

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.

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RESOURCE AGREEMENT

In accordance with section 41 of the *Financial Management Act 2006*, the Department of Commerce (formerly the Department of Consumer and Employment Protection (DOCEP)) has a Resource Agreement between the responsible Minister, Director General and Treasurer. The Resource Agreement articulates the Government's desired outcomes, the services to be delivered and the performance targets to be achieved for both financial and non-financial performance.

At the time of signing the Resource Agreement, the Director General was accountable to two Ministers for the performance of the department's functions and a Resource Agreement existed with each Minister. The Resource Agreements were prepared in the original 2008-09 outcome based management (OBM) framework as set out in the 2008-09 Budget Papers and the targets were set as part of the State Government's 2008-09 budget process. There is no provision under the *Financial Management Act 2006* and the Treasurer's Instructions for the Resource Agreement to be amended to reflect the changes that occurred during the year.

A summary of the department's performance against financial and non-financial targets for the 2008-09 financial year, as contained in these Resource Agreements, is reported in accordance with Treasurer's Instruction 808. In addition, where applicable the Department of Industry and Resources' (DOIR) Resource Agreement relating to the functions transferred to the department have been reported.

Financial targets

Table 4 provides a summary of the department's financial performance for 2008-09.

Table 4: Summary of financial performance for 2008-09

Indicator	Target ⁽¹⁾ \$'000	Actual ⁽⁵⁾ \$'000	Variation \$'000
Total cost of services (expense limit) (<i>details from Income Statement</i>)	\$111,412 ⁽²⁾	\$136,712	\$25,300 ^(a)
Net cost of services (<i>details from Income Statement</i>)	\$76,195 ⁽³⁾	\$104,142	\$27,947 ^(a)
Total equity (<i>details from Balance Sheet</i>)	\$42,594 ⁽⁴⁾	\$70,229	\$27,635 ^(a)
Net increase/(decrease) in cash held (<i>details from Cash Flow Statement</i>)	\$160 ⁽⁴⁾	\$540	\$380 ^(a)
Indicator	Target	Actual	Variation
Approved full time equivalent (FTE) staff level	922	983	61 ^(b)

Notes:

- (1) The targets were derived from the 2008-09 Budget Papers (No. 2, Volume 3, Part 13).
- (2) This figure included \$45,978,000 for the Consumer Protection Service and \$65,434,000 for the Safety and Employment Protection Service.
- (3) This figure included \$27,371,000 for the Consumer Protection Service and \$48,824,000 for the Safety and Employment Protection Service.
- (4) The total equity and net increase (decrease) in cash on hand figures related to the entire department which at the time of setting the target encompassed the Consumer Protection Service and Safety and Employment Protection Service only.
- (5) As specified in the Financial Statements section of this report.



Explanations of variances provided in Table 4 are as follows:

- (a) The variance is primarily due to the fact that the targets were derived from the 2008-09 Budget Papers and were therefore set prior to the significant changes to the department during 2008-09, which included the transferring out of the Resources Safety Division and the transferring in of the Science, Innovation and Business Division. The majority of the variances for these cost targets relates to the Science, Innovation and Business Division's grants funding program.
- (b) The variance is primarily due to the different basis of calculation. The target figure included only existing and substantive positions occupied in the financial year and did not include externally funded, Ministerial placements or secondees. Whereas, the actual result is based on the Public Sector Commission's Human Resources Minimum Obligatory Information Requirements (MOIR) data, which includes employees directly paid through the department's payroll including contractors; secondees both in or out of the department, paid by the agency; externally funded positions; and Ministerial placements.

Key performance indicators

This section provides a summary of the department's non-financial performance against 2008-09 targets for key effectiveness indicators and key efficiency indicators as contained in the 2008-09 Resource Agreements. The Resource Agreements were prepared in the original 2008-09 OBM framework as set out in the 2008-09 Budget Papers and the targets were set as part of the State Government's 2008-09 budget process.

The actual results have been reported in the revised 2008-09 OBM framework to ensure the information presented is relevant and useful to the reader of this report and to be consistent with the Performance Indicator Report. Results, where possible, have also been presented in the original 2008-09 OBM framework.

Key effectiveness indicators

Table 5 and 6 provides a summary of the department's non-financial performance relating to key effectiveness indicators for 2008-09.

Table 5: Results for the 2008-09 key effectiveness indicators

Indicator	Target ⁽¹⁾	Actual	Variation
Outcome 1: A fair trading environment that protects consumers and traders in Western Australia.			
The extent to which traders comply with regulatory requirements	95%	97% ⁽²⁾	2%
The extent of consumer confidence in Western Australia's trading environment	75%	71% ⁽²⁾	(4%)
Outcome 2: A community in which workplaces are operated in a safe and fair manner.			
The extent of compliance with safety and employment protection regulatory requirements	82%	76% ⁽³⁾ 77% ⁽⁴⁾	(6%) (5%)
The proportion of key measures exhibiting desirable trends in safety and employment protection	The Outcome Structure Review Group approved the removal of this indicator in March 2009.		



