

Department of Consumer and Employment Protection



**Annual Report
2001/2002**



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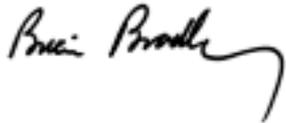
Statement of Compliance

To the Hon John Kobelke MLA
Minister for Consumer and Employment Protection

In accordance with Section 62 of the Financial Administration and Audit Act 1985, I hereby submit for your information and presentation to Parliament the Annual Report of the Department of Consumer and Employment Protection for the year ended 30 June 2002.

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

This report also fulfils my obligations pursuant to Section 26 of the Consumer Affairs Act 1971, Section 60 of the Credit (Administration Act) 1984, Section 10A of the Employment Agents Act 1976, Section 7(5) of the Petroleum Products Pricing Act 1983 and Section 12(1) of the Retirement Villages Act 1992.



Brian Bradley
Acting Director General
Department of Consumer and Employment Protection

30 August 2002

Director General's Report

2001-2002 has been an extremely busy year for the new Department of Consumer and Employment Protection (DOCEP), which was established on 1 July 2001.

We have achieved an enormous amount over the past 12 months in managing to create a new organisation while normal services to customers have not been disrupted. This is quite an achievement considering it has happened in an environment of significant change, including:

- major labour relations reforms culminating in the *Labour Relations Reform Bill (2002)*;
- a review of occupational safety and health legislation by former Australian Industrial Relations Commissioner Robert Laing;
- the Temby Royal Commission into the Western Australian finance broking industry;
- the Cole Royal Commission into the building and construction industry; and
- new consumer protection legislation and Amendment Acts in the areas of home building contracts, motor vehicle dealers and consumer credit.

Major achievements in DOCEP's first year have been:

- Government initiatives in the area of home indemnity insurance;
- the launch of the ThinkSafe 2002 campaign, focusing on small and medium sized business;
- the development of a Wages and Parity Policy to re-establish common salary rates in the Public Sector;
- the provision of comprehensive advice to the Minister on the development of the Labour Relations Reform Bill 2002, and a review of existing labour relations policies in line with the Government's reform agenda;
- "Work Safe 2002 and Beyond" – the State's first occupational safety and health conference for all industries;
- a review of boards and committees in line with Machinery of Government recommendations;
- implementation of the "50/50" legislative changes (allowing eligible fuel retailers to purchase up to 50% of their fuel supplies from someone other than their contracted supplier) and release of a major discussion paper on capping of retail fuel prices in major country centres in WA; and
- launch of the Consumer Justice Strategy.

Other achievements are the establishment of new organisational and output management structures; developing a new corporate identity; progress in integrating information technology; implementing a new financial system; developing human resource policies; changes in accommodation; integrating of regional offices (including some co-locations); and the emergence of a distinct DOCEP culture.

The creation of DOCEP resulted from the State Government's stated intention on taking office to reduce the number of Government departments and deliver better services to the community. This was achieved through the work of the Machinery of Government Taskforce. The Government's objectives are to make the public sector more effective, flexible, responsive, accountable and transparent. This department has a vital role to play in ensuring these objectives are met.

Many outside influences affect how we deliver our services. Rapidly changing technological advances are placing greater demands on workers and consumers, while the fast-growing small business sector is changing the face of the working environment. Globalisation and the power of big business is shifting the balance between consumers and traders, while the increasing complexity of consumer transactions requires consumers to be more sophisticated and better informed than ever before. As the sophistication level of scams and rorts rises, consumers need to be equipped with the knowledge and skills to make wise choices and exercise their rights.

The workplace is constantly changing and presenting new challenges. The population is ageing, and there is concern about industries that rely on extended working hours. The casual workforce is also increasing in size, providing flexibility, often at short notice, to meet short-term vacancies in the permanent workforce. Many casual employees are young workers, who need to be protected in regard to both safety and employment conditions.

These influences can have a great effect on how we deliver our services, and also what services we plan to deliver in the future. They are the issues we have considered when planning future directions for DOCEP, and a major reason we have developed a DOCEP Corporate Plan for 2002 to 2005. This plan sets our future course and articulates a very clear purpose for the department.

DOCEP's purpose is to create an employment and trading environment that protects consumers and workers. The Corporate Plan - titled "Future Directions" - puts into practice the two essential principles of empowering the community and enforcing appropriate standards. It incorporates four key directions:

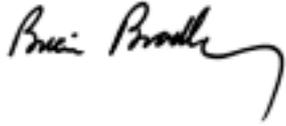
- Enhancing the capability of the community;
- Enhancing the regulatory environment;
- Enforcing the law; and
- Building DOCEP as an organisation.

As an agency, DOCEP has a diverse range of customers. They include employers, employees, consumers, traders and business. We aim to balance the interests of consumers on the one hand and traders on the other and employees on the one hand and employers on the other.

I believe the department has a very positive future to look forward to. Our work is fundamental to the quality of life of the community – we prevent injuries and save lives and work to ensure that people's rights are upheld and that they are being treated fairly.

We have the opportunity to influence the social and economic future of Western Australians for the better.

In conclusion, I would like to thank all DOCEP staff for their hard work over the past 12 months, particularly under the sometimes difficult conditions of such a big change in their working environment.

A handwritten signature in black ink that reads "Brian Bradley". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Brian Bradley
Acting Director General
Department of Consumer and Employment Protection

30 August 2002

Introducing DOCEP

Responsible Minister

The Department of Consumer and Employment Protection is responsible to the Hon John Kobelke MLA, Minister for Consumer and Employment Protection for the administration of consumer protection, labour relations and occupational safety and health legislation.

Our Purpose

To create an employment and trading environment that protects consumers and workers.

What We Do

We achieve this by:

- taking an approach which appropriately balances the interests of consumers and traders, and employees and employers;
- administering legislation and regulations related to consumer protection, labour relations and occupational safety and health;
- monitoring compliance with legislation and taking appropriate action when there is non-compliance;
- providing policy and legislative advice to the Minister and other key stakeholders;
- providing information and community education services;
- licensing and registration of entities and individuals to ensure appropriate standards are met;
- ensuring appropriate dispute resolution procedures are in place where relevant; and
- managing fidelity funds to provide compensation for people who have suffered losses in specific areas of consumer protection.

Our Customers

We work with and provide services to:

- Employees;
- Employers;
- Consumers;
- Traders;
- Business; and
- Unions.

Our Operating Environment

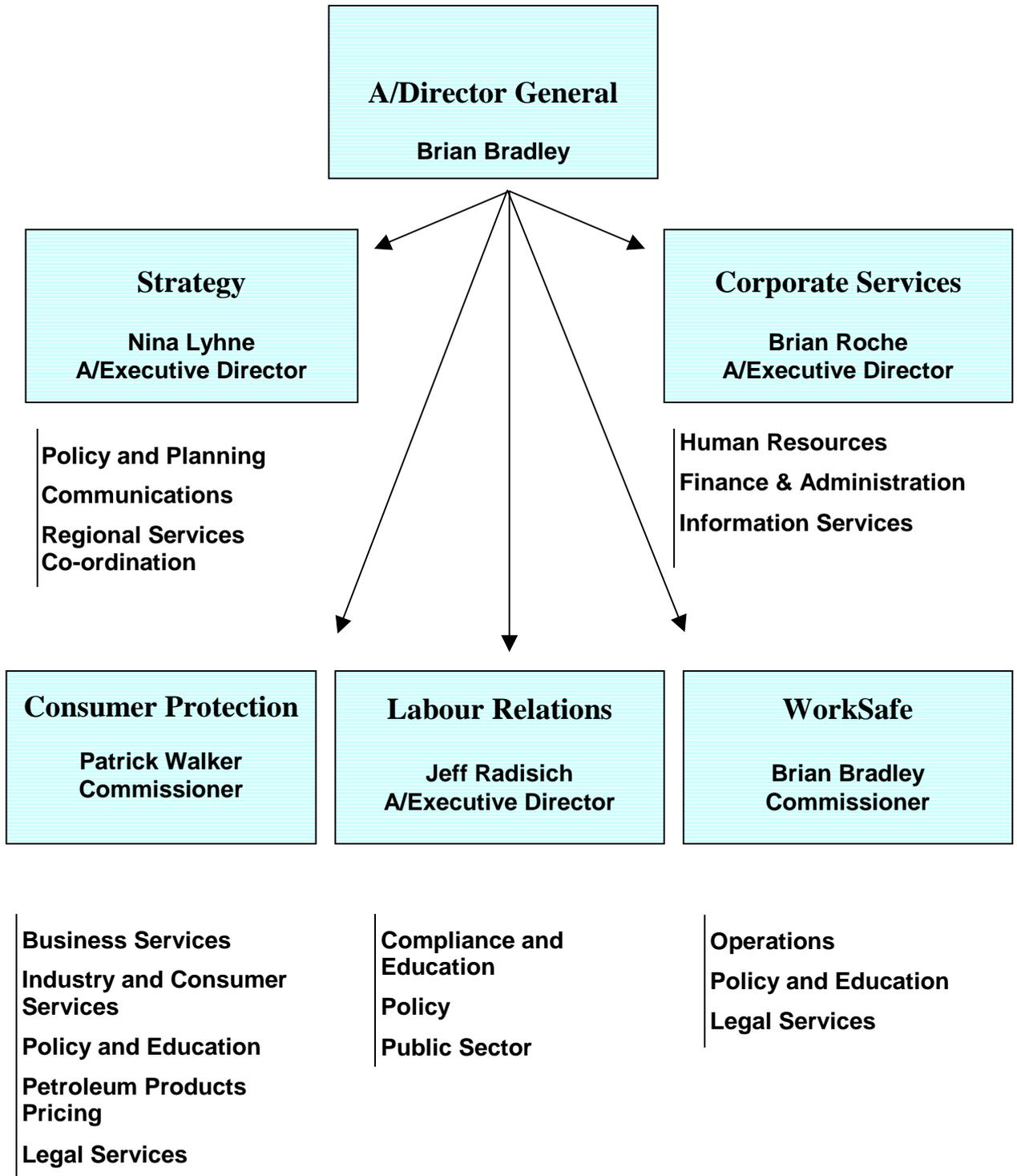
The department operates within a demanding environment. Changes to work and trading environments are placing greater demands on workers and consumers than ever before.

Some of the external issues impacting on our operating environment are:

- rapidly changing technological advancements;
- growth in the small business sector;
- globalisation and the power of big business;
- ageing population;
- changing nature of the workforce;
- increasing complexity of consumer transactions;
- increasing emphasis on information access; and
- ever increasing customer expectations.

These issues were an important consideration in developing our plans for the future.

DOCEP Organisational Structure



Corporate Executive



Brian Bradley

A/Director General and WorkSafe Western Australia Commissioner

Brian Bradley was appointed as acting Director General in July 2001 and has 37 years experience in the state public sector having been involved principally in safety and health since 1983. He also has experience in labour relations and consumer protection and is the current Chairperson of the Workers' Compensation and Rehabilitation Commission.

Brian is also Chairperson of the Workplace Road Safety Taskforce and a member of the National Occupational Safety and Health Commission and Deputy Chairperson of the WorkSafe Western Australia Commission.

Patrick Walker

Executive Director, Consumer Protection, Commissioner for Fair Trading and Prices Commissioner

Patrick Walker commenced his current position as Commissioner for Fair Trading and Prices Commissioner in June 1998. Prior to this he had extensive management experience in local government with his most recent positions as Chief Executive Officer at the City of Subiaco (1993 to 1998) and Chief Executive Officer at the Town of Narrogin (1986 to 1993).

In addition to performing the role of Executive Director, Consumer Protection, Patrick is also on the Legal Aid Commission of Western Australia; a member of the Medical Board of Western Australia; and a Trustee of the National Travel Compensation Fund.

Corporate Executive (cont...)

Jeff Radisich

A/Executive Director, Labour Relations

Jeff Radisich was appointed as acting Executive Director Labour Relations in July 2001. Prior to this appointment he was acting Chief Executive Officer Department of Productivity and Labour Relations from February 2001.

Jeff has extensive experience in public sector labour relations since 1982. His experience and expertise covers the provision of services to the Government, public and private sectors on labour relations legislation, policy and practice.

Nina Lyhne

A/Executive Director, Strategy Division

Nina Lyhne was appointed as acting Executive Director of the Strategy Division in August 2001. Prior to this appointment she was Executive Director of Policy and Promotions at WorkSafe Western Australia (2000 to 2001) and Executive Director of the Office of Road Safety (1998 to 2000).

Nina has extensive experience in the State Government where she has worked for five different agencies in sectors ranging from commerce and trade to community development to occupational safety and health. She has been a member of the Corporate Executive of the last three agencies in which she has worked.

Brian Roche

A/Executive Director, Corporate Services

Brian Roche was appointed acting Executive Director, Corporate Services in August 2001. Prior to this appointment, he was the Assistant Commissioner, Corporate Services at the Office of the Commissioner of Workplace Agreements.

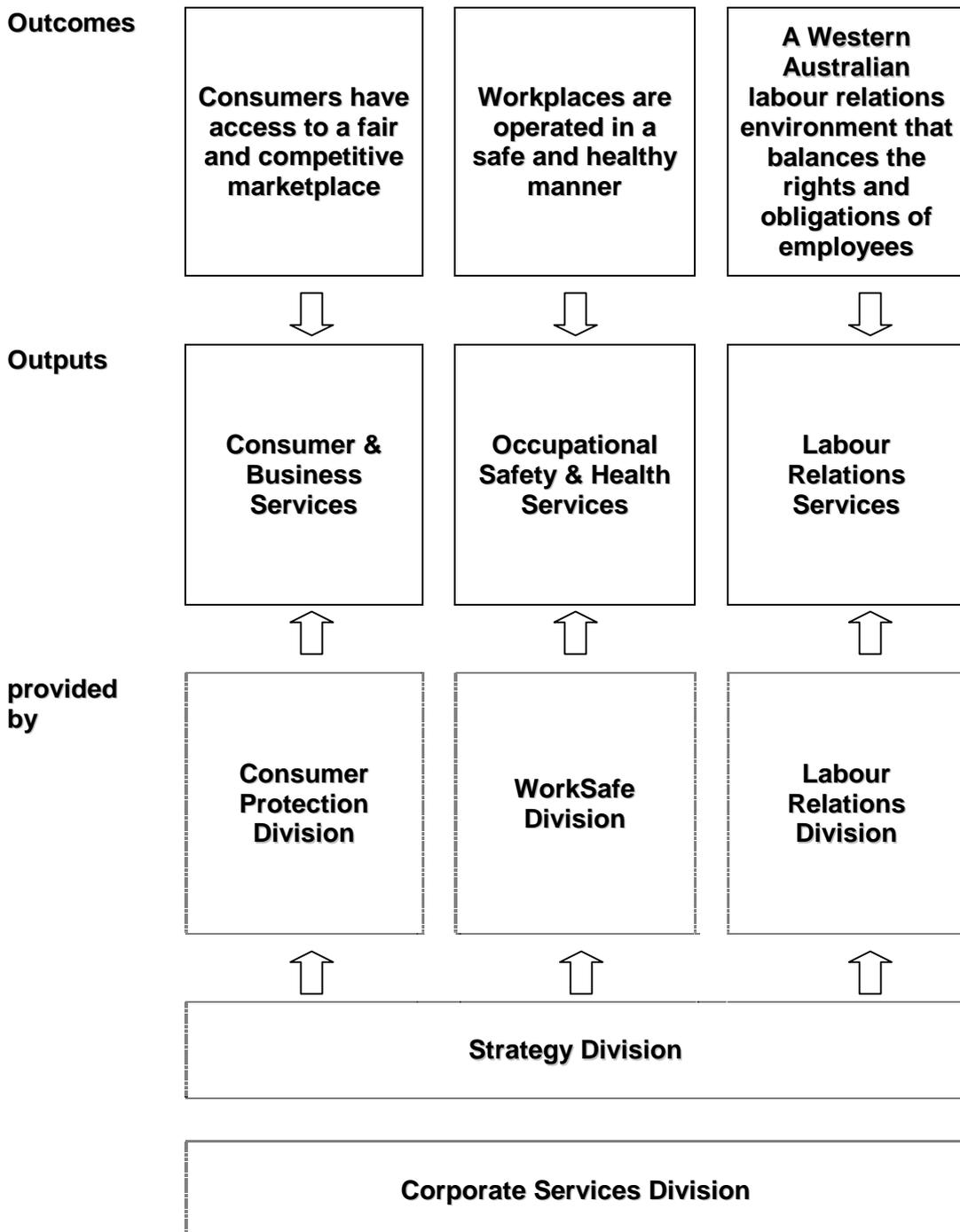
Brian has extensive experience in corporate services and management at executive levels in State and local Government as well as in large private organisations.

Declaration of Interests

The Corporate Executive Team of DOCEP acknowledges the requirement to declare any existing or proposed contract between the department and a senior officer and reports that there are no conflicts of this nature to declare.

Link Between Outcomes/Outputs and Operational Structure

The Department of Consumer and Employment Protection has three outcomes which are achieved through three key outputs. These outputs are directly linked to the functions undertaken by the Consumer Protection, WorkSafe and Labour Relations Divisions. The Strategy and Corporate Services Divisions provide services to or on behalf of the three operational Divisions.



Year in Review

Creation of DOCEP

On 1 July 2001, the Government created the new Department of Consumer and Employment Protection (DOCEP). The department was created on the recommendation of the Machinery of Government Taskforce established to provide a package of proposals to enhance the operation of the Western Australian Government.

The department was created through the amalgamation of the Department of Productivity and Labour Relations, the Ministry of Fair Trading and WorkSafe Western Australia.

With the creation of the new department, the Fair Trading Commissioner, the Prices Commissioner and the WorkSafe Commissioner continue to report directly to the Minister with respect to their statutory functions.

The Machinery of Government Taskforce also recommended that responsibility for occupational licensing of electricians, plumbers and gas fitters and energy safety matters be transferred to the department. From 1 July 2002, all of these functions will be transferred to DOCEP. The initial transfer has been made administratively. Longer term legislative changes still need to be made.

The new department continues to be responsible for all functions previously performed by the agencies that have been amalgamated to create DOCEP.

Highlights 2001-2002

In its first year of operation DOCEP has:

- Developed and progressively implemented a new organisational structure, including the integration of Corporate Services and creation of the Strategy Division;
- Focused on planning for the future, culminating in the development of our Corporate Plan titled "DOCEP Future Directions 2002-05";
- Released a new Consumer Justice Strategy as part of the Government's commitment to restoring consumer protection;
- Implemented a number of Government initiatives relating to home indemnity insurance for the residential building industry. These included a stakeholder forum, training seminars for builders and a rescue package to guarantee house indemnity insurance policies already issued by HIH Insurance at the time of its collapse;
- Provided comprehensive advice to the Minister on the development of the Labour Relations Reform Bill 2002, and prepared explanatory and supporting materials to assist the passage of the Bill through Parliament. Existing labour relations policies were also reviewed in line with the Government's reform agenda;
- Launched the ThinkSafe 2002 campaign, with a focus on motivating employers, particularly small businesses, to manage occupational safety and health hazards;

- Developed a Wages and Parity Policy for the public sector to re-establish equity in wage and salary rates through the establishment of benchmark pay rates and employment conditions negotiated through collective arrangements;
- Hosted a major international conference, “Work Safe 2002 and Beyond” which attracted nearly 400 people and was held in partnership with the Department of Mineral and Petroleum Resources;
- Secured additional office accommodation to locate the Director General and part of the Strategy Division with the integrated Corporate Services Division in the Forrest Centre and to accommodate significant growth in staffing levels in the Consumer Protection Division;
- Undertook a review of boards and committees within the consumer and employment protection portfolio in line with Machinery of Government recommendations;
- Provided advice and recommendations resulting in Amendment Acts in the areas of home building contracts, motor vehicle dealers and consumer credit;
- Released consultation and discussion papers on:
 - Review of Consumer Protection Boards and Committees;
 - Public Collections Bill;
 - Options for changes to the *Minimum Conditions of Employment Act (1993)*;
 - Labour Relations Reform Bill 2002;
 - *Residential Tenancies Act (1987)* Statutory Review;
 - Motor Vehicle Repairers Green Bill;
 - *Retirement Villages Act (1992)* Review; and
 - Capping of retail fuel in major regional centres.
- Strategically managed a zero-based assessment of community expectations for the Consumer Protection Division that was undertaken by external consultants;
- Through the Petroleum Products Pricing Unit (PPPU) operated the FuelWatch service, which provides fuel pricing information free of charge to consumers and retailers for 596 petrol service stations across the state;
- Introduced mandatory fuel price boards in 24 country centres that resulted in a reduction of the differential between city and country fuel prices in 22 of the centres;
- Consolidated WorkSafe’s “priority area” approach to compliance. Non-compliance in some areas was high with major areas of concern being failure to maintain practical control measures to eliminate or reduce the risk of falls from heights, maintain and make available registers of hazardous substances in workplaces, and maintain forklifts in good working order;
- Revised and substantially updated the WorkSafe SmartMove online interactive program to ensure its continuing relevance for Western Australian secondary students undertaking work experience; and
- Continued to promote the options and benefits of family friendly workplaces and workplace flexibility through seminars, the Labour Relations Division website and through a new information booklet “*Creating Carer Friendly Workplaces*” to help employers assist employees in balancing their work and carer responsibilities.

Planning For The Future

Corporate Plan

The Minister endorsed the new DOCEP Corporate Plan in May 2002. The plan details the directions and strategies that the newly formed department will pursue over the next three years. The following four directions were identified:

Direction One We will work to enhance the capability of the members of the community in exercising their rights and meeting their obligations as consumers and traders, and employers and employees.

Direction Two We will undertake initiatives to enhance the regulatory environment governing the consumer and employment marketplace to reflect the changing environment and achieve outcomes acceptable to the community.

Direction Three We will be vigilant in enforcing the laws, which regulate the employment and trading environment.

Direction Four We will also address the challenge of building DOCEP as an organisation so that it realises its full potential in meeting the expectations of the Government and the community.

The result will be a trading and employment environment that ensures fairness and equity for all parties.

Future planning will be critical in ensuring that DOCEP delivers timely and appropriate outcomes so that community expectations and Government policy commitments are met.

What We Plan to Deliver in 2002-03

Enhancing the Community's Capability

We will:

- Inform employers and employees of the significant labour relations legislative reforms and the options for working arrangements through a planned communication strategy involving seminars, publications and advertisements and by enhancing our education and advisory services for Labour Relations;
- Develop strategies to ensure consumers are given the opportunity to make informed judgments about the benefits and costs of new finance products and forms of investment. Mortgage origination, where finance brokers act as intermediaries between borrowers and large financial institutions, will be a specific area of focus;

- Conduct a review across all industry sectors of the impact of extended working hours on occupational safety and health, industrial relations, the economy, family life and the broader community;
- Review and consolidate our publications, so that the best possible information is available to consumers, workers and business operators in a timely manner. On some issues, publications will be brought together to create new, “one-stop” publication titles;
- Consult with key stakeholders on further reforms to the state labour relations system and undertake further consultation on possible improvements to the minimum conditions of employment, including consideration for paid maternity leave for all employees in Western Australia; and
- Extend the accessibility of information by improving its availability at community agencies, trialing the use of telecentres and extending on-line information.

Enhancing the Regulatory Environment

We will:

- Establish the regulatory framework needed for the Labour Relations Reform Bill and implement the reforms by establishing administrative policies and practices required for the cessation of workplace agreements, the changed minimum conditions of employment and to promote a collective approach to labour relations and facilitate the updating of awards;
- Develop and implement home indemnity insurance and Temby Royal Commission Amendment Bills in line with Government’s commitment to these key areas of consumer protection;
- Progress the outcomes of public consultation processes resulting in the development or amendment of legislation relating to public collections; residential tenancies, motor vehicle repairers, retirement villages and other miscellaneous consumer protection issues;
- Finalise the review of the *Occupational Safety and Health Act (1984)* and implement the resulting recommendations;
- Establish maximum wholesale prices for motor fuels sold from all metropolitan and country terminals, make recommendations on retail price caps for fuel in major country centres and conduct a review of the regulatory options in relation to LPG pricing;
- Consider options under the *Petroleum Products Pricing Act 1983 (WA)* to address the lack of competition for the wholesale supply of fuel in Western Australia so that oil companies are able to source alternative supplies of fuel at a competitive price and consumers are not unduly affected;

- Provide a leading role in a strategy announced by the Government in March 2002 to position the Western Australian public sector as a leader in occupational safety and health.

The strategy, to be further developed during 2002-03, will promote:

- improved fleet safety;
 - increased accountability and reporting requirements for chief executive officers;
 - occupational safety and health requirements as a key consideration in government contracts in the construction sector; and
 - recognising good occupational safety and health performance in the public sector.
- Implement any changes or new initiatives resulting from the review of boards and committees and the creation of the State Administrative Tribunal.

Enforcing the Laws

We will:

- Continue the increased focus on compliance and education strategies by:
 - using targeted industry award compliance campaigns;
 - continuing the priority area focus for occupational safety and health; and
 - increasing the number of compliance staff in the Consumer Protection Division.
- Further develop programs and systems used to regulate the marketplace including extending compliance initiatives in the business names, charitable collections, product safety and association areas and further developing licencing requirements for weights and measures and charitable collections.

Building DOCEP

We will:

- Progress the co-location of DOCEP's regional offices and availability of on-line services in these locations to improve accessibility of our services in regional areas;
- Establish a dedicated Training and Development Section within the Human Resources Directorate to coordinate the development of a training and development strategy and oversee the provision of training activities across the department;
- Integrate the human resource management information and payroll systems, and office information systems resulting in simplified licensing issues and support costs, achieving a reduction in infrastructure required to run systems and therefore also reducing maintenance and capital costs;
- Evaluate the effectiveness and relevance of our services through stakeholder feedback obtained through the zero-based assessment and customer service feedback.

Performance Indicators

Certification of Performance Indicators

I hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Department of Consumer and Employment Protection's performance, and fairly represent the performance of the Department of Consumer and Employment Protection for the financial year ended 30 June 2002.



Brian Bradley
Accountable Officer

30 August 2002



AUDITOR GENERAL

To the Parliament of Western Australia

DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION PERFORMANCE INDICATORS FOR THE YEAR ENDED JUNE 30, 2002

Matters Relating to the Electronic Presentation of the Audited Performance Indicators

This audit opinion relates to the performance indicators of the Department of Consumer and Employment Protection for the year ended June 30, 2002 included on the Department's web site. The Director General is responsible for the integrity of the Department's web site. I have not been engaged to report on the integrity of the Department's web site. The audit opinion refers only to the performance indicators named below. It does not provide an opinion on any other information which may have been hyperlinked to or from these performance indicators. If users of this opinion are concerned with the inherent risks arising from electronic data communications, they are advised to refer to the hard copy of the audited performance indicators to confirm the information included in the audited performance indicators presented on this web site.

Scope

I have audited the key effectiveness and efficiency performance indicators of the Department of Consumer and Employment Protection for the year ended June 30, 2002 under the provisions of the Financial Administration and Audit Act 1985.

The Director General is responsible for developing and maintaining proper records and systems for preparing and presenting performance indicators. I have conducted an audit of the key performance indicators in order to express an opinion on them to the Parliament as required by the Act. No opinion is expressed on the output measures of quantity, quality, timeliness and cost.

My audit was performed in accordance with section 79 of the Act to form an opinion based on a reasonable level of assurance. The audit procedures included examining, on a test basis, evidence supporting the amounts and other disclosures in the performance indicators, and assessing the relevance and appropriateness of the performance indicators in assisting users to assess the Department's performance. These procedures have been undertaken to form an opinion as to whether, in all material respects, the performance indicators are relevant and appropriate having regard to their purpose and fairly represent the indicated performance.

The audit opinion expressed below has been formed on the above basis.

