

Appendices



This section provides additional information on the department's activities including agreements and joint initiatives, changes to written laws, prosecutions and the functions of boards, commissions, committees, councils and tribunals.

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APPENDICES

Appendix 1: Agreements and joint initiatives

The Department of Commerce recognises the benefits derived from working collaboratively with external parties by negotiating Memoranda of Understanding and Instruments of Declaration with a range of organisations, within the public and private sector. These agreements provide a structured and formal arrangement for information sharing and are designed to improve the flow of information between parties, where the two have a common interest or legislative responsibility. In most cases the scope of agreements is limited to selected areas of mutual interest, so there are limited powers of request and exchange. At all times the information exchanged is in accordance with a legislative power, and always with regard to other governing legislation, such as the *Commonwealth Privacy Act 1988*.

Construction work at mine sites falls under the jurisdiction of the *Mines Safety and Inspection Act 1994* (the MSI Act) and the *Mining Act 1978*. Section 4(3) of the *Occupational Safety and Health Act 1984* (the OSH Act), provides for the Minister administering the OSH Act and the Minister administering the MSI Act and *Mining Act 1978* may declare, in an 'instrument of declaration,' that the OSH Act or provisions of it apply to, or in relation to, a workplace normally falling under the jurisdiction of the MSI Act or the *Mining Act 1978*.

Co-agency agreements

Co-agency agreements in place during 2008-09:

- Australian Maritime Safety Authority
- Fatigue Management in the Omnibus Industry, Department of Planning and Infrastructure ⁽¹⁾
- Marine Safety Business Unit, Department of Planning and Infrastructure ⁽¹⁾
- Office of Rail Safety, Department of Planning and Infrastructure ⁽¹⁾

Note:

(1) The Department of Planning and Infrastructure became the Department of Transport on 1 July 2009.

Instruments of Declaration

Instruments of Declarations in place during 2008-09:

- BHP Billiton Iron Ore Boodarie mine site (regarding demolition work)
- BHP Billiton Iron Ore Pty Ltd's Yandi construction project
- BHP Transport Marine Slipway
- Brockman 4 mine site
- Griffin Coal Company Pty Limited - Premier Mine
- Mesa A iron ore project
- Pilbara Infrastructure Pty Ltd
- Pilbara Iron Pty Ltd
- Sino Iron mine site
- Spinifex Ridge Molybdenum mine site
- Wesfarmers Coal Limited - Premier Mine.



Joint initiatives with other agencies

These initiatives relate to the operations of the Resources Safety Division, which was a division of the department until 31 December 2008.

HAZMAT Emergency Advisory Team

The Resources Safety Division participates in the HAZMAT Emergency Advisory Team (HEAT) which provides 24-hour emergency response services to Fire and Emergency Services Authority (FESA) and the Western Australian Police on incidents involving hazardous materials. Response to an emergency involving hazardous materials (HAZMAT) is a complex operation that takes into consideration the safety of the public, property, fire-fighters and the environment. When an incident is confirmed to involve hazardous materials, specialist advisors from government agencies, industry and local government convene into a team. HEAT provides information throughout the operation until the site is declared safe. Once the emergency is over, FESA fire-fighters ensure the site is left as close as possible to its original condition. This is done in conjunction with relevant government agencies and the owner of the hazardous materials, who is responsible for removal and disposal.

On road enforcement of vehicles transporting dangerous goods

The Resources Safety Division, in conjunction with Main Roads Western Australia, conducts on road enforcement of the *Dangerous Goods Safety Act 2004*. This is a key measure for keeping the community safe from hazards associated with the transport of dangerous goods. Main Roads Western Australia undertakes inspections of vehicles transporting dangerous goods, advising Resources Safety of the nature of any compliance breaches, and taking any necessary steps to safeguard against a potential dangerous on-road situation. The Resources Safety Division provides Main Roads Western Australia with technical advice, training, and statutory authority, conducting follow-up investigations and enforcement actions (issuing notices and infringements or prosecutions) where required.

Safety regulatory services and technical advice in relation to petroleum facilities and pipelines

The Resources Safety Division provided safety regulatory services and technical advice to the former Department of Industry and Resources (DOIR), in relation to onshore petroleum facilities and pipelines. Petroleum operations, including petroleum pipelines, are subject to a risk-based safety case approach. The Resources Safety Division, on behalf of the former DOIR, conducted assessment of safety cases and pipeline management plans, audits and inspections and investigations. Offshore petroleum safety legislation is administered by National Offshore Petroleum Safety Authority.



Memoranda of Understanding

Memoranda of Understanding in place during 2008-09:

- .au Domain Administration Limited
- Australian Competition and Consumer Commission
- Australian Government agencies responsible for enforcement of occupational safety and health legislation
- Australian Securities and Investment Commission ^{(1) (2)}
- Bureau of WorkSafe Supervision and Administration Zhejiang Provincial Government (expired on 18 April 2009)
- Chamber of Minerals and Energy of Western Australia ⁽¹⁾
- City of Kalgoorlie Boulder and the Plumbers Licensing Board
- Commissioner of Taxation (in capacity of Registrar of the Australian Business Register) for access to company registrations
- The Commonwealth Government, Office of the Register of Indigenous Corporations and the Western Australian Government, Department of Indigenous Affairs regarding corporate governance training programs
- Commonwealth of Australia and the State of Western Australia regarding the Square Kilometre Array Project ⁽²⁾
- Commonwealth Scientific and Industrial Research Organisation (CSIRO) and the state of Western Australia regarding the Square Kilometre Array and Australian Square Kilometre Array Pathfinder Projects (Collaborative Agreement) ⁽²⁾
- Consumers' Association of WA
- Department for Child Protection regarding referrals of suspected breaches of children in employment laws; notification of potential child protection issues arising from investigations; and joint responses to circumstances where the nature of a child's employment may jeopardise their well being
- Department of Education Services, Office of the Training Accreditation Council
- Department of Environment, Water, Heritage and the Arts (formerly the Commonwealth Department of Environment and Heritage) regarding the provision of fuel quality sampling services
- Department of Immigration and Citizenship (formerly the Commonwealth Department of Immigration, Multicultural and Indigenous Affairs)
- Department of Mines and Petroleum (formerly DOIR) regarding safety regulatory services covered by *Petroleum and Geothermal Energy Resources Act 1967* and the *Petroleum Pipelines Act 1969* ⁽¹⁾
- Department of Mines and Petroleum, Resources Safety Division ⁽³⁾
- Department of Planning and Infrastructure (became the Department of Transport on 1 July 2009) regarding the Department of Commerce's access to the Transport Executive and Licensing Information System and vice versa the Department of Transport's access to Complaints and Licensing System
- Economic Regulation Authority
- Energy Ombudsman
- Environmental Protection Authority regarding proposals involving dangerous goods and public safety ⁽¹⁾



- Fire and Emergency Services Authority, Department of Environment and Conservation (formerly the Department of Conservation and Land Management), Western Australia Police, Department of Mines and Petroleum (formerly DOIR), etc regarding fire investigation ⁽¹⁾
- Healthways and the Department of Commerce regarding the exchange of information on incorporated associations
- Main Roads Western Australia regarding on-road enforcement of dangerous goods transportation ⁽¹⁾
- National Industrial Chemicals Notification and Assessment Scheme
- National Offshore Petroleum Safety Authority ⁽⁴⁾
- Office of Energy
- State Administration of Work Safety, People's Republic of China
- Water Corporation and the Plumbers Licensing Board
- Western Australian Agriculture Authority regarding Western Australia's 'Buy West, Eat Best' food marketing program
- Western Australia Police regarding the application of *Occupational Safety and Health Act 1984* to police officers
- Western Australia Police and Building Industry and Special Projects Inspectorate

Notes:

- (1) The department administered this Memorandum of Understanding during the period 1 July to 31 December 2008 when the Resources Safety Division was part of the department. The division was transferred to the Department of Mines and Petroleum on 1 January 2009.
- (2) The department administered this Memorandum of Understanding during the period 1 January to 30 June 2009 following the Science, Innovation and Business Division's transfer to the department. The division was previously a division of the former DOIR.
- (3) The department administered this Memorandum of Understanding between the WorkSafe Division of the Department of Commerce and the Resources Safety Division of the Department of Mines and Petroleum during the period 1 January to 30 June 2009.
- (4) The Resources Safety Division administered this agreement jointly with the WorkSafe Division from 28 December 2006 to 31 December 2008. The Resources Safety Division's involvement ceased following the division's transfer to the Department of Mines and Petroleum on 1 January 2009. The WorkSafe Division administered this agreement from 28 December 2006 and continues to administer the agreement as at 30 June 2009.

Service delivery agreement

Service delivery agreements in place during 2008-09:

- Australian Taxation Office (Commissioner of Taxation) for the Australian Business Register
- Commonwealth of Australia and State of Western Australia regarding the delivery of services to the Christmas Island and Cocos (Keeling) Islands ⁽¹⁾
- Real Estate and Business Agents Supervisory Board regarding the delivery of regulatory services to the Board
- Settlement Agents Supervisory Board regarding the delivery of regulatory services to the Board

Note:

- (1) Due to the structural changes to the department during 2008-09, this service delivery agreement was applicable to the Resources Safety Division between 1 July and 31 December 2008.



Appendix 2: Changes to written laws

Changes in written law initiated by the department during 2008-09 are outlined according to the responsible division in Table 37 to 41.

