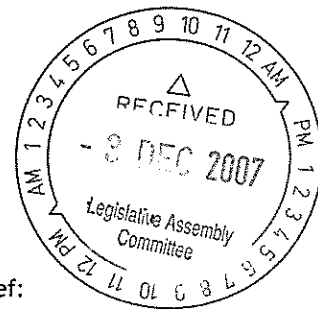




Department of Consumer  
and Employment Protection  
Government of Western Australia



Office of the Director General

Your Ref:

Our Ref: CP24038/2007/1

29 November 2007

Enquiries:

Dr Brian Gordon  
Principal Research Officer  
Community Development and Justice Standing Committee  
Legislative Assembly  
Parliament House  
PERTH WA 6000

Dear Dr Gordon

**INQUIRY INTO COLLABORATIVE APPROACHES IN GOVERNMENT**

I refer to your letter dated 2 October 2007, seeking feedback from the Department of Consumer and Employment Protection (DOCEP) in relation to the Inquiry into Collaborative Approaches in Government.

As outlined in your letter, the Community Development and Justice Standing Committee is seeking feedback on any joint initiatives DOCEP may have undertaken in collaboration with other agencies.

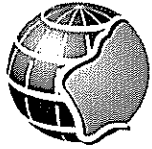
Attachments 1 to 3 provide a summary of recent initiatives undertaken within DOCEP's Consumer Protection, Labour Relations and WorkSafe divisions that should provide some useful feedback for your review.

Thank you for the opportunity to provide this information. Should you require any further information or assistance, please contact

Yours sincerely

Brian Bradley  
**Director General**

Attach



**Department of Consumer  
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**Details of the collaborative initiatives undertaken**

***CENTRE FOR ADVANCED CONSUMER RESEARCH - CONSUMER PROTECTION  
DIVISION***

During 2006 a Centre for Advanced Consumer Research (the Centre) was established under the auspices of the Law Faculty at the University of Western Australia. Establishment of the Centre was a joint initiative of the University and the Department of Consumer and Employment Protection (DOCEP).

The Centre was established to provide an independent, authoritative voice on consumer issues and to build on the Law Faculty's outstanding reputation for innovative, important and relevant research. The Centre's primary role is to undertake rigorous and wide-ranging consumer research aimed at improving understanding of the creation of competitive, efficient and effective consumer markets and appropriate consumer protection frameworks.

The Centre is involved in the preparation of research proposals and tenders for externally funded research. The Centre will contribute to consumer policy both in Western Australia and in other Australian jurisdictions, and bid for contracts to undertake legislative review projects both in this State and elsewhere. The Centre also provides expert teaching in consumer law and policy at both a post-graduate and under-graduate level.

The Centre is newly established, and has become fully operational during 2007. Nevertheless, several initiatives have been successfully launched. A Research Fellow, Dr Debbie Hindley, has been appointed to undertake a research project about retail shopping hours, instigated through the Centre's Advisory Board. A successful Consumer Credit Forum focussing on over-commitment was held in October 2007 and featured a keynote speaker, Dr Elizabeth Lanyon from Monash University Law School and Consumer Affairs Victoria. In addition, arrangements have been made to offer a PhD scholarship to a doctoral candidate undertaking research regarding disclosure in consumer contractual arrangements, jointly funded by the University and the Centre.

**List the factors that contributed to the initiative's success**

A variety of factors have contributed to the initial success of the Centre. Some of these are environmental, and some relate to the manner in which the Centre was established.

There is broad and increasing recognition of the need for rigorous, independent research about consumer affairs for various reasons, and particularly to underpin policy and regulatory initiatives. Evidence of this includes the strategic research agenda established by the Ministerial Council on Consumer Affairs. On a similar vein, the Consumer Affairs Council, established in Western Australia to advise the Commissioner and Minister for Consumer Protection, recommended establishment of a research and advocacy centre. In light of these developments, establishment of the Centre was timely, and will meet needs clearly identified in the community.

