



Overview

This section provides a review of the year, highlighting the department's broad strategic directions and priorities, key issues and achievements.

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

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Year in review

From the Director General

I am pleased to present the Department of Commerce's Annual Report for the 2012-13 financial year. The last 12 months have again been a busy and productive year for the department with many noteworthy achievements contributing to the betterment of both the economic and social wellbeing of the Western Australian community.

Our department is responsible for the delivery of a diverse array of programs and services across Western Australia, all of which are aimed at achieving our goal of contributing to business and community growth, safety and protection. During 2012-13 the department implemented significant and wide reaching legislative change, undertook important regulatory and educational activity and helped facilitate ongoing investment in Western Australian business.

August 2012 saw the commencement of the *Retail Trading Hours Amendment Act 2012* which shepherded in an historic new era in Western Australian shopping by allowing all Perth metropolitan retail stores to trade on Sundays and most public holidays. This long awaited regulatory reform has proven to be a boon for consumers who now enjoy greater retail choice and convenience and also, importantly, to retailers who have reported an increase in sales and revenue in the time since the introduction of the new laws.

Significant changes to the *Residential Tenancy Act 1987* in 2012-13 introduced new laws designed to make renting fairer for Western Australian tenants, while also protecting the interests of property owners. At a time where the Western Australian rental market has rarely been tighter the timely changes to the residential tenancy laws have brought about more equitable processes and obligations for the benefit of both tenants and landlords. The amendments to the Act occurred after an extensive consultation process that considered the views of all affected stakeholders and upon introduction were accompanied by a widespread education campaign to raise community awareness of the important changes.

2012-13 also witnessed the first full year of operation of the *Building Act 2011* which has updated laws which were over 50 years old and replaced them with modern and sustainable systems and processes designed to meet the needs of the Western Australian building industry, now and well into the future. The new building laws provide a regulatory framework that allows for the delivery of an effective and flexible building control system making it easier for the industry to obtain building approvals faster and use new and innovative design and construction techniques.

As a department we recognise the benefits that come from an informed community. As such our educational activities aim to provide access to a wide array of knowledge and information so that business and individuals are empowered to better exercise their rights and meet their obligations. During the year a number of educational activities were undertaken with the aim of improving legislative knowledge, consumer rights and safety awareness.

In October 2012 an electrical safety campaign aimed at reducing the number of electrical accidents resulting from do-it-yourself activity was undertaken by the EnergySafety Division. The highly effective television, newspaper and online campaign 'Don't DIY' raised homeowners' awareness of the dangers arising from carrying out their own electrical work and promoted the use of licensed electrical contractors.

To promote improved workplace health and safety practices the ThinkSafe Small Business Assistance Program delivered by the WorkSafe Division again provided a free safety and health system consultation to large number of small businesses. 580 small businesses which participated in the program were visited by independent occupational safety and health consultants who delivered personalised advice and helped the businesses develop a simple, easy-to-implement safety action plan unique to their business and relevant to their industry.

A continued priority for the department was the ongoing support of businesses and individuals in regional Western Australia with a number of regionally focussed initiatives being carried out in 2012-13. Key education activities included the Consumer Protection Division's launch in July of an education campaign to combat unfair trading and high pressure sales practices in regional and remote Indigenous communities and provide a range

of information to help Indigenous consumers better protect themselves from unscrupulous traders; a key regional intervention campaign focussed on the agriculture and fishing industries in the Mid-West of the State undertaken by the WorkSafe Division involving 48 inspections, resulting in 51 improvement notices and 2 prohibition notices being issued; while the Building Commission Division delivered 11 regional seminars on a range of topics related to the building industry, including information concerning the *Building Act 2011*, changes to building and plumbing standards, proposals for national licensing and recently improved compliance and registration processes.

The ongoing development of Western Australian industry is key to the continuing health of our State's economy. The benefits from the department's facilitation of strategic investment into Western Australian industry continued to flow in 2012-13. Tens of thousands of jobs have been created through the Local Industry Participation Framework administered by this department. As at 30 June 2013, the value of contracts awarded to local industry since the framework was introduced in 2011 had surpassed \$44 billion. Additionally, some 120 small to medium sized businesses which received funding assistance through the Industry Facilitation Support Program, a program that helps small companies improve their competitiveness in supplying to the resources sector, have reported the realisation of contract award decisions of more than \$88 million and the creation of 126 new fulltime jobs and 10 apprenticeships.

The department, through its Labour Relations Division, also plays a key role in facilitating an efficient and flexible State industrial relations system. Work continued on the impending introduction of the Labour Relations Legislation Amendment and Repeal Bill 2012. The Bill, when introduced, will deliver a better balance between the rights of employers and employees, update minimum conditions of employment, streamline the process for setting the State's minimum wage levels, and modernise the structure of the Western Australian Industrial Relations Commission. The Labour Relations Division is playing a significant part in ensuring that the proposed changes brought about by the Bill balance effectively the needs of both Western Australian employers and employees.


