

Our performance

# Section two





# Our performance snapshot

## Our financial summary

**\$294,624,000**

Total cost of services<sup>(1)</sup>  
Target \$287,493,000  
▲ Variation \$7,131,000<sup>(2)</sup>

**\$170,475,000<sup>(3)</sup>**

Salary expenses  
Target \$159,540,000  
▲ Variation \$10,935,000

**\$525,155,000**

Total equity  
Target \$514,064,000  
▲ Variation \$11,091,000

**\$ 4,852,000<sup>(3)(4)</sup>**

Working cash limits  
Agreed \$14,031,000  
▼ Variation (\$9,179,000)

(1) Net cost of services – Actual \$134,502,000, Target \$124,205,000 and Variation \$10,297,000.

(2) For explanation on variation between Actual and Target refer to note 8.11 of the Financial Statements.

(3) Actual derived from the Department of Treasury Strategic Information Management System.

(4) Actual working cash held at the close of the financial year.

## Our business

Our strategic plan outlines our intention of maintaining responsive and accessible provision of services in a changing environment. Over the year:



**5,263**

building, painting, plumbing, electrical and gas inspections conducted.



**17,675**

subscribers to online safety newsletters.



**443,054**

occupational licences, certificates, permits and registrations managed by licensing services.



**29**

public sector agreements covering wages and employment conditions were successfully negotiated for **113,014** employees.



**130**

WA mines were contacted to maintain effective communication, inspections and enforcement during the COVID-19 pandemic.



**88%**

programmes of work (mineral exploration activities) were completed within **15** business days  
▲ Target **80 per cent**.



## Value created

Every working day we set out to create value. Our performance over the year, reflects our strong desire to add value for our myriad of stakeholders.



**643**

building service and home building work contract complaints finalised.



**\$1.2m**

recovered in unpaid wages and other entitlements for employees.



**\$5.2m**

refunded to industry as part of the Government's COVID-19 economic and health relief package.



**21**

Mentally Healthy Workplace audits conducted across WA Mines to raise awareness of the importance of mental health.



**99**

new interpretive datasets delivered through the accelerated geoscience program, consisting of about **1080** new interpreted data layers.



**\$7.7m**

total redress achieved for **2,814** WA consumers, with the regions achieving **\$1.6 million** in redress for **558** consumers. **▲ 44 per cent** from **\$1.1 million** in 2019–20.



**14,026**

Residential Rent Relief Grant Scheme applications received (total), with



**8,182**

applications paid, totalling



**\$11,407,742**



**3,219**

residential tenancies mandatory conciliation applications received, with



**2,441**

conciliations completed and



**1,230**

Binding Orders given.



# Makuru

## Winter July 2020

Introduced reforms to lift red tape and reduce administrative costs for WA charities and incorporated associations.

[Industrial Relations Legislation Amendment Bill 2020](#) was introduced into Parliament.



# Djilba

## First spring August – September

A consultation regulatory impact statement was released in response to community concerns about the accident towing industry.

A series of roundtables discussing possible fast tracking of reforms to retirement village legislation were conducted with peak stakeholder bodies in the sector during August to October 2020.

[Industrial Relations Legislation Amendment Bill 2020](#) was passed through the Legislative Assembly.

The legislative amendments to operationalise the Government's COVID-19 economic and health relief package came into force and the process to refund fees to affected licence applicants commenced.

The successful applicants of the Exploration Incentive Scheme (EIS) co funded drilling (round 22) was announced by the Minister for Mines and Petroleum.

The [Work Health and Safety Act 2020](#) received assent.

Ran design sprint workshops across DMIRS to enable us to better embed the corporate values.



Launched the Safe Work Month 2020 website.

## Second spring October – November

# Kambarang



# Birak

## First summer December – January

Celebrated 10 years of [Australian Consumer Law](#).



A highlight was bringing together current and previous Commissioners Gary Newcombe, Lanie Chopping, David Hillyard and Anne Driscoll.

Developed and implemented an electronic system to provide all designated gas inspectors the ability while in the field to raise Inspectors Orders or Notice of Defects.

[New workplace exposure standards](#) providing increased protections for workers exposed to respirable crystalline silica in the engineered stone industry.

Strengthened silica health surveillance requirements.

Industry and community consultation was also undertaken on options for reform of laws regulating the sale of motor vehicles on consignment in Western Australia.



# Bunuru

Second summer  
February – March

Introduced the redeveloped [SmartMove online](#) platform.



Commenced the Kalgoorlie Joe Lord Core Library extension.



Final maintenance components of Tengraph were replaced.

[Prepaid funerals code of practice](#) commenced 1 March 2021.

DMIRS Annual Report 2019–20 won a silver ARA Award.



The successful applicant of the EIS co funded drilling (round 23) was announced by the Minister for Mines and Petroleum.

Held briefing sessions and released a consultation draft of the [Streamlining Mining Amendment Bill 2021](#) for public feedback.

Developed and released the [Rehabilitation Showcase Book](#) identifying innovative rehabilitation and closure strategies by mining and petroleum companies in Western Australia.



Responded to Cyclone Seroja.

Autumn  
April – May

# Djeran



# Mafuru

Winter June

Ran the first regulatory inter-agency common understanding session to bring together the major stakeholders involved in mining and environmental approvals.

The [Building and Construction Industry \(Security of Payment\) Act 2021](#) received royal assent.

The [Fair Trading Amendment Bill 2021](#) was reintroduced on 23 June 2021 to improve the operation of consumer law in Western Australia and provide for consistency with the national law.

The [Sunday Entertainment Repeal Bill](#) was passed by Parliament.

Reintroduced the [Ticket Scalping Bill 2021](#) providing new regulation prohibiting ticket scalping practices.

Implemented new online government sector labour relations advice resource.

Won a W.S. Lonnie Award for good governance in annual reporting.





# Living our values



Our values play a key part in our ability to successfully adapt through the personal and professional impacts of challenging events such as COVID-19 lockdowns and the devastating local bushfires. In these times of social distancing, with more staff working from home, we recognise our six corporate values remain vital to achieving our purpose.



Richard Sellers  
Director General

As the pandemic took hold around the world, our Executive recognised that our ongoing commitment to staff safety, wellbeing and happiness was an even more critical factor in continuing our business.

In order to raise awareness of and further embed these values across DMIRS, we ran an innovation design sprint, to fast-track thinking creatively and outside the box, and brought people from across the department together to try and solve this challenge of better embedding our values. As part of the design sprint, the project team conducted interviews with a number of DMIRS employees to understand their awareness and levels of engagement with our values and how it can be improved. In addition, late in 2020, a Thrive at Work survey indicated the following (for more information on this survey refer to [page 67](#)):



**90%**

of DMIRS staff responded that they are aware of the values.