Audit Opinion

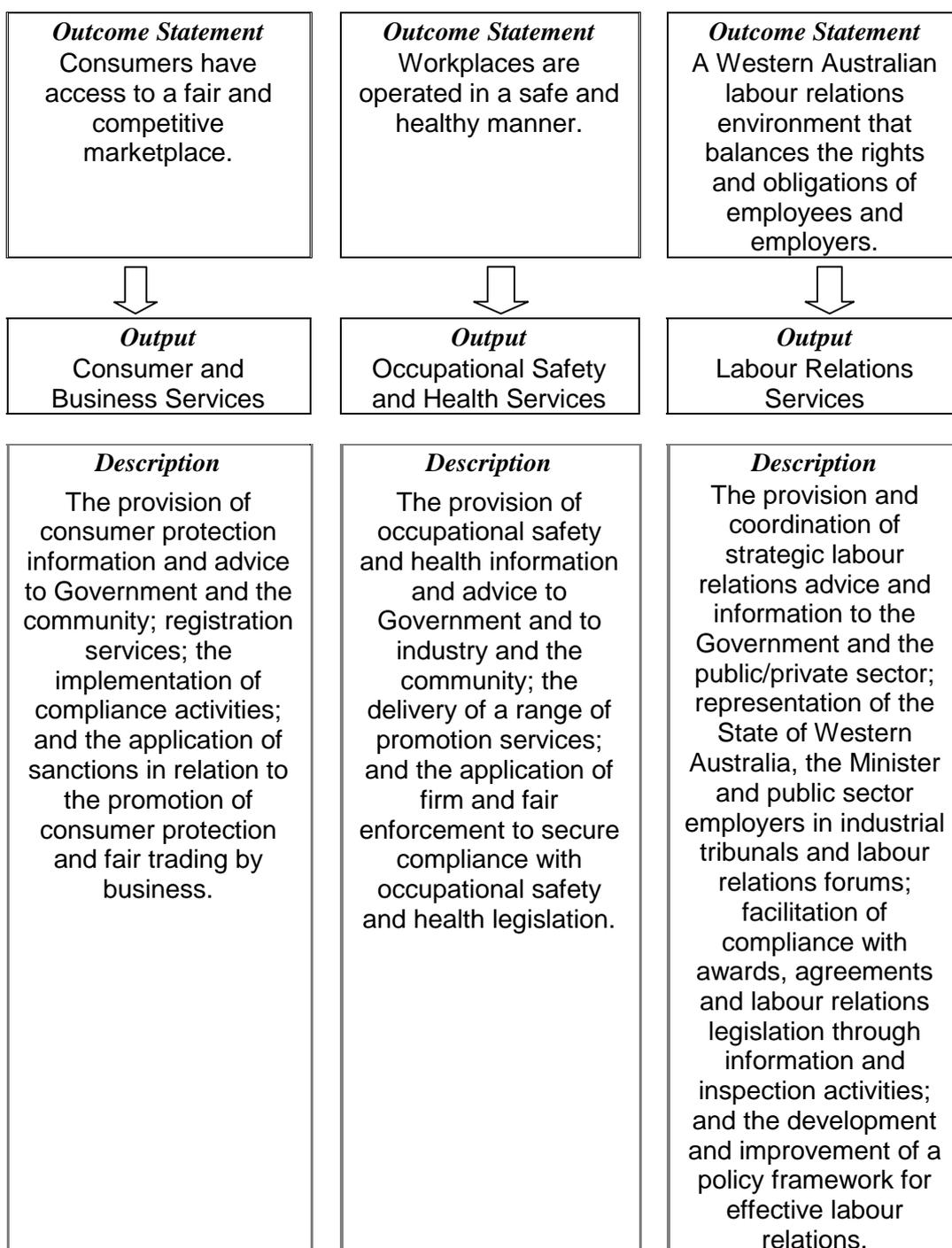
In my opinion, the key effectiveness and efficiency performance indicators of the Department of Consumer and Employment Protection are relevant and appropriate for assisting users to assess the Department's performance and fairly represent the indicated performance for the year ended June 30, 2002.

D D R PEARSON
AUDITOR GENERAL
October 31, 2002

Audited key performance indicators

Relationship between output areas and performance measures

During 2001-2002 the department aimed to achieve three Government desired outcomes. Three outputs were delivered to the Western Australian community in order to achieve the outcomes. During 2001-2002 an appropriate performance framework was devised for the newly amalgamated department, including key performance indicators for each area of responsibility. The framework identifies links between the outcomes desired by Government and the outputs of the department. This diagram below illustrates these relationships.



Effectiveness Performance Indicators

Effectiveness Performance Indicators have been established for each of the desired Outcomes. The Indicators are based on effectiveness measures previously adopted and reported by the agencies that were amalgamated to form the Department: the former Ministry of Fair Trading; WorkSafe; and Department of Productivity and Labour Relations. Additionally, the Effectiveness Performance Indicators presented are consistent with those published by the Department of Treasury and Finance in the Budget Papers for 2001-2002. In adopting these Effectiveness Performance Indicators, the department has maintained consistent indicators of effectiveness for each of its Outcomes, allowing comparison with results previously reported by the former agencies.

Efficiency Performance Indicators

Efficiency Performance Indicators were calculated for each of the output areas of the department. The Indicators are based on cost measures for the output areas as published by the Department of Treasury and Finance in the Budget Papers for 2001-2002. In adopting these Efficiency Performance Indicators, the department has maintained consistent indicators of efficiency in each of its output areas allowing comparison with results previously reported by the former Ministry of Fair Trading, WorkSafe and Department of Productivity and Labour Relations.

Atypical items

The department's total expenditure for 2001-2002 included three atypical items as outlined in Table 1. These items were not directly attributable to the production of the department's outputs. Consequently, the cost associated with these items has been excluded from the calculation of the department's Efficiency Performance Indicators.

Table 1: Atypical Items

<i>Item</i>	<i>Cost 2000-2001</i>	<i>Cost 2001-2002</i>	<i>Overview</i>
Legal Action for Investors	not applicable	\$ 23,541	The costs incurred by the department in responding to the Government's commitment to fund individual legal actions by investors who lost money through failed finance broking schemes.
Finance Brokers Supervisors	\$3,712,130	\$3,223,328	Finance Brokers Supervisors presents the administration of costs for supervisors and administrators appointed to Grubb, Global and Knightsbridge finance brokers.
Direct Support to Boards	\$ 465,941	\$ 687,788	The costs recorded against Direct Support to the Boards are costs incurred by the Real Estate and Business Agents Supervisory Board and the Settlement Agents Supervisory Board which are paid, in the first instance, by the department. The costs are fully recoverable from the Boards.

Outcome One

Outcome Statement

Consumers have access to a fair and competitive marketplace.

Output

Consumer and Business Services

Description

The provision of consumer protection information and advice to Government and the community; registration services; the implementation of compliance activities; and the application of sanctions in relation to the promotion of consumer protection and fair trading by business.

From 1997 to 2000 the former Ministry of Fair Trading surveyed two stakeholder groups, consumers and business, in order to collect data to assess the level of effectiveness of the Ministry against the effectiveness performance indicators that had been established. In response to the Government's drive to restore the protection of consumers as the foremost aim of the agency, a new outcome statement was determined. The new Outcome statement focuses upon the consumer stakeholder group within the Western Australia marketplace. As a consequence of the changed outcome statement only the relevant indicators have been maintained by the Department of Consumer and Employment Protection.

The department's effectiveness in achieving the outcome of consumers having access to a fair and competitive marketplace is indicated by the extent to which consumers perceive:

- that businesses generally act fairly toward consumers; and
- that consumers are well informed about their rights and responsibilities

with the marketplace being defined as the Western Australian market for consumer goods and services.

Effectiveness Performance Indicator Results

A survey of 408 Western Australian consumers was undertaken by a private research firm, Right Marketing, during 2001. A sample size of 408 enables a maximum sampling error of $\pm 5\%$ (at the 95% confidence level). That is, for the results presented in the tables, we can be 95% confident that the "true" population response lies within $\pm 5\%$ of the result obtained from the survey.

The survey sample was generated from a database called 'Australia on Disc CD ROM' which is, in turn, sourced from the White Pages listings. Respondents in the household were selected using the "birthday method" whereby the interviewer requests to speak to the person currently in the household who was next in line to celebrate his or her birthday. A response rate of 34.5% was achieved as 408 of the people contacted agreed to participate in the survey and 773 of the people contacted refused to participate. Attempted calls made totalled 2,340. However, 1,159 of these calls were not included in the calculation of the response rate due to the response being no answer, a wrong or disconnected number, engaged line or answered by a machine.

Table 2: To indicate a fair marketplace

<i>Effectiveness Performance Indicator</i>	<i>1997-1998</i>	<i>1998-1999</i>	<i>1999-2000</i>	<i>2000-2001</i>	<i>2001-2002</i>	<i>Target</i>
The extent to which consumers believe businesses generally act fairly toward consumers.	65.8%	66.4%	70.6%	67.7%	73.6%	70%

Table 2 provides the results, over five years, of responses to questions designed to elicit consumer perceptions of the commercial environment. The department defines a fair marketplace to be one in which consumers believe businesses:

- provide consumers with accurate information about standards and availability of goods and services; and
- act fairly in relation to consumers.

For 1999-2000 there was a slight increase in the number of respondents who indicated that they believed businesses generally act fairly towards consumers. The 2000-2001 results were slightly lower than the 1999-2000 figure, however a slight increase has been recorded for 2001-2002. The slight increase for 2001-2002 is attributed to more positive views of particular industries and a greater number of consumers believing that businesses provide consumers with accurate information. Over the past five years a slight upward trend has occurred.

Table 3: To indicate consumers are well informed

<i>Effectiveness Performance Indicator</i>	<i>1997-1998</i>	<i>1998-1999</i>	<i>1999-2000</i>	<i>2000-2001</i>	<i>2001-2002</i>	<i>Target</i>
The extent to which consumers believe they are well informed about their rights and responsibilities.	65.3%	72.7%	67.5%	66.7%	59.9%	70%

Table 3 provides the results, over five years, of responses to questions designed to elicit consumer perceptions of the marketplace. The department contributes to the development of a competitive marketplace by empowering consumers through information and education. The department believes that the provision of information and education will equip consumers to make choices that encourage fair and competitive trading practices by business.

The results denote a drop in the extent to which consumers believe they are well informed about their rights and responsibilities during the years 1999 to 2002. The decrease is attributable to the decline in the number of survey respondents who are aware of at least one organisation which provides information about consumer rights and responsibilities, and awareness of organisations that assist in dispute resolution.

Output One

Efficiency Performance Indicator Results

The Efficiency Indicators for the Output of Consumer and Business Services are calculated by distributing total expenditure in accordance with the proportion of operational staff time devoted to delivering each service. The Efficiency Indicators duplicate the cost performance measures required under the department's output based management commitments to the Department of Treasury and Finance.

Table 4: Efficiency Performance Indicators for the Output Area of Consumer and Business Services

<i>Efficiency Performance Indicator</i>	<i>Average cost for 1999-00</i>	<i>No. of services provided 1999-00</i>	<i>Average cost for 2000-2001</i>	<i>No. of services provided 2000-01</i>	<i>Average cost for 2001-2002</i>	<i>No. of services provided 2001-02</i>
Average cost per Competition Policy Review	\$109,087	3.40	\$178,082	1.2	\$39,846	3.8
Average cost per major policy project	\$264,096	2.85	\$97,887	10.2	\$126,304	14.4
Average cost per policy project	\$19,156	24.65	\$22,229	25.9	\$23,442	35.2
Average cost per routine policy task	\$968	732	\$646	1,118	\$703	2,106
Average cost per community information service	not comparable	not comparable	not comparable	not comparable	\$0.05	32,320,702
Average cost per registration service	\$7.04	\$7.04	\$7.04	\$7.04	\$3.69	834,818
Average cost per licensing service	\$69	19,918	\$113	14,158	\$121	21,041
Average cost per compliance action and sanction for breach of regulation	\$193	25,590	\$156	41,775	\$244	35,862
Average cost of Standards Notifications by the Prices Commissioner	not reported	not reported	\$3.00	1,988	\$8.90	4,608
Average cost per advice service	\$3.25	653,442	\$3.05	786,620	\$3.94	767,048
Average cost per ministerial correspondence	not reported	not reported	\$628	1,435	\$763	1,125
Average cost per conciliation service	\$309	6,633	\$369	5,467	\$433	4,731
Average cost per application for Home Buyers Assistance	\$151	1,496	\$166	1,284	\$164	1,469

In general, the services provided within the Consumer and Business Services Output are demand driven. The majority of services are provided in response to requests from customers or to specific situations that occur in the marketplace.

The Consumer Protection Division of DOCEP provides various policy advice and development services to Government. These services include activities such as National Competition Policy reviews, policy projects and routine policy tasks. The work undertaken in this area is aimed at providing a fair and competitive market place for consumers.

A variety of information and advice services are provided to the community, such as: units of information, advice to consumers and traders, conciliation and the processing of applications for Home Buyers Assistance. Access to information and advice enables consumers to be better informed and empowered within the marketplace. Additionally, the objective of providing access to information and advice for traders is to encourage fair and competitive behaviour.

Registration, Licensing, Notifications of Standards, Compliance and the Application of Sanctions are activities undertaken by Consumer Protection in order to administer the consumer protection regulatory framework. Through the effective and efficient administration of the regulatory framework the Consumer Protection Division aims to establish and maintain a fair and competitive marketplace.

Efficiency Performance Indicator Explanation of Result Variations

There are noteworthy differences between the 2000-2001 and 2001-2002 results for the Efficiency Indicator as it applies to a number of the service activities undertaken within the Output of Consumer and Business Services. The department has identified various factors contributing to the results, which are discussed below.

- The average cost per Competition Policy review reported for 2001-2002 is considerably lower than the result reported for 2000-2001. The reduction in average cost may be attributable to the achievement of several milestones during 2001-2002 for a number of long term National Competition Policy Reviews, for which underpinning work was substantially undertaken during 2000-2001.
- The average cost per community information service reported for 2001-2002 is not comparable to results reported for previous years.
- The average cost per compliance action and the application of sanctions reported for 2001-2002 is significantly higher than the result reported for 2000-2001. A decrease in the number of compliance inspections conducted has been recorded. The decrease is a result of a change in the proactive inspection program for the fuel industry. A large number of high profile, less complex, compliance inspections were conducted during the first calendar year of the fuel price regulation function. Once a high degree of compliance had been established among fuel retailers the nature of inspections changed and the number of inspections conducted decreased. This has impacted on the cost per service.
- The average cost per Standards Notification by the Prices Commissioner reported for 2001-2002 is notably higher than the result reported for 2000-2001. This service was introduced during 2000-2001 and the agency is continuing to develop services which aid in regulation of the WA Fuel Industry. The changing nature of these services may be impacting on the average cost.

Outcome Two

Outcome Statement

Workplaces are operated in a safe and healthy manner.

Output

Occupational Safety and Health Services

Description

The provision of occupational safety and health information and advice to the Government, industry and the community; the delivery of a range of promotion services and the application of firm and fair enforcement to secure compliance with occupational safety and health legislation.

The Outcome Statement 'Workplaces are operated in a safe and healthy manner' was adopted by WorkSafe at the beginning of 2000-2001. The statement reflects the Government's expectation that WorkSafe should significantly impact upon the levels of safety in workplaces. Safety concerns include the way people operate at work, the systems of work, and the levels of safety associated with work processes, plant and substances used.

The department's effectiveness in achieving the outcome of workplaces being operated in a safe and healthy manner is assessed in terms of the extent to which workplaces meet set criteria for work safety and health in priority areas. Priority areas are established by WorkSafe each year. The priority areas for 2001-2002 were:

- forklifts;
- work at heights;
- manual handling;
- electricity;
- demolition;
- hazardous substances; and
- young people in workplaces.

Effectiveness Performance Indicator Results

The result for the Effectiveness Indicator is obtained by assessing workplaces against the criteria established by the department for the above mentioned priority areas. During the course of investigations the department inspectors complete Priority Investigation Reports (PIRs). PIRs contain a checklist of elements that constitute the minimum requirements for inspectors to assess when the workplace being visited falls within one of the priority areas. All investigations for PIRs are conducted using a standard format introduced during 2000-2001. 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. The checklist of elements used for 2001-2002 is provided as Appendix Six.

During 2001-2002 a total of 7,093 PIRs were completed. Presented in Table 5 is the actual number of elements checked during PIR investigations, and extent of compliance with the elements for each priority area. Results for comparable assessments undertaken during 2000-2001 have been included in the table.

Table 5: To indicate that workplaces are operated in a safe and healthy manner

Priority Area ²	2000-2001				2001-2002			
	Number		Extent of compliance		Number		Extent of compliance	
	PIR	Elements	No.	%	PIR	Elements	No.	%
Work at heights	646	1,737	1,253	72%	1,435	3,767	2,722	72%
Forklifts	345	2,001	1,517	76%	663	3,740	2,979	80%
Manual Handling	396	776	692	89%	1,308	2,517	2,251	89%
Electricity	854	4,167	3,576	86%	2,358	11,204	9,747	87%
Demolition ³	49	327	292	89%	167	1,156	1,026	89%
Hazardous Substances	291	1,451	1,042	72%	741	3,678	2,363	64%
Young People in Workplaces	193	1,038	836	81%	421	2,245	1,871	83%
TOTAL	2,774	11,497	9,208	80%	7,093	28,307	22,959	81%

Effectiveness Performance Indicator

The extent to which workplaces meet occupational safety and health criteria in priority areas.	Actual	80%		81%
	Target	100%		100%

Of the 7,093 PIRs completed throughout 2001-2002, 54% were completed during the course of proactive investigations in high risk industry subgroups. The high risk industry subgroups are identified on the basis of lost time injury and disease statistics. The additional 46% of PIRs were completed during the course of reactive investigations. Consequently, the results reported are based on a sample of workplaces which is biased toward high risk areas. Therefore, although the results reflect the compliance levels found in the workplaces visited by inspectors, it may not represent all workplaces in Western Australia.

A significant variation in the results for the level of compliance against the priority area of hazardous substances has been reported for 2000-2001 (72%) and 2001-2002 (64%). The Priority Investigation method is being used to broaden the approach of the department's inspectors and has been coupled with training initiatives. Such training often leads to the detection of a greater number of hazards. The impact of increased training may explain the decrease reported for the level of compliance for the priority area of hazardous substances.

Notes to Table 5

- ¹ Table 5 records actual elements checked during priority investigations, so it excludes elements that were not applicable at the time of the investigation.
- ² There may be multiple Priority Investigation Reports completed at some types of workplaces.
- ³ The Priority Investigation checklist for demolition contains one element for work at heights and one for manual handling. When visiting demolition sites, inspectors are only required to complete one Priority Investigation Report.

Output Two

Efficiency Performance Indicator Results

The Efficiency Indicators for the Output of Occupational Safety and Health Services are calculated by distributing total expenditure in accordance with the proportion of operational staff time devoted to delivering each service. The Efficiency Indicators duplicate the cost performance measures required under the department's output based management commitments to the Department of Treasury and Finance.

To determine the proportion of staff time committed to the delivery of each service a staff resources survey is undertaken. During the survey sampling period staff record the time spent undertaking each of the activities that define the individual Efficiency Indicators. During 2001-2002 the staff resources survey was undertaken on three occasions. An average of the three samples showed that:

- 75.6% of WorkSafe's staff resources were directed towards investigations; and
- 24.4% of WorkSafe's staff resources were directed towards information and promotion activities.

Table 6: Efficiency Performance Indicators for the Output Area of Occupational Safety and Health Services

<i>Efficiency Performance Indicator</i>	<i>Average cost for 2000-2001</i>	<i>No. of services provided 2000-01</i>	<i>Average cost for 2001-2002</i>	<i>No. of services provided 2001-02</i>
Average cost per investigation	\$861	12,563	\$622.79	17,667
Average cost per information unit	\$577	6,596	\$468.00	7,588

The department's WorkSafe Inspectors conduct investigations which may be either reactive or proactive. The overall objective of undertaking investigations is that firm and fair enforcement of safety requirements increases the level of compliant behaviour within Western Australian workplaces. By this means the department endeavours to increase the extent to which workplaces are operated in a safe and healthy manner.

The department produces information and promotion units in order to increase awareness and understanding of occupational safety and health. The objective of occupational safety and health information and promotion activities is to increase the level of compliance of workplace behaviour through a greater level of understanding and the ability to apply knowledge to the workplace.

Information and promotion units are calculated using a weighting system. The weighting system takes into account variation in the complexity of different tasks, which impacts upon the resources required to complete each task. Activities are analysed according to set workload criteria, which have the number of work units allocated accordingly. Each work unit is roughly of equal value so that valid comparisons can be made over time, even though the activities carried out may change.

The average cost per information and promotion unit for 2001-2002 is based upon a total of 7,588 units, which included work undertaken for the expansion and maintenance of the *Safetyline Online* internet service and a range of other activities. The count of units attributed to the revision and expansion of *Safetyline Online* was 4,451.

Efficiency Performance Indicator Explanation of Result Variations

There is a notable difference between the 2000-2001 and 2001-2002 actual Efficiency Indicator result within the output of Occupational Safety and Health for investigations. The department has identified the main factor which may contribute to the variation of result. This explained below.

- The average cost per investigation recorded for 2001-2002 is based upon a total of 17,667 investigations, which includes 7,093 Priority Investigation Reports (PIR) completed for monitoring the effectiveness occupational safety and health activities within workplaces. PIRs were introduced during 2000-2001 and therefore the number undertaken was significantly lower.

Outcome Three

Outcome Statement

A Western Australian labour relations environment that balances the rights and obligations of employees and employers.

Output

Labour Relations Services

Description

The provision and coordination of strategic labour relations advice and information to Government and the public/private sector; representation of the State of Western Australia, the Minister and public sector employers in industrial tribunals and labour relations forums; facilitation of compliance with awards, agreements and labour relations legislation through information and inspection activities; and the development and improvement of a policy framework for effective labour relations.

The Outcome Statement 'A Western Australian labour relations environment that balances the rights and obligations of employees and employers' was adopted by the department for 2001-2002 in response to the Government's new labour relations initiatives. The former Department of Productivity and Labour Relations had established Effectiveness Indicators, some of which have been reported each year since 1999. Where appropriate the established Effectiveness Indicators have been maintained to facilitate the identification of trend data.

The department's effectiveness in achieving the outcome of a labour relations environment that balances the rights and obligations of employees and employers is indicated by the extent to which:

- clients report that information provided has increased their understanding; and
- clients report that the advice and support received has led them to achieve effective labour relations outcomes.

The role of the Labour Relations Division is diverse in regard to the services provided to the Government, the public and private sectors. To adequately monitor the department's effectiveness in achieving a balanced labour relations environment for the various stakeholders, a range of Effectiveness Indicators are presented. Each indicator focuses on a different area of service that contributes to the outcome. As a whole, the indicators demonstrate the extent to which the outcome has been achieved through the output of Labour Relations Services.

Effectiveness Performance Indicator Results

Results reported for the Effectiveness Indicator, 'the extent to which clients report that information provided has increased their understanding', is ascertained through the collection of data via telephone interviews. A survey of 706 private sector clients of the Labour Relations Division of DOCEP was undertaken by a private research firm during 2001-2002. The sample of 706 clients was made up of 341 employers and 365 employees selected randomly from clients who had contacted Wageline or whose cases were investigated and finalised by the Labour Relations Compliance section during 2001-2002.

A sample size of 706 enables a maximum sampling error of less than $\pm 5\%$ (at the 95% confidence level). That is, for the 2001-2002 result presented in Table 8, we can be 95% confident that the "true" population response lies within $\pm 5\%$ of the result obtained from the survey.

Labour Relations provides information in order to increase awareness and understanding of the employment rights and responsibilities of employers and employees. The objective of Labour Relations in providing information is to increase the level of compliance in workplace behaviour through a greater level of understanding and the ability to apply knowledge to the labour relations environment. Table 7 provides the percentage of survey respondents that perceived that the information provided increased their level of understanding.

Table 7: To indicate that clients, both employees and employers, believe that information provided has increased their level of understanding

Effectiveness Performance Indicator	2000-2001	2001-2002
The extent to which clients report that information provided has increased their understanding	83%	81%

The result reported for 2000-2001 in Table 7 is an amalgamation of the results for two indicators used during that year. Previously, separate results were reported for clients using the Wageline service, and for client using compliance services. The 2000-2001 figure, which is presented for comparative purposes, is an average of the two previous results.

Table 8: To indicate that clients report that advice and support has led them to achieve effective labour relations outcomes

Effectiveness Performance Indicator	2001-2002
The extent to which clients report that advice and support has led them to achieve effective labour relations outcomes	97%

The Labour Relations Division of the department provides advice and support to clients. The department's effectiveness in this area is assessed in terms of the extent to which clients report that the advice and support provided assists them in achieving effective labour relations outcomes. The results for 2001-2002 are presented in Table 8. This indicator was introduced for 2000-2002 and therefore no comparative data is available.

The 2001-2002 result reported for the Effectiveness Indicator, 'the extent to which clients report that the Labour Relations Division's advice and support has led them to achieve effective labour relations outcomes', was derived from the collection of data via a census of 117 public sector clients. A response rate of 58%, representing 68 responses, was achieved. The census gathered responses from government agencies that sought advice from the Public Sector Directorate during 2001-2002.

The Effectiveness Indicator, 'the extent to which employers and employees report that information provided assists in meeting rights and obligations', has been reported in the past. This indicator was intended to measure the effect of the workplace advisory service which was provided both in the metropolitan and regional areas through workplace advisors. During October 2001 this service was abolished because, particularly in regional areas, delivery of such a service was not in line with government policy commitments. The service has been replaced with an education service in the metropolitan area, and a dual compliance and education role in the regions.

Output Three

Efficiency Performance Indicator Results

The Efficiency Indicators for the Output of Labour Relations Services are calculated by distributing total expenditure in accordance with the proportion of operational staff time devoted to delivering each service. The Efficiency Indicators duplicate the cost performance measures required under the department's output based management commitments to the Department of Treasury and Finance.

Table 9 presents the Efficiency Indicator results for the Output of Labour Relations Services. The measures are indicators of the efficiency of the department in providing services to Government, the public and private sectors, in order to achieve a balanced labour relations environment within Western Australia. Each indicator focuses on a different aspect of the services provided by the department.

Table 9: Efficiency Performance Indicators for the Output Area of Labour Relations Services

<i>Efficiency Performance Indicator</i>	<i>Average cost for 1999-00</i>	<i>No. of services provided 1999-00</i>	<i>Average cost for 2000-2001</i>	<i>No. of services provided 2000-01</i>	<i>Average cost for 2001-2002</i>	<i>No. of services provided 2001-02</i>
Average cost per hour of advice provided to the public sector	\$61.21	21,604 hrs	\$71.39	11,975 hrs	\$88.01	7,773 hrs
Average cost per advice service to private sector clients	\$180.74	7,410	\$166.02	8,837	\$132.47	7,809
Average cost per hour of policy advice	not reported	not reported	\$88.53	23,651 hrs	\$92.48	26,803 hrs
Average cost per unit of information provided to public and private sector clients	\$2,181.28	300	\$855.94	385	\$619.67	409
Average cost per call or item of correspondence responded to by Wageline	\$7.32	148,700	\$8.93	138,813	\$12.99	123,274
Average cost per compliance file closed	\$2,397.17	829	\$2,147.54	733	\$1,557.15	1,430
Average cost per representation made on behalf of the Minister and public sector employers in industrial relations tribunals and forums	not reported	not reported	\$3,102.74	204	\$2,302.28	113

Labour Relations provides information, education and advisory services to Government, the public and private sectors. Additionally, advice to Government includes policy advice and coordination, such as advice on legislative reforms, Cabinet and Parliamentary papers. The objective of these activities is to produce a labour relations system conducive to a balanced environment, to increase awareness and understanding of the rights, responsibilities and employment options of employees and employers. The department considers that well informed employees and employers are essential for the functioning of a balanced system.

Compliance activities carried out, within the Labour Relations Services output, include resolving complaints relating to industrial awards and industrial relations legislation. This work is undertaken by the Compliance Services section of Labour Relations, including the Building Industry and Special Projects Inspectorate of the Labour Relations Division. On the whole the objective of such activity is to ensure that fair enforcement of the rights and responsibilities of employees and employers assists in establishing a balanced labour relations environment.

Representations made on behalf of the Minister and the public sector in industrial relations tribunals and forums are a service provided by the department to assist Government both as an employer and as a key stakeholder in the labour relations system. Underpinning the provision of this service is the aim of enabling Government, as an employer through its public sector agencies, to meet and understand its rights and responsibilities within a balanced labour relations environment.

