



# About us



# Welcome

The Department of Mines, Industry Regulation and Safety is pleased to present our Annual report for 2021-22.

Our annual report last year titled 'Adapt' was focused around our ability to adapt during a year that was challenging like no other. We demonstrated strong flexibility and agility, and drew upon our sense of togetherness and our strong purpose to get us through.

Reflecting on what we learnt last year, during 2021-22 we have considered the future.

We discussed our biggest challenges and came up with a plan to ensure our regulatory settings meet the contemporary challenges facing Western Australia.

We worked towards modernising laws that support investment, promote safety and protect workers in the State. And we engaged at national levels to ensure national standards and Australia-wide programs enhanced our State, protecting consumers and businesses.

We prepared for the transition of Energy Policy WA joining the department as a Group from 1 July 2022 and continued progressing the exit strategy for the collection of royalties to Revenue WA in 2023.

## Enabling legislation

The department was established under the *Public Sector Management Act 1994* on 1 July 2017.

## Accessibility

We are committed to providing accessible services to our customers and stakeholders. This report is available online and in alternative format upon request.

## Translator and Interpreter Services

For our customers and stakeholders from culturally and linguistically diverse backgrounds, you may prefer to contact the Translator and Interpreter Service on 13 14 50 and we will arrange an interpreter to communicate the report to you.

## Feedback

We welcome feedback and questions on this annual report and encourage you to do so:

- ▶ in person: 100 Plain Street, East Perth; or
- ▶ via email: [spprr@dmirs.wa.gov.au](mailto:spprr@dmirs.wa.gov.au)



# Kaya Wandju

## Message from the Director General

It is always a pleasure to acknowledge the hard work and commitment of DMIRS staff.

Once again, we have achieved a lot during the year - a time when Western Australia faced considerable uncertainty and a difficult business environment. 2021–22 was a year that tested our resilience, yet we proved that we could work collaboratively and think innovatively to continue delivering our services.

**We have reflected on this period - the challenges we faced, our lessons learned, the feedback we received and considered our future.**

While we are a diverse organisation spread right across the State, we have developed a shared commitment to lead with integrity, strive for excellence and look for better ways of doing things. We are constantly working towards **supporting a safe, fair and responsible future for the Western Australian community, industry and resources sector** as a regulator, policy maker and service provider.

Detailed in this annual report we recognise and celebrate the many successes and achievements we have had over the year. Achievements which would not have been possible without the dedication of our officers – of whom I am immensely proud.

I would like to acknowledge our many partners and stakeholders across metropolitan and regional WA who have taken time to provide feedback and worked with us to implement our ongoing projects and programs.

As we look to the future, we will continue to share information so West Australians can better protect themselves from the challenges of the modern world. We will work with businesses to help reduce red tape and focus on operating the right way in Western Australia, and the department will work with industry and the community as WA focuses on decarbonising its economy and transforming its energy sector.

I look forward to the year ahead and remain committed to providing timely and reliable services to the people of Western Australia.

**Richard Sellers**  
Director General

# Report structure

This report details our progress from 1 July 2021 to 30 June 2022 towards delivering our purpose, presented in the context of the department's three approaches from our Strategic Intent and aligned to the priorities of government. Each year we commit to the principles of good governance and being accountable for our actions, and have also linked our content throughout the report to the Public Sector Commission's nine governance principles.



To present our performance in a clear and consistent manner, the following key has been used throughout the report. The result is indicated by the direction and the colour of the arrow indication the status:

Key: exceeded target: above ▲ or below ▼    did not meet target: above ▲ or below ▼    met target: (variance ±5 per cent) ►

## About us

In this section we discuss what it is that makes up the department, who we are, what we value and what we do. We provide an overview of the current structure, details of administered legislation and a regional map that demonstrates the wide reach of the department's activities across Western Australia. We discuss our performance management framework (Outcomes Based Management) which is the formal mechanism allowing the department to demonstrate accountability and transparency to Parliament, the public and our stakeholders.

In this section we detail our governance with regard to good governance principles:



## Our performance

In this section we cover the department's performance during the year highlighting various activities undertaken, how we have collaborated with other state government agencies and progressed key government reforms. A major undertaking by the department focused on the new Work Health and Safety laws impacting the Western Australian community, industry, and workers. We also looked forward to progress regulatory reform for industrial relations and occupational licensing as well as initiating WA-Array to map the State's geology. An assessment of our effectiveness and efficiency is contained within a summary of our key performance indicator report, as well as other performance reporting.