**70%**

of staff feel aligned with the values.



**63%**

agree that their line manager demonstrates the values.

An idea that came from this design sprint was using our values as an ice breaker/dice game. We approached Fremantle Men’s Shed to help us craft the wooden dice. These wooden dice will feature in every meeting room and can be used as an icebreaker for meetings, forums with the goal of getting our staff discussing what the values mean to them, how they are aligned to their work and how they or others have demonstrated them.

During the year the definitions of our values were developed to provide a shared language for a standard of behaviour. A positive workplace culture connects its values to specific behaviours so staff know what is expected, encouraged, and rewarded within their teams and within DMIRS. In our endeavours to raise awareness of the values, we produced a series of values videos starring our Corporate Executive members discussing what the values mean to them, how they demonstrate these values and how they see them demonstrated by staff on a daily basis.



# Our key achievements

Regulator - the following are key indicators of our success as a regulator:



- ▶ regulated entities know and comply with the rules
- ▶ individuals and businesses have the confidence to operate in WA
- ▶ better regulatory outcomes at a lower cost to the community
- ▶ public confidence is high in our area of responsibility

## Work Health and Safety Laws for Western Australia

In November 2019, the Work Health and Safety Bill 2019 was introduced to the Western Australian Parliament. The intention of the Bill was to implement the Government's commitment to adopt the national model work health and safety (WHS) laws. The Bill was subject to an extensive examination by the Parliament. In addition to the consideration in detail, various proposals were also subject to public inquiries and reports by two Parliamentary Committees.

The Bill was passed by the Parliament and in November 2020 the [Work Health and Safety Act 2020](#) (WHS Act) received assent. When fully enacted, the WHS Act will replace the [Occupational Safety and Health Act 1984](#) and work health and safety related laws currently contained in the [Mines Safety and Inspection Act 1994](#) and petroleum and geothermal energy operations laws.

The WHS laws will not commence until the WHS regulations are finalised. The 2021 election included a commitment for the WHS Act, and its accompanying three sets of regulations, to commence in January 2022. DMIRS is working to meet this commitment.

The commitment requires a whole of DMIRS response. Appropriately, DMIRS has established a Steering and Governance Committee (SGC) chaired by the WorkSafe Western Australia Commissioner. To progress the work of the SGC, the following six working groups, chaired by senior DMIRS officers, have been established to support a structured and accountable approach to the change management process for implementing the WHS legislation: prosecution and enforcement; regulation and compliance processes; licensing; online business systems (IT); communications; and training.

## New workplace exposure standards and strengthened silica health surveillance requirements

During the year we have adapted to changing circumstances by providing increased protections for workers exposed to respirable crystalline silica in the engineered stone industry, following an important change to the [Occupational Safety and Health Regulations 1996](#).

Silicosis is a serious, incurable and potentially lethal occupational lung disease, caused by exposure to respirable crystalline silica in industries such as engineered stone product manufacturing, installation, stonemasonry and construction work.

Following a three month grace period beginning 15 January 2021, employers will be required to provide exposed workers with a low-dose high-resolution computed tomography (HRCT) scan, supervised by an appointed medical practitioner. This amendment will make Western Australia the first Australian State to replace the previous requirement for a chest X-Ray with HRCT scans. HRCT scans have been demonstrated to be more effective than chest X-Rays in the early detection of silicosis.

The other amendment made was to halve the workplace exposure standard for respirable crystalline silica and respirable coal dust to further protect workers. A new workplace exposure standard for diesel particulate matter was also introduced in the mining industry.

These amendments are significant steps towards supporting the State Government's commitment to reduce workers' risk of contracting potentially deadly lung diseases.



## Industrial Relations Legislation Amendment Bill

The Industrial Relations Legislation Amendment Bill 2020 was introduced into Parliament in June 2020. The Bill passed through the Legislative Assembly but lapsed when Parliament was prorogued for the 2021 State election. The Bill sought, amongst other things, to remove current exclusions for various workers from State employment laws, increase penalties for contravening employment laws, introduce measures to stop workplace bullying, and facilitate the transfer of local government employers and employees from the national industrial relations system to the State system.

The WA Government has committed to reintroducing the Bill as a legislative priority, with a number of amendments such as making Easter Sunday a public holiday and introducing five days' unpaid family and domestic violence leave.

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Being **transparent** means we tell people the decisions we've made, we tell people why we've made those decisions and we tell people what we are doing and when they can expect to have a decision.



Phil Gorey  
Deputy Director General

### Consultation Draft of Streamlining Mining Amendment Bill released for mining environmental approvals

On 3 May 2021 DMIRS released a consultation draft of the [Streamlining Mining Amendment Bill 2021](#) for public feedback. The Bill is one of four "Streamlining Bills" across government which aim to introduce efficiencies into approval processes and remove barriers to economic recovery following COVID-19.

To achieve this the Bill introduces a low impact activity authorisation framework to automate approvals for low impact proposals, subject to standard conditions. It also introduces an Approvals Statement for mining operations for a clear and transparent record of activities approvals and the conditions to which they must comply, that can be updated over time as mining projects expand and change.

Perth and Regional briefing sessions were held over May and June 2021.

### Implementation of new online government sector labour relations advice resource

The department provides strategic and operational labour relations advice to more than 50 public sector employers. A significant amount of the advisory work relates to the application of the cross-sector [Public Sector CSA Agreement](#) (PSCA), the key terms of which have traditionally flowed through to other occupational groups.

During 2020–21, DMIRS developed a secure online platform for government employers to access information on the history, application and interpretation of the provisions of the PSCA and its underlying awards. This comprehensive resource can be reviewed and updated as the industrial environment evolves, to ensure consistent provision of contemporary, accurate advice for years to come.



## A showcase of rehabilitation excellence

In April 2021, the Minister for Mines and Petroleum, Hon Bill Johnston MLA launched the [Rehabilitation Showcase publication](#). The publication which was developed by DMIRS in consultation with industry, identifies innovative rehabilitation and closure strategies by mining and petroleum companies in Western Australia.

This showcase of innovative rehabilitation techniques, technologies and outcomes provides a platform to demonstrate in part, the medium to longer term outcomes and benefits being realised from the resources sector here in Western Australia.

