

DEPARTMENT OF COMMERCE

Annual Report 2008-09

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STATEMENT OF COMPLIANCE



The Hon Troy Buswell MLA
Minister for Commerce; Science and Innovation

In accordance with Section 63 of the *Financial Management Act 2006*, I hereby submit for your information and presentation to Parliament the Annual Report of the Department of Commerce for the year ended 30 June 2009.

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 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

21 September 2009



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GUIDE TO SECTIONS

The Department of Commerce's 2008-09 Annual Report presents information on statutory compliance, financial, non-financial and operational performance. The Annual Report is structured in five sections in accordance with the requirements of the *Financial Management Act 2006*.

Overview

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

Agency Performance

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 2009. 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 additional information on the department's activities including changes to written laws, prosecutions and the functions of boards, commissions, committees, councils 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:

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.

Science, Innovation and Business

The promotion of science, innovation and business, through services including supporting the Science and Innovation Council with science policy development advice; administering research capability and infrastructure grants; supporting industry development through innovation and commercialisation; administering science and innovation programs and projects; and improving Indigenous prosperity through leadership and innovation in economic development programs.

Overview



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

The section 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

From the Director General

I am pleased to present the department's Annual Report for the year ending 30 June 2009. This has been a year of change and accomplishment for the Department of Commerce. Working together with business, industry and with other government agencies has enabled us to make significant achievements. I believe the department is in a better position today to respond to the new challenges and expectations of government.

Forming the department

Creating the Department of Commerce and bringing together people from the former Department of Consumer and Employment Protection (DOCEP) and the former Department of Industry and Resources (DOIR) on 1 January 2009 has given us an opportunity to rethink and refocus our efforts. At the same time, the Resources Safety Division was transferred to the Department of Mines and Petroleum.

This department has worked hard to maintain business as usual in a complex operating environment. We have faced significant internal challenges including how to harmonise our different working styles, systems, processes, information technology infrastructures, reporting mechanisms and accommodation. We have focused on delivering the Government's immediate priorities, consolidating our service delivery and establishing the new department.

During the year, a new government was elected and we welcome the opportunity to support the Minister for Commerce; Science and Innovation, the Hon Troy Buswell.

Operating environment

The department's operating environment continues to change and remain complex. The way the department does business is also changing, particularly as economic, demographic, policy and technology factors influence the expectations of services delivered. There is a need to develop more flexible and integrated service delivery in metropolitan and regional areas. We need to be responsive, flexible and adaptive to the needs of Western Australian businesses and the community. Close coordination with other government agencies is critical to delivering integrated whole of government outcomes. As a department, we are constantly looking for ways to continually improve the way we operate and to find innovative and practical service delivery solutions.

Our diverse operations reflect the significant issues that face the department. The Council of Australian Governments' reforms will have significant impacts across a number of our functions, including consumer protection, energy safety and occupational safety and health. The Consumer Protection Division will experience the most immediate impact with the transfer of key functions to the Commonwealth. This will impact on consumers, traders, employees and business systems. Developments in Western Australia's industrial relations environment will have implications for the department, in particular the outcomes of the independent review of the State industrial relations system and subsequent reform legislation. An independent review of the Science, Innovation and Business Division has also been commissioned.



Highlights

We made substantial progress in the implementation of the Council of Australian Governments' reforms, particularly in the Consumer Protection Division. On the legislative front, the department facilitated the drafting and passage of the *Transfer of Incorporation (HBF and HIF) Act 2009* through Parliament in 2008-09. The Labour Relations Division, in conjunction with the Department of Treasury and Finance, developed the State Government's new public sector wages policy. The EnergySafety Division developed regulations that will improve the safety of electrical installations by making it compulsory for residual current devices to be installed in a dwelling prior to the sale of the premises or change of tenant, or within two years in the case of leased premises.

In our regulatory role, the Consumer Protection Division successfully prosecuted a diverse range of complaints of misconduct and took civil action against a number of traders on behalf of consumers. The WorkSafe Division focused occupational safety and health compliance and proactive educational programs on nationally agreed priority industries and State priority areas which resulted in more than 10,000 investigations, more than 9,800 improvement notices and 700 prohibition notices issued. The Resources Safety Division implemented new dangerous goods regulations with the emphasis on assisting industry to comply through provision of guidance notes, codes of practice, information presentations, and inspections. More than 400 dangerous goods and explosives compliance inspections were conducted in Perth, Kalgoorlie and the Great Southern region.

Service delivery to customers continued to be a focus, with over 2.8 million visitors recorded for the department's FuelWatch service. The WorkSafe Division redesigned the 'SmartMove' internet site which aims to give young adults starting their first job a good general background on their rights and responsibilities for helping to ensure that the workplace is safe and healthy, both for themselves and others in the workplace.

Science and innovation was a new focus of the department in 2009, with the Science, Innovation and Business Division continuing its efforts to provide broadband infrastructure to regionally based projects including enhanced medical and emergency communications infrastructure and upgrades to Indigenous communities. Another significant project was the State Government's \$20 million investment in radio astronomy science. The International Centre for Radio Astronomy Research, a joint venture between the University of Western Australia and Curtin University of Technology, will be a significant factor in the enhancement of Australia's bid for the Square Kilometre Array, an international radio telescope project.

