the 15,000 incorporated associations in Western Australia about current compliance issues. A compact disk containing a comprehensive operational governance guide was also produced for distribution to all associations. Consumer Protection continued its highly consultative project to amend the *Associations Incorporation Act 1987* and supporting model rules. Drafting of both the new Bill and the Model Rules advanced significantly during the year.

National *Uniform Consumer Credit Code* compliance project

DOCEP has been the lead agency in coordinating a national *Uniform Consumer Credit Code* compliance program in conjunction with other states and territories. Nineteen lenders comprising major banks, regional banks and non-bank lenders were visited to assess their compliance with the requirements of the *Uniform Consumer Credit Code* and their processes for assessing borrowers' capacity to repay their loans. These assessments were conducted in relation to both standard home loans as well as lo-doc loans. As lead agency, DOCEP undertook 11 of these visits with 30 loan documents sampled in each case.

Introduction of legislative amendments to the *Uniform Consumer Credit Code*

Amendment regulations were introduced to remove exemption under the *Uniform Consumer Credit Code* for credit provided by way of a bill of exchange. Thus improving protection for vulnerable consumers being targeted with high cost credit.



Development of trader information packages for new legislation

Two major rollouts of legislation have occurred during 2007-08 which required the development of trader information campaigns. In partnership with the Caravan Industry Association, Consumer Protection undertook a state-wide program of workshops to inform park owners and managers about new laws regulating residential parks. Consumer Protection also worked with motor vehicle repairers to inform them of their rights and obligations under the new *Motor Vehicle Repairers Act 2003*. Stage one of the process involved registering repairers and stage two, the certification of businesses.

Proactive compliance program in the Kimberley region

Consumer Protection developed and delivered a proactive compliance program throughout the Kimberley region of Western Australia to target unfair trading practices.

Price scanning surveys

Consumer Protection participates in the annual National Electronic Scanning Audit as well as conducting quarterly audits of its own. This year's national audit involved sample visits to service stations, pharmacies, variety stores and supermarkets. Of the 625 items checked, 30 scanned incorrectly, producing an error rate of 4.8 per cent, and improvement of 7.67 per cent on the previous year. For this year's audit, Western Australia's compliance rate was the best in Australia. Consumer Protection's own scanning audits involved mystery shoppers buying a basket of goods from 10 stores per quarter and checking the dockets against the goods' advertised prices. If the prices are incorrect, retailers are advised and provided with educational information. Further visits are made to ensure scanning problems have been resolved. Retailers who fail to act can face on-the-spot fines or in more serious cases prosecution.

New information packages targeting consumers and business

During the year, Consumer Protection continued its program of research and development of information to meet the needs of various consumer groups. A basic consumer rights brochure was developed to provide information for carers and launched in partnership with the Alzheimer's Association of Western Australia. The brochure has been distributed during training sessions to family and paid carers across Western Australia.

Consumer Protection published and distributed a series of three booklets about getting, keeping and leaving rented accommodation, in partnership with the Department of Housing and Works and the Tenants Advice Service. This was developed to improve the knowledge of Indigenous consumers about their rights and obligations when renting.

A new information package for business proprietors has been developed and is distributed over the counter at the time of business names registration. The new package summarises the support available to business including information on how to develop a complaints handling system, how to confirm whether an occupational licence is required and how to ensure advertising is not false or misleading.



Product safety internet page

Consumer Protection developed a new product safety page on DOCEP's internet site which allows businesses to register and receive information about banning orders and recalls.

Motor vehicle dealer inspection program

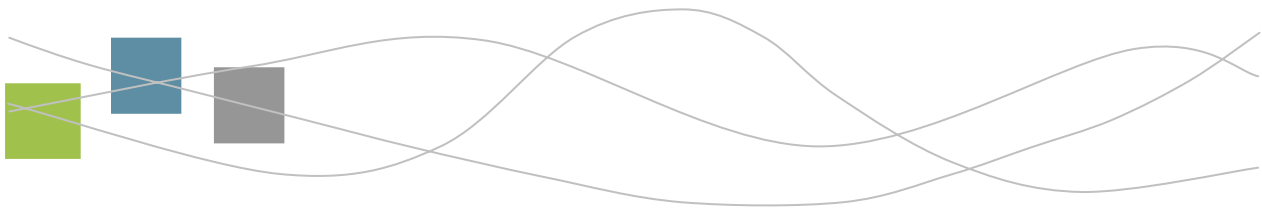
A new program was established by Consumer Protection to undertake inspections of dealer premises and to check on the general roadworthiness of stock displayed for sale. The program had previously been managed by the Department for Planning and Infrastructure. The program involved not only vehicle inspections but checking dealer's documentation including registers, auditing licensed employees and checking premises.

Consumer Protection completed the full program in 18 months and in that time, 950 motor vehicle dealers were visited. Of the 20,000 vehicles inspected, 153 were declared unfit for sale and 400 were issued with work orders.



Product safety check of show bags at the Perth Royal Show

Consumer Protection undertakes inspections of products placed in show bags sold at the Perth Royal Show each year. Following recent toy recalls involving the presence of lead and cadmium, product safety inspectors this year targeted products that were likely to have been manufactured using unsafe levels of heavy metals. Suspect items were removed from show bags and subsequent testing indicated that eight products did not meet mandatory safety levels for lead content, five for cadmium and five for barium. As a result of this initiative, these products were removed from sale. Information on this process and the discovery of these products was shared with consumer protection authorities across Australia and a checking process has now been adopted in other jurisdictions.



EnergySafety

About the division

The EnergySafety Division carries out the technical and safety regulation of electricity production, electricity transmission and distribution, electricity utilisation (consumers' installations and appliances), gas distribution and gas utilisation (consumers' installations and appliances). EnergySafety also provides policy advice and support on energy technical and safety issues to the Minister. Energy-related industry and community safety promotion and the enhancement of critical energy infrastructure protection are also part of EnergySafety's function. EnergySafety is fully industry funded through electrical or gas operative, licence fees and levy payments from electricity and gas distributors.

Achievements

National regulatory reform projects

EnergySafety worked with electrical and gas safety regulators of other jurisdictions to make significant contributions to various national regulatory reform projects. Significant progress has been made in reviewing the regimes for electrical appliance safety approvals, gas appliance safety approvals and restricted electrical licensing, to provide a more uniform regulatory framework across jurisdictions.

Code of practice for minimum requirements for safe electrical work

A code of practice has been developed to reduce the incidence of serious electrical accidents and to set out the minimum requirements for safe electrical work practices by electricians, particularly when working on or near live parts of a consumer's installation. The code of practice was issued under section 33AA of the *Electricity Act 1945* in April 2008.

Legislation for the mandatory application of safety cases

Work has been substantially completed to amend the regulations under the *Gas Standards Act 1972* and the *Electricity Act 1945* so as to provide for the mandatory application of 'safety cases' or 'safety and technical management plans' for the larger gas and electricity networks. These will require network operators to be more proactive in managing their safety compliance obligations.

Regulatory model for energy efficiency of gas appliances

EnergySafety participated at a national level to progress improvements to the energy efficiency of gas appliances and equipment and it is anticipated that agreement will be reached by the end of 2008 on the regulatory model to be used. The proposed model will provide for each jurisdiction to regulate gas efficiency through existing legislation, major changes to the *Gas Standards Act 1972* will be required.



Labour Relations

About the division

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

Achievements

WA Paychecker

Labour Relations launched in August 2007, the WA Paychecker provides a free online service to help employers and employees calculate wages and conditions by comparing pay and employment conditions to a relevant State award.



Specified callings claim settled

A claim to increase salaries for a range of specified professions in the State public sector was settled, thereby increasing the competitiveness of the State as an employer. Approximately 4,000 specified calling employees received increases ranging from 8 per cent to 13.5 per cent.

Breaches of the *Children and Community Services Act 2004*

Labour Relations successfully conducted 11 prosecutions against employers in the fast food industry found to be breaching the child employment provision of the *Children and Community Services Act 2004*. These prosecutions resulted in a total of \$115,900 in fines being imposed.

Education and pay equity campaign

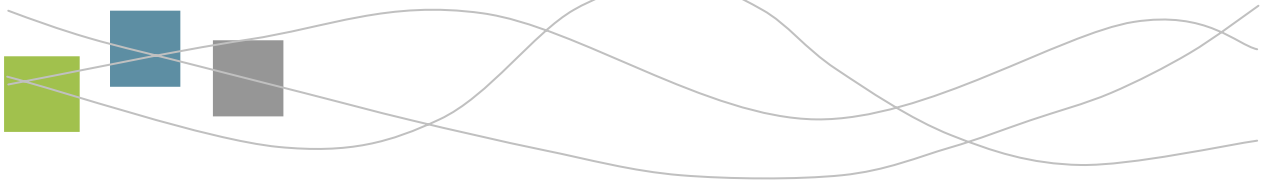
Labour Relations promoted pay equity through an education and equity campaign, preparation of pay equity reports for the largest 26 public sector agencies and development of resource materials to assist organisations to undertake pay equity audits. A pay equity audit on DOCEP was completed during 2007-08 with the recommendations endorsed by the Corporate Executive.



Pay Equity Seminar

Attraction and retention

Labour Relations developed and promoted, as an attraction and retention strategy, a range of initiatives to promote flexible working arrangements, including the Fathers@Work and Mature Aged Employment campaigns.



Migrant workers

Labour Relations developed targeted education programs to ensure protection of the employment interests of migrant workers. Key trends and issues were identified through participation on committees representing a wide range of migrants groups. Labour Relations conducted 16 seminars raising migrant workers' awareness of their workplace rights and avenues of redress if they were subject to breaches of employment laws.

Resources Safety

About the division

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

Achievements

Occupational safety and health reform in mining

Resources Safety contributed to the development of the National Mine Safety Framework strategies and implementation plan, provided support and input into the statutory review of the *Mines Safety and Inspection Act 1994*, and delivered mine safety awareness programs at regional centres.

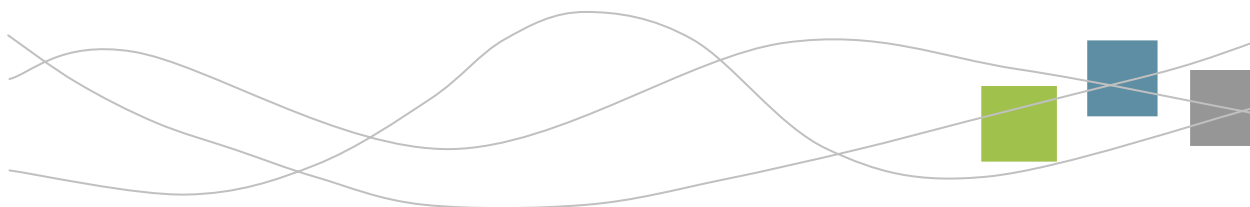
Mine workers' health and contaminant monitoring digest published

Resources Safety published an initial digest showing health surveillance and contaminant exposure trends in the Western Australian mining industry. Mining industry employers are required under legislation to maintain a health surveillance system for employees and to regularly sample for atmospheric contaminants. Resources Safety have analysed the medical data of thousands of mining employees over a period of 10 years. The analysis of the data has been thorough, including evaluating the effects of age and smoking status on health outcomes.

Improving safety in mining

Resources Safety increased the content and circulation of the MineSafe magazine with more than 7,000 copies now distributed to the mining industry. The division also enhanced its safety awareness program by delivering targeted mining safety presentations throughout the State.





Dangerous goods licensing system upgraded

Resources Safety completed the Hazardous Materials Management System upgrade, to allow for the administration of the *Dangerous Goods Safety Act 2004*. The legislative reforms introduced by the *Dangerous Goods Safety Act 2004* extensively changed the licensing regime, requiring an upgrade to the licensing database and operating system.

Safety of major hazard facilities

Resources Safety continued to implement the safety case regime for the State's major hazard facilities, whilst introducing new procedures dictated by the proclamation of new major hazard facilities regulations.

Petroleum safety

Under a safety case regime, the division continued to provide expert technical advice in relation to the safety of petroleum pipelines and oil and gas production facilities.

Freedom of Information

Resources Safety received over 400 Freedom of Information applications, across mining, dangerous goods, and petroleum safety regulation, all of which were processed in accordance with the requirements of the *Freedom of Information Act 1992*.

WorkSafe

About the division

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

Achievements

Managing occupational health in remote communities

WorkSafe completed a pilot project 'Managing occupational safety and health in remote communities', which involved creating partnership arrangements with selected Indigenous communities and registered training organisations working in those remote communities, to promote work safety principles and practices using culturally appropriate training materials. This initiative provided training in the Kimberley, through the Mowanjum Aboriginal Organisation, to members of the communities in Fitzroy Crossing, Looma, Imintji, Kupungarri, Nullagunda, Turrallinji, Derby and Pandanus Park. Additionally, training was also conducted in Cue and the Jigalong communities in the Goldfields.



Come Home Safe campaign



In September 2007, WorkSafe launched the mass media 'Come Home Safe' campaign to increase safety awareness at work. The campaign focused on the importance of arriving home safely from work and featured children and family members waiting for loved ones to come home from work.

The state-wide six week mass media campaign was supported by an information brochure, posters and promotional items. Feedback was received from independent market research indicating that the campaign was successful.

High risk work licences

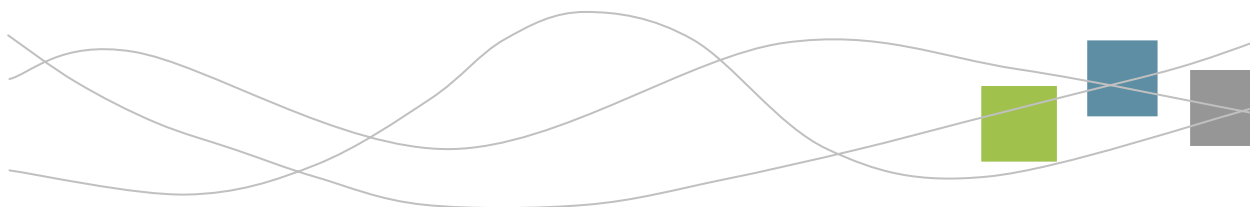
During the year, new licensing arrangements were introduced based on the new national standard for licensing persons performing high risk work, which replaces the previous system of issuing certificates of competency. The intention is to facilitate national consistency for high risk work and ensure the quality and integrity of training and assessment throughout Australia.

The arrangements included a new requirement for forklift operators to hold a licence, with a phase in period. From 1 October 2007, all new applicants for an authorisation to do high risk work were issued with the appropriate high risk work licence. A three week press and radio campaign was held in August and September 2007, with further press advertising in March 2008. Training sessions were provided for registered assessors.

ThinkSafe Small Business Assistance Program

The ThinkSafe Small Business Program promotes the implementation of occupational safety and health systems and policies in small businesses in high risk industry groups. During the year, as part of the strategy, WorkSafe:

- Delivered a free independent occupational safety and health consultancy service, on behalf of WorkSafe, to 525 small businesses. Sixty four per cent were delivered to metropolitan area businesses and 36 per cent to those in the regions.
- Provided additional assistance on key occupational safety and health issues to 123 small businesses who opted to be part of a program of follow-up visits.
- Funded the FarmSafe Alliance to deliver the Farm Safety Strategy, which included 43 farm risk assessments.
- Funded the WA Shearing Contractors Association for the delivery of 35 free shearing shed safety assessments.



Implementation of the national standard for construction work

New regulations requiring safe work method statements and occupational safety and health management plans came into effect on 3 January 2008 for those working in the civil and commercial sectors of the construction industry. For those working in the housing sector the regulations come into effect on 1 October 2008. To assist industry, WorkSafe published guidance material, which included a series of industry guidance documents and an information package (SubbyPack) for self employed persons, contractors, subcontractors and others in the construction industry.

Code of practice on the safe design of buildings and structures

Late in the year, a code of practice on the safe design of buildings and structures was published. The focus is on ensuring that safety and health issues related to building and structure design are thoroughly examined before construction begins, as decisions made early in a project can impact on workers and end users later. Western Australia has led the way, as work is under way to consider adaptation of the code as a national safe design code.

Reduction in work-related injury and disease rates

According to the most recent workers' compensation claims data, the downward trend in injuries and diseases is continuing with a 1.5 per cent reduction in overall frequency rate, from 11.80 (2005-06 data) to 11.62 (2006-07 data) and the total rate of improvement for all injuries and diseases since the *Occupational Safety and Health Act 1984* came into effect in 1988-89 is 67.1 per cent.

Awards

WorkSafe Plan is an assessment process that rates safety management systems and directs attention to areas that can be improved. WorkSafe Plan is promoted by WorkSafe to help workplaces introduce occupational safety and health management systems that support the practices required to establish and maintain safe systems of work. In 2007-08, four platinum, four gold and six silver were awarded.

The Work Safety Awards Western Australian 2007 recognise outstanding occupational safety and health management, solutions and innovation in Western Australian workplaces that reduce the risk of work-related injury and disease. In 2007, the award winners included Pilbara Constructions Pty Ltd, Port of Broome, Monear Pty Ltd, Sundowner Technologies and Mr Bill Towie, of the Forest Products Commission.





Corporate Services

About the division

The Corporate Services Division supports the department's outcomes by providing strategic direction in procurement, resource and asset management and continuous improvement of the financial management framework, aligned to government policy and industry best practice. In addition, the division ensures the availability of information technology systems and resources; manages facilities; ensures compliance with records management and freedom of information standards; and provides human resource services.

Achievements

Digitalisation of association records

This initiative involved the automation and scanning of association records directly into the departmental electronic and document records management system, hence eliminating the need for microfiche and physical records to be retained. The automation and re-engineering of these business processes has provided data integrity and improved the efficiency in processing and managing these records.

Corporate licensing system

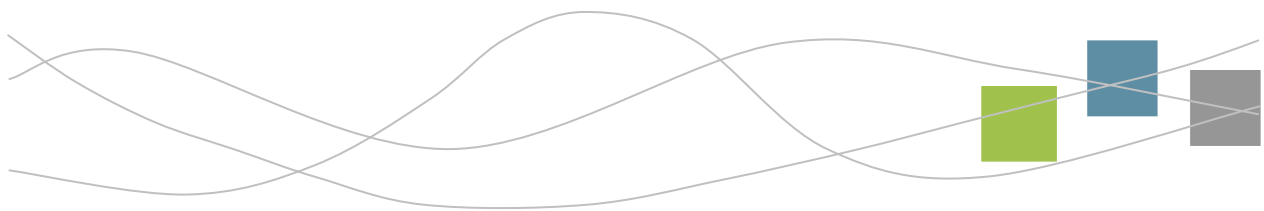
The consolidation of licensing work processes across EnergySafety Division, Resources Safety Division and WorkSafe Division commenced during the year. The development of the corporate licensing system has begun and is anticipated to be delivered in 2008-09.

Regional communications improvement

DOCEP increased focus on providing improved communication capabilities for our regional branches. The regional branches currently experience similar communication capabilities to metropolitan offices.

Relocation of the Resources Safety Division and EnergySafety Division

During the year, Corporate Services managed the fit-out of the former Australian Taxation Office building in Cannington, and the relocation of two divisions, totalling 200 safety inspectors and support employees to the site. The relocation freed up government space in the central business district for other government departments and made use of the comparatively more cost effective, and previously underutilised, government space at the Cannington site. The co-location enabled the Resources Safety Division and EnergySafety Division to bring a coordinated and collaborative approach to their areas of safety activities.



Health and wellness pilot program

DOCEP's health and wellness pilot program supports the Premier's Physical Activity Taskforce. A grant was obtained to conduct a range of activities which related to health and wellness issues. The key criteria to running the pilot program, was that it was to be available to employees in a work location where no programs or facilities existed (eg. gymnasiums, active lifestyle program). The West Perth office was chosen as it met the pilot program's criteria. The aim of the program was to promote the importance of a healthy lifestyle and work-life balance and to encourage employees to adopt healthier lifestyle options. The success of this pilot program was evident through participation rates, positive feedback from employees and the demonstrated lifestyle changes. A whole-of-department wellness program has been endorsed to commence in the next financial year.

Revised performance review and development system

A revised performance review and development system was implemented during the year. The system aligns with the department's planning cycle to place a greater emphasis on division business plans and DOCEP's overall goals and how individual employees contribute to these. There was increased strategic focus and accountability as employees were required to confirm their commitment to the department's *Code of Conduct* and corporate values as part of the performance review process.

Office of the Director General

About the division

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

Achievements

DOCEP's Occupational safety and health employee toolkit

In line with development of the *Code of practice: Occupational safety and health in the Western Australian public sector*, the department developed its own agency-specific safety management framework during the year. The framework comprises of an occupational safety and health management system and an injury management system, with these systems accessible by all employees through an 'OSH Toolkit' on the department's intranet. In 2008-09, the safety management framework will be promoted to other public sector agencies as a way of managing and communicating safety to employees.



Public Sector Occupational Safety, Health and Injury Management Network



On 1 May 2008, over 110 public sector occupational safety and health and injury management practitioners attended the inaugural Public Sector Occupational Safety, Health and Injury Management Network session. The network was established to assist public sector practitioners to exchange information in order to meet the challenges within their workplaces. Following the successful establishment of the network future events are planned for 2008-09.

Informing our customers

In addition to the launch of the department's 'new look' internet site and the development of other websites, such as www.publicsectorsafety.wa.gov.au, DOCEP continued to enhance its online material. In particular, there was a focus on publications targeted at specific audiences, such as the development of youth orientated information on labour relations issues.

A number of divisional promotional activities were supported by Corporate Communications during the year including WorkSafe's 'Come Home Safe' campaign, the Consumer Protection Awards, Safe Work Week 2007, Work Safe Awards and WorkSafe forums. The Office of the Director General also maintained a library of more than 300 departmental publications (including boards and committees).

New publications continued to be developed during the year and included an agriculture safety and health workbook checklist and compact disc; a guide to creating carer friendly workplaces; and a series of finance publications on credit, home loans and short term lending.

OUR PEOPLE

Department's profile

DOCEP employs a diverse range of talented people who work together to provide a broad range of services to the Western Australian community. The department works to create workplaces where business outcomes are achieved, diversity is encouraged, health and safety is paramount, the wellbeing of employees is supported and the development of our people is championed. DOCEP employed 931 full time equivalents (FTEs) in 2007-08. Table 4 provides a summary of the department's employment profile for 2007-08.

Table 4: DOCEP's employment profile (FTEs) for 2007-08

Category	Female	Male	Total
Permanent full time	318.0	413.0	731.0
Permanent part time	62.6	12.0	74.6
Fixed term full time	64.0	45.0	109.0
Fixed term part time	12.2	4.2	16.4
Total full time equivalents (FTEs)	456.8	474.2	931.0

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

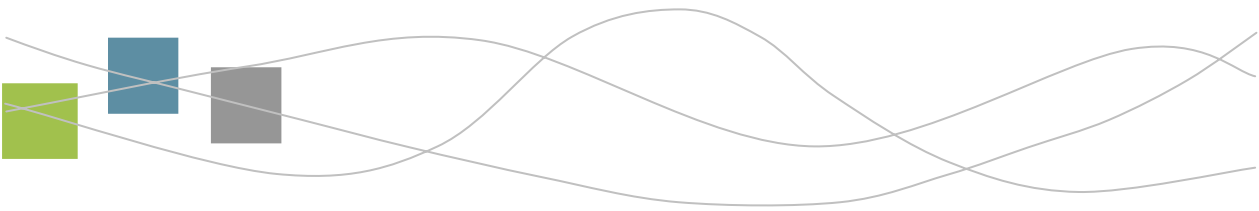
Attracting and retaining

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

DOCEP, like many organisations in Australia and globally, is experiencing difficulty in both retaining and recruiting staff. Attracting, motivating and retaining talented people and assisting them to perform at consistently high levels are all vital to our continued success. To attract and retain the best possible people we offer a range of employee benefits including work life balance initiatives, study assistance, health and wellness programs, learning and development opportunities and flexible work practices.



Katie Rogers, Health and Wellness Co-ordinator, Corporate Services Division



During the year, a mature age employment plan and phased retirement guidelines were developed and will be implemented in 2008-09. DOCEP is committed to the professional development of our people and ensuring positive employee engagement is promoted throughout the department.

DOCEP also continued to pursue the clerical pool recruitment process with the third event being held on 19 May 2008. The intention of the recruitment process was to establish a pool of suitable candidates who may be recruited for permanent or temporary full time, part time and casual vacancies within the department. DOCEP is the only public sector department which has established this process at this stage.



(L-R) Tibia Harniess, Human Resource Advisor; Ramona Krajancich, Senior Human Resource Advisor; and Sarah Black (applicant) now employed as Administrative Assistant, Corporate Services Division.

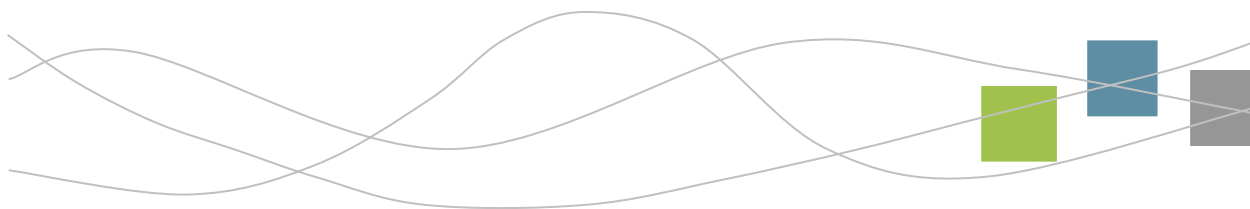
Valuing equity and diversity

The department acknowledges differences in the workforce and adapts work practices to create an inclusive environment in which diverse skills, perspectives and backgrounds are valued.

An Equity and Diversity Plan 2007-2009 was developed to support the State Government's commitment to developing an equitable and diverse workforce which is representative of the Western Australian community at all levels of employment and which enables employees to combine work and family responsibilities.

The plan incorporates the Indigenous employment strategy, the disability strategy and the diversity strategy, and makes sure that equity and diversity are considered in all aspects of the department's work, particularly in recruitment and people management strategies. Activities during the year that supported the Equity and Diversity Plan 2007-2009 included:

- A number of workshops were conducted to raise awareness of diversity issues and contribute toward an inclusive working environment. These workshops were supported by promotional material including posters, emails to DOCEP employees and articles in the monthly human resource newsletter. New employees also attended a one day equal employment opportunity, substantive equality and the prevention of bullying workshop to promote a workplace free of harassment and discrimination.
- Two parenthood and productivity: motherhood and the workplace workshops, and a superannuation for women information session were conducted to address the needs of female employees.
- An article regarding National Youth Week and a series of articles on generational diversity were included in the internal monthly *HR Matters* newsletter. A managing diverse generations workshop was also conducted.
- DOCEP was the first Western Australian agency to undertake a pay equity audit. The audit was undertaken to identify differences in pay and work arrangements by gender of employees. To reduce the gender pay gap, a pay equity strategy has been developed.



- Harmony Week was celebrated by encouraging employees to hold multicultural social activities and attend diversity workshops.
- Two Indigenous Business Trainees were employed. To raise awareness of Indigenous issues, there were emails to all employees and articles in the *HR Matters* newsletter regarding National Reconciliation Week and NAIDOC Week and four Indigenous cross cultural awareness workshops were conducted.
- The department continued to develop a close working relationship with EDGE, a non-profit organisation, established for the purpose of assisting people with disabilities to establish careers. International Day of People with a Disability was celebrated by holding a morning tea which was attended by EDGE representatives and managers across DOCEP. Two EDGE job seekers have been subsequently employed on fixed term employment contracts within the department.

Learning and development

Employee learning and development

A wide variety of workshops were conducted internally and included:

- new workshops in response to development needs identified by employees through the performance review and development system and included developing the skills of employees in dealing with challenging or difficult situations or customers. These workshops related to how to deliver great customer service, writing for government; verbal judo and interpersonal and communication skills;
- workshops to enhance the skills of supervisors and managers. These workshops related to managing people, performance feedback and conflict management;
- workshops to support employees in their careers. These workshops related to strategic planning for your career, job application skills and interview skills; and
- workshops to assist employees with work life balance. These workshops related to motherhood in the workplace and training your mind to be focused, calm and clear.

Leadership development

Government's leadership development strategy

As part of the implementation of the Department of the Premier and Cabinet's Leadership Development Strategy, 19 employees at level six and above participated in the leadership development profiling assessment which comprised a 360 degree assessment and an individual coaching session.



DOCEP's leadership team

The department continued to focus on developing a positive corporate culture with clear leadership and open communication through presentations and workshops for DOCEP's leadership team. These sessions are designed to enhance the team's abilities to build and sustain effective workplace relationships and to contribute to a more positive working environment for all employees.

During the year, the leadership team's session focused on the topic of 'Making sense of our relationship with Indigenous people and communities' in order to identify how DOCEP can better improve its service delivery to Indigenous customers. The session provided the leadership team with a better understanding of Indigenous culture and the issues to consider when designing and improving our service delivery to Indigenous communities across Western Australia. At the session, participants were addressed by Lieutenant General (Retired) John Sanderson AC, Brian Wyatt and Tim Muirhead. This session also supported the department's Reconciliation Action Plan.

Women's development program

A four module Women's Development Program: Leadership skills for professional women, was conducted in April and May 2008. This program was designed to support the career development of mid-level female employees by offering specific professional development in four key areas. The format of the program facilitated networking and the building of support relationships between participants. Due to an overwhelming response and excellent feedback, two additional programs were scheduled for 2008-09. A two module Women's Development Program: Tapping talent, was also designed for level two and level three female employees and has been scheduled for 2008-09.



Pamela Lewis, Director
Human Resources,
Corporate Services
Division

Performance review and development

The department's performance review and development system provides regular feedback, and at the same time empowers, supports and develops employees by respecting their individuality and diversity. A revised performance review and development system was implemented during 2007-08. Key features of the revised system include:

- the performance review cycle was aligned with the department's planning cycle to provide a link between divisional business plans and each employee's roles, priorities and goals;
- a learning and development action plan was included for all employees in recognition of the performance review system being the primary means of identifying employee's current and future development needs as well as providing the opportunity for employees to discuss career aspirations;
- employees at level seven and above were also assessed against the core capabilities contained in the Western Australian Public Sector Leadership Development Profiles. Core capabilities were also developed for employees at level one to level six;
- a mid-cycle review with emphasis on the provision of regular feedback on performance; and
- the introduction of an upward feedback form which provides employees with the opportunity to provide structured feedback.

Communicating with our employees

Employee committees

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



Internal communication

News on activities by DOCEP divisions and employees is communicated through *DOCEP News*, an online newsletter. In addition, the internal *HR Matters* publication was used throughout the year to raise awareness and promote various diversity and equal employment opportunity matters including Reconciliation Week, National Youth Week, International Women's Day, Harmony Week, and International Day of People with a Disability. A series of articles on generational diversity were also included in the newsletter. *HR Matters* was also used to provide advice and information to managers on a wide range of staffing issues as well as to keep all employees informed of various human resources initiatives such as the attraction, recruitment and retention action plan.



Employee services

Employee assistance

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

Support for charities and community groups

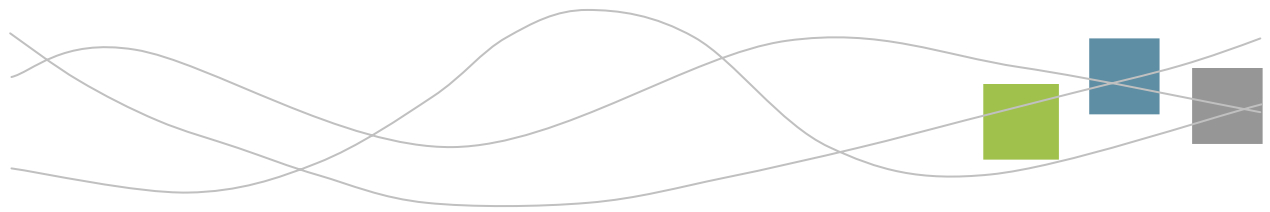
DOCEP continued to provide ongoing support to local charities and community groups through a range of fundraising activities including casual dress days. During the past year, employees raised over \$1,600 which was donated to three charities, the Royal Flying Doctor Service of Australia, the Breast Cancer Foundation and the Daffodil Foundation. In addition, employees also supported various community groups and charities in a personal capacity.

Workplace Wellness

Workplace wellness initiatives are designed to provide education and support to our employees and to assist them in maintaining healthy lifestyles, supporting work-life balance and encouraging them to deal effectively with the stresses of everyday work and life problems. In addition to the health and wellness pilot program conducted at the West Perth office, a number of the DOCEP office locations have access to onsite a gymnasium and/or yoga classes. During the year, the influenza vaccination was made available to all employees. Healthy lifestyle choices were also promoted through *DOCEP News* and *HR Matters* newsletters. A DOCEP wide wellness program will be implemented in 2008-09.



DOCEP lunchtime walking group



SIGNIFICANT ISSUES AND TRENDS

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

Significant issues and trends

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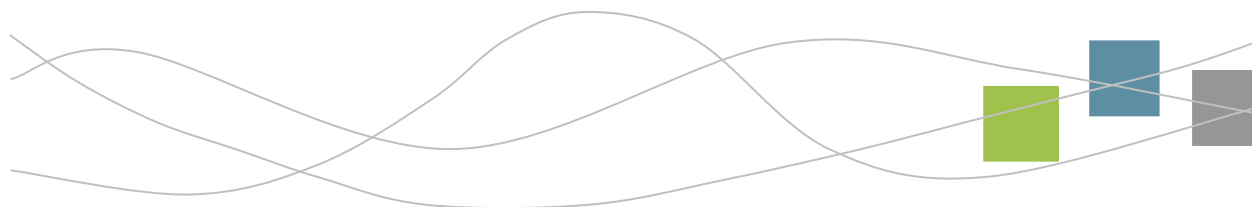


SIGNIFICANT ISSUES AND TRENDS

Consumer Protection

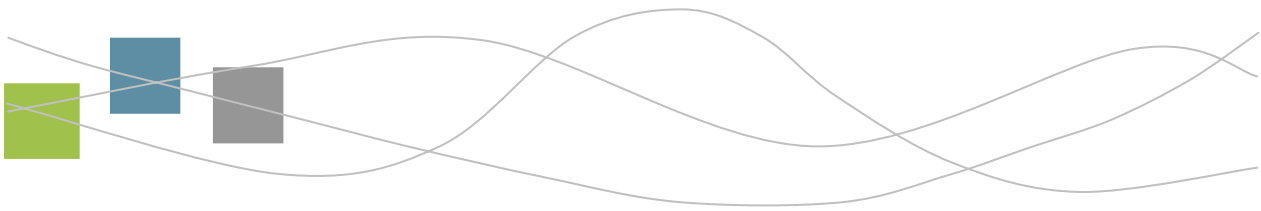
- Implementation of recommendations arising from the Productivity Commission's Review of Australia's Consumer Policy Framework and the broader Council of Australian Government (COAG) agenda will have significant implications for Consumer Protection. The focus of these issues is on the increasingly national character of the consumer marketplace and the need for nationally consistent legislation.
- High levels of consumer debt combined with increasing interest rates will place continuing pressure on some consumers endeavouring to meet loan obligations. A trend towards 'interest only' shared equity and 40 year home loans combined with stabilisation of housing prices may also result in debt being higher than equity in foreclosure situations. The department will continue to focus on consumer education, proactive monitoring of finance broker and credit provider practices, and support in negotiating hardship variations for existing loan contracts.
- The increasing number of seniors is leading to the emergence of new issues for consumer protection such as increased demand for information and services, particularly in relation to long stay tenancy, reverse mortgages, accommodation options, and a greater emphasis on proactive compliance programs focused on retirement villages.
- The diminishing pool of skilled labour in trades, service industries and the retail sector is having an impact on consumers in relation to the quality, timeliness and cost of work.
- Continuing population growth and exceptionally high rental occupation rates, leading to increased pressure in the rental market, are likely to result in more frequent consumer problems related to residential tenancies.





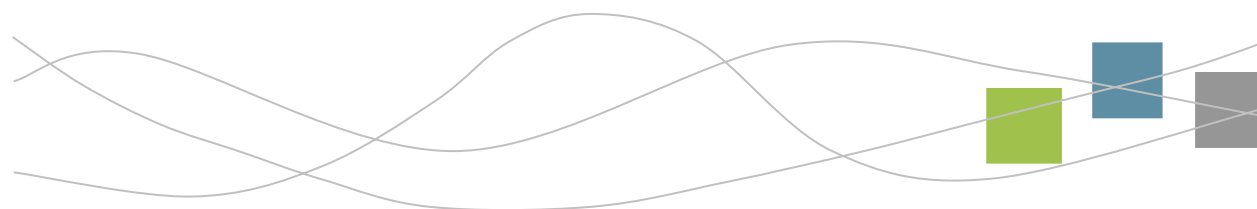
Safety and Employment Protection

- Western Australia remains committed to national occupational safety and health targets which aim for at least a 20 per cent reduction in fatalities and a 40 per cent reduction in injuries between 2002 and 2012.
- The first full year of the high risk work licensing scheme will be a significant milestone involving the progressive conversion of Certificates of Competency to High Risk Work Licences and the introduction of licences for forklifts.
- The national alignment of occupational safety and health regulatory frameworks will continue.
- Significantly increased involvement with other government agencies in the assessment of occupational health, community and environmental impacts associated with the export of minerals in Western Australia.
- Continued rapid expansion and diversification of the resources industry in the State is the most significant issue into the foreseeable future. This requires careful consideration of new means of providing the regulatory service across the full range of regulatory and advisory activities at an increased number of sites, while maintaining the requisite level of regulatory and technical expertise. New resources industry projects and expansion of existing projects represents a long-term (20 to 30 years) investment by industry, which will require an expanded safety regulatory service.
- The Hicks Review recommends the introduction of a safety case methodology in the mining industry, representing a significant change to the regulatory regime. This will require the regulator to devote additional resources to the development and implementation of the legislation, training programs, assessment and maintenance procedures, compliance management programs, guidance material and enforcement protocols.
- A significant increase in the quantities of ammonium nitrate being imported from other states and overseas is occurring as a result of the growth in the resources industry. The new counter-terrorism measures recently introduced will place further restrictions on the logistics of ammonium nitrate importation, storage, handling and distribution.
- The number of freedom of information requests received by the Resources Safety Division in the first half of 2007-08 has increased significantly, mainly as a result of greater requests for information on dangerous goods stored on proposed development sites.
- The level of incidents that occur through unsafe work practices to electrical workers continues to be of concern and is being addressed through regulatory action dealing with safe work practices.
- The reform of the electrical appliance and equipment safety regulation regime is under way.



- The increase in the State's economic activity has resulted in a huge influx of electrical and gas operatives seeking local work. This has placed considerable pressure on the EnergySafety Division, which responded appropriately.
- EnergySafety carried out a major public awareness program in 2007-08 to increase public awareness of electrical and gas safety.
- The Commonwealth Government's agenda for labour relations, including a national industrial relations system, as detailed in 'Forward with Fairness' will have a significant impact on the Western Australian labour relations system.
- The increase in the State's economic activity is continuing to influence the department's ability to recruit and retain adequate resources, thereby impacting on the provision of some services. This is compounded by the continued critical skills shortages across the resources industry sectors including the need to compete with industry for the required technical skills and expertise. The new dangerous goods regulations will also place increasing demands on existing regulatory staff.
- Shortages of skilled workers continue in certain sections of the workforce. The State's strong economic performance has intensified demand for labour and labour shortages are exacerbated by the ageing workforce.





DISCLOSURES AND LEGAL COMPLIANCE

This section contains the audited Financial Statements and Performance Indicator Report for the year ending 30 June 2008. The section also contains details of required disclosures and legal compliance obligations including financial and performance management, accountability, governance and reports required under specific legislation.