The publication summarises the innovative techniques, research and monitoring that individuals and companies use to improve the rehabilitation of state forest areas, ecosystems and the restoration of land formations.

Executive Director Resource and Environmental Compliance Division, Karen Caple, said: “The idea to produce this ‘storybook’, showcasing rehabilitation projects in WA, began a couple of years ago when Deputy Director General Phil Gorey and I appeared before a Senate Inquiry Hearing associated with rehabilitation. It has grown significantly since then and, thanks to a number of companies who agreed to submit their own case studies and rehabilitation examples from around the State, the team has produced a valuable publication. It highlights the truly great work that is attaining outstanding environmental outcomes in WA for rehabilitation and closure.”

## Case Study

### Inter-agency regulatory reform - Building Common Understanding Session

DMIRS organised the first Regulatory Inter-Agency Common Understanding Session in June 2021, to bring together the major stakeholders involved in mining and environmental approvals. Opened by the Hon Amber-Jade Sanderson MLA, Minister of Environment and more than 180 assessment, approval process and technical officers attended from DMIRS; Department of Water and Environmental Regulation; Department of Biodiversity, Conservation and Attractions; Department of Jobs, Tourism, Science and Innovation and Office of Appeals Convenor. The session provided an opportunity for regulators to share with industry their mining and environmental regulatory operational models, and showcase regulatory reforms that are underway or recently completed.

Industry bodies, also in attendance, shared their views on the WA economy, the challenges faced by the exploration and mining sectors, and observations of State Government culture and practise in the mining environmental approvals space. Afterwards, public sector officers workshopped these topics and worked collaboratively to identify and prioritise ways to improve frontline delivery, focusing on change that adds value and how industry can contribute to a better mining environmental approval system.



Inter-agency regulatory reform: Opened by the Hon Amber-Jade Sanderson MLA, Minister for Environment.



“

Being **responsive** means not only being reactive to non-compliance or incidents as a Regulator, but also being proactive in observing trends in industry and the community, providing information and guidance to assist stakeholders to keep pace with these changes, and importantly, providing sound advice to the Government.

Jennifer Shelton  
Executive Director

### Safe Work Month 2020 – Staying focused on workplace health and safety

In October 2020, DMIRS launched the Safe Work Month 2020 website, providing an opportunity for Western Australian employers and employees registering to watch on demand videos on topics such as asbestos, hand hygiene, mental health and the importance of safety and health representatives among others.

In addition to the videos, DMIRS conducted five livestreamed webinars that provided viewers the opportunity to ask questions.

The decision to move [Safe Work Month 2020](#) from a series of in-person presentations to online, due to the COVID-19 pandemic, allowed DMIRS to engage with a wider audience.

Of those who participated:



**2,651**

people registered for the event.



**68%**

watched on demand videos.



**69%**

were first time attendees.



**77%**

more than the attendance goal.



**78%**

viewed at least one live-streamed webinar.



**98%**

would participate again in a virtual Safe Work Month.



Service provider – the following are key indicators of our success as a service provider:



- ▶ we know and monitor our costs and keep them moderate
- ▶ customers have fewer touchpoints when doing business with us
- ▶ customers and staff find it easier to do business
- ▶ customers are satisfied with their treatment

## Kalgoorlie Core Library Expansion

The department's Joe Lord Core Library in Kalgoorlie is undergoing a major expansion as it is used to display and archive drill core acquired from the mining industry's exploration of the Eastern Goldfields and south-eastern portion of Western Australia. Drill core is a highly important tool within the mining industry that can be physically examined, spectrally scanned, digitally imaged, and used in the formation of robust exploration strategies and programs, thus promoting mineral prospectivity, improving the rates of discovery, investment and sustainable development of the States mineral resources.

In February 2021 commencement for the expansion of the Joe Lord Core Library in Kalgoorlie began with construction planned for completion ahead of time, due in October of this year.

The Joe Lord Core Library in Kalgoorlie has undergone a much needed purpose-built expansion tripling in size by 2100sqm's, with a 600mm reinforced concrete pad and levelled to within a 2mm accuracy meeting Australian Standards allowing the operation of automated machinery. The current expansion from 2,880 pallet bays will increase to 9,520 overall storage bays allowing for the viewing of 2km of drill core inside and a further 3km of drill core outside.

## Combatting wage theft

During 2020–21, DMIRS has implemented a range of strategies to combat and deter wage theft in Western Australian workplaces in response to the recommendations of the [2019 Inquiry into Wage Theft in Western Australia](#), which found that the systematic and deliberate underpayment of wages is occurring and is more likely to occur in the hospitality, contract cleaning, retail and horticulture sectors. Strategies included:

- ▶ implementing initiatives to raise awareness of employment rights and obligations and promoting the wage theft website which provides an avenue for WA workers to anonymously report wage theft to the relevant agency;
- ▶ establishing the [Getting Employment Right Grants Program](#) under which UnionsWA, United Workers Union, Chamber of Commerce and Industry WA and National Retail Association were allocated grants (after a competitive process) to deliver education initiatives on employment rights and obligations;
- ▶ providing grant funding for Circle Green Community Legal to provide legal services and assistance to vulnerable workers in the state industrial relations system;
- ▶ the establishment of a dedicated wage theft compliance team to focus on the detection and deterrence of wage theft in WA; and
- ▶ undertaking a proactive compliance campaign on employers in the hospitality industry (café and restaurant sector). As part of this campaign, industrial inspectors investigated 255 employers, and recovered \$424,646 in employee entitlements during the financial year.



## Implemented electronic Inspectors Orders/Notice of Defects for Gas

An electronic system was developed and implemented by DMIRS to provide all designated (network and Building and Energy) Gas Inspectors the ability while in the field to raise Inspectors Orders or Notice of Defects using one standard form. This system, launched in January 2021 also provides the capability to search Regulations and Standards to ensure the information entered for identified breaches are correct and capture relevant photographs with the Order or Notice. This initiative has led to significant efficiency improvements and consistency as it provides for all issued Inspectors Orders or Notice of Defects to be recorded in one system which aids monitoring of trends. It also reduced the amount of administrative support required.

## Reforms to annual financial statement submissions

DMIRS and the Commonwealth regulator, the Australian Charities and Not-for-profits Commission (ACNC), collaborated to introduce reforms to lift the red tape burden and reduce administration costs for Western Australian charities and incorporated associations, requiring them to submit their financial statements only once a year to meet legislated obligations. As a result of this, charities and incorporated associations can now submit their financial statements with the ACNC and data is automatically uploaded into the department’s processing systems.