Within the department, corporate resources were allocated to assist in the transition of Science, Innovation and Business and Resources Safety Divisions. We have continued to build our organisational capability and develop and align the organisation so it can perform well and deliver value to customers, stakeholders and government. A strong focus will be on providing advice on emerging issues and trends that are likely to impact on, or are critical to the performance of the commerce environment in Western Australia.

In late 2008, we started developing the Corporate Plan 2009-2012, engaging the senior executive across the department in the process. Our vision is for a business environment that is productive, innovative, fair and safe. This establishes a shared strategic direction to guide our work in the future. We have outlined our values and our ongoing commitment to people - the people we serve, the people we work in partnership with and the people of our department. Underpinning our directions and approach are a number of strategies to guide our activities over the next three years.



The year ahead will be challenging but rewarding for the department. The need to improve outcomes for the Western Australian economy, coupled with the global economic outlook will make it important to find improved government efficiencies in the way we do business. We will focus on the key directions within the Corporate Plan to guide us through the period of change, as we implement the government's priorities and position the department for the future. In this dynamic environment, the department has performed well in maintaining its focus on its ongoing business while implementing change to respond to further challenges in 2009-10.

Appreciation

During the year, changes to the Corporate Executive team occurred with the retirement of the Energy Safety Division's Executive Director, Albert Koenig and the Resources Safety Division, led by Malcolm Russell, being transferred to the Department of Mines and Petroleum. I wish to acknowledge the contribution of these Executive Directors as well as welcome Peter Viney as the Executive Director of the Science, Innovation and Business Division.

Particularly in such a dynamic and challenging environment, the department's achievements would not have been possible without the dedication and professionalism of its employees. I thank them for their work during the year and look forward to working towards meeting the challenges facing us in the coming year. Many individuals, businesses and organisations have also contributed to our activities and our success and I want to acknowledge and thank these stakeholders. We look forward to continuing to work together to improve the outcomes for the Western Australian community.

Brian Bradley
Director General



Our highlights

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

Consumer Protection

Council of Australian Governments' reform agenda

The Consumer Protection Division has been active in implementing the Council of Australian Governments' reform agenda involving the transfer of credit and finance broking regulation, business names and trade measurement to the Commonwealth Government. In addition to this, the implementation of a nationally uniform Australian Consumer Law and nationally consistent licensing for nominated occupational areas has been taking place. The division has also taken on a coordinating role for the State Government's process to transfer the regulation of personal property securities to the Commonwealth Government.

HBF Health Funds Inc. and Health Insurance Fund of W.A. legislation

The department facilitated the drafting and passage of the *Transfer of Incorporation (HBF and HIF) Act 2009* through Parliament in 2008-09. The legislation deems HBF Health Funds Inc and the Health Insurance Fund of W.A. (HIF) as registered companies under the *Corporations Act 2001* (Commonwealth). This assists the insurers to meet Commonwealth registration laws by 1 January 2010 and to continue to provide private health insurance to some 950,000 consumers.

Usage of FuelWatch reaches all time high

Overall, popularity with the department's FuelWatch service continued to increase in 2008-09 with 2.8 million website visitors recorded. Usage peaked in July 2008 and then decreased between August 2008 and February 2009 as fuel prices fell. Since March 2009, usage has resumed its upward trend as petrol prices began to increase and a weekly price cycle emerged in the Perth market. More than 42,000 people are now registered to receive regular FuelWatch price information, up from 38,500 last year.



Successful prosecutions

The Consumer Protection Division successfully prosecuted a diverse range of misconduct including misleading advertising, unlicensed motor vehicle dealing and breaches of the *Door to Door Trading Act 1987*. In addition, the Commissioner for Consumer Protection took civil action against a number of traders on behalf of consumers who either purchased but never received electronic equipment or had issues with vehicles they had previously purchased.



Safety and Employment Protection

Residual current devices

The EnergySafety Division developed regulations to improve the safety of electrical installations by making installation compulsory for residual current devices in a dwelling (house or unit) prior to the sale of the premises or within two years in the case of leased premises. The regulations were gazetted on 8 May 2009, following Ministerial approval.

Wood pole audit

The EnergySafety Division undertook an audit review of Western Power's management of its wood pole assets used for electricity distribution throughout the South West interconnected system. The Director of Energy Safety will issue orders on Western Power to correct major deficiencies identified in the review.

WorkSafe SmartMove

The WorkSafe Division redesigned the 'SmartMove' internet site to ensure it remains relevant to its audience by providing a broader content with more interactive features to better appeal to young adults. 'SmartMove' aims to give young adults starting their first job, a good general background on their rights and responsibilities for helping to ensure that the workplace is safe and healthy, both for themselves and others in the workplace.

Students read the information then complete a series of test questions and when a user successfully completes an industry module, 'SmartMove' generates a certificate acknowledging their participation in the program. 'SmartMove' is aligned to learning outcomes in the secondary schools curriculum and also to work safety units in the vocational education and training system.



WorkSafe compliance activities

During the year, the WorkSafe Division focused on 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 more than 10,000 investigations, issued more than 9,800 improvement notices and more than 700 prohibition notices, and signed 37 prosecution notices.



Dangerous Goods Safety

The Resources Safety Division implemented new dangerous goods regulations with an emphasis on assisting industry to comply through provision of guidance notes, codes of practice, information presentations and inspections. Numerous presentations on the new regulations were given to conferences and industry groups at a range of locations including Perth, Albany, Bunbury, Geraldton, Karratha, Newman and Kalgoorlie. Over 1,000 people attended in total.

