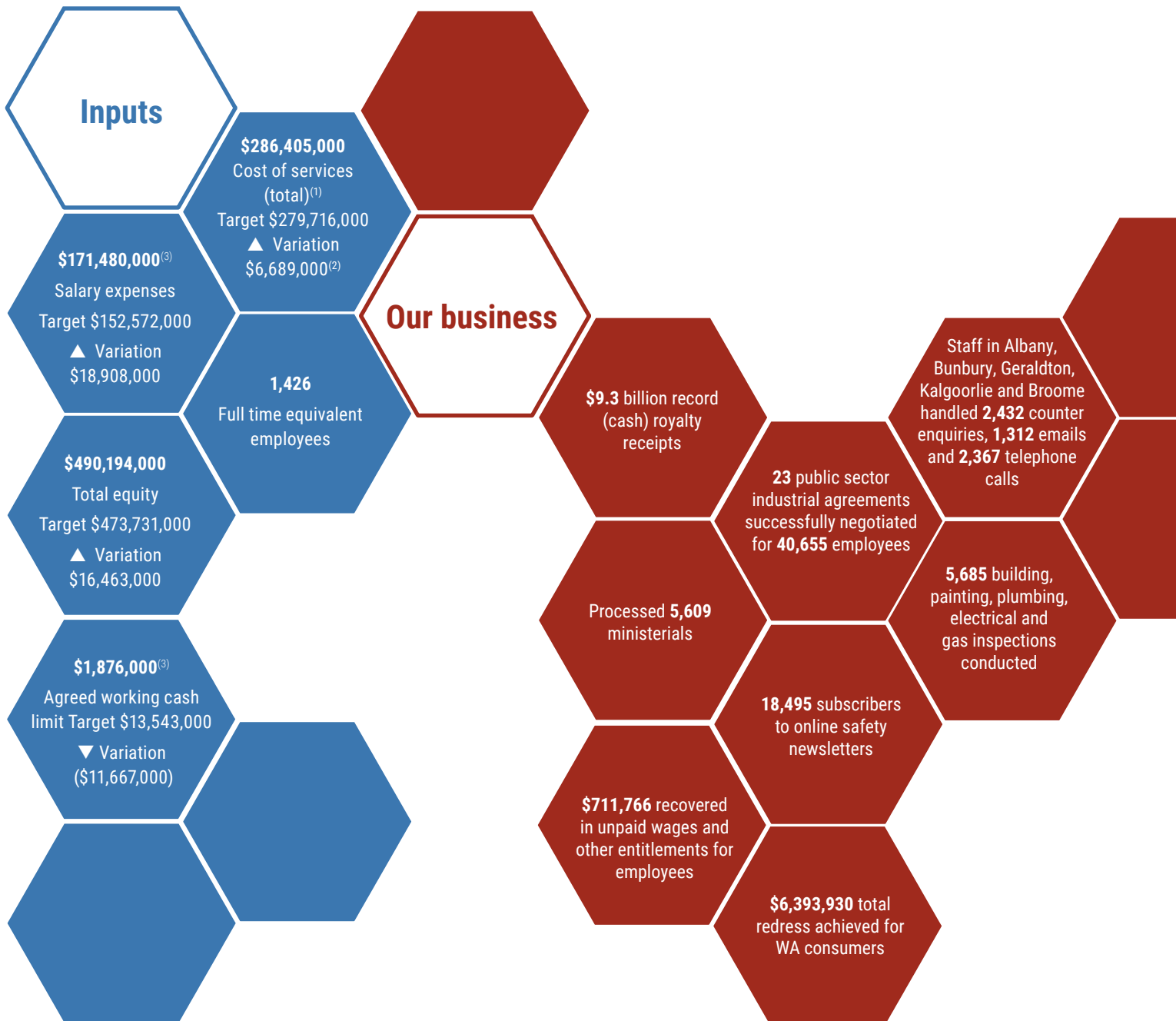


PERFORMANCE



Snapshot of our performance



Notes:

- (1) Net cost of services – Actual \$113,600,000, Target \$104,510,000 and Variation (\$9,090,000).
- (2) For explanation of variance between Actual and Target refer to note 8.12 of the Financial Statements.
- (3) Working cash actuals are reflected in the department's balance sheet, for explanation of variance refer to note 8.12 of the Financial Statements.

Accessible guidance on Reporting wage theft was developed to provide assistance to employees to resolve underpayment and unpaid leave, to report these occurrences anonymously and seek help

There was a significant **decrease in late royalty payments** due to strict compliance measures resulting in an additional **\$280 million** being collected during 2019–20

23 late royalty payments ▼ 56% from 30 June 2019

Snapshot of performance: customer centric service

Reviewed how we produced some licensing cards resulting in a reduction from \$10–\$15 to \$2 per card

An accessible campaign “**Your house, My home**” was run to promote the review period of the *Residential Tenancies Act 1987*. **245** consultation submissions were received by members of the community

Released an online resource to assist workplaces to understand **how human and organisational factors can affect how safely workers are able to do their jobs**

Launched an online hub with information to **protect and promote positive mentally healthy workplaces** for managers and workers including a self-audit tool and technical guide.

Finalised over 117,000 licence applications. 81% were finalised with in agreed time frames

WA Parliament passes laws to protect children from toppling furniture

Snapshot of performance: regulatory practice and reform

Over 4,000 employees have accessed the WA long service leave calculator launched in May 2020