**2,539**

volunteer/not for profit groups benefited by being required to report only once instead of two or three times to meet their obligatory requirements.

## Exploration Incentive Scheme government co-funded exploration drilling

In February 2021, the Exploration Incentive Scheme (EIS) provided a new co-funding, an Energy Analysis Program for Petroleum and Geothermal companies. The program makes funding available for analysis on existing State resources and to allow re-analysis of information such as seismic data to a better resolution in line with advancements in technology. The co-funding opens for applications twice a year on a competitive basis. The first series had eight successful applicants.

In early 2021 a new independent economic impact study, covering the first 10 years of the EIS was completed and confirmed the EIS net benefit to Western Australia is robust. The report showed the total return to Western Australia per dollar invested is \$31 dollars. This supports and improves upon the 2015 independent report where modelling found that for every \$1 dollar invested in the EIS then the expected net benefit to the state as \$24 dollars.





## Tengraph Replacement

The [Tengraph system](#), used to manage and display mining tenure in relation to other land use was first introduced to the Perth and Kalgoorlie offices in 1994. At that time, the \$10 million dollar Tengraph system was considered to provide information in a way that would be easy to understand without the need to sift through all the fine lines on the paper plan to see the boundaries of mining tenements and other land tenure. By 1997, a comprehensive data capture program was completed with Tengraph progressively becoming available at all mining registrar offices across the state.

Tengraph went on to win technology awards and accolades from the mining industry for innovation which included the rapid identification of ground available for exploration, highlighting recent activity, displaying and appraising land.

Over the years Tengraph has continued to evolve within the limits of the technology platform on which it is based, including the provision of Tengraph Online and image data integration. In 2009, the department introduced a new internal 'web' based title management system, and commenced a program of work to replace Tengraph, initially targeting the replacement of the external spatial system and finally the replacement of the internal maintenance systems.

On 22 February 2021, the final maintenance components of Tengraph were replaced. The spatial maintenance of mining tenure now occurs on a common integrated departmental platform, with the external web-based system retaining the name 'Tengraph'.

## Getting young workers off to the right start with SmartMove

The online platform [SmartMove](#), first developed in 1999, educates young people to recognise the potential dangers, hazards and associated risks in the workplace and provides them with the tools to stay safe while they are at work.

In February 2021, the redeveloped SmartMove online platform was introduced. The aim is to introduce general work health and safety concepts in a way that relates to a younger audience, including graphic animations and gaming activities, while still supporting the needs of educators.

## Accelerated Geoscience Program

With travel restrictions imposed due to COVID-19, the Geological Survey of Western Australia (GSWA) suspended its 2020–21 field season and instead introduced the [Accelerated Geoscience Program](#) (AGP) in June 2021. The AGP aimed to produce a number of exploration-ready, geoscientific datasets that would stimulate the minerals, petroleum and energy exploration industries. The program has dedicated geoscientists from across GSWA concentrating their efforts on four main projects:

- ▶ publication of existing data into GIS layers;
- ▶ data integration and analyses – the Yilgarn Craton;
- ▶ statewide critical minerals prospectivity study; and
- ▶ energy systems including petroleum, geothermal, and carbon capture and storage.

To date the Accelerated Geoscience Program has delivered close to a hundred new interpretive datasets across the four main projects, consisting of about 1080 new interpreted data layers. Many of the layers have been published online and are available through the Data and Software Centre, [GeoVIEW.WA](#), the [Petroleum and Geothermal Information management system](#) (WAPIMS) and the [Mineral Systems Atlas](#).

However, most of the data is available within three, standalone [Geological Exploration Packages](#) (GEP): the Southwest Yilgarn GEP, the East Yilgarn GEP and the Critical Minerals GEP. These standalone packages facilitate use for all levels of technical competency and software, from prospectors to Tier 1 companies and provide a wealth of new and exciting information that we hope will lead to a number of new mineral, petroleum or energy discoveries. As these datasets formed part of the Western Australia's economic recovery program from the pandemic, all data, including the three GEPs are available to all stakeholders at no cost. A GSWA Webinar on the outcomes of the AGP was given to all stakeholders, including the public and is available on the departments website.



## Policy maker - the following are key indicators of our success as a policy maker:



- ▶ business, community and industry behaviour supports policy intent
- ▶ disruptors are identified early enough for pre-emptive policy action
- ▶ intelligence is regularly shared and used for public benefit
- ▶ new ideas on how to address regulatory challenges are on the policy agenda

### Boost to subcontractor protections

Security of payment in the building and construction industry is being improved through the [Building and Construction Industry \(Security of Payment\) Act 2021](#) (the Act), which received royal assent on 25 June 2021. This new Act achieves the McGowan Government’s 2017 election commitment to better protect subcontractors and suppliers working on both government and private projects in the building and construction industry in Western Australia.

The Act provides a holistic set of protections in respect to funds held by contracting parties, by way of the following key measures:

- ▶ ensuring that payments flow promptly by creating a shorter timeframe for principals to pay head contractors so they, in turn, can pay subcontractors;
- ▶ speeding up payment times to subcontractors by providing some of the shortest payment times for statutory claims in Australia by requiring subcontractors to be paid within 25 business days;

- ▶ improving the overall fairness of contracting practices in the industry, including voiding unfair time-bars, a broader prohibition on ‘paid when paid’ provisions, prohibiting other types of unfair terms and requiring certain contracts to be in writing and meet minimum standards;
- ▶ reducing the risks to buildings, subcontractors and suppliers where their immediate contractual counterpart on a project becomes insolvent by ring-fencing retention money to ensure it is not available for distribution to general creditors; and
- ▶ better protecting the industry and consumers against incompetent and predatory operators by creating effective mechanisms for persons with a history of insolvency or non-payment of subcontractors to be excluded from the industry.

The department will now focus on developing subsidiary regulations and implementing the provisions of the new legislation, including providing education and information to industry participants on the implementation of the new laws and what industry needs to be doing in readiness.



“

Our staff, stakeholders and the Western Australian community should be treated **fairly**, respectfully and equitably in all aspects of our business.

Kristin Berger  
Deputy Director General



# forward thinking

In October 2020, staff celebrated Earth Science Week with a photo competition. Honourable mention went to this photograph by Huntly Cutten - Hamelin Pool.

## Prepaid funerals code of practice

The [prepaid funerals code of practice](#) commenced on 1 March 2021 and gives consumers greater protection and certainty when entering into prepaid funeral contracts. The code imposes a cooling-off period, contractual and investment requirements and a register of prepaid funeral contracts sold for families to verify and check if a prepaid contract is in place. Officers presented a webinar to operators from across WA, aimed at informing industry members about key updates on topics including operation of the code, cooling-off periods, prepaid funeral register and cemetery contracts.

