

# Department of Consumer and Employment Protection



# DOCCEP annual 2005 - 2006 report

WorkSafe  
Energy Safety  
Consumer Protection  
Resources Safety  
Labour Relations



Department of Consumer  
and Employment Protection  
Government of Western Australia



# contents

<b>Statement of compliance</b>	<b>5</b>	<b>Governance</b>	<b>64</b>
<b>1. From the Director General</b>	<b>8</b>	Evaluations	64
Executive Summary	8	Pricing	65
<b>2. Profile</b>	<b>11</b>	Information statement	65
Our Future Directions 2005-2008	12	Recordkeeping plans	65
Our services	13	Advertising and sponsorship	66
Our stakeholders	15	Sustainability	67
Operating structure	15	State Greenhouse Strategy	67
The leadership team	16	Equal Employment Opportunity outcomes	68
Organisational structure	18	Equity and Diversity Plan	68
Resources	19	Corruption prevention	69
Regulatory boards and committees / tribunals	26	Public interest disclosures	70
<b>3. Better planning: better services</b>	<b>29</b>	Compliance with standards and ethical codes	70
State strategic goals and DOCEP's performance	30	<b>Auditor General's opinion</b>	<b>72</b>
Achievements	31	<b>5. Performance indicators</b>	<b>73</b>
People and communities	31	Certification of performance indicators	74
The economy	37	Effectiveness key performance indicators	76
The environment	41	Indicator one	76
The regions	42	Indicator two	81
Governance	45	<b>Efficiency performance indicators</b>	<b>91</b>
Challenges and issues	47	Service 1: Community information and assistance	91
<b>4. Corporate compliance and governance</b>	<b>49</b>	Service 2: Regulatory framework	93
Enabling legislation	50	Service 3: Regulatory enforcement	94
Responsible Ministers	50	<b>6. Financial statements</b>	<b>97</b>
Legislation administered by DOCEP	51	Certification of financial statements	99
Agency reporting requirements	52	Financial statements	100
<i>Debt Collectors Licensing Act 1964</i>	52	Notes to financial statements	106
<i>Employment Agents Act 1976</i>	54	<b>7. Appendices</b>	<b>139</b>
<i>Travel Agents Act 1985</i>	55	Appendix 1 – Memoranda of Understanding, Co-agency Agreements & Instruments of Declaration	140
<i>Credit (Administration) Act 1984</i>	57	Appendix 2 – Changes in Written law	142
<i>Electricity Act 1945</i>	58	Appendix 3 – Prosecutions, Appeals against prosecutions, Civil Actions and State Administrative Tribunal Proceedings	144
<i>Gas Standards Act 1972</i>	58	Appendix 4 – Reporting requirements under Section 60(2) of the <i>Credit (Administration) Act 1984</i>	161
<b>Obligatory reporting</b>	<b>59</b>	<b>8. Glossary</b>	<b>163</b>
Disability service plan outcomes	59		
Cultural diversity and language service outcomes	60		
Youth outcomes	60		
Waste paper recycling	61		
Energy smart government policy	61		
Regional development policy	62		
Substantive equality	62		
OSH and injury management performance	64		



### Statement of compliance

#### To the Hon Michelle Roberts MLA Minister for Consumer Protection

In accordance with Section 62 of the *Financial Administration and Audit Act 1985*, I hereby submit for your information and presentation to Parliament the Annual Report of the Department of Consumer and Employment Protection for the year ended 30 June 2006.

The Annual Report has been prepared in accordance with the provisions of the *Financial Administration and Audit Act 1985*.

This report also fulfils my obligations pursuant to Section 26 of the *Consumer Affairs Act 1971*, Section 60 of the *Credit (Administration) Act 1984*, Section 12A of the *Debt Collectors Licensing Act 1964*, Section 10A of the *Employment Agents Act 1976*, Section 175ZE(1) of the *Electoral Act 1907*, Section 58 of the *Travel Agents Act 1985* and Section 12(1) of the *Retirement Villages Act 1992*, Section 33 of the *Electricity Act 1945* and Section 13CA of the *Gas Standards Act 1972*.



Brian Bradley  
**Director General**  
**Department of Consumer and Employment Protection**

15 September 2006

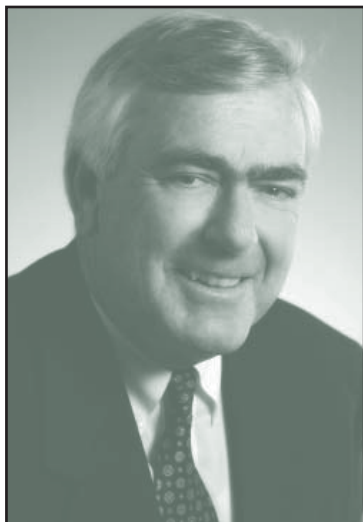




section

## From the Director General

### Executive summary



The Department of Consumer and Employment Protection (DOCEP) has a fundamental goal for WA; an employment and trading environment that protects workers and consumers. This year has seen a number of initiatives that have contributed directly to that goal.

In July 2005 the Safety and Health Division of the Department of Industry and Resources (DoIR) joined our department and formed the Resources Safety Division. As a result legislative responsibility for the safety and health aspects of dangerous goods, mining, onshore petroleum and major hazard facilities transferred to DOCEP.

The Federal Work Choices legislation came into effect on 27 March 2006, creating a new industrial relations landscape. Labour Relations has established the Fair Go Advisory Service to assist employers and employees understand the impact of the Work Choices legislation, which is both extensive and complex.

Federal agreements no longer have to meet a no-disadvantage test, so employers and employees must determine themselves if the agreements are comparable. In order to make informed choices, the Fair Go Advisory Service provides free, independent information to enable employees and employers to make comparisons with what is available under the relevant state award or collective agreements.

The small business sector in Western Australia employs almost half of the state's workforce but some of these businesses operate in industries with unacceptably high rates of workplace deaths and injury. WorkSafe has been promoting occupational safety and health management practices through a program of providing free and confidential occupational safety and health advice to 350 small businesses in Perth and regional areas. The program focused particularly on the Agriculture, Forestry and Fishing, Construction, Health and Community Services, Manufacturing, Retail and Wholesale and Transport and Storage industries.

An independent formal evaluation that surveyed more than 200 small businesses revealed that 91 per cent had made improvements to OSH following their free visit. Improvements included documentation of safety procedures, consultation with employees and the establishment of hazard management systems, all of which can mitigate the potentially disastrous effects of an incident.

*The Motor Vehicle Repairers Act 2003* has been introduced to protect consumers in their dealings with motor vehicle repairers and to promote high standards of workmanship. The Act provides for the certification of individual repairers and the licensing of repair businesses within prescribed classes of repair work. Once fully implemented, licensed repair businesses will be required to ensure that repairs are conducted or supervised by repairers who hold a certificate.

Scams, rip-offs and frauds have become a part of life. WA ScamNet, a website developed by Consumer Protection, aims to combat this ever increasing problem. A major redevelopment of the website has seen the inclusion of different types of scams, advice on fighting back, testimonials and frequently asked questions. WA ScamNet is viewed by consumer enforcement agencies as the benchmark site to expose scams and as a reference point for details on specific complaints. There are more than 9000 visitors to the site every month.

Legislation has passed that will enable *EnergySafety* to move to an industry-funded model as recommended by the Machinery of Government Review. Adopting a fee for service model is in line with government philosophy and supports efforts to reduce government expenditure. Of significance this model will enhance the service that *EnergySafety* is able to offer to both providers and customers.

DOCEP's leadership team developed the department's new corporate plan, *Future Directions 2005-2008*, which came into effect on 1 July 2005. It has five key directions:

- Influencing and shaping our community's environment.
- Enhancing the capability of a community.
- Enhancing the regulatory environment.
- Enforcing the law.
- Strengthening DOCEP as an organisation.

Our performance framework is aligned to these directions and consists of three services: community information and assistance, regulatory framework, and regulation enforcement. From 2005-06 our performance indicators include a contribution from Resources Safety Division.

In the next financial year we will continue to work toward influencing Western Australia's employment and trading environment to ensure growth, safety and protection.

As at 30 June 2006, DOCEP had a total of 921 employees (or 874 full time equivalents). It is due to the endeavours of our employees that we continue to achieve our goals. Integral to DOCEP's success is the recruitment, development and retention of high calibre, skilled and motivated employees. This has been augmented by an attraction and retention benefit, which was introduced during the year, to address skill shortages and a strategic approach to employee induction, training and development. I would like to take this opportunity to acknowledge the dedication and hard work of our employees and say thank you and congratulations for our achievements.



Brian Bradley  
**Director General**  
**Department of Consumer and Employment Protection**





# section

## Profile

### Our Future Directions 2005-2008

The role of the Department of Consumer and Employment Protection (DOCEP) is to seek outcomes that benefit the West Australian community.

#### OUR VISION

A fair, safe and prosperous community

#### OUR 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

#### OUR VALUES

##### Justice

At DOCEP we are fair, honest, open and equitable in word and in 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 employee 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 customers' 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 KEY SUCCESS MEASURE AREAS

- Impact and influence on the community
- Our customers
- Governance and finance
- Learning and innovation
- Efficient systems

## OUR STRATEGIC DIRECTIONS

- Influencing and shaping our community's environment
- Enhancing the capability of the community
- Enhancing the regulatory environment
- Enforcing the law
- Strengthening DOCEP as an organisation

## Our services

DOCEP provides services in the areas of consumer protection, business regulation, energy safety and supply quality, labour relations, occupational safety and health and resources safety.

The delivery of these services is managed through these key strategies:

- Balancing the interests of consumers and traders, and employees and employers.
- Developing, implementing and administering legislation and regulations in the areas of consumer protection, labour relations, occupational safety and health, energy safety and resources safety.
- Monitoring compliance with legislation and applying appropriate action in the event of non compliance.
- Providing policy and legislative advice to the minister and other key stakeholders.
- Providing accurate information and community education services.
- Licensing and registration of business entities and individuals to meet appropriate standards.
- Ensuring appropriate and relevant dispute resolution procedures are in place.
- Managing fidelity funds to provide compensation for people who have encountered losses in specific areas of consumer protection.
- Participating in the state's emergency management framework.



<b>CONSUMER PROTECTION</b>	<p>Provides information and advice to consumers and traders about their rights and responsibilities.</p> <p>Helps consumers resolve disputes with traders.</p> <p>Monitors compliance with consumer protection legislation.</p> <p>Investigates complaints about unfair trading practices.</p> <p>Prosecutes unscrupulous traders.</p> <p>Regulates and licenses a range of business activities.</p> <p>Develops, reviews and amends legislation that protects consumers.</p>
<b>ENERGY SAFETY</b>	<p>Administers electricity and gas technical and safety legislation, and provides policy and legislative advice to Government.</p> <p>Sets and enforces safety standards for electricity and gas networks.</p> <p>Monitors reliability and quality of energy supplies and investigates consumers' related complaints.</p> <p>Sets and enforces safety and energy efficiency standards for consumers' electrical and gas installations and appliances.</p> <p>Licenses electrical contractors, electrical workers and gas fitters and carries out accident investigations.</p> <p>Manages liquid fuel and gas supply emergencies, and promotes energy infrastructure security and resilience.</p>
<b>LABOUR RELATIONS</b>	<p>Provides policy and legislative advice to Government.</p> <p>Provides information and education services to employees and employers on their employment rights and obligations.</p> <p>Investigates complaints from employees about breaches of awards, agreements and industrial laws.</p> <p>Provides labour relations services to and on behalf of Government and public sector employers.</p> <p>Coordinates public sector labour relations.</p>
<b>WORKSAFE</b>	<p>Administers occupational safety and health legislation and provides policy and legislative advice to Government.</p> <p>Provides education and information to employers and employees to assist in preventing work-related injury and disease and improving work safety and health performance.</p> <p>Enforces occupational safety and health law and assists with the resolution of issues in workplaces.</p>
<b>RESOURCES SAFETY</b>	<p>Sets and enforces safety and health standards and policies for the mineral, petroleum and dangerous goods industries.</p> <p>Administers resources safety and dangerous goods safety legislation.</p> <p>Provides education and information to employers and employees to prevent mining and minerals industry accidents and improve safety and health performance.</p> <p>Provides policy and legislative advice to Government.</p> <p>Improves safety management systems and performance.</p>
<b>CORPORATE SERVICES</b>	<p>Provides financial and administration services.</p> <p>Provides information technology support services.</p> <p>Provides human resource management.</p> <p>Provides corporate information services.</p>
<b>OFFICE OF DIRECTOR GENERAL</b>	<p>Develops and coordinates strategic policy.</p> <p>Provides corporate development services.</p> <p>Delivers print and online information.</p> <p>Provides education and communication services.</p> <p>Deals with the media.</p> <p>Delivers promotions and campaigns.</p> <p>Coordinates regional services.</p>

DOCEP has offices in Albany, Bunbury, Collie, Geraldton, Kalgoorlie, Kununurra and Karratha to ensure regional people can access these services.

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. The department employed 874 full time equivalents (FTEs) in 2005-06.

## 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;
- academic institutions;
- the Minister for Consumer Protection;
- the Minister for Employment Protection; and
- the Minister for Energy.

## Operating structure

DOCEP's operating structure consists of a Director General and six divisions. Each division has an Executive Director, who participates in the Corporate Executive with the Director General. Corporate Executive operates under a governance structure and meets fortnightly. This ensures authority and accountability is shared between the Director General and the divisions. DOCEP's strategic directions are agreed collectively through the Corporate Executive, and each division creates its business plan within the board parameters of the strategic directions.

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.

Corporate and support services are provided centrally by the Corporate Services Division and the Office of the Director General.

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 leadership team



**Brian Bradley PSM**

*Director General*

Brian Bradley has 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 as Director General of DOCEP after acting in the position since June 2001.

He is currently 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.



**Patrick Walker**

*Executive Director, Consumer Protection*

*Commissioner for Fair Trading and Prices Commissioner*

Patrick Walker commenced his current position as Commissioner for Fair Trading, Commissioner for Consumer Protection and Prices Commissioner in June 1998. Prior to this, he had extensive management experience in local government, with most recent positions as Chief Executive Officer at the City of Subiaco (1993 to 1998) and Chief Executive Officer at the Town of Narrogin (1986 to 1993). Patrick is also a member of the Consumer Advisory Council, Legal Aid Commission of Western Australia and the Medical Board of Western Australia.



**Nina Lyhne**

*Executive Director, WorkSafe*

*WorkSafe Western Australia Commissioner*

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.



**Susan Barrera**

*Acting Executive Director, Labour Relations*

Susan Barrera took up the position of Acting Executive Director of Labour Relations in February 2006. Prior to that she was Chief of Staff to Hon Minister John Kobelke for five years. As Chief of Staff Susan managed the Ministerial office and facilitated the achievement of the Minister's priorities in the portfolios of Consumer and Employment Protection, Training, Indigenous Affairs and Water Resources. Susan worked as a private consultant for five years undertaking projects with state and national customers in labour relations, training and organisational development. She also worked in senior management roles in labour relations, public sector management and corrective services.



## **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 an 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 currently a member of various national and state level boards and committees dealing with technical standardisation, emergency management and critical infrastructure security and resilience.



## **Alan Jackson**

*Executive Director, Corporate Services*

Alan Jackson commenced in his current position in October 2004. Prior to this, he has had extensive senior management experience in the public, private and tertiary education sectors, including his most recent position of Director, Corporate Services at the Department of Treasury and Finance. Alan's experience includes nine years of consulting to large public and private sector organisations throughout Australia on numerous strategic issues. He was also a sessional lecturer for two prominent Western Australian universities over a number of years. Alan is an Associate Fellow of the Australian Institute of Management and the Australian Human Resource Institute and has a Master of Commerce.



## **Malcolm Russell**

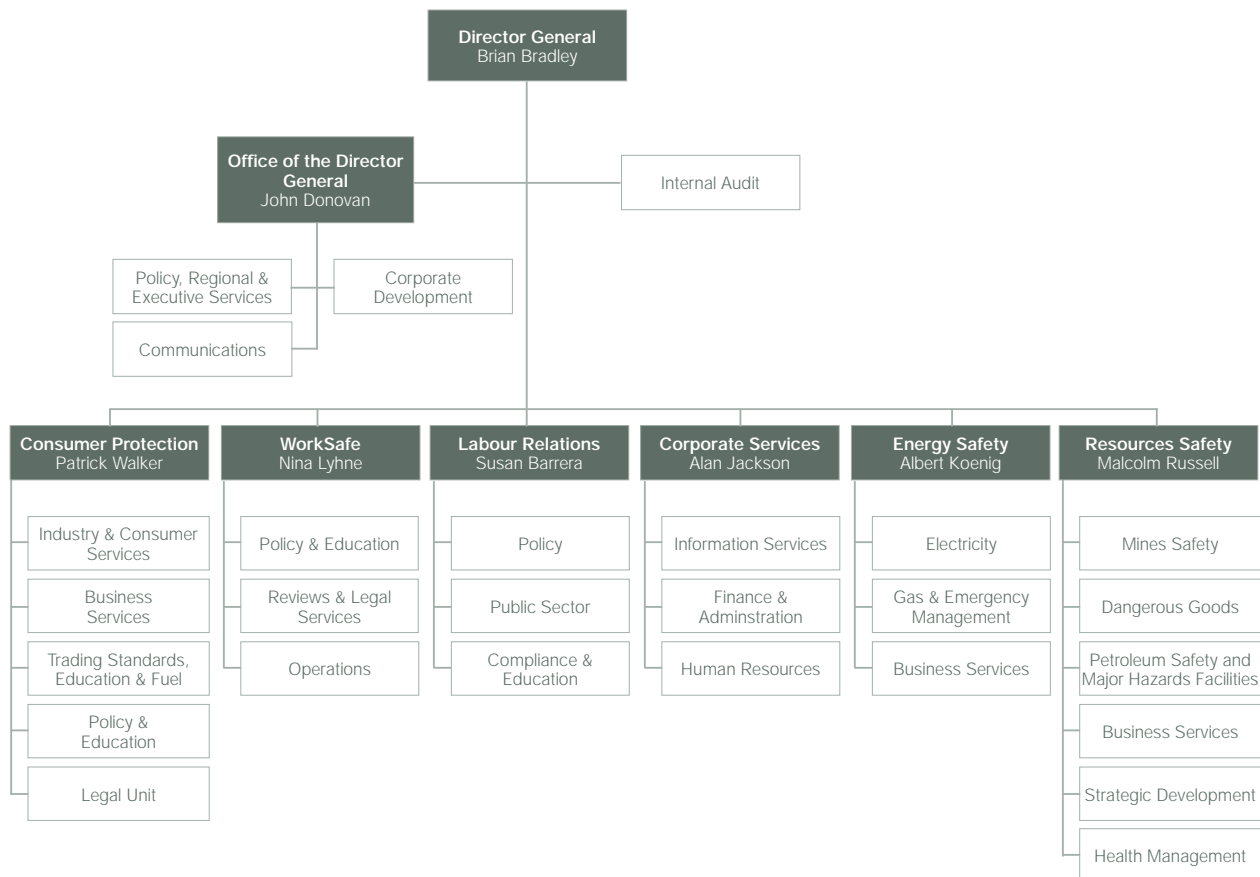
*Executive Director, Resources Safety*

Malcolm Russell commenced his position in July 2005 with the transfer of the Safety and Health Division from the Department of Industry and Resources. 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. This includes having worked on maintenance of nuclear submarines before joining Lloyds Register in London as a naval architect 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 currently a member of the Commission for Occupational Safety and Health and Chief Inspector of Explosives and Dangerous Goods.

## **Declaration of interests**

The Corporate Executive Team of DOCEP acknowledges the requirement to declare any existing or proposed contract between DOCEP and a senior officer and reports that during this financial year there were no conflicts of interest to declare.

## Organisational structure



## Resources

### Information resources

DOCEP has continued to focus strongly on developing new web-based services for the public and industry. Infrastructure and systems environments have been developed that support the delivery of reliable and secure internet services for all new or improved business functions. The Information Services Directorate provides skills, resources and management over many projects. The following are highlights of our achievements.



### Compliance and Licensing System (CALS)

A significant re-development that supports the core of Consumer Protection activities was the installation of a new and much improved licensing system, CALS, delivered into production at the beginning of this year. This system brings together almost all of Consumer Protection's licensing types and information on licensees. Compliance and complaint services are also managed by this new system, providing a single view of Consumer Protection licensee operations and issues. Work is currently under way to deliver phase two of the project that will add Plumbers and Trading Standards Licensing and will provide online facilities for the Real Estate and Settlement Agents industries. Phase two is due for completion during the first quarter of 2007.

### Compliance and licensing system - Labour Relations

Labour Relations is a partner in the CALS project to replace the ageing Awards Complaints System. Development commenced in August 2004 and phase one of the project went live in November 2005. This product will consolidate all of the division's industrial award compliance and support activities. Improved facilities and web services are planned as an extension to this product during 2007.

### Business Names

A new web service that manages renewals of Business Names went live in July 2004 and is now well used by the general public. This year the service assisted business name owners to renew, search and request business name extracts online. Facilitating the application of new business names online is the next step in delivering an improved service. This next stage is planned during 2007.

### Trading Standards

The Trading Standards business group continued the project, commenced in May 2005, to deliver services over the web to accredited compliance licensees. Licensees have access to the latest information on measures and standards. Accredited compliance officers will be able to inspect equipment and then submit the results of those inspections online to DOCEP. Phase one of the project is due for delivery in July 2006 with phase two following in November 2006.

DOCEP endeavours to provide simplified access to valuable information and services via the internet, to enable the best performance possible for industry. These web services will also allow DOCEP to better inform industries and make valuable information available to the public.

## Electrical safety services

A new service to the electrical and gas industries was developed in 2005 allowing secure access by electrical contractors and gas operatives. The web based facility allows certain contractors to check the currency of electricians' or gas fitters' licensing details. The facility has particular application to the remote areas of the state and solves issues of access and timeliness, supporting better decisions by contractors. The facility has recently been enhanced to incorporate a demerit system for errant gas fitters. Gas suppliers place demerit points against gas fitters whose standards are found to be deficient.

## Resources Safety Services

In July 2005, the department took over responsibility for legislation associated with the storage, handling and transport of dangerous goods and safety and health pertaining to the mining and onshore petroleum industries and major hazard facilities. Resources Safety was moved from the Department of Industry and Resources (DoIR) to DOCEP which involved the transfer of some 120 employees and their IT systems. Eleven IT systems were transferred and a system for sharing existing data was established with DoIR. The systems commenced live running in January 2006.

## Integrated Document Management System (IDMS)

The largest project commitment for DOCEP is the IDMS that commenced in April 2005. This system will replace all paper-based services that exist within the department. The project creates a consolidated corporate repository of information that is easily accessible. These IDMS technologies are sourced from Objective Corporation, an Australian owned company. The IDMS has successfully taken up all paper records details across DOCEP and replaces the disjointed TRIM systems previously in use. Future development of IDMS will provide interfaces to Corporate IT systems to enable critical documentation to be referenced from a single point. The scanning of incoming documents into IDMS will greatly reduce paper handling throughout the department.

## Capital works program

The 2005-06 Capital Works Program amounted to \$3.77 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. These include ongoing projects such as continued replacement and upgrading of computer and software programs, providing infrastructure for additional employees, corporate technology, enhancement of Online Services and Business Systems, and an upgrade of explosives reserves security.

**Table 1: Capital works projects (2005-06)**

Project title	Estimated total cost	Estimated cost to complete	Planned year of completion
Business systems development and enhancement	\$2,070,000	\$ 0	Completed
Corporate technology infrastructure	\$648,000	\$ 0	Completed
Docep ebiz	\$1,540,000	\$ 0	2006-07
Minor equipment purchases	\$ 952, 000	\$41,566	2006-07
Integrated Document Management System	\$1, 600,00	\$1, 457, 507	2006-07
Explosives reserves security upgrade	\$2, 645, 000	\$1, 309, 226	2006-07
Business systems and online infrastructure	\$1,100,000	\$850,000	2008-09
Computer and software program	\$3,298,000	\$1,383,433	2009-10

## Human resources

### Our people

DOCEP's workforce brings together people from a variety of backgrounds and experience to provide a broad range of services to the Western Australian community. The department had 921 employees (or 874 FTEs) on the payroll system at 30 June 2006, plus 75 members of Boards.

DOCEP's employees are managed through a range of policies, procedures and feedback mechanisms. Investing time and financial resources into employees, as important internal customers, ensures they are efficient and effective in serving the public. The process of managing employees and their performance is continually under review with a view to improvement.

Significant emphasis was placed on the transfer and induction of approximately 120 employees from the DoIR who formed DOCEP's Resources Safety Division.



### Policies

DOCEP is continuing to develop new human resource policies and procedures to replace those currently in use. All employees are consulted via Consultation Draft Human Resources (HR) Policies posted on the intranet. The policies also go through a careful checking and feedback process before they are placed on DOCEP's intranet as final copies.

A key achievement for the Human Resource Directorate this year was the revision of the departmental publication *Code of Conduct*. The Code was designed to provide guidance on the operational matters and the expected behaviour of employees as they conduct their day-to-day work, and provide guidance on what to do when faced with an ethical issue.

Another significant achievement was the implementation of the Disability Access and Inclusion Plan 2005-2008, designed to support employees and customers with disabilities. DOCEP adopted the Government's Disability Service Plan to ensure that people with disabilities, their families and carers can access DOCEP's services and facilities. The Disability Access and Inclusion Plan is intrinsic to meeting our objectives as outlined in our *Future Directions 2005 – 2008* Corporate Plan.

The following general policies have been endorsed and implemented:

- Classification assessment and determination policy and guidelines.
- Voluntary separations policy and guidelines.
- Equal opportunity policy and guidelines.
- Recruitment selection and appointment policy and guidelines.
- Temporary deployment policy and guidelines.
- Temporary special allowance policy and guidelines.
- Higher duties allowance guidelines.
- Grievance resolution policy and guidelines.
- Personal leave policy and guidelines.
- Injury management policy and guidelines.

### Recruitment, selection and deployment

DOCEP placed a combination of 284 contract and permanent vacancies on the Western Australian Government Job Board in the year to 30 June 2006.

The number of redeployees decreased from two at 30 June 2005, to nil as at 30 June 2006. Redeployees are provided with encouragement, support and opportunities to assist them in finding suitable alternative employment.

DOCEP works closely with Bizlink WA and Edge Employment Solutions to offer employment for people with disabilities.

DOCEP's Employee Assistance Program providers continue to offer an independent, confidential and professional counselling service to all employees and their immediate families. All counsellors are registered psychologists or social workers and have extensive experience in dealing with a wide range of problems.

### Learning and development

During 2005-06 the Learning and Development Branch undertook a number of key projects, including a review of the department's Performance Development System, research into a management/leadership training program, development of a departmental training calendar, training and appointment of new Grievance Officers, development of a training provider database, induction and training of Resources Safety Division employees and development of a corporate induction program.

In addition to the online induction process at DOCEP, the Learning and Development Branch offers quarterly training in performance development, prevention of workplace bullying and equal opportunity awareness.

The Branch has either coordinated or provided a number of additional training courses including:

- TTY; (Teletypewriter-Communication Device for the Deaf)
- Deafness awareness.
- Touch typing.
- Grievance officer training.
- Selection panel training.
- Managing challenging behaviour.
- Customised Microsoft Word.
- Writing job applications.
- Interview skills.
- Maximising employees performance.
- Time management.
- *Code of Conduct* for poor workplace behaviour.
- First responder training.
- Shorthand.

The Branch continues to provide consulting services in strategic planning, training needs analysis and change management initiatives.

## Occupational Safety and Health Committee

The department seeks to achieve positive Occupational Safety and Health (OSH) outcomes through its Occupational Safety and Health Committee.

The Occupational Safety and Health Committee met eight times in 2005-06 to discuss a range of issues and initiatives including:

- Training for employees in use of the First Responder System (for early access to defibrillator).
- Review of OSH policies.
- DOCEP injury management system.
- Q Fever inoculations.
- Avian Influenza.
- Manual handling.
- Bullying in the workplace
- Accidents and incidents investigations.
- Assessing adequacy of evacuation for people with mobility impairments.
- Employee safety awareness sessions.
- Fire warden/first aid officer training.
- Online incident reporting/hazard notification.
- Workstation ergonomic issues.
- Personal protective equipment.
- Fuel vapour inhalation.

## Communications

The Communications Directorate provided DOCEP with a wide range of services over 2005-06. The Directorate comprises three teams: Information, Online Services and Promotions.

The Information Team provides strategic advice to the operating divisions in relation to publications, advertising and media and manages the production, printing and distribution of DOCEP's publications. During the year the Information Team:

- Managed and arranged the distribution of 597,522 DOCEP publications to consumers, employees, employers, community agencies and industry.
- Managed the design, printing and production of some 550,000 new and reprinted DOCEP publications.
- Produced and managed various newsletters and magazines including WorkSafe's *SafetyLine* magazine, *DOCEP News* employees newsletter and the Plumbers Licensing Board and Motor Vehicle Industry Board newsletters.
- Arranged, managed and monitored the external contracts for DOCEP's large printing and warehousing requirements in accordance with state Supply Commission guidelines.
- Managed, produced and organised non-campaign advertising on behalf of the DOCEP divisions to support legislation reviews, community education programs and to promote relevant publications and services.
- Provided media support services including arranging media training and the provision of 79 media releases.

Online Services is responsible for the development, maintenance and ongoing management of the department's online information services and enterprise content management system. This includes Websites for DOCEP as a whole and for each division, along with the department's corporate intranet.

Online Services:

- Provided expert advice and assistance on the development of online transactional, business and commerce services and participated in departmental and government online policy development.
- Counted more than 3,500,000 visitors to DOCEP Websites, an increase of more than 500,000 visitors over the previous financial year.
- Completed the third stage of the implementation of an enterprise content management system, bringing content managed web services to WorkSafe (including both the divisional Website and the SafetyLine Institute program) and Resources Safety.
- Finalised the redevelopment of the Consumer Protection Website. Corporate web content has also expanded to include specialised sections for legislative reviews, expanded media information and detailed information about the department and its services.
- Worked closely with the development of new Website services for the Plumbers Licensing Board and assisted in the redevelopment of the Planet ThinkSafe (formerly ThinkSafe Club) web application for children.
- Provided advice on the redevelopment of Websites for the Real Estate and Business Agents Supervisory Board and the Settlement Agents Supervisory Board.

In 2006-07, Online Services will complete the implementation of the enterprise content management system; launch a new DOCEP Website entry point; complete the migration and review of all corporate intranet content; and provide an improved search service for both internal and external customers.

Promotions provides strategic advice to the five operational divisions of the department, and coordinates advertising campaigns and a range of educational and promotional events across DOCEP.

Promotions coordinated:

- Five advertising campaigns advising of changes to industrial relations legislation; promoting the use of a licensed plumber; ThinkSafe Small Business Assistance Scheme; Wageline and Fair Go Advisory Services.
- DOCEP events calendar.
- Planet ThinkSafe - a new primary school safety online resource.
- Half-day work safety seminar during Injury Management Week.
- Perth WorkSafe 2005 Forum.
- Promotion of Safe Work Australia Week activities in WA.
- Ministerial launch of the Mature Age Employment Strategy.
- DOCEP's participation in Community Safety Month and Safety in Schools Week.
- New Work Safety Awards WA.
- Presentation by the Minister for Employment Protection, the department's Director General or the WorkSafe Western Australia Commissioner of 32 WorkSafe Plan certificates and five WorkSafe Award certificates to workplaces.
- Safety Achievers Dinner.
- Consumer Protection Awards presentation evening.
- Display booths at nine external expos, shows and conferences in metro and regional areas.
- Work Life Balance Conference.
- Lesspaynoway Campaign.

### DOCEP employee achievements

A number of DOCEP employees were recognised for their achievements in 2005-06. These included:

- Finalist - statewest Achievement Award 2005
- Finalist - Australian Institute of Office Professionals - Office Professional of the Year 2006
- Victoria University's Faculty of Health, Engineering & Science Outstanding Student Award after the employee completed Bachelor of Science in Occupational Safety & Health.
- Winner of Injury Control Council of Western Australia Award - Award for Outstanding Achievement in Injury Prevention - Contribution to the Reduction of Injury in the Community.

### Regulatory boards and committees / tribunals

The boards in the Consumer and Employment Protection portfolio 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 2: Functions of regulatory boards 2205-06**

The boards in the Consumer Protection portfolio 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. Below is a brief summary of the functions of each board.

Board	Legislation	Principal functions	Investigations	Management of funds	Other	Source of funding	Employment of employees	Number of entities regulated
Real Estate & Business Agents' Supervisory Board*	Real Estate & Business Agents Act 1978 (WA)	Licensing of real estate and business agents and registration of developers and sales representatives	Yes	Yes	Advise Minister on administration of Act and regulations. Conduct and promote education and provide advisory services. Conciliation. Prescription of codes of conduct. Education. Overseeing agents' trust accounts.	Self funded (licence and registration fees and interest on trust investments)	Employed by Board. Service delivery agreement with DOCEP.	3,752 agents 12,166 sales representatives
Settlement Agents' Supervisory Board*	Settlement Agents Act 1981 (WA)	Licensing of settlement agents	Yes	Yes	Advise Minister on administration of Act and regulations. Conduct and promote education and provide advisory services. Prescribing maximum fees. Prescription of codes of conduct. Education. Overseeing agents trust accounts.	Self funded (licence and registration fees and interest on investments)	Employed by Board. Service delivery agreement with DOCEP.	790 agents
Land Valuers Licensing Board	Land Valuers Licensing Act 1978 (WA)	Licensing of land valuers	Yes	No	Advice to the Minister. Prescribing maximum fees. Prescribing codes of conduct. Conduct examinations and appoint examiners.	Consumer Protection (Consolidated Fund)	Employees of Consumer Protection	627 valuers
Builders' Registration Board*	Builders' Registration Act 1939 (WA)	Registration of builders	Yes	Yes	Set workmanship standards. Determine training and examination requirements. Education.	Self funded (Registration fees, building licence levies, complaint application fees)	Employed by Board	5570 builders
Painters' Registration Board*	Painters' Registration Act 1961 (WA)	Registration of painters	Yes	Yes	Set workmanship standards. Investigate painting work, as requested. Make work orders to remedy unsatisfactory work. Prescribe examination requirements.	Self funded (Registration fees)	Employed by Board	2831 painters
Motor Vehicle Industry Board	Motor Vehicle Dealers Act 1973 (WA) Motor Vehicle Repairs Act 2003 (WA)	Licensing of motor vehicle dealers and repairers, car market operators, yard managers and salespersons	No	No	Approve courses (and persons who provide courses) for the training of dealers, repairers, yard managers and salespersons.	Consumer Protection (Consolidated Fund)	Employees of Consumer Protection	862 motor dealers 1088 yard managers 2253 salespersons 3 car market operators

\*Signifies self-funded board or committee

Board	Legislation	Principal functions	Investigations	Management of funds	Other	Source of funding	Employment of employees	Number of entities regulated
Hairdressers Registration Board	Hairdressers Registration Act 1946 (WA)	Registration of hairdressers	Yes	Yes	Holding examinations. Making recommendation to health authorities regarding hygiene and sanitation standards.	Self funded (Registration fees)	Employed by Board	5646 Hairdressers
Plumbers Licensing Board	Water Services Coordination Act 1995 (WA)	Licensing of plumbers and tradespersons	No	Yes	Monitor and advise on training standards.	Self funded (Licence fees)	Employed by Board	2181 licensed plumbers 1679 tradespersons 146 restricted plumbing permit holders
Finance Brokers Supervisory Board	Finance Brokers Control Act 1975 (WA)	Licensing of finance brokers	Yes	No		Consumer Protection (Consolidated Fund)	Employees of Consumer Protection	
Electrical Licensing Board	Electricity Act 1945 (WA)		No	No		Energy Safety (Licence fees)	Employees of Energy Safety	28 193 electrical operatives 7867 gas operatives

**Table 3: Functions of Building Disputes Tribunal and committees 2005-06**

Table 3 below is a brief summary of the functions of each committee. The Building Disputes Tribunal was established and is managed by the Builders' Registration Act 1939 however it is a tribunal established under legislation DOCEP administrators on behalf of the Minister for Consumer Protection.