Notes:

- (1) The targets from the Resource Agreements were derived from the 2008-09 Target figure from the 2008-09 Budget Papers (No. 2, Volume 3, Part 13), which was based on the original 2008-09 OBM framework.
- (2) As this indicator was the same in both the original and revised 2008-09 OBM framework, the result shown in the revised 2008-09 OBM framework is comparable to the target.
- (3) The result is shown in the revised 2008-09 OBM framework (i.e. excludes the Resources Safety Division's underpinning measure) is not comparable to the target, which had been set in the original 2008-09 OBM framework and had included the Resources Safety Division's data.
- (4) For comparison purposes, the result is also shown in the original 2008-09 OBM framework. However the result includes the Resources Safety Division's underpinning measure for the period 1 July to 31 December 2008 only, as the Resources Safety Division was transferred to the Department of Mines and Petroleum effective from 1 January 2009.

Table 6: Results for the 2008-09 key effectiveness indicators ⁽¹⁾

Indicator	Target ⁽³⁾	Actual	Variation
Outcome 3: Enhancement of the State's economic sustainability and prosperity.			
Index of funding leverage obtained for Western Australia from science and innovation research grants	5.1:1	7.4:1 ⁽⁴⁾	2.3:1
Number of employment and business opportunities facilitated ⁽²⁾	885	675	(210) ^(a)

Notes:

- (1) These indicators and targets were part of the former DOIR's 2008-09 Resource Agreement.
- (2) Employment and business opportunities are specifically defined as employment opportunities, business start-ups, business development and expansion opportunities facilitated for Indigenous communities.
- (3) The targets in DOIR's Resource Agreement were derived from the 2008-09 Target figures from DOIR's 2008-09 Budget Papers (No. 2, Volume 1, Part 3), which was based on DOIR's OBM framework.
- (4) The result has been calculated for a similar indicator in the department's revised 2008-09 OBM framework which was based on DOIR's indicator. However, the methodology for calculating has changed from a running ratio (which included current active grants and concluded grants) to grants concluded for Centres of Excellence established since 2000.

Explanation of variance provided in Table 6 is as follows:

- (a) The variance between the actual result (675) and the target (885) for 2008-09 is due to the much lower than expected number of Indigenous employment opportunities. This was a consequence of the global economic crisis, coupled with the Aboriginal Economic Development unit being discontinued and the function being wound-up upon notification in May 2009 as part of the 2009-10 budget process Economic Audit Policy decision.

Key efficiency indicators

Table 7 and 8 provides a summary of the department's non-financial performance relating to key efficiency indicators for 2008-09.

Table 7: Results for the 2008-09 key efficiency indicators

Indicator	Target ⁽²⁾	Actual ⁽³⁾	Variation
Service 1: Consumer Protection ⁽¹⁾			
Average cost per client contact to provide information and advice	\$2.39	\$2.57	\$0.18
Average cost per policy project	\$18,898 ^(a)	\$209,387	\$190,489 ^(a)
Average cost per registration or licence	\$12.75	\$13.78	\$1.03
Average cost per inspection or investigation	\$477.01	\$541	\$63.99
Service 2: Safety and Employment Protection			
Average cost per hour of policy advice	\$147.06	\$107 ⁽⁴⁾	(\$40.06)



Indicator	Target ⁽²⁾	Actual ⁽³⁾	Variation
Average cost per client contact to provide information and advice	\$3.82	\$5.14 ⁽⁴⁾	\$1.32
		\$4.78 ⁽⁵⁾	\$0.96
Average cost per inspection or investigation	\$1,313	\$854 ⁽⁴⁾	(\$459)
		\$1,086 ⁽⁵⁾	(\$227)
Average cost per registration or licence	\$218.89	\$66.51 ⁽⁴⁾	(\$152.38)
		\$88.00 ⁽⁵⁾	(\$130.89)

Notes:

- (1) The indicators for the Consumer Protection Service were the same in both the original and revised 2008-09 OBM framework.
- (2) The targets from the Resource Agreements were derived from the 2008-09 Target figure from the 2008-09 Budget Papers (No. 2, Volume 3, Part 13), which was based on the original 2008-09 OBM framework.
- (3) The results shown are in the revised 2008-09 OBM framework. The organisational changes during the year impacted the costing allocation model (i.e. the Resources Safety Division's expenditure has been excluded from the Safety and Employment Protection Service and the full year costing for the Science, Innovation and Business Service is included).
- (4) The results shown are in the revised 2008-09 OBM framework (i.e. excludes the Resources Safety Division's underpinning measure) is not comparable to the target, which was set in the original 2008-09 OBM framework and had included the Resources Safety Division's data.
- (5) For comparison purposes the result is also shown in the original 2008-09 OBM framework. However the result includes the Resources Safety Division's underpinning measure for the period 1 July to 31 December 2008 (as the Resources Safety Division was transferred to the Department of Mines and Petroleum effective from 1 January 2009). In addition, the cost methodology is based on the financial statements, which includes expenditure incurred by the department for the Resources Safety Division for a six month period (1 July to 31 December 2008) and the Science, Innovation and Business Division for the six month period (1 January to 30 June 2009).

Explanation of variance provided in Table 7 is as follows:

- (a) The significant variance is due to the fact that the target included incorrectly classified policy projects (rather than policy tasks which are no longer included in this indicator). If the policy projects had been correctly classified, the target would have been \$259,842, for which the actual result is comparable.

