









During 2023, the department created a values champion poster series. The posters were intended to be a personalised and informal way to explore and to demonstrate how we align with our corporate values, of being respectful, responsive, forward-thinking, transparent, fair, and ethical.

Each champion reflected on what the values meant to them, and how they demonstrate it as part of their day-to-day role. The posters are periodically refreshed with new champions and displayed within DMIRS offices to encourage our values in our staff.



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



# Respectful

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



## Fair

We treat people equitably and act without judgement or bias.



## Ethical

We act with honesty and integrity.



# Responsive

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



# Transparent

We are open and accountable in what we do.



# Message from the Director General



# kaya wandju

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

Together we have progressed and achieved many goals for a busy 2022–23 and I continue to be proud of the work we are doing to bring positive outcomes for the State and the people in the community.

DMIRS is an enabling department and our work contributes to supporting a safe, fair and responsible future for the Western Australian community, industry, energy and resources sector

While our functions are diverse in nature, we have a shared commitment to lead with integrity, deliver outcomes and constantly improve our services.

Detailed in this report are some of the many successes and achievements we have had over the year. These achievements would not be possible without our staff of whom I am immensely proud.

We are continuing to refine our structure and improve capability to use our resources efficiently. This year we commenced an external structural review, expanded our Leadership Group, continued implementing the outcomes of the Agency Capability Review and finalised a range of actions from other reviews and audits.

I would like to acknowledge our many partners and stakeholders across Western Australia who have assisted us in both our change processes and ongoing programs.

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 2022 to 30 June 2023 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 linked our content throughout the report to the Public Sector Commission's nine governance principles.



Government and public sector relationship



Management and oversight



Organisational structure



Operations



Ethics and integrity



People



Finance



Communication



Risk management

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 to demonstrate the status.

#### Key:

#### **Exceeding target:**

above A

 $\circ$ r

below V

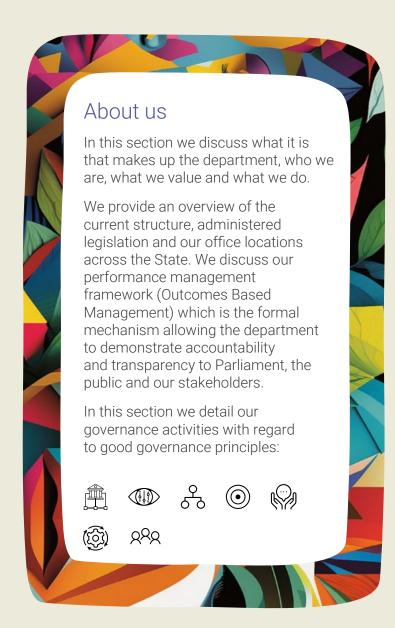
#### Did not meet target:

above A

or

below V

Met target (variance ± 5 per cent):



### Our performance

In this section we discuss our achievements for the reporting year highlighting various activities undertaken, how we have collaborated with our stakeholders and other state government agencies and progressed legislative and regulatory changes. We celebrate Consumer Protection turning 50, the success of the Esperance energy supply transition from gas to electricity and the implementation of the credit card data security standards.

## Significant issues

In this section we cover the current and emerging issues and trends that have impacted the department during the year. Discuss our progress to modernise legislation and standards to protect the people and businesses of Western Australia. Also includes outline of our responses to external reviews and progress on the *Enough* is *Enough* report recommendations.

# Financial statements

In this section we provide a transparent view of our financial position and performance as a State Government department. Our Key Performance Indicators are also covered in this section along with the independent Auditor's report.

# Disclosures and legal compliance

In this section we cover our governance activities in relation to compliance and accountability, ethical conduct 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.

## **Appendices**

In this section we provide terminology, our Act specific reporting and some of the legislative changes progressed throughout the year.

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











































## **Expanding DMIRS leadership**

#### Increasing the Executive Leadership Group

In 2022–23, our leadership structure changed to build upon our existing governance and decision-making processes.

A new Director Finance (Chief Finance Officer) position was created and filled in January 2023 and commenced as a member of our Executive Leadership Group.

The structural change to the Safety Regulation Group was made to best enable the delivery of the government's intent of having a single regulator in place for workplace safety in all industry sectors. As a result, a Deputy WorkSafe Commissioner role was created in March 2023, reporting directly to the WorkSafe Commissioner as well as forming part of the Executive Leadership Group.