More than 400 dangerous goods and explosives compliance inspections were conducted in Perth, Kalgoorlie and the Great Southern region. A streamlined process for granting special berth approvals for ammonium nitrate was developed. This significantly reduces approval times while improving safety controls. Upgrades to electronic security systems at Kalgoorlie and Baldy's Explosives Reserves were completed, as was sealing of roads at Kalgoorlie.

New public sector wages policy

The Labour Relations Division, in conjunction with the Department of Treasury and Finance, developed the State Government's new public sector wages policy. The wages policy is based on protecting the real wages of public sector workers, relative to projected growth in the Western Australian Consumer Price Index (CPI). Where increases above CPI and up to the level of growth in the Wage Price Index are proposed, these need to be justified by improved efficiency and productivity. The division also jointly developed and delivered comprehensive presentations explaining the new policy to a number of public sector agencies. The new wages policy applies to all public sector agreements expiring on or after 1 July 2009.

Office of Shared Services

The Labour Relations Division supported the State Government's shared services environment by implementing a number of strategies for the standardisation, simplification and rationalisation of public sector employment conditions and instruments.

Science, Innovation and Business

Broadband

The Science, Innovation and Business Division continued efforts to provide broadband infrastructure to regionally based projects including enhanced medical and emergency communications infrastructure and upgrades to Indigenous communities. The department is liaising with the Commonwealth in a bid to secure further broadband funding and determine the State's contribution and requirements.

Radio astronomy

The State Government's \$20 million investment in radio astronomy science established the International Centre for Radio Astronomy Research, a joint venture between the University of Western Australia and Curtin University of Technology. The Centre is a significant factor in the enhancement of Australia's bid for the Square Kilometre Array.



Corporate

Transition of Science, Innovation and Business and Resources Safety Divisions

In January 2009, the Department of Commerce successfully transitioned the Science, Innovation and Business Division into the department from the former DOIR and the Resources Safety Division to the Department of Mines and Petroleum. The changes increased the diversity of the department's operations to include science and innovation.

Upgrade of core network infrastructure

The capabilities of the existing core information technology network infrastructure have been severely challenged because of the dramatic growth of the department over recent years. The previous infrastructure served the department well, however its design, lack of built-in redundancy, and the ageing cabling and technology could not carry the department into the future. Replacing this key infrastructure has resulted in a more manageable, scalable, resilient and capable network. The core network switch features built-in redundancy, enhanced security and greater speed and this has also reduced the complexity in our server room.

Corporate plan

The department commenced development of a new Corporate Plan for 2009 to 2012. The plan provides a framework for the department's operations and future directions. It will guide the department through a period of significant change to position it to meet future challenges, maximise opportunities and continue to provide dynamic and responsive services to the Western Australian community. The new plan will be launched in early 2009-10.

National Occupational Health, Safety and Injury Management Forum



Malcolm Russell, Executive Director
Resources Safety Division
Department of Mines and Petroleum (formerly DOCEP)

The department hosted for the first time, in Western Australia, the National Occupational Health, Safety and Injury Management Forum. This public sector forum meets to share approaches and work together to achieve safety performance targets set in the *National Occupational Health and Safety Strategy 2002-2012*. The national strategy was initiated by the Commonwealth with agreement from all states and territories in 2002 and aims to reduce accidents and incidents by 40 per cent and fatalities by 20 per cent between 2002 and 2012. The Perth forum was attended by both state and federal health, safety and injury senior public sector officers from across Australia and New Zealand.

More information on the department's operational highlights for 2008-09 can be found in the Agency Performance section of this report.



ABOUT THE DEPARTMENT

Enabling legislation

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

Responsible Minister

The Department of Commerce was responsible to the Hon Troy Buswell BEd MLA, Treasurer; Minister for Commerce; Science and Innovation; Housing and Works following the State election in September 2008.

Prior to the State election, for the administration of consumer protection legislation, the department was responsible to the Hon Sheila McHale MLA, former Minister for Disability Services; Tourism; Culture and the Arts; Consumer Protection. In relation to the administration of labour relations, occupational safety and health, energy safety and resources safety legislation, the department was responsible to the Hon Jon Ford JP MLC, former Minister for Employment Protection; Regional Development; Fisheries; the Kimberley, Pilbara and Gascoyne.

About us

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

The department employs more than 1,000 people to deliver its services to the community of Western Australia across seven divisions:

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



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



Changes to the department

On 1 January 2009, the DOCEP was renamed the Department of Commerce. In addition to the name change, the Science, Innovation and Business Division was transferred from the former DOIR to the department, while the Resources Safety Division was transferred to the Department of Mines and Petroleum. In context of this year's Annual Report, the changes to the department's functions will be reported as demonstrated in Table 1.

Table 1: Changes to the department's divisions and reporting for 2008-09

Division	1 July to 31 December 2008	1 January to 30 June 2009
Resources Safety Division	Responsibility of the Department of Commerce	Responsibility of the Department of Mines and Petroleum
Science, Innovation and Business Division	Responsibility of the Department of Mines and Petroleum	Responsibility of the Department of Commerce

The reporting of non-financial performance for the financial year was impacted by these changes and will be reported in accordance with the relevant Treasurer's Instruction.

Our vision, mission and values

The department's vision, mission and values for 2008-09 are provided.

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 strategic direction

The department operates within a challenging and dynamic environment, where greater demands are placed on its resources. The department's five strategic directions provide a framework to respond to these challenges. In 2008-09 the directions were influencing and shaping our community's environment; enhancing the capability of the community; enhancing the regulatory environment; enforcing the law; and strengthening the department as an organisation.