Table 8: Results for the 2008-09 key efficiency indicators⁽¹⁾

Indicator	Target ⁽¹⁾	Actual ⁽²⁾	Variation ^(a)
Service 3: Science, Innovation and Business			
Average cost per science and innovation project managed	\$57,848	\$210,642	\$152,794

Notes:

- (1) This indicator and target were part of the former DOIR's 2008-09 Resource Agreement. The target was derived from the 2008-09 Target figure from DOIR's 2008-09 Budget Papers (No. 2, Volume 1, Part 3), which was based on DOIR's OBM framework.
- (2) This indicator was based on a former DOIR indicator, however the methodology was amended to include science and innovation projects in: Innovative WA programs; Centres of Excellence; science initiatives; specific purpose funding; policy; marine and defence; broadband; Technology Parks: industry participation; and other. In addition, the indicator excludes grants paid to external parties.

Explanation of variance provided in Table 8 is as follows:

- (a) The variance is due to the change in methodology for calculating this indicator.

A summary of the department's performance against whole of government and cross-agency initiatives as contained in the 2008-09 Resource Agreements is presented in Table 3: Shared responsibilities with other agencies in 2008-09 of the Overview section of this report.

For detailed information on the department's performance refer to the Performance Indicator Report.



OPERATIONAL HIGHLIGHTS

This section continues to highlight the department's major achievements for 2008-09.

Consumer Protection

Consumer Protection Division

About the division

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

Highlights

Development of legislation

The Consumer Protection Division completed a wide ranging statutory review of the *Retirement Villages Act 1992* to identify whether the current legislation meets the needs of the community. Some of the key areas addressed by the review included issues relating to contracts; disclosure information and cooling off periods; and the management and maintenance of retirement villages. A draft report of the review was submitted to the Minister in June 2009.

Drafting of a Bill to amend the *Residential Tenancies Act 1987* commenced following a review involving extensive research and public consultation. The high demand for rental properties has led to increased levels of dispute, highlighting the need for clear, understandable laws in relation to tenancy agreements. The division understands the need to maintain investment in the rental market and therefore, the new laws will seek to balance the competing interests of tenants and landlords and deliver an overall benefit to the community.

The Cooperatives Bill 2009 was introduced to Parliament in March 2009 and will replace two existing Acts. Cooperatives play an important role in the community, particularly in regional areas, and cover a range of industries including retail, agriculture, manufacturing, wool processing and taxi services. The new legislation modernises these laws and will give cooperatives access to new fundraising opportunities and improve opportunities for interstate trade by Western Australian cooperatives.

The Consumer Protection Division facilitated the drafting of the Retail Trading Hours Amendment Bill 2009 introduced into the Parliament by the Premier in June 2009. The Bill proposes amendments to trading hours to allow general retail shops in the metropolitan area to remain only open until 9.00pm each weeknight.



Proactive compliance sweep of South West regions

The Consumer Protection Division commenced a program to inform and educate consumers and businesses in regional Western Australia from 11 to 15 May 2009. Twelve employees including the Commissioner for Consumer Protection undertook and delivered a broad range of compliance and education sessions in Esperance, Kalgoorlie and Lake Grace covering activities including business registration, retirement villages, residential parks, petrol pricing, motor vehicle repairer licensing and price scanning.

Rental property information seminars

The Consumer Protection Division delivered two presentations entitled 'Renting out your Property: An Owners Guide' in Joondalup and Melville which attracted registration of more than 600 participants. The division also delivered seven seminars on factors to consider with reverse mortgages.

Economics and Industry Standing Committee Inquiry action

The Consumer Protection Division continued its investigation into the Economics and Industry Standing Committee Inquiry's findings and recommendations on disputes between management and residents at the Karrinyup Lakes Lifestyle Village. The division investigated alleged breaches of a Deed of Undertaking, commenced prosecution proceedings concerning misrepresentation under the *Fair Trading Act 1987* and the Commissioner commenced civil representative action in the District Court concerning breaches of contract relating to marketing and sale of leases.

Mystery shopping project

The Consumer Protection Division undertook an investigation into fish suppliers to discover whether consumers were receiving the product they paid for. The investigation covered supermarkets, restaurants, road side vendors and 'wet' fish supplies and found that no raw or cooked fillets tested were misrepresented and that accurate fish naming conventions were used. A national audit of bedding stores was also undertaken to determine if misleading two-price advertising was prevalent. In September 2008, 19 bedding and furniture stores were visited, eight of which were required to substantiate the pricing claims being made.

Home Buyers Assistance Account

A record number of applications were received for grants from the Home Buyers Assistance Account in 2008-09 with 4,948 grants approved, a 19 per cent increase from 2007-08. In total, over \$9.7 million was granted to Western Australian first home buyers in 2008-09.





Implementation of the *Trade Measurement Act 2006* provisions relating to the sale of alcohol

The Consumer Protection Division successfully implemented the introduction of laws relating to the method in which draught beers and some spirits are sold in Western Australia. These laws are designed to ensure correct measurement so that consumers can have the confidence that they receive the product they pay for. The implementation included consultation with industry representatives, dissemination of over 4,000 educational letters and brochures to industry stakeholders and an information booth at the Australian Hotels Association annual trade show.