Work Health and Safety Bill 2019 introduced to WA Parliament

Completed audit of privately-owned buildings with combustible cladding

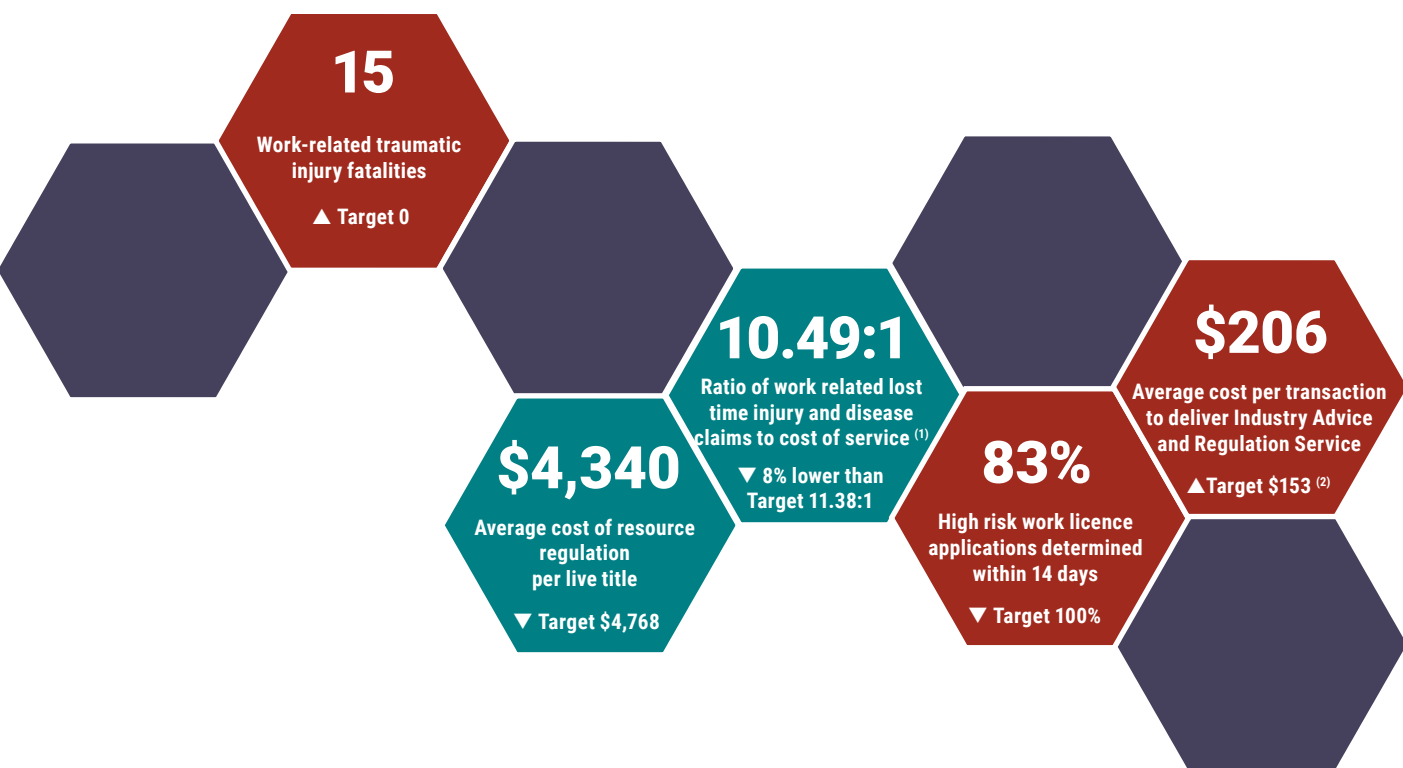
The Ticket Scalping Bill 2018 was considered by the Standing Committee on Legislation which reported in September 2019

Performance measures - snapshot

The department measures its performance through key performance indicators within our approved performance management framework. These KPIs assist in assessing achievement of outcomes and efficiency of services.

The stakeholder satisfaction was planned to be conducted for the second year, with the main purpose of the survey to ascertain the overall level of satisfaction with the department as an effective regulator in the resource and industry sectors. However, due to the COVID-19 emergency it was not considered appropriate to conduct the survey during a period when many of the department's stakeholders were being adversely impacted by trading and social restrictions. An exemption from reporting the results of KPI 1 and 3 was approved by the Under Treasurer.

KPI results have been summarised below, and for further information refer to the KPI Report on page 77 – 85.



Notes:

(1) The cost of Safety Advice and Regulation Service.

(2) The target for this KPI was based on a methodology which has since been refined, so the result is not comparable to the target.

Key

Performance indicator results are assessed in relation to a set target. The result is indicated by the colour of the hexagon and the direction of the arrow:

- ▾ Did not meet target
- ▾ Exceeded target
- ▲ or ▼ indicates direction of variance
- ▶ met target (variance ± 5%)

Case study



Microbialites Handbook sets new standard for the study of these unique fossils

A new DMIRS' publication summarising more than 50 years of geoscience research on Western Australia's microbialites is setting a new standard for the study of some of Earth's oldest fossils.

The department worked with the University of California Santa Barbara to develop GSWA Bulletin 147 Handbook for the study and description of microbialites.

The authors used the unique geology of Western Australia, which is known for its rich record of living and fossil microbialites, to study these life forms in conjunction with scientists from various disciplines. The handbook holds significance for researchers exploring early life here on Earth, and those working on modern examples.

The new publication also sets a benchmark for universal terminology and descriptive methodology for the study of microbialites, which includes stromatolites like those from the Shark Bay World Heritage site. This information provides specialist geologists and paleontologists worldwide with new field research tools and guidelines, which will influence and advance the study of these fascinating and distinctive formations for years to come.

Response to the COVID-19 pandemic

Launched the new DMIRS Strategic Plan – Response to the COVID-19 Environment

The COVID-19 pandemic has meant substantial health, social and economic challenges for the Western Australian community and resulted in significant changes for the department, requiring greater agility to continue to deliver services while adhering to advice from Government to protect the health and safety of our staff and the wider community. The uncertainty of the COVID-19 pandemic means we have had to adapt to new ways of working and continue to evolve to be more resilient, flexible and responsive during this environment.

In response to the pandemic, the Premier outlined new areas of priority for the Public Sector to help Western Australia on the road to recovery. The recovery phase aims to return Western Australia to a thriving, resilient and innovative community where we live, work and do business efficiently and effectively.

The Premier outlined three areas of focus for all Public Sector agencies:

1. Delivering critical frontline services and support functions;
2. Driving the State's COVID-19 response; and
3. Preparing for Western Australia's economic and social recovery.

To enable us to be dynamic, agile and prepared to respond with urgency to the COVID-19 pandemic recovery, we launched a new DMIRS Strategic Plan – Response to the COVID-19 Environment (Strategic Plan). In support of the direction of Government, the department made the decision to shift focus away from its current plan *Towards 2024* for the time being, to give priority to the new Strategic Plan for the recovery phase.

The new Strategic Plan was designed as a high-level framework to capture and drive the important work of the department and to allow us to quickly adapt our business model and planning, from the time the Premier announced the focus areas to the end of the recovery phase. In line with this, the department has reviewed and prioritised planned and future activities to be forward thinking and responsive, in order to play a role in Western Australia's social and economic recovery.