Review of the corporate plan

Following the Premier's announcement in October 2008 of the formation of the Department of Commerce, the department commenced development of a new corporate plan. Several planning sessions were held, where the Corporate Executive conducted an environmental scan of the external and internal environment; developed a vision, mission and values for the department; and considered the key directions for the future. The department's leadership team, which comprises the Corporate Executive, Directors and key senior staff, was engaged in the process, with feedback from this session incorporated into the plan. Following Ministerial approval, the department's new Corporate Plan 2009-2012 will be launched in early 2009-10.

Our services

The Department of Commerce delivers services through divisions that focus on particular areas of the department's responsibilities. An outline of the key functions of the department'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;
- licenses 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;
- coordinates public sector labour relations; and
- facilitates implementation of public sector wages policy in industrial agreement negotiations.

Resources Safety

(1 July-31 December 2008)

- administers occupational safety and health legislation relating to dangerous goods, mining, onshore petroleum operations and major hazard facilities 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.

Science, Innovation and Business

(1 January- 30 June 2009)

- promotes science;
- supports innovation;
- facilitates infrastructure;
- supports business economic development; and
- encourages industry participation in major projects.

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 administrative services;
- provides information technology support services;
- delivers human resource management services;
- coordinates risk and business continuity management; and
- delivers 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 event coordination and print and online information;
- provides internal audit services;
- coordinates regional services; and
- coordinates ministerial services for the department.



Regional Services

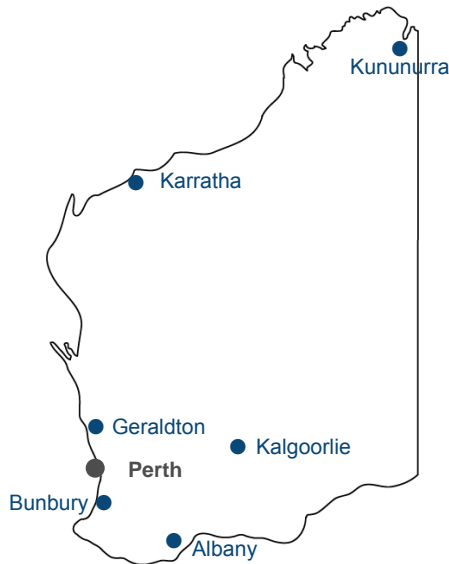


Figure 1: The Department of Commerce's regional services

The Department of Commerce's offices located in Albany, Bunbury, Geraldton, Kalgoorlie, Karratha and Kununurra provide a range of services to regional Western Australians (Figure 1). The delivery of regional services was undertaken by more than 45 employees across six divisions. Services to regional areas and communities were complemented by division specific initiatives to meet identified need and/or support core operational activities.

During the year, the department moved to new facilities at West Kalgoorlie which are shared with the Department of Mines and Petroleum. Work commenced on expanding and improving facilities at the Geraldton office to enhance customer services. Regional employees travelled to Perth for development and training during the year. The department continued to deliver relevant information to regional areas through improvements to the department's internet site.

The Department of Commerce has a service delivery arrangement with the Commonwealth Attorney General's Department and the Department of the Premier and Cabinet to deliver services to the Indian Ocean Territories. This service is funded by and performed on behalf of the Commonwealth under enabling legislation.

Our stakeholders

The Department of Commerce provides services to a wide range of stakeholders including:

- the Minister for Commerce;
- the Minister for Tourism (relating to the *Travel Agents Act 1985*);
- the community including regional areas;
- departmental employees;
- consumers;
- traders;
- business entities;
- employees;
- employers;
- employee and employer organisations;
- public sector organisations;
- Commonwealth and state government agencies;
- academic institutions and researchers; and
- a number of boards, commissions, committees, councils and tribunals.





Our organisation

The Department of Commerce'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 the department's Corporate Executive.