Indigenous partnership program

A pilot project involving the Western Australian and Commonwealth governments was completed in June 2009. Under a trial arrangement workshops were held in six locations throughout Western Australia on topics which included governance training for Indigenous organisations. The course was based on a well-tested program being used by the Commonwealth Office of the Registrar of Indigenous Corporations.

Motor vehicles dealer inspection program

Since the program commenced in 2007, the Consumer Protection Division has visited a total of 1,581 motor vehicle dealer premises and inspected more than 27,000 vehicles across Western Australia. Of the vehicles inspected, 246 have been issued with defect orders for serious faults found and a further 488 vehicles were issued with a minor defect order.



Safety and Employment Protection

EnergySafety Division

About the division

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

Highlights

Bush fire investigations

The EnergySafety Division completed investigations into three significant wild fires initiated by failures of Western Power's electricity distribution system. The investigation reports were published on the EnergySafety section of the department's internet site.



National regulatory reform projects

Significant progress has been made in developing national regimes for electrical appliance safety approvals, gas appliance safety approvals, national electrical and gas trade licensing, and the harmonisation of energy supply technical and safety regulation. Electrical and gas safety regulators in other jurisdictions have accelerated work, which has resulted in significant progress on various national regulatory reform projects.

As the chair of the Gas Technical Regulations Committee, a notable achievement has been the conclusion after ten years, of the Trans Tasman Mutual Recognition Agreement in respect of gas appliances. Subject to New Zealand completing the necessary legislative changes, it will result in gas appliances being able to be sold in both Australia and New Zealand.

Regulatory model for energy efficiency of gas appliances

The department continued participation, at a national level, to progress improvements to the energy efficiency of gas appliances and equipment. Agreement on the regulatory model to be used has been delayed and it is estimated that this will be completed by 2010. It is anticipated that the proposed model will provide for each jurisdiction to regulate gas efficiency through existing legislation. Changes to the *Gas Standards Act 1972* will be required.

Inspections of domestic installations

Steady progress has been made to implement a scheme, developed by the Energy Safety Division, whereby home owners may have their electrical installations voluntarily inspected for safety on a fee-for-service basis, using participating electrical contractors. A similar service for gas consumers is planned for next year, subject to approval from the Government.

Omnibus Bill to control vegetation near power lines

An Omnibus Bill is under preparation to replace the simplistic provisions of Section 54 of the *Energy Operators (Powers) Act 1979* (dealing with the control of vegetation near power lines) with a new regulatory regime under the *Electricity Act 1945*.



Improved regulatory compliance through application of a safety case

As a means of complying with the requirements of the Gas Standards (Gas Supply and System Safety) Regulations 2000, Alinta Gas has opted to use a safety case approach, which has been approved and will come into operation in 2009-10.

Implementation of the Electricity (Licensing) Regulations 1991

The Electricity (Licensing) Regulations 1991 covering electrical licensing and consumer electrical installations standards have been implemented, embracing latest versions of the Australian Wiring Rules, the Western Australian Electrical Requirements and relevant Australian Standards.



Labour Relations Division

About the division

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

Highlights

Flexible workplaces

Three key projects were undertaken by the Labour Relations Division to encourage greater flexibility in Western Australian workplaces. In the public sector, the Work Life Balance Implementation Project focused on training and supporting supervisors to manage flexible workers. An education campaign for small business owners on the benefits of mature age employment was undertaken to raise awareness of how flexibility can assist in retention of skilled and experienced employees.



The Pay Equity Audit Initiative has assisted a range of organisations to undertake pay equity audits to identify issues related to workforce participation and help build the internal capabilities of their workforces.

Services to small business

The Labour Relations Division has enhanced small business services by developing and delivering products to small business employers. Connecting with Regional Communities and Small Business Development Advisory Service programs were implemented initiatives that provide free information and advice on employment law obligations to small businesses.

Children and employment laws

The Labour Relations Division has raised the awareness of children and employment laws with employers and parents through the investigation of complaints and education mail-outs to businesses that operate in the retail and fast food industries.



Resources Safety Division

About the division

The Resources Safety Division promotes best practice in safety and health with companies and employees involved in dangerous goods, mining, onshore petroleum operations and major hazard facilities by educating and regulating industry. Resources Safety is also involved in developing safety standards.

Highlights

The division's highlights are reported for the period 1 July to 31 December 2008.

Occupational safety and health reform in mining

The Resources Safety Division continued to contribute to the development and finalisation of the National Mine Safety Framework strategies and implementation plan. The division participated in nation-wide consultation on these issues, continued to provide support and input to the debate and the processes, leading to the finalisation of the statutory review of the *Mines Safety and Inspection Act 1994*. Mine safety awareness programs were delivered at regional centres, including a new initiative to the exploration sector using innovative technology to ensure wider coverage of the State.

Petroleum safety

The Resources Safety Division continued to provide expert technical advice under a safety case regime in relation to the upstream onshore oil and gas industries through a Memorandum of Understanding with the former DOIR.

Management of hazardous manual tasks

Musculoskeletal disorders arising from performing hazardous manual tasks represent more than a third of all reported accidents and compensation statistics in the resources industry. The Resources Safety Division established a tripartite working group to identify practical solutions to this issue and released a suite of reference materials.