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AUDIT OPINION



Auditor General

INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

**DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION
FINANCIAL STATEMENTS AND KEY PERFORMANCE INDICATORS
FOR THE YEAR ENDED 30 JUNE 2008**

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

The financial statements comprise the Balance Sheet as at 30 June 2008, and the Income Statement, Statement of Changes in Equity, Cash Flow Statement, Schedule of Income and Expenses by Service, and Summary of Consolidated Account Appropriations and Income Estimates for the year then ended, a summary of significant accounting policies and other explanatory Notes.

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

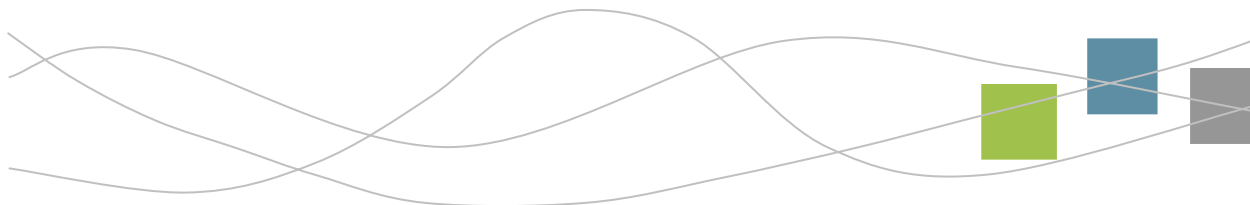
Director General's Responsibility for the Financial Statements and Key Performance Indicators

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

Summary of my Role

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

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



Department of Consumer and Employment Protection
Financial Statements and Key Performance Indicators for the year ended 30 June 2008

Audit Opinion

In my opinion,

- (i) the financial statements are based on proper accounts and present fairly the financial position of the Department of Consumer and Employment Protection at 30 June 2008 and its financial performance and cash flows for the year ended on that date. They are in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions;
- (ii) the controls exercised by the Department provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (iii) the key performance indicators of the Department are relevant and appropriate to help users assess the Department's performance and fairly represent the indicated performance for the year ended 30 June 2008.

A handwritten signature in black ink, appearing to read 'C. Murphy'.

COLIN MURPHY
AUDITOR GENERAL
17 September 2008



FINANCIAL STATEMENTS

Certification of Financial Statements

for the year ended 30 June 2008

The accompanying financial statements of the Department of Consumer and Employment Protection 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 2008 and the financial position as at 30 June 2008.

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

David Goodwin
Chief Finance Officer
8 September 2008

Brian Bradley
Accountable Authority
8 September 2008



Financial Statements

Department of Consumer and Employment Protection

Income Statement

for the year ended 30 June 2008

	Note	2008 \$'000	2007 \$'000
COST OF SERVICES			
Expenses			
Employee benefits expenses	6	72,039	65,953
Supplies and services	7	16,351	12,891
Depreciation and amortisation expense	8	2,251	1,861
Administration expenses	9	9,105	6,600
Accommodation expenses	10	8,749	6,415
Grants and subsidies	11	607	580
Capital user charge	12	0	2,224
Loss on disposal of non-current assets	17	0	1
Other expenses	13	519	557
Total cost of services		109,621	97,082
Income			
Revenue			
User charges and fees	14	32,807	28,947
Commonwealth grants and contributions	15	318	405
Other revenue	16	2,173	1,777
Total revenue		35,298	31,129
Gains			
Gain on disposal of non-current assets	17	8	17
Total gains		8	17
Total income other than income from State Government		35,306	31,146
NET COST OF SERVICES		74,315	65,936
INCOME FROM STATE GOVERNMENT			
Service appropriation	18	71,371	67,560
Liabilities assumed by the Treasurer		182	1,119
Resources received free of charge		953	988
Total income from State Government		72,506	69,667
SURPLUS/(DEFICIT) FOR THE PERIOD		(1,809)	3,731

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



Department of Consumer and Employment Protection
Balance Sheet
as at 30 June 2008

	Note	2008 \$'000	2007 \$'000
Assets			
Current Assets			
Cash and cash equivalents	31	13,721	10,720
Restricted cash and cash equivalents	19	5,416	3,272
Receivables	20	6,558	7,161
Amounts receivable for services	21	1,120	1,120
Other current assets	22	271	35
Total Current Assets		27,086	22,308
Non-Current Assets			
Restricted cash and cash equivalents	19	900	600
Amounts receivable for services	21	10,542	8,039
Property, plant and equipment	23	26,953	18,989
Intangible assets	24	1,169	170
Total Non-Current Assets		39,564	27,798
TOTAL ASSETS		66,650	50,106
Liabilities			
Current Liabilities			
Payables	26	6,786	1,959
Unearned revenues	28	1,923	1,076
Provisions	27	12,032	11,081
Other current liabilities	29	174	131
Total Current Liabilities		20,915	14,247
Non-Current Liabilities			
Payables	26	571	731
Provisions	27	4,623	4,271
Total Non-Current Liabilities		5,194	5,002
Total Liabilities		26,109	19,249
Net Assets		40,541	30,857
Equity	30		
Contributed equity		30,595	21,650
Reserves		5,494	2,946
Accumulated surplus		4,452	6,261
Total Equity		40,541	30,857
TOTAL LIABILITIES AND EQUITY		66,650	50,106

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



Department of Consumer and Employment Protection
Statement of Changes in Equity
for the year ended 30 June 2008

	Note	2008 \$'000	2007 \$'000
Balance of equity at start of period		30,857	22,183
CONTRIBUTED EQUITY	30		
Balance at start of period		21,650	18,677
Capital contribution		7,043	2,950
Other contributions by owners		1,902	23
Balance at end of period		<u>30,595</u>	<u>21,650</u>
RESERVES			
Asset Revaluation Reserve			
Balance at start of period		2,946	976
Gain from asset revaluation		2,548	1,970
Balance at end of period		<u>5,494</u>	<u>2,946</u>
ACCUMULATED SURPLUS			
Balance at start of period		6,261	2,530
Surplus/(deficit) for the period		(1,809)	3,731
Balance at end of period		<u>4,452</u>	<u>6,261</u>
Balance of equity at end of period		<u><u>40,541</u></u>	<u><u>30,857</u></u>
Total income and expense for the period ^(a)		<u>739</u>	<u>5,701</u>

(a) The aggregate net amount attributable to each category of equity is: deficit (\$1,809,000) plus gains from asset revaluation \$2,548,000 (2007: surplus \$3,731,000 plus gains from asset revaluation \$1,970,000).

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



Department of Consumer and Employment Protection
Cash Flow Statement
for the year ended 30 June 2008

	Note	2008 \$'000	2007 \$'000
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriation		67,748	64,218
Capital contributions		7,043	2,950
Holding account drawdowns		1,120	910
Net cash provided by State Government		75,911	68,078
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee benefits		(65,289)	(58,363)
Superannuation		(5,265)	(5,265)
Supplies and services		(29,385)	(25,154)
Capital User Charge		0	(2,224)
GST payments on purchases		(4,011)	(3,000)
Other payments		(519)	(432)
Receipts			
User charges and fees		34,903	28,397
Commonwealth grants and contributions		455	469
GST receipts on sales		608	640
GST receipts from taxation authority		2,620	1,752
Other receipts		2,173	1,777
Net cash provided by/(used in) operating activities	31	(63,710)	(61,403)
CASH FLOWS FROM INVESTING ACTIVITIES			
Proceeds from sale of non-current physical assets		8	17
Purchase of non-current physical assets		(6,764)	(2,964)
Net cash provided by/(used in) investing activities		(6,756)	(2,947)
Net increase/(decrease) in cash and cash equivalents		5,445	3,728
Cash and cash equivalents at the beginning of the period		14,592	10,864
CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD	31	20,037	14,592

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

Department of Consumer and Employment Protection
Schedule of Income and Expenses by Service
for the year ended 30 June 2008

	Consumer Protection		Safety & Employment Protection		Total	
	2008	2007	2008	2007	2008	2007
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
COST OF SERVICES						
Expenses						
Employee benefits expenses	28,940	27,578	43,099	38,375	72,039	65,953
Supplies and services	6,569	5,390	9,782	7,501	16,351	12,891
Depreciation and amortisation expense	904	778	1,347	1,083	2,251	1,861
Administration expenses	3,658	2,760	5,447	3,840	9,105	6,600
Accommodation expenses	3,515	2,682	5,234	3,733	8,749	6,415
Grants and subsidies	244	243	363	337	607	580
Capital User Charge		930		1,294	0	2,224
Loss on disposal of non-current assets		0		1	0	1
Other expenses	208	233	311	324	519	557
Total cost of services	44,038	40,594	65,583	56,488	109,621	97,082
Income						
User Charges and Fees	17,003	16,082	15,804	12,865	32,807	28,947
Commonwealth grants and contributions	165	225	153	180	318	405
Other revenue	1,126	987	1,047	790	2,173	1,777
Gain on disposal of non-current assets	3	7	5	10	8	17
Total income other than income from State Government	18,297	17,301	17,009	13,845	35,306	31,146
NET COST OF SERVICES	25,741	23,293	48,574	42,643	74,315	65,936
INCOME FROM STATE GOVERNMENT						
Service appropriation	28,672	28,250	42,699	39,310	71,371	67,560
Liabilities assumed by the Treasurer	73	468	109	651	182	1,119
Resources received free of charge	383	413	570	575	953	988
Total income from State Government	29,128	29,131	43,378	40,536	72,506	69,667
SURPLUS/(DEFICIT) FOR THE PERIOD	3,387	5,838	(5,196)	(2,107)	(1,809)	3,731

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



Department of Consumer and Employment Protection
Summary of Consolidated Account Appropriations and Income Estimates
for the year ended 30 June 2008

	2008 Estimate \$'000	2008 Actual \$'000	Variance \$'000	2008 Actual \$'000	2007 Actual \$'000	Variance \$'000
DELIVERY OF SERVICES						
Item 73 Net amount appropriated to deliver services	66,316	70,624	4,308	70,624	67,297	3,327
Amount Authorised by Other Statutes						
- Salaries and Allowances Act 1975	273	747	474	747	263	484
Total appropriations provided to deliver services	<u>66,589</u>	<u>71,371</u>	<u>4,782</u>	<u>71,371</u>	<u>67,560</u>	<u>3,811</u>
CAPITAL						
Item 158 Capital Contribution	4,753	7,043	2,290	7,043	2,950	4,093
Total capital appropriations	<u>4,753</u>	<u>7,043</u>	<u>2,290</u>	<u>7,043</u>	<u>2,950</u>	<u>4,093</u>
ADMINISTERED TRANSACTIONS						
Administered grants, subsidies and other transfer payments	0	0	0	0	30,000	(30,000)
Total administered transactions	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>30,000</u>	<u>(30,000)</u>
GRAND TOTAL	<u>71,342</u>	<u>78,414</u>	<u>7,072</u>	<u>78,414</u>	<u>100,510</u>	<u>(22,096)</u>
Details of Expenses by Service						
Consumer Protection	40,797	44,038	3,241	44,038	40,594	3,444
Safety and Employment Protection	56,725	65,583	8,858	65,583	56,488	9,095
Total Cost of Services	97,522	109,621	12,099	109,621	97,082	12,539
Less total income	(28,732)	(35,306)	(6,574)	(35,306)	(31,146)	(4,160)
Net Cost of Services	68,790	74,315	5,525	74,315	65,936	8,379
Adjustments (a)	(2,201)	(2,944)	(743)	(2,944)	1,624	(4,568)
Total appropriations provided to deliver services	<u>66,589</u>	<u>71,371</u>	<u>4,782</u>	<u>71,371</u>	<u>67,560</u>	<u>3,811</u>
Capital Expenditure						
Purchase of non-current physical assets	5,873	6,767	894	6,767	2,964	3,803
Adjustment	(1,120)	276	1,396	276	(14)	290
Capital Contribution (appropriation)	<u>4,753</u>	<u>7,043</u>	<u>2,290</u>	<u>7,043</u>	<u>2,950</u>	<u>4,093</u>
DETAILS OF INCOME ESTIMATES						
Income disclosed as Administered Income	<u>7,953</u>	<u>8,902</u>	<u>949</u>	<u>8,902</u>	<u>8,613</u>	<u>289</u>

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

Note 35 'Explanatory statement' provides details of any significant variations between estimate and actual results for 2008 and between the actual results for 2007 and 2008.



Department of Consumer and Employment Protection
Notes to the Financial Statements
for the year ended 30 June 2008

1. Departmental mission and funding

The Department of Consumer and Employment Protection (DOCEP) is an agency of the Government of Western Australia and seeks to create a trading and employment environment that provides for the growth, safety and protection of the community by, enhancing capacity, ensuring an effective regulatory environment, and enforcing the law.

The department is predominantly funded by Parliamentary appropriations and supplemented by external fees and charges. The fees charged are based on the full cost recovery basis. The financial statements encompass all funds through which the department controls resources to carry on its functions.

2. Australian equivalents to International Financial Reporting Standards

General

The department's financial statements for the year ended 30 June 2008 have been prepared in accordance with Australian equivalents to International Financial Reporting Standards (AIFRS), which comprise a Framework for the Preparation and Presentation of Financial Statements (the Framework) and Australian Accounting Standards (including the Australian Accounting Interpretations).

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

Early adoption of standards

The department cannot early adopt an Australian Accounting Standard or Australian Accounting Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. No Standards and Interpretations that have been issued or amended but are not yet effective have been early adopted by the department for the annual reporting period ended 30 June 2008.

3. Summary of significant accounting policies

(a) General Statement

The financial statements constitute a general purpose financial report which has been prepared in accordance with the Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board as applied by the Treasurer's Instructions. Several of these are modified by the Treasurer's Instructions to vary application, disclosure, format and wording.

The Financial Management Act and the Treasurer's Instructions are legislative provisions governing the preparation of financial statements and take precedence over the Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board.

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



Department of Consumer and Employment Protection
Notes to the Financial Statements
for the year ended 30 June 2008

(b) Basis of Preparation

The financial statements have been prepared in accordance with Accounting Standard AAS 29 "Financial Reporting by Government Departments" on the accrual basis of accounting using the historical cost convention, modified by the revaluation of land and buildings which have been measured at fair value.

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

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

(c) Reporting Entity

The department is the only reporting entity as there are no related bodies.

The department administers assets, liabilities, income and expenses on behalf of Government that are not controlled by, nor integral to the function of the department. These administered balances and transactions are not recognised in the principal financial statements of the department but schedules are prepared on similar basis to the financial statements and are presented at note 43 'Administered Expenses and Income' and note 44 'Administered Assets and Liabilities'.

(d) Contributed Equity

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

Transfer of net assets to/from other agencies are designated as contributions by owners where the transfers are non-discretionary and non-reciprocal. See note 30 'Equity'.

(e) Income

Revenue Recognition

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

Service Appropriations

Service Appropriations are recognised as revenues in the period in which the department gains control of the appropriated funds. The department gains control of appropriated funds at the time those funds are deposited into the department's bank account or credited to the holding account held at the Department of Treasury and Finance. See note 18 'Income from State Government' for further detail.



Department of Consumer and Employment Protection
Notes to the Financial Statements
for the year ended 30 June 2008

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 2007-2008 Budget Statements, the department retained \$35.30 million in 2008 (\$31.13 million in 2007) from the following:

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

Rendering of services

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

Sale of goods

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

Grants, donations, gifts and other non-reciprocal contributions

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

Other non-reciprocal contributions that are not contributions by owners are recognised at their fair value. Contributions of services are only recognised when a fair value can be reliably determined and the services would be purchased if not donated.

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

Gains

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

(f) Property, plant and equipment

Capitalisation/Expensing of assets

Items of land are capitalised irrespective of value. All other property, plant and equipment are capitalised when their cost or fair value exceeds \$1,000. The cost of utilising assets is expensed (depreciated) over their useful lives. Items of property, plant and equipment costing less than \$1,000 are immediately expensed direct to the Income Statement (other than where they form part of a group of similar items which are significant in total).



Department of Consumer and Employment Protection
Notes to the Financial Statements
for the year ended 30 June 2008

Initial recognition and measurement

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

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

Subsequent measurement

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

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

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

The revaluation of land and buildings is an independent valuation provided on an annual basis by Landgate (Valuation services).

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

Refer to note 23 'Property, plant and equipment' for further information on revaluations.

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.



Department of Consumer and Employment Protection
Notes to the Financial Statements
for the year ended 30 June 2008

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

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

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

(g) Intangible Assets

Capitalisation/Expensing of assets

Acquisitions of intangible assets over \$1,000 and internally developed intangible assets costing \$100,000 or more are capitalised. The cost of utilising the assets is expensed (amortised) over their useful life. Costs incurred below these thresholds are immediately expensed directly to the Income Statement.

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

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

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

The expected useful lives for intangible software assets are:

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

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 \$1,000 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.



Department of Consumer and Employment Protection Notes to the Financial Statements for the year ended 30 June 2008

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.

(h) Impairment of Assets

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

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

The department has no intangible assets either with an indefinite useful life or not yet available for use. The department does not have any surplus assets.

See note 25 'Impairment of assets' for the outcome of impairment reviews and testing.

See note 3(p) 'Receivables' and note 20 'Receivables' for impairment of receivables.

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

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

(j) Leases

The department does not have any finance leases. The department holds operating leases for head office and a number of branch office buildings. Lease payments are expensed on a straight-line basis over the lease term as this represents the pattern of benefits derived from the leased properties.

(k) Financial Instruments

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

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

These have been disaggregated into the following classes:

Financial Assets

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

Financial Liabilities

- Payables



Department of Consumer and Employment Protection Notes to the Financial Statements for the year ended 30 June 2008

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.

(l) Cash and Cash Equivalents

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

(m) Accrued Salaries

The accrued salaries suspense account (see note 19 'Restricted cash and cash equivalents') consists of amounts paid annually into a suspense account over a period of 10 financial years to largely meet the additional cash outflow in each eleventh year when 27 paydays occur instead of the normal 26. No interest is received on this account.

Accrued salaries (refer note 29 'Other liabilities') 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.

(n) Amounts Receivable for Services (Holding Account)

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

See also note 18 'Income from State Government' and note 21 'Amounts receivable for services'.

(o) Inventories

The department does not hold any inventories.

(p) Receivables

Receivables are recognised and carried at original invoice amount less an allowance for uncollectible amounts. The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectible are written-off. 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 20 'Receivables'.



Department of Consumer and Employment Protection
Notes to the Financial Statements
for the year ended 30 June 2008

(q) Payables

Payables are recognised when the department becomes obliged to make future payments as a result of a purchase of assets or services. The carrying amount is equivalent to fair value, as they are generally settled within 30 days. See note 26 'Payables'.

(r) Amounts Due to the Treasurer

There are no amounts due to the Treasurer.

(s) Provisions

Provisions are liabilities of uncertain timing and amount and are recognised where there is a present legal, equitable or constructive obligation as a result of a past event and when the outflow of resources embodying economic benefits is probable and a reliable estimate can be made of the amount of the obligation. Provisions are reviewed at each balance sheet date. See note 27 'Provisions'.

(i) Provisions - Employee Benefits

Annual Leave and Long Service Leave

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

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

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

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

Sick Leave

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

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



Department of Consumer and Employment Protection
Notes to the Financial Statements
for the year ended 30 June 2008

Superannuation

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

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

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

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

See also note 3(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 13 'Other expenses' and note 27 'Provisions').

(t) Superannuation Expense

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

- (a) Defined benefit plans - Change in the unfunded employer's liability (i.e. current service cost and, actuarial gains and losses) assumed by the Treasurer in respect of current employees who are members of the Pension Scheme and current employees who accrued a benefit on transfer from that Scheme to the Gold State Superannuation Scheme (GSS); and
- (b) Defined contribution plans - Employer contributions paid to the GSS (concurrent contributions), the West State Superannuation Scheme (WSS), and the GESB Super Scheme (GESBS).

Defined benefit plans - in order to reflect the true cost of services, the movements (i.e. current service cost and, actuarial gains and losses) in the liabilities in respect of the Pension Scheme and the GSS transfer benefits are recognised as expenses directly in the Income Statement.



Department of Consumer and Employment Protection Notes to the Financial Statements for the year ended 30 June 2008

As these liabilities are assumed by the Treasurer (refer note 3(t)(a)), a revenue titled 'Liabilities assumed by the Treasurer' equivalent to the expense is recognised under Income from State Government in the Income Statement (See note 18 'Income from State Government').

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

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

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

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

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

(v) Jointly Controlled Operations

The department does not have any jointly controlled operations.

(w) Comparative Figures

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

4. Disclosure of changes in accounting policy and estimates

Initial application of an Australian Accounting Standard

The department has applied the following Australian Accounting Standards and Australian Accounting Interpretations effective for annual reporting periods beginning on or after 1 July 2007 that impacted on the department:

1. AASB 7 'Financial Instruments: Disclosures' (including consequential amendments in AASB 2005-10 'Amendments to Australian Accounting Standards [AASB 132, AASB 101, AASB 114, AASB 117, AASB 133, AASB 139, AASB 1, AASB 4, AASB 1023 & AASB 1038]'). This Standard requires new disclosures in relation to financial instruments and while there is no financial impact, the changes have resulted in increased disclosures, both quantitative and qualitative, of the department's exposure to risks, including enhanced disclosure regarding components of the department's financial position and performance, and changes to the way of presenting certain items in the notes to the financial statements.

Changes in Accounting Estimates

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



Department of Consumer and Employment Protection
Notes to the Financial Statements
for the year ended 30 June 2008

5. Services of the Department

Information about the department's services and the expenses and income, that are reliably attributable to those services, is set out in the Schedule of Income and Expenses by Service. Information about expenses, revenues, assets and liabilities administered by the department are given in notes 41, 43 and 44.

The two key services of the department are:

Service 1: Consumer Protection

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

Service 2: Safety and Employment Protection

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



Department of Consumer and Employment Protection
Notes to the Financial Statements
for the year ended 30 June 2008

	2008	2007
	\$'000	\$'000
6. Employee benefits expense		
Wages and salaries	62,653	56,608
Superannuation - defined contribution plans ^(a)	5,746	5,264
Superannuation - defined benefit plans ^{(b) (c)}	182	1,119
Long service leave ^(d)	483	836
Annual leave ^(d)	634	419
Other related expenses	2,341	1,707
	<u>72,039</u>	<u>65,953</u>

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

(b) Defined benefit plans include Pension scheme and Gold State (pre-transfer benefit).

(c) An equivalent notional income is also recognised (see Note 18 'Income from State Government').

(d) Includes a superannuation contribution component.

Employment on-costs such as workers' compensation insurance are included at Note 13 'Other expenses'.
The employment on-costs liability is included at Note 27 'Provisions'.

7. Supplies and services

Consultants and contractors	10,448	7,028
Materials	1,108	1,050
Insurance	263	246
Motor vehicles	2,276	2,441
Travel	1,329	1,231
Other	927	895
	<u>16,351</u>	<u>12,891</u>

8. Depreciation and amortisation expense

Depreciation

Computer Hardware	1090	982
Computer Software	254	23
Furniture and Fittings	522	496
Vehicles	36	35
Office Equipment	177	168
Buildings	51	23
Property Infrastructure	27	17
Plant & Machinery	15	13
Total Depreciation	<u>2,172</u>	<u>1,757</u>

Amortisation

Intangible assets	<u>79</u>	<u>104</u>
Total amortisation	<u>79</u>	<u>104</u>

Total depreciation and amortisation	<u>2,251</u>	<u>1,861</u>
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9. Administration expenses

Communications	2,451	1,850
Consumables	3,203	3,224
Maintenance	810	543
Other	2,641	983
	<u>9,105</u>	<u>6,600</u>



Department of Consumer and Employment Protection
Notes to the Financial Statements
for the year ended 30 June 2008

	2008	2007
	\$'000	\$'000
10. Accommodation expenses		
Lease rentals	8,118	5,908
Repairs and maintenance	395	252
Cleaning	236	255
	<u>8,749</u>	<u>6,415</u>
11. Grants and subsidies		
Farmsafe WA	64	70
Asbestos Diseases Society	83	83
Chamber of Commerce & Industry WA	52	70
Unions WA	70	70
Unions & Associations	285	205
Other Miscellaneous	53	82
	<u>607</u>	<u>580</u>
12. Capital user charge		
Capital user charge	<u>0</u>	<u>2,224</u>
The charge was a levy applied by Government for the use of its capital. The final charge was levied in 2006/07		
13. Other expenses		
Employment on-costs ^(a)	381	432
Other ^(b)	138	125
Total other expenses	<u>519</u>	<u>557</u>

(a) Includes workers' compensation insurance and other employment on-costs. The on-costs liability associated with the recognition of annual and long service leave liability is included at note 27 'Provisions'. Superannuation contributions accrued as part of the provision for leave are employee benefits and are not included in employment on-costs.

(b) Includes Audit Fee, refer to note 38 'Remuneration of auditor'.

14. User charges and fees

User charges and fees	<u>32,807</u>	<u>28,947</u>
The user charges and fees arise from the department's services in the following areas:		
Real Estate, Settlement Agents Boards & Rental Accommodation Fund	10,972	10,063
Business Names	771	767
Register of Encumbered Vehicles	1,347	1,362
Trading Standards	424	308
Worksafe	3,576	2,520
Energy Safety	9,697	8,130
Motor Vehicle Repairers	211	19
Plumbers	3,659	4,001
Resources Safety	2,121	1,751
Other	29	26
Total User Charges and Fees	<u>32,807</u>	<u>28,947</u>



Department of Consumer and Employment Protection
Notes to the Financial Statements
for the year ended 30 June 2008

	2008	2007
	\$'000	\$'000
15. Commonwealth grants and contributions		
Indian Ocean Territories	318	405
	<u>318</u>	<u>405</u>
16. Other revenue		
Other revenue	2,173	1,777
	<u>2,173</u>	<u>1,777</u>
17. Net gain/(loss) on disposal of non-current assets		
<u>Costs of Disposal of Non-Current Assets</u>		
Computer - Hardware	8	0
Furniture & Fittings	0	(1)
	<u>8</u>	<u>(1)</u>
<u>Proceeds from Disposal of Non-Current Assets</u>		
Computer - Hardware	0	17
	<u>0</u>	<u>17</u>
Net gain/(loss)	<u>8</u>	<u>16</u>
See also Note 23 'Property, plant and equipment'.		
18. Income from State Government		
Appropriation received during the year:		
Service appropriations ^(a)	71,371	67,560
	<u>71,371</u>	<u>67,560</u>
The following liabilities have been assumed by the Treasurer during the financial year:		
Superannuation ^(b)	182	1,119
Total liabilities assumed by the Treasurer	<u>182</u>	<u>1,119</u>
Resources received free of charge ^(c)		
Determined on the basis of the following estimates provided by agencies:		
Department of Treasury & Finance	93	91
State Solicitor's Office	510	509
Department of Housing and Works - Commercial Property	113	80
Western Australian Land Information Authority	237	307
Department of Education & Training	0	1
Total resources received free of charge	<u>953</u>	<u>988</u>
Total incomes from State Government	<u>72,506</u>	<u>69,667</u>

(a) Service appropriations are accrual amounts reflecting the full cost of services delivered. The appropriation revenue comprises a cash component and a receivable (asset). The receivable (holding account) comprises the depreciation expense for the year and any agreed increases in leave liability during the year.



Department of Consumer and Employment Protection

Notes to the Financial Statements

for the year ended 30 June 2008

	2008 \$'000	2007 \$'000
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(b) The assumption of the superannuation liability by the Treasurer is a notional income to match the notional superannuation expense reported in respect of current employees who are members of the Pension Scheme and current employees who have a transfer benefit entitlement under the Gold State Superannuation Scheme.

The notional superannuation expense is disclosed at Note 6 'Employee benefits expense'.

(c) Where assets or services have been received free of charge or for nominal cost, the Department recognises revenues (except where the contributions of assets or services are in the nature of contributions by owners in which case the Department shall make a direct adjustment to equity) equivalent to the fair value of the assets and/or the fair value of those services that can be reliably determined and which would have been purchased if not donated, and those fair values shall be recognised as assets or expenses, as applicable.

19. Restricted cash and cash equivalents

Current

Consumer Credit Act (WA) ^(a)	442	429
Departmental Receipts in Suspense ^(a)	129	296
Safetyline Institute ^(a)	108	41
Indian Ocean Territories - Commonwealth Government ^(a)	137	65
Mine Safety Handbooks ^(a)	24	24
Petroleum Conferences ^(a)	121	121
Motor Vehicle Repairers (MVR) Industry Operating Account ^(a)	225	18
Motor Vehicle Repairers (MVR) Industry Education and Research Account	2	1
Motor Vehicle Repairers (MVR) Industry Compensation Account ^(a)	2	1
Energy Safety Restricted Cash ^(a)	4,226	2,276
	<u>5,416</u>	<u>3,272</u>

Non-Current

Accrued salaries suspense account ^(b)	900	600
	<u>900</u>	<u>600</u>
Total restricted cash and cash equivalents	<u>6,316</u>	<u>3,872</u>

(a) Refer to Note 41 'Special Purpose Accounts and Restricted Cash Accounts' for explanation of nature of restriction.

(b) Amount held in the suspense account is only to be used for the purpose of meeting the 27th pay in a financial year that occurs every 11 years.

20. Receivables

Current

Trade debtors	5,136	5,747
Provision for doubtful debts	(11)	(11)
GST receivables	782	607
Prepayments	651	818
Total current	<u>6,558</u>	<u>7,161</u>

Ageing of receivables past due but not impaired based on the information provided to senior management, at balance sheet date:

Not more than 3 months	387	191
More than 3 months but less than 6 months	97	225
More than 6 months but less than 1 year	61	2
More than 1 year	55	6
	<u>600</u>	<u>424</u>



Department of Consumer and Employment Protection
Notes to the Financial Statements
for the year ended 30 June 2008

	2008	2007
	\$'000	\$'000
21. Amounts receivable for services		
Current	<u>1,120</u>	<u>1,120</u>
Non-Current	<u>10,542</u>	<u>8,039</u>
Total amounts receivable for services	<u>11,662</u>	<u>9,159</u>
Represents the non-cash component of service appropriations. See Note 3(n) 'Amounts Receivable for Services (Holding Account)'. It is restricted in that it can only be used for asset replacement or payment of leave liability.		
22. Other assets		
Current		
Other	<u>271</u>	<u>35</u>
	<u>271</u>	<u>35</u>
23. Property, plant and equipment		
Land ^(a)		
At fair value	<u>12,599</u>	<u>10,164</u>
	<u>12,599</u>	<u>10,164</u>
Buildings ^(b)		
At fair value	2,857	869
Accumulated depreciation	<u>(28)</u>	<u>(4)</u>
	<u>2,829</u>	<u>865</u>
Property Infrastructure		
At cost	415	413
Accumulated depreciation	<u>(45)</u>	<u>(17)</u>
	<u>370</u>	<u>396</u>
Plant & Machinery		
At cost	144	140
Accumulated depreciation	<u>(38)</u>	<u>(23)</u>
	<u>106</u>	<u>117</u>
Fixed Asset under Construction		
Construction costs	<u>2,017</u>	<u>1,191</u>
	<u>2,017</u>	<u>1,191</u>
Computer hardware		
At cost	7,978	6,711
Accumulated depreciation	<u>(5,159)</u>	<u>(4,434)</u>
	<u>2,819</u>	<u>2,277</u>
Computer software		
At cost	1,007	858
Accumulated depreciation	<u>(393)</u>	<u>(144)</u>
	<u>614</u>	<u>714</u>
Furniture and fittings		
At cost	8,072	5,127
Accumulated depreciation	<u>(2,933)</u>	<u>(2,412)</u>
	<u>5,139</u>	<u>2,715</u>
Vehicles		
At cost	235	235
Accumulated depreciation	<u>(180)</u>	<u>(144)</u>
	<u>55</u>	<u>91</u>



Department of Consumer and Employment Protection
Notes to the Financial Statements
for the year ended 30 June 2008

	2008	2007
	\$'000	\$'000
Office equipment		
At cost	1,414	1,308
Accumulated depreciation	<u>(1,009)</u>	<u>(849)</u>
	<u>405</u>	<u>459</u>
Total		
At cost/fair value	36,738	27,016
Accumulated depreciation	<u>(9,785)</u>	<u>(8,027)</u>
Total Property, plant and equipment	<u>26,953</u>	<u>18,989</u>

(a) Land was revalued as at 1 July 2007 by the Western Australian Land Information Authority (Valuation Services). The valuations were performed during the year ended 30 June 2008 and recognised at 30 June 2008. In undertaking the revaluation, fair value was determined by reference to market values, where appropriate (\$6,948,500), or otherwise to its current use value (\$5,650,700). See note 3(f) 'Property, plant and equipment'.

(b) Five new magazines were added to the building valuations at cost: \$1,902,360. The remaining buildings were revalued as at 1 July 2007 by the Western Australian Land Information Authority (Valuation Services). The valuations were performed during the year ended 30 June 2008 and recognised at 30 June 2008. In undertaking the revaluation, fair value was determined by reference market values (\$130,000), where appropriate, or to its current use and represented by its depreciated replacement cost \$824,743. See note 3(f) 'Property, plant and equipment'.

Valuation Services, the Office of the Auditor General and the Department of Treasury and Finance assessed the valuations globally to ensure that the valuations provided (as at 1 July 2007) were compliant with fair value at 30 June 2008.

Reconciliations

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

Land

Carrying amount at start of year	10,164	8,252
Revaluation	<u>2,435</u>	<u>1,912</u>
Carrying amount at end of year	<u>12,599</u>	<u>10,164</u>

Buildings

Carrying amount at start of year	865	754
Transfer -asset reclassification	0	75
Transfer from (to) other government agency	1,902	0
Revaluation	113	59
Depreciation	<u>(51)</u>	<u>(23)</u>
Carrying amount at end of year	<u>2,829</u>	<u>865</u>

Property Infrastructure

Carrying amount at start of year	396	0
Additions	1	3
Transfer -asset reclassification	0	410
Depreciation	<u>(27)</u>	<u>(17)</u>
Carrying amount at end of year	<u>370</u>	<u>396</u>

Plant & Machinery

Carrying amount at start of year	117	104
Additions	4	26
Depreciation	<u>(15)</u>	<u>(13)</u>
Carrying amount at end of year	<u>106</u>	<u>117</u>



Department of Consumer and Employment Protection
Notes to the Financial Statements
for the year ended 30 June 2008

	2008	2007
	\$'000	\$'000
Fixed Assets under Construction		
Carrying amount at start of year	1,191	1,428
Additions	826	259
Transfer -asset reclassification	0	(496)
Carrying amount at end of year	<u>2,017</u>	<u>1,191</u>
Computer hardware		
Carrying amount at start of year	2,277	1,947
Additions	1,632	1,281
Transfer from (to) other government agency	0	31
Depreciation	(1,090)	(982)
Carrying amount at end of year	<u>2,819</u>	<u>2,277</u>
Computer software		
Carrying amount at start of year	714	29
Additions	154	708
Depreciation	(254)	(23)
Carrying amount at end of year	<u>614</u>	<u>714</u>
Furniture and fittings		
Carrying amount at start of year	2,715	2,853
Additions	2,946	364
Transfer from (to) other government agency	0	(5)
Disposals	0	(1)
Depreciation	(522)	(496)
Carrying amount at end of year	<u>5,139</u>	<u>2,715</u>
Vehicles		
Carrying amount at start of year	91	99
Additions	0	21
Transfer -asset reclassification	0	6
Depreciation	(36)	(35)
Carrying amount at end of year	<u>55</u>	<u>91</u>
Office equipment		
Carrying amount at start of year	459	463
Additions	123	167
Transfer from (to) other government agency	0	(3)
Depreciation	(177)	(168)
Carrying amount at end of year	<u>405</u>	<u>459</u>
Total - Property, plant and equipment		
Carrying amount at start of year	18,989	15,929
Additions	5,686	2,829
Transfer from (to) other government agency	1,902	23
Net transfer -asset reclassification	0	(5)
Revaluation	2,548	1,971
Disposals	0	(1)
Depreciation	(2,172)	(1,757)
Carrying amount at end of year	<u>26,953</u>	<u>18,989</u>



Department of Consumer and Employment Protection
Notes to the Financial Statements
for the year ended 30 June 2008

	2008	2007
	\$'000	\$'000
24. Intangible assets		
Computer software		
At cost	1,295	1,268
Accumulated amortisation	(1,177)	(1,098)
	<u>118</u>	<u>170</u>
Software development in progress		
At cost	1,051	0
	<u>1,051</u>	<u>0</u>
Total		
At cost/fair value	2,346	1,268
Accumulated depreciation	(1,177)	(1,098)
Total Intangible assets	<u>1,169</u>	<u>170</u>
Reconciliations		
Computer software		
Carrying amount at start of year	170	139
Additions	27	135
Amortisation expense	(79)	(104)
Carrying amount at end of year	<u>118</u>	<u>170</u>
Software development in progress		
Carrying amount at start of year	1,051	0
Carrying amount at end of year	<u>1,051</u>	<u>0</u>
Total - Intangibles assets		
Carrying amount at start of year	1,221	139
Additions	27	135
Amortisation	(79)	(104)
Carrying amount at end of year	<u>1,169</u>	<u>170</u>
25. Impairment of assets		
There were no indications of impairment of property, plant and equipment, infrastructure and intangible assets at 30 June 2008. The Department held no goodwill or intangible assets with an indefinite useful life during the reporting period and at balance sheet date there were no intangible assets not yet available for use.		
26. Payables		
Current		
Trade payables	1,748	1,080
Accrued expenses	3,460	651
Accrued salaries ^(a)	1,578	228
	<u>6,786</u>	<u>1,959</u>
Non-current ^(b)		
Trust Account - Consumer Credit Act (WA)	442	429
Trust Account - Departmental Receipts in Suspense	129	302
	<u>571</u>	<u>731</u>

(a) Amount owing for 2008, 2 working days \$522,350.33, as last pay falls on 26 June 2008, plus \$1,056,516.00 accrued for proposed salary increase back dated to March 2008. Amount owing for 2007 was \$228,343. Accrued salaries are settled within a few working days of the financial year end. The carrying amount of accrued salaries is equivalent to the net fair value.

(b) Refer to Note 41 'Special Purpose Accounts and Restricted Cash Accounts' for explanation.



Department of Consumer and Employment Protection
Notes to the Financial Statements
for the year ended 30 June 2008

	2008	2007
	\$'000	\$'000
27. Provisions		
<u>Current</u>		
Employee benefits provision		
Annual leave ^(a)	5,239	4,722
Long service leave ^(b)	5,951	5,602
Other provisions		
Employment on-costs ^(c)	842	757
Total current provisions	12,032	11,081
<u>Non-current</u>		
Employee benefits provision		
Long service leave ^(b)	4,601	4,245
Other provisions		
Employment on-costs ^(c)	22	26
Total non-current provisions	4,623	4,271

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

Within 12 months of balance sheet date	3,153	2,857
More than 12 months after balance sheet date	2,086	1,865
	5,239	4,722

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

Within 12 months of balance sheet date	3,803	3,383
More than 12 months after balance sheet date	6,749	6,464
	10,552	9,847

(c) The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including workers' compensation insurance. The provision is the present value of expected future payments.

The associated expense, is included at note 13 'Other expenses'.