Consumer Protection

Consumer Protection Division

Table 37: Amendments to written laws for the Consumer Protection Division in 2008-09

Written law / Title	Number	Effective or Gazettal date
Bills of Sale (Fees) Amendment Regulations 2008	2008	1 July 2008
Builders' Registration Amendment Regulations 2008	2008	1 July 2008
Builders' Registration Amendment Regulations (no. 2) 2008	No. 2 of 2008	1 July 2008
Charitable Collections Amendment Regulations 2009	No. 103	12 June 2009
<i>Consumer Affairs Act 1971</i>		
Order prohibiting supply of goods: Abrus precatorius	No. 178	17 October 2008
Order prohibiting supply of goods: Candles with wicks containing lead	No. 178	17 October 2008
Order prohibiting supply of goods: Childrens toys with lead migration level greater than 90 mg/kg of lead	No. 71	24 April 2009
Order prohibiting supply of goods: Glucomannan in tablet form	No. 178	17 October 2008
Order prohibiting supply of goods: Ice pipes	No. 178	17 October 2008
Order prohibiting supply of goods: Imitation baby's dummies	No. 178	17 October 2008
Order prohibiting supply of goods: Imitation tongue stud	No. 178	17 October 2008
Order prohibiting supply of goods: Novelty and/or liquid filled balls	No. 178	17 October 2008
Order prohibiting supply of goods: 'Puff cigarettes'	No. 178	17 October 2008
Order restricting supply of goods: Moveable soccer goals	No. 178	17 October 2008
Order restricting supply of goods: Helmets for pedal cyclists	No. 133	1 August 2008
Order restricting supply of goods: Bicycle helmets	No. 205	5 December 2008
Restriction Order: Portable fire extinguishers	No. 47	27 March 2009
Revocations: Autotrend sun filter	No. 19	13 February 2009
Revocations: Balloon blowing novelties	No. 19	13 February 2009
Revocations: Erasers shaped like dummies	No. 19	13 February 2009
Revocations: Seatbelt accessories	No. 19	13 February 2009



Written law / Title	Number	Effective or Gazettal date
Revocations: Shoei Sf1 motorcycle windscreens	No. 19	13 February 2009
Revocations: Snake bite kits	No. 19	13 February 2009
Revocations: Socially offensive toys	No. 19	13 February 2009
Revocations: Whistle bottle confectionery	No. 19	13 February 2009
Consumer Credit (Western Australia) Code Regulations Amendment Order 2008	No. 137	8 August 2008
Credit (Administration) Amendment Regulations 2008	2008	1 July 2008
Debt Collectors Licensing Amendment Regulations 2008	2008	1 July 2008
Employment Agents Amendment Regulations 2008	2008	1 July 2008
Fair Trading (Product Safety Standard) Amendment Regulations (No. 3) 2008	No. 146	22 August 2008
Fair Trading (Product Safety Standard) Amendment Regulations (No. 4) 2008	No. 229	30 December 2008
Finance Brokers Control (General) Amendment Regulations (No. 2) 2008	No. 2 of 2008	1 July 2008
Land Valuers Licensing Amendment Regulations 2008	2008	1 July 2008
Motor Vehicle Dealers (Licensing) Amendment Regulations 2008	2008	1 July 2008
Motor Vehicle Repairers Amendment Regulations (No. 2) 2008	No. 2 of 2008	1 July 2008
Motor Vehicle Repairers Amendment Regulations 2009	No. 50	31 March 2009
Painters' Registration Board Amendment Rules 2008	2008	1 July 2008
Petroleum Products Pricing Amendment Regulations 2008	No. 138	12 August 2008
Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2008	2008	1 July 2008
Real Estate And Business Agents (General) Amendment Regulations 2009	No. 68	17 April 2009
Real Estate And Business Agents (General) Amendment Regulations (No. 2) 2009	No. 78	8 May 2009
Real Estate And Business Agents (General) Amendment Regulations (No. 3) 2008	No. 225	23 December 2008
Retail Trading Hours Regional Exemption Order 2008	No. 229	30 December 2008
Retail Trading Hours Variation Order 2008	No. 149	26 August 2008
Retail Trading Hours Variation Order 2008	No. 167	30 September 2008
Retail Trading Hours (Bunbury) Exemption Order 2008	No. 195	21 November 2008
Retail Trading Hours (Motor Vehicle Shops) Variation Order 2008	No. 223	22 December 2008
Retail Trading Hours (Small Retail Shops) Amendment Order 2008	No. 119	8 July 2008



Written law / Title	Number	Effective or Gazettal date
Retail Trading Hours (Tourism Precincts) Amendment Order 2009	No. 19	13 February 2009
Retail Trading Hours (Tourism Precincts) Variation Order 2008	No. 149	26 August 2008
Retail Trading Hours (Tourism Precincts) Variation Order 2008	No. 167	30 September 2008
Retail Trading Hours (Tourism Precincts) Variation Order 2009	No. 71	24 April 2009
Settlement Agents Amendment Regulations 2008	2008	1 July 2008
Settlement Agents Amendment Regulations (No. 2) 2008	No. 229	30 December 2008
Trade Measurement Amendment Regulations 2008	2008	1 July 2008
Trade Measurement Amendment Regulations 2009	No. 19	13 February 2009
Trade Measurement Amendment Regulations (No. 2) 2008	No. 225	23 December 2008
Trade Measurement Amendment Regulations (No. 2) 2009	No. 19	13 February 2009
<i>Transfer of Incorporation (HBF and HIF) Act 2009</i>	No. 11	29 June 2009
Travel Agents Amendment Regulations 2008	2008	1 July 2008
Western Australian Aged Sailors, Soldiers And Airmen's Relief Fund Regulations 2009	No. 73	28 April 2009

There were no changes to written laws in 2008-09 for the Plumbers Licensing Board.

Safety and Employment Protection

Energy Safety Division

Table 38: Amendments to written laws for the Energy Safety Division in 2008-09

Written law / Title	Number	Effective or Gazettal date
Electricity Amendment Regulations 2009	78 of 2009	8 May 2009
Electricity (Licensing) Amendment Regulations 2007	271 of 2007	1 July 2008
Electricity (Licensing) Amendment Regulations 2008	94 of 2008	1 July 2008
Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations 2008	94 of 2008	1 July 2008



Labour Relations Division

Table 39: Amendments to written laws for the Labour Relations Division in 2008-09

Written law / Title	Number	Effective or Gazettal date
<i>Employment Dispute Resolution Act 2008</i>	2008	1 December 2008

Resources Safety Division

Table 40: Amendments to written laws for the Resources Safety Division in 2008-09⁽¹⁾

Written law / Title	Number	Effective or Gazettal date
Mines Safety and Inspection Amendment Regulations (No. 2) 2008	No. 2 of 2008	1 July 2008

Note:

(1) Reporting relates to the period 1 July to 31 December 2008.

WorkSafe Division

Table 41: Amendments to written laws for the WorkSafe Division in 2008-09

Written law / Title	Number	Effective or Gazettal date
Occupational Safety and Health Amendment Regulations (No. 4) 2008	No. 4 of 2008	7 Nov 2008
Occupational Safety and Health Amendment Regulations (No. 7) 2008	No. 7 of 2008	1 July 2008
Occupational Safety and Health Amendment Regulations 2008	2008	28 Nov 2008
Occupational Safety and Health Amendment Regulations (No. 2) 2009	No. 2 of 2009	15 May 2009
Occupational Safety and Health Amendment Regulations 2009	2009	5 June 2009
Occupational Safety and Health Amendment Regulations (No. 6) 2009	No. 6 of 2009	23 June 2009

Science, Innovation and Business

Science, Innovation and Business Division

The Science, Innovation and Business Division had no changes to written laws during 2008-09.



Appendix 3: Prosecutions

Consumer Protection

Consumer Protection Division

Table 42: Prosecution outcomes (including appeals against prosecution) for the Consumer Protection Division in 2008-09

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<i>Business Names Act 1962</i>				
TTR Duramax (Aust) Pty Ltd t/as The Icon Bistro & another	Sections 5(1), 20(a), 20(b) and 29	Carrying on business under an unregistered business name	\$100	\$429
<i>Door to Door Trading Act 1987</i>				
La Kismet Pty Ltd & Jay Phillip	Sections 7 and 8	Failing to comply with a requirement for prescribed contracts. Consideration accepted from a consumer or services supplied to a consumer before expiration of cooling off period.	\$1,000	\$231
New Image Photographics Pty Ltd & Brian Beddington	Sections 7 and 8	Failing to comply with a requirement for prescribed contracts. Consideration accepted from a consumer or services supplied to a consumer before expiration of cooling off period.	Matter dismissed.	Costs of \$3,700 awarded against the department.
Bluesky Healthcare Pty Ltd, George Michael Papos & Damian Bruce Ryan	Sections 7 and 8	Failing to comply with a requirement for prescribed contracts. Consideration accepted from a consumer or services supplied to a consumer before expiration of cooling off period.	Each of the accused acquitted on all charges.	Agreed costs of \$10,000 awarded against the department.
Bluesky Healthcare Pty Ltd, George Michael Papos & Damian Bruce Ryan	Sections 7 and 8	Appeal against decision.	The department successfully appealed Magistrates Court decision. However, the matter is now on appeal to the Court of Appeal.	N/A



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Door to Door Trading Act 1987 and Fair Trading Act 1987				
Craftmatic Australia Pty Ltd & Ashley Francis Day	<i>Door to Door Trading Act 1987</i> section 8(1) <i>Fair Trading Act 1987</i> section 12(1)(1)	Falsely representing that goods are of a particular standard, quality, grade, composition, style or model or have had a particular history or particular previous use.	\$2,300	\$1,650
Fair Trading Act 1987				
Allied Holdings Pty Ltd	Section 12(1)(g)	Four charges relating to false and misleading representations as to the price of goods and services.	\$18,000	\$4,360
Bayswater Car Rental Pty Ltd & Arnold Kluck & Dirk Kluck	Section 12(1)(g)	Twelve charges of misleading advertising.	\$30,000	N/A
Sunstone Holdings Pty Ltd t/as Sunstone Design & Peter Duddy	Section 52(1)	Supplying blinds which contravened a Product Safety Order in force under the <i>Consumer Affairs Act 1971</i>	\$8,800	\$5,628.5
Hajir Mobin t/as A. B. H. Perth Plumbing & Gas Services	Section 12(1)(f)	Making false and misleading representations in relation to sponsorship, affiliation or approval.	\$10,800	\$418
Motor Vehicles Dealers Act 1973				
Spent conviction-name withheld	Section 30(1)	Engaging in motor vehicle dealing without holding a motor vehicle dealer's licence.	\$2,000	\$308
Michael Holmes	Section 30(1)	Engaging in motor vehicle dealing without holding a motor vehicle dealer's licence.	\$5,000	\$7,000



Table 43: Civil action outcomes for the Consumer Protection Division in 2008-09

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Common law				
Hunter Valley Coaches Pty Ltd t/as Murphy's Commercials	Civil claim on behalf of a consumer	Orders by consent. The effect of the orders is that the consumers are to keep the bus purchased with the title free of any encumbrances from the finance company and Murphy's Commercials.	N/A	N/A
Dubove Pty Ltd t/as Esprit Autos	Civil claim on behalf of a consumer	Orders by consent. The effect of the orders is for Esprit Autos to pay the consumer \$3,500 in full and final settlement.	N/A	N/A
Richard McPharlin t/as Are-Jays Electronics	Civil claim on behalf of 35 consumers	Mr McPharlin breached his contract with each consumer by not supplying electronic equipment that was previously ordered and paid for.	\$17,464 Total damages awarded for all claims	\$3,986.40 Total costs for all claims
Fair Trading Act 1987				
Rugs a Million	Section 12	Rugs a Million consented to declarations that it engaged in misleading or deceptive conduct and agreed to temporary injunctions preventing it from engaging in similar conduct for 12 months.	N/A	N/A

Table 44: State Administrative Tribunal outcomes for the Consumer Protection Division in 2008-09

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Associations Incorporation Act 1987				
Subiaco Football Club Past Players and Officials Inc	Section 4(6)	Review of Commissioner's decision to refuse to decline to incorporate an association. The Commissioner's decision was upheld.	N/A	N/A
Finance Brokers Control Act 1975				
M.A.E. Consultants Pty Ltd & Mary Gartland-Abbott	Section 27(1)(c)	Review of Board's decision to not grant Ms Abbott-Etherington a finance broker's licence. Ms Abbott-Etherington withdrew her appeal.	N/A	N/A



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Motor Vehicle Dealers Act 1973				
Julio Gonzalez	Section 22(1)	Review of Board's decision to not grant Mr Gonzalez a salesperson's licence. The Board's decision was upheld.	N/A	N/A

Plumbers Licensing Board

Table 45 provides the prosecution action finalised in 2008-09 on behalf of the Plumbers Licensing Board (the Board) by the Consumer Protection Division and the State Solicitor's Office.