The Centre was established as a collaborative initiative of the University of Western Australia and DOCEP. As such, the centre benefits from the strengths of each party. Under the auspices of the Law Faculty of the University, the Centre will be seen as an independent source of rigorous academic research. On the other hand, links to DOCEP will guide the focus of the research undertaken towards issues of current concern to the community and of practical application in policy development.

As a joint initiative, seed funding for the Centre has been provided by both DOCEP and the University. As such, sufficient funding is available for the Centre to operate for several years, while it establishes a reputation for producing high quality research outcomes. By the time the seed funding is exhausted, the Centre will be in a position to generate sufficient research funding from various sources to be self-sustaining.

The structure of the Centre is contributing to its success. An Advisory Board has been established with representatives from the community to set the strategic direction of the research to be undertaken. Members of the Advisory Board represent both the community and private sectors, ensuring a broad perspective. In addition, representatives of the Department and the University comprise the Management Committee, which will oversee the operation of the Centre.

Close links between the Centre and DOCEP are leading to a variety of collaborative activities and other links. For example, Departmental staff have participated in courses at the University and plans are being made to involve senior undergraduate students from the Law Faculty in research projects co-supervised by DOCEP staff. A collaborative forum on consumer credit issues has been held, and the potential for student internships in DOCEP is being explored. Maintaining close and ongoing links between the University and the Department through the Management Committee will facilitate such activities and ensure that they continue.

**List the factors that contributed to the initiative's partial success**

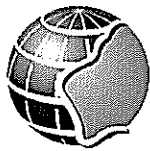
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**If the initiative failed, list the factors that contributed towards this**

N/A

**Any other comments to add?**

N/A



#### **Details of the collaborative initiatives undertaken**

##### ***HOLIDAY ACCOMMODATION MANAGERS ACCREDITATION – CONSUMER PROTECTION DIVISION***

In late 2003, it became apparent that holiday accommodation managers were technically required to be licensed real estate agents. This was considered to be impractical and the then Minister for Consumer Protection, the Hon John Kobelke MLA, directed the Department of Consumer and Employment Protection (DOCEP) to undertake a review of the situation.

An Issues Paper was released by DOCEP in April 2004 as the basis of consultation with stakeholders.

As a consequence of that consultation, DOCEP established a Working Party to develop an alternative approach for the regulation of holiday accommodation managers. That Working Party chaired by DOCEP, included representatives from Tourism Western Australia, the Tourism Council of Western Australia, the Visitor Centre Association of Western Australia and the WA Local Government Association.

Together, that Working Party developed a new voluntary accreditation program for holiday accommodation managers.

This accreditation program introduced new requirements in relation to handling client funds, a Code of Ethics, dispute resolution and disciplinary action.

The new Holiday Accommodation Managers Accreditation Program was launched in August 2006 and commenced operation in January 2007. The program is managed by the Tourism Council of Western Australia. DOCEP provides ongoing support through promotion of the program to consumers and through technical support for the dispute resolution process.

The program was supported by amendments to the *Real Estate and Business Agents Act 1978* which removed the technical requirement for holiday accommodation managers to be licensed real estate agents.

#### **List the factors that contributed to the initiative's success**

The initiative was successful for a variety of reasons:

- (a) it provided a practical alternative to a legal problem which presented major concerns for the tourism industry;
- (b) the program built on an existing accreditation program operated by the Tourism Council of Western Australia which meant it was a process they supported and were comfortable with;
- (c) by being voluntary in nature, the program represented light touch regulation with minimal compliance costs but it was supported by all parties being aware that if it was unsuccessful as a voluntary Code, the Government could move to make it mandatory;

- (d) the co-operative development approach resulted in a product which was practical and met the tourism industry's concerns but which also included additional protections for consumers which met DOCEP's concerns; and
- (e) the co-operative development of the program has also meant that all parties have ownership of the product and continue to support the product.

**List the factors that contributed to the initiative's partial success**

N/A

**If the initiative failed, list the factors that contributed towards this**

N/A

**Any other comments to add?**

The initiative has enabled DOCEP to work towards fostering a new strategic alliance with the tourism industry for the benefit of tourists, which is a particularly vulnerable segment of the consumer market.