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 year	783	692
Additional provisions recognised	81	91
Carrying amount at end of year	864	783



Department of Consumer and Employment Protection
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	2008 \$'000	2007 \$'000
28. Unearned revenues		
Current		
Unearned revenue ^(a)	1,923	1,076
	<u>1,923</u>	<u>1,076</u>
(a) Revenue received in advance for Plumbers licences & compliance certificates and Resources Safety licences received in June 2008. This revenue will be recognised in the 2008-09 financial year.		
29. Other liabilities		
Current		
Other	174	131
	<u>174</u>	<u>131</u>
30. Equity		
Equity represents the residual interest in the net assets of the Department. The Government holds the equity interest in the Department on behalf of the community. The asset revaluation reserve represents that portion of equity resulting from the revaluation of non-current assets.		
Contributed equity		
Balance at the start of the year	21,650	18,677
<u>Contributions by owners</u>		
Capital contribution ^(a)	7,043	2,950
Transfer of net assets from other agencies: ^(a)		
Main Roads Department	1,902	0
Office of Shared Services	0	34
Total contributions by owners	<u>8,945</u>	<u>2,984</u>
<u>Distributions to owners</u>		
Transfer of net assets to other agencies: ^(b)		
Department of Industry & Resources	0	11
Total distributions to owners	<u>0</u>	<u>11</u>
Balance at the end of the year	<u>30,595</u>	<u>21,650</u>
(a) Capital contributions (appropriations) and non-discretionary (non-reciprocal) transfers of net assets from other State government agencies have been designated as contributions by owners in Treasurer's Instruction TI 955 'Contributions by Owners Made to Wholly-Owned Public Sector Entities' and are credited directly to equity.		
(b) UIG Interpretation 1038 'Contributions by Owners Made to Wholly-Owned Public Sector Entities' are required where the transferee accounts for a transfer as a contribution by owner, the transferor must account for the transfer as a distribution to owners. Consequently, non-discretionary (non-reciprocal) transfers of net assets to other State government agencies are distribution to owners and are debited directly to equity.		
Reserves		
Asset revaluation reserve:		
Balance at the start of the year	2,946	976
Net revaluation increments/(decrements):		
Land	2,435	1,911
Buildings	113	59
Balance at the end of the year	<u>5,494</u>	<u>2,946</u>
Accumulated surplus/(deficit)		
Balance at the start of the year	6,261	2,530
Result for the period	(1,809)	3,731
Balance at the end of the year	<u>4,452</u>	<u>6,261</u>



Department of Consumer and Employment Protection

Notes to the Financial Statements

for the year ended 30 June 2008

	2008 \$'000	2007 \$'000
31. Notes to the Cash Flow Statement		
<u>Reconciliation of cash</u>		
Cash at the end of the financial year as shown in the Cash Flow Statement is reconciled to the related items in the Balance Sheet as follows:		
Cash and cash equivalent	13,721	10,720
Restricted cash and cash equivalent (refer to note 19)	6,316	3,872
	<u>20,037</u>	<u>14,592</u>
<u>Reconciliation of net cost of services to net cash flows provided by/(used in) operating activities</u>		
Net cost of services	(74,315)	(65,936)
Non-cash items:		
Depreciation and amortisation expense	2,251	1,861
Superannuation expense	182	1,119
Resources received free of charge	953	988
Net (gain)/loss on sale of property, plant and equipment	(8)	(16)
Expense non-current assets received from other government agency	0	1
<u>(Increase)/decrease in assets:</u>		
Current receivables	1,386	(890)
Other current assets	(236)	(29)
Increase/(decrease) in liabilities:		
Current payables	4,827	1,120
Unearned revenue	847	407
Current provisions	951	1,132
Other current liabilities	43	(739)
Non-current payables	(160)	113
Non-current provisions	352	74
Net GST receipts/(payments)	(783)	(608)
Net cash provided by/(used in) operating activities	<u>(63,710)</u>	<u>(61,403)</u>
32. Commitments		
(a) Lease commitments		
Commitments in relation to non-cancellable operating leases contracted for at balance sheet date but not recognised in the financial statement are payable:		
Within 1 year	11,553	7,391
Later than 1 year and not later than 5 years	34,530	23,038
Later than 5 years	30,291	3,287
	<u>76,374</u>	<u>33,716</u>
Representing:		
Non-cancellable operating leases	<u>76,374</u>	<u>33,716</u>
33. Contingent Liabilities		

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



Department of Consumer and Employment Protection
Notes to the Financial Statements
for the year ended 30 June 2008

	2008	2007
	\$'000	\$'000

34. Events occurring after the balance sheet date

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

35. Explanatory statement

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

(a) Significant variances between estimate and actual for 2008 - Total appropriation to deliver services:

	2008	2008
	Actual	Estimate
	\$'000	\$'000
Total appropriation provided to deliver services for the year	71,371	66,589
Total income	35,306	28,732

Total appropriation provided to deliver services for the year - variance \$4.782 million

The variation is mainly due to additional appropriation in respect to the Shared Corporate Services Reform Harvest (\$1.485 million), Residential Gas Survey (\$1.000 million) and funding from Western Australian Industrial Relations Commission (\$2.000 million).

Total income - variance \$6.574

The mining and economic boom in Western Australia created an increase in activity in the business areas of Plumbers, Worksafe, Energy Safety (industry levy) and recoup of costs from Rental Accommodation Fund and the Real Estate and Settlement Agents Boards, resulting in an increase in the revenue received.

(b) Significant variances between actuals for 2007 and 2008 - Total appropriation to deliver services.

	2008	2007
	Actual	Actual
	\$'000	\$'000
Total appropriation provided to deliver services for the year	71,371	67,560
Total income	35,306	31,146

Total appropriation provided to deliver services for the year - variance \$3.811 million

The variation is mainly due to additional appropriation in respect to the Shared Corporate Services Reform Harvest (\$1.485 million), Residential Gas Survey (\$1.000 million) and funding from WAIRC (\$2.000 million).

Total income - variance \$4.160 million

The mining and economic boom in Western Australia created an increase in activity in the business areas of Plumbers, Worksafe, Energy Safety (industry levy) and recoup of costs from Rental Accommodation Fund and the Real Estate and Settlement Agents Boards, resulting in an increase in the revenue received.

(c) Significant variances between estimate and actual for 2008 - Capital Contribution:

	2008	2008
	Actual	Estimate
	\$'000	\$'000
Capital contribution	7,043	4,753

Total capital contribution - variance \$2.290 million

The variation is due to additional funding being received for the relocation of the Energy Safety and Resources Safety divisions to new premises in Cannington.



Department of Consumer and Employment Protection

Notes to the Financial Statements

for the year ended 30 June 2008

	2008 \$'000	2007 \$'000
(d) Significant variances between actuals for 2007 and 2008 - Capital Contribution:		
	2008	2007
	Actual	Actual
	\$000	\$000
Capital contribution	7,043	2,950

Total capital contribution - variance \$4.093 million

The variation is due to additional funding being received for the relocation of the Energy Safety and Resources Safety divisions to new premises in Cannington and ongoing capital works projects.

(e) Significant variances between actuals for 2007 and 2008

- Administered transactions

	2008 Actual \$000	2007 Actual \$000
Administered grants, subsidies and other transfer payments	0	30,000

Total administered transactions - variance \$30.000 million

(a) This is recognising the receipts of the administered funds (\$30,000,000) in June 2007 for compensation payment to the Finance Broker victims. The liability is recognised in 2006-07 and was paid in July 2007.

(f) Significant variances between estimate and actual for 2008

- Administered income

	2008 Actual \$000	2008 Estimate \$000
Administered income	8,902	7,953

Total administered income - variance \$0.949 million


The general increase in economic activity throughout Western Australia created an increase in activity in the business areas of Business Names and Finance Brokers, resulting in an increase in the revenue received.

(g) Significant variances between actuals for 2007 and 2008

- Administered income

	2008 Actual \$000	2007 Actual \$000
Administered income	8,902	8,613

No significant variances.



Department of Consumer and Employment Protection

Notes to the Financial Statements

for the year ended 30 June 2008

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

Credit risk

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

The maximum exposure to credit risk at balance sheet date in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any provisions for impairment, as shown in the table at Note 36(c).

Credit risk associated with the Department's financial assets is minimal because the main receivable is 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 and services 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.

Provision for impairment of financial assets is calculated based on past experience, and current and expected changes in client credit ratings. For financial assets that are either past due or impaired, refer to Note 20 'Receivables'.

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). Other than as detailed in the Interest rate sensitivity analysis table at Note 36(c), the Department is not exposed to interest rate risk because apart from minor amounts of restricted cash, all other cash and cash equivalents and restricted cash are non-interest bearing, and have no borrowings other than the Treasurer's advance (non-interest bearing) and finance leases (fixed interest rate).

If there are any changes from the previous period in respect of the exposures to risk, how they arise, how they are managed and the methods used to measure such risks, these changes must be disclosed for each type of risk.

(b) Categories of Financial Instruments

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

	2008 \$000	2007 \$000
Financial Assets		
Cash and cash equivalents	13,721	10,720
Restricted cash and cash equivalents	6,316	3,872
Receivables ^(a)	17,438	15,713
Financial Liabilities		
Financial liabilities measured at amortised cost	7,604	2,682

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



Department of Consumer and Employment Protection

Notes to the Financial Statements

for the year ended 30 June 2008

(c) Financial Instrument Disclosures

Credit Risk, Liquidity Risk and Interest Rate Risk Exposures

The following table details the exposure to liquidity risk and interest rate risk as at the balance sheet date. The Department's maximum exposure to credit risk at the balance sheet date is the carrying amount of the financial assets as shown on the following table. The table is based on information provided to senior management of the Department. The contractual maturity amounts in the table are representative of the undiscounted amounts at the balance sheet date. An adjustment for discounting has been made where material.

The Department does not hold any collateral as security or other credit enhancements relating to the financial assets it holds.

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

Contractual Maturity Dates:

None of the departments Financial Instruments have contractual maturity dates and all are Non-Interest Bearing. Hence there is no Weighted Average Effective Interest Rate

	Non- Interest Bearing \$000	Carrying Amount \$000
2008		
<u>Financial Assets</u>		
Cash and cash equivalents	13,721	13,721
Restricted Cash and cash equivalents	6,316	6,316
Receivables ^(a)	5,776	5,776
Amounts receivable for services	11,662	11,662
	<u>37,475</u>	<u>37,475</u>
<u>Financial Liabilities</u>		
Payables	7,604	7,604
	<u>7,604</u>	<u>7,604</u>
2007		
<u>Financial Assets</u>		
Cash and cash equivalents	10,720	10,720
Restricted Cash and cash equivalents	3,872	3,872
Receivables ^(a)	6,554	6,554
Amounts receivable for services	9,159	9,159
	<u>30,305</u>	<u>30,305</u>
<u>Financial Liabilities</u>		
Payables	2,682	2,682
	<u>2,682</u>	<u>2,682</u>

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

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

Interest rate sensitivity analysis

The department's account are all non-interest bearing.

Fair Values

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



Department of Consumer and Employment Protection
Notes to the Financial Statements
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	2008	2007
	\$'000	\$'000
37. Remuneration of Senior Officers		
<u>Remuneration</u>		
The number of senior officers, whose total of fees, salaries, superannuation, non-monetary benefits and other benefits for the financial year, fall within the following bands are:		
\$	<u>2008</u>	<u>2007</u>
20,001 - 30,000	1	1
30,001 - 40,000	0	1
60,001 - 70,000	0	1
100,001 - 110,000	5	1
110,001 - 120,000	0	1
120,001 - 130,000	0	1
130,001 - 140,000	2	1
140,001 - 150,000	1	0
150,001 - 160,000	0	1
160,001 - 170,000	0	1
180,001 - 190,000	2	1
190,001 - 200,000	2	2
260,001 - 270,000	0	1
270,001 - 280,000	1	0
The total remuneration of senior officers is:	<u>\$2,045</u>	<u>\$1,779</u>

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

No senior officers are members of the Pension Scheme.

38. Remuneration of auditor

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

Auditing the accounts, financial statements and performance indicators	<u>138</u>	<u>125</u>
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39. Related bodies

The Department has no related bodies.

40. Affiliated bodies

The Department has no affiliated bodies.

41. Special Purpose Accounts and Restricted Cash Accounts

Summary Details

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

Consumer Credit Act (WA)	442	429
Departmental Receipts in Suspense	<u>129</u>	<u>296</u>
	<u>571</u>	<u>725</u>

Restricted Cash Accounts

Safetyline Institute	108	41
Indian Ocean Territories - Commonwealth Government	137	65
Mine Safety Handbooks	24	24
Petroleum Conferences	121	121
Motor Vehicle Repairer's (MVR) Industry Operating Account	225	18
Motor Vehicle Repairer's (MVR) Industry Education & Research Account	2	1
Motor Vehicle Repairer's (MVR) Industry Compensation Account	2	1
Energy Safety Restricted Cash	<u>4,226</u>	<u>2,276</u>
	<u>4,845</u>	<u>2,547</u>



Department of Consumer and Employment Protection
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	2008	2007
	\$'000	\$'000
Special Purpose Accounts section 16(1)(b) of FMA (Administered)		
Rental Accommodation Fund	130,764	103,005
<u>Detailed Breakdown</u>		
Special Purpose Accounts		
<u>Consumer Credit Act (WA) ^(a)</u>		
Balance at the start of the year	429	441
Receipts:	13	8
Payments:	0	(20)
Balance at the end of the year	442	429
<u>Departmental Receipts in Suspense ^(b)</u>		
Balance at the start of the year	296	177
Receipts:	129	1,259
Payments:	(296)	(1,140)
Balance at the end of the year	129	296
Restricted Cash Accounts		
<u>Safetyline Institute ^(c)</u>		
Balance at the start of the year	41	29
Receipts:	79	39
Payments:	(12)	(27)
Balance at the end of the year	108	41
<u>Indian Ocean Territories ^(d)</u>		
Balance at the start of the year	65	29
Receipts - Commonwealth	353	396
Receipts - other	2	2
Payments:	(283)	(362)
Balance at the end of the year	137	65
<u>Mine Safety Handbooks ^(e)</u>		
Balance at the start of the year	24	24
Receipts:	0	0
Payments:	0	0
Balance at the end of the year	24	24
<u>Petroleum Conferences ^(f)</u>		
Balance at the start of the year	121	121
Receipts:	0	0
Payments:	0	0
Balance at the end of the year	121	121
<u>MVR Industry Operating Account ^(g)</u>		
Balance at the start of the year	18	0
Receipts:	207	18
Payments:	0	0
Balance at the end of the year	225	18
<u>MVR Industry Education & Research Account ^(g)</u>		
Balance at the start of the year	1	0
Receipts:	1	1
Payments:	0	0
Balance at the end of the year	2	1

Department of Consumer and Employment Protection
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	2008	2007
	\$'000	\$'000
<u>MVR Industry Compensation Account</u> ^(g)		
Balance at the start of the year	1	0
Receipts:	1	1
Payments:	0	0
Balance at the end of the year	<u>2</u>	<u>1</u>
<u>Energy Safety Restricted Cash</u> ^(h)		
Balance at the start of the year	2,276	0
Receipts:	10,025	8,398
Payments:	<u>(8,075)</u>	<u>(6,122)</u>
Balance at the end of the year	<u>4,226</u>	<u>2,276</u>

- (a) Holds funds pending distribution in accordance with the *Consumer Credit (WA) Act 1986* or court direction.
- (b) Holds funds pending identification of the purpose for which the monies were received.
- (c) The fund was created under the *State Trading Concerns Act 1916* and controls income received in respect of the provisions of copyright materials and a relevant trade mark advertising opportunities or similar arrangements.
- (d) DOCEP has a service delivery agreement with the Commonwealth Government to undertake to provide its normal service to the Christmas and Cocos Islands.
- (e) Holds funds for use in updating and amending the national CCIM Minerals Industry Safety Handbook.
- (f) Holds funds used for the Petroleum Industry Safety and Environment Conference.
- (g) Holds funds used for the Motor Vehicle Repairers Industry in accordance with the *Motor Vehicle Repairers Act 2003*.
- (h) Holds funds used for the operation of the Energy Safety division of DOCEP in accordance with the *Energy Safety Act 2006*.

Administered

Rental Accommodation Fund ⁽ⁱ⁾

Balance at start of the year	103,005	81,767
Receipts:		
Bonds received	74,860	60,293
Interest received	9,521	7,203
Other	382	265
Total receipts	<u>84,763</u>	<u>67,761</u>
Payments:		
Bonds disbursed	44,115	41,577
Administration costs	6,478	3,315
Grants	2,111	1,735
Other	4,300	(104)
Total Payments	<u>57,004</u>	<u>46,523</u>
Balance at the end of the year	<u>130,764</u>	<u>103,005</u>

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



Department of Consumer and Employment Protection

Notes to the Financial Statements

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	2008 \$'000	2007 \$'000
42. Supplementary financial information		
<u>Write-Offs</u>		
During the 2007-08 financial year \$32,938.84 of debts due to the State was written off. The debtors written off were mainly in the areas of Business Names, Associations and Plumbers comprising of numerous individual debts of such small amounts that would not be economical to pursue. The amounts were written off under the authority of:		
The Accountable Authority	33	23
	<u>33</u>	<u>23</u>
<u>Losses through Theft, Defaults and Other Causes</u>		
Losses of public moneys and, public and other property through theft or default	87	82
Amounts recovered	<u>87</u>	<u>82</u>
<u>Gifts of Public Property</u>		
The Department received no gifts of public property.		
<u>Acts of Grace</u>	<u>62</u>	<u>0</u>
43. Administered Expenses and Income		
Expenses		
Grants and Subsidies	0	30,000
Receipts paid into Consolidated Account	<u>8,902</u>	<u>8,613</u>
Total administered expenses	<u>8,902</u>	<u>38,613</u>
Income		
Grants and Subsidies	0	30,000
Regulatory fees and charges	<u>8,902</u>	<u>8,613</u>
Total administered income	<u>8,902</u>	<u>38,613</u>
<u>Payments of fees and charges to the Consolidated Account</u>		
DOCEP is responsible for the collection of certain fees and fines. These are not classified as controlled revenue and expenses and are credited to the Consolidated Account.		
Collections made during the year:		
Business Names Registrations	5,010	5,015
Other Registration Fees	107	108
Credit Providers	744	681
Employment Agents	248	238
Finance Brokers	890	640
Land Valuers	268	34
Motor Vehicle Dealers	778	871
Travel Agents	158	328
Plumbers	1	3
Petroleum Pricing	13	8
Product Safety	41	23
Resources Safety	7	13
Other	<u>637</u>	<u>651</u>
Total	<u>8,902</u>	<u>8,613</u>

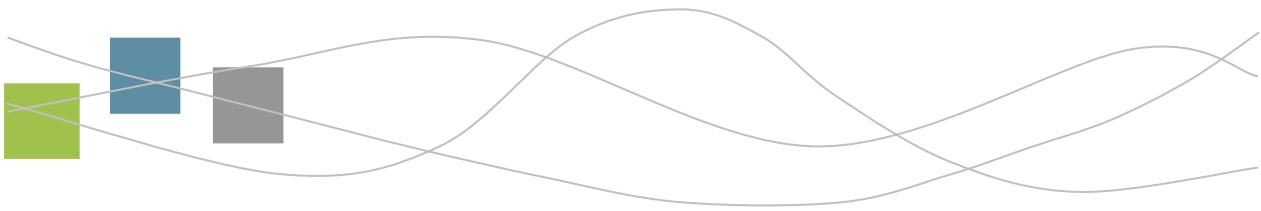


Department of Consumer and Employment Protection
Notes to the Financial Statements
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	2008	2007
	\$'000	\$'000
44. Administered Assets and Liabilities		
Current Assets		
Cash and cash equivalents ^(a)	0	30,000
Receivables	103	68
Total administered current assets	<u>103</u>	<u>30,068</u>
Total Administered Assets	<u>103</u>	<u>30,068</u>
Current Liabilities		
Payables ^(a)	103	30,068
Total administered current liabilities	<u>103</u>	<u>30,068</u>
Total Administered Liabilities	<u>103</u>	<u>30,068</u>

(a) This is recognising the receipts of the administered funds (\$30,000,000) in June 2007 for compensation payment to the Finance Broker victims. The liability is recognised in 2006-07 and was paid in July 2007.

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

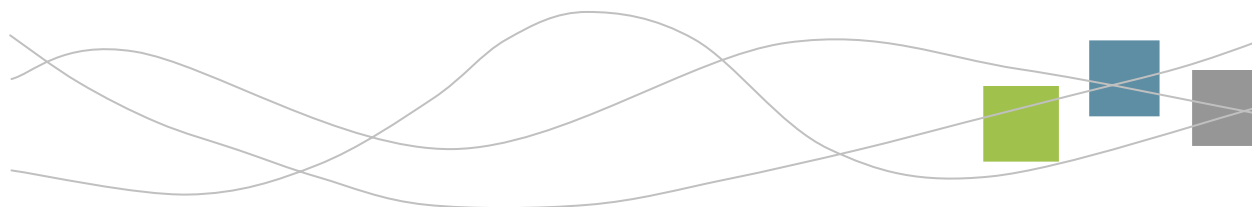


PERFORMANCE INDICATOR REPORT

Certification of Performance Indicator Report for the year ended 30 June 2008

I hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Department of Consumer and Employment Protection's performance, and fairly represent the performance of the Department of Consumer and Employment Protection for the financial year ended 30 June 2008.

Brian Bradley
Accountable Authority
8 September 2008



Performance Indicator Report

Relationship to the Government's State Strategic Goals

Figure 4 demonstrates the linkage between DOCEP's services to the community and the Government's State Strategic Goals contained in *Better Planning: Better Futures – A Framework for the Strategic Management of the Western Australian Public Sector*.



Figure 4: Relationship to the Government's State Strategic Goals: Framework for 2007-08



Key effectiveness indicators

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

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

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

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

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

Key effectiveness indicator one

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

The key performance indicator in Table 5 provides information regarding DOCEP's effectiveness concerning the achievement of a community in which its members meet their responsibilities. The number of compliant employers, traders and service providers reported through the conduct of proactive compliance activities is aggregated to provide a single result for DOCEP. The department has five measures that contribute to this effectiveness indicator.

Result

Table 5: Key effectiveness indicator one

Indicator	2005-06 Actual	2006-07 Actual	2007-08 Target	2007-08 Actual
The extent to which members of the community comply with the requirements of regulation in the various areas of the department's responsibility.	85%	85%	85%	84%

How was the indicator derived?

Table 6 provides an overview of the underpinning measures for key effectiveness indicator one and the department's level of performance for each measure.

Table 6: Measures underpinning key effectiveness indicator one

Underpinning Measure		2005-06 Actual	2006-07 Actual	2007-08 Actual
The extent to which traders comply with regulatory requirements (as demonstrated by the incidence of serious breaches identified during routine and proactive inspections).	No. inspections	17,515	17,231	10,918
	No. compliant	16,402	16,637	10,141
The extent to which employers comply with the requirements of labour relations laws.	No. elements	660	928	1,180
	No. compliant	476	690	898
The extent to which workplaces meet occupational safety and health criteria in priority areas (to indicate that workplaces are operated in a safe and healthy manner).	No. elements	59,231	48,598	45,361
	No. compliant	49,266	39,913	37,416
The extent to which electricity and gas suppliers comply with approved inspection practices.	No. elements	95	N/A	248
	No. compliant	87	N/A	238
The extent to which industry complies with the <i>Mines Safety and Inspection Act 1994</i> .	No. audit points	1,924	7,116	2,153
	No. compliant	1,627	5,612	1,745
Total assessments contributing to result		79,425	73,873	59,860
Total occasions of compliance found		67,858	62,852	50,438
Result		85%	85%	84%
Target		80%	80%	80%



Key effectiveness indicator two

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

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

Key areas that indicate the combined effectiveness of public policy and compliance activities in DOCEP's areas of responsibility are identified and relevant trends monitored. The proportion, or percentage, of key areas exhibiting the desired trend provides the reported result. Each measure contributes equally to the overall result. Therefore information underpinning this indicator could be susceptible to large swings where data is not available for an underpinning measure.

The result for 2007-08 is higher than both last year's result and the target for this year. This is due to the improvement in the trend for gas caused injuries.

Result

Table 7: Key effectiveness indicator two

Indicator	2005-06 Actual ⁽¹⁾	2006-07 Actual	2007-08 Target	2007-08 Actual
The proportion of key measures exhibiting desirable trends in the various areas of the department's responsibility. ⁽²⁾	77%	89%	80%	89%

- (1) As a result of a change to an underpinning measure for 2005-06, the 2005-06 Actual result for this indicator has been revised.
- (2) Following advice from the Office of the Auditor General as part of the 2007-08 audit process, DOCEP will review the continued use of this indicator to ensure it remains relevant and appropriate to assess the department's performance.

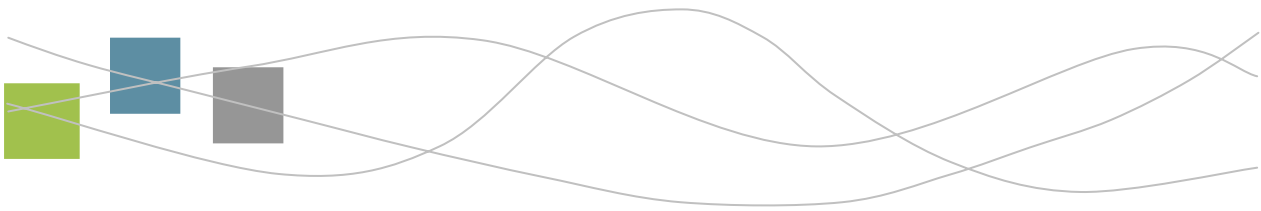
How was the indicator derived?

Table 8 provides an overview of the underpinning measures for key effectiveness indicator two and the department's level of performance for each measure.

Table 8: Measures underpinning key effectiveness indicator two

Underpinning Measure	2005-06 Desired trend achieved	2006-07 Desired trend achieved	2007-08 Desired trend achieved
The extent to which consumers believe businesses generally act fairly towards consumers.	Yes	Yes	Yes
The extent to which consumers believe they are well informed about their rights and responsibilities.	Yes	Yes	Yes
The extent to which the information provided to employees, employers and public sector agencies has increased their understanding of their rights and obligations and the flexibilities under the labour relations framework.	Yes	Yes	Yes
The frequency of work-related injury and disease per million hours worked.	Yes	Yes	Yes
The incidence of traumatic work-related fatalities per million workers.	Yes	Yes	No
The number of electricity caused serious injuries per million population.	No	Yes	Yes
The number of gas caused injuries per million population.	No	No	Yes
The frequency of work-related injury and disease per million hours worked in the minerals industry (including surface and underground).	Yes	Yes	Yes
The frequency of work-related injury and disease per million hours in the petroleum industry (onshore).	N/A ⁽³⁾	N/A	N/A
The number of dangerous goods storage, and transport accidents.	Yes	Yes	Yes
Total	7/9	8/9	8/9
Result	77% ³	89%	89%
Target	80%	80%	80%

- (3) The 2005-06 result for this underpinning measure was revised to 'N/A' as it had been previously reported using a different methodology. As a consequence, the indicator result has also been recast. As there are only three years of data collected using the current methodology it is considered insufficient to determine long term trends.



Comments on each underpinning measure

Consumer Protection underpinning measures:

- (i) The extent to which consumers believe businesses generally act fairly towards consumers; and
- (ii) The extent to which consumers believe they are well informed about their rights and responsibilities.

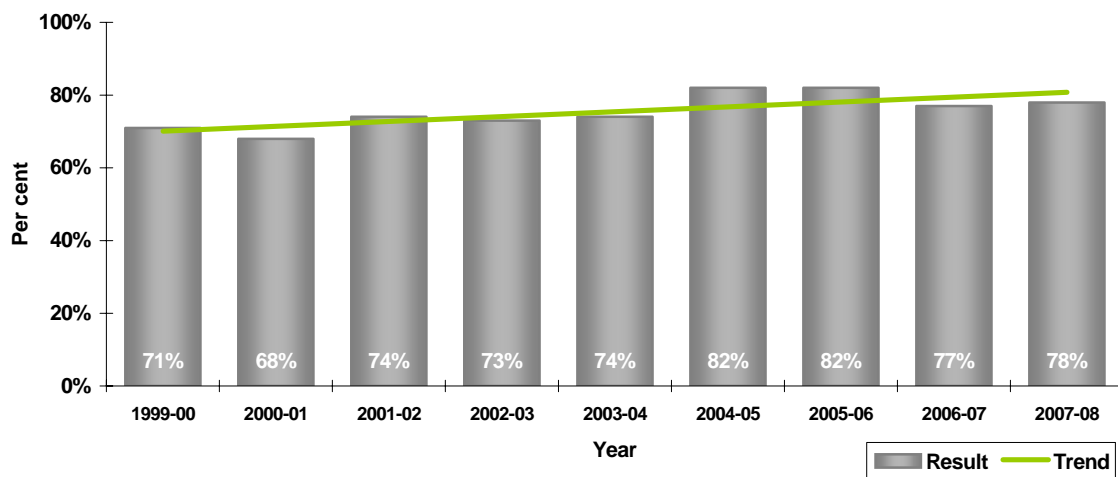


Figure 5: The extent to which consumers believe businesses generally act fairly towards consumers

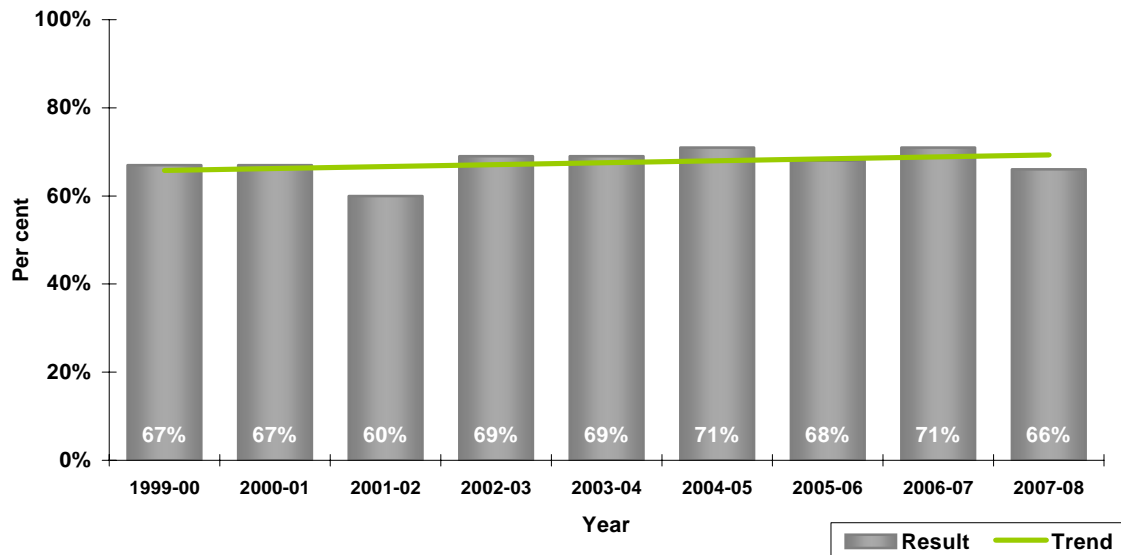
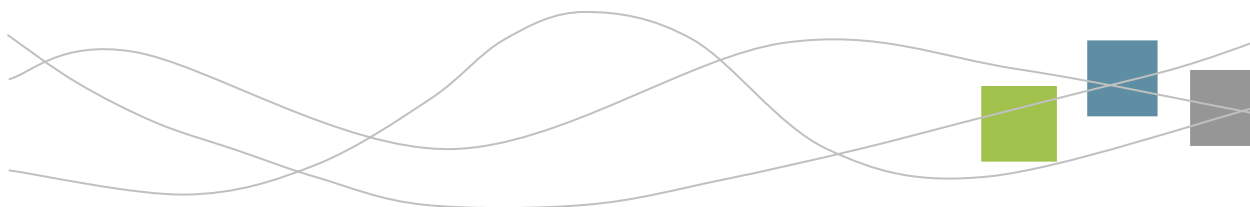


Figure 6: The extent to which consumers believe they are well informed about their rights and responsibilities



Results reported in Figures 5 and 6 were determined by an independent survey. The measures indicate the extent to which consumers believe businesses generally act fairly to consumers and the extent to which consumers believe they are well informed about their rights and responsibilities.

A total of 2,559 calls were made from 25 February 2008 to 14 March 2008 to achieve 400 completed surveys. A sample size of 400 provides a maximum sampling error of ± 4.9 per cent at a 95 per cent confidence level. All respondents were aged 18 years or over and interviews were conducted in both the Perth metropolitan area and regional Western Australia.

As indicated in Figure 5, over three quarters (78 per cent) of total respondents believed that businesses act fairly towards consumers in 2007-08. One per cent of respondents “strongly agreed” and 77 per cent “agreed”. This compares to 77 per cent last year. Figure 6 summarises the proportion of respondents who were either “reasonably” or “well” aware of their rights and responsibilities as a consumer. In 2007-08, 66 per cent of consumers believed that they were well informed about their rights and responsibilities. This compares to 71 per cent last year.

Labour Relations underpinning measure:

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

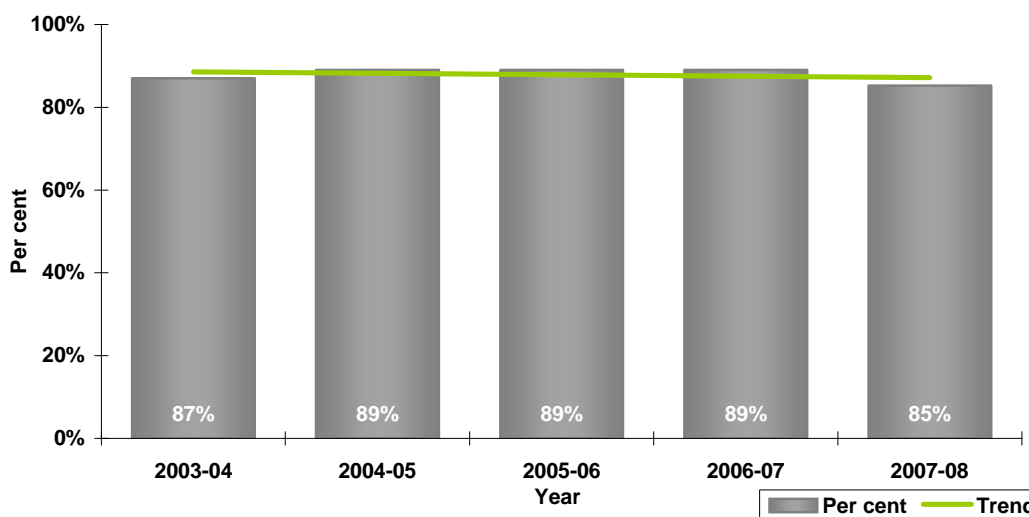
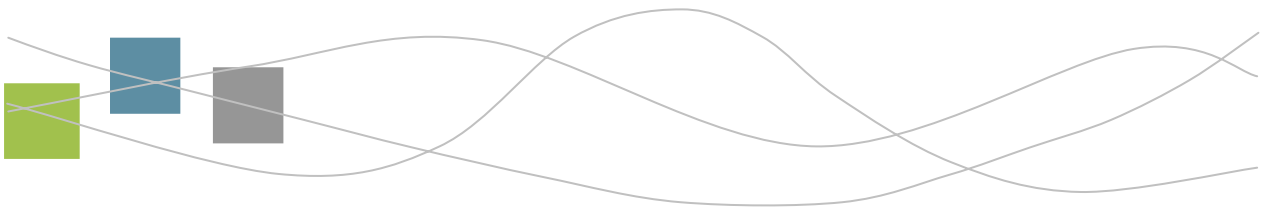


Figure 7: Labour Relations' clients understanding their rights and responsibilities

This effectiveness indicator is measured through the collection of data via telephone interviews with employers and employees undertaken by a survey company and a written survey of public sector agencies. A sample size of 766 provides a maximum sampling error of ± 3.53 per cent at a 95 per cent confidence level.



Wageline and Compliance

The question asked in relation to the effectiveness underpinning measure is as follows:

To what extent has the information provided by Wageline or Compliance increased your understanding of your rights and obligations?

For Wageline, the survey company was provided with a list of names and phone numbers of approximately 500 callers to Wageline at the end of each quarter, comprising approximately 50 per cent employers and 50 per cent employees. The survey company telephoned a random sample of these customers, totaling 50 employers and 50 employees per quarter. Over the four quarters, 200 employers and 200 employees were surveyed.

For Compliance, a list of names of employers and employees was provided to the survey company at the end of each quarter, the total depending on the number of complaints files finalised each quarter. From this list the telephone survey targeted a random sample of between 30 and 50 employers and employees per quarter. Over the four quarters 160 employers and 167 employees were surveyed.

Public Sector

Public sector employers were surveyed and asked questions in relation to the services provided by Labour Relations. The survey was emailed to public sector agencies that subscribe to services of the Labour Relations Division. The total number of surveys sent out was 90 and the number of surveys returned in 2007-08 was 39 or 43.3 per cent.

The question asked in relation to the effectiveness indicator for public sector employers was:

To what extent has the information provided by DOCEP in publications, circulars, policy statements, web pages and general advice increased your understanding of your rights and obligations and the flexibilities of the labour relations framework?

WorkSafe underpinning measure:

The frequency of work-related injury and disease per million hours worked.

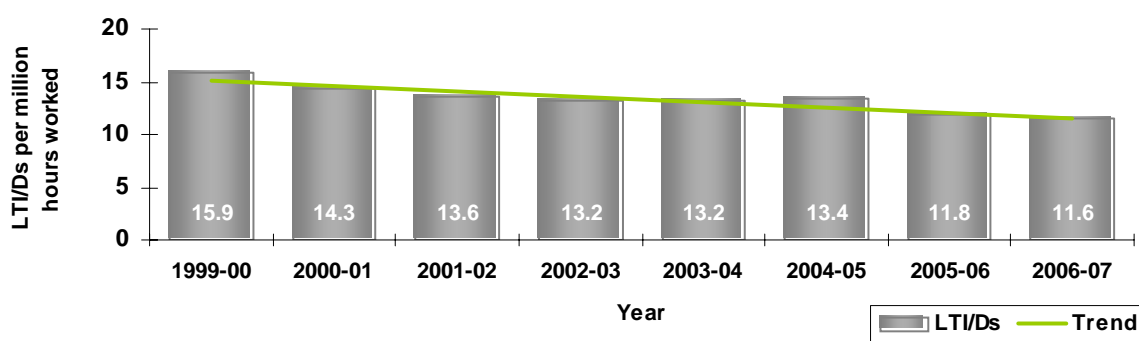
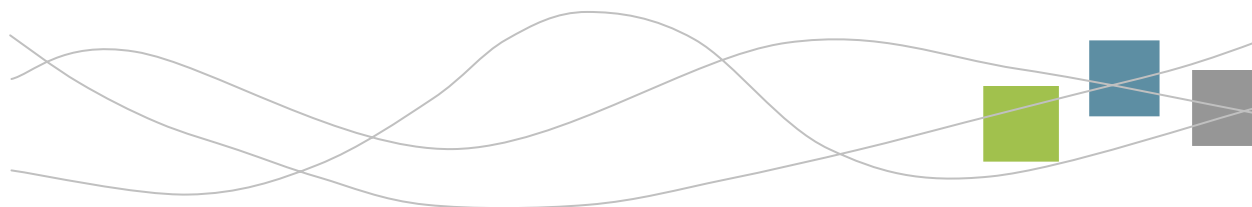


Figure 8: Frequency of work-related injury and disease per million hours worked (LTI/Ds per million hours worked)



One of DOCEP's primary objectives is that Western Australian workplaces are free of work-related injuries and diseases. To gauge progress towards achieving this objective, the extent to which there is a reduction in the rate of lost time injuries and disease is monitored by the department.

At the start of each year, WorkCover WA provides DOCEP updated workers' compensation claims data. This data contains records of injuries or diseases with one or more days or shifts lost (LTI/Ds). The number of millions of hours worked by employees in Western Australia for the most recent year is obtained from the Australian Bureau of Statistics Labour Force Survey. The frequency rate is calculated using the formula: *Number of LTI/Ds / number of hours worked (by employees) x 1,000,000*.

Claims are counted by the year of lodgement. The numbers of claims are adjusted for earlier years as pending claims are accepted or rejected. As claims data is continually being revised, results should be considered as a snapshot.

The downward trend in injuries and diseases is continuing with a 1.5 per cent reduction in overall frequency rate, from 11.80 (2005-06 data) to 11.62 (2006-07 data). Due to the preliminary nature of the data it would be premature to conclude that this decrease is significant.

WorkSafe underpinning measure:

The incidence of traumatic work-related fatalities per million workers.

