

# Appendices



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

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# APPENDICES

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## Appendix 1: Agreements

The Department of Commerce recognises the benefits derived from working collaboratively with external parties by negotiating co-agency agreements, Memoranda of Understanding, Instruments of Declaration and inter-governmental arrangements for service delivery with a range of organisations, within the public and private sector.

### Agreements

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*.

#### Co-agency agreements

Co-agency agreements in place during 2009-10:

- Australian Maritime Safety Authority
- Department of Transport, Marine Safety
- Department of Transport, (monitoring fatigue in the omnibus industry)
- Department of Transport, Office of Rail Safety.

#### Memoranda of Understanding

Memoranda of Understanding in place during 2009-10:

- .au Domain Administration Limited
- Australian Competition and Consumer Commission
- Australian Government agencies responsible for enforcement of occupational safety and health legislation
- Australian Securities and Investments Commission
- Australian Securities and Investments Commission regarding co-operation, access to and use of information, referral of matters, and co-operation in education activities following the transfer of regulation of consumer credit under Western Australian credit legislation from the Western Australian Department of Commerce, Consumer Protection Division to the Australian Securities and Investments Commission, and other matters to support the National Credit Law
- Biotechnology Institute for sanofi-agentis BioGENEius Challenge of Western Australia
- Bureau of WorkSafe Supervision and Administration Zhejiang Provincial Government
- City of Kalgoorlie Boulder and the Plumbers' Licensing Board
- Commonwealth of Australia and the State of Western Australia regarding the Square Kilometre Array Project
- CSIRO and the State of Western Australia regarding the Square Kilometre Array and Australian Square Kilometre Array Pathfinder Projects (Collaborative Agreement)

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- Confidentiality Undertaking with the Australian Securities and Investments Commission regarding credit provider and finance broker licensee and complaint information provided prior to the transition of credit regulation to the Commonwealth
  - Confidentiality Undertaking with the Attorney-General's Department of the Australian Government regarding the provision of sample personal property securities (PPS) data to facilitate the transition of the Western Australian PPS register to the Commonwealth
  - Consumers' Association of WA (Inc)
  - Daedeok Innopolis, Korea and Technology Park Bentley, Western Australia
  - 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 wellbeing
  - Department of Education Services, Office of the Training Accreditation Council
  - Department of Environment, Water, Heritage and the Arts regarding the monthly provision of complaint information around the Home Insulation Program
  - Department of Environment and Conservation; Western Australia Police; and Fire and Emergency Services Authority of Western Australia for Emergency Connect WA
  - Department of Environment and Conservation; Department of Education; Western Australia Police; and WA Country Health Services for Bush Medivac WA
  - Department of Immigration and Citizenship
  - Department of Mines and Petroleum, Resources Safety Division
  - Department of Mines and Petroleum and Department of State Development regarding a Graduate Program Partnership Agreement
  - Department of Transport 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
  - Department of Regional Development and Lands for Community Emergency Mobile Communications Project
  - Economic Regulation Authority
  - Energy Ombudsman
  - Hairdressers Registration Board
  - Hangzhou National Hi-Tech Industry Development Zone and Technology Park Bentley of Western Australia
  - Healthways and the Department of Commerce regarding the exchange of information on incorporated associations
  - National Industrial Chemicals Notification and Assessment Scheme
  - National Offshore Petroleum Safety Authority
  - Office of Energy
  - State Administration of Work Safety, People's Republic of China
  - State Library for National Partnership for Remote Indigenous Public Internet Access
  - 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.



## Instruments of Declaration

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 that 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*.

Instruments of Declarations in place during 2009-10:

- BHP Transport Marine Slipway on Special Lease 3116/3690, Burgess Point, BHP Iron Ore Nelson Point
- Boodarie Power Station, Port Hedland
- Brockman 4
- Duketon Gold Project mine site
- Griffin Coal Company Pty Limited - Premier Mine
- Karara Mining Project
- Newman Power Station
- Pilbara Infrastructure Pty Ltd railway
- Pilbara Iron Pty Ltd railway
- Sino Iron mine site
- Spinifex Ridge Molybdenum (Moly Mines Australia Pty Ltd) mine site
- Wesfarmers Coal Limited - Premier Mine
- Yandi mine site.

## Inter-governmental arrangements for service delivery

Inter-governmental arrangements for service delivery clearly articulate accountability and funding for the delivery of services by the department to a government authority.

Arrangements in place during 2009-10:

- Commonwealth of Australia and State of Western Australia regarding the delivery of services to the Christmas Island and Cocos (Keeling) Islands.
- Department of Environment, Water, Heritage and the Arts (Commonwealth) regarding the provision of fuel quality sampling services
- 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.

## Appendix 2: Changes to written laws

Changes in written law initiated by the department during 2009-10 are outlined according to the responsible division in Table 33 to 35.

### Consumer Protection

#### Consumer Protection Division

**Table 33: Amendments to written laws for the Consumer Protection Division in 2009-10**

Written law / Title	Number	Effective or Gazettal date
Associations Incorporation Amendment Regulations 2009	2 of 2009	1 July 2009
Builders' Registration Amendment Regulations 2009	1 of 2009	1 July 2009
Builders' Registration Amendment Regulations (No. 2) 2009	2 of 2009	1 July 2009
Companies (Co-operative)(Fees) Regulations 2009	2 of 2009	1 July 2009
Consumer Affairs Revocation Order 2010	94 of 2010	28 May 2010
Consumer Affairs Revocation Order (No. 2) 2009	15 of 2010	2 February 2010
<i>Co-operatives Act 2009</i>	24 of 2009	22 October 2009
Credit (Administration) Amendment Regulations 2010	129 of 2010	30 June 2010
<i>Credit (Commonwealth Powers) Act 2010</i>	13 of 2010	30 June 2010
<i>Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Act 2010</i>	14 of 2010	30 June 2010
Debt Collectors Licensing Amendment Regulations 2009	1 of 2009	1 July 2009
Employment Agents Amendment Regulations 2009	1 of 2009	1 July 2009
Fair Trading (Product Safety Standard) Amendment Regulations (No. 2) 2009	15 of 2010	2 February 2010
Fair Trading (Product Safety Standard) Amendment Regulations (No. 2) 2010	112 of 2010	25 June 2010
Fair Trading (Product Safety Standard) Amendment Regulations 2010	95 of 2010	28 May 2010
Fair Trading (Retirement Villages Code) Regulations 2009	167 of 2009	21 September 2009
Finance Brokers Control (General) Amendment Regulations 2010	129 of 2010	30 June 2010
Land Valuers Licensing Amendment Regulations 2009	1 of 2009	1 July 2009
Limited Partnership Amendment Rules	1 of 2009	1 July 2009
Motor Vehicle Dealers (Licensing) Amendment Regulations 2009	1 of 2009	1 July 2009
Motor Vehicle Repairers Amendment Regulations (No. 2) 2009	2 of 2009	1 July 2009



Written law / Title	Number	Effective or Gazettal date
Motor Vehicle Repairers Amendment Regulations (No. 3) 2009	140 of 2009	28 July 2009
Order Prohibiting Supply Of Goods containing more than 1% DEHP	42 of 2010	23 March 2010
Order Prohibiting Supply Of Goods, Balls Manufactured From Fire Resistant Material, To Be Doused In Flammable Liquid And Ignited	17 of 2010	9 February 2010
Order Prohibiting Supply Of Goods, Toy-Like Novelty Cigarette Lighters	16 of 2010	5 February 2010
Order Prohibiting The Supply Of Goods, Sky Lanterns	177 of 2009	2 October 2009
Order Restricting The Supply Of Goods, Protective helmets for Pedal Cyclists	7 of 2010	15 January 2010
Order Restricting The Supply Of Goods, Treadmills	140 of 2009	28 July 2009
Painters' Registration Board Amendment Rules 2009	2 of 2009	1 July 2009
Real Estate And Business Agents (General) Amendment Regulations (No. 3) 2009	155 of 2009	28 August 2009
Real Estate and Business Agents (General) Amendment Regulations (No. 4) 2009	4 of 2009	1 July 2009
Real Estate And Business Agents (General) Amendment Regulations (No. 5) 2009	204 of 2009	10 November 2009
Real Estate And Business Agents (General) Amendment Regulations 2010	94 of 2010	28 May 2010
Retail Trading Hours (Busselton) Variation Order 2009	231 of 2009	11 December 2009
Retail Trading Hours (City Of Albany) Order 2010	15 of 2010	2 February 2010
Retail Trading Hours (City Of Bunbury) Order 2009	231 of 2009	11 December 2009
Retail Trading Hours (City Of Bunbury) Variation Order 2009	244 of 2009	24 December 2009
Retail Trading Hours (City Of Geraldton-Greenough) Order 2009	231 of 2009	11 December 2009
Retail Trading Hours (Rockingham Holiday Resort) Variation Order 2009	242 of 2009	22 December 2009
Retail Trading Hours (Shire Of Collie) Order 2009	231 of 2009	11 December 2009
Retail Trading Hours (Shire Of Katanning) Order (No. 2) 2009	245 of 2009	24 December 2009
Retail Trading Hours (Shire Of Katanning) Order 2009	231 of 2009	11 December 2009
Retail Trading Hours (Tourism Precincts And Holiday Resorts) Amendment Regulations (No. 2) 2009	215 of 2009	24 November 2009
Retail Trading Hours (Tourism Precincts And Holiday Resorts) Amendment Regulations 2009	133 of 2009	14 July 2009
Retail Trading Hours (Tourism Precincts And Holiday Resorts) Amendment Regulations 2010	46 of 2010	26 March 2010
Retail Trading Hours (Tourism Precincts) Order 2009	244 of 2009	24 December 2009

Written law / Title	Number	Effective or Gazettal date
Retail Trading Hours (Tourism Precincts) Variation Order (No. 2) 2009	210 of 2009	20 November 2009
Retail Trading Hours Regional Variation Order 2009	231 of 2009	11 December 2009
Retail Trading Hours Variation Order 2009	210 of 2009	20 November 2009
Settlement Agents Amendment Regulations 2009	2 of 2009	1 July 2009
Trade Measurement Amendment Regulations 2010	94 of 2010	28 May 2010
Trade Measurement Amendment Regulations (No. 2) 2010	110 of 2010	22 June 2010
Transfer Of Incorporation (HBF) Order 2009	151 of 2009	21 August 2009
Transfer Of Incorporation (HIF) Order 2009	210 of 2009	20 November 2009
Travel Agents Amendment Regulations (No. 2) 2009	7 of 2010	15 January 2010

## Building Commission Division

There were no changes to written laws in 2009-10 for the Building Commission Division.

