



Government of Western Australia
Department of Commerce

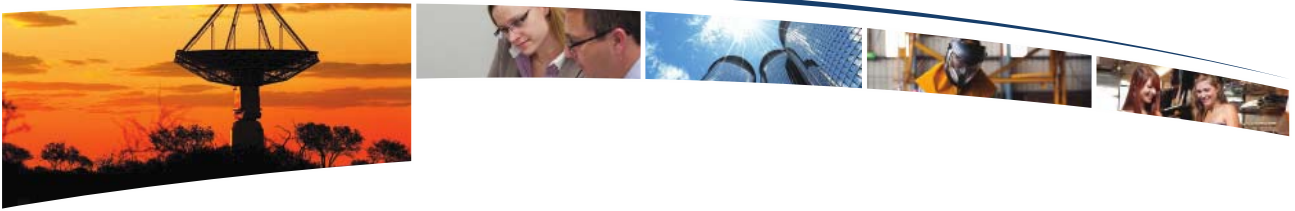


Department of Commerce
Annual Report
2011-2012

DEPARTMENT OF COMMERCE

Annual Report 2011-12

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STATEMENT OF COMPLIANCE



Hon Simon O'Brien MLC
Minister for Finance; Commerce;
Small Business

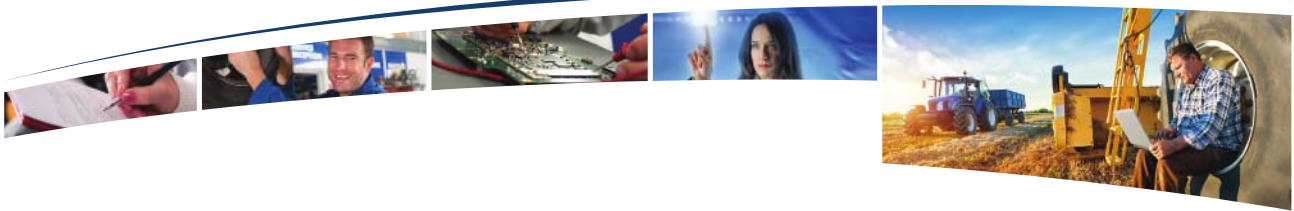


Hon John Day BSc BDS Sc MLA
Minister for Planning; Culture and the Arts;
Science and Innovation

In accordance with Section 63 of the *Financial Management Act 2006*, I hereby submit for your information and presentation to Parliament, the Annual Report of the Department of Commerce for the year ended 30 June 2012. The Annual Report has been prepared in accordance with the provisions of the *Financial Management Act 2006*.

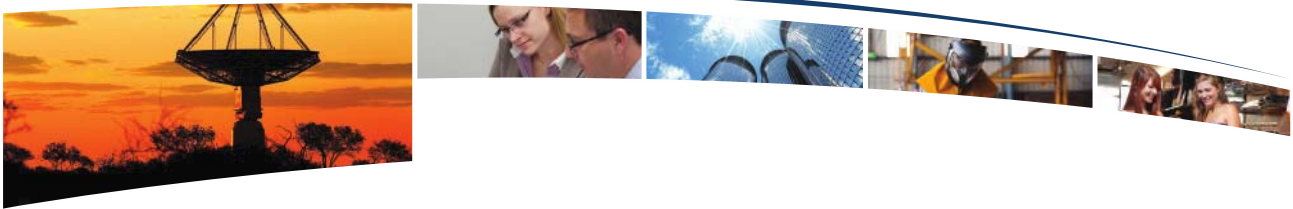
This report also fulfils my obligations pursuant to section 73(3) of the *Building Services (Registration) Act 2011*, section 26 of the *Consumer Affairs Act 1971*, section 60(2) of the *Credit (Administration) Act 1984*, section 12A of the *Debt Collectors Licensing Act 1964*, section 33 of the *Electricity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

Brian Bradley
Accountable Authority
25 September 2012



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GUIDE TO SECTIONS

The Department of Commerce's 2011-12 Annual Report presents information on statutory compliance, financial, non-financial and operational performance. The Annual Report is structured in five sections in accordance with the requirements of the *Financial Management Act 2006*.

Overview

This section provides a review of the year, highlighting the department's broad strategic directions and priorities, key issues and achievements. The section details the department's role, services, authority, Ministerial arrangements, organisational structure, legislation administered and the outcome based management framework.

Agency Performance

This section reports on the department's performance during 2011-12 and includes a report against our Resource Agreement, a report on divisional activities and information about our people.

Significant Issues and Trends

This section contains information on the significant issues and trends impacting on the delivery of our services to the Western Australian community.

Disclosures and Legal Compliance

This section contains the audited Financial Statements and Key Performance Indicators for the year ending 30 June 2012. Details of required disclosures and legal compliance obligations including financial and performance management, accountability, governance and reports required under specific legislation are contained in this section.

Appendices

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

The operations of the department are presented according to the services detailed in the outcome based management framework.

Consumer Protection Service

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

Safety and Employment Protection and Construction Standards Service

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 building standards.

Industry, Science and Innovation Service

Enhances the State's prosperity by promoting industry, science and innovation. Services include 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.

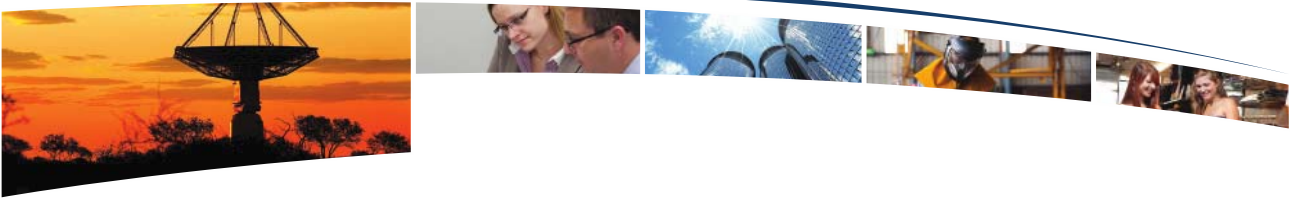
Overview



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YEAR IN REVIEW

From the Director General

I am pleased to present the department's Annual Report for the year ending 30 June 2012. The 2011-12 year witnessed the realisation of some fantastic initiatives that continued the department's dedication to creating a contemporary, diversified economy that provides for the growth, safety and protection of the community. We established additional public services, made important legislative amendments and successfully assumed new responsibilities – changes that support our vision of a business environment that is productive, innovative, fair and safe.

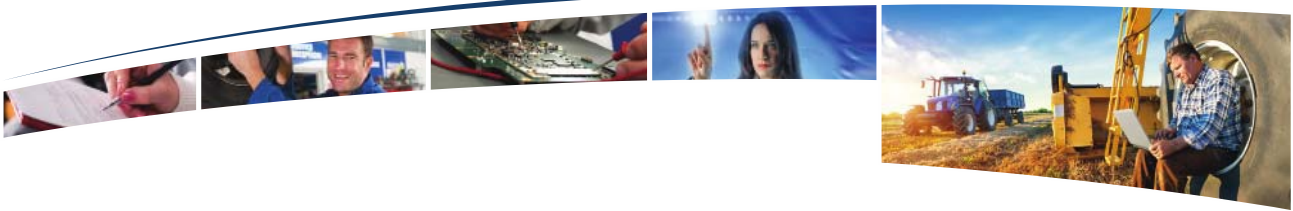
Influencing and shaping our commercial environment

The start of the 2011-12 reporting year saw the regulatory and disciplinary functions of the Land Valuers Licensing Board, Motor Vehicle Industry Board, Real Estate and Business Agents Supervisory Board and Settlement Agents Supervisory Board transferred to the Commissioner for Consumer Protection. The smooth transition of the Boards' responsibilities was due to the tireless work of our people in the division and there was minimal, if any, disruption to members of the affected industries. Significant Board initiatives, such as the Compulsory Professional Development programs and Proactive Compliance programs for the real estate and settlement industries, have continued while a Proactive Compliance program for land valuers has been established. It is pleasing to see the good work of the Boards being built upon by the Consumer Protection Division so effectively.

The department continued to meet the State Government's commitment to reduce the number of independent statutory bodies by merging the Builders Registration Board and Painters Registration Board into the Building Commission Division. This was achieved through the implementation of the *Building Services (Registration) Act 2011*, which came into effect on 29 August 2011. The passing of this piece of legislation preceded the implementation of the *Building Act 2011*, which standardised the regulatory framework for buildings and introduced private certification of compliance with building standards.

The Industry, Science and Innovation Division saw years of hard work culminate in the exciting announcement on 25 May 2012 that the Square Kilometre Array (SKA) will be co-located in Australia-New Zealand and South Africa. This fantastic result will see Western Australia's Mid West play a substantial role in the operation of the SKA, and the creation of significant economic and social opportunities will continue.

Following the public release of the *Local Industry Participation Framework* in July 2011, there have been substantial improvements in the levels of industry involvement for local suppliers in major resource projects in Western Australia. Approximately \$20 billion in contracts have been publicly awarded to local manufacturing and service companies since the Framework was published, and the State Government estimates that more than 60,000 jobs have been created or retained in the economy. These figures are indicative of great confidence in the Western Australian workforce and the positive outcome is a credit to the staff of the Industry, Science and Innovation Division.



The department's participation in the Council of Australian Governments' seamless national economy reform continued through the year. Significant work has been undertaken to prepare departmental information technology systems for the move to the National Occupational Licensing System (NOLS), which will see electrical and gas licences among the first to migrate to the new scheme. As part of the reform, the responsibilities of the Register of Encumbered Vehicles transitioned back to the Commonwealth Government on 30 January 2012 with the commencement of the new Personal Property Securities Register (PPSR). The PPSR brought together the different Commonwealth, State and Territory laws and registers under one national system, replacing more than 20 existing asset registers across Australia. We continue to be closely involved in the regulatory reforms which will underpin NOLS through our involvement in advisory committees, but, while progress is being made, there is still much work to do.

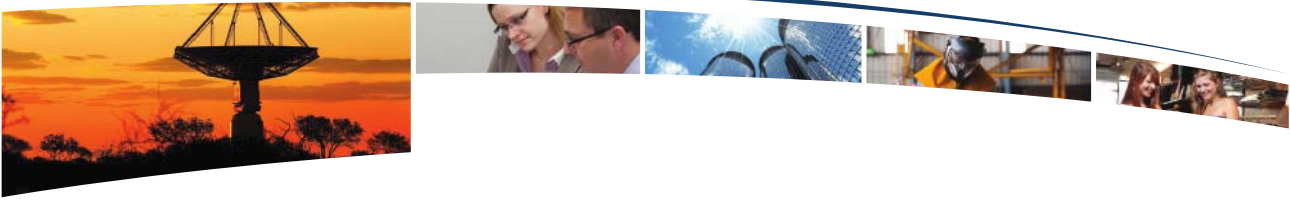
Empowering business and the community

On 21 June 2012 the path was cleared for Sunday trading within the Perth metropolitan area with the passing in State Parliament of the Retail Trading Hours Amendment Bill. This significant reform of the retail regulatory regime provides greater choice and flexibility to consumers while at the same time creating a fairer and more competitive metropolitan retail sector.

The department's commitment to addressing the needs of seniors was evidenced in the establishment of the Seniors' Housing Centre, which was opened by the Minister for Commerce on 23 September 2011. In collaboration with the Council on the Ageing, the Consumer Protection Division provides services to Western Australia's over 55 population in accordance with the State Government's *Delivering Community Services in Partnership* policy. The centre provides free information to consumers on a wide range of housing options, such as modifying or redeveloping existing homes or moving into strata titled community housing, a residential park or a retirement village. Employees from the division also delivered a number of information sessions to the community on the new centre, and the large and eager crowds that attended demonstrated there is a thirst for knowledge about housing options among seniors. The centre has been a big success for the department and I look forward to watching it grow over the coming years.

In an exciting first for the department, the Consumer Protection Division developed the department's first mobile phone application, iShopWA, which gives consumers vital information on their rights regarding refunds, warranties and lay-bys. In its first month alone, almost 2,000 smartphone users downloaded the app, which is a great result. The division's ScamNet WA internet site was relaunched in September 2011 and continues to prove itself to be a critical resource at a time when the number and variance of scams are on the rise. I was delighted to see an annual increase of 32 per cent in the number of visitors to the FuelWatch internet site, a service which, in a time of ever-increasing fuel costs, is as vital as ever. Now in its 11th year of operation, the internet site had some 5.5 million visitors in 2011-12.

The department's dedication to providing support to businesses and individuals in regional areas shone through in such initiatives as a compliance sweep in the Central Wheatbelt by the Consumer Protection Division, a manufacturing intervention campaign in the Bunbury industrial area, WorkSafe inspections of infrastructure maintenance and service provisions provided to Indigenous communities throughout the Kimberley region and free and independent shed safety assessments in the Goldfields-Esperance, Great Southern and Wheatbelt regions.



Enforcing the law

The department's commitment to its regulatory functions continue to ensure the Western Australian community can work, shop and live with the confidence that its rights are protected.

A focused and, ultimately, effective occupational health and safety compliance and proactive educational program was carried out by the WorkSafe Division as a means of reducing the number of work-related injuries and fatalities that occur in Western Australia. It is an unfortunate reality that deaths in the workplace do occur, and the division's dedication to reducing health risks at work remained steadfast. As a result of this targeted campaign, the division completed more than 7,600 investigations and issued more than 8,200 improvement notices and more than 390 prohibition notices.

Property scams in the real estate industry led to the strengthening of the Codes of Conduct for real estate agents, sales representatives and settlement agents. These amendments centred on identification verification requirements for agents as a means of exposing such scams at an early stage and preventing their reoccurrence.

Strengthening organisational capacity

The corporate and executive areas of the department again worked tirelessly to support the important work carried out by the operational divisions and promote a workplace that is ethical, safe and productive. The department's newly introduced *Disability Access and Inclusion Plan for 2012-2016* ensures that people with disabilities and their families and carers are able to fully access the range of the department's services and facilities. The rights and responsibilities of employees when receiving or giving gifts, benefits and hospitality in the course of their work were reinforced with the completion of guidelines which are specific to the department, and I am pleased that a new reporting process has been implemented that makes monitoring such activity easier.

Outlook

Looking ahead, there is much to be excited about as we enter the new financial year. With the location of the SKA now secure, we will continue to support the development of this fascinating project. The transition of the various Boards into the department was a smooth one, but work remains to consolidate these changes and ensure that our internal processes are functioning efficiently in order to deliver the best possible service to the community. As national regulatory reforms continue, the department will remain closely involved in discussions and ensure any developments are communicated effectively to relevant industry bodies. The decommissioning of the Office of Shared Services (OSS) is underway and we are working with OSS to ensure the smooth return of all of the department's financial and human resource administrative functions back to our own management and control. We will also seek to improve the number of Indigenous employees in the department, and work has already started on determining how we can address this issue.



Acknowledgment

In an environment of significant change, the department's achievements would not have been possible without the focus, dedication and professionalism of our people. When I look back on 2011-12 I do so with great pride; the fantastic work that staff have carried out and their ability to meet and address challenges with enthusiasm has resulted in another extremely productive year.

I must also thank and acknowledge the various individuals, businesses and organisations that have made significant contributions to our successes. The department looks forward to continuing to foster these important relationships that help us meet the needs of, and improve the outcomes for, the Western Australian community.

Brian Bradley
Director General



Our highlights

This section provides the department's highlights for the 2011-12 financial year.

Consumer Protection Service

Establishment of the Seniors' Housing Centre

The Seniors' Housing Centre was opened by the Minister for Commerce on 23 September 2011 and provides services in collaboration with the Council on the Ageing in accordance with the State Government's *Delivering Community Services in Partnership* policy. The Seniors' Housing Centre provides free information to consumers making important decisions about the best housing options for their retirement. It also directs seniors to specialists such as solicitors and financial advisors before making their final decision on their preferred housing option.

Property fraud prevention / Strengthening Codes of Conduct in the property industry

In August 2011, a joint taskforce comprising the Consumer Protection Division, the Western Australia Police Major Fraud Squad and Landgate investigated a real estate scam where a property was sold without the owner's knowledge. One pivotal initiative to help industry expose these scams at an early stage and prevent this type of scam reoccurring has been to strengthen the Codes of Conduct for real estate agents, sales representatives and settlement agents in relation to customer identification. In November 2011, the respective Codes were amended so that all agents are required to conduct identification verification to certify they are dealing with the true owners of property in Western Australia. Clear guidelines were issued to all industry participants on how identity checks should be conducted.

Retail trading hours changes

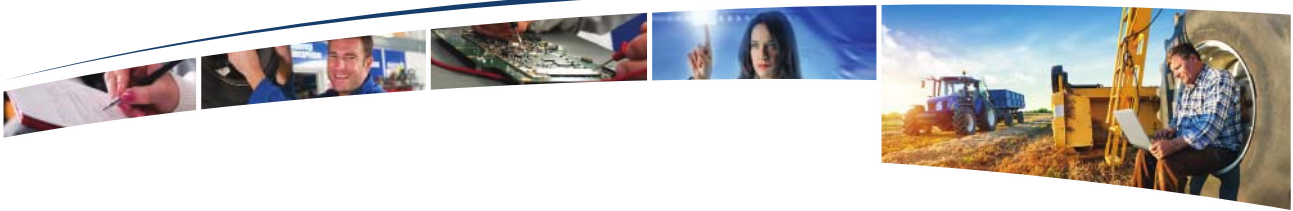
The Retail Trading Hours Amendment Bill 2012 passed through Parliament on 21 June 2012 to abolish special trading precincts and permit all general retail shops located in the metropolitan area to trade on Sundays from 11am to 5pm. The new arrangements commenced in August 2012. This significant change represents a major reform of the regulatory regime which will be fairer for retailers and consumers alike.

In October 2011, the *Retail Trading Hours Amendment Act 2011* changed criteria applying to employee caps placed on small retail shops so that 18 rather than 13 persons can now work at any one time in such shops.

'Rent to buy' scheme

In August 2011, the Consumer Protection Division warned homebuyers not to deal with promoters of a 'rent to buy' scheme, No Loan Home Pty Ltd, the proprietor of Easyhomes WA.

In May 2012, the Supreme Court ruled the scheme operating in Western Australia to be illegal as the promoters were not licensed real estate agents and had misled consumers. The ruling declared that 'rent to buy' transactions are real estate transactions for the purposes of the *Real Estate and Business Agents Act 1978*. The ruling supported the Commissioner for Consumer Protection's allegation that the promoters had also breached the Australian Consumer Law by misleading potential purchasers regarding the future value of the property, the potential equity they were able to build over a four to five year period and their ability to obtain finance at the end of this period. An injunction was granted to restrict further conduct.



Safety and Employment Protection and Construction Standards Service

Wages recovered

The department has recovered almost \$700,000 of unpaid employee entitlements through its First Step, Conciliation, Investigation and Prosecution functions, after investigating complaints from individual employees alleging their employer had failed to pay appropriate entitlements under State industrial laws, awards or agreements.

Public Sector Wages Policy

The *Public Sector Wages Policy 2009* is central to the State Government's overall strategy to control wages expenditure and ensure sustainable fiscal outcomes. Wages Policy delivers fair outcomes for public sector workers by providing minimum increases based on projections for consumer inflation (i.e. Perth Consumer Price Index). It also allows for further negotiation up to projected increases in the Wage Price Index if linked to efficiencies and/or work practice reforms. This ensures that outcomes achieved during agreement negotiations have provided greater flexibility and productive employment practices in the public sector. All public sector agreements negotiated across this reporting period were successfully delivered within the parameters of Wages Policy. Between 1 July 2011 and 30 June 2012 a total of 21 agreements covering approximately 54,000 public sector employees were registered. The successful implementation of the policy has positively impacted on reduced growth in public sector employee expenses. Government salaries growth is forecast to be 6.1 per cent in 2012-13 - less than half of the 12.4 per cent recorded in 2008-09.

Gas Appliance Rectification Programme

The Gas Appliance Rectification Programme administered by the department's EnergySafety Division and designed to facilitate the rectification and/or removal of pre-1980 domestic natural gas appliances continued in the 2011-12 financial year. During the course of the Programme almost 10,000 appliances in need of replacement and a further 8,000 for servicing have been identified. At 30 June 2012, approximately 50 per cent of these appliances have been replaced and a further 25 per cent have been serviced. Work on changing out appliances is expected to continue through to December 2012 ready to allow the flow of broader specification gas into the metropolitan distribution system currently estimated for the first quarter of 2013. A timetable for the change-out of appliances is broken into post codes and has been published on the EnergySafety internet site.

WorkSafe 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 7,600 investigations, issued more than 8,200 improvement notices and more than 390 prohibition notices, and signed 35 prosecution notices.



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, not-for-profit organisations and Indigenous groups. During the year, as part of the program, the division delivered a free and independent safety and health system consultation to 731 small businesses on a one-to-one basis. In addition, nine safety and health system seminars, four group consultation sessions and services to one Indigenous community were provided. The WorkSafe Division delivered approximately 60 per cent of its services to businesses in the metropolitan area and 40 per cent to businesses in the regions. Additional assistance on key occupational and health issues was provided to 86 small businesses that opted to be part of a program of follow-up visits.

Industry, Science and Innovation Service

Square Kilometre Array (SKA) site decision

Following a bidding process that lasted five years, members of the Square Kilometre Array Organisation has agreed on a dual-site solution (Australia-New Zealand and South Africa) for delivery of the Square Kilometre Array (SKA), maximising the significant investment in infrastructure and expertise already made by the Australian and West Australian Governments. The SKA project will produce the world's largest radio telescope, and provide Western Australia with the opportunity to co-host a unique research facility which is of global scale and significance. The SKA dishes will produce 10 times the global internet traffic, and its central computer will have the processing power of approximately 100 million PCs. The site decision recognises Australia's capacity to deliver on science, and reinforces its international reputation as a world leader in radio astronomy and the associated sciences. This project, which will have a life span of more than 50 years, will also provide economic and social development opportunities and benefits to Western Australia outside of the State's resources sector.



Success of the *Local Industry Participation Framework*

Following the public release of the *Local Industry Participation Framework* in July 2011, the Industry, Science and Innovation Division has actioned the Framework's ten initiatives, resulting in a substantial improvement in the levels of local industry participation in mineral and energy projects. For example, since July 2011 approximately \$20 billion in contracts have been publicly awarded by resource developers to Western Australian based manufacturing and service companies. Major project proponents have also responded positively to the State's focus on this issue by strengthening their approach to local content. The State Government estimates that these contracts alone have resulted in more than 60,000 additional jobs being created or retained in the economy.



State Government's investment in medical research pays off

In 2008 the State Government approved funding of \$10 million to the Western Australian Institute for Medical Research (WAIMR) towards the establishment of Western Australia's first early phase clinical trials facility - Linear Clinical Research (Linear) - based at Sir Charles Gairdner Hospital. The facility provides pharmaceutical and biotechnology companies with a world class environment where clinical trials can be conducted on the suitability of new drugs and treatments.

Since commencement of operations in April 2010, Linear has signed 49 contracts with pharmaceutical companies (75 per cent with United States based companies) and in 2011 Linear generated approximately \$3.1 million in revenue for WAIMR. Linear now has 20 full time employees and more than 35 casual employees. The clinical trials conducted by Linear have included human drug trials for multiple sclerosis, Type II diabetes, and cancer oncology medication.

The State Government's investment in this research facility has already achieved positive financial results, potential improved health outcomes for Western Australians, and commercial flow-on benefits to other Western Australian businesses such as pathology laboratories.

Corporate

New DAIP for the department

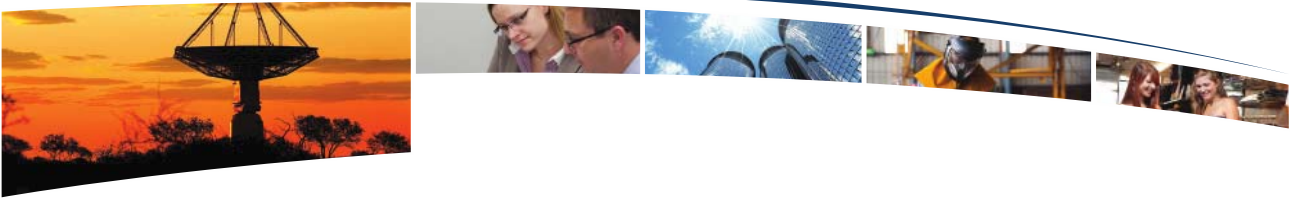
In 2011-2012, the department renewed its commitment to developing and maintaining effective access and inclusion policies, practices and structures that ensure that people with disabilities, and their families and carers are able to fully access our services and facilities.



Our commitment is detailed in our Disability Access and Inclusion Plan (DAIP), which was refreshed after the previous plan expired in 2011. The plan for 2012 – 2016 was developed in consultation with the department's Disability Access and Inclusion Reference Group, which consists of a representative from each division, as well as a representative with a disability. The most significant change to the new plan was the adoption of a seventh, voluntary outcome that details our commitment to people with disabilities having equal access to opportunities to gain employment within the department.

Following a public consultation process, the DAIP for 2012 – 2016 was approved by the department's Corporate Executive on 12 April 2012 and then lodged with the Disability Services Commission. The final plan was advertised to the public and is now available for download on our internet site or in alternative formats upon request.

Further information regarding the DAIP and how the department improved access to its services, buildings and information for people with disabilities is provided in the Disclosures and Legal Compliance (Other Legal Requirements) section of this report.



ABOUT THE DEPARTMENT

Enabling legislation

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

Responsible Ministers

In 2011-12, 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.

About us

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 and science; enhancing capacity; and ensuring a world class regulatory environment.

The department employs approximately 1,000 people to deliver its services to the community of Western Australia across eight divisions:

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

The department's culture focuses on providing high quality services to customers and stakeholders through standards, policies, practices and procedures.



Our vision, mission and values

The department's vision, mission and values are identified in the *Corporate Plan 2009-2012*.

Vision

A business environment that is productive, innovative, fair and safe.

Mission

To create a contemporary, diversified economy that provides for the growth, safety and protection of the community by:

- promoting innovation and science;
- enhancing capacity; and
- ensuring a world class regulatory environment.

Values

Integrity and professionalism

We are honest, open, fair and equitable in word and action.
 We practice consistent behaviours that create confidence and trust in what we do and say.
 We are respectful of the rights of individuals and the principles of natural justice.
 We strive for excellence and take pride in our work.

Value our people and their contribution

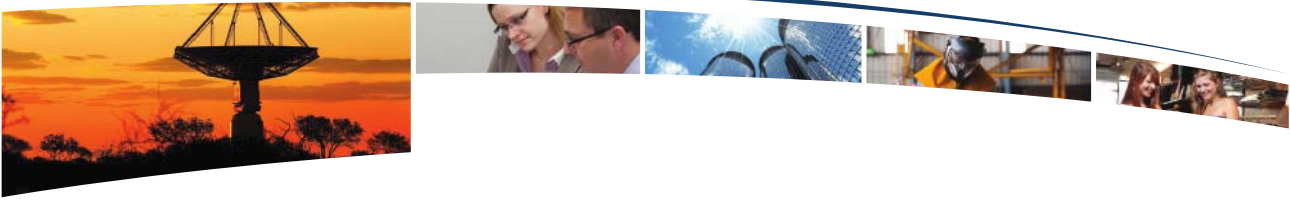
We celebrate our achievements.
 We respect and value each other.
 We understand the right of every person to participate and encourage the principles of equity and diversity.
 We value team work through working positively together with unity of purpose.
 We empower, support and develop our people and engage them in discovery and life-long learning.

Making a difference

We strive to make a positive difference by continually improving our services and stakeholder relationships.
 We recognise the strength that comes from working collaboratively and in partnership with others.

Innovation

We seek better solutions and strive to improve outcomes and performance.
 We learn and improve by questioning, challenging and thinking about the future.



Our strategic direction

Corporate Plan 2009-2012

The department operates within a challenging and dynamic environment with greater demands placed on its resources. The *Corporate Plan 2009-2012* provides a framework for the department's operations, future directions and clearly sets out the values that will guide how employees work. The five strategic directions that guide the delivery of the department's services are:



- Direction 1: Influencing and shaping our commercial environment;
- Direction 2: Empowering business and the community;
- Direction 3: Developing a world class regulatory environment;
- Direction 4: Enforcing the law; and
- Direction 5: Strengthening organisational capacity.

2011-12 strategic planning

The Corporate Executive annually holds a strategic planning session to explore key strategic issues facing the department and to inform divisions in their future planning. Divisions reviewed divisional business plans to ensure they were consistent with the outcomes of the session. The 2011-12 key strategic issues were detailed and monitored through an action plan.



Our services

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

- Building Commission**
- modernises and streamlines the building control system;
 - manages standards to improve community confidence in the building industry;
 - provides information and services for industry and consumers on building matters;
 - enables fair dispute management;
 - sets building and plumbing standards;
 - registers building and plumbing occupations; and
 - develops industry policy and capacity.

- 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.

- 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.

- Energy Safety**
- administers electricity and gas technical and safety legislation, and provides policy and legislative advice to government;
 - enforces safety and technical standards for electricity and gas networks;
 - monitors reliability and quality of gas supplies and investigates consumer related complaints;
 - sets and enforces safety and energy efficiency 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;
- provides corporate development services including strategic planning, performance evaluation and corporate reporting;
- provides education and communication services including campaign and event coordination and print and online information;
- 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

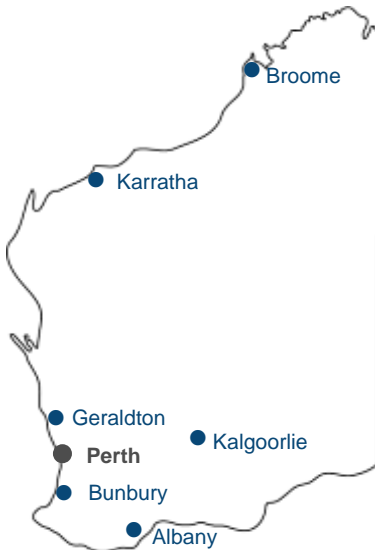


Figure 1: Department's regional offices

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 43 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 internet site.

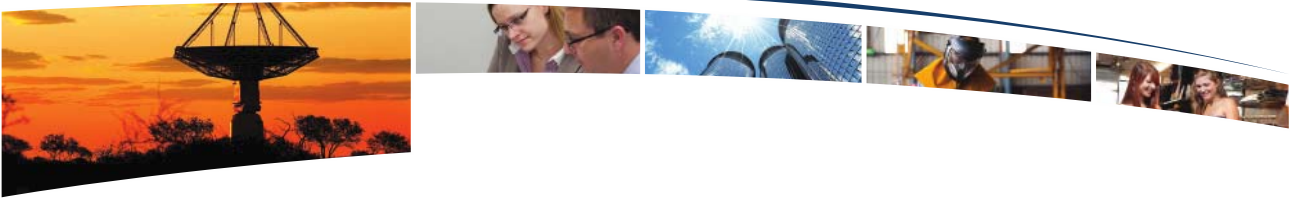
In 2011-12 regional staff in Karratha moved into a new office with better facilities which assisted in the provision of improved departmental services to the Pilbara region.

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.

Our stakeholders

The department provides services to a wide range of stakeholders including:

- the Minister for Commerce;
- the Minister for Science and Innovation;
- the community including regional areas of Western Australia;
- departmental employees;
- consumers;
- traders;
- business entities;
- employees;
- employers;
- employee and employer organisations;
- public sector organisations;
- Commonwealth and State Government agencies;
- academic institutions and researchers; and
- a number of boards, commissions, committees, councils and tribunals.



Our organisation

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

The Corporate Executive operates under a governance structure and meets fortnightly. This ensures authority and accountability is shared between the Director General and each division. While the Director General is ultimately accountable for all the department's activities, each division, through its relevant Executive Director, has significant autonomy in day-to-day decision making, allocation of resources and determination of divisional priorities. Each division has an Executive Management Committee chaired by the relevant Executive Director. The department's organisational structure is presented in Figure 2.

Our organisational structure

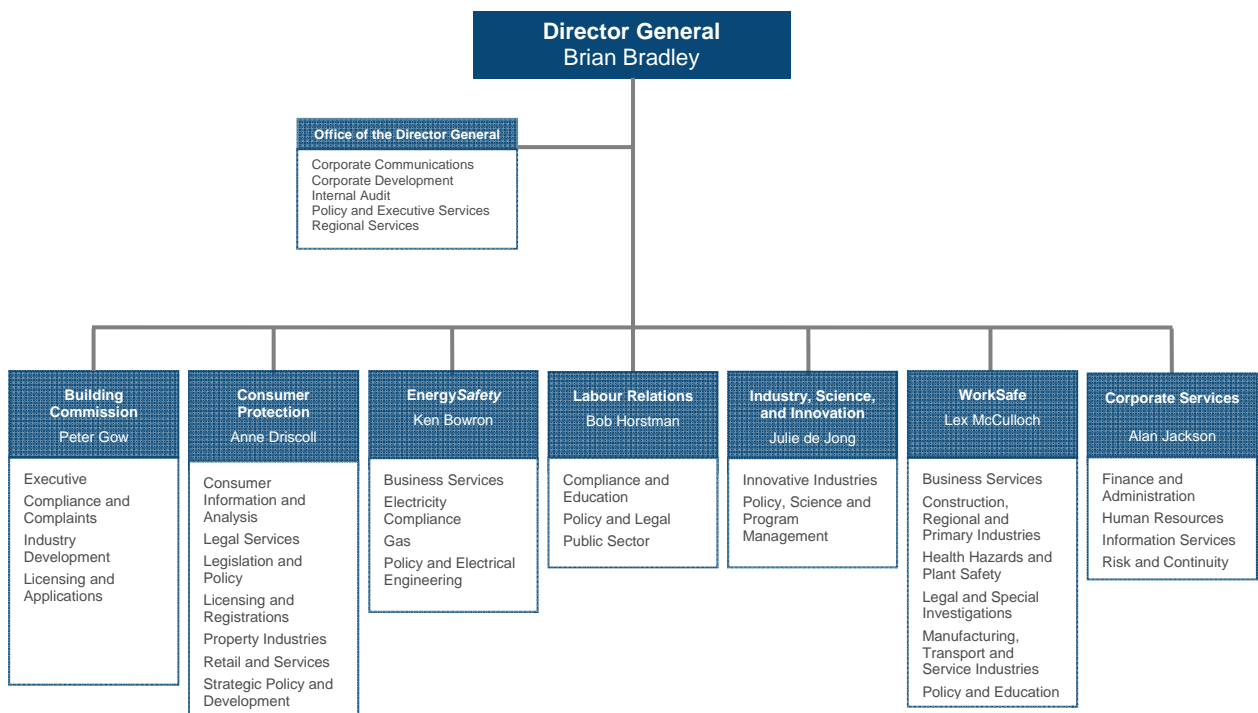


Figure 2: Organisational structure as at 30 June 2012



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 majoring 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 since 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 and strategic planning and building codes and regulation. Since July 2009, he has led the newly formed division to progress building regulation reform. Peter was appointed to the national Built Environment Industry Innovation Council in 2008.



Ken Bowron

*Executive Director, EnergySafety Division
Director of Energy Safety*

Ken Bowron is the Executive Director of the EnergySafety Division and holds the statutory position of Director of Energy Safety, which is responsible for all electricity and most gas-related technical and safety regulation in the State. Ken has 37 years broad experience in the Western Australian energy industry.

His recent experience includes his tenure in the EnergySafety 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, having initially been appointed as Acting Executive Director in April 2008. He has worked in all three directorates of the division in a variety of roles for 23 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 Masters 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 Social Work Degree from Curtin University and has been in the Western Australian public sector since 1978, when he joined the Department for Community Welfare in Moora. 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.

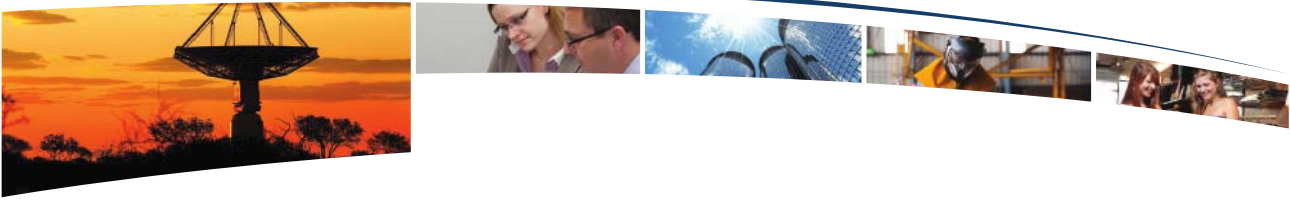
Alan Jackson

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 Masters 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 people

The department is supported by a wealth of employees from diverse backgrounds, contributing to a broad range of functions established to serve the Western Australian community. The department's employees are fundamentally governed by the *Public Sector Management Act 1994* and remunerated under the terms and conditions contained in the Public Service General Agreement 2008 and the Public Service and Government Officers General Agreement 2011 (registered on 27 June 2011). Our employees' contribution is valued through frequent acknowledgement of their successes and responses to challenges they face in their professional lives. Further information on our employees is provided in the Agency Performance (Our people) section of this report.

Our awards

Long Service Awards

On Tuesday, 7 February 2012 the Minister for Commerce met with employees from the Labour Relations Division to present Long Service Awards to the following Labour Relations employees:

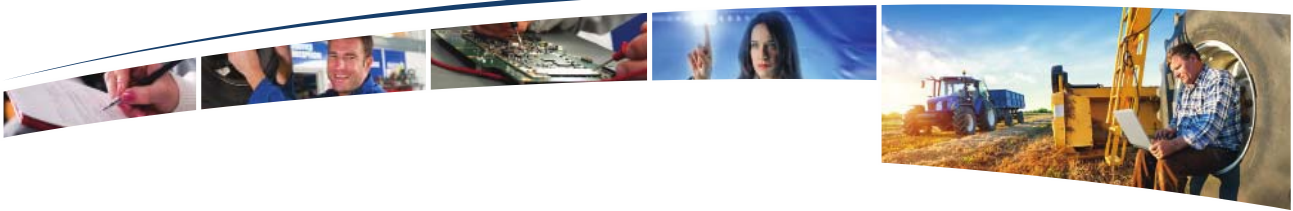
- Bruce Edwards – 30 years service
- Dave Graham – 30 years service
- Lindsay Holmes – 40 years service

On Tuesday, 13 December 2011 the Minister for Commerce met with employees from the Consumer Protection Division to present Long Service Awards to the following Consumer Protection employees:

- Gill Beeton – 20 years service
- Heather Cormack - 20 years service
- Kylie Beecroft - 20 years service
- Tom Filov – 20 years service
- Zoran Coseski – 20 years service



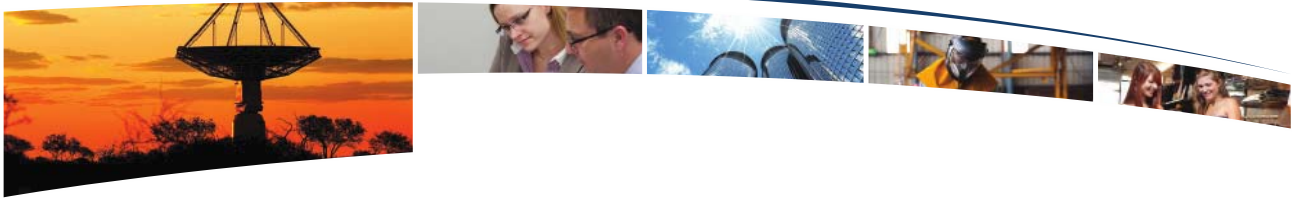
Labour Relations Division Long Service Award recipients Dave Graham, Bruce Edwards and Lindsay Holmes with Minister for Commerce, the Hon. Simon O'Brien, MLC (second from left).



Legislation administered

The Department of Commerce administered 88 Acts of Parliament as at 30 June 2012, 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 internet site at www.commerce.wa.gov.au.

<i>Architects Act 2004</i>	<i>Decimal Currency Act 1965</i>	<i>New Tax System Price Exploitation Code (Taxing) Act 1999</i>
<i>Associations Incorporation Act 1987</i>	<i>Disposal of Uncollected Goods Act 1970</i>	<i>New Tax System Price Exploitation Code (Western Australia) Act 1999</i>
<i>Auction Sales Act 1973</i>	<i>Distress for Rent Abolition Act 1936</i>	<i>Occupational Safety and Health Act 1984</i>
<i>Bills of Sale Act 1899</i>	<i>Dividing Fences Act 1961</i>	<i>Personal Property Securities (Commonwealth Laws) Act 2011</i>
<i>Building Act 2011</i>	<i>Door to Door Trading Act 1987</i>	<i>Petroleum Products Pricing Act 1983</i>
<i>Building Services (Complaint Resolution and Administration) Act 2011</i>	<i>Electricity Act 1945</i>	<i>Petroleum Retailers Rights and Liabilities Act 1982</i>
<i>Building Services (Registration) Act 2011</i>	<i>Employment Agents Act 1976</i>	<i>Public and Bank Holidays Act 1972</i>
<i>Building Services Levy Act 2011</i>	<i>Employment Dispute Resolution Act 2008</i>	<i>Real Estate and Business Agents Act 1978</i>
<i>Business Names (Commonwealth Powers) Act 2012</i>	<i>Energy Coordination Act 1994 (Part 2 and 3)</i>	<i>Residential Parks (Long-Stay Tenants) Act 2006</i>
<i>Business Names Act 1962</i>	<i>Energy Safety Act 2006</i>	<i>Residential Tenancies Act 1987</i>
<i>Charitable Collections Act 1946</i>	<i>Energy Safety Levy Act 2006</i>	<i>Retail Trading Hours Act 1987</i>
<i>Chattel Securities Act 1987</i>	<i>Fair Trading Act 1987</i>	<i>Retirement Villages Act 1992</i>
<i>Churches of Christ, Scientist, Incorporation Act 1961</i>	<i>Fair Trading Act 2010</i>	<i>Sale of Goods Act 1895</i>
<i>Coal Industry Tribunal of Western Australia Act 1992</i>	<i>Finance Brokers Control Act 1975</i>	<i>Sale of Goods (Vienna Convention) Act 1986</i>
<i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i>	<i>Fremantle Buffalo Club (Incorporated) Act 1964</i>	<i>Settlement Agents Act 1981</i>
<i>Companies (Co-operative) Act 1943</i>	<i>Gas Standards Act 1972</i>	<i>Street Collections (Regulation) Act 1940</i>
<i>Competition Policy Reform (Taxing) Act 1996</i>	<i>Gas Supply (Gas Quality Specifications) Act 2009 (Part 5, Division 2)</i>	<i>Sunday Entertainments Act 1979</i>
<i>Competition Policy Reform (Western Australia) Act 1996</i>	<i>Growers Charge Act 1940</i>	<i>Trade Measurement Act 2006</i>
<i>Conspiracy and Protection of Property Act 1900</i>	<i>Hairdressers Registration Act 1946</i>	<i>Trade Measurement Administration Act 2006</i>
<i>Construction Contracts Act 2004</i>	<i>Hire Purchase Act 1959</i>	<i>Transfer of Incorporation (HBF and HIF) Act 2009</i>
<i>Construction Industry Portable Paid Long Service Leave Act 1985</i>	<i>Home Building Contracts Act 1991</i>	<i>Travel Agents Act 1985</i>
<i>Consumer Affairs Act 1971</i>	<i>Industrial Relations Act 1979</i>	<i>Water Services Licensing Act 1995 (Part 5A)</i>
<i>Co-operative and Provident Societies Act 1903</i>	<i>Industrial Legislation Amendment Act 2011</i>	<i>Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund Act 1932</i>
<i>Co-operatives Act 2009</i>	<i>Industry and Technology Development Act 1998</i>	<i>Western Australian Products Symbol Act 1972</i>
<i>Credit (Administration) Act 1984</i>	<i>Labour Relations Reform Act 2002</i>	<i>Year 2000 Information Disclosure Act 1999</i>
<i>Credit (Commonwealth Powers) Act 2010</i>	<i>Land Valuers Licensing Act 1978</i>	
<i>Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Act 2010</i>	<i>Law Reform (Common Employment) Act 1951</i>	
<i>Credit Act 1984</i>	<i>Limited Partnership Act 1909</i>	
<i>Debt Collectors Licensing Act 1964</i>	<i>Local Government (Miscellaneous Provisions) Act 1960 (Parts VIII, IX and XV)</i>	
	<i>Long Service Leave Act 1958</i>	
	<i>Metric Conversion Act 1972</i>	
	<i>Minimum Conditions of Employment Act 1993</i>	
	<i>Motor Vehicle Dealers Act 1973</i>	
	<i>Motor Vehicle Repairers Act 2003</i>	



Boards, commissions, committees, councils and tribunals

The boards, commissions, committees, councils and tribunals have a range of functions including regulatory, advisory, licensing of participants in relevant industries, investigating complaints about the conduct of industry participants and taking disciplinary action where appropriate. 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 details on their role 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"> Builders' Registration Board⁽¹⁾ Building Disputes Tribunal⁽¹⁾ Building Services Board⁽³⁾ Building Surveyors Qualification Committee⁽²⁾ Commission for Occupational Safety and Health Electrical Licensing Board Gas Licensing Committee Painters' Registration Board⁽¹⁾ Plumbers' Licensing Board 	<ul style="list-style-type: none"> Australian Marine Complex Overarching Committee Western Australian Technology and Industry Advisory Council Pilbara Maritime Common Use Facility (PMCUF) Steering Committee

Notes:

- (1) These Boards and Tribunal were abolished on 29 August 2011.
- (2) This Committee was abolished on 2 April 2012.
- (3) The Building Services Board's commencement date was 29 August 2011.



PERFORMANCE MANAGEMENT FRAMEWORK

Outcome based management framework

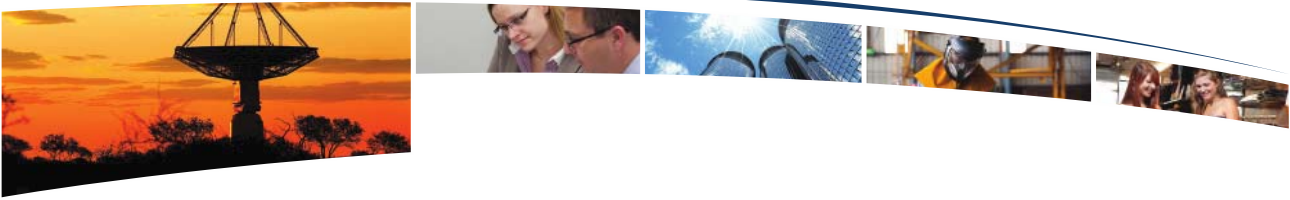
Western Australia's performance management framework monitors outcomes through the delivery of services. This is referred to as outcome based management and it assists to monitor the department's progress towards achievement of specific outcomes. Treasurer's instruction 904 prescribes the mandatory requirements 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 State Government's goals. The agency level government desired outcome is the effect or impact on the community or target customers of Government services. The department's key effectiveness indicators provide information on the extent to which outcomes have been achieved through the funding and delivery of agreed services, while key efficiency indicators are presented for each service. Efficiency indicators relate services to the level of resource inputs required to deliver them. 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 3.

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.

Figure 3: Relationship to the Government's goals: 2011-12 outcome based management framework



Changes to outcome based management framework

Treasurer's instruction 904 requires disclosure of changes in agency level government desired outcomes, services and key performance indicators. The changes to the Building Commission Division to be responsible for the services and functions of the former Builders' Registration Board and Painters' Registration Board were considered within the department's existing outcomes based management (OBM) framework. It was considered that the Building Commission Division's services of registration and licensing; customer service: technical services (building and plumbing standards, contracts and codes of practices); and policy, advice, legislation and business support aligned to Outcome 2 and Service 2 and the following changes to the OBM were therefore required:

- An amended agency level government desired outcome statement (Outcome 2) was expanded to reflect the outcomes deliverable by the Building Commission Division;
- A revised effectiveness indicator to measure the effectiveness of this amended agency level government desired outcome statement;
- An additional underpinning measure to reflect the inclusion of the Building Commission; and
- An amended service definition to reflect the services of the Building Commission.

These changes to the OBM framework were approved by the Under Treasurer and applicable for the 2011-12 reporting period.

Shared responsibilities with other agencies

The Department of Commerce, as the lead agency, is responsible for coordinating the delivery and reporting on 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, are reported against the 2011-12 Resource Agreement established between the responsible Minister, Director General and Treasurer. Further information on Resource Agreement reporting is available in the Agency Performance (Resource Agreement) section of this report.

Table 2: Shared responsibilities with other agencies in 2011-12

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 Finance and the Public Sector Commission.
Report against target	<p><i>Target:</i> A plan to achieve the standardisation and simplification of public sector pay structures and classification systems.</p> <p><i>Result:</i> Outcomes have been incorporated into the bargaining agenda and pursued as opportunities arise through bargaining.</p>



Initiative	Managing Fatigue in the Commercial Vehicle Sector	
Related outcome	A community in which workplaces are operated in a safe and fair manner.	
Contributing agencies	Department of Commerce (WorkSafe Division); Main Roads Western Australia and Western Australia Police.	
Report against target	<i>Target:</i>	Strategic coordinated intervention campaigns in the east-west and north-south corridors with Western Australia Police providing key information for WorkSafe enforcement.
	<i>Result:</i>	A reduced budget resulted in the cancellation of the proposed campaigns. However, in coordination with the Western Australia Police, there were local commercial driver fatigue road block operations at Neerabup, North Dandalup, Bedfordale and Upper Swan.
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); WorkCover Western Australia Authority.	
Report against target	<i>Target:</i>	650 eligible small businesses complete the assistance program.
	<i>Result:</i>	There were 731 small businesses that accessed the ThinkSafe Small Business Assistance Program.
Initiative	The Broadband Working Group	
Related outcome	The Group will coordinate the State's strategic approach to maximise the benefits of the National Broadband Network (NBN).	
Contributing agencies	Department of Commerce (Industry, Science and Innovation Division); Department of Regional Development and Lands; Department of Local Government; Department of the Premier and Cabinet; Department of Planning; Department of Treasury; Department of State Development; Department of Transport; Technology and Industry Advisory Council.	
Report against target	<i>Target:</i>	The whole of government Broadband Working Group will develop a State Government position regarding priorities for the NBN roll out in Western Australia.
	<i>Result:</i>	The Broadband Working Group endorsed the Western Australian Strategic Position Statement on the NBN, as well as Supporting Guidelines for NBN Initiatives.
Initiative	The four year Regional Mobile Communications Project (to be funded by the Department of Regional Development and Lands).	
Related outcome	The project will provide increased mobile telephone and wireless broadband coverage in regional Western Australia.	
Contributing agencies	Department of Commerce (Industry, Science and Innovation Division); Department of Regional Development and Lands; Department of Conservation and Environment; 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	<i>Target:</i>	Tender to be issued and awarded by the Department of Finance and agreement signed with the successful applicant/s.
	<i>Result:</i>	Following a competitive selection process, Telstra was endorsed as the preferred proponent and the Financial Assistance Agreement was signed in January 2012.



Initiative	Square Kilometre Array Project (SKA)
Related outcome	Australia to win the right to host the SKA bid.
Contributing agencies	Department of Commerce (Industry, Science and Innovation Division); Commonwealth Department of Innovation, Industry, Science and Research; Commonwealth Scientific and Industrial Research Organisation (CSIRO); Department of Regional Development and Lands; Department of Mines and Petroleum; Department of State Development; State Solicitor's Office; Office of Native Title (Department of the Premier and Cabinet); Pastoral Lands Board; Public Transport Authority; Shire of Murchison; Mid West Development Commission; and Universities including the University of Western Australia and Curtin University.
Report against target	<p><i>Target:</i> This project is a national project with significant interaction with the Commonwealth Government (Department of Innovation, Industry, Science and Research and CSIRO). Joint target results include:</p> <ul style="list-style-type: none"> • Work with Australian New Zealand SKA Co-ordination Committee and sub working groups to develop strategies to win the host SKA bid, and support international promotional and marketing activities to build support. • Progress legislative analysis and development of land tenure processes to accommodate the proposed SKA antenna configuration across Australia and New Zealand (State Solicitor's Office, Office of Native Title, Department of Regional Development and Lands). • Liaise with Commonwealth Government on development of appropriate radio quiet legislation to ensure consistency with State requirements. • Work closely with Department of Mines and Petroleum, Public Transport Authority and Department of State Development to ensure the SKA can co-exist with rail and mining in the Mid West region. • Work closely with Department of Regional Development and Lands, Shire of Murchison and Pastoral Lands Board to ensure the SKA can co-exist with pastoralists in the Mid West. • CSIRO to continue construction of remaining antennas Australian SKA Pathfinder project. • Complete commissioning of optic fibre route from the Murchison Radio-astronomy Observatory (MRO) to Geraldton and access corridors at the MRO. • On-going interaction with Mid West key stakeholders in respect of economic opportunities for local companies (Mid West Development Commission, Shire of Murchison). <p><i>Result:</i> The following deliverables have been achieved:</p> <ul style="list-style-type: none"> • A co-existence Memorandum of Understanding and management framework to support radio quiet measures for the proposed SKA site in the Murchison have been agreed with the Commonwealth. • CSIRO completed construction of the 36 antennas under the Australian SKA Pathfinder project. • A Land Tenure Strategy was produced in support of the SKA bid. • Optic fibre cable installed and operational. • Members of the SKA Organisation have agreed on a dual-site (Australia-New Zealand and South Africa) solution for delivery of the SKA. All of the obligations under the 2007 Memorandum of Understanding (MOU) with the Commonwealth have been fulfilled and a draft new MOU has been presented to the Commonwealth for consideration.

The department recognises the benefits derived from working collaboratively with external parties by negotiating co-agency agreements, Heads of Agreement, Memoranda of Understanding, Instruments of Declaration and inter-governmental agreements and arrangements with a range of organisations within the public and private sector. Additional information on jointly delivered services with other organisations is provided at Appendix 1: Agreements of this report.

Agency Performance



This section reports on the department's performance and includes a report against our Resource Agreement, a report on divisional activities and information about our people.

Resource Agreement	33
Operational highlights	36
Our people	53



RESOURCE AGREEMENT

In accordance with section 41 of the *Financial Management Act 2006*, the Department of Commerce has a Resource Agreement between the responsible Ministers, Director General and Treasurer. The Resource Agreement articulates the government's desired outcomes, the services to be delivered and the performance targets to be achieved for both financial and non-financial performance. The 2011-12 Resource Agreement was prepared in the outcome based management framework as set out in the 2011-12 Budget Papers and the targets were set as part of the State Government's 2011-12 Budget process. A summary of the department's performance against financial and non-financial targets, as contained in the 2011-12 Resource Agreement, is reported in accordance with Treasurer's instruction 808.

Financial targets

Table 3 provides a summary of the department's financial performance for 2011-12.

Table 3: Summary of financial performance for 2011-12

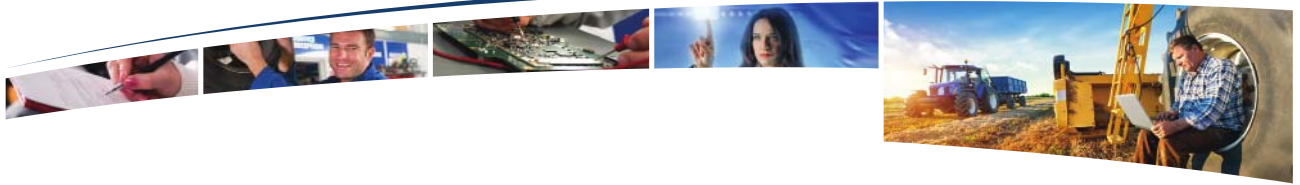
Indicator	Target ⁽¹⁾ \$'000	Actual ⁽²⁾ \$'000	Variation \$'000
Total cost of services (expense limit) (<i>details from Statement of Comprehensive Income</i>)	\$233,077 ⁽³⁾	\$215,727	(\$17,350)
Net cost of services (<i>details from Statement of Comprehensive Income</i>)	\$156,769 ⁽⁴⁾	\$132,250	(\$24,519) ^(a)
Total equity (<i>details from Statement of Financial Position</i>)	\$74,772	\$230,424	\$155,652 ^(b)
Net increase/(decrease) in cash held (<i>details from Statement of Cash Flows</i>)	(\$4,583)	\$165,581	\$170,164 ^(b)
Indicator	Target	Actual	Variation
Approved full time equivalent (FTE) staff level	1,030	952	78

Notes:

- (1) The targets were derived from the 2011-12 Budget Papers (No. 2, Volume 2, Part 8).
- (2) As specified in the Financial Statements section of this report.
- (3) This figure included \$50,790,000 for the Consumer Protection Service, \$97,547,000 for the Safety and Employment Protection and Construction Standards Service and \$84,740,000 for the Industry, Science and Innovation Service.
- (4) This figure included \$29,918,000 for the Consumer Protection Service, \$43,184,000 for the Safety and Employment Protection and Construction Standards Service and \$83,667,000 for the Industry, Science and Innovation Service.

Explanations of variances provided in Table 3 are as follows:

- (a) The decrease is due to: the decrease in the grants program; re-profiling of Gas Rectifications Programme funding and; the additional revenue received due to the roll-in of the Real Estate and Business Agents and Settlement Agents Supervisory Boards into the department.
- (b) The main reason for the increase is due to the roll-in of the Real Estate and Business Agents and the Settlement Agents Supervisory Boards into the department.



Key performance indicators

This section provides a summary of the department's non-financial performance against targets for key effectiveness indicators and key efficiency indicators as contained in the 2011-12 Resource Agreement. The Overview (About the department and Performance management framework) section of this report provides further information on the changes to the department and the outcome based management framework.

Key effectiveness indicators

Table 4 provides a summary of the department's non-financial performance relating to key effectiveness indicators for 2011-12.

Table 4: Results for the 2011-12 key effectiveness indicators

Indicator	Target ⁽¹⁾	Actual	Variation
Outcome 1: A fair trading environment that protects consumers and traders in Western Australia.			
The extent to which traders comply with regulatory requirements	93%	95%	2%
The extent of consumer confidence in Western Australia's trading environment	75%	75.5%	0.5%
Outcome 2: A community with workplaces operated in a safe and fair manner and where buildings are safe and efficient.			
The extent of compliance with safety and employment protection regulatory requirements and construction standards	95%	94%	(1%)
Outcome 3: Enhancement of the State's economic sustainability and prosperity.			
Index of funding leverage obtained for Western Australia from science and innovation research grants	6.7:1	11.2:1	4.5 ^(a)

Notes:

(1) The targets were derived from the 2011-12 Budget Papers (No. 2, Volume 2, Part 8).

Explanation of variance provided in Table 4 is as follows:

- (a) The variance is due to the success of a number of Centres of Excellence in attracting a higher ratio of leverage funds than originally anticipated.

The Disclosures and Legal Compliance (Key Performance Indicators) section of this report provides further information on the results and variances.

Key efficiency indicators

The 2011-12 Resource Agreement was prepared in the outcome based management framework as set out in the 2011-12 Budget Papers. Detailed information on the department's non-financial performance for the financial year ending 30 June 2012 is presented in the Disclosures and Legal Compliance (Key Performance Indicators) section of this report. Table 5 provides a summary of the department's non-financial performance relating to key efficiency indicators for 2011-12.