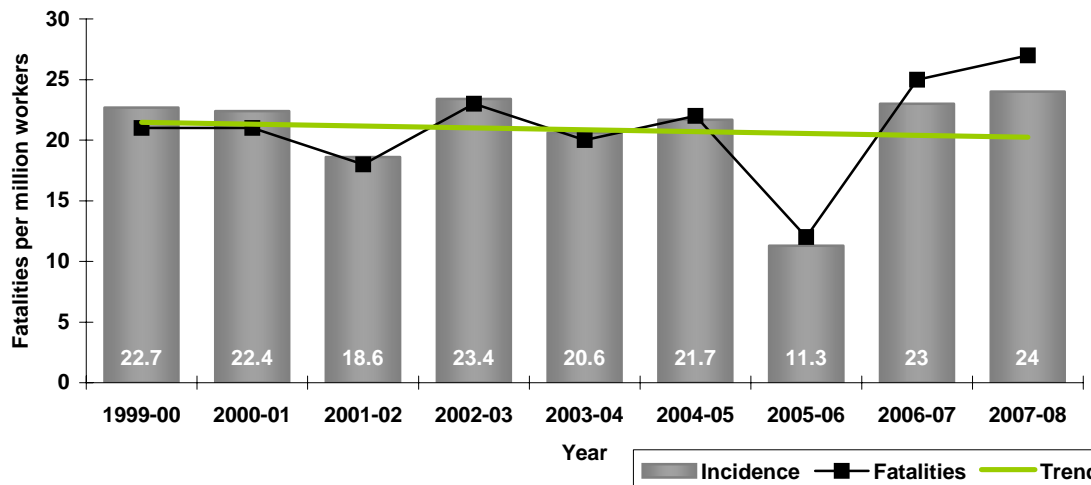


Figure 9: The incidence of traumatic work-related fatalities per million workers

The department collects and maintains a list of known traumatic work-related fatalities under the legislative jurisdiction of the *Occupational Safety and Health Act 1984* and the *Mines Safety and Inspection Act 1994*. The department records work-related fatalities according to the guidelines set out in an information paper, *Recording of Traumatic Work Related Fatalities*. Fatalities are counted according to the year the incident or event that caused the death took place, rather than when the death actually occurred. Reported data is subject to revision from year to year as coronial findings and other information may not be available at the time of producing annual statistical reports.



At the end of each financial year, the number of workers in Western Australia is obtained from the Australian Bureau of Statistics *Labour Force Survey* data. The incidence rate is then calculated using the formula: $\text{Number of fatalities} / \text{Number of workers} \times 1,000,000$. Australian Bureau of Statistics *Labour Force Survey* estimates are subject to revision due to changes in concepts, definitions, classifications, methodology and techniques and therefore the incidence rates shown above may differ from those published in earlier reports (Australian Bureau of Statistics, *Labour Statistics: Concepts, Sources and Methods*, April 2007 at www.abs.gov.au).

The dramatic increase in the traumatic work-related fatality incidence rate in 2006-07 demonstrates the volatility of this measure. Averages over five years provide clear trend data eliminating fluctuation anomalies. These averages are calculated by adding the incidence rate of the year listed to the four years previous and dividing the figure by five.

The average traumatic work-related fatality incidence rate for the five-year period from 2003-04 to 2007-08 is 20.1. This is a 0.6 per cent increase from 20.0 for the five-year period of 2002-03 to 2006-07. Although the long term trend indicates slight improvement, the past two years results may be indicating a shift in this trend.

EnergySafety underpinning measure:

The number of electricity caused serious injuries per million population.

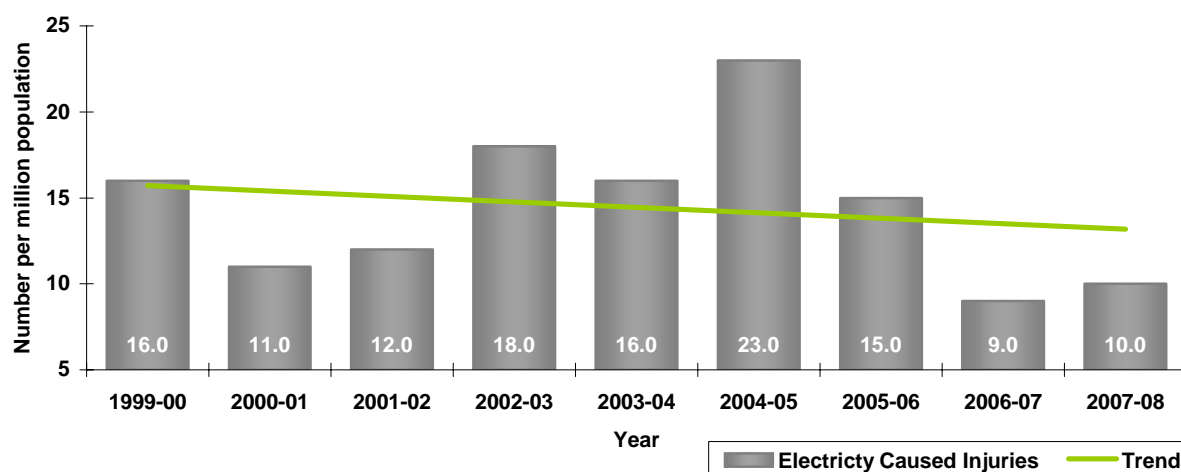


Figure 10: Electricity caused serious injuries per million population

Under Regulation 63 (1) of the Electricity (Licensing) Regulations 1991 each member of the community, consumer or industry, is required to report any electricity-caused accident that has resulted or is likely to cause danger to life or property to the Director of EnergySafety or the relevant network operator. The incidents are recorded by the Director and the performance result is calculated as a number of reported incidents per million population.

The Western Australian population as at 30 June 2008 has been estimated as 2,155,301. This figure has been determined using the Western Australian population as at the end of December 2007, adjusted for expected growth of 2.3 per cent per annum. The estimated population and expected growth rate is based on data published by the Australian Bureau of Statistics.

EnergySafety underpinning measure:

The number of gas caused injuries per million population.

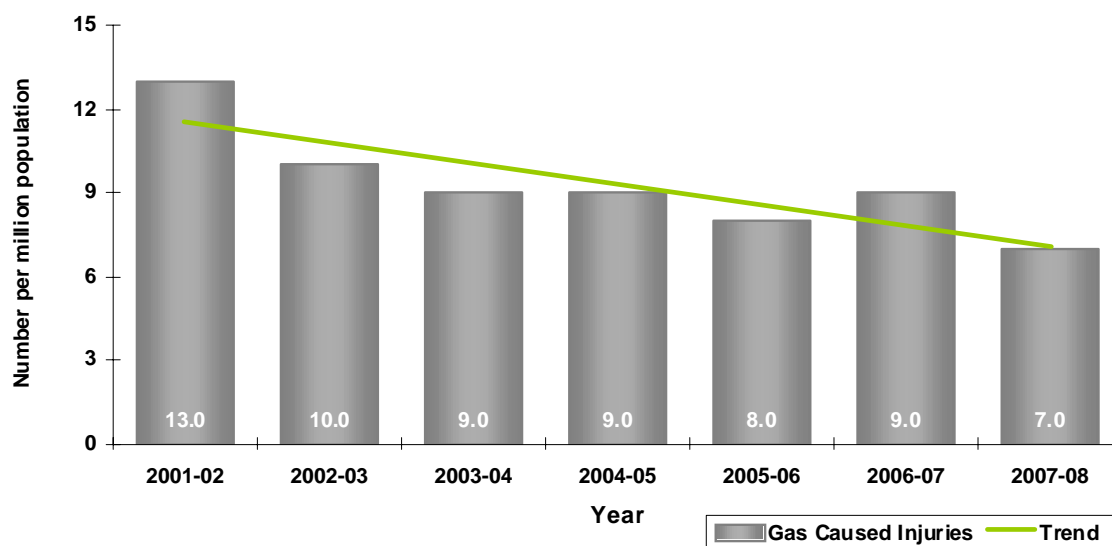


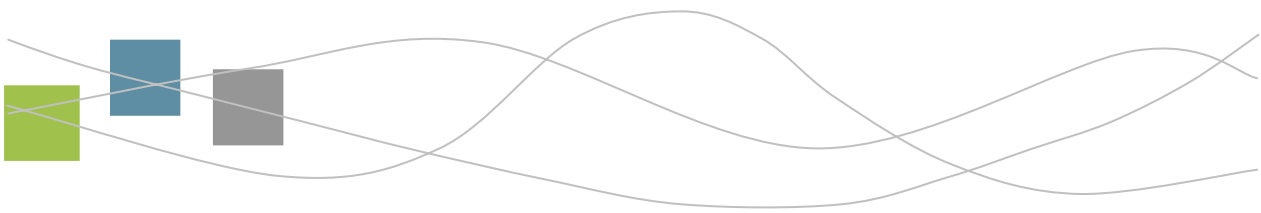
Figure 11: Gas caused injuries per million population

Under Regulation 42 (1) of the Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 any incident involving gas that causes, or is likely to cause, injury to a person or damage to property must be reported to the Director of EnergySafety and the gas supplier.

Such accidents are defined as those resulting in injury and assessed as having gas as the primary cause. The incidents reported to the Director of EnergySafety are recorded and the performance result is calculated as a number of reported incidents per million population.

The Western Australian population as at 30 June 2008 has been estimated as 2,155,301. This figure has been determined using the Western Australian population as at the end of December 2007, adjusted for expected growth of 2.3 per cent per annum. The estimated population and expected growth rate is based on data published by the Australian Bureau of Statistics.

The statistics of the three years preceding 2001-02 have not been included in the series as the reporting requirement was introduced during 1999 and it was some time before the data became meaningful (i.e. there was under reporting of incidents).



Resources Safety underpinning measure:

The frequency of work-related injury and disease per million hours worked in the minerals industry (including surface and underground).

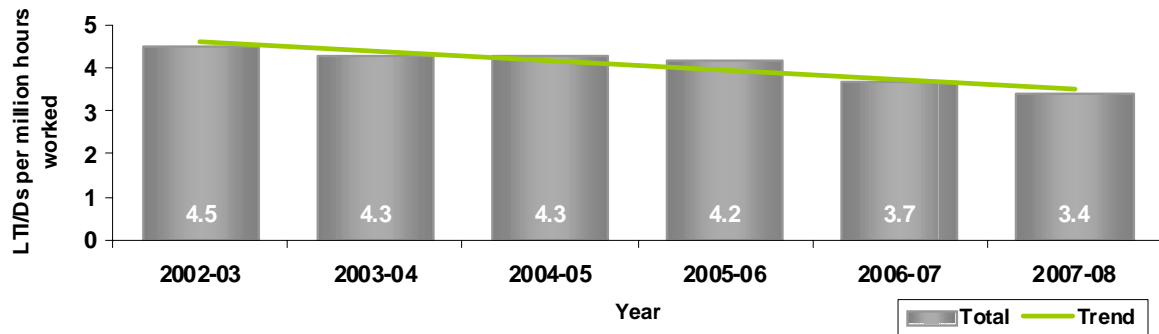


Figure 12: Minerals industry work-related injury and disease per million hours worked

The injury frequency rate is the number of lost-time injuries and diseases for each million hours worked as defined in Australian Standard 1885.1. Data for this measure is obtained from statutory reports submitted by companies of hours worked and injuries sustained for each mineral operation in Western Australia.

Results of previous years have been updated using all available data. In addition, the calculation methodology was changed in 2006-07 to more accurately reflect the frequency rate by ensuring the raw data was weighted according to hours worked. As a consequence, results of prior years contained in this report may vary from previously published results.

The frequency of work-related lost-time injury and disease per million hours worked has improved slightly over the last six years. This result reflects a positive trend in mines safety, at a time when the industry is undergoing unprecedented expansion.

Resources Safety underpinning measure:

The frequency of work-related injury and disease per million hours in the petroleum industry (onshore).

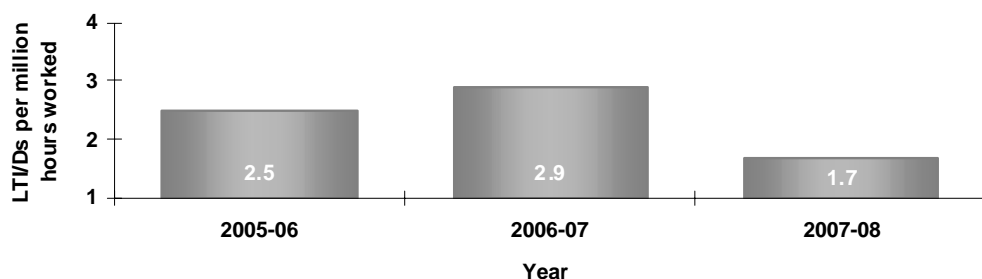
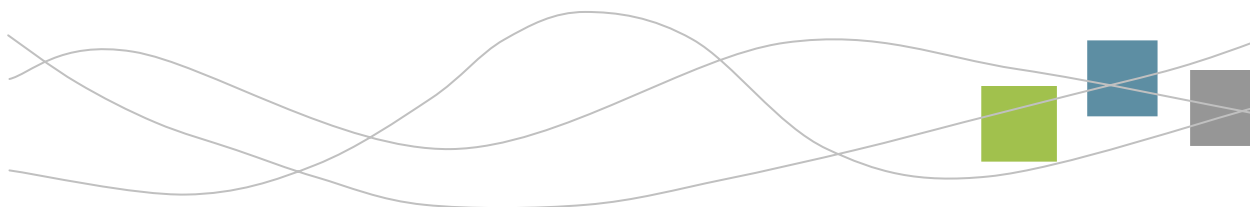


Figure 13: Petroleum industry (onshore) work-related injury and disease per million hours worked



Data for this measure is obtained from statutory reports submitted by companies of hours worked and injuries sustained for each petroleum operation in Western Australia. Due to the lead time in obtaining data, the figures shown above are based on the period of June 2007 to May 2008 inclusive.

The three years of data presented, being the only years collected using the current methodology, is insufficient to determine long term trends. The goal for this indicator is to decrease over time as a reflection of the work done with industry to improve the systems used to mitigate incidents and diseases.

Resources Safety underpinning measure:

The number of dangerous goods storage and transport accidents.

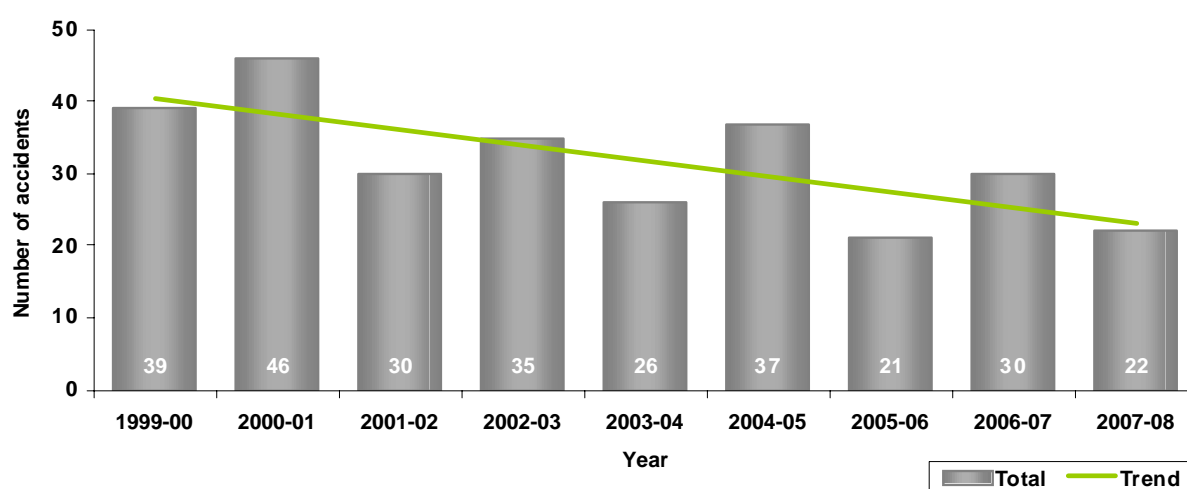


Figure 14: The number of dangerous goods storage and transport accidents

The dangerous goods regulations require all accidents involving the storage, handling or transport of dangerous goods to be reported to the department. The department analyses this data to determine causal factors in order that appropriate education, promotion and enforcement strategies can be developed to minimise the frequency of dangerous goods accidents.

The *Explosives and Dangerous Goods Act 1961* and the *Dangerous Goods (Transport) Act 1998* were repealed on 1 March 2008 and replaced by the new *Dangerous Goods Safety Act 2004* and associated regulations.



Key efficiency indicators

Efficiency performance indicators have been formulated for each of DOCEP's service areas: Consumer Protection and Safety and Employment Protection. Each of these service areas is supported by a number of programs, which in turn are comprised of various underpinning activities carried out within the department.

Each indicator shows the average cost per program. The indicators are calculated based on DOCEP's cost allocation model to reflect the full cost, including overheads, of conducting the department's activities. The amount of DOCEP's expenditure attributed to the provision of each program is determined by the amount of staff time allocated to undertaking projects and tasks associated with that program. The total cost of the program is then divided by the quantity of activities achieved.

With the implementation of a revised outcome based management framework for the 2007-08 year, the 2005-06 and 2006-07 results have been recalculated where possible for comparative purposes.

Service 1: Consumer Protection

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

Results

Average cost per response to customer enquiry

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

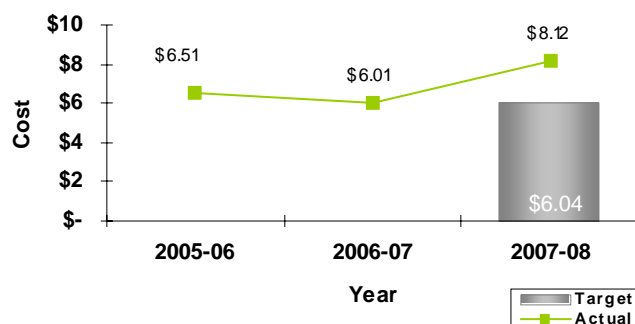


Figure 15: Average cost per response to customer enquiry

Figure 15 illustrates the average cost per response to a customer enquiry by the Consumer Protection Division. In 2007-08, the Consumer Protection Division responded to 863,735 customer enquiries representing a decrease from 881,723 in 2006-07. Although the number of customer enquires fell slightly, it was comparable to the estimated figure of 866,954.

The 2007-08 actual result (\$8.12) varies from the target (\$6.04) published in the 2007-08 Budget Statements. This was due to an overall increase in expenditure this year. In particular, the Real Estate Branch responded to an increase in requests from industry stemming from the introduction of the Compulsory Professional Development programme for Real Estate Agents and Settlement Agents, and the Consumer Protection Contact Centre received an increase in resources allocated.

Average cost per information and education service

The Consumer Protection Division provides non-customised and mass-produced services that provide members of the public with information and raise awareness within the community. Many of these activities are automated and include online visitors to the department's websites and the delivery of mass-produced services, including publication distribution and visitor attendance at shows, expos, or seminars.

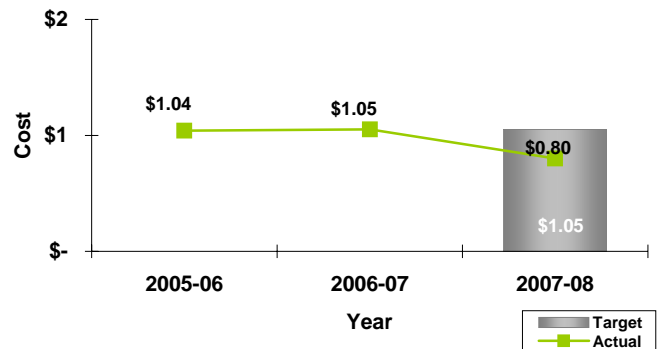


Figure 16: Average cost per information and education service

Figure 16 illustrates the average cost per information and education service provided by the Consumer Protection Division. In 2007-08, the Consumer Protection Division delivered 4,435,442 information and education services, a significant increase compared to 3,466,494 in 2006-07. The majority of this increase related to online visits to the FuelWatch website (2,022,247 in 2006-07 compared to 2,557,411 in 2007-08).

The 2007-08 actual result (\$0.80) varies from the target (\$1.05) published in the 2007-08 Budget Statements, due to the greater than expected quantity of information and education provided compared to that anticipated (3,540,817). It is the significant increase in the actual number of transactions that has resulted in a lower average cost.

Average cost per advice or assistance service

A key element of the department's role is to provide advice and assistance to the community. The Consumer Protection Division provides customers with advice or assistance in relation to specific matters, typically on a one to one basis.

Figure 17 displays the average cost per advice and assistance service provided by the Consumer Protection Division to the community. In 2007-08, the Consumer Protection Division conducted 11,149 advice or assistance activities compared to 7,373 in 2006-07.

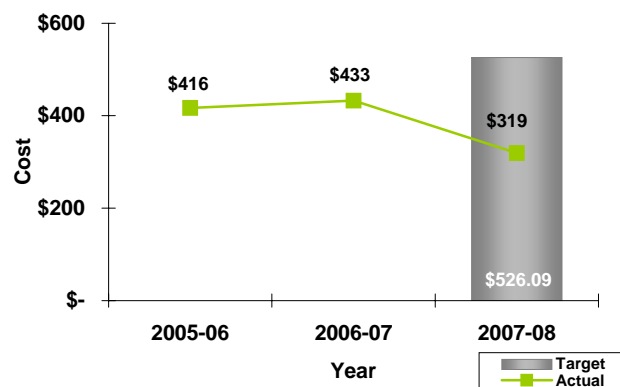


Figure 17: Average cost per advice or assistance service

The significant variation between the 2007-08 result (\$319) and the target (\$526.09) published in the 2007-08 Budget Statements was due to greater than the expected activities (6,080) being delivered, coupled with the total cost to deliver these activities being less than expected. The increase in activities is attributable to changes in the home buyer assistance eligibility threshold, as Consumer Protection Division processed 3,394 more first home buyers' applications than anticipated. In addition, there was an increase in the number of complaints conciliated.



Average cost per major policy project

Major policy projects are aimed at enhancing the regulatory environment and are usually of significant duration, complexity and often involve public consultation. Major policy projects include: Cabinet Submissions to print a new Bill; a new mandatory code; amendments to an existing Act or mandatory code to implement a Government policy change which requires consultation with parties external to the agency; or new Government policy that requires extensive consultation with parties external to the agency.

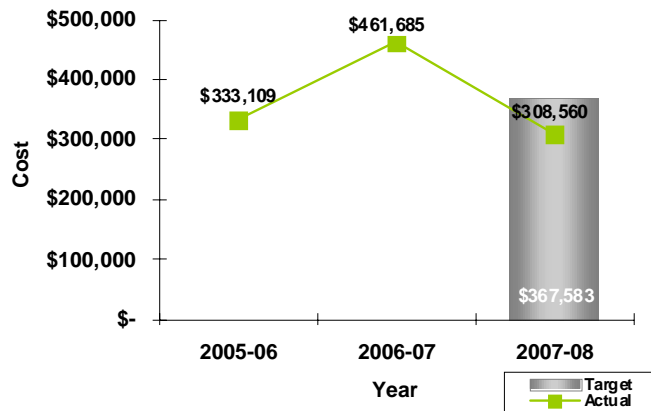


Figure 18: Average cost per major policy project

Figure 18 shows the average cost of per major policy project for the Consumer Protection Division. In 2007-08, the Consumer Protection Division completed six major policy projects, compared to five in 2006-07.

Although it had been anticipated that six major policy projects were to be completed, the 2007-08 actual result (\$308,560) was less than the target (\$367,583) published in the 2007-08 Budget Statements due to the lower than expected total cost to complete these major policy projects.

Average cost per policy project

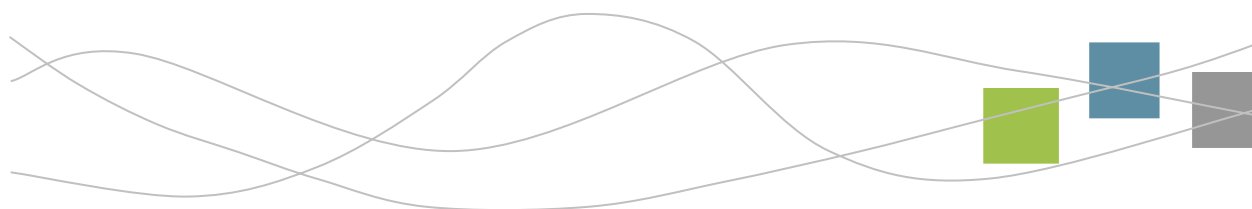
Policy projects are of notable duration, moderate complexity and aimed at enhancing the regulatory environment or developing a new policy position. These policy projects produce: new or amended subsidiary legislation (such as a regulation or Order); voluntary code, guidance note or equivalent; briefing notes or policy submissions to a Minister or other external bodies; Cabinet submissions; or new or significant amendments to Government policy.



Figure 19: Average cost per policy project

Figure 19 shows the average cost per policy project for the Consumer Protection Division. In 2007-08 the Consumer Protection Division completed 27 policy projects compared to 44 in 2006-07.

The 2007-08 actual average cost per policy project (\$56,113) was significantly higher than the target (\$15,829) published in the 2007-08 Budget Statements as it had been anticipated that 120 policy projects would be completed.



The 2007-08 target included the Real Estate Branch's policy work (90 policy units), which were incorrectly classified as policy projects, rather than as policy tasks. If these had been classified correctly the estimated number of policy projects would have been 30 and the target would have been set at \$63,315 for the average cost per policy project. Thus the 2007-08 actual result (\$56,113) would have been lower than this amount.

Average cost per policy task

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

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

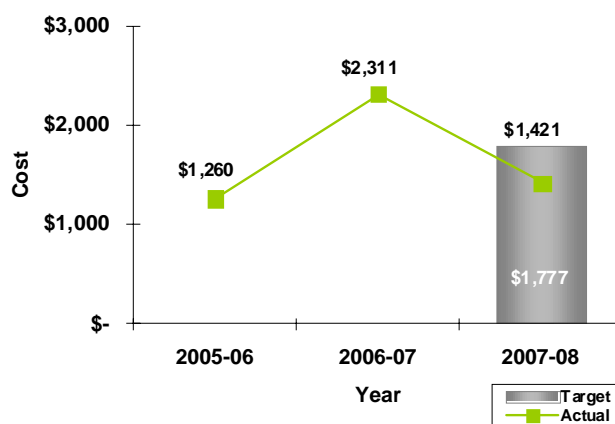


Figure 20: Average cost per policy task

Figure 20 demonstrates the average cost per policy task for the Consumer Protection Division. In 2007-08, the Consumer Protection Division completed 1,782 policy tasks compared to 977 in 2006-07. The majority of this increase related to the Real Estate Branch undertaking more policy tasks, primarily as result of an increase in requests from the Real Estate and Business Agents Supervisory Board and the Settlement Agents Supervisory Board for information and reports stemming from the advent of the Compulsory Professional Development program. In addition there was an increase in ministerials.

The 2007-08 actual result (\$1,421) was lower than the target (\$1,777) published in the 2007-08 Budget Statements as the number of policy tasks was greater than the estimated (1,145).

The target did not however include the Real Estate Branch's policy units (90), as they had been incorrectly classified as policy projects, rather than as policy tasks. If they had been correctly classified the estimated number of policy task would have been 1,235 (i.e. 1,145+90) and the target would have been set at \$1,647. The 2007-08 actual result (\$1,421) is still lower than this amount.



Average cost per registration service

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

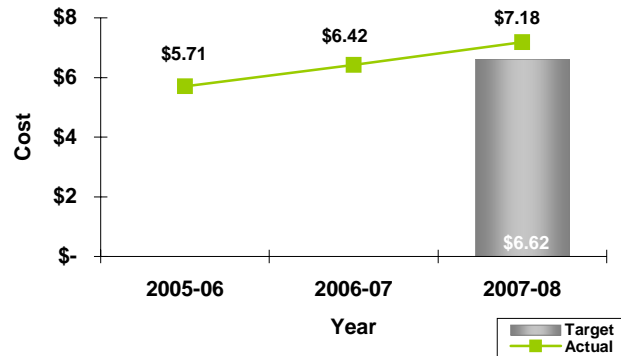


Figure 21: Average cost per registration service

Figure 21 shows the average cost of per registration service provided by the Consumer Protection Division to the community. During 2007-08, the Consumer Protection Division provided 839,281 registration services, an increase compared to 812,853 in 2006-07.

Despite the increase in the number of registration services from the previous financial year and the estimate of 795,300 for the 2007-08 year, the 2007-08 actual result (\$7.18) was higher than the target (\$6.62) published in the 2007-08 Budget Statements. This was due to an overall increase in allocated expenditure. In particular there was an increase in resources relating to bonds administration and REVS encumbrance transactions.

Average cost per licensing service

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

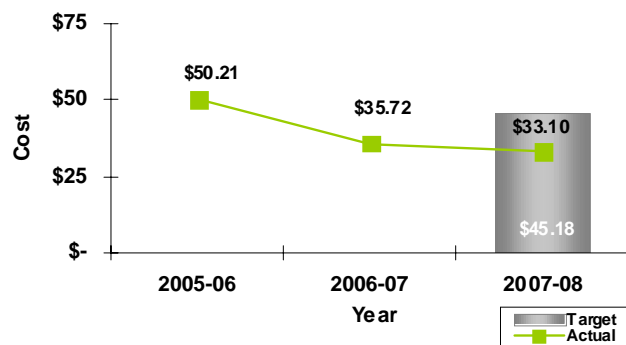


Figure 22: Average cost per licensing service

Figure 22 illustrates the average cost per licensing service provided by the Consumer Protection Division to the community. In 2007-08, the Consumer Protection Division provided 132,571 licensing services, which was increase from 108,287 in 2006-07.

For 2007-08 it had been anticipated that 91,500 licensing service activities would be provided. The significant increase in the actual number of licensing services has resulted in a decrease in the actual average cost (\$33.10), as compared to the target (\$45.18) published in the 2007-08 Budget Statements.

Average cost per inspection and audit

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

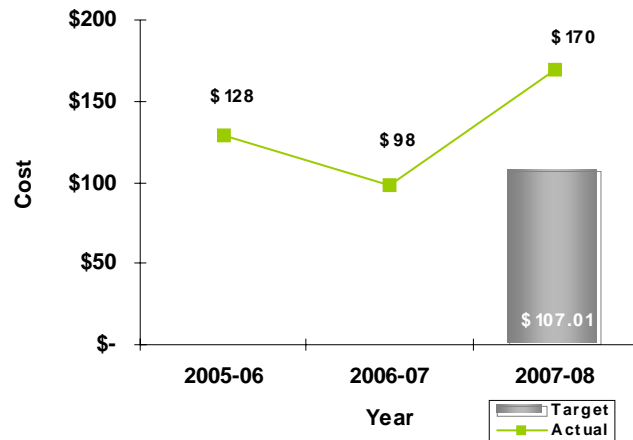


Figure 23: Average cost per inspection and audit

Figure 23 illustrates the average cost per inspections and audits for the Consumer Protection Division. In 2007-08, 29,435 inspections and audits were conducted compared to 29,829 in 2006-07. This is however greater than the estimate of 26,388.

The 2007-08 result (\$170) varies from the target (\$107.01) published in the 2007-08 Budget Statements due to an increase in allocated expenditure relating to the Compulsory Professional Development program, the Motor Vehicles Inspection Program and the introduction of a proactive compliance program for finance brokers, debt collectors and credit providers.

Average cost per investigation

A key element of the department's regulatory enforcement regime is investigations and compliance conciliation activities. The aim of departmental staff is to determine if a breach of the law has occurred or is occurring, and facilitate a settlement of a dispute.

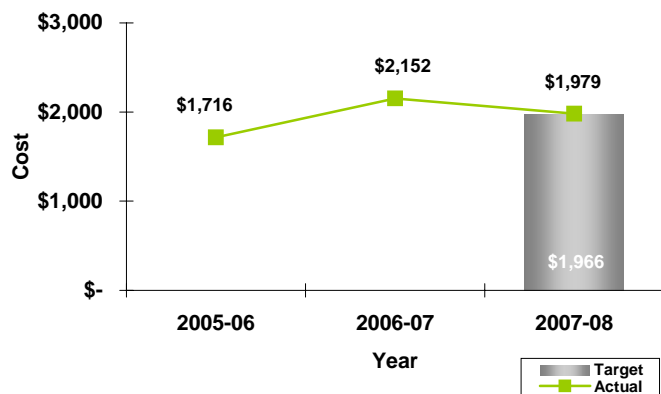


Figure 24: Average cost per investigation

Figure 24 shows the average cost per investigations for the Consumer Protection Division. In 2007-08, the Consumer Protection Division completed 3,265 investigations, a decrease from 3,731 in 2006-07.

Despite a reduction in the number of investigations undertaken as compared to the anticipated investigations (4,060), the 2007-08 actual result (\$1,979) is comparable to the target (\$1,966) published in the 2007-08 Budget Statements. This was due to the significant decrease in the total cost to undertake the investigations, as compared to the forecasted cost.



Average cost per prosecution, legal action and proceeding

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

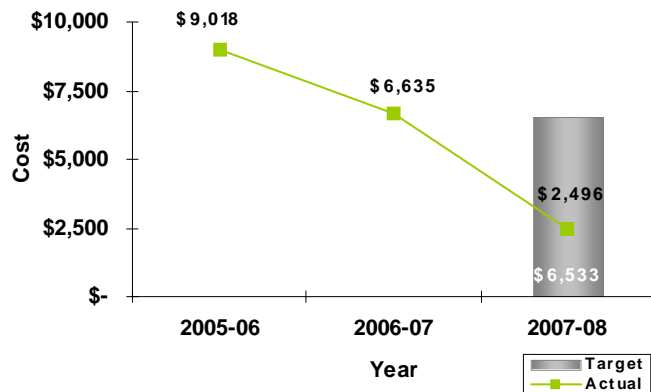


Figure 25 illustrates the average cost per prosecutions, legal actions and proceedings for the Consumer Protection Division.

Figure 25: Average cost per prosecution, legal action and proceeding

In 2007-08, the Consumer Protection Division completed 903 prosecution, legal actions and proceedings, which was a significant increase from 285 in 2006-07.

The 2007-08 actual result (\$2,496) was significantly lower than the target (\$6,533) published in the 2007-08 Budget Statements. This was due to the significant increase in the number of prosecution, legal actions and proceedings compared to the anticipated result of 349, coupled with a lower than expected total cost to undertake these activities. The introduction of new trade measurement legislation enabled the issue of improvement or prohibition notices. When the target was set for 2007-08, no actual comparable data was available in relation to the number of improvement or prohibition notices and a greater than expected number were issued during 2007-08.

Service 2: Safety and Employment Protection

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

Results

Average cost per client contact to provide information or education

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

Information delivered may be non-customised and mass-produced and provide members of the public with information and raise awareness within the community. Education is delivered through a variety of mediums including, presentations, road shows, expos and seminars.

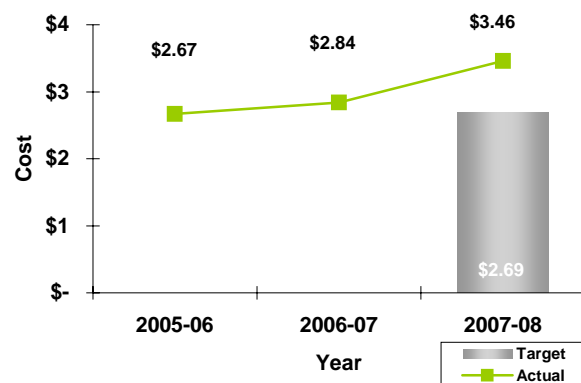


Figure 26: Average cost per client contact to provide information or education

Figure 26 illustrates the average cost per client contact to provide information or education for the safety and employment protection divisions. In 2007-08, the safety and employment protection divisions provided 3,357,655 information or education services compared to 3,061,275 in 2006-07.

The actual result (\$3.46) varies from the targets (\$2.69) published in the 2007-08 Budget Statements, despite responding to and delivering information or education services comparable to the anticipated amount (3,335,869), due to the overall increase in allocated expenditure.



Average cost per client contact to provide advice or assistance

This indicator reflects the Labour Relations Division's responsibilities in providing tailored advice and assistance to public sector agencies in relation to industrial disputes, policies and industrial agreements.

Figure 27 displays the average cost per client contact to provide advice or assistance to the community. In 2007-08, Labour Relations Division conducted 38,122 advice or assistance activities slightly down from 40,316 in 2006-07.

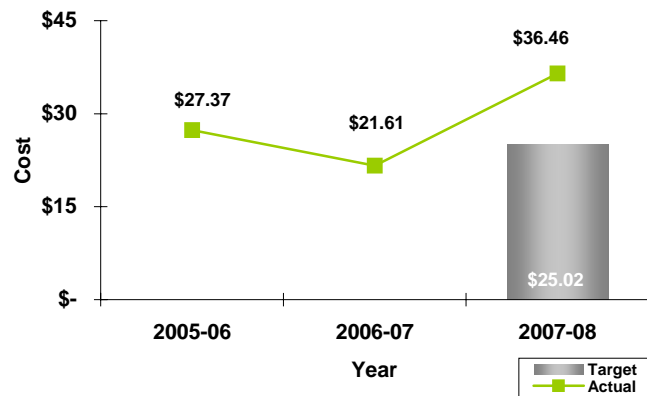


Figure 27: Average cost per client contact to provide advice or assistance

The 2007-08 result (\$36.46) varies from the target (\$25.02) published in the 2007-08 Budget Statements, due to the lower than expected advice or assistance services provided (47,150), coupled with the increase in allocated expenditure, which resulted in an increase in the average cost to provide the services.

Average cost per hour of policy advice

This indicator reflects the development and amendment of labour relations policy, legislation and regulations; preparing submissions on behalf of the Minister and Government to State and Federal industrial tribunals, Senate Inquiries, etc in relation to the regulatory framework; providing policy advice to the Minister on labour relations and labour market trends; and policy support to the Minister.

Table 9: Average cost per hour of policy advice

2007-08 Target	2007-08 Actual
\$162.28	\$140.37

Table 9 shows the average cost per hour of policy advice for the Labour Relations Division.

As this indicator was introduced with the implementation of the revised outcome based management framework for the 2007-08 year, past results are unavailable. In 2007-08 the Labour Relations Division undertook 27,413 hours of policy advice, which was greater than the anticipated 25,456 hours. The 2007-08 result (\$140.37) varies from the target (\$162.28) published in the 2007-08 Budget Statements, due to this greater than expected number of hours of policy advice and the lower than expected cost.

Average cost per inspection or investigation

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

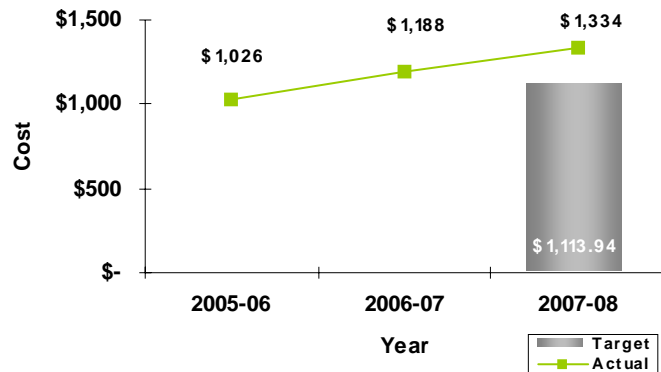
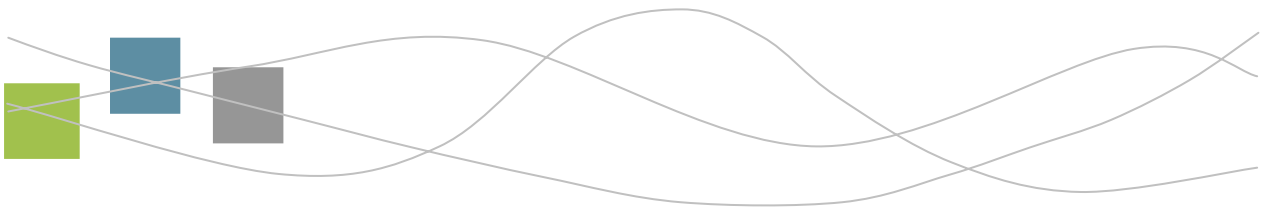


Figure 28: Average cost per inspection or investigation

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

Figure 28 illustrates the average cost per inspection or investigation. In 2007-08, the safety and employment divisions conducted 31,349 inspections or investigations compared to 32,413 in 2006-07.