Using the department's new Strategic Plan as a blueprint, a snapshot of achievements in response to the COVID-19 pandemic have been mapped below:

1.

**Delivery of critical
frontline services and
support functions**

Our offices continued to operate throughout the COVID-19 pandemic, with no face-to-face services to safeguard our staff and customers. Alternative arrangements were put in place so customers were not inconvenienced. Safety measures were implemented before our counters were reopened to the public.

Changes to administrative processes were initiated to allow stakeholders the flexibility to meet requirements despite the difficulties that operating through the COVID-19 pandemic presented.

2.

Driving the State's COVID-19 response

- ▶ Adapting our business model by implementing measures to protect employee safety and health and the wider community.
- ▶ We are continuing to strengthen collaboration with other agencies with the development of two new General Orders (refer page 35) and a new form of COVID-19 leave (refer page 44).
- ▶ Chaired a National COVID-19 Urgent Response Group (refer page 48).
- ▶ Supporting Government relief measures such as the response to residential and commercial tenancies (refer page 37), administered residential rent relief grants (refer page 40) and mandatory conciliation for residential tenancies (refer page 40).
- ▶ Implementing Government's COVID-19 initiative to provide 12 months of relief from business and licensing fees for small and medium-sized businesses.
- ▶ Produced guidance on the safe use of electrical and gas equipment when working from home.
- ▶ Adopted various temporary measures relating to applications for suspension and extensions to work commitments required on petroleum titles.
- ▶ Took a supportive and educational approach to enforcing compliance.
- ▶ Prepared the *Commercial Tenancies (COVID-19 Response) Act 2020* and *Residential Tenancies (COVID-19 Response) Act 2020* (refer page 37).
- ▶ Since January 2020, the WorkSafe and Mines Safety Directorates have collectively received over 800 COVID-19 related enquiries.
- ▶ Responding to an increase of 18 per cent of the number of consumer complaints (refer page 49).
- ▶ Extending provisions and granting exemptions to assist incorporated associations and co-operatives (refer page 48).

3.

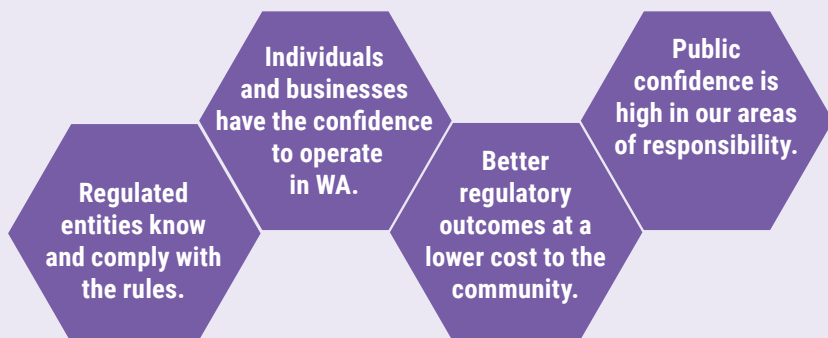
Preparing for Western Australia's economic and social recovery

- ▶ Tenement holders can apply for COVID-19 expenditure exemptions as part of the financial relief measures (refer page 49).
- ▶ Reviewed the safe operations of companies manufacturing hand sanitisers and highly flammable goods (refer page 34).
- ▶ Amendments to 22 sets of regulations across DMIRS are being drafted. The amendments are expected to be in place from early October 2020 to allow for the 12 month discount and for proportionate refunds, where fees have already been paid during the 12 month period.
- ▶ Accelerate exploration investment in the resources sector – additional investment to the Exploration Incentive Scheme to boost exploration opportunities and provide next generation geoscience information for Western Australia's resources sector.
- ▶ Other strategic measures to facilitate the long term recovery of the resources sector and the Western Australian economy (refer page 49).

Our key achievements

Regulator:

The following are key indicators of our success as a regulator:



Work Health and Safety Bill

During 2019–20 progress was made in relation to the adoption of the national model Work Health and Safety (WHS) laws in Western Australia, with the State Government introducing its Work Health and Safety Bill 2019 (WHS Bill) to the Parliament in November 2019.

The Government's intention is for the WHS Bill to provide a comprehensive and modernised structure for the administration of WHS laws in Western Australia. The underlying duty of care principles in the WHS Bill are consistent with existing occupational safety and health laws.

DMIRS supported the extensive consultation process to develop the WHS Bill. The consultation involved the Ministerial Advisory Panel for Workplace Safety Reform and its tripartite stakeholder representation and public consultation and information sessions. DMIRS officers have continued to provide extensive resources to the Government in refining the WHS Bill during the Parliamentary process.

Community consultation to support the Government develop its proposals for the Western Australia WHS regulations also required considerable DMIRS resources and expertise. To facilitate the three month community consultation process which ended in November 2019, DMIRS developed a consultation package and provided a number of community forums around regional Western Australia and the Perth metropolitan area. The package and forums provided information about the consultation process and encouraged stakeholders to make submissions.

The three sets of regulations proposed in the consultation package apply to workplaces generally in Western Australia, the mines sector, and the petroleum and geothermal energy sector.

The Minister for Mines and Petroleum; Energy; Industrial Relations is now considering the submissions received from stakeholders.



Release of new statutory guidelines for mining proposals and mine closure plans

New Statutory Guidelines for mining proposals and mine closure plans form part of the Government's broader range of reform initiatives to improve the approvals process for mining environmental approvals. The department reviewed the mandatory requirements for mining proposals and mine closure plans in response to industry feedback. The information from the existing [Mining Proposal Guidelines \(2016\)](#), [Mine Closure Plan Guidelines \(2015\)](#) and [Small Operations Mining Proposal and Mine Closure Plan Pro Forma](#) was restructured into the Statutory Guidelines and supporting guidance material so that each document in the package has a clear purpose and intent of how it is considered in the regulatory process.

The revised statutory guidelines prepared by the department took effect from Tuesday 3 March 2020 and are supported by an Environmental Objectives Policy and two guidance documents that provide further information on how to prepare a mining proposal and mine closure plan.

Parliament passes laws to protect children from toppling furniture

In March 2020, laws to allow renters to fix furniture to walls to prevent death or injury to children from toppling furniture passed through State Parliament.

The [Consumer Protection Legislation Amendment Act 2019](#) amends the [Residential Tenancies Act 1987](#) and means landlords must allow tenants who submit a request, to attach furniture to a wall to prevent a child, or a person with a disability, from being hurt or killed.