## Fitness industry code of practice

During 2020–21 we finalised the **2020 fitness industry code** of practice which improves consumer protections. The cooling-off period for contracts has been extended from 48 hours to seven days and membership agreements have to include a summary statement. It contains information about whether the agreement is a month-to-month renewal or is a fixed term contract of no longer than 12 months. Consumers can cancel their membership online, instead of in person, which will result in the immediate termination of direct debit arrangements. Fitness providers will also need to notify members before the automatic renewal of their memberships so they can cancel without penalty. This comes into effect on 1 July 2021.



# Case Study

## DMIRS response to Cyclone Seroja

On 11 April 2021 at 8pm Cyclone Seroja a Category 3 severe tropical cyclone made landfall on the Western Australian coast slightly south of the Mid West town of Kalbarri bringing 170 km/h winds and rainfall of 100 millimetres was reported in Kalbarri.

Our department adapted to the situation rapidly, by providing support on the ground, at the call centres and online.

DMIRS deployed to Kalbarri, electrical and gas safety inspectors to provide support and advice to electrical network operators, gas suppliers and local professionals in the wake of the destruction across the Mid-West. Technical building officers also joined experts from James Cook University's Cyclone Testing Station to inspect buildings in the Northampton and Kalbarri areas and examine why and how damage occurred.

The team's findings were published with a focus on building performance, particularly in locations where tropical cyclones are less common, and if construction standards can be improved to better protect communities.

Additionally, the department provided:

- ▶ consistent advice to workers and residents on asbestos-related issues and workers were reminded of the occupational safety and health regulations that apply during clean-up activities;
- ▶ consumer information on insurance claims and renting during a disaster, including managing rent and bond payments was provided, along with reminders warning of travelling conmen and unlicensed traders, and scams; and
- ▶ reminders to mining and petroleum operators to review contingency plans for the cyclone season.

The Department of Fire and Emergency Services reported that:



**70%**

of structures in Kalbarri were damaged.



**40%**

of those were completely destroyed.



## Regulatory reform

### Legislation in Parliament

The following lapsed Bills were re-introduced into the Parliament following the 2021 State Election and swearing in of the new Parliament:

The **Sunday Entertainments Repeal Bill 2021** was reintroduced to Parliament on 12 May 2021 and received royal assent on 25 June 2021. The Bill will repeal unnecessary and outdated laws that create an administrative burden on certain businesses that have to apply for permits to use premises for paid entertainment on Sundays and designated public holidays.

The **Fair Trading Amendment Bill 2021** was reintroduced on 23 June 2021 and provides for a new mechanism to incorporate amendments to the national Australian Consumer Law (the ACL) into the *Fair Trading Act 2010* (the FTA (WA)). The Bill also updates the FTA (WA) with amendments made to the ACL up to 1 June 2021.

The **Ticket Scalping Bill 2021** was reintroduced on 24 June 2021 and provides for new regulation prohibiting ticket scalping practices that are causing detriment to consumers in Western Australia. The Bill also validates ticket resales that are made in compliance with the requirements in the Act.

### Regulation amendments

A number of amendment regulations were made in 2020–21, including:

- ▶ [Building Amendment Regulations \(No 5\) 2020](#) – which extended the transitional arrangements for compliance with the [National Construction Code 2019](#) amendments by twelve months, giving Western Australian builders more time to implement the required changes;
- ▶ [Building Amendment Regulations 2021](#) – which put in place transitional requirements for the building industry to implement and comply with revised bushfire construction requirements;
- ▶ [Plumbers Licensing and Plumbing Standards Amendment Regulations \(No 3\) 2021](#) – which authorised the performance of plumbing work by pre-apprentices; and
- ▶ [Architects Amendment Regulations 2021](#) – which give effect to recommendations identified in the [‘Report of the Statutory](#)

[Review](#) of the *Architects Act 2004*’ which was tabled in the Parliament in March 2019. The Amendment Regulations streamline and update administrative functions of Architects Board of Western Australia, helping to reduce the cost of regulating the industry.

### Consultations and reviews

In response to community concerns about the accident towing industry, a consultation regulatory [impact statement](#) was released during August and September 2020, seeking comments on options to reform the accident towing industry. A report on the outcome of the consultation was subsequently prepared for Government consideration.



Two further consultation papers were released during the 2021, completing the public consultation on proposed reforms to retirement village legislation. A series of roundtables discussing possible fast tracking of reforms was conducted with peak stakeholder bodies in the sector during August to October 2020. Outcomes from the roundtables were incorporated into the consultation process and an economic and financial modelling project was commenced in early 2021 to analyse feedback from industry about the impact of proposed reforms to exit entitlement payments.

Industry and community consultation was also undertaken on options for reform of laws regulating the [sale of motor vehicles on consignment](#) in Western Australia, with a CRIS closing for comment in December 2020. A report was prepared for Government consideration during the first half of 2021.



## Case Study

### Adapting to – the ongoing COVID response and recovery

Throughout 2020–21 DMIRS continued to adapt with the changing COVID-19 response and recovery, adjusting our work practices and showing our adaptability to move to a remote working from home environment quickly and with as little disruption as possible for both our staff and our stakeholders as needed.

The department continued to administer the [Residential Rent Relief Grant Scheme](#) (RRRGS) and pay out grants from the \$30 million made available from the State Government to assist private residential tenants who lost their jobs and faced financial hardship due to the COVID-19 pandemic. Following ongoing consultation with the Department of Treasury, DMIRS adapted the RRRGS implementing four distinct phases throughout 2020–21.

The department adapted our service delivery model with regards to community education and media by increasing the availability of digital methods and online content. Our officers began using webinars to conduct virtual education sessions to real estate agents and property managers on COVID-19 tenancy laws and to explain the new [pre-paid funerals code](#) to funeral service providers.

Between May and September 2020, the department ran an extensive Safe and Fair Renting WA campaign using media, advertising and digital communications. The campaign was designed to communicate COVID-19-related changes to WA's residential tenancy laws to the community, in particular tenants, residential park renters, boarders, lodgers, landlords, property industry professionals, tenancy advocates, the legal sector and internal Consumer Protection stakeholders. It also aimed to inform as many renters and landlords as possible that the RRRGS was available and how to apply with the key message of "Don't wait until it's too late".

