

DEPARTMENT OF CONSUMER AND  
EMPLOYMENT PROTECTION

Annual Report 2007-08

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# STATEMENT OF COMPLIANCE

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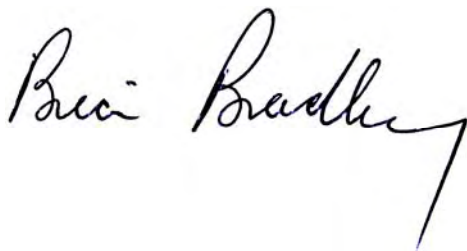


**The Hon Troy Buswell MLA**  
**Minister for Commerce**

In accordance with Section 61(1) of the *Financial Management Act 2006*, I hereby submit for your information and presentation to Parliament the Annual Report of the Department of Consumer and Employment Protection (DOCEP) for the year ended 30 June 2008.

The Annual Report has been prepared in accordance with the provisions of the *Financial Management Act 2006*.

This report also fulfils my obligations pursuant to section 26 of the *Consumer Affairs Act 1971*, section 60(2) of the *Credit (Administration) Act 1984*, section 12A of the *Debt Collectors Licensing Act 1964*, section 33 of the *Electricity Act 1945*, section 10A of the *Employment Agents Act 1976*, Section 10 of the *Explosives and Dangerous Goods Act 1961*, section 13CA of the *Gas Standards Act 1972*, section 12(1) of the *Retirement Villages Act 1992*, section 58 of the *Travel Agents Act 1985* and section 59H(2) of the *Water Services Licensing Act 1995*.



Brian Bradley  
**Accountable Authority**

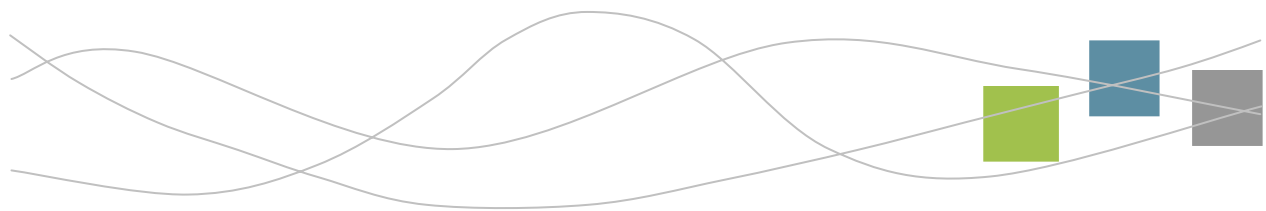
24 September 2008



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## GUIDE TO SECTIONS

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DOCEP's 2007-08 Annual Report presents information on the statutory compliance, financial, non-financial and operational performance. The Annual Report is structured according to five sections in accordance with the requirements of the *Financial Management Act 2006*.

### Overview

This section introduces you to the department with a review of the year including highlighting the broad strategic directions and priorities and noting key issues and achievements. It also details the department's role, services, authority, Ministerial arrangements, organisational structure, legislation administered and the outcome based management structure.

### Agency Performance - Report on Operations

This section reports on the department's performance during the period including a report against our Resource Agreements, report on divisional activities and information on our people.

### Significant Issues and Trends

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

### Disclosures and Legal Compliance

This section contains the audited Financial Statements and Performance Indicator Report for the year ending 30 June 2008. The section also contains details of required disclosures and legal compliance obligations including financial and performance management, accountability, governance and reports required under specific legislation.

### Appendices

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

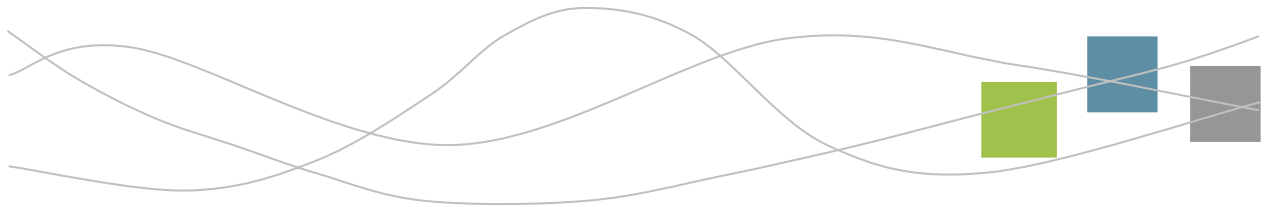
Within these sections, the operations of the department are presented according to the department's services detailed in the outcome based management structure. These services also correspond with the Ministerial portfolios of Consumer Protection and Employment Protection:

#### Consumer Protection

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

#### Safety and Employment Protection

The provision of advice, information, education and regulation services to the Western Australian community in the areas of occupational safety and health; labour relations; resources safety; and energy safety.



# OVERVIEW

This section introduces you to the department with a review of the year including highlighting the broad strategic directions and priorities and noting key issues and achievements.

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

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## YEAR IN REVIEW

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### From the Director General



I am pleased to present the department's Annual Report for the year ending 30 June 2008.

In 2007-08, the department continued to support the Government in enhancing the lives of all members of the community, through creating an employment and trading environment that provides for the growth, safety and protection for all Western Australians.

We perform our role in a complex and dynamic environment that is characterised by continued growth of the Western Australian economy, a national policy agenda which aims to harmonise regulatory legislation across Australia, increasing levels of consumer debt and changing public and industry expectations about DOCEP's role and functions.

Looking back over the year, it has been productive and rewarding with key changes in legislation and a number of successful regulatory and educational programs.

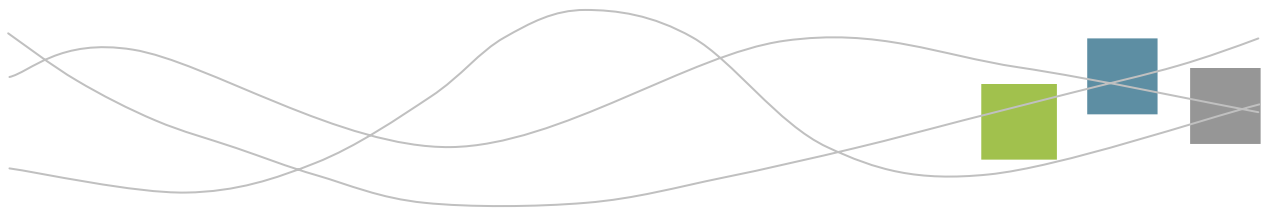
The consumer protection legislation was strengthened this year with the introduction of on-the-spot fines against misleading advertising and discount claims; changes to retirement village laws and residential park laws provided increased protection for residents; and consumers received greater protection against home construction delays and cost increases, following changes to the *Home Building Contracts Act 1991*.

A key role of DOCEP is to ensure compliance by various parties with regulatory and legislative requirements. During the year, the Consumer Protection Division successfully prosecuted a number of traders for various offences including harassment and coercion by a debt collector, misleading statements about price by a rug company and car hire company, unlicensed motor vehicle dealing, pyramid selling, fish substitution and breaches relating to fake leather jacket sales and maths tutoring. The department was also lead agency in coordinating a national *Uniform Consumer Credit Code* compliance program.

In addition, the Consumer Protection Division hosted the fifth National Consumer Congress which brought together a large number of parties, including key decision and policy makers from federal and state governments.

The EnergySafety Division conducted a series of free seminars across Western Australia for electrical industry personnel on major changes, and developed processes to respond to an increased demand for electrical and gas fitting licences as a result of an influx of interstate workers following the economic boom. The division also undertook a high-profile television advertising campaign aimed at reducing the number of electrical and gas related injuries and fatalities.