The department remains committed to strengthening its organisational capacity by developing the skills of our people and enhancing our business functions, systems and services, including its online services.

During the year several large scale internal projects were completed which resulted in more streamlined and efficient services being delivered internally, to business and the wider community. Major systems upgrades led to the update of the department's main operating computing system as well as numerous divisional operating systems. Our dedication to the better usage of new technology will be further witnessed in the delivery, in 2013-14, of a revamped department website which will provide the community with access to expanded services and improved communications.

Through its Workforce and Diversity plan the department continued to develop short and long term strategies to build and maintain a skilled, flexible and sustainable workforce. An integral component of the department's workforce development is the implementation of the *Aboriginal Employment Strategy 2012-2015*, developed to improve employment opportunities and outcomes for Aboriginal Australians in the Western Australian public sector. A key goal of the strategy is to achieve the Aboriginal employment target of 3.2 per cent of the department's workforce by 2015. The introduction of the strategy is an important starting point to bring about the organisational change required to provide meaningful steps to improve Aboriginal employment and make a real difference to the Aboriginal community, a worthwhile goal that the department is wholly committed to.

In conclusion I would like to thank the staff of the Department of Commerce once again for their continued dedication, integrity and professionalism. The achievements described in this annual report, which ultimately result in lasting benefit for all Western Australians, are a testament to their hard work and commitment.

Many individuals, businesses and organisations have also contributed to our activities and successes and I take this opportunity to also acknowledge and thank those stakeholders who work with us to deliver our services to the Western Australian community.


Brian Bradley
Director General



Our highlights

This section provides a summary of the department's highlights for the 2012-13 financial year.

Consumer Protection

Residential tenancy law changes and iRentWA

Significant amendments to the *Residential Tenancies Act 1987* were implemented by the *Residential Tenancies Amendment Act 2012*, which commenced on 1 July 2013. In Western Australia's tight rental market, the changes are designed to make renting fairer and more accessible for tenants, while also protecting the interests of property owners. This is expected to occur through the use of standard tenancy agreements, compulsory property condition reports and through a cap on application (option) fees for prospective tenants. The Consumer Protection Division delivered an extensive education program to ensure community awareness of these amendments. The education program included information sessions, promotion of the changes through traditional and social media and updates to all existing written educational material.

The Consumer Protection Division also developed its second smart phone app, and the only one in Australia dealing with tenancy issues. The app – iRentWA – contains information about tenancy rights and allows users to store rent receipts, set reminders for rent or property inspections, calculate costs and email enquiries directly to the Consumer Protection Division.



Project **SUNBIRD**
fighting consumer fraud

Project Sunbird

Project Sunbird is a joint initiative between Western Australia Police and the department to reduce the incidence and losses from scams perpetrated by criminals from selected West African countries. Using pooled resources and expertise, both agencies implemented a strategy to identify and approach

potential victims. A sophisticated database has been set up for the collection and analysis of intelligence data, while media channels and community education activities aim to raise awareness of scams and protective measures. The project, which will be further evaluated in the latter half of 2013, has already reaped significant results and saved many victims from further detriment. From January to May 2013 approximately 720 suspected victims were identified through Project Sunbird with monetary losses totalling around \$3 million.

Property frauds prevented

New identity verification guidelines and strengthened Codes of Conduct for real estate agents, sales representatives and settlement agents have prevented several attempts to fraudulently sell property in Western Australia. In October 2012 and February 2013 attempts to fraudulently sell property were thwarted when agents discovered the attempted frauds by following the Commissioner's verification guidelines for identifying sellers of real estate. Proactive compliance officers routinely check that agents have necessary processes in place to ensure compliance with the new verification measures and the department reminds agents of their obligations through education and information circulars.

Safety and Employment Protection and Construction Standards

Implementation of the *Building Act 2011*

Financial year 2012-13 was the first full year of operation of the *Building Act 2011*. The Act updated the process of building and demolition approvals for the first time since 1960 and introduced private certification of compliance with building standards. This was a significant reform that required changes to approval processes and systems in 139 local governments and State Government works agencies, and changes to the way owners, designers and builders prepare applications. The ability for private building surveyors to work with design teams and builders has streamlined certification and facilitates innovative building solutions.

The volume housing sector was slower to adopt private certification and the large number of uncertified applications severely impacted on local governments trying to adapt to new systems and adjust to loss of building surveyors to the private sector. This caused a drop in cash flow in the sector from April 2012. The Building Commission Division worked closely with major builders, key local governments and industry associations to unblock approvals by removing as many processing steps as possible consistent with public safety, developing a unified processing manual and making urgent amendments to the Act to provide greater flexibility and consistency. These measures and the gradual adoption of certified applications by the sector restored cash flow to normal levels by August 2012.