## Safety and Employment Protection

### EnergySafety Division

**Table 34: Amendments to written laws for the EnergySafety Division in 2009-10**

Written law / Title	Number	Effective or Gazettal date
Gas Standards (Infringement Notices) Amendment Regulations	70 of 2010	4 May 2010
<i>Gas Supply (Gas Quality Specifications) Act 2009</i>	46 of 2010	26 March 2010
Electricity (Licensing) Amendment Regulations (No. 4) 2009	4 of 2009	1 July 2009
Electricity Amendment Regulations (No. 5) 2009	33 of 2010	5 March 2010
Electricity (Licensing) Order 2010	16 of 2010	5 February 2010
Electricity (Declared Apparatus) Notice 2010	11 of 2010	22 January 2010
Electricity (Prescribed Appliances & Published Specifications) Notice 2010	11 of 2010	22 January 2010
Electricity (Recognised Persons and Marks) Notice 2010	11 of 2010	22 January 2010
Electricity (Specified Laws) Notice 2010	11 of 2010	22 January 2010
Energy Coordination (General) Amendment Regulations 2009	203 of 2009	6 November 2009
Gas Standards (Gas Supply and System Safety) Amendment Regulations 2000	203 of 2009	6 November 2009
Electricity Amendment Regulations (No. 3) 2009	193 of 2009	27 October 2009



Written law / Title	Number	Effective or Gazettal date
Electricity (Supply Standards and System Safety) Regulations (No. 2) 2009	173 of 2009	29 September 2009
Electricity Amendment Regulations (No. 4) 2009	173 of 2009	29 September 2009
Electricity (Licensing) Regulations (No. 5) 2009	157 of 2009	1 September 2009
Electricity (Licensing) Amendment Regulations 2010	112 of 2010	25 June 2010
Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations 2009	1 of 2009	1 July 2009
Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations (No. 2) 2010	112 of 2010	25 June 2010

## Labour Relations Division

There were no changes to written laws in 2009-10 for the Labour Relations Division.

## WorkSafe Division

**Table 35: Amendments to written laws for the WorkSafe Division in 2009-10**

Written law / Title	Number	Effective or Gazettal date
Occupational Safety and Health Amendment Regulations	4 of 2009	31 July 2009
Occupational Safety and Health Amendment Regulations	5 of 2009	25 Aug 2009
Occupational Safety and Health Amendment Regulations	3 of 2009	22 Dec 2009
Occupational Safety and Health Amendment Regulations	7 of 2009	15 Jan 2010
Occupational Safety and Health Amendment Regulations	2010	25 May 2010
Occupational Safety and Health Amendment Regulations	3 of 2010	25 June 2010

## Science, Innovation and Business

### Science, Innovation and Business Division

There were no changes to written laws in 2009-10 for the Science, Innovation and Business Division.

## Appendix 3: Prosecutions

### Consumer Protection

#### Consumer Protection Division

Table 36 - 41 provides details of action undertaken in 2009-10 by the Consumer Protection Division. For the purposes of Table 36 - 41, the Commissioner is the Commissioner for Consumer Protection.

#### Civil applications - Court of Appeal

**Table 36: Court of Appeal proceedings for the Consumer Protection Division in 2009-10**

Name/ defendant/ parties	Nature	Outcome
Bluesky Healthcare Pty Ltd, George Michael Papos, Damien Ryan v Commissioner	Appeal against Supreme Court decision reversing Magistrates' acquittal, convicting respondents on prosecution under the <i>Door to Door Trading Act 1987</i> .	Appeal allowed. Costs to be determined.
Maxwell John Nevermann v Land Valuers Licensing Board	Appeal against orders of the State Administrative Tribunal suspending appellant from holding a licence.	Appeal dismissed. No order as to costs.
Pasquale Minitti v Motor Vehicle Industry Board	Appeal from orders of the State Administrative Tribunal disqualifying appellant from holding a licence.	Matter is pending.

#### Civil applications - Supreme Court

**Table 37: Supreme Court proceedings for the Consumer Protection Division in 2009-10**

Name/ defendant/ parties	Nature	Outcome
Commissioner v Alwyn Robert Healy	Application for banning order and injunctions under <i>Fair Trading Act 1987</i> and contempt proceedings.	Defendant gave undertaking to the Court. Contempt proceedings pending.
Alwyn Robert Healy v Commissioner	Appeal against conviction for two offences under the <i>Fair Trading Act 1987</i> .	Matter pending.



Name/ defendant/ parties	Nature	Outcome
Commissioner v Bon Levi, Colin Burton, and Leigh Currie (trading as 'Bikini Girls Massage')	Application for interlocutory injunctions under the <i>Fair Trading Act 1987</i> , alleging contraventions of the <i>Business Names Act 1982</i> , and misleading conduct in respect of employment under the <i>Fair Trading Act 1987</i> .	Interlocutory application granted against Bon Levi and Colin Burton. Application for final orders pending. Final orders by consent against Leigh Currie.
Commissioner v Steve Preston	Contempt proceedings.	Application dismissed. No order as to costs.
Commissioner v Salvatore Tomarchio	Application for interlocutory injunctions under the <i>Fair Trading Act 1987</i> , alleging contraventions of the <i>Credit (Administration) Act 1984</i> and alleged unconscionable conduct contravening the <i>Fair Trading Act 1987</i> .	Interlocutory application granted. Application for final orders pending.
Commissioner v Iceland Pty Ltd	Application under <i>Corporations Act 2001 (Cth)</i> for reinstatement of corporation.	Application granted.
In the Matter of Beagle Bay Community Incorporated (an Application by the Commissioner)	Application under the <i>Corporations Act 2001 (Cth)</i> , to wind-up the association pursuant to the <i>Associations Incorporation Act 1987</i> .	Matter pending.

## Civil applications - District Court

**Table 38: District Court proceedings for the Consumer Protection Division in 2009-10**

Name/ defendant/ parties	Nature	Outcome
<b><i>Fair Trading Act 1987</i></b>		
Name withheld (by the Commissioner) v Moss Glades Pty Ltd	Representative action under the Act for common law breach of contract, specific performance.	Settled. Defendant to pay Plaintiff. Details withheld.
Name withheld (by the Commissioner) v Moss Glades Pty Ltd	Representative action under the Act for breach of contract, specific performance.	Settled. Defendant to pay Plaintiff. Details withheld.

## Civil applications - Magistrates Court

**Table 39: Magistrates Court proceedings for the Consumer Protection Division in 2009-10**

Name/ defendant/ parties	Nature	Outcome
<b><i>Fair Trading Act 1987</i></b>		
Name withheld (by the Commissioner) v Alwyn Robert Healy	Representative action under the Act for breach of contract.	Settled. Defendant to pay Plaintiff. Details withheld.
Name withheld (by the Commissioner) v Alwyn Robert Healy	Representative action under the Act for breach of contract.	Settled. Defendant to pay Plaintiff. Details withheld.
Name withheld (by the Commissioner) v Alwyn Robert Healy	Representative action under the Act for breach of contract.	Settled. Defendant to pay Plaintiff. Details withheld.
Name withheld (by the Commissioner) v Alwyn Robert Healy	Representative action under the Act for breach of contract.	Settled. Defendant to pay Plaintiff. Details withheld.
Name withheld (by the Commissioner) v Alwyn Robert Healy	Representative action under the Act for breach of contract.	Settled. Defendant to pay Plaintiff. Details withheld.
Name withheld (by the Commissioner) v Alwyn Robert Healy	Representative action under the Act for breach of contract.	Judgment for Plaintiff. Details withheld.
Name withheld (by the Commissioner) v Alwyn Robert Healy	Representative action under the Act for breach of contract.	Judgment for Plaintiff. Details withheld.
Name withheld (by the Commissioner) v Alwyn Robert Healy	Representative action under the Act for breach of contract.	Settled. Defendant to pay Plaintiff. Details withheld.
Name withheld (by the Commissioner) v Alwyn Robert Healy	Representative action under the Act for breach of contract.	Matter pending.