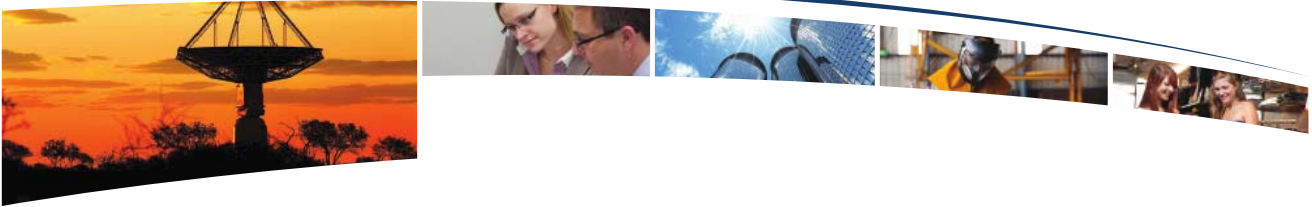


Table 5: Results for the 2011-12 key efficiency indicators

Indicator	Target ⁽¹⁾	Actual	Variation
Service 1: Consumer Protection			
Average cost per client contact to provide information and advice	\$2.88	\$2.34	(\$0.54) ^(a)
Average cost per policy project	\$329,314	\$305,753	(\$23,561)
Average cost per inspection or investigation	\$468.52	\$456.38	(\$12.15)
Average cost per registration or licence	\$14.08	\$14.66	\$0.58
Service 2: Safety and Employment Protection and Construction Standards			
Average cost per client contact to provide information and advice	\$8.27	\$6.17	(\$2.10) ^(b)
Average cost per hour of policy advice	\$800.50	\$180.92	(\$619.58) ^(c)
Average cost per inspection or investigation	\$1,341.63	\$1,166.50	(\$175.13) ^(d)
Average cost per registration or licence	\$119.58	\$103.21	(\$16.37) ^(e)
Service 3: Industry, Science and Innovation			
Average cost per industry, science and innovation project managed	\$169,303	\$334,807	\$165,504 ^(f)

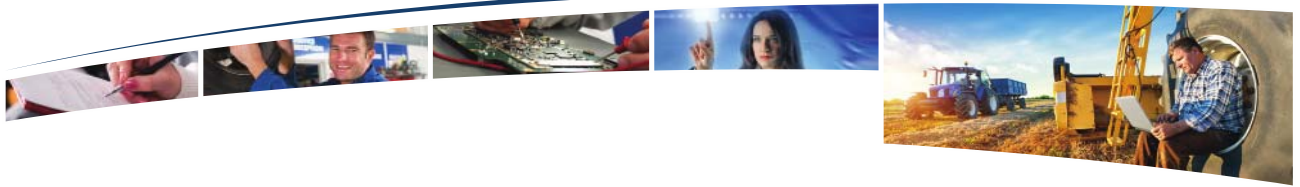
Notes:

(1) The targets were derived from the 2011-12 Budget Papers (No. 2, Volume 2, Part 8).

Explanation of variance provided in Table 5 is as follows:

- (a) The variance is due to the significant increase of online visits to the FuelWatch internet site.
- (b) The variance is primarily due to the Building Commission Division's internet online visits not being known at the time of setting the target figure.
- (c) The variance is due to the target figure incorrectly including expenditure relating to the anticipated building services levy and expenditure relating to the Building Commission Division, which does not contribute to this indicator.
- (d) The variance is due to the significant increase in inspections or investigations, coupled with a slight decrease in allocated expenditure.
- (e) The variance is due to a significant increase in registrations and licences, due to the increase in applications for licences for the WorkSafe Division with the requirement for Certificate of Competency to be converted to High Risk Work Licences by June 2012.
- (f) The variance is due the extra depreciation charges attributed to the Jakovich Centre, which led to a significant increase of expenditure.

A summary of the department's performance against whole of government and cross-agency initiatives, as contained in the 2011-12 Resource Agreements is presented in Table 2 of the Overview (Shared responsibilities with other agencies) section of this report.



OPERATIONAL HIGHLIGHTS

This section continues to highlight the department's major operational activities for 2011-12.

Consumer Protection Service

Consumer Protection Division

About the division

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

Highlights

Residential Tenancies Amendment Legislation

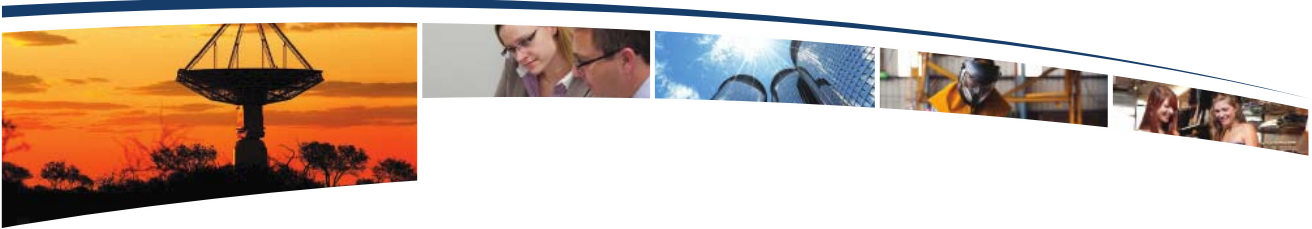
The *Residential Tenancies Amendment Act 2011* (the RTA Act) was passed by Parliament and will amend existing legislation to provide greater balance between the rights and obligations of tenants and lessors. Key amendments include the introduction of a prescribed form for residential tenancy agreements, compulsory property condition reports, centralised bond lodgement and a linked upgrade of the department's system, new rules on the use of databases, a timeframe for urgent repairs and a cap on option fees.

Regulations to support the RTA Act are currently being drafted. It is anticipated that the RTA Act will commence in the latter part of 2012.

Commercial Tenancy Amendment Legislation

The *Commercial Tenancy (Retail Shops) Amendment Act 2011* (the CTA Act) was passed by Parliament and amends the current legislation to increase protections for small business and reduce the disparity in bargaining power that can exist between small business tenants and landlords. The amendments will allow tenants to make more informed leasing decisions, enhance security of tenure, improve the negotiating power of tenants by prohibiting landlords from passing on some of their legal fees to tenants and assist in the preparation of more consistent and equitable rent reviews.

The department is currently preparing the regulations which will underpin the CTA Act. It is anticipated that the CTA Act will commence in the latter part of 2012.



Transition of regulatory Boards to the Consumer Protection Division

On 30 June 2011, the Real Estate and Business Agents Supervisory Board, Settlement Agents Supervisory Board, Land Valuers Licensing Board and Motor Vehicle Industry Board were abolished, with each Board's regulatory and disciplinary functions transferred to the Commissioner for Consumer Protection on 1 July 2011.

The Consumer Protection Division worked to ensure a smooth handover of the Boards' responsibilities during the transitional period. The requirement to comply with relevant legislation has continued. Core programs initiated by the Boards, such as the Compulsory Professional Development programs and Proactive Compliance programs for the real estate and settlement industries have continued and new programs such as the Land Valuers Proactive Compliance Program have been introduced. For the motor vehicle industry, the focus of the former Board on compliance with the *Motor Vehicle Repairers Act 2003* continued to be a priority.

Consumer Protection's first smart phone application

The Consumer Protection Division developed its first mobile phone application (app), iShopWA, which gives consumers vital information on their rights regarding refunds, warranties and lay-bys. In its first month, almost 2,000 iPhone and Android smartphone users downloaded the app. The app is available for free download from the iPhone app store and the Android market.



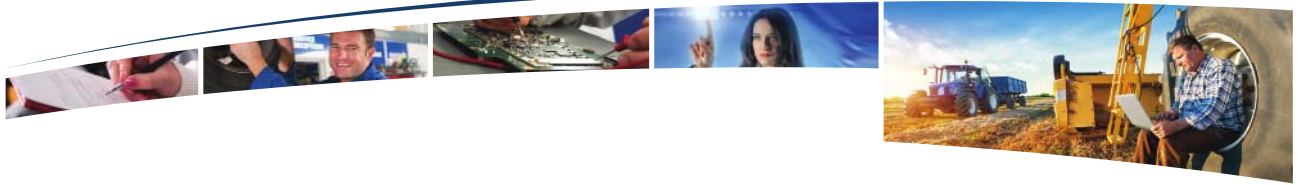
First full year of the Australian Consumer Law (WA)

The Consumer Protection Division commenced the first non-transitional Australian Consumer Law (ACL) injunction action in Australia, and settled it with the first enforceable undertaking. It was also the first in Australia to enforce an enforceable undertaking in an Australian court. The Commissioner for Consumer Protection has accepted four enforceable undertakings in settlement of or as alternatives to litigation since the commencement of the ACL. In November 2011, the Commissioner accepted an enforceable undertaking from Unleash Solar Pty Ltd for the installation of solar panels to more than 100 Western Australian consumers, which were then installed by or about Christmas 2011. The Consumer Protection Division increased awareness of the legislation through lectures and presentations at the University of Western Australia Law School and the Department of Treasury's *Consumers 2011 Conference* in Sydney.

Increasing usage of FuelWatch

The total number of visitors to the FuelWatch internet site was approximately 5.5 million in 2011-12, an increase of 32 per cent over the previous year. The increased usage of the internet site was in response to the higher fuel prices witnessed in western Australia, with the Perth average unleaded petrol price over the reporting period being 143.2 cents per litre, the highest ever. FuelWatch is now in its 11th year of operation and continues to provide valuable information to the Western Australian community.





New online systems – WA ScamNet and AssociationsOnline

WA ScamNet's new interactive internet site was launched by the Minister for Commerce in October 2011. A large number of people sought further information from community education officers, and scam prevention advice and promotional materials were widely distributed during the launch. The WA ScamNet internet site is a critical resource in the identification and prevention of scams, and the redevelopment resulted in an internet site which is easier to use.

In early 2012, AssociationsOnline was made available to members of the public and the almost 17,000 incorporated associations registered in Western Australia. The online portal was specifically developed to assist community groups to access and register information in a secure online environment that is available 24 hours a day, seven days a week. Feedback has been very positive with users commenting that the system is intuitive, easy to use and readily accessible.

Improving product safety

The department has actively participated in a range of national product safety programs and initiatives. Highlights in 2011-12 included:

- Bringing to national attention the issue of safety associated with curtain and blind cords, which lead to the release of the discussion paper *Proposed Service Standard: Corded Internal Window Coverings* by the Australian Competition and Consumer Commission in October 2011. This resulted in the imminent introduction of a Service Standard.
- Liaison with the Building Commission Division, Fire and Emergency Services Authority and the Australasian Fire and Emergency Service Authorities Council, to discuss hazard minimisation measures for dwellings with evaporative air conditioners in bush fire prone areas. This followed on as a result of the Keelty Report findings. Measures to improve safety are currently under consideration by Australian Consumer Law regulators.

Retirement Villages Amendment Bill 2012

Following the tabling of the final report of the statutory review of retirement villages legislation in Parliament in November 2010, the department commenced drafting an initial Bill to implement some of the most pressing recommendations of the review, while continuing to consult with key stakeholders on important issues. The State Government indicated a two-stage process of implementation of the recommendations in the Legislative Assembly in August 2011, and expects to introduce the first Bill at the commencement of the 2012 Spring session.

Regional compliance sweep

The Consumer Protection Division coordinated a regional compliance sweep to the Central Wheatbelt in March 2012. Officers approached local businesses in Wagin, Narrogin, Katanning, Dumbleyung, Kojonup and Merredin to promote the rights of consumers and the responsibilities of traders. Visits were made to trades people, retailers, real estate agents, car dealers and residential parks. The department also had a display at the Wagin Woolarama to provide information to both traders and consumers. These compliance visits provide an opportunity for business operators in the region to access information and ask questions about a range of issues that may affect them. It is also an opportunity for the department to gain a greater understanding of the needs of rural-based businesses.



Group buying

This financial year saw a significant increase in the number of group buying enquiries and complaints. A national project was implemented by the Consumer Protection Division and other Australian Consumer Law regulators in April 2012. The project involved: the establishment of contacts within the group buying industry; the creation of guidelines for referring, assessing and conciliating complaints and the development of procedures for posting information about emerging and systemic issues on the national consumer protection information sharing platform ACLink. This coordinated approach to dispute resolution also reduced the average number of days for closing complaints.

A voluntary code of conduct was also developed by the Australian Direct Marketing Association for all major industry participants. The Consumer Protection Division tracked the referral of a small number of consumers to this body for dispute resolution and found all consumers were satisfied with the result.

Safety and Employment Protection and Construction Standards Service

Building Commission Division

About the division

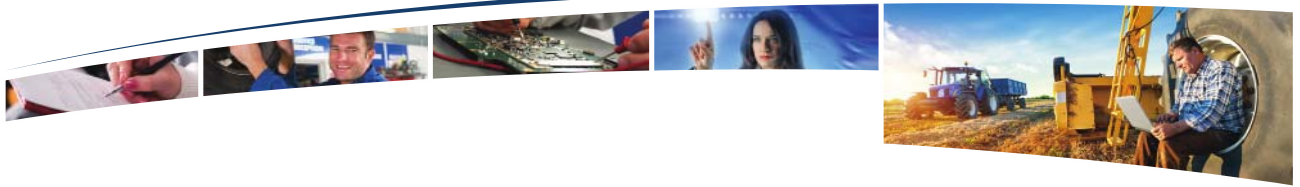
The Building Commission works to ensure fair and efficient building and plumbing industries by consolidating policy, standards and registration of practitioners and contractors.

Highlights

Implementation of the *Building Services (Complaint Resolution and Administration Act) 2011*.

The *Building Services (Complaint Resolution and Administration) Act 2011* came into effect on 29 August 2011. The Act delivered the following reforms –

- Establishment of the statutory office of the Building Commissioner. The Building Commissioner has powers to oversee regulation of the building industry in Western Australia, promote research and training, provide information and advice, deal with complaints and audit the work of registered building service providers.
- Replacement of the Building Disputes Tribunal with a new complaint resolution process. Complaints made to the Building Commissioner are investigated and where appropriate orders can be made to dismiss the complaint, remedy a defective building service, pay money, or give effect to a conciliated agreement. Complex or intractable disputes can be sent to the State Administrative Tribunal for formal hearings.
- Creation of a framework for industry funding of building and plumbing regulation and complaint resolution through the building services levy.



Implementation of the *Building Services (Registration) Act 2011*

The *Building Services (Registration) Act 2011* came into effect on 29 August 2011. The Act delivered the following reforms –

- Merger of the Builders Registration Board and Painters Registration Board into the Building Commission Division of the Department of Commerce. This delivered on government commitments to reduce the number of independent statutory bodies and allows operating efficiencies in the registration of building and plumbing occupations.
- Establishment of a flexible registration framework based on the new Building Services Board that will allow changes to registration of currently registered occupations and registration of new occupations through regulation.
- Comprehensive registration of building surveyors. This supported introduction of competition from private certification under the new *Building Act 2011*.

Implementation of the *Building Act 2011*

The *Building Act 2011* came into effect on 2 April 2012. The Act delivered the following reforms –

- Modernisation of the building approval process in Western Australia with a comprehensive framework for building, occupancy and demolition approvals. This includes bringing all buildings into the same regulatory framework and allowing the State as well as Local Governments to issue permits and enforce compliance.
- Private certification of compliance with building standards. Building surveyors operating in private practice can work with design teams and builders to develop innovative building solutions that will meet building standards and sign certificates of compliance.
- More flexibility in applying building standards, including processes for the Building Commissioner to waive or modify building standards where it is in the public interest and the ability to apply building standards to existing buildings. This flexibility will help adaptation and re-use of heritage buildings and ensure that buildings remain safe throughout their life.

Implementation of 6 Star energy efficiency provisions for housing

The Building Commission Division worked closely with industry bodies to implement '6 Star' energy efficiency standards for housing from 1 May 2012. The new energy efficiency standards require all new homes, home renovations, alterations and additions to comply with a '6 Star' standard that is included in the National Construction Code and aligns Western Australia with national energy efficiency measures. In support of the implementation of the new standards, the Building Commission Division undertook a comprehensive education campaign and also assisted in the resolution of technical issues.



Energy*Safety* Division

About the division

The Energy*Safety* Division is industry funded and carries out the technical and safety regulation of electricity transmission, electricity distribution, electricity utilisation (consumers' installations and appliances), gas distribution and gas utilisation (consumers' installations and appliances).

Highlights

Electricity distribution systems

Wood pole failures in the State's electricity distribution system present a clear public safety hazard. Throughout 2011-12 the Energy*Safety* Division worked with Western Power and Horizon Power in their attempts to address these failures.

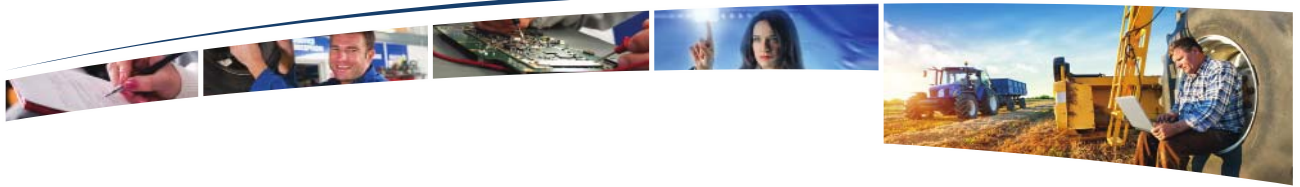
As a result Western Power will move immediately to reinforce the bases of poles with properly designed steel stakes and replace poles judged not suitable for reinforcing. Horizon Power will adopt a similar approach but will replace wood poles with steel poles. These measures will bring down the level of community risk as quickly as practicable. Western Power will furnish quarterly progress reports to the Energy*Safety* Division.

Bush fire investigations

Under the Energy*Safety* Division's leadership, a new protocol governing how investigations are to be managed for bushfires suspected to have been caused by electricity is nearing completion. Protocol participants include the Fire and Emergency Services Authority, the Department of Environment and Conservation, Western Australia Police and Western Power. When completed, the protocol will be converted into a formal memorandum of understanding to be signed by all participants.

National Regulatory Reform – Electricity Supply Safety

A new Australian Standard (AS5577) governing the preparation and administration of electricity network safety cases is expected to be completed by the end of 2012. Energy*Safety* has played a prominent role in developing the new standard. This initiative was begun by the Ministerial Council on Energy following national consultative meetings with all interested parties. When the new standard is finished it will be established in Western Australian regulations and will apply to all network operators licensed in this State.



Labour Relations Division

About the division

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

Highlights

Industrial Legislation Amendment Act 2011

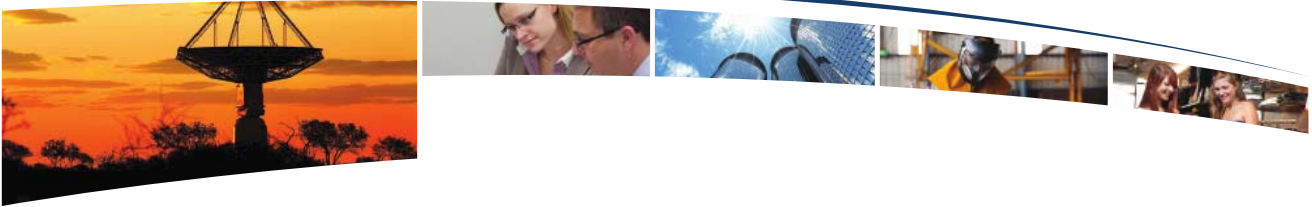
During this reporting period the department progressed the *Industrial Legislation Amendment Act 2011* (the ILA Act) through Parliament which was proclaimed on 1 April 2012. The ILA Act improves the administration and efficiency of the portable long service leave scheme for employees in the Western Australian construction industry.

Regional compliance and education strategies

The department has developed comprehensive compliance and education strategies to overcome regional-specific State employment law issues through a variety of proactive and reactive education and compliance activities. These have included a comprehensive seminar program delivered to secondary school students in all regional areas on the application of children in employment law to assist in the prevention of the unlawful employment of children. Proactive compliance inspection programs in response to identified regional-specific State employment law issues have also been implemented resulting in the identification and rectification of employment law breaches.

Upgrade of the Labour Relations application database and underpayment calculator development

Development of an underpayment calculator and an upgraded complaint and work activities database is at an advanced stage. This will increase the effectiveness and accuracy of the Labour Relations Division's Compliance and Education Directorate's investigative and prosecutorial activities and provide enhanced scope to gather information on, and respond to, emerging trends in private sector State employment law issues.



WorkSafe Division

About the division

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

Highlights

Work Safe Forum

The WorkSafe Division hosted the Perth Work Safe Forum in October 2011 at the Burswood Convention Centre. The theme for the 2011 forum was 'Safe workplaces for everyone'. The forum was attended by some 600 safety and health representatives and occupational safety and health personnel. The forum provided an excellent opportunity for networking, sharing ideas and updating safety and health knowledge.

Education and information sessions

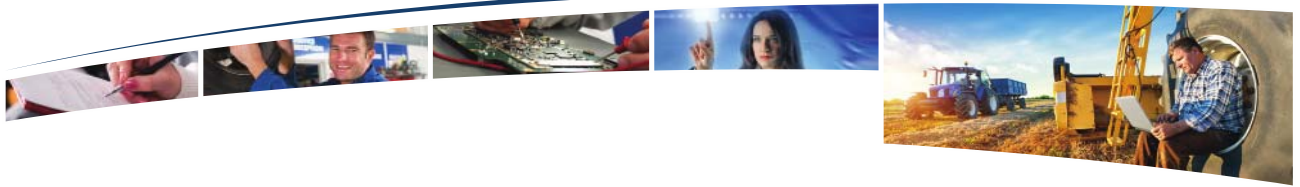
As part of a continuing educational program approach, the WorkSafe Division presented 33 free lunchtime information sessions to over 2,190 participants. These '4thought sessions', were held at various locations and covered a range of occupational safety and health topics, to give participants information on workplace safety issues and provide an opportunity to discuss solutions. The division also conducted more than 37 information sessions at individual workplaces, attended by 997 participants, to support workplace risk management processes; and provided over 145 information sessions, attended by 2,310 participants, to safety and health representative training courses, industry associations, schools, TAFEs and other customers. In addition, there were 33 industry presentations concerning the proposed harmonised work health and safety laws.

Customer help centre

During the year, the WorkSafe Division responded to 104,786 requests for occupational safety and health information, received 2,188 notifications of injuries and disease, answered 3,026 emails to the Customer Help Centre, and efficiently issued 66,259 classes of high risk work licences.

Proactive campaigns

During the year, the WorkSafe Division completed a key regional intervention campaign concerning manufacturing in the Bunbury industrial area and also carried out inspections throughout the Kimberley region of the infrastructure maintenance and service provisions provided to Indigenous communities. There were many other proactive team projects including those concerning guarding of machinery, machinery and equipment wholesalers, textile manufacturing, wrought iron manufacturing, pathology services, infectious diseases, carcinogens, welding fume in manufacturing, office ergonomics, and stress and bullying. Risk management materials were distributed to workplaces to support these team projects.



Compliance with fatigue laws for commercial vehicles

The WorkSafe Division participated in four joint Austrans roadblock operations, targeting commercial vehicles coming from regional areas, undertaken by Western Australia Police and involving Main Roads Western Australia, the Explosives and Dangerous Goods section of the Department of Mines and Petroleum and vehicle examiners from the Department of Transport. The operations were conducted throughout May at Neerabup, North Dandalup, Bedforddale and Upper Swan and a total of 126 commercial vehicles were stopped. The operations found a reasonable level of compliance with fatigue laws for commercial vehicles, but some lingering concerns in the areas of mandatory rest breaks, the maintenance of fatigue management plans, record keeping and mandatory medical checks for drivers.

Work-related injury and disease rates

According to the most recent preliminary workers' compensation claims data, lost time injuries and diseases (LTI/Ds) in Western Australia recorded a 4.8 per cent increase in overall frequency rate (the number of LTI/Ds per million hours worked), from 9.07 in 2009-10 to 9.51 in 2010-11 (preliminary), halting the downward trend witnessed in previous years. The total rate of improvement for all injuries and diseases since the *Occupational Safety and Health Act 1984* came into effect 23 years ago in 1988-89 is 73.1 per cent.

Due to the volatility of work-related fatalities, averages over five years are used to provide clear trend data. The most recent data shows the average traumatic work-related fatality incidence rate (the number of traumatic work-related fatalities per million employees) for the five year period from 2007-08 to 2011-12 is 16.0. This is a 10.6 per cent reduction from the 18.0 traumatic work-related fatalities per million employees for the five year period of 2006-07 to 2010-11, indicating a reversal in trend downward.

Table 6 shows the number of traumatic work-related fatalities and incidence rates during the last five years.

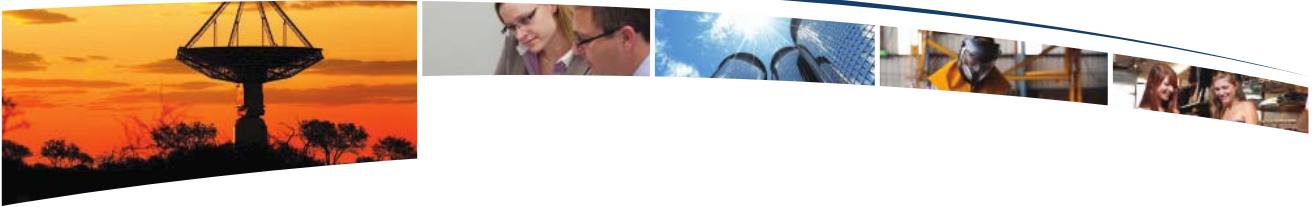
Table 6: Traumatic work-related fatalities between 2007-08 and 2011-12

Year	2007-08	2008-09	2009-10	2010-11	2011-12
Number of traumatic work-related fatalities	27	21	9	21	17
Annual fatality incidence rate	24.0	18.0	7.7	17.1	13.5

Awards

The WorkSafe Plan is an assessment process that rates safety management systems and directs attention to areas that can be improved. The WorkSafe Plan is promoted by the WorkSafe Division to help workplaces introduce occupational safety and health management systems that support the practices required to establish and maintain safe systems of work. In 2011-12, six platinum, ten gold and four silver certificates were awarded.

The Work Safety Awards Western Australia recognises outstanding occupational safety and health management, solutions and innovation in Western Australian workplaces that reduce the risk of work-related injury and disease. In 2011, the award winners were Decmil Group Limited, Public Transport Authority, Wellington Dam Alliance, Leicon Notley, and John McDonnell (Hollywood Private Hospital). Furthermore, at the national 7th Annual Safe Work Australia Awards, Decmil Group Limited, Public Transport Authority and Wellington Dam Alliance were highly commended.



ThinkSafe regional educational activities

The WorkSafe Division’s educational activities included delivering a free and independent shed safety assessment to individual wool growers and shearing contractors in the Goldfields-Esperance, Great Southern and Wheatbelt regions in conjunction with the Western Australian Shearing Industry Association. Thirty-four growers and shed owners, four contractors and shearing team members, and one wool broker participated. In addition, 31 businesses in the commercial fishing industry received safety and health assistance in the Mid-West and Wheatbelt regions as part of the ThinkSafe Commercial Fishing Project.

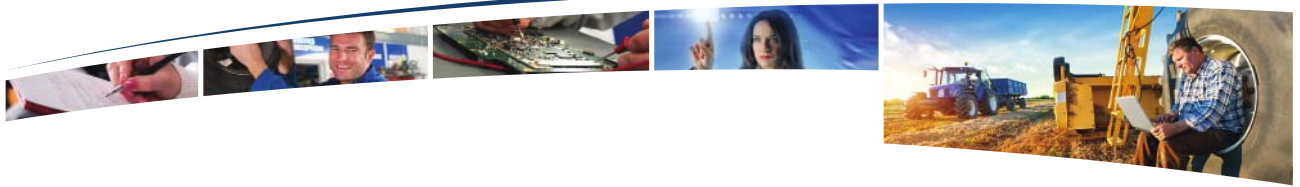
SafetyLine internet site

During the year, to complement the WorkSafe pages found on the department’s internet site, the WorkSafe Division launched the SafetyLine internet site for people wishing to further their knowledge about health and safety and access some practical tools for use in the workplace. Users can download videos free of charge including the new *Managing the Risk of Falls at Workplaces* video which shows how to identify fall hazards, assess and control the risks and implement and maintain controls.



Large fines for G4S Custodial Services Pty Ltd, Department of Corrective Services and the drivers over the death of Mr Ward

G4S Custodial Services Pty Ltd the company contracted by the Department of Corrective Services to transport persons in custody and the Department of Corrective Services were each fined \$285,000 after pleading guilty in the Kalgoorlie Magistrates Court to failures that caused the death of Mr Ward in 2008. After also pleading guilty for their role in the death, two employees of Corrective Services were fined \$11,000 and \$9,000 respectively. Aboriginal elder Mr Ward, 46, died from heatstroke in January 2008 after being transported from Laverton to Kalgoorlie in the back of a van in which the air conditioning was either faulty or not working and the temperature was thought to have been more than 55 degrees Celsius.



Industry, Science and Innovation Service

Industry, Science and Innovation Division

About the division

The Industry, Science and Innovation Division enhances the State's prosperity by promoting industry, science and innovation.

Highlights

The Western Australian Fellowship Program

The Western Australian Fellowship Program attracts researchers to Western Australia from overseas or interstate to enhance science and research areas of strategic importance to Western Australia. Previously, Professor Shaun Collin and Professor Malcolm McCulloch were awarded State grants to conduct research into the disciplines of biodiversity, health and coral reefs. Professor Collin has leveraged an additional \$7.079 million into the State, and made a ground-breaking discovery – that sharks see black and white. This research is being used to develop a shark repellent suit and has featured in mainstream media – most recently on the ABC's *Catalyst* program. In May 2012, Professor Andrew Whiteley from the United Kingdom was selected as the latest Western Australian Fellow and will relocate to Western Australia to lead an expert team in soil rehabilitation – research that will directly benefit the State.

From innovation to commercialisation

Hayley Warren is a former winner in the Startup Category of the Western Australian Innovator of the Year Awards with HALO, a revolutionary tool for doctors and physiotherapists that applies lasers to accurately measure joint angles to determine a patient's range of movement. Through the Award program and other commercialisation support initiatives managed by the division, Hayley has secured trials of her prototype in the United Kingdom, won a Commercialisation Australia grant and gained national and international exposure for her innovation. The final product will launch in Australia and New Zealand in 2012 and the United States in 2013.

Innovation and commercialisation funding

The Innovation Vouchers Program aims to help bridge the gap from concept to commercialisation by providing small and medium enterprises with funding of up to \$20,000 to access industry-government-research collaborations and professional advisory services. Two rounds were held in 2011-12, attracting 117 applications of which 27 were successful, receiving a total pool of \$508,450.

Sustainable development for the Kimberley

Climate change and the rapid pace of resources development pose challenges for future coastal development and the protection of our marine environment. Marine scientists working to better understand and manage these challenges are being supported by the Industry, Science and Innovation Division through investments in the Kimberley Marine Science Node of the Western Australian Marine Science Institute and the Western Australian node of the Integrated Marine Observing System.



The outcomes from this work will feed directly into the management decisions protecting the new State marine parks in the Kimberley. Ultimately, the knowledge gained from these endeavours will assist in planning for sustainable coastal development and reduce the cost to industry of environmental approvals and monitoring of ongoing operations in this region.

Improving regional mobile communications

Following a competitive selection process Telstra was awarded a grant of \$39.2 million to implement the Regional Mobile Communications Project (RMCP). With funding from the Royalties for Regions Program, the RMCP will provide Western Australia's regional, rural and remote communities and businesses with access to mobile voice and wireless broadband services. Over a three year period, the RMCP will increase Telstra's NextG (3G) mobile phone coverage in the State by up to 22 per cent, while significantly boosting access to next generation broadband services. It will also enhance the safety and convenience of visitors and those holidaying in regional Western Australia. The State Government's investment will attract more than double its value in mobile communications infrastructure at 113 sites along major roads and highways across the State and into several regional communities.

The Digital Economy

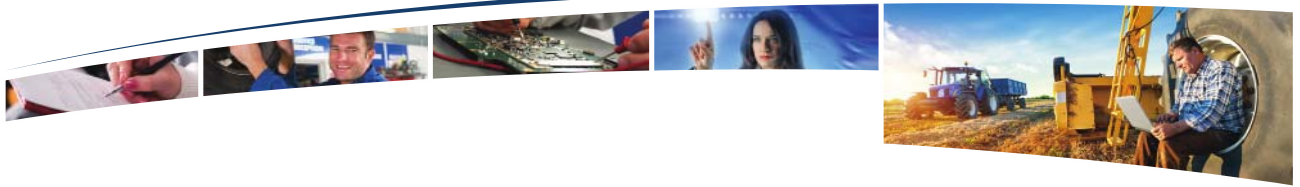
During the year the Industry, Science and Innovation Division continued to support the increased utilisation of digital technology by Western Australian industry through sponsorship of the Australian Computer Society Foundation and the Western Australian Information Technology and Telecommunications Awards. The division also organised the inaugural Western Australian Digital Futures Forum, where seven national speakers made presentations on the potential opportunities in the digital economy for both established and emerging businesses, to an audience of approximately 140 attendees. The WA Business Online Program was launched to encourage online economic activity by businesses in Western Australia through financial assistance to either create or improve their online presence. A series of follow-up workshops with relevant key industry groups is now planned.

Centres of Excellence

The Centres of Excellence is a State Government initiative that allows local scientists and innovators to develop research centres that in turn, expand Western Australia's science and innovation capacity. In 2011-12, 11 Centres of Excellence became independent of the State Government's support. The Centre for Offshore Foundation Systems was awarded \$1.497 million in funding under the program to lead research in offshore geotechnical engineering over a five year period. Research undertaken has led to new design approaches and international standards for pipeline and offshore equipment design being adopted by the oil and gas industry, to reduce the risk of pipeline failure.

Promotion of industry, science and innovation

The State Government has continued to fund the Scitech Discovery Centre which plays a pivotal role in building awareness of science and innovation across the community, inspiring our future generation of scientists. This financial year saw Scitech achieve its best ever attendance, reaching a record breaking 200,000 visitors. The Western Australian Chief Scientist, Professor Lyn Beazley, also plays a significant role in science advocacy and has implemented her microscopes in schools initiative across 178 Western Australian schools.



During the year the Industry, Science and Innovation Division continued to promote the achievements of Western Australian companies and acknowledge the excellence of individuals through coordination of the division's awards programs. The award programs include the Western Australian Science Awards, Innovator of the Year Awards, the Western Australian Industry and Export Awards, the Marine Industry Awards and the BioGENEius Challenge.



Mr Brian Bradley from the Department of Commerce, Mr Tim Jones and Mr Greg Nancarrow from Intium Energy Ltd (overall winner of the 2011 Western Australian Innovator of the Year Awards) and Mr Yasuo Yamanaka from Mitsubishi Corporation (principal sponsor).

Narrowing the digital divide in regional Western Australia

The Regional Mobile Communications Project (RMCP) is in its first year of a three year program to provide Western Australia's regional, rural and remote communities and businesses with access to voice and wireless broadband services. The RMCP is already providing positive improvements to individuals and organisations in regional areas. Follow up survey contact has provided the following examples:

- A police station in the Pilbara with a patrol area of approximately 200-250 kilometre radius has advised that, since the deployment of the RMCP tower, local residents are now able to use their mobile phones to call the station direct, resulting in quicker response times. Previously the only other affordable option was to queue to use the local phone booth. Local communities are now accessing the benefits of the new technology available to them.
- A resident who lives in a remote community has advised that she now feels much safer when she is alone on her property, knowing that she has easier and more reliable connections with Emergency Services if required. Since the deployment of the RMCP tower, she is also free of the aggravating situation of always having to go to the one or two spots on the property where there was enough coverage whenever she wanted to make a phone call.
- As the RMCP rolls out over the next two years, the Industry, Science and Innovation Division is expecting to hear more of these examples, as life improves for residents, visitors and holidaymakers in rural and remote regional Western Australia.



Corporate

Corporate Services Division

About the division

The Corporate Services Division supports the department's outcomes by providing effective governance and policies and procedures for a range of activities. Primarily this division is responsible for financial and asset management, procurement, information technology, human resources, corporate information, freedom of information, and facilities planning and management. The division also coordinates the risk and business continuity management planning and practices across the department.

Highlights

National initiatives

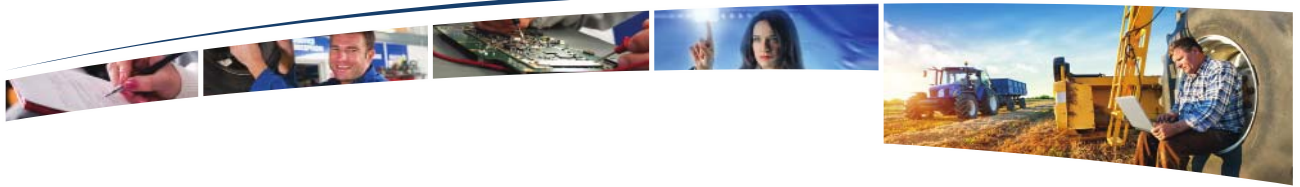
This collective project has successfully delivered on the State Government's commitments to the national policy agendas. Western Australia has executed its obligations to the implementation of Council of Australian Government reforms that assist in the creation of a seamless national economy.

The interoperability and transfer of business systems, licences and data from the department to the appropriate federal system, State data archiving and decommissioning has been achieved for:

- Trade Measurement (TM), to the National Measurement Institute.
- Personal Property Securities (REVS and Bills Of Sale), to the Attorney-General's Department of the Australian Government.
- Product Safety, to Product Safety Australia in the Australian Competition and Consumer Commission.

The transfer of the functions of the Consumer Protection Division's Business Names Branch to the Australian Securities and Investment Commission (ASIC) occurred in May 2012. There is, however, continued work to be undertaken to implement the ASIC services and data.

Western Australia continues to provide leadership and to shape, participate in and progress National Licensing in the areas of the National Licensing Register Requirements, Data Model, Data Dictionary, State Data Cleansing and System Design Activity. The Commonwealth Government will complete the Public Register, Private Portal, Web services and batch interfaces by December 2012. Therefore, the associated jurisdictional workload will be a matter of priority, in order to be ready for the 2013 testing and go-live dates.



Transitions – Building Industry Development Group of Building Commission into the Department of Commerce

This major project involved data migration of records, files and personnel into the departmental systems and adoption of new processes and practices by the Building Industry Development Group at the Building Commission. All information technology systems and infrastructure was successfully migrated into the department's Information Technology infrastructure by February 2012.

The complaints and compliance functions of the Building Commission Division were rolled into the department's Complaints and Licensing System (CALs) information technology system in December 2011. Project planning to transfer the remaining Building Commission Division licensing and registrations content, adopted from the Building Industry Development Group and the Builders' and Painters' Registration Boards onto CALs, has recently commenced.

Hairdressers Registration Board

Following its closure, the physical records of the Hairdressers Registration Board were taken on by Corporate Information and migrated into departmental systems. These files have been categorised and sent offsite for final disposition until they can be either disposed of and or permanently archived in accordance with the *State Records Act 2000*.

Customer Focused Service Delivery

The primary objective of the Customer Focused Service Delivery (CFSD) program is to provide a coordinated and consistent set of business services across the department regardless of the method that customers of the department choose to access them.

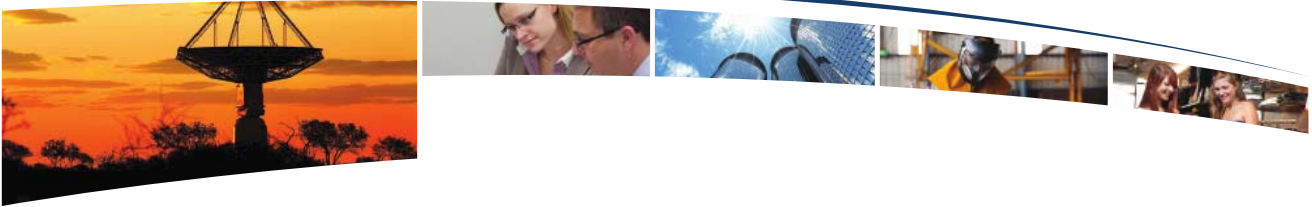
In June 2012 the CFSD program delivered an online enquiry function that allows members of the public, licensees, employers and regulatory bodies to enquire about details of licences and registrations administered by the department.

Decommissioning of the Office of Shared Services

The Office of Shared Services work program was initiated and is being managed by the Information Services directorate of the Corporate Services Division on behalf of the department. Services for the implementation of finance, procurement and Human Resource systems have been procured and a full project organisation is in place and functioning. The program has been independently assessed as being well organised and well positioned to deliver its stated objectives.

Disaster management plan

The department's Corporate Executive approved the development and implementation of a Warm Disaster Recovery site for the recovery of the endorsed vital business applications within 48 hours of a declared catastrophic disaster. The project is currently in the final phase of user-acceptance testing and the Warm Disaster Recovery site is expected to go-live at the end of July 2012.



Associations

In September 2011 a new system was implemented for the Associations and Charities Branch within the Consumer Protection Division. The system is a web-based solution used by the branch, the external organisations affected, the public and other government agencies.

Tenancy Bonds

A project to replace the existing Tenancy Bonds Management System and technology platform is well advanced. It will help cope with significant increases in volumes and support the improvement and streamlining of the associated business processes by moving key elements of the system online.

Office of the Director General

About the division

The Office of the Director General provides strategic and executive support to the Director General and the Corporate Executive. This includes governance; ministerial liaison; regional services; internal audit; strategic policy coordination; corporate development initiatives; strategic planning; corporate performance reporting; special investigations; corporate communications; and public affairs.

Highlights

Public sector safety, health and injury management: annual reporting award

The Institute of Public Administration Australia's (Western Australia) W.S. Lonnie Awards annually recognise excellence and improved accountability standards in annual reporting across the Western Australian public sector. A special award, co-sponsored by the Department of Commerce, Public Sector Commission, and WorkCover WA, recognises accountability and excellence in occupational safety, health and injury management reporting.

More than 150 public sector agency annual reports were reviewed for compliance with the *Public Sector Commissioner's Circular 2009-11: Code of practice: Occupational safety and health in the Western Australian public sector*, with the award for excellence in occupational safety, health and injury management reporting being awarded to the Zoological Parks Authority in March 2012. Main Roads Western Australia and Venues West were also highly commended for their reporting.



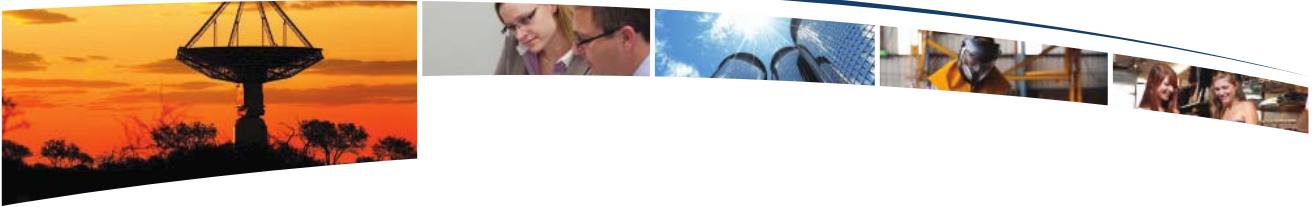
Public Sector Safety, Health and Injury Management Chairperson, Mr John Donovan, presenting the Zoological Parks Authority's representative with the Joint Award for Occupational Safety, Health and Injury Management, at the 2012 W.S. Lonnie Awards.



Communicating with customers

The Office of the Director General works in partnership with the divisions delivering online, promotional and information products. During the year, the division:

- revised the department's online information services to integrate the Real Estate and Business Agents Supervisory Board and the Settlement Agents Supervisory Board internet sites, facilitated the SafetyLine Institute redevelopment and contributed to the department's Customer Focused Service Delivery program;
- in conjunction with the WorkSafe Division delivered the 2011 Safe Work Australia Week program of events, including the Work Safety Awards breakfast and Perth Work Safe Forum, and attended the Perth Truck and Trailer Show and the Australia Pacific Occupational Safety and Health Organisation safety conference;
- in conjunction with the Consumer Protection Division's Product Safety Unit, attended the Pregnancy Babies & Children's Expo;
- coordinated the presence and delivery of information products by four divisions at the North West Expo held in Broome;
- in conjunction with the Consumer Protection Division, provided fit out, branding and information products for the new Seniors Housing Centre;
- assisted the Energy Safety Division to provide updated information to all applicants registered under the Gas Appliance Rectification Programme; and
- distributed over 450,000 publications to Western Australians explaining relevant laws, offering opportunities fostering business, promoting safe practice and advising consumers and workers.



OUR PEOPLE

Department's profile

The department employs a diverse range of talented people who work together to provide a broad range of services to the Western Australian community. The department works to create workplaces where business outcomes are achieved, diversity is encouraged, health and safety is paramount, the wellbeing of employees is supported and the development of our people is championed. The department employs 1,064 employees or 952 full time equivalents (FTEs). Table 7 provides a summary of the department's profile for 2011-12.

Table 7: Department of Commerce's employment profile (FTEs) for 2011-12

Category	Female	Male	Total
Permanent full time	353	370	723
Permanent part time	77	8	85
Fixed term full time	82	41	123
Fixed term part time	18	3	21
Total FTEs	530	422	952

In 2011-12 the department saw an increase of 70 FTEs as a result of the amalgamation of Builders' and Painters' Registration Boards with the Building Commission Division in July 2011.

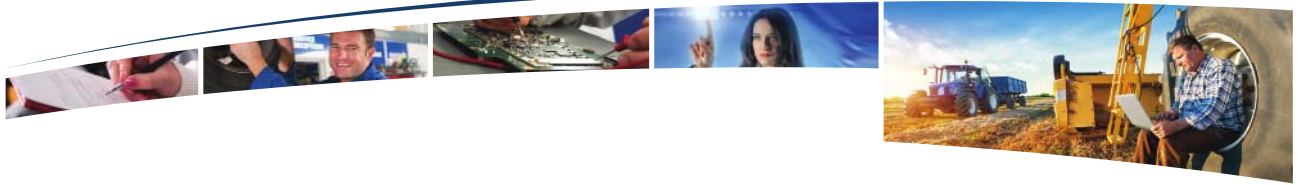
Administratively, the department regularly reviews human resource policies and processes to keep up-to-date with current demographic and environmental influences affecting our workforce.

Attracting and retaining

The department aims to recruit, develop and retain high calibre, skilled and motivated people. Improved employment options have been developed to ensure that the needs of our talented employees are met while fulfilling our business needs. To attract and retain the best possible people, the department offers a range of employee benefits including flexible working arrangements, work-life balance initiatives, a comprehensive health and wellness program, learning and development opportunities, and study assistance.

Workforce planning and diversity

The department's first Workforce and Diversity Plan was developed and submitted to the Public Sector Commission (PSC). The workforce planning activities which were undertaken to develop the plan were based on the PSC workforce planning model. Key activities included data collection and analysis, the development of workforce profiles, internal and external environmental scanning, workforce supply and demand analysis, scenario planning and gap analysis. These activities were undertaken in collaboration with the department's divisions and the PSC.



Through the workforce planning process, a number of key themes emerged which included issues surrounding the department's ageing workforce and the pressing need for a range of professional development programs as well as a talent management and succession management framework.

Another key theme was that in many occupational categories, the department was competing for employees in a highly competitive market. Consequently, there is a need to continue simplifying, streamlining and tailoring recruitment processes. Strategies to address these issues have been included in the plan.

Valuing equity and diversity

The department acknowledges differences in the workforce and adapts work practices to create an inclusive environment in which diverse skills, perspectives and backgrounds are valued. The department aims to achieve an equitable and diverse workforce that is representative of the community at all levels of employment, and which enables employees to combine work and family responsibilities. Accordingly, a combined workforce and diversity plan was developed in order to fully integrate the principles of equity and diversity into business practices. Activities undertaken by the department during the year that supported the Equity and Diversity Plan 2009—2012 included:

- participation in the Skills West Expo held at the Perth Convention Exhibition Centre in August 2011, using the opportunity to encourage employment of youth and people from culturally diverse background;
- An additional seven Grievance Officers were appointed by the Director General. The seven additional officers undertook specialist training. The members of the Elected Delegates Committee also completed Grievance Resolution training;
- the department becoming a member of the Diversity Council of Australia in order to develop its expertise and progress the strategies contained in the workforce and diversity plan;
- the Labour Relations Division completing a second Pay Equity Audit for the department with the recommendations of the audit being endorsed by Corporate Executive and included in the workforce and diversity plan; and
- the conducting, in-house, of the award winning Springboard Women's Development Program.



Department of Commerce booth at Skills West Expo, August 2011.



Aboriginal employment strategy

The department engaged Skill Hire, a specialist Aboriginal service provider, to develop a three year Aboriginal Employment Strategy to assist the department in contributing to the Council of Australian Governments' reform agenda. The strategy was developed after extensive consultation with key departmental stakeholders and was presented to the Corporate Executive in April 2012. The Aboriginal Employment Strategy is an integral component of the department's Workforce and Diversity Plan for 2012-2015.

Learning and development

Employee learning and development

A variety of workshops were conducted through the internal learning and development calendar in 2011-12. Workshop topics included written and interpersonal communication skills, career development, and selection panel training. A total of 22 workshops were conducted with 346 participants attending.

An employee from Human Resources was selected to participate in the Public Sector Commission's pilot Foundations of Government Human Resources program which will result in a Certificate IV in Government being obtained upon successful completion of the program.

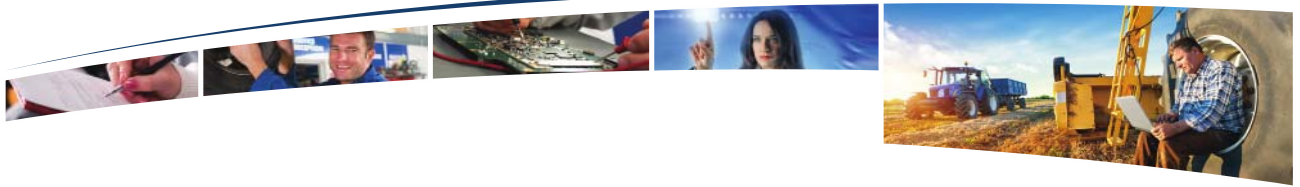
Accountable and ethical decision making

Following the successful completion of the online Accountable and Ethical Decision Making (AEDM) training during 2010-2011 by 98 per cent of the department's employees, this online training facility now forms a key part of the induction process for all new employees. In 2011-12 96.5 per cent of all departmental employees have completed the AEDM training and assessment, while an additional 2.5 per cent of employees have commenced their training.

Springboard Women's Development Program

The Springboard Women's Development Program was conducted with eight participants from the department and four participants from the Department of Water. This award winning program comprises four workshops during a three month period, a comprehensive workbook and guest speakers. The program has been tailored for the department to include a follow-up workshop and an alumni network will also be established to support ongoing development of participants as well as cross-agency networking.

Due to the high level of interest, two additional Springboard programs have been scheduled for 2012-2013 with participants from four other agencies registered to attend.



Leadership development

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

During the year, two leadership team sessions were held. The first commenced the workforce planning process for the department and also provided participants with an understanding of the Square Kilometre Array (SKA) project. The second session was attended by a Futurist Trend Forecaster who encouraged participants to consider future trends and the future environment for the department.

Other presenters provided participants with the pros and cons of cloud computing; an understanding of issues and risks associated with cyber security; and an awareness of the types of social media and new media available to communicate with internal and external stakeholders.

Seven employees were successful in achieving a place in the highly sought after Public Sector Commission leadership development programs. Four employees will be undertaking the Pathways to Leadership Program 2012-2013 which is targeted at employees Level 7 to 9, and three employees will be undertaking the Foundations of Leadership Program 2012-2013 which is targeted at Levels 5 and 6.

Communicating with our employees

Employee committees

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

Internal communication

News on activities among the department's divisions and employees is communicated through *Comm.news*, an internal online news service. Internal human resource related matters on a wide range of issues and topics including employee entitlements, changes to human resource processes and procedures, occupational safety and health, the Wellness Program, learning and development, and equity and diversity are also communicated through *Comm.news*.



Employee services

Support for charities and community groups

The department continued to provide ongoing support to local charities and community groups through a range of fundraising activities including casual dress days. During the past year, \$8,222 was raised and donated to five charities: CanTeen, the Cancer Council, the Peter Hughes Burns Foundation, Motor Neurone Disease Western Australia and Sids and Kids. In addition, individual employees also supported various community groups, animal welfare groups and charities such as St Vincent De Paul by donating goods, food and their time for their Annual Christmas Appeal and Telethon.

Employee assistance

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

Workplace wellbeing

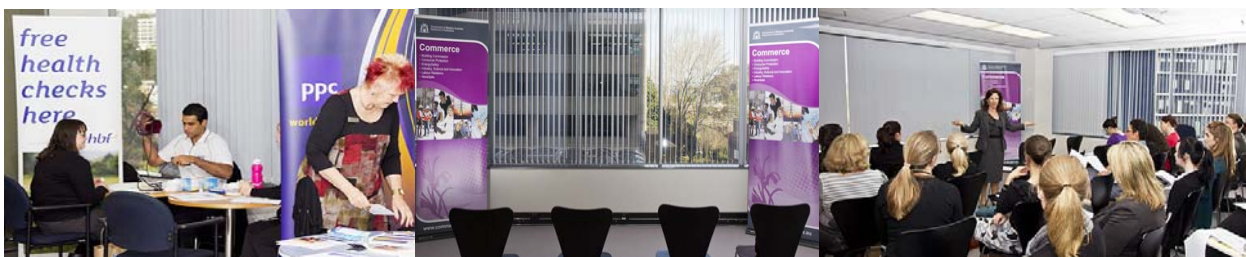
The department encourages healthy lifestyles and supports work life balance to assist employees in dealing effectively with the stresses of everyday work and life problems.



The department has a comprehensive health and wellness program 'Work Safe, Work Well'. Healthy lifestyle choices are promoted through *Comm.News* and the department's monthly *Wellbeing at Commerce* magazine.

Key activities conducted through the wellness program included:

- exercise groups;
- massages;
- lunchtime educational talks;
- no leave, no life campaign; and
- a healthy lifestyle expo.



Department of Commerce Wellness Expo

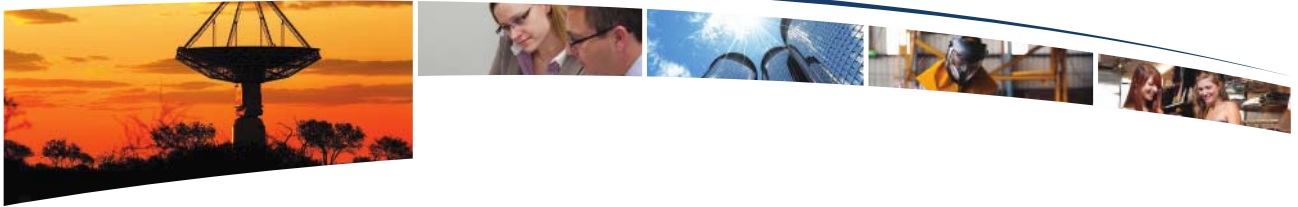
Significant Issues and Trends



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

Significant Issues and Trends

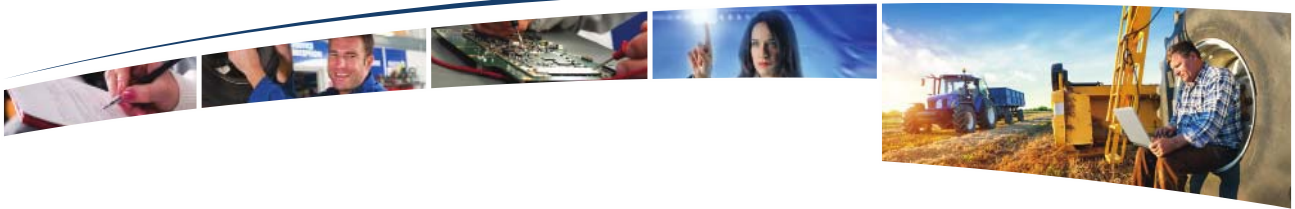
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SIGNIFICANT ISSUES AND TRENDS

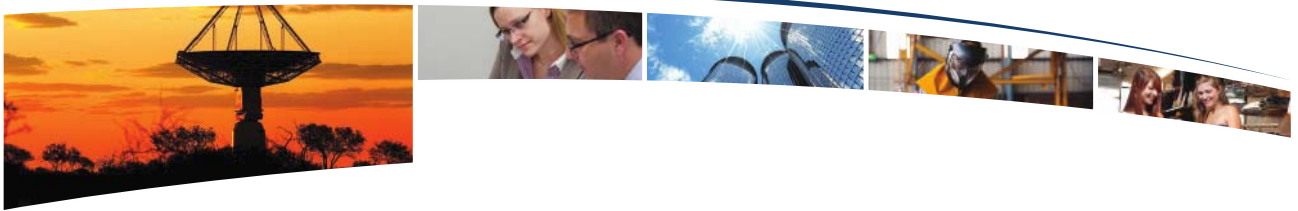
Consumer Protection Service

- Seniors housing remains a priority for the Consumer Protection Division. The Western Australian population is growing older rapidly and this has been one of the important drivers for amendments to the *Retirement Villages Act 1999*. These amendments, combined with the progression of a new code of conduct for retirement villages, will reform the retirement village industry. Information about these changes and the wide range of housing options for our seniors is available from the Seniors' Housing Centre. This practical initiative will make a considerable difference to the lives of a number of our seniors when faced with the challenges of navigating the many housing options available to the over 55s.
- The Consumer Protection Division will implement significant amendments to the *Residential Tenancies Act 1987* that will affect over 195,000 tenancy contracts and require a comprehensive education campaign. Key reforms include mandating the use of property condition reports and prescribed tenancy agreements, compulsory depositing of tenant bonds with the Bond Administrator, nationally consistent regulation of residential tenancy databases and improved powers for the Department of Housing to respond to serious and ongoing disruptive behaviour by social housing tenants.
- Boarder and lodger tenancy is not covered by the *Residential Tenancies Act 1987*. This area of tenancy has experienced growth linked to international students, the rise of the fly-in/fly-out worker and rising house rental charges. The Consumer Protection Division will aim to improve clarity about the rights and obligations for both boarders and lodgers, with those offering rooms for rent to be consulted.
- The Consumer Protection Division is undertaking a statutory review of park homes regulations. It is expected that policy recommendations will be developed and improved laws will result.



Safety and Employment Protection and Construction Standards Service

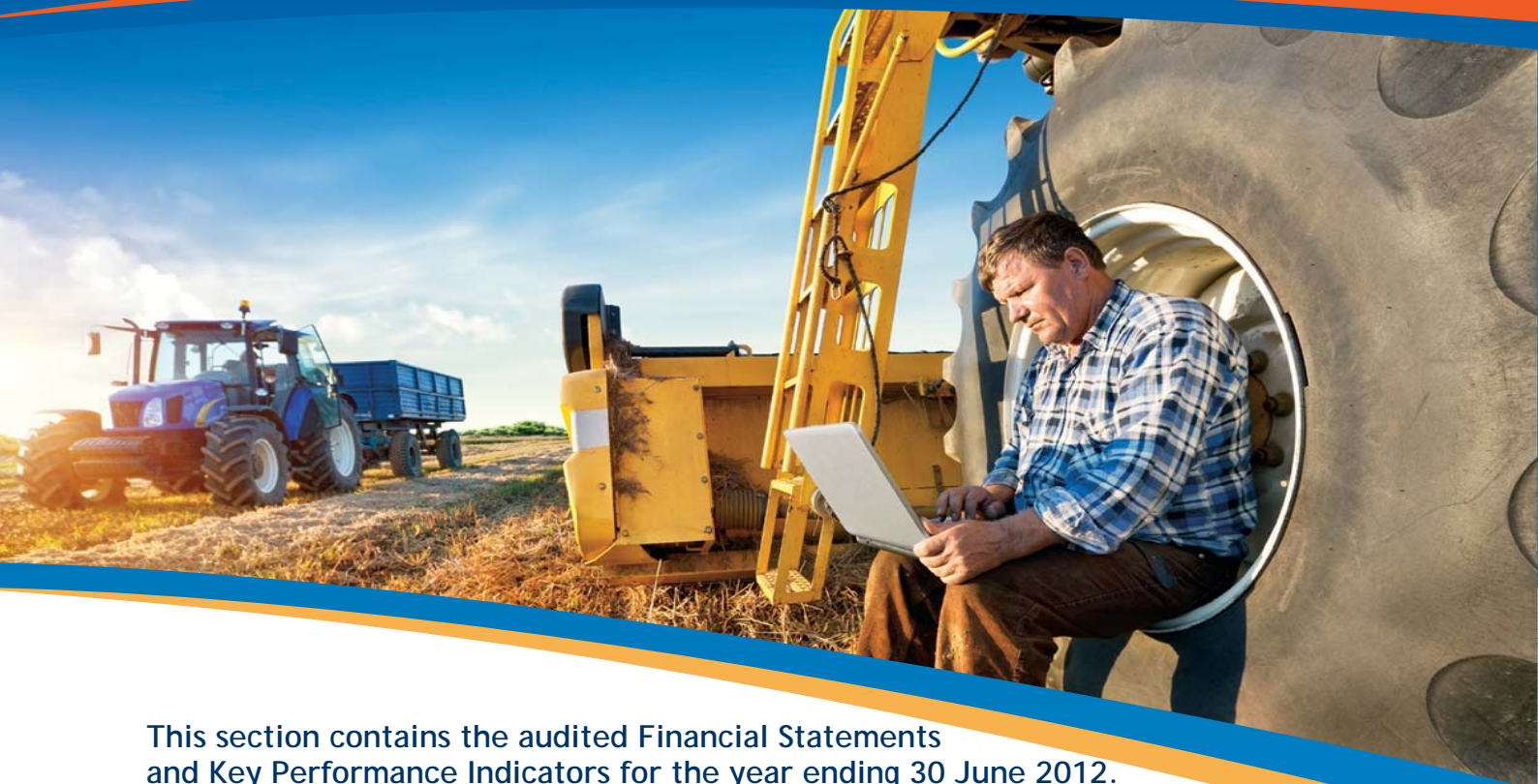
- There are ongoing concerns about the safety of overhead lines in the Western Power distribution system covering the South West of the State as incidents related to overhead lines can have a severe effect on the community. The Energy Safety Division is committed to ensuring that all reasonable measures are employed by Western Power through its mitigation strategies to avoid future incidents.
- The State Government is amending the *Energy Safety Act 2006* to incorporate provisions for vegetation control near power lines and the new electrical equipment certification scheme to operate throughout Australia.
- Western Australia's labour market remains tight with the unemployment rate remaining the lowest of all states. The relatively strong position of the labour market is underpinned by the substantial pipeline of investment in major resource projects. The demand for labour in the State is expected to remain strong due to the strength of the resources sector, resulting in solid employment and earnings growth. In response to this issue, the Labour Relations Division is making a long term contribution to the workforce participation and flexibility strategies outlined in the Department of Training and Workforce Development's report *Skilling WA: A Workforce Development Plan for Western Australia*.
- A draft Work Health and Safety Bill has been prepared and is expected to be introduced into Parliament next year. A local assessment is to be conducted by the WorkSafe Division to analyse the possible impact of the model Work Health and Safety regulations and first stage codes of practice on Western Australian workers, businesses, government and the economy if they were implemented. A consultant has been engaged to undertake the assessment and preparatory work commenced.
- Until recently Western Australian Building regulations dated back to the 1960s. The Building Commission Division has completed a makeover of these old regulations and subsequently implemented the new provisions of the *Building Act 2011*. The aim of the new legislation is to streamline the building approval process and consolidates the framework for prescribing design, construction and maintenance standards, approving building proposals and certifying compliance with the relevant building standards and codes in the interest of community safety and health. The new regulations are designed to make it quicker, cheaper and easier to build, and will promote innovation in design.
- The work related to the Council of Australian Government reforms will continue to have a significant impact on the department in respect to occupational licensing in the 2012-13 financial year. The uncertainties associated with integration of the existing systems from each jurisdiction with the new system are likely to have a significant impact on resources. As the national regulatory reform project will have an effect on the current Western Australian regulatory regime, the department is involved in National Interim Advisory Committees to develop the regulations in respect to licensing and related enforcement of regulatory requirements, which may also have an impact on the level of resources.