These important changes come after the tragic death of 21-month-old Reef Kite who was killed by a falling chest of drawers at his family's rental home in 2015. An inquest heard the furniture had not been secured to the wall because permission was not granted.

Amending tenancy law, in light of Reef's preventable death, was a recommendation of the Western Australian Coroner's report, delivered in November 2017.

"As well as the tragic death of Reef Kite in a rental home, toppling furniture has resulted in the deaths of at least 22 young children across Australia since 2001. I'm pleased the McGowan Government has been able to get these common-sense changes through Parliament to prevent injury and death in WA rental homes in future," the Hon. John Quigley MLA, Minister for Commerce stated.

The Act also makes a series of amendments to improve the administration of a range of occupational licensing schemes. These changes will assist real estate and settlement agents to better understand their obligations and manage their licensing applications online, as well as giving consumers improved access to property industry insurance and compensation schemes.



Minister Quigley with Dee Quartermaine, whose nephew Reef Kite was killed by a chest of drawers falling on him at a rental home in Yokine in 2015

Completion of Beldon electrical accident investigation

DMIRS concluded its investigation into the electrical accident that seriously injured a 12-year-old girl at a Beldon property in March 2018 and publicly released its report detailing the findings on 27 September 2019.

The [report](#) found that:

- ▶ the accident resulted from the failure of a neutral conductor that formed part of the aerial service cable which supplies electricity to the property;
- ▶ the 'open circuit neutral' fault occurred inside the mains connection box (MCB) attached to the roof of the property;
- ▶ the failure of the neutral conductor caused metallic parts connected to the electrical earthing system at the property, including the garden tap, to become electrically live, up to 230 volts; and
- ▶ the neutral conductor of the aerial service cable failed after it was subjected to prolonged heating.

Due to the damaged condition of the MCB, the investigation could not determine the exact cause of the heating and whether it started on the aerial service side or the consumer side of the MCB.

The release of the report received significant media coverage. Consumers were reminded about the importance of reporting electric shocks promptly to the network operators. Following the recommendations from the Director of Energy Safety, the Government approved a broader media campaign to urge consumers to report electric shocks (refer shocks and tingles campaign page [36](#)).

Hand sanitisers and flammable goods

During the COVID-19 pandemic, hand sanitisers were initially in short supply and businesses, such as breweries, distilleries and cleaning product manufacturers assisted by manufacturing sanitiser products.

Our DMIRS Dangerous Goods inspectors reviewed the safe operations of companies manufacturing these highly flammable goods.

As a result, business received guidance about safe flammable liquids handling which led to an increased understanding of hazardous atmospheres and flammability, building design and electrics necessary for the production of flammable liquids, and compliant packaging and labelling. Consumers were also alerted via the media about the safety hazards of alcohol-based hand sanitiser. Other state and federal safety regulators took similar actions.

State wide cladding audit

This year, we completed our audit of privately-owned buildings with combustible cladding. The audit was in response to the Grenfell Tower fire in London in June 2017 and an earlier fire in 2014 at the Lacrosse building in Melbourne.

The audit covered all Building Code of Australia Class 2, 3, 4 and 9 buildings over two-storeys, built or refurbished after 1 January 2001. These classes of buildings are considered high-risk as they typically include places; where people sleep (apartments, hotels and caretaker accommodation); that house vulnerable occupants (hospitals, nursing homes and child-care centres); or cater for high-occupancy events (entertainment venues and public buildings).

Of the 1,795 private buildings that were initially identified, only 52 required remedial work and these had been referred to the relevant local government permit authorities for enforcement actions. Owners of affected buildings were kept informed of the audit findings and we are continuing to work with local government permit authorities to monitor the progress of remediation work.

DMIRS also assisted State government departments, agencies and public universities with the coordination of assessing and responding to buildings with a combustible façade.

Case study

Proactive dangerous goods waste inspections and collaboration

The chemical waste disposal industry presents a range of challenges and came into the spotlight after the discovery of illegally stored chemical waste following a massive industrial fire at a Melbourne warehouse in 2018.

Collaboration with other State Government agencies led to a proactive inspection campaign to improve compliance with dangerous goods waste safety requirements. Joint agency inspections, enforcement actions and the development and review of guidance material raised awareness of dangerous waste safety issues. Key waste industry stakeholders increased their operational knowledge about safe dangerous goods management by attending DMIRS information sessions.

Compliance actions included multiple directions, remediation actions and the issue of infringement notices totalling \$15,000. Findings included a lack of dangerous goods awareness, dangerous goods receptacles in poor condition, and unsafe decanting and transfer of dangerous goods and flammable liquids.



A number of hazards can be identified from the two images, including inadequate packaging of corrosives and flammable liquids co-located with ignition sources



General Orders assist private employment in the Western Australian system

DMIRS' worked collaboratively with UnionsWA and the Chamber of Commerce and Industry WA to develop two new General Orders.

These new General Orders, issued by the Western Australian Industrial Relations Commission, implemented additional provisions on a temporary basis to assist State system private sector employers and employees with employment issues relating to the COVID-19 pandemic.

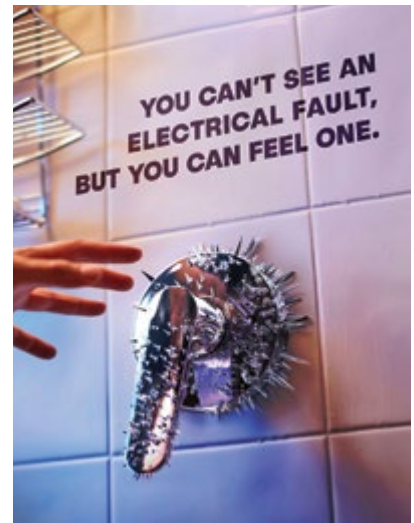
Campaigns to create safety awareness around electricity and gas

The department conducted two major safety awareness campaigns to raise public awareness about electrical and gas safety.

Shocks and tingles campaign

The department joined forces with Western Australia's two public electricity network operators, Western Power and Horizon Power, to launch a public campaign in January 2020 with the key message to encourage consumers to promptly report shocks, however minor, to their network operator. Any metallic surface, not just taps supplied from copper piping, bonded to the earthing system of an installation presents a shock hazard if the electricity supply neutral has a high resistance or is broken. Minor shocks and tingles from touching taps and appliances can be an early indicator of problems with the neutral and, if addressed early, could eliminate potentially fatal outcomes at a later date.