Efficiency Performance Indicator Explanation of Result Variations

There are significant differences between the 2000-2001 and 2001-2002 actual Efficiency Indicator results within the Output of Labour Relations Services. The department has identified various factors which may contribute to the variation of results. These factors are discussed below.

- The average cost per hour of advice provided to the public sector reported for 2001-2002 is somewhat higher than the result reported for 2000-2001. The number of hours of advice provided decreased due to reduced staffing levels. Additionally, a move to centrally negotiated agreements impacted upon the demand for services and the nature of services provided.
- The average cost of units of information provided to public and private sector clients reported for 2001-2002 is lower than the result reported for 2000-2001. Whilst there was an increase in the quantity of units of information reported there was also a reallocation of resources which impacted upon the cost of providing information. The reallocation of resources was in order to support the preparation of the Labour Relations Reform Bill.
- The average cost per call or item of correspondence responded to by Wageline reported for 2001-2002 is higher than the result reported for 2000-2001. Staff were allocated to the provision of Wageline services in anticipation of an increase in demand due to the commencement of the *Labour Relations Reform Act*. However, the Act did not commence operation when expected. While the increased staff resulted in an increase for the average cost per call, it allowed for the development of improvements in the timeliness of services delivered. During 2001-2002 the proportion of calls answered within 3 minutes has increased to 83%, from 66% for 2000-2001, and the number of items of correspondence answered within 5 days has increased to 85%, from 57%.
- The average cost per compliance file closed reported for 2001-2002 shows a considerable decrease from the result reported for 2000-2001. This is a result of the increase in the quantity of files closed. The increase in the number of files closed is due to new investigations procedures and the use of targeted inspection campaigns.

- The average cost per representation made on behalf of the Minister and public sector employers in industrial relations tribunal and forums reported for 2001-2002 is notably lower than the result reported for 2000-2001. For 2000-2001 representations were reported as either representations on behalf of the Minister or representations on behalf of public sector agencies. A single indicator which encompasses government clients, both the Minister and public sector agencies, has been established for 2001-2002. The figures for 2000-2001 have been combined to enable a comparison. The lower cost indicates the reduced demand for interventions, with a reallocation of resources in response to the demand for advice on the *Labour Relations Reform Bill*.

Operational Reports

Consumer and Business Services–Output One

The output of Consumer and Business Services is the provision of consumer protection information and advice to Government and the community; registration services; the implementation of compliance activities; and the application of sanctions in relation to the promotion of consumer protection and fair trading by business.

Services provided to the community within the Consumer and Business Output are largely provided by the Consumer Protection Division of the department. Additionally, the Strategy Division directly contributes to the output through the provision of communications strategy and services, and the co-ordination of policy tasks and projects which impact on more than one output.

Key Strategies

The Consumer Protection Division developed a Consumer Justice Strategy which underpins the Government's 'Restoring Consumer Protection' reform policy and that focuses on seven consumer themes:

- **EMPOWER** consumers through information and education.
- **DEVELOP** an appropriate regulatory framework.
- **ADMINISTER** the regulatory framework efficiently and effectively.
- **PROMOTE** fair trading by business.
- **SUPPORT** non-government consumer services.
- **FACILITATE** effective dispute resolution.
- **PROTECT** consumers and business through effective investigation of complaints and application of sanctions.

Significant Issues and Trends

Collapse of HIH and home indemnity insurance

As a result of the collapse of HIH Insurance and the events of 11 September 2001, many home builders encountered difficulties in trying to obtain home indemnity insurance (HI). Industry comments indicate premiums increased (in many cases substantially) and the prudential requirements asked of builders have become more onerous. In addition, the recent announcement by Dexta Corporation to suspend its involvement in the Australian home warranty market on behalf of Allianz caused further hardship to the building industry.

The Government reaffirmed its intention to impose a \$10 million cap on the liability of insurance companies in relation to home indemnity insurance.

In response the Government has:

Introduced (in June 2002) the Home Building Contracts Amendment Bill 2002 featuring changes to the *Home Building Contracts Act (1991)* which included:

- (i) provisions for the temporary suspension of the HII scheme;
- (ii) the removal of mandatory HII benefits for developers, ie loss of deposit and non-completion costs;
- (iii) provisions to allow for mutual schemes to compete with private insurers in the HII market;

HII is expected to require an extensive commitment of resources in 2002-2003.

Temby Royal Commission into Finance Broking Industry

On 21 December 2001, the Temby Royal Commission of Inquiry into the Finance Broking Industry reported to the Government, which accepted its recommendations including repealing the *Finance Brokers Control Act (1975)* and abolishing the Finance Brokers Supervisory Board. Finance brokers will no longer be required to be licensed by the state but many brokers, including those that engage in pooled mortgage schemes which subject investors to greater risks, will be regulated by the Australian Securities and Investment Commission (ASIC).

The Supreme Court handed down significant decisions over the year in relation to finance brokers that were subject to supervision orders under the Act. As a result, approximately \$11m was distributed to registered mortgages involved with Grubb Finance. In respect to Global Finance, the Court provided its reasons for decision in relation to the distribution of approximately \$8.7m in trust assets. In addition, the Supervisor appointed to Knightsbridge Finance facilitated the distribution of trust funds to investors totalling approximately \$8m.

In response the division has:

Consistent with the Royal Commission's recommendations, progressed the development of amendments to:

- the *Land Valuers Licensing Act (1978)* to increase the maximum fines payable and change the balance of membership of the Land Valuers Licensing Board to allow better consumer representation;
- a number of Acts including the *Land Valuers Licensing Act (1978)*; *Motor Vehicle Dealers Act (1973)*; *Real Estate and Business Agents Act (1978)*; and *Settlement Agents Act (1981)* to help various boards publicise decisions and activities, and take into account decisions of other boards when dealing with licence applications; and
- ensure boards have the power to commence proceedings or hold inquiries into the conduct of persons who have surrendered their licences.

The division and the Finance Brokers Supervisory Board are examining the orderly winding up of the existing regulatory scheme and imposition of alternative consumer protection mechanisms for the finance broking industry. In the interim, the division has continued to support the Board's statutory functions.

Petrol pricing and monitoring

FuelWatch information is presented through television, radio and local newspapers. This free coverage ensures a daily reach of fuel pricing information to around half a million consumers.

The FuelWatch website has received over 21 million “hits” in 18 months of operation and the telephone service over 13,900 calls during the past year. An email subscription service launched in August 2001 has over 6,200 subscribers with more than 100 new people per week paying to receive free fuel pricing information for their selected suburbs and towns. A survey in September 2001 indicated that 96 per cent of respondents were either very satisfied or satisfied with the FuelWatch service.

The regulation of petrol pricing issues in WA continued to be complex and challenging.

In response the division introduced the following initiatives:

- The *Petroleum Products Pricing (Maximum Wholesale Price) Order (No. 4) 2001* was published on 23 August 2001. The Order established a Maximum Wholesale Price (MWP) for spot sales of unleaded petroleum sold from metropolitan terminals only. Forensic accountants have been engaged to assist the division in establishing accurate terminal costs that will result in a review of the MWP for all motor fuels sold from all metropolitan and country terminals;
- Section 22J of the *Petroleum Products Pricing Act (1983)* was amended on 24 August 2001. The amendment closed a loophole in the legislation that allowed retailers to notify the Prices Commissioner of new retail prices for the next day - but not to move to the notified prices or back and forth from the notified prices to the “old” prices during the following day’s trading;
- Following a successful trial in Albany where no retailers were displaying prices, price boards were extended to the 24 country centres covered by FuelWatch on 23 December 2001. In 22 of the regional centres the price differential between the centre and Perth reduced during the next six months. Bunbury, Capel and Carnarvon stood out, with reductions in the price differential of over three cents per litre;
- The *Petroleum Legislation Amendment Act (2001)* came into effect on 1 January 2002. The “50/50” legislation enables fuel retailers in exclusive supply agreements (where the agreement has been entered into, renewed or varied after 10 February 2001), to purchase up to 50% of their fuel requirements from another supplier. It is not expected that this initiative will have wide application at first; however, any savings made by retailers using this option would be expected to be passed onto motorists;
- Increased penalties for breaches of the *Petroleum Products Pricing Act (1983)* and the *Petroleum Retailers Rights and Liabilities Act (1982)* also came into effect on 1 January 2002 – up to \$100,000 for corporations and \$20,000 for individuals. The Act also allows for the use of infringement notices with maximum penalties of \$2,000 for corporations and \$800 for individuals. Five infringement notices were issued to the end of the financial year;

- On 31 May 2002 in Geraldton, the Minister launched a discussion paper “Retail Fuel Price Capping in Major Regional Centres of Western Australia”. The discussion paper was developed to promote discussion among industry stakeholders and the wider community on introduction of retail price caps in Albany, Bunbury, Busselton, Esperance, Geraldton, Kalgoorlie/Boulder and Port/South Hedland. The closing date for submissions is 31 July 2002;
- The division successfully prosecuted BP Australia Limited for breaches of sections 22B & C of the *Petroleum Products Pricing Act (1983)* for failure to display prices at its terminal. Prosecution action has been started against Mobil Oil Australia Pty Ltd and BP Australia Limited for three alleged breaches of section 19(1) of the Act relating to failure to supply fuel to independent retailers at the Maximum Wholesale Price. At 30 June 2002, these matters had not been dealt with by the courts; and
- The Petroleum Products Prices Advisory Committee was re-established and had its first meeting in November 2001. The committee includes representatives of the petroleum industry, consumer groups and other stakeholders. Its terms of reference are to provide advice to the Minister and/or the Prices Commissioner on issues affecting the petroleum market in Western Australia.

Greater sophistication and complexity of fraudulent schemes

There has been an increase in the complexity of blatantly misleading and at times fraudulent material being sent by post and email to Western Australian consumers.

In response the division has:

- On 10 April 2002 launched a new service called *WA ScamNet* which uses the division’s electronic magazine, *FairBytes*, to name the most common scams directed at Western Australian consumers each month;

Promoters named in *WA ScamNet* are invited to contact the division for advice on how to comply with consumer protection laws. *WA ScamNet* includes advice on how consumers can protect themselves against the perpetrators of scams. The division also cooperates with investigators throughout Australia and overseas on scam related inquiries;

Consumers are advised to send in suspicious material. Scam items received increased from 130 in March to 740 in May 2002. By 30 June, the *WA ScamNet* web page had received 18,027 hits in 11 weeks. At 30 June 2002, *FairBytes* had 2,126 subscribers;

- In November 2001 intercepted an international scam originating beyond the DOCEP’s jurisdiction after receiving a complaint about an international mail-order offer.

Global Shipping Services of New York wrote to consumers in several countries advising that it was holding up to \$3,000 worth of merchandise on their behalf. A fee of around \$20 (depending on the currency) had to be sent to an address in Perth (Victoria Park). The replies were being collated and freighted to the USA. The “merchandise” was later found to be information on buying discounted goods.

Compliance officers visited a secretarial and mail processing office and seized one weeks' collation of letters with payments estimated to be worth between \$60,000 and \$70,000. Australia Post Security helped the division return more than 3,000 letters to senders, mainly in the United Kingdom.

Other Australian states followed the Western Australian example. Estimated savings to consumers were over one million dollars.

Rental Accommodation Fund

Under the *Residential Tenancies Act 1987* the Rental Accommodation Fund, is established to receive monies in the form of tenancy bonds paid to the Department of Consumer and Employment Protection (Bond Administrator), and interest payments generated from bonds held by financial institutions or in Real Estate Agents (Bond) Trust accounts. All income earned by the Fund and the interest payments made to the Fund are to be used to:

- reimburse the costs to the department in administering the Act; and
- reimburse the operating expenses of the Small Disputes Division of the Local Court, which is the court with jurisdiction in relation to tenancy matters.

Under clause 3a of Schedule 1 to the Act, with the approval of the Minister, the income and interest can also be applied in the payment of grants to non-government agencies that provide education or advisory services to tenants; and if in the opinion of the Treasurer there is any surplus income available he may direct that all or part of the money be expended for the purposes of public housing in such manner as he may specify.

During this financial year ongoing support for the state wide tenancy advice and education services provided by the not-for-profit non-government organisations was increased to \$1,030,000 from \$674,000 in the previous financial year.

The State government identified that the Rental Accommodation Fund had accumulated a surplus in excess of those monies committed to specific programs. In accordance with the provisions of the Act \$5M of those funds were committed to the implementation of the initiatives recommended by the State Homelessness Taskforce.

Financial Status of the Rental Accommodation Fund as at 30 June 2002:	
Fund Status:	
Opening Balance of the Fund	\$35,841,791
Bonds Received	\$24,549,432
Bonds Returned	\$21,182,910
Interest & Other Revenue Received:	
Interest from Financial Institutions	\$ 1,152,626
Interest from Treasury	\$ 1,865,439
Payments:	
Reimburse costs to Consumer Protection	\$ 1,497,615
Reimburse costs to Dept of Justice	\$ 1,003,671
Tenancy Advice & Education Programs	\$ 1,030,000
Department of Housing & Works (State Homelessness Taskforce Initiative)	\$ 5,000,000
Closing Balance of the Fund	\$33,695,092

Major Achievements

Legislation Passed by Parliament

Motor Vehicle Dealers Act (1973)

The Motor Vehicle Dealers Amendment Bill 2001 was passed by the Parliament on 22 May 2002. The Bill implements changes recommended in the 1996-98 review of the *Motor Vehicle Dealers Act (1973)* by the Motor Vehicle Sales Industry Reference Group and by the 1997 National Competition Policy review.

The development of the Regulations to support these changes is now being progressed in consultation with the Motor Vehicle Sales Industry Reference Group. It is expected that the amendments to the Act and Regulations will commence on 1 September 2002.

Consumer Credit (WA) Act (1996)

Payday lending is the practice of a lender advancing to a consumer - in exchange for a fee - a relatively small amount of cash until the consumer's next payday. In the past, payday lending was not regulated as the *Consumer Credit (WA) Act (1996)* did not apply to loans of less than 62 days' duration. As of 1 June 2002, this loophole was closed with the passing of amendments to the Act and the commencement of the *Consumer Credit (WA) Amendment Regulations 2002*.

These changes mean that consumers accessing payday loans, are now afforded the extensive protections provided under the Consumer Credit Code. These consumers are often some of the most vulnerable consumers in the community. The amendments also ensure that the same consumer credit laws continue to apply in Western Australia as in all other Australian states and territories. In addition, payday lenders operating businesses in Western Australia now require a licence.

Community Consultation and Discussion Papers

Review of Consumer Protection boards and committees

The Machinery of Government Taskforce recommended that the functions of statutory authority boards and committees in the Western Australian public sector be reviewed to assess the appropriateness and feasibility of incorporating those functions into State Government departments. At the request of the Minister a review was undertaken of the 14 Consumer Protection boards and committees.

In February 2002, an issues paper was circulated to interested stakeholders and in June, a report was provided to the Minister.

Public Collections Bill

In August 2001, Cabinet approved the drafting of a proposed Public Collections Bill to replace the *Charitable Collections Act (1946)* and the *Street Collections (Regulation) Act (1940)*. The aim of the Bill is to establish a more comprehensive system of regulating the Western Australian charitable sector.

The new legislation will ensure that charities, commercial fundraisers and those involved in street appeals are appropriately licensed, financially accountable, and transparent in their fundraising activities.

Developing new annual audit return formats has enhanced the quality and transparency of annual returns for charities. These emphasise, for office bearers and auditors, the requirements of the Act and Regulations and provide an incremental transition to the greater controls associated with the planned new Public Collections Bill.

On 25 June 2002, the Minister released a discussion paper on the Public Collections Bill. The discussion paper, encourages the community, charitable organisations and other interested groups to lodge submissions on proposals in the Bill and any other issues of concern. The closing date for submissions is August 2002.

Residential Tenancies Act (1987) Statutory Review

It is a statutory requirement that the *Residential Tenancies Act (1987)* be reviewed "as soon as practicable" after 30 June 2001 with the aim of ensuring that the residential renting laws operate in the best interests of the community. Stamfords Advisors Consultants were engaged to conduct the public consultation and report-writing phase of the review. In conjunction with the division, Stamfords drafted a discussion paper which was released for public comment by the Minister in February 2002.

The review was advertised widely in the metropolitan and regional media. Four public meetings in Perth and meetings in Port Hedland, Bunbury and Albany, and four stakeholder focus groups were convened. Stamfords delivered a presentation at each public meeting and facilitated discussions at focus groups. The division expects to receive the final report and recommendations in July 2002. As required by the Act, the Minister will table the final report in Parliament.

Motor Vehicle Repairers Green Bill

In January 2001, the Government made a pre-election promise to commit \$900,000 towards the establishment of a Motor Vehicle Repair Industry Board, to be co-regulated by industry, funded by licence fees and supported by legislation. In June 2001, the division released a discussion paper to all motor sales dealers and motor vehicle repairers. The proposal was widely supported.

Following State Cabinet's approval in December 2001, a Motor Vehicle Repairers Green Bill was drafted. The Minister tabled the Green Bill in Parliament on 27 June 2002. Three months was allowed for consultation.

Zero Based Assessment Project

The Zero Based Assessment Project is a market-driven assessment of the division's organisation, services and resources. Consultants from Ernst & Young and Colmar Brunton were engaged to conduct the assessment and report with recommendations for alternative scenarios for consumer protection delivery in Western Australia.

Consultation took place in regional and metropolitan areas with the consultants visiting Bunbury, Esperance and Derby to conduct interviews and meet with focus groups. Consumers, businesses, stakeholders, government agencies, the Minister and officers of the department were consulted. Consumer protection models in the UK, USA, New Zealand, Victoria and New South Wales were also examined. The final report is due in July 2002.

Retirement Villages Act (1992) Review

The retirement villages industry in Western Australia is currently regulated by the *Retirement Villages Act (1992)*, Retirement Villages Regulations 1992 and the Interim Code of Fair Practice for Retirement Villages 2002. In February 2002, the Retirement Villages Reference Group completed a comprehensive review of this legislation. The reference group comprised of key industry and consumer organisations and relevant State and Commonwealth Government departments.

The reference group's report and a Draft Code of Fair Practice that takes into account a number of the recommendations made in the report were tabled in both Houses of Parliament in May 2002. Before the Government progresses the recommendations, it has sought public comment on these documents.

Compliance and Community Education

Compliance

A number of initiatives were undertaken to improve compliance and community education services:

- Over 60 investigators undertook an accredited Certificate IV Statutory Investigations course conducted over a six month period. Comprehensive course notes together with consistent training experience provide the basis to a common cross-divisional compliance process;
- Data capture is progressively being enhanced to improve compliance targeting. A new weights and measures database has been established that records details of all instruments checked by inspectors and private licensees;
- Compliance procedures continued to be enhanced. Standard acknowledgement and closure letter formats have been improved in real estate, weights and measures, charitable associations and product safety. A complaints and investigations procedure document has been developed for weights and measures activities. Procedures and accompanying checklists have been developed to assess, register and manage annual returns for co-operative companies.

Real estate

In conjunction with Real Estate and Business Agents Supervisory Board (REBA) and Settlement Agents Supervisory Board (SASB) an after-hours real estate and settlements telephone hotline commenced operation on 29 June 2002. This service enables homebuyers and sellers to obtain independent reliable advice at times they are most likely to need it, including weeknights and on Saturdays and Sundays.

In conjunction with the REBA and the SASB four highly successful homebuyers seminars were conducted in Perth, Bunbury and Albany. The city events attracted over 200 attendees at each seminar and were extremely well received. Future seminars will be provided at least quarterly in response to the significant demand.

Product safety

The new product safety database enables website enquiries from consumers and traders about all current product safety orders and regulations. Regular reviews for frequently named/investigated traders are now in place for major licence and retail areas to ensure early detection of problem practices.

Product safety brochures on trampolines, blind cords and domestic furniture were produced to educate consumers on the safe use of these products. These initiatives mark a widened focus on injury prevention that recognises that product regulation may not always be possible or appropriate. The brochures were developed with the cooperation of Kidsafe and have been replicated in other states.

A project to review product safety orders is now well progressed. Since June 2001, a total of 24 orders were revoked as they were either addressed via other laws, were for products no longer available in the marketplace or were updated to reflect more recent standards. A further 13 orders have been assessed for product availability in the marketplace. Nine of these products are no longer available and revocation of these orders will be proposed. A new database for current orders has been established and will be available for trader and consumer reference via the DOCEP website.

On-line servicing

Work has continued on developing the Register of Encumbered Vehicles (REVS) on-line service. Web-based consumer, finance company and vehicle dealer enquiries and registrations are expected to be available in October 2002. An enhanced database with links to the Department for Transport and Infrastructure will now provide more extensive information on stolen and written-off vehicles. It is intended that this be the basis to an intensive marketing campaign to promote a one-stop shop of reliable vehicle registration information.

Legal services

During 2001-2002 the Legal Services Unit finalised 14 prosecutions, 50 board hearings, 13 appeals, two subrogations (civil litigation to recover money from fidelity funds) and five fidelity fund claims (hearing to determine whether pay-out should be made).

Call monitoring data

Further development of an enhanced knowledge-based management system for consumer enquiries to the General Advice Line has played a major role in addressing predatory behaviour by unscrupulous traders. This early warning alert facility, used in conjunction with media releases, is effective in safeguarding consumer interests. It has also facilitated injunction action against inappropriate/illegal trading practices.

Tenants education and advice services

The *Residential Tenancies Act (1987)* provides the Minister with the ability to provide grants to non-government organisations. State-wide funding to five regional local service units, four metropolitan local service units and a central resource unit to provide tenancy education and advisory services was increased to \$1,030,000. A commitment to ongoing funding through to 2006-07 was made to ensure that services are delivered to those members of the community most in need.

Motor vehicle sales industry

The Government provided additional funding to increase resources to target compliance matters. In October 2001, specific funding became available for the enforcement of illegal motor vehicle sales. Three Investigations Officers were recruited and have begun a range of activities to pursue instances of illegal "backyard" trading. The *Motor Vehicle Dealers Act (1973)* was amended in June 2002, significantly increasing penalties for unlicensed activities.

Land valuers

The division and the Land Valuers Board are in the final stages of a review of the Land Valuers Code of Conduct. The Board sought comments from the 600 land valuers that comprise the industry and has addressed the recommendations from the report of the Temby Royal Commission into the Finance Broking Industry. The new Code of Conduct will be gazetted early in the next financial year.

Named traders

Under the provisions of the *Consumer Affairs Act (1971)*, the Commissioner for Fair Trading has specific powers to inform consumers on matters touching on their interests as consumers. During the year the Commissioner advised the public of 25 traders whose business activities were of concern.

Performance Measures for Consumer and Business Services

Table 10 outlines the department's performance measures and commitments within the output of Consumer and Business Services. Output performance measures are intended to provide information that assists in: monitoring what is being done, accounting for what has been achieved, and improving the provision of goods and services. The services provided within each output are evaluated in terms of the quantity, quality, timeliness and cost.

Quantity Measures for 2001-2002

Quantity measures have been developed for each of the services provided within the output of Consumer and Business Services. Each measure presented represents a unique service area. The quantity measures report the actual number of occasions of service delivery, or the completion of a predetermined and well-defined project milestone.

Quality Measures for 2001-2002

The quality measures previously established for the former Ministry of Fair Trading were transferred to the output of Consumer and Business Services. For the majority of services customers were asked to evaluate the quality services delivered. However, during 2001 – 2002 Consumer Protection conducted a zero based, market driven, assessment of services to ascertain the nature and level of services that are required in order to satisfy customer and stakeholder needs.

It was considered appropriate to not undertake customer evaluation of services during 2001-2002 because of the Zero Based Assessment. Information gleaned from the Zero Based Assessment will be used to develop service delivery standards and an appropriate approach for measurement of service quality.

Projects provided to or on behalf of government, including Competition Policy, Major Policy, Routine Policy Tasks and Ministerial correspondence, are evaluated for quality based on acceptance by the highest ranking officer that receives the product. Accepting officers can be a Director within Consumer Protection or the Minister responsible for Consumer Protection.

Timeliness Measures for 2001-2002

To measure the timeliness of services provided Consumer Protection has set performance standards for the individual activities that constitute a service. Some services, such as those provided to government, conciliation and applications for the Home Buyers Assistance scheme, are monitored and reported directly. However, other services require the aggregation of a number of results. For example, Consumer Protection issues licences for several different occupational groups. There is a set turn around time for the processing of each occupational licence group. The result reported for the performance measure is the aggregation of the all the results for each occupational licence group. Aggregation occurs for information, licensing, registration, compliance and advice services.

Cost Measures for 2001-2002

The cost measures reflect the full cost, including overheads, of providing the service. The proportion of Consumer Protection's expenditure attributed to the provision of a service is determined by the amount of staff time allocated to undertaking the activities and tasks required to provide the service. The total cost of the service is then divided by the quantity of services provided.

Table 10: Output Performance Measures for Consumer and Business Services

<i>Performance Measure</i>	<i>2001-2002</i>	<i>Quantity</i>	<i>Quality standards met</i>	<i>Timeliness standards met</i>	<i>Cost</i>
Competition Policy Reviews	<i>Target</i>	4	100%	80%	\$76,801
	<i>Actual</i>	3.8	100%	90%	\$39,846
Major policy projects	<i>Target</i>	14.25	90%	90%	\$78,095
	<i>Actual</i>	14.4	100%	100%	\$126,304
Policy projects	<i>Target</i>	34	90%	90%	\$21,156
	<i>Actual</i>	35.2	100%	100%	\$23,442
Routine policy tasks	<i>Target</i>	1,244	90%	90%	\$688
	<i>Actual</i>	2,106	100%	97%	\$703
Ministerial Correspondence	<i>Target</i>	1,230	90%	85%	\$95
	<i>Actual</i>	1,125	100%	38%	\$763
Information units provided to the community	<i>Target</i>	7,709,185	<i>Under⁴ Review</i>	90%	\$0.19
	<i>Actual</i>	32,320,702	-	97%	\$0.05
Licensing services	<i>Target</i>	15,939	<i>Under Review</i>	85%	\$140
	<i>Actual</i>	21,041	-	95%	\$121
Registration services	<i>Target</i>	870,305	<i>Under Review</i>	85%	\$4.41
	<i>Actual</i>	834,818	-	94%	\$3.69
Compliance actions and sanctions	<i>Target</i>	40,165	<i>Under Review</i>	80%	\$300
	<i>Actual</i>	35,862	-	86%	\$244
Notifications of Standards	<i>Target</i>	8,144	<i>Under Review</i>	<i>To be developed</i>	\$6.14
	<i>Actual</i>	4,608	-	-	\$8.90
Advice services	<i>Target</i>	785,303	<i>Under Review</i>	85%	\$3.92
	<i>Actual</i>	767,048	-	94%	\$3.94
Conciliation services	<i>Target</i>	4,630	<i>Under Review</i>	85%	\$526
	<i>Actual</i>	4,731	-	86%	\$433
Applications for Home Buyers Assistance	<i>Target</i>	1,400	<i>Under Review</i>	85%	\$184
	<i>Actual</i>	1,469	-	100%	\$164

Notes to Table 12

⁴ Performance measures listed with target 'under review' are measures that will be impacted upon by the outcome of the Zero Based Assessment undertaken by the Consumer Protection Division.

Occupational Safety and Health Services-Output Two

The output of Occupational Safety and Health Services is the provision of occupational safety and health information and advice to Government, industry and the community; the delivery of a range of promotional services and the application of firm and fair enforcement to secure compliance with occupational safety and health legislation.

Services provided to the community within the Occupational Safety and Health output are mainly provided by the WorkSafe Division of the department. Additionally, the Strategy Division directly contributes to the output through the provision of communications strategy and services, and the co-ordination of policy tasks and projects which impact on more than one output.

Key Strategies

“For Western Australian workplaces to be free of work-related injuries and diseases.”

This vision is to be reflected in a continuous reduction in the rate of lost time injuries and disease between July 2000 and July 2005.

The following four key strategies underpin this vision:

- firm and fair enforcement of the *Occupational Safety and Health Act 1984*;
- implementation of the ThinkSafe cultural change program;
- access to a wide range of occupational safety and health information; and
- promotion of excellence in safety management systems.

