

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.

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54



SIGNIFICANT ISSUES AND TRENDS

Consumer Protection

- The implementation of the Council of Australian Governments' Seamless National Economy reform agenda has had a significant impact on the work undertaken by the Consumer Protection Division and will continue to do so through until 2012-13. The reform agenda will require the amendment of more than 30 Acts administered by the division and the transfer of significant areas of administrative responsibility to the Commonwealth Government, with a resultant impact on consumers, traders, employees and internal systems.
- Continuing high occupancy rates and, in particular, financial pressure on private landlords, are expected to result in more frequent consumer problems relating to residential tenancies. Proposed changes to the *Residential Tenancies Act 1987* seek to provide greater clarity to both landlords and tenants in a regulatory environment that respects the rights of all parties. The ageing population will also continue to present challenges in the areas of seniors' housing options such as retirement villages and park homes.
- The motor vehicle industry has been slow to take up the *Motor Vehicle Repairers Act 2003* licensing requirements with less than 20 per cent of businesses applying as at 30 June 2009. The influx of applications in the first months of the new financial year and a compliance program for the enforcement of this legislation will present significant challenges with flow on effects to other compliance activities.
- The Government's initiatives to amend retail trading hours in the metropolitan area have highlighted the demand for it to implement long-planned reforms of commercial tenancy legislation. The Consumer Protection Division will provide policy and legislative support for the proposed amendment Bills.
- The global financial crisis and associated slowdown in economic activity is likely to have ongoing effects on the viability of businesses with implications for consumers in the coming year. The Consumer Protection Division will continue to proactively identify early warning signs of businesses encountering difficulties and respond appropriately in order to protect Western Australian consumers.
- Due to noticeably higher incidents of regulatory non-compliance by plumbers in the regional areas of Western Australia than in the Perth metropolitan area, the department will increase the frequency and scope of its compliance inspection program in these areas. This will include audits being undertaken in mine sites and remote communities in order to address non-compliant work.
- The fiscal challenges facing the State will require greater focus on improving efficiencies of operation and creating opportunities to reduce the regulatory burden on business, while retaining appropriate levels of consumer protection. The Government will seek to remove the law requiring hairdressers to be licensed. The Government believes consumer protection, education and training, and occupational health and safety laws that have been enacted over time provide an appropriate level of consumer protection for clients of hairdressers. This would reduce red tape by removing barriers to entry into the hairdressing industry, reduce costs to small business and would assist in addressing skills shortages.



Safety and Employment Protection

- The Council of Australian Governments has agreed to achieve a 'seamless' Australian economy, including a uniform system of occupational licensing. The EnergySafety Division has been working closely with the Council of Australian Governments' Skills Taskforce to develop a scheme to harmonise electrical and gas licensing throughout Australia.
- The EnergySafety Division has been involved with a high level working group to oversee the implementation of the Electrical Equipment Safety System that will be a mixture of pre-market registration and post-market enforcement, with emphasis on the latter. Work on a similar Gas Equipment Safety System is underway and is expected to parallel closely with its electrical counterpart.
- A change to facilitate improvements to the *Gas Standards Act 1972* has proved necessary to provide nationally consistent powers, to make regulations dealing with the compliance aspects of the energy efficiency of gas appliances and equipment.
- An average of two electrocutions per annum has made it necessary for regulatory changes to require at least two safety switches (also known as residual current devices or RCDs) at the time of sale of a pre-2000 home or start of a new tenancy agreement. This was approved by the Executive Council and was published in the Government Gazette on 8 May 2009, marking the start of a three month notice period before the regulations become legally enforceable. The proposed regulatory change also requires at least two safety switches to be installed within two years in all rental properties, whether or not a change of tenant occurs. The EnergySafety Division is working with industry bodies to publicise this to the general public.
- The Ministerial Council for Energy has established a leaders group, to review the harmonisation of energy supply industry technical training and safety regulations. The EnergySafety Division is an active participant on both electricity and gas initiatives.
- Enactment of the Commonwealth Government's *Fair Work Act 2009* and the creation of Fair Work Australia in two stages from 1 July 2009 and 1 January 2010, will significantly change the employment arrangements for employers and 70 per cent of the Western Australian workforce currently in the federal system.
- The State Government will not refer its remaining industrial relations powers to the Commonwealth. Instead, it has established an independent review into the Western Australian industrial relations system to ensure it is flexible, balanced and productive and user-friendly for small business and the public sector.
- In light of the decision not to refer its remaining industrial relations powers to the Commonwealth, the State Government has committed to legislating for State employment so that the Western Australian public sector labour force is retained in the Western Australian industrial relations jurisdiction.



- A National Review into Model Occupational Health and Safety Laws was completed in January 2009 to inform the development of a model Occupational Health and Safety Act. Following decisions by the Workplace Relations Ministers' Council on the optimal structure and content of a model Act, Safe Work Australia is developing the model Act and supporting regulations for consideration by Workplace Relations Ministers' Council. It is anticipated that exposure drafts of the model Act and regulations will be released for public comment towards the end of 2009.

Under the Inter-Governmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety, all jurisdictions are required to implement the agreed model by December 2011. The WorkSafe Division is participating in the reform process to advance the interests of Western Australian workers and workplaces; and encouraging stakeholders to engage in the process by providing regular website updates, emails to key stakeholder groups and reports to the Commission for Occupational Safety and Health.

Science, Innovation and Business

- The Government has undertaken a major independent review of the Science, Innovation and Business Division to determine its future direction. The review which has encompassed views from industry bodies, the science and innovation business community and advisory groups, commenced in January 2009 with recommendations expected in 2009-10.
- As part of the 2009-10 State Budget it was announced that the department would cease to undertake the functions previously performed in relation to Aboriginal Economic Development.