The Labour Relations Division worked to raise awareness of employers' and employees' rights and responsibilities. The division delivered a range of educational materials to workers and employers throughout the State, and focused its activities on important issues that influence workplace arrangements including pay equity, work-life balance, fathers at work and mature age employment. A specific focus also occurred in the area of vulnerable workers, young people, unfair dismissal, and Australian Workplace Agreements.



Another significant development during the year was the implementation of the *Dangerous Goods Safety Act 2004* and supporting regulations developed by the Resources Safety Division. This follows years of work by the division to reform the dangerous goods safety legislation comprehensively and included improvements to counter-terrorism controls, through tighter management of ammonium nitrate and explosives.

The community impact of injury and disease was the focus of the WorkSafe Division's successful 'Come Home Safe' campaign, which struck an emotional chord in the community with its fundamental principle - we all have the right to come home safe to our families at the end of the working day. Another significant milestone was achieved in August 2007 with the release of the *Code of practice: Occupational safety and health in the Western Australian public sector*. This code is Australia's first for a state public sector.

Preventing work-related injury and disease remained a mandate for the WorkSafe Division. During 2007-08, the division focused occupational safety and health compliance and proactive educational programs on nationally agreed priority industries and state priority areas. These included targeted education and enforcement drives in relation to guarding of machinery in manufacturing, prevention of falls in general construction and manual handling and slips and trips in hospitals.

DOCEP delivers a range of services to support regional growth through ensuring a safe work environment and protecting consumers, traders, workers and employers. The department works closely with key regional stakeholders and government agencies to achieve the best outcomes for all Western Australians.

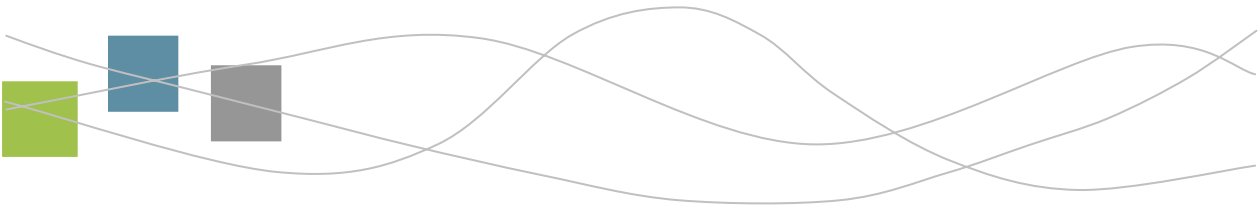
As well as maintaining delivery of key regional services, DOCEP undertook a number of programs over the year including conducting an extensive public consultation to assess the level and nature of problems associated with the practice of 'book-up', an informal credit system used by some retail traders in remote communities; delivering a proactive occupational safety and health compliance program throughout the Kimberley region; and developing a partnership project with selected remote Indigenous communities and registered training organisations, to promote work safety principles and practices using culturally appropriate training materials.

An effective corporate services function is essential to the success of any organisation and during the year DOCEP implemented a business continuity plan to prepare the department in the event of a major disruptive event, disaster or crisis; trialled a health and wellness pilot program; conducted a pay equity audit and implemented a revised performance review and development system.

One of the major challenges facing the department is attracting and retaining skilled, high calibre and motivated people. A number of initiatives were implemented or enhanced during the year including a pool recruitment program for level one and two positions, a mature age employment plan, phased retirement guidelines, and leadership programs.

The department's corporate governance function was strengthened with the development of a Reconciliation Action Plan designed to build, improve and develop positive relationships between Indigenous and non-Indigenous people and the Disability Access and Inclusion Plan 2007-2011 which ensures people with disabilities, their families and carers are able to access the department's range of services, information and facilities fully.

This year, a new look DOCEP internet service was launched which provides a consistent information structure and approach across divisions, enhanced search facility and improved accessibility and navigation.



Finally, congratulations to WorkSafe for receiving a prestigious Premier's Award for its ThinkSafe Small Business Assistance Program. The team behind the highly successful program has worked very hard since its launch in 2005 to develop, enhance and promote the program. As a result, more than 1,000 small businesses in Western Australia have received practical one-to-one advice on occupational safety and health management.

What has been achieved by the department this year is the result of the work of the staff. I thank them for their professionalism and commitment, which has been central to DOCEP's success in 2007-08. In this context, I would like to especially acknowledge the contribution and dedication of two Executive Directors, Patrick Walker and Susan Barrera, who left the department during the year. I wish them both all the best in their future endeavours and thank them for their contribution to the department.

Over the years, DOCEP has proven itself to be an adaptable, flexible organisation able to respond to new developments. The department will face some new and continuing challenges over the next year. As we think about the year ahead, these developments emphasise that enforcement, education and consultation with key partners are essential in strengthening legislation, ensuring regulatory compliance and changing behaviour. The department will also work closely with the Commonwealth and other states to respond to the national harmonisation agenda. We must also adequately invest in our leadership team and employees through development, training, recruitment and retention programs to ensure staff reach their full potential and to provide an ethical and sustainable organisation into the future.

I look forward to another year of achievement and continued improvement.

Brian Bradley  
**Director General**



## Our highlights

This section provides the department's highlights for the 2007-08 financial year.

### Consumer Protection

#### **Fifth National Consumer Congress**

Consumer Protection convened and hosted the fifth National Consumer Congress during March 2008, with international speakers from China, Denmark, the European Union, New Zealand, Singapore, the United Kingdom and the United States of America and 244 local, national and international delegates.



The Congress brought together the key stakeholders in the Australian consumer protection framework, including federal and state government officials, consumer advocacy groups and business representatives, as well as interested members of the public. For the first time, the National Consumer Congress focussed on consumer protection issues in Asia and on sustainable consumption. Continuing benefits for Western Australia and Australia following the Congress have included establishing direct connections with the consumer movements and government organisations in Singapore, China and the European Union.

#### **Successful prosecutions**

Consumer Protection successfully prosecuted a diverse range of misconduct including undue harassment and coercion by a debt collector, misleading statements about price by a rug company and car hire company, unlicensed motor vehicle dealing, pyramid selling, fish substitution and breaches of the *Door to Door Trading Act 1987* relating to fake leather jacket sales and maths tutoring.

#### **Review of the *Residential Tenancies Act 1987***

Consumer Protection finalised the review of the *Residential Tenancies Act 1987*.

#### **Co-operatives Bill**

The Co-operatives Bill 2007, which will completely modernise the law relating to co-operative companies in Western Australia, was introduced into Parliament in November 2007 and progressed to the Legislative Council in 2008, where its enactment was endorsed by the Uniform Legislation and Statutes Review Committee.

#### **Proactive and routine inspections**

Consumer Protection conducted 10,141 routine and proactive inspections to assess the extent to which traders comply with consumer protection legislation. This year, 93 per cent of traders inspected were found to comply with the regulatory requirements across a representative sample of Consumer Protection's legislative jurisdiction.



## **Residential parks legislation**

The *Residential Parks (Long-Stay Tenants) Act 2006* commenced operation in August 2007, providing for the first time, specific protections for long term residents of residential parks and caravan parks. Consumer Protection has been closely monitoring the impact of the new legislation in the marketplace.

## **Motor vehicle repairers**

Stage one of the implementation of the new regulatory regime for motor vehicle repairers in Western Australia, focussing on the obligations of tradespeople, was commenced, supported by state-wide industry information seminars. Supporting regulations for the implementation, focussing on business owners, were developed.

## **Information for seniors**

Consumer Protection continued to address the needs of senior consumers as a priority. In conjunction with the Council on the Ageing, Consumer Protection developed *Smart choice: A consumer guide for Western Australians 50 +*, and a new information pack on reverse mortgages which was promoted through a series of community seminars.