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

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

Our organisational structure

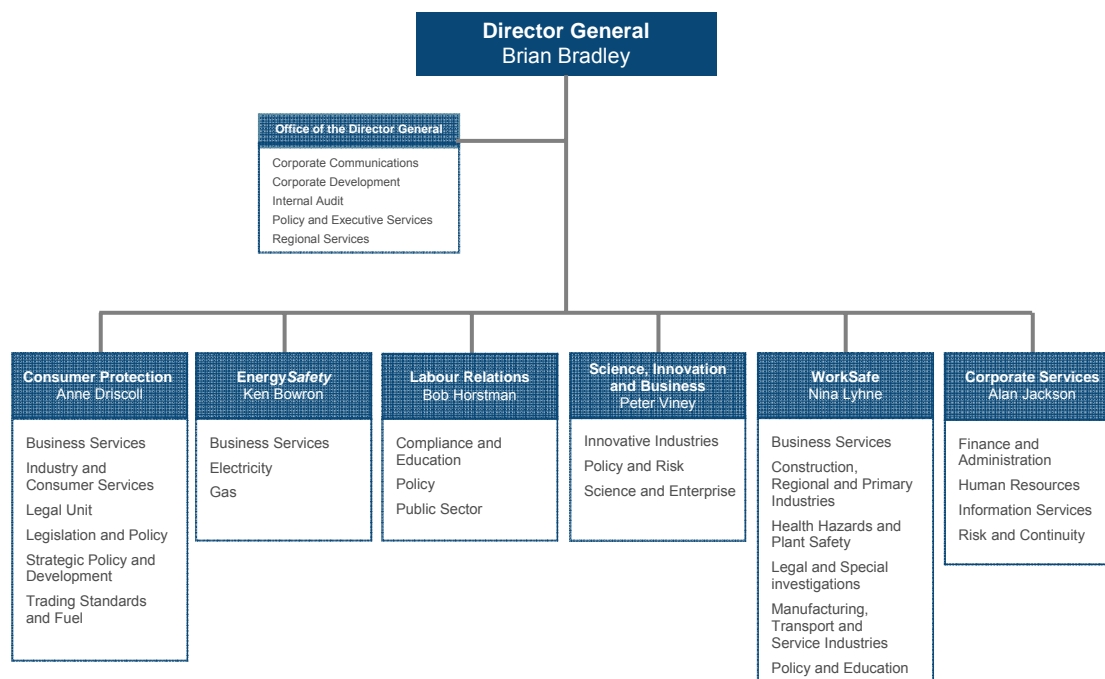


Figure 2: Organisational structure as at 30 June 2009



Our Corporate Executive team



Brian Bradley PSM

Director General

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

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



Anne Driscoll

Executive Director, Consumer Protection

Commissioner for Consumer Protection and Prices Commissioner

Anne Driscoll was appointed Executive Director for the Consumer Protection Division in August 2008. Since graduating from the University of Western Australia with a Bachelor of Arts majoring in Psychology and Commerce, Anne has gained experience in numerous public sector roles. 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 Division's executive management team as the Director of Business Services where she oversaw more than 150 employees performing a diversity of functions from the licensing and regulation of credit providers, mortgage brokers, debt collectors, charities, real estate and settlement agents, to the registration of business names and the provision of consumer protection services to regional Western Australia.



Ken Bowron

Executive Director, EnergySafety

Director of Energy Safety

Ken Bowron is the Executive Director of EnergySafety and holds the statutory position of Director of Energy Safety, which is responsible for all electricity and most gas related technical and safety regulation in the State. Ken has 34 years broad experience in the Western Australian energy industry.

His recent experience includes his tenure as Director of Electricity in the EnergySafety Division and senior management roles in generation, networks and the supply of energy services to customers in metropolitan, rural and remote areas. He is an electrical engineer with post graduate business qualifications. He has extensive technical and managerial experience ranging across planning, design, construction, operations and maintenance of power generation and transmission and distribution systems.



Robert (Bob) Horstman

Executive Director, Labour Relations

Bob Horstman was appointed as the Executive Director of the Labour Relations Division in June 2009, having initially been appointed as Acting Executive Director in April 2008. He has worked in all three directorates of the division in a variety of roles for 20 years with his previous substantive position being Policy Director. From 2001 to 2006, Bob was seconded from the department to the Minister's office responsible for State industrial relations as the Principal Labour Relations Policy Advisor.

In this role he was responsible for providing advice on industrial relations, occupational safety and health and workers' compensation issues. He has taught, researched and published in the fields of both industrial relations and human resources management in various tertiary education institutions in Australia and the United Kingdom. Bob holds a Masters Degree in Industrial Relations from Warwick University in the United Kingdom and has 10 years experience in various industrial relations roles in private sector organisations in the United Kingdom.



Peter Viney

Executive Director, Science, Innovation and Business

Peter Viney commenced as the Executive Director of the Science, Innovation and Business Division within the Department of Commerce in January 2009 following the transfer of the division from the former DOIR. Previously, Peter held the role of Deputy Director General, Performance and Review and the role of Deputy Director General, Office of Science, Technology and Innovation within the former DOIR.

Peter has qualifications in economics and political science and has a background working in executive roles in Commonwealth agencies including AusIndustry, the Australian Telecommunications Authority, and the Textiles, Clothing and Footwear Development Authority.



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 Safe Work Australia Council and is involved in a number of national committees and forums. Nina Lyhne was appointed to her current position in April 2004.

Previously, she held the positions of Acting Executive Director, WorkSafe; the Executive Director of the Strategy Division; was a member of the WorkSafe Western Australia Corporate Executive and the Executive Director of the Office of Road Safety between 1998 and 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 the Department of Commerce in October 2004. Previously, he had worked in the public, private and tertiary education sectors. Alan's career has included nine years as a former management and organisational development consultant working with large public and private sector organisations throughout Australia. Prior to joining the department, he was the Director, Corporate Services at the Department of Treasury and Finance for four years.

Alan completed the Executive Fellows Program of the Australian and New Zealand School of Government and holds Associate Fellow and Certified Professional membership status for the Australian Institute of Management and the Australian Human Resource Institute. He has a Masters degree in Commerce from Curtin University and in the past, has been a part time lecturer at both Curtin University and Edith University over a number of years.



Malcolm Russell

Executive Director, Resources Safety

Malcolm Russell was the Executive Director of the Resources Safety Division until 31 December 2008, when the division was transferred to the Department of Mines and Petroleum.

The division formed part of the former DOCEP in July 2005. Prior to this Malcolm was Director of the Safety, Health and Environment Division within the former Department of Industry and Resources and was the Director, Marine Safety for Western Australia.

Malcolm 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*.

Our people

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

The department's employees are fundamentally governed by the *Public Sector Management Act 1994* and remunerated under the terms and conditions contained in the Public Service General Agreement 2008. Our employees' contributions to the department are valued through frequent acknowledgement of their successes and responses to challenges they face in their professional lives.