When the face-to-face 2020 Consumer Protection Awards had to be cancelled due to COVID-19 restrictions earlier in the year, DMIRS adapted our approach and ran an interactive virtual event in August 2020 that enabled finalists and key stakeholders to watch remotely.

In October 2020 DMIRS adapted another event due to COVID-19, moving Safe Work Month 2020 from in person presentations and instead launched a website with webinars and on demand videos. Matters presented were also adapted to include topical issues related to the current COVID-19 environment such as hand hygiene and mental health.

After the State Government extended the emergency period in September 2020, phases one and two of the RRRGS were adapted to extend applications to 31 December 2020. Following the continued need to provide assistance to tenants with rental arrears, the RRRGS was adapted to a third phase which commenced in January 2021.

In preparation for the end of the rental moratorium in March 2021, the RRRGS was further adapted to phase four to provide assistance to tenants facing rent increases and help preserve these tenancies and reduce evictions. Applications for this fourth phase has since been extended to 31 December 2021 in order to adapt to the continued demand for support. The RRRGS has so far made more than \$11.4 million worth of grant payments.

In April 2021, DMIRS prepared for the disruption in the rental market at the end of the moratorium and the potential for an increase of tenants in housing crisis, by collaborating with Anglicare WA to adapt its approach to tenancy matters. In doing so, the Housing Stability Project was developed to provide direct referrals to accommodation and other crisis services to tenants in critical housing and financial stress. Anglicare WA provides support to consumers who are in distress, matching their needs to a suitable organisation for follow up and action. The collaboration is delivering real benefits to consumers and is not compromising the work of the regulatory aspects of the department's business.

With the finalisation of the State election and the swearing in of the new Parliament, the department adapted to new legislative priorities set by the Government and between May and June 2021 helped facilitate the reintroduction of three previously lapsed Bills into Parliament.



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## Key Performance Indicators (KPI)

# Audited Key Performance Indicators

## Certification of key performance indicators

For the year ended 30 June 2021

I hereby certify that the key performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the performance of the Department of Mines, Industry Regulation and Safety, and fairly represent the performance of the department for the financial year ended 30 June 2021.

A handwritten signature in black ink, appearing to read 'Richard Sellers', with a long horizontal stroke extending to the right.

**Richard Sellers**  
Accountable Authority  
30 August 2021




### Resources Advice and Regulation



Target  
75%

**70%**

Stakeholder satisfaction with the department as an effective resource sector regulator.



Target  
\$4,641

**\$4,514**

Average cost of resource regulation per live title.



### Industry Advice and Regulation



Target  
75%

**66%**

Stakeholder satisfaction with the department as an effective industry regulator.



Target  
\$192

**\$201**

Average cost per transaction to deliver Industry Advice and Regulation Services.



### Safety and Labour Relations Advice and Regulation



Target  
0

**15**

Number of work-related traumatic injury fatalities.

Five-year rolling average 14.



Target  
\$4,752

**\$4,925**

Average cost per transaction to deliver safety and labour relations regulation services.



Target  
100%

**34%**

Percentage of high-risk work licence applications determined within agreed timeframes.

## Audited KPI Report 2020–21



# Performance Management

DMIRS' purpose is "Supporting a safe, fair and responsible future for the Western Australian community, industry and resources sector". This is also our single desired Outcome in our [Outcome Based Management](#) (OBM) structure, providing a shared focus for the department. Adopting a customer-centric approach, our functions are delivered via three Key Services and aligned to our operational structure:



Resources Advice and Regulation



Industry Advice and Regulation



Safety and Labour Relations Advice and Regulation

This outward-facing service model focused to our single Outcome assists us to provide meaningful and easy to understand performance information to our stakeholders, be they individuals, industry bodies, companies, unions, community groups, Parliament, or government agencies.

Key **Effectiveness** Indicators measure the extent to which our department achieves its Outcome. To ensure the effectiveness of our core business is measured against our single Outcome each of our three Key Effectiveness Indicators are aligned with one of our three Key Services.

Key **Efficiency** Indicators relate the level of resource input required to deliver our Services. They demonstrate how efficiently we are conducting our activities and can be represented as an average cost per service or through a measure of timeliness. Our Key Services are each measured by at least one Key Efficiency Indicator.

These performance measures allow us to quantify achievement made during 2020–21 towards stated goals and our desired outcome, measure our performance against targets set in our Resource Agreement and as published in the 2020–21 State Budget.

## Changes to DMIRS Outcome Based Management Structure

The DMIRS OBM structure was implemented in the [2018–19 State Budget](#), within a year from the department's inception. In March 2020 the Under Treasurer approved amendments to align the three Key Services to our organisational structure and current ministerial portfolios.

Changes that commenced during 2020–21 are:

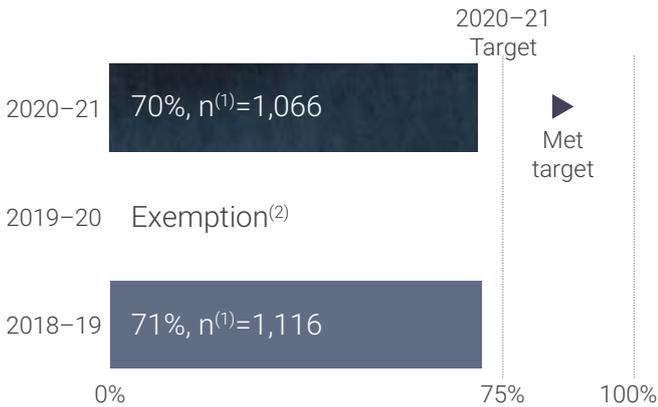
1. transfer of the Labour Relations function from the **Industry Advice and Regulation Service** to the renamed **Safety and Labour Relations Advice and Regulation Service**;
2. introduction of a new efficiency indicator "Average cost per transaction to deliver safety and labour relations regulation services" to replace a cost effectiveness indicator; and
3. enhancing the transparency of the effectiveness indicator "Number of work-related traumatic injury fatalities" by including a whole-number rolling five-year average, as well as the annual total.



The **Resources Advice and Regulation Service** regulates one of WA's largest industry sectors, and plays a critical role in building WA's economy while ensuring the State's resources are developed in a sustainable and responsible manner through information provision and appropriate compliance processes. In addition to its regulatory role, the Service delivers geoscience functions to the State.

## Effectiveness

Stakeholder satisfaction with the department as an effective resource sector regulator.



(1) n is the sample size

(2) An exemption for reporting results in 2019-20 was granted by the Under Treasurer

To determine our influence in delivering effective regulation to support sustainable resource sector development, this indicator measures the overall effectiveness of DMIRS as a regulator by quantifying stakeholder satisfaction with our regulatory role.