System enhancements (e-forms)

The division has created several incident and health reporting electronic forms to replace the current paper-based process. The new e-forms are designed to validate data entries while being inputted at the mine site. Further forms are being released progressively to the industry. As a result of this initiative, data submission rates and accuracy have improved.

Risk-based health surveillance

The Resources Safety Division's risk-based health surveillance and biological monitoring guideline was released. This will help mine employers to meet their statutory requirements relating to biological monitoring, and the additional health surveillance required when employees are exposed to hazardous substances.



WorkSafe Division

About the division

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



Highlights

Enhanced customer service approach

As part of an enhanced customer service approach, the WorkSafe Division:

- Organised the Perth Work Safe Forum in October 2008 at the Perth Convention Exhibition Centre. The forum was targeted at elected safety and health representatives and attended by around 570 delegates. The 2009 Work Safe Regional Forums were held in Karratha and Bunbury in May 2009.
- Presented 18 free lunchtime information sessions, '4thought sessions', at various locations on a range of occupational safety and health topics, to give participants information on workplace safety issues and provide an opportunity to discuss solutions.
- Conducted more than 51 information sessions at individual workplaces to support workplace risk management processes.
- Streamlined plant design registration and plant item registration procedures to provide an improved customer service.
- Responded to 43,445 requests for occupational safety and health information, received 1,750 notifications of injuries and disease and answered 2,942 emails to the Customer Help Centre.

National and state based campaigns

As part of a national intervention approach developed under the *National Occupational Health and Safety Strategy 2002-2012*, the division participated in targeted occupational safety and health education and enforcement drives including programs concerning manual tasks in the retail and wholesale trade supply chain; new and young workers in the hospitality sector; and aggressive behaviour in health care. The WorkSafe Division was responsible for the national coordination of the aggressive behaviour in health care campaign.

During the year, the division completed key compliance projects covering the safe operation of tower cranes at construction sites; the control of hazardous dusts, fumes and fibres across all industries; risk control related to the provision of disability services; and risk control in industry sectors including cabinet making, boat lifting, prefabricated building, seafood processing, and pubs, taverns and bars.



ThinkSafe Small Business Assistance Program

The ThinkSafe Small Business Assistance Program promotes the implementation of occupational safety and health systems and policies to small businesses in high risk industries, not-for-profit organisations and Indigenous groups. During the year, as part of the program, the division:

- Delivered a free and independent occupational safety and health consultancy service to 658 small businesses on a one-to-one consultation basis. This was an increase of 25 per cent on the previous year. Sixty-eight per cent of services were delivered to metropolitan area businesses and 32 per cent to the regions. Additional assistance on key occupational and health issues was provided to 52 small businesses that opted to be part of a program of follow up visits.
- Provided free and independent occupational safety and health consultancy services to 17 remote Indigenous communities which received a culturally appropriate adaptation of the ThinkSafe Small Business Assistance program. These remote communities were located in the Pilbara, Goldfields, Gascoyne and Mid West.



Participants in the ThinkSafe Program for Aboriginal Communities. Newman

Regional compliance activities

As part of an increased regional focus, the division delivered to key regional areas a range of targeted occupational safety and health education and enforcement drives in line with nationally agreed priority industries and priority issues. These included targeted inspection of construction sites in the South West, Mid West and Peel regions; construction sites and farms in the East Kimberley; and manufacturing industry activities including wineries, bakeries and metal fabrication in the South West. There were four major enforcement drives in relation to commercial driver fatigue, at regional locations across Western Australia in cooperation with other agencies. Fatigue remains a significant occupational safety and health issue in the commercial transport industry.

Reduction in work related injury and disease rates

According to the most recent preliminary workers' compensation claims data, the downward trend continues for lost time injuries and diseases in Western Australia with a 2.7 per cent reduction in overall frequency rate, from 10.7 in 2006-07 to 10.4 in 2007-08 (preliminary). The total rate of improvement for all injuries and diseases since the *Occupational Safety and Health Act 1984* came into effect 20 years ago in 1988-89, is 70.5 per cent.

Due to the volatility of work related fatalities, averages over five years are used to provide clear trend data. The most recent data shows the average traumatic work related fatality incidence rate for the five year period from 2004-05 to 2008-09 is 19.6. This is a 2.6 per cent decrease from 20.1 for the five year period of 2003-04 to 2007-08 indicating a positive shift in trend (downward).



Awards

The WorkSafe Plan is an assessment process that rates safety management systems and directs attention to areas that can be improved. The WorkSafe Plan is promoted by the WorkSafe Division to help workplaces introduce occupational safety and health management systems that support the practices required to establish and maintain safe systems of work. In 2008-09, five platinum, 11 gold and nine silver awards were awarded.

The Work Safety Awards Western Australia recognise outstanding occupational safety and health management, solutions and innovation in Western Australian workplaces that reduce the risk of work related injury and disease. In 2008, the award winners were Main Roads Western Australia, Southern Brake and Services Pty Ltd, Department of Agriculture and Food WA, APC Storage Solutions and Suzie Johns from Bunnings Morley.