In this section we detail our governance activities with regard to good governance principles:



## Significant issues

In this section we cover the current and emerging issues and trends that have impacted the department during the year. Significant judicial decisions that the department was engaged in are also discussed in this section.

In this section we detail our governance activities with regard to good governance principles:



## Disclosure and legal compliance

In this section we cover our governance activities in relation to compliance and accountability, financial statements and other reporting obligations. We outline our commitment to our people, through our adherence to public sector standards, equal opportunity, work health and safety and recordkeeping obligations.

In this section we detail our governance activities with regard to good governance principles:



## Appendix

In this section we provide terminology and hyperlinks to public documentation referred to in this report as well as providing our Act specific reporting.

In this section we detail our governance activities with regards to good governance principles:



**Thank you for taking the time to read about our contributions to the State during 2021–22.**



**Corporate Executive members as of 30 June 2022**

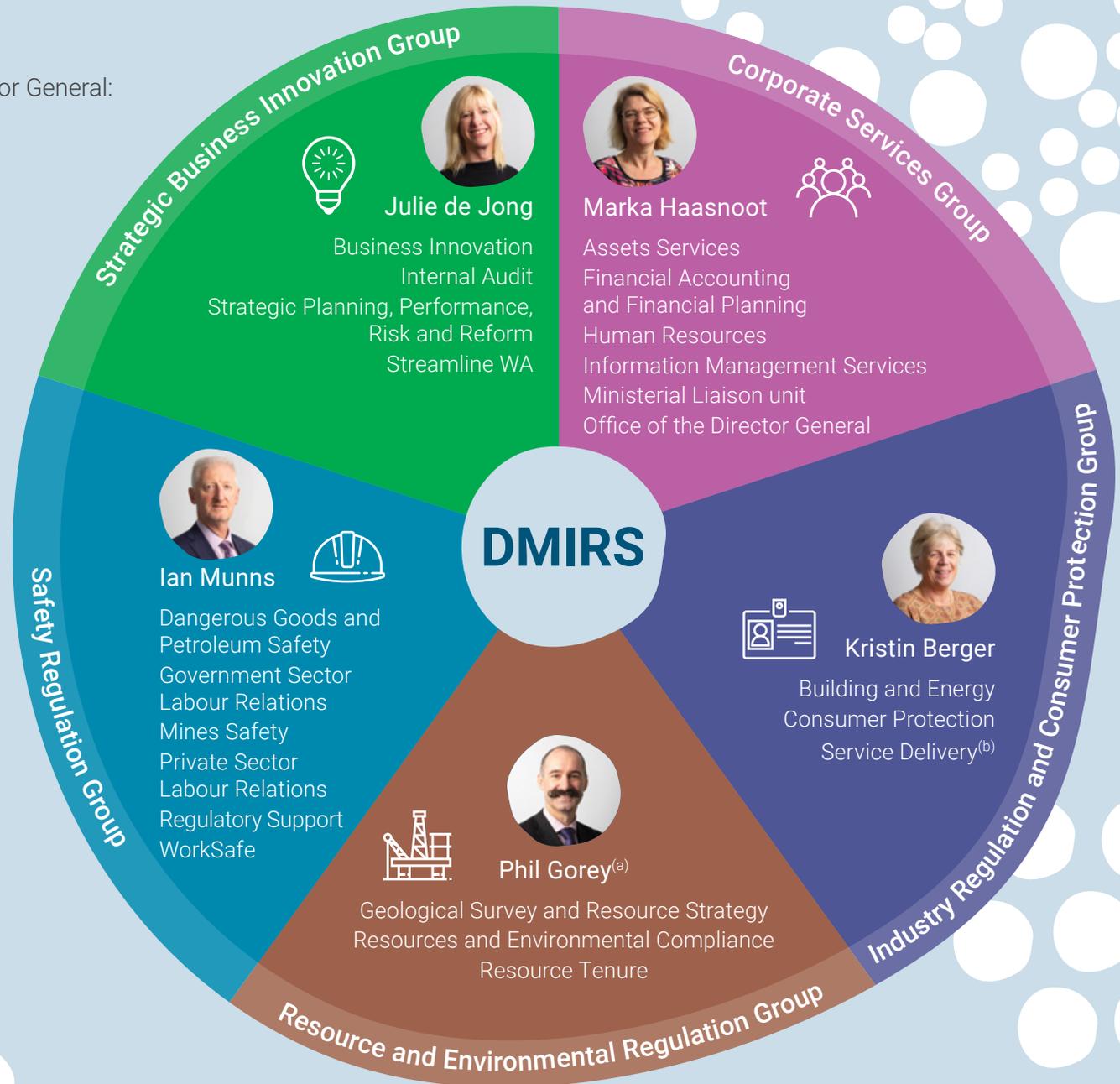
Marka Haasnoot, Ian Munns, Kristin Berger, Richard Sellers, Julie de Jong and Jeff Haworth.