Table 45: Prosecution outcomes for the Plumbers Licensing Board in the Magistrates' Court in 2008-09

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000				
Andrew Gerrard Power	Regulation 72(1)	Thirty-three charges of failing to comply with rectification notices issued by Board.	\$3,300	\$769
Domenic Carmelo Lombardo	Regulations 9(1), 48(1), 72(1) and 90(1)	Five charges including carrying out plumbing work without being the holder of a licence or permit, and failing to comply with rectification notices issued by the Board.	\$2,750	\$2,007
Hajir (Henry) Mobin	Regulation 9(1)	Eighteen charges relating to the carrying out of plumbing work without being the holder of a licence or permit, as prescribed by regulations.	\$10,800	\$418
James Raymond Hudson	Regulation 72(1)	One charge of not complying with a rectification notice issued by the Board.	\$800	\$301
Paul Joseph Duffy	Regulation 9(1)	One charge relating to the carrying out of plumbing work without being the holder of a licence or permit, as prescribed by regulations.	\$500	\$324



Table 46: State Administrative Tribunal outcomes for the Plumbers Licensing Board in 2008-09

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Water Services Plumbing (Plumbers Licensing and Plumbing Standards) Regulations 2000				
William Fitzpatrick	Regulation 100	Review of the Board's decision to not grant Mr Fitzpatrick with a plumbing contractor's licence. Mr Fitzpatrick withdrew his appeal.	N/A	N/A

Real Estate and Business Agents Supervisory Board

Table 47: State Administrative Tribunal (the Tribunal) for the Real Estate and Business Agents Supervisory Board in 2008-09

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Ahmed Eddie Kamil	<i>Real Estate and Business Agents Act 1978</i> , section 103(4)(d) Code of Conduct for Agents and Sales Representatives, articles 5(1), 5(2), 10(1) and 10(2)	Knowingly misled or deceived a party in a transaction; failed to act fairly and honestly; continued to act where to do so would place his interest in conflict with that of his principal; and indirectly purchased an interest in real estate which he was engaged to sell, without obtaining the prior written consent of his principal.	Cancellation of registration and disqualified from holding a registration for a period of ten years.	The costs of the Board in bringing and maintaining this application in the sum to be agreed by the parties or, in the absence of agreement, to be fixed by the President of the State Administrative Tribunal.
Illyarrie Nominees Pty Ltd	<i>Real Estate and Business Agents Act 1978</i> , section 68(4)	Debited monies from one of its trust accounts.	\$4,000	\$500
Bernice Goddard	<i>Real Estate and Business Agents Act 1978</i> , section 68(4) Code of Conduct for Agents and Sales Representatives, article 6(2)	Debited monies from one of the agency's trust accounts; and failed to properly supervise the agency business.	\$500	\$500



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Michael Moojan Mavaddat	<i>Real Estate and Business Agents Act 1978</i> , sections 61(3)(c), 61(5) and 60(2)	Dishonest conduct and misuse of company funds for his own purposes.	\$1,000 and cancellation of his triennial certificate and permanent disqualification from holding a licence or triennial certificate.	To be agreed if not fixed by the State Administrative Tribunal.
We Rent Property Management Pty Ltd	<i>Real Estate and Business Agents Act 1978</i> , sections 64(2) and 64(4) Code of Conduct for Agents and Sales Representatives, articles 14(a) and 10(3)	Received valuable consideration for or in relation to the sale of two properties of which an employee had an interest; received a valuable consideration greater than the amount agreed in writing with the principal; and received a commission in respect of the sale of three properties where the principal had not given prior written informed consent.	\$500 and refund the commission paid of the property sold in February 2003 if the vendor requests such to occur.	\$500
Betty Garlett	Code of Conduct for Agents and Sales Representatives, article 7	Did not exercise skill, care and diligence.	\$500	\$500
Kerry McEarchern	Code of Conduct for Agents and Sales Representatives, article 7	Did not exercise skill, care and diligence.	\$500	\$500
Giovanna Noblett	Code of Conduct for Agents and Sales Representatives, article 6(2)	Inadequate supervision and did not take reasonable steps to ensure the Code of Conduct and Act were complied with.	\$1,500	\$500
Gavin Plows	<i>Real Estate and Business Agents Act 1978</i> , sections 68(4) and 68(6)(d) Code of Conduct for Agents and Sales Representatives, article 15(1)	Debited monies from his trust account; failed to correctly balance his trust account; did not promptly supply to the principal relevant information and material which his principal may reasonably require in order to be satisfied.	\$2,500	\$500



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Robert Caruso	Code of Conduct for Agents and Sales Representatives, articles 2, 5(2), 7, 10(1) and 10(2)	Failed to act in the best interests of his principal; knowingly misled and deceived his principal as to the payment of the deposit for certain properties; failed to exercise skill, care and diligence; continued to act in a situation in which his interests were in conflict with the interests of the principal; and became beneficially interested in the purchase of certain property without the prior written consent of his principal.	\$1,500	\$500
Across Pty Ltd	Code of Conduct for Agents and Sales Representatives, articles 4(1) and 4(3)	Represented itself as acting as an agent of behalf of the owners of property without written authority; and advertised a property for sale without written authority.	\$2,500	\$500
Jeanette Radley	Code of Conduct for Agents and Sales Representatives, article 4(1)	Represented herself as acting as an agent on behalf of the owners of the property without written authority.	\$1,250	\$500
Garrick McCamey	Code of Conduct for Agents and Sales Representatives, articles 2, 7 and 8(1)	Failed to act in the best interests of the seller; failed to exercise skill, care and diligence; and failed to make all reasonable efforts to ascertain or verify the facts which a prudent agent would have ascertained.	\$1,200	\$500



Settlement Agents Supervisory Board

Table 48: State Administrative Tribunal for the Settlement Agents Supervisory Board in 2008-09

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Champion Settlements Pty Ltd	<i>Settlement Agents Act 1981</i> , sections 49(3) and 84(1) <i>Settlement Agents' Code of Conduct 1982</i> , rules 16, 11, 12, 6a(2) and 7	Paid out funds from its trust account to another settlement agent at settlement without receiving clear written instructions from its client; and various breaches of the Code of Conduct.	\$3,000	\$500
Ealing Pty Ltd t/as Cape Settlements	<i>Settlement Agents Act 1981</i> , section 84 <i>Settlement Agents' Code of Conduct 1982</i> , rules 16, 11, 6A(2) and 7	Failed to ascertain all pertinent facts, when it was necessary or prudent to do so; failed to recommend client seek legal advice when it was necessary or prudent to do so; failed as soon as practicable after receipt of the appointment to act to sign that document and forward a true copy to client; and continued to act on behalf of both.	\$2,000	\$500
Michelle Morgan t/as Dynamic Settlements	<i>Settlement Agents Act 1981</i> , sections 49(4) and 84(2)(c)(ii) and (iii) <i>Settlement Agents' Code of Conduct 1982</i> , rule 24	Paid out funds from her trust account in circumstances not permitted by that section; and paid money into her trust account knowing it to be deficient.	\$4,000	\$500

Table 49: Supreme Court outcomes for the Settlement Agents Supervisory Board in 2008-09

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
LJ Hooker Settlements Pty Ltd	<i>Settlement Agents Act 1981</i> , section 44(8)	The Supreme Court upheld the decision of the State Administrative Tribunal to dismiss the application against the respondent.	N/A	N/A



Employment Protection

EnergySafety Division

Table 50: Prosecution outcomes for the EnergySafety Division in 2008-09

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Electricity (Licensing) Regulations 1991				
Eric Peter Cosh (Kallaroo)	Regulation 19(1)	Carried out electrical work whilst not authorised by licence or permit.	\$1,500.00 ⁽¹⁾	\$571.70 ⁽¹⁾
	Regulation 33 (1)	Carried on business as an electrical contractor whilst not authorised by a Western Australian electrical contractors (WA EC) licence.		
Bryan Thomas Dell (Landsdale)	Regulation 19(1)	Carried out electrical work whilst not authorised by licence or permit.	\$800.00 ⁽¹⁾	\$371.70 ⁽¹⁾
	Regulation 33 (1)	Carried on business as an electrical contractor whilst not authorised by a WA EC licence.		
Shaun Griffiths (Bullcreek)	Regulation 19(1) (2 breaches)	Carried out electrical work whilst not authorised by licence or permit.	\$5,000.00 ⁽¹⁾	\$569.20 ⁽¹⁾
Andrew Gunning (Esperance)	Regulation 19(1)	Carried out electrical work without holding an electrical workers licence.	\$800.00	\$569.20
Garry Hayes (Port Kennedy)	Regulation 19(1)	Carried out electrical work whilst not authorised by licence or permit.	\$800.00	\$569.20 ⁽¹⁾
	Regulation 33(1)	Carried on business as an electrical contractor whilst not authorised by a WA EC licence.	\$500.00	
Josip Kovac (Mandurah)	Regulation 19(1)	Carried out electrical work whilst not authorised by licence or permit.	\$1,200.00 ⁽¹⁾	\$571.70 ⁽¹⁾
	Regulation 33(1) (2 breaches)	Carried on business as an electrical contractor whilst not authorised by a WA EC licence.		
Daniel Lawrence (Collie)	Regulation 19(1)	Carried out electrical work without holding an electrical workers licence.	\$1,200.00	\$569.20
Allan Little (Esperance)	Regulation 19(1)	Carried out electrical work without holding an electrical workers licence.	\$2,500.00	\$2195.90
Timothy Moncrieff (South Perth)	Regulation 19(1)	Carried out electrical work whilst not authorised by licence or permit.	\$2,250.00	\$571.70

(1) Denotes global fine was issued.