The campaign was conducted using various media including television commercials, billboards and digital and social media. The campaign was successful in gaining a high level of public interest and engagement.



Carbon monoxide safety campaign

This campaign was aimed at educating the public on the dangers of carbon monoxide (CO). While CO cannot be seen or smelt, all gas heaters can spill CO, a gas that can make a person seriously sick or cause a fatality. Leading into the winter months and as part of the CO Awareness Week (27 April to 3 May) the department conducted a campaign to highlight the risks with gas appliances that are not well maintained or not located in a room with adequate ventilation. The campaign promoted the message that all gas appliances should be checked and serviced by a licensed gas fitter or service agent at least every two years and if the appliance was more than 10 years old, it should be checked annually.

This campaign was conducted as a social media campaign through the Consumer Protection social media page. There were also interviews on ABC Radio and Noongar radio to engage with regional consumers.

Compliance with bushfire building requirements

In December 2015, significant bushfire planning and building reforms were introduced in Western Australia to address recommendations made by Mr Mick Keelty AO APM in his report of the inquiry into the Perth Hills bushfire of February 2011 that destroyed 71 homes and damaged a further 39.

The state-wide designation of bushfire prone areas introduced as part of these reforms, increased the number of dwellings required to comply with the bushfire construction requirements of the Building Code of Australia. For some parts of WA's building and construction industry, this may have been the first time they had been exposed to the bushfire construction requirements.

We have been monitoring how well the bushfire building standards and regulatory requirements introduced as part the reforms were being applied. The objective of its general inspection was to determine how well new residential buildings (dwellings) in designated bushfire prone areas were complying with the bushfire building requirements.

In March 2020, DMIRS released a report, [General Inspection Report Three: Bush fire building requirements in Western Australia](#), which details its findings. It is continuing to monitor compliance with the bushfire building requirements through its regular inspections and audits. We are also working closely with the Department of Planning, Lands and Heritage and the Department of Fire and Emergency Services to improve the State Government's bushfire policy framework as part of the Bushfire Framework Review 2019.

Ground control guidance supports Western Australian mining operations

The culmination of 10 years' research, industry input, public feedback and comment from other regulators resulted in the publishing of a useful code of practice and guideline to improve the safety of mining in Western Australia.

The Ground control for Western Australian mining operations code of practice (code) outlines the regulatory expectations for minimising workforce exposure to hazardous ground movements.

The principles described in the code applies to all mines (e.g. sand mines, rock quarries, open pits, underground) as defined in section 4(1) of the [Mines Safety and Inspection Act 1994](#) (MSI Act).

The Ground control management in Western Australian mining operations guideline (guideline) is structured to support a risk management approach for geotechnical hazards in accordance with the MSI Act and regulations.

The code will assist mine operators when considering geotechnical aspects in the safe design, construction, operation and closure of the mine workings for which they are responsible. Unsafe outcomes from unplanned ground control can cause injury or death, as falling loose rock, wall failure and cave-ins can strike, engulf or trap workers.

Ineffective ground control can also impact a mine's economic viability by damaging infrastructure, creating cost over runs and causing the dilution or loss of ore.

The code and guideline reflect DMIRS' ongoing commitment to working with industry and community to improve mine safety knowledge.

Andrew Chaplyn, Director, Mines Safety advised,

“The safety and health of mine workers continues to be a priority for DMIRS, and the ground control code and guideline build upon our recent initiatives such as FIFO mental health and diesel emissions.”

Case study

Response to COVID-19 – residential and commercial tenancies

In response to the recommendations of the National Cabinet to ban evictions for residential and commercial tenants during the COVID-19 pandemic, in April 2020 the [Residential Tenancies \(COVID-19 Response\) Act 2020](#) and the [Commercial Tenancies \(COVID-19 Response\) Act 2020](#) were urgently prepared to implement measures to assist tenants and landlords.

The [Residential Tenancies \(COVID-19 Response\) Act 2020](#) introduced:

- ▶ a moratorium on eviction for six months except in limited circumstances;
- ▶ a prohibition on rent increases during the emergency period;
- ▶ that any fixed term tenancy agreement due to expire during the emergency period will continue as a periodic agreement;
- ▶ relieving lessors of the obligation to conduct ordinary repairs if the reason they cannot do so is COVID-19 related financial hardship or a lawful restriction on movement; and
- ▶ enabling a tenant to end a fixed term tenancy prior to its end date without incurring break lease fees.

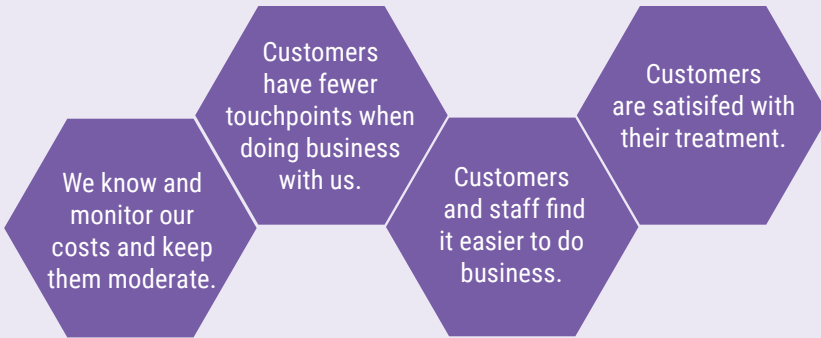
While tenants were unable to be evicted, they were required to pay rent or come to a negotiated arrangement with their landlord to either defer, make part payments or, if possible, have rent waived. The laws apply equally to tenants in public and private housing, park homes as well as boarders and lodgers.

A [WA code of conduct](#) was also implemented to guide commercial tenants and landlords in their negotiations – based on leasing principles of a national code. Each of the new laws provided for mandatory dispute resolution schemes to resolve disputes where agreements could not be reached.

Refer to page [40](#) for further information on rent relief and mandatory conciliation for residential tenancies.