The Corporate Executive continues to include the Director General and Deputy Director Generals, with our Executive Leadership Group expanded to also incorporate the:

- Executive Director Corporate Services;
- Executive Director Strategic Business Innovation;
- Director Finance (Chief Financial Officer);
- WorkSafe Commissioner:
- · Deputy WorkSafe Commissioner;
- · Executive Director Building and Energy; and
- Executive Director Consumer Protection.

The new position of General Manager Communications and Engagement also maintains a regular observer role within the Executive Leadership Group.

### Diversity in our leadership styles

At DMIRS we value diversity in our staff and leaders, which extends to different and complementary styles of leadership that further promote diversity and inclusion throughout the department. The department's flagship leadership program, the Management Excellence Development Program and the Learn Explore and Do programs are designed to provide staff with essential skills, knowledge and strategies to operate effectively in a leadership

role and build individual

leadership capability.

team-oriented consultative responsive inspires passionate dependable creative engaged visionary encouraging intuitive respectful strategic-outlook energetic constructive constructive approachable insightful considered empowering



Back row: Marka Haasnoot, Saj Abdoolakhan, Julie de Jong, Jeremy Kwong, Trish Blake, Sally North Front row: Andrew Chaplyn, Kristin Berger, Richard Sellers, Ian Munns, Jai Thomas

Inset photo: Darren Kavanagh – Independent WorkSafe Commissioner

The Executive Leadership Group continues to meet regularly to discuss strategic issues, review and action submissions and make key decisions.



## **Organisational structure**

To ensure the department remains efficient, effective and fit for purpose, its structure is periodically reviewed.

- a) Energy Policy WA joined DMIRS from 1 July 2022.
- b) Jeff Haworth Acting Deputy Director General Resource and Environmental Regulation retired 1 August 2022.
- c) Phil Gorey Deputy Director General Resource and Environmental Regulation formally ceased in this role on 19 September 2022 to take a permanent role at Department of Jobs, Tourism, Science and Innovation after a six month secondment.
- d) Andrew Chaplyn Deputy Director General Resource and Environmental Regulation initially acting in the role from 1 August 2022, formally appointed 04 May 2023.
- e) Jai Thomas Deputy Director General Energy Policy initially acting in the role from 1 July 2022, formally appointed 1 November 2022. Prior to amalgamation Jai was the CEO of Energy Policy WA.
- f) Creation of WorkSafe Group and Corporate Services and Labour Relations Group effective 20 March 2023.
- g) Ian Munns Deputy Director General Safety Regulation changed role to Deputy Director General Corporate Services and Labour Relations from 20 March 2023.
- h) The WorkSafe Commissioner is a statutory appointment, independent from DMIRS and is responsible to the Minister.











Energy Policy

Jai Thomas **Deputy Director** General

**Energy Policy Market Development** Energy Policy Strategic and **Consumer Policy** 

Strategic Business Innovation

Corporate Services and Labour Relation

Government Sector

Labour Relations

Private Sector Labour Relations



Darren Kavanagh

WorkSafe Commissioner

Petroleum Safety and Dangerous Goods

Service Industries and Specialists

WorkSafe

Safety. Resource and **Environmental Regulation Legal** 

Regulatory Support

Industrial and Regional

Investigations

Mines Safety



**Richard Sellers Director General** 



Kristin Berger **Deputy Director** General

**Building and Energy Consumer Protection** IRCP Legal Service Delivery



**Andrew Chaplyn Deputy Director General** 

Aboriginal Empowerment Geological Survey and Resource Strategy Resources and Environmental Compliance Resource Tenure

Resource and Environmental Regulation



## **Our Groups**



#### Resource and **Environmental Regulation**

The Resource and Environmental Regulation 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.

This Group oversees the regulatory and policy requirements of the resources sector, delivers the department's geoscience functions to provide geoscientific data to understand the State's mineral and petroleum resources, and administers the Aboriginal Empowerment Initiative, ensuring policies, practices and procedures around mining activities are developed in a culturally respectful way.



#### Corporate Services and **Labour Relations Group**

Corporate Services and Labour Relations Group supports the department to achieve its strategic and operational objectives. It brings together a range of corporate service functions, assists public sector employers in meeting their workforce and organisational objectives, and provides strategic advice, and education and compliance services on State employment laws.