As part of a stakeholder satisfaction survey, respondents rated their satisfaction against the benchmarking question "Overall, how satisfied are you with the performance of DMIRS as an effective resource sector regulator?" on a scale of 0-10. Overall satisfaction was reported as the percentage of respondents who gave a rating between six and ten.

The target of 75 per cent was set for this indicator to align with similar indicator for DMIRS' Industry Advice and Regulation Service in the 2020-21 State Budget.

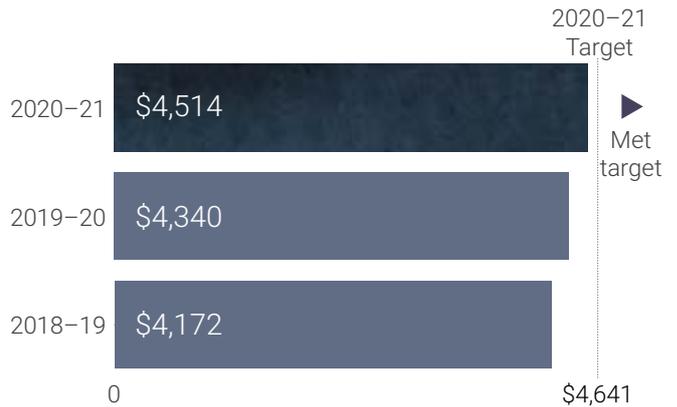
### Comment on results

For 2020-21 slightly fewer than three in four (70 per cent) of respondents expressed satisfaction with the effectiveness of DMIRS as a resource sector regulator, within ±5 per cent of the target.

- ▶ 1,066 responses received for KPI 1.
- ▶ The 2020-21 result is weighted to ensure comparability with the previous survey.
- ▶ Stakeholder perception has remained stable between reporting periods – 71 per cent for 2018-19 – which is notable considering the potential impact of the COVID-19 pandemic and the effects on the department and the community.

## Efficiency

Average cost of resource regulation per live title.



Resource development and exploration occurs in the context of the resource management 'life cycle'. All activities within the 'lifecycle' are associated with a 'live title' (minerals and petroleum). Live titles give the right to explore for, recover and develop Western Australia's natural resources.

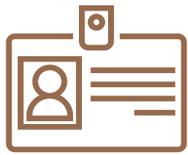
This indicator measures the cost efficient and responsible delivery of resource regulation services by representing the cost of the service in relation to the number of live resource titles approved or renewed during the current year, or are subject to ongoing regulation by the department.

The indicator is calculated by dividing the total cost of the service by the number of live titles.

### Comment on results

The average cost per live title for 2020-21 is \$4,514, which is three per cent lower than the target (\$4,641).

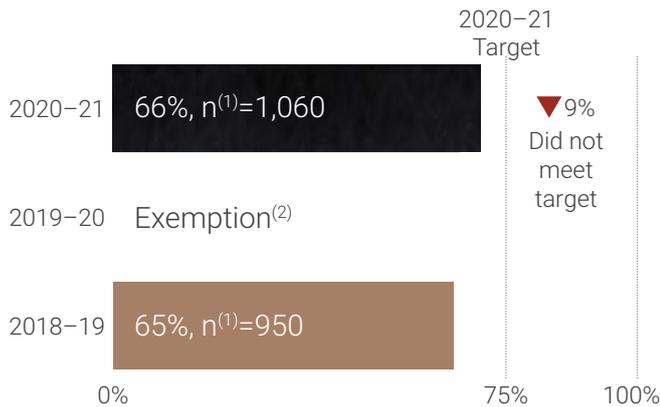
- ▶ A record 23,652 resource titles – 23,398 mining and 254 petroleum – were in force during 2020-21, reinforcing the strength of the resources industry in Western Australia. These titles covered an all-time high 640,000 km<sup>2</sup> - over 25 per cent of Western Australian land.
- ▶ The State remains the world's largest single supplier of iron ore, garnet and lithium.



The **Industry Advice and Regulation Service** (incorporating both Building and Energy and Consumer Protection Divisions) administers legislation covering Western Australia's industry, community and consumers through its programs for compliance, conciliation, dispute resolution and enforcement. Contributing to safer, more responsible actions by traders and industries, and a better informed, risk-aware community.

## Effectiveness

Stakeholder satisfaction with the department as an effective industry regulator.



(1) n is the sample size

(2) An exemption for reporting results in 2019-20 was granted by the Under Treasurer

To determine our influence in delivering effective regulation to support sustainable industry development this indicator measures the overall effectiveness of DMIRS as a regulator by quantifying stakeholder satisfaction with our regulatory role.

As part of a stakeholder satisfaction survey, respondents rated their satisfaction against the benchmarking question "Overall, how satisfied are you with the performance of DMIRS as an effective industry regulator?" on a scale of 0-10. Overall satisfaction was reported as the percentage of respondents who gave a rating between six and ten.

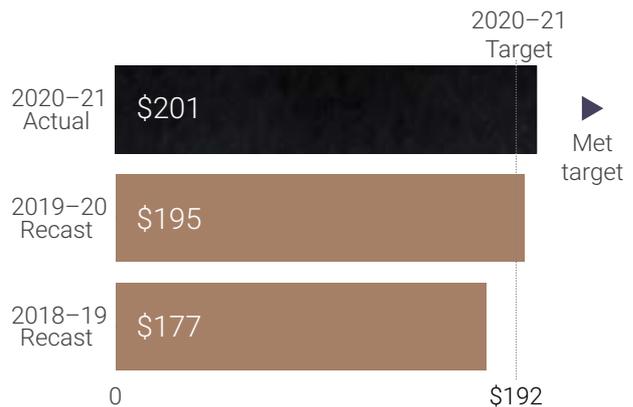
### Comment on results

For 2020-21 about two in three (66 per cent) respondents expressed satisfaction with the effectiveness of DMIRS as an industry regulator, nine per cent lower than the target. A key driver of the result was that a relatively high proportion of stakeholders initiated contact with DMIRS to make a complaint about industry, and these respondents were more likely to report overall dissatisfaction.

- ▶ 1,060 responses received. The 2020-21 result is weighted to ensure comparability with the previous survey.
- ▶ Stakeholder perception has remained stable between reporting periods (65 per cent for 2018-19), which is notable considering the potential impact of the COVID-19 pandemic and the effects on the department and the community.