Renewal of building services registrations

Builders, painters and building surveyors are now registered under the *Building Services (Registration) Act 2011*. Under repealed legislation, a provider could remain registered simply by paying the annual fee. This provided no check of continuing suitability or eligibility and many people retained registration even though they did not work in the industry.

In February 2013 the Building Commission Division commenced a major renewal process for over 12,000 individual registrations that required individual practitioners to provide current national police clearances and contractors to demonstrate their ability to pay their debts when and if they fall due. This major undertaking gives the Building Commission Division a baseline audit of all practitioners and contractors and confirms their current competence to practice, thus safeguarding the community and consumers and ensuring the high standards required in the industry are being met.





WorkSafe Division compliance activities

During the year, the WorkSafe Division focused its occupational safety and health compliance and proactive educational programs on nationally agreed priority industries and State priority areas. In implementing the priority approach, the division completed more than 8,300 investigations, issued more than 11,900 improvement notices and more than 550 prohibition notices, and signed 33 prosecution notices.

Case Study

ThinkSafe Small Business Assistance Program

The ThinkSafe Small Business Assistance Program promotes occupational safety and health systems and policies to small businesses in high risk industries and not-for-profit organisations. During the year, as part of the program, the WorkSafe Division delivered a free and independent safety and health system consultation to 580 small businesses on a one-to-one basis.

In addition, eight safety and health system seminars and four group consultation sessions were delivered. The WorkSafe Division delivered approximately 66 per cent of its services to businesses in the metropolitan area and 34 per cent to businesses in the regions. Additional assistance on key occupational safety and health issues was provided to 56 small businesses that opted to be part of a program of follow-up visits.



**THINKSAFE
WORKSAFE**

Electrical safety awareness campaign

The Energy Safety Division conducted a 'Don't DIY' media campaign to raise homeowners' awareness of the dangers of doing their own electrical work. The campaign also promoted the use of a licensed electrical contractor and requesting an Electrical Safety Certificate.

Campaign effectiveness results indicate that it was highly successful with high penetration and strong recognition of the campaign.



Public sector wages policy

All public sector enterprise bargaining agreements finalised during this reporting period have been successfully delivered within the parameters of the Public Sector Wages Policy with minimal disputation and disruption to service.

Industry, Science and Innovation

Treatment for Duchenne Muscular Dystrophy

An innovative treatment for Duchenne Muscular Dystrophy, a disease which affects around one in 3,500 boys worldwide, took top honours at the Western Australian Innovator of the Year Awards 2012. Professors Steve Wilton and Sue Fletcher – previously from the University of Western Australia (UWA) but now at Murdoch University – won the Mitsubishi Corporation Innovator of the Year, for devising a way to bypass the defect in the faulty gene responsible. The treatment has so far been encouraging, with data showing that the boys treated have stabilised with their condition not deteriorating.

UWA has since signed an agreement with United States drug company, Sarepta Therapeutics, to commercialise their research. The agreement is worth US\$7.1 million in upfront and milestone payments, as well as royalties on net sales of all medicines developed and approved.

Innovation in mining technology

A previous Innovator of the Year award winner, Scanalyse is an innovation success with 30 mining clients (approximately 25 per cent of the market) across Australia, as well as 20 international clients.

The company uses its flagship laser scanning technology, MillMapper, to monitor the wear patterns on equipment used for mining and mineral processing, meeting an industry-driven need for high quality condition monitoring information. Its technology is protected by international patents and is unique to Scanalyse.

Earlier this year Scanalyse was acquired by Outotec, an international mining technology company based in Finland, and with this additional global reach, Scanalyse can provide enhanced services to its customers and expect further growth.

The Western Australian Fellowship Program

The Western Australian Fellowship Program has now been running for 10 years and continues to attract eminent researchers from overseas and interstate to conduct excellent scientific research of major importance and potential impact for Western Australia.

The most recently appointed fellow, Professor Andrew Whiteley commenced his Western Australian Fellowship at the University of Western Australia in October 2012 after relocating from the United Kingdom. Professor Whiteley's research team is creating a hub for national and international advice and expertise on best practice rehabilitation and restoration programs to address environmental exploitation in mining, agricultural and conservation operations. Professor Whiteley is setting up a unique DNA database on below ground genetic capacity as a reference tool to enhance restoration practices.



About the department

The department maintains a vital role in facilitating a business environment that is productive, innovative, fair and safe. It works to create a contemporary, diversified economy that provides for the growth, safety and protection of the Western Australian community by promoting innovation; enhancing capacity; and ensuring a world class regulatory environment.

In 2012-13 the department comprised the following eight divisions:

- Building Commission;
- Consumer Protection;
- Corporate Services;
- EnergySafety;
- Industry, Science and Innovation;
- Labour Relations;
- WorkSafe; and
- Office of the Director General.