## Civil applications - State Administrative Tribunal

**Table 40: State Administrative Tribunal outcomes for the Consumer Protection Division in 2009-10**

Name/ defendant/ parties	Legislation	Nature	Outcome	Costs
<b><i>Consumer Credit (Western Australia) Code</i></b>				
Community CPS Australia Ltd as successor in law of United Credit Union Ltd v the Commissioner (as Intervener)	Section 103	Application under the <i>Consumer Credit (Western Australia) Code</i> for a declaration as to contravention of the Code, and for a civil penalty.	Declaration made. No civil penalty payable. Undertaking accepted to repay borrowers to in excess of \$400,000.	\$11,000



Name/ defendant/ parties	Legislation	Nature	Outcome	Costs
<b>Fair Trading Act 1987 and Retirement Villages Code</b>				
Commissioner v Moss Glades Pty Ltd, Eion Samuel Martin, and Leonard Whyman	Section 44, 45 and 46	Application under this Act for orders requiring observance of the <i>Retirement Villages Code</i> , prohibiting the Directors from conniving in a breach of the Code by the company, orders for rectification of drainage problems, and for leave to prosecute for multiple contraventions of the Code.	Application granted, with costs.	To be determined.
<b>Finance Brokers Control Act 1975</b>				
Commissioner v Ozero Pty Ltd	Section 82	Disciplinary proceedings.	Respondent disqualified from holding a licence for one year and fine \$1,000.	\$730
Commissioner v Catherine Anne Thompson	Section 82	Disciplinary proceedings.	Matter pending.	-
<b>Land Valuers Licensing Act 1978</b>				
Land Valuers Licensing Board v Michael Edwin McKenna	Section 27	Disciplinary proceedings.	Respondent disqualified from holding a licence for two years.	None.
Land Valuers Licensing Board v Maxwell John Nevermann	Section 27	Disciplinary proceedings.	Respondent's licence suspended for six months.	\$5,000
Land Valuers Licensing Board v John Van Nguyen	Section 27	Disciplinary proceedings.	Respondent reprimanded and fined \$1,000.	None.
<b>Motor Vehicle Dealers Act 1973</b>				
Motor Vehicle Industry Board v Pasquale Minniti	Section 20	Disciplinary proceedings.	Disqualified from holding a licence until further order. Costs to be determined. On appeal to Court of Appeal.	To be determined.

Name/ defendant/ parties	Legislation	Nature	Outcome	Costs
<b>Retirement Villages Act 1992</b>				
Names withheld (by the Commissioner) v Moss Glades Pty Ltd	Sections 9 and 52	Representative action under the Act for the variation of leases to include date for the construction of facilities.	Application granted, by consent. No order as to costs.	None.
<b>Water Services (Plumbers' Licensing) Regulations 2000</b>				
Gheorge Dumitrescu v Plumbers' Licensing Board	Regulation 100	Review of decision by Plumbers' Licensing Board to refuse application for license.	Application withdrawn.	None.
<b>Local Government (Building Surveyors) Regulations 2008</b>				
Paul Kirrane v Department of Commerce	Regulation 20	Application for review of decision by the Building Surveyors' Qualifications Committee.	Application withdrawn.	None.

## Prosecutions - Magistrates Court

**Table 41: Prosecution outcomes (including appeals against prosecution) for the Consumer Protection Division in 2009-10**

Name/ defendant/ parties	Legislation	Nature	Fine	Costs
<b>Fair Trading Act 1987</b>				
Commissioner v [Name withheld – spent conviction]('Bikini Girls Massage')	Section 14	Prosecution for misleading conduct in respect of employment.	Convicted and fined \$1,500. Spent conviction order.	\$632
Commissioner v Alwyn Robert Healy	Section 12(1)(e)	Prosecution for false or misleading representation in respect of uses or characteristics of goods.	Convicted and fined \$4,000.	\$4,529
Commissioner v Michelle Anne Hider	Section 52(1)	Prosecution for supplying goods in breach of a banning order.	Convicted and fined \$700.	\$880
Commissioner v Richard James McPharlin	Section 12(1)(l)	Prosecution for false or misleading representation in respect of uses of goods.	Convicted and fined \$2,500.	\$2,500
Commissioner v Moss Glades Pty Ltd, Eion Samuel Martin, and Leonard Whyman	Section 12(2)(b)	Prosecution for false or misleading representation in respect of facilities.	Moss Glades Pty Ltd convicted and fined \$5,000. Prosecution discontinued against Directors.	\$1,160



Name/ defendant/ parties	Legislation	Nature	Fine	Costs
<b>Fair Trading Act 1987 and Business Names Act 1962</b>				
Commissioner v Bon Levi ('Bikini Girls Massage')	Section 14 of <i>Fair Trading Act 1987</i> ; Sections 5, 5A and 17 of <i>Business Names Act 1962</i> .	Prosecution misleading conduct in respect of employment. Prosecution for various matters under <i>Business Names Act 1962</i> .	Matter pending.	-
Commissioner v Colin Burton ('Bikini Girls Massage')	Section 14 of <i>Fair Trading Act 1987</i> ; Section 5 of <i>Business Names Act 1962</i> .	Prosecution misleading conduct in respect of employment. Prosecution for various matters under <i>Business Names Act 1962</i> .	Matter pending.	-
<b>Motor Vehicle Dealers Act 1973</b>				
Commissioner v [name with held-spent conviction] & PC Consultants (WA) Pty Ltd	Section 30	Prosecution for engaging in dealing without a licence	Convicted and fined \$5,000.	\$357
Commissioner v LMG Automotive Pty Ltd	Section 41(1)	Prosecution for carrying out or giving effect to any undesirable practice (misrepresentation that a statutory warranty could be waived).	Convicted and fined \$350.	\$539
Commissioner v John Peter Moran	Section 41(1)	Prosecution for carrying out or giving effect to any undesirable practice (misrepresentation that a statutory warranty could be waived).	Convicted and fined \$350.	None.
Commissioner v Beauvel Langer	Section 41(1)	Prosecution for carrying out or giving effect to any undesirable practice (misrepresentation that a statutory warranty could be waived).	Convicted and fined \$350.	None.
Commissioner v Cardin Langer	Section 41(1)	Prosecution for carrying out or giving effect to any undesirable practice (misrepresentation that a statutory warranty could be waived).	Convicted and fined \$350.	None.
Commissioner v Stephen Eccles	Section 31C	Prosecution for employing unlicensed sales person or persons.	Convicted and fined \$500.	\$616
Commissioner v Burswood Car Centre Pty Ltd	Section 31C	Prosecution for employing unlicensed sales person or persons.	Convicted and fined \$10,000.	\$319

Name/ defendant/ parties	Legislation	Nature	Fine	Costs
Commissioner v North Perth Wholesale Pty Ltd	Section 25, 32B and 32C	Prosecution for failing to comply with statutory obligations with respect to maintaining records, accepting consignments, failing to have trust account.	Convicted and fined \$5,000.	\$347
Commissioner v Sean de Gois	Section 25, 32B and 32C	Prosecution for failing to comply with statutory obligations with respect to maintaining records, accepting consignments, failing to have trust account.	Convicted and fined \$5,000.	\$192.20
Commissioner v Andrew John Durey	Section 31B	Prosecution for acting as salesperson without licence.	Convicted and fined \$600.	\$852
Commissioner v Ghazy Fahd Al Defeary	Section 30	Prosecution for engaging in dealing without a licence.	Matter pending.	-
<b>Residential Tenancies Act 1987</b>				
Commissioner v Carmel Charles Saliba	Section 27, 33, 29 and 14	Prosecution for seeking additional security bond, failure to provide rent receipts and notices, and failure to produce security bond record.	Convicted and fined \$2,850.	\$3,500

## Motor Vehicle Industry Board

**Table 42: Motor Vehicle Industry Board deliberations in which Consumer Protection Division assisted in 2009-10**

Name/ defendant/ parties	Nature	Outcome	Costs
<b>Motor Vehicle Repairers Act 1973</b>			
Oz Trees Pty Ltd v Motor Vehicle Industry Board	Section 20	Application to show cause why the licence should not be refused.	Matter pending. -

## Real Estate and Business Agents Supervisory Board

**Table 43: State Administrative Tribunal (the Tribunal) for the Real Estate and Business Agents Supervisory Board in 2009-10**

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<b>Real Estate and Business Agents Act 1978</b>				
Dennis Robert Didovich	Article 5(1) of the Code of Conduct; Section 103(4)(d)	Failed to act fairly and honestly in relation to transactions for the sale and purchase of properties. There was proper cause for disciplinary action in that he was deemed unfit to hold a certificate of registration.	Cancellation of registration and disqualified from holding a registration for a period of 10 years.	\$1,000