#### Industry Regulation and Consumer Protection Group

Industry Regulation and Consumer Protection 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. The Department's service delivery functions including customer information, licensing services, as well as legal counsel also sit within this Group.



### WorkSafe Group

WorkSafe 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.

WorkSafe 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.



### **Energy Policy Group**

Energy Policy Group is responsible for the delivery of policy advice to the Minister for Energy to assist government in making well-informed decisions on the supply of secure, reliable, sustainable and affordable energy services to the Western Australian community. It also supports the Coordinator of Energy in their statutory responsibilities managing fuel, gas and electricity supply disruptions.

To ensure the department is a high performing, future-ready organisation, the Group fosters innovative thinking and maximises digital delivery. It is responsible for creating vision and strategies, audit and risk management, corporate performance monitoring and providing sustainable digital solutions. It also leads the department's whole-of-government regulatory reform activities.

## Performance management framework





**Government Goals** 



**Desired outcomes** 



**Key effectiveness** indicators



Key services



**Key efficiency** indicators

WA Jobs Plan:

Diversifying the WA economy, creating local jobs for the future.

Safe, Strong and Fair Communities:

Supporting our local and regional communities to thrive.

Supporting a safe, fair and responsible future for the community, industry and resources sector.

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

Stakeholder satisfaction with the department as an effective industry regulator.

Number of workrelated traumatic injury fatalities.

Resources advice and regulation.

Average cost of resource regulation per live title.

Industry advice and regulation.

Safety and labour relations advice and regulation.

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

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

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

Strong and Sustainable Finances:

Responsible, achievable. affordable budget management.

A sustainable, efficient, secure and affordable energy sector.

The extent to which policy and program development objectives for the year are achieved.

Development and implementation of energy policy.

Average cost of policy/ project development.

## **DMIRS** at a glance

#### Who are we?

We are the Department of Mines, Industry Regulation and Safety (DMIRS). Our purpose is to support a safe, fair and responsible future for the Western Australian community, industry, energy and resources sectors.

### Our Strategic Intent approach

To view the ways we maximise our impact as a regulator, services provider and policy maker refer to pages 26-47.

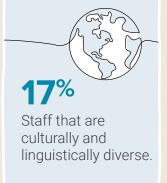
Over pieces of legislation were administered by the department during 2022-23.













## **Engaging with our stakeholders**

### 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, research institutions and schools

Traditional and social media

Statutory authorities and bodies

Community of WA



Consulted with Property Council of Australia and Retirement Living Council on stage 2 reforms to the Retirement Villages Act.

Worked with MTAWA to review industry guidelines for motor vehicle dealers and hosted a roundtable on odometer tampering.

Partnered with RSC to develop an education campaign focusing on underage use of eRideables.

Participated in Indigenous Land Use Agreements negotiation process.

Offered end-use customers of new and emerging alternative electricity services access to customer protections by developing the Alternative Electricity Services framework.

Hosted the quarterly cross-sector employee relations leaders' forum to discuss current and emerging issues in labour relations.

Member of Taskforce Cadena, headed by Australian Border Force to address criminal exploitation of foreign workers.

Regularly engaged with landowners and pastoralists as part of the application process of granting tenure for mining.

Worked closely with unions and employer associations to update processes for WA private sector awards.

Conducted 15 surveys across the mining industry on the topic of sexual assault and sexual harassment - 1400 responses received.

Worked with North Metro TAFE students to create Re:act social impact road safety awareness campaign aimed at 17-25 year olds.

## Stakeholder satisfaction survey

The DMIRS Stakeholder satisfaction survey has been conducted annually since 2019. This years' results were positive overall, consistent with the prior year and continuing an upward trend in satisfaction since 2019. Survey respondents were asked about different aspects of service provided by DMIRS staff. Key findings are provided below.

stakeholders responded.

77% satisfied with our performance as a Resource Sector regulator  $\triangle$  3 per cent<sup> $\wedge$ </sup>.

satisfied with our satisfied with our performance as an Industry regulator  $\triangle$  1 per cent^.

satisfied with our performance as a Safety regulator  $\triangle$  3 per cent<sup>\(\)</sup>.