Board / committee	Building disputes tribunal	Home buyers assistance advisory committee	Retail shops advisory committee	Consumer product safety committee	Charitable collections advisory committee	Gas licensing committee
Legislation	Builders' Registration Act 1939	Real Estate and Business Agents Act 1978 (WA)	Retail Trading Hours Act 1987 (WA)	Consumer Affairs Act 1971 (WA)	Charitable Collections Act 1946 (WA)	Gas Standards Act 1972
Principal functions	To hear and settle contractual and workmanship disputes between consumers and builders.	To consider applications for financial assistance from first home buyers and make recommendations to REBA.	To investigate and make recommendations to the Minister relating to the operation and administration of the Act. To make recommendations to the Commissioner for Fair Trading on the issue of permits to remain open or to provide goods or services that are not prescribed.	To make recommendations to the Commissioner for Fair Trading that prohibit or restrict the supply of goods.	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.	To make recommendations to the Director of Energy Safety on competence of applicants for, and holders of, gasfitting permits and authorisations. To make recommendations on retraining and other restrictions and warnings.





# 3 section

## Better planning: better services

## State strategic goals and DOCEP's performance

In November 2003, the Western Australian Government, in its *Better Planning: Better Services* strategic framework for the Western Australian public sector, identified five strategic goals that contribute to achieving the vision of a sustainable Western Australia. These goals are still relevant.

DOCEP's mission is 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.

**Table 4: State strategic goals and DOCEP's performance 2005-06**

State strategic goal	DOCEP's Strategic Directions	Outcome	Services
People and communities	Influencing and shaping our community's environment	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	Community information and assistance
	Enhancing the capability of the community		
The economy	Enhancing the regulatory environment		Regulatory framework
	Enforcing the law		Regulatory enforcement
	Strengthening DOCEP as an organisation		

While DOCEP primarily contributes to the state's strategic outcomes of *People and Communities* and *The Economy*, our services also reflect a strong commitment to:

The environment	DOCEP effectively manages our physical resources in order to avoid waste and reduce emissions, and is committed to energy efficiency, sustainability and conservation practices.
The regions	The department is committed to a strong and vibrant regional Western Australia, and has offices located in Albany, Bunbury, Collie, Geraldton, Kalgoorlie Kununurra and Karratha, to ensure regional people can access our services.
Governance	The department is committed to open, effective and efficient governance, and assists the Government with the development of policy regarding the public sector as an employer.

# Achievements - people and communities

## CONSUMER PROTECTION

### Indigenous consumers programs

Consumer Protection has embarked on a program to address the serious consumer protection issues faced by Indigenous consumers throughout Western Australia. It has published a list of commitments related to working in consultation with Indigenous communities to promote the use of Consumer Protection services, ensuring that services and information are culturally appropriate and exploring better ways of reaching Indigenous communities with Consumer Protection information. Initiatives undertaken during 2005-6 included development of publications about residential tenancy designed for people with limited literacy skills and delivery of cultural awareness training to 170 employees.



A National Indigenous Consumer Strategy - Taking Action, Gaining Trust was developed under the auspices of the Ministerial Council for Consumer Affairs. DOCEP is the lead agency for the strategy and the Western Australian Minister for Consumer Protection is the lead Minister. The National Strategy commits participating governments to focus efforts on eight national priorities, including employing Indigenous employees in consumer protection agencies; increasing awareness and consideration of Indigenous consumer issues; addressing issues related to housing, financial management and banking, and motor vehicles and boats; and improving the practices of traders providing goods and services to Indigenous consumers. These priorities provide a foundation for DOCEP's Indigenous consumers' program.

### Consumer Protection awards

Consumer Protection Awards recognise and reward outstanding performance and achievements of individuals and non-government groups and organisations in advancing consumer protection in Western Australia. The Awards acknowledge innovation and outstanding results in the delivery of services to consumers that are complementary to those provided by Government.

The second annual Consumer Protection Awards were presented by the Minister for Consumer Protection at a function held in March 2006, to coincide with National Consumer Day and World Consumer Rights Day. The Rona Okely Award, which acknowledges individuals dedicated to consumer protection in the community, was presented to Mrs Verity Cripps. The Richard (Dick) Fletcher Award, which acknowledges non-government organisations or groups of individuals making significant contributions to consumers protection, was awarded to the Geraldton Resource Centre Inc.

### Targeting causes of common consumer complaints

DOCEP refined a program to collect data highlighting common causes of complaint for consumers who contact the Consumer Protection call centre about particular traders. Based on this information, Consumer Protection officers have been visiting the traders concerned to discuss the problems identified by the call centre. Positive responses have been received from the traders, who have welcomed the opportunity to improve systems for dealing with consumer problems and advice provided by their employees. This, in turn, is allowing the traders to better serve the needs of their customers and attract repeat business.

### Programs for migrant consumers

Relationships have been fostered with community organisations assisting migrants and refugees to assist in the development of consumer protection information relevant to these vulnerable groups of consumers. By working with community organisations, DOCEP is increasing access for consumers who would not normally use the consumer protection services provided by the department.

### Initiatives for seniors

DOCEP continued implementation of the Senior Consumers Education Plan in line with the recommendations of the Active Ageing Taskforce. Consumer Protection Community Education employees participated in Seniors Week activities. In addition, arrangements were made for information about consumer protection and FuelWatch to be included in the Seniors Directory, which is distributed to 192,000 households and reaches more than 228,000 Western Australian seniors.

## EMPLOYMENT PROTECTION

### Public consultation dangerous goods legislation

Resources Safety completed drafting instructions and public consultation for dangerous goods regulations and associated Codes of Practice, under the *Dangerous Goods Safety Act 2004*. This reform covers regulation of explosives; Major Hazard Facilities; Security Risk Substances (counter-terrorism); and the transport, storage and use of dangerous goods.

### Improved safety awareness in the mining industry

Safety awareness levels have significantly improved in the mining industry through industry roadshows, improved liaison with safety and health representatives, enhancements to *MineSafe* magazine and the Resources Safety website, and publication of safety brochures and posters.



### Dangerous goods safe driver award

In recognition of the drivers who safely transport dangerous goods in our community, Resources Safety again this year sponsored the Dangerous Goods Safe Driver of the Year Award. The Award is open to professional employees or owner-operators hauling dangerous goods. The winner of the award was Mr Bill Hassett from Beechboro with 26 years experience hauling dangerous goods and clocking up close to 10 million accident free kilometres.

### Memorandum of Understanding

DOCEP entered into a Memorandum of Understanding (MOU) with the Department for Community Development to ensure new child employment protection laws are appropriately enforced in Western Australia.

### **Review of the *Occupational Safety and Health Act 1984***

The *Occupational Safety and Health Act 1984* requires a review every five years. Mr Richard Hooker, an independent barrister at Wickham Chambers, is conducting the review which commenced in December 2005 with an initial invitation for written submissions to obtain the views of interested parties. It is anticipated that the report and associated recommendations will be considered by the Minister for Employment Protection later in 2006 and will subsequently be tabled in Parliament. Issues being considered as part of the review as factors that impact on occupational safety and health include the growth in labour hire or third party employment arrangements, the role of regulations and codes of practice and complexities associated with the issue of 'control' in rapidly changing workplaces.

During the year regulations were developed to support implementation of changes to the *Occupational Safety and Health Act 1984* arising from the 2000 statutory review which was completed in 2003.

### **Safety awareness induction training for the construction industry**

New regulations introducing mandatory safety awareness (induction) training for the building and construction industry were published in July 2005 and will come into effect on 1 January 2007. The regulations apply to everyone who carries out construction work at a workplace in Western Australia. The training required by the new regulations is intended to provide workers with a basic knowledge and understanding of the requirements of the occupational safety and health legislation and of the management of hazards associated with construction work. Those who satisfactorily complete the training will be issued with a safety awareness training card, which will be valid for a period of three years from the date of issue. The regulations are supported by a training package.

Comprehensive information for industry, training providers and the community was placed on the WorkSafe website in October 2005 with further newspaper advertisements in mid 2006. WorkSafe has coordinated the production of the safety awareness training cards and has put in place a system to distribute the cards to the training providers and register recipients. Those who already hold an existing induction card will have until January 2008 to complete the necessary training.

### **Support for the Commission for Occupational Safety and Health**

WorkSafe provided significant support to the Occupational Safety and Health Commission, advisory committees and working parties in the revision of existing publications and in the development of new material. These included the *Code of practice on the prevention and management of violence, aggression and bullying at work*; *Excavation code of practice*; *Working hours code of practice*; and the revised *General duty of care in Western Australian workplaces guidance note*.

### **Occupational Safety and Health Assistance to Small Businesses**

The ThinkSafe Small Business Assistance Program, which was launched in 2005, provides free and confidential occupational safety and health advice to small businesses (fewer than 20 employees) in the high-risk industries of agriculture/forestry/fishing, construction, health and community services, manufacturing, retail and wholesale, transport and storage.

During the year contracted independent OSH consultants delivered advice to more than 350 small businesses across Western Australia. Additional consultants were appointed giving greater capacity to deliver the program in regional areas and to the transport and construction industry sectors. An evaluation survey found 91 per cent of those receiving free advice had made improvements to OSH, and 94 per cent were satisfied with the program.

### **Safety and Health Representatives' Forum**

A total of 648 delegates from both the general and mining sectors attended the October 2005 forum which was held in Perth. The most popular sessions attended by representatives were new laws for workers and employers, healthier workplaces and incident investigations.

### **New WorkSafe website**

WorkSafe's internet service, [www.worksafe.wa.gov.au](http://www.worksafe.wa.gov.au) is one of the leading services of its kind in the world and provides ready access to high quality information on occupational safety and health. WorkSafe's new website, which contains new and updated material, was launched in March 2006. Planet ThinkSafe is a brand new interactive website designed for primary school students. Through a series of activities, children can learn about hazards at home, at school, in the playground and on the roads, and how to avoid them. The SafetyLine Institute for tertiary students was revised and relaunched in line with changes to the nationally recognised occupational safety and health competency standards. The most popular service is WorkSafe SmartMove, which is aimed at years 10 -12 students and is completed prior to undertaking work experience. In 2005-06 there was an average of 103 WorkSafe SmartMove graduates every single day of the year, making the resource the most popular online service.

### **WorkSafe Award**

The WorkSafe Award recognises outstanding occupational safety and health achievements within a workplace in designing, developing, introducing or implementing innovative safety and health procedures, work systems, plant, equipment or environmental changes. In 2005-06, WorkSafe Awards were presented to the following:

- The Lifting Company for the height safety fall arrest system.
- City of Mandurah for the dog cage lifter.
- Centurion Transport for modification to boomerang turntables.
- Tilt Trays Downunder for the sea container draw bar and ejector.
- Royal Perth Hospital for the airplane pillow.

In early 2006, the WorkSafe Award was replaced with a new category of award as part of a national occupational safety and health awards scheme introduced across Australia. Western Australia has introduced three new categories in 2006 with winners, to be announced in October 2006, eligible for a national award.

### **WorkSafe Plan 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.

WorkSafe Plan certificates of achievement are presented at three levels - Platinum (highest standards), Gold (good progress towards a best practice approach to safety and health management) and Silver (organisation meets minimum standards). In 2005-06, 10 Platinum, 13 Gold and nine Silver were awarded.

**Table 5: List of award winners 2005-06**

Platinum certificates	
	Water Corporation – Goldfields Region
	Water Corporation – Perth Region
	Fluor Australia Pty Ltd (Western Australian Operations)
	KBR Water Services Pty Ltd
	RCR Tomlinson (Bunbury)
	BGC Contracting Pty Ltd
	John Holland Group – Western Region
	Numans Group Pty Ltd
	Charlotte Holdings Pty Ltd T/A JM & ED Moore
	Pindan Construction
Gold certificates	
	Churches of Christ – Geneff Village
	Dynea WA Pty Ltd
	Churches of Christ – Costal Community
	Churches of Christ – Peel Lodge
	Churches of Christ – Challenger Lodge
	Churches of Christ – Joondanna Village
	Charles Service Company
	Karratha Engineering Services Pty Ltd
	Cleandustrial Cleaning Services
	Central TAFE
	Geraldton Fuel Company
	The Cerebral Palsy Association of Western Australia
Silver certificates	
	Main Roads WA – Major Projects Directorate
	Churches of Christ – Riversea Lodge
	CSR Gyprock Fibre Cement
	B & J Catalano
	Town of Cambridge
	Chandler McLeod Group
	Monadelphous Group Limited – Engineering Construction Division
	RAC (WA) Pty Ltd
	Monadelphous Group Limited – Maintenance and Industrial Services Western Region

## Work Life Balance Conference 2006

Labour Relations conducted the Work Life Balance Conference 2006, which attracted 200 participants and featured national and international speakers. The conference focused on initiatives and strategies to attract and retain employees for the future economic development and sustainability of the state. As a result, a new Work Life Balance website was developed.

## Working in Australia 1984-2004 and Work Life Balance Survey 2004

Labour Relations produced and promoted the publications *Working in Western Australia 1984-2004* and *the Work Life Balance Survey 2004*.

### **Pay Equity Unit**

The Pay Equity Unit was established, as part of Labour Relations, to develop a work plan to reduce the gender pay gap in Western Australia.

### **Attraction and retention focus groups**

Labour Relations conducted employee attraction and retention focus groups to develop a range of initiatives for future workforce requirements.

### **Safe use of outdoor gas heater guidelines**

EnergySafety introduced new guidelines for the safe use of outdoor gas patio heaters and safe locations for using gas barbecues. The new brochures were distributed through gas suppliers and relevant industry organisations.

### **Electrical and gas safety awareness**

EnergySafety concluded a series of electrical and gas safety awareness advertisements on television. Market research into the effectiveness of the campaign showed excellent community recognition of EnergySafety's safety messages.

### **Gasfitting Safety Award**

EnergySafety presented the inaugural annual Gasfitting Safety Award to Mr Andrew Settler in conjunction with the annual Master Plumbers and Gasfitters Association Awards for Excellence.

### **Vines estate**

EnergySafety oversaw the successful conversion by Alinta of the Vines estate, from liquified petroleum gas to natural gas. The project was completed without incident.

### **Electricity Regulations 1947**

EnergySafety continued to progress amendments to Part IX of the Electricity Regulations 1947 to generally improve the electrical safety of electrician work practices and to introduce strict controls on performing electrical work on, or close to, 'live' parts.

### **Introduction of gas fitter demerit system**

In conjunction with gas suppliers, EnergySafety introduced a gas fitter demerit system to monitor the performance of gas fitters. The process will identify errant gas fitters who continually leave defects in installations or breach legislation. The objectives of the system are to improve installation safety and to maintain adequate gas fitter performance and competence.

### **Australian Standards for gas and electricity installations**

EnergySafety introduced a process for gas industry operatives to obtain a formal 'interpretation' of the requirements of Australian Standard AS 5601 *Gas installations*. The interpretations are promulgated on EnergySafety's website.

EnergySafety played a significant role in redrafting Australian Standards relating to electricity installations and also gas distribution networks.



# Achievements - the economy

## CONSUMER PROTECTION

### WA ScamNet

A major redevelopment of the WA ScamNet website was completed during 2005-06. The website now includes information about various types of scams, advice on fighting back, frequently asked questions, testimonials, useful links and weekly listings of new scams. Arrangements have been made with newspapers and radio stations to publish ScamNet media alerts regularly.

### False or misleading representations

A series of successful prosecutions were initiated against traders who were found to be involved in making false and/or misleading representations in relation to goods, services and land. The prosecutions covered a diverse range of issues including fish substitution, failure to disclose terms and conditions in advertisements, false representations about modelling services, false testimonials about a real estate service and misleading representations about the legal requirements to possess safety equipment.

### Regulation of finance brokers

In 2005-06, responsibilities for the licensing of finance brokers and for enforcement of legislation governing the conduct of finance brokers were transferred from the Finance Brokers Supervisory Board to the Commissioner for Consumer Protection. In addition, the Finance Brokers Control (General) Regulations 2005 were developed.

### Proactive inspection programs

A program of proactive compliance inspections was conducted at the Perth Royal Show, at numerous other markets and events, and at various retail outlets throughout the metropolitan region in the lead up to Christmas. The inspections focused on product safety, particularly products that have been banned from sale or restricted for reasons of safety, and on trade measurement regulation. A number of product recalls, formal warnings and other actions resulted from the inspection program.

A number of other proactive inspections were undertaken over the year. Consumer Protection was part of a national campaign to check the accuracy of shopping scanning systems. During the campaign, 4000 items were sampled, 13 per cent of which were found to be incorrect. Visits to check on debt collector compliance and reviews of credit provider practices were also undertaken.

### New legislation

The *Residential Parks (Long-stay Tenants) Act 2006* was passed by Parliament. The Act balances the needs of residential park residents for greater certainty of tenure while supporting the maintenance of existing, and the development of new, residential parks.

The *Trade Measurement Act 2006* and the *Trade Measurement Administration Act 2006* were also passed by Parliament. The Acts mirror similar trade measurement legislation in all other Australian jurisdictions, thereby making a significant contribution to achieving national consistency in this important area of consumer protection. These Acts are scheduled to commence in 2006-07.

The Consumer Protection Legislation Amendment and Repeal Bill 2005 was introduced in 2005-06 and is being considered by Parliament. The Bill amends a number of Acts in the Consumer Protection portfolio. The amendments correct anomalies, improve consumer protection, streamline administrative practices and remove unnecessary legislation. The Bill repeals one Act and amends 11 other Acts.

## Better planning: better services

The Retail Shops and Fair Trading Legislation Amendment Bill 2005 was introduced in 2005-06 and is being considered by Parliament. The Bill confirms existing arrangements for retail trading hours in Western Australia and introduces the Small Business Legislative Protection Package.

New legislation was introduced into Parliament to enable certain electricity and gas industry participants to fund *EnergySafety*, adopting a user-pay approach for technical and safety regulation. The *EnergySafety Act 2006* and *EnergySafety Levy Act 2006* were passed to enable *EnergySafety* to be funded, commencing 2006-07.

### Reviews of legislation

DOCEP continued an extensive program of reviewing consumer protection laws with a view to improving and updating the legislation. A statutory review of the *Builders Legislation Amendment Act 2000* was completed during 2005-06; and general reviews of the *Residential Tenancies Act 1987* and the *Auction Sales Act 1973* were completed.

A review of core consumer protection legislation in Western Australia, the *Fair Trading Act 1987* and the *Consumer Affairs Act 1971*, was progressed. Drafting of exposure drafts of a new Association Incorporation Bill and the Cooperatives Bill was commenced and will involve community consultation.

A general review of building legislation, including the *Builders' Registration Act 1939*, the *Painters' Registration Act 1961*, and the *Home Building Contracts Act 1991*, was commenced. An Issues Paper about the *Home Building Contracts Act 1991* was prepared and released to facilitate consultation with both consumers and the building industry.

## EMPLOYMENT PROTECTION

### Public risk advice

Advice, in relation to public risk associated with new construction and resource industry development projects, was provided by Resources Safety on over 200 development submissions, to the department for Planning and Infrastructure, WA Planning Commission, Environmental Protection Authority and other approving agencies.

### Safety case assessments and approvals

Resources Safety continued implementation of safety case methodologies to new and existing Major Hazard Facilities (MHF) and onshore oil and gas facilities. Major projects included an ammonia production plant; an ammonium nitrate production plant; liquified natural gas (LNG) power plant project; petroleum exploration and production; and the Dampier to Bunbury natural gas pipeline expansion. The \$700M ammonia production plant constructed on the Burrup Peninsula is the world's largest ammonia plant and required a major effort from the regulator to complete the safety case assessment prior to commissioning.

### Machinery of Government Functional Review

Following a recommendation of the Machinery of Government functional review that *EnergySafety* be funded by industry, legislation was introduced into Parliament to enable this to take place. This levy arrangement represents a user-pay approach for technical and safety regulation of industry.

### Work Choices legislation

Labour Relations developed briefings, provided instruction and liaised with other relevant states for the High Court challenge to the Federal Work Choices legislation.

### Wages and allowances

Labour Relations made submissions on behalf of the Minister of Employment Protection to the Western Australian Industrial Relations Commission regarding increases in award wages and allowances in award rates and increases to the minimum weekly rates of pay under the *Minimum Conditions of Employment Act 1993*.



### Labour Relations Legislation Amendment Bill 2006

The *Labour Relations Legislation Amendment Bill 2006* was drafted to amend existing Acts to improve leave entitlements, prescribe 38 ordinary working hours per week, prohibit employers from unduly pressuring employees to cash-out annual leave, improve long service leave entitlements and make other minor amendments.

### Prosecutions

Labour Relations finalised prosecution matters including the recovery of underpayment of wages and the suspension of union officials' right of entry authorities.

### Fair Go Advisory Service

Labour Relations established the Fair Go Advisory Service to provide advice to employers and employees on the impact of Work Choices legislation upon their employment arrangements.

### Compliance inspection campaign

Labour Relations carried out a proactive compliance inspection campaign in the roof tiling industry and a follow-up inspection program, during which employers with previous individual unpaid wages complaints were revisited.

### Industrial Relations Act 1979

Amendments to the *Industrial Relations Act 1979* were drafted to enable the Western Australian Industrial Relations Commission to hold its own independent state Wage Cases.

### State Government's Mature Age Employment Strategy

The Government's Mature Age Employment Strategy was launched and promoted with five new publications produced to support the strategy.

### Fatalities

The national target for work-related fatalities is to achieve a significant, continual reduction in the incidence of work-related fatalities with a reduction of at least 20 per cent by 30 June 2012, and with a reduction of 10 per cent being achieved by 30 June 2007. Records of work-related fatalities collected by WorkSafe show a 39.2 per cent decrease in the incidence of fatalities for the period 2001-02 to 2005-06.

There were a total of 12 work-related fatalities in Western Australia during 2005-06. Five occurred on mine sites covered by the *Mines Safety and Inspection Act 1994*, administered by Resources Safety. WorkSafe, under the jurisdiction of the *Occupational Safety and Health Act 1984*, administered the remaining seven.

### Occupational safety and health targets

Western Australia is committed to national targets as part of the *National Occupational Health and Safety Strategy 2002-2012*. Most recent figures show that Western Australia has so far not met the required reductions for injuries under the strategy, indicating further work is needed. However, there has been a significant reduction in fatalities in Western Australia during 2005-06, which exceeds the national target for fatalities.

In working towards achieving the national targets, WorkSafe has focused occupational safety and health compliance and proactive educational programs on nationally agreed priority industries and state priority areas. The nationally agreed priority industries for 2005-06 were manufacturing, construction, health and community services, agriculture/forestry/fishing, transport and storage, and retail/wholesale. The eight state priority areas for 2005-06 were working at heights, new and young workers, manual handling (lifting), hazardous substances, electricity, slips and trips, machine guarding and forklifts.

As part of the national and state priority approach, WorkSafe has undertaken a range of targeted occupational safety and health compliance and enforcement drives including hazardous substances in the manufacturing industry campaign, farm machinery campaign, machine guarding campaign, demolition/asbestos campaign, fishing industry enforcement drive, road transport fatigue enforcement drive, truck mounted concrete placing booms enforcement drive, cleaning industry enforcement drive, and management of hepatitis/HIV enforcement drive.



### Recruitment of additional WorkSafe inspectors

Increased Government funding has enabled WorkSafe to recruit a further 20 inspectors over a three year period. This has taken the total full time equivalent complement of inspectorate positions from 83 to 103. The last six inspectors commenced operating independently in the field in January 2006.

### WorkSafe campaign to reduce fatalities and serious injuries involving unguarded machinery

From November 2005 to January 2006, inspectors carried out 375 machinery-guarding audits. Disturbingly, non-compliance on key aspects of guarding was as high as 30 per cent across a wide range of industries and this resulted in 257 improvement notices and 25 prohibition notices being issued to secure compliance with the law.

### WorkSafe campaign on farm machinery supplies

From September 2005 to January 2006, WorkSafe inspectors conducted inspections of farm machinery manufacturers, importers, and suppliers as part of a national audit targeting farm machinery. The project aimed to improve risk management for the supply of farm machinery from all manufacturers, importers and suppliers. The audit focused on tractors, tractor attachments, grain augers and attachments for all-terrain vehicles. Seminars were held in four Western Australian country centres to help businesses prepare for the audit, which involved about 700 businesses throughout Australia chosen at random.

Inspectors issued improvement notices and marked non-compliant items with yellow "plant not to be used" stickers. Among the issues identified by inspectors was powered mobile plant being sold at auction without rollover protective structures and/or seat belts.

### WorkSafe prosecutions

The WorkSafe Reviews and Legal Services Unit coordinates the authorisation and conduct of prosecutions for alleged breaches of the *Occupational Safety and Health Act 1984* and Occupational Safety and Health Regulations 1996.

In 2005-06, prosecution notices were signed for 37 new prosecutions. Proactive investigations by WorkSafe (not as a result of an injury or fatality) accounted for 14 of these prosecutions, with the remaining 23 arising from work-related injury or harm.

There were 41\* convictions recorded during the financial year, six prosecutions were dismissed by a Magistrate and a further five were withdrawn by the complainant (recorded as dismissed). The 2005-06 convictions are detailed in Appendix Three.

During this period, there was one successful appeal by WorkSafe, and leave to appeal a dismissal was granted on three occasions. An appeal by a defendant against a conviction was discontinued.

## Achievements - the environment

### EMPLOYMENT PROTECTION

#### The effect of emissions of flue-less gas space heaters

EnergySafety continued to monitor the work being undertaken by the Health Council and gas appliance manufacturers in relation to the effect of emissions on indoor air quality from the new generation of low emission, flue-less gas space heaters and commenced work on changes to restrict the future installation of flue-less gas space heaters in schools and similar institutions.

#### Review of the electrical appliance safety regime

A review of the electrical appliance safety regime was commenced by EnergySafety in conjunction with other members of the Electrical Regulatory Authorities Council.

#### Guidelines for the management of vegetation near power lines

EnergySafety introduced new guidelines setting out responsibilities for controlling and clearing vegetation around power lines. The new publication was widely disseminated to network operators, local government organisations, industry stakeholders and the community.



\*A prosecution is counted as a conviction if at least one charge is successful. A conviction that is subsequently appealed but remains unresolved is recorded as a conviction, but is not published in Appendix three.

## Achievements - the regions

### Our services in the regions

DOCEP has regional offices in Albany, Collie, Bunbury, Geraldton, Kalgoorlie and Karratha that provide a one-stop shop for DOCEP services. These locations were augmented in July 2005 with the successful transition of the Resources Safety Division to DOCEP from the Department of Industry and Resources. The transfer included 32 positions for employees based in Collie, Kalgoorlie and Karratha. However, recruitment into these regional positions is difficult as a result of the high remuneration levels in the resources industries with the opportunities for collocation being explored. The following table depicts the number of regional positions at the end of the 2005-06 financial year.

**Table 6: DOCEP's regional services 2005-06**

FTEs*	Albany	Bunbury	Collie	Geraldton	Kalgoorlie	Karratha	Kununurra	Total
Consumer Protection	1	3.6*		1	2	1	1	9.6
Labour Relations	1	2		1	1	1		6
WorkSafe	1	7		1		2		11
EnergySafety		1		1	1	1		4
Resources Safety*			11		16	5		32
Office of the Director General	1	3		1	1	2		8
	4	16.6	11	5	21	12	1	70.6

\* Includes vacancies at 30 June 2006

\* Table excludes 0.4 FTE Indigenous Liaison Officer funded through the Commonwealth Community Development Employment Project.

In the past year, DOCEP's Bunbury office employed additional employees to enhance the services of Labour Relations and Consumer Protection. A WorkSafe Inspector was also appointed to the Geraldton office. A senior Consumer Protection officer was appointed to Kununurra.

The unprecedented growth in the resources sector has had a particular impact on the provision of DOCEP services. This has been felt by DOCEP regional offices with increases in transaction processing for industry related services. The increased business activity has exacerbated issues in the attraction and retention of employees. This has resulted in DOCEP developing an approved Attraction and Retention Benefit (ARB) arrangement to assist in the recruitment of specific categories of technical employees. The ARB provides DOCEP with the capacity to offer an additional package of incentives for recruitment of employees in regional areas.

### Indian Ocean Territories

During the year, DOCEP's commitment to servicing Christmas and the Cocos (Keeling) Islands was strengthened with the signing of a Service Delivery Arrangement by EnergySafety. The transfer of Resources Safety to DOCEP also included a Service Delivery Agreement for provision of services to the Islands coming under DOCEP's responsibility.

The services are provided by DOCEP under Service Delivery Arrangements with the Federal Department of Transport and Regional Services. The new services join pre-existing arrangements by Consumer Protection and WorkSafe divisions.

### CONSUMER PROTECTION

#### Consumer Protection office in the Kimberley

During the year, options were explored for establishing a consumer protection presence in the Kimberley region to provide better accessibility to consumer protection advice and services for consumers in that region. Arrangements were put in place to establish a Consumer Protection office in Kununurra commencing in July 2006.

#### Delivering fuel pricing services

Consumer Protection has increased dissemination of fuel pricing data to regional consumers and media and increased monitoring of retail and wholesale fuel pricing by regional DOCEP employees.

#### Online cashiers

Online cashiering has been successfully implemented at the Bunbury office, improving our service to customers. The facility will now be progressively rolled out to other DOCEP offices at Karratha and Geraldton in 2006-07.

### EMPLOYMENT PROTECTION

#### Mines safety roadshow

A series of one-day events were held at Karratha, Port Hedland, Newman, Kalgoorlie, Bunbury and Perth to present information on recent legislative changes and safety issues that affect the minerals industry. Mines Inspectors and the state Mining Engineer from Resources Safety were joined by WorkSafe Inspectors and representatives of the Safety and Health Representatives Working Group to share the information with some 350 participants.

#### Managing explosives reserves

Resources Safety manages the state's two largest explosives reserves at Baldivis and Kalgoorlie. Growth in the resources sector has resulted in increased activity on the reserves and during the year, permanent staffing has been increased to three employees at each reserve. In the longer term, the Baldivis Reserve will need to be relocated and initial planning has commenced in conjunction with other government agencies.

#### Audit of Western Power's wood pole management systems

EnergySafety continued to progress a major audit of Western Power's wood pole management systems for compliance with regulatory safety requirements. One of the preliminary key outcomes is that Western Power is not replacing enough of its 800,000 ageing wood poles each year. This will be one of the major issues to deal with during 2006-07.

#### Inspection program

EnergySafety carried out intensive inspection programs in the Great Southern, Goldfields, Kimberley and Abrolhos Islands.

#### Western Power's survey

EnergySafety required Western Power to conduct a survey to identify long conductor spans and to take appropriate action to prevent conductors clashing, reducing future fire and safety risks.

### ThinkSafe Small Business Assistance Program

The ThinkSafe Small Business Assistance Program delivered free occupational safety and health advice to a total of 175 small businesses in remote and regional WA in 2005-06, making up half of the 350 businesses visited state-wide.

The ThinkSafe program has provided a flexible approach in servicing regional and remote areas. The program aims to deliver the service to any eligible small businesses no matter where they are located in Western Australia.

In 2005-06, ThinkSafe consultants conducted scheduled regional visits to the Kimberley, Pilbara and MidWest regions and visited the other regions as required throughout the year.

Some of the more remote locations visited by ThinkSafe consultants include the Jigalong Aboriginal community and a number of pastoral stations in the Pilbara and MidWest regions. On other occasions, the ThinkSafe program has delivered the service to remote small businesses via an initial telephone consultation followed up by a later face-to-face visit. This approach ensures a high level of customer service for remote small businesses.

To further enhance the service to regional areas, The ThinkSafe program has appointed an additional four consultants in the South West region and increased the number of consultants on the panel who will travel to other regional and remote areas.

### Driver fatigue in the commercial sector

WorkSafe's fatigue regulations for commercial vehicle drivers emphasise the importance of sleep and the timing of work and rest and using an operating standard, which still allows some flexibility to reflect the geography of the state and the distances travelled. During the year, WorkSafe coordinated intervention campaigns involving roadblocks in key regional centres. These intervention campaigns involved a high level of cooperation between government agencies, particularly WA Police and Main Roads Department.

Over the three initial operations in Northam, Port Hedland and Broome, a total of 596 trucks were intercepted with 32 prohibition notices and a significant number of improvement notices issued to ensure compliance with the law. A total of 163 follow up inspections were scheduled on issues such as regular medical checks, training and keeping records.

Later in the year further roadblock exercises in Port Hedland and Kununurra revealed an improvement in compliance with fatigue safety laws but there were still some areas of concern for which notices were issued. Of the 125 vehicles stopped, four improvement notices and one prohibition notice were issued and 50 follow up inspections were scheduled.



### Achievements - governance

#### Freedom of Information (FOI)

The Manager of Corporate Information oversees the management of FOI and is the nominated DOCEP contact for the Office of the Information Commissioner. Corporate Information also arranges training for FOI officers.

For the year ending 30 June 2006, DOCEP dealt with 314 requests for information in accordance with the *Freedom of Information Act 1992*.



### CONSUMER PROTECTION

#### Consumer Protection complaints and licensing system (CALS)

In July 2005, Consumer Protection implemented a CALS. This new electronic database facilitates efficient, accurate and consistent management of all occupational licences administered by Consumer Protection. Complaints management is also a component of the database, which links to the Business Names System and the National Company Names Index to provide accurate tracking of registered entities.

#### Conciliation manual

Consistent with the objective of continually improving the quality of outcomes for customers, Consumer Protection has published a conciliation manual to guide employees engaged in resolving disputes between consumers and traders. A publication is also being prepared that will include information for consumers and traders about the nature of the conciliation service provided by DOCEP.

### EMPLOYMENT PROTECTION

#### Transfer of Resources Safety Division

On 1 July 2005, responsibility for the administration of safety and health regulation of dangerous goods, mining, onshore petroleum and major hazard facilities was transferred from the DoIR to DOCEP. The Resources Safety Division was created from the functions and responsibilities of the former Safety and Health Division of DoIR. For the first time, responsibility for all workplace occupational safety and health is with the one Minister and department.

#### Attraction and retention strategies

The unprecedented growth in the resources sector has had a particular impact on the provision of DOCEP services. This has been felt by DOCEP regional offices with increases in transaction processing for industry related services. The increased business activity has exacerbated issues in the attraction and retention of employees. This has resulted in DOCEP developing an approved Attraction and Retention Benefit (ARB) arrangement to assist in the recruitment of specific categories of technical employees. The ARB provides DOCEP with the capacity to offer an additional package of incentives for recruitment of employees in both the metropolitan and regional areas.

### **Mining Industry Advisory Committee**

The tripartite Mining Industry Advisory Committee was established in May 2005 to advise Government on improving occupational safety and health outcomes for the Western Australia mining industry. The Committee met five times in 2005-06 and during that time endorsed three sets of guidelines on noise control, general duty of care and accident reporting, two guidance notes on formal consultative processes at the workplace and flashback arrestors, and two codes of practice on working hours and welding.

### **Memorandum of Understanding**

EnergySafety developed a Memorandum of Understanding to provide technical and safety advice and compliance/complaint investigation assistance to the Economic Regulation Authority.

### **National plan to manage liquid fuel shortage emergencies**

Through participation on the National Oil Supplies Emergency Committee, EnergySafety has made major contributions to the development of the national plan to manage liquid fuel shortage emergencies.