## **Consumer protection for tourists**

In recognition of the importance of tourism to the Western Australian economy, Consumer Protection applied a new focus to consumer protection issues for tourists, publishing and widely distributing a *Tourists' Guide to Consumer Protection* in five languages and participating as one of only four state consumer agencies on the new national Tourist Consumer Protection Working Group.

## **Consumer Credit Code compliance**

Consumer Protection initiated and led a national project which audited compliance with the Consumer Credit Code by bank and non-bank lenders when issuing standard and lo-doc home loans.

## **FuelWatch**



As petrol prices increased over the year, more consumers utilised the FuelWatch service to search for lower prices. The number of annual visitors to the FuelWatch internet site increased by 28 per cent to 2,571,721 and the number of email subscribers also increased by 20 per cent to 38,564.

## **'Book-up' practices**

Consumer Protection undertook extensive public consultation to assess the level and nature of problems associated with the practice of 'book-up', an informal credit system used by some retail traders in remote communities.



## Safety and Employment Protection

### Electrical industry seminars

EnergySafety conducted a series of free seminars for electrical industry personnel across Western Australia, including many regional centres, to explain major changes to enforcement powers, changes to the Electricity (Licensing) Regulations 1991, the new edition of the Wiring Rules and the new edition of the WA Electrical Requirements. The new code for safe work practices for electricians was also covered.

### Safety awareness campaign

EnergySafety conducted a safety awareness campaign aimed at reducing the number of electrical and gas fatalities. The campaign included television and radio advertisements.



### Industrial relations bills

Three industrial relations Bills were developed to provide greater legislative protection for employees adversely affected by Work Choices. The legislation aims to strengthen employment protection for vulnerable workers including children and injured workers.

### Successful prosecutions

Labour Relations successfully prosecuted a range of breaches of employment related legislation including the illegal employment of children and failure to pay state award and long service leave entitlements.

### *Dangerous Goods Safety Act 2004*



Regulations covering explosives, dangerous goods transport, storage and handling, major hazard facilities, ports and security risk substances were gazetted on 31 December 2007, with proclamation in March 2008. Codes of practice covering fireworks, dangerous goods storage and handling, ammonium nitrate storage and underground storage tanks were introduced. The new *Dangerous Goods Safety Act 2004* stimulates higher levels of public and occupational safety and environmental protection by allowing industry to utilise a risk management approach and the flexibility of performance-based legislation.

### Counter-terrorism measures for explosives and security risk substances implemented

The new regulations for explosives and security risk substances, effective from 1 March 2008, introduced requirements for dangerous goods security cards and security management systems as counter-terrorism measures. Tighter security controls, including background checks for individual licence holders and all persons with unsupervised access to explosives and ammonium nitrate will be phased in over a period of 12 months.



## **WorkSafe compliance activities**

WorkSafe focused occupational safety and health compliance and proactive educational programs on nationally agreed priority industries and state priority areas. In implementing the priority approach, WorkSafe completed 9,975 general investigations, 12,237 priority inspection reports, issued more than 9,500 improvement notices and over 600 prohibition notices. During the year, there were 23 successful prosecutions.

## **National intervention campaigns**

As part of a national intervention approach, WorkSafe participated in targeted occupational safety and health education and enforcement drives in relation to guarding of machinery in manufacturing, prevention of falls in general construction and manual handling and slips and trips in hospitals.

## **Public sector occupational safety, health and injury management**

During the year, DOCEP developed Australia's first *Code of practice: Occupational safety and health in the Western Australian public sector*. The code of practice was successfully launched in August 2007 together with a Premier's Circular outlining new occupational safety, health and injury management annual reporting requirements for public sector agencies. Also coinciding with the completion of the code of practice was the launch of an internet site called: Safety, health and injury management for the Western Australian public sector ([www.publicsectorsafety.wa.gov.au](http://www.publicsectorsafety.wa.gov.au)). The internet site provides an information gateway to encourage the development of a culture within the Western Australian public sector that supports workplaces free of work-related injuries and diseases.

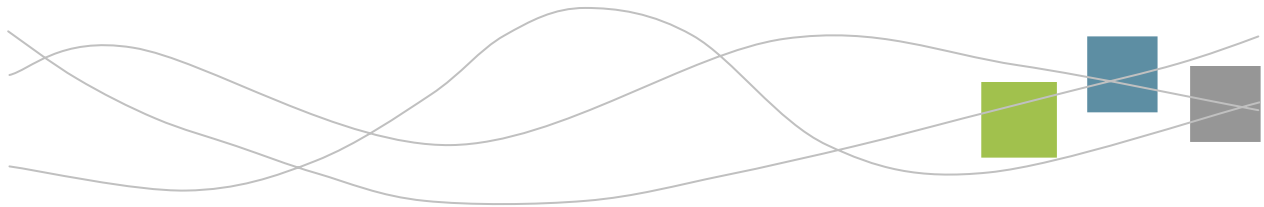


(L-R) Brian Bradley, Director General and Tony Cooke, Chair, Commission for Occupational Safety and Health

## **Corporate**

### **Pool recruitment strategy**

In May 2007, DOCEP conducted its clerical pool recruitment day. The aim of this initiative is to establish a pool of suitable candidates who would subsequently be engaged for permanent or temporary full time, part time and casual vacancies within DOCEP. This strategy has continued to prove successful in reducing time delays in screening suitable candidates, as well as gaining a large pool of people who are readily available for work. In the current economic climate, where people resources are scarce, DOCEP has managed to attract on average over 150 people at each of the recruitment days.



## Integrated document management system

Objective, the department's electronic and document records management system, continued to be rolled out to business units. It provides a centralised system for the management of information (regardless of medium) is captured and retained according to legislative requirements.

## Disability Access and Inclusion Plan

DOCEP finalised its Disability Access and Inclusion Plan 2007-2011, following public consultation in 2006-07. The department is committed to improving access and equity for all its customer groups and ensuring that people who have a disability are included, and participate in, shaping the range of services and initiatives of DOCEP. The plan, which complies with the requirements of the *Disability Services Act 1993*, provides a framework for progressing better access to buildings, services and information and increased opportunities to participate in consultative forums. The plan is available on the department's internet site.

## Reconciliation Action Plan

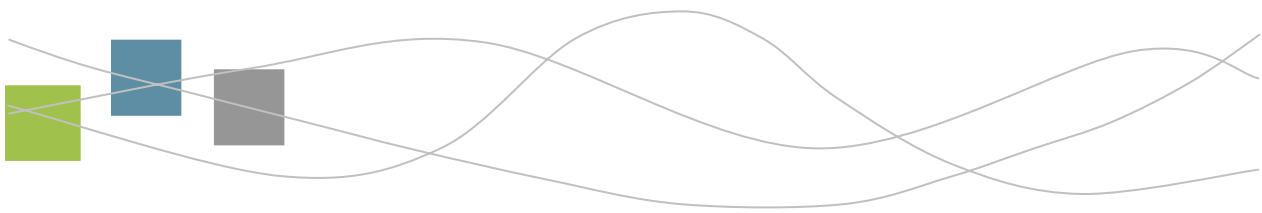
DOCEP strives to build positive and valuable relationships and networks with Indigenous and non-Indigenous people, through strategies based on respect, understanding and recognition. DOCEP developed and the Corporate Executive endorsed in March 2008, a Reconciliation Action Plan for 2008-09 in response to an initiative by the Department of Indigenous Affairs. The plan provides a framework for DOCEP to build, develop and improve relationships between Indigenous and non-Indigenous people. The plan has been submitted to Reconciliation Australia for approval. Once approved, the department is committed to implementing the strategies over the next 12 months.

## New DOCEP website

DOCEP's new look internet service was launched in February 2008. The new internet site provides a consistent information structure and approach across divisions, enhanced search facility and improved accessibility and navigation.