The 2007-08 result (\$1,334) varies from the target (\$1,114) published in the 2007-08 Budget Statements due to the lower than anticipated number of inspections or investigations (34,054), coupled with the overall increase in allocated expenditure.



Average cost per registration or licence

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



Figure 29: Average cost per registration or licence

Figure 29 shows the average cost per registration or licence issued to the community for the safety divisions. During 2007-08, 76,073 registrations or licences were issued representing a significant increase from 27,775 in 2006-07. This increase was mainly due to the inclusion of WorkSafe Division's high risk work licences (31,026) which were introduced in 2007-08 as a result of legislative change.

Despite an increase in the allocated expenditure, the 2007-08 actual result (\$92.50) is lower than the target (\$134.72) published in the 2007-08 Budget Statements due to the greater than the anticipated inspections or licences (33,346). The target set did not include WorkSafe Division's licences.



MINISTERIAL DIRECTIVES

Treasurer's Instruction 903(12) requires the department to disclose information on any Ministerial directives relevant to the setting of desired outcomes or operational objectives, the achievement of desired outcomes or operational objectives, investment activities, and financing activities. There were no directives issued by the Minister for Consumer Protection or the Minister for Employment Protection during 2007-08.

OTHER FINANCIAL DISCLOSURES

Pricing policies for services

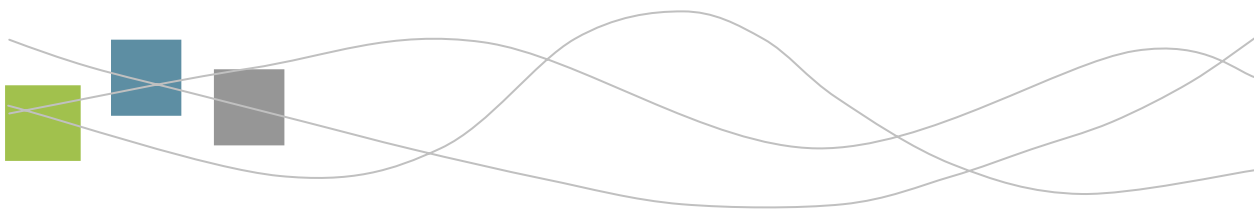
Statutory fees are charged for various licensing and other services provided by DOCEP. Fees are increased in line with government policy. The fee changes for 2007 were published in the Government Gazette on 15 June 2007 and came into effect on 1 July 2007. The fees are available on DOCEP's internet site.

Capital works programs

The 2007-08 capital works program amounted to \$7.414 million. This program provides essential infrastructure support for DOCEP to develop and implement a range of projects that assist in the delivery of departmental services as detailed in Table 10.

Table 10: Capital works program for 2007-08

Project title	Estimated total cost	Estimated cost to complete	Planned year of completion
DOCEP eBiz	\$1,540,000	\$274,436	2008-09
Computer and software program	\$4,321,000	\$541,769	2008-09
Business systems and on-line infrastructure	\$1,100,000	\$16,795	2008-09
Explosive reserves security upgrade	\$1,800,000	\$43,351	2008-09
Business Names system	\$2,000,000	\$1,982,194	2011-12
Hazman	\$1,470,000	\$249,540	2009-10
Integrated document management system	\$1,600,000	\$390,282	2010-11
Relocation of EnergySafety and Resources Safety	\$3,263,000	\$411,292	2008-09
Compliance management system	\$6,300,000	\$4,608,782	2009-10



GOVERNANCE DISCLOSURES

Disclosure of contracts by senior officers

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

In 2007-08, Brian Bradley, the Director General of DOCEP, disclosed an interest in an existing contract between the Industrial Foundation for Accident Prevention (IFAP) and the WorkSafe Division of DOCEP. IFAP have a contract to accredit WorkSafe Plan Assessors and Brian Bradley is a member of the IFAP Board of Directors.

Department's governance framework

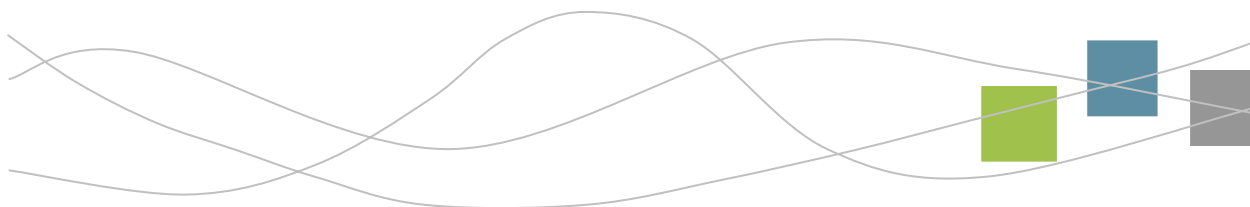
DOCEP's Corporate Charter sets out its corporate governance principles, which include:

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

The Corporate Charter was adopted in November 2003 and is regularly reviewed and updated. The department has a corporate culture designed to provide high quality services to customers and stakeholders through standards, policies, practices and procedures. Industry funding is sought where necessary to supplement the department's resource base and to integrate corporate functions, systems and services.

Freedom of Information

The Manager of Corporate Information oversees the management of Freedom of Information (FOI), and is the nominated DOCEP contact for the Office of the Information Commissioner. Corporate Information arranges training for FOI officers, provides advice to FOI officers or applicants and maintains statistical information according to legislative requirements of the Act. Each division of DOCEP has a nominated FOI officer, who coordinates the processing of FOI requests. The department has a Freedom of Information Statement together with departmental FOI contact details located on the departmental internet site. Each divisional site has its own FOI officer. This ensures all FOI requests are dealt with in accordance with the *Freedom of Information Act 1982*.



Internal audit

DOCEP's internal audit function assists all levels of management in the effective discharge of their responsibilities by providing independent analysis, appraisals, advice and recommendations concerning departmental functions, activities and systems. An annual risk based audit plan was developed to review departmental functions and operations.

Audit provides appraisals and advice to the Director General, executive directors, directors and managers to promote and achieve sound management and control over activities of the department and to promote efficient and effective operations. These appraisals include:

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

Risk management, business continuity planning, disaster recovery, pandemic planning

The department has a risk management plan that outlines key risk management strategies, plans and procedures, with a component being the agency's internal audit function as well as corruption and misconduct processes. All risk management reviews are conducted in accordance with the Australian/New Zealand Standard (4360:1999) on risk management. Where a risk is identified, the level of risk is determined and, if necessary, a risk management treatment plan developed.

DOCEP has developed a risk management framework in order to manage all risks effectively. The department's divisions have also developed business continuity plans to improve our capability to provide essential services to our clients. Additionally, a comprehensive disaster recovery plan and associated processes have been created to mitigate against any major interference to our technology systems.

In 2008-09, additional resources have been allocated to ensure the risk management framework is built in to our normal business processes. This framework also includes pandemic planning.



OTHER LEGAL REQUIREMENTS

Advertising

In accordance with section 175ZE of the *Electoral Act 1907*, DOCEP incurred expenditure in advertising, direct mail, market research, media advertising, polling and sponsorship. Total expenditure for 2007-08 was \$1,914,878. Expenditure was incurred in the areas outlined in Table 11.

Table 11: Advertising and sponsorship expenditure for 2007-08

Expenditure and organisations	Total Cost
Advertising agencies	\$260,472
Backspin Pty Ltd	\$19,620
Beilby Corporation	\$213,041
Bigfish Design Pty Ltd	\$18,914
Bowtell Clarke & Yole	\$7,568
My Career.Com	\$340
Seek Limited	\$990
Market research organisations	\$16,690
Patterson Market Research	\$16,690
Media advertising	\$1,633,201
A Class Displays	\$810
Aspermont Limited	\$1,880
Community Newspaper Group	\$17,000
Countrywide Media Pty Ltd	\$1,050
Curtin Student Guild	\$1,364
Department for Communities	\$514
Department of the Premier and Cabinet	\$65,321
Department of the Attorney General	\$450
Dowd Publications	\$2,395
Gpp Enterprises Pty Ltd	\$3,300
Legal Practice Board	\$60
Marketforce Productions	\$179,057
Master Plumbers and Gasfitters Association	\$1,000
Media Decisions	\$1,279,753
National Web Directory Pty Ltd	\$500
Office of Shared Services	\$347
Performing Arts Association Of Notre Dame Australia	\$500
Shire of Christmas Island	\$120
South West Printing & Publishing Company Ltd	\$31
State Law Publisher	\$27,451
Unions WA	\$800
Unity Publications	\$1,470
Vinten Browning Advertising	\$40,605
Waroona Community Centre Telecentre	\$90
West Australian Newspapers Ltd	\$7,335
Sponsorship	\$4,515
Cocos Keeling Islands Telecentre Assoc.	\$20
Council on the Ageing (WA) Inc	\$2,909
Department of the Premier and Cabinet	\$1,586



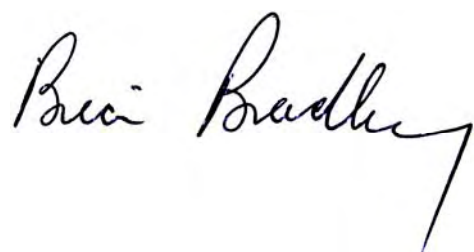
Compliance with public sector standards and ethical codes

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

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

Table 12: Compliance with *Public Sector Standards* for 2007-08

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



Brian Bradley

Accountable Authority

17 September 2008

Table 13 provides details on activities undertaken by the department relating to ensuring compliance with public sector standards and ethical codes in 2007-08. This information has also been provided to the Office of the Public Sector Standards Commissioner for inclusion in the Commissioner's Annual Compliance Report. Human resources policies and ethical codes in relation to these standards and codes are available to all employees through the department's intranet site and online induction package.



Table 13: Activities relating to monitoring compliance with *Public Sector Standards* and ethical codes for 2007-08

Significant action taken to monitor and ensure compliance
<i>Public Sector Standards</i> <ul style="list-style-type: none"> Conducted a review into the manner in which the human resources area and line managers quality assure selection reports for advertised vacancies. New checklists were developed to ensure that chairpersons have addressed all selection processes appropriately in accordance to <i>Public Sector Standards</i>, including a declaration of confidentiality as well as conflict of interest before the process has commenced. Published regular articles in the internal <i>HR Matters</i> newsletter to remind line managers and employees on compliance requirements in accordance with <i>Public Sector Standards</i>. Monitored all other standards relating to transfer, secondment, performance management, redeployment, termination, temporary deployment, grievance resolution and discipline based on standard public sector operating procedures. Processes are clearly documented for accountability and openness.
<i>Western Australian Public Sector Code of Ethics</i> <ul style="list-style-type: none"> Monitored compliance with the <i>Western Australian Public Sector Code of Ethics</i> through the Director General's and Executive Director's performance agreements. Advised employees of the revised Western Australian Code of Ethics through the internal <i>HR Matters</i> newsletter. Included a copy in the induction kit for new employees.
<i>Code of Conduct</i> <ul style="list-style-type: none"> Ensured employees affirmed their commitment to the department's <i>Code of Conduct</i> as part of the revised performance management system.

Disability access and inclusion

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

In July 2007, DOCEP's Corporate Executive endorsed the department's Disability Access and Inclusion Plan 2007-2011, following public consultation. The plan was submitted to the Disability Services Commission by the 31 July 2007 in accordance with the requirements of the *Disability Services Act 1993*. The Disability Services Commission has advised that the department's plan is compliant with the requirements of this Act.

An implementation plan for 2007-08 was developed to assist in achieving the disability access and inclusion outcomes detailed in the department's Disability Access and Inclusion Plan 2007 -2011 . The implementation plan comprises of a list of overarching strategies to guide activities and support the six desired outcomes.



In accordance with section 29(1) of the *Disability Services Act 1993*, the department is required to report on the actions undertaken to implement the plan. Table 14 provides a summary of how the department improved access to its services, buildings and information for people with a disability.

Table 14: Disability access and inclusion outcomes for 2007-08

Outcome 1

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

- Established and convened an internal Disability Access and Inclusion Reference Group.
- Released the Disability Access and Inclusion Plan 2007-2011 on the department's internet site, published a notice in the newspaper and issued an email to all employees.
- Implemented a system to commence capturing details of agents and contractors that provide services to the public (on behalf of the department) to ensure they conduct their business in a manner that is consistent with the legislation, the department's plan, relevant standards and government guidelines. This system will be further enhanced in 2008-09.
- Developed a proposal recommending DOCEP consider becoming an affiliated organisation with the Companion Card Western Australia Program.

Outcome 2

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

- Developed a disability access and inclusion internet page that includes an access issue form, which specifically invites comments on access issues.
- Ensured that designs for any building fit outs complied with accessibility requirements.
- Continued to ensure new leases or renewal of existing leases take into account the needs of people with disabilities.
- Encouraged employees to consider access issues when selecting a venue.

Outcome 3

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

- Ensured new DOCEP publications promoted the National Relay Service number and promoted the availability of information and services in alternative formats. The Disability Access and Inclusion Plan 2007-2011 is available upon request in alternative formats.
- Reviewed and launched DOCEP's new look internet site which provides greater accessibility to people with a disability.

Outcome 4

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

- Continued to ensure that DOCEP staff are aware of, and understand the needs of people with disabilities and provide advice and services accordingly. Resources continued to be made available to support staff in delivering appropriate services to people with disabilities.
- Developed and included, in the induction of new employees, an information sheet on the department's plan.



Outcome 5

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

- Reviewed and amended the department's customer service complaints feedback forms (hard copy and on-line) to allow a representative of the complainant to complete the form on their behalf, and to identify whether the complainant requires information in alternative formats or has special needs.
- Promoted the plan at the department's Regional Customer Service Officer Conference.

Outcome 6

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

- Continued to seek direct comment through periodical targeted consultation to ensure people with disabilities and/or appropriate representative groups are targeted as part of consultative strategies. This will be further developed in 2008-09.
- Released the draft plan for consultation allowing persons with a disability to participate in consultation on the plan's development. One request for an alternative format was received. Key disability organisations were also consulted as part of this process.

International Labour Organisation Convention 81 – Labour inspections

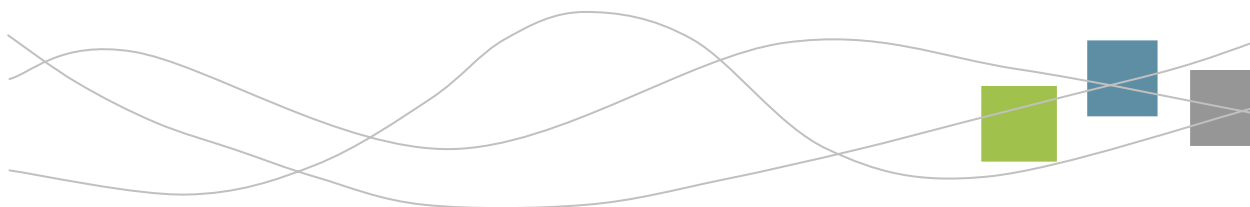
Australia is a member nation of the International Labour Organisation. The International Labour Organisation is the peak international organisation responsible for setting international labour standards through the development and monitoring of International Conventions and Recommendations. The Australian 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, DOCEP is the Government department (or “central authority”) that is responsible for conducting labour inspections in relation to workplace safety and wages and conditions of employment. The reporting in this section relates to the inspection services delivered by Labour Relations Division, WorkSafe Division and Resources Safety Division.

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 2007-08 relevant to the work of the inspection service is provided in Appendix 2: Changes to written laws (Table 23 and 24). The Significant Issues and Trends section of this report also provides information on issues and trends impacting the department and the inspection environment.



(b) Staff of the labour inspection service;

DOCEP currently employs 26 industrial inspectors in the Labour Relations Division, and 52 district or special inspectors in the Resource Safety Division. The WorkSafe Division has a full time equivalent complement of 103 inspectorate positions.

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

There were a total of 204,570 businesses liable for inspection by Western Australia's workplace inspectors according to the Australian Bureau of Statistics *Counts of Australian Businesses* (June 2007). These businesses employed a total of 1,131,796 employees according to the Australian Bureau of Statistics *Labour Force Estimates*, total employed (June 2008).

(d) Statistics of inspections visits;

Information on the number of inspection visits is provided in the Performance Indicator Report section of this report (Table 6). The WorkSafe Division undertook over 12,000 workplace visits during 2007-08.

(e) Statistics of violations and penalties imposed;

Information on the number of violations and penalties imposed is provided in Appendix 3: Prosecutions section of this report. Details of prosecutions for the Labour Relations Division are published in Table 36, prosecutions for the Resources Safety Division are published in Table 37 and prosecutions for the WorkSafe Division are published in Table 38. During the year, the WorkSafe Division issued over 9,500 improvement notices and over 600 prohibition notices.

The number of violations of section 83 of the *Industrial Relations Act 1979* have not been included due to an appeal pending against a decision of the Industrial Magistrates Court that deals with the definition of a "breach" or violation.

(f) Statistics of industrial accidents; and

The lost time injury and disease (LTI/D) frequency rate is the principal measure of safety performance in Western Australia, and is also used to monitor performance against national targets. The frequency rate is calculated using the formula: Number of LTI/D divided by number of hours worked multiplied by 1,000,000. A lost time work-related injury or disease is counted where there is at least one complete day or shift off work. Information on work-related injury or disease frequency rates for Western Australia is provided in the Performance Indicator Report section of this report (Figure 8, 9, 10, and 11).

(g) Statistics of occupational diseases.

Information on occupational diseases, in particular the frequency of work-related disease per million hours worked is provided in the Performance Indicator Report section of this report (Figure 8, 9, 10 and 11). Information on disease groups that are being monitored at a national level are contained in Occupational Disease Indicators published by the Australian Safety and Compensation Council (April 2008). A copy can be accessed from Australian Safety and Compensation Council's internet site at www.ascc.gov.au.



Specific agency reporting

Credit (Administration) Act 1984

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

As at 30 June 2008, there were 180 licensed credit providers operating in Western Australia. Over the course of the year, 12 licences were surrendered and 13 new licences were granted. It is noted that a number of classes of persons who provide consumer credit, but are otherwise regulated, such as banks, are exempt from the licensing requirements of the CA Act.

Over the last year, three new consumer publications were developed concerning short term loans, home loans and reverse mortgages for seniors. A consumer brochure was also developed regarding the related area of finance brokers, providing general tips for consumers when dealing with this industry.

In addition, the department, in conjunction with other jurisdictions, undertook national compliance audits of both bank and non-bank lenders. The audits examined compliance with the *Uniform Consumer Credit Code* when providing housing finance, including a focus on 'lo-doc' housing loans that require less documentation from borrowers in establishing their eligibility for finance. A report is expected to be issued early in 2008-09.

Section 60(2) of the CA Act requires the Commissioner to report on a number of matters namely:

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

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



Table 15: *Credit (Administration) Act 1984*: Investigation summary for 2007-08

	Investigations of licensing matters related directly to the Act	Conciliations generally concerning the negotiation of a change to a credit contract under the Code	Investigations of conduct matters generally relating to the Code	Total
Ongoing matters as at 1 July 2007	3	13	10	26
Matters commenced	7	90	50	147
Matters concluded	8	95	42	145
Ongoing matters as at 30 June 2008	2	8	18	28

Of the 145 investigations concluded in 2007-08, the following outcomes were recorded:

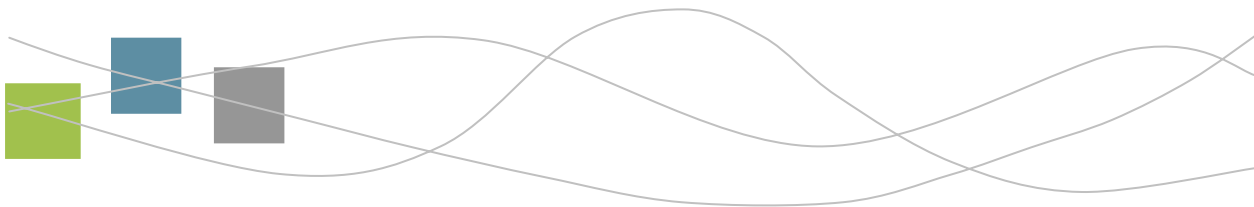
- seventy agreements were reached;
- sixty resulted in no action being taken including complaints withdrawn;
- seven were referred to another agency;
- six administrative warnings, cautions, education or advice issued; and
- two investigations related to disciplinary proceedings.

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

The Commissioner commenced proceedings this year against a licensed credit provider for a key requirement breach of the *Uniform Consumer Credit Code* in relation to the overcharging of interest to borrowers on a number of consumer credit contracts entered into over a period of approximately five years. These proceedings were ongoing as at 30 June 2008.

This year an appeal was commenced in the State Administrative Tribunal against the Commissioner's refusal to issue a credit providers licence to a body corporate. The State Administrative Tribunal found that the Commissioner acted correctly in refusing to grant the licence. The applicant has since appealed the State Administrative Tribunal's decision to the Supreme Court and the matter is expected to be dealt with in 2008-09.

An application was made to the State Administrative Tribunal by a third party, requesting that it review the department's decision to grant a credit providers licence to a particular entity. The State Administrative Tribunal determined that a director of the entity had engaged in conduct which made him unfit to hold a licence under sections 12(4) (d) and (h) of the CA Act and, as a result, the licence was revoked.



Proceedings were commenced in 2006-07 by the Commissioner in the Magistrates Court against a finance broker alleging a contravention of section 144 of the *Uniform Consumer Credit Code* by falsely representing to a lender that the prospective borrowers were self-employed investors taking out a loan for investment purposes, when in fact the borrowers were pensioners taking out a loan to assist their child to buy a house. These proceedings were withdrawn by the Commissioner this year due to insufficient evidence.

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

Twenty eight investigations are ongoing as at 30 June 2008. Table 15 provides additional information on the number and nature of matters.

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

As noted in last year's Annual Report, in response to the emergence of credit providers using promissory notes as a means of providing credit to consumers, amendments to the *Uniform Consumer Credit Code* were sought to ensure promissory notes are not excluded from regulation under the Code. The amendments have not yet come into force in Western Australia, but are anticipated to take effect early in 2008-09.

The department continues to meet on a six-monthly basis with industry and consumer representatives to discuss credit and debt collection matters. These meetings serve to inform the department's various compliance, proactive compliance and education initiatives.

- (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

Over the course of the last financial year, there has been growing support for consumer credit to be regulated at a national level. The Productivity Commission recently concluded an inquiry into Australia's consumer policy and recommended that a national approach be adopted for the regulation of consumer credit. In addition, the Federal Government released a Green Paper in June 2008 which favours transferring responsibility for some, if not all, consumer credit functions to the Commonwealth so that a consistent national scheme can be developed.

The Commissioner has taken an active role in discussions regarding a national regime and will continue to be involved in this process throughout the next financial year.

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

As noted above, the department is actively participating in discussions concerning the potential transfer of credit regulation to the Commonwealth. The department supports the transfer of credit regulation to the Commonwealth, provided that Commonwealth regulation is responsive to emerging credit issues, increases understanding of the market, and is timely in its response to poor market behaviour.



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 2008, there were 70 licensed debt collectors operating in Western Australia. Over the course of the year, 12 licences expired or were surrendered and 12 new licences were granted. During the year, a review of licensing fees was conducted, involving a public consultation where licensees and other interested parties were invited to comment on a proposed alternative fee structure involving a sliding scale. Eleven submissions were made, and after consideration, it was decided that the current fee structure would remain in place at the present time.

Thirty one investigations were commenced this financial year. Where a complaint is received about the conduct of a debt collector that cannot be treated as a breach of the DCL Act it may be dealt with as a potential breach of other legislation including the *Fair Trading Act 1987* and the *Trade Practices Act 1974*. On occasions when a serious breach of these Acts is established, the Commissioner is empowered to make an allegation to State Administrative Tribunal that a licensee is not a fit and proper person to hold a licence under the DCL Act.

Section 12A of the DCL Act requires the Commissioner 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 16: *Debt Collectors Licensing Act 1964*: Investigation summary for 2007-08

	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 2007	9	4	6	19
Number commenced	8	12	11	31
Number concluded	17	11	15	43
Number ongoing as at 30 June 2008	0	5	2	7

Of the 43 investigations concluded in 2007-08, the following outcomes were recorded:

- eleven agreements were reached;
- twenty three resulted in no action being taken including complaints withdrawn;
- one was referred to another agency; and
- eight administrative warnings, cautions, education letters or letters of advice were issued.



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

The Commissioner did not commence any State Administrative Tribunal proceedings during the financial year. However, in May 2008, a former debt collector was found guilty in the Magistrates Court for breaching the undue harassment and coercion provisions of the *Fair Trading Act 1987*. The successful prosecution resulted in a \$2,000 fine being imposed.

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

Seven investigations were ongoing at 30 June 2008. Table 16 provides further details on investigations conducted under this Act.

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

During the financial year, the department received legal advice that correspondence by debt collectors, who operate outside of Western Australia, who collect debts from Western Australian consumers via correspondence and phone contact are not necessarily required to hold licences. A wider range of criteria must be considered to determine whether the debt collector is carrying on business within Western Australia, which would require them to hold a licence. To ensure that Western Australians continue to have their complaints addressed, complaints regarding debt collectors not deemed to be carrying on business in Western Australia will be referred to other jurisdictions. The department considers that these arrangements may be less than ideal for consumers who may find it more difficult to obtain relief from a debt collector operating in another jurisdiction. The department has therefore proposed that the regulation of debt collection should be part of a national framework.

As a result of proactive compliance visits conducted over the past few years, it was identified that a number of licensees would benefit from guidance in the area of trust account practices and procedures. In response to this, the department has commenced development of a Trust Account Handbook. It is expected that this will be made available to all licensees in the first half of the 2008-09. The handbook will explain the legislative requirements in regard to establishing and maintaining a trust account and contain information about the day to day operation of trust accounts.

The department continues to meet on a six monthly basis with industry and consumer representatives to discuss credit and debt collection matters. These meetings serve to inform the department's various compliance, proactive compliance and education initiatives.

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

The Commissioner will continue to handle the licensing, compliance and proactive matters referred to above.



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

The department would welcome the introduction of nationally consistent regulation of the debt collection industry and has therefore proposed to the Productivity Commission and the Council of Australian Governments (COAG) Business Regulation and Competition Working Group that the regulation of debt collection should be part of a national framework.

Electricity Act 1945

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

- (a) in relation to the discipline of electrical licensees, the number, nature, and outcome, of the -
 - (i) investigations and inquiries undertaken under this Act by, or at the direction of, the Director of EnergySafety and referred to the Electrical Licensing Board; and
There were 22 matters.
 - (ii) matters undertaken by the Director of EnergySafety that have been brought before the State Administrative Tribunal under this Act by the Director;
There were no matters.
- (b) the number and nature of matters referred to in paragraph (a) that are outstanding;
There were no matters outstanding.
- (c) any trends or special problems that may have emerged;
There were no trends or special problems that require reporting.
- (d) forecasts of the workload of the Director in performing functions under this Act in the year after the year to which the report relates; and
There are no forecasts of workload to report.
- (e) any proposals for improving the performance of the Director's functions under this Act.
There are no proposals for improving performance to report.

Employment Agents Act 1976

DOCEP administers a range of functions under the *Employment Agents Act 1976* (the EA Act) including the granting and renewal of licenses, compliance activities and a range of education and advisory services. The department also undertakes the conciliation of disputes involving employment agents and consumers.



Section 10A of the EA Act requires the Commissioner for Consumer Protection (the Commissioner) to report on a number of matters namely:

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

During 2007-08, the department completed 29 investigations related to employment agents.

Table 17: *Employment Agents Act 1976*: Investigations and inquiries

	Employment agent licence holder or unlicensed activity	Conduct issues	Conciliations	Total
Number ongoing as at 1 July 2007	2	3	0	5
Number commenced	23	6	0	29
Number concluded	20	9	0	29
Number ongoing as at 30 June 2008	5	0	0	5

The proactive program implemented in 2005-06 has had continued success with visits to both new and established agents to determine compliance with the EA Act. In 2007-08, 90 licensed employment agents were visited (compared to 27 in 2006-07), which resulted in 51 per cent being fully compliant with the EA Act (compared to 59 per cent in 2006-07) with 49 per cent found to have minor or administrative failings requiring corrective action.

The main issues of non-compliance were the failure to display a business name certificate, using un-regulated forms, and administrative matters such as failing to notify change of address or change of licence holder or using a scale of fees that has not been approved by the Commissioner.

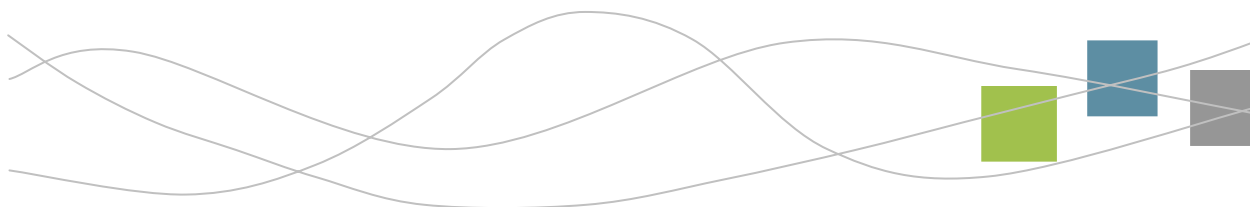
Ten businesses were visited in response to allegations of unlicensed trading. In each instance the business provided a satisfactory explanation that required no further action and in two instances, the businesses applied for and were granted a licence.

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

There were no matters brought before the State Administrative Tribunal.

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

As at 30 June 2008, there were five compliance investigations outstanding. All five investigations relate to alleged unlicensed activity.



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

The major area of compliance work related to allegations of unlicensed trading and failure of agents to use the prescribed Notice of Employment Offered form.

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

The Commissioner will continue to manage the licensing and compliance and matters referred to above. The continued strong economic growth in Western Australia has resulted in a 23 per cent increase in licensed agents compared to the corresponding time last year. This trend is expected to continue. The increase in the number of new businesses being licensed is impacting on workload in the licensing and proactive compliance areas.

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

The department will continue with its proactive program. An email notification database was implemented last year to improve dissemination of information relating to licensing and compliance matters. It is intended to continue the development of the service to keep licensees informed of developments and areas of concern.

Gas Standards Act 1972

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

- (a) in relation to the discipline of holders of gasfitting permits and authorisations, the number, nature, and outcome, of the -

- (i) investigations and inquiries undertaken under this Act by, or at the direction of, the Director of EnergySafety; and

There were no matters.

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

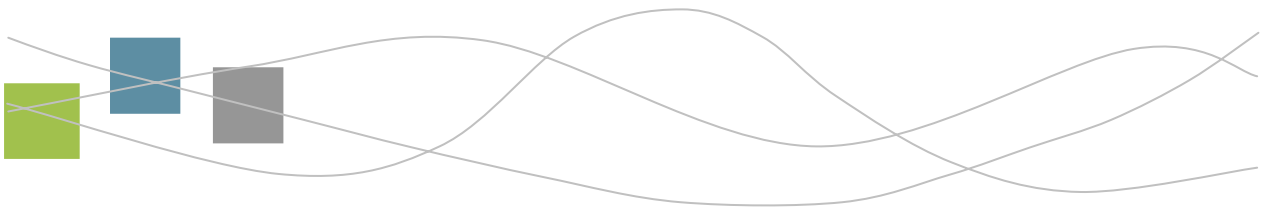
There were no matters.

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

There were no matters outstanding.

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

There were no trends or special problems that require reporting.



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

There are no forecasts of workload to report.

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

There are no proposals for improving performance to report.

Retirement Villages Act 1992

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

This financial year, Consumer Protection conciliated or investigated 31 complaints regarding retirement villages. These reflected a diverse range of matters including issues about fees and charges, the meaning of contract terms, maintenance, refurbishment of properties, marketing and sale of units, strata titles, dispute resolution processes, budget expenditures, facilities and amenities.


As a result of a particular series of disputes that arose between residents and management of the Karrinyup Lakes Lifestyle Village, the Minister for Consumer Protection announced in Parliament on 12 March 2008 that the Economics and Industry Standing Committee would hold an Inquiry into the matters raised by the residents association. The report from this Committee was tabled in the Legislative Assembly on 19 June 2008.

Consumer Protection is working on the findings and recommendations of the report. Some of the issues raised have been referred to the State Administrative Tribunal. The department's response to the report will be finalised by 19 September 2008.

During the year, an education program was undertaken at several retirement villages to explain the role of Consumer Protection and the implications of the RV Act. Preparatory work was also undertaken to ensure that a structured proactive compliance and education program will commence early in 2008-09.

Travel Agents Act 1985

DOCEP administers a range of functions under the *Travel Agents Act 1985* (the TA Act) including the granting and renewal of licenses, compliance activities and a range of education and advisory services. The department also undertakes the conciliation of disputes involving travel agents and consumers. As at 30 June 2008, there were 422 licensed travel agents operating in Western Australia. Over the course of the year, 24 licences were surrendered, 131 licences were renewed and 30 new licences granted.



Section 58 of the TA Act requires the Commissioner for Consumer Protection (the Commissioner) to report on a number of matters namely:

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

During 2007-08, the department completed 156 investigations related to travel agents.

Table 18: *Travel Agents Act 1985*: Investigations and inquiries

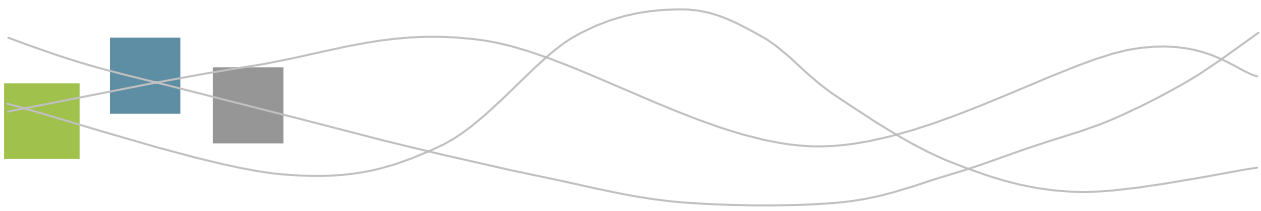
	Travel agents and tour operator services	Airlines, tour coach, cruise ships, ferry or train services	Holder of travel agent licence or unlicensed activity	Conciliations	Total
Number ongoing as at 1 July 2007	13	4	1	0	18
Number commenced	38	22	2	110	172
Number concluded	44	14	1	97	156
Number ongoing as at 30 June 2008	7	12	2	13	34

During 2007-08, allegations of unlicensed activity were firstly examined by the licensing area prior to formal investigation. Significantly, the licensing area has been able to clarify or obtain licensing compliance in many cases. This has significantly reduced the number of formal investigations.

The proactive compliance program that is now in its third year has continued to provide information to travel agents about compliance with the TA Act. The proactive program has continued to produce results showing improved practices throughout the industry. In 2007-08, 322 licensed travel agents were visited (compared to 151 in 2006-07) with 52 per cent fully compliant with the TA Act.

The areas of non-compliance were found to be administrative in nature and whilst they are requirements under the legislation they were not considered to be serious or systemic breaches of the TA Act. In most instances compliance with the legislation was achieved quickly and related to issues such as:

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



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

Tracy Burling of Mosman Park, a former director of a Scarborough travel agency, was disqualified from holding a travel agents licence or working in the industry for two years following disciplinary action in the State Administrative Tribunal. Ms Burling and her former company Hawaii Pty Ltd admitted making numerous misrepresentations concerning the sale of travel insurance to a customer.

The case involved a customer and her family being led to believe they had taken out travel insurance for a 12 month trip. Ms Burling did not take out the insurance on the client's behalf. Upon returning to Western Australia, the customer tried to make a claim for \$1,350 worth of medical expenses and lost luggage. However no insurance policy existed and the offences came to light.

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

There are currently 34 investigations outstanding. These complaints relate to unlicensed trading activity, false and misleading advertising and one case of alleged misappropriation of funds.

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

The department remains concerned about complaints relating to advertised fares not being available and misrepresented terms and conditions being conveyed to clients. Targeted investigations and 'secret shopper' surveys are undertaken to determine if any systemic misrepresentation exists. In administrative matters, many agents continue to fail to advise the department of change of particulars in relation to their agencies. Further approaches to the industry raising awareness of these requirements in relation to this issue will be implemented.

- (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

Proactive visits in 2008-09 will focus on newly licensed agents to provide detailed information regarding the legislative requirements of the TA Act. The department intends liaising with all jurisdictions in regard to their policies relating to mobile travel agents, virtual offices and office managers.

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

The department will continue to provide information to all agents through email bulletins and will also promote the nomination of proxy managers. The department will also explore options for developing online licensing procedures.



Water Services Licensing Act 1995

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

At the end of 2007-08, there were more than 4,500 plumbers licensed by the Board to carry out a variety of plumbing work for residential, commercial and industrial purposes and for other sectors of the economy. This specialised workforce comprised 2,333 licensed plumbing contractors, 2,061 licensed tradespersons, who work under the general direction and control of the licensed plumbing contractors and 138 restricted plumbing permit holders authorised to replace hot water units only. These licensing figures represent an overall growth of 3.2 per cent over the previous reporting period. Interstate and overseas plumbers continue to be an increasing proportion of the growth in either full contractor or tradesperson numbers.

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

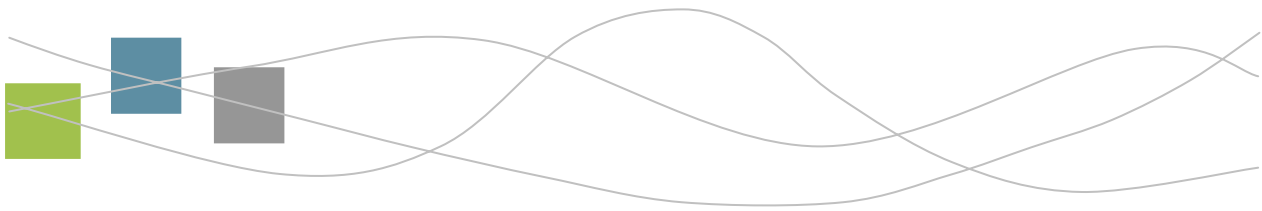
- (a) the number, nature, and outcome, of –
 - (i) investigations and inquiries undertaken by, or at the direction of, the Board into licensing under this Act;

Table 19: *Water Services Licensing Act 1995*: Compliance investigations, complaints

	Alleged unsatisfactory workmanship	Alleged unlicensed plumbing	Other regulation breaches	Total
Ongoing matters as at 1 July 2007	29	6	11	46
Matters commenced	35	19	21	75
Matters concluded	52	23	16	91
Ongoing matters as at 30 June 2008	12	2	16	30

Where the Board finds unsatisfactory workmanship or breaches of the regulations, warnings and rectification notices are issued on the licensed plumbing contractor. Failure to comply with those directions will result in action before the State Administrative Tribunal.

Unlicensed plumbing is pursued for the protection of consumers and the credibility of the trade. In 2007-08, the Board used the legal services of the department or the State Solicitor's Office to action these matters before the Magistrates Court. Action taken is detailed in Appendix 5: Plumbers Licensing Board.



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

The Board conducts disciplinary inquiries in the case of licensed plumbing contractors, tradespersons and restricted plumbing permit holders who have been cited for failing to comply with the regulations in carrying out plumbing work defined under the WSL Act. Action taken by the department on behalf of the Board before the State Administrative Tribunal is detailed in Appendix 5: Plumbers Licensing Board.