# Organisational chart

Group Heads reporting to Richard Sellers, Director General:

A stand-alone sub-department of DMIRS named Energy Policy WA was formed during 2019–20. Under the *Financial Management Act 2006*, for 2021–22 *Energy Policy WA* has its own appropriation and division in the State Budget, and is responsible for the preparation of its own annual report to Parliament. From 1 July 2022, Energy Policy WA will integrate into DMIRS.

- (a) Jeff Haworth acted in the role of Deputy Director General Resource and Environmental Regulation Group from 16 May 2022.
- (b) From 17 January 2022, the Service Delivery Group joined the Industry Regulation and Consumer Protection Group and the Executive Director, Service Delivery is now reporting to the Deputy Director General, Kristin Berger.



# Our leadership



**Richard Sellers**  
Director General

Richard Sellers was appointed as Director General of the Department of Mines, Industry Regulation and Safety on 31 May 2021. Richard has extensive experience in the public sector, holding previous roles as the Director General of the Department of Jobs, Tourism, Science and Innovation, Director General of the Department of Transport, Commissioner for Main Roads WA, CEO of the Public Transport Authority as well as Director General of the former Department of Mines and Petroleum.



**Marka Haasnoot**  
Executive Director,  
Corporate Services Group

With a background in organisational psychology, Marka Haasnoot advanced her career in human resources and business management working in private industry and local government. In 2008 Marka joined the State Government employed as the Manager of Human Resources of the former Department of Industry and Resources, and Department of Mines and Petroleum. At the Department of Mines and Petroleum she was promoted to the General Manager Human Resources position and in April 2018 was appointed to her current position of DMIRS Executive Director of Corporate Services.



**Ian Munns**  
Deputy Director General,  
Safety Regulation Group

Ian Munns joined the former Department of Commerce in 2010 working in a variety of roles including as the Director of Policy WorkSafe, Executive Director Corporate Services and the Executive Director Building Commission. When DMIRS was created he was appointed to his current role as Deputy Director General Safety Regulation Group. Prior to 2010, Ian worked for the Commonwealth in a variety of regulatory roles at the Australian Taxation Office and the Child Support Agency.



**Kristin Berger**  
Deputy Director General,  
Industry Regulation and  
Consumer Protection Group

Kristin Berger was appointed to this role in July 2018 after originally joining the former Department of Commerce in 2002. Before this appointment, Kristin spent a year in Premier Mark McGowan's Office as Principle Policy Adviser with responsibility for the portfolios of Jobs and Trade, and State Development and led the interagency working group which developed the Future Battery Industry Strategy. Prior to this, she led the Labour Relations and Industry Development Division of the former Department of Commerce.





**Julie de Jong**  
Executive Director, Strategic  
Business Innovation Group

Julie de Jong worked at both former departments as an Executive Director leading the Science, Innovation and Business Division within the Department of Commerce from 2011–2014 and Department of Mines and Petroleum from 2014–2017. In December 2017, Julie was appointed to her current role within the Strategic Business Innovation Group, and during 2019 had a six month secondment to Department of Transport working to improve the governance and compliance for the multi-agency Westport Project.



**Jeff Haworth**  
Acting Deputy Director  
General, Resource  
and Environmental  
Regulation Group

(16 May 2022 onwards)

Jeff Haworth joined the department in 1991 as the Petroleum Data Manager, and later worked in the Geological Survey Division (GSD) managing the research and basin studies into petroleum systems in Western Australia. In 2011, Jeff took up the role of Director of Technology, Petroleum and Geothermal, overseeing the regulatory management of Western Australia's upstream petroleum industry. He was appointed as Executive Director Petroleum in 2013 and Executive Director, Geological Survey and Resources Strategy in 2018.