### **Energy Industry Assurance Advisory Group**

EnergySafety continued to participate actively in the national Energy Industry Assurance Advisory Group which aims to improve the resilience of critical energy industry infrastructure, covering electricity, liquid fuels and gas supplies, by attendance, information exchange and organising local workshops.

### **Wages policy**

Labour Relations developed a wages policy that details the Government's approach to agreement negotiations in the public sector. The policy reiterates DOCEP's responsibility to coordinate public sector labour relations, the Government's underpinning labour relations principles and the responsibilities of key stakeholders, including agencies, portfolio Ministers, and the Expenditure Review Committee and Cabinet.

### **Public sector wage policy**

Labour Relations developed a wages policy for the public sector for 2005-07, which provides the parameters for negotiations between Government, agencies and unions.

### **National consistency in OSH legislation**

The Council of Australian Governments agreed in February 2006 to a broad reform agenda, which includes identification of jurisdictional 'hot-spots' that should be targeted in an endeavour to harmonise principal Occupational Safety and Health Acts. In addition, the Federal Government has embarked on a major legislative reform program that is increasing the level of Commonwealth involvement in areas traditionally the province of states and Territories. This move toward a more centralised system poses challenges for all areas of DOCEP.

### Challenges and issues

#### Consumer Protection

- Enactment of new legislation governing trade measurement and residential park living will require new procedures and processes for administration of the legislation and comprehensive information campaigns to ensure that the community is aware of the changes.
- Implementation of recommendations from the statutory review of the *Residential Tenancies Act 1987* will impact on a number of state Government agencies responsible for tenancy services under the Act. Legislative and procedural changes will present challenges for DOCEP in relation to administering the legislation, resourcing services to tenants and landlords, and ensuring that the community is aware of the changes.
- Continuing to develop recommendations arising from the Review of Statutory Boards and Committees by Consumer Protection will present challenges as the employees of several statutory boards move into DOCEP, and various additional responsibilities are assumed by the Commissioner for Fair Trading.
- A review of the core consumer protection legislation administered by DOCEP, the *Fair Trading Act 1987* and the *Consumer Affairs Act 1971*, will be finalised during 2006-2007. Fundamental changes to the legislation will require DOCEP to reconsider its approach to administering broad consumer protection programs and enforcing general consumer rights.
- The increasing use of credit by Western Australian consumers suggests that greater controls may be necessary to ensure that high quality advice is given to consumers making decisions about credit. Rising levels of debt will place greater demand on DOCEP to assist in negotiating alternative repayment arrangements due to hardship. Amendment to the Uniform Consumer Credit Code is required to better protect vulnerable consumers from the excessive interest rates charged by some providers of short-term credit.
- Implementation of the mandatory certification of motor vehicle repairers program will require the establishment of new administration and enforcement procedures, together with community information programs targeting both consumers and the motor vehicle repair industry.
- Proposals to reform the Australian consumer product safety system, by placing greater emphasis on national regulation, may alter the manner in which the Western Australian marketplace is regulated. A national approach to regulating product safety may present challenges in relation to ensuring that local product safety issues are addressed in an effective and timely way.

#### Employment Protection

- Extensive liaison and communication with industry and other stakeholders on the regulations developed under the new *Dangerous Goods Safety Act 2004* will continue followed by a comprehensive implementation program which will include newsletters, seminars and website information.
- The introduction of counter terrorism measures related to explosives and other security risk substances will require new administration and enforcement procedures together with an extensive industry and community information program.
- Consistency will be necessary in the application of safety case-based legislation administered by differing regulations for major hazards and onshore petroleum facilities.
- With the rapid expansion and diversification of the resources industry in Western Australia, careful consideration is needed of new means of providing regulatory services across the full range of regulatory and advisory activities at an increased number of workplaces.
- The Hicks Review is considering the feasibility of establishing Resources Safety as a separate statutory authority with potentially significant change to the regulatory regime that may result from safety case regulation of the minerals industry. The review is expected to be completed in 2006-07.

## Better planning: better services

- Western Australia joined other states to mount a High Court constitutional challenge to the Federal Government's new industrial relations Work Choices legislation. Labour Relations will need to assess any resultant changes in working arrangements, following the introduction of the Work Choices legislation. In particular, once the outcome of the High Court challenge is known, Labour Relations will need to determine relevant legislative and policy responses of the state Government as legislator, regulator and employer.
- Consideration will also be necessary in providing labour relations information and compliance services to employers and employees in taking into account the Federal Work Choices legislative reforms.
- The development of a Work Life Balance Policy statement will be needed as a focal point for initiatives and promotional activities relating to work life balance.
- Any changes in working arrangements in response to introduction of the Work Choices legislation will need to be assessed to ensure they do not adversely impact on the safety and health of workers. Similarly, other changes at national level, including those relating to self insurance and occupational safety and health coverage under the Federal reforms may cause confusion and duplication.
- Western Australia remains committed to achieving 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 2002-12.
- Changes to the working environment, most notably the changing labour market and complex employment arrangements (for example, through increased casualisation, more part-time workers and a move away from the traditional employment arrangements) continue to pose challenges and increase the complexity of the occupational safety and health environment. It is anticipated that the statutory review of the *Occupational Safety and Health Act 1984*, being carried out by Mr Richard Hooker, will further examine the extent to which the Act is effective in an increasingly complex environment.
- With electricians and members of the Western Australian community still being injured through electrical accidents, regulatory action and safety promotion activities will need to be developed to address this concern.
- Western Power's ageing electricity distribution infrastructure, particularly its wood pole type overhead power lines, has become an increasing concern due to the demonstrated electric shock and fire risks it poses to public, stock and property safety.
- A liquid fuel shortage emergency desktop exercise will need to be undertaken as part of EnergySafety's obligations under the state's emergency management framework.
- A general challenge for the department across several divisions is the recruitment and retention of a pool of talented employees to keep up with strong economic activity and to meet future workforce, consumer and industry requirements.



section

## Corporate compliance and governance

### Enabling legislation

DOCEP is established as a department under Section 21 of the *Public Sector Management Act 1994*.

### Responsible Ministers

From 1 July 2005 to 2 February 2006, DOCEP was responsible to the Hon John Kobelke MLA, Minister for Consumer and Employment Protection, for the administration of consumer protection, labour relations, and occupational safety and health legislation.

From 1 July 2005 to 2 February 2006, the Director and employees of EnergySafety were responsible to the Hon Alan Carpenter MLA, Minister for Energy, for administration of legislation dealing with the technical and safety regulation of all electricity and most gas activities in Western Australia but reported to the Minister for Consumer and Employment Protection for all budget and human resource issues.

As of 3 February 2006, DOCEP was responsible to the Hon Michelle Roberts MLA, Minister for Consumer Protection for the administration of consumer protection legislation and the Hon John Bowler MLA, Minister for Employment Protection for the administration of labour relations, occupational safety and health and resources safety legislation.

As of 3 February 2006, the Director and employees of EnergySafety were responsible to the Hon Francis Logan MLA, Minister for Energy, for administration of legislation dealing with the technical and safety regulation of all electricity and most gas activities in Western Australia but report to the Minister for Employment Protection for all budget and human resource issues.

In the financial administration of DOCEP, we have, to the best of our knowledge, complied with the requirements of the *Financial Administration and Audit Act 1985* and every other relevant law, and exercised controls which provide reasonable assurance that the receipt and expenditure of monies and acquisition and disposal of public property and incurring liabilities have been in accordance with legislative provisions. At the date of signing we are not aware of any circumstances that would render the particulars included in this statement misleading or inaccurate.



**Accountable Officer**



**Chief Financial Officer**

## Legislation administered by the department

For a description of the scope and intent of any of these Acts, refer to DOCEP's website.

- *Associations Incorporation Act 1987*
- *Auction Sales Act 1973*
- *Bills of Sale Act 1899*
- *Builders' Registration Act 1939*
- *Business Names Act 1962*
- *Charitable Collections Act 1946*
- *Chattel Securities Act 1987*
- *Churches of Christ, Scientist, Incorporation Act 1961.*
- *City Club Act 1965*
- *Coal Industry Tribunal of Western Australia Act 1992*
- *Commercial Tenancy (Retail Shops) Agreements Act 1985*
- *Companies (Co-operative) Act 1943*
- *Competition Policy Reform (Taxing) Act 1996*
- *Competition Policy Reform (Western Australia) Act 1996*
- *Construction Industry Portable Paid Long Service Leave Act 1985*
- *Conspiracy and Protection of Property Act 1900*
- *Consumer Affairs Act 1971*
- *Consumer Credit (Western Australia) Act 1996*
- *Cooperative and Provident Societies Act 1903*
- *Credit (Administration) Act 1984*
- *Credit Act 1984*
- *Dangerous Goods Safety Act 2004*
- *Dangerous Goods (Transport) Act 1998*
- *Debt Collectors Licensing Act 1964*
- *Decimal Currency Act 1965*
- *Disposal of Uncollected Goods Act 1970*
- *Distress for Rent Abolition Act 1936*
- *Door to Door Trading Act 1987*
- *Employment Agents Act 1976*
- *Explosives and Dangerous Goods Act 1961*
- *Fair Trading Act 1987*
- *Finance Brokers Control Act 1975*
- *Fremantle Buffalo Club (Incorporated) Act 1964*
- *Growers Charge Act 1940*
- *Hairdressers Registration Act 1946*
- *Hire Purchase Act 1959*
- *Home Building Contracts Act 1991*
- *Industrial Relations Act 1979*
- *Labour Relations Reform Act 2002*
- *Land Valuers Licensing Act 1978*
- *Law Reform (Common Employment) Act 1951*
- *Life Assurance Companies Act 1889*
- *Limited Partnership Act 1909*
- *Long Service Leave Act 1958*
- *Metric Conversion Act 1972*
- *Miners' Phthisis Act 1922*
- *Mines Safety and Inspection Act 1994*
- *Minimum Conditions of Employment Act 1993*
- *Motor Vehicle Dealers Act 1973*
- *Motor Vehicle Repairers Act 2003*
- *New Tax System Price Exploitation Code (Taxing) Act 1999*
- *New Tax System Price Exploitation Code (Western Australia) Act 1999*
- *Occupational Safety and Health Act 1984*
- *Occupational Safety and Health (Validation) Act 1998*
- *Painters' Registration Act 1961*
- *Petroleum Products Pricing Act 1983*
- *Petroleum Retailers Rights and Liabilities Act 1982*
- *Public and Bank Holidays Act 1972*
- *Real Estate and Business Agents Act 1978*
- *Residential Tenancies Act 1987*
- *Retail Trading Hours Act 1987*
- *Retirement Villages Act 1992*
- *Sale of Goods Act 1895*
- *Sale of Goods (Vienna Convention) Act 1986*
- *Settlement Agents Act 1981*
- *Street Collections (Regulation) Act 1940*
- *Sunday Entertainment Act 1979*
- *Trade Measurement Act 2006*
- *Trade Measurement Administration Act 2006*
- *Trading Stamp Act 1981*
- *Travel Agents Act 1985*
- *Water Services Licensing Act 1995 (Part 5A)*
- *Weights and Measures Act 1915*
- *Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund Act 1932*
- *Wheat Products (Prices Fixation) Act 1938*
- *Workmen's Wages Act 1898*

Additionally, the Director of Energy Safety and EnergySafety assist the Minister for Energy to administer the following Acts of Parliament:

- *Electricity Act 1945*
- *Energy Co-ordination Act 1994*
- *Fuel, Energy and Power Resources Act 1972*
- *Gas Standards Act 1972*

## Agency reporting

### CONSUMER PROTECTION

#### Reporting requirements under Section 12A of the *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 Fair Trading is the responsible licensing authority under the DCL Act.

The number of licensed debt collectors increased marginally this financial year from 67 to 68. Over the course of the year, 11 licences expired or were surrendered and 12 new licences were granted.

As foreshadowed in last year's annual report, all licensing records previously obtained from the Courts were entered into the department's new complaints and licensing system (CALS) which commenced operation on 31 July 2005.

This financial year saw the number of investigations commenced increase from 32 to 42. When 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 the State Administrative Tribunal (SAT) that a licensee is not a fit and proper person to hold a licence under the DCL Act.

While the Commissioner did not commence any SAT proceedings this financial year, a debt collector was successfully prosecuted in the Armadale Magistrates Court for breaching the Debt Collectors Licensing Regulations 1964. The debt collector pleaded guilty to the seeking a fee in excess of the 2.5 per cent allowed under the regulations for payment by instalments. The debt collector was fined a total of \$200 with costs of \$665. In order to ensure industry awareness of this matter, the Commissioner wrote a column that appeared in the Institute of Mercantile Agents bi-monthly publication, *Agent*.

As foreshadowed in last year's annual report, the Australian Securities and Investments Commission (ASIC) and the Australian Competition and Consumer Commission (ACCC) jointly released a new educational publication, *Debt Collection Guideline: for Collectors and Creditors* in October 2005. This publication was distributed to all licensed debt collectors in Western Australia in March 2006.

An industry liaison group consisting of industry and consumer representatives was also established mid-year as a forum for discussing credit and debt collection matters. The group met once and is scheduled to meet on a six-monthly basis.

A proactive compliance program was also commenced in the latter half of the year. Some 25 licensed debt collectors were visited at their business premises to confirm their compliance with the trust account provisions of the DCL Act and the ASIC/ACCC guidelines.

Section 12A of the DCL Act requires the Commissioner for Fair Trading 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 7: *Debt Collectors Licensing Act 1964* - Investigation summary 2005-06**

	Licensing issues relating directly to the DCL Act	Conduct issues mostly of a conciliation nature	Total
Number of ongoing investigations at 1 July 2005	4	7	11
Investigations commenced	10	32	42
Investigations concluded	8	27	35
Number of ongoing investigations at 30 June 2006	6	12	18

Of the 35 concluded investigations, the following outcomes were recorded in 2005-06:

- 14 agreements were reached.
- 5 no action with 4 referred to another agency.
- 8 administrative, warning, cautions, education or advice issued.
- 3 complaints lapsed or withdrawn.
- 1 penalty/fine issued.

- (ii) *matters that have been brought before the State Administrative Tribunal under this Act;*  
In assessing a licence application made by a company, the Commissioner reached the view that a "shadow/de-facto" director was involved in the operations of the applicant. The Commissioner commenced inquiries into whether the shadow/de-facto director was a fit and proper person to be a licensee. The applicant lodged a review application in the State Administrative Tribunal (SAT) seeking orders that the licence be issued prior to the completion of the Commissioner's further inquiries on the basis that there was no shadow/de-facto director. The Commissioner subsequently determined that the shadow/de-facto director was not a fit and proper person to hold a licence and refused the licence application. The question of whether there was a shadow/de-facto director involved in the operations of the applicant was to be determined by way of preliminary issue in the SAT, however, prior to the determination in the SAT, the applicant withdrew the review application.

As noted above, the Commissioner also successfully prosecuted one matter in the Armadale Magistrates Court.

- (b) *the number and nature of matters referred to in paragraph (a) that are outstanding;*  
Eighteen investigations are ongoing at 30 June 2006.

- (c) *any trends or special problems that may have emerged;*  
At the inaugural meeting of the credit and debt collection industry liaison group, concerns were raised about the activities of individuals who may be operating in the industry without a valid licence as independent contractors to other licensed debt collectors. Consequently correspondence was sent to all licensed debt collectors advising of the licensing requirements for such contractors.

A number of investigations over the course of the year concerned the activities of interstate debt collectors carrying on business within Western Australia without the appropriate licence. In each instance the debt collectors in question were advised of the licensing requirements under the DCL Act and appropriate follow up action is occurring.

- (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;*

In addition to dealing with an increasing number of investigations, the Commissioner intends to ensure that at least all licensed debt collectors not subject to a proactive compliance visit last financial year are subject to a visit in 2006-07.

Additional work is also under way to develop informational material and web page content for both consumers and debt collectors.

- (e) *any proposals for improving the performance of the Commissioner's functions under this Act.* While the review of the DCL Act foreshadowed in last year's annual report has not as yet commenced, a number of matters have been identified in respect of the limited scope of the DCL Act. It is anticipated that, in the interim, some changes to the DCL Act may be progressed through Boards and Committees legislation, including amendments to ensure consistency, where appropriate, with other licensing legislation administered by the Commissioner. For instance, it is proposed that the DCL Act be amended to provide for a *Code of Conduct* to be prescribed in a manner similar to that in other occupational licensing legislation.

Lastly, it is intended that additional resources be sought for the regulation of the debt collection industry since no recurrent funding has been acquired for this purpose since 1 January 2005 when this responsibility was initially transferred to DOCEP.

### Reporting requirements under Section 10A of the *Employment Agents Act 1976*

DOCEP administers a range of functions under the Act including the application and renewal of licences, compliance activities and a range of education and advisory services. The department also undertakes the conciliation of civil disputes involving employment agents and consumers.

Section 10A of the *Employment Agents Act 1976* requires the Commissioner for Fair Trading 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 2005-06, DOCEP investigated a total of 46 complaints related to employment agents. The following table compares this year's level of complaints with previous years:

**Table 8: *Employment Agents Act 1974* - Investigations and inquiries 2005-06**

	Employment agent (service)	Employment agent licence holder or unlicensed activity	Total
2005-06	18 (compliance) 1 (conciliation)	27 (compliance) 0 (conciliation)	<b>46</b>
2004-05	10 (compliance) 4 (conciliation)	14 (compliance) 0 (conciliation)	<b>28</b>
2003-04	11	10	<b>21</b>
2002-03	10	7	<b>17</b>
2001-02	25	5	<b>30</b>

In the 2004-05 forecasts, DOCEP identified the need to introduce a proactive compliance program to ensure that licensed employment agents had better access to information affecting licensing of their industry. A new proactive program was implemented during 2005-06 with the following results:

- 25 licensed employment agents were visited.
- 48 per cent fully compliant with the Act.
- 16 per cent no longer trading from their registered address.
- 36 per cent had at least one non-compliant issue.

The main issues of non-compliance were failure to display their business name certificates; failure to use the correct "Notice of Employment Offered" regulated forms; failure to notify change of address; failure to notify change of licence holder; and using a scale of fees that has not been approved by the Commissioner, as required by the Act.

- (ii) *matters that have been brought before the State Administrative Tribunal under this Act:*  
No matters were brought before the State Administrative Tribunal.

- (b) *the number and nature of matters referred to in paragraph (a) that are outstanding;*  
None

- (c) *any trends or special problems that may have emerged;*  
Complaints against employment agents included:

- carrying on a business without a licence;
- backpackers who join a club for a fee when one of the services of the club is access to the club's computer database to find employment;
- educational institutions finding students, who have paid the institution a fee for the service to find accommodation, whereby the student performs domestic work in lieu of full board and accommodation;
- educational institutions that find students employment as part of their course or for completing their course; and
- house sitting organisations that charge people a fee to find a house in which they house-sit.

- (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;*

The proactive compliance program, which commenced in 2005-06, was generally well received by licensed agents and it is anticipated that the program will be expanded during 2006-07 in the metropolitan and regional areas.

- (e) *any proposals for improving the performance of the Commissioner's functions under this Act.*  
DOCEP is working on the introduction of a new email based advisory service for employment agents to improve dissemination of information relating to licensing requirements.

### Reporting requirements under Section 58 of the *Travel Agents Act 1985*

DOCEP administers a range of functions under the *Travel Agents Act 1985* including the application and renewal of licences, compliance activities and a range of education and advisory services. The department also undertakes the conciliation of civil disputes involving travel agents and consumers.

Section 58 of the Act requires the Commissioner for Fair Trading 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 2005-06, the department received a total of 340 complaints related to travel agents. The following table compares this year's level of complaints with the previous year:

**Table 9: Travel Agents Act 1985 - Investigations and inquiries 2005-06**

	Travel agent and tour operator services	Airlines, tour coach, cruise ships, ferry or train services	Holder of travel agent licence or unlicensed activity	Total
2005-06	104 (compliance) 72 (conciliation)	6 (compliance) 64 (conciliation)	94 (compliance) 0 (conciliation)	<b>340</b>
2004-05	26 (compliance) 0 (conciliation)	7 (compliance) 534 (conciliation)*	36 (compliance) 0 (conciliation)	<b>729</b>

Note: in 2004-05 financial year there were a significant number of conciliation files lodged because of the collapse of the company trading as Around the World Cruises.

In last year's forecasts, the department identified the need to introduce a proactive compliance program to ensure that licensed travel agents had better access to information affecting licensing of their industry.

A new proactive program was implemented during 2005-06 with a total of 359 licensed travel agents visited:

- 36.3 per cent fully compliant with the Act.
- 6.6 per cent no longer trading from their registered address.
- 57.1 per cent had at least one non-compliant issue.

The main issues of non-compliance were:

- business name certificate not on display or displayed but out of date;
- business name certificate particulars different to licence particulars;
- travel agent licence certificate not on display;
- "Licensed Travel Agent" sticker not displayed;
- travel agents licence number not shown on documents;
- nominated manager not in attendance;
- Travel Compensation Fund certificate not on display or not current; and
- managers at travel agents not holding correct qualifications.

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

No matters were brought before the State Administrative Tribunal.

- (b) *the number and nature of matters referred to in paragraph (a) that are outstanding;*  
 None.

\* This figure is high due to complaints against Around the World Cruises

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

### **Collapse of Around the World Cruises**

The Commissioner brought a test case on behalf of four consumers against South Australian Travel Centres Pty Ltd (SATC) in the Supreme Court seeking damages. SATC put together a rail and sail holiday package that could not be fulfilled because of the collapse of the operator of the cruise component, Safezone Pty Ltd trading as Around the World Cruises. Although a travel agent, it is alleged that SATC contracted in its own right with consumers and is therefore liable for losses sustained.

### **Other issues**

Other travel complaints relate to:

- coach tour operators who, as part of the tour, also provide accommodation;
- clubs conducting seminars to sell membership in the club where as part of the benefits of the club discounted accommodation around the world, and where an associated company also provides travel services; and
- travel agents failing to advise within 14 days that they have carried on business at a travel expo or similar.

- (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;*

The proactive compliance program, which commenced in 2005-06, was generally well received by licensed agents and it is anticipated that the program will be expanded during 2006-07.

Recently, South Australian Travel Centres Pty Ltd successfully applied to wind itself up in liquidation. This has resulted in a stay to the Commissioner's test case. SATC will be liquidated and likely deregistered. If that occurs, the Commissioner's action will come to an end.

- (e) *any proposals for improving the performance of the Commissioner's functions under this Act.*  
The department is working on the introduction of a new email based advisory service for travel agents to improve dissemination of information relating to licensing requirements.

## **Reporting requirements under Section 60 of the *Credit (Administration) Act 1984***

**Refer to Appendix 4**

## EMPLOYMENT PROTECTION

### Reporting requirements under Section 33 of the *Electricity Act 1945*

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

- (a) *Investigations and inquiries relating to discipline of electrical licensees:*
  - (i) undertaken by the Director of Energy Safety and referred to the Electrical Licensing Board:  
Five inquiries were undertaken for various breaches of the Electricity (Licensing) Regulations 1991, resulting in:
    - two cases where the electrical contractor and/or worker licences were suspended; and
    - three cases where the electrical contractor and/or electrical worker licences were cancelled.
  - (ii) undertaken by the Director of Energy Safety and referred to the State Administrative Tribunal:  
There were no cases referred to the State Administrative Tribunal.
- (b) *Matters outstanding:*  
In addition to the five inquiries above, one case has been the subject of inquiry but has been deferred pending other legal action.
- (c) *Trends or special problems:*  
No trends or special problems.
- (d) *Forecasts for the workload of the Director of Energy Safety relating to licensing discipline matters:*  
It is expected that the licensing disciplinary workload in 2006-07 will continue at approximately the same magnitude as the 2005-06 workload.
- (e) *Proposals for improving the performance of the Director's functions under this Act:*  
There are no proposals to change the Director's functions under this Act.

### Reporting requirements under Section 13CA of the *Gas Standards Act 1972*

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

- (a) *Investigations and inquiries relating to discipline of holders of gasfitting permits and authorisations:*
  - (i) undertaken by the Director of Energy Safety:  
Nil.
  - (ii) undertaken by the Director of Energy Safety and referred to the State Administrative Tribunal:  
There was one case referred to the State Administrative Tribunal.
- (b) *Matters outstanding:*  
There were no matters outstanding.
- (c) *Trends or special problems:*  
No trends or special problems have emerged.
- (d) *Forecasts for the workload of the Director of Energy Safety relating to licensing discipline matters:*  
It is expected that the licensing disciplinary workload in 2006-07 will continue at approximately the same magnitude as the 2005-06 workload.
- (e) *Proposals for improving the performance of the Director's functions under this Act:*  
There are no proposals to change the Director's functions under this Act.

## Obligatory reporting

### Disability service plan outcomes

Meeting the needs of people with disabilities remains an important objective for DOCEP, not only in terms of access and inclusion, but also in employment strategies through partnerships with companies such as BizLink and Edge.

The DOCEP Disability and Inclusion Plan was implemented in 2005-06 and is in compliance with legislative changes to the *Disability Services Act 1993*. DOCEP is working to achieve the desired outcomes contained in the Disability Services Regulations 2004.

All of DOCEP's strategies align with Direction 1 – *Enhancing the capability of the community*, of the department's Corporate Plan.

**Table 10: Disability services and DOCEP's performance 2005-06**

Desired outcomes of Disability services regulations	DOCEP's strategies
People with disabilities have the same opportunities as other people to access the services of, and any events organised by, DOCEP.	<p>Actions include:</p> <ul style="list-style-type: none"> <li>• Liaison with the Disability Services Commission, BizLink and Edge on access and employment issues.</li> <li>• Invitations to DOCEP events include contact details for any access requirements.</li> <li>• Messages on Hold updated to include accessibility of information and events.</li> </ul>
People with disabilities have the same opportunities as other people to access the buildings and other facilities of DOCEP.	<p>Actions include:</p> <ul style="list-style-type: none"> <li>• Rectification of a number of access issues identified in an audit of DOCEP sites.</li> <li>• Review of evacuation strategies for people with disabilities in the event of an emergency.</li> </ul>
People with disabilities receive information from DOCEP in a format that will enable them to access the information as readily as other people are able to access it.	<p>Actions include:</p> <ul style="list-style-type: none"> <li>• TTY facility.</li> <li>• Publications available in other formats.</li> <li>• Websites upgraded to enhance access for people with disabilities.</li> </ul>
People with disabilities receive the same level and quality of service from the employees of DOCEP as other people receive.	<p>Actions include:</p> <ul style="list-style-type: none"> <li>• Development of comprehensive diversity training.</li> <li>• Training for employees in deafness awareness and use of TTY.</li> <li>• All managerial level employees are required to have knowledge and understanding of EEO and diversity.</li> <li>• Offering employment opportunities to people with disabilities.</li> </ul>
People with disabilities have the same opportunities as other people to make complaints to DOCEP.	<p>Actions include:</p> <ul style="list-style-type: none"> <li>• Diversity training for call centre employees.</li> <li>• Information on the DOCEP website regarding feedback and complaints or via telephone or email.</li> <li>• Consumer Protection's Disabled Caller Support System (recording of complaints).</li> </ul>
People with disabilities have the same opportunity as other people to participate in any public consultation by DOCEP.	<p>Action includes:</p> <ul style="list-style-type: none"> <li>• Liaison with the Disability Services Commission to identify target groups for feedback on services and facilities.</li> </ul>

## Cultural diversity and language service outcomes

DOCEP achieved the following in 2005-06:

- Training for call centre employees in the use of the TTY facility.
- Training for customer service in deafness awareness.
- Establishment of a link on the DOCEP website to the National Relay Service.
- Placement of Better Hearing Cards on all DOCEP reception counters.

## Youth outcomes

A variety of innovative education strategies, designed to appeal to young consumers, have been developed and implemented. For example, DOCEP worked in partnership with the Revelation Perth International Film Festival to support a competition for the best short film produced with a consumer theme. Both an "open" category and an "under the age of 17" category were available to entrants. The competition was extremely successful with 55 entries received. Judging and the award presentation were completed in July 2006.

DOCEP also worked in partnership with students at Curtin University who developed interactive multi-media presentations with consumer protection and financial literacy themes. Five students were awarded prizes for the high quality of their work.

Working in collaboration with radio station Groove101.7FM, DOCEP developed a CD titled *The Real Deal* which will comprise four episodes of a radio program jointly produced by DOCEP and GrooveFM. Topics covered on the CD include buying motor vehicles and renting accommodation, areas of particular relevance to young consumers. *The Real Deal* CD became available early 2006 and will be distributed with a publication also targeted at youth audiences.

As part of an ongoing program of events designed to provide consumer protection information to the community, DOCEP participated in orientation days for the five universities in Perth. Displays were set up and consumer protection information was distributed to students during the orientation days. In addition, ongoing contacts were made with the various on-campus agencies that provide support to students, such as the student guilds and student welfare officers. DOCEP also worked in partnership with various organisations, which deal with young people in the community, such as Mission Australia, the Salvation Army and the Youth Affairs Council, to distribute consumer protection materials and information.

DOCEP worked with a lecturer in marketing research at the University of Western Australia to develop a research brief, based on consumer protection, for the use of 150 third year university students. The students investigated various consumer protection issues relevant to young people, and conducted a survey to ascertain the level of awareness of consumer rights and responsibilities among young consumers. More than 3,500 young consumers were surveyed and the results will be used in designing future community education initiatives targeting youth.

Resources Safety Division supported the 10th Australian Student Mineral Venture held in Western Australia from 2-13 July 2005. An initiative of The Australasian Institute of Mining and Metallurgy Education Endowment Fund, the Western Region's Venture was aimed at attracting more of Western Australia's brightest students to enrol in minerals industry courses at university. Thirty-six Year 10, 11 and 12 students attended from throughout the state. The program showed the variety of professional careers available, including those associated with safety and health, and highlighted the regulatory role of Resources Safety. Laboratory and lecture sessions were presented by the University of Western Australia, Curtin University of Technology (Bentley and Kalgoorlie) and Murdoch University. These were supported by visits to processing and mine sites in the south-west and goldfields.

## Waste paper recycling

DOCEP has continued to encourage reducing paper waste through the visible placement of posters and the use of recycling bins. DOCEP continues to use online technologies to ensure paper usage is minimised. New contract arrangements recently released by the Department of Treasury and Finance are currently being implemented.

DOCEP has also developed tender documents for Waste Audits to be undertaken. Following meetings with the Department of Environment, these audits were deferred to enable clarification of the bids received. Uncertainty regarding future DOCEP locations also created further delay and Waste Audits will now be conducted in 2006-07.

## Energy smart government policy

The following table demonstrates DOCEP's non-transport energy use for 2005-06 compared with baseline figures. It should be noted that energy costs have increased due to the increased unit price of electricity, however, DOCEP's energy consumption has again come under the baseline figure.

**Table 11: Energy Smart initiatives and DOCEP's performance**

Energy Smart Government program	2001-02 Baseline	2005-06	Variation
Energy consumption (MJ)	2,385,048	2,289,872	95,176
Energy cost	\$392,732	\$401,706	(\$8,974)
Greenhouse gas emissions (tonnes of CO <sub>2</sub> )	2,194	2,025	169
Performance indicators:			
MJ/sqm	153	136	17
MJ/FTE	4,169	3087	1082

The following energy saving initiatives were implemented during 2005-06:

- A computer replacement program that replaced 339 (approximately 30 per cent) of DOCEP's computers with more efficient models.
- Independent investigation and significant replacement of major air-conditioning units at DOCEP's Osborne Park premises.
- Conducted energy audits at three DOCEP metropolitan premises.
- Obtained capital funding from the Sustainable Energy Development Office to make physical changes to lighting and power at DOCEP locations.
- Conducted an energy survey of DOCEP offices at 219 St Georges Terrace and 221 St Georges Terrace, to identify energy usage patterns and potential savings.
- Tendered and selected a company to oversee capital works projects recommended by DOCEP's auditors.

In 2001, the Government announced an LPG Vehicle Policy, which requires all agencies to substitute at least 25 per cent of their six-cylinder vehicles due for replacement in a calendar year with LPG fuelled vehicles. DOCEP met the 25 per cent target in the 2005 year and will ensure compliance in 2006.



## Regional development policy

In line with Cabinet's decision in 2003, agencies are required to report through the Government's Regional Development Policy implementation process on their contributions to the regional priorities for the outcomes identified as relevant to their agency.

A summary of DOCEP's achievements against the Regional Development Policy is set out in the following table. These achievements are also aligned to strategies in DOCEP's *Future Directions 2005–2008* publication.

**Table 12: Regional development policy and DOCEP's performance 2005-06**

### OUTCOME 3 – Effective Government service delivery to the regions

Regional priorities	DOCEP's strategies	Link to DOCEP's Corporate Plan
Delivery of new and ongoing essential services and facilities to Indigenous communities.	DOCEP has implemented the Indigenous Consumer Education Plan and worked as the lead agency in the implementation of the National Indigenous Consumer Strategy.	Direction 2 – Enhancing the capability of the community.
Attract and retain employees in regional areas.	DOCEP has developed an approved Attraction and Retention Benefit (ARB) arrangement to assist in the recruitment of specific categories of technical staff.	Direction 5 – Strengthening DOCEP as an organisation.
Highlights <ul style="list-style-type: none"> <li>• An additional 1.6 FTEs were allocated to DOCEP's Bunbury office.</li> <li>• An officer appointed to Kununurra to focus on Indigenous and remote consumers.</li> <li>• The transition of Resources Safety from DoIR to DOCEP included 32 regional positions.</li> </ul>		

### OUTCOME 8 – Fair pricing for regional residents and businesses

Regional priorities	DOCEP's strategies	Link to DOCEP's Corporate Plan
Regional targets reached in the Buy Local Policy.	DOCEP exceeded the target set based on value of purchases and contracts awarded.	Direction 3 – Enhancing the regulatory environment.
Highlights <ul style="list-style-type: none"> <li>• Increased dissemination of fuel pricing data to regional consumers and media.</li> <li>• Increased monitoring of retail and wholesale fuel pricing by regional DOCEP staff.</li> </ul>		

## OUTCOME 11 – Safe regional communities

Regional priorities	DOCEP's strategies	Link to DOCEP's Corporate Plan
Rate of workplace injuries and deaths by region.	See table below	Direction 2 – Enhancing the capability of the community Direction 4 – Enforcing the law

Traumatic work related fatalities under <i>Occupational Safety &amp; Health Act 1984</i>						
	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
Regional WA	13	8	10	12	10	3
Metropolitan	3	7	7	4	10	4
<b>State total</b>	<b>16</b>	<b>15</b>	<b>17</b>	<b>16</b>	<b>20</b>	<b>7</b>

Work related fatalities under the <i>Mines Safety and Inspection Act 1984</i>						
	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
Regional WA	4	2	6	4	2	5
Metropolitan	1	1	0	0	0	0
<b>State total</b>	<b>5</b>	<b>3</b>	<b>6</b>	<b>4</b>	<b>2</b>	<b>5</b>

### Highlights

- The Mines Safety Roadshow visited Karratha, Port Hedland, Newman, Kalgoorlie and Bunbury promoting new legislative changes and safety issues affecting the minerals industry.
- During the year, WorkSafe targeted driver fatigue in three initial operations at Northam, Port Hedland and Broome followed by Port Hedland and Kununurra. An improvement in compliance with fatigue safety laws had occurred since the initial campaigns.

## Substantive Equality

DOCEP's Corporate Executive endorsed a policy on Substantive Equality during 2005-06 as part of the department's commitment to implementing the Policy Framework of Substantive Equality, as outlined by the Western Australian Equal Opportunity Commission.

Substantive Equality involves identifying the needs of particular groups of people in order to ensure equal access to services and to offer adaptable services that cater to a diverse range of customer needs and requirements.