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**Details of the collaborative initiatives undertaken**

**INDIGENOUS TENANCY BOOKS - CONSUMER PROTECTION DIVISION**

The Indigenous Consumer Education team of the Department of Consumer and Employment Protection (DOCEP) worked collaboratively with the Tenants Advice Service of WA (TASWA) and the Department of Housing and Works (DHW) over the past two years to produce a series of three low literacy publications for Indigenous people: *Renting a Place in WA – Guides for Indigenous Consumers*. The three booklets are titled:

- *Getting a Place in WA – A guide for Indigenous people looking for housing*
- *Keeping a Place in WA – A guide for Indigenous people in both private and Department of Housing and Works rental housing*
- *Leaving a Place in WA – A guide for Indigenous people in both private and Department of Housing and Works rental housing*

Key Stakeholders in the project, the Real Estate Institute of WA (REIWA) and the Equal Opportunity Commission were also involved in the project as reviewers of the information contained in the booklets.

Funding of \$34,260 was provided to TASWA to support their involvement in the project and the production of the three booklets to meet the needs of Indigenous consumers with low literacy and address particular aspects of tenancy. The first booklet focused on how to find a place to live and entering into a tenancy agreement. The second booklet focused on the rights and responsibilities during the tenancy and being a good tenant. The third booklet focused on concluding a tenancy. TASWA undertook consultation with the relevant communities and production of the booklets. Printing was arranged by DOCEP.

DHW contributed \$15,000 to the project, the rest of the funding was provided by DOCEP.

The three booklets were publicly released by the Minister for Consumer Protection on 19 October 2007.

**List the factors that contributed to the initiative's success**

DOCEP developed the booklets in partnership with TASWA and DHW. All parties were willing to work together in planning and development of the booklets. Costs were shared by DOCEP and DHW. REIWA and the Equal Opportunity Commission provided advice.

All parties committed to this project following the Equal Opportunity Commission's *Finding a Place (2004)* Report of its inquiry into discriminatory practices in relation to the provision of public housing in Western Australia. DOCEP's Indigenous Community Education Officers were also a member of the Housing Inquiry Implementation Committee, chaired by the Commissioner for Equal Opportunity and had a particular interest in housing issues.

By combining all the key partners, public and private, DOCEP has been able to develop a product that has been well received and which all parties continue to support through their own distribution networks.

**List the factors that contributed to the initiative's partial success**

N/A

**If the initiative failed, list the factors that contributed towards this**

N/A

**Any other comments to add?**

The production of these low literacy Indigenous tenancy publications provided the opportunity for DOCEP's Consumer Protection Division to respond to the top three consumer issues identified by Indigenous consumers during State-wide consultation in 2004:

1. private rental
2. discrimination
3. public rental

These issues are documented in *Indigenous Consumers Count – A consultative approach to consumer protection for Indigenous Western Australians (2007)*.

The response to the booklets has been met with enthusiasm from people working in the community service sector.



#### **Details of the collaborative initiatives undertaken**

##### ***INTRODUCTION OF NEW RESIDENTIAL PARK LEGISLATION - CONSUMER PROTECTION DIVISION***

The *Residential Parks (Long-stay Tenants) Act 2006* came into operation on 3 August 2007.

Both the Act and the supporting Regulations were the subject of extensive consultation with residents and operators of residential parks during their development.

The successful implementation of the Act and Regulations presented a significant challenge for the Department of Consumer and Employment Protection (DOCEP). As completely new legislation affecting the daily lives of residents and operators of residential parks, it was important to have an effective implementation strategy.

The implementation strategy was complicated by the differing needs of the two key target groups – operators of residential parks and residents (and prospective residents) of residential parks.

Rather than DOCEP itself delivering information to both groups, it was decided to form relevant partnerships to do so.

DOCEP engaged the Tenants Advice Service (TAS) – a non-government tenancy advocacy service – to develop and deliver information sessions for residents and prospective residents. DOCEP also provided funding assistance to the Caravan Industry Association WA (CIA) to develop and deliver information to operators.