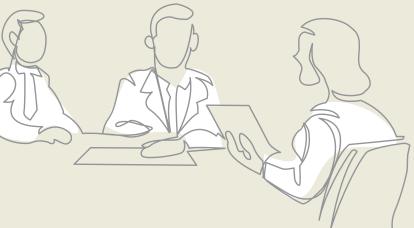
^ Compared to last year.

Satisfaction with DMIRS as a regulator was equal to or above previous survey results. While the total number of satisfied stakeholders was only marginally higher in 2023, these stakeholders were significantly more likely to feel strongly satisfied with DMIRS on each Key Performance Indicator.

Perceptions of DMIRS on a range of performance indicators are up substantially. Each year we ask a range of key diagnostic questions about DMIRS. Stakeholders rated DMIRS significantly higher on average across many outcomes related to the department's processes, policies and regulatory style. Stakeholders' views on the department's responsiveness to gueries and provision of information were particularly improved in 2023.

Satisfaction was once again lower for those who interacted with DMIRS to a) guery a ruling, b) make a complaint or report an incident, and/or c) seek assistance with consumer protection issues. This finding has been consistent since 2019, and represents a continued challenge to improving satisfaction amongst DMIRS stakeholders.





## **Administered legislation**

We assist the Ministers for Mines and Petroleum; Energy, Industrial Relations and Commerce in administration of the following Acts:

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 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 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

Dampier to Bunbury Pipeline Act 1997

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

Electricity Corporations Act 2005

Electricity Industry Act 20041

Electricity Transmission and Distribution Systems

(Access) Act 1994

**Employment Agents Act 1976** 

**Employment Dispute Resolution Act 2008** 

Energy Arbitration and Review Act 1998

**Energy Coordination Act 1994** 

Energy Corporations (Transitional and Consequential Provisions) Act 1994

Energy Operators (Powers) Act 1979

Energy Safety Act 2006

Energy Safety Levy Act 2006

Fair Trading Act 2010

Finance Brokers Control Act 1975

Fremantle Buffalo Club (Incorporated) Act 1964

Fuel, Energy and Power Resources Act 1972

Gas Corporation (Business Disposal) Act 1999

Gas Services Information Act 2012

Gas Standards Act 1972

Gas Supply (Gas Quality Specifications) Act 2009

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 Partnership Act 2016

Long Service Leave Act 1958

Metric Conversion Act 1972

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

National Gas Access (WA) Act 2009

New Tax System Price Exploitation Code

(Taxing) Act 1999

New Tax System Price Exploitation Code

(Western Australia) Act 1999

Occupational Safety and Health (Validation)

Act 1998<sup>2</sup>

Offshore Minerals (Consequential Amendments)

<u>Act 2003</u>

Offshore Minerals (Registration Fees) Act 2003

Offshore Minerals Act 2003

Offshore Petroleum (Royalty) Act 20063

Offshore Petroleum and Greenhouse Gas Storage

Act 20064

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

Public and Bank Holidays Act 1972

Real Estate and Business Agents Act 1978

Residential Parks (Long-Stay Tenants) Act 2006

Residential Tenancies Act 1987

Retail Trading Hours Act 1987

Retirement Villages Act 1992

Safety Levies 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>1</sup> Except parts 9A and 9B.

<sup>2</sup> An Act to validate certain acts, matters or things done or purported to be done under the *Occupational Safety and Health Act 1984* and to amend that Act. *The Occupational Safety and Health Act 1984* was repealed on 31 March 2022.

<sup>3</sup> Administered on behalf of the Commonwealth.

<sup>4</sup> Administered on behalf of the Commonwealth.





# **Shared responsibilities with other agencies**

The department contributed to the delivery of several whole-of-government and cross-agency initiatives, each of which had shared accountabilities for their successful implementation. The following initiatives were reported against the 2022-23 Resource Agreement for DMIRS.