Enabling legislation

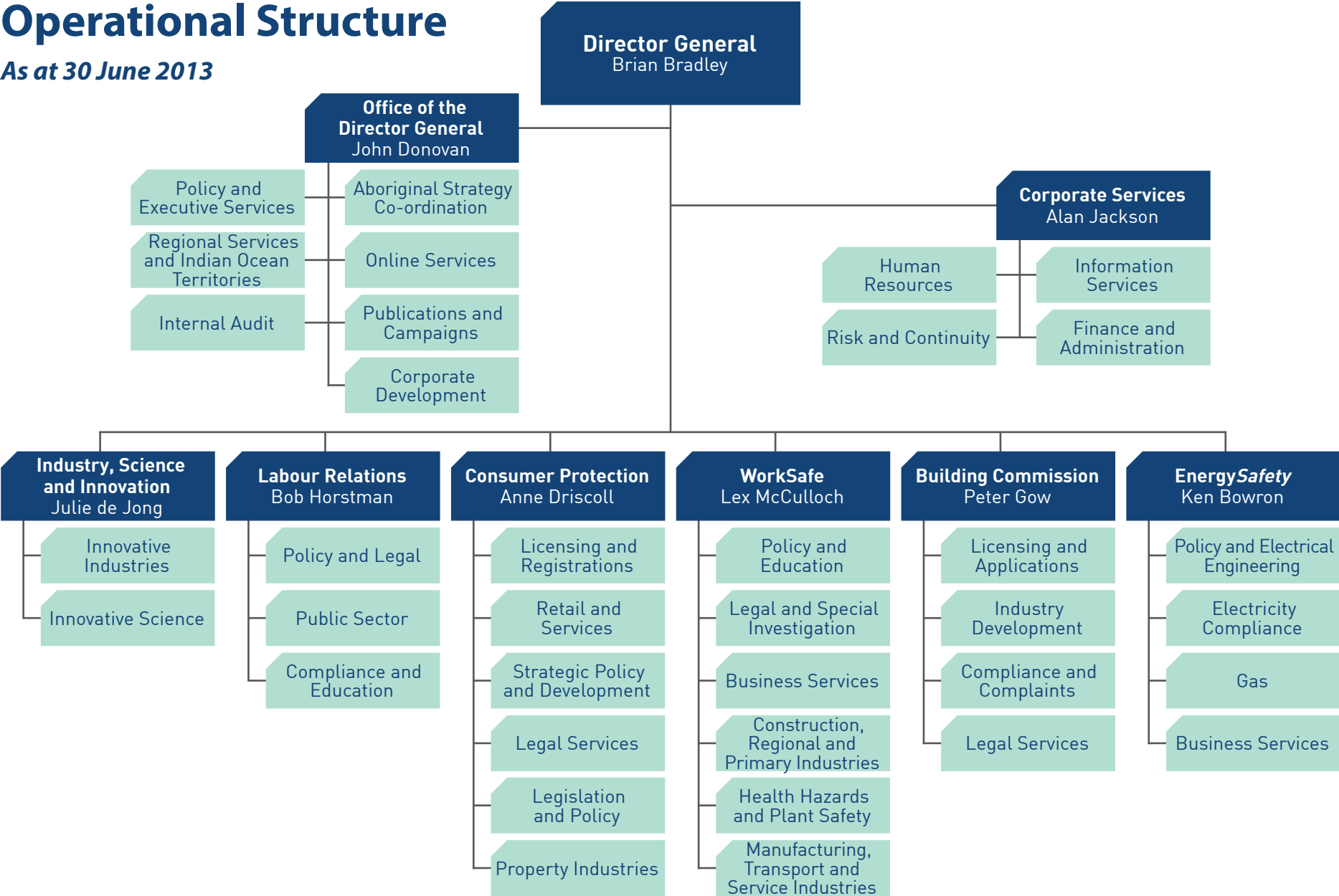
The Department of Commerce is established as a department under section 35 of the *Public Sector Management Act 1994*.

Responsible Ministers

From 1 July 2012 the department was responsible to the Hon Simon O'Brien MLC, Minister for Finance; Commerce; Small Business and the Hon John Day BSc BDS Sc MLA, Minister for Planning; Culture and the Arts; Science and Innovation. Following the State election held in March 2013 the Department of Commerce was responsible to the Hon Michael Mischin MLC Attorney General; Minister for Commerce and the Hon Colin Barnett MLC MLA Premier; Minister for State Development; Science.

Operational Structure

As at 30 June 2013



Our Corporate Executive Team



Brian Bradley PSM
Director General

Brian Bradley has over 40 years' experience in the Western Australian public sector. He has been involved principally in safety and health since 1983. Brian worked for WorkSafe for more than 20 years and was appointed as Commissioner of WorkSafe Western Australia in October 1998. In 2002, Brian was appointed Director General of the Department of Commerce (formerly the Department of Consumer and Employment Protection) after acting in the position since June 2001.

He is the deputy chair of the Western Australian Commission for Occupational Safety and Health, a member of the WorkCover Western Australia Authority's Board and a member of the Legal Aid Commission. He was the Western Australian member on the Australian Safety and Compensation Council from 2005 to April 2009, and is the current Western Australian member of Safe Work Australia. Brian was awarded the Public Service Medal in 2003 for his contribution to safety and health in Western Australia.