Code of practice on the safe guarding of machinery and plant

A code of practice was developed on the safe guarding of machinery and plant to provide practical guidance on controlling risks, to assist workplaces to meet their legal obligation to provide and maintain a safe working environment. The lack of guarding on machinery is a significant cause of workplace deaths and injuries in Western Australia. The code of practice explains how to safely guard machinery and plant in the workplace, to ensure it does not pose a risk to safety and health.

Science, Innovation and Business

Science, Innovation and Business Division

About the division

The Science, Innovation and Business Division enhances the State's prosperity by promoting the expansion of science, innovation and business.



Highlights

Clinical trials

The Science, Innovation and Business Division assisted with establishing the early clinical trials facility at the Sir Charles Gairdner Hospital site in Nedlands with the State Government's funding being secured for the Western Australian Institute of Medical Research to establish the facility.

Australian Marine Complex

The division finalised the implementation of major capital works at the Australian Marine Complex and will continue to pursue opportunities for Western Australian industry to participate in local and international marine and defence off shore oil and gas markets.



Innovation

The division conducted a range of specific programs to facilitate successful innovation and commercialisation by the Western Australian based business including the WA Inventor of the Year Award and the 2008 WA Brilliant West Week.

Science

The Science, Innovation and Business Division undertook a number of initiatives to promote the importance of science to the State's economy. These included the 2008 Premier's Science Awards and the Dialogue with Youth Forum.

Square Kilometre Array

The division worked with other State and Commonwealth bodies to establish the Murchison Radio-astronomy Observatory for the Australian Square Kilometre Array Pathfinder telescope and other astronomy research projects.

Research

A range of funding agreements were finalised by the department on behalf of the State Government. Areas covered included Centres of Excellence in radio astronomy, climate change, geothermal and mineral mapping.

Infrastructure

Funding was committed to develop an industrial park in the Collie region which will be the site for a \$3.5 billion area project.

Desalination

The Science, Innovation and Business Division is working with the Commonwealth to establish a \$20 million National Centre for Desalination Research in Perth.

Corporate

Corporate Services Division

About the division

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



Highlights

Count Us In Award nomination

The Department of Commerce was nominated for the 2008 Count Us In Awards coordinated by the Disability Services Commission for the State Government category. The department's ability to actively recruit and assess people with disabilities who are available for work was acknowledged at these awards. The department is proud of its achievements to support this strategic recruitment initiative.

Consolidation and virtualisation of servers

The first phase of an ongoing project to introduce a virtual server infrastructure environment has been completed. This has provided the department with more efficient, flexible and resilient platform to provide its computer services. The use of virtualisation has dramatically reduced the number and the complexity of the servers required to deliver services. This has also resulted in a reduction in the number of physical servers located in the Forrest Centre server room, saving on floor space, power and cooling usage.

Data migration and transition

The Corporate Services Division was actively involved with the migration of data for the Science, Innovation and Business Division and the Resources Safety Division. This involved transitioning and educating all new employees on the department's practices, protocols and standards. This work resulted in the development of new management procedures to accommodate the division's business activities.

Leadership development

A six module management program titled 'Managerial Effectiveness' was developed for the department to build the capabilities of the middle management group. The key objective of the program is to assist managers to better manage their employees. The program was attended by 47 managerial employees during the year.

Electronic and Document Records Management System

The department's Electronic Document and Records Management System, 'Objective' continued to be implemented across all business units. The system ensures there is a centralised system for the management of information regardless of its medium and this information is captured and retained according to legislative requirements.

Retention and disposal of records

In accordance with the *State Records Act 2000*, the Retention and Disposal Schedules for the Labour Relations and Consumer Protection Divisions were updated during 2008-09. This will be submitted for approval to the State Records Advisory Committee in 2009-10. Work in reducing the holdings of records at offsite storage facilities has commenced, with a dedicated retention and disposal team established. This team will ensure standardised and consistent practices are in place for handling inactive records, which are disposed of in a timely manner and in accordance with the approved Retention and Disposal Schedules.



Innovative Disability Recruitment Program

The Corporate Services Division conducts a unique annual recruitment activity, which enables people with disabilities the opportunity to undertake an interview and be registered for employment with the department. This initiative is supported by a collaborative relationship with Edge Employment Solutions. A database of candidates has been established for the department's managers to access when vacancies arise within their work area. Candidates' skills and abilities are matched according to the type of work they could perform. An Employment and Career Development Strategy will be developed and implemented for people with a disability in the coming year.

Records management training

A booklet titled 'Corporate information: Record keeping essentials' has been developed and is provided to all new employees. This booklet explains the importance of good records management practices and empowers employees to be accountable for creating and retaining accurate records within the department's electronic document and records management system. In addition, a records management segment has been included within the mandatory training attended by all new employees, to provide them with a more detailed understanding of their record keeping requirements as public officers.

Office of the Director General

About the division

The Office of the Director General provides strategic and executive support to the Director General and the Corporate Executive. This includes governance; whole-of-government policy coordination; parliamentary liaison; regional services; internal audit; strategic policy co-ordination; corporate development initiatives; strategic planning; corporate performance reporting; corporate communications and public affairs.