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

The carryover totals in Table 19 comprise of complaints on workmanship, unlicensed plumbing and other breaches. The Board conducts compliance inspections to check workmanship standards and the accountability of licensed plumbing contractors with regard to their compliance with and understanding of the regulations. Where these checks demonstrate failures in plumbing work standards the Board issues rectification and infringement notices to reduce the carry over of unsatisfactory workmanship and breaches in the regulations.

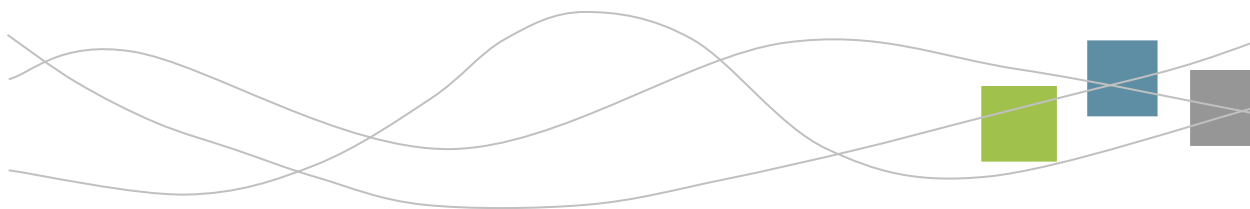
Illegal plumbing will, however, continue to occur due in part due to do-it-yourself attempts and shortages in the supply of licensed plumbers caused by the high level of building activity. The Board will continue to take strong action against instances of illegal plumbing arising from either consumer complaints or from findings in the field by the Board's compliance audits and inspections.

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

The last two financial years have seen record state-wide levels of building activity. The Board records all plumbing work advised by licensed plumbing contractors with a view to auditing at least five per cent of that work. Those inspections require plumbing expertise to ensure the plumbing work is installed correctly. Plumbing work cannot be compromised otherwise there is risk to public health and the environment.

The attraction and retention of key technical and specialist staffing resources to undertake compliance work and advance Board priorities continues to be a challenge.

The entry of interstate and overseas tradespersons and other plumbers into the State has required the Board to consider accreditations and in certain cases the upgrading of their skills prior to licensing. The arrival of this pool of labour has also brought into question the coverage of the WSL Act with regard to plumbing. Currently only plumbing work off a metered water supply is regulated by the Board. The supply and use of water from alternate sources is also provided by roof plumbers, water tank providers, reticulation installers and bore water suppliers. These services may be self regulated or licensed interstate but are presently not subject to licence or standards by the Board.



- (d) forecasts of the workload of the Board in the year after the year to which the report relates;

The State's economic boom will continue to place further pressures on the Board to ensure that the regulations are relevant and comprehensive and that Board operations are resourced appropriately.

Government sustainability policy initiatives such as '5 Star Plus' for housing are also directly impacting on the role, training and knowledge of the plumbing trade and of the regulations that the Board applies to protect standards and licensing requirements. These matters will be included in a scheduled review of the WSL Act and regulations in 2008-09.

- (e) any proposals for improving the operation of the Board.

The Board is currently reviewing its staffing needs, the attraction and retention of key skills together with changes to its business practices. The Board's core business issues in licensing and compliance work are currently being reviewed. One key area for consideration will involve streamlining operations and provide licensed plumbers with an online facility to record plumbing work and to make licensing and associated works payments under the regulations. The Board is also considering the feasibility of using other state government information systems, such as Landgate, to assist in compliance and inspection functions. A further development will be to provide consumers and business with access to electronic based information of plumbing work within a property boundary.

The Board will continue to examine measures that it can take directly under the current WSL Act or to support other government agencies or industry stakeholders to upgrade the training, knowledge and professionalism of plumbing as an essential trade service.

Recordkeeping Plan

DOCEP's Recordkeeping Plan codifies recordkeeping practices and ensures compliance with the regulatory obligations. The management of DOCEP's corporate documents and information is conducted within the framework of the *State Records Act 2000* and the State Records Commission of Western Australia's Principles and Standards 2002 (incorporating Standard 2, Principle 6).

The department has mandatory records and document management training that all employees attend when commencing at DOCEP. This provides employees with the necessary tools to navigate the departmental electronic document and records management system (Objective). Additional training and relevant training material is available to employees on request and can be tailored to meet business unit needs. Regular information in the form of emails is provided to employees to ensure they are familiar with their record keeping responsibilities. In addition, the department has developed and endorsed departmental record keeping standards which includes the management of emails. This is provided to all employees at the mandatory Objective training with employees being regularly updated via email of compliance issues relating to the capturing and retention of records created and obtained by end users.



GOVERNMENT POLICY REQUIREMENTS

Corruption prevention

In accordance with the *Premier's Circular 2005/02: Corruption prevention*, agencies are required to incorporate in their risk management activities, specific consideration of the risk of corruption and misconduct. The Premier's Circular is designed to ensure that agencies have considered the risk of corruption and misconduct as a component of their organisational risk and ensure that a plan is in place to reduce the risk of corruption and misconduct.

DOCEP maintained its effort towards ensuring the potential for corruption within the department was minimised. DOCEP continued to build a positive working relationship with the Corruption and Crime Commission (CCC) including participating on a CCC project team to develop a misconduct resistance framework which meets the needs of the public sector. Advice and guidance on a range of matters was sought from the CCC as required.

The department also has a risk management plan that outlines key risk management strategies, plans and procedures within DOCEP, with a component being the agency's internal audit function as well as corruption and misconduct processes.

In 2007-08, several activities were undertaken to minimise the potential for corrupt behaviour and included the following:

- Two senior officers attended Australia's inaugural public sector anti-corruption conference in Sydney which dealt with a range of topics of interest to DOCEP. These included issues such as regulatory capture, dealing with improper access to information, managing the risks in licensing and the development of fraud control strategies. The conference papers were discussed at Corporate Executive and subsequently placed on the intranet for employees who were encouraged to review them.
- Through the use of internal communication tools such as the department's internal *DOCEP News* publication, employees were regularly reminded of the need to comply with the *Western Australian Public Sector Code of Ethics* and DOCEP's *Code of Conduct*.
- Information was made available on conflicts of interest issues and employees were made aware that potential or real conflicts of interest had to be discussed initially with their line manager and if necessary listed in DOCEP's Conflict of Interest Register.
- Agreement was reached with the Department of the Premier and Cabinet's Accountability and Ethics Unit to deliver specialised training for the department's senior management team in early 2008-09. This would then be followed by similar mandatory training for all DOCEP employees.
- A number of matters were referred to the CCC for further investigation.

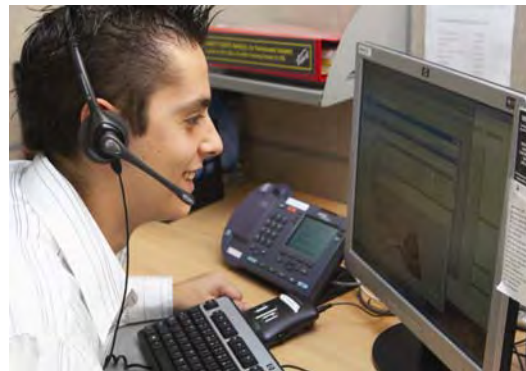
Customer Feedback

DOCEP has maintained its use of customer feedback to determine our success in delivering services and achieving our outcomes. Focusing on customer needs assists the department in better aligning services and products. DOCEP is committed to providing access and support to customers and employees, with the goal of developing programs that target identified groups.

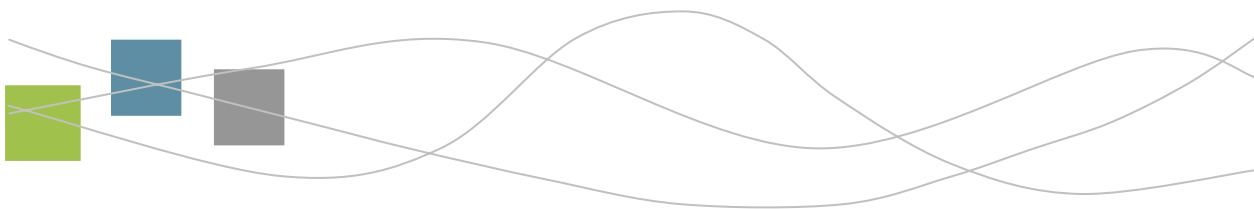
The department's *Customer Service Charter* reflects DOCEP's operations and delivery of services to customers. The charter identifies our commitment to understanding and striving to exceed our customer service standards and to encourage customer feedback to improve our services. Customers should be able to access consistent, accurate and relevant services and information. DOCEP's charter is available on the department's internet site.

DOCEP is committed to the fair and efficient resolution of customer complaints. Our customer feedback policy provides for a system where external customers can complain or compliment about the department's services, procedures, policies, facilities, an employee's conduct or the quality of service or information provided. The policy complies with Australian Standard ISO 1002 as required by the *Premier's Circular 2004/04: Whole of government complaint management strategy*. DOCEP's performance in relation to customer feedback is monitored quarterly by the Corporate Executive. Feedback to the department can be provided in person, over the phone, in writing or through the department's internet site.

In 2007-08, a number of service improvements occurred as a result of customer feedback including development and education of employees on specific processes to ensure improved service delivery and improvements to quality of information provided on the internet site regarding incident and accident reporting. The department also commenced a review of the feedback system to ensure people with disabilities can access and make complaints, compliments and suggestions.



Emilio Evangelopoulos, Customer Service Officer,
Consumer Protection Division



Occupational safety, health and injury management

In accordance with the *Premier's Circular 2007/12: Code of practice: Occupational safety and health in the Western Australian public sector*, DOCEP complies with the requirements of the, the *Occupational Safety and Health Act 1984* and the *Workers' Compensation and Injury Management Act 1981*.

Our commitment to our employees

DOCEP recognises the value of its employees and is committed to preventing injury and illness by providing a safe and healthy work environment. The department recognises the success of occupational safety, health and injury management activities relies on the active participation and co-operation of both the employer and employee. DOCEP's occupational safety and health commitment is designed to raise awareness of safety and health obligations amongst management and employees and to promote better safety and health work practices.

In the event that a workplace injury occurs, the department has an established injury management system, which details the steps that will be taken when a workplace injury occurs to assist injured employees to return to work as soon as medically appropriate. The system ensures that injury management intervention occurs quickly and properly, so that injured employees can remain at work or return to work at the earliest appropriate time. The department's injury management system is compliant with the requirements of the *Workers' Compensation and Injury Management Act 1981*. The department's occupational safety and health system and injury management policy and procedure are available to all employees on the department's intranet site.

Consultation mechanisms

Both DOCEP management and employees are committed to improved and effective consultation in the workplace. Consultation provides employees with an opportunity to participate fully in decisions which impact on their working lives. The establishment of an appropriate forum to consult has resulted in better decision making with shared decisions leading to more effective implementation. To facilitate workplace consultation on occupational safety and health, the Occupational Safety and Health Committee was established in 2003.

The Occupational Safety and Health Committee met eight times during the year and discussed and resolved issues raised by employees, reviewed accident and incident forms to ensure that hazards were addressed to eliminate or reduce future issues, and discussed injury trends and identified preventative measures that promote a safe working environment.

Our performance

In 2007-08, occupational safety, health and injury management activities were:

- Developed and implemented an online 'OSH Toolkit' as a one-stop shop for employees on occupational safety, health and injury management. The toolkit contains emergency information, safety and health information, policies safety and health representative contacts and training information for employees.



- Included occupational safety and health initiatives in the Director General's 2007-08 performance agreement with the Minister.
- Developed policy and education material for employees on workplace occupational safety and health matters including the promotion of Safe Work Australia Week; reviewed the evacuation policy for persons with mobility impairments; reviewed the safety and health representatives role statement to allow line managers to understand the commitment and requirements of safety and health representatives; and reviewed the Occupational Safety and Health Committee's terms of reference.
- Developed and included a bullying related question as part of the Office of the Public Sector Standard's climate survey of the department, to gather data on the extent of the issue.
- Conducted a review of the use of personal electrical equipment in the workplace.
- Conducted workplace inspections and rectified faults and unsafe work situations.
- Introduced an occupational safety and health management system to ensure health and safety commitments are identified and completed.
- Commenced development of a vehicle resource and safety kit for the safety of all employees working and travelling in the regional and remote areas.
- Continued occupational safety and health awareness training. The training ensures that employees are aware of the legislative requirements under duty of care; undertaking their duties safely; and injury management system. The training is compulsory for all current and new employees. Since the program commenced in 2006, approximately 70% of employees have been trained.

DOCEP's performance against targets contained in the Premier's Circular is demonstrated in Table 20.

Table 20: Occupational safety, health and injury management performance

Measure	Actual Results		Results against Target	
	2006-07	2007-08	Target	DOCEP result
Number of fatalities	0	0	0	0
Lost time injury and/or disease incidence rate	0.82	0.53	0 or 10% reduction	35% reduction
Lost time injury and/or disease severity rate	0.00	20.00	0 or 10% reduction	Increase ⁽¹⁾

Notes:

- (1) In 2007-08, one lost time claim was classified as severe (greater than 60 days lost), out of a total of five lost time claims lodged during the year. The variance results from the percentage change from a zero baseline in 2006-07.

Reconciliation Action Plan

In late 2007, DOCEP was invited to develop a Reconciliation Action Plan, a tool to support and continue to build positive relationships between Indigenous and non-Indigenous people. Extensive consultation with the divisions of DOCEP occurred during the development of the 2008-09 plan, which was endorsed by the Corporate Executive in March 2008. Some of the key strategies of the plan include creating career development opportunities, such as Indigenous Business Traineeships, developing educational initiatives for employees and customers and liaising with key Indigenous support groups and services to meet client needs.



National Consumer Congress

The draft plan has been submitted, with the assistance of the Department of Indigenous Affairs, to Reconciliation Australia for approval. Thereafter the approved plan will be available on the department's internet site. DOCEP has committed to implementing the strategies over the next 12 months.

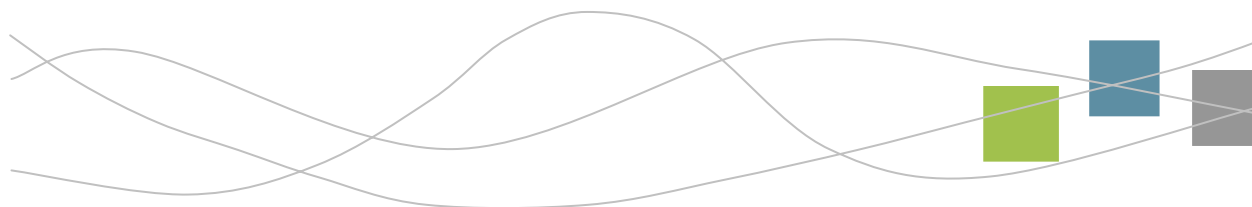
Substantive equality

In accordance with *Premier's Circular 2005/07: Implementation of the policy framework for substantive equality*, DOCEP ensures the substantive equality policy framework is reflected appropriately in operational, strategic and departmental plans and reports on achievements in implementing the framework. The framework is designed to achieve substantive equality in the Western Australian public sector by eliminating systemic and racial discrimination in the provision of public sector services and promoting sensitivity to the different needs of client groups.

DOCEP's Substantive Equality Committee, established in October 2005, assists in the implementation of the policy framework across the department by reviewing client needs and service delivery to ensure equal outcomes for Indigenous and culturally diverse client groups. The first step in this process was to explore customer service delivery to Indigenous and culturally diverse clients in the areas of information and education resources. This initially occurred within the Consumer Protection, Labour Relations and WorkSafe divisions. In 2007 - 08, it was expanded to include the EnergySafety and Resources Safety divisions.

Throughout 2007-08, the Committee regularly met to discuss progress of the policy framework and report on new initiatives and divisional achievements, some of which included:

- the introduction of Indigenous safety awareness training by the WorkSafe Division in the Kimberley and Pilbara/Gascoyne regions, as part of the pilot project 'Managing occupational safety and health in remote communities';
- the promotion of workshops or events for employees such as Indigenous cross cultural awareness workshops, National Reconciliation Week 2008 and Harmony Week 2008;
- development of DOCEP's' first Reconciliation Action Plan outlining strategies for building positive relationships, embracing Indigenous cultural education, addressing customer service needs and improving professional and career development for Indigenous employees;



- inviting Indigenous speakers to address DOCEP's Leadership Team in April 2008, to highlight Indigenous issues and introduce DOCEP's executive leaders to strategies within the Reconciliation Action Plan; and
- educating employees about substantive equality through DOCEP's online induction program and publishing relevant articles in the internal *DOCEP News* publication.

Committee progress against the policy framework has been in the form of reviewing current policies and projects. Outcomes include the possible development of tenancy advice publications for culturally diverse clients, extension of the remote communities project, continued work on the Migrants Rights Scheme, possible inclusion of a substantive equality component into DOCEP's online safety and health package for secondary students and retaining effective communication networks with relevant Indigenous community organisations.

Sustainability

In accordance with *Premier's Circular 2004/14: Sustainability Code of Practice for Government Agencies*, DOCEP's commitment to sustainability is managed in accordance with the agency's Sustainability Action Plan, developed in 2004. The plan was introduced for a three year period from 2004 to 2007, providing DOCEP with a framework aligned to the Code's sustainability principles of planning, report and decision-making, agency operations and employee support. With the expiry of this plan in December 2007, DOCEP revised the content in consultation with the divisions to develop the 2008 plan, which was endorsed by the department's Corporate Executive.

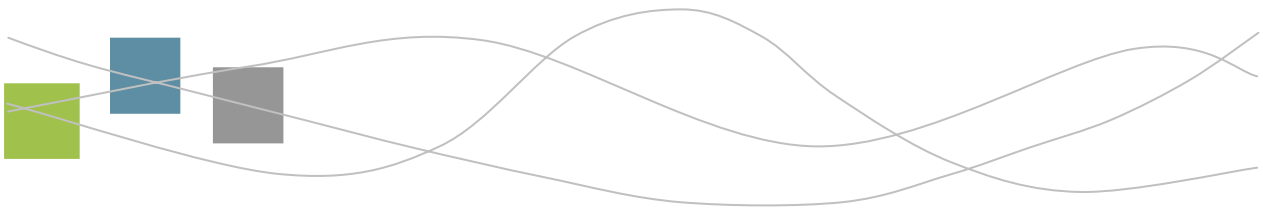
Each of DOCEP's six divisions, along with the Office of the Director General, has a responsibility for addressing the targets and priority areas within the plan through circulation and review processes.

Activities for 2007-08 in the delivery of the plan included:

- reduction in the department's fleet vehicle emissions. DOCEP continues to manage its vehicle travel use in line with Western Australian Government fleet policy by reducing the number of six cylinder vehicles, resulting in a higher percentage of four cylinder vehicles;
- reduction in energy consumption. The agency continued to participate in the Government's Energy Smart program, and received a commendation for achieving significant improvement in energy efficiency;
- reduction in water consumption. DOCEP worked with the Water Corporation to undertake a water audit, compile a water efficiency plan and is adopting recommendations to make improvements to water efficiencies; and
- regular promotion of enjoyable and sustainable ways of commuting to work such as Cycle Instead Bikeweek 2008.

Sustainable procurement has also been achieved by ensuring DOCEP's procurement processes are compliant with the State Supply Commission's requirements.

A future review of the plan is scheduled in late 2008, which will involve consultation with the Department of Environment and Conversation, to research new directions or initiatives required of agencies for 2009 and beyond. This will also coincide with the review of DOCEP's strategic framework, with sustainability marked for consideration in the development of a new framework.



APPENDICES

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

Appendix 1: Memoranda of Understanding and Instruments of Declaration	153
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APPENDICES

Appendix 1: Memoranda of Understanding and Instruments of Declaration

DOCEP recognises the benefits derived from working collaboratively with external parties by negotiating Memoranda of Understanding and Instruments of Declaration with a range of organisations, within the public and private sector. These agreements provide a structured and formal arrangement for information sharing and are designed to improve the flow of information between parties, where the two have a common interest or legislative responsibility.

In most cases the scope of agreements is limited to selected areas of mutual interest, so there are limited powers of request and exchange. At all times the information exchanged is in accordance with a legislative power, and always with regard to other governing legislation, such as the *Commonwealth Privacy Act 1988*.

Memoranda of Understanding

Memoranda of Understandings in place during 2007-08:

- .au Domain Administration Limited
- Australian Competition and Consumer Commission
- Australian Securities and Investment Commission
- Bureau of WorkSafe Supervision and Administration Zhejiang Provincial Government
- Chamber of Minerals and Energy of Western Australia
- Comcare
- Consumers' Association of WA
- Department for Child Protection (regarding referrals of suspected breaches of children in employment laws; notification of potential child protection issues arising from investigations; and joint responses to circumstances where the nature of a child's employment may jeopardise their well-being)
- Department of Environment, Water, Heritage and the Arts (formerly the Commonwealth Department of Environment and Heritage regarding the provision of fuel quality sampling services)
- Department of Immigration and Citizenship (formerly known as the Department of Immigration, Multicultural and Indigenous Affairs)
- Department of Industry and Resources (regarding safety regulatory services covered by *Petroleum and Geothermal Energy Resources Act 1967* and the *Petroleum Pipelines Act 1969*)
- Economic Regulation Authority
- Energy Ombudsman



- Environmental Protection Authority (regarding proposals involving dangerous goods and public safety)
- Fire and Emergency Services Authority, Department of Conservation and the Environment (formerly the Department of Conservation and Land Management), Western Australian Police, Department of Industry and Resources (formerly the Department of Mineral and Petroleum Resources), etc (regarding fire investigation)
- Main Roads Western Australia (regarding on-road enforcement of dangerous goods transportation)
- National Industrial Chemicals Notification and Assessment
- National Offshore Petroleum Safety Authority
- State Administration of Work Safety, People's Republic of China
- Western Australian Police (regarding the application of *Occupational Safety and Health Act 1984* to police officers)
- Western Australian Police (regarding referral of matters to the relevant agency according to their respective jurisdiction)
- Western Australian Police and Building Industry and Special Projects Inspectorate
- Water Corporation and the Plumbers Licensing Board.

Instruments of Declaration

Instruments of Declarations in place during 2007-08:

- BHP Billiton Iron Ore Boodarie mine site (regarding demolition work)
- BHP Transport Marine Slipway
- Griffin Coal Company Pty Limited - Premier Mine (regarding operations in Collie)
- Pilbara Iron Pty Ltd (regarding workplaces that are, or form part of, a railway or rolling stock operated, managed or controlled by Pilbara Iron Pty Ltd)
- Wesfarmers Coal Limited - Premier Mine.

Service delivery agreement

Service delivery agreements in place during 2007-08:

- Commonwealth of Australia and State of Western Australia (regarding the delivery of services to the Christmas Island and Cocos (Keeling) Islands)
- Real Estate and Business Agents Supervisory Board (regarding the delivery of regulatory services to the Board)
- Settlement Agents Supervisory Board (regarding the delivery of regulatory services to the Board).

Joint initiatives with other agencies

HAZMAT Emergency Advisory Team

The department's Resources Safety Division participates in the HAZMAT Emergency Advisory Team (HEAT) which provides 24-hour emergency response services to Fire and Emergency Services Authority (FESA) and the Western Australian Police on incidents involving hazardous materials. Response to an emergency involving hazardous materials (HAZMAT) is a complex operation that takes into consideration the safety of the public, property, fire-fighters and the environment. When an incident is confirmed to involve hazardous materials, specialist advisors from government agencies, industry and local government convene into a team. HEAT provides information throughout the operation until the site is declared safe. Once the emergency is over, FESA fire-fighters ensure the site is left as close as possible to its original condition. This is done in conjunction with relevant government agencies and the owner of the hazardous materials, who is responsible for removal and disposal.



On road enforcement of vehicles transporting dangerous goods

The Resources Safety Division, in conjunction with Main Roads WA, conducts on road enforcement of the *Dangerous Goods Safety Act 2004*. This is a key measure for keeping the community safe from hazards associated with the transport of dangerous goods. Main Roads WA undertakes inspections of vehicles transporting dangerous goods, advising Resources Safety of the nature of any compliance breaches, and taking any necessary steps to safeguard against a potential dangerous on-road situation. Resources Safety provides Main Roads WA with technical advice, training, and statutory authority, conducting follow-up investigations and enforcement actions (issuing notices and infringements or prosecutions) where required.

Safety regulatory services and technical advice in relation to petroleum facilities and pipelines

The Resources Safety Division provides safety regulatory services and technical advice to the Department of Industry and Resources (DOIR), in relation to onshore petroleum facilities and pipelines. Offshore petroleum safety legislation is administered by National Offshore Petroleum Safety Authority (NOPSA). Petroleum operations, including petroleum pipelines, are subject to a risk-based safety case approach. Resources Safety, on behalf of DOIR, conducts assessment of safety cases and pipeline management plans, audits and inspections and investigations.



Appendix 2: Changes to written laws

Changes in written law initiated by DOCEP during 2007-08 are outlined according to the responsible division in Table 21 to 24.

Consumer Protection

Table 21: Amendments to written laws for the Consumer Protection Division in 2007-08

Written law / Title	Number	Effective or Gazettal date
Association Incorporation Amendment Regulations	2007	1 July 2007
Builders Registration Amendment Regulations	2 of 2007	1 July 2007
Builders Registration Amendment Regulations	3 of 2007	1 July 2007
<i>Consumer Affairs Act 1971</i>		
Order prohibiting supply of goods, children's toys with a lead migration level greater than 90 mg/kg of lead	No. 202	28 September 2007
Interim prohibiting order bindeeze bead toys	No. 233	7 November 2007
Extension of interim prohibiting order bindeeze bead toys	No. 253	7 December 2007
Order prohibiting supply of goods, bead toys including bindeeze bead toys containing 1,4 butanediol	No. 5	8 January 2008
Amendment to order (spas and spa pools fitted with suction outlets other than skimmers)	No. 39	7 March 2008
Order prohibiting supply of goods, toothpaste containing more than 0.25% by weight of diethylene glycol.		
Companies (Co-operative) (Fees) Regulations	2007	1 July 2007
Consumer Credit (Western Australia) Code Amendment Order 2007	No. 141	6 July 2007
Consumer Protection Legislation Amendment and Repeal Act 2006 (Proclaimed Parts 2 to 7 and 9 to 13)	No. 143	13 July 2007
Consumer Protection Legislation Amendment and Repeal Act 2006 (Proclaimed Part 8)	No. 150	24 July 2007
Credit (Administration) Amendment Regulations	2007	1 July 2007
Debt Collectors Licensing Amendment Regulations	2007	1 July 2007
Employment Agents Amendment Regulations	2 of 2007	1 July 2007
Fair Trading (Product Safety Standard) Amendment Regulations 2007	No. 213	12 October 2007
Fair Trading (Fitness Industry Code of Practice) Regulations 2007	No. 267	28 December 2007
Finance Brokers Control (General) Amendment Regulations	5 of 2007	1 July 2007



Written law / Title	Number	Effective or Gazettal date
Finance Brokers Control (General) Amendment Regulations (No. 6) 2007	No. 250	30 November 2007
Finance Brokers Control (General) Amendment Regulations 2008	No. 80	27 May 2008
Home Building Contracts (Home Indemnity Insurance Exemptions) Amendment Regulations 2007	No. 264	21 December 2007
Land Valuers Licensing Amendment Regulations	2007	1 July 2007
Land Valuers Licensing Amendment Regulations (No 2) 2007	No. 43	14 March 2008
Limited Partnerships Amendment Rules	2007	1 July 2007
Motor Vehicle Dealers (Licensing) Amendment Regulations	2007	1 July 2007
Painters' Registration Board Amendment Rules	2007	1 July 2007
Real Estate And Business Agents (General) Amendment Regulations (No. 4) 2007	No. 150	24 July 2007
Real Estate And Business Agents (General) Amendment Regulations (No. 5) 2007	No. 268	28 December 2007
Residential Parks (Long-Stay Tenants) Act 2006 (Proclaimed)	No. 156	1 August 2007
Residential Tenancies Amendment Regulations (No. 2) 2007	No. 155	31 July 2007
Retail Trading Hours Variation Order 2007	No. 224	26 October 2007
Retail Trading Hours (Tourism Precincts) Variation Order 2007	No. 224	26 October 2007
Retail Trading Hours Regional Exemption Order 2007	No. 241	16 November 2007
Retail Trading Hours (Tourism Precincts) Order 2008	No. 62	22 April 2008
Settlement Agents Amendment Regulations (No. 3) 2007	No. 224	26 October 2007
Settlement Agents Amendment Regulations (No. 4) 2007	No. 268	28 December 2007
Settlement Agents (Remuneration) Notice 2008	No. 70	6 May 2008
Travel Agents Amendment Regulations	2007	1 July 2007



Employment Protection

Energy Safety

Table 22: Amendments to written laws for the Energy Safety Division in 2007-08

Written law / Title	Number	Effective or Gazettal date
<i>Energy Coordination Act 1994</i>	250 of 2007	1 December 2007
<i>Electricity Act 1945</i>	250 of 2007	1 December 2007
<i>Gas Standards Act 1972</i>	250 of 2007	1 December 2007
Energy Coordination (Inspections and Infringement Notices) Amendment Regulations 2007	250 of 2007	1 December 2007
Electricity (Licensing) Amendment Regulations	2 of 2007	1 July 2007
Electricity (Licensing) Amendment Regulations 2007	271 of 2007	31 December 2007
Electricity (Licensing) Amendment Regulations 2008	94 of 2008	17 June 2008
Gas Standards (Gas Supply and System Safety) Amendment Regulations 2000	1 of 2008	5 January 2008
Gas Standards (Infringement Notices) Amendment Regulations 2007	209 of 2007	10 October 2007
Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations (No.2) 2007	250 of 2007	1 December 2007

Labour Relations

The Labour Relations Division had no changes to written laws during 2007-08.

Resources Safety

Table 23: Amendments to written laws for the Resources Safety Division in 2007-08

Written law / Title	Number	Effective or Gazettal date
<i>Dangerous Goods Safety Act 2004</i>	36 of 2008	1 March 2008
Dangerous Goods Safety (Explosives) Regulations 2007	36 of 2008	1 March 2008
Dangerous Goods Safety (General) Regulations 2007	36 of 2008	1 March 2008
Dangerous Goods Safety (Goods in Ports) Regulations 2007	36 of 2008	1 March 2008
Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007	36 of 2008	1 March 2008
Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007	36 of 2008	1 March 2008
Dangerous Goods Safety (Security Risk Substances) Regulations 2007	36 of 2008	1 March 2008



Written law / Title	Number	Effective or Gazettal date
Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007	36 of 2008	1 March 2008
<i>Dangerous Goods (Transport) Act 1998 (REPEALED)</i>	36 of 2008	1 March 2008
Dangerous Goods (Transport) (Dangerous Goods in Ports) Regulations 2001 (REPEALED)	36 of 2008	1 March 2008
Dangerous Goods (Transport) (Explosives by Road and Rail) Regulations 1999 (REPEALED)	36 of 2008	1 March 2008
Dangerous Goods (Transport) (General) Regulations 1999 (REPEALED)	36 of 2008	1 March 2008
Dangerous Goods (Transport) (Road and Rail) Regulations 1999 (REPEALED)	36 of 2008	1 March 2008
<i>Explosives and Dangerous Goods Act 1961 (REPEALED)</i>	36 of 2008	1 March 2008
Explosives and Dangerous Goods (Authorised Explosives) Order 2000 (REPEALED)	36 of 2008	1 March 2008
Explosives and Dangerous Goods (Dangerous Goods Handling and Storage) Regulations 1992 (REPEALED)	36 of 2008	1 March 2008
Explosives and Dangerous Goods (Explosives) Regulations 1963 (REPEALED)	36 of 2008	1 March 2008
Explosives and Dangerous Goods Act (Search Warrant) Regulations 1979 (REPEALED)	36 of 2008	1 March 2008
<i>Mines Safety and Inspection Amendment Act 2008</i>	2008	16 April 2008
Mines Safety and Inspection Amendment Regulations	2 of 2007	1 July 2007
Mines Safety and Inspection Amendment Regulations 2008	36 of 2008	1 March 2008

WorkSafe

Table 24: Amendments to written laws for the WorkSafe Division in 2007-08

Written law / Title	Number	Effective or Gazettal date
Occupational Safety and Health Amendment Regulations	2007	3 July 2007
Occupational Safety and Health Amendment Regulations	3 of 2007	24 August 2007
Occupational Safety and Health Amendment Regulations	4 of 2007	2 October 2007
Occupational Safety and Health Amendment Regulations	6 of 2008	4 April 2008
Occupational Safety and Health Amendment Regulations	7 of 2008	17 June 2008
Occupational Safety and Health Amendment Regulations	9 of 2007	4 January 2008



Appendix 3: Prosecutions

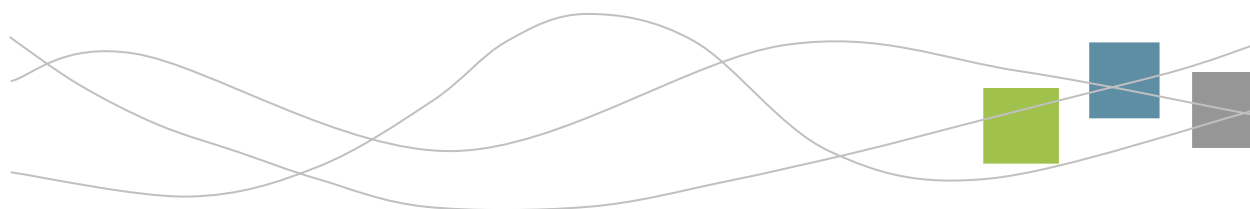
Consumer Protection

Consumer Protection

Note: Prosecutions finalised by the Consumer Protection Division relating to the Water Services Plumbing (Plumbers Licensing and Plumbing Standards) Regulations 2000 are detailed in Appendix 5: Plumbers Licensing Board.

Table 25: Prosecution outcomes (including appeals against prosecution) for the Consumer Protection Division in 2007-08

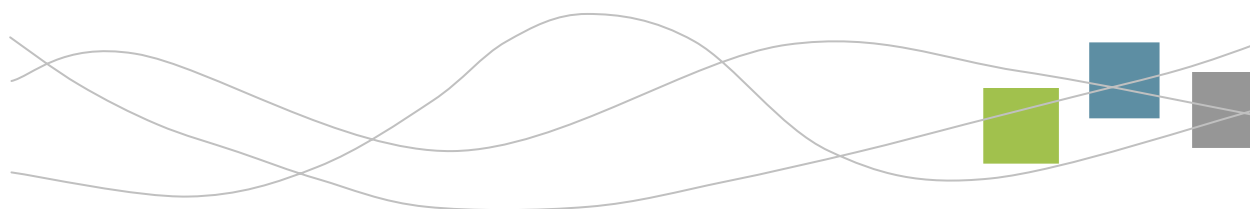
Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<i>Associations Incorporation Act 1987</i>				
Zampogna, Michael Joseph & Animal Liberation (WA) Incorporated vs Commissioner for Consumer Protection	Section 45	Appeal by Zampogna against the previous non-award of a spent conviction.	Judge dismissed appeal.	Department settled on payment of costs by appellant in the sum of \$6000.
<i>Business Names Act 1962</i>				
Bulewa, Lasaro & Mua t/as Lamington Laundrette	Section 5	Carrying on business under an unregistered business name.	Mua Bulewa - \$500; Lasaro Bulewa - \$500.	\$588.50 \$588.50
<i>Consumer Credit (Western Australia) Code</i>				
Broadwood, Bruce Francis and Australian Finance Enterprises Pty Ltd	Section 144(1) and 145 Australian Finance Enterprises Pty Ltd charged under section 144(1)	Alleged harassment of consumer credit clients.	Trial discontinued after one day.	\$9,000 costs awarded against the department.
<i>Door to Door Trading Act 1987</i>				
AIMWA Pty Ltd, Bock, Damien & Frearson, Damien.	Section 7(2) and 8(1)	Failing to supply notices explaining the right of a consumer to rescind the contract and accepting payment before the expiration of a cooling-off period.	Company fined \$600, each director fined \$300.	\$198.
Santoriello, Salvatore	Section 7(1)(g)(i)(ii), 7(1)(f) and 8	Non-compliance with requirements for prescribed contracts and cooling off periods.	Global penalty of \$1,500	\$343.50 Compensation order of \$400.



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Veracity Corporation Pty Ltd t/as O.P.E.S Smart * appeal pending	Section 7(1)(f)(g)	Non compliance with requirements for prescribed contracts and cooling-off periods.	Veracity Corporation - \$5,000; Ian Melotte - \$1,000, spent conviction; Barrie Melotte - \$200, spent conviction; Yvonne Melotte - \$200, spent conviction.	\$3,421
Door to Door Trading Act 1987 and Fair Trading Act 1987				
ASM Specialised Maths Pty Ltd and Renaka Senaratna	<i>Door to Door Trading Act 1987</i> section 8(1) <i>Fair Trading Act 1987</i> section 12(1)(l)	Misrepresentations about rights.	All charges against ASM Specialised Maths Pty Ltd dismissed for want of prosecution \$1,000 fine (Renarka Senaratna).	\$462.50 (Renarka Senaratna)
Fair Trading Act 1987				
Bayswater Car Rentals Pty Ltd vs Commissioner for Consumer Protection	Section 12(1)(g)	False or misleading representations as to price of hiring motor vehicles.	Appeal by Bayswater Car Rentals Pty Ltd was dismissed.	Appellant to pay the department's costs to be taxed.
Cameron, Barry Owen & Chapman, Sharon Faye	Section 52	Supplying an ice pipe contrary to a product safety order.	\$2,000	\$4,500
CJM Contractors Pty Ltd & Matthew Sanders	Section 12(1)(l)	Misrepresentation of trader's contract terms and conditions.	Matter dismissed	Department ordered to pay defendant's costs of \$7,500
Commissioner for Consumer Protection vs The Persian Company Rugs Pty Ltd	Section 12(1)(g)	Making a false or misleading representation in relation to the price of goods.	The department discontinued an appeal lodged against sentence.	Costs are to be determined
Davenport, Paula & Debt Recovery South West	Section 23	Undue harassment & coercion in relation to the collection of debt	\$2,000	\$8,000
Eddington, Graeme	Section 24(4)	Promoting a pyramid selling scheme.	\$6,000	\$3,437.50
Hua Zheng t/as Thornlie Square Fish and Chips	Section 12(1)(a)	Making false and misleading representations in relation to the composition of fish.	\$500	\$2,467



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Ravenslea Pty Ltd t/a XDream Fashions	Section 12(1)(l)	False or misleading representation concerning the existence of a right or remedy.	Ravenslea Pty Ltd - \$3,000 on each charge; Rivette - \$600 on each charge; Meikor - \$400 on each charge.	\$459.25 \$459.25
The Persian Rug Company Rugs Pty Ltd	Section 12(1)(g)	Misleading or false statement concerning the price of goods.	\$3,000 (Company) \$500 (Company Secretary)	\$320 (\$160 each for the company and company secretary).
Sky High Pty Ltd a Mills, Diana	Section 12(1)(e)	Misleading representations.	Charges dismissed.	Department ordered to pay costs in the sum of \$3,212.
Vegie Bandits Pty Ltd t/as Spud Shed	Section 12(1)	Misrepresentation of the quality of potatoes.	\$2,000 (global fine across both charges).	No order as to costs.
Motor Vehicles Dealers Act 1973				
Colson, Carol vs Melange Auto Wholesale	Section 32C and 32G	Failure of consignor to establish trust account; accepting a vehicle for consignment other than on the prescribed particulars, terms and conditions.	\$3,000	\$302.50
Pishanidar, Jebrael	Section 30(1)	Unlicensed motor vehicle dealing.	\$5,000	\$500
Spini, Peter John	Section 30(1)	Unlicensed motor vehicle dealing.	\$3,000	\$593.50
Residential Tenancies Act 1987				
Caputo & Clay Pty Ltd t/as Harcourts Integrity	Section 29(4)(b)	Failure to lodge security bond.	\$1,000	\$302.50
Commissioner for Consumer Protection vs Voulon, Rolf and Temple of Bel Pty Ltd	Section 29, 27(1), 45 and 29(5)	Non-adherence as a landlord to property rental rules.	Mr Voulon and his company, Temple of Bel Pty Ltd gave written undertaking to the Court that all future leases will comply with the <i>Residential Tenancies Act 1987</i> .	No order as to costs.
McLaughlin, Siobhan Erin	Section 27(1), 28(1), (29)(4)(a)(b)(c)(d) and 54(1)(b)	Non-adherence as a landlord to property rental rules.	\$2,150	\$2,409



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Meadowbank Enterprises Pty Ltd t/as Elders Real Estate Kwinana and Coogee	Section 29(4)(b)	Late lodgement of security bond.	\$1,000	\$511.50
Saliba, Carmel Charles	Section 29(5)	Failure to provide a record of a bond lodgement.	Dismissed for want of prosecution pursuant to section 25 of the <i>Criminal Procedure Act 2004</i> .	No order as to costs
Sue Moncrieff Pty Ltd t/a Moncrieff Realty	Section 29(4)(b)	Late lodgement of security bond.	\$400	\$192.50
Residential Tenancies Act 1987 and Residential Tenancies Regulations 1989				
Burston, Nicola Karen	Section 29(4), 29(5) and 33(1) Regulation 14(2)	Non lodgement of tenancy bond.	\$1500	\$874
Retail Trading Hours Act 1987				
Nguyen, Phat & Ballajura Oriental Supermarket	Section 12(1)(d) and 25(1)(a)	Breach of Sunday trading hours.	\$500	\$374

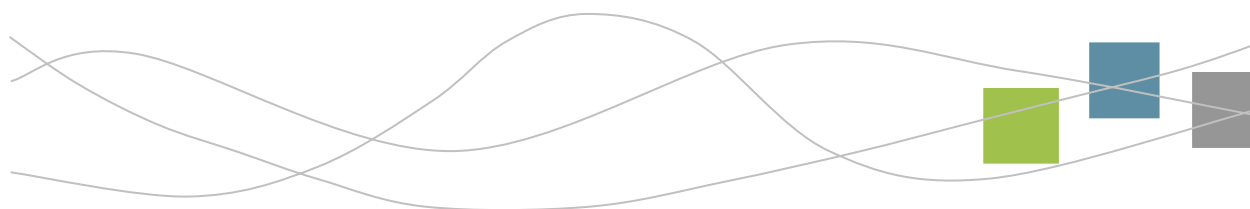
Table 26: Civil action outcomes for the Consumer Protection Division in 2007-08

Name/ defendant/parties	Legislation	Offence	Fine	Costs
Common law				
Rankilor, Wendy Ann vs Commissioner for Consumer Protection	Common law	Negligence.	Action was settled at a pre-trial conference.	No order as to costs.
Fair Trading Act 1987				
Rugs a Million (WA) Pty Ltd vs Commissioner for Consumer Protection	Section 9, 10, 12(1)(a) and 12(1)(g). Injunction and Declarations	Application by Rugs a Million Pty Ltd for further and better particulars of the plaintiff's claim.	Rugs a Million application dismissed.	Applicant ordered to pay department's costs of \$5,000.