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Matthew Frederick Neal (Margaret River)	Regulation 19(1)	Carried out electrical work whilst not authorised by licence or permit.	\$1,000.00	\$719.20
Roger Stanton (Marangaroo)	Regulation 19(1)	Carried out electrical work whilst not authorised by licence or permit.	\$1,500.00 ⁽¹⁾	\$571.70 ⁽¹⁾
	Regulation 33(1)	Carried on business as an electrical contractor whilst not authorised by a WA EC licence.		
Minh Thanh Tran (Ballajura)	Regulation 19(1) (3 breaches)	Carried out electrical work without holding an electrical workers licence.	\$3,000.00 ⁽¹⁾	\$769.20 ⁽¹⁾
	Regulation 33(1) (3 breaches)	Carried on business as an electrical contractor whilst not authorised by a WA EC licence.		
Sampath Wickramaratne (Willetton)	Regulation 19(1)	Carried out electrical work without holding an electrical workers licence.	\$750.00 ⁽¹⁾	\$769.20 ⁽¹⁾
	Regulation 33(1)	Carried on business as an electrical contractor whilst not authorised by a WA EC licence.		
Peter Abraham (Bridport, Tasmania)	Regulation 33(1) (2 breaches)	Carried on business as an electrical contractor whilst not authorised by a WA EC licence.	\$1,200.00 ⁽¹⁾	\$571.70 ⁽¹⁾
Stephen Barker (Clarkson)	Regulation 33(1)	Carried on business as an electrical contractor whilst not authorised by a WA EC licence.	\$300.00	\$269.20
Robin Johnson Engineering Pty Ltd (Somerton Park)	Regulation 33(1)	Carried on business as an electrical contractor whilst not authorised by a WA EC licence.	\$2,000.00	\$1,665.56
Daniel Shanks (Morley)	Regulation 33(1)	Carried on business as an electrical contractor whilst not authorised by a WA EC licence.	\$1,500.00	\$571.70
Daniel Brennan (Heathridge)	Regulation 49(1)	Carried out substandard electrical work.	\$500.00	\$569.20
Darren Fairburn (Sorrento)	Regulation 49(1)	Carried out substandard electrical work.	\$500.00 ⁽¹⁾	\$571.20 ⁽¹⁾
Sorrento Electrix (Sorrento)	Regulation 52(3)	Submitted a Notice of Completion to the relevant Network Operator when the electrical installing work was not complete.		

(1) Denotes global fine was issued.



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Russell Green (St James)	Regulation 49(1)	Carried out substandard electrical work.	\$2,500.00	\$569.20 ⁽¹⁾
R & C Green Pty Ltd t/as Avant Electrical Services (St James)	Regulation 52(3)	Submitted a Notice of Completion for electrical installing work that was defective and therefore not complete.	\$1,500.00	
Mathew Houlihan (Bunbury)	Regulation 49(1)	Carried out substandard electrical work.	\$2,500.00 ⁽¹⁾	\$569.20 ⁽¹⁾
M & K Houlihan t/as Island Tyme Electrical (Bunbury)	Regulation 52(3)	Submitted a Notice of Completion to the Network Operator for electrical installing work when the work was defective and therefore not complete.		
Jamie Kershaw (Bertram)	Regulation 49(1)	Carried out substandard electrical work.	\$500.00	\$571.70 ⁽¹⁾
Cockburn Electrical Company (Bertram)	Regulation 52(3)	Submitted a Notice of Completion to the Network Operator for electrical installing work when the work was defective and therefore not complete.	\$5,000.00	
Philip Mumenthaler (Kununurra)	Regulation 49(1)	Carried out substandard electrical work.	\$3,000.00 ⁽¹⁾	\$1,727.77 ⁽¹⁾
Phils Electrical & Mechanical Services (Kununurra)	Regulation 52(3)	Submitted a Notice of Completion to the relevant Network Operator when the electrical installing work was not complete.		
Peter Richards (Padbury)	Regulation 49(1)	Carried out substandard electrical work.	\$2,500.00 ⁽¹⁾	\$569.20 ⁽¹⁾
	Regulation 52(3)	Submitted a Notice of Completion to the Network Operator for electrical installing work when the work was defective and therefore not complete.		
Deano Serraino (Nollamara)	Regulation 49(1) (2 breaches)	Carried out substandard electrical work.	\$1,000.00 ⁽¹⁾	\$571.70 ⁽¹⁾
Foundas Electrical Service (Innaloo)	Regulation 52(3)	Submitted a Notice of Completion to the relevant Network Operator when the electrical installing work was not complete.		

(1) Denotes global fine was issued.



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Robert Wicks (Wilson)	Regulation 49(1) (2 breaches)	Carried out substandard electrical work.	\$1,250.00 ⁽¹⁾	\$569.20 ⁽¹⁾
R E D Electrical (Wilson)	Regulation 52(3)	Submitted a Notice of Completion to the Network Operator for electrical installing work when the work was defective and therefore not complete.		
Shane Willis (Cable Beach)	Regulation 49(1)	Carried out substandard electrical work.	\$1,000.00 ⁽¹⁾	\$571.70 ⁽¹⁾
	Regulation 52(3)	Submitted a Notice of Completion to the relevant Network Operator when the electrical installing work was not complete.		
Carl Christopher Blowers (Mindarie)	Regulation 50(A)	Permitted unsafe wiring or equipment to be connected to an electrical installation.	\$750.00	\$571.70
Domenico Mercuri (Hearn Hill)	Regulation 50(1)	Did not provide adequate supervision for an apprentice.	\$500.00	\$571.70
Cusack Electrical Technologies Pty Ltd (Bunbury)	Regulation 51(1)	Failed to submit a Preliminary Notice to the Network Operator.	\$2,000.00 ⁽¹⁾	\$569.20 ⁽¹⁾
	Regulation 52(1)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.		
Donnybrook Electrics (Donnybrook)	Regulation 51(1)	Failed to submit a Preliminary Notice to the relevant Network Operator.	\$800.00	\$1669.20 ⁽¹⁾
Scott Logan (Donnybrook)	Regulation 49(1) (2 breaches)	Carried out substandard electrical work.	\$1,200.00	
G & T Holdings (WA) Pty Ltd t/as Dianella Electrics (Bunbury)	Regulation 51(1)	Failed to submit a Preliminary Notice to the Network Operator.	\$1,000.00 ⁽¹⁾	\$571.70 ⁽¹⁾
	Regulation 52(1) (One breach)	Failed to submit a Notice of Completion to the Network Operator on completion of the electrical installing work.		
Riches & Sons Pty Ltd t/as Outback Power (Northam)	Regulation 51(1)	Failed to submit Preliminary Notice to the relevant Network Operator within the required timeframe.	\$1,500.00 ⁽¹⁾	\$571.70 ⁽¹⁾
	Regulation 52(1)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.		

(1) Denotes global fine was issued.



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Denham Electrical Pty Ltd (Bayswater)	Regulation 52(1) (4 breaches)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$2,000.00 ⁽¹⁾	\$571.70 ⁽¹⁾
Done-Rite Electric (Two Rocks)	Regulation 52(1) (18 breaches)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$500.00 ⁽¹⁾	\$500.00
Exceptional Electrical Service (Southern River)	Regulation 52(1) (28 breaches)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$5,400.00	\$571.70
Goldraid Pty Ltd t/as Leon Best Electrical (Bullcreek)	Regulation 52(1)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$1,000.00	\$571.70
Paul Kinsella (Mt Hawthorn)	Regulation 52(1) (8 breaches)	Failed to submit a Notice of Completion to the network operator on completion of electrical installing work.	\$4,000.00 ⁽¹⁾	\$569.20
Shane Barry Mayfield (Kewdale)	Regulation 52(1) (10 breaches)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$1,500.00	\$571.70
M D N Electrical Contractors (Merredin)	Regulation 52(1) (4 breaches)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$400.00	\$621.70
Nathan Panevski t/as Statesman Electrical (Hillarys)	Regulation 52(1) (28 breaches)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$3,000.00 ⁽¹⁾	\$771.70 ⁽¹⁾
Stephen John Parr (Singleton)	Regulation 52(1) (6 breaches)	Failed to submit a Notice of Completion to the Network Operator on completion of the electrical installing work.	\$1,500.00	\$571.70
Seacross Holdings Pty Ltd t/as Addwest Air-conditioning (Kingsley)	Regulation 52(1) (9 breaches)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$3,500.00 ⁽¹⁾	\$571.70 ⁽¹⁾
Sheed Electrical (Kalgoorlie)	Regulation 52(1) (8 breaches)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$700.00 ⁽¹⁾	\$571.70 ⁽¹⁾
Steve Pilkington t/as Steve the Sparky (Hamilton Hill)	Regulation 52(1) (10 breaches)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$5,000.00	\$571.20

(1) Denotes global fine was issued.



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Widdeson Electrics (Morley)	Regulation 52(1) (11 breaches)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$750.00 ⁽¹⁾	\$400.00 ⁽¹⁾
Cable West Electrical Pty Ltd (Bunbury)	Regulation 52(3)	Submitted a Notice of Completion to the relevant Network Operator when the electrical installing work was not complete.	\$2,000.00	\$671.70
Xanthippe Pty Ltd t/as Keslec Electrical Technologies (Ballajura)	Regulation 52(3)	Submitted a Notice of Completion to the relevant Network Operator when the electrical installing work was not complete.	\$500.00	\$371.70
Robert Lawer (Carnarvon)	Regulation 63(1)	Failed to immediately report an electrical accident.	\$300.00	\$369.20
Electricity Act 1945				
Good Prosperity Pty Ltd t/as The Hong Kong Furniture Company (Baulkham Hills, NSW)	Regulation 33B(2) (9 breaches)	Selling and offering for sale electrical appliances of a prescribed type that were not approved.	\$2,000.00	\$569.20
Electricity (Supply Standards and System Safety) Regulations 2001				
Electricity Networks Corporation t/as Western Power (Perth)	Regulation 10(1)(c)	Did not carry out a prescribed activity so far as is reasonable and practicable in such a way as to avoid or minimise any damage to property, inconvenience or other detriment as a result of the activity.	\$12,000.00	\$571.70
Electricity Networks Corporation t/as Western Power (Perth)	Regulation 25	Did not maintain their service apparatus in a safe condition.	\$20,000.00	\$569.20
Electricity Networks Corporation t/as Western Power (Perth)	Regulation 25	Did not maintain their service apparatus in a safe condition.	\$5,000.00	\$571.70
City West Electrics Pty Ltd t/as Harvey Norman Electrics City West (Winthrop)	Regulation 33(1) (2 breaches)	Failed to have energy efficiency labels fitted to appliances that were on display and for sale.	\$500.00 ⁽¹⁾	\$571.70 ⁽¹⁾

(1) Denotes global fine was issued.



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Gas Standards Act 1972				
Michael Ainsworth (Morley)	Section 13A(2)	Carried out gasfitting work while not holding a certificate of competency, permit or authorisation allowing him to do so.	\$2,500.00	\$571.70
Godfrey Mervin Davids (South Perth)	Section 13A(2)	Carried out gasfitting work while not holding a certificate of competency, permit or authorisation allowing him to do so.	\$2,500.00	\$569.20
Kevin Donovan (Viveash)	Section 13A(2)	Carried out gasfitting work while not holding a certificate of competency, permit or authorisation allowing him to do so.	\$2,000.00	\$571.70
Michaelangelo Frisina (Karrinyup)	Section 13A(2)	Carried out gasfitting work while not holding a certificate of competency, permit or authorisation allowing him to do so.	\$800.00	\$1,055.70
Hajir Mobin (Ridgewood)	Section 13A(2)	Carried out gasfitting work while not holding a certificate of competency, permit or authorisation allowing him to do so.	\$24,000.00 ⁽¹⁾	\$971.70
Brian David Peisley (Maddington)	Section 13A(2)	Carried out gasfitting work while not holding a certificate of competency, permit or authorisation allowing him to do so.	\$3,000.00	\$569.20
Ovenclean (Joondalup)	Section 13D	Sale of gas appliances not being approved by the Director or of a class or type approved by the Director.	\$3,000.00	\$671.20
Julian Simpson (Rockingham)	Section 13A(2)	Carried out gasfitting work while not holding a certificate of competency, permit or authorisation allowing him to do so.	\$1,000.00	\$569.20
Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999				
Kornelis Berkelaar (Byford)	Regulations 15(2), 28(2), 28(3), 28(3a)(b) and 34	Failed to supervise an authorised permit holder. Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to keep records of each gas fitter employed.	\$2,000.00	\$569.20

(1) Denotes global fine was issued.