Service provider:

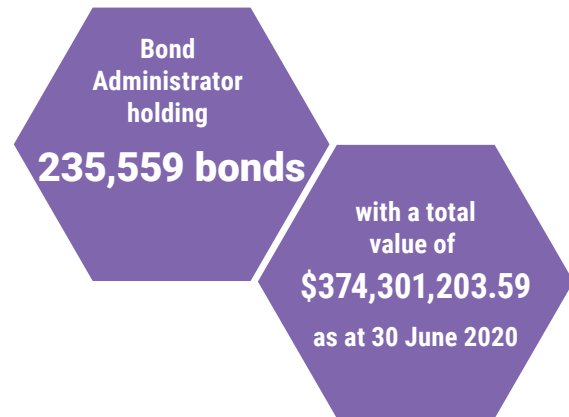
The following are key indicators of our success as a service provider:



Bonds Administration

All residential tenancy bonds relating to Western Australian tenancies and some for tenants living in residential parks must be lodged with the Bond Administrator.

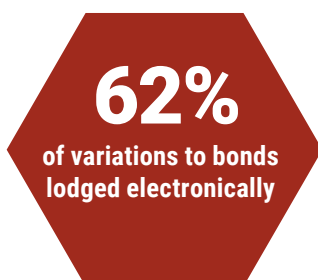
Our department regularly reviews the process for managing residential tenancy bonds and the associated IT systems that support that process. This is to ensure the user experience is enhanced by minimising transactional costs and improving the department's interaction with landlords, tenants and real estate agents.



Agent to Agent project

There have been a range of enhancements but notably in October 2019, changes were deployed which enable licensed agents to transfer bonds completely online and with minimal administrative requirements when management of a rental premises changes.

These changes have reduced processing time and provide an online option for real estate agents.

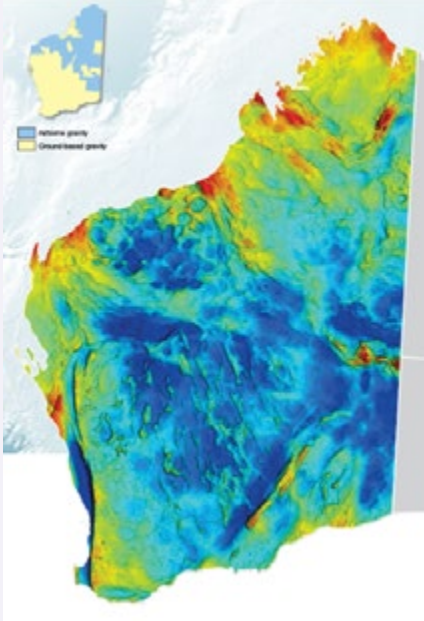


Bond Assistance Loans

The Department of Communities – Housing Division (Housing Authority) provides approximately \$5,000,000 in bond assistance loans (BAL) to eligible tenants annually, to assist in securing tenancies in the private rental market. A review of data held by the Bond Administrator suggested that 10-20% of these bonds are not lodged as required.

The department has been working together with the Housing Authority, to cross match tenant bond data and identify any BAL paid to landlords which were not subsequently lodged with the Bond Administrator.

During 2019–20, 713 enquiries were made into BAL payments, with \$262,004.55 subsequently lodged with the Bond Administrator. A number of Landlords identified through the BAL program were also found to be holding additional non-Housing Authority bonds resulting in an additional \$186,976.00 in bonds also being lodged with the Bond Administrator.



Whole-of-state Generation-2 gravity coverage

With support from Geoscience Australia through a National Collaboration Framework Agreement, in 2005 the former Department of Mines and Petroleum embarked on a systematic program of 'second-generation', regional, helicopter-assisted ground gravity surveys at a station spacing of 2.5 km — a 16-fold improvement of resolution over the first-generation Bureau of Mineral Resources data. In the second half of 2019, the department released the airborne gravity of the Pilbara covering 170,000 km². This represented the final piece of the Generation-2 gravity program for the State.

Second generation gravity map of Western Australia with the inset showing the area where ground-based and airborne acquisition occurred.

Mineral systems on the margins of cratons: Albany–Fraser Orogen/Eucla basement

Minerals Research Institute of Western Australia's (MRIWA) project M0470 was a three year (2017–2020) collaborative project with DMIRS and Curtin University, and was performed and delivered through the completion of three PhD projects.

The project was designed to further enhance and understand the mineral prospectivity of the Albany–Fraser region in the remote, and underexplored southern part of Western Australia.

Through innovative geochemical and isotopic analysis, the researchers have established that the high-grade metamorphic rocks of the Albany–Fraser region share an early history of geological development and mineralisation with the adjacent Yilgarn Craton. Distinctive patterns of sulfur isotopes preserve a record of the evolution and migration of multiple generations of ore fluids.

These insights help to define areas of the Albany–Fraser region that may be more prospective for gold and nickel mineralisation, as well as reducing exploration risk and encouraging investment in this under-explored area of Western Australia.

The results of this study were published as three PhD theses as well as a co-branded MRIWA–DMIRS report, the first of its kind, highlighting the benefits collaborative research.

The project has generated further exploration interest in the region, as well as a new MRIWA–DMIRS–Curtin research project 'M0470a A multi-scale approach to mineralisation in the Fraser Zone, Western Australia'.

Rent relief

The State Government made \$30 million available for Western Australian private residential tenants who lost their jobs and faced financial hardship due to the COVID-19 pandemic on or after 20 March 2020. The Residential Rent Relief Grant Scheme provided grants equivalent to four weeks' rent up to a maximum of \$2000 that was paid direct to landlords to assist tenants who were struggling to pay their rent after losing their jobs due to COVID-19.

Reacting quickly and positively, staff had seven days to develop a new online cloud-based, secure system from scratch that would be able to cope with unknown but suspected high volumes of applications.

The Residential Tenancies (COVID-19 Response) Act 2020 was not intended to relieve tenants of the obligation to pay rent. Rather it was a recognition that in the circumstances some tenants invariably faced difficulties in making rent payments and may have accrued rent arrears. It was in the best interests of all parties, including agents and property managers, that an agreed plan for the payment of any rent and arrears was reached.

A guide covering key issues for consideration when negotiating a rent repayment agreement was made available and DMIRS continued to develop additional resources to assist landlords and tenants negotiate their way through the difficulties faced.

Mandatory conciliation for residential tenancies

The Residential Tenancies (COVID-19 Response) Act 2020 also provided the Commissioner for Consumer Protection with new powers to conciliate tenancy disputes between landlords and renters during the specified COVID-19 emergency period.

The Residential Tenancies Mandatory Conciliation Service was established to help landlords and tenants who had a dispute arise from financial hardship caused by the economic effects of the COVID-19 pandemic. It was introduced by the WA Government to help landlords and tenants reach agreement about a relevant dispute without going to court.