DOCEP has established a Substantive Equality Committee, to discuss the process of implementation, including assessing policies and programs and determining how the values of Substantive Equality are communicated to, and put in practice by, employees.

Corporate Executive agreed that as part of progressing Substantive Equality within DOCEP, education services and other information would be reviewed across the divisions to ensure that they do not indirectly discriminate against Indigenous people and individuals from culturally and linguistically diverse groups. The review will determine how the Committee will proceed with the policy's operational plan.

Consumer Protection assisted the Committee by consulting the community, including Indigenous communities, to identify the different needs and barriers to service delivery in relation to Indigenous communities. A report of the findings is expected to be completed in 2006-07.

## OSH and injury management performance

In accordance with the Human Resource Minimum Obligatory Information Requirements (HR MOIR) of the Department of Premier and Cabinet, DOCEP provides the following statistical summary.

**Table 13: OSH and injury management and DOCEP's performance 2005-06**

Occupational safety and health	
HR MOIR indicator	DOCEP result
Rehabilitation success rate	N*
Lost time injury/disease frequency rate	7.04
Cost of claims incurred per \$100 wageroll	0.87
Contribution rate	0.33
Injury management	
Workers' compensation measure	DOCEP result
Total number of active claims during 2005-06	36
Total number of new workers' compensation claims received	18
Total cost of all claims	\$246,550

## Governance

### Evaluations

The ThinkSafe Small Business Assistance Program provides small businesses (fewer than 20 employees) in high-risk industries with free advice from a qualified occupational safety and health professional. Following its first year of operation, the program has been evaluated with outstanding results.

In March 2006, as part of an informal evaluation process, WorkSafe contracted a market research company to randomly contact 200 small businesses that had taken part in the program. The aim of the survey was to measure satisfaction with the implementation of the program, the impact of the program on the business and to determine if it could be improved in any way.

The key survey findings were as follows:

- Overall 94 per cent of respondents were very satisfied or satisfied with the program.
- 99 per cent of respondents agreed that the consultant communicated in a language that was easy to understand.
- Most (91 per cent) respondents indicated that they had made improvements to occupational safety and health within their business since the consultant's visit.
- A third (34 per cent) of respondents who had made improvements specified that they had documented safety procedures or developed safety manuals since the consultant's visit. Almost a quarter (23 per cent) indicated that they had involved or consulted with employees since the consultant's visit and approximately one fifth indicated that they had installed more warning signs (20 per cent) and established hazard management processes (19 per cent).
- 29 per cent of respondents indicated that they required more assistance or information than the three-hour visit from the independent consultant.
- The most common type of additional assistance sought was a follow up review (as mentioned by half of those who required more than the three hours of assistance). This means that 14 per cent of all respondents would like a follow up visit or review completed in addition to the three hour consultation.
- The majority of small business owners/managers found out about the program through their industry association (27 per cent).

\* In accordance with the HR MOIR Data Definitions (June 2005) "N" means no eligible employees for this category

As a result of the findings, WorkSafe will investigate the introduction of a follow up visit by an occupational safety and health professional and will continue working with industry associations to promote the program to small business members.

### Pricing

Statutory fees are charged for various licensing and other services provided by DOCEP. Details are contained on DOCEP's website. Fees are increased in line with Government policy, and DOCEP is continuing to consolidate the process to enable all price changes to be approved and then published at the same time on 1 July each year.

### Information statement

DOCEP's Freedom of Information statement has been prepared in accordance with Section 96 of the *Freedom of Information Act 1992*. The full document is available on the department's website and outlines the functions of DOCEP, the kind of documents held and how those documents can be accessed, plus the arrangements that exist to enable members of the public to participate in policy formulation.

### Record keeping plans (records and document management)

The records and document management services at DOCEP are evaluated on an ongoing basis as part of our business improvement strategy. More recently with the implementation of the Integrated Document Management System (IDMS), a thorough evaluation of existing practises and information repositories has been completed. This major initiative will enable DOCEP to meet the growing demands of an e-environment in line with the Government's E-government Strategy and is also a component of the department's Online Strategic Services Plan.

The management of DOCEP's corporate documents and information is conducted within the framework of the *state Records Act 2000* (the Act) and the state Records Principles and Standards. The Record keeping Plan, a requirement of the Act, codifies DOCEP's record keeping practices and ensures that the department meets its regulatory obligations.

With the implementation of IDMS, training in records and document management has been highlighted as a part of the training program for the new system for all employees. This new training is in addition to the current services provided by Corporate Information.

This includes the induction of new employees, training at the desktop for individuals, small group training as part of the business improvement process and formal structured training. Recordkeeping information is also published on DOCEP'S intranet that reinforces the role of departmental employees and responsibilities. These documents have also been recently updated to reflect the new e-environment of the IDMS.

## Advertising and sponsorship

In accordance with section 175ZE of the *Electoral Act 1907*, DOCEP incurred the following expenditure in advertising, market research, polling, direct mail and media advertising.

Total expenditure for 2005-06 was \$1,039,699.82. Expenditure was incurred in the areas outlined in Table 14 below.

**Table 14: Advertising and sponsorship expenditure for 2005-06**

Media advertising	\$698,994.89
Albany Advertiser	
Britel Enterprises	
Concept Media	
Countrywide Media	
Department for Community Development	
Dowd Publications	
Executive Media	
Have a Go News	
Hyden Resource & Telecentre	
Linc	
Louthean Media	
Marketforce Productions	
Media Decisions	
Media Highway	
Millbank Publications	
Printblack	
Quantum Multimedia	
Shire of Christmas Island	
Shire of Cocos Keeling	
Summit Advertising	
Thomson Legal & Regulatory	
Unity Publications	
West Australian Newspaper	
Workplace Express	
Market research	\$125,365.51
Advantage Communications & Marketing	
Patterson Market Research	
Sector Vision Consulting	
Advertising agencies	\$56,469.47
Aspermont Limited	
Egg Design Group	
Gatecrasher Advertising	
Linc	
Market Equity	
Meerkats	
Price Advertising	
Storyteller Media	
Thirty Seven South Films	
Vinten Browning	
Vivid Planet	
Zoom Pty Ltd	

Sponsorship		\$58,304.55
Financial Counsel		
Housing Industry Association		
Industrial Relations Society Conference		
Leschenault Business Enterprise Centre		
Master Builders Association		
Master Plumbers & Gasfitters		
Revelation Film Festival Perth		
Transport Forum WA Inc (Dangerous Goods Safe Driver Award)		
WACOSS		
Direct mail organisations		\$100,565.40
Computershare		
Hermes Precisa		
Lasermail		
Northside Logistics		
Templar Distribution		
Zipform Pty Ltd		

## Sustainability

As part of the Western Australian Government's state Sustainability Strategy and *Code of Practice*, DOCEP developed a three-year Sustainability Action Plan in December 2004. DOCEP reported on its commitments to the state Strategy last year and has provided further evidence of its commitments this year.

DOCEP's commitments to the Plan in 2005-06:

- Continued rolling out service delivery platforms for DOCEP services to enable customers to self-service without the need to use transport to centralised service centres. Deployed CALS-Web and Trading Standards Branch – online services this year.
- Incorporated information on sustainability in the induction packages of new and returning employees to DOCEP.
- Achieved ongoing compliance with the Sustainable Energy Development Office (SEDO) Energy Smart Initiatives throughout the year with savings identified with the purchase of more efficient computers, air-conditioners and lighting at a number of DOCEP's office locations.
- Met the 25 per cent target, under the Government's LPG Vehicle Policy, to replace six cylinder petrol driven vehicles with LPG fuelled vehicles.
- Represented DOCEP on the Gas Appliance and Equipment Energy Efficiency Committee to contribute to the gas appliance labelling scheme in preparation for EnergySafety's role of drafting legislation for the administration and enforcement of energy labelling for gas appliances.
- Continued to implement findings of the state Supply Commission (SSC) audit program to ensure compliance with SSC policy on financial management.

## State Greenhouse Strategy

DOCEP continues to review the Greenhouse Strategy report lodged with the Department of Premier and Cabinet's Greenhouse Unit in 2005. The report provided input into the Reporting and Monitoring Framework for the Western Australian Greenhouse Strategy. Apart from the standard strategy actions applicable to all agencies, DOCEP has one additional designated action, in partnership with the SEDO. This involves contribution to the National Applicant and Equipment Energy Efficiency Program to ensure Western Australia maximises its share of the expected financial and greenhouse saving.

DOCEP continues to make progress with the objectives of the state Greenhouse Strategy relating to greenhouse and climate change undertaken, including:

- ongoing replacement of fleet vehicles with gas vehicles;
- ongoing replacement of six cylinder vehicles with four cylinder;
- ongoing commitment to the Energy Smart Initiative;
- representation from DOCEP on the Gas Appliance and Equipment Energy Efficiency Committee to prepare for energy labelling of gas appliances; and
- ongoing commitment to waste paper recycling and encouragement of more online services to reduce paper usage.

### Equal employment opportunity outcomes

**Table 15: Employees by salary level and gender (excluding members of boards, casual employees and trainees)**

Salary levels	2006		2005	
	Women	Men	Women	Men
\$0 to \$38,660.99	101	38	41	12
\$38,661 to \$44,542.99	111	46	87	32
\$44,543 to \$50,155.99	72	45	85	45
\$50,156 to \$55,794.99	35	75	54	54
\$55,795 to \$64,927.99	54	79	55	66
\$64,928 to \$75,658.99	38	75	41	77
\$75,659 to \$85,692.99	24	51	21	28
\$85,693 to \$98,179.99	9	30	11	39
\$98,180 to \$111,508.99	3	14	6	12
\$111,509 to \$1,000,000	3	2	5	12
<b>Totals</b>	<b>450</b>	<b>455</b>	<b>406</b>	<b>377</b>

Note: Salary levels are in accordance with MOIR Equal Employment Opportunity data. Statistics for 2005 are rates as per 30 June 2005 (provided for comparative purposes). Statistics for 2006 are as per 30 June 2006.

### Equity and Diversity Plan

DOCEP's Equity and Diversity Plan represents our specific strategies and performance objectives for achieving the Government's overall commitment. This is an important document, not just because of its relationship to achieving the Government's Equity and Diversity Plan, but because our strategies and objectives are interwoven into the culture of DOCEP.

DOCEP has undertaken strategies to address the desired outcomes contained in the Equity and Diversity Plan, based on the Outcome Standards Framework for Equal Employment Opportunity (EEO)/ Diversity Planning.

These are also aligned to DOCEP's *Future Directions 2005-2008* – Direction Four – *Building DOCEP as an organisation*.

## OUTCOME 1 – WORKPLACE CULTURE AND ACCOUNTABILITY

Table 16: Equity and diversity and DOCEP's performance

EEO/diversity priorities	DOCEP's strategies
DOCEP values and has clear management accountability for EEO and diversity. There is an inclusive work environment that is free from sexual and racial harassment and harassment due to any of the grounds covered by equal opportunity legislation.	<ul style="list-style-type: none"> <li>• Mandatory training in EEO, bullying and diversity for all employees.</li> <li>• Regular articles in HR News in respect to EEO issues.</li> <li>• The DOCEP exit survey.</li> <li>• Appointment and training of new grievance officers.</li> <li>• Regular review of human resource policies.</li> </ul>

## OUTCOME 2 – WORK PRACTICES SUPPORT EQUITY AND DIVERSITY

EEO/diversity priorities	DOCEP's strategies
Workplace policies and practices support the achievement of equity and diversity objectives and are free from bias and unlawful discrimination against existing and / or potential employees.	<ul style="list-style-type: none"> <li>• Family rooms available.</li> <li>• Flexible working arrangements are accommodated as far as is practicable.</li> <li>• Flexible Work Arrangements Policy and Guidelines.</li> <li>• Review of job descriptions as they are advertised. Levels 4 and above are required to be amended to include a criterion on EEO and Diversity.</li> <li>• Selection panel training.</li> </ul>

## OUTCOME 3 – AN EQUITABLE AND DIVERSE WORKPLACE

EEO/diversity priorities	DOCEP's strategies
DOCEP has an equitable and diverse workplace profile at all levels that is suited to business imperatives and consistent with Government policy and legislative frameworks.	<ul style="list-style-type: none"> <li>• DOCEP Diversity Survey.</li> <li>• Disability Employment Strategy.</li> <li>• Statistical data on diversity is provided to DOCEP's Corporate Executive.</li> <li>• Continual monitoring and reporting on EEO Groups.</li> </ul>

## Corruption prevention

At the end of 2004-05, guidelines were prepared for all DOCEP employees to follow when reporting misconduct and suspected corrupt activity. The guidelines defined what constitutes misconduct and corruption and outlined the department's legislative responsibilities in accordance with the *Corruption and Crime Commission Act 2003*, the *Public Interest Disclosure Act 2003* and the *Public Sector Management Act 1994*. Employees were required to read and commit to the requirements in the document. These guidelines was published on DOCEP's intranet.

DOCEP's *Code of Conduct* was also updated to include additional information on issues of concern such as avoiding potential conflicts of interest. In support of the revised Code, training was provided to all employees on eliminating and managing poor workplace conduct. All new employees are inducted on the *Code of Conduct*.

During the year, an internal Fraud Prevention Audit was performed to identify and assess the department's present control framework. This audit enabled DOCEP to determine the quality of the controls for the prevention, detection and reporting of fraud corruption and misconduct. Included in this was an evaluation of DOCEP's Risk Management Plan. The review concluded that the department had adequate documented policies and procedures to prevent and detect fraud, corruption and misconduct and made a number of recommendations to improve these further.

### Public interest disclosures

DOCEP's Corporate Executive appointed a Public Interest Disclosure (PID) officer in 2003. All employees have been advised of the legislation and their rights and responsibilities in relation to the *Public Interest Disclosure Act 2003*. To enhance communication of this initiative, the department provides a link on both of its intranet and internet websites for individuals considering a PID action, while internal procedures have been put in place to ensure confidentiality. This information was recently updated in accordance with a request to all agencies from the Office of the Public Sector Standards Commissioner. In 2005-06, no public interest disclosures were made.

### Compliance with standards and ethical codes

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 our *Code of Conduct*.

I have put in place procedures designed to ensure such compliance and have undertaken appropriate internal processes to satisfy myself the statement made above is correct.

In relation to the Public Sector Standards in Human Resource Management such processes include:

- conducting regular reviews of human resource policies and procedures to ensure consistency with, and references to, public sector standards and to promote best practice and quality assurance;
- incorporating broad employee, executive management and Corporate Executive consultation and input into policy development, and ensuring these policies are widely communicated and accessible via DOCEP's intranet. A Consultation Draft of new/reviewed human resource policies is placed on the intranet and the opportunity to provide feedback promoted to all employees. This process provides all employees with an awareness and ownership of human resource policies;
- providing a comprehensive induction program that raises employees' awareness of the Public Sector Standards in Human Resource Management, *Code of Ethics*, the *Code of Conduct* and other relevant human resource policies and practices;
- referencing the Public Sector Standards in Human Resource Management in information kits such as the recruitment and selection package and the grievance resolution guidelines;
- providing training to employees and managers on the department's Performance Development System;
- providing relevant training programs to managers and employees to ensure those in attendance have a knowledge and understanding of human resource policies, processes and compliance requirements;
- encouraging supervisors and managers to attend leadership and management development courses;
- seeking feedback from employees through exit questionnaires;
- quality assurance through independent checks of human resource transactions; and
- providing human resource employees, through their attendance at appropriate training workshops and seminars, with skills enabling them to provide accurate advice and support to employees and managers and in all areas of human resource management.

A summary of claims for breach of standards review and outcomes for year ending 30 June 2006 is as follows:

**Table 17: Recruitment, selection and appointment standard 2005-06**

Claims	Number
Claims lodged during the year	1
Claims not finalised from previous financial year	5
<b>Total claims</b>	<b>6</b>
Outcomes	Number
Withdrawn in agency	2
Resolved in agency	0
Still pending in agency	0
Referred to Office of Public Sector Standards Commission	4
<b>Total claims</b>	<b>6</b>

Of the claims forwarded to the Office of the Public Sector Standards Commissioner (including claims not finalised from 2004-05) three breach claims were founded and one was dismissed. In each of the three founded claims, the selection process was recommenced at the stage where the breach was found to have occurred.

No allegations of breach were received in relation to any of the other Public Sector Standards in Human Resource Management.

To ensure compliance with the *Code of Ethics* and *Code of Conduct* DOCEP has:

- developed and issued the new DOCEP *Code of Conduct*;
- included the *Code of Ethics* and *Code of Conduct* in the employee induction program;
- made available to all employees the *Code of Ethics* and *Code of Conduct* in hard copy and on the intranet;
- developed organisational policies and guidelines in accordance with the *Code of Ethics* and *Code of Conduct*;
- facilitated customer feedback and complaints;
- conducted financial audits by the Office of the Auditor General; and
- sought feedback from employees through exit questionnaires.

There were two claims of non-compliance with the *Code of Conduct* lodged with the department in 2005-06, both of which are still under internal investigation.



Brian Bradley  
**Director General**  
**Department of Consumer and Employment Protection**



## AUDITOR GENERAL

### INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

#### DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION FINANCIAL STATEMENTS AND PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2006

##### 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 2006 and its financial performance and cash flows for the year ended on that date. They are in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia and the Treasurer's Instructions;
- (ii) the controls exercised by the Department provide reasonable assurance that the receipt and expenditure of moneys, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (iii) the key effectiveness and efficiency 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 2006.

##### Scope

The Director General is responsible for keeping proper accounts and maintaining adequate systems of internal control, for preparing the financial statements and performance indicators, and complying with the Financial Administration and Audit Act 1985 (the Act) and other relevant written law.

The financial statements consist of the Income Statement, Balance Sheet, Statement of Changes in Equity, Cash Flow Statement, Schedule of Income and Expenses by Service, Summary of Consolidated Fund Appropriations and Income Estimates, and the Notes to the Financial Statements.

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

##### Summary of my Role

As required by the Act, I have independently audited the accounts, financial statements and performance indicators to express an opinion on the financial statements, controls and performance indicators. This was done by testing selected samples of the evidence. 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 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 performance indicators.

D D R PEARSON  
AUDITOR GENERAL  
14 September 2006



# 5 section

## Performance indicators

### CERTIFICATION OF PERFORMANCE INDICATORS

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 2006.



Brian Bradley  
**Accountable Officer**

8 September 2006

The Department of Consumer and Employment Protection's (DOCEP) performance framework, implemented during 2003-04, reflects the Purpose statement and the Corporate Directions contained within the DOCEP Corporate Plan, *Future Directions 2005-08*. In July 2005 the department also became responsible for Resources Safety with the incorporation of the Resources Safety Division. The performance of Resources Safety was previously reported as a component of the Department of Industry and Resources.

The department's purpose is to create a trading and employment environment that protects consumers and workers. This purpose is underpinned by the five directions included in the Corporate Plan:

- 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; and
- Direction 5 – strengthening DOCEP as an organisation.

Additionally, the department's outcome is aligned to the state's strategic planning framework, *Better Planning: Better Services*. Table 18 demonstrates the linkage between DOCEP's services to the community and the state's Strategic Goals to which the department makes its most significant contribution.

**Table 18: DOCEP's relationship with the state Strategic Goals**

State strategic goal		People and communities <i>Enhance quality of life and well-being</i>	The economy <i>Develop a strong economy</i>
<b>Agency level outcome</b>		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: <ul style="list-style-type: none"> <li>• consumer protection.</li> <li>• labour relations.</li> <li>• occupational safety and health.</li> <li>• energy safety.</li> <li>• resources safety.</li> </ul>	
<b>Agency Service(s)</b>	1. Community information and assistance	Access to knowledge, information and support so that members of the community can exercise their rights and meet their obligations in the various areas of DOCEP's responsibility.	
	2. Regulatory framework	Development and maintenance of policy and legislation which reflect community expectations in relation to the various areas of DOCEP's responsibility.	
	3. Regulation enforcement	Enforcement of regulation governing the various areas of DOCEP's responsibility.	

### Effectiveness performance 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 effectiveness indicators are:

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

#### Effectiveness Key Performance Indicator One:

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

**Table 19: Effectiveness Key Performance Indicator One result**

	Target	2004-05 Actual	2005-06 Actual
The extent to which members of the community comply with the requirements of regulation in the various areas of DOCEP's responsibility.	80%	86%	85%

The key performance indicator in Table 19 aims to provide 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.

Table 20 provides an overview of these underpinning measures and the department's level of performance for each measure.

Table 20: Underpinning measures – Summary of results

Underpinning measure		2004-05	2005-06
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	17,699	17,515
	No. compliant	16,931	16,402
The extent to which employers comply with the requirements of labour relations laws.	No. elements	1,315	660
	No. compliant	972	476
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	58,796	59,231
	No. compliant	49,351	49,266
The extent to which electricity and gas suppliers comply with approved inspection practices.	No. elements	N/a	95
	No. compliant	N/a	87
The extent to which industry complies with the <i>Mines Safety and Inspection Act 1994</i> .	No. audit points	4342	1924
	No. compliant	3494	1627
Total assessments contributing to result		82,152	79,425
Total occasions of compliance found		70,748	67,858
Result		86%	85%
Target		70%	80%

## Underpinning measure

The extent to which traders comply with regulatory requirements (as demonstrated by the incidence of serious breaches identified during routine and proactive inspections).

Table 21: Consumer Protection proactive inspections

		2004-05	2005-06
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	17,699	17,515
	No. compliant	16,931	16,402
Result		96%	94%

## Performance

As indicated in Table 21, during 2005-06, 17,515 consumer protection routine and proactive inspections were undertaken to provide the result reported. Of these inspections, 94 per cent of traders were found to be compliant with the regulatory requirements. This result is similar to the outcome for 2004-05.

## Approach

The department's effectiveness, in relation to the extent to which consumers are protected and businesses operate fairly, is assessed in terms of the proportion of traders that comply with regulatory requirements.

In accordance with DOCEP's Compliance Strategy, it is assumed that most individuals and organisations will comply, or try to comply, with their obligations. There is a vast array of breaches of consumer protection legislation that can occur within the community. The extent to which breaches of a significant nature were identified is the basis for monitoring and reporting compliance.

## Performance indicators

Not all compliance activities undertaken by DOCEP's Consumer Protection Division are the direct responsibility of the department or the Commissioner for Fair Trading. Some compliance activities undertaken by Consumer Protection staff are, in fact, the statutory responsibility of various regulatory boards. Only those areas for which Consumer Protection is directly responsible are used to ascertain the extent of compliance within the community.

The extent of compliance is ascertained by assessing businesses against criteria established by the department in particular priority areas regarding compliance with consumer protection legislation. During the course of inspections, inspectors verify traders' compliance against a list of regulatory requirements.

### Underpinning measure

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

Table 22: Labour Relations targeted inspection campaigns

		2004-05	2005-06
The extent to which employers comply with the requirements of labour relations laws.	No. elements	1,315	660
	No. compliant	972	476
Result		74%	72%

### Performance

During 2005-06 the department finalised a total 521 investigations into complaints by individual employees alleging that their employer had failed to pay appropriate entitlements under state industrial laws, awards and agreements. Of those investigations, 271 were finalised between 1 January 2006 and 30 June 2006.

As part of its investigative process, the department reviewed the time and wage records of 180 employers against whom complaints had been made. Industrial inspectors assessed the employers against a number of key elements, resulting in a total of 660 elements being checked. Of these 660 elements, 72 per cent (476) were found to be compliant. This compares with 74 per cent compliance for 2004-05.

### Approach

The department receives complaints from individual employees alleging that their employer failed to pay appropriate entitlements predominantly through its Wageline call centre. Some complaints are referred to the department by external bodies, such as unions or other government agencies.

Initially, complaint matters are dealt with in a 21-day conciliation phase, where the department provides both parties with advice and information with a view to assisting the parties to resolve the matter amicably. If the parties reach a resolution the department closes the file and takes no further action. Conversely, if a resolution is not possible or likely during this phase, a formal investigation phase commences.

As standard practice the department reviews employers' time and wage records during the formal investigation phase. Out of the 271 conciliation and formal investigation matters finalised during the period, the department obtained time and wage records from 180 employers. The department selected the sample period to coincide with the implementation of a new complaints database in December 2005, which enabled it to accurately record data collected to make this assessment.

The department's effectiveness regarding the extent to which employers comply with the requirements of the labour relations legislation is assessed in terms of the degree to which workplaces meet set criteria for labour relations priority areas.

Employers are assessed against five key elements:

- Paying appropriate ordinary time rates of pay.
- Providing employees with annual leave and sick leave entitlements.
- Recording start and finishing times.
- Recording total hours worked.
- Recording employment under correct status.

In most circumstances the department was able to assess employers against all five key elements. However, in some cases, elements that were not relevant to the department's investigation were not assessed. Data collected was recorded on the department's complaints database.

#### Underpinning measure

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

**Table 23: Occupational Safety and Health priority investigation reports**

		2004-05	2005-06
The extent to which workplaces meet occupational safety and health criteria in priority areas (to indicate that workplaces operate in a safe and healthy manner).	No. elements	58,796	<b>59,231</b>
	No. compliant	49,351	<b>49,266</b>
<b>Result</b>		84%	<b>83%</b>

#### Performance

As indicated in Table 23, during 2005-06 the level to which workplaces met occupational safety and health criteria in priority areas was similar to last year.

#### Approach

DOCEP's effectiveness in ensuring workplaces operate in a safe and healthy manner is assessed in terms of the extent to which workplaces meet set criteria for work safety and health in priority areas.

The result for this underpinning measure is obtained by assessing workplaces against the criteria established by WorkSafe in particular priority areas. During the course of investigations, inspectors complete Priority Investigation Reports (PIRs). During 2005-06 a total of 16,404 PIRs were completed. PIRs contain a checklist of elements that constitute the minimum requirements for inspectors to assess when the workplace being visited falls within one of the priority areas. All investigations for PIRs were conducted using a standard format introduced during 2000-01. The checklist of elements, used as the assessment tool, is not a full compliance check, but represents the key elements established for the relevant priority area.

## Underpinning measure

The extent to which electricity and gas suppliers comply with approved inspection practices.

**Table 24: The extent to which electricity and gas suppliers comply with approved inspection practices**

			2004-05	2005-06
The extent to which electricity and gas suppliers comply with approved inspection practices	Electricity	No. elements	N/a	<b>84</b>
		No. compliant	N/a	<b>81</b>
	Gas	No. elements	N/a	<b>11</b>
		No. compliant	N/a	<b>6</b>
<b>Totals</b>		Total elements	N/a	<b>95</b>
		Total compliant	N/a	<b>87</b>
<b>Result</b>			N/a	<b>92%</b>

## Performance

During 2005-06, audits were conducted on five of the approved Inspection Plans of major electricity and gas suppliers in Western Australia.

Of the 84 elements of electrical Inspection Plans audited, 81 elements were deemed compliant, with two corrective action requests (CARs) issued and one observation noted as a result of a minor non-compliance.

Of the 11 elements of gas Inspection Plans audited, six elements were deemed compliant, with six corrective action requests issued (two sections of one element were deemed non-compliant and separate CARs were issued for each section).

## Approach

This underpinning measure replaces the previous reporting on electricity and gas supply quality, as primary responsibility for enforcing standards for the reliability and quality of electricity supply now resides with the Economic Regulation Authority and the Energy Ombudsman, rather than EnergySafety.

Compliant implementation by electricity and gas suppliers of approved customer installation safety Inspection Plans enhances consumer safety as it provides a structured framework for electrical and gas inspectors to identify substandard gas and electrical installing work, issue remedial action orders, and report the responsible industry operatives for possible prosecution or disciplinary action.

Under Regulation 52 of the Electricity (Licensing) Regulations 1991, electrical contractors are required to submit a Notice of Completion to the relevant electricity network operator (or supply authority) for any electrical installing work carried out at electricity consumers' premises. Similar provisions apply to gas fitters under Regulation 28 of the Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999.

These electricity and gas network operators and LPG suppliers are required to conduct targeted inspections of electrical installing and gasfitting work in accordance with an Inspection Plan, to ensure that the work by licensed industry operatives has been completed to the required standard and the installations are safe.

The Inspection Plans under which such inspections (or compliance audits) are conducted are required by legislation to be approved by EnergySafety. This ensures the audits will be targeted in a manner that provides efficient and effective identification of substandard or unsafe work. EnergySafety conducts regular compliance audits on various elements of approved Inspection Plans to ensure that electricity and gas network operators and LPG suppliers comply with their inspection obligations.

**Underpinning measure**

The extent to which industry complies with the  
*Mines Safety and Inspection Act 1994.*

**Table 25: Resources Safety compliance audits**

		2004-05	2005-06
The extent to which industry complies with the <i>Mines Safety and Inspection Act 1984</i>	No. audit points	4342	<b>1924</b>
	No. compliant	3494	<b>1627</b>
<b>Result</b>		80%	<b>85%</b>

**Performance**

The level of compliance as measured by Resources Safety has shown gradual improvement since the inception of the reporting methods in 1998-99. The actual number of audits recorded as completed was significantly reduced this year due to fewer inspectors being available to conduct audits.

**Approach**

DOCEP conducts audits of management systems in mining industry operations to measure change over time in the industry's level of compliance with standards. The level of safety and health performance relies on good management systems. The regulatory framework guides the expected minimum levels of efficacy of these systems. Audits conducted by the department of these systems are designed to ensure industry compliance with the regulatory standards and best practice. Data recording the outcomes of mine site audits for this measure have been input into an audit management systems database (MODAMS) since 1998-99.

As DOCEP assumed responsibility for Resources Safety in July 2005, this is the first year that this underpinning measure has been reported in the department's annual report.

**Effectiveness Key Performance Indicator Two:**

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

**Table 26: Effectiveness Key Performance Indicator Two result**

	Target	2004-05 Actual	2005-06 Actual
The proportion of key measures exhibiting desirable trends in the various areas of DOCEP's responsibility.	80%	100%	80%

This key performance indicator aims to provide 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 per centage, of key areas exhibiting the desired trend provides the reported result. Table 27 outlines the underpinning measures from each division that contribute to this effectiveness indicator.

This key performance indicator was introduced for 2003-04 and a target of 70 per cent was established. This target was increased to 80 per cent for 2005-06. Each measure accounts for ten per cent of the overall result and, therefore, information underpinning this KPI could be susceptible to large swings.

## Performance indicators

While the 2005-06 result for effective indicator two of 80 per cent is lower than last year's result, it meets the target set by the department.

Another of the underpinning measures for effectiveness indicator two is reported for the first time. These measures relate to the operations of Resources Safety, which only became part of DOCEP in 2005-06.

The reduction in the percentage of measures exhibiting desirable trends from last year's result can be attributed to a revision in the number of years over which some of the trends are measured. This year the trends for work related injuries and fatalities, and gas and electricity related injuries were based on results since 1997-98 rather than 1988-89 as in previous years. This caused some of the trends to exhibit a negative result whereas previously the outcome was a positive one.

The revision was made to provide a more timely picture of the current results for these areas. Despite the impact of revising the timeframe over which the trends are measured, the department has achieved its target for 2005-06.

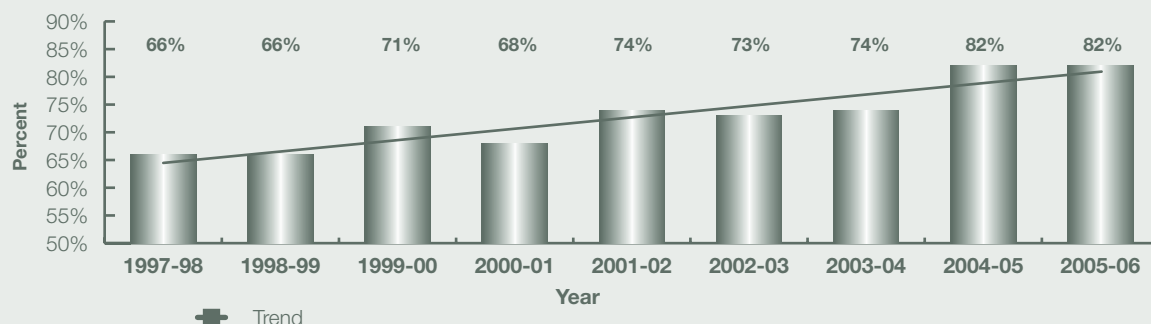
**Table 27: Underpinning measures – Summary of results**

Underpinning measure	Desired trend achieved	Desired trend achieved
	2004-05	2005-06
The extent to which consumers believe businesses generally act fairly towards consumers.	Yes	<b>Yes</b>
The extent to which consumers believe they are well informed about their rights and responsibilities.	Yes	<b>Yes</b>
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	<b>Yes</b>
The frequency of work-related injury and disease per million hours worked.	Yes	<b>Yes</b>
The incidence of work-related fatalities per million workers.	Yes	<b>Yes</b>
The number of electricity caused serious injuries per million population.	Yes	<b>No</b>
The number of gas caused injuries per million population.	Yes	<b>No</b>
The frequency of work-related injury and disease per million hours worked in the minerals industry (including Surface and Ground)	Not reported	<b>Yes</b>
The frequency of work-related injury and disease per million hours in the Petroleum Industry	Not reported	<b>Yes</b>
The number of dangerous goods, storage, and transport accidents	Not reported	<b>Yes</b>
<b>Total</b>	<b>7/7</b>	<b>8/10</b>
<b>Result</b>	<b>100%</b>	<b>80%</b>
<b>Target</b>	<b>70%</b>	<b>80%</b>

## Underpinning Measure

The extent to which consumers believe businesses generally act fairly to consumers.

Figure 1: Consumers believing businesses act fairly



### Performance

As indicated in Figure 1, during 2005-06, 82 per cent of those who responded to an independent survey indicated that they believed that businesses act fairly. This result is consistent with the high result achieved in 2004-05, and continues the improving trend for this indicator.

### Approach

Results reported in Figures 1 and 2 were both determined by an independent survey. Consumer Protection has engaged an independent market research agency for eight years to evaluate perceptions of consumers toward the Western Australian marketplace. The Division's indicators relate to 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.

Over a four-month period between March and June 2006, approximately 100 random telephone surveys were conducted each month. This resulted in a total sample size of 400. A sample size of 400 provides a maximum sampling error of  $\pm 4.9\%$  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.

A proportionate sample was drawn so that the number of interviews conducted in regional Western Australia and the Perth metropolitan area reflected true population proportions. No sampling was undertaken in relation to age or gender.

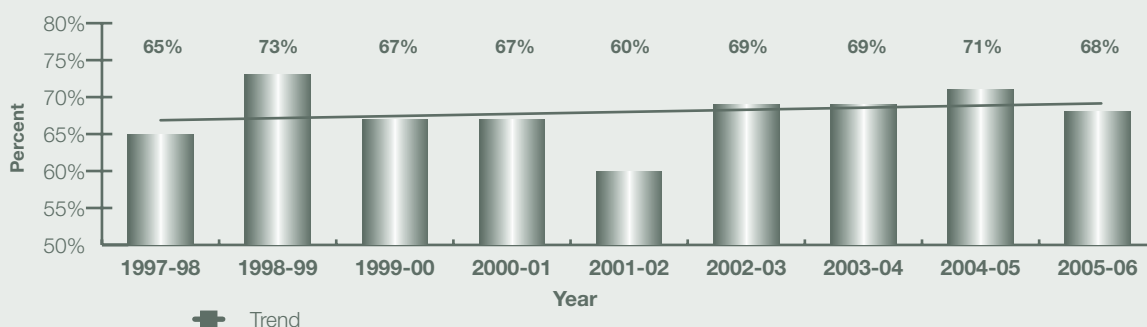
The survey sample was generated from the latest edition of the White Pages on CD ROM. To randomise the sample, the person in the household 18 years and over who was next in line for a birthday was requested to participate in the survey. Overall, a total of 4,530 calls were made. The overall response rate was 21 per cent, with 400 of those contacted agreeing to participate in the survey and 1,443 refusing. Of the total number of calls made, 3,087 were excluded from the response rate calculations because they were engaged, wrong or disconnected numbers, the respondent was not home, the respondent was not a resident of the household, the respondent spoke a foreign language, or the call was answered by an answering machine or fax.