Industry, Science and Innovation Service

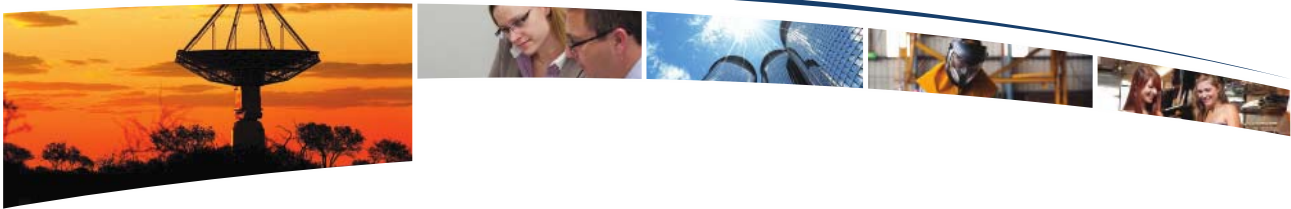
- In October 2011 the Prime Minister announced the establishment of a Commonwealth/State Working Group to review the Commonwealth's approach to Australian Industry Participation Plans. The Industry, Science and Innovation Division, representing the Western Australian State Government, was invited by the Commonwealth to represent the other State Governments and territories. In April 2012 the Working Group's recommendations were considered and accepted by the Commonwealth, including confirmation that the review of the National Framework Agreement would be concluded shortly.
- During the year the Industry, Science and Innovation Division continued to support the involvement of Western Australian based companies in resources projects through its implementation of the *Western Australian Building Local Industry Participation Framework*. Continued project development across the State will mean that the division and the department will continue to work with major project proponents such as Chevron, Woodside, Shell, Apache Energy, Roy Hill, Rio Tinto and BHP Billiton, the latter two specifically in regard to their respective Local Participation Plans to cover major expansion proposals. This has resulted in the strengthening of local industry participation policies by a number of these companies.
- The rapid pace of coastal development poses challenges for future sustainable development and the protection of our marine environment. During the year the Industry, Science and Innovation Division provided support to the Western Australian Marine Science Institute (WAMSI) and the Western Australian node of the Integrated Marine Observing System (IMOS) for research in the Kimberley. WAMSI, as a collaborative partnership between the State and Commonwealth Governments, academia and industry, is establishing baselines for monitoring fish stocks and habitats in wilderness conservation and fishing areas. It is also investigating the distribution and abundance of large threatened marine animals such as whales, snub-nosed dolphins and turtles. This research will better inform management decisions for marine parks, and assist in the protection of the Kimberley marine environment from the impact of increased population and development.
- The Industry, Science and Innovation Division continued to support the growth of key industry sectors through investment that attracts innovative thinkers, promotes innovation in small and medium enterprises, and assists the development of research capability and capacity in Western Australia. In 2012-13 the division will continue to manage existing funding agreements and programs through the Research and Innovation Fund, in order to attract into Western Australia additional potential sources of research and development funding.
- Members of the Square Kilometre Array Organisation have agreed on a dual-site solution for delivery of the Square Kilometre Array (SKA), providing a major milestone in the project's implementation. The decision plays on the strengths of the Western Australian site and reinforces the State's reputation as a world-leader in radio astronomy research. It maximises the significant investment in infrastructure and expertise already made by the Australian and Western Australian Governments, and will continue to create economic and social development opportunities for the State. Expressions of interest for engineering work in stage one of the SKA preconstruction phase will run from 2012 to 2015 and, as the relevant lead agency, the department will explore options for involvement in this emerging opportunity with the Australasian SKA Industry Consortium, the International Centre for Radio Astronomy Research and local industry.

Disclosures and Legal Compliance



This section contains the audited Financial Statements and Key Performance Indicators for the year ending 30 June 2012. Details of required disclosures and legal compliance obligations including financial and performance management, accountability, governance and reports required under specific legislation are contained in this section.

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AUDIT OPINION



Auditor General

INDEPENDENT AUDITOR'S REPORT

To the Parliament of Western Australia

DEPARTMENT OF COMMERCE

Report on the Financial Statements

I have audited the accounts and financial statements of the Department of Commerce.

The financial statements comprise the Statement of Financial Position as at 30 June 2012, the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows, Schedule of Income and Expenses by Service, Schedule of Assets and Liabilities by Service, and Summary of Consolidated Account Appropriations and Income Estimates for the year then ended, and Notes comprising a summary of significant accounting policies and other explanatory information, including Administered transactions and balances.

Director General's Responsibility for the Financial Statements

The Director General is responsible for keeping proper accounts, and the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the Treasurer's Instructions, and for such internal control as the Director General determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements based on my audit. The audit was conducted in accordance with Australian Auditing Standards. Those Standards require compliance with relevant ethical requirements relating to audit engagements and that the audit be planned and performed to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Department's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Director General, as well as evaluating the overall presentation of the financial statements.

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

Opinion

In my opinion, the financial statements are based on proper accounts and present fairly, in all material respects, the financial position of the Department of Commerce at 30 June 2012 and its financial performance and cash flows for the year then ended. They are in accordance with Australian Accounting Standards and the Treasurer's Instructions.



Report on Controls

I have audited the controls exercised by the Department of Commerce during the year ended 30 June 2012.

Controls exercised by the Department of Commerce are those policies and procedures established by the Director General to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions.

Director General's Responsibility for Controls

The Director General is responsible for maintaining an adequate system of internal control to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of public and other property, and the incurring of liabilities are in accordance with the Financial Management Act 2006 and the Treasurer's Instructions, and other relevant written law.

Auditor's Responsibility

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the controls exercised by the Department of Commerce based on my audit conducted in accordance with Australian Auditing and Assurance Standards.

An audit involves performing procedures to obtain audit evidence about the adequacy of controls to ensure that the Department complies with the legislative provisions. The procedures selected depend on the auditor's judgement and include an evaluation of the design and implementation of relevant controls.

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

Opinion

In my opinion, the controls exercised by the Department of Commerce are sufficiently adequate to provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions during the year ended 30 June 2012.

Report on the Key Performance Indicators

I have audited the key performance indicators of the Department of Commerce for the year ended 30 June 2012.

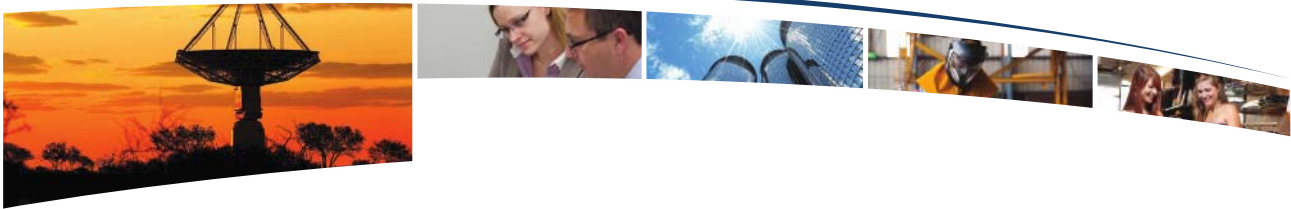
The key performance indicators are the key effectiveness indicators and the key efficiency indicators that provide information on outcome achievement and service provision.

Director General's Responsibility for the Key Performance Indicators

The Director General is responsible for the preparation and fair presentation of the key performance indicators in accordance with the Financial Management Act 2006 and the Treasurer's Instructions and for such controls as the Director General determines necessary to ensure that the key performance indicators fairly represent indicated performance.

Auditor's Responsibility

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the key performance indicators based on my audit conducted in accordance with Australian Auditing and Assurance Standards.



An audit involves performing procedures to obtain audit evidence about the key performance indicators. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the key performance indicators. In making these risk assessments the auditor considers internal control relevant to the Director General's preparation and fair presentation of the key performance indicators in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the relevance and appropriateness of the key performance indicators for measuring the extent of outcome achievement and service provision.

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

Opinion

In my opinion, the key performance indicators of the Department of Commerce are relevant and appropriate to assist users to assess the Department's performance and fairly represent indicated performance for the year ended 30 June 2012.

Independence

In conducting this audit, I have complied with the independence requirements of the Auditor General Act 2006 and Australian Auditing and Assurance Standards, and other relevant ethical requirements.

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

This auditor's report relates to the financial statements and key performance indicators of the Department of Commerce for the year ended 30 June 2012 included on the Department's website. The Department's management is responsible for the integrity of the Department's website. This audit does not provide assurance on the integrity of the Department's website. The auditor's report refers only to the financial statements and key performance indicators described above. It does not provide an opinion on any other information which may have been hyperlinked to/from these financial statements or key performance indicators. If users of the financial statements and key performance indicators are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited financial statements and key performance indicators to confirm the information contained in this website version of the financial statements and key performance indicators.

COLIN MURPHY
AUDITOR GENERAL
FOR WESTERN AUSTRALIA
Perth, Western Australia
21 September 2012



FINANCIAL STATEMENTS

Certification of Financial Statements

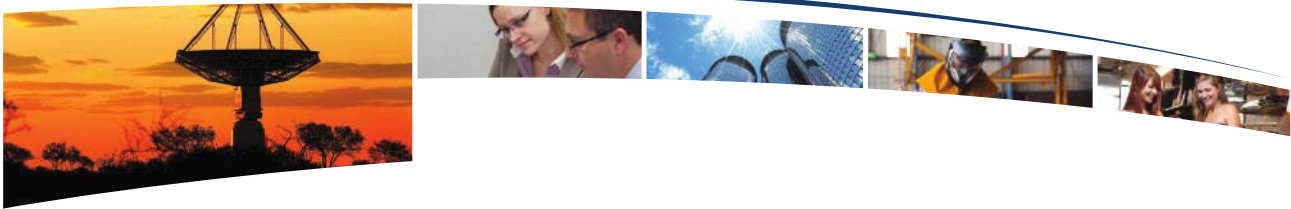
for the year ended 30 June 2012

The accompanying financial statements of the Department of Commerce have been prepared in compliance with the provisions of the *Financial Management Act 2006* from proper accounts and records to present fairly the financial transactions for the financial year ending 30 June 2012 and the financial position as at 30 June 2012

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
20 September 2012

Brian Bradley
Accountable Authority
20 September 2012



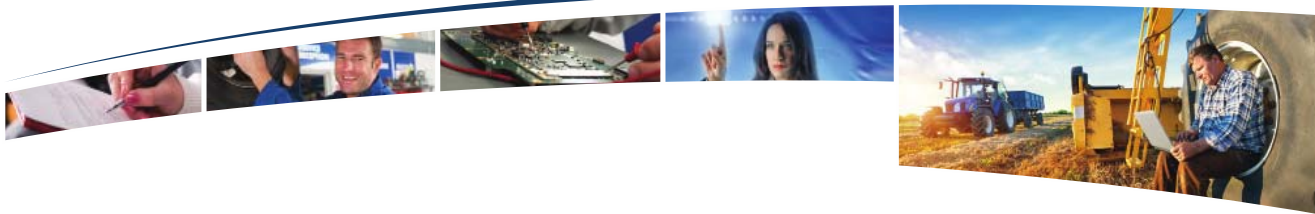
Financial Statements

Department of Commerce Statement of Comprehensive Income for the year ended 30 June 2012

	Note	2012 \$'000	2011 \$'000
COST OF SERVICES			
Expenses			
Employee benefits expense	4	88,055	80,880
Supplies and services	5	37,629	34,480
Depreciation and amortisation expense	6	2,456	1,480
Finance costs	7	36	39
Accommodation expenses	8	14,706	12,340
Grants and subsidies	9	63,862	42,453
Revaluation decrements expense	14	8,819	641
Loss on disposal of non-current assets	15	79	243
Other expenses	10	85	3,349
Total cost of services		<u>215,727</u>	<u>175,905</u>
Income			
Revenue			
User charges and fees	11	38,843	35,739
Sales	11	53	75
Commonwealth grants and contributions	12	3,879	6,431
Other revenue	13	40,702	9,362
Total revenue		<u>83,477</u>	<u>51,607</u>
Total income other than income from State Government		<u>83,477</u>	<u>51,607</u>
NET COST OF SERVICES		<u>132,250</u>	<u>124,298</u>
Income from State Government			
Service appropriation	16	142,731	112,996
Initial recognition of assets not previously recognised		138,385	-
Resources received free of charge		1,177	1,089
Royalties for Regions Fund		7,889	916
Total income from State Government		<u>290,182</u>	<u>115,001</u>
SURPLUS/(DEFICIT) FOR THE PERIOD		<u>157,932</u>	<u>(9,297)</u>
OTHER COMPREHENSIVE INCOME			
Changes in asset revaluation surplus	29	1,706	1,184
Total other comprehensive income		<u>1,706</u>	<u>1,184</u>
TOTAL COMPREHENSIVE INCOME FOR THE PERIOD		<u>159,638</u>	<u>(8,113)</u>

Refer to the 'Schedule of Income and Expenses by Service'.

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

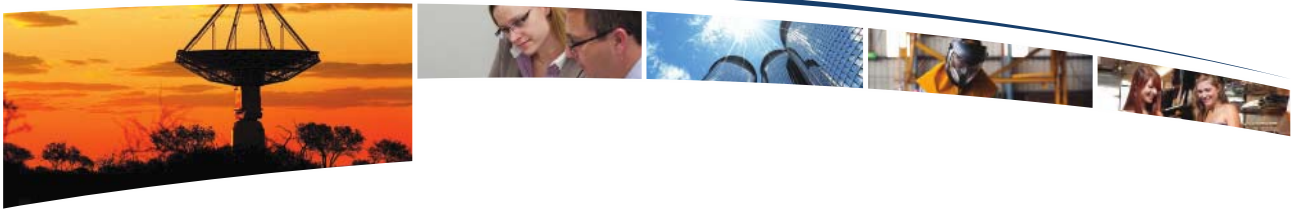


Department of Commerce
Statement of Financial Position
as at 30 June 2012

	Note	2012 \$'000	2011 \$'000
ASSETS			
Current Assets			
Cash and cash equivalents	30	13,311	4,838
Restricted cash and cash equivalents	17	175,445	18,686
Receivables	18	17,753	16,562
Amounts receivable for services	19	3,234	3,349
Non-current assets classified as held for sale	21a	2,139	-
Other current assets	20	1,453	96
Total Current Assets		<u>213,334</u>	<u>43,531</u>
Non-Current Assets			
Restricted cash and cash equivalents	17	2,099	1,749
Receivables	18	9,335	7,433
Amounts receivable for services	19	6,746	8,642
Property, plant and equipment	21	40,782	48,924
Intangible assets	22	8,918	7,194
Total Non-Current Assets		<u>67,881</u>	<u>73,942</u>
TOTAL ASSETS		<u>281,215</u>	<u>117,473</u>
LIABILITIES			
Current Liabilities			
Payables	24	13,940	15,113
Unearned revenues	27	4,292	6,317
Provisions	26	20,530	17,927
Other current liabilities	28	13	216
Total Current Liabilities		<u>38,774</u>	<u>39,573</u>
Non-Current Liabilities			
Payables	24	1,010	828
Unearned revenues	27	5,420	3,026
Borrowings	25	771	771
Provisions	26	4,816	4,381
Total Non-Current Liabilities		<u>12,017</u>	<u>9,006</u>
TOTAL LIABILITIES		<u>50,791</u>	<u>48,579</u>
NET ASSETS		<u>230,424</u>	<u>68,894</u>
EQUITY			
Contributed equity	29	76,913	75,022
Reserves		5,513	3,807
Accumulated surplus/(deficit)		147,997	(9,935)
TOTAL EQUITY		<u>230,424</u>	<u>68,894</u>
TOTAL EQUITY & LIABILITY		<u>281,215</u>	<u>117,473</u>

Refer to the 'Schedule of Assets and Liabilities by Service'.

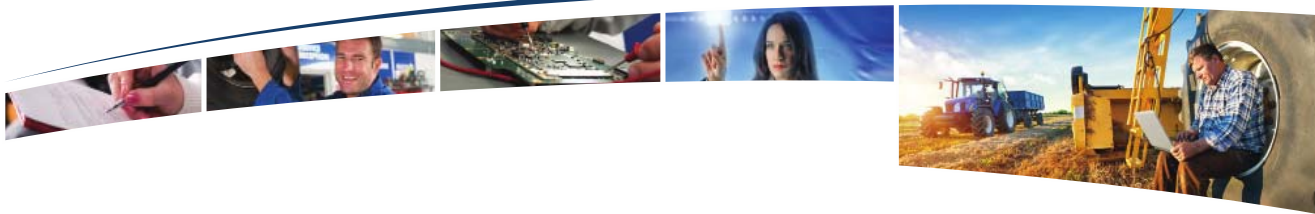
The Statement of Financial Position should be read in conjunction with the accompanying notes.



Department of Commerce
Statement of Changes in Equity
for the year ended 30 June 2012

	Note	Contributed equity \$'000	Reserves \$'000	Accumulated surplus/ (deficit) \$'000	Total equity \$'000
Balance at 1 July 2010	29	75,695	2,623	(638)	77,680
Total comprehensive income for the period		-	1,184	(9,297)	(8,113)
Transactions with owners in their capacity as owners:					
Capital appropriations		425	-	-	425
Distribution to owners		(1,098)	-	-	(1,098)
Total		(673)	1,184	(9,297)	(8,786)
Balance at 30 June 2010		<u>75,022</u>	<u>3,807</u>	<u>(9,935)</u>	<u>68,894</u>
Balance at 1 July 2011		75,022	3,807	(9,935)	68,894
Total comprehensive income for the period		-	1,706	157,932	159,638
Transactions with owners in their capacity as owners:					
Capital appropriations		1,888	-	-	1,888
Distribution to owners		3	-	-	3
Total		1,891	1,706	157,932	161,529
Balance at 30 June 2012		<u>76,913</u>	<u>5,513</u>	<u>147,997</u>	<u>230,424</u>

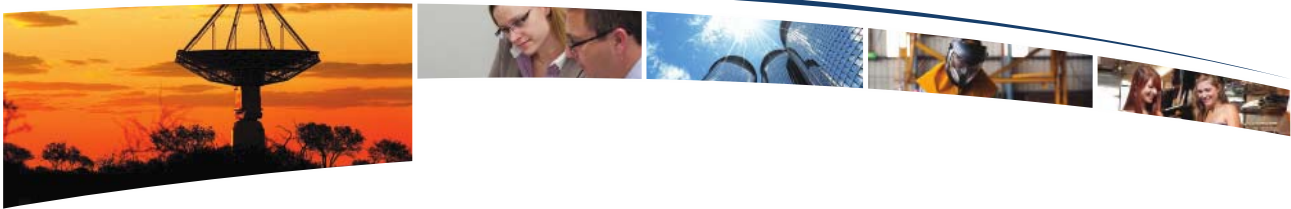
The Statement of Changes in Equity should be read in conjunction with the accompanying notes (note 29).



Department of Commerce
Statement of Cash Flows
for the year ended 30 June 2012

	Note	2012 \$'000	2011 \$'000
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriation		141,508	111,754
Initial recognition of assets not previously recognised		138,385	-
Capital appropriations		1,888	425
Holding account drawdowns		3,234	3,349
Royalties for Regions Fund		7,889	916
Cash transferred from other State Government agency		3	(1,098)
Net cash provided by State Government		<u>292,907</u>	<u>115,346</u>
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee benefits		(85,017)	(79,358)
Supplies and services		(39,136)	(23,448)
Finance costs		(36)	(39)
Accommodation		(14,706)	(12,340)
Grants and subsidies		(63,862)	(42,453)
GST payments on purchases		(6,435)	(4,799)
Other payments		(85)	(3,349)
Receipts			
User charges and fees		36,631	37,907
Sales		53	75
Commonwealth grants and contributions		3,879	6,431
GST receipts on sales		508	589
GST receipts from taxation authority		3,327	3,381
Other receipts		40,702	9,362
Net cash (used in) operating activities	30	<u>(124,176)</u>	<u>(108,041)</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Purchase of non-current physical assets		(3,149)	(3,463)
Net cash (used in) investing activities		<u>(3,149)</u>	<u>(3,463)</u>
Net increase in cash and cash equivalents		165,581	3,842
Cash and cash equivalents at the beginning of the period		25,273	21,431
CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD	30	<u>190,854</u>	<u>25,273</u>

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



Department of Commerce
Schedule of Income and Expenses by Service
for the year ended 30 June 2012

	Consumer Protection		Safety & Employment Protection & Construction Standards		Industry Science & Innovation		Total	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000
COST OF SERVICES								
Expenses								
Employee benefits expenses	31,679	36,391	44,871	32,714	11,505	11,775	88,055	80,880
Supplies and services	11,542	13,514	21,895	15,446	4,192	5,520	37,629	34,480
Depreciation and amortisation expense	884	666	1,251	599	321	215	2,456	1,480
Finance costs	-	-	-	-	36	39	36	39
Accommodation expenses	5,291	4,802	7,494	5,741	1,921	1,797	14,706	12,340
Grants and subsidies	6,229	15	4,180	1,371	53,452	41,067	63,862	42,453
Revaluation decrement	-	289	-	259	8,819	93	8,819	641
Loss on disposal non current asset	29	110	40	98	10	35	79	243
Other expenses	32	1,508	43	1,354	11	487	85	3,349
Total cost of services	55,686	57,295	79,774	57,582	80,267	61,028	215,727	175,905
Income								
User Charges and Fees	19,789	18,256	17,212	15,263	1,842	2,220	38,843	35,739
Sales	26	38	24	32	3	5	53	75
Commonwealth grants and contributions	1,165	3,582	2,540	1,807	174	1,042	3,879	6,431
Other revenue	20,736	4,782	18,036	3,998	1,930	582	40,702	9,362
Total income other than income from State Government	41,716	26,658	37,812	21,100	3,949	3,849	83,477	51,607
NET COST OF SERVICES	13,970	30,637	41,962	36,482	76,318	57,179	132,250	124,298
INCOME FROM STATE GOVERNMENT								
Service appropriation	15,078	27,852	45,287	33,165	82,366	51,979	142,731	112,996
Initial recognition of assets not previously recognised	138,385	-	-	-	-	-	138,385	-
Resources received free of charge	208	545	540	519	429	25	1,177	1,089
Royalties for Regions Fund	7	16	22	110	7,860	790	7,889	916
Total income from State Government	153,679	28,413	45,849	33,794	90,655	52,794	290,182	115,001
SURPLUS/(DEFICIT) FOR THE PERIOD	139,709	(2,224)	3,887	(2,688)	14,337	(4,385)	157,932	(9,297)

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

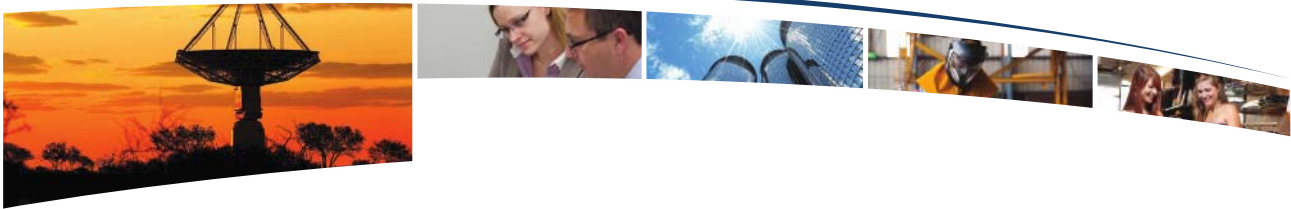


Department of Commerce
Schedule of Assets and Liabilities by Service
as at 30 June 2012

	Consumer Protection		Safety & Employment Protection & Construction Standards		Industry Science & Innovation		General - Not Attributed		Total	
	2012	2011	2012	2011	2012	2011	2012	2011	2012	2011
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Assets										
Current assets	169,371	14,893	23,699	15,950	1,133	1,398	19,132	11,291	213,334	43,531
Non-current assets	8,824	9,440	8,039	7,112	45,654	51,189	5,364	6,201	67,881	73,942
Total assets	178,194	24,332	31,738	23,062	46,787	52,587	24,495	17,492	281,215	117,473
Liabilities										
Current liabilities	11,376	10,843	16,855	12,391	2,273	9,840	8,270	6,499	38,774	39,573
Non-current liabilities	4,299	3,536	6,042	4,018	1,262	1,206	415	245	12,017	9,006
Total liabilities	15,675	14,378	22,897	16,410	3,535	11,047	8,685	6,744	50,791	48,579
NET ASSETS	162,519	9,954	8,841	6,652	43,253	41,540	15,810	10,748	230,424	68,894

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

The assets and liabilities classified as 'General Not Attributed' are applied across multiple services and therefore it is not possible to attribute to any individual service.



Department of Commerce
Summary of Consolidated Account Appropriations and Income Estimates
for the year ended 30 June 2012

	2012 Estimate \$'000	2012 Actual \$'000	Variance \$'000	2012 Actual \$'000	2011 Actual \$'000	Variance \$'000
<u>DELIVERY OF SERVICES</u>						
Item 65 Net amount appropriated to deliver services	139,232	141,985	(2,753)	141,985	112,272	29,713
Amount Authorised by Other Statutes						
- Salaries and Allowances Act 1975	746	746	-	746	724	22
Total appropriations provided to deliver services	139,978	142,731	(2,753)	142,731	112,996	29,735
<u>CAPITAL</u>						
Item 137 Capital Contribution	1,888	1,888	-	1,888	425	1,463
Total capital appropriations	1,888	1,888	-	1,888	425	1,463
<u>ADMINISTERED TRANSACTIONS</u>						
Amount Provided for Administered Grants, Subsidies & Other Transfer Payments	-	-	-	-	5	(5)
Total administered transactions	-	-	-	-	5	(5)
GRAND TOTAL	141,866	144,619	(2,753)	144,619	113,426	31,193
<u>Details of Expenses by Service</u>						
Consumer Protection	50,790	55,686	(4,896)	55,686	57,295	(1,609)
Total Consumer Protection	50,790	55,686	(4,896)	55,686	57,295	(1,609)
Safety & Employment Protection & Construction Standards	97,547	79,774	17,773	79,774	57,582	22,192
Total Safety and Employment Protection & Construction Standards	97,547	79,774	17,773	79,774	57,582	22,192
Industry, Science & Innovation	84,740	80,267	4,473	80,267	61,028	19,239
Total Industry Science & Innovation	84,740	80,267	4,473	80,267	61,028	19,239
Total Cost of Services	233,077	215,727	17,350	215,727	175,905	39,822
Less total income	(76,308)	(83,477)	7,169	(83,477)	(51,607)	(31,870)
Net Cost of Services	156,769	132,250	24,519	132,250	124,298	7,952
Adjustments ^(a)	(16,791)	10,481	(27,272)	10,481	(11,302)	21,783
Total appropriations provided to deliver services	139,978	142,731	(2,753)	142,731	112,996	29,735
<u>Capital Expenditure</u>						
Purchase of non-current physical assets	6,656	3,149	3,507	3,149	3,463	(314)
Capital appropriations	6,656	3,149	3,507	3,149	3,463	(314)
<u>Details of Income Estimates</u>						
Income disclosed as Administered Income	12,013	23,376	(11,363)	23,376	23,227	149
Total income estimates	12,013	23,376	(11,363)	23,376	23,227	149

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

Note 34 Explanatory statement provides details of any significant variations between estimate and actual results for 2012 and between the actual results for 2011 and 2012.



Department of Commerce Notes to the Financial Statements For the year ending 30 June 2012

1. Australian Accounting Standards

General

The Department's financial statements for the year ended 30 June 2012 have been prepared in accordance with Australian Accounting Standards. The term 'Australian Accounting Standards' includes Standards and Interpretations issued by the Australian Accounting Standard Board (AASB).

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

Early adoption of standards

The Department cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 *Application of Australian Accounting Standards and Other Pronouncements*. No Australian Accounting Standards that have been issued or amended but not operative have been early adopted by the Department for the annual reporting period ended 30 June 2012.

2. Summary of significant accounting policies

(a) General Statement

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

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

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

(b) Basis of Preparation

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

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

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

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

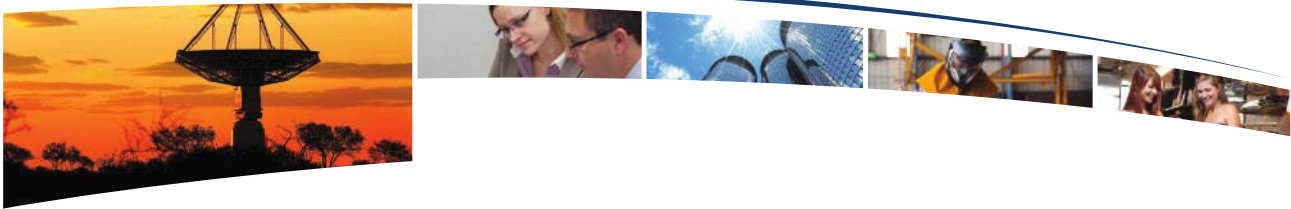
Note 2(x) 'Key sources of estimation uncertainty' discloses key assumptions made concerning the future, and other key sources of estimation uncertainty at the end of the reporting period, that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within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

(c) Reporting Entity

The reporting entity comprises the Department of Commerce.

Mission

The Department of Commerce is an agency of the Government of Western Australia and seeks to create a contemporary, diversified economy that provides for the growth, safety and protection of the community by: promoting innovation and science, enhancing capacity, and ensuring a world class regulatory environment.



Department of Commerce Notes to the Financial Statements For the year ending 30 June 2012

Services

The Department provides the following services:

Service 1: Consumer Protection

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

Service 2: Safety & 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.

Service 3: Industry Science & Innovation

Enhances the State's prosperity by promoting industry science and innovation. Services include supporting the Technology and Industry Advisory Council (TIAC) with policy development advice; supporting industry development through innovation and commercialisation and managing industry science and innovation programs and projects.

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 using the same basis as the financial statements and are presented at note 43 'Disclosures of Administered Income and Expenses – by Service' and note 44 'Administered Assets and Liabilities'.

(d) Contributed Equity

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

The transfer of net assets to/from other agencies, other than as a result of a restructure of administrative arrangements, are designated as contributions by owners where the transfers are non-discretionary and non-reciprocal. See note 29 'Equity'.

(e) Income

Revenue Recognition

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

Sale of goods

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

Provision of services

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

Interest

Revenue is recognised as the interest accrues.

Service appropriations

Service Appropriations are recognised as revenues at fair value in the period in which the Department gains control of the appropriated funds. The Department gains control of appropriated funds at the time those funds are deposited to the bank account or credited to the 'Amounts receivable for services' (holding account) held at Treasury. See note 16 'Income from State Government' for further information.



Department of Commerce Notes to the Financial Statements For the year ending 30 June 2012

Net Appropriation Determination

The Treasurer may make a determination providing for prescribed receipts to be retained for services under the control of the Department. In accordance with the determination specified in the 2011-2012 Budget Statements, the Department retained \$79,374 million in 2012 (\$45,732 million in 2011) from the following:

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

Grants, donations, gifts and other non-reciprocal contributions

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

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

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

Gains

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

(f) Borrowing Costs

All borrowing costs are expensed when incurred.

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

(g) Property, plant and equipment

Capitalisation/Expensing of assets

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

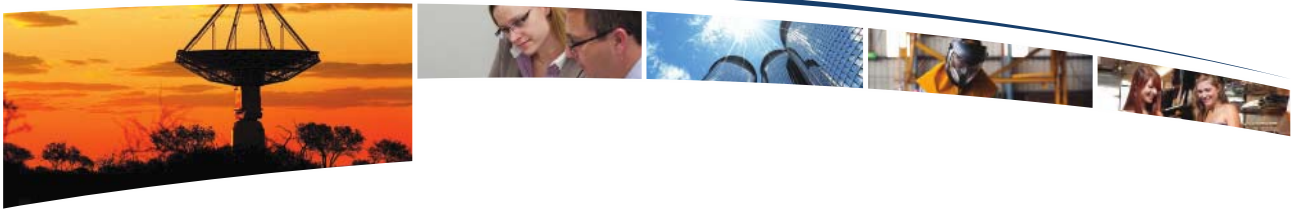
Initial recognition and measurement

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

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

Subsequent measurement

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



Department of Commerce
Notes to the Financial Statements
For the year ending 30 June 2012

Where market-based evidence is available, the fair value of land and buildings is determined on the basis of current market buying values determined by reference to recent market transactions. When buildings are revalued by reference to recent market transactions, the accumulated depreciation is eliminated against the gross carrying amount of the asset and the net amount restated to the revalued amount.

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

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

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

Refer to note 21 'Property, plant and equipment' for further information on revaluations.

Derecognition

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

Asset Revaluation Surplus

The asset revaluation surplus is used to record increments and decrements on the revaluation of non-current assets as described in note 21 'Property, plant and equipment'.

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

Depreciation

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

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

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

^{a)} Software that is integral to the operation of related hardware

(h) Intangible Assets

Capitalisation/Expensing of assets

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



Department of Commerce Notes to the Financial Statements For the year ending 30 June 2012

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

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

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

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

The expected useful lives for intangible software assets are:

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

Computer Software

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

Systems Development

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

Web site costs

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

(i) Impairment of Assets

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

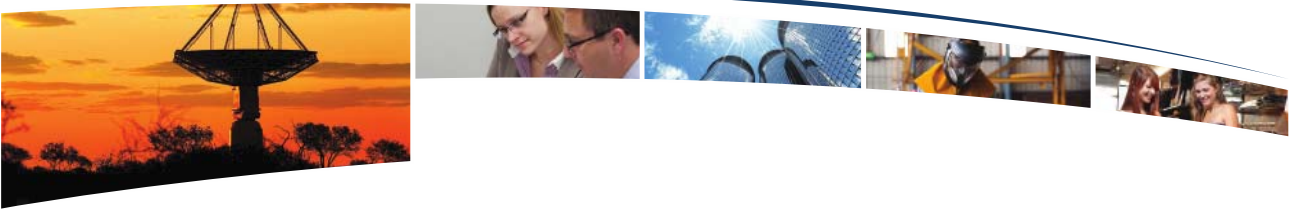
The risk of impairment is generally limited to circumstances where an asset's depreciation is materially understated, where the replacement cost is falling or where there is a significant change in useful life. Each relevant class of assets is reviewed annually to verify that the accumulated depreciation/amortisation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

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

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

See note 23 'Impairment of assets' for the outcome of impairment reviews and testing.

See note 2(p) 'Receivables' and note 18 'Receivables' for impairment of receivables.



**Department of Commerce
Notes to the Financial Statements
For the year ending 30 June 2012**

(j) Non-Current Assets (or Disposal Groups) classified as held for sale

The Department hold non-current assets classified as held for sale during the year.

(k) Leases

The Department does not have any finance leases.

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

(l) Financial Instruments

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

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

Financial instruments have been disaggregated into the following classes:

Financial Assets

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

Financial Liabilities

- Payables
- W.A. LandCorp Borrowings

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

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

(m) Cash and Cash Equivalents

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

(n) Accrued Salaries

Accrued salaries (refer note 24 'Payables') represent the amount due to staff but unpaid at the end of the financial year, as the pay date for the last pay period for that financial year does not coincide with the end of the financial year. Accrued salaries are settled within a fortnight of the financial year end. The Department considers the carrying amount of accrued salaries to be equivalent to the net fair value.

The accrued salaries suspense account (see note 17 '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.



Department of Commerce
Notes to the Financial Statements
For the year ending 30 June 2012

(o) Amounts Receivable for Services (Holding Account)

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

See also note 16 'Income from State Government' and note 19 'Amounts receivable for services (Holding Account)'.

(p) Receivables

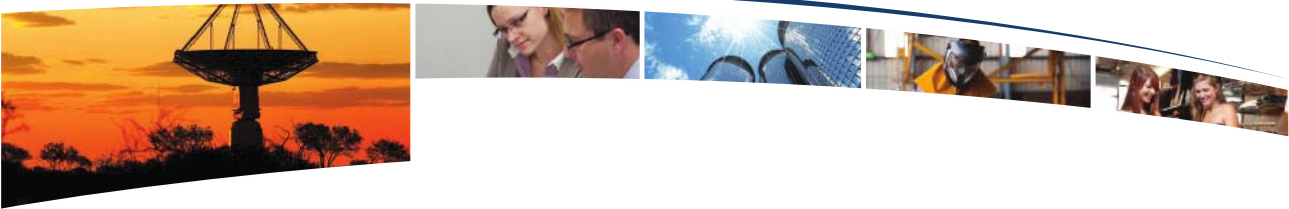
Receivables are recognised and carried at original invoice amount less an allowance for uncollectible amounts (i.e. impairment). The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectible are written-off against the allowance account. The allowance for uncollectible amounts (doubtful debts) is raised when there is objective evidence that the Department will not be able to collect the debts. The carrying amount is equivalent to fair value, as it is due for settlement within 30 days. See note 18 'Receivables'.

(q) Payables

Payables are recognised at the amounts payable when the Department becomes obliged to make future payments as a result of a purchase of assets or services. The carrying amount is equivalent to fair value, as they are generally settled within 30 days. See note 2(l) 'Financial Instruments' and note 24 'Payables'.

(r) Provisions

Provisions are liabilities of uncertain timing or amount and are recognised where there is a present legal or constructive obligation as a result of a past event and when the outflow of resources embodying economic benefits is probable and a reliable estimate can be made of the amount of the obligation. Provisions are reviewed at the end of each reporting period. See note 26 'Provisions'.



**Department of Commerce
Notes to the Financial Statements
For the year ending 30 June 2012**

(i) Provisions - Employee Benefits

Annual Leave and Long Service Leave

Provisions - employee benefits

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

Annual leave

The liability for annual leave expected to be settled within 12 months after the end of the reporting period is recognised and measured at the undiscounted amounts expected to be paid when the liability is settled.

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

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

The provision for annual leave is classified as a current liability as the Department does not have an unconditional right to the defer settlement of the liability for at least 12 months after the reporting period.

Long service leave

The liability for long service leave expected to be settled within 12 months after the reporting period is recognised and measured at the undiscounted amounts expected to be paid when the liability is settled.

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

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

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



Department of Commerce Notes to the Financial Statements For the year ending 30 June 2012

Superannuation

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

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

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

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

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

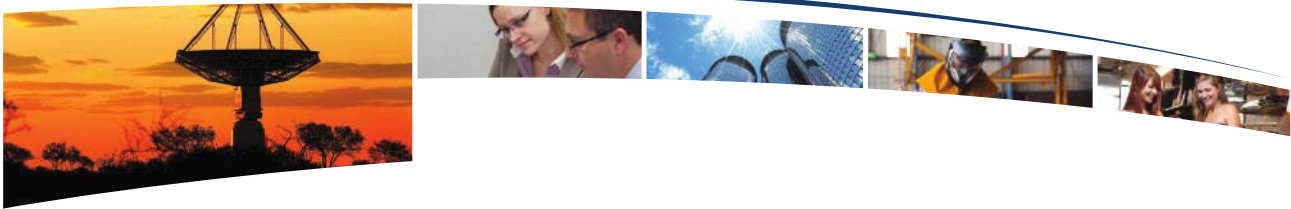
The GESB makes all benefit payments in respect of the Pension and GSS, and is recouped from the Treasurer for the employer's share.

See also note 2(s) '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 10 'Other expenses' and note 26 'Provisions').



(s) Superannuation Expense

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

(t) Resources received free of charge or for nominal cost

Resources received free of charge or for nominal cost that can be reliably measured are recognised as income at fair value. Where the resource received represents a service that the Department would otherwise pay for, a corresponding expense is recognised. Receipts of assets are recognised in the Statement of Financial Position. Assets or services received from other State Government agencies are separately disclosed under Income from State Government in the Statement of Comprehensive Income.

(u) Comparative Figures

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

(v) Loans converted to grants

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

(w) Judgements made by management in applying accounting policies

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

Operating lease commitments

The Department holds operating leases for head office and a number of branch office accommodations. 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.

(x) Key sources of estimation uncertainty

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

Long Service Leave

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



Department of Commerce
Notes to the Financial Statements
For the year ending 30 June 2012

3. Disclosure of changes in accounting policy and estimates

Initial application of an Australian Accounting Standard

The Department has applied the following Australian Accounting Standards effective for annual reporting periods beginning on or after 1 July 2011 that impacted on the Department.

AASB 1054 Australian Additional Disclosures

This Standard in conjunction with AASB 2011-1 *Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project*, removes disclosure requirements from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand accounting Standards. There is no financial impact.

AASB 2009-12 Amendments to Australian Accounting Standards [AASBs 5, 8, 108, 110, 112, 119, 133, 137, 139, 1023 & 1031 and Int 2, 4, 16, 1039 & 1052].

This Standard makes editorial amendments to a range of Australian Accounting Standards and Interpretations. There is no financial impact.

AASB 2010-4 Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project [AASB 1, 7, 101, 134 and Int 13]

The amendments to AASB 7 clarify financial instrument disclosures in relation to credit risk. The carrying amount of financial assets that would otherwise be past due or impaired whose terms have been renegotiated is no longer required to be disclosed. There is no financial impact.

The amendments to AASB 101 clarify the presentation of the Statement of Changes in Equity. The disaggregation of other comprehensive income reconciling the carrying amount at the beginning and the end of the period for each component of equity can be presented in either the Statement of Changes in Equity or the Notes. There no financial impact.

AASB 2010-5 Amendments to Australian Accounting Standards [AASB 1, 3, 4, 5, 101, 107, 112, 118, 119, 121, 132, 133, 134, 137, 139, 140, 1023 & 1038 and Int 112, 115, 127, 132 & 1042]

This Standard makes editorial amendments to a range of Australian Accounting Standards and Interpretations. There is no financial impact.

AASB 2010-6 Amendments to Australian Accounting Standards – Disclosures on Transfers to Financial Assets [AASB 1 & 7]

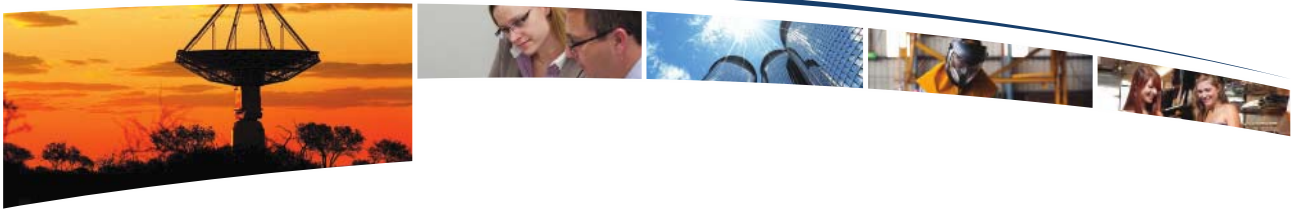
This Standard introduces additional disclosure relating to transfers of financial assets in AASB 7. An entity shall disclose all transferred financial assets that are not derecognised and any continuing involvement in a transferred asset, existing at the reporting date, irrespective of when the related transfer transaction occurred. There is no financial impact.

AASB 2011-1 Amendments to Australian Accounting Standards arising from the Trans-Tasman convergence project [AASB 1, 5, 101, 107, 108, 121, 128, 132 & 134 and Int 2, 112 & 113].

This Standard, in conjunction with AASB 1054, removes disclosure requirements from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards. There is no financial impact.

AASB 2011-5 Amendments to Australian Accounting Standards – Extending Relief from Consolidation, the Equity Method and Proportionate Consolidation [AASB 127, 128 & 131].

This Standard extends the relief from consolidation, the equity method and proportionate consolidation by removing the requirement for the consolidated financial statements prepared by the ultimate or any intermediate parent entity to be IFRS compliant, provided that the parent entity, investor or venturer and the ultimate or intermediate parent entity are not-for-profit non-reporting entities that comply with Australian Accounting Standards. There is no financial impact.



Department of Commerce
Notes to the Financial Statements
For the year ending 30 June 2012

Future impact of Australian Accounting Standards not yet operative

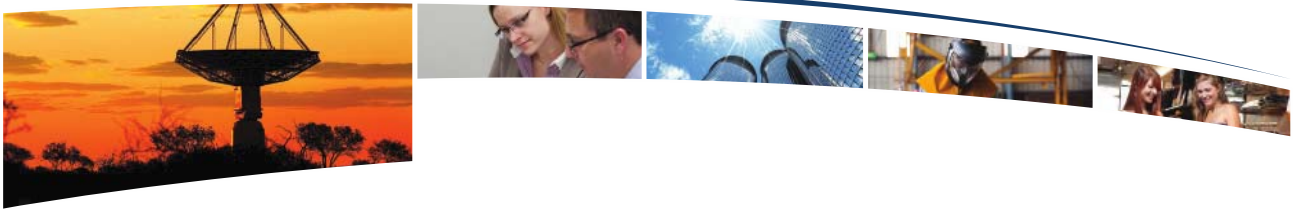
The Department cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 *Application of Australian Accounting Standards and Other Pronouncements*. Consequently, the Department has not applied early any following Australian Accounting Standards that have been issued that may impact the Department. Where applicable, the Department plans to apply these Australian Accounting Standards from their application date.

		Operative for reporting periods beginning on/after
AASB 9	<i>Financial Instruments</i>	1 Jan 2013
	<p>This Standard supersedes AASB 139 <i>Financial Instruments: Recognition and Measurement</i>, introducing a number of changes to accounting treatments.</p> <p>This Standard was reissued in December 2010. The Department has not yet determined the application or the potential impact of the Standard.</p>	
AASB 13	<i>Fair Value Measurement</i>	1 Jan 2013
	<p>This Standard defines fair value, sets out a framework for measuring fair value and requires disclosures about fair value measurements. There is no financial impact</p>	
AASB 119	<i>Employee Benefits</i>	1 Jan 2013
	<p>This Standard supersedes AASB 119 (October 2010). As the Department does not operate a defined benefit plan, the impact of the change is limited to measuring annual leave as a long term employee benefit. The resultant discounting of the annual leave benefit has an immaterial impact.</p> <p>The Standard was issued in September 2011. The Department has not yet determined the application or the potential impact of the Standard.</p>	
AASB 1053	<i>Application of Tiers of Australian Accounting Standards</i>	1 Jul 2013
	<p>This Standard established a differential financial reporting framework consisting of two tiers of reporting requirements for preparing general purpose financial statements. There is no financial.</p>	



Department of Commerce
Notes to the Financial Statements
For the year ending 30 June 2012

AASB 2009-11	<p><i>Amendments to Australian Accounting Standards arising from AASB 9 [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 121, 127, 128, 131, 132, 136, 139, 1023 & 1038 and Interpretations 10 & 12].</i></p> <p>[Modified by AASB 2010-7</p>	1 Jul 2013
AASB 2010-2	<p><i>Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements [AASB 1, 2, 3, 5, 7, 8, 101, 102, 107, 108, 110, 111, 112, 116, 117, 119, 121, 123, 124, 127, 128, 131, 133, 134, 136, 137, 138, 140, 141, 1050 & 1052 and Int 2, 4, 5, 15, 17, 127, 129 & 1052.</i></p> <p>This Standard makes amendments to many Australian Accounting Standards, including Interpretations, to introduce reduced disclosure requirements for certain types of entities. There is no financial impact.</p>	1 Jul 2013
AASB 2010-7	<p><i>Amendments of Australian Accounting Standards arising from AASB 9 (December 2010) [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 & 1038 and Int 2, 5, 10, 12, 19 & 127].</i></p> <p>This Standard makes consequential amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 9 in December 2010. The Department has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2013
AASB 2011-2	<p>Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project – Reduced Disclosure Requirements [AASB 101 & 1054].</p> <p>This Standard removes disclosure requirements from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards for reduced disclosure reporting. There is no financial impact. (1 July 2013)</p>	1 Jul 2013
AASB 2011-8	<p>Amendments to Australian Accounting Standards arising from AASB 13 [AASB 1, 2, 3, 4, 5, 7, 9, 2009-11, 2010-7, 101, 102, 108, 110, 116, 117, 118, 119, 120, 121, 128, 131, 132, 133, 134, 136, 138, 139, 140, 141, 1004, 1023 & 1038 and Int 2, 4, 12, 13, 14, 17, 19, 131, & 132].</p> <p>This Standard replaced the existing definition and fair value guidance in other Australian Accounting Standards and Interpretations as the result of issuing AASB 13 in September 2011. There is no financial impact.</p>	1 Jan 2013



<i>AASB 2011-9</i>	<p>Amendments to Australian Accounting Standards – Presentation of Items of Other Comprehensive Income [AASB 1, 5, 7, 101, 112, 112, 120, 121, 132, 133, 134, 1039 & 1049]</p> <p>This Standard required to group items presented in other comprehensive income on the basis of whether they are potentially reclassifiable to profit or loss subsequently (reclassification adjustments). The Department has not yet determined the application or the potential impact of the Standard.</p>	1 Jul 2012
<i>AASB 2011-10</i>	<p>Amendments to Australian Accounting Standards arising from AASB 119 (September 2011) [AASB 1, 8, 101, 124, 134, 1049 & 2011-8 and Int 14].</p> <p>This Standard makes amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 119 Employee Benefits in September 2011. The Department has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2013
<i>AASB 2011-11</i>	<p><i>Amendments to AASB 119 (September 2011) arising from Reduced Disclosure Requirements</i></p> <p>This Standard gives effect to Australian Accounting Standards – Reduced Disclosure Requirements for AASB 119 (September 2011). There is no financial impact.</p>	1 Jul 2013
<i>AASB 2012-1</i>	<p><i>Amendments to Australian Accounting Standards – Fair Value Measurement – Reduced Disclosure Requirements [AASB 3, 7, 13, 140 & 141]</i></p> <p>This Standard establishes and amends reduced disclosure requirements for additional and amended disclosures arising from AASB 13 and the consequential amendments implemented through AASB 2011-8. There is no financial impact.</p>	1 Jul 2013

Changes in Accounting Estimates

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



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2012

	2012	2011
	\$'000	\$'000
4. Employee benefits expense		
Wages and salaries ^(a)	67,534	65,684
Superannuation - defined contribution plans ^(b)	7,800	7,028
Long service leave ^(c)	3,261	1,465
Annual leave ^(c)	7,080	4,709
Other related expenses	2,380	1,994
	<u>88,055</u>	<u>80,880</u>

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

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

(c) Increase due to changes in underlying assumptions, increases in average salary and total staff numbers since the last valuation as contained in the Actuary's Assessment of Long Service Leave and Annual Leave as at 30 June 2012.

Employment on-costs such as workers' compensation insurance are included at Note 10 'Other expenses'. The employment on-costs liability is included at Note 26 'Provisions'.

5. Supplies and services		
Communications	1,405	2,318
Consultants and contractors	24,498	19,925
Consumables	4,142	4,684
Materials	1,545	1,339
Insurance	593	510
Motor vehicles	1,688	1,803
Maintenance	522	512
Travel	946	1,125
Other	2,290	2,264
	<u>37,629</u>	<u>34,480</u>

6. Depreciation and amortisation expense

<u>Depreciation</u>		
Computer Hardware and Communications	430	434
Furniture and Fittings	824	873
Office Equipment	87	52
Buildings	105	100
Plant & Machinery	-	1
Total Depreciation	<u>1,446</u>	<u>1,460</u>

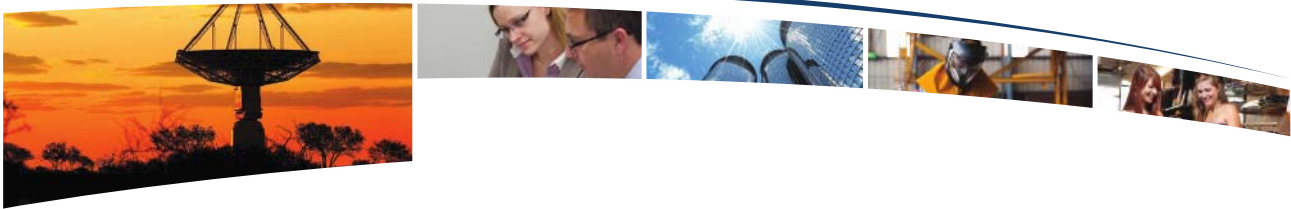
Amortisation

Intangible assets	1,010	20
Total amortisation	<u>1,010</u>	<u>20</u>

Total depreciation and amortisation	<u>2,456</u>	<u>1,480</u>
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7. Finance costs

Interest paid	36	39
Finance costs expensed	<u>36</u>	<u>39</u>



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2012

	2012	2011
	\$'000	\$'000
8. Accommodation expenses		
Lease rentals	14,328	11,947
Repairs and maintenance	125	124
Cleaning	253	269
	<u>14,706</u>	<u>12,340</u>
9. Grants and subsidies		
Farmsafe WA	70	70
Asbestos Diseases Society	100	100
Employment Law Centre	207	196
Science and Innovation	53,453	41,067
Property Industry Grants	6,229	-
Building Commission	3,803	-
Other Miscellaneous	-	1,020
	<u>63,862</u>	<u>42,453</u>
10. Other expenses		
Other expenses ^(a)	85	3,349
Total other expenses	<u>85</u>	<u>3,349</u>
<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 26 'Provisions'. Superannuation contributions accrued as part of the provision for leave are employee benefits and are not included in employment on-costs.</p>		
11. User charges and fees & sales		
User charges and fees	<u>38,843</u>	<u>35,739</u>
<p>The user charges and fees arise from the department's services in the following areas:</p>		
Rental Accommodation Account	4,890	12,239
Business Names	851	755
Register of Encumbered Vehicles	639	1,261
Trading Standards	-	31
Worksafe	6,483	5,292
Energy Safety	11,119	10,245
Motor Vehicle Repairers	2,088	1,302
Consumer Protection	1,411	-
Building Commission	11,023	4,369
Other	338	246
Total User Charges and Fees	<u>38,843</u>	<u>35,739</u>
Sales		
Sales - general	27	37
Sales - publications	26	38
Total Sales	<u>53</u>	<u>75</u>



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2012

	2012	2011
	\$'000	\$'000

12. Commonwealth grants and contributions

Commonwealth funding was received during the year	3,879	6,431
	<u>3,879</u>	<u>6,431</u>

Funding of \$2,474,000 (2011: \$5,401,271) under the National Partnership Program was provided for COAG Reforms of which \$1,174,363.12 was spent in 2011/12 (2010/11: \$3,020,858). Funding of \$281,818 was provided in 2011/12 (2010/11: \$272,727) for the implementation Fair Work System of which \$281,818.71 was spent in 2011/12 (2010/11: \$61,986). Funding of \$133,181 was provided in 2011/12 for Industry, Science & Innovation and all this was spent in 2011-12. Funding of \$757,335 was provided in 2010-11 for the Remote Indigenous Public Internet Access project and all this was spent in 2010-11. Funding of \$990,000 was provided in 2011-12 for Safework Australia and all this was spent in 2011-12.

13. Other revenue

Miscellaneous revenue for various recoups, contributions, interest, refur	40,702	9,362
	<u>40,702</u>	<u>9,362</u>

Other revenue mainly comprises of revenue received from the transfer of the real estate and settlement agents functions into Commerce (Agents Trust Account income \$20,198,024, Interest received \$6,843,426) and also revenue relating to the gas rectification project (\$9,118,258.82).

14. Revaluation decrements

Revaluation decrements	8,819	641
	<u>8,819</u>	<u>641</u>

The amount represents the resulting asset revaluation of building assets transferred from Work in Progress. The property was transferred from the Department of Minerals and Petroleum when the Science, Innovation & Business Divisions became a part of the Department of Commerce in January 2009.

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

Costs of Disposal of Non-Current Assets

Land	-	232
Buildings	104	11
	<u>104</u>	<u>243</u>

Proceeds from Disposal of Non-Current Assets

Land		
Buildings	25	-
	<u>25</u>	<u>-</u>

Net gain/(loss)	<u>(79)</u>	<u>(243)</u>
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See also Note 21 'Property, plant and equipment'.

See also Note 22 'Intangible assets'.

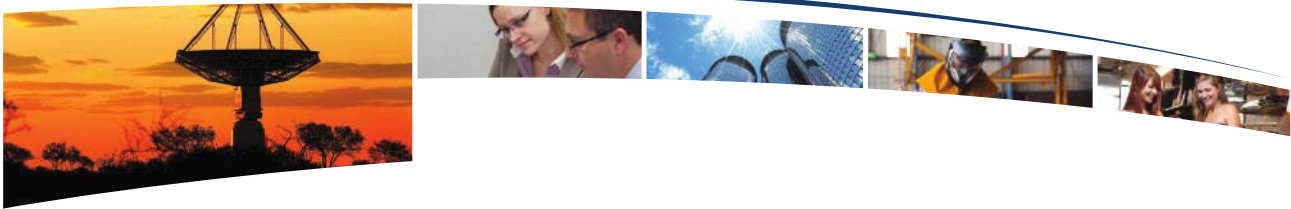
16. Income from State Government

Appropriation received during the year:

Service appropriations ^(a)	142,731	112,996
	<u>142,731</u>	<u>112,996</u>

Initial recognition of assets in 2011/12 (2010/11: Nil)

Contribution - former Builders Registration Board	137	-
Contribution - former Painters Registration Board	289	-
Contribution - former Real Estate & Business Agents Board	88,029	-
Contribution - former Settlement Agents Supervisory Board	49,930	-
Total	<u>138,385</u>	<u>-</u>



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2012

	2012	2011
	\$'000	\$'000
Resources received free of charge ^(b)		
Department of Finance	580	-
Department of Treasury & Finance	-	300
State Solicitor's Office	597	776
Western Australian Land Information Authority	-	13
Total resources received free of charge	<u>1,177</u>	<u>1,089</u>
Royalties for Regions Fund ^(c)		
Regional Community Services Account	78	716
Regional Infrastructure and Headworks Account	7,811	200
	<u>7,889</u>	<u>916</u>
	<u>290,182</u>	<u>115,001</u>

(a) Service appropriations fund the net 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.