**Phil Gorey**  
Deputy Director  
General, Resource  
and Environmental  
Regulation Group

(1 July 2021 to 13 May 2022)

In 2009, Phil Gorey joined the former Department of Mines and Petroleum which is now part of DMIRS, and has experience in the areas of policy, planning and regulation for natural resource development. Phil has worked in technical and policy roles relating to natural resource management and development in State Governments in Victoria and South Australia, in addition to the private sector in Western Australia.

Secondment to Department of Jobs, Tourism, Science and Innovation (JTISI) commenced 16 May 2022.

# Our Groups

## Safety Regulation Group



This Group oversees the regulatory and policy requirements of workers' health and safety in the resources and general industries sectors, and safety legislation for dangerous goods, including the State's major hazard facilities, and petroleum operations.

Safety Regulation is also responsible for the coordination, governance, and consistent management of public sector labour relations, and shapes and implements labour relations policy and legislative reform. It assists private sector employers and employees in understanding and achieving compliance with Western Australian employment laws.

Safety Regulation plays a significant part in building and strengthening Western Australia's economy, by ensuring that one of the State's most significant assets, its workforce, operates in a healthy and safe environment where workers' rights are protected.

## Resources and Environmental Regulation Group



This Group is responsible for the regulation of one of Western Australia's largest industry sectors, playing a critical role in building the State's economy and ensuring resources are developed in a sustainable and responsible manner.

Resource and Environmental Regulation oversees the regulatory and policy requirements of the resources sector in all areas with the exception of worker safety. This includes managing a system for mineral titles and approval of mining associated activities. This Group also delivers the department's geoscience functions, which provide geoscientific data to understand the State's mineral and petroleum resources, reduce risk for explorers and increase the attractiveness of Western Australia as a destination of choice for resource companies.

## Industry Regulation and Consumer Protection Group



This Group works towards ensuring that there is a fair trading environment for Western Australian consumers and traders and that building, plumbing, gas and electricity services are safe.

This Group ensures there is a fair, safe and equitable marketplace by applying the Australian Consumer Law and other trading and occupational legislation, as well as setting and enforcing the licensing and technical safety requirements, standards and legislation for the building, plumbing, gas and electrical industries. Since January 2022, service delivery functions including licensing services, legal counsel, customer information and communications also sit within this Group.

## Strategic Business Innovation Group



This Group supports DMIRS in building high performance and achieving its strategic and operational objectives.

It does this by focusing on whole-of-department strategic capability, fostering innovative thinking and maximising digital delivery. The Group is responsible for: creating vision and strategies; leading whole-of-government regulatory reform; providing specialist advice to add value and improve the department's operations; controls; corporate performance reporting and risk management.

## Corporate Services Group



This Group offers specialist advice, effective business systems and internal controls to assist the department in achieving its strategic and operational objectives.

This includes financial services, human resources, corporate information, assets services, ministerial liaison and Office of the Director General.

We have looked forward by

# living our values



## Forward thinking

We foster innovative thinking to plan for the future and actively embrace change.



## Ethical

We act with honesty and integrity.



## Respectful

We are always courteous and considerate to others, regardless of beliefs, backgrounds or abilities.



## Responsive

We adapt to change, act on concerns, and provide information in a timely manner.



## Fair

We treat people equitably and act without judgement or bias.



## Transparent

We are open and accountable in what we do.

# DMIRS at a glance

## Who are we?

We are the Department of Mines, Industry Regulation and Safety. Our Director General, Richard Sellers and 1,686 staff have looked forward throughout 2021–22 to continue working towards our purpose of supporting a safe, fair and responsible future for the Western Australian community, industry and resources sector.



**1,686**

staff

▼ **2.4%** from 2020–21

**32%** aged > 55 years

**16%** aged < 34 years



**5**

metropolitan offices, and

**12**

regional offices across the State.



We support and protect Western Australian communities, industries, workers and consumers.



Over **100**

pieces of legislation was administered by the department during 2021–22.



We provide licensing services for

**7**

statutory authorities.