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



Legislation administered

The Department of Commerce administered 80 Acts of Parliament during 2008-09, as listed below. Reviews of legislation, regulations and codes of practice ensure the changing needs and expectations of the community are met, and that the regulatory framework is relevant. A full description of the scope and intent of these Acts is contained on the department's internet site at www.commerce.wa.gov.au.

<i>Associations Incorporation Act 1987</i>	<i>Door to Door Trading Act 1987</i>	<i>New Tax System Price Exploitation Code (Taxing) Act 1999</i>
<i>Auction Sales Act 1973</i>	<i>Electricity Act 1945</i>	<i>New Tax System Price Exploitation Code (Western Australia) Act 1999</i>
<i>Bills of Sale Act 1899</i>	<i>Employment Agents Act 1976</i>	<i>Occupational Safety and Health Act 1984</i>
<i>Builders' Registration Act 1939</i>	<i>Employment Dispute Resolution Act 2008</i>	<i>Painters' Registration Act 1961</i>
<i>Business Names Act 1962</i>	<i>Energy Coordination Act 1994</i>	<i>Petroleum Products Pricing Act 1983</i>
<i>Charitable Collections Act 1946</i>	<i>Energy Safety Act 2006</i>	<i>Petroleum Retailers Rights and Liabilities Act 1982</i>
<i>Chattel Securities Act 1987</i>	<i>Energy Safety Levy Act 2006</i>	<i>Public and Bank Holidays Act 1972</i>
<i>Churches of Christ, Scientist, Incorporation Act 1961</i>	<i>Fair Trading Act 1987</i>	<i>Real Estate and Business Agents Act 1978</i>
<i>City Club Act 1965</i>	<i>Finance Brokers Control Act 1975</i>	<i>Residential Parks (Long-Stay Tenants) Act 2006</i>
<i>Coal Industry Tribunal of Western Australia Act 1992</i>	<i>Fremantle Buffalo Club (Incorporated) Act 1964</i>	<i>Residential Tenancies Act 1987</i>
<i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i>	<i>Gas Standards Act 1972</i>	<i>Retail Trading Hours Act 1987</i>
<i>Companies (Co-operative) Act 1943</i>	<i>Growers Charge Act 1940</i>	<i>Retirement Villages Act 1992</i>
<i>Competition Policy Reform (Taxing) Act 1996</i>	<i>Hairdressers Registration Act 1946</i>	<i>Sale of Goods Act 1895</i>
<i>Competition Policy Reform (Western Australia) Act 1996</i>	<i>Hire Purchase Act 1959</i>	<i>Sale of Goods (Vienna Convention) Act 1986</i>
<i>Construction Industry Portable Paid Long Service Leave Act 1985</i>	<i>Home Building Contracts Act 1991</i>	<i>Settlement Agents Act 1981</i>
<i>Conspiracy and Protection of Property Act 1900</i>	<i>Industrial Relations Act 1979</i>	<i>Street Collections (Regulation) Act 1940</i>
<i>Consumer Affairs Act 1971</i>	<i>Industry and Technology Development Act 1998 (administered from 1 January 2009)</i>	<i>Sunday Entertainments Act 1979</i>
<i>Consumer Credit (Western Australia) Act 1996</i>	<i>Labour Relations Reform Act 2002</i>	<i>Trade Measurement Act 2006</i>
<i>Cooperative and Provident Societies Act 1903</i>	<i>Labour Relations Legislation Amendment Act 2006</i>	<i>Trade Measurement Administration Act 2006</i>
<i>Credit (Administration) Act 1984</i>	<i>Land Valuers Licensing Act 1978</i>	<i>Transfer of Incorporation (HBF and HIF) Act 2009</i>
<i>Credit Act 1984</i>	<i>Law Reform (Common Employment) Act 1951</i>	<i>Travel Agents Act 1985</i>
<i>Dangerous Goods Safety Act 2004 (administered until 31 December 2008)</i>	<i>Life Assurance Companies Act 1889</i>	<i>Water Services Licensing Act 1995 (Part 5A)</i>
<i>Debt Collectors Licensing Act 1964</i>	<i>Limited Partnership Act 1909</i>	<i>Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund Act 1932</i>
<i>Decimal Currency Act 1965</i>	<i>Long Service Leave Act 1958</i>	<i>Workmen's Wages Act 1898</i>
<i>Disposal of Uncollected Goods Act 1970</i>	<i>Metric Conversion Act 1972</i>	
<i>Distress for Rent Abolition Act 1936</i>	<i>Miners' Phthisis Act 1922</i>	
	<i>Mines Safety and Inspection Act 1994 (administered until 31 December 2008)</i>	
	<i>Minimum Conditions of Employment Act 1993</i>	
	<i>Motor Vehicle Dealers Act 1973</i>	
	<i>Motor Vehicle Repairers Act 2003</i>	



Boards, commissions, committees, councils and tribunals

The boards, commissions, committees, councils and tribunals have a range of functions including regulatory, advisory, licensing of participants in relevant industries, investigating complaints about the conduct of industry participants and taking disciplinary action where appropriate. These boards, commissions, committees, councils and tribunals are identified in Table 2 according to the department's three services. Appendix 4: Functions of boards, commissions, committees, councils 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 Board.