Significant Issues and Trends

- More than 20,000 Western Australian workers suffered a work-related injury or disease requiring one or more days off work during 2000-2001 (the most recent year for which statistics are available). At an average cost of almost \$14,000 per worker's compensation claim, workplace injury and disease imposes a huge financial burden on the Western Australian community and significantly affects the quality of life of thousands of citizens;
- Seventeen people lost their lives in traumatic work-related incidents during the year;
- There was a broadening in types of hazards, with an increase in hazards affecting mental health and those arising from work organisation and work station design.

Priority Area Focus

This initiative, introduced during 2000-2001 and consolidated in 2001-2002 provides areas of specific focus for both enforcement and proactive educational programs. The seven regulatory priorities for 2001-2002 were:

- forklifts;
- work at heights;
- manual handling;
- electricity;
- demolition;
- hazardous substances; and
- young people in workplaces.

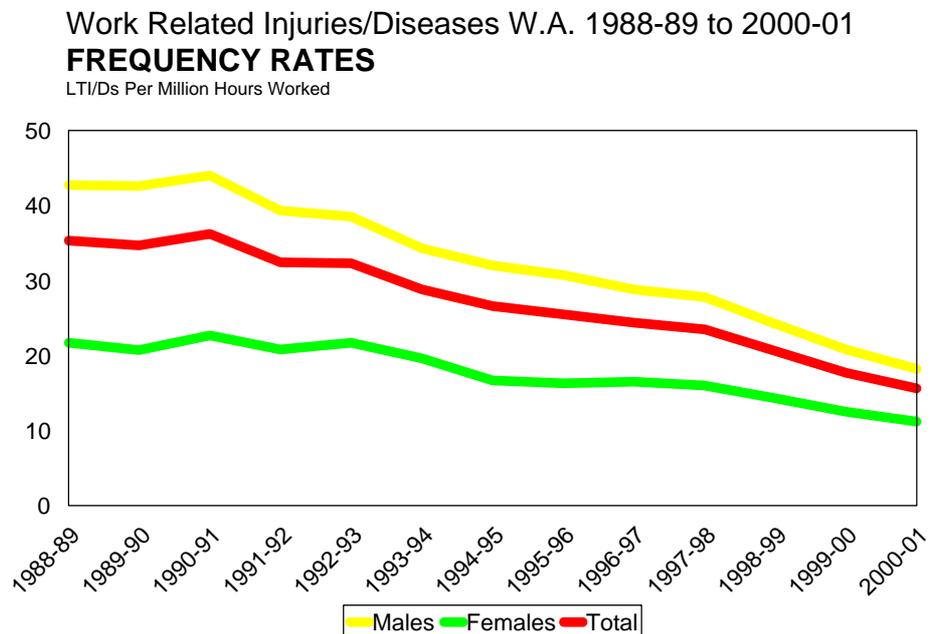
Falls, trips and slips will be introduced as a new priority area in 2002-2003 and the focus on young people will be broadened to include new workers. Demolition, while remaining an area of interest, will not be included.

Macro Indicators of Occupational Safety and Health (OSH) Performance

One of the most significant indicators of the success and effectiveness of the division's programs and activities is the level of work-related injury and disease in comparison to previous years.

The division collects and uses an extensive range of data to guide preventative occupational safety and health strategies and to provide quality reliable information to stakeholders.

Table 11:



Note: that the workers' compensation data from which frequency rates are derived are dynamic, and subject to ongoing revision. 2000-2001 is the latest year for which figures are available due to time delays in claim lodgements.

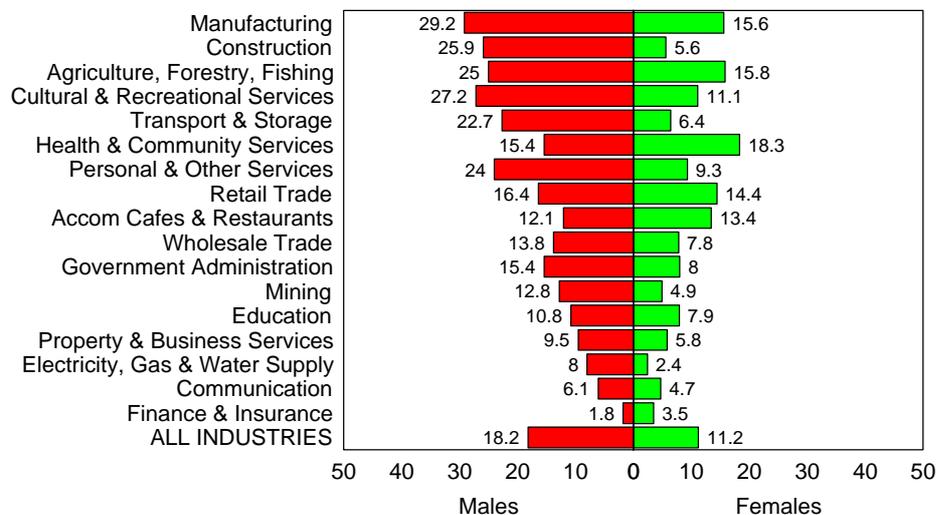
In 2000-2001 there was an overall 12 per cent reduction in work-related injury and disease since 1999-2000, continuing the long-term downward trend. The total rate of improvement since the *Occupational Safety and Health Act (1984)* came into effect in 1988-1989 is 56 per cent, and the rate of improvement from July 1996 to June 2001 is 36 per cent.

Table 12:

Occupational Injuries W.A. 2000-01

INDUSTRY - FREQUENCY RATES

LTI/Ds Per Million Hours Worked



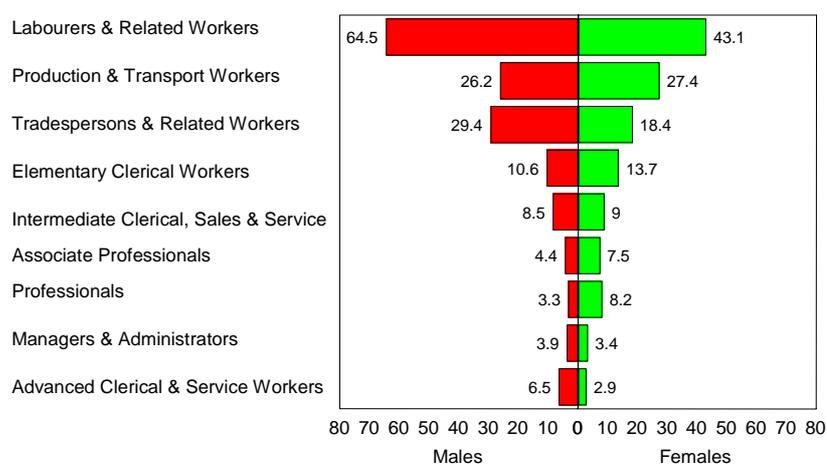
Note: work-related injuries and diseases are recorded against the principal industry of the employer. For example, labour hire contract workers are counted under "Property and Business Services", not the industry in which they are performing their work.

Table 13:

Occupational Injuries W.A. 2000-01

OCCUPATIONAL GROUPS - FREQUENCY RATES

LTI/Ds Per Million Hours Worked

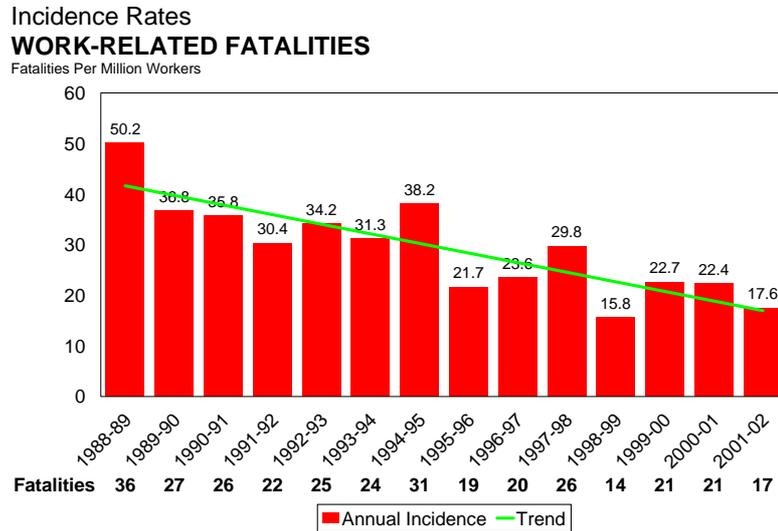


Labourers and related workers have the highest rates of injury for both males and females. This occupation category includes cleaners, process workers, construction labourers, farmhands and kitchen hands.

Fatalities

The division collects and maintains a list of known traumatic work-related fatalities falling under the legislative jurisdiction of the *Occupational Safety and Health Act (1984)* and for completeness includes in its statistics those work-related fatalities covered by the *Mines Safety and Inspection Act (1994)* under the jurisdiction of the Department of Mineral and Petroleum Resources.

Table 14:



Not included are the deaths attributed to occupational disease, natural causes and travelling that may result in accepted workers' compensation claims. Deaths resulting from on-duty road traffic accidents are included only where there is a clear relationship between the accident and the work being performed and there is an occupational safety and health hazard identified in the causal factors of the accident.

The data in Table 14 includes all categories of workers and self-employed persons, irrespective of whether they are covered by the state's workers' compensation system.

The following table shows the difference between numbers of fatalities recorded by the division and numbers of fatalities for which workers' compensation claims have been made. This is the most recent year for which this information is available, due to time delays in claim lodgements.

Table 15: Work-Related Fatalities – Western Australia 2000-2001

	Claims Received by WorkCover	Notified to WorkSafe as Work-Related	Total Reported Work-Related Fatalities
Compensable fatalities (excluding mining, commuting and disease) *	8	11	11
Compensable mining fatalities	5	5	5
Motor vehicle related compensable fatalities	7	-	7
Aircraft related compensable fatalities **	6	-	6
Compensable disease			
Heart disease	1	-	1
Strokes	4	-	4
# Self Employed	-	5	5
# Bystanders	-	-	-
# Students	-	-	-
# Commonwealth Government workers	-	-	-
# Defence Services personnel	-	-	-
Status unknown	1	-	1
Claim lodged for occurrences outside current year	3	-	3
TOTALS	35	21	43

Non-compensable fatalities under Western Australian legislation.

* The difference between claims received by WorkCover (35) and total reported work-related fatalities (43) is due to three cases which did not have worker's compensation claims submitted during the period and five cases involving self-employed persons.

** Six of the seven aircraft-related compensable fatalities were associated with a Western Australian aircraft that crashed in Queensland after running out of fuel. Coronial findings have not yet been handed down.

Major Achievements

Compliance and enforcement

The key public face of the division are the inspectors primarily responsible for ensuring compliance with legislation and workplace safety and health standards. The Operations Directorate was restructured during the year into three industry-based branches:

- Manufacturing, Transport and Service Industries.
- Construction, Plant and Primary Industries.
- Health Hazards.

Enforcement involves inspecting plant and workplaces, issuing improvement and prohibition notices, resolving issues, investigating incidents, advising on requirements for compliance, and prosecuting those in breach of the legislation. The directorate is also responsible for issuing licences, certificates and registrations.

Active enforcement of the legislation continued across a broad range of industry areas with inspectors giving special attention to the seven priority areas. Areas of particular focus also included:

- hazard management in call centres;
- noise and vibration in the construction industry;
- orchards;
- labelling of hazardous substances;
- manual handling solutions for the construction industry;
- bullying; and
- crane safety.

In response to a number of potentially serious incidents involving cranes, the Minister established a working group to advise on crane safety. The group is due to report by early August 2002.

Western Australia was a key contributor to the development of national Workplace Inspector Competencies. The new competency-based approach is being progressed with introduction planned in 2003. In addition, introduction of criteria progression and the development of a program for trainee inspectors is well advanced.

Increasing the skills base of the inspectorate was given priority during 2001-2002, with establishment of a comprehensive induction program.

Fact sheets and checklists of critical elements for each priority were developed and are being made available to workplaces when inspectors undertake visits. While they do not include all mandatory legal requirements, they do cover many common safety problems and are a good starting point for workplaces seeking to meet their responsibilities.

Further changes were also made during the year with the aim of improving services to non-metropolitan areas, particularly in response to the trend in fatalities in country areas. An enhanced program of regular visits and an increase in staff resources in Bunbury has been effected.

Fatigue management

The Fatigue Management Compliance Project was strengthened with a grant of \$250,000 from the Road Trauma Trust Fund to improve compliance with the current Code of Practice for commercial vehicle drivers.

Two inspectors were recruited specifically to enforce compliance in the commercial vehicle sector. This significantly strengthened our enforcement capability for this industry. The WorkSafe Western Australia Commission is currently considering the development of regulations to further improve the level of compliance.

Western Australia's innovative approach to enforcement in this industry has attracted considerable attention at a national level.

Campaigns

The 2002 ThinkSafe Campaign from March to June 2002, encouraged the active management of common, high priority workplace safety and health problems through television, newspaper advertising and a new publication. The campaign focused on the following four priority areas:

- Electricity;
- Work at heights;
- Manual handling (lifting);
- Hazardous substances.

Policy and education

In policy and education matters, the division:

- supports the work of the WorkSafe Western Australia Commission;
- provides occupational safety and health advice to the Minister and other key stakeholders;
- undertakes research on occupational safety and health issues including identification of emerging issues;
- provides a library service for both internal and external stakeholders;
- implements community education programs relevant to occupational safety and health; and
- analyses and produces data to underpin decision making.

Support for WorkSafe Commission

In 2001-2002 the division supported the WorkSafe Western Australia Commission by providing administrative support, undertaking research, providing policy advice, producing codes of practice and guidance material and by drafting criteria and guidelines for the accreditation of training courses.

Review of the Occupational Safety and Health Act (1984)

One of the challenges in occupational health and safety is ensuring that the legislative framework remains relevant in an environment where there are significant societal, technological and economic changes occurring.

The pending release of the report into the review of the *Occupational Safety and Health Act (1984)* by Robert Laing will promote further debate on approaches to occupational safety and health legislation in a changing world of work. Issues such as the role of safety and health representatives and use of penalties and other innovative sanctions will be addressed in the review. The division will be progressing changes resulting from the review.

National and international activities

Significant initiatives during the year included confirmation of Western Australia's compliance with a number of key International Labour Organisation Conventions; active participation in national initiatives designed to strengthen occupational safety and health (including the phase-out of chrysotile asbestos from December 2003), providing input into the review of the *Occupational Safety and Health Act (1984)*, maintaining a comprehensive library service and refining data utilisation across the division.

During 2001-2002, the promotion of trade in occupational safety and health services and products was continued with support for a network of providers and developing supportive government-to-government links, aimed at demonstrating the state's ability to deliver services to China and South-east Asia.

Exemption from OSH Regulations

The Commissioner granted 34 exemptions from the Occupational Safety and Health Regulations 1996. Exemptions were generally granted on a conditional basis, following consultation with relevant parties, and were published in the *Government Gazette*.

Review of notices and prosecutions

The division coordinates functions relating to:

- the authorisation and conduct of prosecutions for alleged breaches of the *Occupational Safety and Health Act (1984)* and *Occupational Safety and Health Regulations 1996*; and
- support for the Commissioner's functions in reviewing notices under the Act, and considering applications for exemptions under the Regulations.

The Act provides for enforcement through improvement notices, prohibition notices and prosecution. Decisions on whether to prosecute are made in accordance with a published Enforcement Policy and a Prosecution Policy. The former provides a framework for inspectors when choosing one particular enforcement action (or combination of actions) over another. The latter specifies matters (including the public interest) to be considered when deciding whether to initiate prosecution action. Further information on prosecutions undertaken are under the "Prosecutions" section of this report.

Review of Notices

During 2001-2002, 684 requests for the WorkSafe Western Australia Commissioner to review a notice in accordance with section 51 of the *Occupational Safety and Health Act (1984)* were processed. Review outcomes were as follows:

Table 16: Review of improvement notices 2001-2002

Outcome	Number
Affirmed	16
Affirmed with time extended	531
Affirmed, modified and time extended	7
Cancelled by Commissioner	13
Review request withdrawn	5
Compliance effected on time and while under review	37
Received too late for review	60
Total reviewed from 1 July 2001 to 30 June 2002	669

Table 17: Review of prohibition notices 2001-2002

Outcome	Number
Affirmed	4
Affirmed with modification to wording	4
Cancelled by Commissioner	4
Received too late for review	2
Review request withdrawn	1
Total reviewed from 1 July 2001 to 30 June 2002	15

There was one request for a safety and health magistrate to further review an improvement notice under section 51A of the Act. The decision of the Commissioner was affirmed.

The tables below show the percentage of notices reviewed in comparison with the total number of notices issued over the past three years.

Table 18: Reviews of improvement notices 1999-2002

Year	Improvement notices issued	Improvement notices reviewed	%
1999-00	9,224	646	7.0
2000-01	8,460	644	7.6
2001-02	9,818	669	6.8

Table 19: Reviews of prohibition notices 1999-2002

Year	Prohibition notices issued	Prohibition notices reviewed	%
1999-00	943	18	1.9
2000-01	736	10	1.4
2001-02	887	15	1.7

Table 20: Levels of enforcement 1999-2002

Year	Improvement notices	Prohibition notices	Prosecutions
1999-00	9,224	943	56
2000-01	8,460	736	37
2001-02	9,818	887	55

Planned Initiatives

Significant activities over the coming year will include:

- a review of the WorkSafe Plan award system;
- transfer of the Technical and Safety Division of the Office of Energy to the WorkSafe division which will contribute significantly to the effective administration of occupational health and safety by bringing these areas together under one policy framework;
- further development of an initiative designed to position the Western Australia public sector as a leader in occupational safety and health;
- policy and project support in the area of fatigue management for the commercial vehicle industry;
- strengthening linkages between the occupational safety and health and vocational education and training sectors;
- updating the *State of the Work Environment* publication on traumatic work related fatalities;
- refocusing of the Safetyline Institute online education facility to align the content with the national curriculum for specialist occupational safety and health qualifications, currently under development; and
- annotating the OSH Regulations which are published on the Internet by the State Law Publisher which will give consumers ready access to easy-to-understand descriptions of the Regulations.

Performance Measures for Occupational Safety and Health Services Output

Table 21 outlines the department's performance measures and commitments within the output of Occupational Safety and Health Services. Output performance measures are intended to provide information that assists in monitor what is being done, account for what has been achieved, and improve the provision of goods and services. The services provided within each output are evaluated in terms of quantity, quality, timeliness and cost.

Quantity Measures for 2001-2002

Quantity measures have been developed for each of the services provided within the output of Occupational Safety and Health Services. Each measure presented represents a unique service area.

WorkSafe inspectors conduct investigations, which may be reactive or proactive. Reactive activity includes the investigation of instances of work-related injury and disease, complaints, unresolved issues under section 25 of the *Occupational Safety and Health Act (1984)*, and other high risk situations that are brought to the agency's attention. Additionally, proactive investigations cover planned project activity and include priority investigations that are carried out in the priority areas identified by the department. The quantity measures report the actual number of occasions of service delivery.

Information and promotion units are provided with the aim of changing workplace behaviour through awareness and understanding of occupational safety and health. Information and Education work units are calculated using a weighting system that takes into account the varying complexity of such activities, and therefore the varying amount of resources required to complete them. Activities are analysed according to set workload criteria, which have a number of work units allocated to them. Each work unit is roughly equal in value so that valid comparisons can be made over time.

Quality Measures for 2001-2002

The quality measure 'the extent to which services are delivered in accordance with set criteria' is made up of the following two separate but equally weighted measures.

- the quality of services provided by inspectors, as measured by the recorded compliance inspectors with section 45 of the *Occupational Safety and Health Act(1984; and*
- the quality of information products, as measured by estimates of product quality.

Timeliness Measures for 2001-2002

To measure the timeliness of services provided, WorkSafe has set performance standards for regulatory projects, policy and education projects. Projects are monitored using project management software to determine the number of defined project milestones that are completed on time.

Cost Measures for 2001-2002

The cost measures reflect the full cost, including overheads, of providing the service. The proportion of the WorkSafe's expenditure attributed to the provision of a service is determined by the amount of staff time allocated to undertaking the activities and tasks required to provide the service. The total cost of the service is then divided by the quantity of services provided.

Table 21: Output Performance Measures for Occupational Safety and Health Services

<i>Performance Measure</i>		<i>2001-2002</i>
<i>Quantity</i>		
Investigations	<i>Target</i>	15,000
	<i>Actual</i>	17,667
Information and Education	<i>Target</i>	8,800
	<i>Actual</i>	7,588
<i>Quality</i>		
Extent to which services are delivered in accordance with set criteria	<i>Target</i>	90%
	<i>Actual</i>	93%
<i>Timeliness</i>		
Extent to which projects are completed on time.	<i>Target</i>	100%
	<i>Actual</i>	100%
<i>Cost</i>		
Investigations	<i>Target</i>	\$644.06
	<i>Actual</i>	\$622.79
Information and Education	<i>Target</i>	\$385.70
	<i>Actual</i>	\$468.00

Labour Relations Services - Output Three

The output of Labour Relations Services is the provision and coordination of strategic labour relations advice and information to Government and the public/private sector; representation of the State of Western Australia, the Minister and public sector employers in industrial tribunals and labour relations forums; facilitation of compliance with awards, agreements and labour relations legislation through information and inspection activities; and the development and improvement of a policy framework for effective labour relations.

Services provided to the community within the Labour Relations output are mainly provided by the Labour Relations Division of the department. Additionally, the Strategy Division directly contributes to the output through the provision of communications strategy and services and the co-ordination of policy tasks and projects which impact on more than one output.

Key Strategies

The Labour Relations division has the following key strategies.

- To develop and continually improve a policy framework for effective workplace reform.
- To provide leadership through strategic advice and support to employers and employees.
- Employers and employees are treated fairly in the workplace.
- To become a central information provider offering easy access to contemporary workplace relations information this relevant and easy to understand.

Significant Issues

Following the change of Government in 2001, significant labour relations reforms and legislative amendments have been required to implement the Government's labour relations policies. Priority areas have been to:

- Provide comprehensive advice on the development of the Labour Relations Reform Bill 2000.
- Develop and implement the Government's Wages and Parity Policy within the public sector.
- Enforce legislative standards through effective investigations and intervention to balance the rights and obligations of employees and employers.
- Extend compliance activities to inform and educate by providing comprehensive information, educational materials, and community awareness campaigns and programs.

Major Achievements

Policy

Labour Relations Reform Bill 2002

Throughout 2001-2002 comprehensive advice was provided to the Minister on the development of the *Labour Relations Reform Bill 2002*, including information to assist with the passage of the Bill through Parliament.

On various aspects of the Bill, consultation took place with relevant statutory bodies, public sector agencies, the disability industry, the union movement and businesses resulting in a wide range of submissions.

A communications strategy was developed to inform employers and employees of the changes to industrial relations laws to assist them in understand changes to their rights and obligations. New publications, information seminars and advertising strategies were finalised in anticipation of the new labour laws. This strategy will be fully implemented in the next financial year.

Regulations are being developed to support the legislative reforms in the Labour Relations Reform Bill 2002.

Existing labour relations policies and publications have been reviewed against the Government's reform agenda and legislative amendments, and updated where appropriate.

Updating of awards

Part of the reform process includes the updating of public and private sector awards. Strategies involve progressively updating state awards during 2002-2003 in line with the new legislative provisions being inserted into the *Industrial Relations Act (1979)*.

Cash grants will be available to award parties to update a number of significant large multi-employer awards to the standard required in the new legislation.

Reviews of employment conditions

The following employment issues were reviewed and advice provided to Government:

- The application of fixed term contract provisions in the public sector.
- The establishment of consistent redeployment and redundancy provisions across the public sector.
- The entitlements of employees where public sector agencies insource services.
- National developments in the area of paid parental and maternity leave.

The division also coordinated preliminary community consultation for establishing improved minimum wages and conditions of employment.

Other significant policy achievements

The division has:

- Implemented a new Building Industry Code of Practice that was developed with input from relevant industry stakeholders to establish and promote principles of best practice, co-operation, efficiency and productivity within the building and construction industry;
- Developed, published and launched a new information booklet “*Creating Carer Friendly Workplaces*” to help employers assist employees in balancing their work and carer responsibilities;
- Prepared the state’s submissions for the Joint Labor States’ submissions to the National Wage Case and the Reasonable Hours Test Case;
- Contributed to the State Government’s submission to the Cole Royal Commission;
- Prepared the labour relations response to the Federal Senate Inquiry into Small Business Employment;
- Prepared various reports for the International Labour Organisation (ILO) on labour relations conventions and recommendations.

Public Sector

Implementing the Government’s Wages and Parity Policy within the public sector

The Wages and Parity Policy provides for the restoration of core conditions of employment within the public sector for like employees. The return of conditions will be phased in as employees move to collective agreements.

Agreements have been finalised, or are in the process of being finalised, for major occupational groups including police, registered nurses, firefighters, medical practitioners, hospital support workers and hospital salaried officers.

The agreements registered for the six major occupational groups cover approximately 65 per cent of public sector employees. Further agency specific agreements are being finalised.

The offering of workplace agreements ceased in the public sector in March 2001. Employees on workplace agreements were given the choice of reverting to collective arrangements, and did so to gain access to improved pay and/or return of conditions.

Parity in wages and employment conditions will be established for the majority of public sector employees by 1 January 2003.

Compliance and Education

Enhanced consultation program with the private sector

In October 2001, the division began a program of visits to employer and employee associations as part of its on-going role of promoting compliance with awards, agreements and industrial legislation.

Organisations visited included the Australian Hotels Association, Restaurant and Caterers Association, Transport Workers Union, Western Australian Council of State School Organisations, Unions WA and other individual unions and employers.

The program:

- will assist the division to understand the needs of both employers and employees;
- provides an improved means of assessing how industries have responded to the targeted compliance program; and
- will identify which industries require assistance in the future.

Restoration of compliance services (Inspectors) in regional centres

There has been a significant improvement to services in regional Western Australia with the abolition of the regional workplace advisory service and the restoration of a full compliance service. Employees in country areas have been without a regional compliance service for several years.

Regional compliance and education officers are now located in Albany, Kalgoorlie, Bunbury, Karratha and Geraldton. The Geraldton office has been upgraded from a part-time to a full-time officer. Compliance and education officers assist employees and employers to resolve alleged breaches of state and federal industrial awards and labour laws. Previously, these functions were managed remotely from the Perth office – which made it difficult for employers or employees to access information about their rights and obligations.

Compliance and education officers also participate in education programs and contribute to awareness raising initiatives through:

- meetings with local stakeholders;
- delivering seminars and presentations; and
- through the provision of detailed information to employees and employers.

The support officers from Bunbury and Kalgoorlie offices have been trained as Wageline enquiry officers allowing them to answer more complex enquiries. Previously, these matters would have been referred to the Perth office.

Targeted Education and Compliance Campaigns

Education and compliance program form part of the operational plan focus on identified industry sectors to:

- raise employer and employee awareness of employment obligations; and
- secure observance of award provisions and the keeping of appropriate time and wages records.

Campaigns typically follow initial liaison with the relevant unions and employer associations. Employers are informed of their obligations by letter. Randomly selected businesses are then inspected and any underpayments identified. If voluntary rectification is not achieved, the matter is referred for prosecution in the Industrial Magistrate's court.

During 2001-2002, education compliance campaigns were completed in the hotel and tavern industry and the restaurant industry.

Hotel and tavern industry

Information packs were sent to 651 businesses covered by the Hotel and Tavern Workers Award. Seminars were organised in consultation with the Australian Hotels Association. One hundred and twenty nine businesses were subsequently selected for inspection of their time and wages records. Eighty six per cent of employers audited by the directorate were found to have breached the relevant award. In total, \$133,591.84 in employment entitlements was recovered for 897 employees.

The campaign highlighted an apparent lack of industry awareness of the obligations imposed by the entire award. Feedback from employers suggested that they focus on wage rates specifically - sometimes with little or no consideration of the other award entitlements. Recent changes to the awards also contributed to the higher instances of non-compliance.