Anne Driscoll
Executive Director, Consumer Protection Division, Commissioner for Consumer Protection and Prices Commissioner

Anne Driscoll was appointed the Executive Director for the Consumer Protection Division in August 2008 and holds the statutory position of Commissioner for Consumer Protection and Prices Commissioner. Since graduating from the University of Western Australia with a Bachelor of Arts major in Psychology and Commerce, Anne has gained experience in numerous public sector roles. Anne worked in the employment and training sector for the Commonwealth Government for more than 20 years, involved in both direct service delivery and major funding grants. In 1999, Anne joined the Consumer Protection Division's executive management team as the Director of Business Services, performing a diversity of functions from the licensing and regulation of credit providers, mortgage brokers, debt collectors, charities, real estate and settlement agents, to the registration of business names and the provision of consumer protection services to regional Western Australia.



Peter Gow

Executive Director, Building Commission Division

Peter Gow was appointed as the acting Executive Director of the Building Commission Division in July 2009. Peter has degrees in Engineering and Arts from the University of Western Australia and has postgraduate qualifications in management from Deakin University. He commenced his career as a structural engineer with the Public Works Department in Western Australia and has extensive experience in building and design, construction and project management. From project work, Peter then specialised in construction and contracts and dispute resolution. In 2003, Peter was appointed to head the Office of Policy and Planning in the Department of Housing and Works where he was responsible for construction industry and housing policy, corporate development, strategic planning and building codes and regulation. Since July 2009, he has led the Building Commission Division to progress building regulation reform. Peter was appointed to the national Built Environment Industry Innovation Council in 2008. Peter has served on the board of the Australian Housing and Urban Research Institute and is the Western Australian government representative on the Australian Building Codes Board.



Ken Bowron

Executive Director, Energy Safety Division; Director of Energy Safety

Ken Bowron is the Executive Director of the Energy Safety Division and 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. Ken has 38 years broad experience in the Western Australian energy industry. His recent experience includes his tenure in the Energy Safety Division and senior management roles in generation, networks and the supply of energy services to customers in metropolitan, rural and remote areas. He is an electrical engineer with post graduate business qualifications. Ken has extensive strategic, regulatory, technical and managerial experience ranging across planning, design, construction, operations and maintenance of power generation and transmission and distribution systems.



Robert (Bob) Horstman

Executive Director, Labour Relations Division

Bob Horstman was appointed as the Executive Director of the Labour Relations Division in June 2009. He has worked in all three directorates of the division in a variety of roles for 24 years. From 2001 to 2006, Bob was seconded from the department to the Minister's office responsible for State industrial relations as the Principal Labour Relations Policy Advisor. In this role he was responsible for providing advice on industrial relations, occupational safety and health and workers' compensation issues. He has taught, researched and published in the fields of both industrial relations and human resources management in various tertiary education institutions in Australia and the United Kingdom. Bob holds a Master's Degree in Industrial Relations from Warwick University in the United Kingdom and has 10 years' experience in various industrial relations roles in private sector organisations in the United Kingdom.



Lex McCulloch

Executive Director, WorkSafe Division; Commissioner of WorkSafe Western Australia

Lex McCulloch commenced as the Executive Director of the WorkSafe Division and Commissioner of WorkSafe Western Australia in February 2011. Lex has a degree in Social Work from Curtin University and has been in the Western Australian public sector since 1978, when he joined the Department for Community Welfare in Moora. He has worked in a variety of locations across the State including Derby, Kalgoorlie, Port Hedland and Perth. Lex's various roles in a number of State Government agencies have provided him with a range of experience such as leading restructuring processes and delivering on significant projects, all of which have been aimed at improving the wellbeing of people in Western Australia.



Julie de Jong

Executive Director, Industry, Science and Innovation Division

Julie de Jong was appointed as the Executive Director of the Industry, Science and Innovation Division in 2011, after being initially appointed as Acting Executive Director in 2009. Prior to the establishment of the Department of Commerce in 2009, Julie was the Director of the Innovation Industries Directorate in the Department of Industry and Resources. In this role she successfully led the Directorate through a period of significant organisational change and developed a strategic focus aligned with State Government priorities for industry and innovation. Previously, Julie worked in management roles within the Office of Aboriginal Economic Development in a variety of locations around the State. She has a thorough understanding of the concerns within regional communities for sustainable economic opportunities and the need to maximise community benefits from economic strengths. Julie holds an Arts Degree in History and Politics from the University of Western Australia.