(b) Where assets or services have been received free of charge or for nominal cost, the Department recognises revenues equivalent to the fair value of the assets and/or fair value of those services that can be reliably measured and which would have been purchased if not donated, and those fair values shall be recognised as assets or expenses, as applicable. Where the contributions of assets or services are in the nature of contributions by owners, the Department makes an adjustments directly to equity.

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

17. Restricted cash and cash equivalents

Current

Consumer Credit Act (WA) (a)	353	573
Departmental Receipts in Suspense (a)	415	245
Safetyline Institute (a)	745	541
Indian Ocean Territories - Commonwealth Government (a)	142	14
Motor Vehicle Repairers (MVR) Industry Education and Research Accou	54	38
Motor Vehicle Repairers (MVR) Industry Compensation Account (a)	54	38
Co-operatives Companies Liquidation (a)	10	10
Energy Safety (a)	12,295	10,824
Gas Producers Contribution Account (a)	3,514	2,989
Real Estate - Education and General Purpose Account (a)	34,967	-
Real Estate - Fidelity Guarantee Account (a)	43,764	-
Real Estate - Home Buyers Assistance Account (a)	14,967	-
Real Estate and Business Agents Supervisory Board Trust Account (a)	219	-
Settlement Agents - education and General Purpose Account (a)	20,449	-
Settlements Agents - Fidelity Guarantee Account (a)	33,539	-
Building Services Account (a)	5,809	-
	<u>171,296</u>	<u>15,272</u>
Royalties for Regions Fund (a)	214	823
	<u>214</u>	<u>823</u>
Commonwealth funding (a)	3,935	2,591
	<u>3,935</u>	<u>2,591</u>
Total current	<u>175,445</u>	<u>18,686</u>



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2012

	2012	2011
	\$'000	\$'000
<u>Non-Current</u>		
Accrued salaries suspense account ^(b)	2,099	1,749
Total Non-current	<u>2,099</u>	<u>1,749</u>
Total restricted cash and cash equivalents	<u>177,544</u>	<u>20,435</u>

(a) Refer to Note 40 'Special Purpose Accounts and Restricted Cash Accounts' for explanation of nature of rest

(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.

18. Receivables

Current

Trade debtors ^(a)	3,278	11,519
Allowance for impairment of receivables	(11)	(11)
GST receivables	3,108	1,418
Accrued Income ^(a)	11,032	3,348
Sub total current	<u>17,407</u>	<u>16,274</u>
Loans and advances	346	288
Total current	<u>17,753</u>	<u>16,562</u>

Non Current

Loans and advances ^(b)	9,335	7,433
Total non current	<u>9,335</u>	<u>7,433</u>
Total receivables	<u>27,088</u>	<u>24,046</u>

(a) Includes recoup of costs incurred in 2010/11 of \$10.1m for administering the Rental Accommodation Account in accordance with the Residential Tenancies Act 1987 subject to approval from the Treasurer and the recognition of the 2011-12 amount.

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

Reconciliation of changes in the allowance for impairment of receivables:

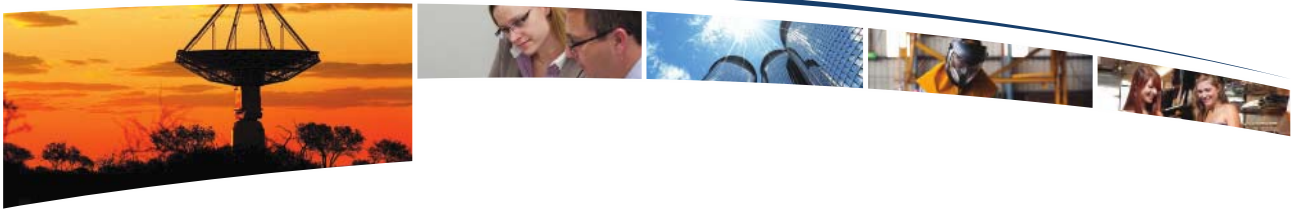
Balance at start of period	11	11
Doubtful debts expense	-	-
Amounts written off during the period	-	-
Amount recovered during the period	-	-
Balance at the end of the period	<u>11</u>	<u>11</u>

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

19. Amounts receivable for services (Holding Account)

Current	3,234	3,349
Non-Current	6,746	8,642
Total amounts receivable for services	<u>9,980</u>	<u>11,991</u>

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



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2012

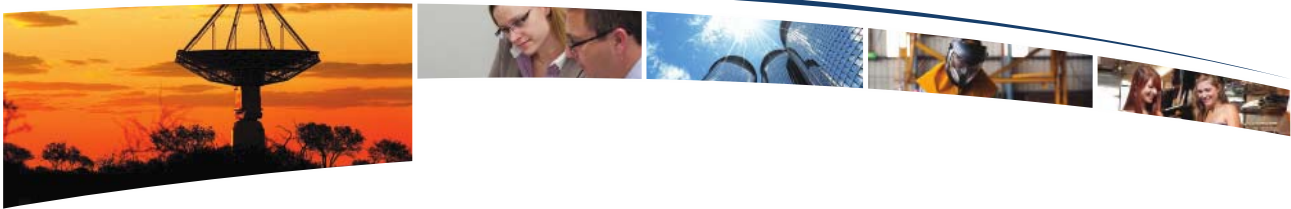
	2012 \$'000	2011 \$'000
20. Other assets		
<u>Current</u>		
Prepayments	1,445	51
Miscellaneous assets such as credit card and travel clearing accounts	8	45
	1,453	95
21. Property, plant and equipment		
<u>Land ^(a)</u>		
At fair value	30,820	19,537
	30,820	19,537
<u>Buildings ^(a)</u>		
At fair value	4,599	3,120
	4,599	3,120
<u>Plant & Machinery</u>		
At cost	-	8
Accumulated depreciation	-	(2)
	-	6
<u>Fixed Asset under Construction</u>		
Construction costs	-	20,246
	-	20,246
<u>Computer hardware and Communications</u>		
At cost	4,101	4,760
Accumulated depreciation	(3,366)	(3,974)
	735	786
<u>Furniture and fittings</u>		
At cost	9,626	9,784
Accumulated depreciation	(5,241)	(4,691)
	4,385	5,093
<u>Office equipment</u>		
At cost	839	742
Accumulated depreciation	(596)	(606)
	243	136
<u>Total</u>		
At cost/fair value	49,985	58,197
Accumulated depreciation	(9,203)	(9,273)
Total Property, plant and equipment	40,782	48,924

(a) Land and buildings were revalued as at 1 July 2011 by the Western Australian Land Information Authority (Valuation Services). The valuations were performed during the year ended 30 June 2012 and recognised at 30 June 2012. In undertaking the revaluation, fair value was determined by reference to market values, where appropriate, or depreciated replacement cost basis (land \$30,820,000, buildings \$4,599,320). See note 2(g) 'Property, plant and equipment'



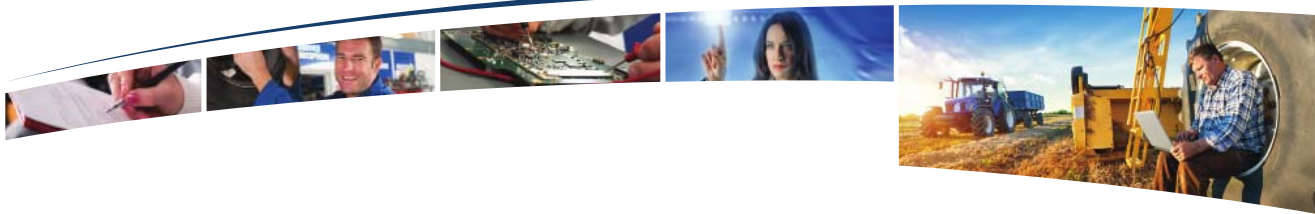
Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2012

	2012 \$'000	2011 \$'000
Reconciliations		
Reconciliations of the carrying amounts of property, plant and equipment at the beginning and end of the reporting period are set out below.		
<u>Land</u>		
Carrying amount at period	19,537	18,303
Addition	9,577	-
Disposal	-	-
Revaluation	1,706	1,234
Carrying amount at end of period	<u>30,820</u>	<u>19,537</u>
<u>Buildings</u>		
Carrying amount at start of period	3,120	3,911
Addition	10,402	-
Revaluation	(8,819)	(691)
Depreciation	(105)	(100)
Carrying amount at end of period	<u>4,599</u>	<u>3,120</u>
<u>Plant & Machinery</u>		
Carrying amount at start of period	6	7
Disposal	(6)	-
Depreciation	-	(1)
Carrying amount at end of period	<u>-</u>	<u>6</u>
<u>Fixed Assets under Construction</u>		
Carrying amount at start of period	20,246	20,007
Additions	-	239
Disposal	(20,246)	-
Carrying amount at end of period	<u>-</u>	<u>20,246</u>
<u>Computer hardware and communications</u>		
Carrying amount at start of period	786	842
Additions	379	378
Depreciation	(430)	(434)
Carrying amount at end of period	<u>735</u>	<u>786</u>
<u>Furniture and fittings</u>		
Carrying amount at start of period	5,093	6,152
Additions	177	46
Disposals	(62)	(232)
Depreciation	(823)	(873)
Carrying amount at end of period	<u>4,385</u>	<u>5,093</u>



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2012

	2012	2011
	\$'000	\$'000
<u>Office equipment</u>		
Carrying amount at start of period	136	148
Additions	199	51
Disposals	(5)	(11)
Depreciation	(87)	(52)
Carrying amount at end of period	<u>243</u>	<u>136</u>
<u>Total - Property, plant and equipment</u>		
Carrying amount at start of period	48,924	49,370
Additions	20,734	714
Disposals	(20,319)	(243)
Revaluation	(7,112)	543
Depreciation	(1,445)	(1,460)
Carrying amount at end of period	<u>40,782</u>	<u>48,924</u>
21a Non current assets classified as held for sale (Buildings)	<u>2,139</u>	<u>-</u>
<p>The amount represents the value of Units 4-6 at 18 Harvest Terrace following the transfer of the Builders' Registration Board to the Department on 29 August 2011. The units are surplus to the Department's requirements and are being disposed by way of the Department of Regional Development and Lands by the</p>		
22. Intangible assets		
<u>Computer software</u>		
At cost	7,097	4,903
Accumulated amortisation	(2,107)	(872)
	<u>4,990</u>	<u>4,031</u>
<u>Software development in progress</u>		
At cost	3,928	3,163
	<u>3,928</u>	<u>3,163</u>
<u>Total</u>		
At cost/fair value	11,025	8,066
Accumulated amortisation	(2,107)	(872)
Total Intangible assets	<u>8,918</u>	<u>7,194</u>
Reconciliations		
<u>Computer software</u>		
Carrying amount at start of year	4,031	3
Additions	91	79
Disposal	-	-
Transfer - completed software	1,878	3,969
Amortisation expense	(1,010)	(20)
Carrying amount at end of year	<u>4,990</u>	<u>4,031</u>
<u>Software development in progress</u>		
Carrying amount at start of year	3,163	5,149
Additions	2,643	2,670
Transfer - completed software	(1,878)	(3,969)
Reclassification	-	(687)
Carrying amount at end of year	<u>3,928</u>	<u>3,163</u>



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2012

	2012	2011
	\$'000	\$'000
<u>Total - Intangibles assets</u>		
Carrying amount at start of year	7,194	5,152
Additions	2,734	2,749
Reclassification	-	(687)
Disposal	-	-
Amortisation	(1,010)	(20)
Carrying amount at end of year	<u>8,918</u>	<u>7,194</u>

23. Impairment of assets

There were no indications of impairment of property, plant and equipment, infrastructure and intangible assets as at 30 June 2012. The Department held no goodwill or intangible assets with an indefinite useful life during the reporting period. At the end of the reporting period, there were no intangible assets not yet available for use. All surplus assets as at 30 June 2012 have either been classified as assets held for sale or written off.

24. Payables

Current

Trade payables	2,748	1,551
Accrued expenses	9,392	12,291
Accrued salaries ^(a)	1,800	1,271
	<u>13,940</u>	<u>15,113</u>

Non-current ^(b)

Trust Account - Consumer Credit Act (WA)	353	573
Trust Account - Departmental Receipts in Suspense	415	245
Trust Account - Building Services Dispute Remedy Orders	11	-
Trust Account - Real Estate and Business Agents Supervisory Board	219	-
Co-operatives - Companies Liquidation account	10	10
	<u>1,010</u>	<u>828</u>

Refer to Note 35 'Financial Instruments' and Note 2(r) 'Payables'.

(a) Amount owing for 2012, 6 working days \$1,800,028, as last pay falls on 21 June 2012. Amount owing for 2011 was \$1,270,584.82. Accrued salaries are settled within a few working days of the financial year end. The carrying amount of accrued salaries is equivalent to the net fair value.

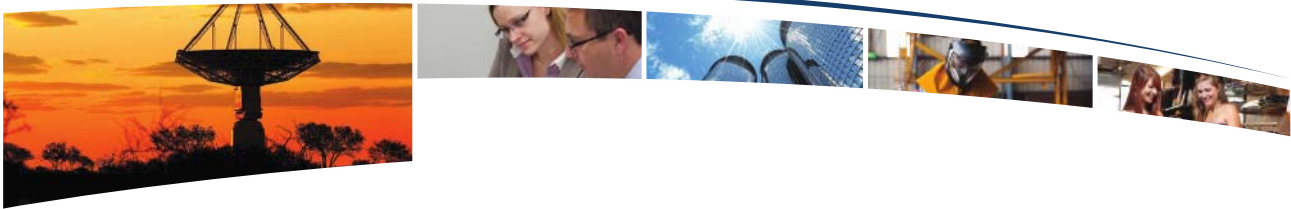
(b) Refer to Note 40 'Special Purpose Accounts and Restricted Cash Accounts' for the nature of these payables.

25. Borrowings

Non-current

WA Landcorp (Enterprise Units Development Agreement)	771	771
Total	<u>771</u>	<u>771</u>

Amount of loan facility owed by the Department of Commerce to LandCorp as at 30 June 2012.



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2012

	2012 \$'000	2011 \$'000
26. Provisions		
<u>Current</u>		
Employee benefits provision		
Annual leave ^(a)	7,516	6,647
Long service leave ^(b)	12,268	10,215
Other provisions		
Employment on-costs ^(d)	746	1,065
Total current provisions	20,530	17,927
<u>Non-current</u>		
Employee benefits provision		
Long service leave ^(b)	4,685	4,327
Deferred salary scheme ^(c)	108	37
Other provisions		
Employment on-costs ^(d)	23	17
Total non-current provisions	4,816	4,381

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

Within 12 months of the end of the reporting period	4,843	4,240
More than 12 months after the reporting period	2,674	2,407
	7,516	6,647

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

Within 12 months of the end of the reporting period	4,968	4,028
More than 12 months after the reporting period	11,985	10,551
	16,953	14,579

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

Within 12 months of the end of the reporting period	-	-
More than 12 months after the reporting period	108	37
	108	37

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

Movements in Other Provisions

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

<u>Employment on-cost provision</u>		
Carrying amount at start of period	1,082	980
Additional provisions recognised	(313)	102
Carrying amount at end of period	769	1,082



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2012

	2012	2011
	\$'000	\$'000
27. Unearned revenues		
<u>Current</u>		
Unearned revenue ^(a)	4,292	6,317
	<u>4,292</u>	<u>6,317</u>
<u>Non-Current</u>		
Unearned revenue ^(a)	5,420	3,026
	<u>5,420</u>	<u>3,026</u>

(a) Unearned revenues is revenue received in advance for Plumbers licences & compliance certificates, and multiple year licences for Energy Safety, Motor Vehicle Repairers, Plumbers, Real Estate & Business Agents Supervisory Board (REBA) and Settlement Agents Supervisory Board (SASB). This revenue will be recognised from 2012/13 and subsequent years.

28. Other liabilities

<u>Current</u>		
Miscellaneous liabilities such as stale & returned cheques, refunds etc.	13	216
	<u>13</u>	<u>216</u>

29. Equity

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

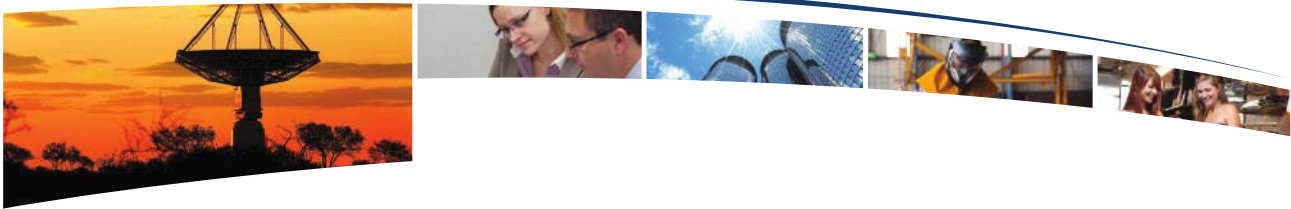
Contributed equity

Balance at the start of the period	75,022	75,695
<u>Contributions by owners</u>		
Capital appropriation ^(b)	1,888	425
Total contributions by owners	<u>76,910</u>	<u>76,120</u>
<u>Distributions to owners</u>		
Transfer of net assets to other agencies: ^{(a) (c)}		
Department of Mines and Petroleum	3	(1,098)
Net assets transferred to Government		
Proceeds for disposal of assets paid to Consolidated Account	-	(1,098)
Total distributions to owners	<u>3</u>	<u>(1,098)</u>
Balance at the end of period	<u>76,913</u>	<u>75,022</u>

(a) Under AASB 1004 'Contributions', transfers of net assets as a result of a restructure of administrative arrangements are to be accounted for as contributions by owners and distributions to owners.

(b) Under the Treasurer's Instruction TI 955 'Contributions by Owners Made to Wholly Owned Public Sector Entities' Capital appropriations have been designated as contributions by owners in accordance with AASB Interpretation 1038 'Contributions by Owners Made to Wholly-Owned Public Sector Entities'.

(c) Under TI 955, non-discretionary (non-reciprocal) transfers of net assets between State government agencies have been designated as contributions by owners in accordance with AASB Interpretation 1038, where the transferee agency accounts for a non-discretionary (non-reciprocal) transfer of net assets as a contribution by owners and the transferor agency accounts for the transfer as a distribution to owners.



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2012

30. Notes to the Statement of Cash Flows

Reconciliation of cash

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

Cash and cash equivalents	13,311	4,838
Restricted cash and cash equivalents (refer to note 17)	177,544	20,435
	<u>190,856</u>	<u>25,273</u>

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

Net cost of services	(132,250)	(124,298)
<u>Non-cash items:</u>		
Depreciation and amortisation expense (note 6)	2,456	1,480
Resources received free of charge (note 16)	1,177	1,090
Revaluation decrements (note 14)	8,819	641
Reclassification of intangible assets	-	687
Net (gain)/loss on sale of property, plant and equipment (note 15)	79	243
<u>(Increase)/decrease in assets:</u>		
Current receivables ^(a)	(442)	(1,890)
Other current assets	(1,408)	90
Non current assets classified as held for sale	(2,139)	-
<u>Increase/(decrease) in liabilities:</u>		
Current payables ^(a)	(1,252)	9,831
Current unearned revenue	(2,025)	3,721
Current provisions	2,603	3,029
Other current liabilities	-	(633)
Non-current payables	182	(32)
Non-current unearned revenue	2,394	337
Non-current provisions	435	(1,507)
Other liabilities	(203)	-
Net GST receipts/(payments) ^(b)	(2,600)	(829)
Net cash (used in) operating activities	<u>(124,176)</u>	<u>(108,041)</u>

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

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



**Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2012**

	2012 \$'000	2011 \$'000
31. Commitments		
Non cancellable operating lease commitments		
The Department has a number of property leases for its operations both within the metropolitan area and country regions. The leases have various terms and conditions and expiry dates including rent reviews. Also included is the fleet motor vehicle lease costs.		
Commitments for minimum lease payments are payable as follows:		
Within 1 year	16,076	13,593
Later than 1 year and not later than 5 years	48,877	34,675
Later than 5 years	16,988	-
	81,941	48,268

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

32. Contingent Liabilities and Contingent Assets

Contingent Liabilities

A case is currently in the State Solicitor's Office with the potential for costs orders to be made in favour of the appellant if appeal is unsuccessful. The contingent liability amounts to \$200,000.

Industry & Technology Development Act

As the responsible minister under the Industry & Technology Development Act of 1998 (ITD Act), the Minister for Science and Innovation (or his predecessors) is a signatory to a number of Investment Security Guarantees (ISGs). The total potential liability is \$75 million. ISGs are signed by our Minister, General manager of the Forest Products Commission and timber processors. Under the ISGs, our Minister is liable to pay compensation under certain circumstances where Forest Products Commission (FPC) are unable to supply contracted amounts of timber.

Fidelity Guarantee Account (FGA) Claims

A total of 90 claims against the Fidelity Guarantee Accounts with a total value of \$5,386,846.06 consisting of:

- a) 65 claims against the Real Estate Agents FGA with a total value of \$4,346,098.55
- b) 10 claims against the Settlement Agents FGA with a total value of \$220,747.51
- c) 15 disallowed claims against the Settlement Agents FGA under review of the State Administrative Tribunal - total of \$820,000.

These figures do not include legal costs or any interest claims. Reasonable legal costs are claimable. Claims for interest are currently not allowable but are the subject of review proceedings in the State Administrative Tribunal (SAT) (VR of 2011). If SAT decides interest is allowable, these amounts will change considerably as the Commissioner has agreed to stay claims for interest pending SAT's decision.

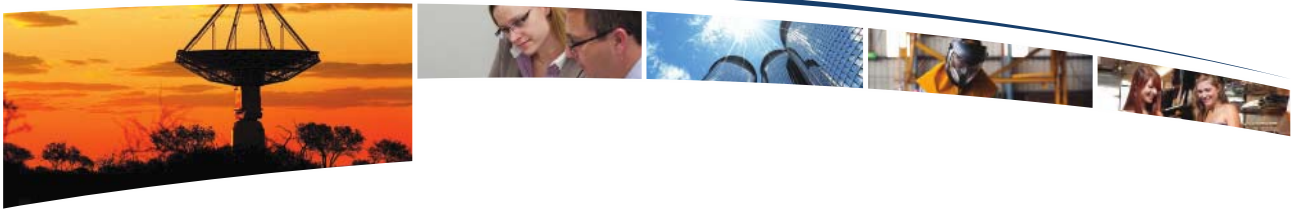
There are also 16 notices of intention to claim (with a value of approximately \$1.1 million excluding legal and interest claims).

Contingent Assets

The Department does not have any contingent assets.

33. Events occurring after the end of the reporting period

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



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2012

34. Explanatory statement

Significant variations between estimates and actual results for income and expense as presented in the financial statement titled 'Summary of Consolidated Account Appropriations and Income Estimates' are shown below. Significant variations are considered to be those greater than 10% or \$5 million.

Total appropriations provided to deliver services

Significant variances between estimate and actual for 2012

Although there was no significant variance in the total appropriation, there were significant offsetting variances in the following service expenditure:

	2012 Estimate \$000	2012 Actual \$000	Variance \$000
Total appropriation provided to deliver services for the year	139,978	142,731	2,753
Total income	76,308	83,477	7,169

Total appropriation provided to deliver services for the year

No significant variance in appropriation to deliver services.

Total income

The variation is mainly due to the Real Estate Business Agents and Settlement Agents Supervisory Boards being rolled in to the Department of Commerce with effect from 1 July 2011 and funding from the Commonwealth for COAG Reforms.

Significant variances between actual results for 2012 and 2011

	2012 Actual \$000	2011 Actual \$000	Variance \$000
Total appropriation provided to deliver services for the year	142,731	112,996	29,735
Total income	83,477	51,607	31,870

Total appropriation provided to deliver services for the year

The variation is mainly due to an increase in the Grants Program of the Industry, Science & Innovation Division, and the initial loan to the Alzheimers Australia and also the appropriation received for the delay in the implementation of the new Building Services Levy.

Total income

The variation is mainly due to the Real Estate Business Agents and Settlement Agents Supervisory Boards being rolled in to the Department of Commerce with effect from 1 July 2011, funding from the Commonwealth for COAG Reforms, income from the Building Commission (Builders and Painters Registrations), and the recoup of administration cost relating to the Rental Accommodation Account.

Service expenditure

Significant variances between estimate and actual for 2012

	2012 Estimate \$000	2012 Actual \$000	Variance \$000
Consumer Protection	50,790	55,686	4,896
Safety & Employment Protection & Construction Standards ^(a)	97,547	79,774	(17,773)
Industry Science & Innovation	84,740	80,267	(4,473)

(a) The variation is mainly due to the Estimate 2012 figure including greater anticipated expenditure for the Gas Rectification program and also for the Building Commission. The Actual figure for expenditure relating to the Gas Rectification program was less than anticipated and some of the funding for 2011/12 was reprofiled to 2012/13 and the reduced expenditure for the Building Commission reflects the delay in the implementation of the Building Services Levy.



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2012

Significant variances between actual results for 2012 and 2011

	2012 Actual \$000	2011 Actual \$000	Variance \$000
Consumer Protection	55,686	57,295	(1,609)
Safety & Employment Protection & Construction Standards ^(a)	79,774	57,582	22,192
Industry Science & Innovation ^(b)	80,267	61,028	19,239

(a) The variation for the Safety & Employment Protection & Construction Standards service is mainly due to the Actual 2012 figure including expenditure for the Building Commission that was not in the Actual 2011 figure as the Building Commission did not become part of the Department of Commerce until 29 August 2011.

(b) The Actual 2012 figure for the Industry, Science & Innovation service reflects the increase in the Grants program and Royalty for Regions expenditure that occurred in 2011/12.

Capital contribution

Significant variances between estimate and actual for 2012 and actuals for 2011 and 2012

No significant variance in Capital Contribution.

Total administered transactions

Administered Income

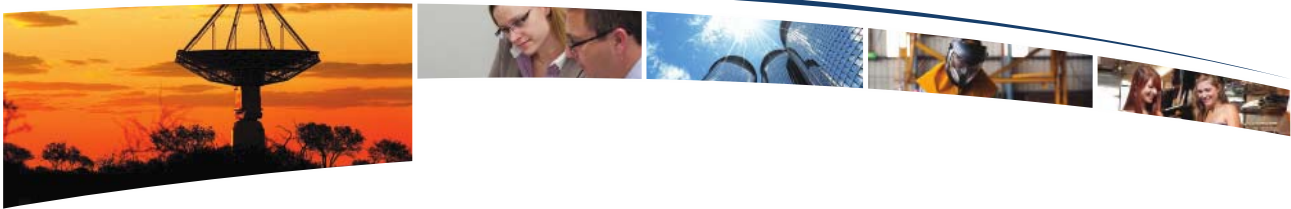
Significant variances between estimate and actual for 2012

	2012 Estimate \$000	2012 Actual \$000	Variance \$000
	12,013	23,376	11,363

The variation is mainly due to a delay in the transfer of the Business Names function to the Commonwealth as part of the COAG Reforms and significantly more interest received than anticipated.

Significant variances between actuals for 2012 and actuals for 2011.

No significant variances in total administered transactions.



Department of Commerce Notes to the Financial Statements for the year ended 30 June 2012

35. Financial instruments

(a) Financial Risk Management Objectives and Policies

equivalents, borrowings, loans and receivables, payables and borrowings. The Department has limited exposure to financial risks. The Department's overall risk management program focuses on managing the risks identified below.

Credit risk

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

The maximum exposure to credit risk at the end of the reporting period in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any provisions for impairment, as shown in the table at Note 35(c) 'Financial instruments disclosures' and note 18 'Receivables'.

Credit risk associated with the Department's financial assets is mainly comprised of receivables that are in the nature of loans to third parties. For receivables other than government, the Department trades only with recognised, creditworthy third parties. The Department has policies in place to ensure that sales of products, services and loans are made to customers with an appropriate credit history. In addition, receivable balances are monitored on an ongoing basis with the result that the Department's exposure to bad debts is minimal. There are no significant concentrations of credit risk other than a receivable of \$19 million from a company, receivable in 2014 (2011: \$19 million)

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

Liquidity risk

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

Market risk

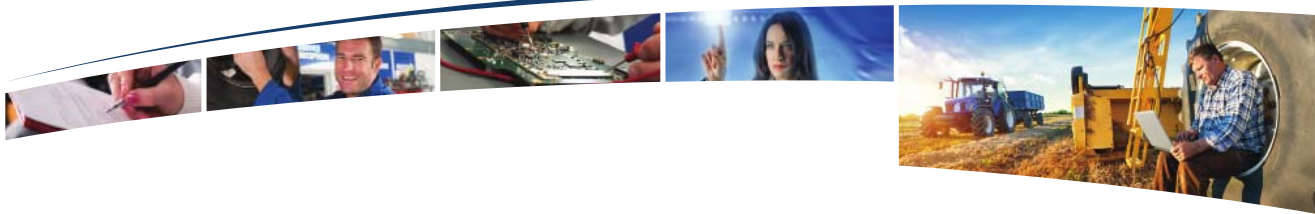
The Department does not trade in foreign currency and is not materially exposed to other price risks (for example, equity securities or commodity prices changes). The Department's exposure to market risk for changes in interest rates relates primarily to the long term debt obligations. The Department's borrowings are through Landcorp and have variable rates. Other than as detailed in the Interest rate sensitivity analysis table at Note 35(c), the Department is not exposed to interest rate risk because all cash and cash equivalents and restricted cash are non-interest bearing.

(b) Categories of Financial Instruments

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

	2012 \$000	2011 \$000
Financial Assets		
Cash and cash equivalents	13,311	6,587
Restricted cash and cash equivalents	177,544	20,435
Loans and Receivables ^(a)	23,980	22,628
Amount receivable for services	9,980	11,991
Financial Liabilities		
Financial liabilities measured at amortised cost	15,721	16,712

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



**Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2012**

(c) Financial Instrument Disclosures

Credit Risk

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

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

Ageed analysis of financial assets

	Carrying Amount	Not past due and not impaired	Past due but not impaired					Impaired financial assets
			Up to 1 month	1 to 3 months	3 months to 1 year	1 to 5 years	More than 5 years	
	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000
Financial Assets								
2012								
Cash and cash equivalents	13,311	13,311	-	-	-	-	-	-
Restricted cash and cash equivalents	177,544	177,544	-	-	-	-	-	-
Receivables ^(a)	23,980	19,862	247	107	3,681	82	-	-
Loans and advances	-	-	-	-	-	-	-	-
Amounts receivable for services	9,980	9,980	-	-	-	-	-	-
	224,815	220,697	247	107	3,681	82	-	-
2011								
Cash and cash equivalents	6,587	6,587	-	-	-	-	-	-
Restricted cash and cash equivalents	20,435	20,435	-	-	-	-	-	-
Receivables ^(a)	14,907	4,284	-	328	10,228	67	-	-
Loans and advances	7,721	7,721	-	-	-	-	-	-
Amounts receivable for services	11,991	11,991	-	-	-	-	-	-
	61,641	51,018	-	328	10,228	67	-	-

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

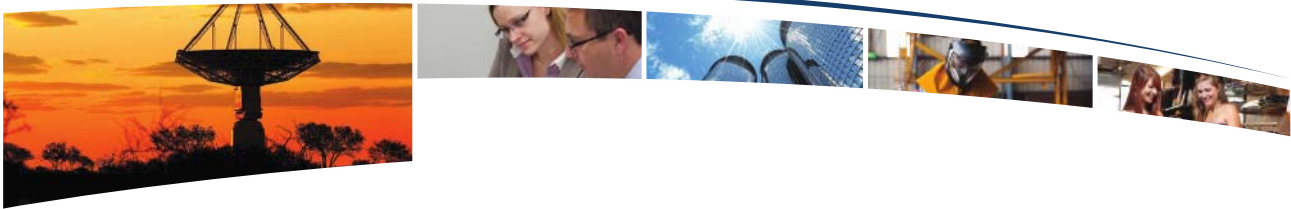
Liquidity Risk and interest rate exposure

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

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

	Interest rate exposure						Maturity dates				
	Weighted Average Effective Interest Rate %	Carrying Amount \$000	Fixed interest rate \$000	Variable interest rate \$000	Non-interest bearing \$000	Nominal Amount \$000	Up to 1 months \$000	1 to 3 months \$000	3 months to 1 year \$000	1 to 5 years \$000	More than 5 years \$000
2012											
Financial Assets											
Cash and cash equivalents	4.74%	13,311	-	5,780	7,531	13,311	13,311	-	-	-	-
Restricted cash and cash equivalents	4.74%	177,544	-	142,126	35,418	177,544	177,544	-	-	-	-
Receivables ^(a)	-	23,980	-	-	23,980	23,980	23,980	-	-	-	-
Loans and advances	-	-	-	-	-	-	-	-	-	-	-
Amounts receivable for services	-	9,980	-	-	9,980	9,980	-	400	2,834	6,746	-
		224,815	-	147,906	76,909	224,815	214,835	400	2,834	6,746	-
Financial Liabilities											
Payables	-	14,949	-	-	14,949	14,949	14,949	-	-	-	-
Borrowings	4.67%	771	-	771	-	771	-	-	-	-	771
		15,721	-	771	14,949	15,721	14,949	-	-	-	771

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



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2012

Interest rate exposure and maturity analysis of financial assets and financial liabilities										
	Interest rate exposure					Maturity dates				
Weighted Average Effective Interest Rate %	Carrying Amount \$000	Fixed interest rate \$000	Variable interest rate \$000	Non-interest bearing \$000	Nominal Amount \$000	Up to 1 months \$000	1 to 3 months \$000	3 months to 1 year \$000	1 to 5 years \$000	More than 5 years \$000
2011										
<u>Financial Assets</u>										
Cash and cash equivalents	-	6,587	-	-	6,587	6,587	-	-	-	-
Restricted cash and cash equivalents	-	20,435	-	-	20,435	20,435	-	-	-	-
Receivables ^(a)	-	14,907	-	-	14,907	14,907	-	-	-	-
Loans and advances	-	7,721	-	-	7,721	-	-	7,721	-	-
Amounts receivable for services	-	11,991	-	-	11,991	250	710	2,294	8,737	-
		61,641			61,641	42,179	710	10,015	8,737	
<u>Financial Liabilities</u>										
Payables		15,941	-	-	15,941	15,941	-	-	-	-
Borrowings	5.32%	771	-	771	771	-	-	-	-	771
		16,712		771	15,941	15,941				771

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

Interest rate sensitivity analysis

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

	Carrying Amount \$000	-100 basis points		+100 basis points	
		Surplus \$000	Equity \$000	Surplus \$000	Equity \$000
2012					
<u>Financial Assets</u>					
Cash and cash equivalents	5,780	(58)	(58)	58	58
Restricted cash and cash equivalents	142,126	(1,421)	(1,421)	1,421	1,421
<u>Financial Liabilities</u>					
Borrowings	771	8	8	(8)	(8)
Total increase/(decrease)		(1,471)	(1,471)	1,471	1,471

	Carrying Amount \$000	-100 basis points		+100 basis points	
		Surplus \$000	Equity \$000	Surplus \$000	Equity \$000
2011					
<u>Financial Liabilities</u>					
Borrowings	771	8	8	(8)	(8)
Total increase/(decrease)		8	8	(8)	(8)

Fair Values

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



**Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2012**

2012 **2011**
\$'000 **\$'000**

36. Remuneration of Senior Officers

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

\$	<u>2012</u>	<u>2011</u>
110,001 - 120,000	1	-
130,001 - 140,000	1	3
140,001 - 150,000	2	1
150,001 - 160,000	1	1
160,001 - 170,000	1	2
170,001 - 180,000	2	2
180,001 - 190,000	1	2
190,001 - 200,000	-	1
200,001 - 210,000	1	1
210,001 - 220,000	1	-
230,001 - 240,000	1	-
240,001 - 250,000	1	-
330,001 - 340,000	-	1
350,001 - 360,000	1	-

The total remuneration of senior officers is: 2,661 2,486

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

No senior officers are members of the Pension Scheme.

37. Remuneration of auditor

Remuneration paid or payable to the Auditor General in respect of the audit for the current financial year is as follows:

Auditing of financial statements, controls and key performance indicators:	<u>147</u>	<u>81</u>
----------------------------------------------------------------------------	------------	-----------

38. Related bodies

The Department has no related bodies.

39. Affiliated bodies

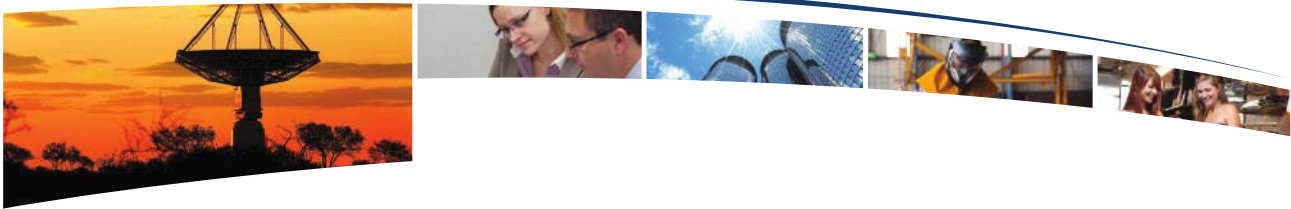
Western Australian Technology and Industry Advisory Council (TIAC).

The Technology and Industry Advisory Council (TIAC), which was established by the Technology Development Amendment Act 1987 and continued under the Industry Technology Development Act 1988, was totally funded by the Department.

Western Australian Industry and Technology Development Account ^(a)

Balance at the start of period	300	-
Receipts	51,100	27,264
Payments	(44,984)	(26,964)
Balance at the end of the year	<u>6,416</u>	<u>300</u>

(a) Records funds received and expenditure charged in accordance with the Industry and Technology Development Act 1998 (ITDA)



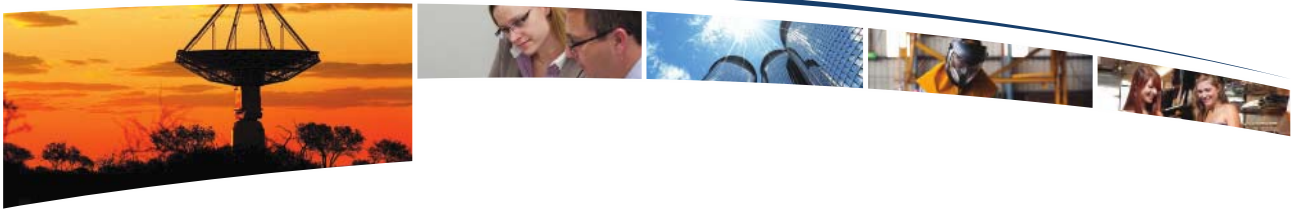
Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2012

	2012	2011
	\$'000	\$'000
40. Special Purpose Accounts and Restricted Cash Accounts		
Summary Details		
Special Purpose Accounts section 16(1)(c) of FMA		
Consumer Credit Act (WA)	353	573
Departmental Receipts in Suspense	415	245
	<u>768</u>	<u>818</u>
Restricted Cash Accounts		
Safetyline Institute	745	541
Indian Ocean Territories - Commonwealth Government	142	14
Motor Vehicle Repairer's (MVR) Industry Education & Research Acct	54	38
Motor Vehicle Repairer's (MVR) Industry Compensation Account	54	38
Co-operatives Companies Liquidation	10	10
Energy Safety Restricted Cash	12,295	10,824
Gas Producers Contribution Account	3,514	2,989
Royalties for Regions	215	823
Commonwealth funding	3,935	2,591
Real Estate - Education and General Purpose Account	34,967	-
Real Estate - Fidelity Guarantee Account	43,764	-
Real Estate - Home Buyers Assistance Account	14,967	-
Real Estate and Business Agents Supervisory Board Trust Account	219	-
Settlement Agents - Education and General Purpose Account	20,449	-
Settlement Agents - Fidelity Guarantee Account	33,539	-
Building Services Account	5,809	-
	<u>174,677</u>	<u>17,868</u>
Detailed Breakdown		
Special Purpose Accounts		
<u>Consumer Credit Act (WA) ^(a)</u>		
Balance at the start of period	573	445
Receipts	-	134
Payments	(220)	(6)
Balance at the end of period	<u>353</u>	<u>573</u>
<u>Departmental Receipts in Suspense ^(b)</u>		
Balance at the start of period	245	405
Receipts	513	-
Payments	(343)	(160)
Balance at the end of period	<u>415</u>	<u>245</u>
Restricted Cash Accounts		
<u>Safetyline Institute ^(c)</u>		
Balance at the start of period	541	370
Receipts	266	226
Payments	(63)	(55)
Balance at the end of period	<u>745</u>	<u>541</u>
<u>Indian Ocean Territories ^(d)</u>		
Balance at the start of period	14	84
Receipts - Commonwealth	469	310
Payment	(340)	(380)
Balance at the end of period	<u>142</u>	<u>14</u>



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2012

	2012 \$'000	2011 \$'000
<u>MVR Industry Education & Research Account ^(e)</u>		
Balance at the start of period	38	29
Receipts	16	9
Payments	-	-
Balance at the end of period	<u>54</u>	<u>38</u>
<u>MVR Industry Compensation Account ^(e)</u>		
Balance at the start of period	38	29
Receipts	16	9
Payments	-	-
Balance at the end of period	<u>54</u>	<u>38</u>
<u>Co-operatives Companies Liquidation ^(f)</u>		
Balance at the start of period	10	10
Receipts	-	-
Payments	-	-
Balance at the end of period	<u>10</u>	<u>10</u>
<u>Energy Safety Restricted Cash ^(g)</u>		
Balance at the start of period	10,824	8,741
Receipts	20,856	12,509
Payments	(19,385)	(10,426)
Balance at the end of period	<u>12,295</u>	<u>10,824</u>
<u>Gas Producers Contribution Account ^(h)</u>		
Balance at the start of period	2,989	690
Receipts	12,788	6,787
Payments	(12,263)	(4,488)
Balance at the end of period	<u>3,514</u>	<u>2,989</u>
<u>Royalties for Regions ⁽ⁱ⁾</u>		
Balance at the start of period	823	-
Receipts	7,889	916
Payments	(8,497)	(93)
Balance at the end of period	<u>215</u>	<u>823</u>
<u>Commonwealth funding ^(j)</u>		
Balance at the start of period	2,591	-
Receipts	3,879	6,431
Payments	(2,534)	(3,840)
Balance at the end of period	<u>3,935</u>	<u>2,591</u>
<u>Real Estate - Education and General Purpose Account ^(k)</u>		
Balance at the start of period	-	-
Receipts	48,316	-
Payments	(13,349)	-
Balance at the end of period	<u>34,967</u>	<u>-</u>
<u>Real Estate - Fidelity Guarantee Account ^(l)</u>		
Balance at the start of period	-	-
Receipts	45,166	-
Payments	(1,402)	-
Balance at the end of period	<u>43,764</u>	<u>-</u>



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2012

	2012	2011
	\$'000	\$'000
<u>Real Estate - Home Buyers Assistance Account ^(m)</u>		
Balance at the start of period	-	-
Receipts	22,148	-
Payments	(7,181)	-
Balance at the end of period	<u>14,967</u>	<u>-</u>
<u>Real Estate and Business Agents Supervisory Board Trust Account ⁽ⁿ⁾</u>		
Balance at the start of period	-	-
Receipts	392	-
Payments	(173)	-
Balance at the end of period	<u>219</u>	<u>-</u>
<u>Settlement Agents - Education and General Purpose Account ^(o)</u>		
Balance at the start of period	-	-
Receipts	22,723	-
Payments	(2,274)	-
Balance at the end of period	<u>20,449</u>	<u>-</u>
<u>Settlement Agents - Fidelity Guarantee Account ^(p)</u>		
Balance at the start of period	-	-
Receipts	34,787	-
Payments	(1,248)	-
Balance at the end of period	<u>33,539</u>	<u>-</u>
<u>Building Services Account ^(q)</u>		
Balance at the start of period	-	-
Receipts	33,774	-
Payments	(27,965)	-
Balance at the end of period	<u>5,809</u>	<u>-</u>

(a) Holds funds pending distribution in accordance with the Consumer Credit (WA) Act 1996 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) The Department of Commerce has a service delivery agreement with the Commonwealth Government to undertake to provide its normal service to the Christmas and Cocos Islands.

(e) Holds funds used for the Motor Vehicle Repairers Industry in accordance with the Motor Vehicle Repairers Act 2003.

(f) Holds unclaimed funds pending redistribution in accordance with the Companies (Co-operative) Act 1943 Section 290(1).

(g) Holds funds used for the operation of the Energy Safety division of the Department of Commerce in accordance with the Energy Safety Act 2006.

(h) Holds funds used for the gas rectification program in accordance with section 23 of the Gas Supply (Gas Quality Specifications) Act 2009.

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

(j) Holds funds provided by the Commonwealth that are committed to various projects.

(k) Holds funds used for the operation of the Education and General Purpose Account in accordance with the Real Estate and Business Agents Act 1978.

(l) Holds funds used for the operation of the Fidelity Guarantee Account in accordance with the Real Estate and Business Agents Act 1978.

(m) Holds funds used for the operation of the Home Buyers Assistance Account in accordance with the Real Estate and Business Agents Act 1978.

(n) Holds funds as a result of legal proceedings and liquidations of agencies in accordance with the Trust Statement.



**Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2012**

	2012 \$'000	2011 \$'000
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(o) Holds funds used for the operation of the Education and General Purpose Account in accordance with the Settlement Agents Act 1981.

(p) Holds funds used for the operation of the Fidelity Guarantee Account in accordance with the Settlement Agents Act 1981.

(q) Holds funds used for the operation of the Buiding Commission division of the Department of Commerce in accordance with the building services Acts.

41. Supplementary financial information

Write-Offs

During the financial year ending 30 June 2012, \$31,197.85 (2011: \$ 23,387.92) of debts due to the State was written off. The debtors written off were mainly in the areas of business names and legal services comprising of numerous individual amounts that would be considered as uneconomical to pursue in the period 2011 to 2012. The amounts were written off under the authority of:

The Accountable Authority	31	23
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Losses through Theft, Defaults and Other Causes

Losses of public moneys and, public and other property through theft or default	1	3
Amounts recovered	(1)	(3)
	-	-

Gifts of Public Property

The Department received no gifts of public property.

Acts of Grace

Act of grace payments made.	11	5
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42. Administered Income and Expenses

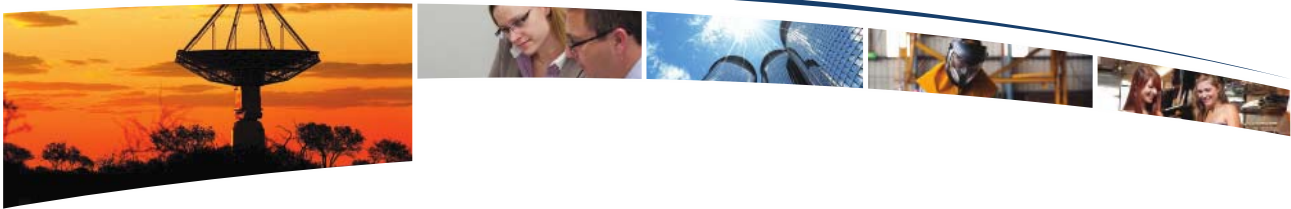
Expenses

Employee benefits expense	6	21
Supplies and services	4,875	10,797
Finance costs	34	23
Grants and subsidies	3,146	2,684
Receipts paid into consolidated account	7,762	10,747
Other expenses	4	0
Total administered expenses	15,827	24,272

Revenue

User charges and fees	7,767	10,752
Interest revenue	14,258	11,992
Other revenue	1,351	483
Total administered revenue	23,376	23,227

The 2010-11 figures have been restated to provide comparatives for 2011-12 due to the inclusion of the financial data relating to the Rental Accommodation Account being fully disclosed.



Department of Commerce
Disclosure of administered income and expenses by service
for the year ended 30 June 2012

43. Disclosure of administered income and expenses by service

	Consumer Protection		Safety & Employment Protection & Construction Standards		Industry Science & Innovation		Total	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000
COST OF SERVICES								
Expenses								
Employee benefits expenses	6	-	-	-	-	21	6	21
Supplies and services	4,860	10,797	-	-	15	-	4,875	10,797
Finance costs	-	-	-	-	34	23	34	23
Grants and subsidies	3,146	2,684	-	-	-	-	3,146	2,684
Receipts paid into Consolidated account	6,589	7,491	1,173	3,256	-	-	7,762	10,747
Other expenses	4	-	-	-	-	-	4	-
Total administered expenses	14,605	20,972	1,173	3,256	49	44	15,827	24,272
Income								
For transfer:								
Regulatory fees	6,594	7,496	1,173	3,256	-	-	7,767	10,752
Interest revenue	14,057	11,780	-	-	201	212	14,258	11,992
Other	883	97	-	-	468	386	1,351	483
Total administered income	21,534	19,373	1,173	3,256	669	598	23,376	23,227

Payments of fees and charges to the Consolidated Account

The Department of Commerce is responsible for the collection of certain fees and fines. These are not classified as controlled revenue and expenses and are credited to the Consolidated Account.

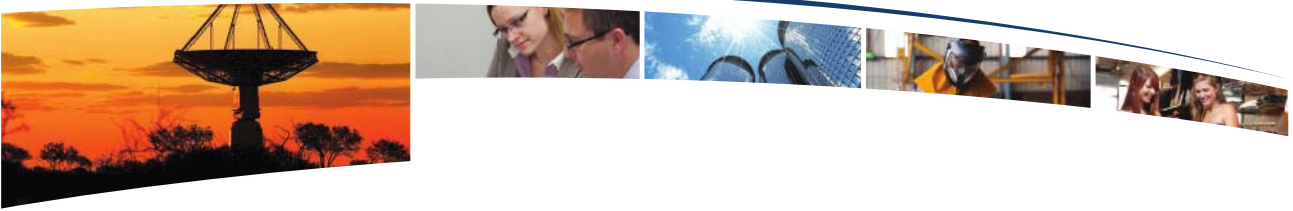
The 2010-11 figures have been restated to provide comparatives for 2011-12 due to the inclusion of the financial data relating to the Rental Accommodation Account being fully disclosed.

Collections made during the year:	2012 \$'000	2011 \$'000
Business Names Registrations	4,759	5,212
Other Registration Fees	146	145
Credit Providers	-	36
Employment Agents	337	242
Finance Brokers	1	1
Land Valuers	130	353
Motor Vehicle Dealers	939	891
Travel Agents	131	189
Plumbers	6	3
Petroleum Pricing	-	2
Product Safety	-	2
Other	1,319	3,676
Total	7,767	10,752



Department of Commerce
Notes to the Financial Statements
for the year ended 30 June 2012

	2012	2011
	\$'000	\$'000
44. Administered Assets and Liabilities		
ASSETS		
Current Assets		
Cash and cash equivalents	3,256	5,769
Restricted cash and cash equivalents ^(a)	277,532	227,724
Receivables	1,804	2,507
Total Current Assets	282,592	236,000
Non-Current Assets		
Receivables	11,381	11,660
Total Non-Current Assets	11,381	11,660
TOTAL ADMINISTERED ASSETS	293,973	247,660
LIABILITIES		
Current Liabilities		
Payables	10,663	20,264
Borrowings	-	76
Other current liabilities	249,151	200,455
Total Current Liabilities	259,814	220,795
Non-Current Liabilities		
Borrowings	-	253
Total Non-Current Liabilities	-	253
TOTAL ADMINISTERED LIABILITIES	259,814	221,048
The administered assets, liabilities, expenses and income are those which the Government requires the Department to administer on its behalf.		
The 2010-11 figures have been restated to provide comparatives for 2011-12 due to the inclusion of the financial data relating to the Rental Accommodation Account being fully disclosed.		
<u>a. Special Purpose Accounts section 16(1)(b) of FMA (Administered)</u>		
Rental Accommodation Account	277,517	227,715
Regional Headworks Development Scheme	-	1,391
	277,517	229,106
Administered		
<u>Rental Accommodation Account ^(a)</u>		
Balance at start of period	227,715	189,960
Receipts:		
Bonds received	139,148	113,145
Interest received	14,055	11,782
Other	1,609	62
Total receipts	154,812	124,989
Payments:		
Bonds disbursed	(83,948)	(82,540)
Administration costs	(10,044)	(1,681)
Grants	(3,146)	(2,684)
Other	(7,872)	(329)
Total Payments	(105,010)	(87,234)
Balance at the end of period	277,517	227,715



Regional Headworks Development Scheme ^(b)

Balance at the start of period	1,391	5,007
Receipts:	-	-
Payments:	<u>(1,391)</u>	<u>(3,616)</u>
Balance at the end of period	<u>-</u>	<u>1,391</u>

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

(b) Holds funds appropriated for the purpose of providing assistance under the Regional Headworks Development Scheme (RHDS). The RHDS was transferred from the Department of Mines and Petroleum on 1 January 2009.



KEY PERFORMANCE INDICATORS

Certification of Key Performance Indicators for the year ended 30 June 2012

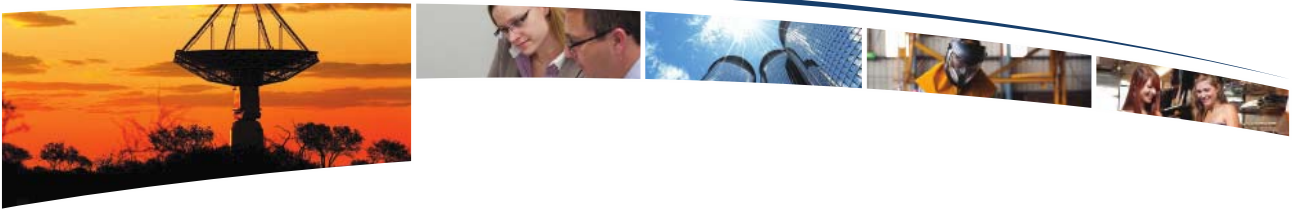
I hereby certify that the key performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Department of Commerce's performance, and fairly represent the performance of the Department of Commerce for the financial year ended 30 June 2012.

A handwritten signature in black ink that reads "Brian Bradley".

Brian Bradley

Accountable Authority

20 September 2012



Key Performance Indicators

The linkage of the Department of Commerce's desired outcome and services to the community and the Government Goals is demonstrated in Figure 4:

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
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
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

Figure 4: Relationship to the Government's goals for 2011-12

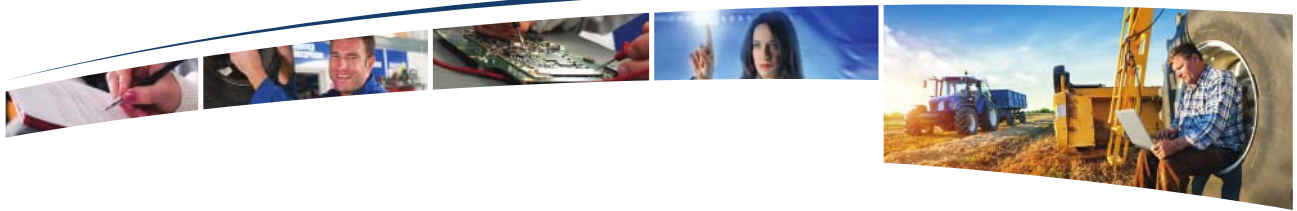
Information on the department's outcome based management (OBM) and changes to the OBM framework can be found in the Overview (Performance management framework) section of this report. As a consequence of the revised OBM framework, the '2010-11 Actual' results have been recast to provide comparison data, and these results were also published in the department's 2012-13 Budget Statements. For the efficiency indicators the costing was amended to reallocate overhead expenditure across all three services, and quantity data relating to the Building Commission Division was reallocated from Service 1 to Service 2.

Treasurer's Instructions

Treasurer's Instruction 904 - Key Performance Indicators requires a disclosure of comparison of actual results against budget targets for the key performance indicators, together with explanations of any material variations between actual results and budget targets. The targets used in this report are derived from the '2011-12 Budget Target' figures from the department's 2011-12 Budget Statements.

Key effectiveness indicators

Four key performance indicators of effectiveness adopted by the department measure the extent to which its three outcomes are achieved. Each of the department's operational divisions has underpinning measures contributing to the results reported for these effectiveness indicators.



Outcome one

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

Key effectiveness indicator one

The extent to which traders comply with regulatory requirements

Result

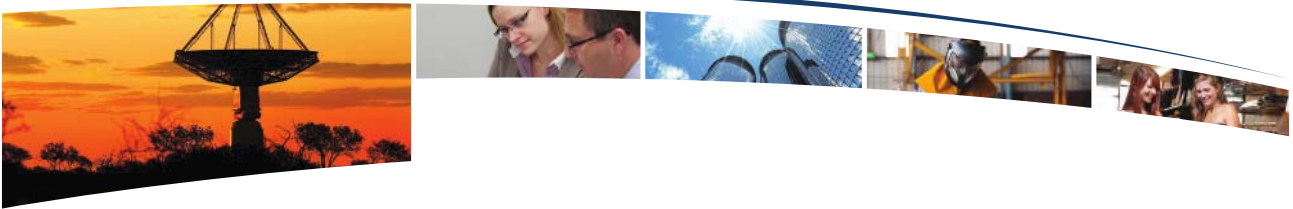
Table 8: Key effectiveness indicator one

	2007-08 Actual ⁽¹⁾	2008-09 Actual ⁽¹⁾	2009-10 Actual ⁽¹⁾	2010-11 Actual ⁽¹⁾	2011-12 Target	2011-12 Actual
Number inspections	10,797	18,110	20,066	30,237 ⁽²⁾		29,991
Number compliant	10,037	17,603	19,287	28,871 ⁽²⁾		28,589
	93%	97%	96%	95%	93%	95%

Notes:

- (1) For comparison purposes the past years' (2007-08 to 2010-11) results published in the department's previous Annual Report have been recast due to the change in the outcome based management (OBM) framework. Previous year's data had included both inspections undertaken by the Plumbers' Licensing Board (which now forms part of the Building Commission Division) and those undertaken by the Consumer Protection Division. Inspections undertaken by the Plumbers' Licensing Board of 121, 293, 512, 547 and the related number compliant of 104, 222, 297 and 365 for 2007-08, 2008-09, 2009-10 and 2010-11 respectively, are no longer relevant, as such past results have been adjusted to include only inspections undertaken by the Consumer Protection Division.
- (2) The methodology for this indicator was reviewed in 2010-11 and additional categories of proactive inspections have since been included.

The department's effectiveness in relation to the extent to which consumers are protected and businesses operate fairly is assessed in terms of the proportion of traders that comply with regulatory requirements. The extent to which breaches of a significant nature were identified is the basis for monitoring and reporting compliance. The extent of compliance is ascertained by assessing businesses against criteria established by the department, in particular priority areas regarding compliance with consumer protection legislation. During the course of inspections, inspectors verify traders' compliance against a list of regulatory requirements. Only those areas for which the Consumer Protection Division are directly responsible are used to ascertain the extent of compliance within the community. During 2011-12, 29,991 consumer protection routine and proactive inspections as compared to 30,237 in 2010-11 were undertaken to provide the result reported. Of these inspections, 95 per cent of traders were found to be compliant with the regulatory requirements.



Key effectiveness indicator two

The extent of consumer confidence in Western Australia's trading environment

Result

Table 9: Key effectiveness indicator two

Underpinning Measures	2007-08 Actual ⁽¹⁾	2008-09 Actual ⁽¹⁾	2009-10 Actual ⁽¹⁾	2010-11 Actual ⁽¹⁾	2011-12 Target	2011-12 Actual
The extent to which consumers believe businesses generally act fairly towards consumers.	78%	77%	75%	75%		79%
The extent to which consumers believe they are well informed about their rights and responsibilities.	66%	64%	60%	71%		72%
	72%	71%	68%	73%	75%	75.5%

Note:

(1) Past results are shown as published in the department's 2010-11 Annual Report.

The extent of consumer confidence is measured by the extent to which consumers believe businesses generally act fairly to them and the extent to which they believe they are well informed about their rights and responsibilities.

Results reported have been determined by an independent survey, which has been conducted for the last 14 years. A total of 408 surveys were completed (a response rate of 14 per cent) achieving a maximum standard error ratio of +/-4.9 per cent at the 95 per cent confidence level. In 2011-12 a total of 2,901 calls were made to achieve 408 completed surveys. All respondents were aged 18 years or over and respondents were located in both the Perth metropolitan area and regional Western Australia.