We listen, engage and work collaboratively with stakeholders to benefit Western Australia

## Our strategic intent approach

To view the ways we maximise our impact as a regulator, services provider and policy maker refer to pages 26–46.



Regulator



Service Provider



Policy Maker



**70**

different countries identified by our staff as their 'country of origin'.



**16%**

representation of staff who are diverse culturally and linguistically.



**16**

age of our youngest staff member, a school based trainee.



**84**

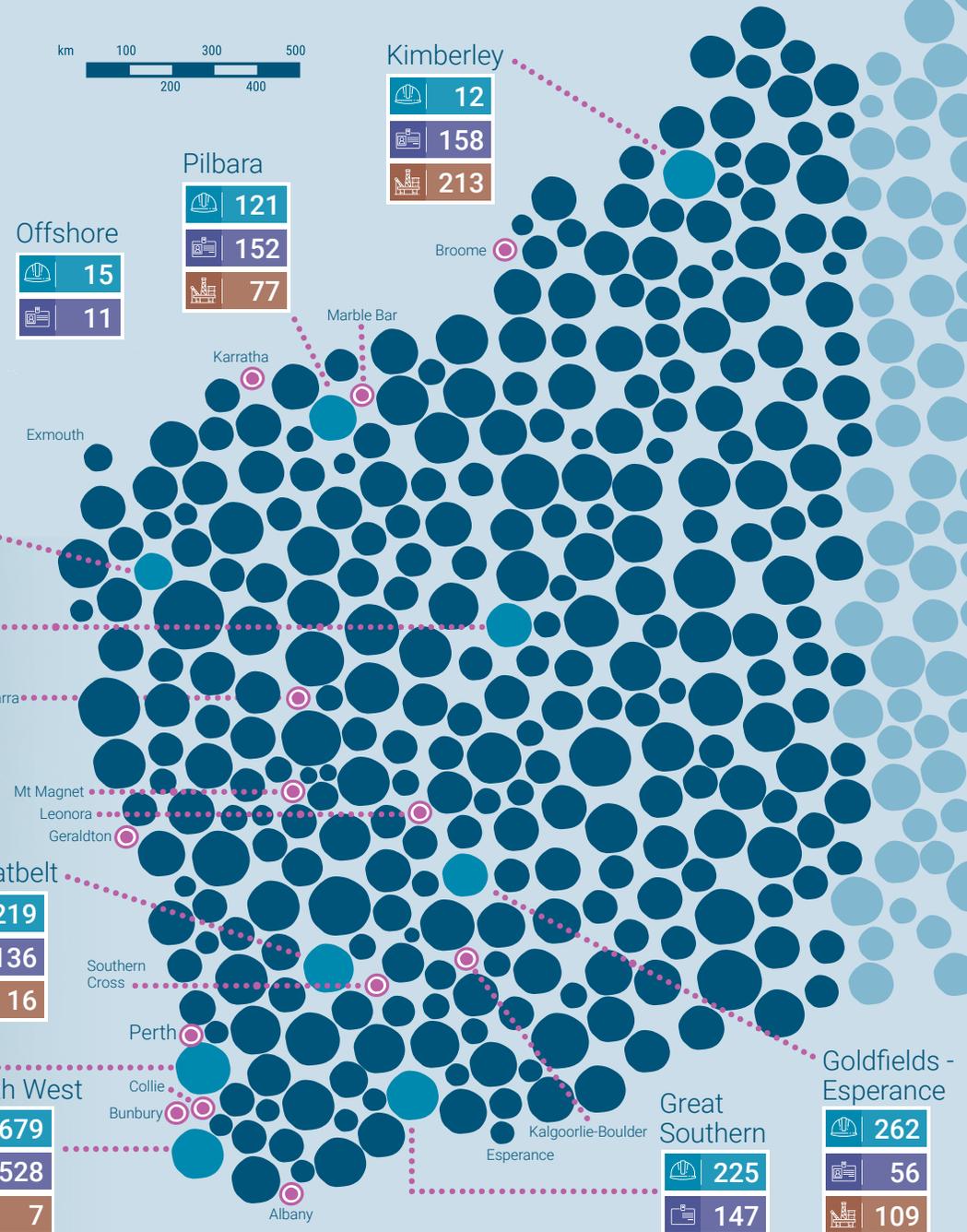
age of our oldest staff member.