## Performance indicators

### Underpinning measure

The extent to which consumers believe they are well informed about their rights and responsibilities.

**Figure 2: Consumers believing they are well informed**



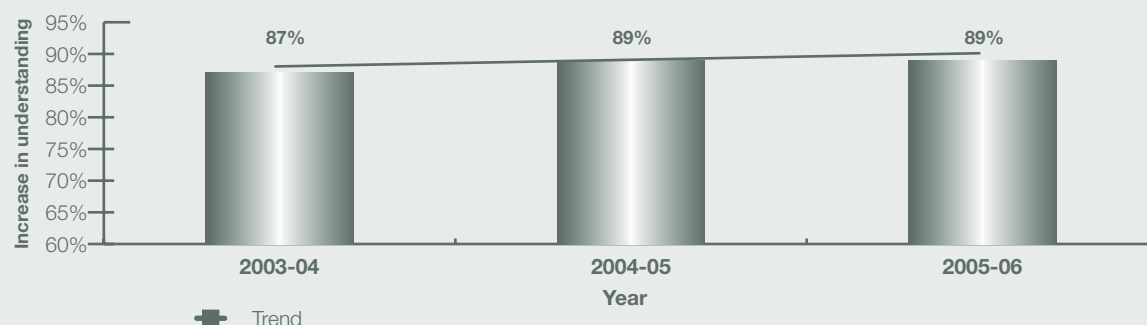
### Performance

As Figure 2 demonstrates, there was a slight decrease in the number of consumers who believed they were well informed about their rights and responsibilities recorded for 2005-06. This could reflect an increase in complexity of the consumer marketplace. However, the overall trend in results from 1997-98 continues to show an improvement in informed consumers.

### 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 3: Labour Relations' clients understanding their rights and obligations**



### Performance

During 2005-06, 89 per cent of employees, employers, and public sector agencies believed that information provided to them by Labour Relations increased their understanding of their rights, obligations and flexibilities under the labour relations framework. This is identical to the result achieved in 2004-05.

### Approach

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.

The sample for the telephone survey was comprised of clients who contacted either Wageline\* or whose cases were investigated by the Labour Relations (Compliance) section during 2005-06. The question asked in relation to the effectiveness measure is as follows:

*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 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. For 2005-06 the number of complainants (employees) and respondents (employers) averaged 135 for each group per quarter. From this list the telephone survey targeted a random sample of a maximum of 50 employers and 50 employees per quarter. Over the four quarters, 200 employers and 200 employees were surveyed.

Public sector employers were surveyed and asked questions in relation to the services provided by Labour Relations. The question relating to this performance indicator is as follows:

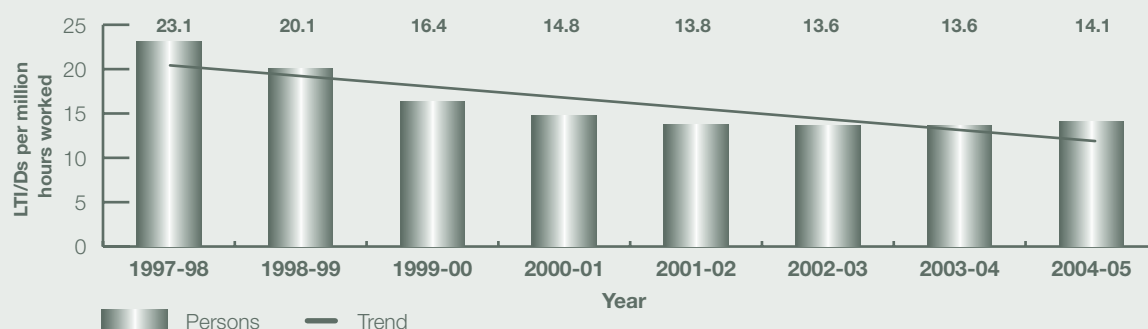
*To what extent has the information provided by DOCEP in publications, circulars, policy statements, web pages and general advice increased your understanding of your rights and obligations and the flexibilities of the labour relations framework?*

The survey was mailed to public sector clients. The total sample size was 95 public sector clients, and the number of surveys returned in 2005-06 was 58 or 61.1 per cent response rate.

### Underpinning measure

The frequency of work-related injury and disease per million hours worked. (LTI/Ds per million hours worked).

**Figure 4: Work-related injury and disease**



### Performance

In Western Australia the total rate of improvement in the frequency of lost time injury and diseases (LTI/Ds) since the *Occupational Safety and Health Act 1984* came into effect in 1988-89 is 60.1 per cent. As illustrated in figure 4, the rate of improvement from 1997-98 to 2004-05 is 39 per cent, continuing the long-term downward trend. During 2004-05, (the most recent year available), there was a 3.7 per cent increase in the frequency of LTI/Ds. Due to the preliminary nature of the data it would be premature to conclude that this increase is significant, however, the decreasing rate of reduction over the past nine years is cause for concern.

\* Wageline call centre offers a telephone information service to the community. for the cost of a local call, employers and employees anywhere in western Australia can get information on state awards, wage rates and general employment terms and conditions.

## Approach

One of DOCEP's primary objectives is that Western Australian workplaces are free of work related injuries and diseases. To gauge our progress towards achieving this objective, the extent to which there is a reduction in the rate of lost time injuries and disease is monitored. This performance measure encompasses national targets, which require a 40 per cent reduction in work-related injuries and diseases between 2002 and 2012, with a reduction of 20 per cent being achieved by 30 June 2007.

At the start of each year, WorkCover WA send DOCEP updated workers' compensation claims data. This data contains records of injuries or diseases with one or more days or shifts lost. The number of millions of hours worked by employees in Western Australia for the most recent year is obtained by WorkCover WA from the Australian Bureau of Statistics Labour Force Survey.

It should be noted that the workers' compensation data from which frequency rates are derived are dynamic, and subject to ongoing revision. Claims are counted by the year of lodgment and therefore the number of claims may be adjusted for earlier years if pending claims are accepted or rejected. LTI/Ds are counted according to the year the claim was lodged, rather than when the injury or disease actually occurred.

### Underpinning measure

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

**Figure 5: Traumatic work-related fatalities**



## Performance

During 2005-06 the number of traumatic work-related fatalities per million workers was 11.3, a 47.9 per cent decrease from 21.7 in 2004-05. There has been a continuing downward trend in fatality rates since the *Occupational Safety and Health Act 1984* came into effect in 1988-89. The average traumatic work-related fatality incidence rate for the five-year period from 2001-02 to 2005-06 is 19.1, compared to an average fatality incidence rate for the five-year period from 1988-89 to 1992-93 of 37.5.

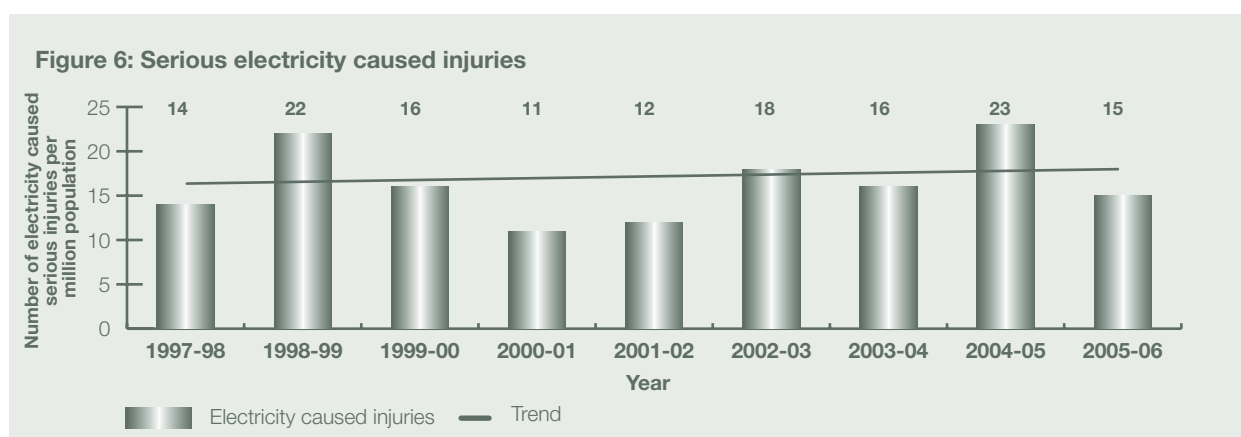
## Approach

DOCEP collects and maintains a list of known traumatic work-related fatalities falling under the legislative jurisdiction of the *Occupational Safety and Health Act 1984* and the *Mines Safety and Inspection Act 1994*. The data include all categories of workers and self-employed people, irrespective of whether they are covered by the state's workers' compensation system. Not included are the deaths attributed to occupational disease, natural causes and journey claims that may result in an accepted workers' compensation claim. Deaths resulting from on-duty road traffic accidents are only included where there is a clear relationship between the accident and the work being performed and there is an occupational safety and health hazard identified in the causal factors of the accident.

DOCEP records work-related fatalities according to the guidelines set out in an information paper, Recording of Traumatic Work Related Fatalities. 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: (Number of fatalities/Number of workers) x 1,000,000. 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.

## Underpinning measure

The number of electricity caused serious injuries per million population.



## Performance

During 2005-06, there was a decrease in reported electricity-related serious injuries per million population from 23 to 15. However, the relatively high number of injuries occurring in 2004-05 has contributed to a slight upward trend when the results over the past ten years are examined.

The actual number of people involved in electricity-related accidents during 2005-06 where injury requiring hospital treatment was sustained was 28. There were also three fatalities, resulting in a total of 31 people affected. These figures are similar to those reported in 2002-03 and 2003-04.

It is assumed that if all energy-related safety standards are met, no fatalities or serious electricity-related injuries will occur. However, it is recognised that an expectation of no accidents is idealistic; therefore, the department endeavours to achieve a downward trend. It is anticipated that a number of new initiatives proposed for 2006-07 will contribute to a downward trend in the future.

## Approach

EnergySafety obtains results by monitoring the number of reported accidents involving electricity within Western Australia. 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 Energy Safety and the relevant supply authority or network operator. The incidents reported to the Director of Energy Safety are recorded and the performance result is calculated as a number of reported incidents per million population.

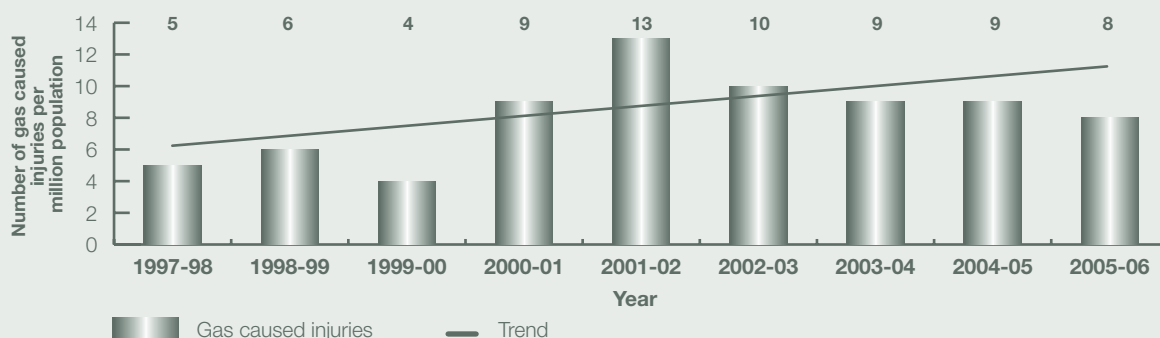
The Western Australian population as at 30 June 2006 has been estimated as 2,054,800. This figure has been determined using the estimated Western Australian population as at the end of December 2005 as reported by the Australian Bureau of Statistics, adjusted for expected growth based on the Bureau's Series B growth rates. Due to an improvement in data analysis capabilities, the historical numbers of electricity-caused accidents have been revised to better reflect the actual incidence rates.

## Performance indicators

Underpinning measure

The number of gas caused injuries per million population.

Figure 7: Gas caused injuries



### Performance

During 2005-06, eight gas-caused injuries per million population were reported to EnergySafety, with no fatalities for the second year in a row. While the long-term trend remains upwards due to high numbers of injuries in 2001-02, a downward trend is evident over the past four years.

The actual number of people involved in gas-related accidents during 2005-06 where injury requiring hospital treatment was sustained was 16, the lowest figure for the past six years. The department recognises that the ideal result of there being no gas-related accidents in any given year is idealistic. However, the recent downward trend is encouraging and planned initiatives should contribute to a continuing reduction in gas-caused injuries in Western Australia.

### Approach

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 Energy Safety and the gas supplier.

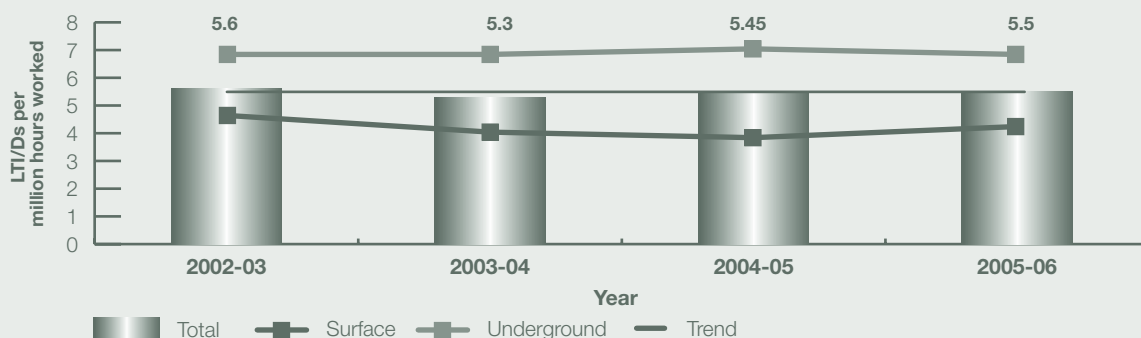
Such accidents are defined as those resulting in injury and assessed as having gas as the primary cause. The incidents reported to the Director of Energy Safety are recorded and the performance result is calculated as a number of reported incidents per million population.

The Western Australian population as at 30 June 2006 has been estimated as 2,054,800. This figure has been determined using the estimated Western Australian population as at the end of December 2005 as reported by the Australian Bureau of Statistics, adjusted for expected growth based on the Bureau's Series B growth rates. Due to an improvement in data analysis capabilities, the historical numbers of gas-caused injuries have been revised to better reflect the actual incidence rates.

## Underpinning measure

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

**Figure 8: Minerals industry work related injuries**



## Performance

The frequency of work-related lost time injury and disease (LTI/Ds) per million hours worked in the minerals industry has remained relatively constant over the last four years. This was achieved despite the fact that over this same four year period there was a 25 per cent increase in the number of workers in the mining industry (including workers new to the industry), and a 21 per cent increase in hours worked. This result reflects a positive trend in mines safety.

## Approach

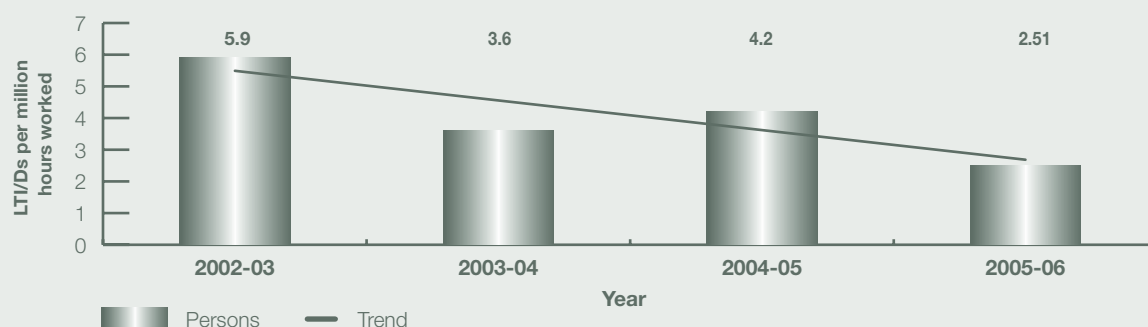
Data for this measure is obtained from statutory reports submitted by companies of hours worked and injuries sustained for each mineral operation in Western Australia. The data is stored in computer databases and analysed according to the Australian Standard. Results of previous years have been updated using all available data. The frequency of LTI/Ds per million hours worked is a lag indicator of industry performance and may not reflect current safety management initiatives.

As DOCEP assumed responsibility for Resources Safety in July 2005, this is the first year that this underpinning measure has been reported in the department's annual report.

## Underpinning measure

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

**Figure 9: Petroleum Industry Work Related Injuries**



# Performance indicators

## Performance

There were no major accidents in the petroleum sector during 2005-06. The frequency of lost time injury and disease (LTI/Ds) per million hours in the upstream petroleum industry has reduced substantially over the past ten years but has almost plateaued in recent years. The rate for 2005-06 has reduced significantly (from 4.2 in 2004-05). It should be noted that the current figure is only for onshore petroleum exploration, production and petroleum pipeline operations, whereas previous figures were for both onshore and offshore facilities and operations. The Commonwealth Government assumed responsibility for safety regulation of offshore petroleum facilities in January 2005.

## Approach

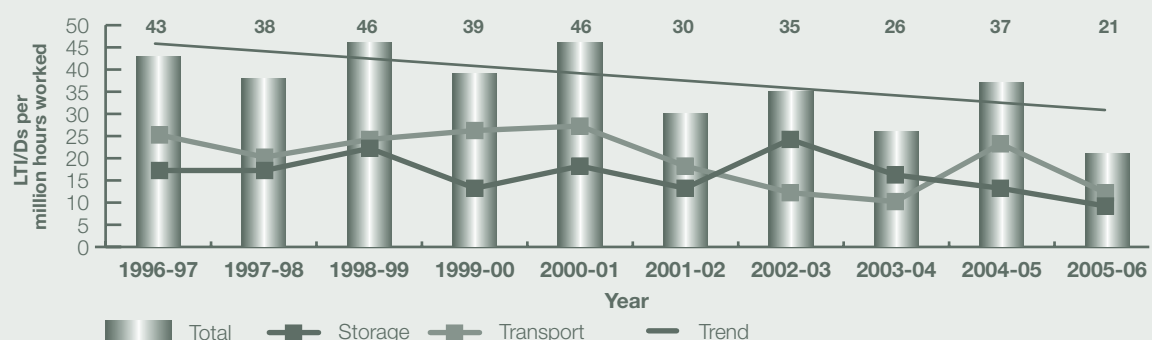
The method of data collection for the petroleum industry is similar to that for the minerals industry whereby data for this measure is obtained from statutory reports submitted by companies of hours worked and injuries sustained for each petroleum operation in Western Australia. The data is stored in computer databases and analysed according to the Australian Standard.

As DOCEP assumed responsibility for Resources Safety in July 2005, this is the first year that this underpinning measure has been reported in the department's annual report.

### Underpinning measure

The number of dangerous goods, storage, and transport accidents

Figure 10: Dangerous Goods Storage and Transport Activities (Accident Record)



## Performance

During the year there were 21 reported dangerous goods accidents, significantly down from the previous year. Those relating to transport of dangerous goods by road and rail show a marked decrease from the previous year (from 23 to 12). The department continues to collect 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.

## Approach

The record is illustrated by the number of dangerous goods storage, handling and transport accidents reported to the department during the year where dangerous goods are either involved or contribute to an incident in the course of storage, handling or transport of such products.

As DOCEP assumed responsibility for Resources Safety in July 2005, this is the first year that this underpinning measure has reported in the department's annual report.

## Efficiency performance indicators

Efficiency performance indicators have been formulated for each of DOCEP's service areas: Community Information and Assistance; Regulatory Framework; and Regulation Enforcement. 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 illustrates the average cost per program. The indicators 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.

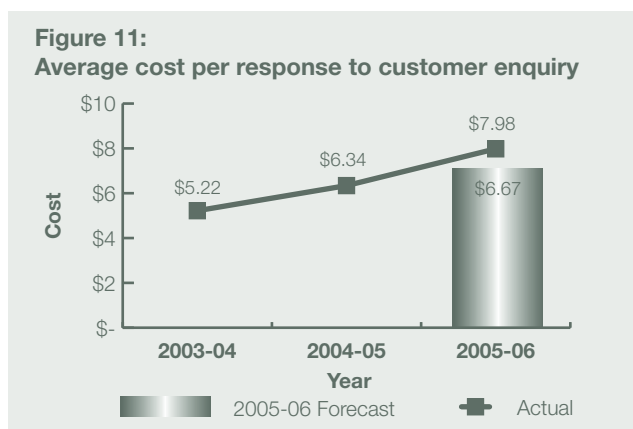
From 1 July 2005, responsibility for the safety and health regulation of dangerous goods, mining, onshore petroleum and major hazards transferred from the Department of Industry and Resources to DOCEP. As a result, new activities contribute to this year's indicators.

### Service 1: Community information and assistance

#### Average cost per response to customer enquiry

DOCEP 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 certificate issued, or an enquiry for FuelWatch price information.

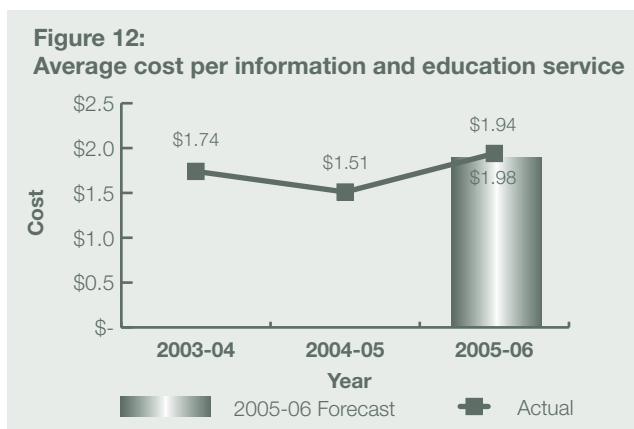
Figure 11 illustrates the average cost per response to a customer enquiry. During 2005-06 the department responded to 1,061,386 customer enquiries compared to 1,013,896 during 2004-05. The variance between the 2005-06 average cost compared to the forecast can be attributed to the effect of including the activities of Resources Safety for the first time. The 2005-06 forecast did not take into account this factor, as Resources Safety was not under the administrative control of DOCEP when targets were set. This is also the reason for the variance between the 2005-06 and 2004-05 average costs.



## Average cost per information and education service

The department 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. These activities track the amount of 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.

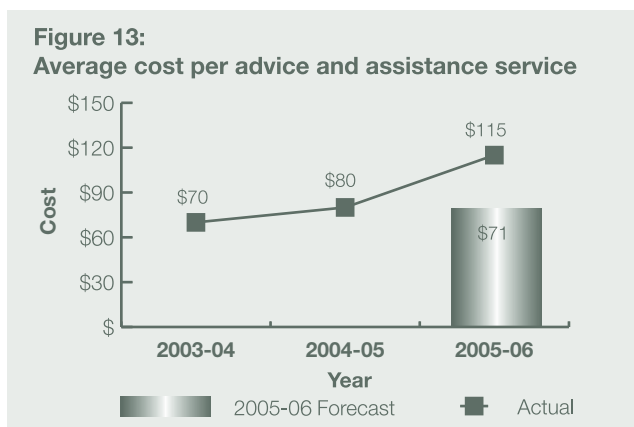
Figure 12 illustrates the average cost per information and education service. During 2005-06 DOCEP delivered 5,993,409 information and education services, representing an increase when compared to 5,368,028 in 2004-05. Although there is an increase in the number of information and education services, the variance between the 2005-06 and 2004-05 average costs is due to the overall increase in expenditure this year.



## 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 department provides customers with advice or assistance in relation to specific matters; typically on a one to one basis. This may involve contact on several occasions, or additional tasks arise, such as a conciliation process between a consumer and trader.

Figure 13 displays the average cost of providing advice and assistance to the community. During 2005-06, DOCEP conducted 44,339 advice and assistance activities, representing an increase compared to 39,896 in the previous year. The variance between the 2005-06 average cost compared to the forecast can be attributed to the effect of including the activities of Resources Safety for the first time. The 2005-06 forecast did not take into account this factor, as the Resources Safety Division was not under the administrative control of DOCEP when targets were set. This is also the reason for the variance between the 2005-06 and 2004-05 average costs.



## Service 2: Regulatory framework

### 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.

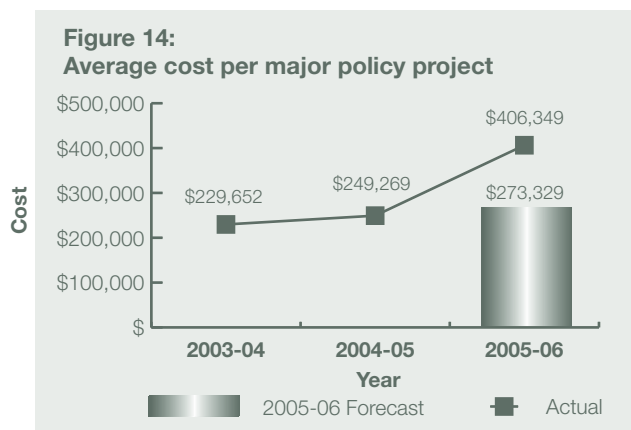


Figure 14 shows the average cost of completing major policy projects. During 2005-06, DOCEP completed 10 major policy projects, the same amount as in 2004-05. The significant variance between the 2005-06 average cost and the forecast can be attributed to implementation of amendments made to the *Mines Safety and Inspection Act 1994*. The cost of this major policy project, which involved procedural reforms, changes to Safety and Health Representatives, and establishment of a new Mining Industry Advisory Committee, impacted the average cost of major policy projects. The 2005-06 forecast did not take into account this factor, as Resources Safety was not under the administrative control of DOCEP when targets were set. This is also the reason for the variance between the 2005-06 and 2004-05 average costs.

### 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.

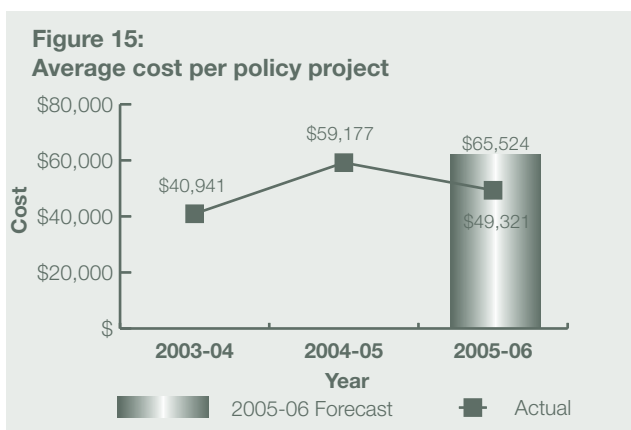


Figure 15 shows the average cost of completing policy projects. During 2005-06, the department completed 118 policy projects compared to 76 in 2004-05. The variance between the 2005-06 average cost compared to the forecast can be attributed to the effect of including the activities of the Resources Safety Division for the first time. The 2005-06 forecast did not take into account this factor, as Resources Safety was not under the administrative control of DOCEP when targets were set.

## 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 16:**  
Average cost per policy task

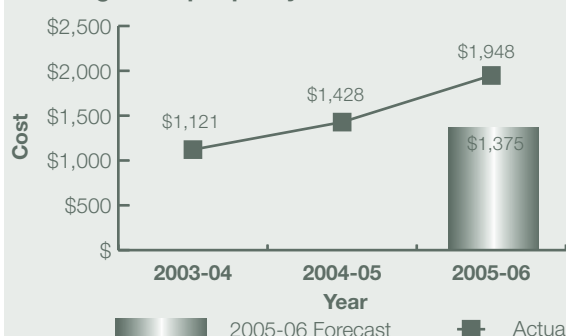


Figure 16 demonstrates the average cost of completing policy tasks. During 2005-06 the department completed 2,958 policy tasks compared to 2,413 in 2004-05. The variance between the 2005-06 average cost and forecast is due the actual number of policy tasks exceeding the estimate. Another factor influencing the variance between the 2005-06 actual and forecast is the introduction of Resources Safety's activities for the first time. These reasons also account for the variance between the 2005-06 and 2004-05 average costs.

## Service 3: Regulatory enforcement

### Average cost per registration service

As required under the laws administered by DOCEP, Consumer Protection 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. Resources Safety also contributed to the department's registration services for the first time this year. These activities include the registration of explosives magazines, and mine plant and equipment, for the first time this year.

**Figure 17:**  
Average cost per registration service



Figure 17 shows the average cost of providing registration services to the community. During 2005-06 the department provided 796,930 registration services compared to 812,707 in 2004-05. The minor variance between the 2005-06 average cost compared to the forecast can be attributed to the effect of including the activities of Resources Safety for the first time. The 2005-06 forecast did not take into account this factor, as Resources Safety was not under the administrative control of DOCEP when targets were set. This also accounts for the minor variance between the 2005-06 and 2004-05 average costs.

### Average cost per licensing service

The department administers and processes applications, which authorise individuals, employers or traders for occupations, certain purposes or conditions. 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 18 illustrates the average cost of providing licensing service to the community. During 2005-06 the department provided 95,932 licensing services compared to 42,085 in 2004-05. The significant increase in the quantity of licensing services can be attributed to the licensing requirements for finance brokers and real estate triennial renewals. The increase in the number of licensing activities has brought about the decrease in the 2005-06 average cost. A new compliance and licensing system (CALS) introduced in Consumer Protection now records any changes of licensing details automatically and replaces some former methods of manually tracking data, subsequently contributing to an increased output of licensing activities. These reasons also account for the variance between the 2005-06 and 2004-05 average costs.

**Figure 18:**  
Average cost per licensing service



### 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.

Data in Figure 19 illustrates the average cost of inspections and audits. During 2005-06, DOCEP completed 87,311 inspections and audits. This compares to 40,552 completed in 2004-05. The decrease in the 2005-06 average cost compared to the forecast can be attributed to the effect of including the additional activities of Resources Safety for the first time. The 2005-06 forecast did not take into account this factor, as the Resources Safety Division was not under the administrative control of DOCEP when targets were set. This is also the reason for the variance between the 2005-06 and 2004-05 average costs.

**Figure 19:**  
Average cost per inspection and audit



## Average cost per investigation and compliance conciliation

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. Usually the provision of this activity requires a DOCEP investigator to visit the premises of the trader or employer. Compliance conciliations are undertaken by Labour Relations to resolve issues between employees and traders, such as underpayment, without referral to formal redress procedures.

**Figure 20:**  
Average cost per investigation and  
conciliation compliance

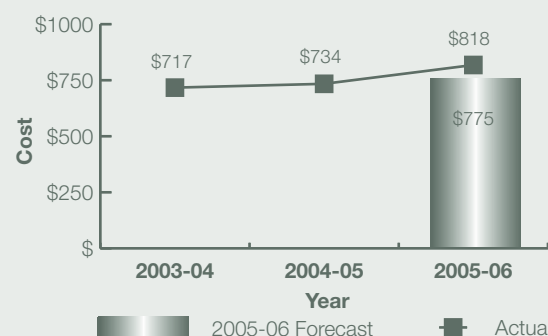


Figure 20 shows the average cost of investigations and compliance conciliations. During 2005-06, the department completed 35,411 investigations and compliance conciliations compared to 33,344 in 2004-05. Although there is a slight increase in quantity this year, the minor variance between the 2005-06 and 2004-05 average costs can be attributed to the effect of including the activities of Resources Safety for the first time.

## 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 21:**  
Average cost per prosecution, legal action  
and proceeding

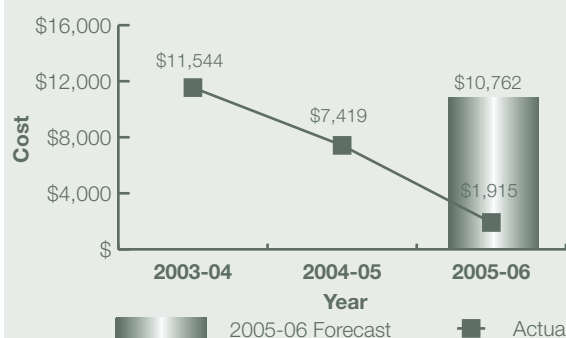


Figure 21 illustrates the average cost of completing prosecutions, legal actions and proceedings. During 2005-06 the department completed 1,884 legal proceedings, an increase from 397 actions undertaken in 2004-05. The significant variance between the 2005-06 average cost compared to the forecast can be attributed to the effect of including the activities of Resources Safety for the first time. The 2005-06 forecast did not take into account this factor, as Resources Safety was not under the administrative control of DOCEP when targets were set. This also influences the variance between the 2005-06 and 2004-05 average costs.



section 6

## Financial statements



## Financial statements

### **CERTIFICATION OF FINANCIAL STATEMENTS for the year ended 30 June 2006**

The accompanying financial statements of the Department of Consumer and Employment Protection have been prepared in compliance with the provisions of the Financial Administration and Audit Act 1985 from proper accounts and records to present fairly the financial transactions for the reporting year ending 30 June 2006 and the financial position as at 30 June 2006.

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  
Date: 12/09/2006



Brian Bradley  
Accountable Officer  
Date: 12/09/2006

## Income Statement

for the year ended 30 June 2006

	Note	2006 \$'000	2005 \$'000
<b>COST OF SERVICES</b>			
<b>Expenses</b>			
Employee benefits expenses	6	59,416	46,054
Supplies and services	7	12,991	9,282
Depreciation and amortisation expense	8	1,856	1,438
Administration expenses	9	6,748	5,676
Accommodation expenses	10	5,824	5,132
Grants and subsidies	11	2,351	761
Capital user charge	12	1,114	808
Loss on disposal of non-current assets	17	20	0
Other expenses	13	830	109
<b>Total cost of services</b>		<b>91,150</b>	<b>69,260</b>
<b>Income</b>			
<b>Revenue</b>			
User charges and fees	14	21,347	18,633
Commonwealth grants and contributions	15	632	532
Other revenue	16	1,371	1,255
<b>Total revenue</b>		<b>23,350</b>	<b>20,420</b>
<b>Total income other than income from State Government</b>		<b>23,350</b>	<b>20,420</b>
<b>NET COST OF SERVICES</b>		<b>67,800</b>	<b>48,840</b>
<b>INCOME FROM STATE GOVERNMENT</b>	18		
Service Appropriation		66,241	47,007
Liabilities assumed by the Treasurer		152	908
Resources received free of charge		909	650
<b>Total income from State Government</b>		<b>67,302</b>	<b>48,565</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>		<b>(498)</b>	<b>(275)</b>

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

## Balance Sheet

as at 30 June 2006

	Note	2006 \$'000	2005 \$'000
<b>Assets</b>			
<b>Current Assets</b>			
Cash and cash equivalents	31	9,741	8,147
Restricted cash and cash equivalents	19	823	767
Receivables	20	5,660	5,207
Amounts receivable for services	21	910	990
Other assets	22	6	0
<b>Total Current Assets</b>		<b>17,140</b>	<b>15,111</b>
<b>Non-Current Assets</b>			
Restricted cash and cash equivalents	19	300	0
Amounts receivable for services	21	5,817	2,773
Property, plant and equipment	23	15,929	4,984
Intangible assets	24	139	306
<b>Total Non-Current Assets</b>		<b>22,185</b>	<b>8,063</b>
<b>TOTAL ASSETS</b>		<b>39,325</b>	<b>23,174</b>
<b>Liabilities</b>			
<b>Current Liabilities</b>			
Payables	26	611	1,205
Unearned revenues	28	669	473
Provisions	27	9,949	7,090
Other liabilities	29	1,098	138
<b>Total Current Liabilities</b>		<b>12,327</b>	<b>8,906</b>
<b>Non-Current Liabilities</b>			
Payables	26	618	708
Provisions	27	4,197	3,457
<b>Total Non-Current Liabilities</b>		<b>4,815</b>	<b>4,165</b>
<b>Total Liabilities</b>		<b>17,142</b>	<b>13,071</b>
<b>Net Assets</b>		<b>22,183</b>	<b>10,103</b>
<b>Equity</b>	30		
Contributed equity		18,677	7,075
Reserves		976	0
Accumulated surplus		2,530	3,028
<b>Total Equity</b>		<b>22,183</b>	<b>10,103</b>
<b>TOTAL LIABILITIES AND EQUITY</b>		<b>39,325</b>	<b>23,174</b>

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

## Statement of Changes in Equity

for the year ended 30 June 2006

	Note	2006 \$'000	2005 \$'000
<b>Balance of equity at start of period</b>		10,103	9,025
<b>CONTRIBUTED EQUITY</b>	30		
Balance at start of period		7,075	5,792
Capital contribution		3,150	1,283
Other contribution by owners <sup>(a)</sup>		8,452	0
<b>Balance at end of period</b>		<b>18,677</b>	<b>7,075</b>
<b>RESERVES</b>			
<b>Asset Revaluation Reserve</b>			
Balance at start of period		0	0
Gain/(losses) from asset revaluation		976	0
<b>Balance at end of period</b>		<b>976</b>	<b>0</b>
<b>ACCUMULATED SURPLUS (RETAINED EARNINGS)</b>			
Balance at start of period		3,028	3,233
Net adjustment on transition to AIFRS		0	70
Restated balance at start of period		3,028	3,303
Surplus/(deficit) for the period		(498)	(275)
<b>Balance at end of period</b>		<b>2,530</b>	<b>3,028</b>
<b>Balance of equity at end of period</b>		<b>22,183</b>	<b>10,103</b>
<b>Total income and expense for the period <sup>(b)</sup></b>		<b>478</b>	<b>(275)</b>

(a) The contribution arises from the transfer of the Safety and Health Division of the Department of Industry and Resources to the Department of Consumer and Employment Protection from 1 July 2005. Assets assumed exceeded liabilities by \$8.452 million.