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Sharon Maria Arasi and Peter John Arasi	Section 26	Carrying on a business as a real estate agent either separately or as a partnership and have held themselves out as real estate agents when not licensed to do so.	\$6,500	\$500
Meadowbank Enterprises Pty Ltd (1 <sup>st</sup> Respondent)	Section 64(4)	Received valuable consideration for or in relation to the sale of a property, in respect of which the third respondent, being an employee of the second respondent (the conjunction agent in the transaction) had an interest.	\$5,000 If required by the vendor, the first respondent agreed to repay the whole of its part of the commission to the vendor, in the sum of \$14,262.	\$1,000
Gavin Plows (2 <sup>nd</sup> Respondent)	Section 64(4) and Article 7 of the Code of Conduct.	Received valuable consideration for or in relation to the sale of a property in respect of which a sales representative in his employment had an interest. Failed to exercise skill, care and diligence.	\$8,000 If required by the vendor, the second respondent agreed to repay the whole of his part of the commission to the vendor, in the sum of \$5,738.	\$1,500
Stephen Drane (3 <sup>rd</sup> Respondent)	Section 64(2)	Had an interest, other than by virtue of his employment, in a transaction in which the first respondent and second respondent acted without written consent of the principal.	\$1,000	No order as to costs.
Lorraine Ashby (4 <sup>th</sup> Respondent)	Article 7 of the Code of Conduct.	Did not exercise skill, care and diligence. Failed to verify the status of the purchaser and/or its nominee before presenting offers to the vendor and upon becoming aware of the conflict of interest of the third respondent, she failed to take the appropriate steps to fully inform the person in bona fide control.	\$1,000	\$500

<b>Name/ defendant/ parties</b>	<b>Legislation</b>	<b>Offence</b>	<b>Fine</b>	<b>Costs</b>
Vitale Fine Properties Pty Ltd (1 <sup>st</sup> Respondent)	Article 15(2) of the Code of Conduct.	The first respondent sought and retained reimbursement of expenses which was greater than the maximum amount agreed to by the sellers.	\$500	\$500
David Vincent Vitale (2 <sup>nd</sup> Respondent)	Article 6(2) of the Code of Conduct	Failed to properly supervise the business of the first respondent.	\$500	\$500
Melanie Nissen	Article 5(1) of the Code of Conduct	The respondent failed to act fairly and honestly by writing a trust account cheque in the sum of \$648.00 payable to Ms Nissen, applied a signature that appeared to be one of the two signatories to the trust account and deposited the cheque into a personal bank account and writing a trust account cheque in the sum of \$1,320.00 payable to Ms Nissen, applied a signature that appeared to be one of the two signatories to the trust account and deposited the cheque into a personal bank account.	Cancellation of registration and disqualified from holding a registration for a period of five years.	\$500
Dianna Pauline Western (1st Respondent)	Section 44(1)	The first respondent carried out the functions of a real estate sales representative whilst in the employ of the second respondent without holding a certificate of registration.	\$1,500	\$1,000
Talaesha Holdings Pty Ltd (2 <sup>nd</sup> Respondent)	Section 54(1)	The second respondent permitted the first respondent to act or carry out the functions of a real estate sales representative when she was not a registered sales representative.	\$1,000	\$1,000
Adrian Corker (3 <sup>rd</sup> Respondent)	Article 6(2) of the Code of Conduct.	The third respondent failed to properly supervise the business and ensure the Act and Code of Conduct were complied with.	\$1,500	\$1,000



## Settlement Agents Supervisory Board

**Table 44: State Administrative Tribunal for the Settlement Agents Supervisory Board in 2009-10**

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<b>Settlements Agents Act 1981</b>				
Property Settlement Services Pty Ltd	Rule 9 of the Code of Conduct Rule 5 of the Code of Conduct.	The respondent acted on behalf of the buyer and the seller in the settlement of a real estate transaction when there was a conflict of interest.  Acted and continued to act on behalf of the buyer without his informed consent.	\$10,000	\$8,000

## Building Commission Division

Table 45 provides the prosecution action finalised in 2009-10 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 2009-10**

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<b>Water Services Licensing (Plumbers' Licensing and Plumbing Standards) Regulations 2000</b>				
Michael Callahan	Regulation 9(1)	Performing plumbing work outside his licence.	\$500	\$3,135
Paul Dillon	Regulation 9(1)	Unlicensed plumbing.	\$750	\$326
Jagdish Jeshani	Regulation 9(1)	Unlicensed plumbing.	\$2,000	\$384
Thomas McCready	Regulation 9(1)	Unlicensed plumbing.	\$5,000	\$555.50
Peter Pizzano	Regulation 9(1)	Undertaking plumbing without the general direction and control of a Licensed Plumbing Contractor.	\$1,000	\$326.70
Carmel Charles Saliba	Regulation 9(1)	Unlicensed plumbing.	\$500	\$1,500
Mathew Somers	Regulation 9(1)	Unlicensed plumbing.	\$500	\$269

## Safety and Employment Protection

### Energy Safety Division

**Table 46: Prosecution outcomes for the Energy Safety Division in 2009-10**

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<b>Electricity (Licensing) Regulations 1991</b>				
Greg Black (Ballajura)	Regulation 19(1)	Carried out electrical work whilst not authorised by licence or permit.	\$1,000.00	\$571.70
Simon Bunney (North Coogee)	Regulation 19(1) (9 breaches)	Carried out electrical work whilst not authorised by licence or permit.	\$15,000.00 <sup>(1)</sup>	\$1,000.00 <sup>(1)</sup>
Burkeair Pty Ltd (Belmont)	Regulation 50(1)	Failed to ensure electrical work carried out by an apprentice was effectively supervised.	\$2,000.00	\$649.00
Mario Busacca (Coolbinia)	Regulation 49(1) (2 breaches)	Carried out substandard electrical work.	\$600.00	271.70 <sup>(1)</sup>
Centurion Electrical Contracting (Coolbinia)	Regulation 52(3)	Submitted a Notice of Completion to the relevant Network Operator when the electrical installing work was not complete.	\$1,000.00	<sup>(1)</sup>
Theo Christidis (Dianella)	Regulation 49(1)	Carried out substandard electrical work.	\$2,500.00	\$649.70
Comprehensive Electrical Pty Ltd (Armadale)	Regulation 52(1) (39 breaches)	Failed to submit a Notice of Completion to the Network Operator on completion of the electrical installing work.	\$7,000.00	\$571.70
Brenden Michael Cook T/As BMC Electrical (Craigie)	Regulation 52(1) (13 breaches)	Failed to submit a Notice of Completion to the Network Operator on completion of the electrical installing work.	\$2,000.00	\$771.70
Mark Douglas (High Wycombe)	Regulation 19(1)	Carried out electrical work whilst not authorised by licence or permit.	\$1,200.00	\$649.70
Dunnings Electrical Service (Byford)	Regulation 52(1)	Failed to submit a Notice of Completion to the Network Operator on completion of the electrical installing work.	\$5,000.00	\$571.70

<sup>(1)</sup> Denotes global fine was issued.



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Michael Giles (Toodyay)	Regulation 50(1)	Failed to ensure electrical work carried out by an apprentice was effectively supervised.	\$600.00	\$649.70
Damian Hegarty (Canning Vale)	Regulation 50A	Permitted unsafe wiring to be connected to the electricity supply.	\$1,000.00	\$619.70
Frank Italiano (Koondoola)	Regulation 19(1)	Carried out electrical work whilst not authorised by licence or permit.	\$5,000.00 <sup>(1)</sup>	\$571.70 <sup>(1)</sup>
	Regulation 33(1)	Carried on business as an electrical contractor whilst not authorised by a Western Australian electrical contractor licence.	(1)	(1)
Peter Malcolm Lewis (Iluka)	Regulation 45(1)	Failed to include electrical contractors licence number in an advertisement.	\$450.00	\$571.70
Michael Levien (Wilson)	Regulation 49(1) (3 breaches)	Carried out substandard electrical work.	\$1,500.00	\$571.70
M & G Mahfouda T/As Solomons Electrics (Dianella)	Regulation 52(1) (15 breaches)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$5,000.00	\$571.70
Andrew McKenzie (Lancelin)	Regulation 49(1) (2 breaches)	Carried out substandard electrical work.	\$1,000.00	\$571.70 <sup>(1)</sup>
Andrew McKenzie T/As Maktech Electrical Contracting (Karakin)	Regulation 52(3)	Submitted a Notice of Completion to the relevant Network Operator when the electrical installing work was not complete.	\$3,000.00	(1)
Scott Morgan (Newman)	Regulation 49(1) (2 breaches)	Carried out substandard electrical work.	\$6,000.00	\$571.70 <sup>(1)</sup>
Scott Morgan T/As Customer First Contracting (Newman)	Regulation 52(1)	Failed to submit a Notice of Completion to the Network Operator upon completion of the electrical installing work.	\$5,000.00	\$571.70 <sup>(1)</sup>
Steven Morris (Ellenbrook)	Regulation 63(1)	Failed to report an electric shock.	\$2,000.00	\$649.70
Nathan Nixey T/As S.O.R Electrical (Fremantle)	Regulation 51(1) (2 breaches)	Failed to submit a Preliminary Notice to the Network Operator within the required time frame.	\$2,000.00 <sup>(1)</sup>	\$571.70 <sup>(1)</sup>

<sup>(1)</sup> Denotes global fine was issued.