Any party to such an agreement was able to make a submission to the Service, meaning that the Service was available to tenants, boarders and lodgers and also to landlords, park operators and property owners.

The goal of conciliation was for all sides to reach a fair and achievable solution through informal discussion.



Case study

DMIRS transitioning to a new geodetic datum

DMIRS is preparing for the introduction of the new Geocentric Datum of Australia 2020 (GDA2020) which is necessary to account for Australia's tectonic movement of about seven centimetres north east each year.

Since 2000, Australia has moved approximately 1.8 metres towards Indonesia, which requires the coordinate reference system to be changed. The upgrade will ensure spatial data can be closely aligned to positions observed using Global Navigation Satellite Systems.

DMIRS has been working closely with Landgate, the lead agency for GDA2020 implementation in Western Australia, to deliver systems changes and the appropriate policy and regulatory changes.

The department's top priorities are managing the update smoothly, maintaining certainty of tenure for all tenement holders, and ensuring our systems and data comply with the new national standard.

Work on streamlining administrative procedures for mining companies has been finalised making it easier for them to do business with us. DMIRS is also committed to drafting legislative amendments to the *Mining Act 1978* to introduce a single approval instrument to approve mining project activities across multiple tenements and to further reduce the administrative burden.

DMIRS expects to meet full compliance for the implementation of the GDA2020 on 1 October 2020.

Stratigraphic drilling in the Waukarlyarly Embayment, Southern Canning Basin

Drilling of the Waukarlyarly 1 stratigraphic drillhole began on 1 September 2019 in the Waukarlyarly Embayment on the south-western margin of the Canning Basin.

The drillhole position was strategically designed on information gathered from the 872 km long Kidson Seismic Survey line completed in 2018, and the drillhole reached a total depth of 2680.53 m on 30 November 2019.

This drilling project was funded by Geoscience Australia's Exploring for the Future Initiative with DMIRS participating as project operator. The department's post-well analysis is funded by the Exploration Incentive Scheme.

All the primary objectives of the Waukarlyarly 1 stratigraphic drilling project were successfully achieved. Continuous coring was completed from 580 to 2680.53 m, totalling 2095.09 m of core, with 99.7% recovery.

The predicted and actual formations and boundary depths contrasted markedly, which is not surprising because this was the first well to drill below the Permian in the embayment. A 500m thick sandstone found directly underlying the Permian.

A thick Lower Ordovician interval included 870m of fossiliferous shale containing trilobites, graptolites, brachiopods, bivalves, ostracods, nautiloids. These fossils and sedimentary formations will provide insight into the early deposition of the Canning Basin as well as an understanding of the regional basin tectonics, which is the focus of multiple mineral resource companies in the Paterson Orogen and a Minerals Research Institute of Western Australia M521 project.

Finally, over 50 different volcanic ash beds were intersected and provide a unique opportunity to precisely date the stratigraphy using geochronology which could lead to a change in the numerical age of the internationally recognised paleontological zones identified in the core.



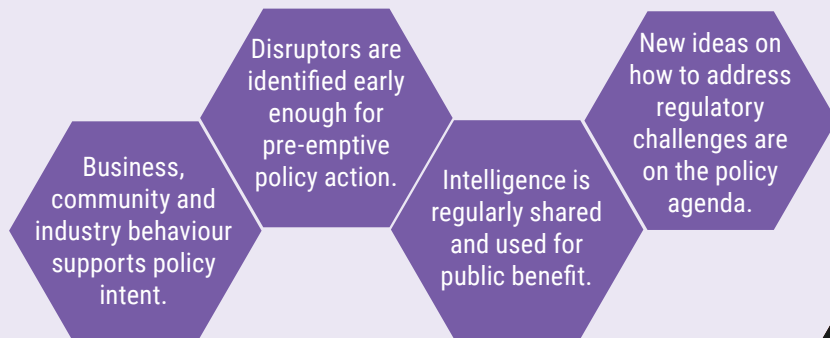
Around the clock DDH1 rig drilling Waukarlyarly 1



A trilobite tail (pygidium) with a prominent tail spine, preserved in part (right) and counterpart (left) from Canning Basin drillhole Waukarlyarly 1 @2111m depth

Policy maker:

The following are key indicators of our success as a policy maker:



Regulatory Reform

The department has embarked on various reform programs to implement business improvements for the delivery of better services and outcomes for Western Australians. These reform initiatives involve reviewing and improving practices internally, progressing many Government legislative reforms, as well as contributing to broader reform programs in collaboration with other public sector agencies to improve effectiveness and efficiency of service delivery for the community.

Our key reform initiatives included:

- ▶ cross-sector Regulatory Reform ([Streamline WA](#)) (refer right);
- ▶ security of payment reform for the building and construction industry (refer page [43](#));
- ▶ reforms to the building and construction legislation for both residential and commercial building approval process (refer to pages [43](#));
- ▶ plumbing registration reform (refer pages [43](#));
- ▶ development of new statutory guidelines for [mining proposals](#) and [mine closure plans](#) aimed to improve approval processes for mineral and energy resource activities (refer page [33](#));
- ▶ legislative reform including the passing of laws in Parliament to protect children from toppling furniture (refer page [33](#)); and
- ▶ Reform due to COVID-19 included:
 - ▶ The [Residential Tenancies \(COVID-19 Response\) Act 2020](#) and the [Commercial Tenancies \(COVID-19 Response\) Act 2020](#) were urgently prepared to implement measures to assist tenants and landlords (refer page [37](#)).
 - ▶ Development of new General Orders to assist private sector employment and public sector adaptive response to the COVID-19 environment (refer page [35](#)).

Cross-sector regulatory reform ([Streamline WA](#))

Mining Environmental Approvals Project

Working together with the Department of Water and Environmental Regulation (DWER) on the Mining Environmental Approvals project, that aims to explore and develop ways to improve the environmental approval process for mining projects. Through a range of collaborative workshops, Streamline WA has worked together with state and local government, industry, business, and community representatives to explore the key issues raised by industry and develop a range of practical and effective reform proposals. Progress on these reforms was achieved in a limited capacity during COVID-19, despite Streamline WA being on hold publicly. The first deliverable is expected in 2020–21.

Regulatory Practice and Culture Project

Lead by the DWER, a working group of representatives of key government regulators, including DMIRS, has explored current regulatory practice and culture, and better ways to develop and apply regulation across the public sector.