Alan Jackson

Executive Director, Corporate Services Division

Alan Jackson commenced in his current position at the Department of Commerce in October 2004. Previously he had worked in the public, private and tertiary education sectors. Alan's career has included nine years as a former management and organisational development consultant working with large public and private sector organisations throughout Australia. Prior to joining the department he was the Director, Corporate Services at the Department of Treasury and Finance for four years. Alan completed the Executive Fellows Program of the Australian and New Zealand School of Government and holds Associate Fellow and Certified Professional membership status for the Australian Institute of Management and the Australian Human Resource Institute. He has a Master's Degree in Commerce from Curtin University and in the past, has been a part time lecturer at both Curtin University and Edith Cowan University over a number of years.

Our services

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

Building Commission

- registers or licenses builders, painters, building surveyors, plumbers and construction contracts administrators;
- audits and inspects building services, investigates breaches of legislation and provides a dispute resolution service;
- sets and monitors standards and codes of practice for building services;
- develops and provides industry policy and legislation; and
- provides information and advice for industry and consumers.

Corporate Services

- provides financial and administrative services;
- provides information technology support services;
- delivers human resource management services;
- coordinates risk and business continuity management; and
- delivers corporate information services.

Consumer Protection

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

EnergySafety

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

Industry, Science and Innovation

- supports industry and science development through innovation, commercialisation and participation;
- facilitates strategic investment in industrial, scientific and innovative capacity;
- facilitates fit for purpose strategic industrial, research and digital infrastructure;
- manages industry, science and innovation programs and projects; and
- supports the Technology and Industry Advisory Council.

Labour Relations

- coordinates public sector labour relations;
- facilitates implementation of Public Sector Wages Policy in industrial agreement negotiations;
- provides policy and legislative advice to government;
- provides labour relations services to and on behalf of government and public sector employers;
- provides information and education services to private sector employees and employers on their employment rights and obligations;
- promotes workplace flexibility and pay equity; and
- investigates complaints from employees about breaches of State awards, agreements and industrial laws.

WorkSafe

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

Office of the Director General

- provides a strategic focus to assist the Director General and the Corporate Executive to lead the department;
- develops and coordinates strategic and whole of government policy;
- coordinates the Aboriginal Employment Strategy;
- provides corporate development services including strategic planning, performance evaluation and corporate reporting;
- provides communication services including campaign and event coordination and print and online services;
- provides internal audit services and undertakes and assists in investigations;
- coordinates regional services;
- provides regional infrastructure and customer services; and
- coordinates ministerial services for the department.

Our regional services

Figure 1



Figure 1: Department of Commerce regional offices

The department has offices located in Albany, Broome, Bunbury, Geraldton, Kalgoorlie, and Karratha which provide a range of services to regional Western Australians (Figure 1).

There are 44 regionally based officers who deliver services for the divisions of the department. Services to regional areas and communities are supplemented by division specific initiatives to meet identified needs or to support core operational activities. These activities see additional specialist employees operate in the regions as required. The delivery of information and services to regional customers also continues to occur through the department's website.

A service delivery arrangement exists between Department of Commerce, the Department of Regional Australia, Local Government, Arts and Sport and the Department of the Premier and Cabinet to deliver agency services to Christmas Island and Cocos (Keeling) Island. This service is funded by, and performed on behalf of, the Commonwealth Government under enabling legislation.



Legislation administered

As at 30 June 2013 the Department of Commerce administered 80 Acts of Parliament, as listed below. Reviews of legislation, regulations and codes of practice ensure the changing needs and expectations of the community are met, and that the regulatory framework is relevant. A full description of the scope and intent of these Acts is contained on the department's website at www.commerce.wa.gov.au

Architects Act 2004
Associations Incorporation Act 1987
Auction Sales Act 1973
Building Act 2011
Building Services (Complaint Resolution and Administration) Act 2011
Building Services (Registration) Act 2011
Building Services Levy Act 2011
Business Names (Commonwealth Powers) Act 2012
Business Names Act 1962
Charitable Collections Act 1946
Chattel Securities Act 1987
Churches of Christ, Scientist, Incorporation Act 1961
Coal Industry Tribunal of Western Australia Act 1992
Commercial Tenancy (Retail Shops) Agreements Act 1985
Competition Policy Reform (Taxing) Act 1996
Competition Policy Reform (Western Australia) Act 1996
Conspiracy and Protection of Property Act 1900
Construction Contracts Act 2004
Construction Industry Portable Paid Long Service Leave Act 1985