Table 27: State Administrative Tribunal outcomes for the Consumer Protection Division in 2007-08

Name/ defendant/parties	Legislation	Offence	Fine	Costs
<i>Associations Incorporation Act 1987</i>				
Maria Reghelini Foundation Incorporation	Section 8	Review of Commissioner's decision to refuse to incorporate an association.	Settled. In principle agreement at mediation.	No order as to costs.
Subiaco Football Club Past Players and Official Inc	Section 7	Review of Commissioner's decision to refuse to incorporate an association.	Mediation unsuccessful.	No order as to costs.
<i>Credit Administration Act 1984</i>				
Interim Advance Corporation Pty Ltd * appeal pending	Section 12(4)(h)	Review of Commissioner's decision to refuse an application for a credit provider's licence.	The application for review was refused. The decision of the Commissioner for Consumer Protection to refuse the applicant's application for a credit provider's licence was affirmed.	No order as to costs.
Oliver George Douglas vs Van May (WA) Pty Ltd	Section 12	Objection to application for credit provider's licence.	Application granted. Decision under review set aside.	No order as to costs.
<i>Land Valuers Licensing Act 1978</i>				
Nevermann, Maxwell	Section 28(2)(b) and (c)	Negligence in valuation assessment.	\$300 fine and 12 week suspension of Mr Nevermann's land valuer licence commencing from 12 October 2007.	\$2,600
<i>Trade Measurement Administration Act 2006</i>				
Michael Ridalj t/as WA Scale Services	Section 81(c)	Review of decision by Commissioner.	Orders made to amend condition on licence to allow certification of instruments up to 600kg. Beyond 600kg, Mr Ridalj must provide serial numbers of masses used.	No order as to costs.



Name/ defendant/parties	Legislation	Offence	Fine	Costs
Travel Agents Act 1985				
Hawaii Pty Ltd and Tracy Burling	Section 22(1) and 22(1)(e)	Not a fit and proper person to hold a licence.	Hawaii Pty Ltd – Fine: \$1,000, Burling disqualified for two years.	Hawaii Pty Ltd- Costs: \$500; Defendant ordered to pay department's costs of \$4,746.50.

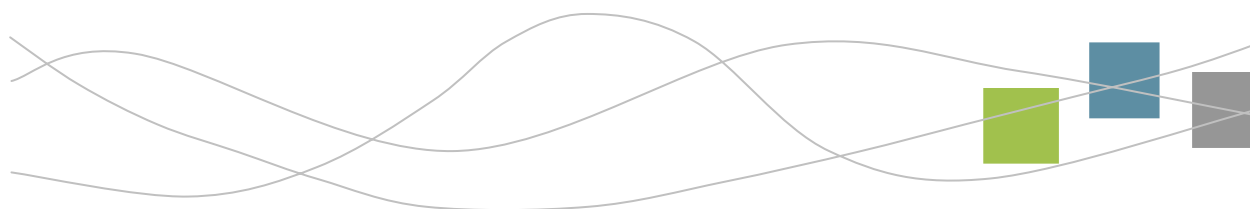
Real Estate and Business Agents Supervisory Board

Table 28: State Administrative Tribunal for the Real Estate and Business Agents Supervisory Board in 2007-08

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Brian Davenport Taylor	<i>Real Estate and Business Agents Act 1978</i> , section 26.	Carrying on business or holding out as an agent.	\$3,000 to be paid within 28 days.	\$500
Darryl William Goad	Code of Conduct for Real Estate and Business Agents and Sales Representatives, Article 5	Trust account discrepancies; not acting fairly and honestly; unfit to hold a certificate of registration.	Surrender certificate of registration and providing an undertaking that he will not apply for a licence or certificate of registration for five years.	\$1,000
<i>1st Respondent</i> Kable Agencies Pty Ltd formerly t/as Ray White Shark Bay	<i>Real Estate and Business Agents Act 1978</i> , section 39(3)	Permitting or holding out as permitting another to use his licence and triennial certificate.	\$4,500	\$500
<i>2nd Respondent</i> Ski at Denham Pty Ltd t/as Ray White Shark Bay	<i>Real Estate and Business Agents Act 1978</i> , section 26	Carrying on business or holding out as an agent.	\$4,500	\$500
<i>1st Respondent</i> GRQ Pty Ltd t/as Sanctuary Real Estate	<i>Real Estate and Business Agents Act 1978</i> , section 68(4)	Debitting monies from the trust account of the <i>1st Respondent</i> .	\$1,000	\$500
<i>2nd Respondent</i> Peter Swain	Code of Conduct for Real Estate and Business Agents and Sales Representatives, Article 5(1)	Failure to properly supervise the <i>1st Respondent</i> and its employees.	\$1,000	\$500



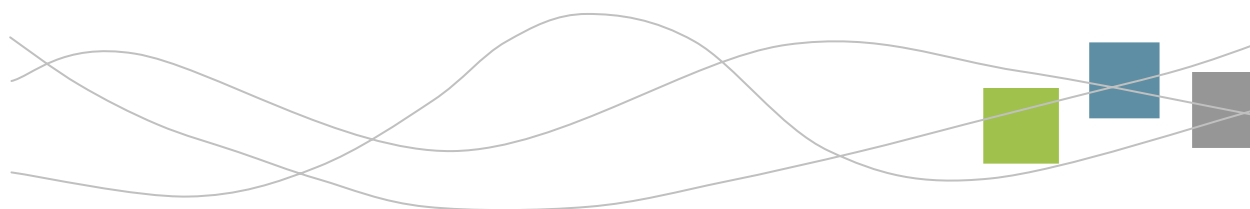
Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Evan Loveday	Code of Conduct for Real Estate and Business Agents and Sales Representatives, Article 5(1)	Failure to act honestly and fairly by depositing into his personal account deposit monies to be held in trust of the corporate agency of which he was a Director and employed sales representatives.	Immediate cancellation of the certificate of registration.	\$1,000
<i>1st Respondent</i> Collier International WA Pty Ltd	<i>Real Estate and Business Agents Act 1978</i> , section 60(1) and Code of Conduct for Real Estate and Business Agents and Sales Representatives, Articles 4(3), 14(b) and 15	Invoicing when not having a valid authority; advertising when not having a valid authority; unjust demand for payment; not promptly supplying all relevant information and material to justify signage costs. Reimbursed its clients where a commission was received without a valid appointment to act.	\$2,500	\$1,000
<i>2nd Respondent</i> Ian Mickle	Code of Conduct for Real Estate and Business Agents and Sales Representatives, Articles 5(1)	Failure to properly supervise the 1 st Respondent and its employees.	\$500	\$500
Michelle Tanya McGill	<i>Real Estate and Business Agents Act 1978</i> , section 27(1)(b)	Not a fit and proper person due to criminal conviction in 2007.	\$7,000	\$1,000
<i>1st Respondent</i> Asset Investment Group t/as Real Estate Champions.	Code of Conduct for Real Estate and Business Agents and Sales Representatives, Articles 15(1), 15(2) and 5	Failure to promptly supply information as to the expenses; sought or retained reimbursement of an expense without a sufficient agreement in writing to pay the expense.	\$500	\$500, with \$294 to be reimbursed to the client of the agency.
<i>2nd Respondent</i> Mark Jones	Code of Conduct for Real Estate and Business Agents and Sales Representatives, Articles 6(2)	Allegation was withdrawn.	-	-



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<i>1st Respondent</i> Elloise Pty Ltd (in liquidation)	<i>Real Estate and Business Agents Act 1978</i> , section 68(1), 86(4) and 70(1)	Failure to deposit \$5,000 into its trust account; unauthorised withdrawals; failing to cause its trust accounts to be audited for years ending 2006 and 2007.	Licence and Triennial certificate cancelled.	\$500 to be paid on or before two months.
<i>2nd Respondent</i> Lorna Gladwin	Code of Conduct for Real Estate and Business Agents and Sales Representatives, Articles 6(2) and 5(1)	Failure to act fairly and honestly; failure to properly supervise and the 1 st Respondent further or alternatively otherwise unfit to hold a licence.	Licence and Triennial certificate cancelled.	\$500 to be paid on or before two months.
<i>1st Respondent</i> Eastern Districts Trading Co Pty Ltd	<i>Real Estate and Business Agents Act 1978</i> , section 60(1)	Received valuable consideration without holding a valid authority.	\$1,500 and refund the commission of \$5,775 to its clients.	Each respondent to pay \$750 within one month.
<i>2nd Respondent</i> Freeda Hodder-Fordham	Code of Conduct for Real Estate and Business Agents and Sales Representatives, Articles 2, 5(1), 5(3), 7, 8(1) and 8(3)	Failure to act in the best interest of the sellers; failure to act fairly; harsh and uncontrollable conduct; failure to exercise skill; care and diligence; failure to make reasonable efforts to ascertain or verify facts; failure to promptly obtain a certificate of title.	\$3,000	The certificate of licence and the triennial certificate and/or certificate of registration be suspended until payment is made.
<i>3rd Respondent</i> Neville Byrnes	Code of Conduct for Real Estate and Business Agents and Sales Representatives, Articles 5(1), 6(2)	Failure to act fairly; failure to properly supervise the 1 st Respondent and its employees. Failure to pay the fines and costs by 7 April 2008 will lead to the suspension of the certificate, triennial certificate and/or certificate of registration until payment is made.	\$2,500	\$750
<i>1st Respondent</i> ACE(WA) Pty Ltd t/as Jennings Hopkins	Code of Conduct for Real Estate and Business Agents and Sales Representatives, Articles 5(1), 4(3)	Advertised real estate is for sale without written authority; failed to act fairly and honestly in drafting and distributing leaflets that were misleading.	\$5,000	\$250



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
2 nd Respondent Elloise Kathleen Jennings	Code of Conduct for Real Estate and Business Agents and Sales Representatives, Article 6(2)	Failure to properly supervise the business of the 1 st Respondent.	\$1,000	\$250
Carmello Charles Parella t/as Charles Parella and Associates.	<i>Real Estate and Business Agents Act 1978</i> , section 102(2)(c), 68(4) and 68(6)(a)	Unfit to hold a licence; Allegations of unauthorised withdrawals from the trust account and failure to keep proper books of accounts.	Cancellation of the licence and permanent disqualification from holding a licence and a triennial certificate.	\$1,000
Edward Mogridge Pty Ltd	Code of Conduct for Real Estate and Business Agents and Sales Representatives, Articles 5(1) and 7	Conflict of interest in acting for the seller or buyer; failure to act fairly and honestly; failure to exercise skill, care and diligence.	\$1,500	\$500
Edward Mogridge	Code of Conduct for Real Estate and Business Agents and Sales Representatives, Articles 10(1), 5(1)	Failure to properly supervise the agency business.	\$1,500	\$500 to be paid within 28 days, failing which its licence to be suspended until payment is made.
Freda Hodder-Fordham	Code of Conduct for Real Estate and Business Agents and Sales Representatives, Articles 5(1), 7 and 8(1)	Failure to act fairly and honestly; failure to exercise skill, care and diligence, failure to make all reasonable efforts to ascertain or verify the facts which are material to the transaction.	Certificate of registration as a sales representative cancelled.	\$500 to be paid within 28 days.
John Patrick McManus	<i>Real Estate and Business Agents Act 1978</i> , section 30(3), 41(1), 37, 38 and 132.	Permitted or held out as being willing to permit another person to use his licence or triennial certificate; not exhibiting a notice in a prominent space or at all registered offices; not registering premises as a branch office and not endorsing his triennial certificate; failure to manage the business full time carrying out managerial duties or frequently	Licence and triennial certificate cancelled for three years. \$8,000	\$2,500 to be paid in 30 days.



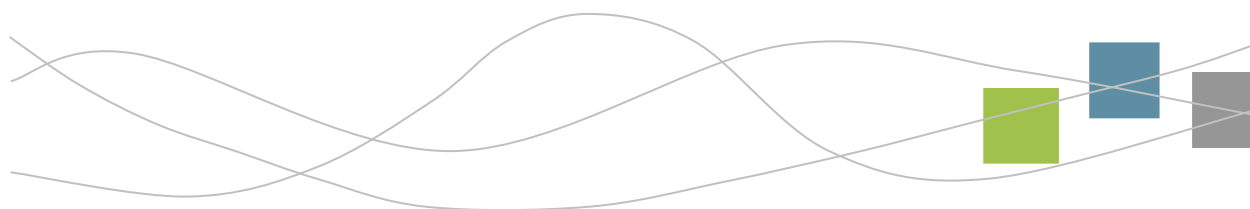
Name/ defendant/ parties	Legislation	Offence	Fine	Costs
		attend the premises.		
Shelley Anna Barber	<i>Real Estate and Business Agents Act 1978</i> , section 26.	Carrying on business as a real estate agent or alternatively held out as a real estate agent without a licence or a triennial certificate.	\$4,000	\$1,500 to be paid within 30 days, failing which her registration as a sales representative be suspended until full payment is made.
Alexander Landa	<i>Real Estate and Business Agents Act 1978</i> , section 64(1) and 64(4) Code of Conduct for Real Estate and Business Agents and Sales Representatives, Articles 2, 5(2) and 7	Acting without written consent of the principal; receiving reward by way of commission; failure to act in the best interest of the principal; knowingly misleading or deceiving vendors; failing to exercise skill, care and diligence; having an interest, otherwise than in his capacity as an agent; demanding valuable consideration in relation to a transaction.	Six fines totalling \$23,000.	Costs of proceedings to be fixed by the President (pending).
Vincent O'Donaghue	<i>Real Estate and Business Agents Act 1978</i> , section 103(4)(c) and 103(4)(d)	Not fit and proper to hold a sales registration; charging for services that were not carried out and retaining personal paperwork without authority; selling shares for \$10,000 in a business that does not exist and charging for commission and costs not agreed to in the listing arrangement.	Disqualified.	-



Settlement Agents Supervisory Board

Table 29: State Administrative Tribunal for the Settlement Agents Supervisory Board in 2007-08

Name/ defendant/parties	Legislation	Offence	Fine	Costs
Hoa Thi Gia Ly t/as Vincent Settlements	<i>Settlement Agents Act 1981</i> , section 47(3), 49(3), 49(4), 49(6)(c), 49(6)(d) and 51(1) <i>Settlement Agents Code of Conduct</i> r.23 and 2	Accepting appointments to act for both parties; paying from trust account on 12 separate occasions a total sum of \$4,268.31; failure to keep accounts in an order to conveniently and properly be audited; failure to inform all persons who could be affected by this deficiency; paying money to her trust account knowing it to be deficient.	\$1,000	\$500
L.J. Hooker Settlements	<i>Settlement Agents Act 1981</i> , section 44(8)	No findings.	On appeal CACV 22 of 2008.	-
Kolaran Holdings Pty Ltd t/as Gibson Raison	<i>Settlement Agents Code of Conduct</i> 1982, Rule 11	Failing to advise the buyer to seek legal advice in relation to a conclusion of the contract.	\$500	\$500
<i>1st Respondent</i> Marion Bain t/as Kings Park Settlements.	<i>Settlement Agents Code of Conduct</i> 1982, Rule 16, 15, 11, 6A and 10	Various breaches of the Code.	\$4,000	\$500
<i>2nd Respondent</i> Karen Riley t/as Karen Riley Settlements	<i>Settlement Agents Code of Conduct</i> 1982, Rule 16, 15, 11 and 10	Various breaches of the Code.	\$3,500	\$500
Jennifer McGregor t/as McGregor Settlements	VR 192 of 2007 Fourteen allegations of acting contrary to <i>Settlements Agents Act 1981</i> , section 49(6)(d)	Failure to correctly balance the trust account.	\$3,000	\$1,000
Jennifer Elizabeth McGregor	<i>Settlement Agents Act 1981</i> , section 49(6)(d)	Failure to correctly balance the trust account on 14 occasions between June 2005 and September 2006.	\$3000 to be paid within 28 days, failing which the licence be suspended until payment is made.	\$1,000 to be paid within 28 days, failing which the licence be suspended until payment is made.



Name/ defendant/parties	Legislation	Offence	Fine	Costs
Property Settlement Services Pty Ltd	Settlement Agents Code of Conduct 1982, Rule 5, 6, 6(a), 2, 7, 9 and 14	Reprimand.	On appeal CACV 32 of 2008.	-
Showville Pty Ltd t/as Regent Settlements	Settlement Agents Act 1981, section 44(8)	Paying to others rewards for referrals.	\$8,000	\$500

Table 30: Magistrate Court outcomes in for the Settlement Agents Supervisory Board 2007-08

Name/ defendant/parties	Legislation	Offence	Fine	Costs
Settlements Agents Act 1981				
Devenish 1897 Pty Ltd t/as Realtymax Professionals	Section 44(7)	Receiving rewards for referrals.	\$750	\$1,000
Jewelpark Pty Ltd t/as Masotto Realty	Section 44(7)	Receiving rewards for referrals.	\$1,500	\$111
Mullac Holdings Pty Ltd t/as Re/Max Coastal Realty	Section 44(7)	Receiving rewards for referrals.	\$500 in respect of each of six offences totalling \$3,000.	\$111
Patience & Patience Pty Ltd t/as Patience & Patience National Real Estate	Section 44(7)	Receiving rewards for referrals.	\$3,500	\$111

Employment Protection

EnergySafety

Note: * denotes global fine was issued.

Table 31: Prosecution outcomes for the EnergySafety Division in 2007-08

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Electricity (Licensing) Regulations 1991				
Jeffery Ball (Waikiki)	Regulation 19(1)	Carried out electrical work without holding an electrical workers licence.	\$1,000.00	\$475.70
Brian George Dix (Giddegannup)	Regulation 49(1) - 5 breaches	Carried out substandard electrical work.	\$4,500.00*	\$480.70*
Brian George Dix T/As Stoneville Electrical (Giddegannup)	Regulation 52(3)	Submitted a Notice of Completion to the relevant supply authority for electrical installing work carried out when the work was defective and therefore not complete.		



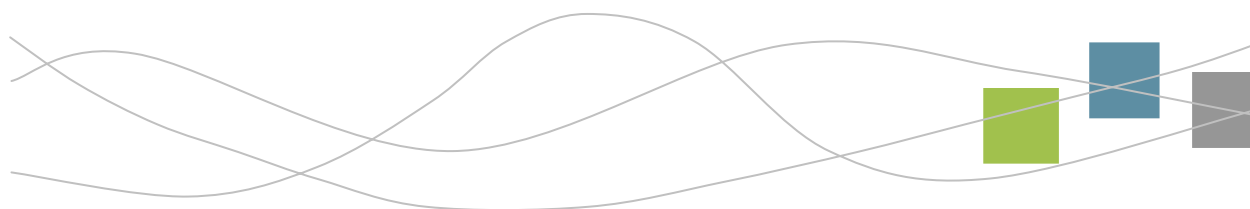
Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Christopher Barrie Fowler (Armadale)	Regulation 49(1)	Carried out substandard electrical work.	\$3,000.00	\$1,525.70
Kenray Enterprises Pty Ltd T/As Freeway Electrical (Wangara)	Regulation 52(3)	Submitted a Notice of Completion to the relevant supply authority for electrical installing work carried out when the work was defective and therefore not complete.	\$1,000.00	\$480.70
GJ Johnson & Co Pty Ltd T/As G J Johnson & Co (Fitzroy Crossing)	Regulation 51(1)	Failed to submit a Preliminary Notice to relevant supply authority within the required time frame.	\$700.00*	\$1,520.70*
	Regulation 52(3)	Submitted a Notice of Completion to the relevant supply authority for electrical installing work carried out when the work was defective and therefore not complete.		
Archie Campbell James (Wagin)	Regulation 49(1)	Carried out substandard electrical work.	\$400.00	\$480.70
Timothy James Lewis (Calista)	Regulation 49(1) - 6 breaches	Carried out substandard electrical work.	\$3,000.00	\$569.20*
	Regulation 33(1) - 2 breaches	Carried on business as an electrical contractor without a licence.	\$4,000.00	
Owen Graham Lowden (Forrestfield)	Regulation 49(1) - 9 breaches	Carried out substandard electrical work.	\$7,500.00	\$480.70
Brian Maxwell Martin (Karrinyup)	Regulation 53(2)	Employed and instructed an unlicensed person to carry out electrical work.	\$600.00	\$775.70
Wayne Colin Martinovich (Yokine)	Regulation 19(1) - 2 breaches	Carried out electrical work without holding a current electrical workers licence.	\$1,000.00	\$775.70
David James McEwan (High Wycombe)	Regulation 50(1)	As an employer, failed to ensure effective supervision of an apprentice.	\$750.00	\$480.70*
	Regulation 63(1)	Failed to report an electrical accident.	\$450.00	
Dene John Mosconi (Quinns Rock)	Regulation 49(1)	Carried out substandard electrical work.	\$3,000.00	\$480.70
Michael Terrance Rudd (Bute, SA)	Regulation 33(1)	Carried on business as an electrical contractor without holding a licence.	\$1,000.00	\$475.70
Kenneth Allan Sibley (Alice Springs, NT)	Regulation 49(1)	Carried out substandard electrical work.	\$750.00	\$569.20



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Uplands Nominees Pty Ltd T/As Ord River Electrics (Kununurra)	Regulation 52(3)	Submitted a Notice of Completion to the relevant supply authority for electrical installing work carried out when the work was defective and therefore not complete.	\$750.00	\$569.20
Wayne Vicary (Merredin)	Regulation 19(1)	Carried out electrical work without holding an electrical workers licence.	\$1000.00*	\$1,093.00*
	Regulation 33(1)	Carried out electrical work without holding an electrical workers licence.		
David Anthony Waldock (Edgewater)	Regulation 49(1)	Carried out substandard electrical work.	\$1,000.00	\$480.70
Gregory Ronald Jones T/As Aljon Electrics (Australind)	Regulation 51(1)	Failed to submit a Preliminary Notice to the Network Operator.	\$700.00*	\$569.20*
Gregory Ronald Jones (Australind)	Regulation 49(1)	Carried out substandard electrical work.		
C & M Levien Pty Ltd (Wilson)	Regulation 52(1) - 17 breaches	Failed to submit a Notice of Completion to the relevant Network Operator for the electrical installing work.	\$2,500.00	\$569.20*
Michael Levien (Wilson)	Regulation 63(1)	Failed to report an electrical accident to the Director of Energy Safety and the Network Operator.	\$500.00	
Kevin Greig (Maddington)	Regulation 63(1)	Failed to report an electrical accident to the Director of Energy Safety and the Network Operator.	\$500.00	\$569.20*
	Regulation 50(1)	Failed to provide effective supervision of an apprentice.	\$1,500.00	
Frank Italiano (Koondoola)	Regulation 19(1)	Carried out electrical work without holding an electrical workers licence.	\$1,000.00*	\$269.20*
	Regulation 33(1)	Carried out electrical installing work without holding an electrical contractors licence.		
Michael Kinnear (Little Grove)	Regulation 49(1)	Carried out substandard electrical work.	\$600.00	\$300.00
Mark Pedretti (Kununurra)	Regulation 19(1)	Carried out electrical work without holding an electrical workers licence.	\$600.00	\$300.00
Hoshang Tajam (Atwell)	Regulation 49(1)	Carried out substandard electrical work.	\$1,500.00	\$569.20



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Con Antoniou (Balcatta)	Regulation 52(1)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$150.00	\$569.20
David Bennie (Melville)	Regulation 49(1) - 4 breaches	Carried out substandard electrical installing work.	\$2,500.00	\$569.20
Jeffery Cairns (Roleystone)	Regulation 49(1)	Carried out substandard electrical installing work.	\$2,000.00	\$256.20
Richard Horsley (Gelorup)	Regulation 49(1)	Carried out substandard electrical installing work.	\$1,000.00	\$569.20
Mark Thomson (Heathridge)	Regulation 49(1)	Carried out substandard electrical installing work.	\$750.00	\$569.20
Simon Bunney (Fremantle)	Regulation 19(1) - 3 breaches	Carried out electrical work without holding an electrical workers licence.	\$500.00	\$769.20
Datatel Communications (Mt Hawthorn)	Regulation 52(3)	Submitted a Notice of Completion to the relevant Network Operator when the electrical installing work was not complete.	\$4,000.00	\$569.20
Leith Elsegood (Innaloo)	Regulation 50(1)	Failed to effectively supervise an apprentice.	\$700.00	\$596.20
Jeffrey Haagensen (Safety Bay)	Regulation 33(1)	Carried on business as an electrical contractor without a licence.	\$450.00	\$569.20
Glyn Hart (Kelmscott)	Regulation 19(1)	Carried out electrical work without holding an electrical workers licence.	\$4,000.00	\$569.20
Donald Hutton (Geraldton)	Regulation 49(1)	Carried out substandard electrical work.	\$1,000.00	\$569.20
Wildflower Electrical Refrigeration Services (WA) Pty Ltd (Margaret River)	Regulation 52(1)	Failed to submit a Notice of Completion for electrical work.	\$2,500.00	\$569.20
Glenn Bailey (Safety Bay)	Regulation 49(1)	Carried out substandard electrical work.	\$1,000.00	\$569.20
John Betti (Wanneroo)	Regulation 49(1) - 2 breaches	Carried out substandard electrical work.	\$2,000.00	\$569.20
Joseph Boone (Ellenbrook)	Regulation 49(1) - 2 breaches	Carried out substandard electrical work.	\$3,000.00	\$569.20
Perrie Hintz (Roleystone)	Regulation 49(1)	Carried out substandard electrical work.	1,000.00	569.20
Peter Nioa (Hamersley)	Regulation 49(1) - 2 breaches	Carried out substandard electrical work.	\$1,000.00	\$569.20



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Price Trandos Engineering Pty Ltd (Malaga)	Regulation 51(1)	Failed to submit a Preliminary Notice to the Network Operator.	\$2,000.00*	\$569.20*
	Regulation 52(1)	Failed to submit a Notice of Completion for electrical work.		
Michael Templeton (East Fremantle)	Regulation 49(1)	Carried out substandard electrical work.	\$3,500.00	\$569.20
Gas Standards Act 1972				
Phillip Adams (Bayswater)	Section 13A(2)	Carried out unauthorised gasfitting work.	\$200.00	\$569.20
Terrence Allen (Huntingdale)	Section 13A(2)	Carried out unauthorised gasfitting work.	\$1,000.00	\$569.20
John Francis David Naris (Toodyay)	Section 13A(2)	Carried out unauthorised gasfitting work.	\$300.00	\$569.20
Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999				
Stephen Britten (Beckenham)	Regulations 28(2), 28(3), 28(3a)(b), 28(3a)(c)	Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$800.00	\$569.20
Leon Brown (Bullcreek)	Regulations 18(2), 28(2), 28(3), 28(3a)(b), 28(3a)(c)	Failed to ensure gas installation complied with prescribed requirements and is safe to use. Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$2,000.00	\$569.20
Gregory Carli (Palmyra)	Regulations 20(1)(b), 28(2), 28(3), 28(3a)(b), 28(3a)(c)	Installing appliance, apparatus or part contrary to manufacturer's instructions. Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$800.00	\$569.20
SPENT CONVICTION (Name withheld)	Regulations 28(2), 28(3), 28(3a)(b), 28(3a)(c)	Installing appliance, apparatus or part contrary to manufacturer's instructions. Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$500.00	\$569.20



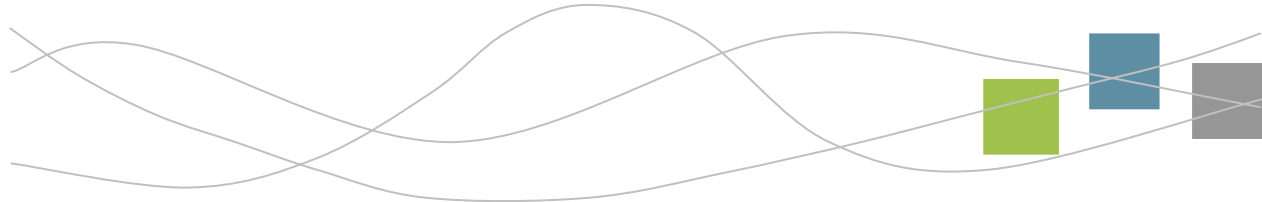
Name/ defendant/ parties	Legislation	Offence	Fine	Costs
William Clarke (Perth)	Regulations 28(2), 28(3), 28(3a)(b), 28(3a)(c)	Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$600.00	\$569.20
Paul Dalwood (Leeming)	Regulations 28(2), 28(3), 28(3a)(b), 28(3a)(c)	Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$4,000.00	\$569.20
Matthew Fathers (Bunbury)	Regulations 20(1)(b), 28(2), 28(3), 28(3a)(b), 28(3a)(c), 32(1)(b)	Installing appliance, apparatus or part contrary to manufacturer's instructions. Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer. Failed to ensure installation complied with Schedule 6.	\$900.00	\$569.20
Kevin Hill (Beldon)	Regulations 28(2), 28(3), 28(3a)(b), 28(3a)(c)	Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$750.00	\$569.20
SPENT CONVICTION (Name withheld)	Regulations 21(a), 28(2), 28(3), 28(3a)(b), 28(3a)(c)	Failed to adjust appliance for safe and correct operation. Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$1,350.00	\$569.20
Victor Holloway (Bullcreek)	Regulations 28(2), 28(3), 28(3a)(b), 28(3a)(c)	Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$750.00	\$569.20
Stephen Jacobs (Beckenham)	Regulations 18(2), 26(1)(a), 28(2), 28(3), 28(3a)(b), 28(3a)(c), 32	Failed to ensure gas installation complied with prescribed requirements and is safe to use. Failing to ensure gas installation system is gas-tight. Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier.	\$300.00	\$569.20



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
		Failed to give a copy of the Notice of Completion to the customer. Failed to ensure installation complied with Schedule 6.		
William Korosec (Yangebup)	Regulations 18(2), 28(2), 28(3), 28(3a)(b), 28(3a)(c), 32	Failed to ensure gas installation complied with prescribed requirements and is safe to use. Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer. Failed to ensure installation complied with Schedule 6.	\$500.00	\$569.20
Christopher McConnell (Ocean Reef)	Regulations 28(2), 28(3), 28(3a)(b), 28(3a)(c)	Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$750.00	\$1069.20
Rocknedin Medhat (Innaloo)	Regulation 26(1a)	Failed to ensure gas installation system is gas-tight.	\$750.00	\$569.20
Peter Neretlis (Maddington)	Regulations 28(2), 28(3), 28(3a)(b), 28(3a)(c)	Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$2,000.00	\$569.20
Brinton Ord- Hume (Doubleview)	Regulations 28(2), 28(3), 28(3a)(b), 28(3a)(c)	Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$300.00	\$569.20
Billy Parry (Cloverdale)	Regulations 28(2), 28(3), 28(3a)(b), 28(3a)(c)	Failed to ensure work was completed to a trade finish. Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$800.00	\$569.20
SPENT CONVICTION (Name withheld)	Regulations 28(2), 28(3), 28(3a)(b), 28(3a)(c)	Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$300.00	\$569.20



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Jeffery Steele (Pinjarra)	Regulations 28(2), 28(3), 28(3a)(b), 28(3a)(c)	Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$250.00	\$480.70
Owen Vaughan (Wilson)	Regulations 28(2), 28(3), 28(3a)(b), 28(3a)(c)	Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$400.00	\$569.20
Adrian Walker	Regulations 18(2), 28(2), 28(3), 28(3a)(b), 28(3a)(c), 32	Failed to ensure gas installation complied with prescribed requirements and is safe to use. Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer. Failed to ensure installation complied with Schedule 6.	\$1,000.00	\$480.70
SPENT CONVICTION (Name withheld)	Regulations 28(2), 28(3), 28(3a)(b), 28(3a)(c)	Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$500.00	\$569.20
SPENT CONVICTION (Name withheld)	Regulations 28(2), 28(3), 28(3a)(b), 28(3a)(c)	Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$2,000.00	\$769.20
SPENT CONVICTION (Name withheld)	Regulations 28(2), 28(3), 28(3a)(b), 28(3a)(c)	Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$400.00	\$369.20



EnergySafety investigations

Electricity related serious accidents and fatalities

The number of electricity related serious accidents and fatalities reported to EnergySafety during 2007-08 is provided in Table 32.

Table 32: Number of reported electricity related serious accidents and fatalities

Reports	Number
Electric shocks	1,005
Serious electrical accidents ⁽¹⁾	24
Fatalities (included in serious electrical accidents)	1

Note:

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

The data provided in Table 33 relates to accidents based on date of accident. This data may not include all accidents due to time delay in reporting such accidents.

Table 33: Serious electricity related accidents notified per million population (not including wilful incidents)

Year	Number ⁽¹⁾	Five Year Average
1998-99	21	19
1999-00	15	17
2000-01	11	15
2001-02	12	15
2002-03	16	15
2003-04	16	14
2004-05	23	16
2005-06	15	16
2006-07	9	16
2007-08	10	15

Note:

- (1) In the above table, 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 10 accidents per one million population. While this represents a slight increase from the previous reporting period, there has been a decrease in fatalities. The number of serious electrical accidents included one fatality in which electricity was found to be the cause, where a ten year old girl climbed a steel pole to retrieve a football jumper and came in contact with “live” 240/415 volts conductor(s) and received an electric shock.



Gas related incidents and fatalities

The number of gas related serious accidents and fatalities reported to EnergySafety during 2007-08 is provided in Table 34.

Table 34: Number of reported gas related serious accidents and fatalities

Reports	Number
Incidents	93
Accidents (persons injured)	16
Fatalities	1

Table 35: Gas related accidents notified per million population (not including wilful incidents)

Year	Number ⁽¹⁾	Five Year Average
2001-02	13	7
2002-03	10	8
2003-04	9	9
2004-05	9	10
2005-06	8	10
2006-07	9	9
2007-08	7	8

Note:

- (1) In the above table, some of the numbers of gas related accidents notified per million population differ from the figures given in previous annual reports. These corrections resulted from a comprehensive review of statistics of gas related accidents notified.

The statistics of the three years preceding 2001-02 have not been included in the series as the reporting requirement was introduced during 1999 and it was some time before the data became meaningful (i.e. there was under reporting of incidents). The gas accident rate for the reporting period was seven accidents per one million population, a decrease over the previous reporting period. The number of accidents includes one fatality in which gas may have been the cause, where a gas contractor died whilst in the process of disconnecting a gas service to a property on behalf of a gas supplier in readiness for the property to be demolished.

Infringement Notices

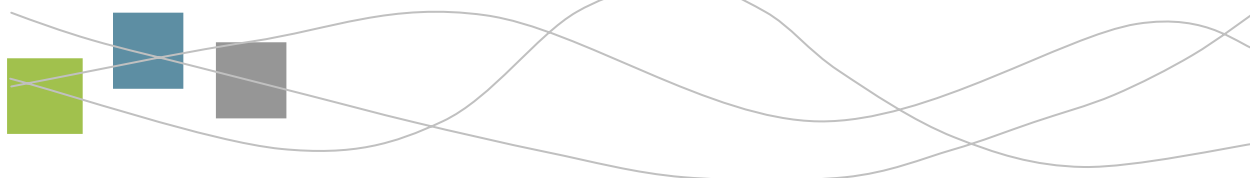
During 2007-08, a system of Infringement Notices was implemented by EnergySafety, as a result of amendments to the legislation. The purpose of the infringement notice system is to provide for a more efficient and cost compliant regime for selected breaches. The system covers both gas and electricity and deals with non-compliance aspects of electrical and gas installations. There were 98 Infringement Notices issued by EnergySafety between the period 1 July 2007 and 30 June 2008, of which 77 per cent were issued for:

- failing to ensure a gas installation complied with prescribed requirements and is safe to use;
- failing to attach a badge or label on completion of gasfitting work;
- failing to give notice of completion of gasfitting work within required time; and
- failing to include licence number in advertisement.