## Working together across WA – office locations

Our offices are located around Western Australia for the convenience of our customer and are flagged on the map with a . To demonstrate the widespread provision of our services across the State, the number of visits<sup>1</sup>, for Safety Regulation Group<sup>2</sup>, Industry Regulation and Consumer Protection Group<sup>3</sup> and Resources and Environmental Group is shown on the map below.

- 1 Visits include inspections, complaint investigations and audits conducted in a regional post code by a DMIRS staff member.
- 2 Excludes industrial relations, mineral exploration and petroleum safety.
- 3 Not all entries had suburb information available. Visits where suburb information was not available were excluded.

	<b>Safety Regulation Group</b>
	<b>Industry Regulation and Consumer Protection Group</b>
	<b>Resource and Environmental Regulation Group</b>



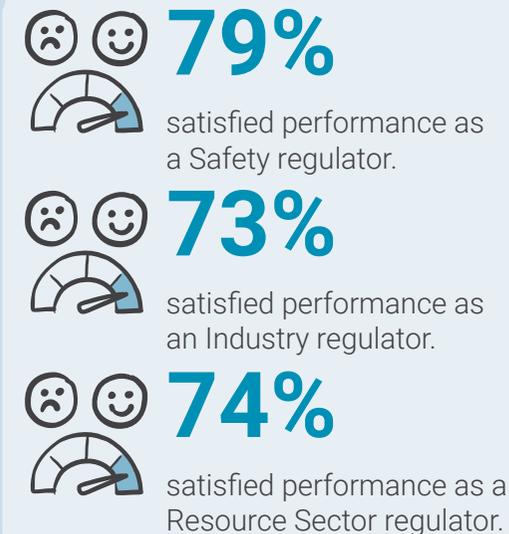
# Stakeholder satisfaction summary

DMIRS has an ongoing commitment to improving stakeholder satisfaction that is also reflected in our Strategic Intent. We undertake an annual stakeholder satisfaction survey to measure satisfaction with DMIRS as an effective resource sector and industry regulator for KPI reporting, and for the last two years as a safety regulator for internal reporting purposes.

The results from the 2022 DMIRS stakeholder satisfaction survey were positive overall. Across almost all performance indicators, the results are either consistent with, or slightly improved from the 2021 survey.

Areas of strength based on feedback from stakeholders related to staff conducting themselves in a professional, courteous, and ethical manner, as well as provision of sufficient information in a helpful format. The appropriateness of regulations and legislation for the adequate protection of consumers and workers, the environment, and safety and health were also rated highly overall.

The key improvements that will drive enhanced perceptions are being seen to enforce regulations in a fair and evidence-based way, having the right policies in place, and improving timeliness of processes.



## Key findings (strengths):

- ▶ 75 per cent agreed that staff behaved in a professional and courteous manner, ▲ 3 per cent.
- ▶ 73 per cent agreed that we provided reliable and accurate information, ▲ 6 per cent.
- ▶ 72 per cent agreed that we provided information in a format that is helpful to them, ▲ 5 per cent.
- ▶ 72 per cent agreed that we have appropriate regulations and legislation to achieve adequate levels of safety and health, ▲ 5 per cent.
- ▶ 71 per cent agreed that we provide sufficient information for their needs, ▲ 3 per cent.
- ▶ 69 per cent agreed that staff conduct themselves with high ethical standards, ▲ 2 per cent.

## Key findings (challenges):

- ▶ Community members were more dissatisfied with DMIRS as a regulator than other groups; resources sector regulation 18 per cent dissatisfied - industry regulation 25 per cent dissatisfied.
- ▶ Stakeholders who made a complaint or reported an incident tended to rate DMIRS lower overall, across regulation, operations, and staff performance.
- ▶ 19 per cent disagreed that we have easy to follow processes, ▼ 3 per cent.
- ▶ 18 per cent disagreed that we have easy to use online systems, ▼ 3 per cent.
- ▶ 23 per cent disagreed that we have timely processes, ▼ 5 per cent.
- ▶ 21 per cent disagreed that we provided information and education so that the community knows what DMIRS does, when and how to contact, ▼ 6 per cent.

# Engaging with our stakeholders

The department listens, collaborates, informs and works with a wide range of stakeholders and participates in various committees, working groups and boards to improve outcomes that benefit Western Australia and its citizens. Below are some examples of stakeholder engagement across the business (not mentioned elsewhere in the report).