The information session developed by TAS was developed in consultation with both DOCEP and the Park Home Owners Association (PHOA) – the representative body for residents in residential parks.

The information session was also delivered in pilot form to PHOA representatives to ensure that the final product met the needs of the target audience.

DOCEP also provided technical advice to the CIA in the development of their information for operators.

DOCEP organised metropolitan and regional information sessions and co-ordinated the sessions so that, where appropriate, TAS and the CIA delivered sessions at the same location on the same day, although at different times.

DOCEP supported both TAS and CIA information sessions by attending and providing technical advice on the legislation as well as providing publications developed by DOCEP explaining the new legislation.

DOCEP also supported the continuous development of both information sessions by conducting evaluations based on attendee feedback.

**List the factors that contributed to the initiative's success**

Overall, the implementation of the new legislation has been highly successful and this was supported by feedback evaluation. This success can be attributed to DOCEP developing an information strategy which involved the key affected stakeholders in its development and delivery. This ensured that the information met the needs of the target audience and was delivered effectively. This process also allowed DOCEP to support the delivery of information to stakeholders with very different needs without being seen to be specifically aligned with either group.

**List the factors that contributed to the initiatives partial success**

The consumer audience was a challenging group to target. Due to the *Privacy Act 1988*, disclosure of individual personal information was limited. Although over a 1000 people attended the information sessions some residents have complained that they were not personally informed.

To reach the target audience DOCEP put the following strategies into place:

- letters were sent to all PHOA members;
- advertisements were placed in all local papers and the *Have a Go News*;
- information on the legislation and education sessions was made available on the DOCEP, CIAWA, PHOA websites;
- promotional material was sent to all metropolitan and regional libraries; and
- promotional material was sent to all parks, council offices and DOCEP regional offices.

In the regions promotional material was also sent to the local shopping and recreational centres to display on their noticeboards.

The Project Officer and Regional Officers also conducted personal visits to the parks in the regional areas.

A media announcement was distributed through media channels.

**If the initiative failed, list the factors that contributed towards this**

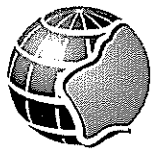
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**Any other comments to add?**

By closely involving TAS, CIA and PHOA in the development and delivery of the information relating to the new legislation, DOCEP was able to raise the profile of each of these organisations and significantly improve their own understanding of the legislation.

This has built their capacity to provide ongoing support to residents, prospective residents and operators in relation to the new residential parks legislation.

This outcome would have been much less likely had DOCEP undertaken the delivery of information itself.



**Details of the collaborative initiatives undertaken**

***TAKING THE LEAD: WOMEN IN THE WORKFORCE STRATEGY – LABOUR RELATIONS DIVISION***

DOCEP's Labour Relations Division worked collaboratively with three other agencies on the development of the *Taking the Lead: Women in the Workforce Strategy* released in August 2007.

The Strategy contains a series of 22 recommendations for action by government agencies. These initiatives are currently being implemented by a group of government agencies comprising the Department of Premier and Cabinet, Office of Women's Policy, Office of Equal Opportunity and DOCEP's Labour Relations Division.

**List the factors that contributed to the initiative's success**

- The high level coordination of the Women in Leadership Planning Group which established the vision and framework for the strategy.
- Ongoing collaboration between the four agencies throughout the process of developing the strategy, including all agencies being involved in ideas creation, development of the recommendations and the composition of the strategy document.
- Recognition at the time of the launch of the strategy that it had been developed in a collaborative manner.
- Establishment of a process for monitoring the progress of recommendations and reporting back to the Women in Leadership Planning Group.

**List the factors that contributed to the initiative's partial success**

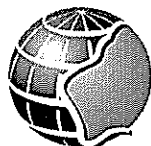
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**If the initiative failed – list the factors that may have contributed towards this**

N/A

**Any other comments you wish to add?**

N/A



#### Details of any collaborative initiatives undertaken

##### **1) THINKSAFE SMALL BUSINESS ASSISTANCE PROGRAM – WORKSAFE DIVISION**

The program provides small businesses (less than 20 employees) in high risk industries with free and confidential occupational safety and health advice delivered by independent consultants in the workplace. The program aims to increase the number of Western Australian small businesses that have compliant occupational safety and health systems.