Table 2: Boards, commissions, committees, councils and tribunals

Consumer Protection	Safety and Employment Protection	Science, Innovation and Business ⁽³⁾
<ul style="list-style-type: none"> ▪ Builders' Registration Board ▪ Building Disputes Tribunal ▪ Charitable Collections Advisory Committee ▪ Consumer Product Safety Committee ▪ Hairdressers Registration Board of Western Australia ⁽¹⁾ ▪ 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 	<ul style="list-style-type: none"> ▪ Board of Examiners ⁽²⁾ ▪ Commission for Occupational Safety and Health ▪ Electrical Licensing Board ▪ Gas Licensing Committee ▪ Mines Survey Board ⁽²⁾ ▪ Mining Industry Advisory Committee ⁽²⁾ 	<ul style="list-style-type: none"> ▪ Australian Marine Complex Business Development Committee ▪ Australian Marine Complex Overarching Committee ▪ Interim Board, International Centre for Radio Astronomy Research ▪ Premier's Science and Innovation Council ▪ Western Australian Regional Stakeholder Advisory Group ▪ Western Australian Technology and Industry Advisory Council

Notes:

- (1) The State Government intends to introduce legislation during 2009-10 to end the requirement for hairdressers to be registered in Western Australia. The legislation would abolish the Hairdressers Registration Board of Western Australia.
- (2) The department's Resources Safety Division administered this board/committee during the period 1 July to 31 December 2008.
- (3) The department's Science, Innovation and Business Division administered these boards/committees/councils during the period 1 January to 30 June 2009.



PERFORMANCE MANAGEMENT FRAMEWORK

Outcome based management framework

Western Australia's performance management framework monitors outcomes through the delivery of services. This is referred to as outcome based management (OBM) 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 OBM for agencies.

New Government goals

As part of the 2009-10 budget process new Government goals were developed, coupled with the *Premier's Circular 2007/05 Agency Strategic Management* being rescinded on 7 May 2009, the department's services and outcomes were linked to the new Government goals. Figure 3 demonstrates the linkages to the Government goals.

2007-08 OBM framework	Original 2008-09 OBM framework	Revised 2008-09 OBM framework
<i>DOCEP</i>	<i>DOCEP</i>	<i>Department of Commerce</i>
Government goals	Government goals	Government goals
<p>Better Services Enhancing the quality of life and well being of all people throughout Western Australia by providing high quality accessible services.</p>	<p>Better Services Enhancing the quality of life and well being of all people throughout Western Australia by providing high quality accessible services.</p>	<p>Outcomes Based Service Delivery Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.</p>
<p>Jobs and Economic Development Creating conditions that foster a strong economy delivering more jobs, opportunities and greater wealth for all Western Australians.</p>	<p>Jobs and Economic Development Creating conditions that foster a strong economy delivering more jobs, opportunities and greater wealth for all Western Australians.</p>	<p>Social and Environmental Responsibility Ensuring that economic activity is managed in a socially and environmentally responsible manner for the long-term benefit of the State.</p>
		<p>Financial and Economic Responsibility Responsibly managing the State's finances through the efficient and effective delivery of services, encouraging economic activity and reducing regulatory burdens on the private sector.</p>

Figure 3: Linkage to the Government's goals



Agency level outcomes and services

The department delivers services to achieve the agency level desired outcomes, which ultimately contributes to meeting the Government's goals. The department's revised 2008-09 OBM framework includes three agency level desired outcomes and three services. The agency level desired outcome is the effect or impact on the community or target clients of government services.

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

The linkage between the department's desired outcomes and services to the community, and the Government goals, to which the department makes its most significant contribution, is demonstrated in Figure 4.

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

Figure 4: Relationship to the Government's goals: Revised 2008-09 OBM framework



Changes to the outcome based management framework

Figure 5 demonstrates the changes made to the agency level desired outcomes and the services.

2007-08 OBM framework	Original 2008-09 OBM framework	Revised 2008-09 OBM framework
<i>DOCEP</i>	<i>DOCEP</i>	<i>Department of Commerce</i>
1 July 2007-30 June 2008	1 July-31 December 2008	1 January-30 June 2009
Agency level desired outcome		
Outcome A community in which members meet their responsibilities and where the rights of all parties are protected in relation to the various areas of DOCEP's responsibility: consumer protection; labour relations; occupational safety and health; energy safety and resources safety.	Outcome 1 A fair trading environment that protects consumers and traders in Western Australia. Outcome 2 ⁽¹⁾ A community in which workplaces are operated in a safe and fair manner.	Outcome 1 A fair trading environment that protects consumers and traders in Western Australia. Outcome 2 ⁽²⁾ A community in which workplaces are operated in a safe and fair manner. Outcome 3 ⁽³⁾ Enhancement of the State's economic sustainability and prosperity.
Services		
Service 1 Consumer Protection Service 2 Safety and Employment Protection	Service 1 Consumer Protection Service 2 ⁽¹⁾ Safety and Employment Protection	Service 1 Consumer Protection Service 2 ⁽²⁾ Safety and Employment Protection Service 3 ⁽³⁾ Science, Innovation and Business

Figure 5: Changes to agency level desired outcomes and services: 2007-08 and 2008-09

Notes:

- (1) This outcome and service includes data from the Resources Safety Division.
- (2) This outcome and service excludes data from the Resources Safety Division as this function was transferred to the Department of Mines and Petroleum from 1 January 2009.
- (3) This outcome and service reflects the transfer of the Science, Innovation and Business function from the former DOIR to the department from 1 January 2009.