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
	Regulation 52(1) (2 breaches)	Failed to submit a Notice of Completion to the Network Operator on completion of the electrical installing work.	\$2,000.00	(1)
Jonathan Mark Reindl (Banksia Grove)	Regulation 49(1)	Carried out substandard electrical work.	\$1,000.00	\$571.70
Pilbara Meta Maya Aboriginal Corporation (Wedgefield)	Regulation 50(1)	Failed to ensure electrical work carried out by an apprentice was effectively supervised.	\$1,500.00 <sup>(1)</sup>	\$571.70 <sup>(1)</sup>
	Regulation 53(2) (2 breaches)	Employed an unlicensed person to carry out electrical work.	(1)	(1)
Power Logic Electrical Pty Ltd (Dianella)	Regulation 52(3)	Submitted a Notice of Completion to the network operator when the work was not complete.	\$2,500.00	\$649.70
Dean John Roberts (Baldivis)	Regulation 50A (3 breaches)	Permitted unsafe wiring to be connected to the electricity supply.	\$1,800.00	\$571.70
Jonathan Timothy Savage (Waikiki)	Regulation 59(1)(c)	Wrongfully represented himself as being the person referred to in an electrical licence.	\$500.00	\$671.70
Scarborough Holdings Pty Ltd T/As Amalgamated Electrical Services (Balcatta)	Regulation 52(3)	Submitted a Notice of Completion to the network operator when the work was not complete.	\$3,000.00	\$649.70
Hin Wah Tan (Thornlie)	Regulation 49(1)	Carried out substandard electrical work.	\$1,000.00 <sup>(1)</sup>	\$571.70 <sup>(1)</sup>
	Regulation 52(3)	Submitted a Notice of Completion to the Network Operator when the electrical installing work was not complete.	(1)	(1)
Alan Taylor T/As Blue Tongue Electrical (Myaree)	Regulation 52(3)	Submitted a Notice of Completion to the network operator when the work was not complete.	\$1,000.00	\$649.70
Herbert James Tournay (Denmark)	Regulation 49(1) (2 breaches)	Carried out substandard electrical work.	(1)	(1)

<sup>(1)</sup> Denotes global fine was issued.



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Jim Tournay T/As Tournays Electrical Services (Denmark)	Regulation 51(1)	Failed to submit a Preliminary Notice to the Network Operator.	\$1,300.00 <sup>(1)</sup>	\$114.20 <sup>(1)</sup>
	Regulation 52(1)	Failed to submit a Notice of Completion to the Network Operator on completion of the electrical installing work.	(1)	(1)
Warwick Broad T/As Dynamic Trade Services (Darch)	Regulation 52(3) (3 breaches)	Submitted a Notice of Completion to the Network Operator when the electrical installing work was not complete.	\$1,000.00	\$571.70
<b>Electricity Act 1945</b>				
Electricity Networks Corporation T/As Western Power (Perth)	Regulation 25(1)(a)	Failed to ensure service apparatus was in a safe and fit condition for supplying electricity.	\$50,000.00	\$571.70
Electricity Networks Corporation T/As Western Power (Perth)	Regulation 25(1)(a)	Failed to ensure service apparatus was in a safe and fit condition for supplying electricity.	\$50,000.00	\$649.70
<b>Electricity (Supply Standards and System Safety) Regulations 2001</b>				
Electricity Networks Corporation T/As Western Power (Perth)	Regulation 10(1)(a)	Failed to manage a prescribed activity.	\$15,000.00	\$1,571.00
<b>Gas Standards Act 1972</b>				
Anthony Ian Brown (Bunbury)	Section 13(A)(2)	Carried out gasfitting work while not holding a certificate of competency, permit or authorisation allowing him to do so.	\$6,000	\$649.70
Paul Dillon (Kinross)	Section 13(A)(2)	Carried out gasfitting work while not holding a certificate of competency, permit or authorisation allowing him to do so.	\$5,000	\$571.70
James William Gutierrez (Greenwood)	Section 13(A)(2)	Carried out gasfitting work while not holding a certificate of competency, permit or authorisation allowing him to do so.	\$3,000	\$571.70

<sup>(1)</sup> Denotes global fine was issued.

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Jagdish Jeshani (Darch)	Section 13(A)(2)	Carried out gasfitting work while not holding a certificate of competency, permit or authorisation allowing him to do so.	\$2,000	\$571.70
Peter Pizzino (Westminster)	Section 13(A)(2)	Carried out gasfitting work while not holding a certificate of competency, permit or authorisation allowing him to do so.	\$10,000	\$571.70
<b>Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999</b>				
Karl Beard (Pingelly)	Regulations 18, 32, 28(2), 26(1)(a)	Failed to ensure the gas installation complied with the requirements of the Regulations referred to in Regulation 32.  Failed to attach an approved badge upon completion of gasfitting work.  Failed to ensure the requirements of the regulations as to pressure testing were satisfied and made is gas-tight.	\$3,500	\$114.20
John Benjamin Durant (Connolly)	Regulation 18(2)	Failing to ensure that the installation complied with the requirements of Australian Standard – Gas Installations AS 5601 2004	\$2,500	\$570.70

## EnergySafety Division investigations

### Electricity-related serious accidents and fatalities

The number of electricity-related serious accidents and fatalities reported to the EnergySafety Division during 2009-10 is provided in Table 47.

**Table 47: Number of reported electricity-related serious accidents and fatalities**

Reports	Number
Electric shocks	1,060
Serious electrical accidents <sup>(1)</sup>	13
Fatalities (included in serious electrical accidents)	2

Note:

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



The data provided in Table 48 relates to accidents based on date of accident. This data may not include all accidents due to time delay in reporting such accidents.

**Table 48: Serious electricity-related accidents notified per million population (not including wilful incidents)**

Year	Number per million <sup>(1)</sup>	Five Year Average
2005-06	15	16
2006-07	9	16
2007-08	10	15
2008-09	9	13
2009-10	6	10

Note:

- (1) 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 six accidents per one million population. This represents a significant decrease from the previous reporting periods. There has also been a decrease in the number of fatalities. The number of serious electrical accidents includes two fatalities in which electricity was found to be the cause. Details are as follows:

- A two year old boy received an electric shock when he came into contact with a damaged flexible extension cord.
- In the second incident a man was electrocuted while attempting at night to steal electrical components from a live low voltage switchboard at a demolition site. The man came into contact with a live 240 volts terminal in the switchboard and received a flow of electric current through his body.

### Gas-related incidents and fatalities

The number of gas-related serious accidents and fatalities reported to the Energy Safety Division during 2009-10 is provided in Table 49.

**Table 49: Number of reported gas-related serious accidents and fatalities**

Reports	Number
Incidents	81
Accidents (persons injured)	15
Fatalities	1

**Table 50: Gas-related accidents notified per million population (not including wilful incidents)**

Year	Number per million <sup>(1)</sup>	Five Year Average
2005-06	8	10
2006-07	9	9
2007-08	7	8
2008-09	5	8
2009-10	7	7

Note:

- (1) 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 seven accidents per one million population, an increase over the previous reporting period. There was one fatality reported for gas during the year.

Details are as follows:

- An elderly lady was burnt whilst operating a portable barbecue (LPGas) at her home. It appeared that the victim had removed the regulator from the cylinder whilst the barbecue was lit causing it to burst into flames resulting in fatal injuries.

### **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 146 Infringement Notices issued by the Energy Safety Division between the period 1 July 2009 and 30 June 2010.

## **Labour Relations Division**

**Table 51: Prosecution outcomes for the Labour Relations Division in 2009-10**

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<b><i>Children and Community Services Act 2004</i></b>				
Dine Out Pty Ltd as trustee for the Maljo trust and Joelee trust T/As Pizza Hut Joondalup	Section 190(1)	Unlawfully employ a child under 15 years.	Withdrawn – Accused entered into liquidation.	Nil
Raydale Holdings Pty Ltd T/As Tambrey Tavern and Function Centre	Section 190(1)	Unlawfully employ a child under 15 years.	Guilty \$6,000.	Nil



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<b>Industrial Relations Act 1979</b>				
Benjiman Den Boer T/As The Decking Specialists	Section 83(1)	Underpayment of wages.	Default judgement. Order to pay \$2,067.05 in wages and \$196.40 in interest. Fine \$2,000.	\$105.50
Luke William Jacoumis T/As CDL Logistics (regarding seven employees)	Section 83(1)	Underpayment of wages.	Private settlement at pre-trial conference.	Not Applicable
MK Lake Holdings T/As Brumby's Riverton	Section 83(1)	Underpayment of wages.	Private settlement at pre-trial conference.	Not Applicable
Sean Primmer T/As Primmer's Trolley Collection Service (regarding two employees)	Section 83(1)	Underpayment of wages.	Default judgement. Order to pay \$5,062.41 in wages and \$761.88 in interest. Fine \$1,950.	Nil
<b>Long Service Leave Act 1958</b>				
Grandiose Pty Ltd T/As Westaway and Associates Chartered Accountants	Section 8	Failure to pay long service leave	Judgement entered against Respondent. Order to pay \$6,223.30 and interest of \$794.88.	\$94.60

## WorkSafe Division

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 (the Regulations) by prosecuting persons who commit the offences under the OSH Act and Regulations. The WorkSafe Division co-ordinates and supports this function.

In 2009-10, prosecution notices were signed for 45 new prosecutions. There were 42 convictions recorded during the financial year (Note: A prosecution is counted as a conviction if at least one charge is successful). Table 52 provides details of convictions recorded during 2009-10 for breaches of the OSH Act and Regulations. Six prosecutions were withdrawn at Court by the prosecution and four prosecutions were dismissed. During this financial period, one appeal commenced before the Supreme Court with decision pending.