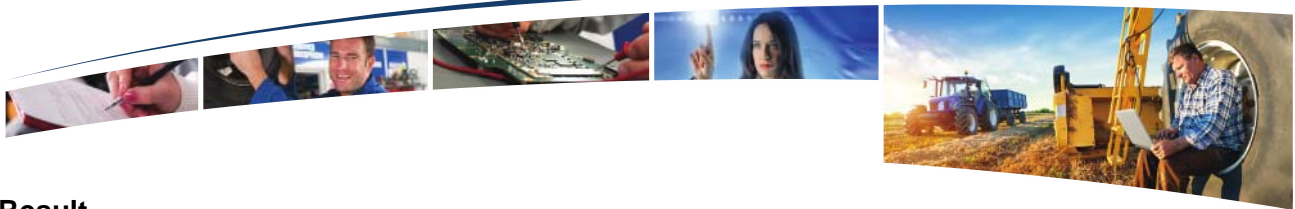
Over three quarters (79 per cent) of total respondents believed that businesses acted fairly towards consumers in 2011-12. This result is an improvement on past years' results. In 2011-12 the proportion of respondents who were either 'reasonably' or 'well' aware of their rights and responsibilities as a consumer was 72 per cent, which is comparable to the 2010-11 result and a significant increase in awareness of the rights and responsibilities of consumer compared to earlier years' results.

Outcome two

A community with workplaces operated in a safe and fair manner and where buildings are safe and efficient.

Key effectiveness indicator three

The extent of compliance with safety and employment protection regulatory requirements and construction standards



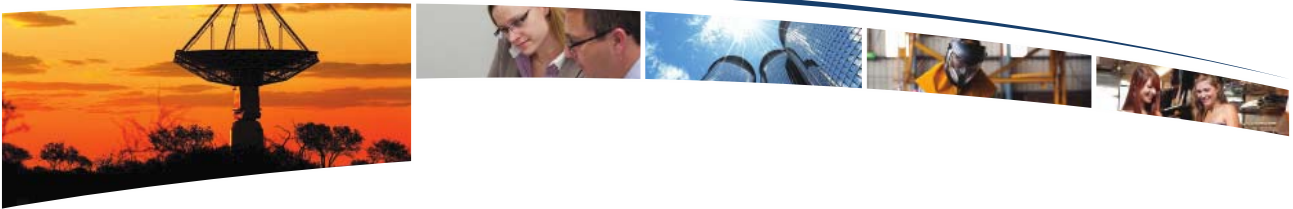
Result

Table 10: Key effectiveness indicator three

Underpinning Measures		2007-08 Actual ⁽¹⁾	2008-09 Actual ⁽¹⁾	2009-10 Actual ⁽¹⁾	2010-11 Actual ⁽¹⁾	2011-12 Target	2011-12 Actual
The extent to which employers comply with the requirements of labour relations laws.	No. elements	1,180	885	902	670		324
	No. compliant	898	624	679	526		248
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/ No. Priority Inspection Reports	45,361 ⁽²⁾	11,904 ⁽³⁾	15,285	15,167		10,742
	No. compliant	37,416 ⁽²⁾	9,141 ⁽³⁾	10,683	10,583		7,275
The extent to which electricity and gas suppliers comply with approved inspection practices.	No. elements	248	11 ⁽⁴⁾⁽⁵⁾	83 ⁽⁶⁾	88 ⁽⁷⁾		196 ⁽⁸⁾
	No. compliant	238	4 ⁽⁴⁾⁽⁵⁾	44 ⁽⁶⁾	70 ⁽⁷⁾		110 ⁽⁸⁾
The extent to compliance with construction standards. ⁽⁹⁾	No. elements	-	-	-	-		71,469 ⁽¹⁰⁾
	No. compliant	-	-	-	-		70,386 ⁽¹⁰⁾
Total assessments contributing to result		46,789	12,800	16,270	15,925		82,731
Total occasions of compliance found		38,552	9,769	11,406	11,179		78,019
		82%	76%	70%	70%	95%	94%

Notes:

- (1) Past results are shown as published in the department's 2010-11 Annual Report
- (2) In 2007-08 the system of recording was compliance against elements of Priority Inspection Reports (PIRs).
- (3) From 15 August 2008 the system of recording changed to compliance against PIRs and as a consequence reduced the actual numbers and increased the recorded rate of non-compliance. In addition, the results for 2008-09 did not cover the full year and only covered the period 15 August 2008 to 30 June 2009.
- (4) During 2008-09 the audit criteria changed to key areas of concerns, as opposed to previous audits which related to general and a larger number of elements.
- (5) During 2008-09 resources were allocated to assist gas network operators to develop acceptable inspection plans, which impacted the number of gas audits undertaken. Audits of electricity suppliers were ongoing at the end of 2008-09 and therefore the results represent audits conducted for gas suppliers only.
- (6) During 2009-10 there were 34 electricity and 49 gas elements and the number of compliant consisted of three electricity and 41 gas.



- (7) The number of elements for 2010-11 consists of gas inspections only as during 2010-11 no audits were conducted of electricity network operator inspection systems as three of the network operators made and implemented change to improve compliance. This enabled the EnergySafety Division to conduct audits of other areas of electricity network operators' activities.
- (8) During 2011-12 there were 134 electricity and 62 gas elements and the number of compliant consisted of 65 electricity and 45 gas.
- (9) With the changes to the OBM framework this underpinning measure was introduced in 2011-12 and relates to the Building Commission Division.
- (10) During 2011-12 there were 49,978 plumbing approvals and 21,491 building approvals. Non-compliance consisted of 241 plumbing notices issued and 842 building orders made by permit authorities and reported to the Building Commission.

This effectiveness indicator has four underpinning measures (Table 10).

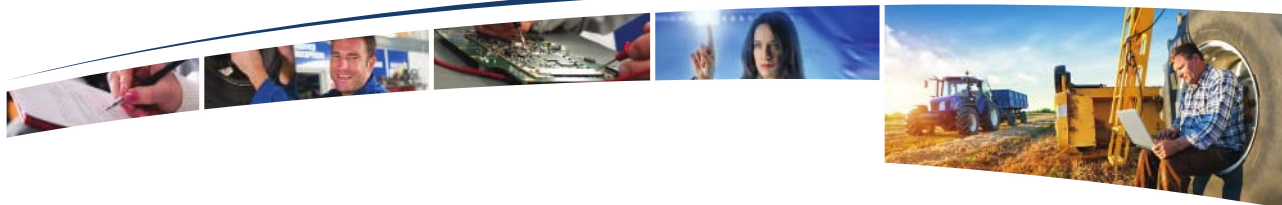
The first being, the department's effectiveness regarding the extent to which employers comply with the requirements of the labour relations legislation. This is assessed in terms of the degree to which workplaces meet set criteria for priority areas. The five key elements assessed include payment of appropriate ordinary time rates; providing employees with annual leave and sick leave entitlements; recording start and finishing times; recording total hours worked; and recording employment under correct status. During 2011-12, the department finalised a total of 355 investigations and inspections. There were 338 complaints by individual employees alleging that their employer had failed to pay appropriate entitlements under State industrial laws, awards and agreements. As part of its investigative process, the department reviewed the time and wage records for 85 employment matters. Industrial inspectors assessed the employers for the five key elements, resulting in a total of 324 elements being checked and of these 248, or 76.5 per cent were found to be compliant.

The second, measures the department's effectiveness in ensuring workplaces operate in a safe and healthy manner. This is assessed in terms of the extent to which workplaces meet occupational safety and health criteria in priority areas. During the course of investigations inspectors complete Priority Inspection Reports (PIRs). These PIRs contain a checklist of elements constituting the minimum requirements for inspectors to assess when the workplace being visited falls within one of the priority areas.

All investigations for PIRs were conducted using a standard format introduced during 2000-01. The checklist of elements, used as the assessment tool, is not a full compliance check, but represents the key elements established for the relevant priority area.

For the third underpinning measure, the EnergySafety Division conducts regular compliance audits on various elements of approved inspection plans to ensure that electricity and gas network operators and Liquefied Petroleum Gas (LPG) suppliers comply with their inspection obligations. 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.

This year a fourth measure was introduced and relates to the compliance with construction standards. The number of elements is based on plumbing and building approvals and non-compliance is based on the number of plumbing notices issued and the number of building orders made by permit authorities and reported to the Building Commission.



Outcome three

Enhancement of the State's economic sustainability and prosperity.

Key effectiveness indicator four

Index of funding leverage obtained for Western Australia from science and innovation research grants

Result

Table 11: Key effectiveness indicator four

	2007-08 Actual ⁽¹⁾	2008-09 Actual ⁽¹⁾	2009-10 Actual ⁽¹⁾	2010-11 Actual ⁽¹⁾	2011-12 Target	2011-12 Actual
Index of funding leverage obtained for Western Australia from science and innovation research grants	8.3:1	7.4:1	6.8:1	10.4:1	6.7:1	11.2:1

Note:

(1) Past results are shown as published in the department's 2010-11 Annual Report.

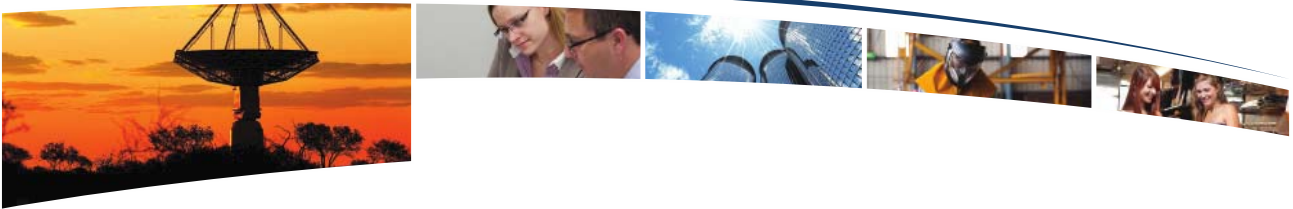
The department contributes to the enhancement of the State's economic sustainability and prosperity by leveraging additional research funding to assist industry to become more competitive. This key effectiveness indicator reports the ratio of dollars provided by the Commonwealth and other sources (such as industry, universities, etc.) against every dollar provided by the State in the form of grants to Centres of Excellence. The indicator relates to concluded grants for Centres of Excellence established since 2000. Target figures are calculated from the Centres' individual estimates and actual results can sometimes be higher.

Although the 2011-12 result of 11.2:1 was significantly higher than the target of 6.7:1 set in the 2011-12 Budget Papers, it is comparable to the 2010-11 result of 10.4:1.

Key efficiency indicators

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

Each indicator shows the average cost per program. The indicators are calculated based on the department's cost allocation model to reflect the full cost, including overheads, of conducting the department's activities. The amount of the department'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. Efficiency indicators exclude grants paid to external parties.



Service 1: Consumer Protection

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

Key efficiency indicator one

Average cost per client contact to provide information and advice

Descriptor

The Consumer Protection Division responds to enquiries from members of the public and provides them with customised information or education. Responses are usually on a one-to-one basis and of a short duration. The response can be a result of telephone, front counter, email or letter enquiry or a request for an encumbrance check, a Register of Encumbered Vehicles (REVS) certificate issued, or an enquiry for FuelWatch price information. (The REVs service was transferred to the Commonwealth as part of the COAG Personal Properties Securities initiative in January 2012).

The division delivers non-customised and mass produced services that provides members of the public with information and raises awareness within the community. Many of these activities are automated and include online visitors to the department's internet site and the delivery of mass produced services including publication distribution and visitor attendance at shows, expos or seminars. A key element of the department's role is also to provide more tailored advice and assistance to the community in relation to specific matters, typically on a one-to-one basis.

Result

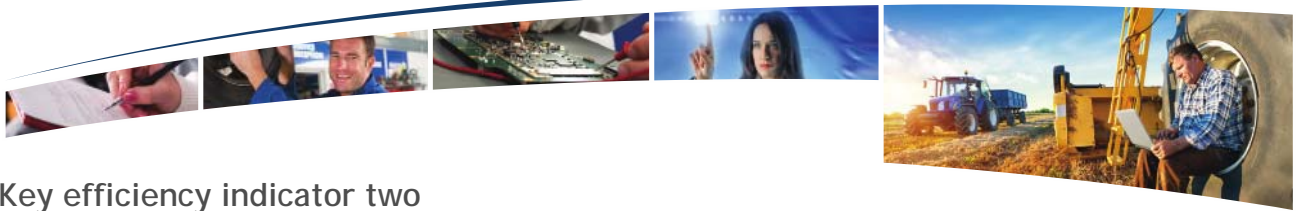
Table 12: Key efficiency indicator one

Indicator	2008-09 Actual ⁽¹⁾	2009-10 Actual ⁽¹⁾	2010-11 Actual ⁽²⁾	2011-12 Target	2011-12 Actual
Average cost per client contact to provide information and advice	\$2.57	\$2.69	\$2.59	\$2.88	\$2.34

Notes:

- (1) The 2008-09 and 2009-10 results are shown as published in the department's 2010-11 Annual Report and were in the previous OBM framework.
- (2) For comparison purposes the 2010-11 result published in the department's 2010-11 Annual Report has been recast from \$2.63. This was due to the change in the OBM framework, which resulted in reallocation of overhead expenditure across all three services. The number of client contacts to provide information and advice relating to the Building Commission Division were reallocated from this service output to Service 2: Safety and Employment Protection and Construction Standards.

Table 12 illustrates the average cost per client contact to provide information and advice. During 2011-12 the Consumer Protection Division undertook 7,190,514 activities to provide information and advice services which is greater than both the 5,814,324 (recast from 5,847,835) in 2010-11 and estimated 5,079,984. The majority of this increase related to online visits to the FuelWatch internet site of 5,464,276 compared to 4,145,709 in 2010-11 and the 3,500,000 estimated. There was a significant increase (15.08 per cent) in expected expenditure for this indicator. However there was a more significant increase (41.5 per cent) in expected number of information and advice services completed in 2011-12, which lead to the result of \$2.34 being significantly less (18.7 per cent) than the target of \$2.88 published in the 2011-12 Budget Statements.



Key efficiency indicator two

Average cost per policy project

Descriptor

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

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

Result

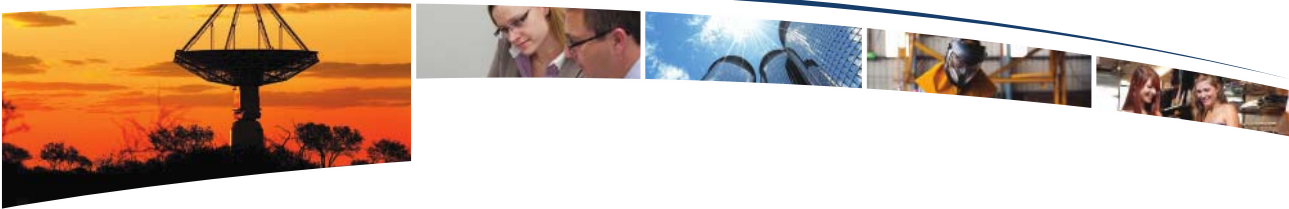
Table 13: Key efficiency indicator two

Indicator	2008-09 Actual ⁽¹⁾	2009-10 Actual ⁽¹⁾	2010-11 Actual ⁽²⁾	2011-12 Target	2011-12 Actual
Average cost per policy project	\$209,387	\$306,760	\$161,693	\$329,314	\$305,753

Notes:

- (1) The 2008-09 and 2009-10 results are shown as published in the department's 2010-11 Annual Report and were in the previous OBM framework.
- (2) For comparison purposes the 2010-11 result published in the department's 2010-11 Annual Report has been recast from \$225,882. This was due to the change in the OBM framework, which resulted in reallocation of overhead expenditure across all three services. The policy projects relating to the Building Commission Division were removed from this service output.

Table 13 illustrates the average cost per policy project. In 2011-12 the Consumer Protection Division undertook 19 policy projects, which was significantly less than the anticipated 29, and the 51 (recast from 57) completed in 2010-11. The cost per policy project in 2010-11 was however significantly lower than other years due to the greater than usual number of policy projects completed, largely due to the 15 projects completed relating to consequential regulations taking effect from 1 July 2011 flowing from the "repeal" of the *Fair Trading Act 1987*, *Door to Door Trading Act 1987* and *Consumer Affairs Act 1971*; the abolition of the Land Valuers Licensing Board, Motor Vehicle Industry Board, Real Estate and Business Agents Supervisory Board and Settlement Agents Supervisory Board; and the creation of the Consumer Advisory Committee, Motor Vehicle Industry Advisory Committee and Property Industry Advisory Committee, which were implemented as part of a structured process of keeping subsidiary legislation as up to date as possible and to provide certainty as to the structure and procedures of the new committees. Despite the significantly less (34.5 per cent) number of policy projects than the expected 29 to be completed in 2011-12, the result of \$305,753 is comparable to the target of \$329,314 published in the 2011-12 Budget Statements as there was also a significantly lower (39.2 per cent) than expected expenditure.



Key efficiency indicator three

Average cost per inspection or investigation

Descriptor

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.

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

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.

Result

Table 14: Key efficiency indicator three

Indicator	2008-09 Actual ⁽¹⁾	2009-10 Actual ⁽¹⁾	2010-11 Actual ⁽²⁾	2011-12 Target	2011-12 Actual
Average cost per inspection or investigation	\$541	\$337.43	\$396.19	\$468.52	\$456.38

Notes:

- (1) The 2008-09 and 2009-10 results are shown as published in the department's 2010-11 Annual Report and were in the previous OBM framework.
- (2) For comparison purposes the 2010-11 result published in the department's 2010-11 Annual Report has been recast from \$424.76. This was due to the change in the OBM framework, which resulted in reallocation of overhead expenditure across all three services. The number of inspections or investigations relating to the Building Commission Division were reallocated from this service output to Service 2: Safety and Employment Protection and Construction Standards.

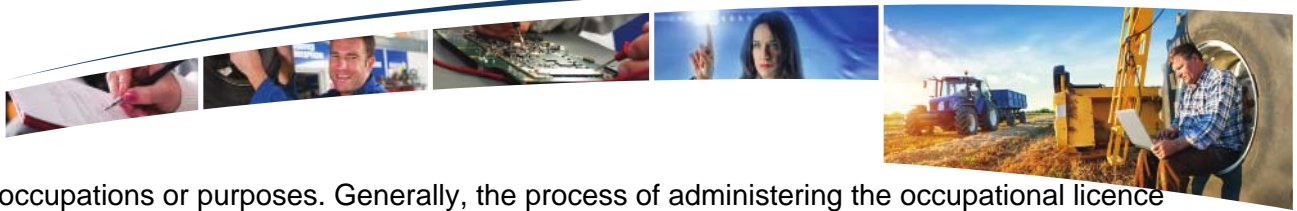
Table 14 illustrates the average cost per inspection or investigation. Although in 2011-12, the Consumer Protection Division conducted 30,230 inspections or investigations, which was less than the 32,425 (recast from 37,424) in 2010-11, the result was comparable to the target anticipated 28,646. The 2011-12 result of \$456.38 is comparable to the target of \$468.52 published in the 2011-12 Budget Statements.

Key efficiency indicator four

Average cost per registration or licence

Descriptor

As required under the laws administered by the department, the Consumer Protection Division has maintained public registers which record specific information and other necessary details regarding REVS (transferred to Commonwealth in January 2012), business names (transferred to ASIC in May 2012), incorporated associations, tenancy bonds, co-operative companies, limited partnerships and fuel price changes from retailers. The division administers and processes applications, which authorise individuals, employers or traders for certain



occupations or purposes. Generally, the process of administering the occupational licence involves the customer being provided with a licence, being issued with a renewed licence, or having their licence cancelled or details updated.

Result

Table 15: Key efficiency indicator four

Indicator	2008-09 Actual ⁽¹⁾	2009-10 Actual ⁽¹⁾	2010-11 Actual ⁽²⁾	2011-12 Target	2011-12 Actual
Average cost per registration or licence	\$13.78	\$14.54	\$12.38	\$14.08	\$14.66

Notes:

- (1) The 2008-09 and 2009-10 results are shown as published in the department's 2010-11 Annual Report and were in the previous OBM framework.
- (2) For comparison purposes the 2010-11 result published in the department's 2010-11 Annual Report has been recast from \$13.93. This was due to the change in the OBM framework, which resulted in reallocation of overhead expenditure across all three services. The number of registrations and licences relating to the Building Commission Division were reallocated from this service output to Service 2: Safety and Employment Protection and Construction Standards.

Table 14 illustrates the average cost per registration or licence. During 2011-12, 887,625 registrations and licences were issued by the Consumer Protection Division, which was less than the 956,526 (recast from 958,184) issued for 2010-11. The 2011-12 result of \$14.66 is comparable to the target of \$14.08 published in the 2011-12 Budget Statements.

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

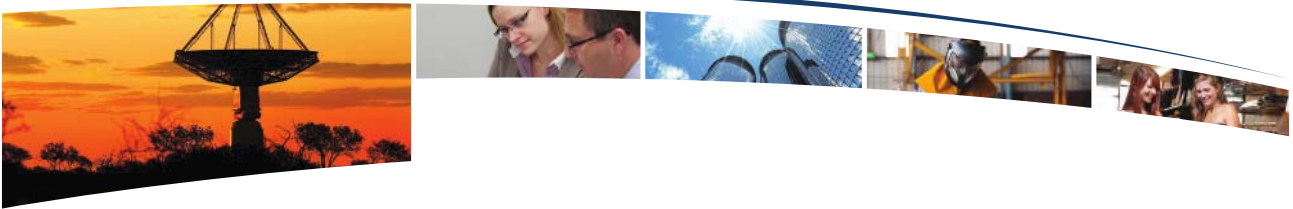
Key efficiency indicator five

Average cost per client contact to provide information or advice

Descriptor

The safety and employment and construction standards divisions (Energy Safety Division, Labour Relations Division, WorkSafe Division and Building Commission Division) respond to enquiries from industry and members of the public and provide them with customised information or education. Responses vary from routine to complex technical enquiries and can be a result of telephone, in person or front counter, email or letter enquiry.

Information delivered may be non-customised and mass produced and provide members of the public with information and raise awareness within the community. Many of these activities are automated and include online visitors to the department's internet sites and the delivery of mass produced services including publication distribution and visitor attendance at presentations, road shows, expos or seminars. This indicator also reflects the Labour Relations Division's responsibilities in providing tailored advice and assistance to public sector agencies in relation to industrial disputes, policies and industrial agreements.



Result

Table 16: Key efficiency indicator five

Indicator	2008-09 Actual ⁽¹⁾	2009-10 Actual ⁽¹⁾	2010-11 Actual ⁽²⁾	2011-12 Target	2011-12 Actual
Average cost per client contact to provide information and advice	\$5.14	\$4.81	\$7.71	\$8.27	\$6.17

Notes:

- (1) The 2008-09 and 2009-10 results are shown as published in the department's 2010-11 Annual Report and were in the previous OBM framework.
- (2) For comparison purposes the 2010-11 result published in the department's 2010-11 Annual Report has been recast from \$6.15. This was due to the change in the OBM framework, which resulted in reallocation of overhead expenditure across all three services. The number of client contacts to provide information and advice relating to the Building Commission Division, were reallocated from Service 1: Consumer Protection to this service output.

Table 16 illustrates the average cost per client contact to provide information and advice by the safety and employment protection and construction standards divisions. In 2011-12 the divisions undertook 3,166,531 activities to provide information and education services, a significant increase compared to 2,501,115 (recast from 2,467,604) in 2010-11. The 2011-12 result of \$6.17 varies significantly (25.4 per cent) from the target of \$8.27 published in the 2011-12 Budget Statements due to the significantly greater (31.8 per cent) than anticipated amount (2,403,417) of information and advice services, which is mainly due to the number of online visitors for the Building Commission Division not being known at the time of setting the target figure.

Key efficiency indicator six

Average cost per hour of policy advice

Descriptor

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

Result

Table 17: Key efficiency indicator six

Indicator	2008-09 Actual ⁽¹⁾	2009-10 Actual ⁽¹⁾	2010-11 Actual ⁽²⁾	2011-12 Target	2011-12 Actual
Average cost per hour of policy advice	\$107	\$260.39	\$183.68	\$800.50	\$180.92

Notes:

- (1) The 2008-09 and 2009-10 results are shown as published in the department's 2010-11 Annual Report and were in the previous OBM framework.
- (2) For comparison purposes the 2010-11 result published in the department's 2010-11 Annual Report has been recast from \$183.42. This was due to the change in the OBM framework, which resulted in reallocation of overhead expenditure across all three services.



Table 17 illustrates the average cost per hour of policy advice provided by the Labour Relations Division. In 2011-12 the Labour Relations Division undertook 15,464 hours of policy advice, as compared to 10,637 in 2010-11. This was significantly more (55.4 per cent) than the anticipated 9,950 hours. The 2011-12 result of \$180.92 is significantly lower (77.4 per cent) than the target of \$800.50 published in the 2011-12 Budget Statements. The target figure had however incorrectly included expenditure relating to the Building Commission's anticipated building services levy. Since setting this target there has been a more accurate allocation of costs relating to the Building Commission Division's activities across the three key efficiency indicators, and which does not include this particular indicator. Hence the expenditure incurred compared to the target was significantly less (64.9 per cent). The '2010-11 Actual' and the '2011-12 Actual' are however comparable.

Key efficiency indicator seven

Average cost per inspection or investigation

Descriptor

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

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

Result

Table 18: Key efficiency indicator seven

Indicator	2008-09 Actual ⁽¹⁾	2009-10 Actual ⁽¹⁾	2010-11 Actual ⁽²⁾	2011-12 Target	2011-12 Actual
Average cost per inspection or investigation	\$854	\$898.74	\$967.99	\$1,341.63	\$1,166.50

Notes:

- (1) The 2008-09 and 2009-10 results are shown as published in the department's 2010-11 Annual Report and were in the previous OBM framework.
- (2) For comparison purposes the 2010-11 result published in the department's 2010-11 Annual Report has been recast from \$1,025.97. This was due to the change in the OBM framework, which resulted in reallocation of overhead expenditure across all three services. The number of inspections or investigations relating to the Building Commission Division were reallocated from Service 1: Consumer Protection to this service output.

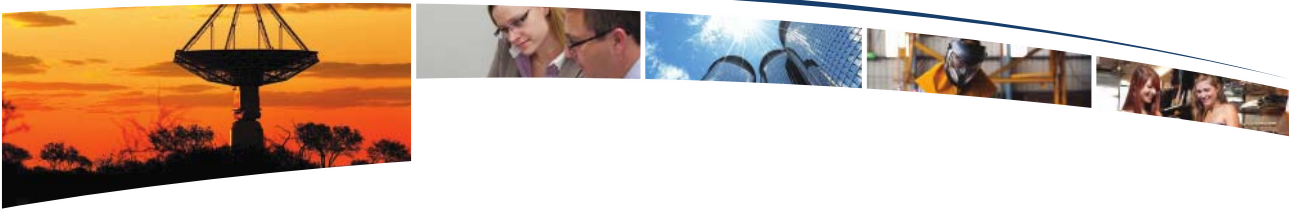


Table 18 illustrates the average cost per inspection or investigation. In 2011-12, the safety and employment protection and construction standards divisions conducted 32,098 inspections or investigations, which is comparable to 32,695 (recast from 27,696) in 2010-11, and more (9.9 per cent) than the expected number of inspections or investigations of 29,195. Hence the 2011-12 result of \$1,166.50 is significantly less (13.0 per cent) than the target of \$1,341.63 published in the 2011-12 Budget Statements.

Key efficiency indicator eight

Average cost per registration or licence

Descriptor

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

Result

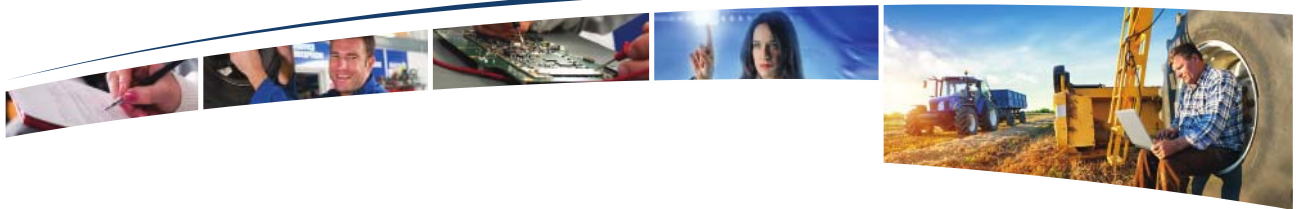
Table 19: Key efficiency indicator eight

Indicator	2008-09 Actual ⁽¹⁾	2009-10 Actual ⁽¹⁾	2010-11 Actual ⁽²⁾	2011-12 Target	2011-12 Actual
Average cost per registration or licence	\$66.51	\$75.82	\$120.44	\$119.58	\$103.21

Notes:

- (1) The 2008-09 and 2009-10 results are shown as published in the department's 2010-11 Annual Report and were in the previous OBM framework.
- (2) For comparison purposes the 2010-11 result published in the department's 2010-11 Annual Report has been recast from \$89.93. This was due to the change in the OBM framework, which resulted in a reallocation of overhead expenditure across all three services. The number of registrations or licences relating to the Building Commission Division were reallocated from Service 1: Consumer Protection to this service output.

Table 19 shows the average cost per registration or licence issued to the community for the EnergySafety Division, Building Commission and WorkSafe Division. During 2011-12, 99,824 registrations or licences were issued which is significantly greater than the 69,862 (recast from 68,034) in 2010-11 and the 78,014 anticipated. The 2011-12 result of \$103.21 varies significantly (13.7 per cent) from the target of \$119.58 published in the 2011-12 Budget Statements due the significant increase (28.0 per cent) in the number of registrations or licences. During 2011-12 there was an increase in applications for licences for the WorkSafe Division with the requirement for Certificate of Competency to be converted to High Risk Work Licences no later than June 2012.



Service 3: Industry, Science and Innovation

Enhances the State's prosperity by promoting industry, science and innovation. Services include:

- 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.

Key efficiency indicator nine

Average cost per industry, science and innovation project managed

Descriptor

This key efficiency indicator illustrates the average cost per industry, science and innovation project managed. This includes projects in: Innovative WA programs; Centres of Excellence; science initiatives; specific purpose funding; policy; marine and defence; digital economy; Technology Parks, industry participation; and other.

Result

Table 20: Key efficiency indicator nine

Indicator	2008-09 Actual ⁽¹⁾	2009-10 Actual ⁽¹⁾	2010-11 Actual ⁽²⁾	2011-12 Target	2011-12 Actual
Average cost per industry, science and innovation project managed	\$210,642	\$174,251	\$219,119	\$169,303	\$334,807

Notes:

- (1) The 2008-09 and 2009-10 results are shown as published in the department's 2010-11 Annual Report and were in the previous OBM framework.
- (2) For comparison purposes the 2010-11 result published in the department's 2010-11 Annual Report has been recast from \$218,808. This was due to the change in the OBM framework, which resulted in reallocation of overhead expenditure across all three services.

Table 20 shows the average cost per industry, science and innovation project managed. During 2011-12, 80 projects were managed, which is less than the 85 projects managed in 2010-11 and the target set of 88. The 2011-12 result of \$334,807 is significantly higher (97.8 per cent) than the target of \$169,303 published in the 2011-12 Budget Statements, due to extra depreciation charges attributed to the Jakovich Centre, which led to a significant increase (79.8 per cent) of expenditure.



MINISTERIAL DIRECTIVES

Treasurer's instruction 903(12) requires the department to disclose information on any Ministerial directives relevant to the setting and achievement of desired outcomes or operational objectives, investment activities and financing activities. There were no directives issued by the responsible Ministers during 2011-12.

OTHER FINANCIAL DISCLOSURES

Capital works projects

The capital works program provides essential infrastructure support for the department to implement a range of projects that assist in the delivery of services. Table 21 identifies the capital works projects that remain ongoing at the end of the financial year and Table 22 the projects completed or discontinued during the year.

Table 21: Capital works projects ongoing

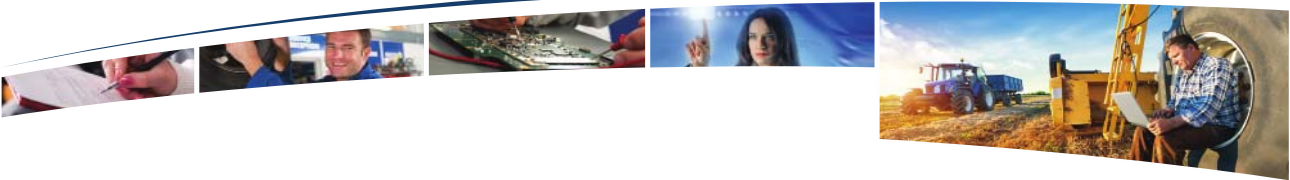
Project title	Estimated total cost	Estimated cost to complete	Planned year of completion
Asset replacement ^(a)	\$5,067,000	\$4,865,676	2015-16
Business systems development and enhancements	\$6,300,000	\$640,972	2015-16
COAG information technology initiatives	\$3,093,640	\$3,088,033	2012-13
Marine Industry Technology Park	\$559,000	\$543,115	2013-14
Service improvement ^(b)	\$911,000	\$698,000	2013-14
Southern Precinct	\$1,865,000	\$684,932	2013-14
System stabilisation	\$8,339,000	\$3,838,363	2015-16
Customer Focus Service Delivery	\$2,987,000	\$2,987,000	2013-14

Table 22: Capital works completed during 2011-12

Project title	Cost	Year completed
Nil.		

Explanations of variances in capital works program total cost provided in Table 21 from total cost reported in the 2010-11 Annual Report are as follows:

- (a) The total estimated cost varies as a result of the redefinition of the costs allocated to Asset replacement in the 2011-12 financial year.
- (b) The total estimated cost varies as a result of an increase in the budget allocation for forward years as part of the 2011-12 Budget process.



Pricing policies for services

Statutory fees are charged to the public for various licensing and other services provided by the Department of Commerce and are reviewed annually in accordance with government policy.

The fee changes for 2011-12 were published in the Government Gazette on 22 June 2011 and came into effect on 1 July 2011. The fees are available on the department's internet site.

GOVERNANCE DISCLOSURES

Disclosure of contracts by senior officers

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

For 2011-12, other than normal contracts of employment of service, no senior officers, or firms of which senior officers are members, or entities in which senior officers have substantial interests, had any interests in existing or proposed contracts with the department and senior officers.

In accordance with the Treasurer's instruction 903 (14(ii)), senior officers of the department are required to disclose the particulars of any shares in any subsidiary body of the agency held as a nominee or held beneficially. In 2011-12, no senior officers held shares in any subsidiary body of the agency held as a nominee or held beneficially.

Governance framework

The department's Corporate Charter is regularly reviewed and sets out the governance principles under which we operate including:

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

The department has developed a culture of providing 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.



Internal audit

The department's internal audit function assists management to effectively discharge their responsibilities by providing independent analysis, appraisals, advice and recommendations concerning departmental functions, activities and systems. Internal audit provides appraisals and advice to the Director General, Executive Directors, directors and managers to promote and achieve sound management and control over activities of the department and to promote efficient and effective operations.

An annual risk based audit plan is developed to review departmental functions and operations and is endorsed by the department's Audit Committee. The majority of internal audit work in 2011-12 was undertaken in-house as a result of the ability to recruit and retain experienced internal audit employees. Some of the areas/functions that were audited during the year included compliance with State Supply Policies, Assessor Registration, Gas Rectification Programme, accounts payable controls, assets and equipment, credit card controls and personnel/payroll controls. A number of recommendations were made to improve controls and practices and these are recorded, monitored and followed up by Internal Audit on a regular basis in an Audit Recommendations Database.

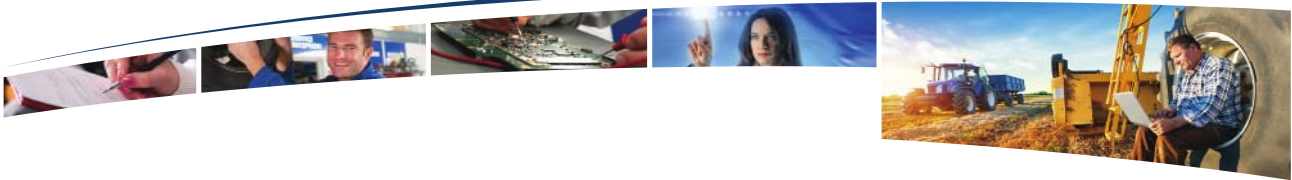
During the year a quality assessment review of the department's internal audit activities was undertaken by an external consultant and found that the internal audit activity conforms with the International Standards for the Professional Practice of Internal Auditing.

Corruption Prevention

During the year Internal Audit contributed to staff awareness raising by recommending improvements to the department's:

- training in accountable and ethical decision making;
- Code of Conduct;
- Guidelines for providing gifts, benefits and hospitality; and
- Gift and Hospitality Register.

Additionally Internal Audit assisted in the development of the Department of Commerce's Risk Management Plan designed to prevent fraud and corruption and which contains information on misconduct risks allocated to each division specific to identification of business exposures.



Freedom of Information

The *Freedom of Information Act 1992* (FOI Act) enables the public to participate more effectively in governing the State and to make Western Australia more accountable to the public. It gives people a right of access to documents held by a government agency.

The spirit and intent of the FOI Act is to provide access to applicants promptly and at the lowest possible cost. The department provides statistics to the Office of the Information Commissioner annually, on the amount of FOI applications dealt with by the department.

In accordance with the requirements of section 94 of the FOI Act, the department has prepared an Information Statement which provides the public with details about its operations and assists potential FOI applicants. The Information Statement describes:

- the department's structure and functions;
- the ways in which our functions affect members of the public;
- any arrangements that exist to enable members of the public to participate in the formulation of policy and the performance of our functions;
- the types of documents that are usually held;
- how the public can access documents held by the department; and
- procedures for FOI access application and amendment of personal information.

The Information Statement, which was updated in the 2011-12 reporting year, together with departmental FOI contact details, a checklist for applicants, and information about FOI, internal and external review processes is available on the department's internet site.

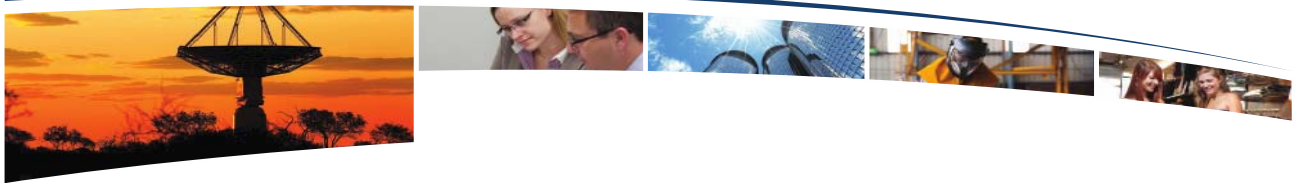
Risk and business continuity management

In accordance with the Australian and New Zealand Standard for risk management (AS/NZS ISI 31000), the department continues to implement the policy, process and procedures outlined in its risk management framework. This ensures operational areas identify and assess key risks and develop and implement risk treatment plans, where necessary.

The department has a comprehensive suite of business continuity plans to ensure functionality is restored to its vital business services should a critical incident or disaster occur. These continuity plans are supported by recovery procedures for critical information technology systems and applications and, more recently, plans to protect department employees and customers in the event of an influenza pandemic.

Achievements related to department's risk and continuity management activities over the last 12 months include:

- the review and update of the department's Risk Management Framework;
- the review and update of the Risk Reference Tables;
- completion of the Disaster Recovery Management Plan now in testing phase; and
- the review and update of the Vital Business Function table and Business Continuity Strategy.



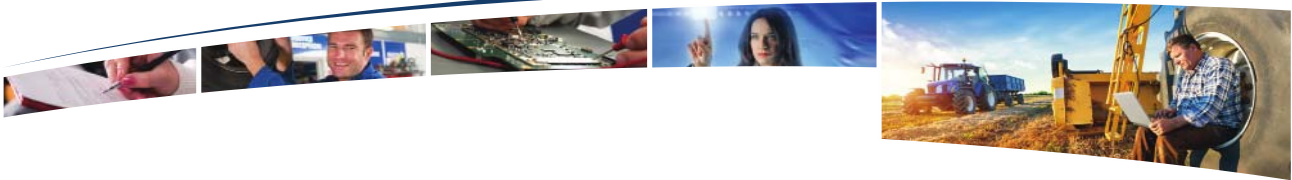
OTHER LEGAL REQUIREMENTS

Advertising

In the 2011-12 financial year the department incurred expenditure on advertising, market research and media advertising. In accordance with section 175ZE of the *Electoral Act 1907*, the detail of the incurred expenditure is set out below. Total expenditure for 2011-12 was \$170,821.70. Expenditure was incurred in the areas outlined in Table 23.

Table 23: Expenditure 2011-12 reported in accordance with the *Electoral Act 1907*

Expenditure category and organisations	Total cost
Advertising agencies	\$82,789.40
Adcorp Australia Limited	\$66,455.58
Faircount Media Asia	\$5,555.00
Identity Matters	\$824.20
Regional Publishers Pty Ltd	\$219.06
The West Australian	\$8,730.56
Mayflower	\$1,005.00
Market research organisations	\$24.00
SurveyMonkey	\$24.00
Polling organisations	NIL
Direct mail organisations	NIL
Media advertising organisations	\$88,008.30
Messages on Hold Australia	\$829.96
Mitchell and Partners Australia Pty Ltd	\$86,464.07
News Digital Media Pty Ltd	\$31.82
Optimum Media Decision	\$153.87
Outsource Media Pty Ltd	\$528.58



Compliance with public sector standards and ethical codes

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

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

Table 24: Compliance with *Public Sector Standards* for 2011-12

Applications for breach of standard and outcomes	Number
Number lodged	11
Number of breaches found (including details of multiple breaches per application)	1
Number still under review	0

Brian Bradley
Accountable Authority
 21 September 2012

Table 24 provides details on activities undertaken by the department relating to ensuring compliance with *Public Sector Standards* and ethical codes in 2011-12. This information has also been provided to the Office of the Public Sector Standards Commissioner for inclusion in the Commissioner's Annual Compliance Report. Human resources policies and ethical codes in relation to these standards and codes are available to all employees through the department's intranet site.

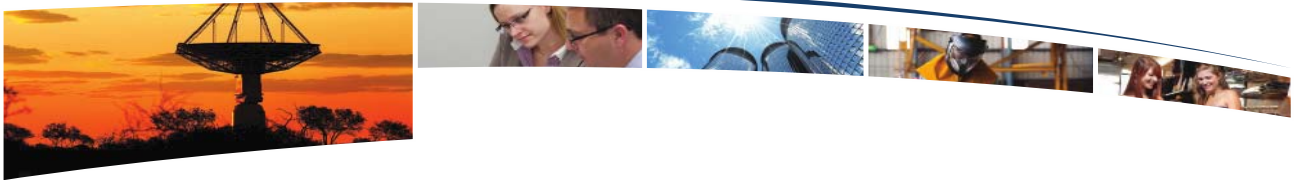


Table 25: Activities relating to monitoring compliance with *Public Sector Standards* and ethical codes for 2011-12

Significant action taken to monitor and ensure compliance
<i>Public Sector Standards</i>
<ul style="list-style-type: none"> • Provided information to new employees as part of the induction program. • Published articles in the internal <i>HR Matters</i> newsletter to remind line managers and employees on compliance requirements in accordance with <i>Public Sector Standards</i>. • Assessed compliance with Standards through internal audits and reviews of breach claims.
<i>Western Australian Public Sector Code of Ethics</i>
<ul style="list-style-type: none"> • Monitored compliance with the <i>Western Australian Public Sector Code of Ethics</i> through the Director General and Executive Director performance agreements. • Provided information to new employees as part of the induction program.
<i>Code of Conduct</i>
<ul style="list-style-type: none"> • Provided information to new employees as part of the induction program. • Ensured employees affirmed their commitment to the department's <i>Code of Conduct</i> as part of the performance review and development system.

Disability access and inclusion

The Department of Commerce is committed to improving access and equity for all its customer groups and ensuring that people who have a disability are included, and participate in shaping the range of services and initiatives of the department. The *Disability Services Act 1993* requires that public authorities develop and implement a Disability Access and Inclusion Plan to achieve the six access and inclusion outcomes specified by the Disability Services Commission and report on these achievements.

A revised Disability Access and Inclusion Plan was completed for 2012-2016 in consultation with the department's Disability Access and Inclusion Reference Group. The revised draft plan was advertised for public consultation and feedback for three weeks as legislatively required. Feedback received from the public and employees was considered and contributed to the formation of the final plan, which was lodged with the Disability Services Commission on 24 April 2012.

The department adopted a seventh, voluntary outcome for the 2012-2016 plan. The seventh outcome details the department's commitment to people with disabilities accessing the same opportunities as other people to gain employment with the department.

Table 26 provides a summary of how the department improved access to its services, buildings and information for people with a disability in accordance with the Disability Access and Inclusion Plan's annual implementation plan.

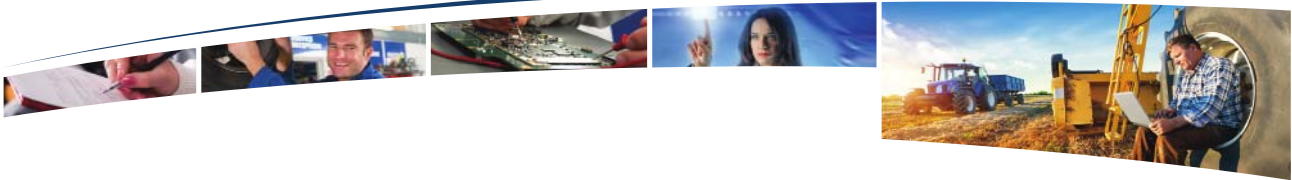


Table 26: Disability access and inclusion outcomes for 2011-12

Outcome 1

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

- The department continues to ensure that its agents and contractors conduct their business in a manner consistently with the legislation, the department’s Disability Access and Inclusion Plan, relevant standards and Government guidelines. The department collects and reports annually to the Disability Services Commission on contractors’ compliance with the Disability Access and Inclusion Plan.
- A ‘Guide to Facilitating Access’ was developed and is available to staff on the department’s intranet to ensure the requirements of people with disabilities are considered when planning events.

Outcome 2

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

- Internal audits of two central buildings that accommodate some of the department were completed to analyse any accessibility issues.
- Physical access checks of the Industry, Science and Innovation Division’s premises were completed, together with the buildings that the division manages (Technology Park Function Centre, the Innovation Centre and the Jakovich Centre).
- The department continues to take into account the needs of people with disabilities when entering into new leases or renewing existing ones.

Outcome 3

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

- All divisions ensure that public information is available in alternative formats upon request and that publications advertise this availability.
- Contact details to discuss access issues are available on the department’s internet site.

Outcome 4

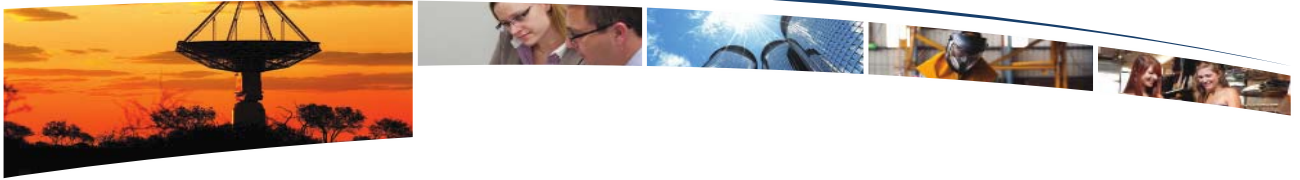
People with disabilities receive the same level and quality of service from the employees of a public authority as other people receive from that public authority.

- The department’s Disability Access and Inclusion Plan for 2012-2016 was developed and publicly advertised to employees.
- The induction of new employees includes an information sheet on the Disability Access and Inclusion Plan.

Outcome 5

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

- The department continues to invite feedback from its customers with disabilities via contact details on our internet site.
- The department has updated its internet site to include a link to disability advocacy services.



Outcome 6

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

- The Disability Access and Inclusion Plan for 2012 – 2016 included a public consultation period that specifically targeted key disability organisations and advocacy groups for feedback.

Outcome 7

People with disabilities have the same opportunities as other people to access employment with the Department of Commerce.

- The department continues to ensure application packs and employment advertising is accessible to people with disabilities.
- The department is developing strategies that encourage people with disabilities to apply for employment in the department.

International Labour Organisation Convention 81 – Labour inspections

Australia is a member nation of the International Labour Organisation. The International Labour Organisation is the peak international organisation responsible for setting international labour standards through the development and monitoring of International Conventions and Recommendations. The Australian Government ratified *International Labour Organisation Convention 81 - Labour inspections* on 24 June 1975. Article 21 of Convention 81 requires certain information to be published in annual reports for each of the central inspection authorities.

In Western Australia, the Department of Commerce is the 'central authority' responsible for conducting labour inspections for workplace safety, and wages and conditions of employment. The reporting in this section relates to the inspection services delivered by the Labour Relations Division and the WorkSafe Division for 2011-12.

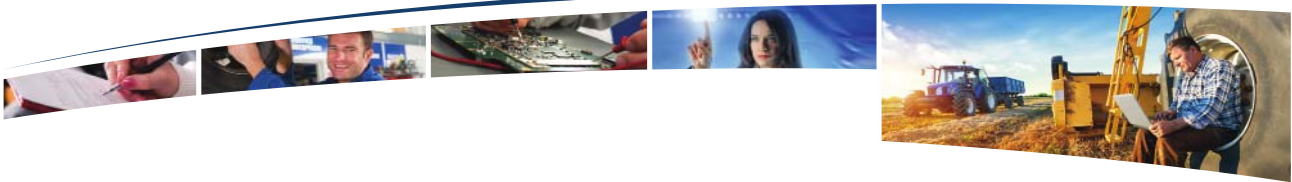
Article 21 of Convention 81 requires the department to report on a number of matters namely:

(a) Laws and regulations relevant to the work of the inspection service

Legislation administered by the department is provided in the Overview section of this report. Changes to written laws during 2011-12, relevant to the work of the inspection service, are provided in Appendix 2: Changes to written laws (Tables 42-43). The Significant Issues and Trends section of this report also provides information on issues and trends impacting the department and the inspection environment.

(b) Staff of the labour inspection service

The department currently employs 18 industrial inspectors in the Labour Relations Division. The WorkSafe Division has a FTE complement of 103 inspectorate positions.



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

There were a total of 222,606 businesses operating at the end of the 2010-11 financial year liable for inspection by Western Australia's workplace inspectors according to the Australian Bureau of Statistics - *Counts of Australian Businesses, including Entries and Exits* (June 2007 to June 2011) 8165.0. These businesses employed an estimated 1.22 million employees during 2010-11 rising to an estimated 1.26 million in 2011-12 (figures are rounded) according to the Australian Bureau of Statistics Labour Force Australia, Quarterly (May 2012) 6291.0.55.003 (table 5).

(d) Statistics of inspections visits

During 2011-12, the Labour Relations Division undertook 110 inspection visits and the WorkSafe Division undertook 5,643 workplace visits.

(e) Statistics of violations and penalties imposed

Information on the number of violations and penalties imposed is provided in Appendix 3: Prosecutions section of this report. Details of prosecutions for the Labour Relations Division are published in Table 59 and prosecutions for the WorkSafe Division are published in Table 60. Details of improvement and prohibition notices for the WorkSafe Division are published in tables 61 to 62. Of the 110 employers inspected by the Labour Relations Division, 92 separate breaches of awards, agreements or legislation were identified and as a result four prosecutions were undertaken and three penalties imposed.

(f) Statistics of industrial accidents and occupational diseases

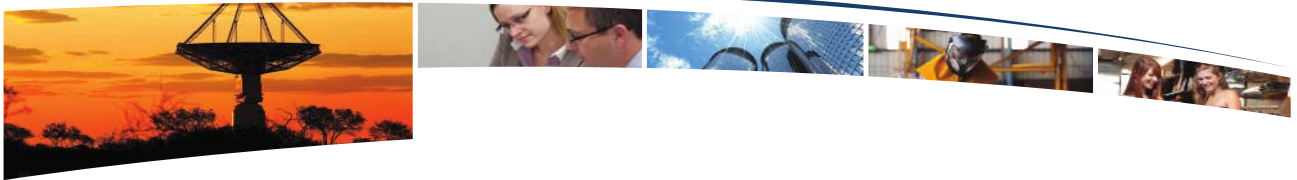
The lost time injury and disease (LTI/D) frequency rate is the principal measure of safety performance in Western Australia, and is also used to monitor performance against national targets. The frequency rate is calculated using the formula: Number of LTI/D divided by number of hours worked multiplied by 1,000,000. A lost time work-related injury or disease is counted where there is at least one complete day or shift off work.

Information on work-related injury or disease frequency rates for Western Australia is provided in the Agency Performance (Operational Highlights) section of this report. Information on disease groups that are being monitored at a national level are contained in the Safe Work Australia publication, *Occupational Disease Indicators*. A copy of the publication can be accessed on the Safe Work Australia internet site.

Specific agency reporting

Construction Contracts Act 2004

The *Construction Contracts Act 2004* provides for a rapid independent adjudication to resolve payment disputes associated with construction contracts, whether they are written or oral. A decision is made on the information available and can be enforced as if it was an order of the court. This process does not inhibit parties from seeking other legal remedies but this process cannot be used if the dispute is the subject of an order, judgement or other finding dealing with the matter.



Credit (Administration) Act 1984

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

On 1 July 2010 responsibility for regulation of credit was transferred to the Commonwealth Government, specifically the ASIC. From 1 July 2010 the department's responsibilities in relation to credit regulation ceased other than to conclude one matter on foot before the Courts. Section 60(2) of the CA Act requires the Commissioner to report on a number of matters, namely:

(a) the number, nature and outcome of –

(i) investigations and inquiries undertaken by, or at the direction of, the Commissioner for the purposes of this Act;

No investigations or inquiries were undertaken by the Commissioner during this financial year.

Table 27: Credit (Administration) Act 1984: Investigation summary for 2011-12

	Investigations of licensing matters related directly to the Act	Investigations of conduct matters generally relating to the Code	Conciliations generally concerning the negotiation of a change to a credit contract under the Code	Total
Ongoing matters as at 1 July 2011	1	0	0	1
Matters commenced	0	0	0	0
Matters concluded	1	0	0	1
Ongoing matters as at 30 June 2012	0	0	0	0

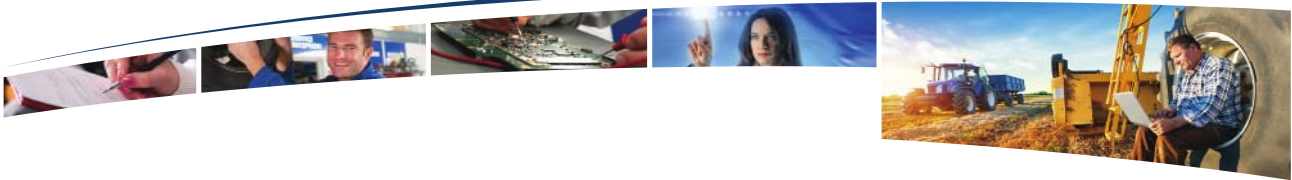
The one matter concluded in 2011-12 was a criminal prosecution heard in the Magistrates Court in October 2011. The Court convicted Salvatore Tomarchio for acting as an unlicensed credit provider and ordered he pay \$33,947 in fines and costs. This followed previous orders of the Supreme Court in 2010 that Mr Tomarchio repay \$149,642 in illegal interest and costs.

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

No proceedings were commenced in the State Administrative Tribunal during this financial year.

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

There are no outstanding matters.



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

There are no trends or special problems to report.

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

There are no forecasts to report.

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

There are no proposals to report.

Debt Collectors Licensing Act 1964

The *Debt Collectors Licensing Act 1964* (the DCL Act) sets out a licensing regime for debt collectors and prescribes procedures for the handling of trust account money. The Commissioner for Consumer Protection (the Commissioner) is the responsible licensing authority under the DCL Act.

As at 30 June 2012, there were 76 licensed debt collectors operating in Western Australia. Over the course of the year, 12 licences expired or were surrendered, nine new licences were granted and 65 licences were renewed.

Where a complaint is received about the conduct of a debt collector that cannot be treated as a breach of the DCL Act it may be dealt with as a potential breach of other legislation including the *Fair Trading Act 1987* and, as of 1 January 2011, the Australian Consumer Law (WA).

On occasions when a serious breach of these Acts is established, the Commissioner is empowered to make an allegation to the State Administrative Tribunal that a licensee is not a fit and proper person to hold a licence under the DCL Act; however no issues of this nature have arisen during the past financial year.

Section 12A of the DCL Act requires the Commissioner to report on a number of matters namely:

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

Seven investigations were commenced this financial year. One investigation resulted in corrective advice being accepted. Three investigations were open as at 30 June 2011 and the remaining investigations did not detect an offence.

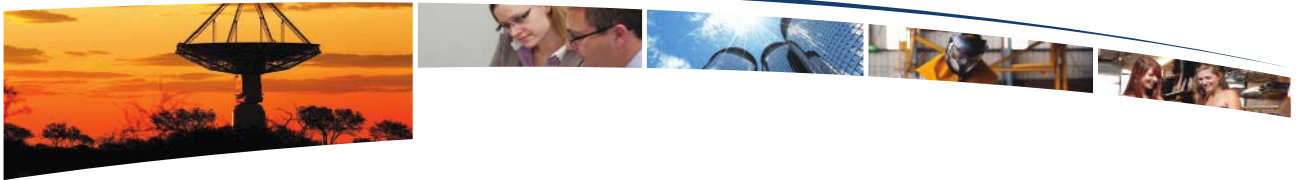


Table 28: Debt Collectors Licensing Act 1964: Investigation summary for 2011-12

	Licensing issues relating directly to the DCL Act	Conduct issues	Conciliations generally concerning confirmation of whether debt owed	Total
Number ongoing as at 1 July 2011	1	0	0	1
Number commenced	5	2	8	15
Number concluded	4	1	8	13
Number ongoing as at 30 June 2012	2	1	0	3

Of the 13 matters concluded in 2011-12, the following outcomes were recorded:

- twelve resulted in no action being taken including complaints that were found after the investigation not to be debt collector related, lapsed or withdrawn; and
- one letter of advice was issued.

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

There were no matters brought before the State Administrative Tribunal.

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

Three matters in paragraph (a) are outstanding. These matters concern one alleged unlicensed debt collector, one possible breach of sections 15 and 19 of the DCL Act and one alleged illegal repossession of a motor vehicle. All three are investigation matters.

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

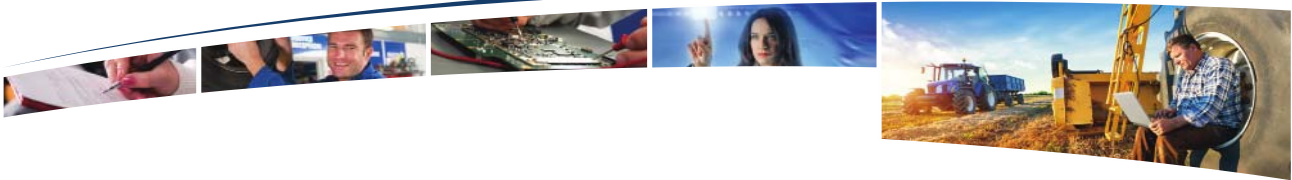
The department has further developed the proactive compliance and education program to ensure that licensing standards of debt collectors are maintained. Matters investigated related to the expiration of fidelity bonds following the cessation of trading and the refusal by some insurers to lodge the original fidelity bond with the Commissioner in accordance with legislative requirements. Education provided to the debt collectors involved has rectified these issues.

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

There are no known significant issues that will affect a change in workload in this area of activity.

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

The department continues to support the ongoing Council of Australian Government's national consumer credit reform discussions exploring options for the future of debt collector licensing and management in Australia.



Electricity Act 1945

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

- (a) in relation to the discipline of electrical licensees, the number, nature, and outcome, of the:
- (i) investigations and inquiries undertaken under this Act by, or at the direction of, the Director and referred to the Electrical Licensing Board; and

There were two matters.

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

There were no matters.

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

There were no matters outstanding.

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

There were no trends or special problems that require reporting.

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

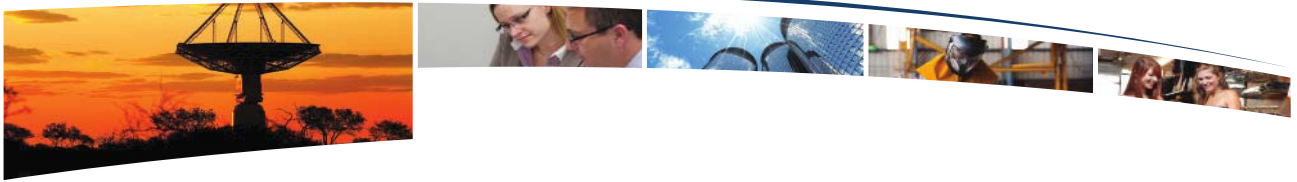
The Director's forecast workload is articulated in the Energy Safety Division's Business Plan approved by the Minister for Commerce and endorsed by Parliament. The plan is available on the Energy Safety Division's section of the department's internet site.