More information on the department's major achievements for 2007-08 can be found in the Report on Operations section of this report.

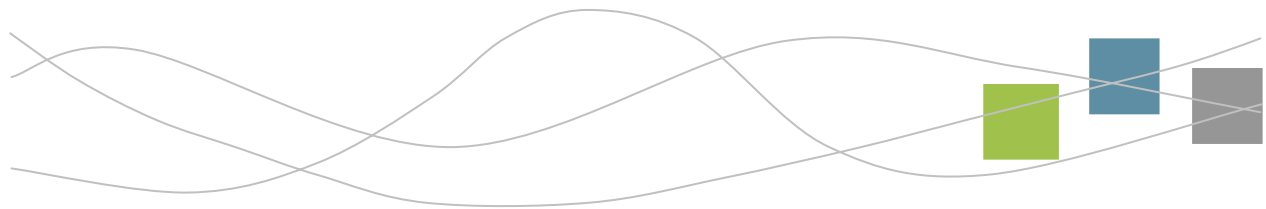


## Our outlook

This section provides the department's outlook for the 2008-09 financial year.

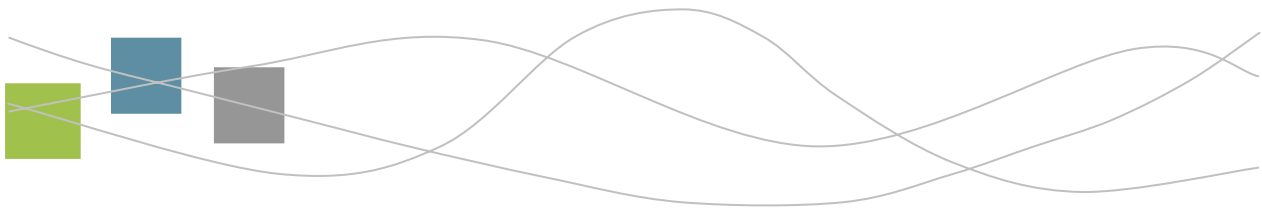
### Consumer Protection

- Introduce into Parliament new legislation for incorporated associations, retirement villages, commercial tenancies, residential tenancies and public collections.
- Harmonise Commonwealth, state and territory product safety legislation as well as product safety bans and mandatory standards.
- Prepare for, and contribute to, the transfer of trade measurement regulation to the Commonwealth Government, to be administered by the National Measurement Institute.
- Transfer and commence the administration of 'As Constructed Property Drainage Installation Diagrams' from water service providers and Local Government authorities to the Plumbers Licensing Board.
- Assess the need for a mandatory code of conduct for 'book-up' based on community consultation undertaken. As required, develop regulations to implement the code of conduct.
- Further develop the educational material, licence forms, financial returns and software enhancements needed to implement the cooperatives legislation and public collections legislation.
- Streamline the registration of business names and Australian Business Numbers as part of a Council of Australian Governments (COAG) initiative.
- Extend the compulsory professional development program of the Real Estate and Business Agents Supervisory Board by requiring that real estate sales representatives participate in the scheme from January 2009.
- Implement new proactive compliance and education programs to accompany the commencement of the prepaid funeral funds code of practice.
- Undertake a program to audit *Uniform Consumer Credit Code* compliance by lenders when providing credit card products.
- Establish a liaison program with established migrant and refugee service providers to improve awareness of consumer protection services, and identify consumer protection issues, among newly arrived migrants and refugees.
- Respond to the findings of the Productivity Commission's Review of Australia's Consumer Policy Framework by harmonising the *Fair Trading Act 1987* and the *Trade Practices Act 1974* and commencing the transfer of credit regulation to the Commonwealth.



## Safety and Employment Protection

- Implement the amended Electricity (Licensing) Regulations 1991 which cover electrical licensing and consumer electrical installations standards.
- Implement a scheme, developed by EnergySafety, whereby homeowners may have their electrical installations inspected for safety on a fee-for-service basis, using electrical contractors. A similar service for gas consumers is planned for the following year.
- Develop the first stage of the implementation framework for the new regulatory regime covering the safety of electrical appliances and equipment.
- Implement regulations that make it compulsory for residual current devices to be installed in a dwelling (house or unit) prior to the sale of the premises and in the case of leased premises, within two years.
- Develop legislative amendments to replace the simplistic provisions of section 54 of the *Energy Operators (Powers) Act 1979* (which deals with the control of vegetation near power lines) with a new regulatory regime under the *Electricity Act 1945*.
- Work with the Commonwealth Government and other states to develop the structure, content and administrative arrangements for the planned national industrial relations system.
- Raise awareness of reforms to the State industrial relations system designed to protect the interests of vulnerable workers.
- Implement and monitor, in conjunction with other agencies, the Government's Fair Pay and Conditions Policy to ensure that employees of cleaning contractors and security firms working for the Government receive fair pay and working conditions.
- Work with public and private sector organisations to implement work-life balance, pay equity audits and mature age employment strategies to create more flexible, productive and fairer workplaces.
- Strengthen services to assist low paid, vulnerable workers and small businesses and raise awareness of fair employment practices.
- Launch 'Your First Job', an online learning resource to provide students with a comprehensive overview of the employment relationship.
- Implement initiatives to better coordinate labour relations compliance and advisory services delivered by the State and Commonwealth Governments.
- Develop and implement strategies for the standardisation and simplification of public sector employment conditions and the rationalisation of public sector employment instruments to support the shared services environment.



- Implement licensing elements of the compliance management program.
- Implement the new dangerous goods regulations, including completion of supporting guidelines and other information materials, and the development of assessment and approval procedures.
- Finalise for Government approval, and commence implementation of, a strategy for the future management of explosives reserves in Western Australia.
- Develop an industry-wide action plan targeted at reducing occupational exposures to diesel particulates.
- Develop and refine proposals for legislative regime changes to implement 'safety case' regulation in the mining industry.
- Regulate a number of new major hazard facilities due to the re-classification of some existing facilities (currently not classified as major hazard facilities). These will include a number of existing and new mine sites.
- Participate in national compliance programs developed under the national occupational safety and health strategy including programs focussing on manual tasks and being hit by moving vehicles such as forklifts in the retail and wholesale trade supply chain; new and young workers in hospitality or service industries; and violence in health care.
- Contribute to the development of a harmonised system of occupational health and safety in Australia including finalisation of a national model Act and supporting regulations.
- Enhance the provision of occupational safety and health advice to small businesses in high risk industries by utilising additional modes of service delivery.
- Develop a code of practice on the safe guarding of machinery and plant to provide practical guidance on controlling risks to assist employers to meet their obligations.
- Review the WorkSafe Plan which promotes the management practices needed to establish and maintain safe workplaces.
- Ensure workplaces are informed about new regulations for asbestos licensing and improve awareness of safe asbestos removal methods.
- Develop legislative amendments to facilitate occupational safety and health information sharing with other government agencies to improve community outcomes and better coordinate services between agencies.



## ABOUT THE DEPARTMENT

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### Enabling legislation

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

### Responsible Ministers

In 2007-08, for the administration of consumer protection legislation, DOCEP was responsible to the Hon Sheila McHale MLA, Minister for Disability Services; Tourism; Culture and the Arts; Consumer Protection.

In 2007-08, for the administration of labour relations, occupational safety and health, energy safety and resources safety legislation, DOCEP was responsible to the Hon Jon Ford JP MLC, Minister for Employment Protection; Regional Development; Fisheries; the Kimberley, Pilbara and Gascoyne.

### About us

DOCEP maintains a vital role in creating a safe, fair and prosperous Western Australian community. The department works to increase the capacity of the community to facilitate economic growth, ensure a safe work environment and protect consumers, traders, workers and employers.