Original 2008-09 OBM framework

In February 2007, the Department of Treasury and Finance's Outcome Structure Review Group endorsed the DOCEP's OBM framework as an interim arrangement, for 2007-08 only as it considered that there were a number of key issues, which warranted further consideration prior to the commencement of the 2008-09 budget process. A further review of DOCEP's OBM framework was undertaken, with a framework being approved in February 2008 for the 2008-09 reporting period. The key changes from the 2007-08 OBM framework to the original 2008-09 OBM framework were:

- creation of an agency level desired outcome statement for each of the department's services;
- addition of two effectiveness indicators to underpin the agency outcome statements;
- aggregation of Service 1: Consumer Protection's efficiency indicators from 11 to four; and
- aggregation of Service 2: Safety and Employment Protection's efficiency indicators from five to four indicators.

Revised 2008-09 OBM framework

The redesignation of DOCEP to the Department of Commerce from 1 January 2009, the inclusion of a division from the former DOIR and the transfer of the Resources Safety Division to the Department of Mines and Petroleum, led to a requirement for the development of an OBM framework for the Department of Commerce.

In March 2009, the department's OBM framework was approved by the Outcome Structure Review Group applicable for the 2008-09 reporting period. This revised framework was based on DOCEP's original 2008-09 OBM framework approved for 2008-09, with the following changes:

- removal of an effectiveness indicator;
- addition of an agency level desired outcome and service relating to the Science, Innovation and Business Division;
- addition of new effectiveness and efficiency indicators to measure the outcome and service relating to Science, Innovation and Business; and
- removal of the Resources Safety Division's underpinning measures in Outcome 2 and Service 2: Safety and Employment Protection.



Shared responsibilities with other agencies

The Department of Commerce, as the lead agency, is responsible for coordinating the delivery and reporting on whole of government and cross-agency initiatives. These initiatives have shared accountability for the successful implementation of whole of government reform initiatives. The shared responsibilities with other agencies, contained in Table 3, are reported against the 2008-09 Resource Agreements established between the responsible Minister, Director General and Treasurer. Further information on Resource Agreement reporting is available in the Agency Performance section of this report.

Table 3: Shared responsibilities with other agencies in 2008-09

Initiative	Related outcome	Contributing agencies	Report against targets
Fair Pay and Conditions Policy WA 2008 (Procurement Policy) <i>Source: Resource Agreement – Employment Protection (DOCEP)</i>	To promote fairer, more flexible and more productive workplaces. Ensure fair terms and conditions of employment pursuant to government cleaning and security contracts. Enable collective representation at the workplace. Provide an efficient means of preventing and settling workplace disputes.	Department of Commerce (Labour Relations Division); Department of Treasury and Finance; Department of Housing and Works	This was an initiative of the previous government, which was not progressed by the current government because of the potential flow-on effect of the government subsidising the wages of private sector employees.
ThinkSafe Small Business Assistance Program <i>Source: Resource Agreement - Employment Protection (DOCEP)</i>	Improved capacity for small businesses in high risk areas to manage their occupational safety and health risks more effectively.	Department of Commerce (WorkSafe Division); Small Business Development Corporation; WorkCover WA	The target of 500 eligible small businesses to complete the assistance program was exceeded as 658 small businesses received a free and independent occupational safety and health consultancy service.
Managing Fatigue in the Commercial Vehicle Sector <i>Source: Resource Agreement - Employment Protection (DOCEP)</i>	Promote safe driving in the heavy vehicle commercial transport industry through a combination of education, compliance and enforcement strategies aimed at reducing driver fatigue.	Department of Commerce (WorkSafe Division); Main Roads Western Australia; Office of Road Safety; WA Police	The target of a minimum of four strategic coordinated intervention campaigns on the major east-west and north-south trucking routes was achieved.



Initiative	Related outcome	Contributing agencies	Report against targets
Implementation of State Broadband Network Strategy <i>Source: Resource Agreement (DOIR) ⁽¹⁾</i>	Enabling telecommunications broadband infrastructure across WA.	Department of Commerce (Science, Innovation and Business Division); Department of Treasury and Finance; Department of the Premier and Cabinet; Office of E-Government; Department of Education and Training; Health Department; WA Police	The State Broadband Network Strategy became redundant with the introduction of the National Broadband Network Strategy. However, the department is now working closely with Department of Treasury and Finance to leverage telecommunication expenditure in the regional areas under the Common Use Agreement to extend telecom infrastructure using a targeted approach.
Develop an international radio astronomy park in Western Australia's Mid West <i>Source: Resource Agreement (DOIR) ⁽¹⁾</i>	Support the State's bid for international Square Kilometre Array Project.	Commonwealth Scientific and Industrial Research Organisation (CSIRO); Department of Commerce (formerly DOIR); Department of Environment and Conservation; Department of Innovation, Industry, Science and Research; Department of Local Government and Regional Development; Department for Planning and Infrastructure; Department of the Premier and Cabinet; Mid West Development Commission; Office of Native Title; Pastoral Lands Board; State Solicitor's Office	The target to establish a Radio Astronomy Park was achieved through execution of a collaboration agreement between the State and CSIRO; the purchase of the Boolardy Station Lease; the execution of a lease agreement for the Murchison Radio-astronomy Observatory; and the execution of an Indigenous Land Use Agreement.

Notes:

(1) The department was responsible for this initiative from 1 January 2009.

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