Consumer Affairs Act 1971
Co-operatives Act 2009
Credit (Administration) Act 1984
Credit (Commonwealth Powers) Act 2010
Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Act 2010
Credit Act 1984
Debt Collectors Licensing Act 1964
Decimal Currency Act 1965
Disposal of Uncollected Goods Act 1970
Distress for Rent Abolition Act 1936
Dividing Fences Act 1961
Door to Door Trading Act 1987
Electricity Act 1945
Employment Agents Act 1976
Employment Dispute Resolution Act 2008
Energy Coordination Act 1994 (Part 2 and 3)
Energy Safety Act 2006
Energy Safety Levy Act 2006
Fair Trading Act 1987
Fair Trading Act 2010
Finance Brokers Control Act 1975
Fremantle Buffalo Club (Incorporated) Act 1964
Gas Standards Act 1972
Gas Supply (Gas Quality Specifications) Act 2009 (Part 5, Division 2)
Growers Charge Act 1940
Hire Purchase Act 1959
Home Building Contracts Act 1991
Industrial Relations Act 1979
Industry and Technology Development Act 1998
Labour Relations Reform Act 2002
Land Valuers Licensing Act 1978
Law Reform (Common Employment) Act 1951
Limited Partnership Act 1909
Long Service Leave Act 1958
Metric Conversion Act 1972
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
Personal Property Securities (Commonwealth Laws) Act 2011
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 Parks (Long-Stay Tenants) Act 2006
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 Entertainments Act 1979
Transfer of Incorporation (HBF and HIF) Act 2009
Travel Agents Act 1985
Water Services Licensing Act 1995 (Part 5A)
Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund Act 1932
Western Australian Products Symbol Act 1972
Year 2000 Information Disclosure Act 1999

Boards, commissions, committees, councils and tribunals

The boards, commissions, committees, councils and tribunals administered by the department deliver a range of regulatory, advisory and licensing functions. These boards, commissions, committees, councils and tribunals are identified in Table 1 according to the department's three services. *Appendix 4: Functions of boards, commissions, committees, councils and tribunals* provides detail on their respective roles and functions.

Table 1: Boards, commissions, committees, councils and tribunals

Consumer Protection Service	Safety and Employment Protection and Construction Standards Service	Industry, Science and Innovation Service
<ul style="list-style-type: none"> • Charitable Collections Advisory Committee • Consumer Advisory Committee • Motor Vehicle Industry Advisory Committee • Property Industry Advisory Committee • Retail Shops Advisory Committee 	<ul style="list-style-type: none"> • Building Services Board • Commission for Occupational Safety and Health • Electrical Licensing Board • Gas Licensing Committee • Plumbers' Licensing Board 	<ul style="list-style-type: none"> • Australian Marine Complex Overarching Committee • Western Australian Technology and Industry Advisory Council • Pilbara Fabrication and Services Common Use Facility (PFSCUF) Steering Committee



Performance management framework

Outcome based management framework

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

Agency level outcomes and services

The department delivers services to achieve the agency level desired outcomes, which ultimately contributes to meeting the Government's goals. The agency level government desired outcome is the effect or impact on the community or target customers of government services. The linkage between the department's desired outcomes and services to the community, and the government goals, to which the department makes its most significant contribution, is demonstrated in Figure 2 below.

Figure 2: Relationship to the government's goals: 2012-13 outcome based management framework

GOVERNMENT'S GOALS	AGENCY LEVEL GOVERNMENT DESIRED OUTCOME	SERVICES
Outcomes-Based Service Delivery Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.	Outcome 1 A fair trading environment that protects consumers and traders in Western Australia.	Service 1: Consumer Protection The provision of consumer protection advice, information, education and business regulation services to the Western Australian community.
Social and Environmental Responsibility Ensuring that economic activity is managed in a socially and environmentally responsible manner for the long-term benefit of the State.	Outcome 2 A community with workplaces operated in a safe and fair manner and where buildings are safe and efficient.	Service 2: Safety and Employment Protection and Construction Standards The provision of advice, information, education and regulation services to the Western Australian community in the areas of: occupational safety and health; energy safety; labour relations and construction standards.
Financial and Economic Responsibility Responsibly managing the State's finances through the efficient and effective delivery of services, encouraging economic activity and reducing regulatory burdens on the private sector.	Outcome 3 Enhancement of the State's economic sustainability and prosperity.	Service 3: Industry, Science and Innovation Enhances the State's prosperity by promoting industry, science and innovation. Services include: <ul style="list-style-type: none"> • supporting the Technology and Industry Advisory Council with policy development advice; • supporting industry development through innovation and commercialisation; and • managing industry, science and innovation programs and projects.

Shared responsibilities with other agencies

The Department of Commerce contributes to the delivery and reporting of a number of whole of government and cross-agency initiatives. These initiatives have shared accountability for the successful implementation of whole of government reform initiatives. The shared responsibilities with other agencies, contained in Table 2 below, are reported against the 2012-13 Resource Agreement established between the responsible Minister, Director General and Treasurer. Further information on Resource Agreement reporting is available in the *Agency Performance* section of this report.