The project is currently on hold while the Government focuses its efforts on the COVID-19 recovery initiatives, but it is expected to recommence in the near future.

Streamlining Bill 2020

Building on the work of the Streamline WA Steering Committee, the Government's post-pandemic economic response included a significant boost to [Streamline WA](#) for the purpose of accelerating action to streamline approvals processes and undertake wider regulatory reform. Amongst these immediate measures was Cabinet approval to draft an omnibus Bill of technical amendments to the administration of a number of Acts, including the [Mining Act 1978](#), for the purpose of improved decision-making and business efficiency. The Bill is planned to be introduced to Parliament in 2020.

Security of payment reform for the building and construction industry

An Exposure Draft of the Building and Construction Industry (Security of Payment) Bill 2020 was released for final consultation in June 2020. The Bill will deliver on the Government's election commitment to provide better protections to subcontractors and suppliers working in Western Australia's building and construction industry. It is expected to be presented for Parliament to consider in late 2020 and, when passed, will implement many of the remaining recommendations made by Perth barrister Mr John Fiocco in his report to the State Government in October 2018 - [Final Report to the Minister for Commerce: Security of Payment Reform in the WA Building and Construction Industry](#).

Reforms to the building and construction legislation in Western Australia

The Western Australian Government has committed to implement the recommendations from the report *Building Confidence – Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia* (Building Confidence Report) by Professor Peter Shergold AC and Ms Bronwyn Weir.

Public consultation on proposed reforms to the residential building approval process was undertaken by the department in late 2019 and comments were sought on proposed reforms to the commercial building approval process (Building Code of Australia Class 2 to 9 buildings) during the third quarter of 2019–20.

DMIRS is collating feedback received during this process to advise government on proposals for change to the building legislation framework in Western Australia. The department will be seeking input on other proposed reforms from the Building Confidence Report in 2020–21.

Plumbing Registration Reform

Publication of the Decision Regulatory Impact Statement: Reforms to Plumbing Regulation in Western Australia on 27 November 2019 signals the completion of Building and Energy's extensive review of Western Australia's plumbing laws.

The decision paper sets out the legislative changes that are intended to be made and covers 20 separate reforms. The decisions took into account feedback that was provided in the more than 1,000 submissions received in response to a Consultation Regulatory Impact Statement released in May 2018.

The broad areas of reform include:

- ▶ the funding model for plumbing regulation;
- ▶ the future role of the Plumbers Licensing Board;
- ▶ the definition and scope of regulated plumbing work;
- ▶ the testing and maintenance of plumbing safety devices;
- ▶ minor plumbing repairs by private homeowners in their own homes;
- ▶ the requirements for modular plumbing installations;
- ▶ the regulation of plumbing designers and plumbing design verifiers;
- ▶ the scope of work covered under a restricted plumbing permit;
- ▶ the transition from apprentice to tradesperson;
- ▶ advertising to perform plumbing work;
- ▶ supervision and general direction and control by Licensed Plumbing Contractors;
- ▶ penalties and prosecution; and
- ▶ compliance notification for 'minor plumbing work'.

Tenancy reform

During 2019-20 a review of the [Residential Tenancies Act 1987](#) commenced and work continued on implementing the review of the [Retirement Villages Act 1992](#). A consultation paper was released seeking views on how regulation of residential tenancies should adapt to changes in home ownership and the trend to long term renting, with over 350 submissions received. Three consultation regulatory impact statements were released on options to reform the retirement villages legislation. These covered issues around payment of exit entitlements, recurrent budgets, reserve funds and capital works and changes needed to clarify key concepts within the legislation.

The [Residential Parks \(Long-stay\) Tenants Amendment Bill 2018](#) was passed on 25 June 2020. The Bill implements the recommendations from the statutory review of the residential parks laws.

Public Sector adaptive response to COVID-19

During the COVID-19 pandemic, we collaborated with the Public Sector Commission (PSC) to support public sector employers in managing emerging workforce issues in an environment of uncertainty and rapid change.

In March 2020, the department used its capacity to issue public sector workforce advice to administratively provide a new form of leave – COVID-19 leave – to enable those public sector workers who were sick, required to self-isolate, or otherwise affected by COVID-19 to stay home and limit the potential for the virus to spread. The leave extended to casual employees in keeping with the underlying public health needs.

DMIRS is now working with PSC to gather data on COVID-19 leave use patterns to evaluate the effectiveness of the leave and guide future decisions.

Additionally, instructions were developed and issued to guide public sector employers about changed service delivery arrangements, vulnerable workers and other topics to ensure workplaces were safe and healthy and the WA Government was able to continue its day-to-day business.

Pre-paid funerals code of conduct

Consultation and drafting of a mandatory code of practice was finalised during 2019–20. The code will deliver a Government election commitment and give consumers greater protection and certainty when entering into pre-paid funeral contracts.

The mandatory code will impose a cooling-off period, put in place contractual and investment requirements as well as a register of pre-paid funeral contracts sold for families to verify and check if a pre-paid contract is in place.

Legislation in Parliament

During the year, the following Acts commenced after being passed by the Parliament:

The [Fair Trading Amendment Act 2019](#) updated the Australian Consumer Law (ACL) that applies in WA so that it is consistent with the national ACL. This implemented a number of important consumer protections, such as extending unfair contract terms provisions to small businesses entering into standard form consumer contracts.

The [Consumer Protection Legislation Amendment Act 2019](#) implemented laws to enable tenants in rental properties to secure furniture to prevent injuries. It also increased a range of penalties under various consumer protection laws.

The [Petroleum Products Pricing Amendment Act 2020](#) ensures that all WA motor fuel retailers that sell fuel at standard retail prices to members and customers are captured under the FuelWatch scheme. The scheme enables consumers to make informed decisions when seeking to buy fuel through promoting price transparency and by encouraging competition amongst fuel retailers.

The [Residential Tenancies \(COVID-19 Response\) Act 2020](#) and [Commercial Tenancies \(COVID-19 Response\) Act 2020](#) were introduced (refer page 37 for further information).

During the year, the following were introduced into the State Parliament:

- ▶ The [Sunday Entertainments Repeal Bill 2019](#) proposes the repeal of 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 [Industrial Relations Legislation Amendment Bill 2020](#) seeks to protect vulnerable workers, tackle wage theft and ensure a level playing field for WA employers.