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

Proposals affecting the Director's functions include the development of the National Occupational Licensing System; improvements to the department's Complaints and Licensing System; and development of a new computerised compliance management system.

Employment Agents Act 1976

The Department of Commerce administers a range of functions under the *Employment Agents Act 1976* (the EA Act) including the granting and renewal of licences, compliance activities and a range of education and advisory services. The Consumer Protection Division undertakes the conciliation of disputes involving employment agents and consumers. As at 30 June 2012, there were 630 licensed employment agents operating in Western Australia. Over the course of the year, 58 licences expired and an additional 27 were surrendered, 149 licences were renewed and 120 new licences were granted.



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

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

During 2011-12, the department completed six investigations concerning employment agents. Four of these investigations were opened due to alleged unlicensed activity. Of these four investigations, three detected no breach. The remaining unlicensed trader was issued with a letter of advice notifying they required a licence. The trader subsequently applied for a licence.

The remaining two complaints, which concerned inadequate management and supervision, found that no breach had occurred.

Table 29: *Employment Agents Act 1976: Investigations and inquiries in 2011-12*

	Employment agent licence holder or unlicensed activity	Conduct issues	Conciliations	Total
Number ongoing as at 1 July 2011	1	0	2	3
Number commenced	10	0	7	17
Number concluded	6	0	9	15
Number ongoing as at 30 June 2012	5	0	0	5

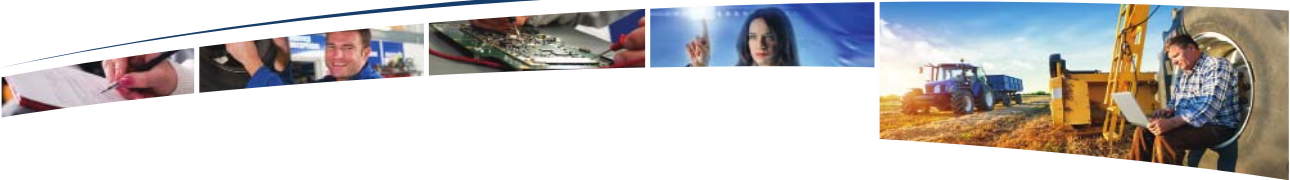
Of the 15 matters concluded in 2011-12, the following outcomes were recorded:

- three conciliation matters where agreement was reached;
- 11 resulted in no action required to be taken; and
- one letter of advice was issued.

The proactive compliance program continues to provide information to employment agents about compliance with the EA Act resulting in improved practices throughout the industry. In 2011-12, 55 employment agents were visited, including those with newly granted licences. Of those visited, 52 were fully compliant with the EA Act and three had minor issues.

The areas of non-compliance were administrative matters under the legislation and were not considered to be serious or systemic breaches. In all instances compliance with the legislation was achieved quickly and related to issues such as:

- business name certificate not sighted;
- employment agents licence certificate not on display; and
- an agency had moved and not notified of a change of address.



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

There were no matters brought before the State Administrative Tribunal.

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

As at 30 June 2012 there were five ongoing investigations. Four concern alleged unlicensed activity and the remainder alleges the Agent did not provide a scale of fees.

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

In previous years, investigations have resulted from allegations that advertised positions did not exist and were being used to induce people to use a particular employment agent. No issues of this nature have arisen during 2011-12. This financial year, the main allegations concerned unlicensed agents and agents not displaying their schedule of fees.

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

No significant issues or trends that might lead to a change in the workload during 2012-13 have been identified.

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

The Consumer Protection Division will continue with its proactive program.

Gas Standards Act 1972

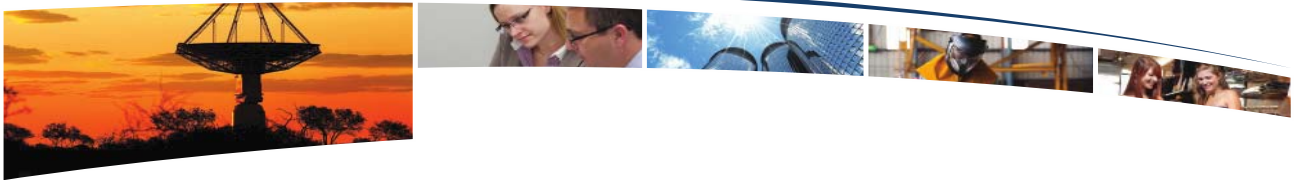
Section 13CA of the *Gas Standards Act 1972* requires the Director of Energy Safety (the Director) to report on a number of matters, namely:

- (a) in relation to the discipline of holders of gasfitting permits and authorisations, the number, nature, and outcome, of the -
 - (i) investigations and inquiries undertaken under this Act by, or at the direction of, the Director; and

One gas fitter that had previously held a gasfitting permit was refused a licence renewal due to a disciplinary matter. This person has since undertaken gasfitting work even though he had been advised not to. This person undertook gasfitting work for reward, avoiding the inspection regime and defaulted on paying the Infringement Notice (IN) issued. This IN has been subsequently withdrawn and the matter referred to prosecution.

A person who had successfully completed a gasfitting course but refused a gasfitting permit due to being under adult age was issued a restricted permit to work under supervision. This person has now been provided with an unrestricted gasfitting permit having achieved adult age.

A person not holding a gasfitting permit undertook gasfitting work as a subcontractor to a builder undertaking major construction work at a primary school in the country. His actions in releasing LP Gas into an occupied building resulted in a complaint being lodged with Energy Safety Division.



The investigation that followed revealed that this was a second offence. The prosecution that followed the investigation resulted in a substantial fine being imposed by the Magistrate.

A person operating under a restricted gasfitting permit and under supervision of a permitted gas fitter had applied for an unrestricted gasfitting permit. As a result of non-compliances being identified, he was deemed 'not competent' and required more training and experience before this restriction can be lifted.

There were 78 formal warning letters issued to gas fitters for sub-standard gasfitting work.

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

There were no matters.

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

There were no matters outstanding.

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

There were no trends or special problems that require reporting.

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

There are no forecasts of workload to report.

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

There are no proposals for improving performance to report.

Land Valuers Licensing Act 1978

The department administers a range of functions under the *Land Valuers Licensing Act 1978* (the LV Act) including the granting and renewal of licences, compliance activities and a range of education and advisory services. As at 30 June 2012, there were 757 licensed land valuers in Western Australia. Over the course of the year, one licence was surrendered, 190 licences were renewed and 47 new licences were granted.

Section 31 of the LV Act requires the Chief Executive Officer of the department to report on a number of matters namely:

- (a) the number, nature and outcome of:

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

During the year, eight complaints were received mostly relating to valuation practices. Investigations focused on valuers' application of proper practices and principles of valuation rather than the actual valuation figure.

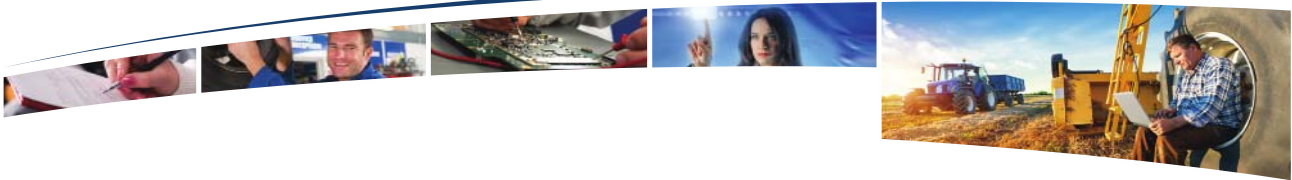


Table 30: Land Valuers Licensing Act 1978: Investigations and inquiries in 2011-12

	Issues concerning valuation practices	Issues relating to fees and charges	Licensing issues	Total
Number ongoing as at 1 July 2011	6	0	0	6
Number commenced	5	2	1	8
Number concluded	8	2	1	11
Number ongoing as at 30 June 2012	3	0	0	3

Of the 11 matters concluded during the year: four resulted in warning letters, two resulted in education or advice letters, three resulted in no action being taken as a result of no offence being detected or other reasons, one complainant was advised to seek civil resolution, and one complaint was withdrawn.

The department introduced a proactive compliance program for licensed land valuers during the year. The program aims to assist land valuers in complying with legislative requirements, identify and rectify areas of risk, and provide general advice to licensees. Proactive officers began visiting land valuers in December 2011 and visited 157 valuers prior to 30 June 2012.

- (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;

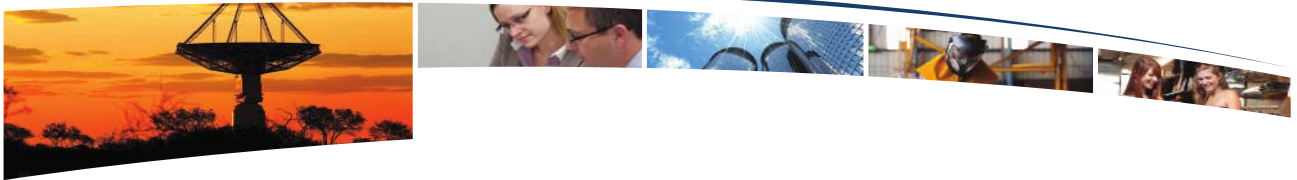
There were three complaints outstanding at 30 June 2012 in relation to alleged misrepresentation and misleading or deceptive conduct.

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

During 2011-12 the proactive compliance program identified that some land valuers were not obtaining title searches for residential properties, and not clarifying client instructions as to the basis of the valuation. Proactive officers continue to help identify and rectify areas of risk, and provide advice to licensees on complying with legislative requirements. Common issues identified on proactive visits will be addressed in future newsletters and e-bulletins to industry. Department officers are also addressing these issues at risk management training sessions run by the Property Institute of Australia.

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

The Commissioner will continue to conduct the licensing of land valuers and related compliance matters. The department will also continue its proactive compliance program, with an aim to visit all land valuers every three years. The department is considering the use of e-bulletins to communicate updates to the industry.



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

The department will develop a booklet to assist land valuers to understand and comply with the legislative framework. The department has developed a partnership with the Property Institute of Australia which will enable the Consumer Protection Division to present information at risk management training sessions.

Motor Vehicle Dealers Act 1973

The department administers a range of functions under the *Motor Vehicle Dealers Act 1973* (the MVD Act) including the granting and renewal of licences, compliance activities and a range of education and advisory services.

Section 51 of the MVD Act requires the Chief Executive Officer of the department to report on a number of matters namely:

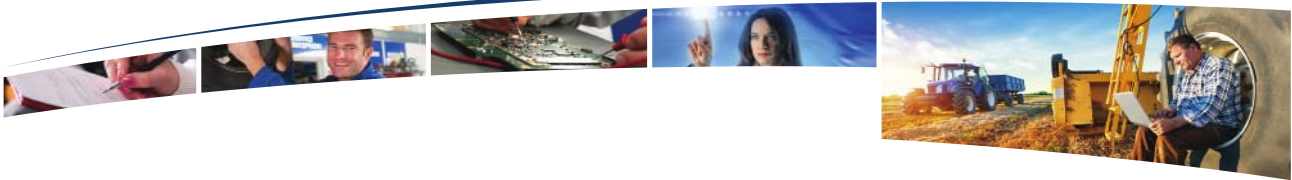
- (a) the number, nature and outcome of:
 - (i) investigations and inquiries undertaken by, or at the direction of, the Commissioner for the purposes of this Act;

Table 31: Motor Vehicle Dealers Act 1973: Investigations and inquiries in 2011-12

	Issues concerning unlicensed activities	General breaches	Conciliation	Total
Number ongoing as at 1 July 2011	23	11	95	129
Number commenced	76	48	651	775
Number concluded	59	35	665	759
Number ongoing as at 30 June 2012	40	24	81	145

The outcomes for the matters concluded were as follows:

Compliance and Investigations	
Corrective/Educational Advice	18
Administrative Warning	27
Caution or Reprimand	2
Agreement reached to settle	3
Prosecution action approved/Brief Completed	7
Fine/Penalty	1
Licence granted	4
Infringement Notice withdrawn	1
No action taken due to insufficient evidence, no offence detected or other reasons	31
TOTAL:	94



Conciliations	
Agreement reached between parties to settle the matter, no case to answer or education or advice given	405
No conciliated result, referral to the Magistrates Court	158
Referral to an alternate agency or dispute resolution service	37
Other	65
TOTAL:	665

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

There were two matters brought before the State Administrative Tribunal. The outcomes of these matters, as well as those brought to the Magistrate's Court, are detailed in Appendix 3: Prosecutions.

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

Conciliations

Of the 81 matters that were ongoing as at 30 June 2012, 43 related to the supply of unsafe, defective and unsatisfactory goods. The remainder related to disputes about motor vehicle warranties, contracts and guarantees.

Compliance and Investigations

Of the 64 matters that were ongoing as at 30 June 2012, 40 related to unlicensed and unregistered operators, including 37 unlicensed motor vehicle dealers. The remainder related to general breaches such as false or misleading representations, pricing matters and seven trust accounting matters.

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

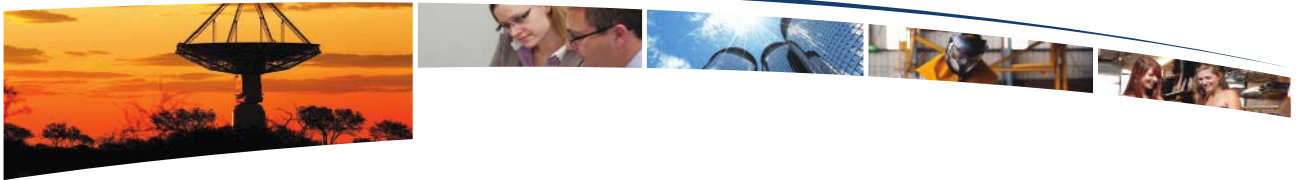
In 2011-12, the Consumer Protection Division completed a comprehensive overhaul of the Motor Vehicle Dealer, Yard Manager and Salesperson training course delivered by the Motor Trade Association of Western Australia. The course focuses on the statutory compliance obligations of motor vehicle dealers and will help ensure consumers have access to a fair marketplace.

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

The workload relating to unlicensed motor vehicle dealers has been constant for a number of years and there are no market factors which would suggest a major change in the next 12 months.

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

The department is undertaking preparations to commence a review of the *Motor Vehicle Dealers Act 1973* late in 2012. The review will include a publically released discussion paper inviting stakeholder input into the review.



Real Estate and Business Agents Act 1978

The department administers a range of functions under the *Real Estate and Business Agents Act 1978* (the RE Act) including the granting and renewal of licences, compliance activities and a range of education and advisory services. As at 30 June 2012, there were 3,683 licensed real estate and business agents and 8,800 sales representatives registered in Western Australia.

Over the course of the year, 12 licences expired and an additional 14 were surrendered, 939 licences were renewed and 252 new licences were granted. During this same time, 940 sales registrations expired and an additional 12 were surrendered, 1,921 registrations were renewed and 1,210 new registrations were granted.

Section 135 of the RE Act requires the Chief Executive Officer of the department to report on a number of matters namely:

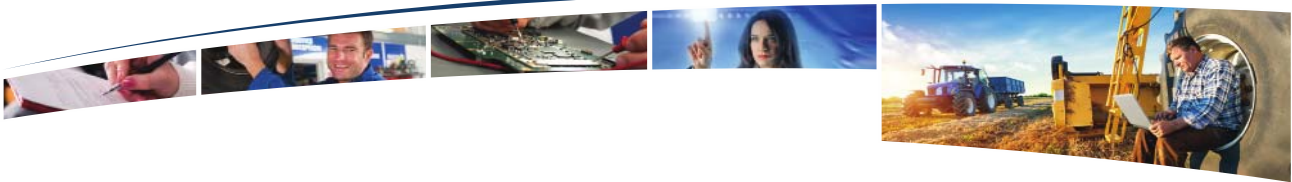
- (a) the number, nature and outcome of:
 - (i) investigations and inquiries undertaken by, or at the direction of, the Commissioner for the purposes of this Act;

The department examined a range of general compliance issues during the year, as well as financial compliance issues. Matters investigated included alleged trust account breaches, claims about property management fees and charges, registration or licensing requirements not being met, misleading or deceptive conduct, failure to obtain or provide information, late bond lodgments and other general breaches of legislation.

Table 32: *Real Estate and Business Agents Act 1978*: Investigations and inquiries in 2011-12

	General compliance issues	Financial compliance issues	Total
Number ongoing as at 1 July 2011	147	36	183
Number commenced	619	377	996
Number concluded	573	372	945
Number ongoing as at 30 June 2012	193	41	234

Of the 945 compliance matters concluded during the year, the following outcomes were recorded: 519 complaints resulted in no action due to there being no offence or other reasons; 256 education or advice letters were given; 84 warning letters were sent; 29 matters were referred to another agency; 12 briefs for disciplinary proceedings before the State Administrative Tribunal (SAT) were completed; 12 briefs for prosecution were completed; six were advised to seek civil resolution; one complaint was transferred to conciliation; one licence was surrendered; and 25 complaints were withdrawn or lapsed.



Following an investigation into financial irregularities and allegations of mismanagement by real estate agent Australian Property and Finance Exchange Pty Ltd (APFX), the Commissioner for Consumer Protection petitioned the SAT for an Order under section 93 of the RE Act to appoint a Supervisor to take control of the agency, its five trust accounts and conclude its business. The Commissioner took this action following receipt of a number of complaints from clients of the agent alleging the agent received commissions it was not entitled to, misappropriated rental and bond moneys, failed to act in the best interest of its principals, failed to adequately supervise the activities of the business and failed to act with skill, care and diligence.

In March 2012 the SAT provided an Order to suspend the agent from carrying on the business of the agent, restraining banks from dealing with the accounts of the agent and providing the Commissioner with the authority to appoint a Supervisor and forensic auditor under section 88. The business has largely been wound up however the examination of the various trust accounts of the agent is ongoing and is likely to conclude during 2012-13.

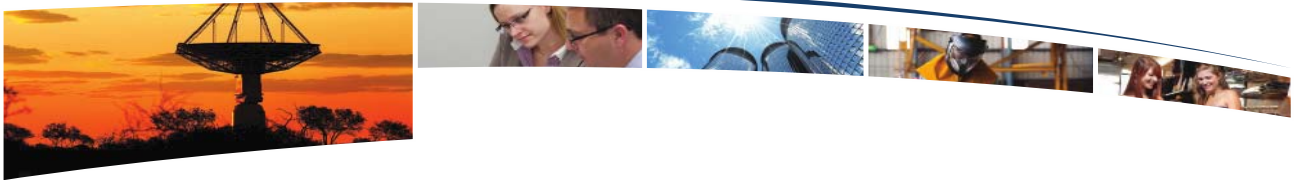
The department continued the proactive compliance program originally established by the former Real Estate and Business Agents Supervisory Board. The proactive compliance program aims to assist agents in complying with legislative requirements, to identify and rectify areas of risk, and provide advice and support to agents in an effort to avert operational problems. The program encourages high levels of industry best practice. This financial year, the department completed 327 proactive visits, with no major systemic issues identified. Some of the more common issues proactive officers provided guidance on during the year included agents holding insufficient compulsory professional development points, late renewals of licences, poorly written contractual conditions and late bond lodgments.

The department also administers the Real Estate and Business Agents Fidelity Guarantee Account (REBA Fidelity Account). The purpose of the REBA Fidelity Account is to provide financial reimbursement to people who suffer pecuniary loss or loss of property through any defalcation by a licensee who holds a triennial certificate, in the course of the business of that licensee. This also includes the actions of the licensee's employees.

During the year, eight new claims were lodged against the REBA Fidelity Account and eight claims were finalised. Three of these claims were allowed, and five were withdrawn. The three claims allowed a total value of \$82,080 to be reimbursed, including reimbursement for the claimants' reasonable legal costs.

At 30 June 2012, there were 65 claims outstanding against the account with a total provisional value of \$4,346,098, which does not include legal costs or claims for interest.

The Commissioner also formed a preliminary view to allow or partially allow 30 claims against the Fidelity Guarantee Account with a total value of \$1,557,922 as well as reimbursement for claimants' reasonable legal costs totalling \$7,850.



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

There were 13 matters brought before the State Administrative Tribunal. Where these matters have been finalised, outcomes are detailed in Appendix 3: Prosecutions.

- (ii) matters that have been dealt with through the conciliation process under this Act;

The department dealt with a range of matters in conciliation during the year, including contractual disputes, disputes concerning property management, advertising and marketing, failure to inspect properties, professional conduct, failing to act in the best interests of the principal and rental bonds.

Table 33: Real Estate and Business Agents Act 1978: Conciliations in 2011-12

	Conciliations
Number ongoing as at 1 July 2011	23
Number commenced	124
Number concluded	136
Number ongoing as at 30 June 2012	11

Of the 136 conciliations concluded during the year, the following outcomes were recorded: 57 resulted in agreement between parties to settle the matter, there was no case to answer or advice given; 40 were closed due to reasons such as an inability to reach an agreement or inability to contact one of the parties involved; 15 had no conciliated outcome and complainants were advised of the option to take their complaint to the Magistrates Court; two were referred to another agency or dispute resolution service; and 22 complaints lapsed or were withdrawn.

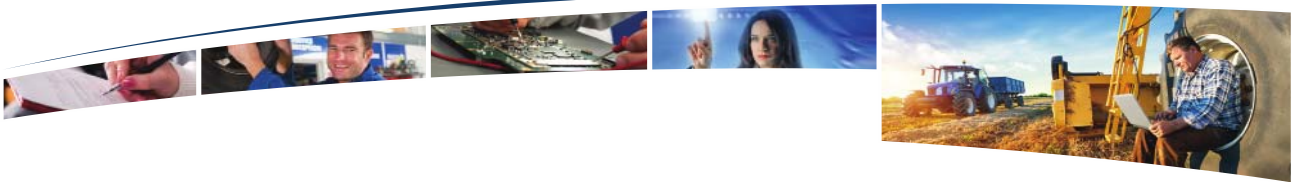
- (b) the number and nature of matters referred to in paragraph (a) that are outstanding;

As at 30 June 2012, there were 234 compliance matters outstanding. These matters concern issues such as property management, unlicensed or unregistered activity, misleading or deceptive conduct, and audit and trust account matters. The majority of the 11 conciliations outstanding at 30 June 2012 were regarding property management by an agent.

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

The Consumer Protection Division has seen an increase of 202 general compliance issues commenced this financial year. The division commenced 619 general compliance files in 2011-12, and 417 in 2010-11.

This may in part be due to the introduction of the Australian Consumer Law on 1 January 2011. As well as examining complaints for potential breaches of the RE Act, the Consumer Protection Division examines all complaints for potential breaches of the Australian Consumer Law. There has also been an increased focus on non and late renewals of licences and registrations and failure by agents and sales representatives to comply with Compulsory Professional Development requirements.



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

The Commissioner will continue to manage the licensing of real estate and business agents, related compliance matters and the provision of education and advisory support to industry and consumers.

In light of new requirements in the Code of Conduct for Agents and Sales Representatives 2011, proactive compliance officers are checking that agents have the necessary processes in place to ensure agents are complying with the new identification verification measures now in place. A quarterly newsletter for real estate agents, and regular e-bulletins are produced, keeping agents and other interested industry participants informed on issues relevant to the real estate industry. There are also upcoming changes to the *Residential Tenancies Act 1987* that will be communicated to the industry.

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

Following on from the changes to the Code of Conduct for Agents and Sales Representatives 2011 in the reporting year, the department will commence a broad review of the Code in 2012-13. The review will examine the overall effectiveness of the current Code to ensure consistency with the Australian Consumer Law, support red tape reduction and ensure principles of best practice regulation to make the Code relevant and appropriate for the current market.

Retirement Villages Act 1992

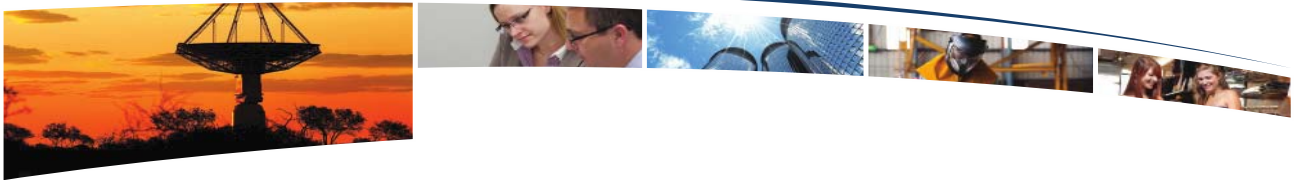
The *Retirement Villages Act 1992* (the RV Act) was established to regulate retirement villages and the rights of residents in such villages. The Commissioner for Consumer Protection is responsible for several functions under this Act, including compliance activities and the conciliation of disputes between residents and retirement village owners.

As reported last year, a comprehensive review of the RV Act and its operations was completed and a final report of the review was tabled in Parliament in November 2010. The report made more than 120 recommendations for change. Two Bills will be introduced to implement the recommendations of the final report; the content of the first Bill was announced in the Legislative Assembly in August 2011. The amendments seek to improve practices relating to the informational, contractual and financial wellbeing of retirement village residents and provide early remedies to some of the major issues facing retirement village residents.

In September 2011, as recommended in the report, the Consumer Protection Division established the Seniors' Housing Centre. The centre provides free information to consumers on their retirement housing options.

This financial year, the department conciliated or investigated 17 complaints regarding retirement villages. These complaints reflected matters including issues about fees, rates and charges; dispute resolution processes; the meaning of contract terms; misrepresentation; disclosure and provision of information; construction of facilities and maintenance; marketing; sale of units; and budget expenditures.

Following a June 2008 report from an Economics and Industry Standing Committee Inquiry into matters relating to disputes between management and residents at the Karrinyup Lakes Lifestyle Village (the Village) the Consumer Protection Division finalised a range of disputes including undertaking a number of legal proceedings.



In February 2011 an administrator was appointed to the Village and the Consumer Protection Division continued to monitor matters at the Village and the administration process, in particular, helping to ensure the protection of residents' rights and keeping residents informed about the process. New ownership of the Village was finalised in December 2011 with a positive impact for the residents of the Village.

The department has continued with the proactive compliance program for retirement villages in 2011-12. The aim of this program is to provide assistance to retirement villages where issues of non-compliance are identified. This financial year the division visited 112 retirement villages. There were no major systemic issues identified and proactive officers provided guidance on rectifying issues such as the formation of Residents' Committees and complex terms in contracts.

Settlement Agents Act 1981

The department administers a range of functions under the *Settlement Agents Act 1981* (the SA Act) including the granting and renewal of licences, compliance activities and a range of education and advisory services. As at 30 June 2012, there were 671 licensed settlement agents in Western Australia. Over the course of the year, 13 licences were surrendered, 203 licences were renewed and 23 new licences were granted.

Section 112 of the SA Act requires the Chief Executive Officer of the department to report on a number of matters namely:

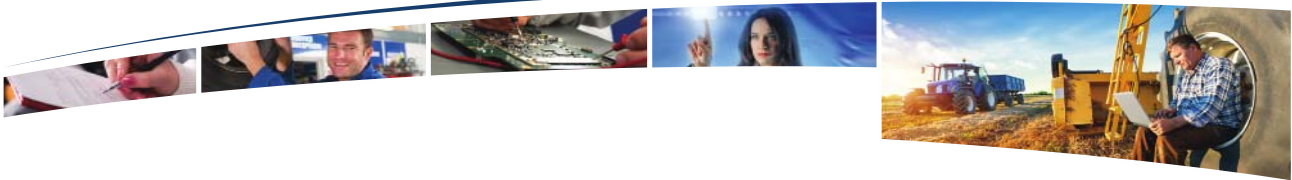
- (a) the number, nature and outcome of:
 - (i) investigations and inquiries undertaken by, or at the direction of, the Commissioner for the purposes of this Act;

The department examined a range of general and financial compliance issues. Matters investigated included alleged audit and trust account breaches and claims about professional conduct, failing to act in best interest of a principal, failing to act in accordance with authority, and unlicensed activity.

Table 34: *Settlement Agents Act 1981*: Investigations and inquiries in 2011-12

	General compliance issues	Financial compliance issues	Total
Number ongoing as at 1 July 2011	30	5	35
Number commenced	37	53	90
Number concluded	47	56	103
Number ongoing as at 30 June 2012	20	2	22

Of the 103 matters concluded during the year: 20 resulted in warning letters, 36 resulted in education or advice letters, 38 matters resulted in no action due to no offence being detected or other reasons, five were referred to another agency, three briefs for disciplinary proceedings before the State Administrative Tribunal were completed and one complainant was advised to seek civil resolution.



On 23 December 2011 the State Administrative Tribunal (SAT) ordered that Ms Collette Ockerby, trading as Cally's Conveyancing, pay \$5,500, after she admitted to 12 breaches of the *Settlement Agents Act 1981* and the Settlement Agents' Code of Conduct.

The charges included failure to obtain written consent from both the joint owners of the property, failure to pay funds received from one client into a trust account as soon as practicable and failure to apply part of the funds from the settlement to the person authorised to receive them.

In September 2011, a Safety Bay settlement agent was fined \$7,500 and ordered to pay \$2,000 costs after the Commissioner took disciplinary action against the company over the misuse of trust funds. The SAT found that Anelle Pty Ltd, trading as Shoalwater Settlements, had breached the *Settlement Agents Act 1981* as well as the Settlement Agents Code of Conduct 1982. The investigation found that Shoalwater Settlements, through the actions of its employees, had inappropriately withdrawn money from a trust account, giving it to those who were not lawfully entitled or authorised to receive the funds. The agent also made misleading representations on two occasions to a finance broker about the amount of money being held in trust for their client. These actions led to other breaches of the Code including a failure to recommend to clients to seek legal advice.

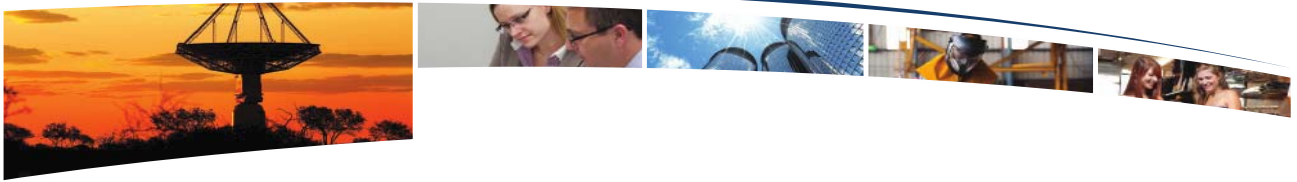
The department continued with the successful proactive compliance program established by the former Settlement Agents Supervisory Board. The function of the program is to assist agents in complying with legislative requirements, to identify and rectify areas of risk and provide advice and support to agents in an effort to avert operational problems. The program encourages high levels of industry best practice. This financial year the department completed 87 proactive visits. Some of the more common issues identified included reminding agents to use the correct licensed entity name on the Appointments' to Act, using the correct election processes when acting for both parties and ensuring a conflict of interest declaration is completed when receiving regular work from real estate agents.

The department also administers the Settlement Agents Fidelity Guarantee Account (SA Fidelity Account). The purpose of the SA Fidelity Account is to provide financial reimbursement to people who suffer pecuniary loss or loss of property through any defalcation by a licensee who holds a triennial certificate, in the course of the business of that licensee. This also includes the actions of the licensee's employees.

During the year, eight new claims were lodged against the SA Fidelity Account. Seventeen claims were finalised. Two of these claims were allowed with a total value of \$3,269 reimbursed. There were 15 claims disallowed with a total value of \$820,000 (not including legal costs or claims for interest). The 15 claimants have sought a review of the decision in the SAT. As at 30 June 2012, there were 10 claims outstanding against the account with a total provisional value of \$220,747 (not including legal costs or claims for interest).

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

There were four matters brought before the State Administrative Tribunal. The outcomes of the three finalised matters are detailed in *Appendix 3: Prosecutions*.



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

As at 30 June 2012 there were 20 general compliance matters and two financial compliance matters outstanding. The financial compliance matters both relate to one agent and concern an outstanding Qualified Audit Report regarding alleged misappropriation of trust funds and failing to cause an annual audit. The general compliance matters relate to authority to act, failing to act in accordance with instructions or acting without written authority, failing to act in best interest of a principal or general breaches of legislation.

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

In November 2011, the Settlement Agents Code of Conduct 1982 was amended to require that all agents conduct identification verification to certify that they are dealing with the true owners of property in Western Australia, and clear guidelines were issued to all industry participants on how checks should be conducted.

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

The Commissioner will continue to manage the licensing of settlement and business settlement agents, related compliance matters and education and advisory support to industry and consumers. Proactive compliance officers are checking to ensure agents are complying with the new identification verification measures in the Code.

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

The department will commence a broad review of the Code in 2012-13. The review will examine the overall effectiveness of the Code, ensure consistency with the Australian Consumer Law, support red tape reduction and ensure principles of best practice regulation.

Travel Agents Act 1985

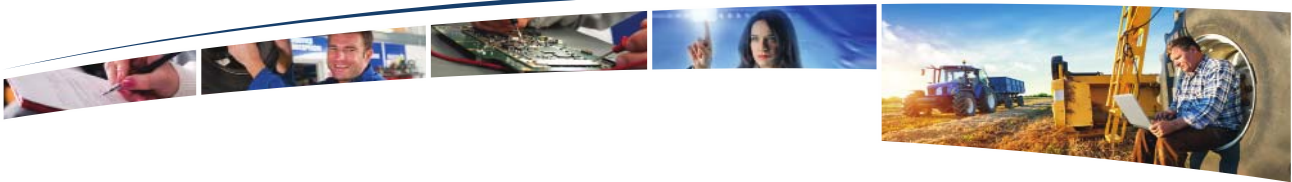
The department administers a range of functions under the *Travel Agents Act 1985* (the TA Act) including the granting and renewal of licences, compliance activities and a range of education and advisory services. The department also undertakes the conciliation of disputes involving travel agents and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

As at 30 June 2012, there were 355 licensed travel agents operating in Western Australia. Over the course of the year, 22 licences were surrendered, 73 licences were renewed and 19 new licences were granted.

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

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

There were seven investigations completed during the 2011-12 financial year.



Two investigations examined alleged unlicensed trading. Both investigations resulted in the trader receiving corrective advice and obtaining a licence. One investigation found the travel agent did not have a nominated manager in place at the agency. An administrative warning was issued and corrective action was taken. One investigation established that the travel agent did not surrender and return licence documentation after the holder removed themselves from the Travel Compensation Fund. Corrective advice was given to the trader and the licence papers were returned. One investigation also found that a travel agent had charged above a quote price for services. Corrective advice and action was instigated. The remaining two investigations did not detect a breach.

Table 35: *Travel Agents Act 1985*: Investigations and inquiries in 2011-12

	Travel agents and tour operator services	Airlines, tour coach, cruise ships, ferry or train services	Holder of travel agent licence or unlicensed activity	Conciliations	Total
Number ongoing as at 1 July 2011	2	0	0	14	16
Number commenced	5	2	4	357	368
Number concluded	5	0	2	350	357
Number ongoing as at 30 June 2012	2	2	2	21	27

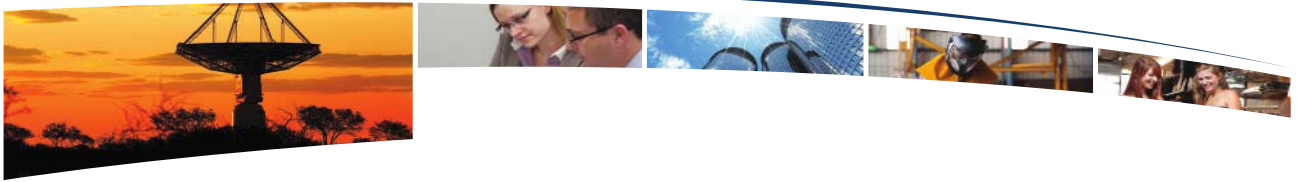
Allegations of unlicensed trading are examined prior to formal investigation which assists to obtain licensing compliance in many cases. This process significantly reduced the number of formal investigations required.

The proactive compliance program continues to provide information to travel agents about compliance with the TA Act resulting in improved practices throughout the industry. In 2011-12, 132 travel agents were visited including those with newly granted licences. Of those visited, 121 were fully compliant with the TA Act and 11 were non-compliant to varying degrees.

The areas of non-compliance were generally administrative matters required by the legislation but were not considered to be serious or systemic breaches of the TA Act. In most instances compliance with the legislation was achieved quickly and related to issues such as: business name certificate not on display, travel agent licence certificate not on display, travel compensation fund certificate not on display, 'Licensed Travel Agent' sticker not displayed and nominated manager not in attendance.

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

There were no matters brought before the State Administrative Tribunal.



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

As at 30 June 2012, there were six compliance investigations outstanding which relate to alleged unlicensed activity, unfair contract terms and conditions, misleading advertising, non-display of certificates, and a travel website operating a referral scheme.

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

The definition of what constitutes 'travel agent' activities has been clarified by the department and has led to further consultation with the industry about travel intermediaries' requirement to hold a licence. Educative advice was sent to all travel agents informing them of the requirements to ensure that any intermediaries they engage with also hold the appropriate licence.

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

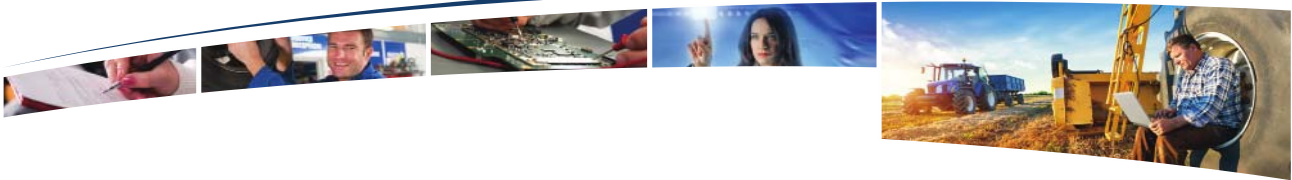
The Consumer Protection Division will continue to focus its proactive program on newly licensed agents, providing detailed information to agents regarding their legislative requirements.

The Legislative and Governance Forum on Consumer Affairs has acknowledged the necessity for reform of travel industry regulation within Australia following a national review of the regulatory framework of licensed travel agents across Australia. The department supports the development of a Travel Industry Transition Plan and associated Consultation.

It is expected that on 1 July 2012, the Airline Customer Advocate will be established as an industry funded facilitator to deal with complaints against Qantas, Tiger Airways, Jetstar, Virgin and Regional Express Airlines (Rex) operating in Australia. It is anticipated the number of complaints dealt with by the Advocate should reduce the number of air travel related complaints lodged with the Consumer Protection Division.

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

The department will continue to examine and review legal requirements concerning the licensing of entities carrying out the functions of a travel agent which may alter the manner in which the department assesses the need to hold a licence under the TA Act.



Water Services Licensing Act 1995

Part 5A of the *Water Services Licensing Act 1995* (the WSL Act) establishes the Plumbers' Licensing Board (the Board) to regulate the plumbing trade that serves the Western Australian community. The Board forms part of the Building Commission Division.

At the end of the year, there were 6,550 plumbers licensed by the Board to carry out water supply, sanitary and drainage plumbing work for residential, commercial and industrial purposes and for other sectors of the economy. This specialised workforce comprised 2,960 licensed plumbing contractors, 3,477 licensed tradespersons, who work under the general direction and control of the licensed plumbing contractors, and 113 restricted plumbing permit holders who replace certain hot water units.

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

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

Table 36: *Water Services Licensing Act 1995*: Compliance investigations and complaints in 2011-12

	Alleged unsatisfactory workmanship	Alleged unlicensed plumbing	Other regulation breaches	Total
Ongoing matters as at 1 July 2011	14	5	11	30
Matters commenced	14	33	40	87
Matters concluded	28	22	26	76
Ongoing matters as at 30 June 2012	0	16	25	41

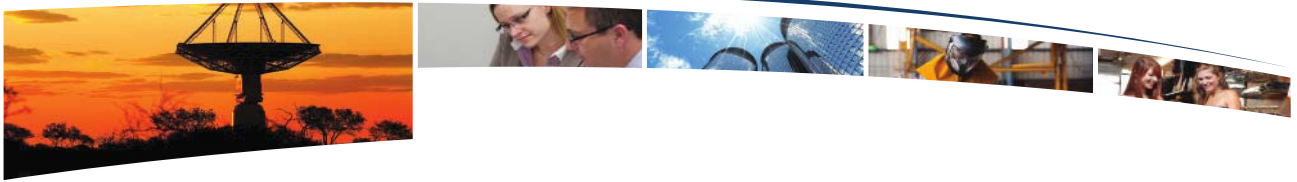
Investigations undertaken by the Board in cases of unsatisfactory workmanship or breaches of relevant regulations resulted in infringements or rectification notices issued to the respective licensed plumbing contractor. In cases of unlicensed plumbing, the Board's investigations to protect the interest of consumers and the integrity of the trade brought several prosecutions before the Magistrates Court. Details of action taken can be found in Appendix 3: Prosecutions, Table 53.

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

There was 1 case brought before the State Administrative Tribunal in 2011-12.

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

There were 41 matters outstanding as referred in (a).



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

Some Licensed plumbers continue to be unsure of their obligations under the *Water Service Licensing Act 1995* and the *Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000* (the Regulations). Education programs combined with appropriate enforcement actions will continue to be used as the best methods of improving industry knowledge of their obligations.

Some practitioners remain tardy in paying the new installation and re-inspection fees and do not send in the Notice of Intention (NOI) to commence major plumbing work and the Certificate of Compliance (COC) of major plumbing work in line with legislative requirements. These areas are not easily enforceable and may require legislative amendment.

Illegal plumbing work continues to be a concern. It is not easily detected nor enforced due to evidence gathering standards. Statistics regarding the number of replacement hot water systems being sold far exceed the number of NOI's received for installation.

There is a decrease in new home starts of approximately 15 per cent.

Major growth in the mining accommodation sector continues and limited resources provide barriers in undertaking sufficient inspection audits.

There is an increasing trend in the use of non-WaterMarked products.

There has been increased activity in investigations regarding non-compliance with regulations 41, 42 and 45 of the Regulations.

(d) forecasts of the workload of the Board in the year after the year to which the report relates; and

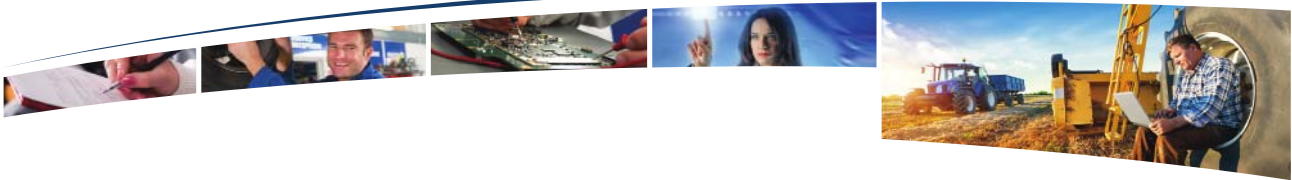
It is anticipated that there will be a continued increase in unlicensed activity which will in turn lead to a continued rise in workload.

(e) any proposals for improving the operation of the Board.

Changes to Regulations will be needed to allow the inspectorate and investigations staff to more effectively deal with investigative practices as a tool to combat an unacceptable level of unlicensed plumbing work and licensed persons avoiding compliance enforcement.

With the implementation of the Building Commission Division the Plumbers Licensing Board now has access to additional resources from other sections such as building and painting inspectors, investigators and complaint case officers.

Implementation of an online lodgment system should be considered to assist with addressing significant problems being experienced by the Administration Branch with receipt of the NOI, COC and Multi-entry compliance certificates.



Recordkeeping Plan

The Department of Commerce's Recordkeeping Plan codifies record keeping practices and ensures compliance with the regulatory obligations. The management of the department's corporate documents and information is conducted within the framework of the *State Records Act 2000*, and the *Principles and Standards 2002* (incorporating Standard 2, Principle 6) produced by the State Records Commission of Western Australia in accordance with section 61 of the Act.

It is a requirement under this Standard that the department's Recordkeeping Plan be reviewed and updated every five years. Due to significant changes to divisional functions and activities in 2011-12, the Department of Commerce's Recordkeeping Plan was updated and approved by the State Records Office and is available on the department's intranet.

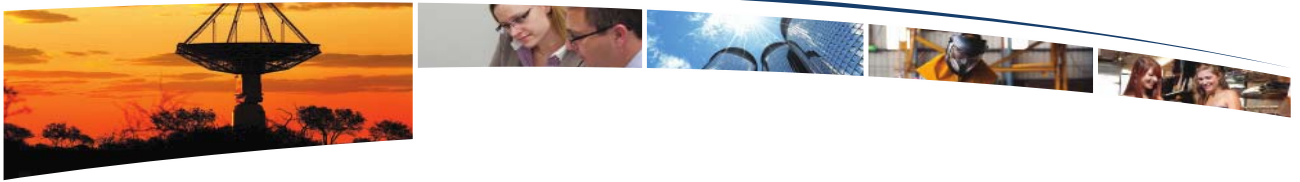
The department has mandatory records and document management training for employees as part of the induction process. Additional training and relevant training material has been made available to employees upon request and has been tailored to meet business unit needs. Regular information in the form of emails to employees and short presentations to business units and divisions were held to ensure that they are familiar with their record keeping roles and responsibilities.

In addition, the department has in place recordkeeping policies and standards including the management of emails. A booklet titled *Corporate Information: Record keeping essentials* is available on the intranet and is provided to new employees attending the mandatory, full day electronic document and records management system training session. To meet the requirements of the Commerce Recordkeeping Plan a Records Disaster Management Plan was developed for managing the restoration of and recovery of physical files and vital records should a critical incident occur. The Corporate Services Division has representatives at the various department offices that provide regular advice, inductions and also provide this booklet to new employees.

In relation to achievements and milestones for the department over 830,000 documents were placed into the department's Electronic Document Records Management System, Objective, in 2011-12. Of this total amount, 409,912 were emails with 422,811 items being other object types, for example spreadsheets or word documents.

Compliance

In accordance with *State Records Commission Standard 2, Principle 6* the department's induction programs address employee roles and responsibilities in regard to their compliance with the organisation's record keeping plan. This mandatory program has been strengthened by the introduction of an online training course to complement the department's *Code of Conduct*. Two of the six categories, 'Record keeping and use of information' and 'Communication and official information', reinforce the need to comply with the accountability framework established by legislation and by government. The efficiency and effectiveness of the record keeping training is regularly reviewed and monitored to ensure it meets the needs of the department and that employees are aware and follow their record keeping obligations as public officers.



GOVERNMENT POLICY REQUIREMENTS

Corruption prevention

Awareness raising

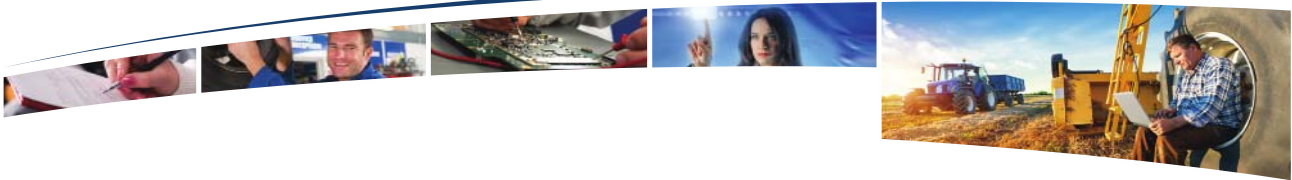
The department maintained its effort towards promoting and encouraging a culture built on ethical decision making and corruption resistance. The department continued to foster positive working relationships with key integrity agencies such as the Office of the Auditor General and the Corruption and Crime Commission, meeting officers on a regular basis to discuss governance related issues.

Identifying controls to prevent fraud and corruption

The department's risk management plan outlines the key risk management strategies, plans and procedures that are in place and includes the identification and regular review of corruption and misconduct risks. Risks and controls to prevent and detect fraud and corrupt behaviour are considered in relevant internal audits undertaken by the department's Internal Audit Branch. During the year audits were undertaken on:

- approval, issue and printing of occupational licences (assessor registration, builders, painters, building surveyors and adjudicators);
- homebuyer grants to ensure that applicants met the criteria and had been properly approved and recorded and only paid once;
- Gas Appliance Rectification Programme controls over the collection and destruction of unsafe gas appliances;
- controls over petty cash and other advances;
- controls over procurement, payments to suppliers, payroll and credit card transactions in the Shared Services environment;
- financial controls in new Tenancy Bonds IT System
- compliance with State Supply Commission purchasing policies – biennial report required by State Supply Commission; and
- Information Services engaged an independent contractor to undertake a internet vulnerability assessment.

During the year departmental staff attended several Misconduct Resistance Forums run by the Corruption and Crime Commission.



Customer feedback

The department is committed to understanding and striving to exceed our customer service standards by encouraging customer feedback to improve our services. Customers can provide feedback in a number of ways including via the internet, by telephone, by informing our counter service employees, or by written communication to the department. The feedback recorded is used to understand our customer expectations, determine the extent to which we can deliver on these expectations, address systemic shortfalls which will improve our service delivery, streamline our processes and acknowledge the good efforts of our employees.

The department's *Customer Service Charter* reflects our operations and delivery services to customers. The Charter specifies how employees are expected to conduct themselves and details the standards we endeavor to meet. The Charter is available on the department's internet site. The department has a Customer Service Policy as required by the *Public Sector Commissioner's Circular 2009-27: Complaints management*. The department's performance in relation to customer feedback is monitored by the Corporate Executive.



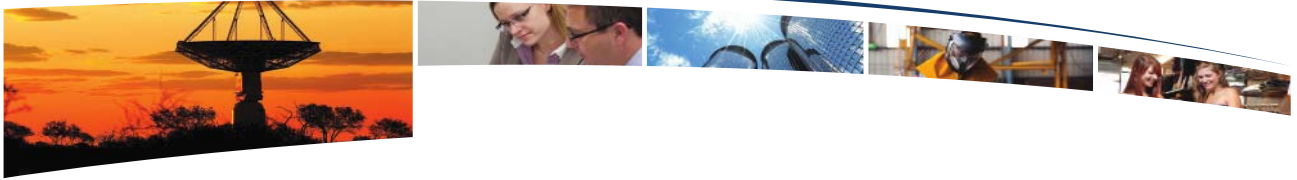
Changes to the Customer Feedback Database were implemented in 2011-12 which have provided for the improvement of the departments customer feedback reporting facilities. In 2011-12 the department received 233 pieces of Customer Service Database feedback on services in both metropolitan and regional offices. Of these, 54 per cent were compliments, 32 per cent were complaints and 14 per cent were suggestions.

Some of the compliments received included:

- “Every time I call I am always grateful to receive such gracious, helpful and reassuring advice...very impressed that the quality of service does not falter between officers”.
- A customer thanked the WorkSafe inspector who visited his workplace as the inspector’s “advice and recommendations were exemplary and I appreciated the cooperative approach from WorkSafe”.
- A customer thanked the call centre for their “excellent service” as “each of my calls were answered within 20 seconds. Each person I dealt with was extremely professional and I came away confident that I had been provided the necessary information to enable me to deal with the issue”.

The department responds to complaints in a systematic way and within agreed timeframes, with the aim of resolving the issue. Some of the complaints received by the department included:

- A customer advised that the ‘contact us’ page on the department’s website offered a fax option, but the customer was unable to locate a fax number on the website. *Outcome:* The department advised the customer that the issue had been resolved with the publication of a fax number on the contacts page of the website.
- A customer queried why there is not a register of licensed high risk workers on the department’s website. *Outcome:* the WorkSafe Division arranged for the functionality to be added to the department’s website.



Occupational safety, health and injury management

In accordance with the *Public Sector Commissioner's Circular 2009-11: Code of practice: Occupational safety and health in the Western Australian public sector* (the Circular), the department complies with the requirements of the *Occupational Safety and Health Act 1984*, the *Workers' Compensation and Injury Management Act 1981* and the *Code of practice: Occupational safety and health in the Western Australian public sector*.

Our commitment to our employees

The department recognises the value of its employees and is committed to preventing injury and illness by providing a safe and healthy work environment. The department recognises the success of occupational safety, health and injury management activities and relies on the active participation and cooperation of both management and employees. The department also recognises the vital role that senior managements' commitment to effective occupational safety health and injury management processes plays in the development of a strong safety and injury management culture aimed at best protecting the health and safety of its employees. The department's occupational safety and health commitment is designed to raise awareness of safety and health obligations and to promote safer work practices.

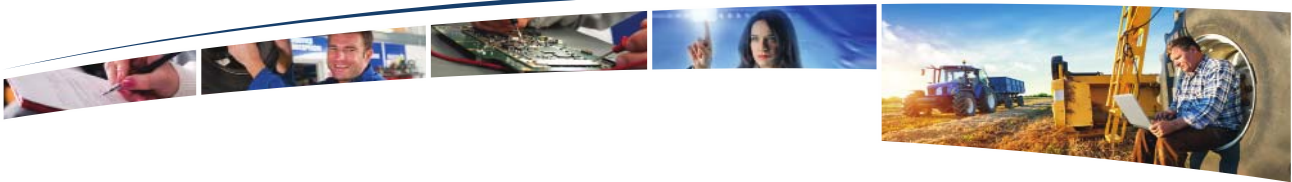
In the event that a workplace injury occurs, the department has an established injury management system, which details the steps taken to assist injured employees to return to work as soon as medically appropriate. The system ensures that injury management intervention occurs promptly and effectively, so that injured employees can remain at work or return to work at the earliest appropriate time. The department's injury management system is compliant with the requirements of the *Workers' Compensation and Injury Management Act 1981* and the *Code of Practice (Injury Management) 2005* and ensures the establishment of an official return to work program for any employee of the department injured while at work for when they are able to return to work in either a partial or total capacity.

Both the department's occupational safety and health and injury management systems are available to employees on the department's intranet site. Information is communicated as part of occupational safety and health training for employees, managers and supervisors; and through the Occupational Safety and Health Committee (the Committee).

Consultation mechanisms

Both management and employees are committed to improved and effective consultation in the workplace. Consultation provides employees with an opportunity to participate fully in decisions which impact on their working lives. The establishment of an appropriate forum to consult has resulted in better decision making with shared decisions leading to more effective implementation. The Committee comprises of safety and health representatives and management representatives and is focused on the continuous improvement of occupational safety and health performance.

In 2011-12 the Committee met every six weeks to discuss matters relating to workplace matters that affect the health and welfare of employees. The department's executive, safety and health representatives and employees are committed to the goal of a workplace that is free of work-related injuries and disease and to achieve a standard of excellence in occupational safety and health management.



During the year the Committee discussed and resolved issues raised by employees, reviewed accident and incident forms to ensure that hazards were addressed to eliminate or reduce potential issues, and discussed injury trends and identified preventative measures that promote a safe working environment.

Our performance

The department's performance against targets contained in the Circular is demonstrated in Table 37.

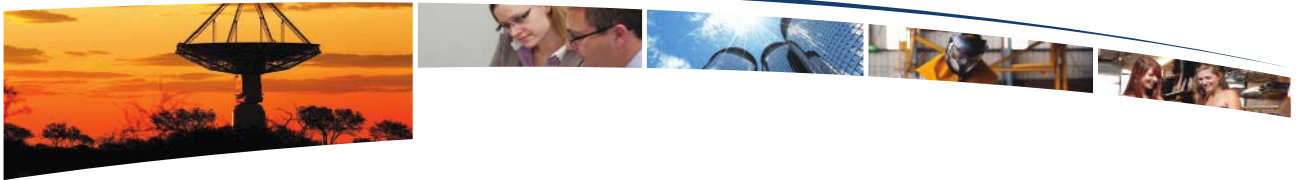
Table 37: Occupational safety, health and injury management performance

Measure	Actual Results		Results against Target	
	2010-11	2011-12	Target	Result
Number of fatalities	0	0	0 (zero)	Target achieved.
Lost time injury and/or disease incidence rate	0.56	0.42	0 or 10% reduction	Target achieved.
Lost time injury and/or disease severity rate	20.00	25.00	0 or 10% reduction	While there has been a reduction in overall LTIs the one severe LTI that occurred in 2011-12 increased the department's severity rate.
Percentage of injured workers returned to work: (i) within 13 weeks	N/A%	80%	Actual percentage result	Target achieved.
ii) within 26 weeks	100%	100%		One LTI returned to work within 26 weeks while the remainder all returned within the 13 week timeframe.
Percentage of managers trained in occupational safety, health and injury management responsibilities	80%	96%	Greater than or equal to 80%	Target achieved.

The department's occupational safety and health management system (OSHMS) was reviewed in June 2011 through a self evaluation. Areas that were identified for improvement in the 2010-11 annual report have been completed through the following processes:

- a strategy for regular reviews of the occupational safety and health policies, guidelines has been developed and incorporated into the OSHMS;
- the quarterly report has been amended to report against the OSHMS; and
- an occupational health, safety and injury management procedure for labour hire personnel is available on the intranet.

In January 2012, the OSHMS was internally audited against the WorkSafe Plan which has led to further recommendations being made. To date 75 per cent of the outcomes from the WorkSafe Plan have been implemented. A further 18 per cent of the recommendations will be implemented following a survey on employee experiences as well as a training needs analysis.



A further outcome of the review is the recommendation to update the current standard Job Description Form template to include occupational safety and health responsibilities as well as to review the current occupational safety and health policy.

In 2011-12, responsibility for workers' compensation claims management and injury management was returned to the department as part of the decommissioning of the Office of Shared Services.

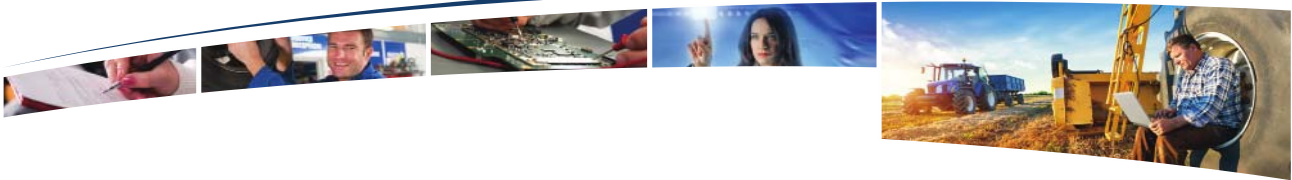
Additional safety and injury management activities undertaken in 2011-12 included:

- the completion and implementation of the actions recommended against the WorkSafe Plan internal audit;
- the review of the Motor Vehicle Fleet Policy;
- the review of emergency plans and procedures for department buildings;
- promotion of workstation safety and health by conducting ergonomic assessments, which are available for all employees;
- development of manual task posters branded with the OSH logo and colours that provide safety advice on standard tasks undertaken within the department;
- development of key performance indicators provided monthly to the department's Human Resource Director;
- increased reporting in Corpex Quarterly Report;
- the review of the injury management policy and injury management system and first aid policy;
- development of fact sheets for managers and employees on injury management; and
- the initiation of a mental health pilot program within the Consumer Protection Division that incorporates a policy, practical guidelines and training for supervisors and managers as well as mental health first aid training.

Whole of government Public Sector Safety and Injury Management Initiative

The Public Sector Safety and Injury Management Initiative provides a whole of government approach to workplace safety and injury management. The initiative supports a commitment by all Australian jurisdictions to the achievement of the *National Occupational Health and Safety Strategy 2002-2012*, in particular Priority Five, which is to strengthen the capacity of government to influence occupational health and safety outcomes.

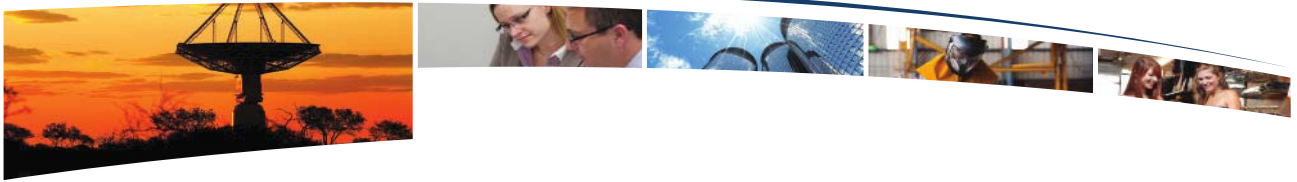
The initiative is an example of how the public sector can work together to develop a culture that advocates and supports a workplace free of work-related injuries and diseases. The initiative is designed to promote the Western Australian public sector as a leader in safety, health and injury management by fostering a coordinated approach across public sector agencies. The Department of Commerce is the lead agency responsible for the initiative. A steering committee was established to foster senior management commitment and provide guidance to public sector agencies. The steering committee has senior officers from the Department of Commerce, the Public Sector Commission, RiskCover, WorkCover WA and a UnionsWA nominee.