Table 2: Shared responsibilities with other agencies in 2012-13

Initiative	Standardisation and simplification of public sector pay structures and classification systems.	
Related outcome	A reformed public sector pay structure and classification system.	
Contributing agencies	Department of Commerce (Labour Relations Division); Department of Treasury and the Public Sector Commission.	
Report against target	Target:	A plan to achieve the standardisation and simplification of public sector pay structures and classification systems.
	Result:	Outcomes have been incorporated into the bargaining agenda and pursued as opportunities arise through bargaining.
Initiative	Managing fatigue in the commercial vehicle sector.	
Related outcome	A community in which workplaces operate in a safe and fair manner.	
Contributing agencies	Department of Commerce (WorkSafe Division); Main Roads Western Australia and Western Australia Police.	
Report against target	Target:	Strategic coordinated intervention campaigns in the east-west and north-south corridors with Western Australia Police providing key information for WorkSafe Division enforcement.
	Result:	In coordination with Western Australia Police there were local commercial driver fatigue roadblock operations at the Upper Swan vehicle assembly area, Northam vehicle assembly area, Neerabup, Peel District and Bedforddale.

Initiative	ThinkSafe Small Business Assistance Program.
Related outcome	A community in which workplaces are operated in a safe and fair manner.
Contributing agencies	Department of Commerce (WorkSafe Division) and WorkCover Western Australia Authority.
Report against target	Target: 700 eligible small businesses complete the assistance program.
	Result: 580 small businesses accessed the ThinkSafe Small Business Assistance Program.
Initiative	The Broadband Working Group.
Related outcome	The group aims to coordinate the State's strategic approach to improving telecoms and digital infrastructure throughout the State and utilise this for social and economic gains.
Contributing agencies	<ul style="list-style-type: none"> • Department of Commerce (Industry, Science and Innovation Division); • Department of Regional Development and Lands; • Department of the Premier and Cabinet; • Department of Planning; • Department of Finance; • Department of State Development; • Department of Transport; and • Technology and Industry Advisory Council.
Report against target	The whole of government Broadband Working Group will:
	Target: Establish a state government position regarding the National Broadband Network (NBN) roll out in Western Australia. Develop guidelines for Government entities in responding to NBN initiatives.
	Result: The Western Australian Strategic Position Statement and Support guidelines for NBN endorsed by the Broadband Working Group. A single point of contact on NBN Co established within the Department of Commerce.

Initiative	The four year Regional Mobile Communications Project (funded by the Department of Regional Development and Lands).
Related outcome	The project will provide increased mobile telephone and broadband coverage in regional Western Australia.
Contributing agencies	<ul style="list-style-type: none"> • Department of Commerce (Industry, Science and Innovation Division); • Department of Regional Development and Lands; • Department of Environment and Conservation; • Fire and Emergency Services Authority of Western Australia; • Western Australia Police; • WA Country Health Service; • Department of Finance; • Western Australian Local Government Association; and • Regional Development Council.
Report against target	Target: Will implement the Regional Mobile Communications Project Stage 1 and complete up to 40 of the 113 total sites to be established over three years.
	Result: 69 sites completed. External audit completed on project, confirming compliance with the Memorandum of Understanding with Regional Development and Lands. Recommendations arising from the audit have been addressed and acknowledged by Department of Regional Development and Lands.



Initiative	Square Kilometre Array Project.
Related outcome	Support the Australia/NZ bid to host all or part of the Square Kilometre Array Project (SKA).
Contributing agencies	<ul style="list-style-type: none"> • Department of Commerce (Industry, Science and Innovation Division); • Commonwealth Department of Innovation, Industry, Science and Research; • Commonwealth Scientific and Industrial Research Organisation; • Department of Regional Development and Lands; • Department of Mines and Petroleum; • Department of State Development; • State Solicitor's Office; • Office of Native Title (Commonwealth Department of Justice); • Pastoral Lands Board; • Public Transport Authority; • Shire of Murchison; • Mid-West Development Commission; and • Universities, especially University of Western Australia and Curtin University.
Report against target	Target: Subject to successful bid outcome, implement Memorandum of Understanding (MOU) with Commonwealth to support implementation of SKA initiatives in alignment with Government priorities.
	Result: Collaboration arrangement drafted and endorsed by Commonwealth. Work plan for 2013-14 under development. MOU will take shape once Hosting Agreement has been resolved with SKA organisation.



Initiative	Harmonisation of government use of radio communications in 400Mhz band.
Related outcome	State to be allocated 2 X 10Mhz block of spectrum to accommodate radio communication needs for public safety and emergency services.
Contributing agencies	<ul style="list-style-type: none"> • Department of Commerce (Industry, Science and Innovation Division); • Western Australia Police; • Fire and Emergency Services Authority of Western Australia (now Department of Fire and Emergency Services); • Department of Environment and Conservation; • Department of Premier and Cabinet; • St Johns Ambulance; • Western Power; • Surf Life Saving; • Water Corporation; and • Several local councils.
Report against target	Target: Adoption of National Frequency Assignment Plan and Agreement on organisation to be incorporated under the Harmony Spectrum Licences.
	Result: All Tier 1 users have endorsed the WA Transition Strategy, which has been submitted for noting to National Coordination Committee on Government Radio. Transition is under way. Spectrum licensing and assignment is being coordinated with the Australian Communications and Media Authority.

Additional information on jointly delivered services with other organisations is provided at *Appendix 1: Agreements* of this report.