Restaurant industry

Approximately 1,900 businesses in the restaurant industry were sent information packs outlining the relevant award requirements and information from the seminars. Three hundred and thirteen businesses were randomly selected for inspections. Ninety three per cent of businesses inspected were found to have breached the Restaurant, Tearoom and Catering Workers Award. In particular, a high level of non-monetary breaches relating to the failure to comply with the record keeping requirements of the award was identified. Insufficient records impact on the potential to identify monetary breaches.

To date, 159 restaurants and cafés have voluntarily rectified underpayments totalling \$478,198 for 1,277 employees.

Building Industry and Special Projects Inspectorate (BISPI)

The BISPI was established to monitor observance of industrial laws, industrial awards and agreements within the building and construction industry.

The BISPI has been developing a protocol with the WA Police Service, in order that matters of a criminal nature may be referred to the appropriate police officers.

While there are adequate industrial and criminal laws and clear processes for people who suffer wrongdoings to seek legal redress, there is a continued reluctance by them to provide evidence or make formal statements. This limits the capacity of the BISPI to take action on behalf of those persons.

There were 43 investigations for the year ending June 2002 resulting in one prosecution being commenced and six other matters referred for action or investigation by organisations such as the Police Service, WorkSafe, the Federal Government's Office of the Employment Advocate and the Cole Royal Commission.

The prosecution is against a union official for alleged offences under Section 96E of the *Industrial Relations Act(1979)* in relation to freedom of association.

Extensive assistance was also given to the Cole Royal Commission including reviewing and indexing the old files of the former Building Industry Taskforce for consideration by the Commission and preparing the Government's submission to the Commission itself. Issues raised during Commission hearings continue to be monitored.

Employers and employees were educated on the right of entry provisions under the building and construction industry award. A program of compliance campaigns was also conducted in the plastering and glazing industries, resulting in random selection of employers whose time and wages records were subject to audit.

Performance Measures for Labour Relations Services Output

Table 22 outlines the department's performance measures and commitments within the output of Labour Relations Services. Output performance measures are intended to provide information that assists in: monitoring what is being done; accounting for what has been achieved; and improving the provision of goods and services. The services provided within each Output are evaluated in terms of the quantity, quality, timeliness and cost.

Quantity Measures for 2001-2002

Quantity measures have been developed for each of the services provided within the output of Labour Relations Services. Each measure presented represents a unique service area. The quantity figures report the actual number of occasions of service delivery, or the number of hours of service delivery.

Quality Measures for 2001-2002

The majority of quality measures for the output of Labour Relations Services are based on clients being asked to evaluate the quality services delivered. Client evaluation of services is undertaken for the following performance measures.

- Private sector clients, perception that advice provided was easy to understand, relevant, and provided in a professional manner.
- Public sector clients, perception that advice provided was easy to understand, relevant and provided in a professional manner.
- The extent to which users of Information Services report that information is relevant, understandable and useful.
- The extent to which Wageline clients report that the information provided was accurate, relevant and provided in a professional manner.
- Employers and employees, perception that compliance service was provided in a professional and timely manner.

Policy Advice and Coordination are evaluated for quality based on the number of recommendations which are endorsed. Representations are evaluated for quality based on the extent to which the Minister endorses the Labour Relations Division's submissions and interventions in significant cases and matters.

Timeliness Measures for 2001-2002

To measure the timeliness of services Labour Relations has set performance standards for the individual activities that constitute a service. Some services, such as the provision of information and advice, are evaluated by the extent to which clients are satisfied by the timeliness of service delivery.

Policy Advice and Coordination, Representations, Wageline and Compliance Services are evaluated according to the number of times set timelines are met. The Wageline and Compliance services are monitored using several standards. Each of these standards is presented in Table 22.

Cost Measures for 2001-2002

The cost measures reflect the full cost, including overheads, of providing the service. The proportion of Labour Relation's expenditure attributed to the provision of a service is determined by the amount of staff time allocated to undertaking the activities and tasks required to provide the service. The total cost of the service is then divided by the quantity of services provided.

Table 22: Output Performance Measures for Labour Relations Services

<i>Performance Measure</i>	<i>2002-2002</i>	<i>Quantity</i>	<i>Quality standards met</i>	<i>Timeliness standards met</i>	<i>Cost</i>
Policy Advice and Coordination	<i>Target</i>	17,800 hrs	95%	100%	\$91.93
	<i>Actual</i>	26,803 hrs	95%	100%	\$92.48
Representations	<i>Target</i>	70	As Listed	100%	\$3,370.50
	<i>Actual</i>	113		100%	\$2,302.28
Submissions to the Minister	<i>Target</i>	% endorsed ⁵	100%		
	<i>Actual</i>		100%		
Public Sector	<i>Target</i>	% assisted ⁶	100%		
	<i>Actual</i>		100%		
Private Sector information and advice	<i>Target</i>	9,700	90%	90%	\$179.02
	<i>Actual</i>	7,809	98.3%	No result ⁷	\$132.47
Advice to Public Sector agencies	<i>Target</i>	17,200	90%	90%	\$62.73
	<i>Actual</i>	7,773	100%	96.9	\$88.01
Information Services	<i>Target</i>	391	80%	80%	\$1,355.88
	<i>Actual</i>	409	99.5%	98.4%	\$619.67
Wageline calls and correspondence	<i>Target</i>	152,000	90%	As listed	\$6.58
	<i>Actual</i>	123,274	92.3%		\$12.99
Response time	<i>Target</i>	% of calls answered within 3 minutes		90%	
	<i>Actual</i>			83%	
Calls	<i>Target</i>	Average speed of answer		60 sec	
	<i>Actual</i>			1 min 57 sec.	
Correspondence	<i>Target</i>	Average speed of answer		5 days	
	<i>Actual</i>	% answered within 5 days		85%	

Notes to Table 24

⁵ Extent to which the Minister endorses submissions and interventions in significant cases and matters

⁶ Extent to which public sector agencies report representations were of assistance.

⁷ A change from 'consultancy' to 'education' made it difficult to evaluate this service.

<i>Performance Measure</i>	<i>2002-2002</i>	<i>Quantity</i>	<i>Quality standards met</i>	<i>Timeliness standards met</i>	<i>Cost</i>
Compliance	<i>Target</i>	850	80%	As	\$2,001.76
	<i>Actual</i>	1,430	80%	<i>listed</i>	\$1,557.15
Matters resolved	<i>Target</i>	% of matters resolved within 90 days		60%	
	<i>Actual</i>			91.4%	
Matters opened and closed.	<i>Target</i>	% of matters opened and closed within the current financial year, which are resolved within 90 days.		80%	
	<i>Actual</i>			95.3%	

Prosecutions

WorkSafe Prosecutions

In 2001-2002, fifty five new prosecutions were authorised. Twenty-one arose through proactive investigations by the department (ie, not as a result of an injury or fatality) and the remainder were in response to work-related accidents. Proactive prosecution action covered the following areas:

- potential falls from height;
- plant;
- demolition;
- electricity; and
- personal protective equipment.

Fifty prosecutions were finalised, of which 41 resulted in a guilty finding, four were dismissed and five were withdrawn. In the case of one successful prosecution, the Magistrate made a spent conviction order (a conviction not required to be disclosed unless required by law). Details of the forty remaining successful prosecutions are detailed below.

Please note that “the Act” refers to the *Occupational Safety and Health Act 1984* and “the Regulations” refers to the *Occupational Safety and Health Regulations 1996*.

Table 23: Summaries of Successful Prosecutions Under the *Occupational Safety and Health Act (1984)* Finalised During 2001-2002

<p>Quality Bakers Australia Limited</p> <p>The defendant was prosecuted under section 19(1)(a) of the Act for failing to provide and maintain, so far as was practicable, a working environment in which employees were not exposed to hazards. An employee was operating an industrial muffin-making machine when he slipped while descending from a small platform and fell to the floor, striking a handrail on a mobile platform on the way down. The employee suffered injuries to his neck and shoulder. The defendant was fined \$13,000.</p>
<p>Wesfi Manufacturing Pty Ltd</p> <p>The defendant was prosecuted under section 19(1) of the Act for failing to provide and maintain, so far as was practicable, a working environment in which employees were not exposed to hazards. A maintenance contractor was carrying out a “running inspection” of an unguarded samba saw and received fatal injuries after being crushed between moving parts of the saw. The moving parts of the automated saw, in particular the push block carriage, were completely exposed along the southern side of the saw. This gave rise to the risk of crushing injuries to persons coming into close proximity with the samba saw, and in particular in the gaps at the end of the saw where the infeed table was located. The defendant was fined \$7,500.</p>
<p>Co-operative Bulk Handling Limited</p> <p>The defendant was prosecuted under section 19(1) of the Act for failing to provide and maintain, so far as was practicable, a working environment in which employees were not exposed to hazards. An employee was fatally injured while assisting to pull a tarpaulin across a grain stack. Eight people and two vehicles were engaged in covering the grain. A sudden gust of wind caught the tarpaulin and a rope attached to a front-end loader broke. The tarpaulin billowed and the employee was blown off the stack to the ground. The defendant was fined \$7,500. The complainant lodged an appeal to the Supreme Court of Western Australia which was successful. The fine was amended to \$12,000.</p>

Table 23: Summaries of Successful Prosecutions Under the *Occupational Safety and Health Act (1984)* Finalised During 2001-2002 (Con't)

<p><i>Jazzstar Investments Pty Ltd</i></p> <p>The defendant was prosecuted under section 19(1) of the Act for failing to provide and maintain, so far as was practicable, a working environment in which employees were not exposed to hazards. Workers were not provided with a safe system of work in which to work at heights on a roof approximately six metres high. The defendant was fined \$1,000.</p>
<p><i>Commodore Homes (WA) Pty Ltd</i></p> <p>The defendant was prosecuted under regulation 3.65 of the Regulations for failing to ensure that electricity had been supplied to the site from a supply authority's service line or service cable by way of a temporary or permanent connection by the time when work on the site had reached plate height. The defendant was fined \$1,000.</p>
<p><i>Solfame Pty Limited t/a Norrish Service Group</i></p> <p>The defendant was prosecuted under regulation 4.55(a) of the <i>Regulations</i> for failing to ensure that an industrial lift truck was operated in accordance with Australian Standard 2359.2. An employee of the defendant had been permitted and instructed to operate forklifts as part of his duties without being provided with instructions or training in relation to the use of forklifts, nor was he given any instructions or training in relation to safety practices and rules for operating forklifts. Another employee was injured when he jumped off the forklift, resulting in his left heel being fractured. The defendant was fined \$2,000.</p>
<p><i>Universal Constructions Pty Ltd</i></p> <p>The defendant was prosecuted under section 19(1) of the Act for failing to provide and maintain, so far as was practicable, a working environment in which its employees were not exposed to hazards, and regulation 3.61(a) of the Regulations for failing to ensure that the requirements of AS/NZS 3012 were complied with in relation to matters within the scope of AS/NZS 3012. Workers were not provided with a safe system of work in relation to work at heights on a roof approximately six metres high. Also it was observed that electrical leads being used at the workplace were more than ten metres from the appliance to which they were attached, crossed passageways and access ways, and were not visible by the person using the appliance, all of which were contrary to AS/NZS 3012. The defendant was fined \$1 000 in relation to the section 19(1) breach and \$600 under regulation 3.61(a).</p>
<p><i>John Benny Della Franca t/a WA Pemberton Timbers</i></p> <p>The defendant was prosecuted under regulation 4.44(5) of the Regulations for failing to ensure that plant was fitted with a seat belt at each set of attaching points. The defendant owned a Massey Ferguson 393 tractor which was fitted with a rollover protective structure but no seat belts. The tractor was supplied with a seatbelt but it was removed by the defendant. The defendant was fined \$500.</p>

Table 23: Summaries of Successful Prosecutions Under the *Occupational Safety and Health Act (1984)* Finalised During 2001-2002 (Con't)

Homestyle Pty Ltd t/a BGC Construction

The defendant was prosecuted under section 19(1) of the Act for failing so far as was practicable to provide and maintain a working environment in which its employees were not exposed to hazards. A steel structure, part of a building being constructed by the defendant, collapsed. At the time of the collapse there were four employees in the immediate vicinity. The defendant was fined \$15,000.

Melmint Pty Ltd t/a Charles Allia Homes

The defendant was prosecuted under section 22(1)(a) of the Act for failing to take such measures as were practicable to ensure that the workplace was such that persons who were at the workplace were not exposed to hazards. The defendant was the main contractor carrying out the construction of a house that had a spiral staircase that did not have any edge protection. The spiral staircase was being used by workers at the site as means of access, with a fall distance of 4.7 metres. The defendant was fined \$500.

Alessandro Vilardi

The defendant was prosecuted under regulation 3.67 of the Regulations for failing to ensure that the erection of scaffolding was done in accordance with AS/NZS 1576, Parts 1 to 5. A plasterer's labourer fell 4.7 metres to the ground through a gap in the working platform of scaffolding. The defendant was fined \$4,000.

Evan Kimberley Lester

The defendant was prosecuted under regulation 3.120 of the Regulations for failing to ensure that demolition work was done in accordance with Australian Standard 2601 in that he failed to ensure that the electrical service within the structure was properly disconnected and sealed off before demolition work commenced. The defendant was fined \$400.

Mias Bakery Pty Ltd

The defendant was prosecuted under section 19(1)(a) of the Act for failing to provide and maintain plant such that, so far as was practicable, its employees were not exposed to hazards and by that contravention caused serious harm. An employee attempted to turn on a french stick roller machine and found that the electrical control box had partially broken off its mounting plate. When he attempted to line up the buttons with their access holes, his hand moved near an unguarded pulley drive system and, as the machine started, his left hand was caught in that system, amputating his index, middle and ring fingers, as well as the tip of his little finger. The defendant was fined \$10,000.

Exceleng Corporation Pty Ltd t/a Alltype Engineering Services

The defendant was prosecuted under sections 19(1) and 19(7) of the Act for failing to provide and maintain, so far as was practicable, a working environment in which its employees were not exposed to hazards. An employee and an apprentice were attempting to lift, with the aid of an overhead crane, a steel pipe, which had been partially cut with the uncut piece forming a type of hinge between the two sections. A clamp on the top section of the pipe failed to grip and the pipe fell into a vertical position, while the employee's hand was between the two sections which had become separated. His left hand became jammed between the two sections. The defendant was fined \$30,000.

Table 23: Summaries of Successful Prosecutions Under the *Occupational Safety and Health Act (1984)* Finalised During 2001-2002 (Con't)

Dennis William Badcock t/a Erections

The defendant was prosecuted under section 19(a)(a) of the Act for failing to provide and maintain, so far as was practicable, a working environment in which his employees were not exposed to hazards, and regulation 6.3(1) of the *Regulations* for performing prescribed work, namely rigging, when he did not hold a certificate of competency. The defendant was erecting a shed with a height of 6 metres. Two employees were standing on ladders in order to connect a "C" channel fascia to the skillion roof when sudden movement of the truss caused one of the employees to be thrown off balance head first to the ground. He sustained fractures to his spine and left wrist, as well as a broken right wrist. The defendant was fined a global penalty of \$6,000 on this charge together with the charge below.

Dennis William Badcock t/a Erections

The defendant was prosecuted under section 19(1)(a) of the Act for failing to provide and maintain, so far as was practicable, a working environment in which his employees were not exposed to hazards. An employee of the defendant was working on the roof of a shed at a height of approximately five to six metres, when his left foot went over the edge of the roof end at the gutter line and he lost his balance, falling to the ground below. He sustained a commuted fracture to the right fibia and tibia in the lower leg (ankle). The defendant was fined a global penalty on this charge together with the above charge.

Western Australian Specialty Alloys Pty Ltd

The defendant was prosecuted under regulation 4.55(a) of the Regulations for failing to ensure that an industrial lift truck was operated in accordance with Australian Standard 2359.2. A labour hire worker working for the defendant was operating a forklift without receiving any training or instruction by the defendant in relation to the use of a forklift. While reversing a forklift the labour hire worker ran over the foot of another worker who sustained severe injuries to his foot. The defendant was fined \$1,000.

Diploma Construction Pty Ltd

The defendant was prosecuted under regulation 3.55(c) of the Regulations for failing to ensure that edge protection, used as a means of reducing a risk of falling, on an open edge, other than a scaffold, stair, landing or fixed platform located so that a person falling from it would fall three or more metres, had a guard rail which complied with Australian Standard 1657 and incorporated a toe board. The defendant was fined \$2,500.

Earthwise Enterprises Pty Ltd

The defendant was prosecuted under regulation 3.120 of the Regulations for failing to ensure that the work was done in accordance with Australian Standard 2601 in that it failed to ensure that services within the structure not required to be maintained during the demolition work were properly disconnected and sealed off before any demolition commenced. The defendant was fined \$2,500.

John Beattie t/a Beattie Construction

The defendant was prosecuted under regulation 3.55(c) of the Regulations for failing to ensure that edge protection, used as a means of reducing a risk of falling, on an open edge, other than a scaffold, stair, landing or fixed platform, located so that a person falling from it would fall three or more metres, had a guard rail which complied with Australian Standard 1657 and incorporated a toe board. The defendant was fined \$1,000.

Table 23: Summaries of Successful Prosecutions Under the *Occupational Safety and Health Act (1984)* Finalised During 2001-2002 (Con't)

Yornup Mill Pty Ltd t/a Greenacres Mill

The defendant was prosecuted under regulation 4.37(a) of the Regulations for failing to ensure, when access to plant was required for the purposes of maintenance and it was practicable to do the maintenance when the plant was stopped, that all energy sources to the plant, namely a bench saw, were isolated using isolation devices and were locked out using lock out devices where it was practicable to do so. The defendant was fined \$3,000.

Maurice Charles Hofmeyer

The defendant was prosecuted under section 20(1)(b) of the Act for failing to take reasonable care to avoid adversely affecting the safety of other persons through omissions at work and hereby causing death. The defendant used a crane to lift a panel by slings and to suspend it. A rigger and two other persons attempted to rotate the panel. The lifting chains came into contact with, or close to, overhead power lines and the rigger received a fatal electric shock. The defendant was fined \$1,000. Note that two other parties were prosecuted in relation to this matter and the outcome in those cases is subject to appeal.

Matthew James John Turnbull

The defendant was prosecuted under section 20(1)(b) of the Act for failing to take reasonable care to avoid adversely affecting the safety of another person. The defendant was a manager of a fast food outlet when he instructed a 14-year old employee to melt some shortening in a pot on a stove which resulted in boiling oil splashing onto the right side of the employee's face and into his eye, as well as his hand, arms and chest. It was company policy in relation to the melting of shortening, that it be carried out by management only and it was not to be done on the stove. The defendant was fined \$750.

Metro Hoist Hire Pty Ltd

The defendant was prosecuted under regulation 4.35(1)(a) of the Regulations for failing to ensure that hire plant, namely a material hoist for use at a workplace, was inspected between periods of hire so as to reduce, as far as was practicable, any risk of injury or harm occurring to persons properly installing, erecting, commissioning or using the plant at the workplace, and under regulation 4.35(1)(b) of the Regulations for failing to ensure that an assessment was done to determine whether the hire plant required testing, in order to check whether new or increased risks of injury or harm occurring to persons properly installing, erecting, commissioning or using the plant at the workplace had developed and to determine the frequency of any required testing. A roof tiler using a material hoist supplied by the defendant was injured when the hoist platform fell to the ground. Defects found were defects that a proper inspection of the hoist would have revealed. The defendant was fined a global penalty of \$4,000.

Aussie Stuff Pty Ltd t/a TC Engineering

The defendant was prosecuted under section 19(1) of the Act for failing to provide and maintain, so far as was practicable, a working environment in which its employees were not exposed to hazards. A number of employees were dismantling an enclosure when one employee fell off a ladder when its legs splayed open, and he fell approximately two metres onto a metal floor. He sustained bruising to his neck and shoulders, cut his head and fractured his ribs. The defendant was fined \$1,500.

Table 23: Summaries of Successful Prosecutions Under the *Occupational Safety and Health Act (1984)* Finalised During 2001-2002 (Con't)

Peter Joseph Kohlen t/a Kohlen Joinery

The defendant was prosecuted for two breaches of section 19(3)(b) of the Act for failing to forthwith notify the Commissioner of reportable injuries to two employees, and one breach of regulation 4.37(1)(b) of the *Regulations* for failing to provide measures to prevent, as far as was practicable, the use of plant, namely a rip saw, in a manner that could render that plant a hazard to a person at the workplace. The defendant was fined \$1,000, \$1,500 and \$4,000 respectively.

Lawrence Martin Seeto t/a Geographe Roofing Contractors

The defendant was prosecuted under section 19(1) of the Act for failing to provide and maintain, so far as was practicable, a working environment in which its employees were not exposed to hazards. The defendant and two of his employees were observed working on a roof without any protection from falling between 3.6 metres to 6 metres. The defendant was fined \$1000.

Finesse Holdings Pty Ltd

The defendant was prosecuted under regulations 3.17(1)(c) of the *Regulations* for failing to ensure, as far as was practicable, that dust was prevented from being released into the atmosphere; 4.37(1)(b) of the *Regulations* for failing to provide measures to prevent, as far as was practicable, the use of plant, namely a trimmer, in a manner that could render that plant a hazard to a person at the workplace; and 3.12(2)(b) of the *Regulations* for failing to ensure, as far as was practicable, that persons trained in first aid were available to give first aid at the workplace having regard to the type of hazards to persons at the workplace. The defendant was fined a global penalty of \$5,000.

Grandace Nominees Pty Ltd t/a WA Furniture Industries

The defendant was prosecuted under regulation 4.37(3)(a) of the *Regulations* in relation to access to plant, namely a panel saw, which was required for the purpose of cleaning. It was practicable to do the cleaning when the plant was stopped, and the defendant failed to ensure that, where practicable, the plant was stopped and all energy sources were isolated using isolation devices and locked out using lockout devices, and that action to stop the plant and to return it to operational status was taken by a person authorised by the defendant. The defendant was fined \$800.

De Campo Trading Pty Ltd t/a De Campo's Bakery

The defendant was prosecuted for three breaches under regulation 4.37(1)(b) of the *Regulations* for failing to provide measures to prevent, as far as was practicable, the use of plant, namely a "Kwik Lok" bag closing machine, a two-arm dough mixer, and a depanner, in a manner that could render that plant a hazard to a person at the workplace. An inspector identified that these pieces of machinery did not have necessary guarding. Notices were issued, however these items had not been guarded at the time of a subsequent visit to the workplace. The defendant was fined a global penalty of \$7,000.

David William Walling

The defendant was prosecuted under regulation 6.3(1) of the *Regulations* for not holding a certificate of competency when performing prescribed work, namely scaffolding where a person or object could fall more than four metres from the scaffolding. The defendant was fined \$1,000.

Table 23: Summaries of Successful Prosecutions Under the *Occupational Safety and Health Act (1984)* Finalised During 2001-2002 (Con't)

<p><i>Proud Holdings Pty Ltd t/a Proud Constructions</i> The defendant was prosecuted under section 56(1)(d) of the Act for treating its employee less favourably than it otherwise would, for the substantial reason that the employee made a complaint in relation to safety to his employer; 19(1)(a) of the Act for failing, so far as was practicable, to provide and maintain a working environment in which its employees were not exposed to hazards, whereby a number of deficiencies were observed in the system of work used to construct the units being built; and regulation 3.72 of the Regulations where there was a scaffold from which a person or thing could fall more than 4 metres for failing to ensure that the scaffold was inspected and tagged by a competent person before the scaffold was used. The defendant was fined \$1,000, \$3,000 and \$2,500 respectively.</p>
<p><i>Rosella Builders Pty Ltd</i> The defendant was prosecuted under section 19(1) of the Act for failing so far as was practicable, to provide and maintain a working environment in which its employees were not exposed to hazards. A subcontractor fell from an unsecured ladder on leaving a first floor slab. There was no edge protection or fall protection equipment on the first floor slab. The defendant was fined \$5,000.</p>
<p><i>Slobodan Yelash</i> The defendant was prosecuted under section 21(1)(a) of the Act for failing to take reasonable care to ensure his own safety and health at work. The defendant was observed fumigating using methyl bromide while not wearing any form of personal protective equipment. The defendant was fined \$5000.</p>
<p><i>Cleto Mauro Guerini</i> The defendant was prosecuted under regulation 3.59(a) of the Regulations for failing to ensure that all electrical installations at the workplace were maintained so as to minimise the risk of electrical shock or fire. The defendant was fined \$1,750.</p>
<p><i>Sunshine General Industries Pty Ltd</i> The defendant was prosecuted under section 19(1)(a) of the Act for failing to provide and maintain, so far as was practicable, a working environment in which its employees were not exposed to hazards and in particular failed to provide and maintain plant. An employee suffered severe hand injuries while trying to remove a piece of sheet metal from a power press, with the front guard raised. He did not depress the operating pedal at the time and the machine apparently double stroked. The defendant was fined \$12,500.</p>
<p><i>Ben Jeakins</i> The defendant was prosecuted under regulation 3.120(1) of the Regulations for failing to ensure that the work was done in accordance with AS2601 in that he failed to ensure that the common boundary between the demolition site and a public thoroughfare was fenced with a hoarding; and regulation 3.121(2)(b) of the Regulations for failing to ensure that at all times when the work was being done a copy of the work plan referred to in AS2601 was kept at the workplace. The defendant was fined a global penalty of \$1,000.</p>

Table 23: Summaries of Successful Prosecutions Under the *Occupational Safety and Health Act (1984)* Finalised During 2001-2002 (Con't)

<p><i>Denville Pty Ltd</i> The defendant was prosecuted under regulation 4.37(1)(b) of the Regulations for failing to provide measures to prevent, as far as was practicable, the use of plant, namely a docking saw, in a manner that could render the plant a hazard to a person at the workplace; and regulation 4.44(1)(a) of the <i>Regulations</i> for failing, as far as was practicable, to limit the risk by the provision of an appropriate combination of operator protective devices, namely, a roll-over protective structure and a seat belt. The defendant was fined a global penalty of \$7,000.</p>
<p><i>Geoffrey Maxwell Swann</i> The defendant was prosecuted under section 47(1)(d) of the Act for providing a WorkSafe inspector with information that was false or misleading in a material particular. The defendant was fined \$250.</p>
<p><i>Lounge Innovation WA Pty Ltd</i> The defendant was prosecuted under section 19(1)(a) of the Act for failing to provide and maintain plant such that, so far as was practicable, its employees were not exposed to hazards. A pneumatic stapler had been altered so that the contact trip safety guard had been removed, and three pieces of MDF had been inserted in the trigger. When an employee was using the stapler, to make a wooden frame for a recliner chair, the wooden frame slipped on the workbench and as a result of the missing contact trip and the shortened trigger time, a staple was fired from the stapler and lodged in the employee's left wrist. The defendant was fined \$5,000.</p>

Consumer Protection Prosecutions

In 2001-2002 14 prosecutions were finalised, of which 11 resulted in a guilty finding, two were dismissed and one was withdrawn. Details of the successful prosecutions follow.