The key activity of the initiative includes identifying and developing strategic initiatives to assist agencies to improve safety and injury management performance and thereby reduce workers' compensation costs. The initiative also promotes best practice safety, health and injury management across the public sector through the *Code of Practice: Occupational Safety and Health in the Western Australian Public Sector* and the *Public Sector Commissioner's Circular 2009-11: Code of practice: Occupational safety and health in the Western Australian public sector* (the Circular).

In 2011-12, in support of the initiative, the department:

- reviewed and implemented changes made to the Circular for annual reporting 2012 to 2014;
- reviewed more than 150 public sector agencies for annual reporting compliance with the Circular;
- in advance of the commencement of the 2011-12 reporting period, engaged with Chief Executive Officers and Human Resources Directors, to draw their attention to the Circular changes and remind them of their obligations with regards to occupational safety, health and injury management annual reporting requirements;
- acknowledged excellence in annual reporting through a special Occupational Safety, Health and Injury Management Award at the Institute of Public Administration Australia Western Australia's W.S. Lonnie Awards. The winner was the Zoological Parks Authority;
- partnered with the Public Sector Commission to include and monitor occupational safety, health and injury management initiatives in Chief Executive Officer Performance Agreements, corresponded with Chief Executive Officer's to encourage key agencies include occupational safety, health and injury management initiatives in Performance Agreements and provided information; and
- organised three Occupational Safety, Health and Injury Management Networking sessions for public sector practitioners.



Reconciliation Action Plan

The Department of Commerce is committed to maintaining positive relationships with Aboriginal communities through the strategies outlined in the department's Reconciliation Action Plan (RAP). These strategies address Reconciliation Australia's key focus areas: Relationships, Respect and Opportunities through the development of initiatives for the education of employees and customers, and liaison with Aboriginal support groups.

Table 38 provides a summary of the key activities undertaken during 2011-12 in support of the department's Reconciliation Action Plan.

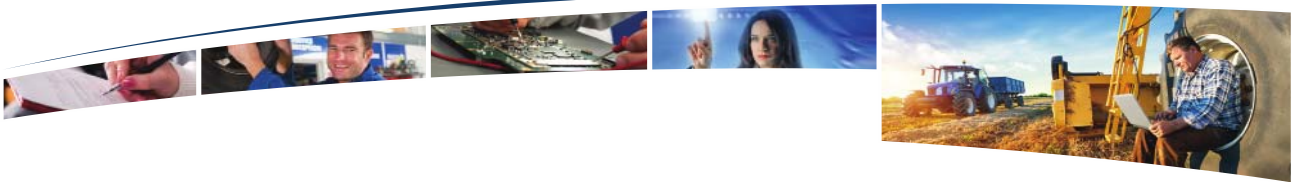
Table 38: Reconciliation Action Plan outcomes for 2011-12

Area of Focus:	Relationships
	<ul style="list-style-type: none"> • Reconciliation Australia endorsement of the department's refreshed RAP for 2011-2013 and the promotion of the RAP on the department's website. • Education, consultation and promotion initiatives targeting regional Aboriginal communities continued as part of divisional operations. • Publications targeted at informing Indigenous consumers as part of the Consumer Protection Division's services included <i>Ask us – Book up</i>, <i>Ask us – Buying big ticket items</i>, <i>Ask us – Door-to-door sales</i> and <i>Ask us – Estimates and Quotes</i>.
Area of Focus:	Respect
	<ul style="list-style-type: none"> • Performing a formal 'Welcome to Country' at significant departmental events. • Promotion and celebration of Reconciliation Week and NAIDOC Week.
Area of Focus:	Opportunities
	<ul style="list-style-type: none"> • Continued implementation of the department's Equity and Diversity Plan, which contains strategies to improve employment outcomes for Aboriginal and Torres Strait Islanders. • Development of a proposed Aboriginal employment strategy and action plan to address departmental Indigenous employment targets for the next three years.

Substantive equality

In accordance with the *Equal Opportunity Act 1984* and the *Public Sector Commissioner's Circular 2009-23: Implementation of the Policy Framework for Substantive Equality*, the department is committed to ensuring substantive equality is reflected appropriately in divisional operations, strategies and policies. Substantive equality seeks to eliminate systemic direct and indirect discrimination in the delivery of public sector services to ethnic and Aboriginal communities, and to promote understanding and sensitivity to the needs of these client groups.

The department's Substantive Equality Committee (the Committee) is responsible for monitoring both the Reconciliation Action Plan and the Policy Framework for Substantive Equality to assess client needs.



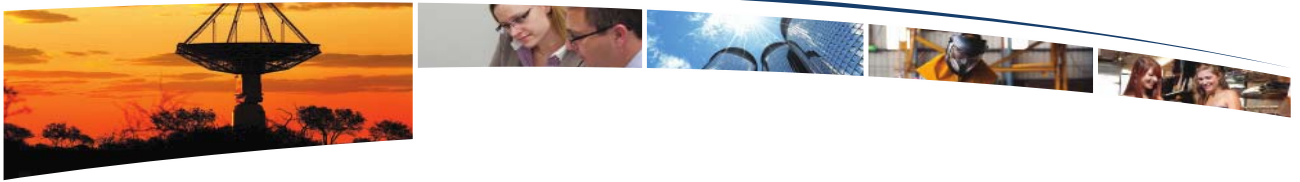
The Committee has placed emphasis on enhancing service delivery to Aboriginal and other culturally diverse client groups through the provision of specific information and education resources to ensure equal outcomes. Substantive equality strategies for Aboriginal communities are reported in the Disclosures and Legal Compliance (Reconciliation Action Plan) section of this report. Progress against the policy framework continues through the review of current policies and projects and maintaining effective communication networks with relevant Aboriginal community organisations.

Achievements for other Culturally and Linguistically Diverse (CaLD) groups during 2011-12 included:

- a Needs and Impact Assessment of the department's new Seniors Housing Service being initiated to assess the impact on, and experience of, CaLD groups when utilising the service;
- other divisional services being identified for future Needs and Impact Assessments;
- representation by the department's Labour Relations Division on the WA CALD Across Government Network (WA CAN). A key item for discussion in 2011-12 was the State Government's Language Services Policy and its effective implementation within the Western Australian community;
- the updating of the Labour Relations publication, *Migrants working in Western Australia*, which was then widely circulated to CaLD community groups, receiving very positive feedback;
- the delivery of 53 seminars to 1,460 students during the financial year as part of the Education Services Migrant Program undertaken by the Labour Relations Division. Many of these seminars were a result of participation in the Adult Migrant Education Program which is coordinated through various Polytechnics, TAFEs, Finding Futures and Centacare;
- provision of seminars to trainees in the security services industry, which employs a large number of people from culturally diverse backgrounds. During the financial year, the Labour Relations Division delivered 73 seminars to 1,343 participants;
- provision of interpreting services to employees from culturally diverse backgrounds through Wageline for information and through the Labour Relation Division's Compliance and Education directorate for investigation of complaints relating to employment matters. The Labour Relations Division provided interpreting services on 33 occasions during the reporting period. The interpreting services ensure that people from CaLD communities have equitable access to information and services under the framework of the State Government Language Services Policy.

The department was also represented on a number of cross government networks and committees including the:

- Implementation Committee on Settlement Issues for African Humanitarian Entrants (Office of Multicultural Interests);
- National Indigenous Consumer Strategy Implementation Reference Group; and
- Western Australian CaLD Across Government Network.



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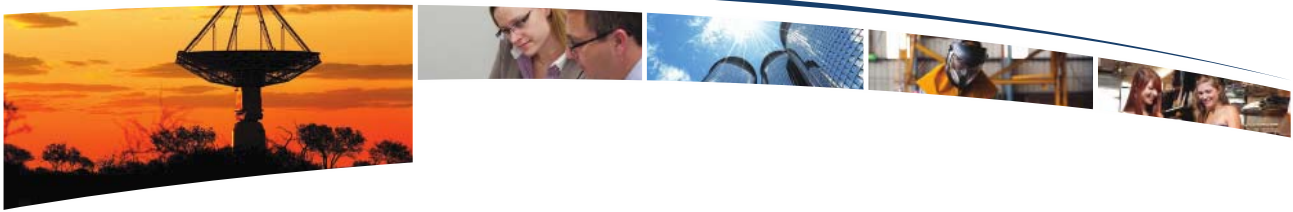
Appendices



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

Appendix 1: Agreements	171
Appendix 2: Changes to written laws	175
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Appendix 4: Functions of boards, commissions, committees, councils and tribunals	211
Appendix 5: Annual Report feedback	218

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APPENDICES

Appendix 1: Agreements

The Department of Commerce recognises the benefits derived from working collaboratively with external parties by negotiating co-agency agreements, Heads of Agreement, Memoranda of Understanding, Instruments of Declaration and inter-governmental arrangements with a range of organisations, within the public and private sector.

Agreements

Agreements provide a structured and formal arrangement for information sharing and are designed to improve the flow of information between parties where the two have a common interest or legislative responsibility. In most cases the scope of agreements is limited to selected areas of mutual interest, so there are limited powers of request and exchange. At all times the information exchanged is in accordance with a legislative power, and always with regard to other governing legislation, such as the *Commonwealth Privacy Act 1988*.

Co-agency agreements

Co-agency agreements in place during 2011-12:

- Australian Maritime Safety Authority
- Department of Transport, Marine Safety
- Department of Transport, (monitoring fatigue in the omnibus industry)
- Department of Transport, Office of Rail Safety

Heads of Agreement

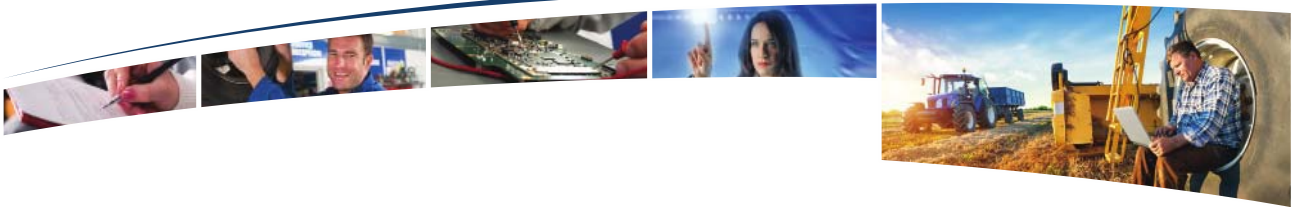
Heads of Agreement in place during 2011-12:

- WorkCover WA

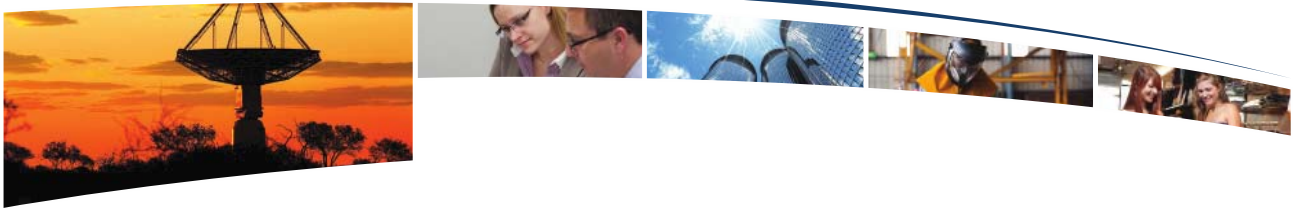
Memoranda of Understanding

Memoranda of Understanding in place during 2011-12:

- Associazione Parchi Scientifici E Tecnologici Italiani, Italy and Technology Park, Bentley
- .au Domain Administration Limited
- Australian Competition and Consumer Commission
- Australian Securities and Investments Commission
- Australian Securities and Investments Commission regarding co-operation, access to and use of information, referral of matters, and co-operation in education activities following the transfer of regulation of consumer credit under Western Australian credit legislation from the Western Australian Department of Commerce, Consumer Protection Division to the ASIC, and other matters to support the National Credit Law
- Biotechnology Institute for sanofi-agentis BioGENEius Challenge of Western Australia
- Bureau of WorkSafe Supervision and Administration Zhejiang Provincial Government
- City of Kalgoorlie Boulder and the Plumbers' Licensing Board



- Commonwealth of Australia in regard to access to information held on the Australian Business Register
- Commonwealth of Australia and the State of Western Australia regarding the SKA Project
- Commonwealth of Australia and the State of Western Australia on radio quiet matters relating to the Murchison Radio-astronomy Observatory and SKA Project
- CSIRO and the State of Western Australia regarding the SKA and Australian SKA Pathfinder Projects (Collaborative Agreement)
- Confidentiality Undertaking with the ASIC regarding credit provider and finance broker licensee and complaint information provided prior to the transition of credit regulation to the Commonwealth
- Confidentiality Undertaking with the Attorney-General's Department of the Australian Government regarding the provision of sample personal property securities (PPS) data to facilitate the transition of the Western Australian PPS register to the Commonwealth
- Consumers' Association of WA (Inc)
- Daedeok Innopolis, Korea and Technology Park Bentley, Western Australia
- Department of the Attorney General (State Administrative Tribunal) in relation to the provision of tribunal services for complaints referred under section 11 of the *Building Services (Complaints Resolution and Administrative) Act 2011*
- Department for Child Protection regarding referrals of suspected breaches of children in employment laws; notification of potential child protection issues arising from investigations; and joint responses to circumstances where the nature of a child's employment may jeopardise their wellbeing
- Department of Education Services, Office of the Training Accreditation Council
- Department of Fisheries regarding the exchange of information relating to investigations
- Department of Immigration and Citizenship
- Department of Indigenous Affairs and the Commonwealth of Australia's Registrar of Indigenous Corporations for the corporate governance training program: *Managing in Two Worlds*
- Department of Mines and Petroleum, Administration of Occupational Safety and Health Legislation
- Department of Mines and Petroleum and Department of State Development regarding a Graduate Program Partnership Agreement
- Department of Mines and Petroleum and Department of State Development (Building Access)
- Department of Mines and Petroleum and Department of State Development on local content
- Department of Regional Development and Lands for Community Emergency Mobile Communications Project
- Department of Regional Development and Lands on National Partnership for Remote Indigenous Public Internet Access
- Department of Regional Development and Lands on Pilbara Maritime Common Use Facility (PMCUF)
- Department of Regional Development and Lands on Regional Mobile Communications Project
- Department of State Development managing industry, technology and resources



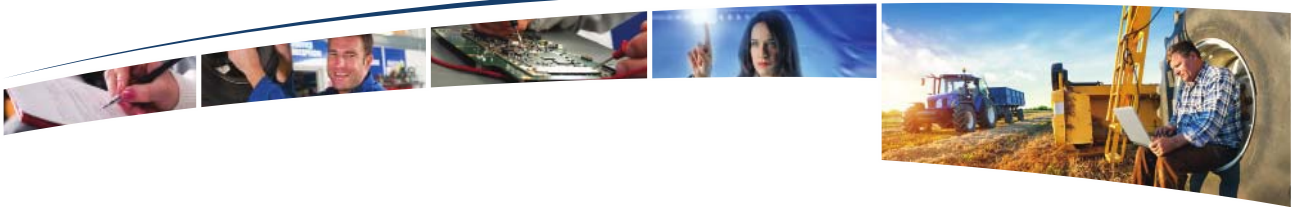
- Department of Sustainability, Environment, Water, Population and Communities (formerly the Department of Environment, Water, Heritage and the Arts) regarding the monthly provision of complaint information around the Home Insulation Program. (This MOU expired on 31 March 2012 and was not renewed).
- Department of Transport regarding the Department of Commerce's access to the Transport Executive and Licensing Information System and vice versa the Department of Transport's access to Complaints and Licensing System
- Economic Regulation Authority
- Energy Ombudsman
- Hangzhou National Hi-Tech Industry Development Zone and Technology Park Bentley of Western Australia
- Health and Disability Services Complaint Office
- Healthways and the Department of Commerce regarding the exchange of information on incorporated associations
- National Industrial Chemicals Notification and Assessment Scheme
- National Offshore Petroleum Safety Authority
- Office of Energy
- Public Utilities Office
- State Administration of Work Safety, People's Republic of China
- State Library for National Partnership for Remote Indigenous Public Internet Access
- Water Corporation and the Plumbers' Licensing Board
- Western Australian Agriculture Authority regarding Western Australia's 'Buy West, Eat Best' food marketing program
- Western Australia Police regarding the application of *Occupational Safety and Health Act 1984* to police officers
- Western Australia Police and Building Industry and Special Projects Inspectorate

Instruments of Declaration

Construction work at mine sites falls under the jurisdiction of the *Mines Safety and Inspection Act 1994* (the MSI Act) and the *Mining Act 1978*. Section 4(3) of the *Occupational Safety and Health Act 1984* (the OSH Act) provides that the Minister administering the OSH Act and the Minister administering the MSI Act and *Mining Act 1978* may declare, in an 'instrument of declaration', that the OSH Act or provisions of it apply to, or in relation to, a workplace normally falling under the jurisdiction of the MSI Act or the *Mining Act 1978*.

Instruments of Declarations in place during 2011-12:

- BHP Billiton railway
- BHP Transport Marine Slipway on Special Lease 3116/3690, Burgess Point, BHP Iron Ore Nelson Point
- Boodarie Power Station, Port Hedland
- Griffin Coal Company Pty Limited - Premier Mine
- Hope Downs 4 project
- Jumblebar Mines Construction Project
- Karara to Tilley Railway
- Karara Mining Project



- Newman Power Station
- Pilbara Infrastructure Pty Ltd railway
- Pilbara Iron Pty Ltd railway
- Sino Iron mine site
- Spinifex Ridge Molybdenum (Moly Mines Australia Pty Ltd) mine site
- Wesfarmers Coal Limited - Premier Mine

Inter-governmental arrangements

Inter-governmental agreements articulate the commitment of jurisdictions to implement decisions.

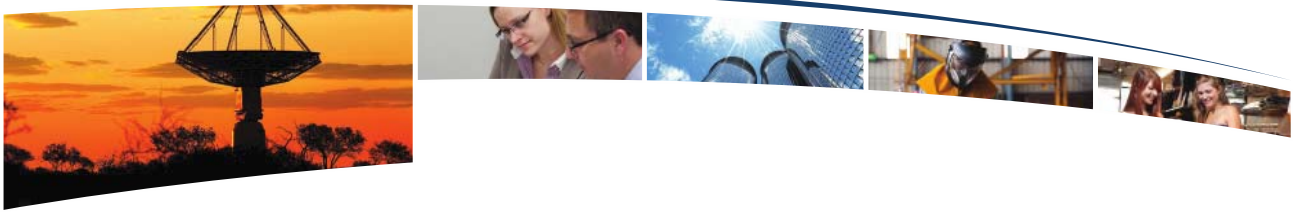
Agreement in place during 2011-12:

- Inter-governmental agreement for the operation of the Australian Building Codes Board
- Australian Government agencies responsible for enforcement of occupational safety and health legislation

Inter-governmental arrangements for service delivery clearly articulate accountability and funding for the delivery of services by the department to a government authority.

Arrangements in place during 2011-12:

- Commonwealth of Australia and State of Western Australia regarding the delivery of services to the Christmas Island and Cocos (Keeling) Islands
- Federal Fair Work Ombudsman to deliver education services to private sector employers and employees on transitional arrangements for Federal Modern Awards



Appendix 2: Changes to written laws

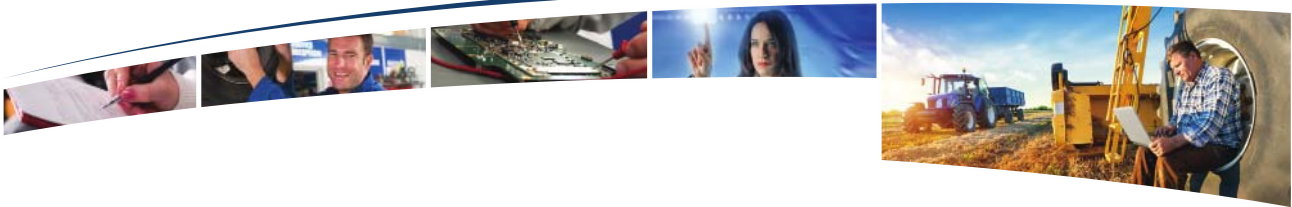
Changes in written law initiated by the department during 2011-12 are outlined according to the responsible division in Table 39 to 43.

Consumer Protection

Consumer Protection Division

Table 39: Amendments to written laws for the Consumer Protection Division in 2011-12

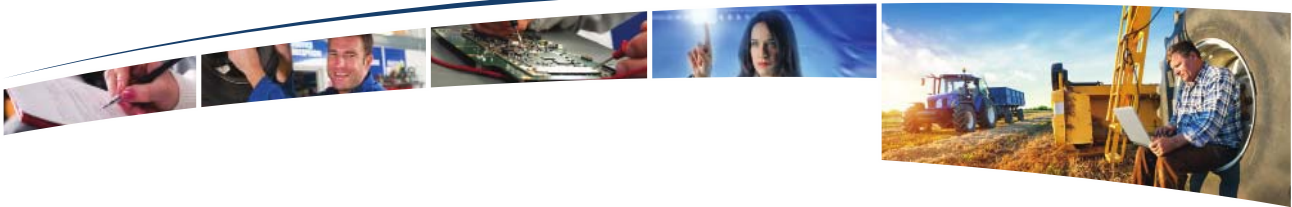
Written law / Title	Gazette number	Effective date
Bills of Sale (Fees) Regulations 1983 (Repeal)		30 January 2012
<i>Bills of Sale Act 1899</i> (Repeal)		30 January 2012
Bills of Sale Regulations 2001 (Repeal)		30 January 2012
<i>Business Names (Commonwealth Powers) Act 2012</i>	60 of 2012	28 May 2012
Charitable Collections Amendment Regulations 2011	119 of 2011	1 July 2011
Code of Conduct for Agents and Sales Representatives 2011	201 of 2011	21 October 2011
Codes - Licensed Valuers Code of Conduct	248 of 2011	23 December 2011
Commercial Tenancy (Retail Shops) Agreements Amendment Regulations 2012	48 of 2012	23 March 2012
Competition and Consumer Amendment Regulations 2011 (No.2)	6 of 2012	10 January 2012
Consumer Protection Notice No. 24 of 2011 - Miniature Motorbikes (Monkey Bikes)	168 of 2011	2 September 2011
Consumer Protection Notice No. 33 of 2011 – Revocation of Interim Ban and Imposition of Permanent Ban	176 of 2011	16 September 2011
Consumer Protection Notice No. 34 of 2011 - Revocation Interim Ban and Imposition of Permanent Ban	176 of 2011	16 September 2011
Fair Trading (Advisory Committees) Regulations 2011	119 of 2011	1 July 2011
Fair Trading (Fitness Industry Code of Practice) Amendment Regulations 2011	119 of 2011	1 July 2011
Fair Trading (Infringement Notices) Regulations 2012	64 of 2012	24 April 2012
Fair Trading (Retirement Villages Code) Amendment Regulations 2011	119 of 2011	1 July 2011
Finance Brokers Control (Code of Conduct) Amendment Regulations 2011	119 of 2011	1 July 2011
<i>Hairdressers Registration Act 1946</i> (Expiry)	37 of 2012	13 Mar 2012
Hairdressers Registration Regulations 1965 (Repeal)		13 Mar 2012
Land Valuers Licensing Amendment Regulations (No. 3) 2011	119 of 2011	1 July 2011
Motor Vehicle Dealers (Infringements) Amendment	120 of 2011	1 July 2011



Written law / Title	Gazette number	Effective date
Regulations 2011		
Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 2) 2011	120 of 2011	1 July 2011
Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 3) 2011	6 of 2012	10 January 2012
Motor Vehicle Dealers (Sales) Amendment Regulations (No. 2) 2011	120 of 2011	1 July 2011
Motor Vehicle Repairers Amendment Regulations (No. 3) 2011	120 of 2011	1 July 2011
<i>Personal Property Securities (Commonwealth Laws) Act 2011</i>		4 Oct 2011
Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2011	120 of 2011	1 July 2011
Real Estate and Business Agents Supervisory Board (Elections) Repeal Regulations 2011	120 of 2011	1 July 2011
Residential Parks (Long-Stay Tenants) Amendment Regulations 2011	127 of 2011	5 July 2011
Retail Trading Hours (Bunbury) Variation Order 2011	219 of 2011	15 November 2011
Retail Trading Hours (City of Albany) Variation - Order No. 3 of 2011	203 of 2011	25 October 2011
Retail Trading Hours (City of Albany) Variation Order 2012	11 of 2012	20 January 2012
Retail Trading Hours (City of Albany) Variation Order No. 2 of 2011	178 of 2011	23 September 2011
Retail Trading Hours (City of Albany) Variation Order No. 2 of 2012	29 of 2012	28 February 2012
Retail Trading Hours (City of Albany) Variation Order No. 3 of 2012	43 of 2012	16 March 2012
Retail Trading Hours (City of Albany) Variation Order No. 4 of 2011	222 of 2011	22 November 2011
Retail Trading Hours (City of Albany) Variation Order No. 4 of 2012	48 of 2012	23 March 2012
Retail Trading Hours (City of Albany) Variation Order No. 5 of 2012	79 of 2012	22 May 2012
Retail Trading Hours (City of Greater Geraldton) Order 2011	219 of 2011	15 November 2011
Retail Trading Hours (City of Kalgoorlie-Boulder) Variation Order 2011	234 of 2011	2 December 2011
Retail Trading Hours (City of Mandurah) Variation Order (No. 2) 2011	235 of 2011	6 December 2011
Retail Trading Hours (City of Mandurah) Variation Order 2011	193 of 2011	11 October 2011
Retail Trading Hours (Leonora) Variation Order 2011	164 of 2011	26 August 2011
Retail Trading Hours (Perth Special Trading Precinct) Variation Order 2011	123 of 2011	1 July 2011



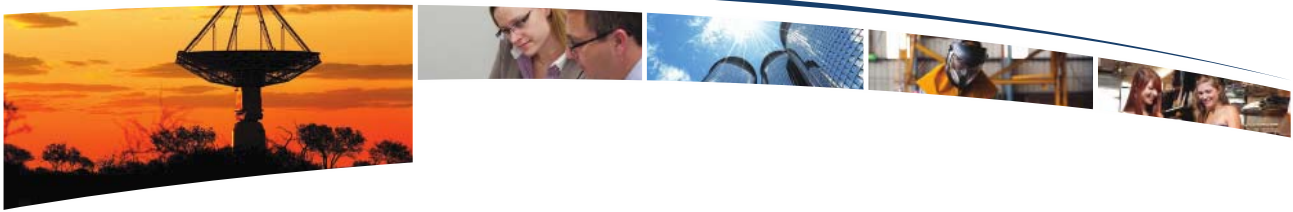
Written law / Title	Gazette number	Effective date
Retail Trading Hours (Regional) Variation Order 2011	241 of 2011	9 December 2011
Retail Trading Hours (Shire of Busselton) Variation Order 2011	241 of 2011	9 December 2011
Retail Trading Hours (Shire of Collie) Variation Order No. 2 of 2011	222 of 2011	22 November 2011
Retail Trading Hours (Shire of Esperance) Variation Order 2011	241 of 2011	9 December 2011
Retail Trading Hours (Shire of Manjimup) Variation Order No. 2 of 2011	220 of 2011	18 November 2011
Retail Trading Hours (Shire of Murray) Variation Order 2011	232 of 2011	2 December 2011
Retail Trading Hours (Shire of Murray) Variation Order No. 2 of 2011	240 of 2011	9 December 2011
Retail Trading Hours (Shire of Northam) Variation Order (No. 2) 2011	232 of 2011	2 December 2011
Retail Trading Hours (Special Trading Precincts) Variation Order 2011	232 of 2011	2 December 2011
Retail Trading Hours Variation Order 2011	232 of 2011	2 December 2011
Settlement Agents Amendment Regulations (No. 2) 2011	120 of 2011	1 July 2011
Settlement Agents Code of Conduct Amendment Rules 2011	200 of 2011	21 October 2011
Settlement Agents Supervisory Board (Elections) Repeal Regulations 2011	120 of 2011	1 July 2011
Sunday Entertainments Amendment Regulations 2011	119 of 2011	1 July 2011



Building Commission Division

Table 40: Amendments to written laws for the Building Commission Division in 2011-12

Written law / Title	Gazette number	Effective date
Building Services (Registration) Regulations 2011	162 of 2011	29 August 2011
Building Services (Complaint Resolution and Administration) Regulations 2011	163 of 2011	29 August 2011
Building Regulations 2012	38 of 2012	2 April 2012
Building Services (Complaint Resolution and Administration) Amendment Regulations 2012	35 of 2012	13 March 2012
Building Services (Registration) Amendment Regulations 2011	15 of 2012	1 February 2012
Building Services (Registration) Amendment Regulations 2012	35 of 2012	13 March 2012
Building Services (Registration) Amendment Regulations (No 3) 2012	100 of 2012	1 July 2012
Home Building Contracts (Home Indemnity Insurance Exemptions) Amendment Regulations 2012	73 of 2012	12 May 2012
Home Building Contracts Amendment Regulations 2011	164 of 2011	29 August 2011
Home Building Contracts Amendment Regulations 2012	71 of 2012	9 May 2012



Safety and Employment Protection

EnergySafety Division

Table 41: Amendments to written laws for the EnergySafety Division in 2011-12

Written law / Title	Gazette number	Effective date
Electricity Amendment Regulations 2012	60 of 2012	13 April 2012
Electricity (Licensing) Amendment Regulations 2012	60 of 2012	13 April 2012
Electricity (Supply Standards and System Safety) Amendment Regulations 2012	60 of 2012	13 April 2012

Labour Relations Division

Table 42: Amendments to written laws for the Labour Relations Division in 2011-12

Written law / Title	Gazette number	Effective date
Construction Industry Portable Paid Long Service Leave Amendment Regulations 2011	253 of 2011	31 December 2011
<i>Industrial Legislation Amendment Act 2011</i>	43 of 2012	1 April 2012

WorkSafe Division

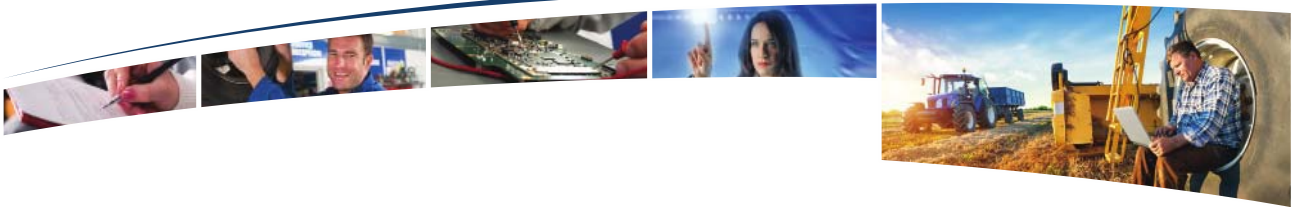
Table 43: Amendments to written laws for the WorkSafe Division in 2011-12

Written law / Title	Gazette number	Effective date
Occupational Safety and Health Amendment Regulations 2011	172 of 2011	9 September 2011
Occupational Safety and Health Amendment Regulations 2011 (No. 3)	101 of 2012	1 July 2012

Industry, Science and Innovation

Industry, Science and Innovation Division

There were no changes to written laws in 2011-12 for the Industry, Science and Innovation Division.



Appendix 3: Prosecutions

Consumer Protection

Consumer Protection Division

Tables 44 to 51 provides details of action undertaken in 2011-12 by the Consumer Protection Division. For the purposes of Tables 44 to 51, the Commissioner is the Commissioner for Consumer Protection.

Court of Appeal

Table 44: Court of Appeal proceedings for the Consumer Protection Division in 2011-12

Name/ defendant/ parties	Nature	Outcome
Norman Philip Carey v Commissioner	Appeal from single judge of Supreme Court dismissing an appeal from five convictions in the Magistrates Court for making false and misleading representations under sections 12 and 81 of the <i>Fair Trading Act 1987</i> .	Matter pending.
Pasquale Minniti v Motor Vehicle Industry Board	Appeal from decision of the State Administrative Tribunal to disqualify the appellant from holding a motor vehicle dealers licence under the <i>Motor Vehicle Dealers Act 1973</i> .	Appeal dismissed. Costs agreed at \$10,000 (global) which includes State Administrative Tribunal and appeal proceedings.

Federal Court

Table 45: Federal Court proceedings for the Consumer Protection Division in 2011-12

Name/ defendant/ parties	Nature	Outcome
Salvatore Tomarchio v Commissioner	Anti-suit injunction application to restrain Commissioner's prosecution of Salvatore Tomarchio in Magistrates Court.	Application dismissed with indemnity costs. Costs of \$1,800 to the Commissioner.

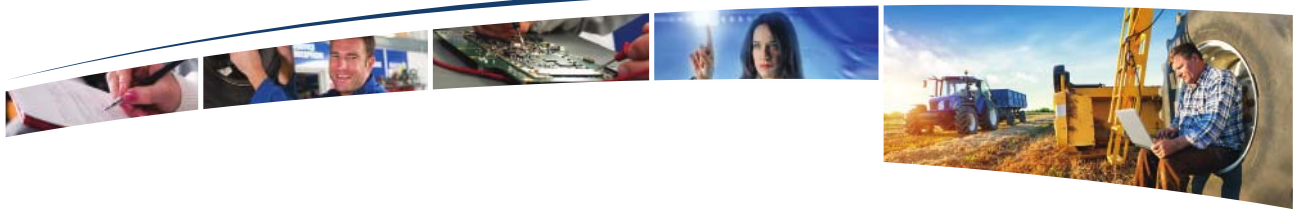
Civil applications - Supreme Court

Table 46: Supreme Court proceedings for the Consumer Protection Division in 2011-12

Name/ defendant/ parties	Nature	Outcome
Commissioner v Alwyn Robert Healy	Application for injunction alleging contraventions of the <i>Fair Trading Act 1987</i> .	Mr Healy signed an enforceable undertaking. Proceedings stayed and will be dismissed if Mr Healy repays consumers in accordance with the Undertaking.



Name/ defendant/ parties	Nature	Outcome
Norman Philip Carey v Commissioner	Appeal from Magistrates Court convictions for making false and misleading representations under sections 12 and 81 of the <i>Fair Trading Act 1987</i> .	Appeal dismissed with costs. Outcome of costs to be determined pending further appeal to the Court of Appeal.
Ronald George Smith v Commissioner	Appeal from decision of the State Administrative Tribunal regarding his failure to deposit funds into trust account.	Appeal dismissed with no order as to costs.
Commissioner v No Loan Home Pty Ltd, Filip Butkovic and Nikola Butkovic	Application for injunctions, declarations and compensation orders alleging misleading and deceptive conduct and carrying on business as a real estate agent without a licence in breach of the <i>Australian Consumer Law (WA)</i> and the <i>Real Estate and Business Agents Act 1978</i> .	Declaration of conduct in breach of the <i>Australian Consumer Law (WA)</i> and the <i>Real Estate and Business Agents Act 1978</i> . Injunctions restraining further conduct. Compensation order in favour of consumer who suffered loss (amount to be assessed). Costs fixed at \$9,174.
Commissioner v Phillip Edwyn Gerald Douglas and Linda Jane Lyons	Alleged contraventions of the <i>Fair Trading Act 1987</i> .	Settled at mediation without admission.
Commissioner v Haydn Ross Robinson, Phillip Edwyn Gerald Douglas and Linda Jane Lyons	Application to restrain solicitor from acting in Supreme Court proceedings on the basis that Mr Robinson has a conflict of interest in the proceedings.	Commissioner's application dismissed and (by consent) no order as to costs.
Ellis and Ors v Douglas and Ors	Application made by members of Fremantle RSL 'Wyola' Club Inc to join the Commissioner to action Ellis & Ors v Douglas & Ors CIV 3005 of 2010 and/or to consolidate CIV 3005 of 2010 with the Commissioner's action Commissioner v Douglas & Lyons CIV 3003 of 2010.	Members' application stayed pending outcome of Commissioner v Douglas & Lyons. Joinder and consolidation application adjourned sine die. Costs reserved.
Commissioner v Fay Marie Armstrong	Application for declarations and injunctions under the <i>Australian Consumer Law (WA)</i> in connection with the sale of dogs.	Proceedings discontinued on Defendant entering into enforceable undertaking pursuant to section 218 of the <i>Australian Consumer Law (WA)</i> .
Commissioner v Fay Marie Armstrong	Allegation of breach of enforceable undertaking seeking order under section 218 of the <i>Australian Consumer Law (WA)</i> .	Injunction restraining further breaches of enforceable undertaking. The exact terms of the order to be made by the Court are pending, subject to further written submissions to be provided by the Commissioner.



Name/ defendant/ parties	Nature	Outcome
(Name withheld) v Commissioner	Appeal of Magistrates Court conviction for entering into an agreement with intent to defeat, evade or prevent the operation of section 30 of the <i>Residential Tenancies Act 1987</i> . Spent conviction order granted by Magistrate.	Matter pending.
Retirement Care Australia (Hollywood) Pty Ltd v Commissioner & Ors	Application to remove or vary retirement village scheme for Hollywood Retirement Village. Commissioner defendant under <i>Retirement Villages Act 1992</i> .	Matter pending.

Civil claims - Real Estate and Business Agents Fidelity Guarantee Account

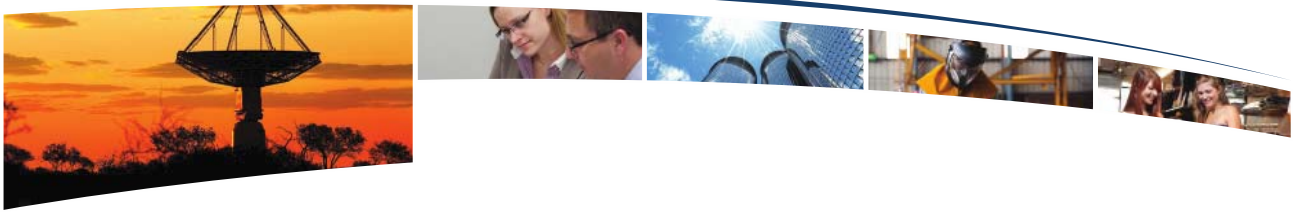
Table 47: Claims made against the Real Estate and Business Agents Fidelity Guarantee Account in 2011-12

Claimant	Licensee	Identifier	Type of Loss (Pecuniary/ Property)	Outcome
Name withheld	Michael Mavaddat t/as Key West Realty		Pecuniary.	Withdrawn.
Name withheld	Morgan Realty Pty Ltd	348 Kiernan St, Mundijong	Pecuniary.	Claim allowed. \$40,000 plus \$550 costs.
Names withheld	Morgan Realty Pty Ltd	348 Kiernan St, Mundijong	Pecuniary.	Claim allowed. \$40,000 plus \$550 costs.
Names withheld	Carmelo Parrella t/as Charles Parrella & Associates		Pecuniary.	Claim allowed. \$980.

Civil claims - Settlement Agents Fidelity Guarantee Account

Table 48: Claims made against the Settlement Agents Fidelity Guarantee Account in 2011-12

Claimant	Licensee	Identifier	Type of Loss (Pecuniary/ Property)	Outcome
11 claimants names withheld	Anelle Pty Ltd t/as Shoalwater Settlements	Proposed lot/s at Spring Rd Thornlie	Pecuniary.	Disallowed, currently under review in the State Administrative Tribunal.

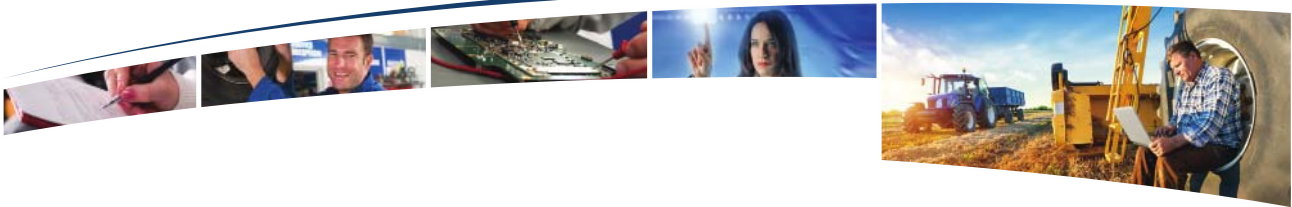


Claimant	Licensee	Identifier	Type of Loss (Pecuniary/Property)	Outcome
Palmheights Pty Ltd	Anelle Pty Ltd t/as Shoalwater Settlements	Proposed lot/s at Spring Rd Thornlie	Pecuniary.	Disallowed, currently under review in the State Administrative Tribunal.
Dee Electrical Services Pty Ltd	Anelle Pty Ltd t/as Shoalwater Settlements	Proposed lot/s at Spring Rd Thornlie	Pecuniary.	Disallowed, currently under review in the State Administrative Tribunal.
Fastpace Investments Pty Ltd	Anelle Pty Ltd t/as Shoalwater Settlements	Proposed lot/s at Spring Rd Thornlie	Pecuniary.	Disallowed, currently under review in the State Administrative Tribunal.
Rennelk & Samoht Pty Ltd	Anelle Pty Ltd t/as Shoalwater Settlements	Proposed lot/s at Spring Rd Thornlie	Pecuniary.	Disallowed, currently under review in the State Administrative Tribunal.
Name withheld	Renee Matthews t/as Saachi Settlements		Pecuniary.	Allowed. \$1,069.
Name withheld	Renee Matthews t/as Saachi Settlements		Pecuniary.	Allowed. \$2,200.

Disciplinary and Review applications - State Administrative Tribunal

Table 49: State Administrative Tribunal outcomes for the Consumer Protection Division in 2011-12

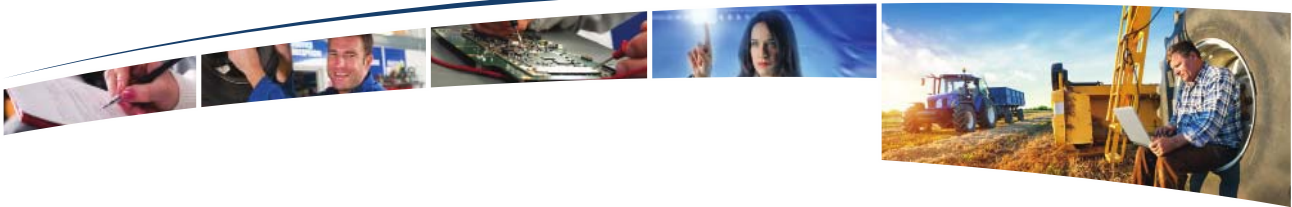
Name/ defendant/ parties	Legislation	Nature	Outcome	Costs
<i>Finance Brokers Control Act 1975</i>				
Commissioner v Catherine Anne Thompson	Section 82 and 83	Alleged contravention of <i>Finance Brokers Code of Conduct</i> .	Matter pending.	
Commissioner v Mark Booty	Sections 82 and 83	Alleged contravention of <i>Finance Brokers Code of Conduct</i> .	Matter pending.	
Paul Haase v Commissioner	Section 23	Application to review Commissioner's decision not to take disciplinary proceedings.	Matter dismissed.	



Motor Vehicle Dealers Act 1973				
Commissioner v Stephen Poyner	Section 20 and 25(1a)	Alleged failure to record in the register, the particulars of a transaction entered into during the course of dealing.	Dealer's licence, Certificate of Authorised Premises and yard manager's licence suspended for three months. Respondent reprimanded. Ordered to provide a copy of the dealer's register.	\$500
Patrick Maurice Murphy v Commissioner	Section 22(1)	Application for review of Commissioner's decision to refuse the renewal of applicant's salesperson's licence.	Application is upheld.	
Commissioner v Kenneth Payne	Sections 20(1)(a), 20(1)(b) and 20(2)(c)	Alleged contravention of Part III Division 2 (consignment sales) and s.41 (undesirable practices), seeking disqualification of his motor vehicle dealers licence.	Proceedings withdrawn.	None.
Real Estate and Business Agents Act 1978				
Commissioner v Ron Morellini	Section 103(2)(d)	Allegations of misleading and deceptive conduct.	5 year suspension by consent.	\$500
Commissioner v Spirit Real Estate Pty Ltd	Section 68(4)	Unauthorised withdrawal of funds from a landlord's trust account.	Fine \$1,500. Licence and triennial certificate cancelled. \$536 compensation to client.	\$500
Commissioner v Helen Limnios	Section 103(1)(b)	Allegation of contravention of <i>Code of Conduct for Agents and Sales Representatives</i> for failing to supervise.	By consent, Fine \$4,000 Reprimand.	None.
Commissioner v Dimitrios Athanasios (James) Limnios	Section 103(1)(b)	Allegation of contravention of <i>Code of Conduct for Agents and Sales Representatives</i> for lack of due skill, care and diligence.	By consent, Fine \$4,000 Reprimand.	None.



Commissioner v Australian Property Exchange Pty Ltd	Section 93(1)	Application to appoint a supervisor.	Supervisor appointed.	None.
Commissioner v Samykannu Pty Ltd	Section 103(2)(c)(iii)	Allegations of breach of the <i>Code of Conduct for Agents and Sales Representatives 1993</i> for failure to act in the interests of the principal, failure to act in accordance with the instructions of the principal and failure to exercise skill, care and diligence.	Matter pending.	
Commissioner v John Samykannu	Section 103(2)(c)(iii)	Allegations of breach of the <i>Code of Conduct for Agents and Sales Representatives 1993</i> for failure to act in the interests of the principal, failure to act in accordance with the instructions of the principal and failure to exercise skill, care and diligence.	Matter pending.	
Settlement Agents Act 1981				
Commissioner v Kylie Gook	Sections 51(1) and 84(2)(c)(ii)	Failure to audit settlement agent's trust account.	Fine \$3,000	\$1,000
Commissioner v Collette Ockerby t/as Cally's Conveyancing	Sections 46(3)(b), 49(1), 49(5); and Settlement Agents Code of Conduct 1982 articles 5,7,9,11,15,16, 21, 23 and 24.	Failure to deposit funds into the company trust account as soon as was practicable and the use of monies held in the trust account for other clients.	Fine \$5,000	\$500
Commissioner v Anelle Pty Ltd	Section 83	Failure to pay money held on trust to person entitled to those funds and misleading representations about money held on trust for a client.	Fine \$7,500	\$2,000



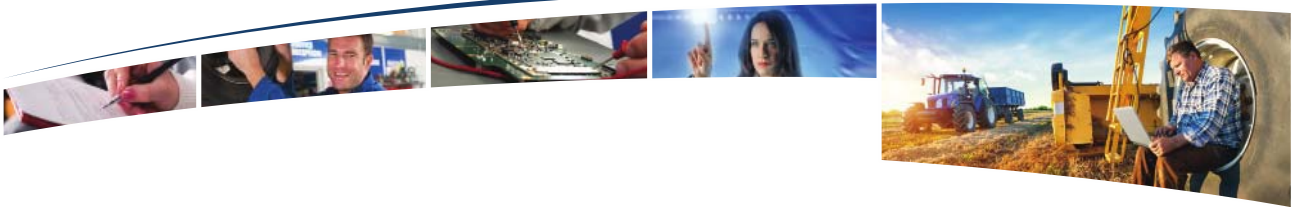
Prosecutions - Magistrates Court

Table 50: Prosecution outcomes (including appeals against prosecution) for the Consumer Protection Division in 2011-12

Name/ defendant/ parties	Legislation	Nature	Outcome	Costs
<i>Animal Welfare Act 2002</i>				
Stefan Richard Reksmiss v Fay Marie Armstrong	Section 19(1)	13 charges alleging animal cruelty, failing to provide proper food or water, confining in a manner likely to cause harm and allowing an animal to suffer harm that could have been alleviated by taking reasonable steps to seek veterinary care.	Matter pending.	
Stefan Richard Reksmiss v Fay Marie Armstrong	Section 19(1)	4 charges alleging animal cruelty, failing to provide proper food or water and confining in a manner likely to cause harm.	Matter pending.	
<i>Australian Consumer Law (WA)</i>				
Commissioner v Ivan Herpel	Section 151(1)(h)	One charge of false representation that a business held a repairer's licence when it did not.	Fine \$10,000	\$500
Commissioner v Jermaine Erpel	Section 151(1)(h)	One charge of false representation that a business held a repairer's licence when it did not.	Fine \$10,000	\$500
Commissioner v Graeme John Eddington	Section 164	One charge of participating in a pyramid scheme and two charges of attempting to induce another to participate in pyramid scheme.	Failed to appear. Warrant issued.	
<i>Credit Administration Act 1984</i>				
Stefan Richard Reksmiss v Salvatore Tomarchio	Section 6(1)	Unlicensed credit provider.	Fine \$9,000	\$24,947
<i>Debt Collectors Licensing Act 1964</i>				
Commissioner v William John Abbot	Section 24(1)	Unlicensed debt collecting.	Fine \$180 Compensation order \$1,828.	\$1,000



Fair Trading Act 1987				
Commissioner v Amett Pty Ltd	Section 60(1)	Two charges of supplying goods that did not comply with a product information standard.	Fine \$1,500	\$766
Commissioner v Martin Brett John	Section 60(1)	Two charges of supplying goods that did not comply with a product information standard.	Fine \$750	\$766
Commissioner v Ivan Herpel	Section 12(1)(f)	One charge of falsely representing on invoices that the motor vehicle repair business held a repair licence when it did not.	Fine \$2,000	\$500
Commissioner v Jermaine Erpel	Section 12(1)(f)	One charge of falsely representing on invoices that the motor vehicle repair business held a repair licence when it did not.	Fine \$2,000	\$500
Commissioner v Shane Vasile	Section 12(2)(b)	Two charges of misleading representation in the advertising of the size of a car garage.	Not guilty.	\$7,500 to Accused.
Commissioner v Perth Furniture Group Pty Ltd	Sections 12(1)(g) and 12(1)(j)	Three charges of false or misleading representations concerning the price of a dining room package.	Fine \$2,500	\$845
Commissioner v Maria Lomma	Sections 12(1)(g) and 12(1)(j)	Three charges of false or misleading representations concerning the price of a dining room package.	Fine \$2,500	\$845
Commissioner v Barblos Nominees Pty Ltd	Section 12(1)(e).	Three charges of making a representation that services would have a benefit they did not have.	Fine \$2,000	None.
Commissioner v Patrick Maurice Murphy	Section 12(1)(e).	Three charges of making a representation that services would have a benefit they did not have.	Fine \$1,000	None.
Commissioner v Visco Enterprises Pty Ltd	Section 12(1)(k)	One charge of false or misleading representations as to the need for goods; one charge of false or misleading representation as to the need for services.	Fine \$3,000	\$2,000
Commissioner v (Name withheld)	Section 12(1)(k)	One charge of false or misleading representations as to the need for goods; one charge of false or misleading representation as to the need for services.	Fine \$500 Spent conviction.	\$500
Commissioner v Fay Marie Armstrong	Section 12(1)(a)	Three charges alleging false or misleading representations as to the quality and previous history of a dog.	Matter pending.	



Motor Vehicle Dealer Act 1973				
Commissioner v Barblos Nominees Pty Ltd	Sections 32B(1), 32G	One charge of entering into a consignment agreement that was not in writing and that did not contain the prescribed particulars; three charges of failing to pay the proceeds of a consignment sale to the seller.	Fine \$5,000	\$253
Commissioner v Patrick Maurice Murphy	Sections 32B(1), 32G	One charge of entering into a consignment agreement that was not in writing and that did not contain the prescribed particulars; three charges of failing to pay the proceeds of a consignment sale to the seller.	Fine \$2,000	\$253
Commissioner v (Name withheld)	Section 30(1)	One charge of unlicensed motor vehicle dealing.	Fine \$4,000 Spent conviction.	\$1,942
Commissioner v Stephen Poyner	Section 25(1)	One charge of failing to record a motor vehicle transaction in a register.	Fine \$3,700	\$6,540
Commissioner v Wayne Leslie Marshall	Section 30(1)	One charge of unlicensed motor vehicle dealing.	Fine \$11,500	\$1,045
Commissioner v Musa Sabeeh Al-Samahi	Section 30(1)	One charge of unlicensed motor vehicle dealing.	Fine \$9,000	\$878
Commissioner v Smith Broughton Pty Ltd	Section 32H(d)	One charge of failing to correctly balance trust accounts.	Fine \$500	\$1,500
Commissioner v (Name withheld)	Section 32H(d)	One charge of failing to correctly balance trust accounts.	Fine \$500 Spent conviction.	\$1,500
Motor Vehicles Repairers Act 2003				
Commissioner v Ivan Herpel	Section 9(1)	One charge of carrying on a motor vehicle repair business without holding a licence.	Fine \$5,000	\$150
Commissioner v Jermaine Erpel	Section 9(1)	One charge of carrying on a motor vehicle repair business without holding a licence.	Fine \$5,000	\$150

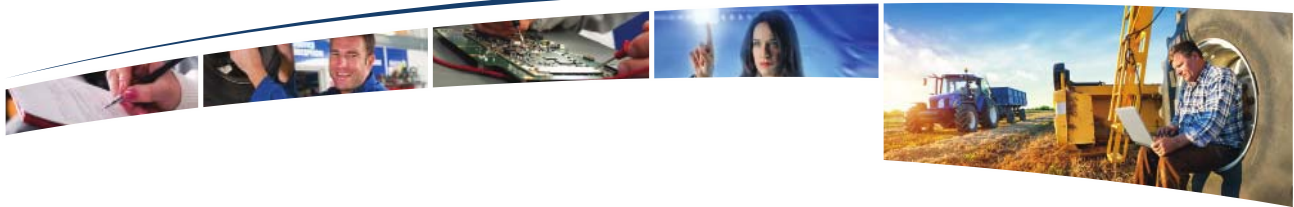


Residential Tenancies Act 1987

Commissioner v Blackburne Property Group Pty Ltd	Sections 29(4)(b)	51 charges of failing to lodge security bonds as soon as practicable.	Fine \$15,000	\$272
Commissioner v (Name withheld)	Sections 30 and 82	One charge of entering into an agreement with intent to defeat, evade or prevent the operation of section 30 of the <i>Residential Tenancies Act 1987</i> .	Fine \$2,000 Spent conviction.	\$4,436
Commissioner v Bob Oliver Realty Pty Ltd	Clause 7(2)(b) of the Schedule	One charge of failing to pay an amount of a security bond in accordance with a court order.	Fine \$1,000	\$451

Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000

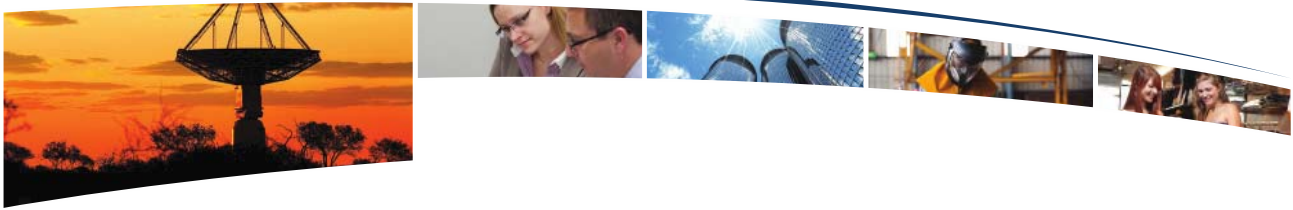
Commissioner v Andrew Gerrard Power	Regulation 72(1)	Seven charges of failing to comply with rectification notices.	Fine \$3,500	\$3,000
Commissioner v Mark Anthony Marshall	Regulation 9(1)	One charge of unlicensed plumbing.	Fine \$1,500	\$854



Search warrant applications - Magistrates Court

Table 51: Outcome of applications for search warrants under *Fair Trading Act 2010* section 71

Nature of Investigation	Legislation	Outcome
Acting as an unlicensed business sales representative.	<i>Real Estate and Business Agents Act 1978</i> section 44	Application granted.
Unlicensed motor vehicle dealing.	<i>Motor Vehicle Dealers Act 1973</i> section 30(1)	Application granted.
Unlicensed motor vehicle dealing.	<i>Motor Vehicle Dealers Act 1973</i> section 30(1)	Application granted.
Breaches of motor vehicle dealer's trust account requirements.	<i>Motor Vehicle Dealers Act 1973</i> section 32H	Application granted.
False or misleading representations concerning the price payable and location of land.	<i>Australian Consumer Law (WA)</i> sections 30, 152	Application granted.
Carrying on business as an unlicensed real estate agent; false or misleading representation concerning the nature of and price payable for an interest in land, bait advertising.	<i>Real Estate and Business Agents Act 1978</i> section 26 <i>Australian Consumer Law (WA)</i> section 30	Application granted.
Failure to pay settlement monies from real estate transaction.	<i>Real Estate and Business Agents Act 1978</i> section 68	Application granted.
False or misleading representations concerning land and breach of Code of Conduct.	<i>Australian Consumer Law (WA)</i> sections 30, 152 Code of Conduct for Agents and Sales Representatives	Application granted.
Breach of real estate agent trust account requirements.	<i>Real Estate and Business Agents Act 1978</i> section 68	Application granted.
Breach of real estate agent trust account requirements, accepting commission without authority to act, failure to lodge security bonds and failure to exercise due care and diligence.	<i>Real Estate and Business Agents Act 1978</i> sections 60, 68 <i>Residential Tenancies Act 1987</i> section 29 Code of Conduct for Agents and Sales Representatives	Application granted.
Carrying on business as an unlicensed real estate agent.	<i>Real Estate and Business Agents Act 1978</i> section 26	Application granted.
Real estate agent accepting commission without authority to act and holding out authority to act.	<i>Real Estate and Business Agents Act 1978</i> section 60 Code of Conduct for Agents and Sales Representatives	Application granted.



Safety and Employment Protection and Construction Standards

Building Commission Division

Tables 52 and 53 provides the prosecution action finalised in 2011-12 on behalf of the Plumbers' Licensing Board (the Board) by the Consumer Protection Division and the State Solicitor's Office.

Civil applications - State Administrative Tribunal

Table 52: State Administrative Tribunal outcomes for the Consumer Protection Division on behalf of the Building Commission Division in 2011-12

Name/ defendant/ parties	Legislation	Nature	Outcome	Costs
Water Services Licensing (Plumbers' Licensing and Plumbing Standards) Regulations 2000				
Raoul Agapis v Plumbers' Licensing Board	Regulations 100(1)(a) and 100(2)	Application for review of Respondent's decision refusing a plumbing contractor's licence.	Application dismissed for want of jurisdiction.	Plumbers' Licensing Board to refund application fee.