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
John Bristow (Beechboro)	Regulations 28(2), 28(3), 28(3a)(b), and 28(3a)(c)	Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$1,000.00	\$569.20
Peter John Fogliani (Henderson)	Regulations 20(1b), 28(2), 28(3), 28(3a)(b), and 28(3a)(c)	Failed to ensure the appliance was installed in accordance with the manufacturer's installation instructions. Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$1,200.00	\$571.70
Robert Scott Fowler (Mindarie)	Regulations 18(2)(a)(ii) and 28(2)	Failed to ensure that every part of the gas installation on which the work was done or that is affected by the work is safe to use. Failed to fit a compliance badge to the gas installation.	\$800.00	\$571.70
SPENT CONVICTION (Name withheld)	Regulations 28(2), 18 and 32	Failed to fit a compliance badge to the gas installation. Failed to ensure every part of the gas installation complied with the requirements in Regulation 32.	\$400.00	\$69.20
David Kitchen (Edgewater)	Regulations 28(2), 28(3), 28(3a)(b), and 28(3a)(c)	Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$1,000.00	\$669.20
Hajir Mobin (Ridgewood)	Regulation 38(1)	Advertised or represented that he was the holder of a certificate of competency, a permit or authorisation whilst not being the holder of certificate of competency, permit or authorisation.	\$24,000.00 ⁽¹⁾	\$971.70
Sabah Nouri Al-Saad (Ballajura)	Regulations 18(2)(a)(i), 18(2)(a)(ii), 28(3a)(a), and 30(1)(a)	Failed to ensure every part of the gas installation complied with the requirements in Regulation 32. Failed to ensure every part of the gas installations was safe to use. Failed to submit a Notice of Completion to the Director. Failed to rectify the gas fitting work to comply with the regulations.	\$1,200.00	\$2,857.20

(1) Denotes global fine was issued.



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Iain Paterson (Jane Brook)	Regulations 28(2), 28(3), 28(3a)(b), and 28(3a)(c)	Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$2,500.00	\$569.20
George Sutton (Coodanup)	Regulations 20(1)(b), 26(1)(a), 28(2), 28(3), 28(3a)(b), 28(3a)(c), and 30	Failed to ensure the appliance was installed in accordance with the manufacturer's installation instructions. Failed to ensure a consumer's gas installation was gas-tight. Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer. Failed to provide a Notice of Rectification within required time.	\$3,000.00	\$1,060.20
Nathan Valli (Geraldton)	Regulations 26(1)(a), 28(2), 28(3), 28(3a)(b), and 28(3a)(c)	Failed to ensure a consumer's gas installation was gas-tight. Failed to fit a compliance badge to the gas installation. Failed to submit a Notice of Completion to the gas supplier. Failed to give a copy of the Notice of Completion to the customer.	\$1,000.00	\$569.20

Note:

(1) Denotes global fine was issued.

EnergySafety investigations

Electricity related serious accidents and fatalities

The number of electricity related serious accidents and fatalities reported to the EnergySafety Division during 2008-09 is provided in Table 51.

Table 51: Number of reported electricity related serious accidents and fatalities

Reports	Number
Electric shocks	1,089
Serious electrical accidents ⁽¹⁾	21
Fatalities (included in serious electrical accidents)	4

Note:

(1) Electrical shock incidents resulting in the person requiring assessment and/or treatment at a medical facility.



The data provided in Table 52 relates to accidents based on date of accident. This data may not include all accidents due to time delay in reporting such accidents.

Table 52: Serious electricity related accidents notified per million population (not including wilful incidents)

Year	Number per million ⁽¹⁾	Five Year Average
2004-05	23	16
2005-06	15	16
2006-07	9	16
2007-08	10	15
2008-09	9	13

Note:

- (1) In Table 52, some of the numbers of serious electricity related accidents notified per million population differ from the figures given in previous annual reports. These corrections resulted from a comprehensive review of statistics of serious electricity related accidents notified.

The electrical accident rate for the reporting period was nine accidents per one million population. The number of serious electrical accidents includes four fatalities in which electricity was found to be the cause. Details are as follows:

- The deceased person was unlicensed and working on a 'live' wiring junction lighting circuit in the roof space of the dwelling. After removing insulation tape and a connector from the 'active' conductor of the lighting circuit wiring joint, the deceased's right hand made contact with this conductor, which resulted in the deceased receiving a fatal electric shock. The deceased was also in contact with steel conductive roof frames in the roof space, which were also connected to the general mass of earth.
- The deceased was standing on a metal ladder and resting against the steel frame of the patio while installing shade cloth on a patio when his thumb came into contact with 'live' parts of the electric drill plug he was using and received a fatal electric shock. The shroud on the plug had not been fitted correctly.
- A child dismantled a juice extractor and removed the 240 volt electric motor and then plugged the motor, which had exposed 'live' parts into a socket outlet. The child touched the 'live' parts on the motor and earth and received a fatal electric shock.
- The deceased came into contact with 'live parts' of a commercial dishwasher and in doing so, received a fatal electric shock.

Gas related incidents and fatalities

The number of gas related serious accidents and fatalities reported to the Energy Safety Division during 2008-09 is provided in Table 53.

Table 53: Number of reported gas related serious accidents and fatalities

Reports	Number
Incidents	63
Accidents (persons injured)	11
Fatalities	0



Table 54: Gas related accidents notified per million population (not including wilful incidents)

Year	Number per million ⁽¹⁾	Five Year Average
2004-05	9	10
2005-06	8	10
2006-07	9	9
2007-08	7	8
2008-09	5	8

Note:

- (1) In Table 54, some of the numbers of gas related accidents notified per million population differ from the figures given in previous annual reports. These corrections resulted from a comprehensive review of statistics of gas related accidents notified.

The gas accident rate for the reporting period was five accidents per one million population, a decrease over the previous reporting period. There were no fatalities reported for gas during the year.

Infringement Notices

The Energy Safety Division has continued to issue Infringement Notices as a system to provide an efficient and cost compliant regime for selected breaches. The system covers both gas and electricity and deals with non-compliance aspects of electrical and gas installations. There were 357 Infringement Notices issued by the Energy Safety Division between the period 1 July 2008 and 30 June 2009.

Labour Relations Division

Table 55: Prosecution outcomes for the Labour Relations Division in 2008-09

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<i>Children and Community Services Act 2004</i>				
Domino's Pizza Enterprises Ltd t/as Domino's Inglewood	Section 190(1)	Unlawfully employ child under 15 years.	\$7,500 Guilty	Nil
Gold Mountain Enterprises Pty Ltd t/as Video Ezy Dianella	Section 190(1)	Unlawfully employ child under 15 years.	Not Guilty	\$4,500
Red Rooster Foods Pty Ltd t/as Red Rooster Esperance	Section 190(1)	Unlawfully employ child under 15 years.	\$3,000 Guilty	Nil
Ronald Anthony Steele	Section 190(1)	Withdrawn.	N/A	N/A
<i>Industrial Relations Act 1979</i>				
BMN Phillips Pty Ltd t/as Maddington Childcare Centre	Section 83(1)	Underpayment of wages.	Default judgment. Order to pay \$1,647.80 in underpaid wages.	Nil



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Greg Zadeian t/as Cyder Rock Employment	Section 83(1)	Underpayment of wages.	Default judgment. Order to pay \$437.20 in underpaid wages. Fine \$400	\$162.80
Gregg Anthony Clarke t/as GSC Transport Services	Section 83(1)	Underpayment of wages.	Default judgment. Order to pay \$4,122.21 in underpaid wages. Fine \$750	\$357.83
Peter William Ball t/as Wanneroo Coffee Lounge	Section 83(1)	Underpayment of wages.	Private settlement at pre-trial conference.	Not Applicable
KJ & KS Holden t/as Federal Hotel (relating to three workers)	Section 83(1)	Underpayment of wages.	Private settlement at pre-trial conference.	Not Applicable
Madras New Woodlands Pty Ltd t/as Madras New Woodlands (relating to three workers)	Section 83(1)	Underpayment of wages.	Private settlement at pre-trial conference.	Not Applicable
Southern Forests Hotel Motel Pty Ltd t/as Southern Forests Hotel Motel	Section 83(1)	Underpayment of wages.	Private settlement at pre-trial conference.	Not Applicable
Mary Theseira t/as Omega Skin Spa	Section 83(1)	Failure to pay entitlements in accordance with <i>Minimum Conditions of Employment Act 1993</i> .	Private settlement at pre-trial conference.	Not Applicable
Van Hun Tran t/as Silver Coast Bakery	Section 83(1)	Underpayment of wages.	Private settlement at pre-trial conference.	Not Applicable

Resources Safety

There were no prosecutions for the Resources Safety Division between the period 1 July and 31 December 2008.



WorkSafe

The WorkSafe Western Australia Commissioner (the Commissioner) enforces the *Occupational Safety and Health Act 1984* (OSH Act) and the Occupational Safety and Health Regulations 1996 by prosecuting persons who commit the offences under the OSH Act and Regulations. The WorkSafe Division coordinates and supports this function.

In 2008-09, prosecution notices were signed for 37 new prosecutions. There were 18 convictions recorded during the financial year (Note: A prosecution is counted as a conviction if at least one charge is successful). The 2008-09 convictions are detailed in Table 56. Two prosecutions were withdrawn at Court by the prosecution and one prosecution was dismissed. During the period, one appeal commenced and is waiting to be decided by the Court and one appeal, which commenced during a previous financial year, was dismissed.

Table 56 provides details of convictions recorded during 2008-09 for breaches of the OSH Act and Regulations.