## Efficiency

Average cost per transaction to deliver industry advice and regulation services.



This highly aggregated indicator measures the cost efficient and responsible delivery of industry advice and regulation services by representing the cost of the service in relation to unique service 'transactions'. A 'transaction' being defined as an action by DMIRS to provide a service or regulatory action to an external stakeholder, initiated by either party. Each transaction is only counted once – for example, a finalised application is counted as a transaction, but the payment of the related application fee is not.

This indicator is calculated by dividing the total cost of the service by the number of transactions.

Composition of this Service has been consequentially amended due to transfer of the Labour Relations function to the Safety and Labour Relations Service. Where possible, previously reported results were re-cast.

### Comment on results

The average cost per transaction for 2020-21 is \$201, which is 4.7 per cent greater than the target (\$192).

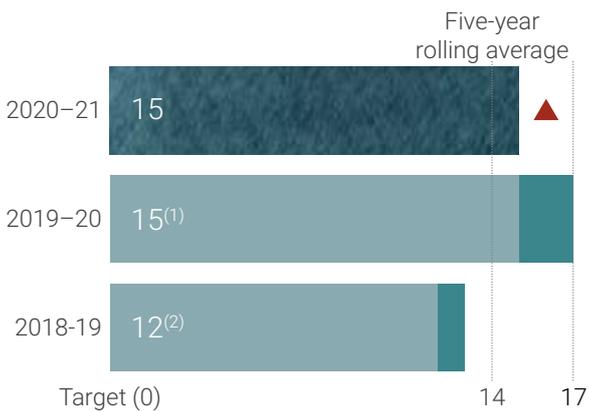
- ▶ Higher than usual demands were placed on the Consumer Protection Advice line – activity increased by 15 per cent over 2019-20.
- ▶ Established to regulate residential tenancies during the COVID-19 pandemic, during 2020-21 there were:
  - ▶ 11,831 Residential Rent Relief Grant Scheme applications assessed; and
  - ▶ 3,400 Mandatory Conciliation Service for Tenancy Issues determined.



The **Safety and Labour Relations Advice and Regulation Service** provides regulatory and policy oversight of workers' health and safety in the resource and general industries sectors, the licensing regime, and safety legislation for dangerous goods, including regulation of the State's major hazard facilities and petroleum operations. Playing a significant role in building and strengthening WA's economy by ensuring and protecting the rights of all employees to work in a safe and healthy working environment.

## Effectiveness

Number of work-related traumatic injury fatalities.



(1) The 2019-20 number of reported work-related traumatic injury fatalities has been adjusted to 17 in 2020-21, two investigated by the Mines Safety Directorate and 15 by WorkSafe.

(2) The 2018-19 number of reported work-related traumatic injury fatalities has been adjusted to 13 in 2020-21, two investigated by the Mines Safety Directorate and 11 by WorkSafe.

A whole-number rolling five-year average is being reported for the first time.

While reported work-related traumatic injury fatality numbers are relatively low, any work-related death is considered unacceptable, so the target for this indicator is always zero (0). The nature, frequency, location and circumstances surrounding fatalities influence our regulatory efforts.

This KPI reports fatalities within DMIRS jurisdiction. Investigation into these incidents may extend over years and the work-related status may vary. Adjustment to previously reported figures are included in this report.

### Comment on results

During 2020-21 there were fifteen reported work-related traumatic injury fatalities. Two were investigated by the Mines Safety directorate and 13 were investigated by WorkSafe. The rolling five-year average is 14.

- ▶ This indicator reports fatalities within DMIRS jurisdiction.
- ▶ Work-related traumatic injury fatalities are regularly published by DMIRS in the [State of the Work Environment Report](#). This report includes fatalities within WA but outside DMIRS jurisdiction.

## Efficiency

Average cost per transaction to deliver safety and labour relations regulation services.



2020-21 is the first year that this indicator is being reported.

This indicator demonstrates the cost efficient and responsible delivery of safety and labour relations regulatory services by representing the total cost of the service in relation to unique regulatory 'transactions'.

Regulatory transactions are "an action by the department (proactive or reactive) that protects the community by intervening decisively to avert and minimise harm, commensurate with the circumstances" i.e. investigations and inspections. Each finalised regulatory transaction is counted once.

This indicator is calculated by dividing the total cost of the service by the number of regulatory transactions.

Results have been back-cast for 2019-20.

### Comment on results

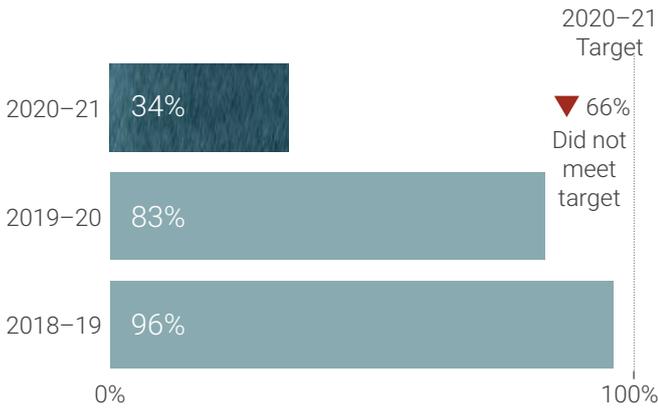
This indicator has met its target in the first year of reporting, with the average cost per regulatory transaction for 2020-21 being \$4,925, which is within variance of ±5 per cent of the target (\$4,752).



Safety and Labour Relations Advice and Regulation Service cont.

### Efficiency

Percentage of high-risk work licence applications determined within agreed timeframes.



This measure is intended to demonstrate our capacity to efficiently administer and enforce a safety regulation through the timely assessment of high-risk work licence (HRWL) applications.

The indicator is calculated as a proportion of the total number of HRWL applications finalised with those finalised within 14 days for each new, modified, and renewed licence during the same reporting period. New, modified, and renewed HRWL applications are considered to be equivalent in workload but the volume within these categories varies.

A weighted average by category is calculated and added together to determine the overall weighted average.

### Comment on results

During 2020-21, 34 per cent of HRWL applications were determined within 14 calendar days which is a 66 per cent variation from target.

This indicator was intended to represent how well DMIRS administers the Safety and Labour Relations Advice and Regulation Service and a target of 100 per cent was selected. This target has not yet been achieved.

The timely assessment of HRWLs has been negatively impacted by COVID-19 shutdowns and resources had to be reallocated during the year to deliver WA government priorities such as the Government COVID-19 health and economic relief 12 month occupational licence fee waiver and refund package.