Labour Relations

Table 36: Prosecution outcomes for the Labour Relations Division in 2007-08

Name/ defendant/parties	Legislation	Offence	Fine	Costs
<i>Industrial Relations Act 1979</i>				
Ausseafoods Pty Ltd t/a Morley Fish Factory	Section 83(1)	Failure to pay state award entitlements.	Fine \$2,500 Payment \$3,723.458	Nil
Bon Levi	Section 102	Obstruction.	Withdrawn	Nil
Canine Security and Training Pty Ltd t/a Canine Security and Adopt Special Operations Security Pty Ltd t/a Adopt Security	Section 83(1)	Failure to pay state award entitlements.	Settled through pre-trial process	Nil
Christine Anne Miles and Richard Ginton Miles / Melrose Farm Pty Ltd t/a Milesaway Tours	Section 83(1)	Failure to pay state award entitlements.	Appeal to Full Bench	Nil
Lars & Melissa Jacobsen t/a Pioneer Bakery Moora	Section 83(1)	Failure to pay state award entitlements.	Settled through pre-trial process	Nil
<i>Children and Community Services Act 2004</i>				
Genesis Australasia (Vic) Pty Ltd t/a Pizza Hut Noranda	Section 190(1)	Illegal employment of children – 1 breach.	\$2,500	Nil
John Frankham Pty Ltd t/a McDonalds Busselton	Section 190(1)	Illegal employment of children – 11 breaches.	\$17,000	Nil
John Frankham Pty Ltd t/a McDonalds Falcon	Section 190(1)	Illegal employment of children – 13 breaches.	\$10,000	Nil
Kandoo Investments Pty Ltd t/a McDonalds Currumbine	Section 190(1)	Illegal employment of children – 5 breaches.	\$2,900	Nil
Kandoo Investments Pty Ltd t/a McDonalds Joondalup	Section 190(1)	Illegal employment of children – 14 breaches.	\$7,300	Nil
Kandoo Investments Pty Ltd t/a McDonalds Mindarie	Section 190(1)	Illegal employment of children – 6 breaches.	\$3,500	Nil
Kingpass Pty Ltd t/a Eagle Boys Pizza Success	Section 190(1)	Illegal employment of children – 4 breaches.	\$4,000	Nil



Name/ defendant/parties	Legislation	Offence	Fine	Costs
Klepeach Pty Ltd t/a McDonalds Spearwood	Section 190(1)	Illegal employment of children – 12 breaches.	\$22,700	Nil
Klepeach Pty Ltd t/a McDonalds Success	Section 190(1)	Illegal employment of children – 23 breaches.	\$10,500	Nil
Matanza Pty Ltd t/a Eagle Boys Karratha	Section 190(1)	Illegal employment of children – 4 breaches.	\$31,000	Nil
Morcann Pty Ltd t/a McDonalds Riverton	Section 190(1)	Illegal employment of children – 4 breaches.	\$4,500	Nil
Long Service Leave Act 1958				
Parkform Investments Pty Ltd T/a Coolbellup Hotel	Section 8(1)	Failure to pay long service leave entitlements.	Settled through pre-trial process.	Nil

Appeal to the Full Bench of the WA Industrial Relations Commission

The Milesaway Tours decision of the Industrial Magistrates Court in 2006-07 was appealed by the both parties to the Full Bench of the WA Industrial Relations Commission. The appeals by the Respondent employer were rejected by the Full Bench. The appeals by the department were upheld by the Full Bench.

Resources Safety

Table 37: Prosecution outcomes for the Resources Safety Division in 2007-08

Name/ defendant/parties	Legislation	Offence	Fine	Costs
Mines Safety and Inspection Act 1994				
BHP Billiton Nickel West Pty Ltd	Section 9(1) and 9A(2)	Failure to provide and maintain a working environment such that an employee was not exposed to a hazard.	\$50,000	\$1680.70

WorkSafe

WorkSafe co-ordinates the authorisation and conduct of prosecutions for alleged breaches of the *Occupational Safety and Health Act 1984* (OSH Act) and the Occupational Safety and Health Regulations 1996.

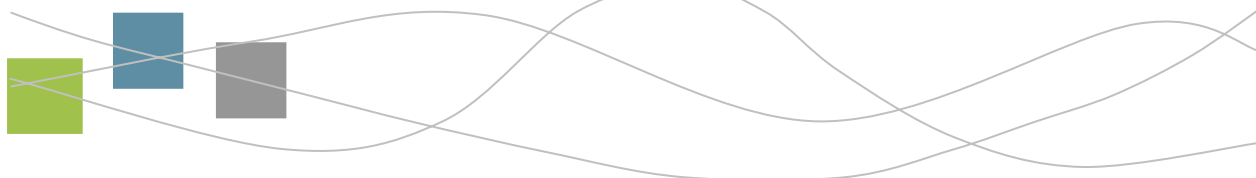
In 2007-08, prosecution notices were signed for 18 new prosecutions. There were 23 convictions recorded during the financial year (Note: A prosecution is counted as a conviction if at least one charge is successful). The 2007-08 convictions are detailed in Table 38. Two prosecutions were withdrawn at court by the complainant and two prosecutions were dismissed.

During the period, two decisions were handed down in relation to appeals by the prosecution against dismissals. One was decided in WorkSafe's favour in the Supreme Court. In the other case, WorkSafe's appeal was dismissed by the Supreme Court's Court of Appeal.

Table 38 provides details of convictions recorded during 2007-08 for breaches of the *Occupational Safety and Health Act 1984* and the *Occupational Safety and Health Regulations 1996*.

Table 38: Prosecution outcomes for the WorkSafe Division in 2007-08

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<i>Occupational Safety and Health Act 1984</i>				
Baralda Pty Ltd t/a Perth Candy Company	Section 19(1) and 19A(2)	Failed to provide and maintain a safe working environment, thereby causing serious harm to an employee.	\$20,000.00	\$2,080.70
Best Bar Pty Ltd t/a Bestbar Reinforcements	Section 23F, 19(1) and 19A(2)	Failed to provide and maintain a safe working environment, thereby causing serious harm.	\$30,000.00	\$1,640.70
Bluescope Steel Limited t/a Bluescope Lysaght	Section 21(1)(b) and (3)	Failed to ensure that the safety or health of a person who was not its employee was not adversely affected as a result of its or its employee's work thereby causing serious harm.	\$5,000.00	\$2,641.70
Challenge Australian Dairy Pty Ltd	Section 19(1) and 19A(2)	Failed to provide and maintain a safe working environment, thereby causing serious harm to an employee.	\$20,000.00	\$1,310.70
Cognomen Pty Ltd t/a Centra Fine Foods	Section 19(11), 19A(3) and 3A(2)(b)	Failed to provide and maintain a safe working environment. Failed to notify the Commissioner forthwith of an injury to its employee.	\$15,000.00 \$1,500.00	\$948.00
Danny Reinhold t/a Mechanic on the Move	Section 47(1)(ba) and 54	Used threatening or insulting language to an Inspector.	\$1,000.00	\$1,194.50
Darlex Pty Ltd t/a Brushwood Australia	Section 19(1) and 19A(2)	Failed to provide and maintain a safe working environment, thereby causing serious harm to an employee.	\$80,000.00	\$850.00
Elders Hycube Pty Ltd	Section 19(1) and s19(7)	Failed to provide and maintain a safe working environment, thereby causing serious harm to an employee.	\$125,000.00	\$2,400.70
Elderstone Nominees Pty Ltd t/a Hillside Abattoirs	Section 21(2)(b)(ii), 21A(2) and 23F	Failed to ensure that the safety or health of persons who were not its employees was not adversely affected as a result of a hazard, thereby causing a death. Failed to ensure that every dangerous part of a Skin tumbler was securely fenced or guarded.	\$60,000.00 \$5,000.00	\$7,250.00



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Evans & Tate Limited	Section 19(1) and 1.16	Failed to provide and maintain a safe working environment. Failed to provide and maintain a safe working environment.	\$30,000.00 \$30,000.00	\$1,860.70
Geraldton Fishermen's Cooperative Limited	Section 19(1) and 19A(2)	Failed to provide and maintain a safe working environment, thereby causing serious harm to an employee.	\$60,000.00	\$1,810.70
McGovern Construction Services Pty Ltd	Section 19(1), 23D(2) and 19A(3)	Failed to provide and maintain a safe working environment.	\$20,000.00	\$6,953.70
Mindibungu Aboriginal Corporation	Section 19(1) and 19(7)	Failed to provide and maintain a safe working environment, thereby causing the death of an employee.	\$26,000.00	\$4,197.20
P & O Ports Limited	Section 19(1) and 19(7)	Failed to provide and maintain a safe working environment, thereby causing serious harm to an employee.	\$40,000.00	\$947.70
Skilled Group Limited	Section 19(1) and 19A(2)	Failed to provide and maintain a safe working environment, thereby causing serious harm to an employee.	\$27,500.00	\$1,800.00
Smoothjob Pty Ltd	Section 19(1), 23F and 19A(2)	Failed to provide and maintain a safe working environment for workers provided to Elderstone Nominees Pty Ltd under a labour hire arrangement, thereby causing a death.	\$40,000.00	\$7,250.00
Occupational Safety and Health Regulations 1996				
Briklay Pty Ltd t/a Briklay Development Group	Regulation 3.55(1)(a) and 1.16	Did not ensure that edge protection that complied with regulations was provided and kept in place whenever there was a risk that a person could fall two metres or more from an edge at the workplace.	\$14,000.00	\$428.70
Independent Container Depot Pty Ltd	Regulation 4.55(1)(a) - 2 charges	Failed to ensure that a person operating an industrial lift truck satisfied the competency requirements.	\$5,000.00 and \$3,000.00	\$510.00
Kim Scott Black	Regulation 3.64(2)	Was a director of a body corporate which was guilty of an offence under the <i>Occupational Safety and Health Act 1996</i> , attributable to his neglect.	\$2,500.00	\$424.35



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
K S Black (WA) Pty Ltd	Regulation 3.64(2)	Failed to ensure that an employee or any plant or material used or controlled by an employee did not enter the danger zone of an overhead power line.	\$5,000.00	\$424.35
MTA Demolitions Pty Ltd	Regulation 3.123(1) - 3 charges	Failed to ensure that demolition work was done in accordance with Australian Standard requirements.	\$15,000.00	\$800.00
Sven Gerhard Tobiassen	Regulation 3.88(1)	Failed to ensure that the erection of concrete tilt-up panels was in accordance with the relevant requirements in that he failed to ensure that elements were braced in accordance with shop drawings.	\$3,500.00	\$1,585.70
Tremandra Pty Ltd t/a Murchison Machinery (1987)	Regulation 3.100(1) and regulation 1.16	Failed to ensure that spray painting was done inside a booth that was designed, constructed, installed and maintained in accordance with Australian Standard requirements.	\$300.00	\$3,146.08
		Failed to ensure that an unregistered air receiver was not used at the workplace.	\$100.00	
		Failed to provide and maintain a working environment in which its employees were not exposed to hazards.	\$500.00	

Reviews of notices issued by WorkSafe inspectors

WorkSafe coordinates and supports the WorkSafe Western Australia Commissioner's (the Commissioner) functions in reviewing notices issued by WorkSafe's inspectors under the OSH Act, and considering applications for exemptions under the Regulations.

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).



During 2007-08, 984 requests for the Commissioner to review a notice in accordance with Section 51 of the OSH Act were processed. Review outcomes are detailed in Table 39.

Table 39: Review of improvement notices for the WorkSafe Division in 2007-08

Outcome	Number
Affirmed	1
Affirmed with time extended	829
Affirmed, modified and time extended	8
Notice cancelled by Commissioner	20
Review request withdrawn	9
Compliance effected on time and while under review	39
Received too late for review	67
Total processed from 1 July 2007 to 30 June 2008	973

Table 40 Review of prohibition notices for the WorkSafe Division in 2007-08

Outcome	Number
Affirmed	7
Request withdrawn by applicant	1
Notice cancelled by Commissioner	1
Occupational Safety and Health Tribunal affirmed with modification	2
Total processed from 1 July 2007 to 30 June 2008	11

Table 41: Review of improvement notices for the WorkSafe Division 2005-06 to 2007-08

Year	Improvement notices issued	Improvement notices reviewed	Percentage
2005-06	11,691	1,260	10.8
2006-07	10,365	1,033	10.0
2007-08	9,726	973	10.0

Table 42: Review of prohibition notices for the WorkSafe Division 2005-06 to 2007-08

Year	Prohibition notices issued	Improvement notices reviewed	Percentage
2005-06	708	13	1.8
2006-07	638	4	0.6
2007-08	675	11	1.6

Exemption from regulations

The Commissioner granted 22 exemptions from the Occupational Safety and Health Regulations 1996. Exemptions were generally granted on a conditional basis, and published in the Government Gazette.

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

Consumer Protection boards

The Consumer Protection boards have a range of functions including licensing of participants in relevant industries, investigating complaints about the conduct of industry participants and taking disciplinary action where appropriate. Table 43 is a brief summary of the functions of each board.

Note: Specific annual reports in relation to a number of the boards can be found on their individual internet sites.

Table 43: Functions of Consumer Protection regulatory boards in 2007-08

Board	Builders' Registration Board		
Legislation	<i>Builders' Registration Act 1939</i>		
Principal functions	Registration of builders in the Board's area of jurisdiction.		
Other	Maintain a register of registered builders'; determine training and examination requirements; education; take proceedings for offences against the <i>Builders' Registration Act 1939</i> and the <i>Home Building Contracts Act 1991</i> .		
Source of funding	Self funded (Registration fees, building licence levies, complaint application fees).		
Management of funds	Yes	Investigations	Yes
Employment of employees	Employed by the Board.	Number of entities regulated	5,923 builders (as at 6 June 2008).

Board	Hairdressers Registration Board of Western Australia		
Legislation	<i>Hairdressers Registration Act 1946</i> ; Hairdressers Registration Regulations 1965		
Principal functions	Register hairdressers within the legislative jurisdiction in Western Australia.		
Other	Hold examinations; make recommendation to the health authorities regarding hygiene and sanitation standards; and take proceedings for offences against the <i>Hairdressers Registration Act 1946</i> .		
Source of funding	Hairdressers Registration Board is a statutory government authority and is self funded.		
Management of funds	Yes	Investigations	Yes
Employment of employees	Employed by the Board.	Number of entities regulated	5,916 registered hairdressers (as at 20 June 2008).



Board	Land Valuers Licensing Board		
Legislation	<i>Land Valuers Licensing Act 1978</i>		
Principal functions	Licensing and regulation of land valuers.		
Other	Advice to the Minister; making allegations to the State Administrative Tribunal that there is proper cause for disciplinary action against licensed land valuers; establishing codes of conduct; and fixing maximum fees.		
Source of funding	DOCEP, Consumer Protection Division (Consolidated Fund).		
Management of funds	No. Managed as part of the divisional budget.	Investigations	Yes
Employment of employees	The Board does not engage employees. Employees of DOCEP support this Board.	Number of entities regulated	685 valuers.

Board	Motor Vehicle Industry Board		
Legislation	<i>Motor Vehicle Dealers Act 1973; Motor Vehicle Repairers Act 2003</i>		
Principal functions	Licensing of motor vehicle dealers, their yard managers and salespersons; and licensing of motor vehicle repair businesses and certification of repair tradespersons.		
Other	Advice to the Minister; making allegations to the State Administrative Tribunal that there is proper cause for disciplinary action against licensed motor vehicle dealers and their staff; and approving training courses for the motor vehicle sales and repair industry.		
Source of funding	DOCEP, Consumer Protection Division (Consolidated Fund).		
Management of funds	No. Managed as part of the divisional budget.	Investigations	Yes
Employment of employees	The Board does not engage employees. Employees of DOCEP support this Board.	Number of entities regulated	757 dealers; two car market operators; 107 exemption holders; 1,041 yard managers; 1,998 salespersons; and 2,755 certified repairers (As at 1 July 2008).



Board	Painters' Registration Board		
Legislation	<i>Painters' Registration Act 1961</i>		
Principal functions	Registration of painters in the Board's area of jurisdiction.		
Other	Maintain a register of painters; prescribe the course of training and examination for painters; ensure adequate supervision of painting; and receive complaints against painters in relation to work that is not carried out in a proper and workmanlike manner, take proceedings for offences against the <i>Painters' Registration Act 1961</i> .		
Source of funding	Self funded (Registration fees, application fees and penalties).		
Management of funds	Yes	Investigations	Yes
Employment of employees	Employed by the Board.	Number of entities regulated	2,898 painters (as at 6 June 2008).

Board	Plumbers Licensing Board		
Legislation	<i>Water Services Licensing Act 1995, Part 5A</i>		
Principal functions	Licensing of plumbing contractors, tradespersons and certain permit holders.		
Other	Advises Minister on the administration of the Act and Regulations; sets state-wide industry standards for licensing, compliance and legislation; and monitors plumbing trade education and training and provides technical advisory services in support of plumbing workmanship standards to safeguard consumers' interests.		
Source of funding	Self funded (Fees from a triennial licensing regime and a compliance and inspection framework).		
Management of funds	Yes	Investigations	Yes
Employment of employees	The Board does not engage employees. Employees of DOCEP support this Board.	Number of entities regulated	2,333 licensed contractors; 2,061 tradespersons; and 138 restricted plumbing permit holders.



Board	Real Estate and Business Agents' Supervisory Board		
Legislation	<i>Real Estate and Business Agents Act 1978</i>		
Principal functions	Licensing and registration of real estate and business agents, developers and sales representatives.		
Other	Advise Minister on administration of the Act, Regulations and Code of Conduct; makes recommendations and submits proposals regarding the Act, Regulations and the Code of Conduct; and promotes education and provides advisory services; conciliation; oversees agents' trust accounts and administers the Fidelity Guarantee Account and the Home Buyers Assistance Scheme.		
Source of funding	Self funded (Licence and registration fees and interest on trust accounts and investments).		
Management of funds	Yes	Investigations	Yes
Employment of employees	Employed by Board. A service delivery agreement exists with DOCEP.	Number of entities regulated	3,470 agents; and 10,559 sales representatives.

Board	Settlement Agents Supervisory Board		
Legislation	<i>Settlement Agents Act 1981</i>		
Principal functions	Licensing and registration of settlement agents.		
Other	Advise Minister on administration of Act and Regulations and Code of Conduct; makes recommendations and submits proposals regarding the Act, Regulations and Code of Conduct; promotes education and provides advisory services; conciliation; oversees agents' trust accounts and administers the Fidelity Guarantee Account.		
Source of funding	Self funded (Licence and registration fees and interest on trust accounts and investments).		
Management of funds	Yes	Investigations	Yes
Employment of employees	Employed by the Board. A service delivery agreement exists with DOCEP.	Number of entities regulated	681 agents.

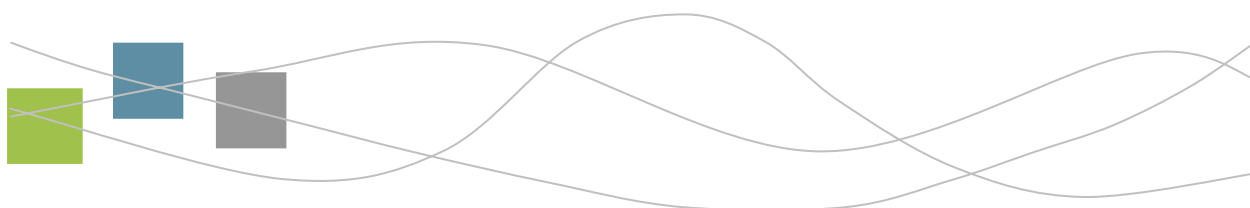


Consumer Protection committees and tribunals

Table 44 is a brief summary of the functions of each Consumer Protection committee and tribunal.

Table 44: Functions of the Consumer Protection committees and tribunals in 2007-08

Board	Building Disputes Tribunal
Legislation	<i>Builders' Registration Act 1939</i>
Principal functions	To hear and settle contractual and workmanship disputes between consumers and builders.
Board	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.
Board	Consumer Product Safety Committee
Legislation	<i>Consumer Affairs Act 1971</i>
Principal functions	To make recommendations to the Commissioner for Consumer Protection that prohibit or restrict the supply of goods.
Board	Home Buyers Assistance and Advisory Committee
Legislation	<i>Real Estate and Business Agents Act 1978</i>
Principal functions	To consider applications for financial assistance from first home buyers and make recommendations to Real Estate and Business Agents Supervisory Board.
Board	Retail Shops Advisory Committee
Legislation	<i>Retail Trading Hours Act 1987</i>
Principal functions	To investigate and make recommendations to the Minister relating to the operation and administration of the Act. To make recommendations to the Commissioner for Consumer Protection on the issue of permits to remain open or to provide goods or services that are not prescribed.

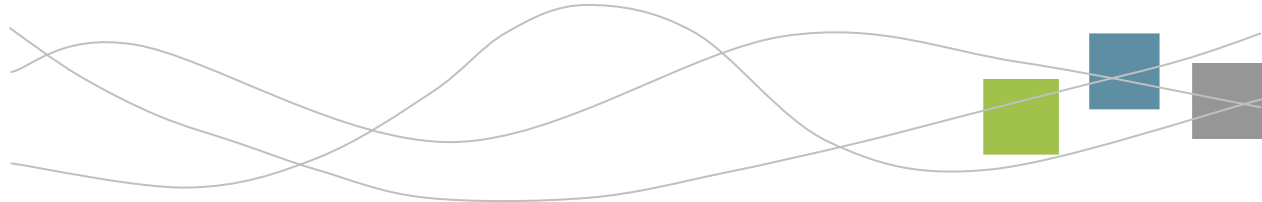


Safety and Employment Protection boards

The Safety and Employment Protection boards have a range of functions including advisory, licensing of participants in relevant industries, investigating complaints about the conduct of industry participants and taking disciplinary action where appropriate. Table 45 provides a brief summary of the functions of each board.

Table 45: Functions of Safety and Employment Protection regulatory boards in 2007-08

Board	Board of Examiners		
Legislation	<i>Mines Safety and Inspection Act 1994</i>		
Principal functions	<p>The Board of Examiners' functions are:</p> <ul style="list-style-type: none"> to examine in accordance with the Mines Safety and Inspection Regulations 1995, qualifications, experience and character of applicants, for certificates of competency and issue such certificates where appropriate; and to receive, consider and inquire into complaints concerning holders of certificates of competency and to suspend or cancel such certificates where appropriate. <p>Other functions are outlined in the Regulations.</p> <p>The Board of Examiners cover the following areas:</p> <ul style="list-style-type: none"> Quarry Managers (Mine Managers - Surface, including restricted Quarry Managers); First Class Mine Managers (Mine Managers -- any mine including Underground, and also including Underground Supervisors) Note: Coal certification has slightly different nomenclature; and Winding Engine Drivers (of two classes). 		
Source of funding	DOCEP, Resources Safety Division budget with some degree of self funding (retained licence and registration fees).		
Management of funds	No. Managed as part of the divisional budget.	Investigations	Yes
Employment of employees	The Board does not engage employees. Employees of DOCEP support this Board.	Number of entities regulated	1,107 First Class Mine Managers; 2,342 Underground Supervisors; 840 Quarry Managers; 1,157 Restricted Quarry Managers; and 35 Winding Engine Drivers.



Board	Electrical Licensing Board		
Legislation	Electricity (Licensing) Regulations 1991		
Principal functions	Licensing of electrical contractors and workers.		
Other	General advice to the Minister and Director of Energy Safety on the training and licensing of electrical contractors and workers.		
Source of funding	DOCEP, Energy Safety Division budget (Licence fees).		
Management of funds	No. Managed as part of the divisional budget.	Investigations	Only for the determination of competence of applicants for, and holders of, licences and permits issued pursuant to Electricity (Licensing) Regulations 1991. Licence work compliance investigations are conducted by Energy Safety.
Employment of employees	The Board does not engage employees. Employees of DOCEP support this Board.	Number of entities regulated	33,133 electrical operatives.

Board	Mines Survey Board		
Legislation	<i>Mines Safety and Inspection Act 1994</i>		
Principal functions	<p>The functions of the Mines Survey Board are:</p> <ul style="list-style-type: none"> ■ to advise the Minister on survey matters relating to mines and mining operations, including quarries and quarry operations; ■ to examine the qualifications, experience and character of persons applying for authorised mine surveyor's certificates (of two classes) and issue such certificates where appropriate; and ■ to deal with complaints concerning the holders of authorised mine surveyor's certificates and to suspend or cancel such certificates where appropriate. 		
Source of funding	DOCEP, Resources Safety Division budget with some degree of self funding (retained licence and registration fees).		
Management of funds	No. Managed as part of the divisional budget.	Investigations	Yes
Employment of employees	The Board does not engage employees. Employees of DOCEP support this Board.	Number of entities regulated	332 Authorised Mine Surveyor Grade 1; and 233 Authorised Mine Surveyor Grade 2.




Safety and Employment Protection commissions and committees

Table 46 provides a brief summary of the functions of each commission or committee.

Table 46: Functions of the Safety and Employment Protection commission and committees in 2007-08

Board	Commission of Occupational Safety and Health		
Legislation	<i>Occupational Safety and Health Act 1984</i>		
Principal functions	<p>The Commission for Occupational Safety and Health (the Commission) was established in April 1985 (as the Occupational Health, Safety and Welfare Commission) under section 6 of this Act. The tripartite Commission's functions include:</p> <ul style="list-style-type: none"> ■ advising and cooperating with government departments, public authorities, unions, employer organisations and other interested parties; ■ developing and reviewing occupational safety and health legislation and associated standards and making recommendations to the Minister; ■ devising, accrediting and promoting training and educational courses; ■ publishing occupational safety and health information, standards, specifications and guidance material; and ■ reviewing registration and licensing schemes. 		
Other	Further information on the Commission's activities is provided in the Commission's annual report, which is published on WorkSafe's internet site.		
Source of funding	DOCEP, WorkSafe Division budget.		
Management of funds	No. Managed as part of the divisional budget.	Investigations	No
Employment of employees	The Commission does not engage employees. Employees of DOCEP support the Commission.	Number of entities regulated	All WA workplaces except those under the <i>Mines Safety and Inspection Act 1994</i> or Commonwealth legislation.

Board	Gas Licensing Committee		
Legislation	<i>Gas Standards Act 1972</i>		
Principal functions	To make recommendations to the Director of Energy Safety on competence of applicants for, and holders of, gas fitting permits and authorisations. To make recommendations on retraining and other restrictions and warnings.		



Board	Mining Industry Advisory Committee		
Legislation	<i>Occupational Safety and Health Act 1984</i>		
Principal functions	<p>The tripartite Mining Industry Advisory Committee (MIAC) is a statutory committee of the Commission for Occupational Safety and Health.</p> <p>The functions of the committee are:</p> <ul style="list-style-type: none"> ■ to advise and make recommendations to the Ministers and the Commission on occupational safety and health matters concerning the mining industry; and ■ to liaise with the Commission to coordinate activities on related functions and to maintain parallel standards, ■ to inquire into and report to the Ministers regarding any matter referred to it by the Ministers relating to occupational safety and health in the mining industry; ■ to make recommendations to the Minister for Mines regarding the formulation, amendment, or repeal of laws relating to occupational safety and health for which that Minister is responsible; ■ to prepare or recommend the adoption of codes of practice, guidelines, standards, specifications or other forms of guidance for the purpose of assisting employers, self employed persons, employees, manufacturers or other persons to maintain appropriate standards of occupational safety and health in the mining industry; and ■ to provide advice on - <ul style="list-style-type: none"> (i) education and publications; and (ii) training and training courses, with respect to occupational safety and health in the mining industry. 		
Other	<p>The tripartite MIAC, a statutory committee of the Commission for Occupational Safety and Health, met six times during 2007-08. MIAC advises the Minister and the Commission on occupational safety and health matters concerning the mining industry. Members provided input to the development of the Mines Safety and Inspection Amendment Bill 2007, which was passed by Parliament in April 2008. In relation to the National Standard for Licensing Persons Performing High Risk Work and in consultation with the Commission, members agreed to recommend the incorporation of key elements with adjustment for the mining work environment. Agreement was reached to recommend amendments to the explosives provisions of the Mines Safety and Inspection Regulations 1995 in view of the introduction of new dangerous goods safety legislation in March 2008.</p> <p>A draft code of practice on consultation at work was recommended to the Minister, and codes of practice relating to the design and operation of mobile plant were initiated. A revised guideline on biological monitoring and risk based health surveillance was endorsed, in addition to supporting a joint guideline with the Commission on alcohol and other drugs at the workplace. Monitoring and input where appropriate to developments under the National Mine Safety Framework was undertaken, along with monitoring outcomes from the Government's Mines Safety Improvement Group.</p>		
Source of funding	DOCEP, Resources Safety Division budget.		
Management of funds	No. Managed as part of the divisional budget.	Investigations	No
Employment of employees	The committee does not engage employees. Employees of DOCEP support the committee.	Number of entities regulated	64,863 employees in the mining industry (as at 31 March 2008).

Appendix 5: Plumbers Licensing Board

The Plumbers Licensing Board (the Board) does not produce a separate Annual Report, however, this Appendix to the department's Annual Report details the Board's function, membership, highlights, statutory reporting requirements, activities, prosecution action and forecasts of future activity.

Role of the Board

Part 5A of the *Water Services Licensing Act 1995* (the WSL Act) establishes the Plumbers Licensing Board (the Board) with functions related to the licensing of plumbers, to provide for regulation making powers, licensing matters and the carrying out of plumbing work and to make related provisions.

The WSL Act empowers the Board to regulate the State's plumbing trade through a licensing regime for appropriately qualified plumbers. At the end of 2007-08, there were over 4,500 plumbers licensed by the Board to carry out a variety of plumbing work for residential, commercial and industrial purposes and for other sectors of the economy. This specialised workforce comprised licensed plumbing contractors, tradespersons, who work under the general direction and control of the licensed plumbing contractors and restricted plumbing permit holders, authorised to replace hot water units only. The figures for the various licensing categories set out in Table 19 represent an overall growth in licensing of 3.2 per cent over the previous reporting period.

The Board has in place a compliance and inspection framework to ensure high standards and performance in water supply, sanitary and drainage plumbing work completed under licence. The Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000 (the Regulations) support the operations of the Board and provides consumers with a statutory guarantee of workmanship standards.

Board membership

Chairperson

Thomas (Tom) Hall

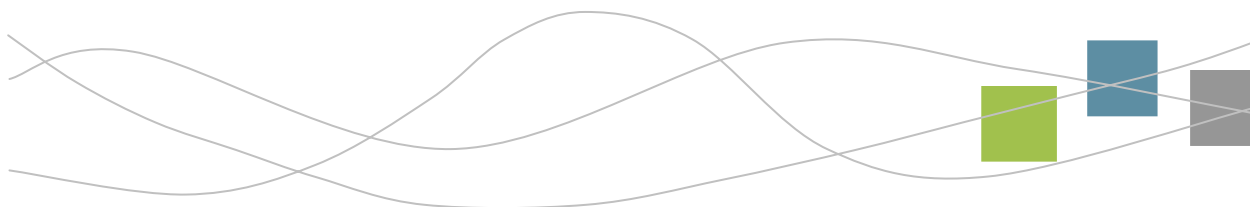
Appointed by the Minister to be the Chairperson of the Board, Thomas (Tom) Hall has over 30 years experience in the plumbing industry and is a past president of the Master Plumbers and Gasfitters Association of WA, a past member of the State Training Board, Chairperson of the Group Training South West for over 16 years and is a current member of the Bunbury Water Board (Aqwest).

Mr Hall retired as the inaugural Chairperson on 26 May 2008 and the Minister for Consumer Protection appointed lawyer Ms Judy Seif as the Board's new Chairperson from 3 June 2008.



Front row (L-R) Chris Jones, industry representative; Margaret Stockton, consumer representative; Tom Hall, Chairperson; and Joanne Parnell, consumer representative.

Back row (L-R) Rob Hampson, industry representative, CEPU; Kim Byrne, industry representative, MPGA; and Richard Ballem, industry representative, WADA.



Deputy Chairperson

Christopher (Chris) Jones

Christopher Jones is a licensed plumbing contractor with more than 30 years plumbing experience. Chris has operated his own plumbing business in the Pilbara Region since 1992 and has been appointed by the Minister as a person with knowledge of and experience in the plumbing industry. He is also a current member of the Small Business Development Corporation.

Members

Anthony (Richard) Ballem

Richard Ballem has been appointed by the Minister as a person with knowledge and experience of the plumbing industry nominated by the Western Australian Drainage Association (WADA). Richard is a licensed plumbing contractor in drainage plumbing with some 40 years experience and is a Past President of the WADA.

Kim Byrne

Kim Byrne was appointed by the Minister as a person with knowledge and experience of the plumbing industry nominated by the Master Plumbers and Gasfitters Association of WA (MPA). Kim is a licensed plumbing contractor with more than 30 years plumbing experience and some 20 years as a member of the Executive Committee of the MPA.

Rob Hampson

Rob Hampson has been appointed by the Minister as a person with knowledge and experience of the plumbing industry nominated by the Communications, Electrical & Plumbing Union (CEPU) Plumbing Division, WA Branch. Rob is a licensed plumber with more than 35 years plumbing industry experience.

Joanne Parnell

Joanne Parnell has been appointed by the Minister to represent the interests of consumers. Joanne has a background in strategic business planning and development, sales and marketing both within metropolitan and rural Australia.

Margaret Stockton

Margaret Stockton is also appointed by the Minister to represent the interests of consumers. Margaret has extensive experience in managing human services and in consulting in strategic planning, evaluation and project management in the public and private sectors. She also represents consumers' interests as a member of the Council of Official Visitors.

Highlights 2007-08



2007 Plumber of the Year, Domenic Sauta
(Licensed Tradesperson No. 6348).

Recognised by the Plumbers Licensing Board for demonstrating exceptional skills and workmanship, high levels of reliability and customer focus.

In October 2007, the Board conducted a workshop over two days on the theme of *Sustainability and the Plumbing Industry*. This was part of the Board's proactive response to the Government's Climate Change Statement and the '5 Star Plus' program developed by the Department of Housing and Works for new house construction that commenced on 1 September 2007. The sessions discussed the role of the plumbing trade and its products in the delivery, use, recycling and discharge of water associated with the program's new water and electricity use codes. Senior representatives from the Department of Water, Department of Environment and Conservation and Department of Housing and Works, the Water Corporation and the Master Plumbers and Gasfitters Association of WA attended.

In November 2007, the Board made an important commitment to the health and safety of remote and Indigenous communities by allocating a senior compliance officer to assist these often disadvantaged consumers. The officer also liaises with other key government agencies to provide essential services support to the communities. Technical advice is also given to licensed plumbers to ensure that any plumbing work in the communities meets the standards set out in the regulations.

The Board issued its inaugural statement of operations in 2007 to inform the plumbing industry of initiatives undertaken in the year in relation to trade education and training, stakeholder relations and setting standards for trade licensing, compliance and legislation. All licensed plumbers and industry stakeholders were provided with a copy of this new advice and it is available on the Board's internet site www.plumbers.wa.gov.au.

The Board held a regional meeting in Broome in April 2008 and conducted an industry forum with local plumbers. Board members also participated in a cultural awareness program prior to the meeting and met with local Indigenous representatives as part of the Board's commitment to support the health and safety of remote communities.



Achievements 2007-08

In 2007-08, licensing of plumbers moved from an annual to a triennial basis in accordance with other departmental occupational licensing schemes. Plumbers benefit from a lower overall cost of renewals in most cases by over 17 per cent. The new arrangements are also being phased in over three years to remove administrative delays associated with the previous scheme.

The sustainability and the plumbing industry sessions that the Board conducted in October 2007 led to the development of an action plan for the following twelve months to assist and advise the plumbing industry, government and the community on the role of the plumbing trade in this crucial public interest matter. The Board also increased its focus and support to the ongoing training and education of the plumbing trade in 2007-08 by:

- introducing an induction course for newly licensed plumbing contractors;
- assisting Challenger TAFE with an upgrade of a course for migrant plumbers;
- financing the publication of a booklet: *A guide to cross connection control in potable water supply systems* for industry reference; and
- developing a funding proposal for training resources for interested Registered Training Organisations.

Significant issues and trends

The announcement of '5 Star Plus' water and energy use codes in new house construction in 2007 by the Department of Housing and Works directly impacts on the plumbing industry and the regulations administered by the Board.

The Board indicated that there are potential risks to consumers from the cross connection of water from the mains and other sources such as bores and tanks. This also raises policy questions over the coverage of the WSL Act and the required training of licensed plumbers and tradespersons and other people to ensure proper standards and safeguards to protect the water supply to the consumer. These matters are the subject of current consideration by the Board.

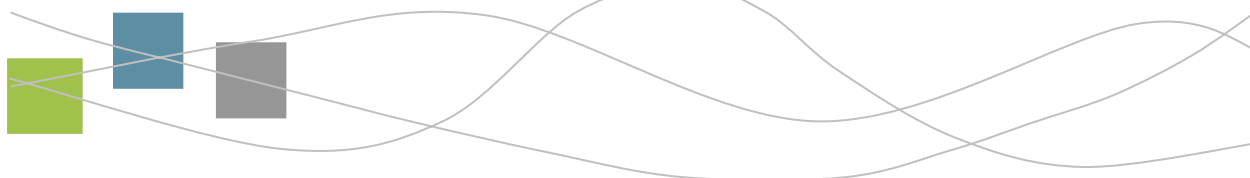
The State Government proposes establishing a Building Commission for Western Australia in 2009. The Board sees advantages to the plumbing industry and consumers with a single agency approach to dealing with building and related trades. The Board is currently liaising with the Department of Housing and Works over these matters.

Changes to written laws

Changes in written law initiated by the Plumbers Licensing Board during 2007-08 are outlined in Table 47.

Table 47: Changes to written laws in 2007-08 for the Plumbers Licensing Board

Written law / Title	Number	Effective date
Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulations 2000	3 of 2007	1 July 2007 (for all Regulations other than Regulation 1 and 2)
		26 June 2007 (Regulation 1 and 2).



Prosecutions, appeals against prosecutions, civil actions and State Administrative Tribunal proceedings

Table 48 provides the prosecution action finalised in 2007-08 on behalf of the Board by the Consumer Protection Division and the State Solicitor's Office.

Table 48: Prosecution outcomes for the Plumbers Licensing Board in the Magistrates' Court in 2007-08

Name/ defendant/parties	Legislation	Offence	Fine	Costs
Water Services Plumbing (Plumbers Licensing & Plumbing Standards) Regulations 2000				
Alan Baker	Regulation 9(1)	Unlicensed plumbing work.	\$500.00	\$359.00
Graeme Cager	Regulation 72(1)	Failure to comply with a rectification notice.	\$500.00	\$260.00
Mark Hanlon	Regulation 9(1)	Unlicensed plumbing work.	\$500.00	\$569.20
Jason Ioppolo	Regulation 9(1)	Unlicensed plumbing work.	\$750.00	\$710.00
Ross William McPheee	Regulation 9(1)	Unlicensed plumbing work.	\$1,000.00	\$3000.00
Matthew Frederick George Neale	Regulation 9(1)	Unlicensed plumbing work.	\$750.00	\$418.00
Jacques Marcel Gaby Noel	Regulation 9(1)	Unlicensed plumbing work.	\$1,000.00	\$400.00
Raymond Skender	Regulation 9(1)	Unlicensed plumbing work.	\$1,500.00	(\$2,547.71)
Rudolph Verschoor	Regulation 9(1)	Unlicensed plumbing work.	\$500.00	\$569.20

Table 49: Prosecution outcomes for the Plumbers Licensing Board in the State Administrative Tribunal in 2007-08

Name/ defendant/parties	Legislation	Offence	Fine	Costs
Water Services Plumbing (Plumbers Licensing & Plumbing Standards) Regulations 2000				
Stephen Raymond Molyneux	Regulation 29(1)	Not working under the general direction and control of a licensed plumbing contractor.	\$2,000.00	Nil
Damien Morrison vs the Plumbers Licensing Board	Regulation 19(2)	Review a decision of the Board to place a condition on the applicant's licence.	Application withdrawn	\$300.00



Appendix 6: Annual Report feedback

DOCEP welcomes your feedback on the 2007-08 Annual Report.

Name (optional): _____

Organisation (optional): _____

Email address (optional): _____

1. Overall how effective do you think the Annual Report was in communicating our activities?

☐ Very effective ☐ Effective ☐ Average ☐ Poor

2. Please rate the following elements of the Annual Report (using a number from the rating scale below):

	Excellent	Good	Average	Poor	Very Poor
Information/content	1	2	3	4	5
Layout of information	1	2	3	4	5
Ease of finding information	1	2	3	4	5
Readability	1	2	3	4	5
Ease of comprehension	1	2	3	4	5

3. Which version of the Annual Report would you find most useful? (If there is more than one, please indicate by ticking the relevant boxes)

☐ Hard copy ☐ Website PDF ☐ Website Word ☐ Website Flashpaper

4. Overall, how do you rate this Annual Report?

☐ Excellent ☐ Good ☐ Satisfactory ☐ Poor

5. In your opinion, how could our next Annual Report be improved?

7. General comments:

Thank you for participating in the survey.

Please return completed form to:

Office of the Director General, DOCEP

Locked Bag 14 CLOISTERS SQUARE WA 6850 or fax (08) 9282 0407

This form is also available on the DOCEP internet site at www.docep.wa.gov.au