**Table 52: Prosecution outcomes for the WorkSafe Division in 2009-10**

<b>Name/ defendant/ parties</b>	<b>Legislation</b>	<b>Offence</b>	<b>Fine</b>	<b>Costs</b>
<b><i>Occupational Safety and Health Act 1984</i></b>				
Balmain Enterprises Pty Ltd	19(1) and 19A(2)	Failed to, so far as practicable, provide and maintain a working environment in which employees of the employer were not exposed to hazards and by that failure caused serious harm.	\$40,000.00	\$5,500.00
Bruce Edwin Bannister	20(1)(a) and 20(1)(b)	Charge 1: Being an employee the Accused failed to take reasonable care to ensure his own safety and health at work. Charge 2: Being an employee the Accused failed to take reasonable care to avoid adversely affecting the safety or health of any other person at work.	\$8,000.00	\$760.70
Canon Foods Services Pty Ltd	19(1) and 19A(2)	Failed to, so far as practicable, provide and maintain a working environment in which its employees were not exposed to hazards and by that failure caused serious harm to an employee.	\$20,000.00	\$1,900.00
Chi Keung Chung T/As Welcome Inn Tea House	19(1) and 19(3)	Being an employer, did not so far as was practicable, provide and maintain a working environment in which its employees were not exposed to hazards.	\$3,000.00	\$545.35
Comgroup Supplies Pty Limited	19(1), 19A(2) and 3A	Failed to provide and maintain so far as was practicable, a working environment in which its employees were not exposed to hazards and by that failure caused harm.	\$20,000.00	\$2,960.70
Crystal Printing Solutions Pty Ltd T/As Worldwide Online Printing Cannington	19(1) and 19A(2)	Failed to, so far as practicable, provide and maintain a working environment in which its employees were not exposed to hazards and by that failure caused serious harm.	\$36,000.00	\$1,090.70
Geoffrey David Baines	20(1)(b) and 20A(2)	Did not take reasonable care to avoid adversely affecting the safety or health of another person through an act or omission at work and by that failure caused serious harm.	\$1,200.00	\$1,109.20



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Ghiagarajan Gopal	20(1) and 3A(3)	Failed to take reasonable care to avoid adversely affecting the safety or health of any other person through any act or omissions at work, and by that contravention caused serious harm to another person.	\$1,500.00	\$900.00
Giacci Bros Pty Ltd	19(1) and 19A(2)	Failed to, so far as practicable, provide and maintain a working environment in which employees of the employer were not exposed to hazards and by that failure caused serious harm.	\$100,000.00	\$1,500.70
Holm Pty Ltd T/As Cockburn Transport	19(1) and 19A(3); 23I(3), 23J(1) and 54	Failed to, so far as was practicable, provide a working environment in which its employees were not exposed to hazards. Also failed to notify the Commissioner forthwith of an injury to its employees.	1. \$25,000.00 2. \$5,000.00	\$1,090.70
Honest & Frank Pty Ltd	47(1)(d) and 54	Provided to an inspector an answer or information that was false or misleading in any material particular.	\$12,000.00	\$1,400.70
Hyde Park Management Limited	19(1) and 19A(2)	Failed to ensure, so far as was practicable, provide and maintain a working environment in which its employees were not exposed to hazards and by that failure caused its employee serious harm.	\$60,000.00	\$4,540.70
Interpact Pty Ltd	23F, 19(1) and 19A(2)	Failed to provide and maintain, so far as is practicable, a working environment in which workers provided, for remuneration, for labour hire were not exposed to hazards, being matters over which the Accused had capacity to exercise control, and by that failure caused a death.	\$72,000.00	\$1,290.70
John Frederick Dickenson	55(1), 19(1) and 19A(2)	The Accused was a company director of a company that was guilty of an offence and that offence occurred with the consent or connivance of, and/or was attributable to the neglect of the Accused.	\$1,500.00	\$900.00

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Laurence Victor Shrigley T/As Shrigley Drilling Contractors	20(2)(b)(i) and 21A(2)	Failed to ensure, so far as was practicable, that the safety of persons who were not the Accused was not adversely affected in whole or in part as a result of a hazard that arose from or was increased by the work that was being performed by the Accused and by that failure caused serious harm to another person.	\$40,000.00	\$1,370.70
Midland Brick Company Pty Ltd	23F, 19(1) and 19A(2)	Where under a labour hire arrangement work was carried out for remuneration by a worker for the Accused who was a client of a labour hire agent, in the course of the Accused's trade or business, the Accused failed to, so far as practicable, provide and maintain a working environment in which a worker was not exposed to hazards, and by that failure caused serious harm.	\$70,000.00	\$30,000.00
Mui Kwai Chung T/As Welcome Inn Tea House	19(1) and 19(3)	Being an employer, did not so far as was practicable, provide and maintain a working environment in which its employees were not exposed to hazards.	\$3,000.00	\$545.35
Perth Recruitment Services Pty Ltd	19(1), 19A(2) and 23F	Failed to provide and maintain, so far as is practicable, a working environment in which workers provided, for remuneration, for labour hire were not exposed to hazards, those being matters over which the Accused had capacity to exercise control, and by that failure caused serious harm.	\$17,000.00	\$1,630.70
Pinetec Limited	19(1), 19A(2), 23F and 3A	Failed to provide and maintain, so far as is practicable, a working environment in which workers provided, for remuneration, for labour hire were not exposed to hazards, being matters over which the Accused had capacity to exercise control, and by that failure caused a death.	\$60,000.00	\$2,960.70



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Recycla-Plas Pty Ltd	19(1) and 19(1)(A)	Being an employer, failed , so far as was practicable, to provide and maintain a working environment in which its employee was not exposed to hazards and by that failure caused serious harm to its employee.	\$50,000.00	\$9,999.00
Seatown Holdings Pty Ltd	19(1);19A(2); 23F and 3A(3)(b)	Failed to provide and maintain, so far as is practicable, a working environment in which workers provided, for remuneration, for labour hire were not exposed to hazards, being matters over which the Accused had capacity to exercise control, and by that failure caused a death.	\$30,000.00	\$1,750.70
Sharron Linus Tomelty	48(3), 48(4) and 54	Charges 1-5: being an employer to whom Improvement Notices were issued failed to cause these notices, or copies of them, to be displayed in a prominent place at or near the workplace affected by those notices. Charges 6-11: failed to comply with Improvement Notices issued within the time specified in those notices.	\$3,000.00	\$1,625.70
Susann Frances Gidion	Charge 1: 20(1)(a), 20(2)(a) and 20A(3) Charge 2: 20(1)(a), 20(2)(d)(ii) and 20A3, Charge 3: 20(1)(b) and 20A(3)	Charge 1-2: being an employee, failed to take reasonable care to ensure her own safety and health at work. Charge 3: being an employee, failed to take reasonable care to avoid adversely affecting the safety or health of any other person through any act or omission at work.	\$5,000.00	\$2,000.00
Tony's Auto Auctions Pty Ltd T/As Tony's Auto Wreckers	19(1) and 19A(3)	Failed to, so far as practicable, provide and maintain a working environment in which employees of the employer were not exposed to hazards.	\$20,000.00	\$1,200.70
Wridgeways Limited	21(2)(b)(ii) and 21A(3)	Being an employer failed to ensure, so far as practicable, that the safety of health of a person, not being its employee. Is not adversely affected wholly or in part as a result of any hazard that arises from or is increased by the system or work that has been or is being operated by the employer.	\$10,000.00	\$571.70

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
<b>Occupational Safety and Health Regulations 1996</b>				
Actionblast Pty Ltd T/As Action Mining Services	3.103(2)(a) and 1.16	Failed to ensure that the abrasive blasting equipment that was used in the workplace included a device designed to cut off automatically the flow of abrasive material through the nozzle if the person operating the nozzle becomes unable to do so.	\$6,000.00	\$571.70
Airdas Pty Ltd T/As Tyrone Bricklaying	3.55(1)(a), 3.55(5) and 1.16(2)(b)(i)	Failed to ensure that edge protection that complied with the Regulation was provided and kept in place or a fall injury prevention system was provided and in operation when there was a risk that a person could fall two metres or more from an edge at the workplace.	\$2,000.00	\$2,860.00
Arccon (WA) Pty Ltd	3.54(1)(b)(i), 3.54(1)(b)(ii), and 3.54(3)(b)(i)	Failed to ensure that an opening in a concrete floor (that was not a lift well, stairwell or vehicle inspection pit) had a wire mesh cover that was strong enough to prevent persons or things falling through, was securely fixed to the floor and was clearly marked.	\$15,000.00	\$2,960.70
AT Concrete Pty Ltd	3.55(1)(b), 3.55(5) and 1.16	Failed to ensure that an edge protection that complied with the regulation was provided and kept in place whenever there was a risk that a person could fall two metres or more from an edge at the workplace.	\$1,500.00	\$3,030.00
Benjamin Robert Dellaca	6.3(1)(a)	Used or operated industrial equipment without being a holder of a certificate of competency that he was required to hold by the national standard in order to use or operate that equipment.	\$1,000.00	\$560.70
Buckby Contracting Pty Ltd	3.64(2) and 1.16	Failed to ensure that an employee or any plant or material used or controlled by an employee did not enter the danger zone of an overhead power line.	\$5,000.00	\$760.70
Generation Homes (WA) Pty Ltd	3.55(5) and 3.55(1)(a)	Failed to ensure that an edge protection that complied with the regulation was provided and kept in place whenever there was a risk that a person could fall two metres or more from an edge at the workplace.	\$6,500.00	\$2,674.70