Table 24: Summaries of Successful Prosecutions Finalised during 2001-2002 under Acts Administered by Consumer Protection

<p><i>Prorange Holdings t/as Easy Housing Co</i> The defendant was prosecuted under section 6(1) of the <i>Credit (Administration) Act (1984)</i> for carrying on the business of providing credit without a credit provider's licence. The defendant was fined \$2,500 and costs of \$57.50.</p>
<p><i>Stuart James Bromley t/as The Arts Foundation</i> The defendant was prosecuted under section 7(1) and section 7 (3) of the <i>Travel Agents Act (1985)</i> for carrying on business as a travel agent without holding a licence. The defendant was fined \$15,000 and costs of \$9,000.</p>
<p><i>Dardanup Butchering Company Nominees Pty Ltd t/as Dardanup Butchering Co</i> The defendant was prosecuted under section 27G of the <i>Weights and Measures Act (1915)</i> for selling a pre-packed article with the incorrect weight stated on the package. The defendant was fined \$690 and costs of \$1,175.</p>

Table 24: Summaries of Successful Prosecutions Finalised during 2001-2002 under Acts Administered by Consumer Protection (Con't)

<p>Kevin O'Neill The defendant was prosecuted under section 44(1) of the <i>Real Estate and Business Agents Act (1978)</i> for acting as a real estate sales representative without holding a current certificate of registration. The defendant was fined a total of \$3,500 and costs of \$263.20.</p>
<p>Patricia Kay Hautop The defendant was prosecuted under section 26 of the <i>Real Estate and Business Agents Act (1978)</i> for carrying on business as a real estate agent without holding a licence and a current triennial certificate. The defendant was fined \$500.</p>
<p>Peter Michael Graham The defendant was prosecuted under section 26 of the <i>Real Estate and Business Agents Act (1978)</i> for carrying on business as a real estate agent without holding a licence and a current triennial certificate. The defendant was fined \$1,000 and costs of \$2,000.</p>
<p>Betty Christie The defendant was prosecuted under section 26 of the <i>Real Estate and Business Agents Act (1978)</i> for carrying on business as a real estate agent without holding a licence and a current triennial certificate. The defendant was fined \$1,000 and costs of \$2,000.</p>
<p>Security Trust Pty Ltd The defendant was prosecuted under section 26 of the <i>Real Estate and Business Agents Act (1978)</i> for carrying on business as a real estate agent without holding a licence and a current triennial certificate. The defendant was fined \$2,000 and costs of \$2,000.</p>
<p>Mario Pisconeri The defendant was prosecuted under section 26 of the <i>Real Estate and Business Agents Act (1978)</i> for carrying on business as a real estate agent without holding a licence and a current triennial certificate. The defendant was fined \$500.</p>
<p>Info4pc.com Pty Ltd The defendant was prosecuted for contempt of court for breaching an enforceable undertaking to the Supreme Court. The defendant was fined \$25,000.</p>
<p>James Hamilton Rae The defendant, a director of Info4pc.com Pty Ltd, was prosecuted for contempt of court for breaching an enforceable undertaking to the Supreme Court. The defendant was fined \$500.</p>

Labour Relations Prosecutions

In 2001-2002, 27 prosecutions were finalised, of which eight resulted in a guilty finding. Details of the successful prosecutions follow.

Table 25: Summaries of Successful Prosecutions Finalised during 2001-2002 under the *Industrial Relations Act (1979)*

<p><i>Tony Wei Phooi Lee & Rosie Chooi Ean Lee t/as Maxi Fuel</i> The respondents pleaded guilty to underpaying an employee and were ordered to pay a total of \$3,864.77.</p>
<p><i>Darcy Alphonso Thomas t/as Security K9</i> Failed to pay an employee award entitlements. Ordered to pay a total of \$1,605.20 with fines of \$760.00, costs of \$130.00 and interest of \$6.06.</p>
<p><i>Radarn Pty Ltd t/as P Tilli & Co (x 4)</i> Failed to pay two employees award entitlements. Ordered to pay a total of \$9,051.11 and was fined a total of \$8,000 plus costs of \$45.20.</p>
<p><i>Prints and Presence Pty Ltd t/as Prints and Presence</i> The respondents pleaded guilty to underpaying an employee and were ordered to pay a total of \$7,351.52.</p>
<p><i>Australasian Golf Masters Pty Ltd t/as Australasian Golf Masters</i> Failed to pay an employee outstanding award entitlements. Ordered to pay \$448.69 with fines of \$250.00.</p>
<p><i>New Wave Nominees Pty Ltd t/as New Wave Hair Care Unisex</i> Failed to maintain proper time and wages records for two employees. Fined a total of \$3,960</p>
<p><i>WA Country Kitchens Pty Ltd t/as Ednas Country Kitchen</i> Failed to pay two apprentices award entitlements. Ordered to pay a total of \$18,511.63.</p>
<p><i>Kelsy Investments Pty Ltd t/as Ampol Barragup</i> Failed to pay six employees award entitlements. Ordered to pay a total of \$22,622.31. In addition, interest awarded of \$297.55.</p>

Strategy Division

Overview

In developing the new structure for DOCEP a Strategy Division was created to provide strategic direction and services that assist DOCEP to meet its purpose. The division was created by drawing together a range of policy, planning and communication resources from across the agency.

The division is responsible for strategic policy and policy coordination, organisational development, the delivery of information, education and communication services and the integration of regional services.

Key Results for 2001-2002

- Developing the DOCEP corporate plan *Future Directions 2002 -2005* and a planning framework for organisational planning.
- Developing and implementing a new output structure for DOCEP.
- Implementing Machinery of Government recommendations relating to incorporating new functions into DOCEP.
- Conducting a review of boards and committees in line with Machinery of Government recommendations.
- Developing a new DOCEP corporate image and associated communication strategies including a review of existing publications and online content, implementation of the intranet and bringing the web sites under one structure.
- Developing a plan for the integration of regional offices and commencing implementation (including co-location of DOCEP services in Karratha).
- Developing and launching the 2002 ThinkSafe campaign and developing a media campaign to provide information and education about the Government's labour relations reforms.
- Holding the inaugural WorkSafe 2002 and Beyond conference in March and a consumer credit conference in December 2001.
- Coordinating a range of DOCEP-wide policy issues and participation in across Government initiatives.
- Reviewing DOCEP customer interfaces and developing a number of customer service initiatives.

Corporate Services Division

Overview

To enhance efficiencies and effectiveness in the delivery of corporate services the new organisational structure established an integrated Corporate Services Division. The three previous Director of Corporate Services positions at the Ministry of Fair Trading, the Department of Productivity and Labour Relations, and WorkSafe were abolished.

A new position titled Executive Director, Corporate Services leads and manages the Corporate Services Division providing efficient and effective services in human resource management, finance, administration, information technology, and corporate information services. A new structure was approved in August 2001 and has centralised corporate services and resources, with support provided at the major divisional locations. Integration plans were developed through consultative working groups. The plans included detailed timetables for integrating the various functions and services along with proposed new directorate structures.

Key Results for 2001-2002

- Establishment of the Human Resources Advisory Committee (HRAC) to represent the views of management and staff on human resource issues and to contribute to the overall change management process.
- Approved processes and framework for developing and implementing common human resource, finance, information technology and corporate information policies, practices and procedures.
- Establishment of a DOCEP information technology and capital works steering committee responsible for overseeing the major IT and capital works projects.
- Development of a DOCEP intranet site to communicate and provide information to staff on a range of issues.
- Integration of communications and computing infrastructure across DOCEP, including access to Internet, and remote access services.
- Implementation of Oracle v11i (including a new chart of accounts) to operate as the single financial management system (FMIS) in DOCEP. This will result in savings in licence fees and maintenance.
- Absorption of financial responsibilities for the Plumbers Licensing Board. (additional revenues and expenditures of \$500,000).
- The integration of the human resource management information and payroll systems, and office information systems has commenced and will be completed in 2002-03. This will result in simplified licensing issues and support costs, achieve a reduction in infrastructure required to run systems and therefore also reduce maintenance and capital costs.

Corporate Governance

Compliance with Written Laws

Enabling Legislation

The Department of Consumer and Employment Protection was established as a Department under Section 21 of the *Public Sector Management Act*.

Legislation Administered

The department assists the Minister with the administration of legislation listed in Appendix One.

Legislation affecting Departmental Activities

In the performance of its functions the department complies with the following relevant written laws:

- *A New Tax System (Fringe Benefits Reporting) Act (1999);*
- *A New Tax System (Goods and Services Tax) Act (1999);*
- *Anti-Corruption Commission Act (1988);*
- *Appropriation (Consolidated Fund) Act (1999);*
- *Disability Services Act (1993);*
- *Electoral Act (1907);*
- *Equal Opportunity Act (1984);*
- *Financial Administration and Audit Act (1985);*
- *Freedom of Information Act (1992);*
- *Government Employees' Housing Act (1964);*
- *Government Employees' Superannuation Act (1987);*
- *Industrial Relations Act (1979);*
- *Library Board of Western Australia Act (1951);*
- *Minimum Conditions of Employment Act (1993);*
- *Mutual Recognition (Western Australia) Act (1995);*
- *Occupational Safety and Health Act (1984);*
- *Occupational Safety and Health Regulations (1996);*
- *Occupiers' Liability Act (1985);*
- *Public and Bank Holidays Act (1972);*
- *Public Sector Management Act (1994);*
- *Public Sector Management (Redeployment and Redundancy) Regulations (1994);*
- *Salaries and Allowances Act (1975);*
- *State Supply Commission Act (1991);*
- *Workers' Compensation and Rehabilitation Act (1981); and*
- *Workplace Agreements Act (1993).*

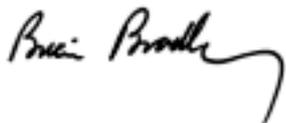
The following written laws also impact on the department's activities:

- *Constitution Act (1889);*
- *Constitution Acts Amendment Act (1899);*
- *Defence Act (1903);*
- *Criminal Code Act Compilation Act (1913);*
- *Trade Practices Act (1974);*
- *Interpretation Act (1984); and*
- *Competition Policy Reform (WA) Act (1996).*
- *Interpretation Act 1984;*
- *Coroners Act 1996;*
- *Evidence Act 1906;*
- *Treasurer's Advance Authorisation Supply, Loan and Appropriation and Financial Agreements Acts.*

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



David Goodwin
Principal Accounting Officer



Brian Bradley
Accountable Officer

30 August 2002

Compliance Reporting

Ministerial Directives

No Ministerial directives were received during the financial year.

Advertising and Sponsorship (Electoral Act)

In accordance with Section 175ZE(1) the following expenditure was incurred for 2001-2002.

Table 26: Reporting Under Electoral Act (1907) – Section 175ZE(1)

Department of Consumer and Employment Protection	2001-2002
Advertising Agencies <ul style="list-style-type: none">- Media Decisions WA- Vinten Browning Advertising- Pilbara Classics and Printing- Idea Works Pty Ltd- Dessein Graphics- Sherin Legal Recruit- Toucan Display Systems	\$610, 060
Market Research	Nil
Media Advertising <ul style="list-style-type: none">- State Law Publisher- Department of Premier and Cabinet- Market Force Productions	\$57, 641
Direct Mail	Nil
Polling Organisations	Nil
Total	\$667,701

For the Finance Brokers Supervisory Board, the reportable expenditure under Section 175ZE(1) of the *Electoral Act (1907)* was:

Polling Organisations	- Camp RL	\$2,084
	- East Perth Print Shop	\$350
	Total	\$2,434

There was no expenditure incurred by the Motor Vehicle Dealers Licensing Board or the Land Valuers Licensing Board reportable under Section 175ZE(1) of the *Electoral Act (1907)* for 2001-2002.

Freedom of Information (FOI)

For the 2001-2002 financial year the FOI policies and procedures from the three former agencies that were amalgamated to form DOCEP were continued. Therefore DOCEP FOI requests and outcomes are reported against divisions.

Each division has a comprehensive Information Statement, which fulfils the Freedom of Information requirements and is lodged with the Information Commissioner. These Information Statements can also be found on the department's website, at www.docep.wa.gov.au.

There are three FOI Coordinators appointed to handle FOI requests. If assistance is required to complete a request or inquire into its progress the contact details for the FOI Coordinators are provided below:

Freedom of Information Requests		
Consumer Protection	WorkSafe	Labour Relations
Co-ordinator FOI Department of Consumer & Employment Protection Ground Floor, Forrest Centre 219 St Georges Tce PERTH WA 6000	Co-ordinator FOI WorkSafe Division 5 th Floor, WestCentre 1260 Hay St WEST PERTH WA 6005	Co-ordinator FOI Labour Relations Dumas House 2 Havelock St WEST PERTH WA 6005
Telephone: (08) 9282 0777 Facsimile: (08) 9282 0850 Email: records@mft.wa.gov.au	Telephone: (08) 9327 0771 Facsimile: (08) 9481 8427 Email: Ron.E.Reid@worksafe.wa.gov.au	Telephone: (08) 9222 7679 Facsimile: (08) 9222 7777 Email: jones@worksafe.wa.gov.au



Table 27: Summary of FOI Request Outcomes for 2001-2002

	Consumer Protection		WorkSafe		Labour Relations	
	NPI	PI	NPI	PI	NPI	PI
Granted in Full	3	2	56	-	-	-
Granted in Part	6	1	11	-	1	1
Refused	5	-	1	-	1	-
Withdrawn	1	-	-	-	-	-
Not Yet Decided	8	-	4	-	-	-
Total	23	3	72	-	2	1

NPI = Non Personal Information

PI = Personal Information

- During the 2001–02 financial year, the Consumer Protection Division received 26 applications under the *Freedom of Information Act 1992*. Of these, 23 related to non-personal information and 3 were for personal information. This compares with a total of 21 applications received during 2000-2001.
- During the 2001-2002 financial year the Labour Relations Division received 3 Freedom of Information applications. Of these 1 was for personal information and was granted in part while 2 were for non personal information with 1 denied access as no information was found, while the other was granted in part as some of the information requested did not exist.
- During the 2001-2002 financial year, the WorkSafe Division received 370 requests for information. Of these 72 required formal Freedom of Information applications, all for non-personal information. This represents an increase in excess of 10% over the previous year.

Note:

The WorkSafe Division has a comprehensive policy on the release of information to interested parties. This policy allows some documents to be released without going through the formal process of a Freedom of Information application. The recommended approach to access information is to put the request in writing. Documents available outside of Freedom of Information legislation will be forwarded and details of other documents available and the method of accessing will be advised.

Compliance with Public Sector Standards

The following information is provided in accordance with Section 31 (2) of the *Public Sector Management Act*:

“In the administration of the Department of Consumer and Employment Protection, the department has complied with the Public Sector Standards in Human Resource Management and the Public Sector Code of Ethics.”

The Department of Consumer and Employment Protection, is currently reviewing and revising the HR policies and practices of its three former agencies, Department of Productivity and Labour Relations, Ministry of Fair Trading and WorkSafe Western Australia. In doing so, the agency is committed to ensuring that all policies, practices and procedures comply with the HR Standards. A Code of Conduct for DOCEP is currently being developed as part of the development and revisions of HR policies.

Applications for breach of standards review and investigations/audits for the period up to 30 June 2002 are:

Number of breaches of Public Sector Standards in Human Resource Management as a consequence of a review undertaken with the PSM Review Procedures 2001.	1
Investigations undertaken by OPSSC where there was an adverse opinion.	Nil
Compliance Audit.	Nil

Evaluations 2001-2002

Rental Accommodation Fund

Under the *Residential Tenancies Act 1987* the Rental Accommodation Fund, was established to receive monies from tenancy bonds paid to the Department of Consumer and Employment Protection's Bond Administrator, held by financial institutions or in Real Estate Agents (Bond) Trust accounts. All income earned by the Fund and the interest payment made to the Fund is to be used to:

- reimburse the costs to the department in administering the Act; and
- reimburse the operating expenses of the Small Disputes Division of the Local Court, which is the court with jurisdiction in relation to tenancy matters.

Stamfords Consultancy were contracted to develop a costing model to be applied to Consumer Protection claims for administering the Rental Accommodation Fund. This evaluation:

- identified the services delivered by the department;
- costed the identified services; and
- developed and provided a costing model to cost those services.

The costing model was based on the overriding principle that where possible, calculation of the reimbursement of costs is based on actual activity and actual costs incurred as opposed to estimated activity and estimated costs. Only those branches, which perform a direct service or support activity, were included in the model.

In determining the direct and indirect costs, the model used an activity based costing, which provided a detailed and accurate method of determining that actual attribution of costs, in an indirect cost pool. Activities were examined and then costs allocated on the basis of the resource consumption of each activity.

The evaluation identified that the claim made by the department for 2001/2002 of \$1,497,615 was closely aligned with the Stamfords costing model claim for the half year of \$744,462 or \$1,488,924 for the full year.

Customer Service and Complaints Handling

A report on Customer Interface issues across DOCEP was completed in September 2001 and the recommendations endorsed by Corporate Executive. A new DOCEP Customer Service Committee was established in December 2001.

The Committee considered and prioritised the recommendations from the Customer Interface Report and completed the following initiatives:

- Developed a DOCEP Customer Service Charter.
- Developed Customer Service Standards that apply across DOCEP.
- Produced a guide on the services and information DOCEP provides. This guide has been widely used by our call centres and regional offices to learn about all services across DOCEP and improve information to customers.
- Worked in consultation with communications staff to produce a brochure which is sent to all new business owners outlining legislative requirements and services available through DOCEP and other Government agencies when setting up a new business.
- Developed a Customer Service Complaints and Feedback Management System which is in the final stages of completion.

Existing complaints handling processes within the three divisions were continued for 2001-2002. The new Customer Service Complaints and Feedback Management System which will be implemented in early 2002-03 includes a policy, principles and processes for resolving individual customer complaints and improving systems, processes, information and services through customer service feedback. A database is being developed to record and monitor complaint data.

Waste Paper Recycling

A culture of recycling and reducing waste paper is encouraged through posters and recycling bins within the department with many staff having personal paper recycling bins. The department utilises the Department of Industry and Technology's Common Use Contract for paper recycling and actively promotes a thoughtful staff mindset where recycling is concerned.

Waste paper is also minimised through the efficient use of email for transfer of data and messages.

Risk Management Plan

Risk Management processes that were developed for the former departments continued to apply within each of the three divisions.

In WorkSafe the Risk Management Committee met on four occasions. At Consumer Protection, RiskCover assisted in conducting a series of Risk Management workshops for Directors, Managers and staff to learn how to collate risk data for management using Riskbase software. Risks continued to be monitored against Labour Relations Risk Management plan.

One notable activity was the coordinated effort across DOCEP in addressing the management of the anthrax threat to staff following the events of September 11, 2001. At that time the guidelines for 'Handling Mail and Packages' issued by the Department of Health, Communicable Disease Control Branch were put into place for DOCEP staff.

From 2002/03, the development and the responsibility for the coordination of risk management across DOCEP will be undertaken by a new position which was approved as part of the Corporate Services restructure.

Our Staff

As at 30 June 2002, our workforce comprised of 633 staff from a diverse range of backgrounds.

Human Resource Policies and Staff Consultation

DOCEP is developing new human resource (HR) policies and procedures based on “best practice principles” to replace those of the three former agencies.

The role of the Human Resources Advisory Committee (HRAC) established earlier this year is to ensure that the department’s human resource policies and practices comply with relevant legislation and meet both departmental and employee needs. The committee comprises of management and employee representatives from across DOCEP.

The following policies have been endorsed and are currently being implemented:

- Classification Assessment and Determination.
- Grievance Resolution.
- Information Security Policy.
- Information Security Quick Guide.

Recruitment, Selection and Redeployment

In light of the promotion of innovative recruitment practices within the public sector, DOCEP has successfully undertaken a number of “application pool” recruitment drives.

The adoption of pool recruitment will mean significant reductions in advertising costs and time spent by staff in participating in selection panels and drafting selection reports.

The Consumer Protection Division undertook an intensive recruitment drive to recruit 61 additional employees by the 2003-04 financial year. Of the 61 additional employees, the target for 2001-2002 was approximately 42. However, issues associated with the creation of DOCEP, eg limited accommodation, workstations, and other infrastructure, affected achieving this target. At 30 June 2002, approximately 18 of the 42 positions have been permanently advertised and filled.

Through effective case management the department reduced the number of redeployees from 11 as at June 30, 2001 to six as at June 30, 2002. Three of the six remaining redeployees are on long-term temporary placements not funded by the department.

Training and Development

The following training and development activities were undertaken:

- First Aid training.
- Recruitment and selection practices.
- Classification Determination procedures.
- Occupational Safety and Health training for members of the OSH Committees.

WorkSafe contributed to the National Workplace Inspector Competencies. The introduction of criteria progression for WorkSafe inspectors and the development of a program for trainee WorkSafe inspectors focusing on inspector training, mentoring and coaching is well advanced and will be implemented in 2002-03.

Occupational Safety and Health

A new DOCEP Occupational Safety and Health policy was endorsed in February 2002. The OSH committees in the Consumer Protection and WorkSafe divisions continued to operate for this year. A DOCEP Occupational Health and Safety Committee will be formed early in 2002-03.

Initiatives undertaken that affirm DOCEP's commitment to occupational safety and health are:

- Developing and implementing a new incident reporting format for the Consumer Protection division based on a similar system existing within the WorkSafe division.
- Training first aid officers and providing new first aid kits on each floor and in every DOCEP vehicle.
- Occupational safety and health training for all Consumer Protection safety and health representatives.
- New mail opening procedures to minimise the risk to staff from anthrax.
- A new hazard reporting system, similar to that currently used in WorkSafe, will be implemented across DOCEP in the next financial year. Such systems have provided valuable advice to WorkSafe's OSH Committee when identifying and eliminating potential hazards.

Table 28: Worker's Compensation and Rehabilitation Statistics

Total number of claims during 2001-02	29
Total number of new worker's compensation claims received during the year	9
Total cost of those claims	\$22 165

Disability Service Plan Outcomes

In light of the problems associated with restructuring and relocating employees in metropolitan and regional locations, DOCEP was given approval from the Disability Services Commission to defer the development and submission of a Disability Service Plan until April 2003.

The Human Resources Branch will consult as widely as possible to ensure that the new plan complies with the obligations under the *Disability Services Act (1993)*.

Equal Opportunity Outcomes

Table 29: Employees by Salary Level and Gender

Salary Levels	Women	Men
0 to 35 951	127	34
35 951 to 41 420	63	23
41 421 to 46 640	43	26
46 641 to 51 883	42	58
51 884 to 60 377	30	73
60 378 to 70 355	17	35
70 356 to 79 686	9	22
79 687 to 91 298	6	16
91 299 to 103 693	4	2
Greater than 103 693	0	3
Totals	341	292

Development of a new EEO Management Plan

A new EEO Management Plan has been developed for the period 2001 to 2005. This plan consists of strategies to enable DOCEP to achieve identified performance objectives for Diversity Groups.

Language and Cultural Diversity Outcomes

DOCEP is committed to having an equitable and diverse workforce at all levels of employment, which is representative of the Western Australian community.

As a long term objective, the department committed to a number of strategies to increase the diversity of its workforce from 1.6 per cent as at 1 June 2001 to 3.9 per cent at 30 June 2005.

The department provides free access to interpreter services to assist people from linguistically and culturally diverse backgrounds and also prints publications in number of languages. For example, publications for the Indian Ocean Territories have been printed in Chinese and Malay. Similarly, the new publication *What We do For You* will be published in 11 languages.

Achieving a More Equitable Gender Balance

As part of the WorkSafe division's commitment to equity and diversity in the workplace, the experience requirements for inspector positions were reviewed and a more comprehensive induction-training program was provided for new inspectors. This encouraged a more diverse field of applicants for inspector positions and increased the number of women recruited as inspectors at both entry and senior levels.

Balancing Work and Family

DOCEP has family-friendly work practices available to employees to assist them in balancing their work and family responsibilities.

For most of the year, Labour Relations and WorkSafe employees had access to a refurbished family room in the workplace where they could work and oversee the care of family members when normal day care arrangements were unavailable. Employees also have access to flexible working hours and flexible leave arrangements, and are able to work from home or on a part-time basis where that is practicable.

Policies and Programs Targeting Youth 12 to 25

Wherever possible, particularly for entry level positions, young people are encouraged to apply and compete for temporary and permanent jobs.

The department continues to provide school students and leavers with work experience and traineeship opportunities. For example, in conjunction with Sevenoakes Senior College in Cannington, we offered school students a variety of work experience placements. DOCEP also provided a long term clerical/administrative traineeship for a school student.

We will continue to offer traineeships to Indigenous Australians and people with disabilities as part of our commitment to the Equity and Diversity Plan 2001 to 2005.

Wages Parity Policy - Progress

By 30 June 2002, the majority of DOCEP staff who were previously covered by a Workplace Agreement (WPA) or Enterprise Bargaining Agreement (EBA) that applied to the former agencies had converted their conditions of employment to the Public Service General Agreement (PSGA 2002).

Financial Statements

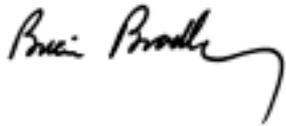
Certification of Financial Statements

The accompanying financial statements of the Department of Consumer and Employment Protection have been prepared in compliance with the provisions of the Financial Administration and Audit Act 1985 from proper accounts and records to present fairly the financial transactions for the financial year ending 30 June 2002 and the financial position as at 30 June 2002.

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



David Goodwin
Principal Accounting Officer



Brian Bradley
Accountable Officer

30 August 2002



AUDITOR GENERAL

To the Parliament of Western Australia

DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION FINANCIAL STATEMENTS FOR THE YEAR ENDED JUNE 30, 2002

Matters Relating to the Electronic Presentation of the Audited Financial Statements

This audit opinion relates to the financial statements of the Department of Consumer and Employment Protection for the year ended June 30, 2002 included on the Department's web site. The Director General is responsible for the integrity of the Department's web site. I have not been engaged to report on the integrity of the Department's web site. The audit opinion refers only to the statements named below. It does not provide an opinion on any other information which may have been hyper linked to or from these statements. If users of this opinion are concerned with the inherent risks arising from electronic data communications, they are advised to refer to the hard copy of the audited financial statements to confirm the information included in the audited financial statements presented on this web site.

Scope

I have audited the accounts and financial statements of the Department of Consumer and Employment Protection for the year ended June 30, 2002 under the provisions of the Financial Administration and Audit Act 1985.

The Director General is responsible for keeping proper accounts and maintaining adequate systems of internal control, preparing and presenting the financial statements, and complying with the Act and other relevant written law. The primary responsibility for the detection, investigation and prevention of irregularities rests with the Director General.

My audit was performed in accordance with section 79 of the Act to form an opinion based on a reasonable level of assurance. The audit procedures included examining, on a test basis, the controls exercised by the Department to ensure financial regularity in accordance with legislative provisions, evidence to provide reasonable assurance that the amounts and other disclosures in the financial statements are free of material misstatement and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with Accounting Standards and other mandatory professional reporting requirements in Australia and the Treasurer's Instructions so as to present a view which is consistent with my understanding of the Department's financial position, its financial performance and its cash flows.

The audit opinion expressed below has been formed on the above basis.

**Department of Consumer and Employment Protection
Financial statements for the year ended June 30, 2002**

Audit Opinion

In my opinion,

- (i) the controls exercised by the Department of Consumer and Employment Protection provide reasonable assurance that the receipt and expenditure of moneys and the acquisition and disposal of property and the incurring of liabilities have been in accordance with legislative provisions; and
- (ii) the Statement of Financial Performance, Statement of Financial Position, Statement of Cash Flows, Output Schedule of Expenses and Revenues and Summary of Consolidated Fund Appropriations and Revenue Estimates and the Notes to and forming part of the financial statements are based on proper accounts and present fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia and the Treasurer's Instructions, the financial position of the Department at June 30, 2002 and its financial performance and its cash flows for the year then ended.



D D R PEARSON
AUDITOR GENERAL
October 31, 2002

1st Floor Dumas House 2 Havelock Street West Perth 6005 Western Australia Tel: 08 9222 7500 Fax: 08 9322 5664

Department of Consumer and Employment Protection

Annual Financial Statements For the Financial Year ended 30 June 2002

STATEMENT OF FINANCIAL PERFORMANCE FOR THE YEAR ENDED 30 JUNE 2002

	Note	2001/02 \$ 000's
COST OF SERVICES		
Expenses from ordinary activities		
Employee expenses	4	33,110
Supplies and services	5	10,114
Depreciation expense	6	1,223
Administration expenses	7	4,541
Accommodation expenses	8	3,519
Grants & subsidies	9	349
Capital user charge	10	540
Loss on sale of asset	11	59
Other expenses from ordinary activities	12	1
Total cost of services		53,456
Revenues from ordinary activities		
<i>Revenue from operating activities</i>		
User charges and fees	13	11,006
Commonwealth grants and contributions	14	316
<i>Revenue from non-operating activities</i>		
Other revenues from ordinary activities	15	539
Total revenues from ordinary activities		11,861
NET COST OF SERVICES		41,596
REVENUES FROM GOVERNMENT		
Output appropriation	16	37,087
Liabilities assumed by the Treasurer		798
Resources received free of charge		355
Total revenues from Government		38,240
Change in net assets before restructuring		(3,355)
Net revenues from restructuring	17	224
CHANGE IN NET ASSETS		(3,132)

The Statement of Financial Performance should be read in conjunction with the accompanying notes.
Comparative figures for prior years are not available for DOCEP as the department commenced on the 1 July 2001.