The department was created to support the Minister for Consumer Protection and the Minister for Employment Protection in administering the consumer protection and employment protection legislation.

The department employs more than 900 employees to deliver its services to the community of Western Australia across seven divisions:

- Consumer Protection;
- Energy Safety;
- Labour Relations;
- Resources Safety;
- WorkSafe;
- Corporate Services; and
- Office of the Director General.

The department's corporate culture is focused on providing high quality services to customers and stakeholders through standards, policies, practices and procedures. To achieve this, we seek industry funding where necessary to supplement our resource base, and integrate corporate functions, systems and services.



## Our vision, mission and values

### Vision

A fair, safe and prosperous community.

### Mission

To create an employment and trading environment that provides for the growth, safety and protection of the community by:

- enhancing capacity;
- ensuring an effective regulatory environment; and
- enforcing the law.

### Values

#### Justice

We are fair, honest, open and equitable in word and action with everyone. We act with integrity and do not misuse our authority and position.

#### Value our people and their contribution

We recognise success. We also respect individuality and diversity, both inside and outside the organisation. We empower, support and develop our people.

#### Making a difference

Each and every staff member contributes to the success of our organisation in delivering a safer and fairer community. We continually strive to improve our services and our stakeholder relationships. We understand our customer needs, we are responsive and we work together.

#### Professionalism

We are individually accountable for our actions and ethical behaviour and for the success of our organisation. We use and manage resources in an efficient and responsible manner, and integrity is never compromised.





## Our direction, services and structure

### Our strategic direction

Creating a trading and employment environment that protects consumers and workers is the key objective of DOCEP. The department operates within a challenging environment, with changes to trading and work environments placing greater demands on consumers and workers than ever before through a range of impacting issues. The department's strategic direction is outlined in the department's corporate plan, *Future Directions 2005-2008*. The plan contains five directions:

- Direction 1: Influencing and shaping our community's environment.
- Direction 2: Enhancing the capability of the community.
- Direction 3: Enhancing the regulatory environment.
- Direction 4: Enforcing the law.
- Direction 5: Strengthening DOCEP as an organisation.

DOCEP's strategic directions are agreed collectively through the Corporate Executive and each division develops a business plan within the broad parameters of the strategic directions.

In July 2007, the department's Corporate Executive reviewed the continued relevance of the corporate plan, *Future Directions 2005-2008* to ensure that effort was aligned towards the achievement of the corporate directions. This process identified priority strategies and key initiatives which were implemented during 2007-08.



Electrical industry seminar held by the Energy Safety Division



Corporate Services Division at the National Careers and Employment Expo



## Our services

DOCEP delivers its services through divisions that focus on particular areas of the department's responsibilities. An outline of the key functions of DOCEP's divisions is detailed below:

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

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

- Labour Relations**
- provides policy and legislative advice to government;
  - provides information and education services to employees and employers on their employment rights and obligations;
  - investigates complaints from employees about breaches of awards, agreements and industrial laws;
  - provides labour relations services to and on behalf of Government and public sector employers; and
  - coordinates public sector labour relations.

- Resources Safety**
- administers occupational safety and health legislation and provides policy and legislative advice to government;
  - promotes community safety through dangerous goods safety regulation;
  - provides education and information to employers and employees to assist in preventing work-related injury and disease and improving work safety and health performance;
  - provides technical, risk management, policy and legislative advice to other government agencies; and
  - contributes to technical and legislative committees and standard-setting organisations, both state and national.



## WorkSafe

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

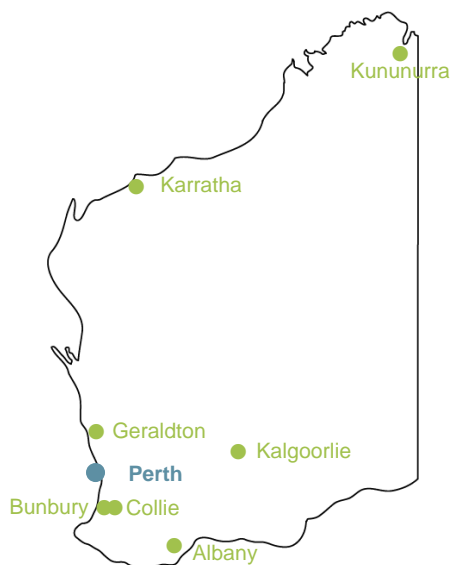
## Corporate Services

- provides financial and administration services;
- provides information technology support services;
- provides human resource management; and
- provides corporate information services.

## Office of the Director General

- provides a strategic focus to assist the Director General and the Corporate Executive to lead the department;
- develops and coordinates strategic policy;
- provides corporate development services (including policy development, performance evaluation and corporate reporting);
- provides education and communication services (including media relations services, campaign and promotion services and print and online information);
- provides internal audit services;
- coordinates regional services; and
- coordinates ministerial services for the department.

## Regional Services

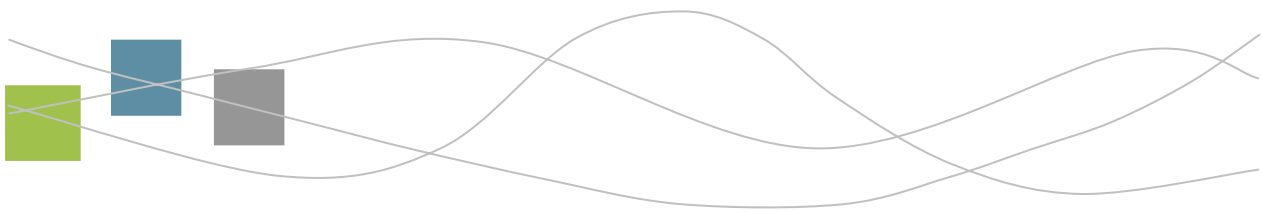


DOCEP offices located in Albany, Bunbury, Collie, Geraldton, Kalgoorlie, Karratha and Kununurra provide a range of services to regional Western Australia. Regional office services during the year were supplemented in remote areas by fly-in and fly-out arrangements to ensure continuity of service delivery.

During the last year, the Bunbury office was expanded with improvements made to facilities and the co-location of all Kalgoorlie regional staff in one new premise was approved. As a result of an internal regional review to ensure management and administration systems effectively delivered the best service to regional customers, each divisional Executive Director undertook a strategic coordination and advocacy role for a regional office. In addition, regional conferences were held to network regional employees and provide learning and development opportunities.

**Figure 1: DOCEP's regional services**

The department continued to ensure the availability of information to regional areas through improvements to the department's internet site. DOCEP has a Service Delivery Arrangement with the Commonwealth Department of Transport and Regional Services and the Department of the Premier and Cabinet which identifies the service provision by DOCEP to the region.



## Our stakeholders

DOCEP provides a service to a wide range of stakeholders, predominantly in Western Australia, including:

- the community;
- employees;
- employers;
- consumers;
- traders;
- business entities;
- public sector organisations;
- employee and employer organisations;
- Commonwealth and state government agencies;
- academic institutions;
- a number of statutory boards, committees, commissions and tribunals;
- DOCEP employees;
- the Minister for Consumer Protection; and
- the Minister for Employment Protection.

## Our organisation

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

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

The department's organisational structure is presented in Figure 2.