Name/ defendant/ parties	Legislation	Offence	Fine	Costs
Getts Pty Ltd	3.55(5) and 3.55(1)(a)	Being a person who at a workplace was a person having control of the workplace, did not ensure that edge protection that complied with regulations was provided and kept in place whenever there was a risk that a person could fall two metres or more from an edge at the workplace.	\$4,000.00	\$1,750.70
Gunns Limited	3.118(b) and 1.16	Failed to ensure that class 2 demolition work done at the workplace was done by a person(s) who had been issued with a licence to do class 1 or class 2 demolition work.	\$10,000.00	\$760.70
Ian McKay	3.117(2) and 1.16	Performed class 2 demolition work whilst not being issued with a licence to do class 1 or class 2 demolition work and that work was not done in accordance with the conditions of the issued licence.	\$500.00	\$760.70
Ian Richard Allen	3.131(b) and 1.16	Failed to ensure that a commercial vehicle driver required to drive a commercial vehicle that formed the whole or part of the workplace was certified by a medical practitioner as fit to drive that commercial vehicle.	\$2,000.00	\$938.70
James Lawrence Valentine	3.117(2) and 1.16	Performed class 2 demolition work whilst not being issued with a licence to do class 1 or class 2 demolition work and that work was not done in accordance with the conditions of the issued licence.	\$500.00	\$760.70
Morago Nominees Pty Ltd T/As Gavin Constructions	3.55(1)(a), 3.55(5) and 1.16(2)(b)(i)	Failed to ensure that edge protection that complied with the Regulation was provided and kept in place or a fall injury prevention system was provided and in operation when there was a risk that a person could fall two metres or more from an edge at the workplace.	\$4,000.00	\$2,860.00

Name/ defendant/ parties	Legislation	Offence	Fine	Costs
N.R. & N.J. Gardiner & Sons Pty Ltd	3.131(1)(a), 3.131(1)(b), 3.132(2), 3.134(1), and 1.16	Failed to ensure that a commercial driver that formed the whole or part of the workplace drove vehicle in accordance to regulation. Failed to ensure that commercial driver was certified by medical practitioner as fit to drive vehicle. Failed to ensure that records in respect of work time, breaks from driving and non-work time of commercial drivers was established and kept current.	\$5,000.00	\$1,500.00
Park Motor Body Builders (WA) Pty Ltd	3.22(b)(i)	Failed to ensure that the movement and speed of vehicles and plant at the workplace were managed in a way that minimised the risk of injury to pedestrians and persons operating vehicles.	\$1,500.00	\$1,630.70
R A Castledine Pty Ltd	3.55(1)(b), 3.55(5) and 1.16	Failed to ensure that an edge protection that complied with the regulation was provided and kept in place whenever there was a risk that a person could fall two metres or more from an edge at the workplace.	\$2,500.00	\$3,030.30
Sean Robert Mooney	3.117(2) and 1.16	The Accused did class 2 demolition work without being issued with a licence to do class 1 or class 2 demolition work.	\$500.00	\$760.70

## Reviews of notices issued by WorkSafe inspectors

The WorkSafe Division co-ordinates 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 2009-10, 980 requests were processed for the Commissioner to review a notice in accordance with section 51 of the OSH Act. Review outcomes are detailed in Tables 53 and 56.

**Table 53: Review of improvement notices for the WorkSafe Division in 2009-10**

Outcome	Number
Affirmed	9
Affirmed with time extended	796
Affirmed, modified and time extended	4
Affirmed with modification to wording	3
Notice cancelled by Commissioner	31
Review request withdrawn	5
Compliance effected on time and while under review	58
Received too late for review	59
Occupational Safety and Health Tribunal affirmed and time extended	2
Occupational Safety and Health Tribunal withdrawn by client	3
<b>Total processed from 1 July 2009 to 30 June 2010</b>	<b>970</b>

**Table 54: Review of prohibition notices for the WorkSafe Division in 2009-10**

Outcome	Number
Affirmed	2
Affirmed with modification to wording	1
Notice cancelled by Commissioner	2
Received too late for review	5
<b>Total processed from 1 July 2009 to 30 June 2010</b>	<b>10</b>

**Table 55: Review of improvement notices for the WorkSafe Division 2006-07 to 2009-10**

Year	Improvement notices issued	Improvement notices reviewed	Percentage (%)
2006-07	10,365	1,033	10.0
2007-08	9,726	973	10.0
2008-09	9,852	917	9.3
2009-10	10,648	970	9.1

**Table 56: Review of prohibition notices for the WorkSafe Division 2006-07 to 2009-10**

<b>Year</b>	<b>Prohibition notices issued</b>	<b>Prohibition notices reviewed</b>	<b>Percentage (%)</b>
2006-07	638	4	0.6
2007-08	675	11	1.6
2008-09	722	1	0.1
2009-10	705	10	1.4

### **Exemption from Regulations**

The Commissioner may exempt a person from having to comply with the Regulations. The Commissioner received 40 applications for an exemption and granted 30 exemptions. None of these decisions of the Commissioner were appealed.

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

### Consumer Protection boards

Consumer Protection 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 57 is a brief summary of the functions of each regulatory board.

**Table 57: Functions of Consumer Protection regulatory boards in 2009-10**

<b>Name</b>	<b>Builders' Registration Board</b>		
<b>Legislation</b>	<i>Builders' Registration Act 1939</i>		
<b>Principal functions</b>	Registration of builders in the Board's area of jurisdiction.		
<b>Other</b>	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> .		
<b>Source of funding</b>	Self funded (registration fees, building licence levies, complaint application fees)	<b>Annual Report</b>	Yes <a href="http://www.builders.wa.gov.au">www.builders.wa.gov.au</a>
<b>Management of funds</b>	Yes	<b>Investigations</b>	Yes
<b>Employment of employees</b>	Employed by the Board	<b>Number of entities regulated</b>	6,057 builders (as at 15 June 2009)
<b>Name</b>	<b>Hairdressers Registration Board of Western Australia</b>		
<b>Legislation</b>	<i>Hairdressers Registration Act 1946</i> ; Hairdressers Registration Regulations 1965		
<b>Principal functions</b>	Register hairdressers within the legislative jurisdiction in Western Australia.		
<b>Other</b>	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> .		
<b>Source of funding</b>	Self funded from statutory fees	<b>Annual Report</b>	Yes <a href="http://www.hrb.org.au">www.hrb.org.au</a>
<b>Management of funds</b>	Yes	<b>Investigations</b>	Yes
<b>Employment of employees</b>	Employed by the Board	<b>Number of entities regulated</b>	6,629 registered hairdressers (as at 23 June 2010)

<b>Name</b>	<b>Land Valuers Licensing Board</b>		
<b>Legislation</b>	<i>Land Valuers Licensing Act 1978</i>		
<b>Principal functions</b>	Licensing and regulation of land valuers.		
<b>Other</b>	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.		
<b>Source of funding</b>	Department of Commerce, Consumer Protection Division (Consolidated Fund)	<b>Annual Report</b>	Yes <a href="http://www.commerce.wa.gov.au">www.commerce.wa.gov.au</a>
<b>Management of funds</b>	No. Managed as part of the divisional budget.	<b>Investigations</b>	Yes
<b>Employment of employees</b>	The Board does not engage employees. Employees of the department support this Board.	<b>Number of entities regulated</b>	754 valuers

<b>Name</b>	<b>Motor Vehicle Industry Board</b>		
<b>Legislation</b>	<i>Motor Vehicle Dealers Act 1973; Motor Vehicle Repairers Act 2003</i>		
<b>Principal functions</b>	Licensing of motor vehicle dealers, their yard managers and salespersons; and licensing of motor vehicle repair businesses and certification of repair tradespersons.		
<b>Other</b>	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.		
<b>Source of funding</b>	Department of Commerce, Consumer Protection Division (Consolidated Fund)	<b>Annual Report</b>	Yes <a href="http://www.commerce.wa.gov.au">www.commerce.wa.gov.au</a>
<b>Management of funds</b>	No. Managed as part of the divisional budget.	<b>Investigations</b>	Yes
<b>Employment of employees</b>	The Board does not engage employees. Employees of the department support this Board.	<b>Number of entities regulated</b>	828 dealers; 2 car market operators; 91 exemption holders; 1,091 yard managers; 1,981 salespersons; 2,639 repair businesses; and 8,160 certified repairers (as at 23 June 2010)



<b>Name</b>	<b>Painters' Registration Board</b>		
<b>Legislation</b>	<i>Painters' Registration Act 1961</i>		
<b>Principal functions</b>	Registration of painters in the Board's area of jurisdiction.		
<b>Other</b>	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> .		
<b>Source of funding</b>	Self funded (Registration fees, application fees and penalties)	<b>Annual Report</b>	Yes <a href="http://www.painters.wa.gov.au">www.painters.wa.gov.au</a>
<b>Management of funds</b>	Yes	<b>Investigations</b>	Yes
<b>Employment of employees</b>	Employed by the Board	<b>Number of entities regulated</b>	2,956 painters (as at 15 June 2009)

<b>Name</b>	<b>Plumbers' Licensing Board</b>		
<b>Legislation</b>	<i>Water Services Licensing Act 1995, Part 5A</i>		
<b>Principal functions</b>	Licensing of plumbing contractors, tradespersons and certain permit holders.		
<b>Other</b>	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.		
<b>Source of funding</b>	Self funded (Fees from a triennial licensing regime and a compliance and inspection framework).	<b>Annual Report</b>	No, reported in the department's annual report.
<b>Management of funds</b>	Yes	<b>Investigations</b>	Yes
<b>Employment of employees</b>	The Board does not engage employees. Employees of the department support this Board.	<b>Number of entities regulated</b>	2,601 licensed plumbing contractors; 2,657 tradespersons; and 119 restricted plumbing permit holders.