Initiative	Working together	2022-23 Results
Mental Awareness, Respect and Safety program  Outcomes: Boost mental health, drug use and other health and safety issues in the mining industry.  Address workplace sexual harassment in the mining industry.  WorkSafe Group	Mental Health Commission  Minister for Women's Interests	See page 57 for more detail on the Mental Awareness, Respect and Safety (MARS) program.  In addition to the MARS program and under this initiative in the 2022–23 Resource Agreement, DMIRS contributes towards the development of a whole of government sexual violence prevention strategy. This strategy is being led by the Office of the Commissioner for Victims of Crime and Department of Communities.
Climate action Outcome: Coordination and analysis to maximise carbon sequestration. Resource and Environmental Regulation Group	Department of Water and Environmental Regulation	The Petroleum and Geothermal Information Management System (WAPIMS) assisting with compilation of key datasets such as; well deviation, velocity data and Log ASCII Standard files.  Compilation of all temperature data across the State.  Study of carbon offset technologies has been deferred to 2023–24 financial year.  See page 33 for more detail on CO <sub>2</sub> geological storage atlas.
Resourcing for sectoral resourcing emissions reduction strategies  Outcome: A sustainable, efficient, secure and affordable energy sector.  Energy Policy Group	Department of Water and Environmental Regulation	DMIRS provided electricity sector projections for the whole of government Sectoral Emissions Reduction Strategies project which is being led by the Department of Water and Environmental Regulation.  Engagement across government is continuing with regards to scenario analysis and policy development.
Supporting agencies to achieve 30 per cent reduction in emissions by 2030  Outcome: A sustainable, efficient, secure and affordable energy sector.  Energy Policy Group	Department of Water and Environmental Regulation Public sector agencies	The new position allocated for this deliverable commenced on 30 May 2023 and has begun scoping a work plan on energy efficiency and electrification for government agencies.





Initiative	Working together	2022-23 Results
Service improvement – second Perth Mining Warden  Outcome: Boost title compliance functions.  Resource and Environmental Regulation Group	Department of Justice	An Expenditure Review Committee submission was approved to fund a second mining warden in Perth. This warden was recruited and appointed in the 2022–23 financial year.  This has resulted in increased processing of contested mining applications.
Streamline WA  Outcome: Encourage investment in Western Australia by creating better ways of applying regulation.  Resource and Environmental Regulation Group; Energy Policy Group – Strategic Business Innovation	Departments of; Planning, Lands and Heritage Water and Environmental Regulation Biodiversity, Conservation and Attractions Treasury	DMIRS has implemented online lodgement of all departmental occupational licensing, modernising and streamlining the application process for the private and community sectors.  See page 36 for more detail.
Transfer of Royalties function, collection and administration  Outcome: Collection of Royalties for the State of WA.  Energy Policy Group – Strategic Business Innovation; Resource and Environmental Regulation Group	Department of Finance (Revenue WA)	DMIRS is continuing to work with the Department of Finance to progress the transfer of royalty collection and administration functions to Revenue WA.  For more detail refer to page 41.
Provide advice on impact of COVID-19 on tenancies  Outcome: Assist commercial and residential tenants and their landlords in relation to the impact of any COVID-19 lockdowns on their tenancies.  Industry Regulation and Consumer Protection Group	Department of Communities Small Business Development Corporation	There were no COVID-19 lockdowns in 2022–23 that impacted commercial and residential tenants and their landlords.
Fatigue and isolated drivers in the commercial vehicle sector  Outcome: A workplace operated in a safe and healthy manner.  WorkSafe Group	WA Police Force Main Roads WA	<ul> <li>24 stops.</li> <li>One improvement notice issued.</li> <li>The department continues to work with the WA Police Force and Main Roads on this initiative, however other workload pressures have resulted in fewer stops being conducted throughout the year. This initiative will continue in 2023–24.</li> </ul>





Initiative	Working together	2022-23 Results
State-wide cladding audit	Public sector agencies	Enforcement actions completed for 41 privately-owned buildings.
<b>Outcome:</b> Assist relevant WA public sector agencies to scope audits of their respective public buildings for identification of combustible cladding.  Industry Regulation and Consumer Protection Group	Public universities	Six have remediation works in progress.
		Five are well progressed in their remediation planning.
		Four state agencies with publicly-owned buildings require remediation.
		The department continues to provide assistance to these agencies and regularly publishes updates on the progress of remediation of publicaly and privately owned buildings.
Bush fire policy	Departments of;	Part of the inter-departmental working group.
Outcome: Implement reforms for bush fire policy.	Fire and Emergency Services	Ongoing monitoring of the operational of the bushfire accreditation
Industry Regulation and Consumer Protection Group	Planning, Lands and Heritage	framework.
		Assisted with development of new bushfire mapping standards and review of State planning policy 3.7: Bushfire and its associated guidelines.
		Released draft State planning policy 3.7: Bushfire and planning for bushfire guidelines for public comment and a revised bushfire map to support the public comment process.