Working with industry associations in each of the high risk industry sectors (health and community services; agriculture, forestry and fishing; manufacturing; construction; transport and storage; retail and wholesale trade), to facilitate the provision of occupational safety and health (OSH) information, advice and training to small business owners within their industries is vital to the success of the program. The WorkSafe Commissioner and other senior staff have established and maintain contact with representatives of nearly 20 organisations and consider them key partners of the program.

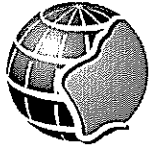
Industry associations promote the ThinkSafe Small Business Assistance Program and importance of OSH through their industry association memberships. When surveyed, 27% of small businesses who had been through the program heard about it through their industry association. Existing networks have been utilised and initiatives introduced, including training courses, seminars, workshops and forums. Joint initiatives and resources have been developed and implemented with industry associations (i.e. brochures, manuals and promotional materials).

The partnership with the Motor Trades Association of WA (MTA) has proven to be one of the great success stories of the program. The MTA is one of 18 consultants delivering the program on behalf DOCEP's WorkSafe Division (WorkSafe) and has been an active promoter and supporter of the initiative. It has delivered the program to over 250 automotive repair small businesses throughout the State since the program commenced. The successful take-up in this high risk sector has seen the MTA appoint a fulltime OSH manager to coordinate the delivery of the program as part of the Association's commitment to OSH. The Association has also used the delivery model to develop a 'fee for service' model for those larger businesses within its membership base who are not eligible for the assistance program.

In addition to industry associations, the research shows that small business employers also prefer to use small business advisors rather than the OSH regulatory agency for compliance advice. An ABS survey indicated that over 80% of small business employers would use external consultants for a range of services, including compliance advice. The role of the accountant in disseminating and advising on OSH compliance matters cannot be underestimated.

The program is building partnerships with accountancy groups such as the Institute of Chartered Accountants and the Association of Certified Practising Accountants of Australia to facilitate provision of OSH information and advice to their small business clients. As well as raising awareness of small business OSH issues and the ThinkSafe Program, accountants are provided with resources and materials specific to small business for distribution through existing accountancy networks and initiatives.

Partnerships with the other government agencies including the Small Business Development Corporation (SBDC), Small Business Centres (previously Business Enterprise Centres), WorkCover WA and the Consumer Protection and Labour Relations Divisions of the Department of Consumer and Employment Protection (DOCEP) are also crucial in promoting OSH to small businesses.



The 2007 ThinkSafe Small Business Assistance Program mass media campaign was co-badged with WorkSafe WA, WorkCover and SBDC logos to recognise the collaboration with the agencies in the development of the campaign. Since the ThinkSafe Small Business Assistance Program commenced in 2005, WorkCover has provided annual funding of \$250,000 (50%) for its implementation. In 2007/08, a workers' compensation and injury management component will be built into the program. WorkCover WA have provided a briefing to the ThinkSafe consultants on injury management issues and produced a customer friendly information pack and website for small business clients.

Similarly, joint initiatives targeted at small business have been instigated with Chambers of Commerce and Industry and local chambers throughout WA. For example, the Corrigin Chamber of Commerce and WorkSafe jointly hosted a small business OSH seminar to improve OSH understanding and awareness of local small businesses. Having these key messages relayed to small businesses via such a wide range of stakeholders reinforces the seriousness of OSH in the small business workplace. Collaboration has been essential in achieving widespread respectability.

A close working relationship with the Department of Treasury and Finance has been formed to undertake contract arrangements and recruitment of consultants to provide independent OSH assessments for small business.

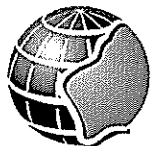
Since the program commenced in February 2005, WorkSafe has delivered the free service to over 1,000 small businesses in metropolitan and regional Western Australia with outstanding results. An independent survey conducted last year, showed that 93 per cent of small businesses contacted were either satisfied or very satisfied with the program, and 91 per cent had made improvements to OSH within their business following a visit to their workplace by a ThinkSafe consultant.