<b>Name</b>	<b>Real Estate and Business Agents' Supervisory Board</b>		
<b>Legislation</b>	<i>Real Estate and Business Agents Act 1978</i>		
<b>Principal functions</b>	Licensing and registration of real estate and business agents, developers and sales representatives.		
<b>Other</b>	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.		
<b>Source of funding</b>	Self funded (licence and registration fees and interest on trust accounts and investments)	<b>Annual Report</b>	Yes <a href="http://www.reba.wa.gov.au">www.reba.wa.gov.au</a>
<b>Management of funds</b>	Yes	<b>Investigations</b>	Yes
<b>Employment of employees</b>	Employed by Board. A service delivery agreement exists with the department.	<b>Number of entities regulated</b>	3,526 agents and 8,350 sales representatives

<b>Name</b>	<b>Settlement Agents Supervisory Board</b>		
<b>Legislation</b>	<i>Settlement Agents Act 1981</i>		
<b>Principal functions</b>	Licensing and registration of settlement agents.		
<b>Other</b>	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.		
<b>Source of funding</b>	Self funded (licence and registration fees and interest on trust accounts and investments)	<b>Annual Report</b>	Yes <a href="http://www.sasb.wa.gov.au">www.sasb.wa.gov.au</a>
<b>Management of funds</b>	Yes	<b>Investigations</b>	Yes
<b>Employment of employees</b>	Employed by the Board. A service delivery agreement exists with the department.	<b>Number of entities regulated</b>	806 agents

## Consumer Protection committees and tribunals

Table 58 is a brief summary of the functions of each committee and tribunal.

**Table 58: Functions of the Consumer Protection committees and tribunals in 2009-10**

<b>Name</b>	<b>Building Disputes Tribunal</b> <sup>(2)</sup>
<b>Legislation</b>	<i>Builders' Registration Act 1939</i>
<b>Principal functions</b>	To hear and settle contractual and workmanship disputes between owners and builders.
<b>Name</b>	<b>Building Surveyors Qualification Committee</b> <sup>(2)</sup>
<b>Legislation</b>	Local Government (Building Surveyors) Regulations 2008
<b>Principal functions</b>	To review the qualifications of building surveyor practitioners in Western Australia.
<b>Name</b>	<b>Charitable Collections Advisory Committee</b> <sup>(1)</sup>
<b>Legislation</b>	<i>Charitable Collections Act 1946</i>
<b>Principal functions</b>	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.
<b>Name</b>	<b>Consumer Product Safety Committee</b> <sup>(1)</sup>
<b>Legislation</b>	<i>Consumer Affairs Act 1971</i>
<b>Principal functions</b>	To make recommendations to the Commissioner for Consumer Protection that prohibits or restricts the supply of goods.
<b>Name</b>	<b>Home Buyers Assistance and Advisory Committee</b>
<b>Legislation</b>	<i>Real Estate and Business Agents Act 1978</i>
<b>Principal functions</b>	To consider applications for financial assistance from first home buyers and make recommendations to Real Estate and Business Agents Supervisory Board.
<b>Name</b>	<b>Retail Shops Advisory Committee</b> <sup>(1)</sup>
<b>Legislation</b>	<i>Retail Trading Hours Act 1987</i>
<b>Principal functions</b>	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 2009-10.  
 (2) The Building Commission Division provided administrative support to these committees and tribunals in 2009-10.

## 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 59 provides a brief summary of the functions of each board.

**Table 59: Functions of Safety and Employment Protection regulatory boards in 2009-10**

<b>Name</b>	<b>Electrical Licensing Board</b>		
<b>Legislation</b>	Electricity (Licensing) Regulations 1991		
<b>Principal functions</b>	Licensing of electrical contractors and workers.		
<b>Other</b>	General advice to the Minister and Director of Energy Safety on the training and licensing of electrical contractors and workers.		
<b>Source of funding</b>	Department of Commerce, Energy Safety Division budget (licence fees)	<b>Annual Report</b>	No
<b>Management of funds</b>	No. Managed as part of the divisional budget.	<b>Investigations</b>	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.
<b>Employment of employees</b>	The Board does not engage employees. Employees of the department support this Board.	<b>Number of entities regulated</b>	36,981 electrical operatives

## Safety and Employment Protection commissions and committees

Table 60 provides a brief summary of the functions of each commission and committee.

**Table 60: Functions of the Safety and Employment Protection commission and committees in 2009-10**

<b>Name</b>	<b>Gas Licensing Committee</b>
<b>Legislation</b>	<i>Gas Standards Act 1972</i>
<b>Principal functions</b>	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.



<b>Name</b>	<b>Commission for Occupational Safety and Health</b>		
<b>Legislation</b>	<i>Occupational Safety and Health Act 1984</i>		
<b>Principal functions</b>	<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.</p> <p>The tripartite Commission's functions include:</p> <ul style="list-style-type: none"> <li>▪ to inquire into and report to the Minister upon any matters referred to it by the Minister;</li> <li>▪ to make recommendations to the Minister with respect to this Act;</li> <li>▪ to develop and review the occupational safety and health legislation and associated standards and make recommendations to the Minister;</li> <li>▪ 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</li> <li>▪ to provide advice to and co-operate with government departments, public authorities, unions, employer organisations and other interested parties.</li> </ul>		
<b>Other</b>	<p>Commission advisory committees and working parties operational during the year were:</p> <ul style="list-style-type: none"> <li>▪ Construction Industry Safety Advisory Committee;</li> <li>▪ Risk Advisory Committee;</li> <li>▪ Legislation Advisory Committee;</li> <li>▪ Man Overboard Working Party; and</li> <li>▪ Safe Work in Hot Conditions Expert Reference Group.</li> </ul> <p>Further information is provided in the Commission's annual report.</p>		
<b>Source of funding</b>	Department of Commerce, WorkSafe Division budget	<b>Annual Report</b>	Yes <a href="http://www.commerce.wa.gov.au">www.commerce.wa.gov.au</a>
<b>Management of funds</b>	No. Managed as part of the divisional budget.	<b>Investigations</b>	No
<b>Employment of employees</b>	The Commission does not engage employees. Employees of the department support the Commission.	<b>Number of entities regulated</b>	All Western Australian workplaces except those under the <i>Mines Safety and Inspection Act 1994</i> or Commonwealth legislation.

## Science, Innovation and Business committees and councils

Table 61 provides a brief summary of the functions of each committee or council.

**Table 61: Functions of the Science, Innovation and Business committees and councils in 2009-10**

<b>Name</b>	<b>Australian Marine Complex Business Development Committee</b>
<b>Principal functions</b>	Advice on Australian Marine Complex expansion opportunity.
<b>Name</b>	<b>Australian Marine Complex Overarching Committee</b>
<b>Principal functions</b>	Assist in co-ordinating interagency management.
<b>Name</b>	<b>Interim Council for Science and Innovation</b>
<b>Principal functions</b>	Develop a strategic vision, priorities and plan for science and innovation in Western Australia to 2020 (including model and structure for the permanent Council, processes, funding mechanisms and governance for science and innovation investment).
<b>Name</b>	<b>Western Australian Technology and Industry Advisory Council</b>
<b>Principal functions</b>	<p>The Council, under Section 21 of the <i>Industry and Technology Development Act 1998</i>, is required to:</p> <ul style="list-style-type: none"> <li>▪ 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</li> <li>▪ carry out, collaborate in or procure research, studies or investigations on any matter relating to the objects of the Act, including the: <ul style="list-style-type: none"> <li>(i) role of industry, science and technology in the policies of government;</li> <li>(ii) social and economic impact of industrial and technological change;</li> <li>(iii) employment and training needs and opportunities relating to industrial, scientific and technological activities in the State;</li> <li>(iv) adequacy of, priorities among and co-ordination of, scientific, industrial and technological activities in the State;</li> <li>(v) methods of stimulating desirable industrial and technological advances in the State;</li> <li>(vi) application of industrial, scientific and technological advances to the services of the Government; and</li> <li>(vii) promotion of public awareness and understanding of development in industry, science and technology.</li> </ul> </li> </ul>
<b>Other</b>	<p>Under section 26(1) of the <i>Industry and Technology Development Act 1998</i>, the Council must, in each year, prepare and give to the Minister a report on its operations and proceedings for the previous financial year.</p> <p>In November 2009, the former Minister directed the Council to “cease all activities” and to “transition staff, budgets and resources into the Department of Commerce”.</p>



# Appendix 5: Annual Report feedback

The Department of Commerce welcomes your feedback on the 2009-10 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?**

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**5. General comments:**

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**6. For what purpose did you read or refer to the 2009-10 Annual Report?**

- Background information on the Department of Commerce  
 Information on the Department of Commerce's performance in 2009-10  
 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](http://www.commerce.wa.gov.au).