Table 56: Prosecution outcomes for the WorkSafe Division in 2008-09

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<i>Occupational Safety and Health Act 1984</i>				
Bradken Resources Pty Ltd	Section 21(2)(b) and 21A(2)	Failed to ensure that the safety or health of a person who was not its employee was not adversely affected as a result of a hazard, thereby causing a death.	\$100,000.00	\$1,369.20
Premium Grain Handlers Pty Ltd	Section 19(1) and 19A3	Failed to provide and maintain a working environment where its employees were not exposed to hazards.	\$8,000.00	\$1,500.00
Shaun Benjamin Earl	Section 20(1)(b) and 20(5)	Failed to take reasonable care for the safety and health of personnel causing serious harm.	\$3,000.00	\$9,830.76
T E Wang Pty Ltd t/as New Idea Furniture	Section 19(1) and 19A(2)	Failed to provide and maintain a safe working environment, thereby causing serious harm to an employee.	\$40,000.00 (Global)	Each party bore their own costs.
	Section 23D <i>Refer to Regulations for further charge</i>	Failed to provide and maintain a safe working environment, thereby causing serious harm to a contractor.		
Sean Peter Sellin	Section 19(1) and 19(6)	Failed to provide and maintain a safe working environment.	\$15,000.00	\$6,827.27
Siobhan Kerry Farrell t/as Pizza Express	Section 19(1) and 19A(3)	Failed to provide and maintain a safe working environment.	\$4,500.00	\$848.70
D'Amelio Stone Pty Ltd	Section 19(1) and 19A(2)	Failed to provide and maintain a safe working environment, thereby causing the death of an employee.	\$60,000.00	\$4,690.70



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Anthony Nicola D'Amelio	Section 55(1a)(b) and 55(1b)	As a director of a body corporate, failed to provide and maintain a safe working environment, thereby causing the death of an employee.	\$20,000.00	Included in the above costs (\$4,690.70) for D'Amelio Stone Pty Ltd
Jeremy Paul Blakiston Fowler (t/as Electro Power Services)	Section 22(1) and 22A(3)	As a person in control of the workplace, failed to minimise the risk of hazards to non-employees so far as was practicable.	\$10,000.00	\$878.70
Schutz DSL (Australia) Pty Ltd (formerly known as DSL Drum Services Pty Ltd)	Section 23F, 19(1) and 19A(2)	Failed to provide and maintain a safe working environment thereby causing serious harm.	\$30,000.00	\$1,420.70
Charles Watsford Lindsay Thomson	Section 23F, 19(1) and 19A(3)	Failed to provide and maintain a working environment where its employees were not exposed to hazards.	\$15,000.00	\$1,057.70
Grant William Fraser	Section 20(1)(b) and 20A(3)	Failed to take reasonable care at work.	\$1,000.00	\$600.70
Svitzer Australia Pty Ltd (formerly Adsteam Harbour Pty Ltd)	Section 19(1), 19A(3) and 3A(2)(b)	Failed to provide and maintain a working environment where its employees were not exposed to hazards.	\$10,000.00	\$1,180.70
Occupational Safety and Health Regulations 1996				
T E Wang Pty Ltd t/as New Idea Furniture	Regulation 4.55(1)(a)	Failed to ensure a person operating an industrial lift truck satisfied the competency requirements.	\$750.00	Each party bore their own costs.
Mitchell West Pty Ltd	Regulation 3.131(a) (16 breaches)	Failed to ensure that a driver, who drove without a relief driver, had in a 72 hour period, at least 27 hours of non-work time.	\$35,000.00	\$1,655.69
JBT Corp Pty Ltd	Regulation 3.88E(a) and 1.16	Failed to ensure the fixing of a concrete panel complied with Australian Standard 3850, section 7.	\$20,000.00	\$738.70
	Regulation 3.88E(b) and 1.16	Failed to ensure removal of temporary bracing of a concrete panel complied with Australian Standard 3850, section 7.	\$20,000.00	Included in the above costs
	Regulation 3.88J(1)(b) and 1.16	Failed to ensure that persons involved in the work had completed an approved course.	\$20,000.00	Included in the above costs



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Hanssen Pty Ltd	Regulation 3.88J(1)(b)	Failed to ensure that persons involved in tilt-up work had completed an approved course.	\$20,000.00	\$1,156.70
	Regulation 3.88J(1)(b)	Failed to ensure that persons involved in tilt-up work had completed an approved course.	\$20,000.00	Included in the above costs
P.C.H. Pty. Ltd.	Regulation 3.88D(1)(b) and 1.16	Failed to ensure that the temporary bracing of a concrete panel complied with AS 3850, section 6.	\$2,500.00	\$870.70
Wytona Pty Ltd t/as Sun City Bakeries	Regulation 3.131(1)(a), 3.132(2)(a) and 1.16(2)(b)(ii)	Failed to ensure that a commercial vehicle driver had appropriate breaks.	\$15,000.00	\$9,500.00

Reviews of notices issued by WorkSafe inspectors

WorkSafe coordinates and supports the Commissioner in reviewing notices issued by WorkSafe Inspectors under the OSH Act, and in considering applications for exemptions under the Regulations.

WorkSafe Inspectors issue Improvement Notices to persons who may be contravening the OSH Act and Regulations. An Improvement Notice tells the recipient they may be committing an offence, identifies the offence, and sets a time by which the contravention must be stopped. WorkSafe Inspectors can also issue Prohibition Notices to persons who may be involved in an activity that involves a risk of imminent and serious harm or injury to a person. A Prohibition Notice tells the recipient that they must immediately stop the activity.

A request for a review of an Improvement Notice can be lodged with the Commissioner before the deadline for compliance specified in the notice. A request for a review of a Prohibition Notice can be lodged with the Commissioner within seven days of the issue of the notice (or such further time as may be allowed by the Commissioner).

Improvement Notices are suspended while they are being reviewed by the Commissioner, but Prohibition Notices remain in force. After considering a request for a review of a notice, the Commissioner can affirm, modify or cancel the notice. An applicant who is not satisfied with the decision of the Commissioner may refer the matter to the Occupational Safety and Health Tribunal for further review (Section 51A of the OSH Act). The decision of the Tribunal may be further appealed.

During 2008-09, 915 requests for the Commissioner to review a notice in accordance with Section 51 of the OSH Act were processed. Review outcomes are detailed in Table 57.



Table 57: Review of improvement notices for the WorkSafe Division in 2008-09

Outcome	Number
Affirmed	4
Affirmed with time extended	761
Affirmed, modified and time extended	4
Notice cancelled by Commissioner	18 ⁽¹⁾
Review request withdrawn	1
Compliance effected on time and while under review	50
Received too late for review	76
Total processed from 1 July 2008 to 30 June 2009	914

Note:

- (1) The Occupational Safety and Health Tribunal revoked one decision of the Commissioner and cancelled the associated Improvement Notice.

Table 58: Review of prohibition notices for the WorkSafe Division in 2008-09

Outcome	Number
Affirmed	0
Request withdrawn by applicant	0
Notice cancelled by Commissioner	1
Occupational Safety and Health Tribunal affirmed with modification	0
Total processed from 1 July 2008 to 30 June 2009	1

Table 59: Review of improvement notices for the WorkSafe Division 2005-06 to 2008-09

Year	Improvement notices issued	Improvement notices reviewed	Percentage (%)
2005-06	11,691	1,260	10.8
2006-07	10,365	1,033	10.0
2007-08	9,726	973	10.0
2008-09	9,852	917	9.3

Table 60: Review of prohibition notices for the WorkSafe Division 2005-06 to 2008-09

Year	Prohibition notices issued	Prohibition notices reviewed	Percentage (%)
2005-06	708	13	1.8
2006-07	638	4	0.6
2007-08	675	11	1.6
2008-09	722	1	0.1

Exemption from Regulations

The Commissioner may exempt a person from having to comply with the Regulations. The Commissioner received 25 applications for an exemption and granted 10 exemptions. None of these decisions of the Commissioner were appealed.



Appendix 4: Functions of boards, commissions, committees, councils and tribunals

Consumer Protection boards

The Consumer Protection Division's boards have a range of functions including licensing of participants in relevant industries, investigating complaints about the conduct of industry participants and taking disciplinary action where appropriate. Table 61 is a brief summary of the functions of each regulatory board.

Table 61: Functions of Consumer Protection regulatory boards in 2008-09

Name	Builders' Registration Board		
Legislation	<i>Builders' Registration Act 1939</i>		
Principal functions	Registration of builders in the Board's area of jurisdiction.		
Other	Maintain a register of registered builders; determine training and examination requirements; carry out building information and educational activities; take proceedings for offences against the <i>Builders' Registration Act 1939</i> and the <i>Home Building Contracts Act 1991</i> .		
Source of funding	Self funded (registration fees, building licence levies, complaint application fees)	Annual Report	Yes www.builders.wa.gov.au
Management of funds	Yes	Investigations	Yes
Employment of employees	Employed by the Board	Number of entities regulated	6,057 builders (as at 15 June 2009)
Name	Hairdressers Registration Board of Western Australia		
Legislation	<i>Hairdressers Registration Act 1946</i> ; Hairdressers Registration Regulations 1965		
Principal functions	Register hairdressers within the legislative jurisdiction in Western Australia.		
Other	Hold examinations; make recommendation to the health authorities regarding hygiene and sanitation standards; and take proceedings for offences against the <i>Hairdressers Registration Act 1946</i> .		
Source of funding	Self funded from statutory fees	Annual Report	Yes www.hrb.org.au
Management of funds	Yes	Investigations	Yes
Employment of employees	Employed by the Board	Number of entities regulated	6,454 registered hairdressers (as at 30 June 2009)



Name	Land Valuers Licensing Board		
Legislation	<i>Land Valuers Licensing Act 1978</i>		
Principal functions	Licensing and regulation of land valuers.		
Other	Advice to the Minister; making allegations to the State Administrative Tribunal that there is proper cause for disciplinary action against licensed land valuers; establishing codes of conduct; and fixing maximum fees.		
Source of funding	Department of Commerce, Consumer Protection Division (Consolidated Fund)	Annual Report	Yes www.commerce.wa.gov.au
Management of funds	No. Managed as part of the divisional budget.	Investigations	Yes
Employment of employees	The Board does not engage employees. Employees of the department support this Board.	Number of entities regulated	717 valuers

Name	Motor Vehicle Industry Board		
Legislation	<i>Motor Vehicle Dealers Act 1973; Motor Vehicle Repairers Act 2003</i>		
Principal functions	Licensing of motor vehicle dealers, their yard managers and salespersons; and licensing of motor vehicle repair businesses and certification of repair tradespersons.		
Other	Advice to the Minister; making allegations to the State Administrative Tribunal that there is proper cause for disciplinary action against licensed motor vehicle dealers and their staff; and approving training courses for the motor vehicle sales and repair industry.		
Source of funding	Department of Commerce, Consumer Protection Division (Consolidated Fund)	Annual Report	Yes www.commerce.wa.gov.au
Management of funds	No. Managed as part of the divisional budget.	Investigations	Yes
Employment of employees	The Board does not engage employees. Employees of the department support this Board.	Number of entities regulated	814 dealers; 2 car market operators; 76 exemption holders; 1,065 yard managers; 1,978 salespersons; 510 repair businesses; and 5,098 certified repairers (as at 17 June 2009)



Name	Painters' Registration Board		
Legislation	<i>Painters' Registration Act 1961</i>		
Principal functions	Registration of painters in the Board's area of jurisdiction.		
Other	Maintain a register of painters; prescribe the course of training and examination for painters; ensure adequate supervision of painting; and receive complaints against painters in relation to work that is not carried out in a proper and workmanlike manner, take proceedings for offences against the <i>Painters' Registration Act 1961</i> .		
Source of funding	Self funded (Registration fees, application fees and penalties)	Annual Report	Yes www.painters.wa.gov.au
Management of funds	Yes	Investigations	Yes
Employment of employees	Employed by the Board	Number of entities regulated	2,956 painters (as at 15 June 2009)

Name	Plumbers Licensing Board		
Legislation	<i>Water Services Licensing Act 1995, Part 5A</i>		
Principal functions	Licensing of plumbing contractors, tradespersons and certain permit holders.		
Other	Advises Minister on the administration of the Act and Regulations; sets state-wide industry standards for licensing, compliance and legislation; and monitors plumbing trade education and training and provides technical advisory services in support of plumbing workmanship standards to safeguard consumers' interests.		
Source of funding	Self funded (Fees from a triennial licensing regime and a compliance and inspection framework).	Annual Report	No, reported in the department's annual report.
Management of funds	Yes	Investigations	Yes
Employment of employees	The Board does not engage employees. Employees of the department support this Board.	Number of entities regulated	2,465 licensed plumbing contractors; 2,406 tradespersons; and 130 restricted plumbing permit holders.