## Our organisational structure

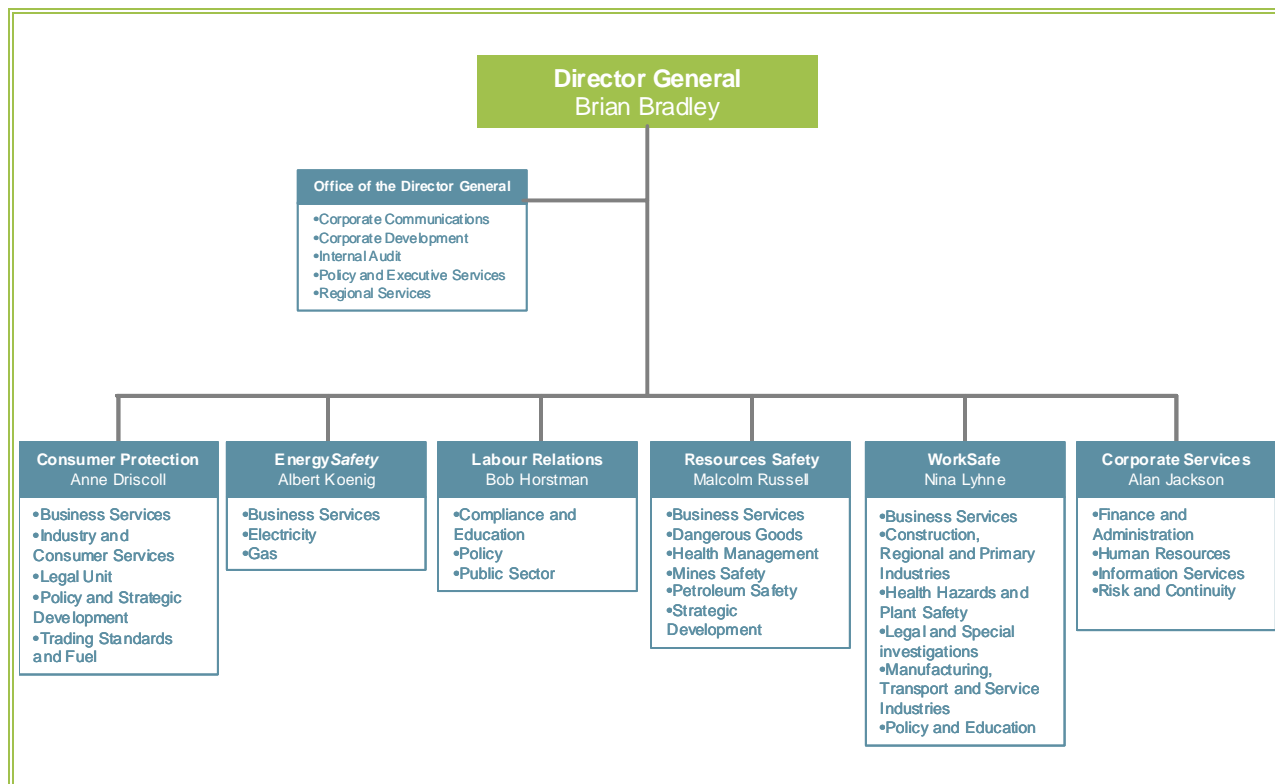


Figure 2: Organisational structure as at 30 June 2008

## Our Corporate Executive team



### Brian Bradley PSM

*Director General*

Brian Bradley has over 40 years experience in the Western Australian public sector. He has been involved principally in safety and health since 1983. Brian worked for WorkSafe for over 20 years and was appointed as Commissioner of WorkSafe Western Australia in October 1998. In 2002, Brian was appointed Director General of DOCEP after acting in the position since June 2001.

He is a member of the Australian Safety Compensation Council, formerly known as National Occupational Health and Safety Commission. He is also the deputy chair of the Western Australian Commission for Occupational Safety and Health and a member of the WorkCover Western Australia Authority. Brian was awarded the Public Service Medal in 2003 for his contribution to safety and health in Western Australia.



**Anne Driscoll**

*Acting Executive Director, Consumer Protection  
Acting Commissioner for Consumer Protection and Prices Commissioner*

Anne Driscoll was appointed as Acting Executive Director for the Consumer Protection Division in April 2008. Since graduating from the University of Western Australia with a Bachelor of Arts majoring in Psychology and Commerce, Anne Driscoll has gained experience in numerous public sector roles. She worked in the employment and training sector for the Commonwealth Government for more than 20 years

involved in both direct service delivery and major funding grants.

In 1999, Anne joined the Consumer Protection executive management team at the DOCEP as the Director of Business Services. Her permanent position oversees responsibility for more than 150 employees who perform a diversity of functions from the licensing and regulation of finance brokers, debt collectors, credit providers, charities and real estate and settlement agents, to the registration of business names and the provision of consumer protection services to regional Western Australia.



**Albert Koenig**

*Executive Director, Energy Safety  
Director of Energy Safety*

Albert Koenig also holds the statutory position of Director of Energy Safety, which is responsible for all electricity and most gas related technical and safety regulation in the State. Albert is a professional engineer with wide experience in energy industry regulation.

He was instrumental in the planning and establishment of his organisation as an independent regulatory unit from January 1995, when the State Energy Commission of Western Australia ceased as part of the restructuring of the energy industry. Prior to this, he worked in the utility industry, consulting engineering, heavy industry and in the former Public Works Department of Western Australia. He is a member of various national and state-level boards and committees dealing with energy industry technical standardisation and also critical infrastructure security and resilience.



**Robert (Bob) Horstman**

*Acting Executive Director, Labour Relations*

Bob Horstman was appointed as Acting Executive Director for the Labour Relations Division in April 2008. He has worked in all three directorates of the division in a variety of roles for 19 years with his substantive position being Policy Director.

From 2001 to 2006, Bob was seconded from the department as the Principal Labour Relations Policy Advisor to the Minister for Employment Protection responsible for providing advice on industrial relations, occupational health and safety and workers' compensation issues. He has taught and researched in the fields of both industrial relations and human resources management in various tertiary education institutions in Australia and the United Kingdom. Bob also has 10 years experience in various industrial relations roles within private sector organisations in the United Kingdom.



### **Malcolm Russell**

*Executive Director, Resources Safety*

Malcolm Russell was Director of the Safety, Health and Environment Division within the Department of Industry and Resources when this division was transferred to DOCEP in July 2005. Previously, he was the Director, Marine Safety for Western Australia.

He has an engineering background with extensive senior management experience in both the private and public sectors, having worked on maintenance of nuclear submarines before joining Lloyds Register in London, specialising in safety compliance. During his period as Chief Executive Officer of the Marine Board of Victoria, he was appointed the inaugural Chair of the National Marine Safety Committee. Malcolm is a member of the Commission for Occupational Safety and Health, and appointed as Chief Dangerous Goods Officer under *the Dangerous Goods Safety Act 2004*.



### **Nina Lyhne**

*Executive Director, WorkSafe*

*Commissioner of WorkSafe Western Australia*

Nina Lyhne is the WorkSafe Western Australia Commissioner and is a member of Western Australia's Commission for Occupational Safety and Health. She also chairs a number of the Commission's advisory groups. Nina is a member of the National Australian Safety and Compensation Council's Health and Safety Committee and is involved in a number of national committees and forums.

Nina Lyhne was appointed to her current position in April 2004. Prior to this, she was Acting Executive Director, WorkSafe. Previously, Nina was the Executive Director of DOCEP's Strategy Division, a member of the WorkSafe Western Australia Corporate Executive, and Executive Director of the Office of Road Safety (1998 to 2000).

Nina has extensive experience from having worked in five state government agencies in sectors ranging from commerce and trade, to community development and occupational safety and health. She has been a member of the Corporate Executive in the last three agencies in which she has worked.



### **Alan Jackson**

*Executive Director, Corporate Services*

Alan Jackson commenced in his current position at DOCEP in October 2004. Prior to this, he had extensive senior management experience in the public, private and tertiary education sectors. Alan's roles have included nine years as a management and organisational development consultant to large public and private sector organisations throughout Australia. Prior to joining DOCEP, he had four years as the

Director, Corporate Services at the Department of Treasury and Finance.