Worked with local governments to identify abandoned mine features and collate site specific data which will inform remediation of significant risks near schools.

Worked with DFES to image the deep crust and mantle lithosphere of the South West to locate and inform on local seismic activity and hazards.

Worked on WaterSmart Farms projects with DPIRD to identify brackish fractured-rock aquifers, a growing source of groundwater in the Wheatbelt.

Developed a new advocacy service to support vulnerable tenants facing homelessness.

Provided regulatory advice on mine rehabilitation to the Conservation Council of Western Australia.

## Our stakeholders

- Ministers, Federal, State and Local governments and agencies
- Commissioners and organisational heads
- Non-government organisations
- Business owners and incorporated businesses
- Industry and consumers
- Workplaces, workers, unions and public sector employees
- Professional associations and representative bodies
- Traditional owners, landowners and pastoralists
- Universities and research institutions and schools
- Traditional and social media
- Statutory authorities and bodies

Member of the Heads of Workplaces Safety Authorities (national).

Worked with schools and universities to promote consumer rights through stalls at open days and presentations in class.

We are members on various Economic Regulation Authority committees.

Undertook media interviews and have regular slots with 6PR and ABC Perth Drive to discuss consumer and licensing matters, abandoned mine features and the potential for rare earth element resources.

Worked with the plumbing industry to develop guidance notes for drainage plumbing diagrams and performance solutions.

## Administered legislation

[Architects Act 2004](#)

[Associations Incorporation Act 2015](#)

[Auction Sales Act 1973](#)

[Barrow Island Royalty Trust Account Act 1985](#)

[Barrow Island Royalty Variation Agreement Act 1985](#)

[British Imperial Oil Company, Limited \(Private\) Act 1925](#)

[Building Act 2011](#)

[Building and Construction Industry \(Security of Payment\) Act 2021](#)

[Building Services \(Complaint Resolution and Administration\) Act 2011](#)

[Building Services \(Registration\) Act 2011](#)

[Building Services Levy Act 2011](#)

[Business Names \(Commonwealth Powers\) Act 2012](#)

[Business Names Act 1962](#)

[Charitable Collections Act 1946](#)

[Chattel Securities Act 1987](#)

[Churches of Christ, Scientist, Incorporation Act 1961](#)

[Coal Miners' Welfare Act 1947](#)

[Commercial Tenancies \(COVID-19 Response\) Act 2020<sup>4</sup>](#)

[Commercial Tenancy \(Retail Shops\) Agreements Act 1985](#)

[Competition Policy Reform \(Taxing\) Act 1996](#)

[Competition Policy Reform \(Western Australia\) Act 1996](#)

[Conspiracy and Protection of Property Act of 1900](#)

[Construction Contracts Act 2004](#)

[Construction Industry Portable Paid Long Service Leave Act 1985](#)

[Co-operatives Act 2009](#)

[Credit \(Administration\) Act 1984](#)

[Credit \(Commonwealth Powers\) Act 2010](#)

[Credit Act 1984](#)

[Dangerous Goods Safety Act 2004](#)

[Debt Collectors Licensing Act 1964](#)

[Decimal Currency Act 1965](#)

[Disposal of Uncollected Goods Act 1970](#)

[Distress for Rent Abolition Act 1936](#)

[Dividing Fences Act 1961](#)

[Electricity Act 1945](#)

[Employment Agents Act 1976](#)

[Employment Dispute Resolution Act 2008](#)

[Energy Coordination Act 1994<sup>5</sup>](#)

[Energy Safety Act 2006](#)

[Energy Safety Levy Act 2006](#)

[Fair Trading Act 2010](#)

[Finance Brokers Control Act 1975](#)

[Fremantle Buffalo Club \(Incorporated\) Act 1964](#)

[Gas Standards Act 1972](#)

[Gas Supply \(Gas Quality Specifications\) Act 2009<sup>6</sup>](#)

[Growers Charge Act 1940](#)

[Hire-Purchase Act 1959](#)

[Home Building Contracts Act 1991](#)

[Industrial Relations Act 1979](#)

[Land Valuers Licensing Act 1978](#)

[Law Reform \(Common Employment\) Act 1951](#)

[Limited Partnerships Act 2016](#)