Name	Real Estate and Business Agents' Supervisory Board		
Legislation	<i>Real Estate and Business Agents Act 1978</i>		
Principal functions	Licensing and registration of real estate and business agents, developers and sales representatives.		
Other	Advise Minister on administration of the Act, Regulations and Code of Conduct; makes recommendations and submits proposals regarding the Act, Regulations and the Code of Conduct; conducts compliance activities; promotes education and provides advisory services; conciliation; oversees agents' trust accounts; and administers the Fidelity Guarantee Account and the Home Buyers Assistance Account.		
Source of funding	Self funded (licence and registration fees and interest on trust accounts and investments)	Annual Report	Yes www.reba.wa.gov.au
Management of funds	Yes	Investigations	Yes
Employment of employees	Employed by Board. A service delivery agreement exists with the department.	Number of entities regulated	3,507 agents and 9,586 sales representatives

Name	Settlement Agents Supervisory Board		
Legislation	<i>Settlement Agents Act 1981</i>		
Principal functions	Licensing and registration of settlement agents.		
Other	Advise Minister on administration of Act and Regulations and Code of Conduct; makes recommendations and submits proposals regarding the Act, Regulations and Code of Conduct; conducts compliance activities; promotes education and provides advisory services; conciliation; oversees agents' trust accounts and administers the Fidelity Guarantee Account.		
Source of funding	Self funded (Licence and registration fees and interest on trust accounts and investments)	Annual Report	Yes www.sasb.wa.gov.au
Management of funds	Yes	Investigations	Yes
Employment of employees	Employed by the Board. A service delivery agreement exists with the department.	Number of entities regulated	710 agents



Consumer Protection committees and tribunals

Table 62 is a brief summary of the functions of each Consumer Protection committee and tribunal.

Table 62: Functions of the Consumer Protection committees and tribunals in 2008-09

Name	Building Disputes Tribunal
Legislation	<i>Builders' Registration Act 1939</i>
Principal functions	To hear and settle contractual and workmanship disputes between owners and builders.
Name	Charitable Collections Advisory Committee ⁽¹⁾
Legislation	<i>Charitable Collections Act 1946</i>
Principal functions	To advise the Minister in relation to applications for licences, to conduct inquiries and make recommendations to the Minister in respect of the revocation of licences.
Name	Consumer Product Safety Committee ⁽¹⁾
Legislation	<i>Consumer Affairs Act 1971</i>
Principal functions	To make recommendations to the Commissioner for Consumer Protection that prohibits or restricts the supply of goods.
Name	Home Buyers Assistance and Advisory Committee
Legislation	<i>Real Estate and Business Agents Act 1978</i>
Principal functions	To consider applications for financial assistance from first home buyers and make recommendations to Real Estate and Business Agents Supervisory Board.
Name	Retail Shops Advisory Committee ⁽¹⁾
Legislation	<i>Retail Trading Hours Act 1987</i>
Principal functions	To investigate and make recommendations to the Minister relating to the operation and administration of the Act, to make recommendations to the Commissioner for Consumer Protection on the issue of permits to remain open or to provide goods or services that are not prescribed.

Note:

(1) The Consumer Protection Division provided administrative support to these committees in 2008-09.



Safety and Employment Protection boards

The Safety and Employment Protection boards have a range of functions including advisory, licensing of participants in relevant industries, investigating complaints about the conduct of industry participants and taking disciplinary action where appropriate. Table 63 provides a brief summary of the functions of each board.

Table 63: Functions of Safety and Employment Protection regulatory boards in 2008-09

Name	Board of Examiners ⁽¹⁾		
Legislation	<i>Mines Safety and Inspection Act 1994</i>		
Principal functions	<p>The Board of Examiners' functions are:</p> <ul style="list-style-type: none"> ▪ to examine in accordance with the Mines Safety and Inspection Regulations 1995, qualifications, experience and character of applicants, for certificates of competency and issue such certificates where appropriate; and ▪ to receive, consider and inquire into complaints concerning holders of certificates of competency and to suspend or cancel such certificates where appropriate. <p>Other functions are outlined in the Regulations. The Board of Examiners cover the following areas:</p> <ul style="list-style-type: none"> ▪ Quarry Managers (Mine Managers-Surface, including restricted Quarry Managers); ▪ First Class Mine Managers (Mine Managers-any mine including Underground, and also including Underground Supervisors). Note: Coal certification has slightly different nomenclature; and ▪ Winding Engine Drivers (of two classes). 		
Source of funding	The department's, Resources Safety Division's budget with some degree of self funding (retained licence and registration fees)	Annual Report	No
Management of funds	No. Managed as part of the divisional budget.	Investigations	Yes
Employment of employees	The Board does not engage employees. Employees of the department support this Board.	Number of entities regulated	1,147 First Class Mine Managers; 2,400 Underground Supervisors; 879 Quarry Managers; 1,174 Restricted Quarry Managers; and 20 Winding Engine Drivers

Note:

(1) Reported for the period 1 July to 31 December 2008.



Name	Electrical Licensing Board		
Legislation	Electricity (Licensing) Regulations 1991		
Principal functions	Licensing of electrical contractors and workers.		
Other	General advice to the Minister and Director of Energy Safety on the training and licensing of electrical contractors and workers.		
Source of funding	Department of Commerce, Energy Safety Division budget (licence fees)	Annual Report	No
Management of funds	No. Managed as part of the divisional budget.	Investigations	Only for the determination of competence of applicants for, and holders of, licences and permits issued pursuant to Electricity (Licensing) Regulations 1991. Licence work compliance investigations are conducted by the Energy Safety Division.
Employment of employees	The Board does not engage employees. Employees of Department of Commerce support this Board.	Number of entities regulated	35,281 electrical operatives

Name	Mines Survey Board ⁽¹⁾		
Legislation	<i>Mines Safety and Inspection Act 1994</i>		
Principal functions	<p>The functions of the Mines Survey Board are:</p> <ul style="list-style-type: none"> ▪ to advise the Minister on survey matters relating to mines and mining operations, including quarries and quarry operations; ▪ to examine the qualifications, experience and character of persons applying for authorised mine surveyor's certificates (of two classes) and issue such certificates where appropriate; and ▪ to deal with complaints concerning the holders of authorised mine surveyor's certificates and to suspend or cancel such certificates where appropriate. 		
Source of funding	The department's Resources Safety Division's budget with some degree of self funding (retained licence and registration fees)	Annual Report	No
Management of funds	No. Managed as part of the divisional budget	Investigations	Yes
Employment of employees	The Board does not engage employees. Employees of the department support this Board.	Number of entities regulated	333 Authorised Mine Surveyor Grade 1; and 233 Authorised Mine Surveyor Grade 2

Note:

(1) Reported for the period 1 July to 31 December 2008.



Safety and Employment Protection commissions and committees

Table 64 provides a brief summary of the functions of each commission and committee.

Table 64: Functions of the Safety and Employment Protection commission and committees in 2008-09

Name	Commission for Occupational Safety and Health		
Legislation	<i>Occupational Safety and Health Act 1984</i>		
Principal functions	<p>The Commission for Occupational Safety and Health (the Commission) was established in April 1985 (as the Occupational Health, Safety and Welfare Commission) under section 6 of this Act. The tripartite Commission's functions include:</p> <ul style="list-style-type: none"> ▪ to inquire into and report to the Minister upon any matters referred to it by the Minister; ▪ to make recommendations to the Minister with respect to this Act; ▪ to develop and review the Occupational Safety and Health legislation and associated standards and make recommendations to the Minister; ▪ to examine, review and make recommendations to the Minister in relation to existing and proposed registration or licensing schemes relating to occupational safety and health; and ▪ to provide advice to and cooperate with government departments, public authorities, unions, employer organisations and other interested parties. 		
Other	<p>Commission advisory committees and working parties operational during the year were:</p> <ul style="list-style-type: none"> ▪ Construction Industry Safety Advisory Committee; ▪ Emerging Issues and Risk Management Advisory Committee; ▪ Legislation Advisory Committee; ▪ Man Overboard Working Party; and ▪ Waterfront Industry Working Party. <p>Further information on the activities is provided in the Commission's annual report.</p>		
Source of funding	Department of Commerce, WorkSafe Division budget	Annual Report	Yes www.commerce.wa.gov.au
Management of funds	No. Managed as part of the divisional budget.	Investigations	No
Employment of employees	The Commission does not engage employees. Employees of the Department of Commerce support the Commission.	Number of entities regulated	All Western Australian workplaces except those under the <i>Mines Safety and Inspection Act 1994</i> or Commonwealth legislation.