Prosecutions - Magistrates Court

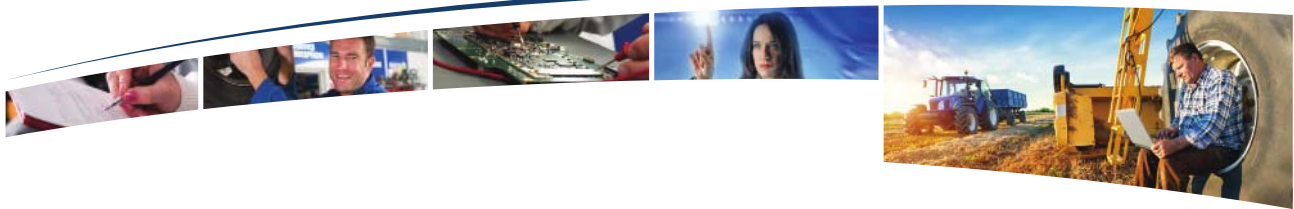
Table 53: Prosecution outcomes for the Plumbers' Licensing Board in the Magistrates Court in 2011-12

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Water Services Licensing (Plumbers' Licensing and Plumbing Standards) Regulations 2000				
Plumbers Licensing Board v Beau John Milton	Regulation 9(1)	Not holding a licence or permit	\$1,800.00	\$427.30

EnergySafety Division

Table 54: Prosecution outcomes for the EnergySafety Division in 2011-12

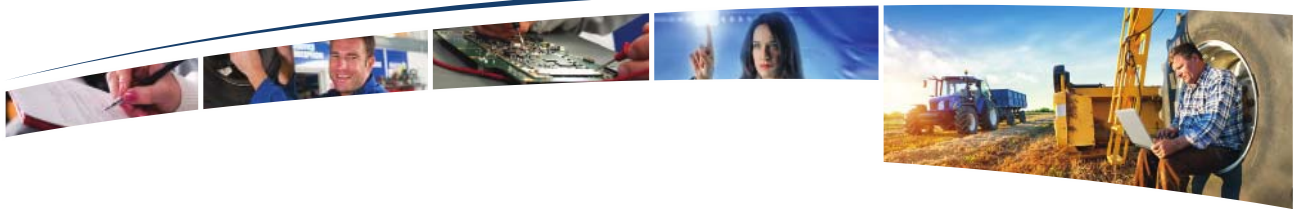
Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Electricity Act 1945				
Electricity Networks Corporation t/as Western Power	Regulation 25(1)(a)	Failed to maintain service apparatus in a safe and fit condition for supplying electricity (Joondanna).	\$60,000.00	\$649.70
Electricity Networks Corporation t/as Western Power	Regulation 25(1)(a)	Failed to maintain service apparatus in a safe and fit condition for supplying electricity at (Gooseberry Hill).	\$60,000.00	\$649.70



Electricity Networks Corporation t/as Western Power	Regulation 25(1)(a)	Failed to maintain service apparatus in a safe and fit condition for supplying electricity at (Australind).	\$60,000.00	\$649.70
Electricity Networks Corporation t/as Western Power	Regulation 25(1)(a)	Failed to maintain service apparatus in a safe and fit condition for supplying electricity at (Bull Creek).	\$12,000.00	\$649.70
Electricity (Licensing) Regulations 1991				
Christian Ahumada (Wilson)	Regulation 49(B)	Carried out electrical work that was not safe. Carried out electrical work that was not safe to use and which was not completed to trade finish.	\$7,500.00	\$649.70
Apollo Electrotech Pty Ltd (Bibra Lake)	Regulation 45(1)	Failed to conspicuously display the electrical contractor's licence number in an advertisement. Failed to conspicuously display the electrical contractor's licence number in an advertisement, namely on the internet site and failed to conspicuously display the electrical contractor's licence number in an advertisement in the 2009 Yellow Pages Directory.	\$1,000.00	\$649.70
Nathan Bailey (Darch)	Regulation 49(1)	Carried out unsafe and substandard electrical work. Failed to install an MEN connection at the main switchboard, in accordance with AS/NZS 3000:2007 "Wiring Rules".	\$1,000.00	\$649.70
Gerrit Ballast (Albany)	Regulation 49(1)	Carried out unsafe and substandard electrical work. Failed to verify (by inspection and testing) on completion of electrical installing work in accordance with AS/NZS 3000:2007 "Wiring Rules".	\$11,000.00	\$649.70
Simon Bunney (North Fremantle)	Regulation 19(1) (4 breaches)	Carried out electrical work while not authorised by an electrical worker's licence.	\$3,000.00	\$649.70
	Regulation 59(1)(c)	Wrongfully representing himself at the above address as being the person referred to in an electrical licence.		



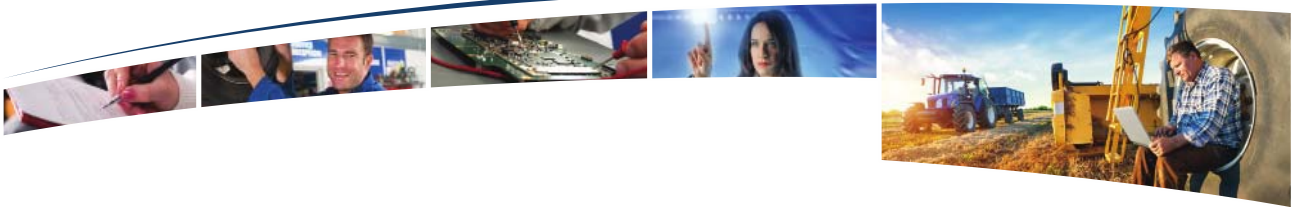
Seamus Connolly t/as Seamus Connolly (Gidgegannup)	Regulation 52(3)	Submitted a Notice of Competition for uncompleted work. Submitted a Notice of Completion to the Network Operator for the electrical installing work when the work was defective and therefore not complete.	\$5,000.00	
				\$649.70
Seamus Connolly (Gidgegannup)	Regulation 49(1)	Carried out unsafe and substandard electrical work. Failed to connect a MEN connection (link) at the property's main switchboard in accordance with AS/NZS 3000:2007 "Wiring Rules".	\$7,500.00	
Brian Fahy (Northbridge)	Regulation 33(1)	Carried on business as an electrical contractor without an electrical contractor's licence. Held himself out to be an electrical contractor while not authorised by an electrical contractor's licence.	\$5,000.00	\$649.70
John Farrow (Ocean Beach)	Regulation 49(1)	Carried out unsafe and substandard electrical work. Failed to carry out adequate checking and testing on completion of electrical work, which rendered the installation unsafe and dangerous.	\$1,000.00	
				\$121.95
John & Michelle Farrow t/as Ocean Beach Electrical (Ocean Beach)	Regulation 52(3)	Submitted a Notice of Completion for uncompleted work. Submitted a Notice of Completion to the Network Operator for the electrical installing work when the work was defective and therefore not complete.	\$1,000.00	
Simon Gold (Butler)	Regulation 50(1)	Failed to provide adequate supervision for an employed electrical apprentice. Provided inadequate supervision of a third year apprentice, which resulted in the apprentice receiving an electric shock.	\$5,000.00	\$649.70



Matthew Grainger (Madora Bay)	Regulation 49(1)	Carried out unsafe and substandard electrical work. Failed to verify (inspection and testing) electrical installing work on completion, in accordance with As/NZS 3000:2007 "Wiring Rules".	\$4,000.00	\$649.70
Greg Black t/as Unreal Gardens, Bores & Reticulation (Ballajura)	Regulation 19(1)	Carried out electrical work while not authorised by an electrical worker's licence. Carried out electrical work involving the disconnection and connection of bore pump motors while not authorised by a licence or permit.	\$750.00	\$571.70
Kenneth Harmer (Brentwood)	Regulation 63 (2 breaches)	Failed to report an electric shock to the relevant Network Operator.	\$3,000.00	\$649.70
Kenneth Harmer t/as St James Electrical Services (Brentwood)	Regulation 51(1)	Failed to submit a Preliminary Notice to the Network Operator within the required timeframe.		
	Regulation 52(1)	Failed to submit a Notice of Completion to the Network Operator within the required timeframe.		
Sarel Kuhn (Terrigal)	Regulation 49(1)	Carried out unsafe and substandard electrical work. Failed to adequately check and test the electrical installation, which resulted in a number of serious defects and rendered the installation unsafe and dangerous.	\$5,000.00	\$649.70
Peter Lippiatt (Swan View)	Regulation 49(1) (2 breaches)	Carried out unsafe and substandard electrical work. Failed to carry out adequate checking and testing on completion of electrical installing work, in accordance with the AS/NZS 3000:2007 "Wiring Rules".	\$15,000.00	\$649.70
Ricky-Lee McKeith (Attadale)	Regulation 49(1) (2 breaches)	Carried out unsafe and substandard electrical work. Failed to carry out electrical work in accordance with the requirements of the AS/NZS 3000:2007 "Wiring Rules".	\$4,000.00	\$649.70



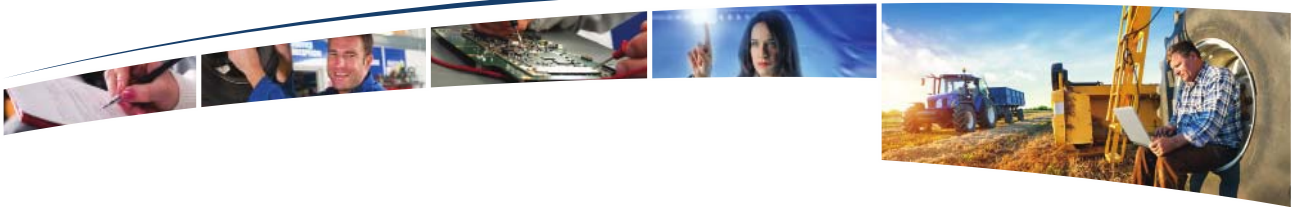
Mervyn Ross (Kendenup)	Regulation 49(1)	Carried out unsafe and substandard electrical work. Failed to carry out adequate checking and testing on completion of electrical installing work in accordance with AS/NZS 3000:2007 "Wiring Rules".	\$2,500.00	\$74.70
RTMT Pty Ltd t/as Anytime Electrics (Forrestdale)	Regulation 45(1)	Failed to display the electrical contractor's licence number in an advertisement. Failed to conspicuously display the electrical contractor's licence number in an advertisement, namely on the internet site.	\$2,500.00	\$649.70
Richard Scallan (Boyanup)	Regulation 49(1)	Carried out unsafe and substandard electrical work. Failed to install an MEN connection at the house distribution board in accordance with AS/NZS 3000:2007 "Wiring Rules".	\$7,500.00	\$649.70
	Regulation 33(1)	Carried out business as an electrical contractor without a licence.		
Shumgee Lwoy t/as Outback Electrical (Derby)	Regulation 52b (6 breaches)	Failed to provide Electrical Safety Certificates to the relevant client within the required timeframe.	\$5,000.00	\$649.70
	Regulation 51(1) (5 breaches)	Failed to submit a Preliminary Notice to the relevant Network Operator within the required timeframe.		
	Regulation 52(1) (5 breaches)	Failed to submit a Notice of Completion to the relevant Network Operator within the required timeframe.		



Siegfried Stumpf t/as Ziggy's Electrical (Canning Vale)	Regulation 52(3)	Sent a Notice of Completion for uncompleted work. Submitted a Notice of Completion to the Network Operator for the electrical installing work that was defective and therefore not complete.	\$5,000.00	\$649.70
	Regulation 49(1)	Carried out unsafe and substandard electrical work. Failed to carry out adequate checking and testing on completion of electrical installing work which resulted in the new metallic main switchboard "DIN kit" not being earthed. This rendered the installation unsafe and dangerous.		
Slobodan Bajik t/as Bajic Electrical (Morley)	Regulation 52(3)	Submitted a Notice of Completion for uncompleted work. Submitted a Notice of Completion for electrical work that was defective and therefore not complete.	\$3,500.00	\$649.70
	Regulation 49(1)	Carried out unsafe and substandard work.		
Grant Michael Stone (Scarborough)	Regulation 59(1)(a)	Falsified an application and renewed it knowing the declared information to obtain his contractor's licence was false.	\$4,000.00	\$649.70
	Regulation 33(1)	Carried out business as an electrical contractor without a licence.		
	Regulation 19(1)	Carried out electrical work while not authorised by an electrical worker's licence.		
Symmetrical Group Pty Ltd t/as Symmetrical Group (Innaloo)	Regulation 52(3)	Submitted a Notice of Completion for uncompleted work. Submitted a Notice of Completion to the Network Operator when the electrical installing work was defective and therefore not complete.	\$2,500.00	\$649.70

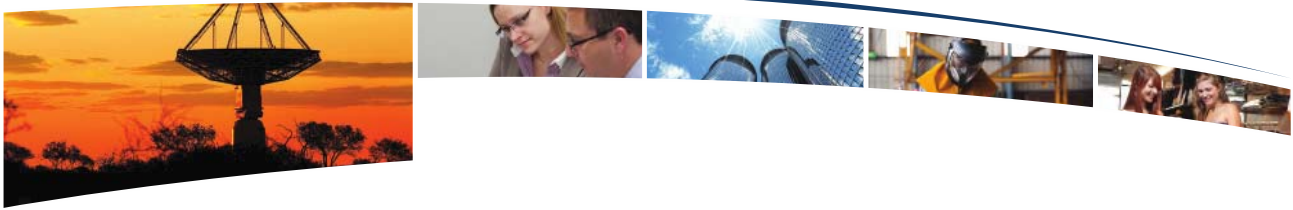


Rocco Vasile (Munster)	Regulation 49(1)	Carried out unsafe and substandard work. Failed to install an MEN connection at the "Granny Flat" distribution board, in accordance with AS/NZS 3000:2007 "Wiring Rules".	\$6,500.00	\$649.70
Voltex Electrical Pty Ltd (Terrigal)	Regulation 52(3)	Submitted a Notice of Completion for uncompleted work. Submitted a Notice of Completion to the Network Operator for the electrical installing work when the work was defective and therefore not complete.	\$10,000.00	\$649.70
Westpoint Electrics Pty Ltd t/as Westpoint Electrics (Thornlie)	Regulation 53(2)	Employed, engaged or instructed an unlicensed person to carry out electrical work.	\$2,500.00	\$649.70
Shane Willis (Broome)	Regulation 50A	Permitted unsafe wiring to be connected at an electrical installation.	\$4,000.00	\$649.70
Reece Wood (Kingsley)	Regulation 49(1)	Carried out unsafe and substandard work. Failed to earth the DIN kit in the main switchboard in accordance with AS/NZS 3000:2007 "Wiring Rules".	\$2,000.00	\$649.70
Stephen Hartley (Eaton)	Regulation 49(1)	Carried out unsafe and substandard work. Failed to effectively earth the metal switchboard enclosure in accordance with the AS/NZS 3000:2007 "Wiring Rules".	\$5,000.00	\$649.70
Electricity (Supply Standards and System Safety) Regulations 2001				
Electricity Networks Corporation t/as Western Power	Regulation 10(1)(a)	Failed so far as reasonable and practicable, to operate its network (prescribed activity) in such a way as to provide for the safety of persons at (Springfield, Dongara).	\$15,000.00	\$1569.70



Gas Standards Act 1972				
Christopher Brocklebank (Woodvale)	Section 13(A)(2)	Carried out gasfitting work while not holding a certificate of competency, permit or authorisation allowing him to do so.	\$700.00	\$649.70
Ronald Keith Child (Iluka)	Section 13(A)(2)	Carried out gasfitting work while not holding a certificate of competency, permit or authorisation allowing him to do so.	\$20,000.00	\$649.70
Craig Sulzberger (Hopetoun)	Section 13(A)(2)	Carried out gasfitting work while not holding a certificate of competency, permit or authorisation allowing him to do so.	\$8,000.00	\$649.70
Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999				
Abdul Mohammadiyah (Como)	Regulation 28(2), 28(3), 28(3a)(b), 28(3a)(c)	Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$2,500.00	649.70
Craig Sulzberger (Hopetoun)	Regulation 42A	Failing to report an incident that causes or is likely to cause injury to a person or damage to property.	*	*

* *Global Penalty (more than one offence)*



EnergySafety Division investigations

Electricity-related serious accidents and fatalities

The number of electricity-related serious accidents and fatalities reported to the EnergySafety Division during 2011-12 is provided in Table 55.

Table 55: Number of reported electricity-related serious accidents and fatalities

Reports	Number
Electric shocks	1,889
Serious electrical accidents ⁽¹⁾	8
Fatalities (included in serious electrical accidents)	0

Note:

(1) Electrical shock incidents resulting in the person requiring assessment and/or treatment at a medical facility.

The data provided in Table 56 relates to accidents based on date of accident. This data may not include all accidents due to time delay in reporting such accidents.

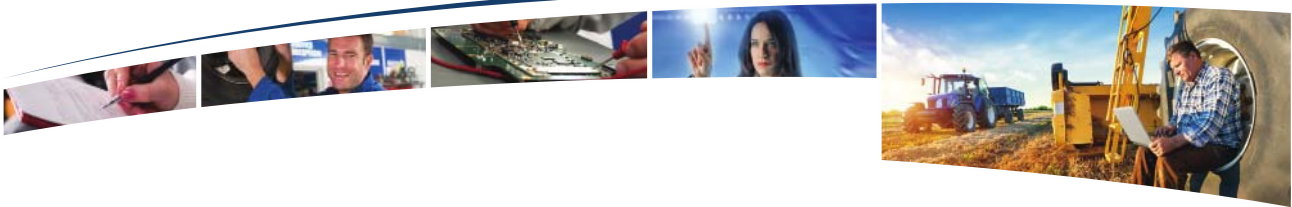
Table 56: Serious electricity-related accidents notified per million population (not including wilful incidents)

Year	Number per million ⁽¹⁾	Five Year Average
2007-08	10	15
2008-09	9	13
2009-10	6	10
2010-11	5	8
2011-12	3	7

Note:

(1) Some of the numbers of serious electricity-related accidents notified per million population differ from the figures given in previous annual reports. These corrections resulted from a comprehensive review of statistics of serious electricity-related accidents notified.

The electrical accident rate for the reporting period was three accidents per one million population. This represents a decrease from the previous reporting periods. There were no electrical shock fatalities in the 2011-12 financial year.



Gas-related incidents and fatalities

The number of gas-related serious accidents and fatalities reported to the Energy Safety Division during 2011-12 is provided in Table 57.

Table 57: Number of reported gas-related serious accidents and fatalities

Reports	Number
Incidents	64
Accidents (persons injured)	14
Fatalities	1 ⁽¹⁾

Note:

(1) There was one gas-related fatality during the year, however the exact cause of death is yet to be decided by the coroner.

A fatal incident occurred in the communal kitchen of a company that produces stock feed for farm animals. Reports indicate that shortly after the deceased was seen going into the kitchen, flames were seen to engulf the building. A 45kg LPGas cylinder, one of two that had been connected to the gas installation in the kitchen had resulted in a BLEVE (boiling liquid expanding vapour explosion). Although gas may somehow have been involved, the cause of death is yet to be decided by the coroner.

Table 58: Gas-related accidents notified per million population (not including wilful incidents)

Year	Number per million ⁽¹⁾	Five Year Average
2007-08	7	8
2008-09	5	8
2009-10	7	7
2010-11	6	7
2011-12	6	6

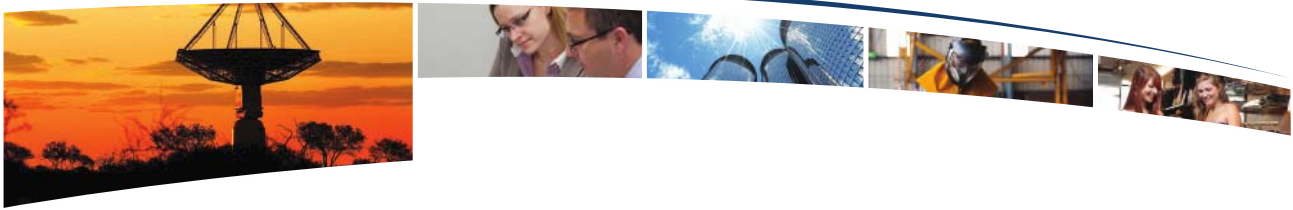
Note:

(1) Some of the numbers of gas-related accidents notified per million population differ from the figures given in previous annual reports. These corrections resulted from a comprehensive review of statistics of gas-related accidents notified.

The gas accident rate for the reporting period was six accidents per one million population signalling no change from the previous reporting period.

Infringement Notices

The Energy Safety Division has continued to issue Infringement Notices as a system to provide an efficient and cost compliant regime for selected breaches. The system covers both gas and electricity and deals with non-compliance aspects of electrical and gas installations. There were 107 Infringement Notices issued by the Energy Safety Division between the period 1 July 2011 and 30 June 2012.



Labour Relations Division

Table 59: Prosecution outcomes for the Labour Relations Division in 2011-12

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Children and Community Services Act 2004				
Leakrist Pty Ltd trading as Schoolmates	Section 190(1) CCS Act	6 x Unlawfully employ a child aged under 15 years.	\$7,500	Nil
NAMSS Pty Ltd trading as Donut King Midland Gate	Section 190(1) CCS Act	Unlawfully employ a child aged under 15 years.	\$2,000	Nil
Rebecca Speyer trading as Avonlea Farm Riding School	Section 190(1) CCS Act	3 x Unlawfully employ a child aged under 15 years	\$5,000 Conditional Release Order	Nil
Industrial Relations Act 1979				
Joseph McDonald	Section 49 IR Act	On Behalf of the Minister for Commerce - Application Opposing Re-issuance of Revoked State Right of Entry Authority .	Application Successful	Nil

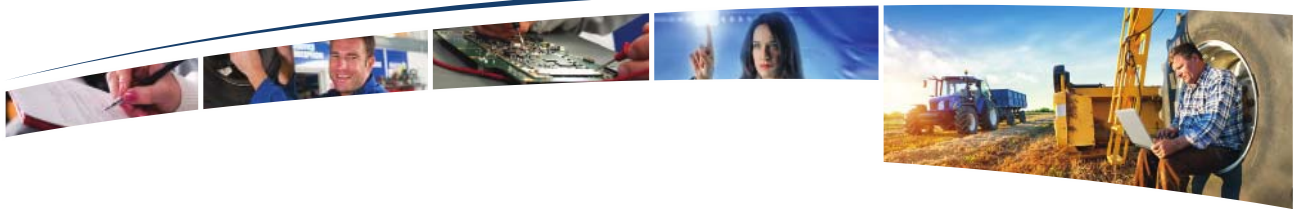
WorkSafe Division

The WorkSafe Western Australia Commissioner (the Commissioner) enforces the *Occupational Safety and Health Act 1984* (OSH Act) and the Occupational Safety and Health Regulations 1996 (the Regulations) by prosecuting persons who commit the offences under the OSH Act and Regulations. The WorkSafe Division coordinates and supports this function.

In 2011-12, prosecution notices were signed for 35 new prosecutions. There were 47 convictions recorded during the financial year (Note: A prosecution is counted as a conviction if at least one charge is successful). Table 60 provides details of convictions recorded during 2011-12 for breaches of the OSH Act and Regulations.

Table 60: Prosecution outcomes for the WorkSafe Division in 2011-12

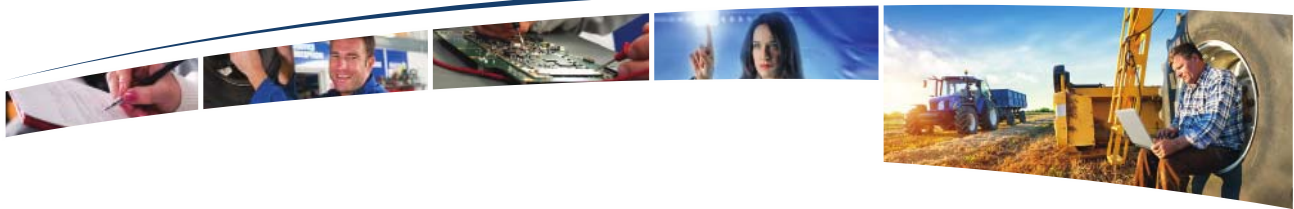
Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Occupational Safety and Health Act 1984				
Access Alum Australia Pty Ltd (ACN 128 050 671)	19(1), 19A(3) & 23F	Failed to provide and maintain a working environment in which the worker was not exposed to hazards.	\$15,000.00	\$1,584.00



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Access Matrix Scaffold Pty Ltd (ACN 137 890 736)	21(2) & 21A(2)	Failed to ensure that the safety or health of a person, not its employee, was not adversely affected as a result of work that had been undertaken by it or its employees and/or any hazard, thereby caused serious harm.	\$22,000.00	\$1,500.00
Airroad Pty Limited (ACN 002 955 419)	22(1)	Failed to take such measures to ensure that the workplace is such that persons who are at the workplace are not exposed to hazards.	\$100,000.00	\$1,706.00
Anthony Colin Foreman t/as Ultra Speed Rigging and Construction	21(1), 21A(3) & 21(2)(b)(ii)	Charge 1- Failed to take reasonable care to ensure his own safety and health at work. Charge 2 – Failed to ensure that the safety or health of a person was not adversely affected as a result of a hazard that was increased by the system of work that was being operated.	\$20,000.00	\$950.70
Baker Hughes Australia Pty Ltd (ACN 004 752 050)	19(1), 19A(2) & 21(2)(a)(i), 21A(2)	Charge 1 – Failed to provide and maintain a working environment in which its employee was not exposed to hazards, thereby causing death of an employee. Charge 2 - Failed to ensure that the safety or health of a person not being its employee was not adversely affected as a result of work that has been or was being undertaken, thereby causing a death.	\$80,000.00	\$6,500.00
Belpile Pty Ltd (ACN 010824629)	19(1) & 19A(3)	Failed to provide and maintain a working environment in which its employee's were not exposed to hazards.	\$20,000.00	\$3,409.70
CJD Equipment Pty Ltd (ACN 008 754 523)	23(1)(a) & 23AA(2)	Failed to ensure that the design and construction of the plant is such that persons who properly maintain and use the plant are not exposed to hazards, thereby caused serious harm.	\$30,000.00	\$12,000.00



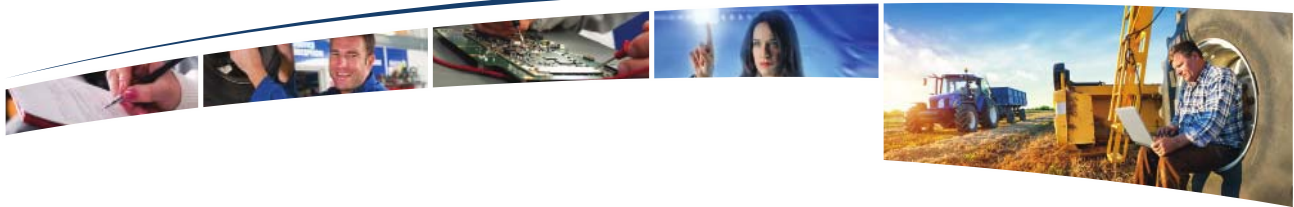
Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Craig Robert Lee	20(1)(b) & 20A(3)	Failed to take reasonable care to avoid adversely affecting the safety or health of any other person through any act or omission at work, thereby caused serious harm.	\$2,500.00	\$1,420.70
Dalmain Enterprises Pty Ltd (ACN 076 851 253)	19(1) & 19A(2)	Failed to provide and maintain a working environment in which the employees of the employer were not exposed to hazards, thereby caused serious injury.	\$90,000.00	\$3,654.50
Ferngrove Vineyards Pty Ltd (ACN 080 659 114)	19(1) & 19A(2)	Failed to provide and maintain a working environment in which its employees were not exposed to hazards, thereby caused serious harm.	\$60,000.00	\$1,266.70
G4S Custodial Services Pty Ltd (ACN 050 069 255)	21(2), 21A(2) & 3A(3)(b)(i)	Failed to ensure that the safety or health of a person not being its employee, was not adversely affected as a result of any hazard that arose from or was increased by the system of work that had been or was being operated, thereby caused death or serious harm.	\$285,000.00	\$11,088.00
Galati Nominees Pty Ltd (ACN 009 320 503)	19(1) & 19A(3) 23I(3) & 23J(1)	Charge 2-5 - Failed to provide and maintain a working environment in which its employees were not exposed to hazards. Charge 6- Failed to notify the Commissioner forthwith of an injury of its employee.	\$15,000.00	\$1,500.00
Gary Alexander Egberts	55(1) Refer to Regulations for Offences	Charge 4 & 5- As a manager of a body corporate found guilty of an offence that occurred with the consent or connivance of and/or was attributable to the neglect of the Accused.	\$4,000.00	\$8,000.00
Gavin Holdcroft	21(2) & 21A(2)	Failed to ensure that the safety or health of a person was not adversely affected as a result of work or the system or work being operated and/or any hazard that arose from or was increased by that work.	\$20,000.00	No order for costs



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
General Transport Equipment Pty Ltd (ACN 008 903 535)	21(2)(a)(i), 21A(3)	Failed to ensure that the safety and health of a person, not an employee, was not adversely affected as a result of work that has been or is being undertaken.	\$20,000.00	\$1,496.00
Graham Steven Bell	20(1) & 20A(3)	Failed to take reasonable care to avoid adversely affecting the safety or health of any other person through any act or omission at work.	\$1,250.00	\$528.00
Graham Kenneth Powell	20(1)(b), 20A(2)(a) and (c)	Failed to take reasonable care to avoid adversely affecting the safety or health of any other person through any act or omission at work, thereby caused death or serious harm.	\$9,000.00	No order for costs
IHI Engineering Australia Pty Ltd (ACN 000945504)	48(4), 54 & 3A(1)(b)(ii)(l)	Failed to comply with the improvement notice within the time specified therein.	\$2,000.00	\$1,458.70
Jeminex Brands & Operations Pty Ltd (ACN 001 428 815)	19(1) & 19A(3)	Failed to provide and maintain a working environment in which its employee was not exposed to hazards.	\$20,000.00	\$1,496.00
John Bylsma trading as J & BM Bylsma	19(1) & 19A(2)	Failed to provide and maintain a working environment in which his employees were not exposed to hazards, thereby caused serious harm.	\$20,000.00	\$10,000.00
Lisa Marie Campbell	47(1)(ba), 47(1)(c) & 54	Charge 1 - Used abusive and insulting language to an WorkSafe Inspector. Charge 2 - Failed to participate in an interview when required by an WorkSafe Inspector.	\$3,000.00	\$1,500.00
Makgen Holdings Pty Ltd (ACN 008 937 513)	19(1) & 19A(2)	Failed to provide and maintain a working environment in which its employee was not exposed to hazards.	\$40,000.00	\$1,496.00
Michael Barry Fisher t/as Ultra Speed Rigging and Construction	21(2)(b)(ii) & 21A(3)	Failed to ensure that the safety or health of a person was not adversely affected as a result of a hazard that was increased by the system of work that was being operated.	\$12,500.00	\$950.70



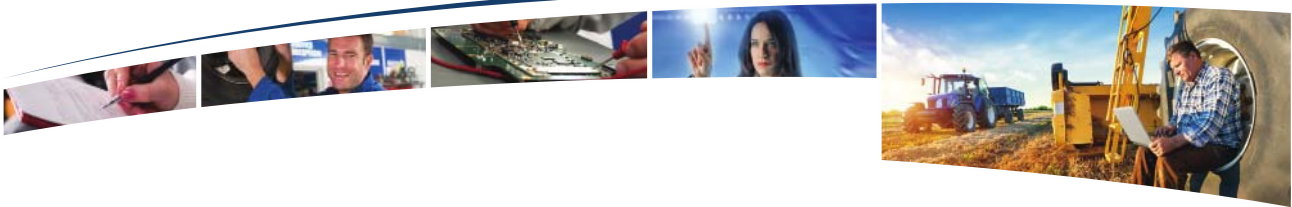
Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Michael Ronald Martin t/as Living on Laminate	19(1) & 19A(3)	Failed to provide and maintain a working environment in which his employees were not exposed to hazards.	\$5,000.00	\$557.77
Nina Mary Stokoe	20(1)(b), 20A(2)(a),(b), and (c)	Failed to take reasonable care to avoid adversely affecting the safety or health of any other person through any act or omission at work, thereby caused death or serious harm.	\$11,000.00	No order for costs
O'Donnell Griffin Pty Limited (ACN 003 905 093)	19(1) & 19A(3)	Failed to provide and maintain a working environment in which its employees were not exposed to hazards.	\$15,000.00	\$1,569.70
Oilfield Transport Services Pty Ltd (ACN 130 726 475)	19(1),19A(2) & 21(2)(b)(ii) 21A(2)	Charge 1 - Failed to provide and maintain a working environment in which its employee was not exposed to hazards, thereby causing death of an employee. Charge 2 - Failed to ensure that the safety or health of a person not being its employee was not adversely affected as a result of any work that has been or was being undertaken, thereby causing a death.	\$60,000.00	\$7,400.00
Paul Egerton	20(1)(b) & 20A(3)(c)	Failed to take reasonable care to avoid adversely affecting the safety or health of any other person through any act or omission at work.	\$2,000.00	\$1,200.00
Quadtilla Pty Ltd (ACN 009 400 622)	19(1), 19A(2) and 23F	Failed to provide and maintain a working environment in which workers were not exposed to hazards, thereby caused serious harm.	\$250,000.00	\$3,316.00
Raymond Moulton	47(1)(d)	Provided to an WorkSafe Inspector an answer (or information) that was false or misleading.	\$500.00	\$2,029.70



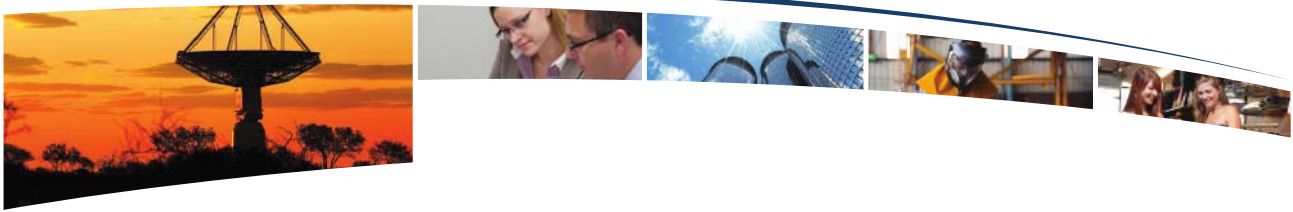
Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Robin Christopher Vlasschaert t/as RC Vlasschaert Carpentry Services	19(1), 19A(2) & 23D	Failed to provide and maintain a working environment in which the contractor was not exposed to hazards, thereby caused serious harm.	\$27,500.00	\$1,810.70
Shane Anthony Brian Williams	20(1)(a) & 20A(3)	Failed to take reasonable care to ensure his own safety and health at work.	\$750.00	\$700.70
Sin-Aus-Nanga Bay Pty Ltd (ACN 096738733)	48(4), 47(1)(c), 48(3) & 19(1) & 19A(3)	Charges 1-6 -Failed to comply with an improvement notice within the time specified therein. Charges 7-8 -Failed to produce documents when required by an WorkSafe inspector appointed under the Act. Charges 9-16 -Failed to cause an improvement notice, or a copy of it, to be displayed in a prominent place at or near the workplace affected by the notice. Charge 17 - Failed to provide and maintain a working environment in which the employees of the employer were not exposed to hazards.	\$7,800.00	\$3,388.00
Sontax Australia (1988) Pty Ltd (ACN 009 180 278)	19(1) & 19A(3)	Failed to provide and maintain a working environment in which its employees were not exposed to hazards.	\$18,750.00	\$1,090.80
State of Western Australia - Responsible Agency: Department of Corrective Services	22(1)(a) , 22A(2) and 3A(3)(b)(i)	Failed to take such measures to ensure that the workplace was such that persons at the workplace were not exposed to hazards, thereby caused death.	\$285,000.00	\$15,000.00
Steven Alexander Carl Zankl	20(1)(b) & 20A(2)	Failed to take reasonable care to avoid adversely affecting the safety or health of any other person through any act or omission at work, thereby caused serious harm.	\$8,000.00	\$1,090.45
Tropical Bay Pty Ltd (ACN 066 797 313)	21(2)(b)(i) & 21A(2)	Failed to ensure the safety or health of a person, not an employee, was not adversely affected as a result of any hazard that arose from or is increased by work that has been or is being undertaken, thereby caused serious harm.	\$25,000.00	\$528.00



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Troy Rudolph Slamar	47(1)(ba), 47(1)(c) & 54	Charge 1 - Used threats to an Inspector. Charge 2 - Failed to participate in an interview when required by a WorkSafe Inspector.	\$5,000.00	\$1,500.00
United Bonded Fabrics Pty Ltd (ACN 000 430 124)	19(1) & 19A(2) Refer to Regulations for other charges	Charge1 - Failed to provide and maintain a working environment in which its employees were not exposed to hazards, thereby caused serious harm.	\$40,000.00	\$1,090.70
Occupational Safety and Health Regulations 1996				
Austral Bricks (WA) Pty Ltd (ACN079 711 603)	4.37(1)(f) & 4.29	Failed to ensure that every dangerous part of a fixed powered plant was as far as practicable securely fenced or guarded.	\$10,000.00	\$958.70
Crothers Construction Pty Ltd (ACN084 751 511)	3.55(1)(a) & 3.55(5)	Failed to ensure that edge protection was provided and kept in place.	\$5,000.00	\$2,388.70
Gary Alexander Egberts	3.131(1)(a), 3.131(1)(b), 3.132(2)(a) Refer to prosecution outcomes under <i>Occupational Safety and Health Act 1984</i> section for other part of charge.	Charge 4- Offence - Failed to ensure that a commercial vehicle driver had appropriate breaks. Charge 5 - Offence - Failed to ensure that a commercial vehicle driver was certified by a medical practitioner as fit to drive the vehicle.	See <i>Occupational Safety and Health Act 1984</i> section for fine.	See <i>Occupational Safety and Health Act 1984</i> section for costs.
Holm Pty Ltd (ACN009 322 856)	3.134(1) & 3.131(1)(a)	Charge 1 & 2 - Failed to ensure that records of work time, breaks from driving, and non work time of a commercial vehicle driver was established and kept current. Charge 3, 4 & 5 - Failed to ensure that a commercial vehicle driver had appropriate breaks.	\$20,000.00	\$1,224.70
Michele Antonio Galluccio	3.123(1)	Failed to ensure that demolition work other than class 1, class 2 or class 3 demolition work was done in accordance with AS 2601.	\$5,000.00	\$352.00



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Morago Nominees Pty Ltd as Trustee for Gavin Homes (ACN008 810 964)	3.88E(b)	Failed to ensure removal of temporary bracing of a concrete panel at the construction site was in accordance with AS 3850, section 7.	\$15,000.00	\$500.00
Quality Builders Pty Ltd (ACN009 129 677)	3.55(2)	Failed to ensure that either edge protection or a fall injury prevention system was provided and kept in place.	\$4,000.00	\$352.00
Red Ink Homes Pty Ltd (ACN119 012 734)	3.55(2)	Failed to ensure that either edge protection or a fall injury prevention system was provided and kept in place.	\$6,000.00	\$528.00
Stuart William Dool	3.55(2)	Failed to ensure that either edge protection or a fall injury prevention system was provided and kept in place.	\$2,000.00	\$352.00
United Bonded Fabrics Pty Ltd (ACN000 430 124)	4.37(1)(f) & 4.37(1)(h) Refer to prosecution outcomes under <i>Occupational Safety and Health Act 1984</i> section for other part of charge.	Charge 1 – Refer to sections Charge 2 - Failed to ensure that every dangerous part of a fixed powered plant was as far as practicable securely fenced or guarded. Charge 3 & 4 - Failed to ensure that a guard was kept in position while the plant was operated.	\$15,000.00	See <i>Occupational Safety and Health Act 1984</i> section for costs.



Reviews of notices issued by WorkSafe inspectors

The WorkSafe Division coordinates and supports the WorkSafe Western Australia Commissioner's (the Commissioner) review of notices issued by WorkSafe inspectors under the *Occupational Safety and Health Act 1984* (OSH Act), and consideration of applications for exemptions under the Regulations.

WorkSafe inspectors issue improvement notices to persons who may be contravening the OSH Act and Regulations. An improvement notice tells the recipient they may be committing an offence, identifies the offence, and sets a time by which the contravention must be stopped. WorkSafe inspectors can also issue prohibition notices to persons who may be involved in an activity that involves a risk of imminent and serious harm or injury to a person. A prohibition notice tells the recipient that they must immediately stop the activity.

A request for a review of an improvement notice can be lodged with the Commissioner before the deadline for compliance specified in the notice. A request for a review of a prohibition notice can be lodged with the Commissioner within seven days of the issue of the notice (or such further time as may be allowed by the Commissioner).

Improvement notices are suspended while they are being reviewed by the Commissioner, but prohibition notices remain in force. After considering a request for a review of a notice, the Commissioner can affirm, modify or cancel the notice. An applicant who is not satisfied with the decision of the Commissioner may refer the matter to the Occupational Safety and Health Tribunal for further review (Section 51A of the OSH Act). The decision of the Tribunal may be further appealed.

During 2011-12, in accordance with section 51 of the OSH Act, 639 notices were reviewed by the Commissioner. Review outcomes are detailed in Tables 61 and 62.

Table 61: Review of improvement notices for the WorkSafe Division in 2011-12

Outcome	Number
Affirmed	10
Affirmed with time extended	525
Affirmed, modified and time extended	3
Affirmed with modification to wording	1
Notice cancelled by Commissioner	13
Review request withdrawn	6
Compliance effected on time and while under review	33
Received too late for review	45
Occupational Safety and Health Tribunal cancelled	0
Occupational Safety and Health Tribunal withdrawn by client	0
Total processed from 1 July 2011 to 30 June 2012	636

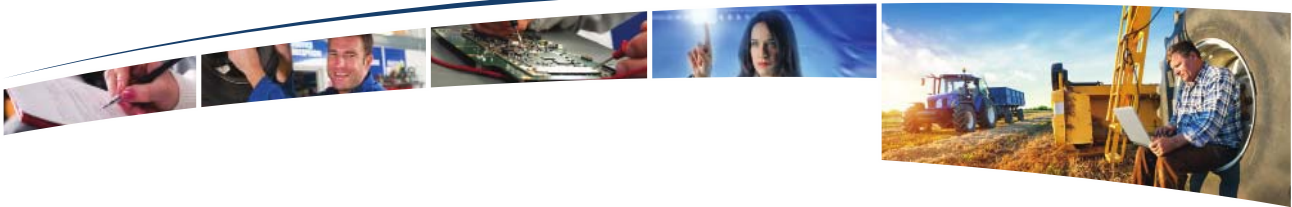


Table 62: Review of prohibition notices for the WorkSafe Division in 2011-12

Outcome	Number
Affirmed	3
Affirmed with modification to wording	0
Notice cancelled by Commissioner	0
Received too late for review	0
Total processed from 1 July 2011 to 30 June 2012	3

Table 63: Review of improvement notices for the WorkSafe Division 2007-08 to 2011-12

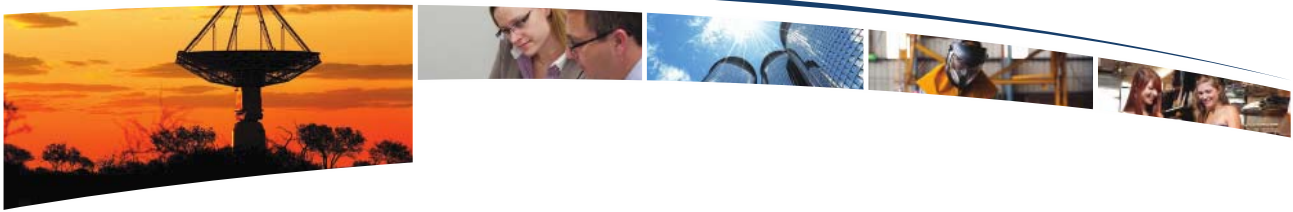
Year	Improvement notices issued	Improvement notices reviewed	Percentage (%)
2007-08	9,726	973	10.0
2008-09	9,852	917	9.3
2009-10	10,648	970	9.1
2010-11	10,419	947	9.1
2011-12	8,216	636	7.7

Table 64: Review of prohibition notices for the WorkSafe Division 2007-08 to 2011-12

Year	Prohibition notices issued	Prohibition notices reviewed	Percentage (%)
2007-08	675	11	1.6
2008-09	722	1	0.1
2009-10	705	10	1.4
2010-11	602	10	1.6
2011-12	399	3	0.7

Exemption from Regulations

The Commissioner may exempt a person from compliance with the Regulations. During the year the Commissioner received 50 applications for an exemption and granted 25 exemptions. None of these decisions of the Commissioner were appealed.



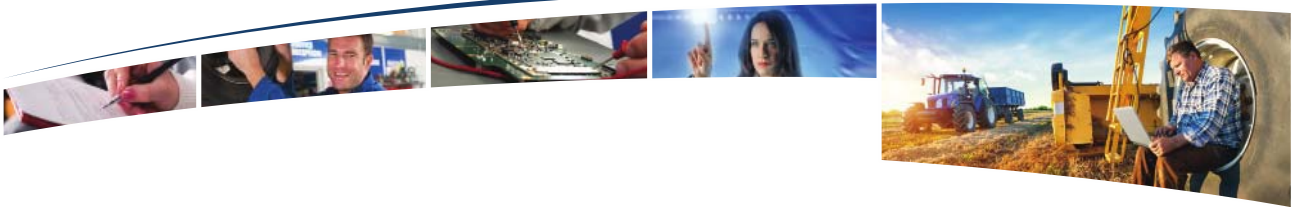
Appendix 4: Functions of boards, commissions, committees, councils and tribunals

Consumer Protection committees

Table 65 is a brief summary of the functions of each committee and tribunal.

Table 65: Functions of the Consumer Protection committees and tribunals in 2011-12

Name	Charitable Collections Advisory Committee
Legislation	<i>Charitable Collections Act 1946</i>
Principal functions	To advise the Minister in relation to applications for licences, to conduct inquiries and make recommendations to the Minister in respect of the revocation of licences.
Name	Consumer Advisory Committee
Legislation	<i>Fair Trading Act 2010 (Section 63I)</i>
Principal functions	To advise the Minister and the Commissioner for Consumer Protection on: <ol style="list-style-type: none"> a) the activities and policies of the department as they affect consumers; b) current and emerging consumer issues; c) research and education projects relating to consumers; and d) any matter referred to the Committee by the Minister or the Commissioner
Name	Motor Vehicle Industry Advisory Committee
Legislation	<i>Fair Trading Act 2010 (Section 63E)</i>
Principal functions	To advise the Minister and the Commissioner for Consumer Protection on: <ol style="list-style-type: none"> a) the regulation of the motor vehicle dealing and repair industry in Western Australia, including the licensing, certification and training of persons or businesses who or which engage in motor vehicle dealing and repair; b) the provision by the Commissioner of education, information and advice to consumers and to the motor vehicle dealing and repair industry in Western Australia; and c) any matter referred to the Committee by the Minister or the Commissioner.
Name	Property Industry Advisory Committee
Legislation	<i>Real Estate and Business Agents Act 1978, Settlements Agents Act 1981, Land Valuers Licensing Act 1978</i>
Principal functions	To provide advice to the Minister for Commerce and the Commissioner for Consumer Protection on the regulation of the land valuation, real estate and settlement industries in Western Australia and the provision of education, information and advice to consumers. The Committee also advises on the criteria required to receive grants from the Homebuyers Assistance Account and any other issues as requested by the Minister or Commissioner.



Name	Retail Shops Advisory Committee
Legislation	<i>Retail Trading Hours Act 1987</i>
Principal functions	To investigate and make recommendations to the Minister relating to the operation and administration of the Act, to make recommendations to the Commissioner for Consumer Protection on the issue of permits to remain open or to provide goods or services that are not prescribed.

Safety and Employment Protection and Construction Standards boards

The Safety and Employment Protection and Construction Standards boards have a range of functions including advisory, licensing of participants in relevant industries, investigating complaints about the conduct of industry participants and taking disciplinary action where appropriate. Table 66 provides a brief summary of the functions of each board.

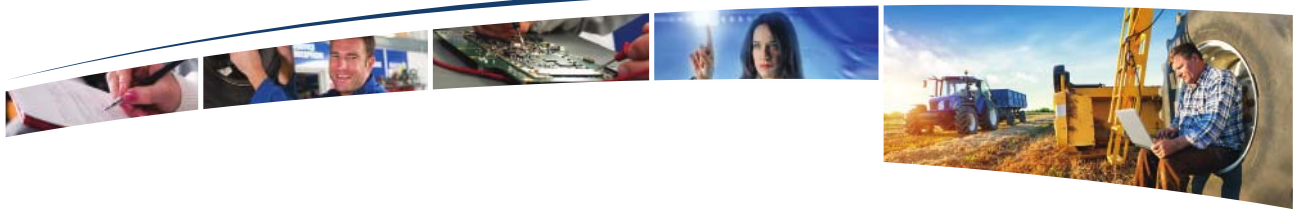
Table 66: Functions of Safety and Employment Protection and Construction Standards regulatory boards in 2011-12

Name	Builders' Registration Board		
Status	This Board was abolished on 29 August 2011		
Legislation	<i>Builders' Registration Act 1939</i>		
Principal functions	Registration of builders in the Board's area of jurisdiction.		
Other	Maintain a register of registered builders; determine training and examination requirements; carry out building information and educational activities; take proceedings for offences against the <i>Builders' Registration Act 1939</i> and the <i>Home Building Contracts Act 1991</i> .		
Source of funding	Self funded (registration fees, building licence levies, complaint application fees)	Annual Report	Yes www.builders.wa.gov.au
Management of funds	Yes	Investigations	Yes
Employment of employees	Employed by the Board	Number of entities regulated (as at 29 August 2011)	6,666



Name	Building Services Board		
Legislation	<i>Building Act 2011, Building Services (Complaint Resolution and Administration) Act 2011, Builders' Registration Act 2011</i>		
Principal functions	Registration of builders and painters in the Board's area of jurisdiction.		
Other	Advise the Minister and the Building Commissioner on matters to which the <i>Building Services (Registration) Act 2011</i> applies.		
Source of funding	Self funded (registration fees, building licence levies, complaint application fees)	Annual Report	No, reported in the department's annual report
Management of funds	Yes	Investigations	Yes
Employment of employees	The Board does not engage employees. Employees of the department support this Board.	Number of entities regulated	10,879

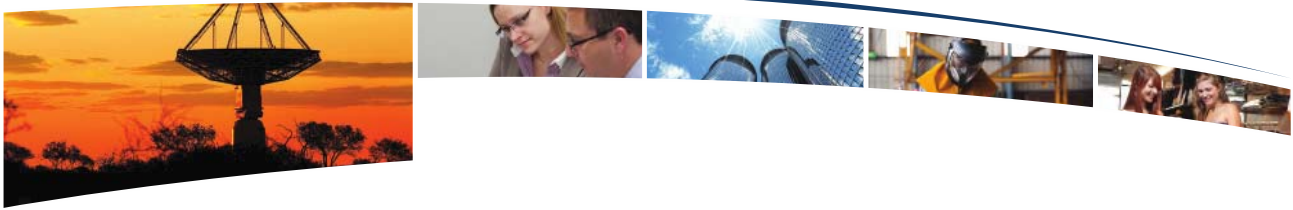
Name	Electrical Licensing Board		
Legislation	Electricity (Licensing) Regulations 1991		
Principal functions	Licensing of electrical contractors and workers.		
Other	General advice to the Minister and Director of Energy Safety on the training and licensing of electrical contractors and workers.		
Source of funding	Department of Commerce, Energy Safety Division budget (licence fees)	Annual Report	No
Management of funds	No. Managed as part of the divisional budget.	Investigations	Only for the determination of competence of applicants for, and holders of, licences and permits issued pursuant to Electricity (Licensing) Regulations 1991. Licence work compliance investigations are conducted by the Energy Safety Division.
Employment of employees	The Board does not engage employees. Employees of the department support this Board.	Number of entities regulated	43,700 electrical operatives



Name	Painters' Registration Board		
Status	This Board was abolished on 29 August 2011.		
Legislation	<i>Painters' Registration Act 1961</i>		
Principal functions	Registration of painters in the Board's area of jurisdiction.		
Other	Maintain a register of painters; prescribe the course of training and examination for painters; ensure adequate supervision of painting; and receive complaints against painters in relation to work that is not carried out in a proper and workmanlike manner, take proceedings for offences against the <i>Painters' Registration Act 1961</i> .		
Source of funding	Self funded (Registration fees, application fees and penalties)	Annual Report	Yes www.painters.wa.gov.au
Management of funds	Yes	Investigations	Yes
Employment of employees	Employed by the Board	Number of entities regulated (as at 29 August 2011)	4,476

Name	Plumbers' Licensing Board		
Legislation	<i>Water Services Licensing Act 1995, Part 5A</i>		
Principal functions	Licensing of plumbing contractors, tradespersons and certain permit holders.		
Other	Advises Minister on the administration of the Act and Regulations; sets State wide industry standards for licensing, compliance and legislation; and monitors plumbing trade education and training and provides technical advisory services in support of plumbing workmanship standards to safeguard consumers' interests.		
Source of funding	Self funded (Fees from a triennial licensing regime and a compliance and inspection framework).	Annual Report	No, reported in the department's annual report.
Management of funds	Yes	Investigations	Yes
Employment of employees	The Board does not engage employees. Employees of the department support this Board.	Number of entities regulated	2,960 licensed plumbing contractors; 3,477 tradespersons; and 113 restricted plumbing permit holders.

The Architects Board of Western Australia is an independent statutory board responsible for the regulation of architects in Western Australia under the *Architects Act 2004*. However, the Department of Commerce provides policy advice to the Minister for Commerce to assist in the administration of the Act. More information about the operation of the Architects Board can be obtained from: <http://www.architectsboard.org.au/>

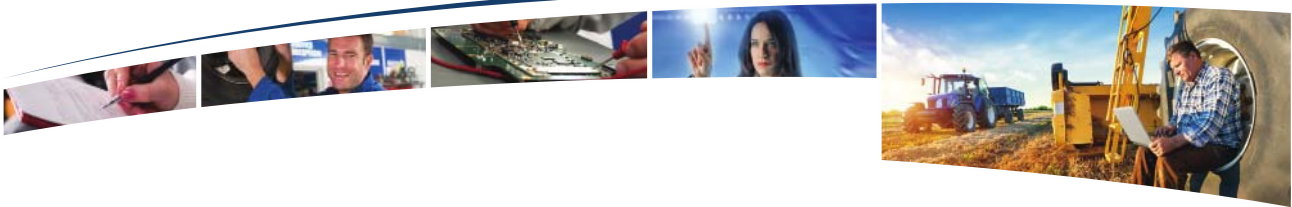


Safety and Employment Protection and Construction Standards commissions and committees

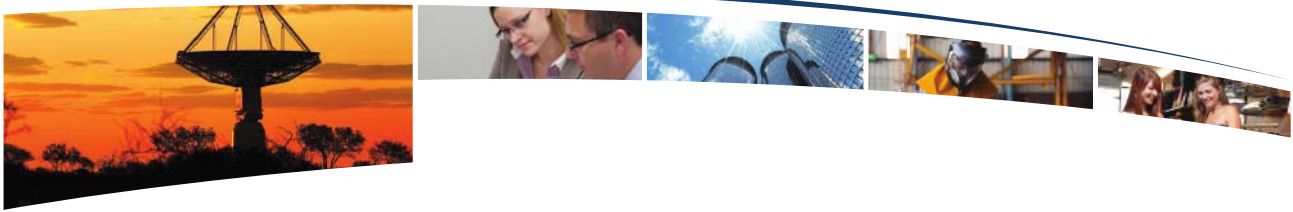
Table 67 provides a brief summary of the functions of each commission and committee.

Table 67: Functions of the Safety and Employment Protection and Construction Standards commission and committees in 2011-12

Name	Building Disputes Tribunal
Status	This Tribunal was abolished on 29 August 2011
Legislation	<i>Builders' Registration Act 1939</i>
Principal functions	To hear and settle contractual and workmanship disputes between owners and builders.
Name	Building Surveyors Qualification Committee
Status	This Committee was abolished on 2 April 2012
Legislation	Local Government (Building Surveyors) Regulations 2008
Principal functions	To review the qualifications of building surveyor practitioners in Western Australia.
Name	Gas Licensing Committee
Legislation	<i>Gas Standards Act 1972</i>
Principal functions	To make recommendations to the Director of Energy Safety on competence of applicants for, and holders of, gas fitting permits and authorisations. To make recommendations on retraining and other restrictions and warnings.



Name	Commission for Occupational Safety and Health		
Legislation	<i>Occupational Safety and Health Act 1984</i>		
Principal functions	<p>The Commission for Occupational Safety and Health (the Commission) was established in April 1985 (as the Occupational Health, Safety and Welfare Commission) under section 6 of this Act. The tripartite Commission's functions include:</p> <ul style="list-style-type: none"> • to inquire into and report to the Minister upon any matters referred to it by the Minister; • to make recommendations to the Minister with respect to this Act; • to develop and review the occupational safety and health legislation and associated standards and make recommendations to the Minister; • to examine, review and make recommendations to the Minister in relation to existing and proposed registration or licensing schemes relating to occupational safety and health; and • to provide advice to and cooperate with government departments, public authorities, unions, employer organisations and other interested parties. 		
Other	<p>Commission advisory committees and working parties operational during the year were:</p> <ul style="list-style-type: none"> • Construction Industry Safety Advisory Committee; • Risk Advisory Committee; • Legislation Advisory Committee; and • Working Hours Review Working Party. 		
Source of funding	Department of Commerce, WorkSafe Division budget	Annual Report	Yes www.commerce.wa.gov.au
Management of funds	No. Managed as part of the divisional budget.	Investigations	No
Employment of employees	The Commission does not engage employees. Employees of the department support the Commission.	Number of entities regulated	All Western Australian workplaces except those under the <i>Mines Safety and Inspection Act 1994</i> or Commonwealth legislation.



Industry, Science and Innovation committees and councils

Table 68 provides a brief summary of the functions of each committee or council.

Table 68: Functions of the Industry, Science and Innovation committees and councils in 2011-12

Name	Australian Marine Complex Overarching Committee
Principal functions	Assist in coordinating interagency management.
Name	Pilbara Maritime Common Use Facility (PMCUF) Steering Committee
Principal functions	<ul style="list-style-type: none"> • Provide coordination and strategic advice in relation to the PMCUF. • Provide a conduit through which key government agencies can assist and consult regarding the PMCUF. • Review recommendations in relation to PMCUF based on feasibility studies. • Facilitate and support opportunities for the development of the PMCUF concept. • Identify and communicate opportunities and benefits created by the proposed project and, where necessary, advise the Government of possible issues which may generate adverse reactions.
Name	Western Australian Technology and Industry Advisory Council
Principal functions	<p>The Council, under Section 21 of the <i>Industry and Technology Development Act 1998</i>, is required to:</p> <ul style="list-style-type: none"> • provide advice to the Minister, at the initiative of the Council or at the request of the Minister, on any matter relating to the objects of the Act; and • carry out, collaborate in or procure research, studies or investigations on any matter relating to the objects of the Act, including the: <ul style="list-style-type: none"> (i) role of industry, science and technology in the policies of government; (ii) social and economic impact of industrial and technological change; (iii) employment and training needs and opportunities relating to industrial, scientific and technological activities in the State; (iv) adequacy of, priorities among and co-ordination of, scientific, industrial and technological activities in the State; (v) methods of stimulating desirable industrial and technological advances in the State; (vi) application of industrial, scientific and technological advances to the services of the Government; and (vii) promotion of public awareness and understanding of development in industry, science and technology.
Other	Under section 26(1) of the <i>Industry and Technology Development Act 1998</i> , the Council must, in each year, prepare and give to the Minister a report on its operations and proceedings for the previous financial year.



Appendix 5: Annual Report feedback

The Department of Commerce welcomes your feedback on the 2011-12 Annual Report.

1. Overall how effective do you think the Annual Report was in communicating our activities?

- Very effective
 Effective
 Average
 Poor

2. Please rate the following elements of the Annual Report (using a number from the rating scale below):

	Excellent	Good	Average	Poor	Very Poor
Information/content	1	2	3	4	5
Layout of information	1	2	3	4	5
Ease of finding information	1	2	3	4	5
Readability	1	2	3	4	5
Ease of comprehension	1	2	3	4	5

3. Overall, how do you rate this Annual Report?

- Excellent
 Good
 Satisfactory
 Poor

4. In your opinion, how could our next Annual Report be improved?

5. General comments:

6. For what purpose did you read or refer to the 2011-12 Annual Report?

- Background information on the Department of Commerce
 Information on the Department of Commerce's performance in 2011-12
 Information on the future direction of the Department of Commerce
 Information on the employees and management of the Department of Commerce
 Other (please specify) _____

Thank you for participating in the survey.

Please return completed form to:

Office of the Director General, Department of Commerce
 Locked Bag 14 CLOISTERS SQUARE WA 6850 or fax (08) 9282 0407

This form is also available on the department's internet site at www.commerce.wa.gov.au.



Consumer Protection

Advice line 1300 304 054
 (cost of a local call statewide)
 Administration (08) 9282 0777
 Email consumer@commerce.wa.gov.au

Building Commission

Telephone 1300 489 099
 Email info@buildingcommission.wa.gov.au

EnergySafety

Telephone (08) 9422 5200
 Email energysafety@commerce.wa.gov.au

Industry, Science and Innovation

Telephone 1300 136 237
 Email isi@commerce.wa.gov.au

Labour Relations

Wageline 1300 655 266
 Administration (08) 9222 7700
 Email labourrelations@commerce.wa.gov.au

WorkSafe

Customer help centre 1300 307 877
 Administration (08) 9327 8777
 Email safety@commerce.wa.gov.au

Regional offices

Goldfields/Esperance (08) 9026 3250
 Great Southern (08) 9842 8366
 Kimberley (08) 9191 8400
 Mid-West (08) 9920 9800
 North-West (08) 9185 0900
 South-West (08) 9722 2888
 National Relay Service: 13 36 77