Alan is an Associate Fellow of the Australian Institute of Management and is a Certified Professional member of the Australian Human Resource Institute. He holds a Masters degree in Commerce majoring in Human Resources from Curtin University and was a part-time lecturer for two prominent Western Australian universities over a number of years.



## Our people

DOCEP is supported by a wealth of employees from diverse backgrounds, contributing to a broad range of functions established to serve the Western Australian community.

The department's employees are fundamentally governed by the *Public Sector Management Act 1994* and remunerated under the terms and conditions contained in the Public Service General Agreement 2006. Our employees' contributions to the department are valued through frequent acknowledgement of their successes and the challenges they face in their professional arena.



Anton Gangemi, Registrations Project Officer, Consumer Protection Division

Further information on our employees is provided in the Agency Performance – Report on Operations section of this report.

## Awards

DOCEP was proud this year to win the Premier's Award for the Better Services for large and small organisations category. The ThinkSafe Small Business Assistance Program delivered by WorkSafe, was judged the best service from 20 competitive entrants.

WorkSafe has worked very hard since its launch in 2005 to develop, enhance and promote the program. As a result, more than 1,000 small businesses in Western Australia have received practical one-to-one advice on occupational safety and health management.

The program's success is also a result of collaborative partnerships with industry associations and two key stakeholders, WorkCover WA and the Small Business Development Corporation.



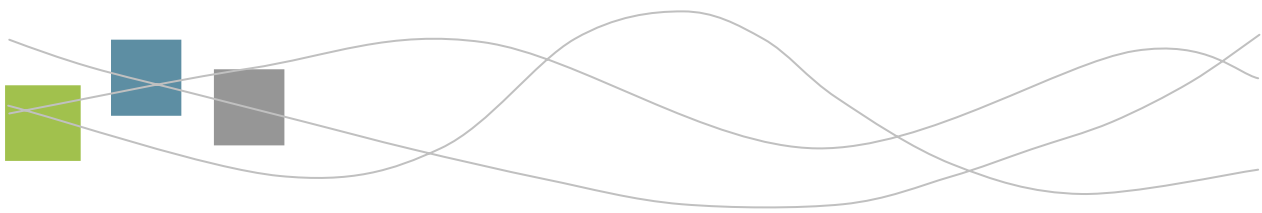
(L-R) Margaret Allen, A/Director Business Services, Energy Safety Division; Brian Bradley, Director General; Gemma Brown, ThinkSafe Small Business Manager, WorkSafe Division; and Gail McGowan, Director Policy and Education, WorkSafe Division.



## Legislation administered

DOCEP administered a total of 81 Acts of Parliament during 2007-08, as shown below. Reviews of legislation, regulations and codes of practice ensures the changing needs and expectations of the community are met, and that the regulatory framework is relevant to the needs of the community. A full description of the scope and intent of these Acts is contained on DOCEP's internet site at [www.docep.wa.gov.au](http://www.docep.wa.gov.au).

<i>Associations Incorporation Act 1987</i>	<i>Distress for Rent Abolition Act 1936</i>	<i>New Tax System Price Exploitation Code (Taxing) Act 1999</i>
<i>Auction Sales Act 1973</i>	<i>Door to Door Trading Act 1987</i>	<i>New Tax System Price Exploitation Code (Western Australia) Act 1999</i>
<i>Bills of Sale Act 1899</i>	<i>Electricity Act 1945</i>	<i>Occupational Safety and Health Act 1984</i>
<i>Builders' Registration Act 1939</i>	<i>Employment Agents Act 1976</i>	<i>Painters' Registration Act 1961</i>
<i>Business Names Act 1962</i>	<i>Employment Dispute Resolution Act 2008</i>	<i>Petroleum Products Pricing Act 1983</i>
<i>Charitable Collections Act 1946</i>	<i>Energy Coordination Act 1994</i>	<i>Petroleum Retailers Rights and Liabilities Act 1982</i>
<i>Chattel Securities Act 1987</i>	<i>Energy Safety Act 2006</i>	<i>Public and Bank Holidays Act 1972</i>
<i>Churches of Christ, Scientist, Incorporation Act 1961</i>	<i>Energy Safety Levy Act 2006</i>	<i>Real Estate and Business Agents Act 1978</i>
<i>City Club Act 1965</i>	<i>Explosives and Dangerous Goods Act 1961 (repealed as of 1 March 2008)</i>	<i>Residential Parks (Long-Stay Tenants) Act 2006</i>
<i>Coal Industry Tribunal of Western Australia Act 1992</i>	<i>Fair Trading Act 1987</i>	<i>Residential Tenancies Act 1987</i>
<i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i>	<i>Finance Brokers Control Act 1975</i>	<i>Retail Trading Hours Act 1987</i>
<i>Companies (Co-operative) Act 1943</i>	<i>Fremantle Buffalo Club (Incorporated) Act 1964</i>	<i>Retirement Villages Act 1992</i>
<i>Competition Policy Reform (Taxing) Act 1996</i>	<i>Gas Standards Act 1972</i>	<i>Sale of Goods Act 1895</i>
<i>Competition Policy Reform (Western Australia) Act 1996</i>	<i>Growers Charge Act 1940</i>	<i>Sale of Goods (Vienna Convention) Act 1986</i>
<i>Construction Industry Portable Paid Long Service Leave Act 1985</i>	<i>Hairdressers Registration Act 1946</i>	<i>Settlement Agents Act 1981</i>
<i>Conspiracy and Protection of Property Act 1900</i>	<i>Hire Purchase Act 1959</i>	<i>Street Collections (Regulation) Act 1940</i>
<i>Consumer Affairs Act 1971</i>	<i>Home Building Contracts Act 1991</i>	<i>Sunday Entertainments Act 1979</i>
<i>Consumer Credit (Western Australia) Act 1996</i>	<i>Industrial Relations Act 1979</i>	<i>Trade Measurement Act 2006</i>
<i>Cooperative and Provident Societies Act 1903</i>	<i>Labour Relations Reform Act 2002</i>	<i>Trade Measurement Administration Act 2006</i>
<i>Credit (Administration) Act 1984</i>	<i>Labour Relations Legislation Amendment Act 2006</i>	<i>Trading Stamp Act 1981</i>
<i>Credit Act 1984</i>	<i>Land Valuers Licensing Act 1978</i>	<i>Travel Agents Act 1985</i>
<i>Dangerous Goods Safety Act 2004</i>	<i>Law Reform (Common Employment) Act 1951</i>	<i>Water Services Licensing Act 1995 (Part 5A)</i>
<i>Dangerous Goods (Transport) Act 1998 (repealed as of 1 March 2008)</i>	<i>Life Assurance Companies Act 1889</i>	<i>Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund Act 1932</i>
<i>Debt Collectors Licensing Act 1964</i>	<i>Limited Partnership Act 1909</i>	<i>Workmen's Wages Act 1898</i>
<i>Decimal Currency Act 1965</i>	<i>Long Service Leave Act 1958</i>	
<i>Disposal of Uncollected Goods Act 1970</i>	<i>Metric Conversion Act 1972</i>	
	<i>Miners' Phthisis Act 1922</i>	
	<i>Mines Safety and Inspection Act 1994</i>	
	<i>Minimum Conditions of Employment Act 1993</i>	
	<i>Motor Vehicle Dealers Act 1973</i>	
	<i>Motor Vehicle Repairers Act 2003</i>	



## Regulatory boards, committees, commissions and tribunals

The boards, committees, commissions and tribunals in both the Consumer Protection and Employment Protection portfolios have a range of functions including advisory, licensing of participants in relevant industries, investigating complaints about the conduct of industry participants and taking disciplinary action where appropriate. These boards, committees, commissions and tribunals include:

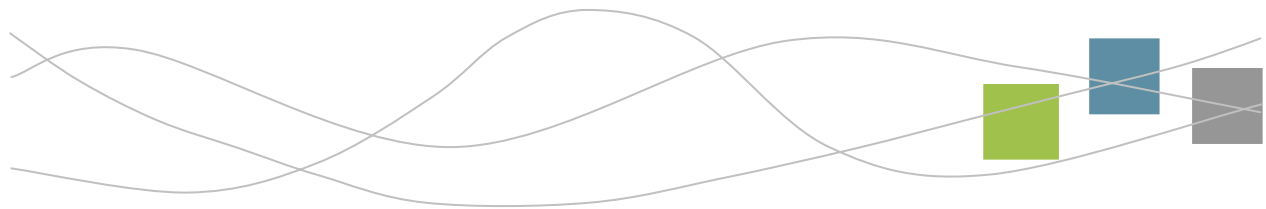
### **Consumer Protection**

- Builders' Registration Board
- Building Disputes Tribunal
- Charitable Collections Advisory Committee
- Consumer Product Safety Committee
- Hairdressers Registration Board
- Home Buyers Assistance and Advisory Committee
- Land Valuers Licensing Board
- Motor Vehicle Industry Board
- Painters' Registration Board
- Plumbers Licensing Board
- Real Estate and Business Agents' Supervisory Board
- Retail Shops Advisory Committee
- Settlement Agents' Supervisory Board.

### **Safety and Employment Protection**

- Board of Examiners
- Commission for Occupational Safety and Health
- Electrical Licensing Board
- Gas Licensing Committee
- Mining Industry Advisory Committee
- Mines Survey Board.

Appendix 4: Functions of regulatory boards, committees, commissions and tribunals provides details of their role and functions. Appendix 5: Plumbers Licensing Board provides an outline of the role, activities and forecasts of the Plumbers Licensing Board.



# PERFORMANCE MANAGEMENT FRAMEWORK

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## Outcome based management framework

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

Agency level government desired outcomes integrate with the Government's strategic directions articulated in *Better Planning: Better Futures – A Strategic Planning Framework for the Western Australian Public Sector*. This framework sets out the Government's vision and goals as well as a number of strategic outcomes. The strategic outcomes contribute to the realisation of five goals, relating to:

- Goal 1. Better Services
- Goal 2. Jobs and Economic Development
- Goal 3. Lifestyle and the Environment
- Goal 4. Regional Development
- Goal 5. Governance and Public Sector Improvement.

The department delivers services to achieve the agency level desired outcomes, which ultimately contributes to meeting the Government's goals. DOCEP's outcome based management framework for 2007-08 includes an agency level desired outcome and two services. The agency level desired outcome is the effect or impact on the community or target clients of government services.

The department's agency level desired outcome contributes directly to Goal 1: Better Services through its focus on the safety and protection of workers and others in the community and to Government Goal 2: Jobs and Economic Development through its contribution to a fair and flexible labour market and the promotion of free and fair trade.

The linkage between DOCEP's services to the community and the Government's State Strategic Goals, to which the department makes its most significant contribution, is demonstrated in Figure 3.

The department's key effectiveness indicators provide information on the extent to which outcomes have been achieved through the funding and delivery of agreed services, while key efficiency indicators are presented for each service. Efficiency indicators relate services to the level of resource inputs required to deliver them.

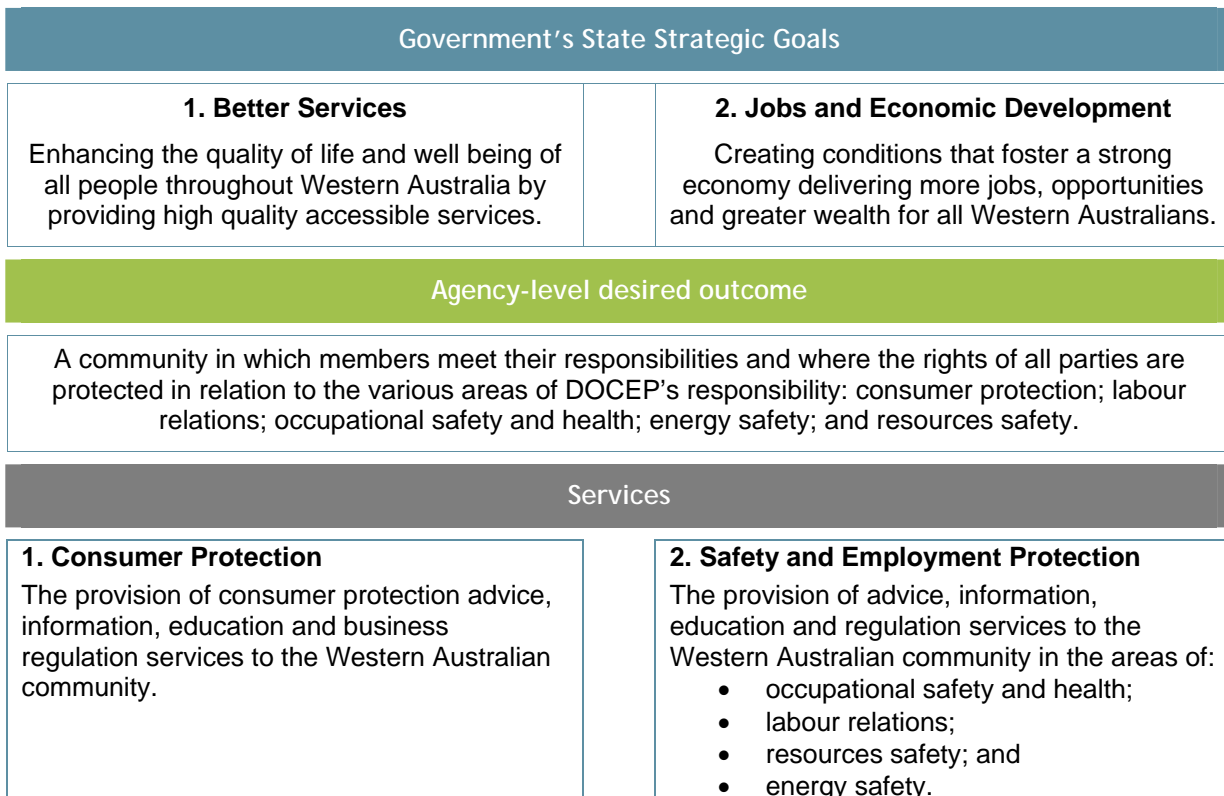


## Changes to outcome based management framework

In light of the release of the revised *Strategic Planning Framework for the Western Australian Public Sector, Better Planning, Better Futures*, DOCEP reviewed the link between the department's desired outcome, services and the Government's goals.

The Outcome Structure Review Group approved the department's interim outcome based management framework for 2007-08 in February 2007. The 2007-08 framework provides a mechanism to meet Ministerial accountability requirements and enable users of the budget statements and key performance indicators to better understand the information reported. It also more closely links services to the department's administrative structure at agency and divisional level.

The linkage to the Government's State Strategic Goals for the 2007-08 financial year is demonstrated in Figure 3.



**Figure 3: Relationship to the Government's State Strategic Goals: Framework for 2007-08**

## Shared responsibilities with other agencies

DOCEP recognises the benefits derived from working collaboratively with external parties by negotiating Memoranda of Understanding and Instruments of Declaration with a range of organisations, within the public and private sector. Information on shared responsibilities to jointly deliver services with other government agencies is provided at Appendix 1: Memoranda of Understanding and Instruments of Declaration.