Name	Gas Licensing Committee		
Legislation	<i>Gas Standards Act 1972</i>		
Principal functions	To make recommendations to the Director of Energy Safety on competence of applicants for, and holders of, gas fitting permits and authorisations. To make recommendations on retraining and other restrictions and warnings.		
Name	Mining Industry Advisory Committee ⁽¹⁾		
Legislation	<i>Occupational Safety and Health Act 1984</i>		
Principal functions	<p>The tripartite Mining Industry Advisory Committee (MIAC) is a statutory committee of the Commission for Occupational Safety and Health (the Commission). The functions of the committee are:</p> <ul style="list-style-type: none"> ▪ to advise and make recommendations to the Ministers and the Commission on occupational safety and health matters concerning the mining industry; ▪ to liaise with the Commission to coordinate activities on related functions and to maintain parallel standards; ▪ to inquire into and report to the Ministers regarding any matter referred to it by the Ministers relating to occupational safety and health in the mining industry; ▪ to make recommendations to the Minister for Mines regarding the formulation, amendment, or repeal of laws relating to occupational safety and health for which that Minister is responsible; ▪ to prepare or recommend the adoption of codes of practice, guidelines, standards, specifications or other forms of guidance for the purpose of assisting employers, self employed persons, employees, manufacturers or other persons to maintain appropriate standards of occupational safety and health in the mining industry; and ▪ to provide advice on (i) education and publications; and (ii) training and training courses, with respect to occupational safety and health in the mining industry. 		
Other	<p>The MIAC did not meet formally during this period due to the expiration of members' terms in August 2008 and the State election truncating the reappointment process that was underway. An informal meeting was held in October 2008. The subsequent allocation of the <i>Mines Safety and Inspection Act 1994</i> to the Hon Norman Moore MLC, Minister for Mines and Petroleum, in conjunction with the impending move of the Resources Safety Division to the new Department of Mines and Petroleum, necessitates the reconstitution of MIAC. The Committee's new chairperson and membership will involve joint agreement between the Minister for Mines and Petroleum and the Minister for Commerce, the Hon Troy Buswell MLA, who is responsible for the <i>Occupational Safety and Health Act 1984</i> under which MIAC is constituted.</p>		
Source of funding	Department of Commerce, Resources Safety Division budget	Annual Report	No
Management of funds	No. Managed as part of the divisional budget.	Investigations	No
Employment of employees	The committee does not engage employees. Employees of Department of Commerce support the committee.	Number of entities regulated	75,866 employees in the mining industry (as at 31 October 2008)

Note:

(1) Reported for the period 1 July to 31 December 2008.



Science, Innovation and Business boards, committees and councils

Table 65 provides a brief summary of the functions of each board, committee or council.

Table 65: Functions of the Science, Innovation and Business boards, committees and councils in 2008-09 ⁽¹⁾

Name	Australian Marine Complex Business Development Committee
Principal functions	Advice on Australian Marine Complex expansion opportunity.
Name	Australian Marine Complex Overarching Committee
Principal functions	Assist in coordinating interagency management.
Name	Interim Board, International Centre for Radio Astronomy Research
Principal functions	Assist in establishment of the centre.
Name	Premier's Science and Innovation Council
Principal functions	The Council was formed to provide the Government with independent advice on science matters in Western Australia, particularly related to the strategic direction of State Government investment in science to build capacity to diversify the economy.
Name	Western Australian Regional Stakeholder Advisory Group
Principal functions	Advice on regional issues relating to the Square Kilometre Array Project and establishment of the Murchison Radio-astronomy Observatory.
Name	Western Australian Technology and Industry Advisory Council
Principal functions	The Council, under Section 21 of the <i>Industry and Technology Development Act 1998</i> , is required to: <ul style="list-style-type: none"> ▪ provide advice to the Minister, at the initiative of the Council or at the request of the Minister, on any matter relating to the objects of the Act; and ▪ carry out, collaborate in or procure research, studies or investigations on any matter relating to the objects of the Act, including the: <ol style="list-style-type: none"> (i) role of industry, science and technology in the policies of government; (ii) social and economic impact of industrial and technological change; (iii) employment and training needs and opportunities relating to industrial, scientific and technological activities in the State; (iv) adequacy of, priorities among and coordination of, scientific, industrial and technological activities in the State; (v) methods of stimulating desirable industrial and technological advances in the State; (vi) application of industrial, scientific and technological advances to the services of the Government; and (vii) promotion of public awareness and understanding of development in industry, science and technology.

Note:

(1) Reported for the period 1 January to 30 June 2009.



Appendix 5: Plumbers Licensing Board

The Plumbers Licensing Board (the Board) does not produce a separate Annual Report, however, this Appendix to the department's Annual Report details the Board's function, membership, highlights and forecasts of future activity.

Role of the Board

Part 5A of the *Water Services Licensing Act 1995* (the WSL Act) establishes the Plumbers Licensing Board (the Board) with functions related to the licensing of plumbers, to provide for regulation making powers, licensing matters, the carrying out of plumbing work and to make related provisions.

The WSL Act empowers the Board to regulate the State's plumbing trade through a licensing regime for appropriately qualified plumbers to carry out water supply, sanitary and drainage plumbing work to support the community and its economy. The Board operates a state-wide compliance and inspection framework to ensure high standards and performance for all licensed plumbing work and to enforce a statutory guarantee of workmanship for consumers. The Board also functions to monitor the plumbing trades' education and training standards, to advise the Minister in these matters and to provide industry and consumers with relevant information on plumbing matters.

Board membership

Chairperson

Judy Seif

Judy Seif is a Perth-based barrister appointed by the Minister as the Board's Chairperson. Judy has key skills and knowledge in law, finance, policy development and media, with significant experience in the operation of boards and committees. Her advocacy work over more than 15 years includes representing clients in both the public and private sectors.

Deputy Chairperson

Christopher (Chris) Jones

Chris Jones is a licensed plumbing contractor with more than 30 years plumbing experience. Chris has operated his own plumbing business in the Pilbara and Gascoyne Region since 1992 and has been appointed by the Minister as a person with knowledge of, and experience in, the plumbing industry. He is a current member of the Small Business Development Corporation and is also a Justice of the Peace.

Members

Anthony (Richard) Ballem

Richard Ballem has been appointed by the Minister as a person with knowledge and experience of the plumbing industry nominated by the Western Australian Drainage Association. Richard is a licensed plumbing contractor in drainage plumbing with over 40 years experience in the industry and is a past president of Western Australian Drainage Association.



Gerald McDonald

Gerald McDonald was appointed by the Minister as a person with knowledge and experience of the plumbing industry nominated by the Communications, Electrical and Plumbing Union. Gerald is a licensed plumbing tradesperson and gas fitter with nearly 40 years experience in the plumbing and construction industries. He is currently employed by the Western Australian Department of Health as a hospital maintenance tradesperson with responsibility for maintaining the State's major hospitals.

Joanne Parnell

Joanne Parnell represents the interests of consumers. Joanne has a background in strategic business planning and development, sales and marketing both within metropolitan and rural Australia.

Margaret Stockton

Margaret Stockton represents the interests of consumers. Margaret has extensive experience in managing human services and consultancy in strategic planning, evaluation and project management in the public and private sectors. She has extensive experience in advocating for consumer interests.

Noel Abercromby

Noel Abercromby was appointed by the Minister as a person with knowledge and experience of the plumbing industry representing the Master Plumbers and Gas Fitters Association. A former president of the Master Plumbers and Gas Fitters Association, Noel has over 25 years experience in the plumbing industry including substantial involvement in a supervisory role during the construction of the Burswood Hotel complex. He is currently the co-owner and Managing Director of Samson Plumbing and Gas Pty Ltd.

Former Members

During the year, Kim Byrne resigned from the Board and Rob Hampson did not re-nominate.

Highlights 2008-09

The Board continued its recognition of plumbing service excellence by sponsoring the Plumber of the Year and Plumbing Business of the Year at the Master Plumbers and Gas Fitters Association Awards in November 2008. The Board delivered enhanced education and training services for plumbers by upgrading its induction sessions for new licensed plumbing contractors and opening the sessions to include new tradespersons. Over 60 induction sessions were held during the year, with 10 delivered during regional visits in conjunction with board meetings or during inspections by compliance officers. The Board published four new Technical Notes on plumbing work issues to assist licensed plumbers in complying with national plumbing standards adopted by the Regulations and modifications to suit Western Australia's building approach and other local conditions.

The Board conducted a campaign over the Christmas period involving nearly 350 hardware stores state-wide to remind customers, purchasing plumbing products, of the importance of using licensed plumbers to undertake any home plumbing work. Each store was issued with display signs and copies of the brochure titled 'Having plumbing work done?' which outlines risks to family health and safety from do-it-yourself work prevalent over the holiday season.



The Board also participated in two major trade and consumer information promotional events at the Perth Convention Centre, the Perth Plumbing Show in October 2008 and the Master Builders Association's Home Improvement Show and Sustainable Energy Expo in May 2009. In the second event, the Board co-hosted a stand with representatives from the Builders Registration Board and other agencies leading up to the announcement of the establishment of the Building Commission. In May 2009, the Board launched a new Consumer Advice Line: 1300 249 223 to provide consumers with ready access to information on plumbing services. The free-call telephone service enables customers to check the licensing details of their plumber and obtain other advice on plumbing work standards and products in their homes.

Significant issues and trends

The Board's operations will form part of the Building Commission in 2009-10. The new division of the Department of Commerce will initially bring together the regulation of key building, plumbing and painting trades to better coordinate services for the construction industry and its consumers. Over the last year, the Board participated in detailed discussions and undertaken forward planning over all aspects of the new Commission. The Board welcomes this move and anticipates a smooth transition, with value added to its business services for the plumbing sector and consumers.

Sustainability issues in water and energy usage will be increasingly more important for the Board to consider in regulating plumbing work. Consumers will rely on enhanced services and advice from licensed plumbers on matters such as clean water delivery, recycling and alternate water sources, system design and safe waste discharge, low emissions hot water systems and product knowledge. The Board is preparing for changes in regulations and promoting further plumber education and training to meet these demands.

The regulation of plumbing work in Western Australia will be impacted by two Council of Australian Governments' agreements. A proposed National Licensing System will harmonise the licensing, standards and regulatory arrangements covering plumbing as an essential trade. This will reduce regulatory costs and improve the capacity of licensed plumbers to operate under any state jurisdiction. The Board will be providing comment on legislation leading up to the implementation of the national system in the coming years. A National Construction Code will also link existing building and plumbing codes under one reference. The Board's move to the Building Commission will assist in retaining the building approach particular to this State's conditions, within this national initiative.



Appendix 6: Annual Report feedback

The Department of Commerce welcomes your feedback on the 2008-09 Annual Report.

1. Overall how effective do you think the Annual Report was in communicating our activities?

- Very effective Effective Average Poor

2. Please rate the following elements of the Annual Report (using a number from the rating scale below):

	Excellent	Good	Average	Poor	Very Poor
Information/content	1	2	3	4	5
Layout of information	1	2	3	4	5
Ease of finding information	1	2	3	4	5
Readability	1	2	3	4	5
Ease of comprehension	1	2	3	4	5

3. Overall, how do you rate this Annual Report?

- Excellent Good Satisfactory Poor

4. In your opinion, how could our next Annual Report be improved?

5. General comments:

6. For what purpose did you read or refer to the 2008-09 Annual Report?

- Background information on the Department of Commerce
- Information on the Department of Commerce's performance in 2008-09
- Information on the future direction of the Department of Commerce
- Information on the employees and management of the Department of Commerce
- Other (please specify) _____

Thank you for participating in the survey.

Please return completed form to:

Office of the Director General, Department of Commerce
Locked Bag 14 CLOISTERS SQUARE WA 6850 or fax (08) 9282 0407

This form is also available on the department's internet site at www.commerce.wa.gov.au.