(b) The aggregate net amount attributable to each category of equity is: deficit (\$498,000) plus gains \$976,000, (2005: deficit (\$275,000)).

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

## Cash Flow Statement

for the year ended 30 June 2006

	Note	2006 \$'000	2005 \$'000
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
Service appropriation		63,226	45,187
Capital contributions		3,150	1,283
Holding account drawdowns		990	856
Cash from other Government department		200	0
<b>Net cash provided by State Government</b>		<b>67,566</b>	<b>47,326</b>
<b>Utilised as follows:</b>			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee benefits		(52,742)	(41,474)
Superannuation		(4,978)	(3,808)
Supplies and services		(26,701)	(21,356)
Capital User Charge		(1,114)	(808)
GST payments on purchases		(2,919)	(2,172)
Other payments		(830)	(109)
<b>Receipts</b>			
User charges and fees		21,646	17,007
Commonwealth grants and contributions		660	542
GST receipts on sales		498	445
GST receipts from taxation authority		1,837	1,388
Other receipts		1,371	1,255
<b>Net cash provided by/(used in) operating activities</b>	31	<b>(63,272)</b>	<b>(49,090)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Proceeds from sale of non-current assets		14	2
Purchase of non-current assets		(2,358)	(1,793)
<b>Net cash provided by/(used in) investing activities</b>		<b>(2,344)</b>	<b>(1,791)</b>
<b>Net increase/(decrease) in cash and cash equivalents</b>		<b>1,950</b>	<b>(3,555)</b>
Cash and cash equivalents at the beginning of the period		8,914	12,469
<b>CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD</b>	31	<b>10,864</b>	<b>8,914</b>

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

## Schedule of Income and Expenses by Service

for the year ended 30 June 2006

	Community Information & Assistance		Regulatory Framework		Regulation Enforcement		Total	
	2006 \$'000	2005 \$'000	2006 \$'000	2005 \$'000	2006 \$'000	2005 \$'000	2006 \$'000	2005 \$'000
<b>COST OF SERVICES</b>								
<b>Expenses</b>								
Employee benefits expenses	16,431	11,785	10,199	6,940	32,786	27,329	59,416	46,054
Supplies and services	3,593	2,375	2,230	1,399	7,168	5,508	12,991	9,282
Depreciation and amortisation expense	513	368	319	217	1,024	853	1,856	1,438
Administration expenses	1,866	1,453	1,158	855	3,724	3,368	6,748	5,676
Accommodation expenses	1,611	1,314	1,000	773	3,213	3,045	5,824	5,132
Grants and subsidies	650	194	404	115	1,297	452	2,351	761
Capital User Charge	308	207	191	122	615	479	1,114	808
Loss on disposal of non-current assets	6	0	3	0	11	0	20	0
Other expenses	230	28	142	16	458	65	830	109
<b>Total cost of services</b>	<b>25,208</b>	<b>17,724</b>	<b>15,646</b>	<b>10,437</b>	<b>50,296</b>	<b>41,099</b>	<b>91,150</b>	<b>69,260</b>
<b>Income</b>								
User Charges and Fees	3,361	3,235	755	792	17,232	14,606	21,347	18,633
Commonwealth grants and contributions	99	92	22	23	510	417	632	532
Other revenue	216	218	48	53	1,107	984	1,371	1,255
<b>Total income other than income from State Government</b>	<b>3,676</b>	<b>3,545</b>	<b>825</b>	<b>868</b>	<b>18,849</b>	<b>16,007</b>	<b>23,350</b>	<b>20,420</b>
<b>NET COST OF SERVICES</b>	<b>21,532</b>	<b>14,179</b>	<b>14,821</b>	<b>9,569</b>	<b>31,447</b>	<b>25,092</b>	<b>67,800</b>	<b>48,840</b>
<b>INCOME FROM STATE GOVERNMENT</b>								
Service appropriation	18,319	12,030	11,370	7,083	36,552	27,894	66,241	47,007
Liabilities assumed by the Treasurer	42	232	26	137	84	539	152	908
Resources received free of charge	251	166	156	98	502	386	909	650
<b>Total income from State Government</b>	<b>18,612</b>	<b>12,428</b>	<b>11,552</b>	<b>7,318</b>	<b>37,138</b>	<b>28,819</b>	<b>67,302</b>	<b>48,565</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>	<b>(2,920)</b>	<b>(1,751)</b>	<b>(3,269)</b>	<b>(2,251)</b>	<b>5,691</b>	<b>3,727</b>	<b>(498)</b>	<b>(275)</b>

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

## Summary of Consolidated Fund Appropriations and Income Estimates

for the year ended 30 June 2006

	2006 Estimate \$'000	2006 Actual \$'000	Variance \$'000	2006 Actual \$'000	2005 Actual \$'000	Variance \$'000
<b>DELIVERY OF SERVICES</b>						
Item 53 Net amount appropriated to deliver services	49,123	53,250	4,127	53,250	46,889	6,361
Section 25 transfer of service appropriation	0	12,849	12,849	12,849	0	12,849
Amount Authorised by Other Statutes - <i>Salaries and Allowances Act 1975</i>	122	142	20	142	118	24
<b>Total appropriations provided to deliver services</b>	<b>49,245</b>	<b>66,241</b>	<b>16,996</b>	<b>66,241</b>	<b>47,007</b>	<b>19,234</b>
<b>CAPITAL</b>						
Item 140 Capital Contribution	1,550	1,550	0	1,550	1,283	267
Section 25 transfer of capital appropriation	0	1,600	1,600	1,600	0	1,600
Total capital appropriations	1,550	3,150	1,600	3,150	1,283	1,867
<b>GRAND TOTAL</b>	<b>50,795</b>	<b>69,391</b>	<b>18,596</b>	<b>69,391</b>	<b>48,290</b>	<b>21,101</b>
<b>Details of Expenses by Service</b>						
Community Information & Assistance	17,032	25,208	8,176	25,208	17,725	7,483
Regulatory Framework	10,063	15,646	5,583	15,646	10,437	5,209
Regulation Enforcement	42,035	50,296	8,261	50,296	41,098	9,198
Total Cost of Services	69,130	91,150	22,020	91,150	69,260	21,890
Less total income	16,724	23,350	6,626	23,350	20,420	2,930
Net Cost of Services	52,406	67,800	15,394	67,800	48,840	18,960
Adjustments (a)	(3,161)	(1,559)	1,602	(1,559)	(1,833)	274
<b>Total appropriations provided to deliver services</b>	<b>49,245</b>	<b>66,241</b>	<b>16,996</b>	<b>66,241</b>	<b>47,007</b>	<b>19,234</b>
<b>Capital Expenditure</b>						
Purchase of non-current physical assets	1,550	2,358	808	2,358	1,283	1,075
Adjustment	0	792	792	792	0	792
<b>Capital Contribution (appropriation)</b>	<b>1,550</b>	<b>3,150</b>	<b>1,600</b>	<b>3,150</b>	<b>1,283</b>	<b>1,867</b>

### DETAILS OF INCOME ESTIMATES

Income disclosed as Administered Income	6,585	7,158	573	7,158	7,105	53
---	-------	-------	-----	-------	-------	----

(a) Adjustments are related to 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 estimates and actual results for 2006 and between the actual results for 2005 and 2006.

## 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 protects consumers and workers.

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. First time adoption of Australian equivalents to International Financial Reporting Standards

This is the Department's first published financial statements prepared under Australian equivalents to International Financial Reporting Standards (AIFRS). AASB 1 'First-time Adoption of Australian Equivalents to International Financial Reporting Standards' has been applied in preparing these financial statements. The financial statements of the Department until 30 June 2005 had been prepared under the previous Australian Generally Accepted Accounting Principles (AGAAP).

The Australian Accounting Standards Board (AASB) adopted the Standards of the International Accounting Standards Board (IASB) for application to reporting periods beginning on or after 1 January 2005 by issuing AIFRS, which comprise a Framework for the Preparation and Presentation of Financial Statements, Accounting Standards and the Urgent Issue Group (UIG) Interpretations.

In accordance with the option provided by AASB 1 paragraph 36A and exercised by Treasurer's Instruction (TI) 1101 'Application of Accounting Standards and Other Pronouncements', financial instrument information prepared under AASB 132 and AASB 139 will apply from 1 July 2005 and consequently comparative information for financial instruments is presented on the previous AGAAP basis. All other comparative information has been prepared under the AIFRS basis.

### Early adoption of standards

The Department cannot early adopt an Australian Accounting Standard or UIG Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. This TI requires the early adoption of revised AASB 119 'Employee Benefits' as issued in December 2004, AASB 2004-3 'Amendments to Australian Accounting Standards' and 2005-3 'Amendments to Australian Accounting Standards [AASB 119]'; AASB 2005-4 'Amendments to Australian Accounting Standard [AASB 139, AASB 132, AASB 1, AASB 1023 & AASB 1038]' and AASB 2005-6 'Amendments to Australian Accounting Standards [AASB 3]' to the annual reporting period beginning 1 July 2005. AASB 2005-4 amends AASB 139 'Financial Instruments: Recognition and Measurement' so that the ability to designate financial assets and financial liabilities at fair value is restricted. AASB 2005-6 excludes business combinations involving common control from the scope of AASB 3 'Business Combinations'.

Reconciliations explaining the transition to AIFRS as at 1 July 2004 and 30 June 2005 are provided at note 45.

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

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

### (b) Basis of Preparation

The financial statements have been prepared 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 bases 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 (owners) 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 TI955 '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*

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.

#### *Net Appropriation Determination*

The Treasurer may make a determination providing for prescribed revenues to be retained for services under the control of the Department. In accordance with the determination specified in the 2005-2006 Budget Statements, the Department retained \$23.35 million in 2006 (\$20.42 million in 2005) from the following:

- proceeds from fees and charges;
- sale of goods;
- Commonwealth specific purpose grants and contributions; and
- one-off gains with a value of less than \$10,000 derived from the sale of property other than real property (not applicable for this reporting period).

#### *Rendering of services*

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

#### *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.

#### *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 reporting 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 revaluations of non-current assets.

### (f) Property, Plant and Equipment

#### *Capitalisation/Expensing of assets*

Items of property, plant and equipment over \$1,000 are recognised as assets and 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).

#### *Initial recognition and measurement*

All items of property, plant and equipment and infrastructure 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 impairment losses. All other items of property, plant and equipment are carried at historical cost less accumulated depreciation and accumulated impairment losses.

Where market 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 evidence is not available, the fair value of land and buildings is determined on the basis of current use. This applies where buildings are specialised or where land use is restricted. Fair value for current use assets is determined by reference to the cost of replacing the remaining future economic benefits embodied in the asset, ie. 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 revalue amount (net basis).

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

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.

Depreciation for property, plant and equipment 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
Computer hardware	3 years
Computer software <sup>(a)</sup>	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 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 and internally developed intangible assets are initially recognised at cost. For assets acquired at no cost or for nominal cost, the cost is their fair value at the date of acquisition.

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

The carrying value of intangible assets is reviewed for impairment annually when the asset is not yet in use, or more frequently when an indicator of impairment arises during the reporting year indicating that the carrying value may not be recoverable.

Amortisation for 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 all software assets and are depreciated on a straight line basis over a three year period.

#### *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.

#### *Web site costs*

Web site costs are charged as expenses when they are incurred unless they relate to the acquisition or development of an asset when they may be capitalised and amortised. Generally, costs in relation to feasibility studies during the planning phase of a web site, and ongoing costs of maintenance during the operating phase are expensed. Costs incurred in building or enhancing a web site, to the extent that they represent probable future economic benefits that can be reliably measured, would be capitalised.

### (h) Impairment of Assets

Property, plant and equipment, infrastructure and intangible assets are tested, when appropriate, for any indication of impairment at each reporting 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. 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 not yet available for use of any significance. Intangible assets with an indefinite useful life and intangible assets not yet available for use are tested for impairment at each reporting date irrespective of whether there is any indication of impairment.

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 21 '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**

The Department has two categories of financial instruments:

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

Initial recognition and measurement of financial instruments is at fair value which normally equates to the transaction cost or the face value.

The fair value of short-term receivables and payables is the transaction cost or the face value.

**(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 cash at bank.

**(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'.

**(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 economic benefits is probable and can be measured reliably. Provisions are reviewed at each balance sheet reporting 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 reporting 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 reporting 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 reporting 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 reporting 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 reporting 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.

### *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 who are not members of either the Pension or the GSS Schemes become non-contributory members of the West State Superannuation Scheme (WSS), an accumulation fund. 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 Scheme.

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 West State Superannuation Scheme (WSS), and the equivalent of employer contributions to the GSS.

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. 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').

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 Fund.

**(u) Resources Received Free of Charge or For Nominal Consideration**

Resources received free of charge or for nominal cost that can be reliably measured are recognised as revenues 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 have been restated on the AIFRS basis except for financial instruments information, which has been prepared under the previous AGAAP Australian Accounting Standard AAS 33 'Presentation and Disclosure of Financial Instruments'. The transition date to AIFRS for financial instruments is 1 July 2005 in accordance with the exemption allowed under AASB 1, paragraph 36A and Treasurer's Instruction 1101.

#### **4. Disclosure of changes in accounting policy and estimates**

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

The Department cannot early adopt an Australian Accounting Standard or UIG Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. As referred to in Note 2, TI 1101 has only mandated the early adoption of revised AASB 119, AASB 2004-3, AASB 2005-3, AASB 2005-4 and AASB 2005-6. Consequently, the Department has not applied the following Australian Accounting Standards and UIG Interpretations that have been issued but are not yet effective. These will be applied from their application date:

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. The Standard is required to be applied to annual reporting periods beginning on or after 1 January 2007. The Standard is considered to result in increased disclosures of an entity's risks, enhanced disclosure about components of financial position and performance, and changes to the way of presenting financial statements, but otherwise there is no financial impact
2. AASB 2005-9 'Amendments to Australian Accounting Standards [AASB 4, AASB 1023, AASB 139 & AASB 132]' (Financial guarantee contracts). The amendment deals with the treatment of financial guarantee contracts, credit insurance contracts, letters of credit or credit derivative default contracts as either an "insurance contract" under AASB 4 'Insurance Contracts' or as a "financial guarantee contract" under AASB 139 'Financial Instruments: Recognition and Measurement'. The Department does not undertake these types of transactions resulting in no financial impact when the Standard is first applied. The Standard is required to be applied to annual reporting periods beginning on or after 1 January 2006.

3. UIG Interpretation 4 'Determining whether an Arrangement Contains a Lease'. This Interpretation deals with arrangements that comprise a transaction or a series of linked transactions that may not involve a legal form of a lease but by their nature are deemed to be leases for the purposes of applying AASB 117 'Leases'. At reporting date, the Department has not entered into any arrangements as specified in the Interpretation resulting in no impact when the Interpretation is first applied. The Interpretation is required to be applied to annual reporting periods beginning on or after 1 January 2006.

The following amendments are not applicable to the Department as they will have no impact:

<u>AASB Amendment</u>	<u>Affected Standards</u>
2005-1	AASB 139 (Cash flow hedge accounting of forecast intragroup transactions)
2005-5	'Amendments to Australian Accounting Standards [AASB 1 & AASB 139]'
2006-1	AASB 121 (Net investment in foreign operations)
UIG 5	'Rights to Interests arising from Decommissioning, Restoration and Environmental Rehabilitation Funds'.
UIG 6	'Liabilities arising from Participating in a Specific Market – Waste Electrical and Electronic Equipment'.
UIG 7	'Applying the Restatement Approach under AASB 129 Financial Reporting in Hyperinflationary Economies'.
UIG 8	'Scope of AASB 2'.
UIG 9	'Reassessment of Embedded Derivatives'.

## 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 three key services of the Department are:

### **Service 1: Community Information and Assistance**

Access to knowledge, information and support so that members of the community can exercise their rights and meet their obligations in the various areas of DOCEP's responsibility.

### **Service 2: Regulatory Framework**

Development and maintenance of policy and legislation that reflect community expectations in relation to the various areas of DOCEP's responsibility.

### **Service 3: Regulation Enforcement**

Enforcement of regulation governing the various areas of DOCEP's responsibility.

# Notes to the Financial Statements *for the year ended 30 June 2006*

	2006 \$'000	2005 \$'000
<b>6. Employee benefits expenses</b>		
Wages and salaries	52,195	39,765
Superannuation - defined contribution plans <sup>(a)</sup>	4,826	3,808
Superannuation - defined benefit plans <sup>(b) (c)</sup>	152	908
Long service leave <sup>(d)</sup>	663	892
Annual leave <sup>(d)</sup>	143	(241)
Other related expenses	1,437	922
	<b>59,416</b>	<b>46,054</b>
(a) Defined contribution plans include West State 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'.		
<b>7. Supplies and Services</b>		
Consultants and contractors	7,368	5,362
Materials	961	758
Insurance	160	253
Motor vehicles	2,412	1,403
Travel	1,250	788
Other	841	718
	<b>12,992</b>	<b>9,282</b>
<b>8. Depreciation and amortisation expense</b>		
<u>Depreciation</u>		
Computer Hardware	801	638
Computer Software	22	36
Furniture and Fittings	509	368
Vehicles	51	8
Office Equipment	207	150
Buildings	17	0
Plant & Machinery	10	0
Total Depreciation	<b>1,617</b>	<b>1,200</b>
<u>Amortisation</u>		
Intangible assets	239	238
Total amortisation	<b>239</b>	<b>238</b>
Total depreciation and amortisation	<b>1,856</b>	<b>1,438</b>
<b>9. Administration expenses</b>		
Communications	1,865	1,707
Consumables	3,277	1,948
Maintenance	418	679
Other	1,188	1,342
	<b>6,748</b>	<b>5,676</b>

# Notes to the Financial Statements *for the year ended 30 June 2006*

	2006 \$'000	2005 \$'000
<b>10. Accommodation expenses</b>		
Lease rentals	5,256	4,805
Repairs and maintenance	370	166
Cleaning	198	161
	5,824	5,132
<b>11. Grants and subsidies</b>		
Consumer Credit Legal Services	0	55
Farmsafe WA	70	70
Asbestos Diseases Society	83	83
Chamber of Commerce & Industry WA	60	60
Unions WA	60	60
Unions & Associations	1,866	206
Western Australia Council of Social Service (Inc)	0	200
Other Miscellaneous	212	27
	2,351	761
<b>12. Capital User Charge</b>		
Capital User Charge	1,114	808
<p>The Government applies a levy for the use of its capital for the delivery of services. It is applied at 8% per annum on the net assets of the Department, excluding exempt assets, and is paid to the Department of Treasury and Finance quarterly.</p>		
<b>13. Other expenses</b>		
Employment on-costs <sup>(a)</sup>	830	109
Total other expenses	830	109
<p>(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.</p>		
<b>14. User charges and fees</b>		
User charges and fees	21,347	18,633
<u>User charges and fees breakdown</u>		
Real Estate, Settlement Agents Boards & Rental Accommodation Fund	8,956	8,268
Business Names	772	1,174
REVS	1,163	1,942
Trading Standards	320	304
Worksafe	1,836	1,409
Energy Safety	2,985	2,216
Plumbers	3,645	3,304
Resources Safety	1,648	0
Other	22	16
Total User Charges and Fees	21,347	18,633

# Notes to the Financial Statements *for the year ended 30 June 2006*

	2006 \$'000	2005 \$'000
<b>15. Commonwealth grants and contributions</b>		
Indian Ocean Territories	333	213
Compliance and Information Services <sup>(a)</sup>	299	319
	632	532
(a) Federal funding for the delivery of compliance and information services.		
<b>16. Other revenue</b>		
Other revenue	1,371	1,255
	1,371	1,255
<b>17. Net gain/(loss) on disposal of non-current assets</b>		
<u>Costs of Disposal of Non-Current Assets</u>		
Computers - Hardware		
Computer - Hardware	29	0
Office Equipment	5	2
<u>Proceeds from Disposal of Non-Current Assets</u>		
Computer - Hardware	13	0
Office Equipment	1	2
Net gain/(loss)	(20)	0
See also Note 3(i) 'Non-current assets (or disposal groups) classified as held for sale' and Note 23 'Property, plant, equipment and vehicles'		
<b>18. Income from State Government</b>		
Appropriation received during the year:		
Service appropriations <sup>(a)</sup>	66,241	47,007
	66,241	47,007
The following liabilities have been assumed by the Treasurer during the financial year:		
Superannuation <sup>(b)</sup>	152	908
Total liabilities assumed by the Treasurer	152	908
Resources received free of charge <sup>(c)</sup>		
Determined on the basis of the following estimates provided by agencies:		
Department of Treasury & Finance	86	84
State Solicitor's Office	706	495
Department of Housing and Works - Commercial Property	73	71
Department of Land Information	44	0
Total resources received free of charge	909	650
<b>Total revenues from State Government</b>	<b>67,302</b>	<b>48,565</b>

(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.

## Notes to the Financial Statements *for the year ended 30 June 2006*

	2006	2005
	\$'000	\$'000

(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 expenses'

(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 Trust Account <sup>(a)</sup>	441	571
Departmental Receipts in Suspense <sup>(a)</sup>	177	137
Commonwealth Government - Indian Ocean Territories <sup>(a)</sup>	31	3
Safetyline Institute <sup>(a)</sup>	29	56
Mine Safety Handbooks <sup>(a)</sup>	24	0
Petroleum Conferences <sup>(a)</sup>	121	0
Capital contributions not spent		0
	823	767
Non-Current		
Accrued salaries suspense account <sup>(b)</sup>	300	0
	300	0
Total restricted cash and cash equivalents	1,123	767

(a) Refer to note 41 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	4,096	4,390
Provision for doubtful debts	(11)	(11)
GST receivables	584	339
Prepayments	991	489
Total current	5,660	5,207

# Notes to the Financial Statements *for the year ended 30 June 2006*

	2006 \$'000	2005 \$'000
<b>21. Amounts receivable for services</b>		
Current	910	990
Non-Current	5,817	2,773
Total amounts receivable for services	6,727	3,763
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.		
<b>22. Other assets</b>		
Current		
Other	6	0
	6	0
<b>23. Property, plant and equipment</b>		
Land <sup>(a)</sup>		
At fair value	8,252	0
	8,252	0
Buildings <sup>(a)</sup>		
At fair value	754	0
	754	0
Plant & Machinery		
At cost	114	0
Accumulated depreciation	(10)	0
	104	0
Fixed Asset under Construction		
Construction costs	1,428	0
	1,428	0
Computer hardware		
At cost	5,849	4,462
Accumulated depreciation	(3,902)	(3,457)
	1,947	1,005
Computer software		
At cost	149	179
Accumulated depreciation	(120)	(131)
	29	48
Furniture and fittings		
At cost	4,771	4,737
Accumulated depreciation	(1,918)	(1,410)
	2,853	3,327
Vehicles		
At cost	208	80
Accumulated depreciation	(109)	(58)
	99	22

## Notes to the Financial Statements *for the year ended 30 June 2006*

	2006 \$'000	2005 \$'000
Office equipment		
At cost	1,168	1,128
Accumulated depreciation	(705)	(546)
	463	582
Total		
At cost/fair value	22,693	10,586
Accumulated depreciation	(6,764)	(5,602)
Total Property, Plant and Equipment	15,929	4,984

(a) Land and buildings were revalued as at 30 June 2006 by the Department of Land Information (Valuation Services). In undertaking the revaluation, fair value was determined by reference to market values for land: \$5,387,751. For the remaining balance, fair value of land and buildings was determined by reference to its current use (land: \$2,865,200) and its depreciated replacement cost (buildings: \$753,850). See note 2(f) 'Property, Plant and Equipment'.

### Reconciliations

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

#### Land

Carrying amount at start of year	0	0
Transfer from other government agency	7,381	0
Revaluation	883	0
Disposals	(12)	0
Carrying amount at end of year	8,252	0

#### Buildings

Carrying amount at start of year	0	0
Disposals		
Transfer from other government agency	678	0
Revaluation	93	0
Depreciation	(17)	0
Carrying amount at end of year	754	0

#### Plant & Machinery

Carrying amount at start of year	0	0
Additions	5	0
Transfer from other government agency	109	0
Depreciation	(10)	0
Carrying amount at end of year	104	0

#### Fixed Asset under Construction

Carrying amount at start of year	0	0
Additions	583	0
Transfer from other government agency	845	0
Carrying amount at end of year	1,428	0

# Notes to the Financial Statements *for the year ended 30 June 2006*

	2006 \$'000	2005 \$'000
Computer hardware		
Carrying amount at start of year	1,005	1,113
Additions	1,597	532
Disposals		
Transfer from other government agency	175	0
Disposals	(29)	(2)
Depreciation	(801)	(638)
Carrying amount at end of year	1,947	1,005
Computer software		
Carrying amount at start of year	48	46
Additions	3	38
Depreciation	(22)	(36)
Carrying amount at end of year	29	48
Furniture and fittings		
Carrying amount at start of year	3,327	2,819
Additions	24	876
Transfer from other government agency	11	0
Depreciation	(509)	(368)
Carrying amount at end of year	2,853	3,327
Vehicles		
Carrying amount at start of year	22	30
Additions	3	0
Transfer from other government agency	125	0
Depreciation	(51)	(8)
Carrying amount at end of year	99	22
Office equipment		
Carrying amount at start of year	582	471
Additions	72	261
Transfer from other government agency	21	0
Disposals	(5)	0
Depreciation	(207)	(150)
Carrying amount at end of year	463	582
Total - Property, Plant and Equipment		
Carrying amount at start of year	4,984	4,479
Additions	2,287	1,707
Transfer from other government agency	9,345	0
Revaluation	976	0
Disposals	(46)	(2)
Depreciation	(1,617)	(1,200)
Carrying amount at end of year	15,929	4,984

# Notes to the Financial Statements *for the year ended 30 June 2006*

	2006 \$'000	2005 \$'000
<b>24. Intangible assets</b>		
Computer software		
At cost	1,133	1,041
Accumulated amortisation	(994)	(735)
Carrying amount at end of year	139	306
<b>Reconciliation</b>		
Computer software		
Carrying amount at start of year	306	458
Additions	72	86
Amortisation expense	(239)	(238)
Carrying amount at end of year	139	306
<b>25. Impairment of assets</b>		
There were no indications of impairment of property, plant and equipment and intangible assets at 30 June 2006. The Department held no goodwill or intangible assets with an indefinite useful life during the reporting period and at reporting date there were no intangible assets not yet available for use.		
<b>26. Payables</b>		
Current		
Trade payables	611	1,205
Redundancy payments		
	611	1,205
Non-current <sup>(a)</sup>		
Trust Account - Consumer Credit Act (WA)	441	571
Trust Account - Departmental Receipts in Suspense	177	137
	618	708
(a) Refer to note 41.		
<b>27. Provisions</b>		
Current		
Employee benefits provision		
Annual leave <sup>(a)</sup>	4,405	3,061
Long service leave <sup>(b)</sup>	4,869	3,484
Other provisions		
Employment on-costs <sup>(c)</sup>	675	545
Total current provisions	9,949	7,090
Non-current		
Employee benefits provision		
Long service leave <sup>(b)</sup>	4,181	3,230
Other provisions		
Employment on-costs <sup>(c)</sup>	16	227
Total non-current provisions	4,197	3,457

## Notes to the Financial Statements *for the year ended 30 June 2006*

	2006 \$'000	2005 \$'000
--	----------------	----------------

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

Within 12 months of reporting date	2,693	1,871
More than 12 months after reporting date	1,712	1,190
	<u>4,405</u>	<u>3,061</u>

(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 reporting date. Assessments indicate that actual settlement of the liabilities will occur as follows:

Within 12 months of reporting date	3,158	2,343
More than 12 months after reporting date	5,892	4,371
	<u>9,050</u>	<u>6,714</u>

(c) The settlement of annual and long service leave liabilities give 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	41	0
Additional provisions recognised	634	41
Carrying amount at end of year	<u>675</u>	<u>41</u>

## **28. Unearned Revenue**

Current

Unearned revenue - Plumbers Licensing Board	669	473
	<u>669</u>	<u>473</u>

## **29. Other liabilities**

Current

Accrued salaries (a)	959	0
Other	139	138
	<u>1,098</u>	<u>138</u>

(a) Amount owing for 2006, 1 working day (\$207,954), as last pay falls on 29 June 2006. (2005, no amount as last pay falls on 30 June 2005). 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. Amount owing for 2006 also includes payment for back pay of 4.5% salary increase (\$751,297).

# Notes to the Financial Statements *for the year ended 30 June 2006*

	2006 \$'000	2005 \$'000
--	----------------	----------------

## 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	7,075	5,792
Contributions by owners		
Capital contribution <sup>(a)</sup>	3,150	1,283
Transfer of net assets from other agencies: <sup>(a)</sup>		
Department of Industry & Resources	6,366	0
Department for Planning & Infrastructure	2,098	0
Total contributions by owners	11,614	1,283
Distributions to owners		
Transfer of net assets to other agencies: <sup>(b)</sup>		
Department for Planning & Infrastructure	12	0
Total distributions to owners	12	0
Balance at the end of the year	18,677	7,075

(a) Capital contributions (appropriations) and non-discretionary (non-reciprocal) transferred of net asset 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' requires where the transferee accounts for a transfer as a contribution by owner, the transferor must account for the transfer as a distribution to owner. Consequently, non-discretionary (non-reciprocal) transfers of net assets to other State government agencies are distribution to owner and are debited directly to equity.

### Reserves

#### Asset revaluation reserve:

Balance at the start of the year	0	0
Net revaluation increments/(decrements):		
	883	0
Buildings	93	0
Balance at the end of the year	976	0

#### Accumulated surplus/(deficit)

Balance at the start of the year	3,028	3,233
Net adjustment of transition to AIFRS	0	70
Result for the period	(498)	(275)
Balance at the end of the year	2,530	3,028

	2006	2005
	\$'000	\$'000

## 31. Notes to the Cash Flow Statement

### Reconciliation of cash

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

Cash and cash equivalent	9,741	8,147
Restricted cash and cash equivalent (refer to note 19)	1,123	767
	<u>10,864</u>	<u>8,914</u>

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

Net cost of services	(67,800)	(48,840)
----------------------	----------	----------

#### Non-cash items:

Depreciation and amortisation expense	1,856	1,438
Superannuation expense	152	908
Resources received free of charge	909	650
Net (gain)/loss on sale of property, plant and equipment	20	0
Expense non-current assets received from other government agency	34	0

#### (Increase)/decrease in assets:

Current receivables	131	(2,228)
Other current assets	(6)	699
Non-current assets		

#### Increase/(decrease) in liabilities:

Current payables	(594)	(302)
Unearned revenue	196	123
Current provisions	1,424	(116)
Other current liabilities	960	(1,768)
Non-current payables	(90)	(83)
Non current provisions	120	768

Net GST receipts/(payments)	(584)	(339)
-----------------------------	-------	-------

Net cash provided by/(used in) operating activities	(63,272)	(49,090)
---	----------	----------

## 32. Commitments for expenditure

### (a) Lease commitments

Commitments in relation to leases contracted for at reporting date but not recognised as liabilities are payable:

Within 1 year	7,800	6,700
Later than 1 year and not later than 5 years	32,000	26,800
Later than 5 years	8,200	10,000
	<u>48,000</u>	<u>43,500</u>

#### Representing:

Non-cancellable operating leases	48,000	43,500
----------------------------------	--------	--------

## 33. Contingent Liabilities

In addition to the liabilities incorporated in the financial statements, the Department has the following contingent liabilities:

(a) The State of Western Australia has granted a deed of indemnity dated 7 February 2001 to the liquidators of specified finance companies in respect to identified State funded legal recovery actions pursuant to their duties as appointed liquidators. It is not practicable to estimate the amount of the potential liability, although it is appropriate to note that no claims are currently envisaged.

(b) A class action is being pursued by approximately 3,000 investors against various parties for the recovery of funds, in the vicinity of \$130 million, claimed to have been lost through finance broking transactions. The State Government is one of the parties subject to this claim and is defending the matter which is currently before the courts.

(c) The Energy Safety Division awarded a contract for the compliance auditing of Western Power's wood pole management systems in 2004/05. Due to unsatisfactory performance the contract was terminated by DOCEP earlier this year. Negotiations are currently in process to settle the matter of the value for the work performed. The estimated amount of the potential liability is in the vicinity of \$154,000.

## 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 variation between estimates and actual result for income and expense as presented in the financial statement titled 'Summary of Consolidated Fund 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 2006

#### - Total appropriation to deliver services:

	2006 Actual \$000	2006 Estimate \$000
Total appropriation provided to deliver services for the year	66,241	49,245
Total income	23,350	16,724

### **Total appropriation provided to deliver services for the year - variance \$16.996 million**

The variation across the three appropriation services is mainly due to additional appropriation in respect to the section 25 transfer of the Resources Safety Division (Safety and Health Division) from DOIR to DOCEP as at 01 July 2005 (\$12.24 million), and supplementary funding of \$4.127 million for Attraction and Retention Benefit (\$2.187 million), grant to The Union Education Foundation (\$1.5 million) and funding for Agency Based Public Sector Agreements (\$0.44 million).

### **Total income from ordinary activities - variance \$6.626 million**

The variation is mainly due to the transfer of the Resources Safety Division (Safety and Health Division) from DOIR to DOCEP as at 01 July 2005; plus additional revenues in the areas of Plumbers, Worksafe (certificates of competency), Energy Safety (electrical), Consumer Protection (business names searches), Indian Ocean Territories and recoup of costs from Rental Accommodation Fund and the Real Estate and Settlement Agents Boards.