[Long Service Leave Act 1958](#)

[Metric Conversion Act 1972](#)

[Minerals Research Institute of Western Australia Act 2013<sup>7</sup>](#)

[Mines Safety and Inspection Act 1994](#)

[Minimum Conditions of Employment Act 1993](#)

[Mining \(Validation and Amendment\) Act 1986](#)

[Mining Act 1978](#)

[Mining On Private Property Act 1898](#)

[Mining Rehabilitation Fund Act 2012](#)

[Motor Vehicle Dealers Act 1973](#)

[Motor Vehicle Repairers Act 2003](#)

[New Tax System Price Exploitation Code \(Taxing\) Act 1999](#)

<sup>4</sup> This Act was repealed on 28 March 2022.

<sup>5</sup> Pt.2 and 3 only; remainder of Act administered by the Minister for Energy principally assisted by Energy Policy WA.

<sup>6</sup> Pt. 5 Div. 2 only; remainder of Act administered by the Minister for Energy principally assisted by Energy Policy WA.

<sup>7</sup> Administration of this Act was moved to the Minerals Research Institute of Western Australia. Government gazette 21 December 2021 No 218 SPECIAL.

[New Tax System Price Exploitation Code \(Western Australia\) Act 1999](#)

[Occupational Safety and Health \(Validation\) Act 1998](#)

[Occupational Safety and Health Act 1984<sup>8</sup>](#)

[Offshore Minerals \(Consequential Amendments\) Act 2003](#)

[Offshore Minerals \(Registration Fees\) Act 2003](#)

[Offshore Minerals Act 2003](#)

[Offshore Petroleum \(Royalty\) Act 2006<sup>9</sup>](#)

[Offshore Petroleum and Greenhouse Gas Storage Act 2006<sup>9</sup>](#)

[Personal Property Securities \(Commonwealth Laws\) Act 2011](#)

[Petroleum \(Submerged Lands\) Act 1982](#)

[Petroleum \(Submerged Lands\) Registration Fees Act 1982](#)

[Petroleum Act 1936](#)

[Petroleum and Geothermal Energy Resources \(Registration Fees\) Act 1967](#)

[Petroleum and Geothermal Energy Resources Act 1967](#)

[Petroleum and Geothermal Energy Safety Levies Act 2011](#)

[Petroleum Pipelines Act 1969](#)

[Petroleum Products Pricing Act 1983](#)

[Petroleum Retailers Rights and Liabilities Act 1982](#)

[Petroleum Titles \(Browse Basin\) Act 2014](#)

[Plumbers Licensing Act 1995<sup>10</sup>](#)

[Public and Bank Holidays Act 1972](#)

[Real Estate and Business Agents Act 1978](#)

[Residential Parks \(Long-stay Tenants\) Act 2006](#)

[Residential Tenancies \(COVID-19 Response\) Act 2020<sup>11</sup>](#)

[Residential Tenancies Act 1987](#)

[Retail Trading Hours Act 1987](#)

[Retirement Villages Act 1992](#)

[Safety Levy Amendment Act 2020](#)

[Sale of Goods \(Vienna Convention\) Act 1986](#)

[Sale of Goods Act 1895](#)

[Settlement Agents Act 1981](#)

[Street Collections \(Regulation\) Act 1940](#)

[Ticket Scalping Act 2021](#)

[Transfer of Incorporation \(HBF and HIF\) Act 2009](#)

[Work Health and Safety Act 2020<sup>12</sup>](#)

<sup>8</sup> This Act was repealed on 31 March 2022.

<sup>9</sup> Administered on behalf of the Commonwealth.

<sup>10</sup> Changes to the responsible Minister for the *Plumbers Licensing Act 1995* was gazetted on 21 December 2021. Previously DMIRS was responsible for Part 5A only.

<sup>11</sup> This Act was repealed on 29 March 2022.

<sup>12</sup> This Act replaced the work health and safety elements of the following Acts, covering mining and petroleum – *Mines Safety and Inspection Act 1994*; *Petroleum and Geothermal Energy Resources Act 1967*; *Petroleum (Submerged Lands) Act 1982*; *Petroleum Pipelines Act 1969*.



# Performance management framework

The Western Australian public sector performance management framework is referred to as Outcome Based Management (OBM). Our OBM reflects the department's contribution towards our government goals and purpose.