Highlights

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

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



Nina Lyhne, Executive Director, WorkSafe presenting award to Main Roads WA

More than 120 public sector annual reports were reviewed for compliance with the *Public Sector Commissioner's Circular 2009-11: Code of practice: Occupational safety and health in the Western Australian public sector*, with the inaugural award for excellence in occupational safety, health and injury management reporting being awarded to Main Roads Western Australia. The Department of Commerce was short listed for the award.



Accountability and Ethical Decisions Making Training

The department's first 'Accountability and ethical decision making' session for the department's leadership team was held in early 2008-09. The session was designed to assist senior employees in finding answers to accountability questions that may arise in their daily work and explain expected standards of behaviour. The session focused on the six categories of conduct in the Conduct Guide produced by Office of the Public Sector Standards Commissioner. Employees will be trained in the next financial year.

Public Sector Safety, Health and Injury Management Network

The first Public Sector Occupational Safety, Health and Injury Management Network Forum occurred in May 2008 to assist public sector practitioners to exchange information and ideas in order to meet challenges within their workplaces. During 2008-09, a further two networking sessions were held which were highly successful and each attended by more than 100 practitioners. These forums covered topics on successful injury management and return to work using a buddy system; the importance of having an Occupational Safety and Health Business Plan; the management of stress claims; and provided the opportunity to talk to a panel of WorkSafe Inspectors.

Companion Card affiliation



During the year, the department became an affiliated organisation with the Companion Card Western Australia. The Companion Card allows people with a profound disability, who require attendant care for the rest of their lives, to participate in community activities and events, by allowing carers of people with disabilities to access events free of charge.

Informing our customers

The department continued to enhance its online material including developing youth oriented services and redeveloping 'Your First Job' and WorkSafe's 'SmartMove'. The change of the department's identity to the Department of Commerce also involved the development of the online branding and inclusion of the Science, Innovation and Business Division to the corporate web presence. The department's intranet services were also redeveloped during the year.

A new corporate identity and contemporary look for the department's wide range of printed information products, advertising and signage was developed during the year. A number of divisional promotional activities occurred including a motor vehicle repairers campaign, regional and Perth Work Safe Forums, Safe Work Australia Week (Western Australia), Work Safety Awards WA, WorkSafe Plan presentations, Safety Achievers Dinner, Consumer Protection Awards and WA Science Awards.

Over 170 publications were produced during the year to promote, educate and inform Western Australians about every aspect of the department's work. New publications included an information pack for new business owners registering a business name; a guide for long term residential park and lifestyle village operators; and consumer financial advice on renting goods and reserve mortgages. An advertising campaign relating to electrical and gas safety issues was undertaken during the year.





OUR PEOPLE

Department's profile

The Department of Commerce employs a diverse range of talented people who work together to provide a broad range of services to the Western Australian community. The department works to create workplaces where business outcomes are achieved, diversity is encouraged, health and safety is paramount, the wellbeing of employees is supported and the development of our people is championed.

The Department of Commerce employs 1,048 employees or 983 full time equivalents (FTEs). The department's employment profile, for 2008-09 (Table 9) shows that 53 per cent of employees were female, with 16 per cent of females employed on a part time basis. This positive result stems from the department's Flexible Working Arrangement Policy that is supported by management and utilised by employees.

Despite the continuous concern over an ageing workforce, 40 per cent of the department's employees are aged below 40 years. Through the use of Performance Review and Development Plans we are able to implement career and succession plans for all levels within the department. At the same time, the department is well supported by 18 per cent of employees who have worked in this agency for more than 10 years. The retention of the skills and knowledge of the employee is important as they are the mentors and coaches for the new workforce.

The Department of Commerce has a diverse workforce. There are people from 44 different countries who speak 23 languages. The department also employed 19 people with disabilities and nine people who are Aboriginal or Torres Strait Islander as at 30 March 2009.

Table 9: Department of Commerce's employment profile (FTEs) for 2008-09

Category	Female	Male	Total
Permanent full time	346.0	380.0	726.0
Permanent part time	64.3	12.2	76.5
Fixed term full time	95.0	62.0	157.0
Fixed term part time	18.0	5.4	23.4
Total full time equivalents (FTEs)	523.3	459.6	982.9

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



Attracting and retaining

At the Department of Commerce we aim to recruit, develop and retain high calibre, skilled and motivated people. Improved employment options have been developed to ensure that the needs of our talented employees are met while fulfilling our business needs.

The department participated in the National Careers and Employment Expo held on 19 and 20 June 2009 at the Perth Convention and Exhibition Centre, as part of a strategic recruitment program. The department showcased its services to the community, prospective employees and future generations of school children from more than 38 schools. Around 15,000 people visited the department's display and were invited to register on the department's occupational database. This database is used to assist sourcing the skills required to supplement our workforce when required. Another highlight from this event was the opportunity to market the Department of Commerce which covers a vast scope of activities from safety, employment protection, consumer protection, science and innovation.



Human Resources employees at the National Careers and Employment Expo

Valuing equity and diversity

The department acknowledges differences in the workforce and adapts work practices to create an inclusive environment in which diverse skills, perspectives and backgrounds are valued. An Equity and Diversity Plan 2007-2009 was developed to support the State Government's commitment to developing an equitable and diverse workforce which is representative of the Western Australian community at all levels of employment and enables employees to combine work and family responsibilities. The plan incorporates the Indigenous employment strategy, the disability strategy and the diversity strategy, and ensures that equity and diversity are considered in all aspects of the department's work, particularly in recruitment and people management strategies.