**(b) Significant variances between actuals for 2005 and 2006 - Total appropriation to deliver services.**

	2006 Actual \$000	2006 Actual \$000
Total appropriation provided to deliver services for the year	66,241	47,007
Total income	23,350	20,420

**Total appropriation provided to deliver services for the year - variance \$19.234 million**

The variation across the three appropriation services is mainly due to the transfer of the Resources Safety Division (Safety and Health Division) from DOIR to DOCEP as at 01 July 2005 (\$12.24 million) and supplementary funding of \$4.127 million for Attraction and Retention Benefit (\$2.187 million), grant to The Union Education Foundation (\$1.5 million) and funding for Agency Based Public Sector Agreements (\$0.44 million).

**Total income - variance \$2.930 million**

The variation is mainly due to additional funds received from the transfer of the Resources Safety Division (Safety and Health Division) from DOIR to DOCEP as at 01 July 2005, Plumbers, Worksafe (certificates of competency), Energy Safety (electrical), Consumer Protection (business names searches), Indian Ocean Territory and recoup of costs from Rental Accommodation Fund and the Real Estate and Settlement Agents Boards.

**(c) Significant variances between estimate and actual for 2006 - Capital Contribution:**

	2006 Actual \$000	2006 Estimate \$000
Capital contribution	3,150	1,550

**Total capital contribution - variance \$1.6 million**

The variation is due to the transfer of the Resources Safety Division (Safety and Health Division) from DOIR to DOCEP as at 01 July 2005.

**(d) Significant variances between actuals for 2005 and 2006 - Capital Contribution:**

	2006 Actual \$000	2006 Actual \$000
	3,150	1,283

**Total capital contribution - variance \$1.867 million**

The variation is mainly due to additional funds received from the transfer of the Resources Safety Division (Safety and Health Division) from DOIR to DOCEP as at 01 July 2005.

## (e) Significant variances between estimate and actual for 2006 - Total administered transactions

	2006 Actual \$000	2006 Estimate \$000
Administered income	7,158	6,585

### Total administered transactions - variance \$0.573 million

The variance between the estimate and actual for 2006 is mainly due to additional revenue being received from Business Names, Finance Brokers and Travel Agents than anticipated.

## (f) Significant variances between actuals for 2005 and 2006 - Administered income

	2006 Actual \$000	2006 Actual \$000
Administered income	7,158	7,105
No significant variances		

## 36. Financial instruments

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

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

#### Interest Rate Risk Exposure

Currently the Department has no exposure to interest rate risk or repricing maturities as its operating bank account is a non-interest bearing account.

#### Credit Risk Exposure

All financial assets are unsecured.

The carrying amount represents the Department's maximum exposure to credit risk in respect of those amounts.

#### Fair Values

The carrying amount of financial assets and financial liabilities recorded in the financial statements are not materially different from their net fair values.

	2006	2005
	\$'000	\$'000

## 37. Remuneration of Senior Officers

### Remuneration

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

\$	2006	2005
30,001 - 40,000	1	2
50,001 - 60,000	1	0
60,001 - 70,000	0	1
80,001 - 90,000	0	1
110,001 - 120,000	0	2
120,001 - 130,000	4	3
130,001 - 140,000	5	6
140,001 - 150,000	2	1
150,001 - 160,000	1	1
180,001 - 190,000	0	1
190,001 - 200,000	2	0
200,001 - 210,000	0	1
230,001 - 240,000	0	1
250,001 - 260,000	1	0

The total remuneration of senior officers is: 2,352 2,557

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	132	120
--	-----	-----

## 39. Related bodies

The Department has no related bodies.

## 40. Affiliated bodies

The Department has no affiliated bodies.

	2006	2005
	\$'000	\$'000

## 41. Trust and Restricted Cash Accounts

### Summary Details

Trust Accounts (Controlled)

Consumer Credit Act (WA)

Departmental Receipts in Suspense

441	571
177	137
618	708

## Notes to the Financial Statements *for the year ended 30 June 2006*

	2006 \$'000	2005 \$'000
<b>Restricted Cash Accounts</b>		
Safetyline Institute	29	55
Indian Ocean Territories	29	(7)
Mine Safety Handbooks	24	0
Petroleum Conferences	121	0
	203	48

### **Trust Accounts (Administered)**

Rental Accommodation Fund	81,767	65,157
---------------------------	--------	--------

### **Detailed Breakdown**

#### **Trust Accounts**

##### Consumer Credit Act (WA) <sup>(a)</sup>

Balance at start of the year	571	664
Receipts:	0	85
Payments:	(130)	(178)
Balance at the end of the year	441	571

##### Departmental Receipts in Suspense <sup>(b)</sup>

Balance at start of the year	137	127
Receipts:	1,203	328
Payments:	(1,163)	(318)
Balance at the end of the year	177	137

### **Restricted Cash Accounts**

#### Safetyline Institute <sup>(c)</sup>

Balance at start of the year	55	87
Receipts:	20	12
Payments:	(46)	(44)
Balance at the end of the year	29	55

#### Indian Ocean Territories <sup>(d)</sup>

Balance at start of the year	(7)	18
Receipts - Commonwealth	356	203
Receipts - other	5	
Payments:	(325)	(228)
Balance at the end of the year	29	(7)

#### Mine Safety Handbooks <sup>(e)</sup>

Balance at start of the year	0	0
Receipts:	24	0
Payments:	0	0
Balance at the end of the year	24	0

#### Petroleum Conferences <sup>(f)</sup>

Balance at start of the year	0	0
Receipts:	121	0
Payments:	0	0
Balance at the end of the year	121	0

## Notes to the Financial Statements *for the year ended 30 June 2006*

- (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.

	2006 \$'000	2005 \$'000
<b>Administered</b>		
<u>Rental Accommodation Fund (g)</u>		
Balance at start of the year	65,157	51,743
Receipts:		
Bonds received	48,994	40,051
Interest received	4,863	0
Other	222	4,769
Total receipts	54,079	44,820
Payments:		
Bonds disbursed	33,669	28,365
Administration costs	1,941	0
Grants	1,683	0
Other	176	3,041
Total Payments	37,469	31,406
Balance at the end of the year	81,767	65,157

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

### 42. Supplementary financial information

#### Write-Offs

During the 2005-06 financial year \$20,473.44 of debts, mainly Business Names, due to the State was written off under the authority of:

The Accountable Officer	20	20
The Minister	0	0
	20	20

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

Losses of public moneys and, public and other property through theft or default	11	0
Amounts recovered	11	0

#### Gifts of Public Property

The Department received no gifts of public property.

# Notes to the Financial Statements *for the year ended 30 June 2006*

	2006 \$'000	2005 \$'000
--	----------------	----------------

## 43. Administered Expenses and Income

### Expenses

Receipts paid into Consolidated Fund	7,158	7,105
<b>Total administered expenses</b>	<b>7,158</b>	<b>7,105</b>

### Income

Regulatory fees and charges	7,158	7,105
<b>Total administered income</b>	<b>7,158</b>	<b>7,105</b>

Payments of fees and charges to the Consolidated Fund. 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 Fund.

Collections made during the year:

Business Names Registrations	4929	5134
Other Registration Fees	115	111
Credit Providers	496	588
Employment Agents	133	97
Finance Brokers	321	200
Land Valuers	55	164
Motor Vehicle Dealers	724	646
Travel Agents	166	156
Plumbers	3	1
Petroleum Pricing	7	2
Other	209	6
<b>Total</b>	<b>7158</b>	<b>7105</b>

## 44. Administered Assets and Liabilities

### Current Assets

Receivables	88	106
<b>Total administered current assets</b>	<b>88</b>	<b>106</b>

<b>Total Administered Assets</b>	<b>88</b>	<b>106</b>
----------------------------------	-----------	------------

### Current Liabilities

Payables	88	106
<b>Total administered current liabilities</b>	<b>88</b>	<b>106</b>

<b>Total Administered Liabilities</b>	<b>88</b>	<b>106</b>
---------------------------------------	-----------	------------

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

## 45. Reconciliations explaining the transition to Australian equivalents to International Financial Reporting Standards (AIFRS)

### Reconciliation of Equity at the Date of Transition to AIFRS: 1 July 2004 (AASB 1.39(a)(i))

	Previous GAAP 1 July 2004 \$'000	AASB 138 45.1a \$'000	AIFRS 1 July 2004 \$'000
<b>Assets</b>			
<b>Current Assets</b>			
Cash and cash equivalents	9,892		9,892
Restricted cash and cash equivalents	2,577		2,577
Receivables	2,640		2,640
Amounts receivable for services	2,799		2,799
Other assets	690		690
<b>Total Current Assets</b>	18,598	0	18,598
<b>Non-Current Assets</b>			
Property, plant and equipment	4,938	(505)	4,433
Intangible assets		505	505
Other non-current assets	8		8
<b>Total Non-Current Assets</b>	4,946	0	4,946
<b>TOTAL ASSETS</b>	23,544	0	23,544
<b>Liabilities</b>			
<b>Current Liabilities</b>			
Payables	1,507		1,507
Unearned revenues	350		350
Provisions	6,167		6,167
Other liabilities	1,906		1,906
<b>Total Current Liabilities</b>	9,930	0	9,930
<b>Non-Current Liabilities</b>			
Payables	791		791
Provisions	3,798		3,798
<b>Total Non-Current Liabilities</b>	4,589	0	4,589
<b>Total Liabilities</b>	14,519	0	14,519
<b>Net Assets</b>	9,025	0	9,025
<b>Equity</b>			
Contributed equity	5,792		5,792
Accumulated surplus	3,233		3,233
<b>Total Equity</b>	9,025	0	9,025

# Notes to the Financial Statements *for the year ended 30 June 2006*

## Reconciliation of Equity at the End of the Last Reporting Period Under Previous AGAAP: 30 June 2005 (AASB 1.39(a)(ii))

	GAAP 30 June 2005 \$'000	AASB 138 45.1b \$'000	AASB 101 45.2a \$'000	AIFRS 30 June 2005 \$'000
<b>Assets</b>				
<b>Current Assets</b>				
Cash and cash equivalents	8,147			8,147
Restricted cash and cash equivalents	767			767
Receivables	5,207			5,207
Amounts receivable for services	990			990
Other assets	0			0
<b>Total Current Assets</b>	15,111	0	0	15,111
<b>Non-Current Assets</b>				
Amounts receivable for services	2,773			2,773
Property, plant and equipment	5,290	(306)		4,984
Intangible assets		306		306
<b>Total Non-Current Assets</b>	8,063	0	0	8,063
<b>TOTAL ASSETS</b>	23,174	0	0	23,174
<b>Liabilities</b>				
<b>Current Liabilities</b>				
Payables	1,205			1,205
Unearned revenues	473			473
Provisions	6,051		1,039	7,090
Other liabilities	138			138
<b>Total Current Liabilities</b>	7,867	0	1,039	8,906
<b>Non-Current Liabilities</b>				
Payables	708			708
Provisions	4,566		(1,109)	3,457
<b>Total Non-Current Liabilities</b>	5,274	0	(1,109)	4,165
<b>Total Liabilities</b>	13,141	0	(70)	13,071
<b>Net Assets</b>	10,033	0	70	10,103
<b>Equity</b>				
Contributed equity	7,075			7,075
Accumulated surplus	2,958		70	3,028
<b>Total Equity</b>	10,033	0	70	10,103

## Reconciliation of Income Statement (Profit or Loss) for Year Ended 30 June 2005 (AASB 1.39(b))

	GAAP 30 June 2005 \$'000	Net gains on disposal AASB 116 45.3a \$'000	AASB 119 45.2b \$'000	AIFRS 30 June 2005 \$'000
<b>COST OF SERVICES</b>				
<b>Expenses</b>				
Employee benefits expenses	46,163		(109)	46,054
Supplies and services	9,282			9,282
Depreciation and amortisation expense	1,438			1,438
Administration expenses	5,676			5,676
Accommodation expenses	5,132			5,132
Grants and subsidies	761			761
Capital user charge	808			808
Loss on disposal of non-current assets	2	(2)		0
Other expenses	0		109	109
<b>Total cost of services</b>	<b>69,262</b>	<b>(2)</b>	<b>0</b>	<b>69,260</b>
<b>Income</b>				
<b>Revenue</b>				
User charges and fees	18,633			18,633
Commonwealth grants and contributions	532			532
Other revenue	1,255			1,255
<b>Total revenue</b>	<b>20,420</b>	<b>0</b>	<b>0</b>	<b>20,420</b>
<b>Gains</b>				
Gain on disposal of non-current assets	2	(2)		0
<b>Total gains</b>	<b>2</b>	<b>(2)</b>	<b>0</b>	<b>0</b>
<b>Total income other than income from State Government</b>	<b>20,422</b>	<b>(2)</b>	<b>0</b>	<b>20,420</b>
<b>NET COST OF SERVICES</b>	<b>48,840</b>	<b>0</b>	<b>0</b>	<b>48,840</b>
<b>INCOME FROM STATE GOVERNMENT</b>				
Service Appropriation	47,007			47,007
Liabilities assumed by the Treasurer	908			908
Resources received free of charge	650			650
<b>Total income from State Government</b>	<b>48,565</b>	<b>0</b>	<b>0</b>	<b>48,565</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>	<b>(275)</b>	<b>0</b>	<b>0</b>	<b>(275)</b>

# Notes to the Financial Statements *for the year ended 30 June 2006*

## Reconciliation of Cash Flow Statement for Year Ended 30 June 2005 (AASB 1.40)

	GAAP 30 June 2005 \$'000	AASB 119 45.2c \$'000	AIFRS 30 June 2005 \$'000
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
Service appropriation	45,187		45,187
Capital contributions	1,283		1,283
Holding account drawdowns	856		856
<b>Net cash provided by State Government</b>	<b>47,326</b>	<b>0</b>	<b>47,326</b>
<b>Utilised as follows:</b>			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee benefits	(41,583)	109	(41,474)
Superannuation	(3,808)		(3,808)
Supplies and services	(21,356)		(21,356)
Capital User Charge	(808)		(808)
GST payments on purchases	(2,172)		(2,172)
Other payments	0	(109)	(109)
<b>Receipts</b>			
User charges and fees	17,007		17,007
Commonwealth grants and contributions	542		542
GST receipts on sales	445		445
GST receipts from taxation authority	1,388		1,388
Other receipts	1,255		1,255
<b>Net cash provided by/(used in) operating activities</b>	<b>(49,090)</b>	<b>0</b>	<b>(49,090)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Proceeds from sale of non-current assets	2		2
Purchase of non-current assets	(1,793)		(1,793)
<b>Net cash provided by/(used in) investing activities</b>	<b>(1,791)</b>	<b>0</b>	<b>(1,791)</b>
<b>Net increase/(decrease) in cash and cash equivalents</b>	<b>(3,555)</b>	<b>0</b>	<b>(3,555)</b>
Cash and cash equivalents at the beginning of the period	12,469	0	12,469
<b>CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD</b>	<b>8,914</b>	<b>0</b>	<b>8,914</b>

## Notes to the reconciliations

### **Note 45.1 Intangible assets (AASB 138)**

AASB 138 requires that software not integral to the operation of a computer must be disclosed as intangible assets. Intangible assets must be disclosed on the balance sheet. All software has previously been classified as property, plant and equipment (software).

#### **45.1a Adjustments to opening Balance Sheet (1 July 2004)**

The department has transferred \$505,000 in software from property, plant and equipment to intangible assets.

#### **45.1b Adjustments to 30 June 2005 Balance Sheet**

The department has transferred \$306,000 in software from property, plant and equipment to intangible assets.

### **Note 45.2 Employee benefits (AASB 119 and AASB 101)**

AASB 101 requires that a liability must be classified as current where the entity does not have an unconditional right to defer settlement of the liability for at least twelve months beyond the reporting date. Consequently, all annual leave and long service leave entitlements (unconditional long service leave) must now be classified as current. Non-vested long service leave liability will be non-current to the extent that it does not become unconditional within twelve months from reporting date.

Employment on-costs are not included in employee benefits under AGAAP or AIFRS. However, under AGAAP employee benefits and on-costs are disclosed together on the face of the Income Statement as Employee costs. Under AIFRS employee benefits will be the equivalent item disclosed on the face. On-costs are transferred to other expenses.

#### **45.2a Adjustments to 30 June 2005 Balance Sheet**

All unconditional long service leave previously reported as non-current liability has been reclassified to current liability (\$1,109,000). The annual leave liability decreased (\$70,000).

#### **45.2b Adjustments to the Income Statement for the period ended 30 June 2005**

Employment on-costs expense has been reclassified from employee benefits expense to other expense (\$109,000).

#### **45.2c Adjustments to the Cash Flow Statement for the period ended 30 June 2005**

Employment on-costs payments has been reclassified from employee benefits payments to other payments (\$109,000).

### **Note 45.3 Net gain on disposal of non-current assets (AASB 116)**

Under AGAAP the disposal of non-current assets is disclosed on the gross basis. That is, the proceeds of disposal are revenue and the carrying amounts of assets disposed of are expenses. The disposal of non-current assets is disclosed on the net basis (gains or losses) under AIFRS.

#### **45.3a Adjustments to the Income Statement for the period ended 30 June 2005**

The carrying amount of assets disposed of was previously recognised as expense. This has been derecognised (\$2,000). The proceeds of disposal of non-current assets was previously recognised as income. This has been derecognised (\$2,000).

As the carrying amount of assets and the proceeds of disposal were the same value, there is no gain to be recognised.



section

## Appendices/Glossary

### Appendix one

#### Memoranda of Understanding, Co-agency Agreements & Instruments of Declaration

DOCEP recognises the benefits derived from working collaboratively with external parties by negotiating Memoranda of Understanding (MOU), Co-Agency Agreements 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 are 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 Understanding in place in 2005-06 include:

- .au Domain Administration Limited
- Australian Competition and Consumer Commission
- Australian Securities and Investments Commission
- Comcare
- Consumers Association of WA
- Department of Immigration, Multicultural and Indigenous Affairs
- Environmental Protection Authority
- Fire and Emergency Services
- Main Roads Western Australia
- National Industrial Chemicals Notification and Assessment Scheme
- State Administration of Work Safety, People's Republic of China
- Zhejiang Provincial Government, People's Republic of China
- WA Police Service
- Economic Regulation Authority WA
- Department for Community Development

#### Co-agency agreements

Co-agency agreements in place during 2005-06 include:

- Australian Maritime Safety Authority.
- Department of Planning and Infrastructure regarding maritime safety.
- Department of Planning and Infrastructure regarding monitoring of fatigue management in the omnibus industry.
- Department of Planning and Infrastructure regarding safety regulation roles in railway industry.

### Instruments of Declaration

Instruments of Declaration in place during 2005-06 include:

- BHP Iron Ore's dry-docking operations - Nelson Point.
- Griffin Coal Mining Company Ltd - operations in Collie.
- Pilbara Iron Pty Ltd.
- Any railway or rolling stock operated, managed or controlled by the Pilbara Rail Company Pty Ltd.
- Workplaces that are, or form part of, a railway or rolling stock operated, managed or controlled by Pilbara Iron Pty Ltd.
- Fortescue Metals Group Ltd for the construction of the Cloud Break site, construction of the railway system from the mine to Port Hedland and the construction of the port facility at Port Hedland.

## Appendix two

### CHANGES IN WRITTEN LAW

Amendments that DOCEP initiated during the year are outlined in tables below.

#### WorkSafe

**Table 28: WorkSafe amendments to written law 2005-06**

Written law	Number	Gazettal date
Occupational Safety and Health Amendment Regulations	(No. 2) 2005	26 Jul 2005
Occupational Safety and Health Amendment Regulations	(No. 5) 2005	9 Sep 2005
Occupational Safety and Health Amendment Regulations	(No. 10) 2005	18 Nov 2005
Occupational Safety and Health Amendment Regulations	(No. 11) 2005	9 Dec 2005
Occupational Safety and Health Amendment Regulations	(No. 12) 2005	23 Dec 2005
Occupational Safety and Health Amendment Regulations	(No. 6) 2005	6 Jan 2006
Occupational Safety and Health Amendment Regulations	(No. 2) 2006	27 June 2006

#### Consumer Protection

**Table 29: Consumer Protection amendments to written law 2005-06**

Written law	Number	Gazettal Date
Bills of Sale (Fees) Amendment Regulations	2006	27 June 2006
Builders' Registration Amendment Regulations	2006	27 June 2006
Business Names Amendment Regulations	(No.2) 2006	27 June 2006
Chattel Securities Amendment Regulations	(No.2) 2006	27 June 2006
Consumer Affairs (Safety Requirements) Amendment Regulations	2006	21 March 2006
<i>Consumer Affairs Act</i> – Product Safety Restriction Order ("Ice Pipes")	2006	24 March 2006
<i>Consumer Affairs Act</i> – Product Safety Restriction Order ("No Holes Tongue Stud")	2006	21 April 2006
<i>Consumer Affairs Act</i> – Product Safety Restriction Order ("Moveable Soccer Goals")	2006	9 June 2006
Consumer Credit (Western Australia) Code Amendment Order	2006	27 June 2006
Consumer Credit (Western Australia) Code Regulations Amendment Order	2006	13 June 2006
Consumer Credit (Western Australia) Code Regulations Amendment Order	(No.2) 2006	13 June 2006
Credit (Administration) Amendment Regulations	(No.2) 2006	27 June 2006
Credit (Administration) Amendment Regulations	(No.3) 2006	13 June 2006
Credit (Administration) (Licence Applications) Variation Order	2006	5 May 2006
Debt Collectors Licensing Amendment Regulations	(No.2) 2006	27 June 2006
Door to Door Trading Amendment Regulations	2005	23 Dec 2005
Employment Agents Amendment Regulations	(No.2) 2006	27 June 2006
Fair Trading (Product Safety Standard) Amendment Regulations	2006	21 March 2006
Fair Trading (Product Safety Standard) Amendment Regulations	(No.2) 2005	1 July 2005
Fair Trading (Product Safety Standard) Amendment Regulations	(No.3) 2005	1 July 2005
<i>Finance Brokers Control Amendment Act</i>	2004	28 Oct 2005
Finance Brokers Control (General) Amendment Regulations	2005	14 Oct 2005
Finance Brokers Control (General) Amendment Regulations	2006	10 Feb 2006
Finance Brokers Control (General) Amendment Regulations	(No.2) 2006	5 May 2006
Finance Brokers Control (General) Amendment Regulations	(No.3) 2006	27 June 2006
Hairdressers Registration Amendment Regulations	2006	12 May 2006

Hairdressers Registration Amendment Regulations	(No.2) 2006	27 June 2006
Land Valuers Licensing Amendment Regulations	(No.2) 2006	27 June 2006
Motor Vehicle Dealers (Licensing) Amendment Regulations	2006	27 June 2006
Painters' Registration Board Amendment Rules	2006	27 June 2006
Petroleum Products Pricing Amendment Regulations	2005	9 Dec 2005
Real Estate and Business Agents (General) Amendment Regulations	2006	27 June 2006
Retail Trading Hours (Shire of Katanning) Amendment Order	2005	25 Nov 2005
Settlement Agents Amendment Regulations	(No.2) 2006	16 June 2006
Settlement Agents Amendment Regulations	(No.3) 2006	27 June 2006
Travel Agents Amendment Regulations	(No.2) 2006	27 June 2006
Weights and Measures Amendment Regulations	2006	27 June 2006

## EnergySafety

**Table 30: EnergySafety amendments to written law 2005-06**

Written Law	Number	Gazettal Date
Electricity (Licensing) Amendment Regulations	(No. 2) 2005	19 Aug 2005
Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations	(No. 2) 2005	19 Aug 2005
Electricity (Supply Standards and System Safety) Regulations 2001	2005	13 Dec 2005
Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations	2006	21 April 2006
Electricity (Licensing) Amendment Regulations	(No. 2) 2006	27 June 2006
Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations	(No. 2) 2006	27 June 2006

## Resources Safety

**Table 31: Resources Safety amendments to written law 2005-06**

Written Law	Number	Gazettal Date
Dangerous Goods (Transport) (Dangerous Goods In Ports) Amendment Regulations	2006	27 Jun 2006
Dangerous Goods (Transport) (Explosives By Road And Rail) Amendment Regulations	2006	27 Jun 2006
Dangerous Goods (Transport) (Road And Rail) Amendment Regulations	2006	27 Jun 2006
Explosives and Dangerous Goods (Dangerous Goods Handling And Storage) Amendment Regulations	2006	27 Jun 2006
Explosives and Dangerous Goods (Explosives) Amendment Regulations	2006	27 Jun 2006
Explosives and Dangerous Goods (Explosives) Amendment Regulations	(No.2) 2005	3 Jan 2006
Mines Safety and Inspection Amendment Regulations	2006	27 Jun 2006

## Appendix three

### Prosecutions, Appeals against prosecutions, Civil Actions and State Administrative Tribunal Proceedings

#### Consumer Protection

The following tables list all prosecution action finalised in 2005-06 by the Legal Unit of Consumer Protection:

**Table 32: Consumer Protection Division prosecution outcomes (including appeals against prosecution) 2005-06**

Name/defendant/ parties	Legislation	Offence	Fine (outcome for civil and SAT actions)	Costs
Abacus Calculators Pty Ltd	<i>Fair Trading Act 1987</i> s12(1)(g)	False and misleading representations as to price of computers.	\$14,000.00	Company to pay DOCEP's costs of \$979.00
Glenn Ford			\$7,000.00	
Action Bay Pty Ltd t/as Goldfields Toyota	Consumer Credit (Western Australia) Code s144	Misrepresented information on application.	\$1,500.00	\$100.00
Anthony Reginald Pillinger	Water Services Licensing (Plumber Licensing & Plumber Standards) Regulations 2000 reg 9(1)	Unlicensed plumbing.	\$500.00	\$155.70
Bayswater Car Rental Pty Ltd	<i>Fair Trading Act 1987</i> ss12(1)(g) and 19(1)	Misleading representations as to price of hire cars.	charges dismissed	DOCEP to pay \$4,000 in costs
PB Foods Pty Ltd t/as Peters & Brownes Group	<i>Retail Trading Hours Act 1987</i> s12(1)	After hours retail trading.	\$3,000.00	\$687.50
Brian Douglas Upson	Water Services Licensing (Plumber Licensing & Plumber Standards) Regulations 2000 reg 9(1)	Unlicensed plumbing.	\$300.00	\$480.00
Business Search Pty Ltd	<i>Fair Trading Act 1987</i> ss12(1)(d) and s21	Misleading representations that persons had agreed to acquire services and unauthorised billing in relation to a business directory.	\$60,000.00 fine \$324.50 reparation order	Company to pay 50 per cent of DOCEP's costs being \$2,621.90
Sandor Kranicz			\$10,000 fine \$324.50 reparation order	Director to pay 50 per cent of DOCEP's costs being \$2,621.90
DP Sourcing Solutions Pty Ltd	<i>Retail Trading Hours Act 1987</i> ss12(1)(d) and 34	Unapproved Sunday trading.	\$1,000.00	Company to pay \$357.40
Michael Anthony Della-Polina			\$250.00	Director to pay \$244.50
Desmond Ellis			\$250.00	Director to pay \$244.50
Employment Protection Australia Pty Ltd and Bradley Norrish	<i>Consumer Affairs Act 1971</i> s25A	Passing off an affiliation or accreditation not possessed.	\$14,200.00	\$4,525.00

Name/defendant/ parties	Legislation	Offence	Fine (outcome for civil and SAT actions)	Costs
Giovanni Sciuto	<i>Associations Incorporation Act 1987</i> ss42 and 43	Tabling misleading statements and denying member opportunity to examine association's records.	\$250.00	\$3,838.70
Graham Arthur Collins	Water Services Licensing (Plumber Licensing & Plumber Standards) Regulations 2000 reg 9(1)	Unlicensed plumbing.	Released without sentence	\$200.00
John Charles Mason	Water Services Licensing (Plumber Licensing & Plumber Standards) Regulations 2000 reg 9(1)	Unlicensed plumbing.	\$500.00	\$193.50
Just Spectacles Pty Ltd	<i>Fair Trading Act 1987</i> s12(1)(l)	False and misleading representations as to conditions attaching to sale of spectacles.	\$9,975.00	Submissions to be made on costs
Katharina Holz  Peter Holz	<i>Fair Trading Act 1987</i> s14(1)	False and misleading representations as to employment prospects.	\$12,000 and reparation to consumers of \$1,774.00  \$16,000 and reparation to consumers of \$1,774.00	Mrs Holz to pay 50 per cent of DOCEP's costs being \$11,336.00  Mr Holz to pay 50 per cent of DOCEP's costs being \$11,336.00
Kevin Archer  Stefan Williams  Eric Innes	<i>Door to Door Trading Act 1987</i> ss7 and 8	Failure to provide forms & clauses in contract.	\$400.00  \$400.00  charges dismissed	\$250.00  \$250.00  DOCEP to pay Mr Innes' costs of \$4,450.00
Londy Pty Ltd	<i>Fair Trading Act 1987</i> s12(1)(a)	Misrepresentation in odometer reading.	Defendant's appeal against conviction dismissed	Costs awarded to DOCEP (agreed at \$5,500)
Michael Zampogna	<i>Associations Incorporation Act 1987</i> s43	Breaches of responsibility as a committee member of an association.	\$250.00	\$6,620.61
Mortgage Minimiser (Australia) Pty Ltd	<i>Finance Brokers Control Act 1975</i> ss 26 and 43	Unlicensed finance broking.	\$6000.00 fine & \$21,670.00 compensation to consumers	\$1,066.00
Musa Al Samahi	<i>Motor Vehicle Dealers Act 1973</i> s30(1)	Unlicensed motor vehicle dealing.	\$2,000.00	\$1,588.50
Paul Michael Hughes	<i>Fair Trading Act 1987</i> s21	Accepting deposits from consumers where trader doesn't have reasonable belief that work would be carried out.	\$15,000 fine and \$66,000.00 compensation to consumers	\$18,075
Peter Holz	<i>Fair Trading Act 1987</i> s14(1)	Appeal to Full Court in respect of 2001 conviction for making false and misleading representations as to employment.	Appeal dismissed	\$15,447.21

## Appendices/Glossary

Name/defendant/ parties	Legislation	Offence	Fine (outcome for civil and SAT actions)	Costs
Phan Khoi	<i>Motor Vehicles Dealers Act 1973</i> s30(1)	Unlicensed motor vehicle dealing.	\$2,000.00	\$200.00
Rahmann Abbas	<i>Motor Vehicle Dealers Act 1973</i> s30(1)	Unlicensed motor vehicle dealing.	\$4,000.00	\$300.00
Richard Ham	<i>Fair Trading Act 1987</i> s12(1)(f), (k) and (l)	False representations as to the need for pest control and effect of conditions.	charges dismissed	DOCEP to pay costs of \$4,000.00
Richard Norman Kehoe	<i>Motor Vehicle Dealers Act 1973</i> s31C	Unlicensed motor vehicle dealing.	\$500.00	\$490.00
Scott Styles	<i>Weights &amp; Measures Act 1915 (WA)</i> s39(c)	Provision of underweight firewood.	\$300.00 fine \$175.00 restitution to consumer	\$400.00
Temple of Bel Pty Ltd	<i>Residential Tenancies Act 1987 &amp; Fair Trading Act 1987</i> (numerous sections)	Making false and misleading representations as to the nature of interests in land, using coercion on occupants and failing to lodge security bonds.	\$35,000.00	\$2,000
Rolf Voulon			\$9,000.00	
Valance Holdings Pty Ltd t/a BP Mt Lawley	Petroleum Products Pricing Regulations 2000 reg 3(1)	Non-compliance with FuelWatch legislation.	\$3,200.00	\$1,143.50
Vermonde Holdings Pty Ltd	<i>Fair Trading Act 1987</i> s12(1)(a)	Falsely representing types of fish.	\$8,000.00	Company to pay DOCEP's Costs of \$5,000.00
Patrick Ryan			\$2,500.00	
Guy Allart			\$2,500.00	
Karen Allart			\$2,500.00	
Wayne Vicary t/as Merredin Contracting	Water Services Licensing (Plumber Licensing & Plumber Standards) Regulations 2000 reg 9(1)	Unlicensed plumbing.	\$1,500.00	\$85.00
West Coast Property Investments Pty Ltd	<i>Fair Trading Act 1987</i> s12(1)(d)	False representations comprising fictitious testimonials on a business website	\$20,000.00	\$607.50
West Coast Property Investments Pty Ltd	Appeal against sentence	Misleading & deceptive internet advertising.	Defendant's appeal against sentence upheld – re-sentenced to \$8000 fine	DOCEP to pay 80 per cent of company's costs of appeal
Westpoint Corporation Pty Ltd	<i>Door to Door Trading Act 1987</i> s7	Providing a consumer with a financial services contract without adhering to the 'cooling off' provisions of the Act.	\$1,200.00	\$1,963.00
David Humphries	Debt Collectors Licensing Regulations reg 13	Overcharging of debt collection fee.	\$200.00 (spent conviction)	\$660.00

Name/defendant/ parties	Legislation	Offence	Fine (outcome for civil and SAT actions)	Costs
Gordon Stacey	<i>Associations Incorporation Act 1987</i> ss39, 42 and 43	Failure by the officer of association to ensure annual general meeting held, maintain accounts in up to date manner and submit financial record to Commissioner and submitting false document.	\$1,500.00 (spent conviction)	\$300.00
Wadee Shareef t/a Two Dollar Market	<i>Fair Trading Act 1987</i> s51	Sale of non-compliant projectile toys.	\$500 .00 (spent conviction)	\$490.00
Lorraine Wolinski	<i>Residential Tenancies Act 1987</i> s27	Unauthorised charge of letting fee.	\$500.00 (spent conviction)	No order as to costs
Harvey Norman Franchisees	<i>Retail Trading Hours Act 1987</i> s12(1)(d)	Trading outside of approved trading hours. Fremtel Pty Ltd Mandlect Pty Ltd Mantoncom Pty Ltd Morlect Pty Ltd Pepcom Pty Ltd Portkenn Pty Ltd Directors: Brendan James Olley Craig Houston Neville Ivan Minas David Jaunzems Sebastian Ferrari	 \$6,000.00 \$6,000.00 \$6,000.00 \$6,000.00 \$6,000.00 \$6,000.00  \$1500.00 \$1500.00 \$1500.00 \$1500.00 \$1500.00	 \$68.45 \$68.45 \$68.45 \$68.45 \$68.45 \$68.45  \$68.45 \$68.45 \$68.45 \$68.45 \$68.45

## Consumer Protection Civil Action outcomes 2005-06

Name/defendant/ parties	Legislation	Offence	Fine (outcome for civil and SAT actions)	Costs
Guild of Students of Murdoch University vs Commissioner	<i>Associations Incorporation Act 1987</i> s33(3), (4) and (6)	Murdoch Student Guild's application review against Commissioner's decision to vest the property of the Howard Court Association with the Fremantle Housing Association.	Guild's Application dismissed	Guild to pay Commissioner's Costs (to be taxed)
Katharina Holz	<i>Fair Trading Act 1987</i> s14(1)	Application for contempt for breaching undertakings given to the Supreme Court.	Defendant held to have engaged in wilful contempt. Suspended jail term imposed on conditions	Defendant to pay Commissioner's costs on solicitor/ customers basis (to be taxed)
Valance Holdings Pty Ltd t/a BP Mt Lawley	Petroleum Products Pricing Regulations 2000 reg 3(1)	Non-compliance with FuelWatch legislation.	Injunction granted	No order as to costs
Action by landlord Mr Rolf Voulon vs Commissioner on behalf of Ms Saskia Robic	<i>Consumer Affairs Act 1971</i> s18	Action against consumer for alleged unpaid rent and penalties.	Action dismissed by consent	No costs