## **2) THE COMMISSION FOR OCCUPATIONAL SAFETY AND HEALTH (THE COMMISSION) – WORKSAFE DIVISION**

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 the *Occupational Safety and Health Act 1984* (the Act). The Commission is a tripartite group, made up of government, employer and employee representatives.

In accordance with section 6 of the Act, the Commission is comprised of:

- An independent Chair (nominated by the Minister);
- The WorkSafe Western Australia Commissioner;
- Two officers of the Public Service nominated by the Minister, one of whom must be an officer from the department responsible for the administration of the *Mines Safety and Inspection Act 1994*;
- Two members nominated by the Chamber of Commerce and Industry of Western Australia (CCI);
- One member nominated by the Chamber of Minerals and Energy of Western Australia;



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- Three members nominated by The Trades and Labor Council of Western Australia, one of whom must have knowledge and experience of the mining industry in Western Australia; and
- Three members having knowledge of or experience in occupational safety and health (nominated by the Minister).

The Commission is funded through the WorkSafe Division of DOCEP.

The Commission's functions include:

- inquiring into and reporting to the Minister upon any matters referred to it by the Minister;
- advising and cooperating with government departments, public authorities, unions, employer organisations and other interested parties;
- developing and reviewing occupational safety and health legislation and associated standards and making recommendations to the Minister;
- devising, accrediting and promoting training and educational courses;
- publishing occupational safety and health information, standards, specifications and guidance material; and
- reviewing registration and licensing schemes.

Under section 15 of the Act, the Commission may appoint advisory committees made up of employer and employee representatives and people with specialist knowledge or experience in occupational safety and health to assist in the performance of its functions and duties.

Advisory committees and working parties consider matters referred to them by the Commission and make recommendations on aspects of occupational safety and health specific to their area of expertise. Each committee and working party is chaired by a member of the Commission.

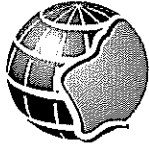
There are currently three advisory committees under the Commission including:

- a) Legislation Advisory Committee;
- b) Construction Industry Safety Advisory Committee;
- c) Emerging Issues and Risk Management Advisory Committee;

and one working party:

- a) Agricultural Industry Safety Group.

Each of the committees engage and consult broadly on occupational safety and health issues.



**List the factors that contributed the initiative's success**

**ThinkSafe Small Business Program**

The program's success depends on an innovative structure that recognises consultation and collaboration with key stakeholders and gaining the trust of small business are key ingredients for success, while flexibility in delivery can extend the reach of the program.

WorkSafe recognised it needed to enlist the help of organisations external to government if it was to make inroads into changing the culture of small businesses. Research shows these businesses often have a deep suspicion of government and can be quite resistant to direct provision of advice and information. Partnerships with industry associations and business advisors were seen to be essential to a successful intervention strategy.

The close working partnerships with other government agencies has resulted in a well rounded program that meets the needs of small businesses. It also enables WorkSafe to utilise existing small business networks available in government.

**The Commission for Occupational Safety and Health (the Commission)**

The Commission's success lies in the tripartite nature of its membership and its objective to ensure that employers, employees and the broader WA community have access to knowledge and information so that they can exercise their rights and meet their obligations with respect to occupational safety and health (OSH).

The Commission engages with the private sector to promote and deliver effective OSH programs as well as maintaining and promoting effective tripartite relationships and decision making on safety and health in the workplace.

Making OSH relevant to a broader range of people and promoting a preventative culture is one of the Commission's key strategies and is achieved by regular assessment of the form, nature, purpose and impact of the Commission's information and guidance materials.

The Commission also endeavours to drive cultural change relevant to OSH through a variety of education and communication strategies and effective utilisation of networks such as OSH professionals and safety and health representatives.

**List the factors that contributed to the initiative's partial success**

N/A

**If the initiative failed, list the factors that may have contributed towards this**

N/A

**Any other comments to add?**

N/A