Department of Consumer and Employment Protection

STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2002

	Note	2001/02 \$ 000's
Current Assets		
Cash assets	27	5,601
Restricted cash assets	18	147
Receivables	19	3,853
Amounts receivable for outputs	20	1,543
Other assets	21	526
Total Current Assets		11,670
Non-Current Assets		
Restricted cash assets	18	963
Property, plant, equipment and vehicles	22	3,601
Other assets	21	23
Total Non-Current Assets		4,586
TOTAL ASSETS		16,257
Current Liabilities		
Payables	23	3,069
Provisions	24	4,346
Other liabilities	25	983
Total Current Liabilities		8,398
Non-Current Liabilities		
Payables	23	39
Provisions	24	2,796
Total Non-Current Liabilities		2,835
Total Liabilities		11,233
Equity		
Contributed equity	26	2613
Accumulated surplus		2,410
TOTAL EQUITY		5,023
TOTAL LIABILITIES AND EQUITY		16,257

The Statement of Financial Position should be read in conjunction with the accompanying notes.
Comparative figures for prior years are not available for DOCEP as the department commenced on the 1 July 2001.

Department of Consumer and Employment Protection

STATEMENT OF CASHFLOWS FOR YEAR ENDED 30 JUNE 2002

	Note	2001/02 \$ 000's
CASH FLOWS FROM GOVERNMENT		
Output appropriations		35,544
Capital contributions		2,613
		38,157
Net cash provided by Government		
Utilised as follows:		
CASH FLOWS FROM OPERATING ACTIVITIES		
Payments		
Employee costs		(27,471)
Superannuation		(2,406)
Supplies and services (other)		(17,361)
Capital User Charge		(540)
GST payments on purchases		(2,019)
Other payments		(127)
Receipts		
User charges and fees		8,741
Commonwealth grants and contributions		316
GST receipts on sales		154
GST receipts from taxation authority		1,602
Other receipts		545
		(38,566)
Net cash used in operating activities		
CASH FLOWS FROM INVESTING ACTIVITIES		
Proceeds from sale of non-current physical assets		4
Purchase of non-current physical assets		(1,099)
		(1,095)
Net cash used in investing activities		
Net decrease in cash held		
		(1,504)
Cash assets at the beginning of the financial year		8,215
		6,711
CASH ASSETS AT THE END OF THE FINANCIAL YEAR	27 & 18	6,711

The Statement of Cash Flows should be read in conjunction with the accompanying notes.
Comparative figures for prior years are not available for DOCEP as the department commenced on the 1 July 2001.

Department of Consumer and Employment Protection

OUTPUT SCHEDULE OF EXPENSES AND REVENUES FOR THE YEAR ENDED 30 JUNE 2002

		<u>D.O.C.E.P.</u> <u>TOTALS</u>	<u>Consumer</u> <u>& Business</u> <u>Services</u>	<u>Occupational</u> <u>Safety</u> <u>& Health</u> <u>Services</u>	<u>Labour</u> <u>Relations</u>
	Note	<u>2001/02</u> <u>\$ 000's</u>	<u>\$ 000's</u>	<u>\$ 000's</u>	<u>\$ 000's</u>
COST OF SERVICES					
Expenses from ordinary activities					
Employee expenses	4	33,110	17,295	9,535	6,281
Supplies and services	5	10,114	7,427	2,374	312
Depreciation expense	6	1,223	966	106	151
Administration expenses	7	4,541	2,469	1,149	923
Accommodation expenses	8	3,519	1,528	1,166	825
Grants & subsidies	9	349	126	223	0
Capital User Charge	10	540	493	0	47
Loss on sale of asset	11	59	59	0	0
Other expenses from ordinary activities	12	1	0	1	0
Total cost of services		53,456	30,363	14,554	8,539
Revenues from ordinary activities					
User charges and fees	13	11,006	10,002	1,004	0
Commonwealth grants and contributions	14	316	92	24	200
Other revenues from ordinary activities	15	539	0	521	19
Total revenues from ordinary activities		11,861	10,094	1,548	219
NET COST OF SERVICES		41,596	20,269	13,006	8,320
REVENUES FROM GOVERNMENT					
Output appropriations	16	37,087	17,137	12,218	7,732
Liabilities assumed by the Treasurer		798	87	293	417
Resources received free of charge		355	178	91	86
Total revenues from Government		38,240	17,403	12,602	8,236
Change in net assets before restructuring		(3,355)	(2,867)	(404)	(85)
Net revenues from restructuring	17	224	224		
CHANGE IN NET ASSETS		(3,132)	(2,643)	(404)	(85)

The Output Schedule of Expenses and Revenues should be read in conjunction with the accompanying notes.

Department of Consumer and Employment Protection

SUMMARY OF CONSOLIDATED FUND APPROPRIATIONS AND REVENUE ESTIMATES

	<u>Estimate</u> <u>2001/02</u> \$ 000's	<u>Actual</u> <u>2001/02</u> \$ 000's
PURCHASE OF OUTPUTS		
Item 53 Net amount appropriated to purchase outputs	37,603	36,969
Amount Authorised by Other Statutes		
Salaries and Allowances Act 1975	118	118
	-----	-----
Total appropriations provided to purchase outputs	37,721	37,087
Details of Expenditure by Outputs		
Consumer & Business Services	32,960	30,363
Occupational Safety & Health Services	13,055	14,554
Labour Relations Services	8,257	8,539
	-----	-----
Total Cost of Outputs	54,272	53,456
Less retained revenue	(11,287)	(11,861)
	-----	-----
Net Cost of Outputs	42,985	41,595
Adjustment for movement in cash balances and other accrual items	(5,264)	(4,508)
	-----	-----
Total appropriations provided to purchase outputs	37,721	37,087
CAPITAL		
Item 145 Capital Contribution (2001 Amount provided for capital services)	3,213	2,613
Capital Expenditure		
Capital appropriations	3,213	2,613
	-----	-----
Total capital expenditure	3,213	2,613
GRAND TOTAL OF APPROPRIATIONS	40,934	39,700
DETAILS OF REVENUE ESTIMATES		
Revenues disclosed as Administered Revenues 36	6,522	4,221

This Summary provides the basis for the Explanatory Statement information requirements.

Department of Consumer and Employment Protection

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2002

1. Departmental mission and funding

The department of Consumer and Employment Protection (DOCEP) is an agency of the Government of Western Australia and seeks to create an environment where people can work in safe and healthy workplaces with fair employment conditions and where consumers have access to a fair and competitive marketplace.

The department was formed in July 2001 by the merger of the Ministry of Fair Trading, Worksafe WA & the department of Productivity and Labour Relations. The Technical and Safety Division of the Office of Energy joined the department on July 1, 2002.

Funding is received by way of Government appropriations and external fees and charges.

2. Significant accounting policies

The following accounting policies have been adopted in the preparation of the financial statements.

In the process of reporting on the department as a single entity, all intra-entity transactions and balances have been eliminated.

General Statement

The financial statements constitute a general purpose financial report which has been prepared in accordance with Australian Accounting Standards, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board, and Urgent Issues Group (UIG) Consensus Views as applied by the Treasurer's Instructions. Several of these are modified by the Treasurer's Instructions to vary application, disclosure, format and wording. The Financial Administration and Audit Act and the Treasurer's Instructions are legislative provisions governing the preparation of financial statements and take precedence over Australian Accounting Standards, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board, and UIG Consensus Views. The modifications are intended to fulfil the requirements of general application to the public sector, together with the need for greater disclosure and also to satisfy accountability requirements.

If any such modification has a material or significant financial effect upon the reported results, details of that modification and where practicable, the resulting financial effect, are disclosed in individual notes to these financial statements.

a) Basis of accounting

The financial statements have been prepared in accordance with Australian Accounting Standard AAS 29, Financial Reporting by Government departments.

The statements have been prepared on the accrual basis of accounting using the historical cost convention.

Administered assets, liabilities, expenses and revenues are not integral to the department carrying out its functions and are disclosed in the notes to the financial statements, forming part of the general purpose financial report of the department. The administered items are disclosed on the same basis as is described above for the financial statements of the department. The administered assets, liabilities, expenses and revenues are those which the Government requires the department to administer on its behalf. The assets do not render any service potential or future economic benefits to the department, the liabilities do not require the future sacrifice of service potential or future economic benefits of the department, and the expenses and revenues are not attributable to the department.

b) Output Appropriations

Output Appropriations are recognised as revenues in the period in which the department gains control of the appropriated funds. The department gains control of appropriated funds at the time those funds are deposited into the department's bank account or credited to the holding account held at the department of Treasury and Finance.

c) Contributed Equity

Capital contributions (appropriations) have been designated as contributions by owners and have been credited directly to the Contributed Equity in the Statement of Financial Position. All other transfers have been recognised in the Statement of Financial Performance Capital appropriations which are repayable to the Treasurer are recognised as liabilities.

d) Net Appropriation Determination

Pursuant to section 23A of the Financial Administration and Audit Act, the Treasurer may make a determination providing for prescribed revenue to be retained by a department. Receipts in respect of all revenues recognised in the Statement of Financial Performance are the subject of a net appropriation determination by the Treasurer.

The net appropriation determination allows prescribed revenues to be retained

Prescribed revenues include moneys received other than from taxes, royalties and Commonwealth general purpose grants. Retained revenues are only applied to the outputs specified in the 2001/02 Budget Statements.

e) Grants and Other Contributions

Grants, donations, gifts and other non-reciprocal contributions are recognised as revenue when the department obtains control over the assets comprising the contributions. Control is normally obtained upon their receipt.

Contributions are recognised at their fair value. Contributions of services are only recognised when a fair value can be reliably determined and the services would be purchased if not donated.

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

Department of Consumer and Employment Protection

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2002

f) Grants and Other Contributions

Grants, donations, gifts and other non-reciprocal contributions are recognised as revenue when the department obtains control over the assets comprising the contributions. Control is normally obtained upon their receipt.

Contributions are recognised at their fair value. Contributions of services are only recognised when a fair value can be reliably determined and the services would be purchased if not donated.

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

g) Revenue Recognition

Revenue from the sale of goods and disposal of other assets and the rendering of services, is recognised when the department has passed control of the goods or other assets or delivery of the service to the customer.

h) Acquisitions of Assets

The cost method of accounting is used for all acquisitions of assets. Cost is measured as the fair value of the assets given up or liabilities undertaken at the date of acquisition plus incidental costs directly attributable to the acquisition.

Assets acquired at no cost or for nominal consideration, are initially recognised at their fair value at the date of acquisition.

i) Depreciation of Non-Current Assets

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

Depreciation is calculated on straight line basis, using rates which are reviewed annually. Useful lives for each class of depreciable assets are:

Furniture & Fittings	5 years
Office equipment	5 to 10 years
Computer Software	3 to 5 years
Computer Hardware	5 years
Motor vehicles	3 to 7 years
Telecommunications	3 to 7 years

j) Leases

The department has entered into a number of operating lease arrangements for the rent of the office building where the lessor effectively retains all of the risks and benefits incident to ownership of the items held under the operating leases. Equal instalments of the lease payments are charged to the Statement of Financial Performance over the lease term as this is representative of the pattern of benefits to be derived from the leased property.

k) Cash

For the purpose of the Statement of Cash Flows, cash includes cash assets and restricted cash assets. These include short-term deposits that are readily convertible to cash on hand and are subject to insignificant risk of changes in value.

l) Accrued Salaries

The accrued salaries suspense account (refer note 18) 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 pay days occur in that year instead of the normal 26. No interest is received on this account.

Accrued salaries (refer note 25) represent the amount due to staff but unpaid at the end of the financial year, as the end of the last pay period for that financial year does not coincide with the end of the financial year. Accrued salaries are settled within a few days of the financial year end. The department considers the carrying amount of accrued salaries to be equivalent to the net fair value.

m) Receivables

Receivables are recognised at the amounts receivable as they are due for settlement no more than 30 days from the date of recognition.

Collectability of receivables is reviewed on an ongoing basis. Debts which are known to be uncollectable are written off. A provision for doubtful debts is raised where some doubt as to collection exists and in any event where the debt is more than 60 days overdue.

Interest revenues are recognised as they are accrued.

n) Payables

Payables, including accruals not yet billed, are recognised when the department becomes obliged to make future payments as a result of a purchase of assets or services. Payables are generally settled within 30 days.

o) Employee Entitlements

Annual leave

This entitlement is recognised at current remuneration rates and is measured at the amount unpaid at the reporting date in respect to employees' service up to that date.

Long service leave

A liability for long service leave is recognised, and is measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date. Consideration is given, when assessing expected future payments, to expected future wage and salary levels including relevant on costs, experience of employee departures and periods of service.

Department of Consumer and Employment Protection

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2002

Superannuation

Staff may contribute to the Pension Scheme, a defined benefits pension scheme now closed to new members, or to the Gold State Superannuation Scheme, a defined benefit lump sum scheme now also closed to new members. All staff who do not contribute to either of these schemes become non-contributory members of the West State Superannuation Scheme, an accumulation fund complying with the Commonwealth Government's Superannuation Guarantee (Administration) Act 1992. All of these schemes are administered by the Government Employees Superannuation Board (GESB).

The superannuation expense comprises the following elements:

- (i) change in the unfunded employer's liability in respect of current employees who are members of the Pension Scheme and current employees who accrued a benefit on transfer from that Scheme to the Gold State Superannuation Scheme; and
- (ii) employer contributions paid to the Gold State Superannuation Scheme and the West State Superannuation Scheme.

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

A revenue "Liabilities assumed by the Treasurer" equivalent to (i) is recognised under Revenues from Government in the Statement of Financial Performance as the unfunded liability is assumed by the Treasurer. The GESB makes the benefit payments and is recouped by the Treasurer.

p) Resources Received Free of Charge or For Nominal Value

Resources received free of charge or for nominal value which can be reliably measured are recognised as revenues and as assets or expenses as appropriate at fair value.

(p) Comparative Figures

Comparative figures are not provided as these are the first financial statements produced for the department due to restructure.

(q) Rounding

Amounts in the financial statements have been rounded to the nearest thousand dollars, or in certain cases, to the nearest dollar.

3. Outputs of the department

Information about the department's outputs, and the expenses and revenues which are reliably attributable to those outputs is set out in the Output Schedule. Information about expenses, revenues, assets and liabilities administered by the department are given in notes 33 and 36.

The three key outputs of the department are:

Output 1: Consumer & Business Services

This output is for the provision of Consumer Protection advice, information, education and business regulation services.

Output 2: Occupational Safety & Health Services

This output is for the provision of occupational safety and health information, education and regulation services

Output 3: Labour Relations Services

This output is for the provision of Labour Relations Services

Department of Consumer and Employment Protection
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2002

	2001/02 \$ 000's
4. Employee expenses	
Wages and salaries	27,920
Superannuation	3,218
Changes in Long Service Leave	365
Changes in Annual leave	217
Other related expenses (l)	1,389
	33,110
<p>(l) These employee expenses include superannuation Work Cover premiums and other employment on-costs associated with the recognition of annual and long service leave liability. The related on-costs liability is included in employee entitlement liabilities at Note 24.</p>	
5. Supplies and Services	
Consultants and contractors	9,754
Materials	3
Repairs and maintenance	159
Travel	197
	10,114
6. Depreciation	
Computer Hardware	569
Computer Software	88
Furniture and Fittings	427
Telecommunications	4
Vehicles	17
Office Equipment	118
	1,223
7. Administration expenses	
Communications	1,502
Consumables	1,431
Maintenance	816
Other staff costs	794
	4,541
8. Accommodation expenses	
Lease rentals	3,281
Repairs & maintenance	212
Cleaning	27
	3,519
9. Grants & subsidies	
Consumer Credit Legal Services	126
Asbestos Diseases Society	53
Chamber of Commerce & Industry WA	40
Farmsafe WA	90
Unions WA	40
	349

Department of Consumer and Employment Protection
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2002

	2001/02 \$ 000's
10. Capital User Charge	540
<p>A capital user charge rate of 8% has been set by the Government for 2001-02 and represents the opportunity costs of capital invested in the net assets of the department used in the provision of outputs. The charge is calculated on the net assets adjusted to take account of exempt assets. Payments are made to the department of Treasury and Finance on a quarterly basis.</p>	
11. Net loss on disposal of non-current assets	
<u>Losses on Sale of Non-Current Assets</u>	
Loss from disposal of computers	59
Gross proceeds on disposal of asset class	4

Net loss	59
12. Other expenses from ordinary activities	
Amounts written-off	1

	1
13. User charges and fees	
User charges	7,916
Fees	3,089

	11,006
<u>User Charges:</u>	
Real Estate & Settlement Agents Board recoup of costs	4,993
Miscellaneous revenue	2,923

	7,916
<u>User Fees:</u>	
Business Names Search Fees	1,035
REVS fees	1,850
Miscellaneous	203

	3,089
14. Commonwealth grants and contributions	
Indian Ocean Territories (I)	116
Compliance and Information Services (II)	200

	316

(I) See note 34 on (Service Delivery Agreements) in the Supplementary Financial Information.

(II) Federal Funding for the delivery of compliance and Information Services

Department of Consumer and Employment Protection
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2002

	2001/02 \$ 000's
15. Other revenues from ordinary activities	
Sundry revenue	521
Government Vehicle Scheme- Staff contributions	18
Miscellaneous revenue	1
	539

16. Revenues from Government

Output appropriations (I)	37,087
	37,087

The following liabilities have been assumed by the Treasurer during the financial year: (II)

Superannuation	798
	798

Total liabilities assumed by the Treasurer

Resources received free of charge (III)

Determined on the basis of the following estimates provided by agencies:

Office of the Auditor General	47
Department of Land Administration	1
Crown Solicitor's Office	214
Commercial Property Office	2
Department of Racing Gaming & Liquor	1
Department of Justice	91
	355
	38,240

- (I) Output appropriations are accrual amounts as from 1 July 2001, reflecting the full price paid for outputs purchased by the government. 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 increase in leave liability during the year.
- (II) Where a liability has been assumed by the Treasurer or other entity, the department recognises revenues equivalent to the amount of the liability assumed and an expense relating to the nature of the events that initially gave rise to the liability.
- (III) Where assets or services have been received free of charge or for nominal consideration, the department recognises revenues equivalent to the fair value of the assets and/or the fair value of those services that can be reliably determined and which would have been purchased if not donated, and those fair values shall be recognised as assets or expenses, as applicable.

17. Net revenues from restructuring **224**

Net capital contributed upon restructure of the Plumber's Licensing Board on 1st March 2002.

18. Restricted cash assets

Current

Consumer Credit Trust Account	39
Department Receipts in Suspense	100
Commonwealth Government Indian Ocean Territories	8
	147

Department of Consumer and Employment Protection
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2002

	2001/02 \$ 000's
Non-current	
Accrued salaries suspense account (I)	963
	963

(I) 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. The definition of current asset in AAS 36(9.1) excludes cash or a cash-equivalent, which is restricted in its use beyond 12 months. Accordingly, for 10 of the 11 years this suspense account will be non-current.

19. Receivables

Current

Trade debtors	3,313
Provision for doubtful debts	(11)
GST receivable	551
	3,853

20. Amounts receivable for outputs

Current

	1,543
	1,543

This asset represents the non-cash component of output appropriations. It is restricted in that it can only be used for asset replacement or the payment of leave liabilities.

21. Other Assets

Current

Prepayments	526
	526

Non-current

Prepayments	23
	23

22. Property, plant, equipment and vehicles

Computer Hardware

At cost	2,203
Accumulated depreciation	(569)
	1,634

Computer Software

At cost	367
Accumulated depreciation	(88)
	279

Furniture and Fittings

At cost	1,557
Accumulated depreciation	(427)
	1,130

Telecommunications

At cost	18
Accumulated depreciation	(4)
	14

Department of Consumer and Employment Protection
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2002

Vehicles	2001/02
	\$ 000's
At cost	80
Accumulated depreciation	(17)
	64
Office Equipment	
At cost	600
Accumulated depreciation	(118)
	481
Total Property, Plant, Equipment & Vehicles	3,601

Reconciliations

Reconciliations of the carrying amounts of property, plant, equipment and vehicles at the beginning and end of the current financial year are set out below.

Property, Plant, Equipment and Vehicles	<u>Computer Hardware</u>	<u>Computer Software</u>	<u>Furniture & Fittings</u>	<u>Telecommunications</u>	<u>Vehicles</u>
Total 2001/02	2001/02 \$ 000's	2001/02 \$ 000's	2001/02 \$ 000's	2001/02 \$ 000's	2001/02 \$ 000's
Carrying amount at start of year	1,490	326	1,545	0	80
Additions	762	41	16	18	0
Disposals	(48)	0	(5)	0	0
Depreciation	(569)	(88)	(427)	(4)	(17)
	1,634	279	1,130	14	64
Carrying amount at end of year					

Property, Plant, Equipment and Vehicles	<u>Office Equipment</u>	-	-	<u>Total</u>
Total 2001/02	2001/02 \$ 000's			2001/02 \$ 000's
Carrying amount at start of year	341			3,783
Additions	263			1,099
Disposals	(4)			(57)
Depreciation	(118)			(1,223)
	481			3,601
Carrying amount at end of year				

Department of Consumer and Employment Protection
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2002

	2001/02 \$ 000's
23. Payables	
Current	
Trade payables	1,739
Redundancy payments	1,331
	3,069
Non-current	
Other (Consumer Credit Trust Account)	39
	39
24. Provisions	
<u>Current</u>	
Annual leave	2,154
Long service leave	2,192
	4,346
<u>Non-current</u>	
Long service leave	2,796
	2,796
Employee Entitlements	
The aggregate employee entitlement liability recognised and included in the financial statements is as follows:	
Provision for employee entitlements:	
Current	4,346
Non-current	2,796
	7,142
25. Other liabilities	
Current	
Accrued expenses	98
Accrued salaries	664
Remunerator (superannuation deductions)	16
Other (Plumbers Licensing Board prepaid revenue)	205
	983
26. Equity	
Equity represents the residual interest in the net assets of the department. The Government holds the equity interest in the department on behalf of the community.	
Contributed equity	
Opening balance	0
Capital contributions	2,613
	2,613
Closing balance	2,613
From 1 July 2001, Capital Contributions have been designated as contributions by owners and are credited straight to the equity in the Statement of Financial Position.	
Accumulated surplus	
Opening balance	5,542
Change in net assets	(3,132)
	2,410
Closing balance	2,410

Department of Consumer and Employment Protection
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2002

27. Notes to the Statement of Cash Flows

(a) 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:

b) Reconciliation of net costs of services to net cash flows used in operating activities

	2001/02 \$ 000's
Cash assets	5,601
Restricted cash assets (refer to note 18)	1,110
	6,711
Cash as per statement of cash flows	6,711
Net cost of services	(41,596)
Non-cash items:	
Depreciation and amortisation expense	1,223
Superannuation expense	797
Resources received free of charge	355
Loss on sale of property, plant & equipment	59
(Increase)/decrease in assets:	
Current receivables	(2,548)
Other current assets	37
Non-current assets	(23)
Increase/(decrease) in liabilities:	
Current payables	1,719
Current provisions	911
Other Current Liabilities	358
Non-current provisions	405
Net GST receipts/(payments)	(51)
Change in GST in receivables/payables	(212)
	(38,566)
Net cash provided by/(used in) operating activities	(38,566)

28. Commitments for expenditure

(a) Lease commitments

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

Within 1 year	140
Later than 1 year and not later than 5 years	60
	200

Department of Consumer and Employment Protection
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2002

	2001/02 \$ 000's
(b) Other expenditure commitments	
Within 1 year	161

These commitments are all inclusive of GST and are for the outstanding payments to ASG for the implementation of the Oracle financial software.

29. Contingent Liabilities

In addition to the liabilities on the financial statements, the department has the following contingent liabilities:

The State of Western Australia has granted a deed of indemnity dated 7 February 2001, to the liquidators of specified finance companies in respect to actions pursuant to their duties as appointed liquidators. It is not practicable to estimate the amount of the potential liability.

There are several other claims that have been lodged to the Finance Brokers Supervisory Board by investors. The potential liability is difficult to calculate at present and it is also not clear which agencies (if any) may be liable.

30. Explanatory Statement

The Summary of Consolidated Fund Appropriations and Revenue Estimates discloses appropriations and other statutes expenditure estimates, the actual expenditures made and revenue estimates and payments into the Consolidated Fund, all on an accrual basis.

The following explanations are provided in accordance with Treasurer's Instruction 945. Significant variations are considered to be those greater than 10%.

(i) Significant variances between estimate and actual – Total appropriation to purchase outputs:

The total appropriation had no significant variance however, there were significant offsetting variances in the following output expenditure:

	2001/02 Estimate \$ 000's	2001/02 Actual \$ 000's	Variation \$ 000's
Occupational Safety & Health Services	13,055	14,554	1,499

(i) The variance is as a result of higher than expected salary related costs (e.g. Superannuation on-costs and notional pension scheme costs are not included in the estimates).

	3,213	2,613	600
--	-------	-------	-----

(ii) Significant variances between estimate and actual – Capital Contribution:

This variation was due to adjustment in the mid-year review, resulting in a \$600,000 deferment of capital to future periods.

Revenues disclosed as Administered Revenues	6,522	4,221	2,301
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(iii) Significant variances between estimate and actual - Administered revenues:

The main reason for this variance is due to the reintroduction of the renewal fee for Business Names, not being proceeded with.

31. Financial Instruments Disclosures

Interest Rate Risk Exposure

Currently the department has no exposure to interest rate risk or repricing maturities as its operating bank account is a non-interest bearing account and its financial instruments are therefore stated at their net fair values.

Credit Risk Exposure

All financial assets are unsecured

Amounts owing by other government agencies are guaranteed and therefore no credit risk exists in respect of those amounts. In respect of other financial assets the carrying amount represent the department's maximum exposure to credit risk in respect of those amounts.

Department of Consumer and Employment Protection
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2002

32. Remuneration of Senior Officers

Remuneration

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

	2001/02
80,001 – 90,000	2
90,001 – 100,000	6
100,001 – 110,000	5
110,001 – 120,000	0
120,001 – 130,000	1
130,001 – 140,000	0
140,001 – 150,000	1
150,001 – 160,000	1

The total remuneration of senior officers is:	\$1,716

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

33. Trust Accounts **2001/02**
\$ 000's

Consumer Credit Act and Receipts in Suspense Accounts

Consumer Credit Act (WA) - Receipts in Trust Account (I)	39
Departmental Receipts in Suspense (II)	100

	139

(I) To hold funds pending distribution in accordance with the Consumer Credit (WA) Act 1996 (The Act), or court direction.

(II) To hold funds pending identification for the purpose for which those moneys were received pursuant to section 9(2)(c)(iv) of the Financial Administration and Audit Act.

Opening balance (I & II)	139
Receipts:	0
Payments:	0

Closing balance	139

Rental Accommodation Fund

Opening balance 1 July 2001	35,842
Receipts:	27,601
Payments:	(29,723)

Closing Balance	33,720

To hold rental security bonds and the income there from in accordance with clause 3(1) of schedule 1 of the Residential Tenancies Act (the Act).

Safetyline

Opening balance 1 July 2001	49
Receipts during year	14
Payments during year	0

Closing balance at 30 June 2002	63

The trust was created under the State Trading Concerns Act 1916 and and controls income received in respect of the provisions of copyright materials and a relevant trade mark and advertising opportunities or similar arrangements.

Department of Consumer and Employment Protection
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2002

34. Supplementary Financial Information 2001/02
\$ 000's

Write-Offs

During the financial year \$12,943 was written off under the authority of:

The Accountable Officer	13
	13

Losses Through Theft, Defaults And Other Causes

Losses of public property	1
Amount recovered	0
	1

Service Delivery Agreements
DOCEP has a service level agreement with the Commonwealth Government whereby it undertakes to provide its normal service to the Christmas and Cocos Islands.

Opening Balance:	26
Receipts (I)	122
Expenditure	(146)
	2

(I) Receipts and expenditures are exclusive of GST

35. Events Occurring After Reporting Date

The Technical and Safety Division of the Office of Energy joined the department on the 1st July 2002. The financial effect of this event has not been recognised in the statements.