Activities during the year that supported the Equity and Diversity Plan 2007-2009 included:

- New employees attended a one day workshop on equal opportunity law, workplace culture and bullying.
- Indigenous cross cultural awareness workshops were conducted with 104 participants.
- The department maintained its close working relationship with Edge Employment Solutions, a not-for-profit organisation, established for the purpose of assisting people with disabilities to establish careers. A recruitment day was held with 48 job seekers being interviewed and a recruitment pool of people available for temporary level one and level two positions was established. The International Day of People with a Disability was celebrated by holding a morning tea which was attended by an Edge Employment Solutions representative and managers across the department.
- A number of women's development programs were conducted with 54 participants.



- Work-life balance workshops were conducted including workshops specifically dealing with motherhood and fatherhood in the workplace.
- The Equity and Diversity Committee was established.
- All employees were requested to take part in an equal employment opportunity survey.

Learning and development

Employee learning and development

A wide variety of workshops were conducted during the year. These included written and interpersonal communications skills, customer service, creative thinking, career development, attraction and retention, equal employment opportunity, work life balance and management training. A total of 64 workshops were conducted through the internal training program with 927 participants attending programs.

Leadership development

Managerial effectiveness

A six module management program titled Managerial Effectiveness was developed for the department to build the capabilities of its mid-level managers. The program includes modules on valuing diversity; personality styles and effectiveness; managing conflict; strategic thinking and decision making; applied emotional intelligence; and the power to influence. The program was conducted three times with 47 managerial employees participating.

Department's leadership team

The Department of Commerce continued to focus on developing a positive corporate culture with clear leadership and open communication through presentations and workshops for the department's leadership team. These sessions are designed to enhance the team's abilities to build and sustain effective workplace relationships and to contribute to a more positive working environment for all employees. During the year, the leadership team's first session focused on accountability and ethical decision making and the second session on the department's new corporate plan.

The first session was in response to the Western Australian Government's commitment to provide training and advice to Directors General, the Senior Executive Service and public sector employees to promote ethical conduct and accountability across the public sector. In line with the *Public Sector Commissioner's Circular 2009-03 - Training on Accountable and Ethical Decision Making in the Western Australian Public Sector* employees will be trained in the next financial year.



Fiona Roche, Executive Director, Accountability Support Unit and Alan Barrett, Senior Policy Officer from the Department of the Premier and Cabinet attended the leadership team's ethical conduct and accountability session



The corporate plan was the topic of the second leadership session for the year. The leadership team was briefed on the department's vision and mission and the draft values and draft directions and strategies were reviewed. Feedback from this session was incorporated into the department's values, directions and strategies.



Department's leadership team's session to develop the new corporate plan

Women's development

A four module Women's Development Program was conducted for the first time in 2007-08. This program was designed to support the career development of mid-level female employees by offering specific development in four key areas. The format of the program facilitated networking and building support relationships between participants. Due to an overwhelming response and feedback, two additional programs were conducted during 2008-09. In addition, a two module program called Tapping Talent, was designed for level two and level three female employees. Another program titled Inner Excellence was designed specifically for regional female employees. The four programs were attended by 54 female employees.

Communicating with our employees

Employee committees

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

Internal communication

News on activities, by the Department of Commerce divisions and employees, is communicated through *Comm.News*, an online news service. In addition, the internal *HR Matters* publication provides advice, information and updates to management and employees on a wide range of issues and topics including equity and diversity, learning and development, the wellness program, occupational safety and health and changes to human resource processes and procedures. *HR Matters* also reminds employees of their responsibilities under the *Western Australian Code of Ethics* and the department's *Code of Conduct*.



Employee services

Employee assistance

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

Support for charities and community groups

The Department of Commerce continued to provide ongoing support to local charities and community groups through a range of fundraising activities including casual dress days. During the past year, employees raised over \$3,400 which was donated to three charities the Red Cross Victorian Bushfire Appeal, National Bandanna Day (Canteen) and Daffodil Day (Cancer Council).

In addition, employees supported various community groups and charities such as St Vincent De Paul by donating goods and food for their Annual Christmas Appeal and providing blankets and towels for the Cat Haven of WA. Two employees also participated in the 'World's Greatest Shave', shaving their hair in support of the Leukaemia Foundation and raised over \$7,700.



An employee participates in the 'World's Greatest Shave' in support of the Leukaemia Foundation

Workplace wellness

Workplace wellness initiatives are designed to provide education and support to our employees. The department encourages healthy lifestyles and supports work-life balance to assist employees in dealing effectively with the stresses of everyday work and life problems.

A wellness program 'Work Safe, Work Well' was progressively implemented throughout the department during the year. Key activities during the year included lunchtime talks, exercise classes, influenza vaccinations, healthy heart checks and a '10,000 step' corporate challenge. An eight week healthy lifestyle program was attended by more than 120 employees. Healthy lifestyle choices were promoted through *Comm.News* and articles in the *HR Matters*. The wellness program was evaluated after nine months and due to its success, approval was granted to continue the program on an ongoing basis, including further implementation in regional offices.



An employee receives a healthy heart check