## Appendices/Glossary

Commissioner on behalf of Ms Saskia Robic against Mr Rolf Voulon	<i>Consumer Affairs Act</i> 1971 s18	Application for return of bond monies.	Settlement reached between the parties	No order as to costs
Rugs A Million vs Commissioner for Fair Trading	<i>Consumer Affairs Act</i> 1971 s19	Action for declarations, injunctions and damages for unlawfully gathering evidence in investigation.	Action dismissed	Rugs A Million to pay Commissioner's costs of action (taxed at \$19,630.80)

### State Administrative Tribunal outcomes 2005-06

Name/defendant/ parties	Legislation	Offence	Fine (outcome for civil and SAT actions)	Costs
Bernard Worthington	<i>Land Valuers Licensing Act</i> 1978 s28(b)	Negligence in land valuation activities.	\$500.00 3 months suspension of licence	Parties to bear own costs
Craig John Murray	Water Services Licensing (Plumber Licensing & Plumber Standards) Regulations 2000 reg 9(1)	Tradesperson not working under general direction and control.	\$3000.00 & conditions placed on licence.	\$500.00
Edward Ward t/a All Falcon Motor Wreckers	<i>Motor Vehicle Dealers Act</i> 1973 s30(1)	Unlicensed motor vehicle dealing.	Reprimand	\$150.00
Gary Shields	Water Services Licensing (Plumber Licensing & Plumber Standards) Regs 2000 Regulations 34(b) and 34(e)	Unlicensed plumbing.	Reprimand & licence suspension for 3 months	\$3,000.00
Raymond John Beal t/a Allstate Plumbing Pty Ltd	Water Services Licensing (Plumber Licensing & Plumber Standards) Regulations 2000 reg 41	Failure to lodge notice of intention and fee to the Board.	\$1,000.00	\$500.00
Wallace Ronald Knott	Water Services Licensing (Plumber Licensing & Plumber Standards) Regulations 2000 reg 9	Breach of licence conditions.	\$1,500.00 penalty, reprimand and conditions placed on licence	\$500.00
Williams Financial Services Pty Ltd	<i>Finance Brokers Control Act</i> 1975 s44(6)	Receiving or holding commission.	Reprimand and \$250.00 penalty	\$1,000.00
Aussie Cash Collections Pty Ltd	<i>Debt Collectors Licencing Act</i> 1964 s11	Review of Commissioner's decision regarding licence application.	Company discontinued application to SAT	No order as to costs
Wayne Lilleyman	Water Services Licensing (Plumber Licensing & Plumber Standards) Regulations 2000 reg 9(1)	Unlicensed plumbing.	\$1,750.00	\$800.00

## Real Estate & Business Agents Supervisory Board

The following tables list all prosecution action finalised in 2005-06 by the Real Estate and Business Agents Supervisory Board:

**Table 33: State Administrative Tribunal outcomes 2005-06**

Name of respondent	Legislation	Offence	Fine	Costs
VR 36 of 2006 A & M Wilkins Pty Ltd t/a Wilkins Estates, and Michael Louis Patrick Wilkins	<i>Real Estate &amp; Business Agents Act 1978</i> (s68(4)) & <i>Code of Conduct for Agents and Sales Representatives</i> (article 4(2))	Withdrew \$3,253.52 from Trust Account without authority; failed to act in accordance with instructions.	\$1,000.00	\$500.00
VR 416 of 2006 ACE (WA) Pty Ltd t/a Jennings Hopkins Realty and Eloise Kathleen Jennings	<i>Real Estate &amp; Business Agents Act 1978</i> (s64(4)) & <i>Code of Conduct for Agents and Sales Representatives</i> (articles 10(2); 7; & 10(3))	Interest in purchase and sale of real estate without prior written consent; did not exercise skill, care and diligence in negotiations; demanded, retained or received a commission in respect of the purchase, without prior written consent; directly or indirectly received a reward or other valuable consideration.	\$13,000.00 (Repay sellers) \$1,000.00 fine	\$1,000.00
VR 295 of 2005 Maung Zarni Tun	<i>Real Estate &amp; Business Agents Act 1978</i> (s47(1)(b)) <i>Code of Conduct for Agents and Sales Representatives</i> (article 5)	Failed to act fairly and honestly; knowingly misled or deceived parties in negotiations and a real estate transaction; engaged in harsh or unconscionable conduct.	Cert of Reg susp for 2 yrs	Fine
VR 33 of 2004 Inquiry 4 of 2004 Alastair James Edward Cornish	<i>Real Estate and Business Agents Act 1978</i> (s101) and <i>Code of Conduct for Agents and Sales Representatives</i> (article 5(1))	Misappropriation of money.	Cert. susp. for 12 mths; \$2000.00	\$3000.00
VR 116 of 2005 Glenn William Low & Glenn Low Properties Pty Ltd t/a Tangibar Pty Ltd	<i>Real Estate and Business Agents Act 1978</i> (ss68(1) & 68(4)) <i>Code of Conduct for Agents and Sales Representatives</i> (article 6(2))	Misappropriation of money.	Licence and triennial cert susp. Perm. disq from holding licence. Fine \$10,000.00	\$65,00.00

## Resources Safety

The following tables list all prosecution action finalised in 2005-06 by Resources Safety:

**Table 34: Resources Safety prosecution outcomes 2005-06**

Name/defendant/ parties	Legislation	Description of offence or conduct	Fine (outcome for civil and SAT actions)	Costs
BHP Billiton Direct Reduced Iron Pty Ltd	<i>Mines Safety and Inspection Act 1994 s 9(1)</i>	Causing the death of James Wadley by a breach of s 9(1) of the Act. Failed to provide and maintain at a mine a working environment in which that employer's employees are not exposed to hazards.	\$100,000	\$58,449.45 (total for three charges arising from this incident)
		Causing serious harm to Keiran Holden by a breach of s 9(1) of the Act. Failed to provide and maintain at a mine a working environment in which that employer's employees are not exposed to hazards.	\$50,000	
		Causing serious harm to Dean Black by a breach of s 9(1) of the Act. Failed to provide and maintain at a mine a working environment in which that employer's employees are not exposed to hazards.	\$50,000	
		Causing serious harm to Dean Black by a breach of s 9(1) of the Act. Failed to provide and maintain at a mine a working environment in which that employer's employees are not exposed to hazards.	Withdrawn	N/a
Hughes Hydrocleaning	<i>Mines Safety and Inspection Act 1994 s 9(1)(b)</i> <i>Mines Safety and Inspection Regulations 1995 reg 4.13(1)</i>	Failed to provide such information, instructions and training to and supervision of employee necessary to enable them to perform their work in such a manner that they are not exposed to hazards.	Withdrawn	N/a

## EnergySafety

The following tables list all prosecution action finalised in 2005-06 by EnergySafety.

**Table 35: EnergySafety prosecution outcomes 2005-06**

Name (and suburb of residence at time of offence)	Legislation	Offence	Fine	Costs
Luckylink Furniture (Welshpool)	<i>Electricity Act 1945</i> s 33B(2) (9 breaches)	Offered for sale electrical appliances that were not approved.	\$1,000	\$320.70
Western Power Corporation t/a Western Power (Jandakot)	Electricity Regulations 1947 Reg 242(1)(a)	Supplied electricity to a premises without ensuring that the service apparatus was installed and maintained in a safe manner.	\$10,000.00	\$550.70
Western Power Corporation t/a Western Power	As above	As above	\$15,000.00	\$410.70
Rodney Brian McMillan (Padbury)	Electricity (Licensing) Regulations 1991 Reg 19(1)	Carried out electrical work without holding an electrical workers licence.	\$2,000.00	\$360.70
Mark Ball (Padbury)	As above	As above	\$500.00	\$325.70
Donald Brady (Eaton)	As above	As above	\$500.00	\$325.70
Daniel O'Neil (Geraldton)	As above	As above	\$750.00	\$368.45
David Powell (Kewdale)	As above	As above	\$600.00	\$525.70
Leslie Banton (Hamilton Hill)	As above	As above	\$800.00	\$768.45
Sean Conlon (Busselton)	As above (17 breaches)	As above	\$700.00	\$500.70
Grant McDonald (Scarborough)	As above	As above	\$800.00	\$325.70
Paul Worsley (Hillaries)	As above	As above	\$300.00	\$475.70
Coltland Investments t/a CBD Cabling Services (Cannington)	Electricity (Licensing) Regulations 1991 Reg 33(1) (5 breaches)	Carried on business as an electrical contractor without a licence.	\$2,000.00	No costs awarded
Leon Best (Viveash)	As above (3 breaches)	As above	\$1,500.00	Nil
David Powell (Kewdale)	As above	As above	\$600.00	*
Leslie Banton (Hamilton Hill)	As above	As above	*	*
James Bastow (Dawesville)	Electricity (Licensing) Regulations 1991 Reg 49(1)	Carried out substandard electrical work.	\$750.00	\$388.45
Dean Bradshaw (Singleton)	As above	As above	\$750.00	\$498.45*
Phillip Chance (Palmyra)	As above	As above	\$300.00	\$288.45
Peter Loveless (Newman)	As above	As above	\$800.00	\$500.00
Francis Marsh (South Hedland)	As above (2 breaches)	As above	\$1,000.00	\$400.70
William Murray (Coogee)	As above (2 breaches)	As above	\$600.00	\$300.00
Paul Sanzone (Balcatta)	As above	As above	\$2,000.00	\$325.70
Charles May (Yokine)	As above	As above	\$1,000.00	\$625.70
Philip Armitage (Jane Brook)	As above (2 breaches)	As above	\$500.00	\$468.45
Francis Gidley (Singleton)	As above	As above	\$2,000.00	\$410.70
Michael Moloney (Margaret River)	As above (3 breaches)	As above	\$600.00	\$428.45
Cameron Trueman (Albany)	As above (condition release order)	As above	\$750.00	\$475.00

\* Global penalty – more than one offence

## Appendices/Glossary

Name (and suburb of residence at time of offence)	Legislation	Offence	Fine	Costs
Giovanni Gregorio (Dianella)	Electricity (Licensing) Regulations 1991 Reg 50A	Permitted unsafe wiring or equipment to be connected to an electrical installation.	\$2,000.00	\$400.70
Jeffery Cairns (Roleystone)	As above	As above	\$1,000.00	\$410.45
Coltland Investments t/a CBD Cabling Services (Cannington)	Electricity (Licensing) Regulations 1991 Reg 51(1) (3 breaches)	Failed to submit a Preliminary Notice to the relevant supply authority within the required timeframe.	\$1,050.00	No costs awarded
Coltland Investments t/a CBD Cabling Services (Cannington)	Electricity (Licensing) Regulations 1991 Reg 52(1) (3 breaches)	Failed to submit a Notice of Completion for completed electrical work.	\$1,050.00	No costs awarded
Darren MacLeod (Doubleview)	As above	As above	\$500.00	\$325.70
Wildflower Electrical Refrigeration Services (Margaret River)	As above	As above	\$900.00	\$428.45
Bradshaws Security and Electrical (Singleton)	Electricity (Licensing) Regulations 1991 Reg 52(3)	Submitted a Notice of Completion to the relevant supply authority when the electrical installing work was not complete.	\$250.00	*
Contract Electrical (Welshpool)	As above	As above	\$3,000.00	\$368.00
Mick May Electrical Maintenance Service (Yokine)	As above	As above	*	*
Kosta Electrical Contractors (Beechboro)	As above	As above	\$750.00	\$325.70
Ausglow Nominees P/L (Kardinya)	As above	As above	\$1,000.00	\$435.70
Interlec WA P/L (Bibra Lake)	As above	As above	\$1,000.00	\$475.70
Coltland Investments t/a CBD Cabling Services (Cannington)	Electricity (Licensing) Regulations 1991 Reg 54(1)(b) (5 breaches)	A Notice of Completion was sent in respect of the electrical installing work, which was signed by a person other than the electrical contractor and/or the nominated electrical worker.	\$2,500.00	No costs awarded
Western Power Corporation t/a Western Power (Tenterden)	Electricity (Supply Standards and System Safety) Regulations 2001 Reg 10 (2 breaches)	Failed to ensure that the maintenance of its distribution network (22kV power line) was, so far as reasonable and practicable, carried out in such a way as to provide for the safety of persons or avoid or minimise any damage to property or other detriment.	\$17,500.00	\$757.70
Benjamin Ives (Wanneroo)	Gas Standards Act 1972 s 13A(2)	Carrying out gasfitting work while not holding a certificate of competency, permit or authorisation.	\$650.00	\$200.00
Terrance McCallum (Moora)	As above	As above	\$200.00	\$600.70

\* Global penalty – more than one offence

Name (and suburb of residence at time of offence)	Legislation	Offence	Fine	Costs
Tyrone Harston (Willagee)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Reg 8, 28(2), 28(3)	Failed to notify change of address.  Failed to fit a compliance badge to the installation.  Failed to submit a Notice of Completion to the gas supplier.	\$1,000.00	\$550.70
Matthew Whitford-Smith (Maddington)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Reg 18	Failed to ensure gasfitting work was carried out in a safe manner.	\$450.00	\$525.70
Terrance McCallum(Moora)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Reg 26(1)(a)	Failed to ensure that the gas installation was made gas-tight.	*	*
Maxwell Dodd (Scarborough)	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 Reg 28(2), 28(3a)(b), 28(3a)(c)	Failed to ensure gasfitting work was carried out in a safe manner.  Failed to fit a compliance badge to the 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	\$540.00
Steven Robcke (Currambine)	As above	As above	\$600.00	\$475.70
Joseph Clemeno (Morley)	As above	As above	\$1,150.00	\$550.70
Alan Fyfe (Golden Bay)	As above	As above	\$1,000.00	\$560.70
Glenn Henderson (Mandurah)	As above	As above	\$600.00	\$325.70
Peter Neretlis (Maddington)	As above	As above	\$4,000.00	\$400.70

\* Global penalty – more than one offence

## Labour Relations

The following tables list all prosecution action finalised in 2005-06 by the Labour Relations Division.

**Table 36: Labour Relations prosecution outcomes 2005-06**

Name/defendant/ parties	Legislation	Offence	Fine	Costs
Ticket Express Pty Ltd t/a 26th Parallel	<i>Minimum Conditions of Employment Act 1993</i>	Failure to pay Minimum Conditions of Employment Act 1993 entitlements.	Settled through pre-trial process	N/a
Ticket Express Pty Ltd t/a 26th Parallel	<i>Minimum Conditions of Employment Act 1993</i>	Failure to pay <i>Minimum Conditions of Employment Act 1993</i> entitlements.	Fine \$2,000 Payment \$2,515.28	\$2,281.12
Ultimate Ceramics	<i>Industrial Relations Act 1979 (s102(1))</i>	Obstruction	\$750.00	N/a
Olten Pty Ltd t/a MSA Security	<i>Workplace Relations Act 1996 (5 breaches)</i>	Failure to pay federal award entitlements.	Discontinued (Insolvent)	N/a
Jamie Leggo	<i>Industrial Relations Act 1979 (s49J(5))</i>	Authorised representative acted improperly.	Discontinued (Representative no longer held authority)	N/a
Michael Powell	<i>Industrial Relations Act 1979 (s49J(5))</i>	Authorised representative acted improperly.	Convicted Authority suspended for 1 month	N/a
Campbell McCullough	<i>Industrial Relations Act 1979 (s49J(5))</i>	Authorised representative acted improperly.	Discontinued (Representative no longer held authority)	N/a
Hugall & Hoile Ltd	<i>Industrial Relations Act 1979</i>	Failure to pay state award entitlements.	Settled through pre-trial process	N/a
Bullivant Holdings Pty Ltd t/a Qcumbers	<i>Workplace Relations Act 1996</i>	Failure to pay federal agreement entitlements.	Settled through pre-trial process	N/a
Joseph McDonald	<i>Industrial Relations Act 1979 (s49J(5))</i>	Authorised representative acted improperly.	Dismissed	N/a
Joseph McDonald	<i>Industrial Relations Act 1979 (s49J(5))</i>	Authorised representative acted improperly.	Convicted Authority revoked	N/a
Advanced Lighting Technology Pty Ltd t/a Alti Lighting	<i>Minimum Conditions of Employment Act 1993</i>	Failure to pay prescribed entitlements.	Settled through pre-trial process	N/a
Advanced Lighting Technology Pty Ltd t/a Alti Lighting	<i>Industrial Relations Act 1979 (S102(1))</i>	Obstruction	Discontinued (After above matter settled)	N/a
Ultimate Ceramics	<i>Industrial Relations Act 1979</i>	Failure to comply with Industrial Magistrates Court order (Section 83E(1)).	\$3,740	N/a
Conkers Restaurant	<i>Industrial Relations Act 1979 (S102(1))</i>	Failure to pay state award entitlements.	\$2,500	N/a

## WorkSafe

The following tables list all prosecution action finalised in 2005-06 by the Legal Unit of WorkSafe Division. It should be noted that all were for breaches of the *Occupational Safety and Health Act 1984* or the Occupational Safety and Health Regulations 1996.

**Table 37: WorkSafe prosecution outcomes 2005-06**

Name/defendant/parties	Offence	Fine	Costs
Taylored Scaffolding & Hoist Hire Pty Ltd	Reg 3.49 – failed to: a. identify each hazard to which a person at the workplace was likely to be exposed in relation to the person falling from one level at the workplace to another; b. assess the risk of injury or harm to a person resulting from each hazard, if any, identified under paragraph (a); and c. consider the means by which the risk may be reduced.	\$1,500	\$288.45
Vardaro Nominees Pty Ltd t/a Correct Line Drainage & Plumbing	ss19(1) and 19(6) – failure to, so far as practicable, provide and maintain a working environment in which its employees were not exposed to hazards.	\$15,000.00	\$756.45
WA Marble & Granite Pty Ltd	As above	\$5,000.00	\$398.45
Skypath Pty Ltd t/a Supa Valu Crawley	As above	\$3,000.00	\$398.45
Cowara Contractors Pty Ltd	As above	\$12,000.00	\$728.45
James Edward Aikman t/a Westeel Homes	As above	\$7,000.00	\$818.45
Outdoor Centre Holdings Pty Ltd	As above	\$15,000.00	\$648.45
Ball Noodle Manufacturing Pty Ltd	As above	\$10,000.00	\$500.00
Jikebi Pty Ltd t/a Stirling Freight Express	As above	\$1,000.00	\$178.45
Graham Johnson t/a Peronis in the Park	As above (two breaches)	\$2,500.00 \$2,500.00	\$1,000 \$1,000
H.B.M. Nominees Pty Ltd t/a Jayde Transport	s19(1) and 19(7) – failure to, so far as practicable, provide and maintain a working environment in which its employees were not exposed to hazards, and by that contravention caused serious harm to an employee.	\$14,000.00	\$300.00
Douai Pty Ltd t/a Hills Trading	As above	\$10,000.00	\$398.45
Tony's Auto Auctions Pty Ltd t/a Tony's Auto Wreckers	As above	\$7,500	\$728.45
West Australian Newspapers Limited	As above	\$15,000.00	\$618.45
J.V. Engineering (WA) Pty Ltd	As above	\$25,000.00	\$648.45
Price Trandos Engineering Pty Ltd	As above	\$40,000.00	\$1,300.70
Murphy Demolition Pty Ltd	As above	\$30,000.00	\$3,500.00
Patrick Joseph Martin Murphy	ss19(1), 19(7) and 55 - Where a body corporate is guilty of an offence under this Act and it is proved that the offence is attributable to the neglect on the part of a director, he as well as the corporation is guilty of that offence.	\$5,000.00	As above
Daniel Martin Murphy	As above	\$5,000	As above

## Appendices/Glossary

Name/defendant/parties	Offence	Fine	Costs
B & F Holdings (WA) Pty Ltd t/a Art and Building	ss19(1) and 19(7) – failure to, so far as practicable, provide and maintain a working environment in which its employees were not exposed to hazards, and by that contravention caused serious harm to an employee.	\$20,000.00	\$7,140.00
Soroosh Bahreman	ss19(1), 19(7) and 55 - Was a director of a body corporate when that body corporate was guilty of an offence under the <i>Occupational Safety and Health Act 1984</i> and that offence was attributable to his neglect.	\$2,000.00	As above
Hermans & Rossi Electrical Contractors Pty Ltd	ss19(1) and 19(7) – failed to provide and maintain, so far as was practicable, a working environment in which its employees were not exposed to hazards and by that contravention caused the death of its employee.	\$40,000.00	\$3,000.00
Vincent Leonard Rossi	ss20(1)(b) and 20(5) – failed to take reasonable care to avoid adversely affecting the safety of other persons, through an omission at work and thereby caused the death of another person.	\$5,000.00	\$1,000.00
John William Smith	As above	\$2,000.00	\$3,500.00
Eric Altinier	ss48(4) - Being the person to whom improvement notice 76700200 was issued, did not comply with the improvement notice by 30 September 2003, that date being the date by which the improvement notice must be complied with.	\$2,500.00	\$618.45
Thornett Nominees Pty Ltd t/a Global Transport Logistics	Reg 3.131(1)(b) - failed to ensure that its commercial vehicle drivers who were required to drive commercial vehicles that formed the whole or part of the workplace were certified by a medical practitioner as fit to drive the vehicle.  Reg 3.133 - failed to ensure that a driver fatigue management plan was developed by a competent person for every commercial vehicle driver that was required to drive a commercial vehicle that formed the whole or part of the workplace.	\$3,500.00 Global Fine	\$398.45
Coca-Cola Amatil (Aust) Pty Ltd	ss21(1)(b) and 21(3) - failed, so far as was practicable, to ensure that the safety or health of a person not being its employee was not adversely affected wholly or in part as a result of work in which its employee was engaged and by that contravention caused serious harm to a person.	\$40,000.00	\$585.25
Angelo Terzo Logiudice	Reg 4.44(1)(a) - where there was powered mobile plant, namely a Same Solar 60 tractor and a Fiat 650 tractor, and where there was a risk that the plant could overturn, failed to ensure, so far as practicable, that the risk was limited by the provision of an appropriate combination of operator protective devices that are maintained and used appropriately, namely a roll over protective structure and a seat belt on each tractor.	\$600.00	\$618.45

\* Global penalty – more than one offence

Name/defendant/parties	Offence	Fine	Costs
Sandalford Wines Pty Ltd t/a Sandalford Caversham Estate	Reg 4.55(1)(a)(i) - did not ensure that an industrial lift truck at the workplace that was not a pedestrian operated industrial lift truck was operated, in the case of a person who was not less than 18 years of age, by a person who had documentary evidence that he had satisfied the competency requirements of the National Guidelines for Occupational Health and Safety Competency Standards for the Operations of Loadshifting Equipment and Other Types of Specific Equipment [NOHSC: 7019 (1992)] for load shifting equipment.	\$500.00	\$398.45
Milan Majkic t/a M.Majkic & Co Building Contractor	Reg 3.55(1)(a) - failed to ensure that edge protection that complied with regulation 3.55(5) was provided and kept in place where there was a risk that a person could fall 2 or more metres from a suspended slab at the workplace.	\$1,000.00	\$314.00
Maria Catherine Majkic t/a M.Majkic & Co Building Contractor	As above	\$1,000.00	\$314.00
Seaview Management Pty Ltd t/a Trigg Island Café Restaurant	s48(4) (3 breaches) - did not comply with three improvement notices by the date by which the improvement notices had to be complied with.	\$3,000.00	\$508.45
Shire of Gingin	Reg 3.118(b) - failed to ensure that Class 2 demolition work to be done at the workplace was done by a person who had been issued with a license to do Class 1 or Class 2 demolition work.	\$500.00	\$288.45
Donald William Draffin t/a Finn-Ex Manufacturing 2003	ss22(1)(a) and 22(5) - failed to take such measures as were practicable to ensure that the workplace was such that persons who were at the workplace were not exposed to hazards.	\$5,000.00	\$1533.22
Nationwide Roofing Pty Ltd	Reg 3.55(2) - did not ensure that edge protection that complied with reg 3.55(5) was provided and kept in place or a fall injury prevention system was provided and in operation when there was a risk that a person could fall 3 metres or more from an edge at the workplace.	\$1,500.00	\$518.45
Doric Constructions (Australia) Pty Ltd	As above	\$1,500.00	\$518.45
Rino Del Borrello t/a Modern Wrought Iron	Reg 4.37(1)(f) - failed to ensure that every dangerous part of a fixed powered plant, was as far as practicable securely fenced or guarded in accordance with reg 4.29.	\$1,250.00	\$508.45
Marina Del Borrello t/a Modern Wrought Iron	As above	\$1,250.00	\$508.45
Troy Alexander Grant Creyk	ss21(1)(b) and 21(2) - failed, so far as was practicable, to ensure that the safety of a person not being his employee was not adversely affected as the result of the work in which the defendant was engaged.	\$20,000.00	\$5,325
Nathan McQuilkin	s20(1)(b) and 20(5) - did not take reasonable care to avoid adversely affecting the safety or health of any other person through any act or omissions at work, and by that contravention caused serious harm to another person.	\$5,000.00	\$1,200.00

\* Global penalty – more than one offence

Name/defendant/parties	Offence	Fine	Costs
Coromal Caravans Pty Ltd	Reg 4.55(1) - failed to ensure that a person operating the industrial lift truck was a person who had documentary evidence that he satisfied the competency requirements of the National Guidelines for Occupational Health and Safety Competency Standards for the Operation of Load Shifting Equipment and Other Types of Specified Equipment for load shifting equipment.	\$250.00	\$430.70

### Reviews of Notices issued by WorkSafe inspectors

WorkSafe Reviews and Legal Services coordinates and supports the Commissioner for WorkSafe Western Australia's functions in reviewing notices issued by WorkSafe's inspectors under the *Occupational Safety and Health Act 1984* (the Act), and considering applications for exemptions under the Occupational Safety and Health Regulations 1996.

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 the Commissioner is reviewing them, 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 in accordance with Section 51A of the Act.

During 2005-06, 1,273 requests were made for the Commissioner to review a notice. Review outcomes are as follows:

**Table 38: Review of Improvement and Prohibition notices outcomes 2005-06**

Outcome	Improvement Notices	Prohibition Notices
Affirmed	15	7
Affirmed with time extended	1036	N/a
Affirmed, modified and time extended	14	N/a
Affirmed with modification to wording	1	0
Cancelled by Commissioner	55	6
Review request withdrawn	4	N/a
Compliance effected on time and while under review	43	N/a
Received too late for review	92	N/a
<b>Total</b>	<b>1260</b>	<b>13</b>

During 2005-06, four applications for a further review of a notice were lodged with the Occupational Safety and Health Tribunal. Three of these applications related to Improvement Notices and one to a Prohibition Notice. One application is still to be decided. In the case of the Prohibition Notice the decision of the Commissioner was affirmed, and in the case of two of the Improvement Notices, one decision of the Commissioner was affirmed, with modification to the wording and the compliance date was extended, and the other decision of the Commissioner was revoked and the notice was cancelled. The table below shows the per centage of notices reviewed in comparison with the total number of notices issued over the past three years.

**Table 39: Review of Improvement and Prohibition notices - Trends**

Year	Improvement notices issued	Improvement notices reviewed	per cent	Prohibition notices issued	Prohibition notices reviewed	per cent
2003-04	11,848	1,011	8.5	870	20	2.3
2004-05	12,391	1,010	8.2	963	14	1.5
2005-06	11,691	1,260	10.8	708	13	1.8

The Commissioner granted 25 exemptions from the Occupational Safety and Health Regulations 1996. Exemptions were published in the Government Gazette.

## EnergySafety investigations

### Electricity related serious accidents and fatalities

The following were reported to EnergySafety during the year:

- 1,317 electric shocks
- 31 serious electrical accidents\*
- 3 fatalities (included in serious electrical accidents)

**Table 40: Serious electricity related accidents notified per million population (not including wilful incidents)**

Year	Number	Five year average
1996-97	14	23
1997-98	14	20
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	14
2005-06	15	16

Note: 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 15 accidents per one million population, a decrease below the 23 per million in the previous year. This figure is still unacceptably high.

The serious electrical accidents included three fatalities in which electricity was found to be the cause:

- A linesman received a fatal electric shock when he came into contact with, or in the vicinity of, live high voltage aerial conductors.
- A person received a fatal electric shock when he made contact with the exposed 1,000 volt terminals in a switchboard.
- A person received a fatal electric shock when a piece of metal with which he was in contact pierced a three-phase extension cord, contacting a live conductor.

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

### Gas related incidents and fatalities

The following have been reported to EnergySafety during the year:

- 16 incidents
- 16 accidents (persons injured)
- 0 fatalities

**Table 41: Gas related accidents notified per million population (not including wilful incidents)**

Year	Number	Five year average
1996-97	4	8
1997-98	6	7
1998-99	5	6
1999-00	3	6
2000-01	7	5
2001-02	11	6
2002-03	10	7
2003-04	8	8
2004-05	8	9
2005-06	8	9

Note: 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 gas accident rate for the reporting period was eight accidents per one million population, the same as the eight per million in the previous year. There were no gas related fatalities.

## Appendix four

### Reporting requirements under Section 60(2) of the *Credit (Administration) Act 1984*

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

As at 30 June 2006, there were 160 licensed credit providers operating in Western Australia. 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 Act.

Section 60(2) of the Act requires the Commissioner for Fair Trading 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; and*

The 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 the Act. Additionally, the Code provides that DOCEP may assist a debtor in negotiating a change to the terms of a credit contract on the basis of hardship.

**Table 42: *Credit (Administration) Act 1984* - Investigation summary 2005-06**

	Investigations of licensing matters relating 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 2005	2	16	7	25
Matters commenced	30	95	29	154
Matters concluded	27	103	30	160
Ongoing matters as at 30 June 2006	5	8	6	19

Of the 160 concluded investigations, the following outcomes were recorded in 2005-06:

- 69 agreements were reached.
- 60 no resolution or action taken, including complaints lapsed or withdrawn.
- 21 referred to another agency.
- 8 administrative warnings, cautions, education or advice issued.
- 2 prosecutions.

- (ii) *matters that have been brought before the State Administrative Tribunal under this Act;*  
 In the previous financial year the Commissioner joined proceedings brought by a consumer in the State Administrative Tribunal alleging that a credit provider had breached the disclosure requirements of the Code. During the course of the year, the consumer applied to withdraw the proceedings which were subsequently dismissed.

This year the Commissioner commenced an action in the Perth Magistrates Court against a motor vehicle dealer in relation to the submission of a false and misleading loan application. The motor vehicle dealer pleaded guilty and was fined \$1,500 with costs of \$100.

- (b) *The number and nature of matters referred to in paragraph (a) that are outstanding;*  
Nineteen investigations are ongoing as at 30 June 2006.
- (c) *Any trends or special problems that may have emerged;*  
Consumer Protection has noted the emergence of credit providers facilitating the issuance of promissory notes as a means of providing credit to consumers. Promissory notes are excluded from regulation under the Code. The Commissioner is concerned that the use of promissory notes is an attempt to avoid the protections afforded to consumers under the Code. This matter was raised with the other states and territories and a discussion paper was released in the latter half of the financial year, seeking comment on a proposal to amend the Code to ensure that promissory notes were regulated. Consumer Protection continues to investigate these matters with a view to other possible legal remedies.
- (d) *Forecasts of the workload of the Commissioner in performing functions under this Act in the year after the year to which this report relates; and*  
A proactive compliance program was commenced in the course of the year and approximately 25 licensed credit providers were visited at their business premises. These visits assessed their compliance with requirements under the Code relating to the display of comparison rates and pre-contractual disclosure.

The Commissioner intends to liaise with other state and territories with a view towards establishing a coordinated national approach for proactive visits relating to the provision of consumer credit.

An industry liaison group consisting of industry and consumer representatives was established mid-year as a forum for discussing credit and debt collection matters. The group met once and is scheduled to meet six-monthly on an ongoing basis.

Additional work is also underway to develop informational material and web page content for consumers seeking credit.

- (e) *Any proposals for improving the performance of the Commissioner's functions under this Act.*  
It is anticipated that some changes to the Act may be progressed through the Boards and Committees legislation, including amendments to ensure consistency, where appropriate, with other licensing legislation administered by the Commissioner.

It is intended that additional resources be sought for the regulation of the credit industry since no additional recurrent funding has been acquired for this purpose since 1 January 2005 when full responsibility for this Act was transferred to the department.

## Glossary

ARB	Attraction and Retention Benefit
ASIC	Australian Securities and Investment Commission
ASCC	Australian Safety and Compensation Council
CALS	Compliance and Licensing System
DoIR	Department of Industry and Resources
DOCEP	Department of Consumer and Employment Protection
EEO	Equal Employment Opportunity
FOI	Freedom of Information
FESA	Fire and Emergency Services
FTE	Full time equivalent
HR	Human Resources
IDMS	Integrated Document Management System
KPI	Key Performance Indicator
LNG	Liquefied natural gas
LPG	Liquefied petroleum gas
LTi/Ds	Lost time injuries and diseases
MLA	Member of the Legislative Assembly
MOIR	Minimum Obligatory Information Requirements
MOU	Memorandum of Understanding
MHF	Major hazard facility
MIAC	Mining Industry Advisory Committee
NICNAS	National Industrial Chemicals Notification and Assessment Scheme
OPSSC	Office of Public Sector Standards Commission
OSH	Occupational Safety and Health
PI	Performance Indicator
PID	Public Interest Disclosure
PIR	Priority Investigation Report
SAT	State Administrative Tribunal
SATC	South Australian Travel Centres Pty Ltd
SEDO	Sustainable Energy Development Office
SSC	State Supply Commission
TTY	Teletypewriter



#### Consumer Protection

Forrest Centre  
219 St Georges Terrace  
Perth Western Australia 6000  
Advice Line (for the cost of  
a local call statewide) .....1300 30 40 54  
Administration .....(08) 9282 0777  
Facsimile .....(08) 9282 0850  
Business names .....1300 30 40 14  
REVS .....1300 30 40 24  
FuelWatch prices .....1300 55 08 08  
FuelWatch information .....1300 55 45 45  
TTY .....(08) 9282 0800  
Email: .....consumer@docep.wa.gov.au

#### Energy Safety

303 Sevenoaks Street  
Cannington Western Australia 6107  
Telephone .....(08) 9422 5200  
Facsimile .....(08) 9422 5244  
Email: .....energysafety@docep.wa.gov.au

#### Labour Relations

Dumas House  
3rd Floor 2 Havelock Street  
West Perth Western Australia 6005  
Wageline .....1300 655 266  
Telephone .....(08) 9222 7700  
Facsimile .....(08) 9222 7777  
Building Industry and  
Special Projects Inspectorate .....1800 306 002  
Email: .....labourrelations@docep.wa.gov.au

#### Resources Safety

Mineral House  
100 Plain Street, East Perth, WA 6004  
Telephone:.....(08) 9222 3229  
Facsimile: .....(08) 9222 3862  
Email: .....resourcessafety@docep.wa.gov.au

#### WorkSafe

WestCentre  
5th Floor 1260 Hay Street  
West Perth Western Australia 6005  
Telephone .....(08) 9327 8777  
Facsimile .....(08) 9321 8973  
Work safety and health issues .....1300 30 78 77  
Gas and electrical licensing  
and safety issues .....(08) 9422 5200  
TTY .....(08) 9327 8838  
Email: .....safety@docep.wa.gov.au

#### Regional offices

Goldfields/Esperance .....(08) 9021 5966  
Great Southern.....(08) 9842 8366  
Mid-West .....(08) 9964 5644  
North-West .....(08) 9185 0900  
Kimberley .....(08) 9169 2811  
South-West .....(08) 9722 2888

Mail address: Locked Bag 14  
Cloisters Square Western Australia 6850

Website: [www.docep.wa.gov.au](http://www.docep.wa.gov.au)

[www.docep.wa.gov.au](http://www.docep.wa.gov.au)