36. Administered Expenses and Revenues

<u>Expenses</u>	
Supplies and services	4,227
	4,227
 <u>Revenues</u>	
Regulatory fees and other charges	4,221
	4,221

Administered Assets and Liabilities

<u>Current Assets</u>	
Cash assets	(11)
Receivables	12
	1
 <u>Current Liabilities</u>	
Payables	11
	11

Department of Consumer and Employment Protection
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2002

Payments of Fees & Fines to the Consolidated Fund

DOCEP is responsible for the collection of certain fees and fines. These are not classified as operating revenue and expenses and are credited to the Consolidated Fund.

Collections made during the year were:

Business Names Registrations	2,881
Other Registration Fees	80
Credit Providers	452
Employment Agents	36
Finance Brokers	58
Land Valuers	155
Motor Vehicle Dealers	396
Travel Agents	163

TOTAL	4,221

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

End of Financial Statements

APPENDICES

Appendix One

Legislation Administered by the Department

The department assists the Minister with the administration of the following Acts of Parliament:

Acts Amendment and Repeal Industrial Relations Act (No 2) (1984) – this Act consolidated, amended and replaced the *Industrial Arbitration Act (date)*, and amended the *Industrial Relations Act (1979)*. This Act has transitional provisions which still apply.

Acts Amendment (Occupational Health, Safety and Welfare) Act (1987)

Associations Incorporation Act (1987) – provides a means by which associations (such as clubs and societies) can become incorporated bodies (limited to securities over crops, livestock and wool).

Auction Sales Act (1973) – provides for the licensing of auctioneers.

Bills of Sale Act (1899) – provides for the creation of personal property securities and originally provided a registration scheme covering most personal property. The *Chattels Securities Act (1987)* has amended the operation of this Act and limited its scope.

Bread Act (1982) – provides for a system of licensing bake-houses and limits trading and baking hours.

Builders' Registration Act (1939) – provides for a system of registration and discipline of builders and for the establishment of the Building Disputes Tribunal.

Business Names Act (1962) – establishes a system of registration of business names.

Charitable Collections Act (1946) – establishes a system for licensing of charitable organisations and inspection of their financial records.

Chattel Securities Act (1987) – provides for a system of creation and registration of personal property securities. At present operation of the Act is limited to registering securities over motor vehicles and recreational boats.

Commercial Tenancy (Retail Shops) Agreements Act (1985) – regulates some aspects of the relationship between commercial landlords and tenants in relation to retail shops and provides for a dispute resolution process.

Companies (Co-operative) Act (1943) – regulates the formation of cooperative Companies and their management.

Competition Policy Reform Act (1996) – applies certain parts of the *Trade Practices Act 1974* of the Commonwealth as the law of Western Australia, to prohibit all persons carrying on business in from engaging in anti-competitive conduct.

Competition Policy (Taxation) Act (1996) – provides the power to collect certain fees imposed by the *Competition Policy Reform Act (date)* as taxes, as required by the *Constitution Acts Amendment Act 1899*.

Conspiracy and Protection of Property Act (1900) – protects persons who combine together to take industrial action, from being liable to be convicted of the crime of conspiracy.

Construction Industry Portable Paid Long Service Leave Act (1985) – provides portable long service leave entitlements to employees in the construction industry.

Consumer Affairs Act (1971) – establishes the Ministry of Fair Trading (originally Consumer Affairs) and the office of Commissioner for Fair Trading. Describes the functions of the Ministry and empowers the Commissioner to undertake those functions and do other things in relation to them.

Consumer Credit (Western Australia) Act (1996) – regulates all forms of consumer credit including home loans and applies to all credit providers including banks, building societies and credit unions. From 1 June 2002 also regulates short term credit providers (pay-day lenders).

Cooperative and Provident Societies Act

Credit Act (1984) – regulates the provision of credit for private purposes in amounts less than \$20,000. Largely superseded by the *Consumer Credit (Western Australia) Act (1966)*.

Credit (Administration) Act (1984) – establishes a licensing system for credit providers who provide credit under the *Credit Act (1984)*.

Debt Collectors Licensing Act (1964) – establishes a licensing and disciplinary system for debt collectors.

Disposal of Uncollected Goods Act (1970) – provides a statutory system to provide for the orderly sale and disposal of uncollected goods and goods the owners of which cannot be traced.

Distress for Rent Abolition Act (1936) – abolished, subject to the operation of the *Property Law Act (date)*, the remedy of distress (seizure of personal property) for arrears of rent.

Door to Door Trading Act (1987) – regulates the conduct of businesses engaged in door to door trading and provides consumer remedies for goods or services purchased in the course of door to door trading.

Employment Agents Act (1976) – establishes a licensing and disciplinary system for employment agents.

Fair Trading Act (1987) – deals with misleading or deceptive conduct and related issues, pyramid sales schemes and related issues, consumer warranties, and provides for creation of codes of conduct for businesses.

Finance Brokers Control Act (1975) – establishes the Finance Brokers Supervisory Board and provides for a system of licensing and disciplining of finance brokers.

Hairdressers Registration Act – establishes the Hairdressers Registration Board and provides for a system of registering and disciplining hairdressers.

Hire Purchase Act (1959) – regulates the provisions of hire purchase finance. Operation of the Act is affected by the *Credit Act 1984*.

Home Building Contracts Act (1991) – regulates contracts between consumers and builders for performing home building work and makes provision for home indemnity insurance.

Industrial Relations Amendment Act (1993) – amended the Industrial Relations Act 1979 to provide for legislative reforms including the introduction of workplace agreements and statutory minimum conditions of employment.

Industrial Relations Amendment Act (1995) – provided further amendments to the *Industrial Relations Act (1979)*.

Industrial Relations Act (1979) – establishes the Western Australian Industrial Relations Commission, and provides a framework for industrial relations and the prevention and resolution of industrial disputes in Western Australia. It also provides for the mutual rights and duties of employers, employees and unions of employers and employees.

Industrial Relations Legislation Amendment and Repeal Act (1995) – amended the *Industrial Relations Act (1979)* to introduce the second wave of legislative reforms and to repeal various redundant and outmoded statutes.

Land Valuers Licensing Act (1978) – establishes Land Valuers Licensing Board and provides for a system of licensing and disciplining of land valuers.

Law Reform (Common Employment) Act (1951) – places vicarious liability on employers for injury to an employee caused by negligence of a fellow employee.

Limited Partnership Act (1909) – regulates the creation of limited partnerships and the rights and obligations of members of limited partnerships.

Long Service Leave Act (1958) – provides a long service leave entitlement for employees whose employment is not subject to an award or other industrial instrument.

Metric Conversion Act (1972) – provides for the use of the metric system of measurement to replace previous references to physical quantities in other legislation.

Minimum Conditions of Employment Act (1993) – provides a safety net of core minimum conditions of employment for employees in Western Australia who are not covered by a federal award or a federal agreement.

Motor Vehicle Dealers Act (1973) – establishes the Motor Vehicle Dealers Licensing Board and provides for a licensing and discipline system for motor vehicle dealers, yard managers and salespersons.

New Tax System Price Exploitation Code (Western Australia) Act (1999) – applies the provisions of the Commonwealth's New Tax System Price Exploitation Code to individuals and partnerships.

New Tax System Price Exploitation Code (Taxing) Act (1999) – supports the introduction of the New Tax System Price Exploitation Code by imposing any necessary fees.

Occupational Safety and Health Act (1984)

Occupational Safety and Health Regulations (1996)

Occupational Safety and Health (Validation) Act (1998)

Painters Registration Act (1961) – establishes the Painters' Registration Board and provides for a system of registration and disciplining of painters.

Petroleum Products Pricing Act (1983) – provides for control of petroleum product prices in circumstances specified in the Act.

Petroleum Retailers Rights and Liabilities Act (1982) – deals with the rights and liabilities of persons in businesses occupying land for the purpose of selling petroleum products.

Public and Bank Holidays Act (1972) – prescribes the public holidays and bank holidays which are to be observed within Western Australia.

Real Estate and Business Agents (1978) – establishes the Real Estate and Business Agents Supervisory Board and provides for a system of licensing and discipline for real estate and business agents.

Residential Tenancies Act (1987) – regulates the formation of residential tenancy agreements and the conduct of the parties bound by those agreements.

Retail Trading Hours Act (1987) – provides for the regulation of trading hours to be observed by businesses operating in Western Australia.

Retirement Villages Act (1992) – regulates the establishment of retirement villages and the rights of residents of retirement villages.

Sale of Goods Act (1895) – to be read in conjunction with the *Fair Trading Act 1987*. Implies into contracts, in circumstances described in the Act, terms and conditions relating to the sale of goods.

Sale of Goods (Vienna Convention) Act (1986) – incorporates into Western Australian law the provisions of the United Nations Convention on Contracts for the international sale of goods.

Settlement Agents Act (1981) – establishes Settlement Agents Supervisory Board and provides for a licensing and disciplinary system for settlement agents.

Shearers' Accommodation Act (1912)

Shearers' Accommodation Act (1912-1944) Regulations

Street Collections (Regulation) Act (1940) – establishes a system for regulating the conduct of street collections.

Sunday Entertainment Act (1979) – regulates the ability of businesses to open on Sundays.

Timber Industry Regulation Act (1926)

Timber Industry Regulations (1969)

Trading Stamp Act (1981) – prohibits the redemption of “third party trading stamps”.

Travel Agents Act (1985) – provides for a system of licensing of travel agents.

Water Services Coordination Act (Part 5 only) (1995) – establishes the Plumbers Licensing Board and provides for a system of registering and disciplining plumbers.

Weights and Measures Act (1915) – provides for uniform standards of weighing and measurement in Western Australia and for the maintenance of standard weights and measures.

Wheat Products (Prices Fixation) Act (1938) – provides for the establishment of the Wheat Products Prices Committee and for the committee to have the power to fix minimum and maximum prices for the sale of wheat and wheat products (not operating).

Workmen's Wages Act (1898) – provides that the wages for those employed in manual labour be paid weekly unless the employee otherwise agrees in writing, and for employees to secure payment of their wages against moneys due to their employer by the prime contractor for work performed by the employees in furtherance of their employer's obligations to undertake work for the prime contractor.

Workplace Agreements Act (1993) – established the Commissioner for Workplace Agreements and workplace agreements as an alternative to awards and industrial agreements. This Act will soon be repealed.

Appendix Two

Changes in Written Law - WorkSafe

Amendments during the year were:

<i>Occupational Safety and Health Amendment Regulations 2002</i>		
Number *	Gazettal Date	Pages
(No. 2)	8 March 2002	961 – 1003
(No. 3)	21 May 2002	2595 – 2596
No number allocated	7 June 2002	2733 – 2736
(No. 4)	7 June 2002	2736 – 2738
(No. 5)	28 June 2002	3121

The Occupational Safety and Health Amendment Regulations (No. 2) (2002) gazetted on 8 March 2002 to take effect from 1 July 2002 included the following substantial and significant amendments:

- Including cable laying in the definition of construction work (reg 3.1) to enhance the protection of workers involved in this activity.
- Changing the measurement of peak noise levels from the existing unweighted (linear) peak sound pressure level to a C-weighted peak sound pressure level (reg 3.45).
- Deleting existing exemption (reg 3.98) for gas welding or gas cutting equipment manufactured before 1 September 1997 to be fitted with flash arresters.
- Expanding the information to be provided following the election of a safety and health representative (reg 2.7 and Form 3).
- In part 4 making a number of amendments including extending the liability for compliance in many regulations to a person having control of the workplace or a person having control of access to the workplace; revising the requirements relating to the operation of industrial lift trucks and tractors; and re-ordering the actions required to deal with damaged plant and the presence of electricity in a more logical and practical order.
- The *Occupational Safety and Health Amendment Regulations* (No 5) (2002) were designed to address an unintended consequence arising from *Occupational Safety and Health Regulations (No 2) 2002* in regard to cranes, hoists and building maintenance units (including elevating work platforms). This would have introduced a requirement that cranes, hoists and building maintenance units have a major inspection every 10 years and every 5 years after. Many owners and operators of elevating work platforms would not have been able to comply with the requirement, both in terms of timeframe and cost involved. As a result of *Amendment Regulations (No 5)*, the requirement for cranes, hoists and building maintenance units to be “operated” in accordance with the relevant standards continues, but they do not have to be “inspected and maintained” in accordance with the relevant standards as was required under *Amendment Regulations (No 2)*.

Appendix Three

Instruments of Declaration, Co-agency Agreements and Memoranda of Understanding

WorkSafe

The Minister for Consumer and Employment Protection enters into Instruments of Declaration with the Minister for State Development under Section 4(2) of the *Occupational Safety and Health Act*, and during 2001-2002 two instruments were current, both permanent. They cover BHP Iron Ore's dry-docking operations at Nelson Point, and part of Griffin Coal Mining Company Limited's operations in Collie.

On 19 March 2002 an Instrument of Declaration was Gazetted providing for any railway or rolling stock operated, managed or controlled by the Pilbara Rail Company Pty Ltd to fall within the ambit of the *Occupational Safety and Health Act 1984*.

Co-agency Agreements in place during 2001-2002 were with:

- Department of Mineral and Petroleum Resources (Explosives and Dangerous Goods Division);
- Office of Energy;
- Coordinator of Water Services'
- Australian Marine Safety Authority; and
- Department for Planning and Infrastructure
 - fatigue management in the omnibus industry
 - marine safety
 - rail safety.

Memoranda of Understanding exist with the Commonwealth Government for the provision of inspection services to Commonwealth Government workplaces and to workplaces on Cocos and Christmas Islands.

Appendix Four

DOCEP Locations

Consumer Protection

Forrest Centre
219 St Georges Terrace
PERTH WA 6000
Telephone: 1300 30 40 54
Facsimile: 9282 0850
Email: online@mft.wa.gov.au

Labour Relations

Dumas House
3rd Floor, 2 Havelock Street
WEST PERTH WA 6005
Telephone: 9222 7700
Facsimile: 9222 7777
Email: labourrelations@docep.wa.gov.au

WorkSafe

Westcentre
5th Floor 1260 Hay Street
WEST PERTH WA 6005
Telephone: 9327 8777
Facsimile: 9321 8973
Email: safety@docep.wa.gov.au

Energy Safety

20 Southport Street
WEST LEEDERVILLE WA 6007
Telephone: 9422 5200
Facsimile: 9422 5244
Email: energysafety@docep.wa.gov.au

Regional Offices

ALBANY

Unit 2/129 Aberdeen Street
PO Box 832
ALBANY WA 6330

Consumer Protection: 9842 8366
Labour Relations: 9842 8279

BUNBURY

8th Floor
61 Victoria Street
PO Box 1065
BUNBURY WA 6231

Consumer Protection: 9791 7134
Labour Relations: 99791 2136
WorkSafe: 9791 7211
Energy Safety: 9791 7211

GERALDTON

Shop 3 Post Office Plaza
50-52 Durlacher Street
PO Box 1477
GERALDTON WA 6530

Consumer Protection: 9964 5644
Labour Relations: 9965 4163

2/8 Chapman Road
PO Box 2126
GERALDTON WA 6531

Energy Safety: 9964 5133

KALGOORLIE

Viskovich House
377 Hannan Street
PO Box 10154
KALGOORLIE WA 6433

Consumer Protection: 9021 5966
Labour Relations: 9021 0811
Energy Safety: 9021 0811

KARRATHA

Unit 9
Karratha Village Shopping Centre
Sharpe Avenue
PO Box 5
KARRATHA WA 6714

Consumer Protection: 99144 1478
Labour Relations: 9185 1911
WorkSafe: 9185 1911
Energy Safety: 9144 2800

Appendix Five

CONSUMER PROTECTION REGULATORY BOARDS AND AFFILIATED COMMITTEES/TRIBUNALS

The Boards in the Consumer and Employment Protection portfolio have a range of functions including licensing of participants in relevant industries, investigating complaints about the conduct of industry participants and taking disciplinary action where appropriate. Below is a brief summary of the functions of each board.

BOARD	REAL ESTATE & BUSINESS AGENTS SUPERVISORY BOARD	SETTLEMENT AGENTS SUPERVISORY BOARD	LAND VALUERS LICENSING BOARD	BUILDERS' REGISTRATION BOARD OF WA	PAINTERS' REGISTRATION BOARD	MOTOR VEHICLE DEALERS LICENSING BOARD	HAIRDRESSERS REGISTRATION BOARD	PLUMBERS LICENSING BOARD
LEGISLATION	<i>Real Estate & Business Agents Act 1978</i>	<i>Settlement Agents Act 1981</i>	<i>Land Valuers Licensing Act 1978</i>	<i>Builders' Registration Act 1939</i>	<i>Painters' Registration Act 1961</i>	<i>Motor Vehicle Dealers Act 1973</i>	<i>Hairdressers Registration Act 1946</i>	<i>Water Services Coordination Amendment Act 1999</i>
PRINCIPAL FUNCTIONS								
Licensing	Licensing of real estate agents and registration of developers and sales representatives	Licensing of settlement agents	Licensing of land valuers	Registration of builders	Registration of painters	Licensing of motor vehicle dealers, car market operators, yard managers & salespersons	Registration of Hairdressers	Licensing of plumbers and tradespersons
Investigation	Yes	Yes	Yes	Yes	Yes	No	Yes	No
Disciplinary action	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Management of funds	Yes	Yes	No	Yes	Yes	No	Yes	Yes
Other				Set workmanship standards	Set workmanship standards Make work orders	Set standards for business premises	Holding examinations	

BOARD	REAL ESTATE & BUSINESS AGENTS SUPERVISORY BOARD	SETTLEMENT AGENTS SUPERVISORY BOARD	LAND VALUERS LICENSING BOARD	BUILDERS' REGISTRATION BOARD OF WA	PAINTERS' REGISTRATION BOARD	MOTOR VEHICLE DEALERS LICENSING BOARD	HAIRDRESSERS REGISTRATION BOARD	PLUMBERS LICENSING BOARD
SOURCE OF FUNDING	Self funded (licence and registration fees and interest on investments)	Self funded (licence and registration fees and interest on investments)	Consumer Protection (Consolidated Fund)	Self funded (Registration fees, building licence levies, complaint application fees)	Self funded (Registration fees)	Consumer Protection (Consolidated Fund)	Self funded (Registration fees)	Self funded (Licence fees)
EMPLOYMENT OF STAFF	Employed by Board	Employed by Board	Employees of Consumer Protection	Employed by Board	Employed by Board	Employees of Consumer Protection	Employed by Board	Employed by Board
NUMBER OF ENTITIES REGULATED (approx)	2850 agents 8000 sales representatives	615 agents	470 valuers	4950 builders	2520 painters	780 Motor Dealers 880 Yard Managers 1800 Salespersons	4400 hairdressers	1800 Lic Plumbers 1200 Tradespersons

CONSUMER PROTECTION COMMITTEES AND BUILDING DISPUTES TRIBUNAL

Below is a brief summary of the functions of each Committee and the Building Disputes Tribunal falls within the Consumer and Employment Protection portfolio:

BOARD / COMMITTEE	BUILDING DISPUTES TRIBUNAL	PRICES ADVISORY COMMITTEE	HOME BUYERS ASSISTANCE ADVISORY COMMITTEE	RETAIL SHOPS ADVISORY COMMITTEE	CONSUMER PRODUCT SAFETY COMMITTEE	CHARITABLE COLLECTIONS ADVISORY COMMITTEE
LEGISLATION	<i>Builders' Registration Act 1939</i>	<i>Petroleum Products Pricing Act 1983</i>	<i>Real Estate and Business Agents Act 1978</i>	Retail Trading Hours Act 1987	Consumer Affairs Act 1971	<i>Charitable Collections Act 1946</i>
PRINCIPAL FUNCTIONS	To hear and settle contractual and workmanship disputes between consumers and builders	To advise the Minister or Commissioner whether or not petroleum products or services should be declared	To consider applications for financial assistance from first home buyers and make recommendations to REBA	To investigate and make recommendations to the Minister relating to the operation and administration of the Act.	Make recommendations to the Commissioner for Fair Trading that prohibit or restrict the supply of goods	To advise the Minister in relation to applications for licences
		To advise the Minister or Commissioner whether or not maximum prices should be fixed in relation to declared petroleum products or services		Make recommendations to the Commissioner of Fair Trading on the issue of permits to remain open or to provide goods or services that are not prescribed.		To conduct inquiries and make recommendations to the Minister in respect of the revocation of licenses
SOURCE OF FUNDING	Builders' Registration Board	Consumer Protection (Consolidated Fund)	Real Estate and Business Agents Supervisory Board (REBA)	Consumer Protection (Consolidated Fund)	Consumer Protection (Consolidated Fund)	Consumer Protection (Consolidated Fund)

Appendix Six

SUMMARY OF CRITERIA (ELEMENTS) USED FOR OUTCOME TWO EFFECTIVENESS MEASURE

Work at Heights

- Practicable control measures have been implemented and maintained to eliminate or reduce risk associated with work at heights.
- There is a safe means of access and egress to work at heights.
- People required to work at heights have been provided with adequate information instruction and training.

Forklifts

- The maintenance record is complete.
- The operator is trained in accordance with NOHSC 1006 (2001) (or training is in progress) and to the competency requirements of NOHSC 7019 (1992).
- The forklift is in good working order.
- A capacity chart is provided.
- An operator's manual is provided.
- The work is organised for the safety of the operator and others.

Electricity

- Electrical installations are maintained to minimise the risk of electric shock or fire.
- Hand-held or portable equipment is protected by RCDs.
- Flexible cords are used in a safe manner.
- Electrical installations are protected from damage that would increase the risk of electrical shock or fire.
- The work is organised for the safety of employees and others at workplaces.

Hazardous Substances

- The register of hazardous substances is complete and readily available.
- Hazardous substances are properly labelled.
- Risk assessment has been completed for all hazardous substances and the assessment is recorded in the register.
- Practicable control measures have been implemented and maintained to reduce the risk associated with use of hazardous substances.
- People required to work with hazardous substances have been provided with adequate information, instruction and training.
- Health surveillance is undertaken where appropriate.

Demolition

- A competent person has prepared a demolition work plan, which is on site with a copy of AS 2601.
- Adequate safety is maintained in areas in the vicinity of the site.
- Services to the site and structure are identified and disconnected or isolated.
- Plant and equipment is operated in a safe manner.
- All persons on site are wearing a safety helmet and other appropriate PPE.
- AS 2601 is complied with during demolition work.
- Work at heights is assessed and controlled as far as practicable to reduce risk.
- Manual work is assessed and controlled as far as practicable to reduce risk.

Manual Handling

- Practicable control measures have been implemented and maintained to eliminate or reduce risk associated with manual handling work activity.
- Everyone involved in organising and implementing manual handling processes; or tasks where manual handling hazards have been identified; have been provided with adequate information, instruction and training.

Young People in Workplaces

- Information, instruction and training has been provided for the following items:
 1. emergency evacuation and other relevant emergency procedures;
 2. hazard reporting and accident reporting procedures;
 3. how to reduce the risk of injury or harm for hazards young workers may be exposed to in the course of their work; and
 4. the use, maintenance and storage of PPE.
- Supervisors ensure that young workers are working in accordance with safety instructions including instructions regarding skylarking, initiation ceremonies and bullying.
- Employers ensure the risk of injury or harm to young visitors is reduced by means appropriate for the workplace and the type of work activity.

Appendix Seven

Department of Consumer and Employment Protection PUBLICATIONS LIST

The Communications Directorate has produced a wide range of publications to meet different information needs of the community and our customers. All publications are available from the Communications Directorate located in the WestCentre and many are available through the DOCEP website.

Corporate Publications

Customer service charter 2002
Future Directions 2002-2005 (strategic plan)
What we do

Consumer Protection

Information for consumers

Consumer Protection - what we do

Consumer complaints

Your rights when shopping

Mini guide to shopping - your rights

Buying a computer

Choosing an internet service provider

Consumer's guide to carpet cleaning (issued jointly with the Master Cleaners' Guild of WA)

Contracts - all you need to know

Paying for goods and services - credit, direct-debit, cheques and EFTPOS

Finance brokers and mortgage investments - a guide for investors

FuelWatch Fuel Facts:

How do world oil prices affect the price of petrol at the pump?

Why is the price of diesel higher than the price of petrol?

What are the major components of the retail price of petrol?

Why aren't all fuel prices in all areas of Western Australia published on the FuelWatch website and telephone service?

Why is the price of Liquefied Petroleum Gas (LPG) so high in Western Australia when it comes from the North-West Shelf?

Why are only Unleaded Petrol (ULP) prices reported on the nightly television FuelWatch reports?

FuelWatch have you called in your new price? (for retailers only)

FuelWatch thanks you

Retail fuel price capping in major regional centres

Payday lending

What happens if court or tribunal orders are not paid

A guide to licensing charitable collections

Associations Incorporation guidelines

Wise choice a consumer guide for seniors

House to house collections and telephone marketing

Little black book of scams

Shop prices and store signs - a guide

Street collections in the Perth metro area

Information for businesses

Retail trading hours

To the business owner - information you need to know

Customer complaints: a guide for businesses

Fair Trading Act - a guide for the fair trader

Customer charters and information disclosures

Damaged goods

Disposal of uncollected goods

Our refund policy (shop signs)

Quoting for repairs

Retail shop leases

Retailer's advertising guide

Shopping bag checks (issued jointly with the Retail Traders' Association of WA)

When customers complain

Building

Building your new home a checklist

Home building: The laws

Home building: Disputes and appeals

Home building: Duty of care and skill

Home building: Hiring someone

Home indemnity insurance

Preparation of plans agreements

Protecting your home against termites

Roof restoration

Motor vehicles

Buying a car

Used vehicle warranty Ð how to waive it

Do I have to fix it? (a publication for dealers only)

Repairs to your motor vehicle

Have I got a deal for you! (an advertising guide for motor vehicle dealers)

Inquiry service for motor vehicle traders

REVS Buying a car or boat

Product safety

Keeping baby safe a guide to nursery furniture

Safe toys for kids

Curtain & blind cords - safety for kids in the home

Furniture - safety for kids in the home

Trampolines - safety for kids in the home

Beware of skimmer boxes

Disposable and cheap refillable lighters

Do you supply cots for trade or commerce?

Product safety responsibilities of manufacturers, importers, distributors & retailers

Property rental

Renting a home in Western Australia the essential guide

The Landlord's Handbook third edition (\$9.95)

Bond administration a guide

Boarders and lodgers a guide to your rights and responsibilities

Real estate and settlement *

Buying a home through an agent

Real estate agents' fees and services

Sale by offer and acceptance

Buying vacant land

Choosing a settlement agent

Property settlement

You and your property manager

Home Buyers' Assistance Fund

Land valuers and property valuation

Real estate auctions

Timber pest inspections

Frank answers to your property buying questions (an introduction to the after-hours real estate hotline)

Retirement villages

So you're thinking of moving into a retirement village?

Retirement villages standard charter

Travel

The travel agent's handbook (a guide for agents)

Labour Relations

Information for employers and employees

Minimum conditions of employment and rates of pay

Small Business Guide - everything you need to know about employing someone

Mature employment in the Western Australian public sector

Creating carer-friendly workplaces

Superannuation choice of fund

Dismissing an employee - an employer's guide

Unfair dismissal - an employee's guide

Employer's guide to handling complaints about wages

Employee's guide to handling complaints about wages

Checklist for new employers

Employment: casual or part time

Long service leave

Employee or sub-contractor

Selling a business

Buying a business

Types of employment

Working in WA

Wageline is on the internet

Information for young people

Apprenticeships and traineeships

Employment arrangements

About trial work and work experience

Types of employment

Wageline postcards

WorkSafe

An extensive range of material which includes all State and National Codes of Practice can be accessed through the safetyline website at www.safetyline.wa.gov.au.

Other publications

Making the workplace safe *

Plant design

Plant in the workplace

Safety and health depends on you

* First copy free, thereafter \$1.10 per copy

These titles are published by the WorkSafe Commission of WA, with administrative support from the Department of Consumer and Employment Protection

General WorkSafe information

Guidelines for working in the vicinity of overhead powerlines

Information for bereaved families

Information about WorkSafe

Improvement and prohibition notices

Managing Common Workplace Hazards

Manual handling for bricklayers and labourers

Manual handling for main contractors

Manual handling for designers and manufacturers

Prosecution policy

Reporting of work injuries and diseases to WorkSafe

SafetyLine magazine (issued quarterly)

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