



Government
of South Australia

SafeWork SA

Application for proposed **ENFORCEABLE UNDERTAKING**

The commitments in this undertaking are offered to the regulator by

SGP CIVIL PTY LTD

ABN 77615643420

The information provided in this document is for the purpose of an undertaking given to the regulator under Part 11 of the *Work Health and Safety Act 2012* (SA). This information will be managed within the requirements of the current State Government privacy regime.

The terms of an accepted enforceable undertaking are a matter of public record.

When an enforceable undertaking is accepted, notice of the decision to accept it and reasons for that decision will be published by the regulator on the SafeWork SA website within 14 days of the date of the decision.

Enforceable undertakings will not be removed from the public register and will remain on the register after a company or individual has discharged all obligations of the undertaking.

COMMENCEMENT OF UNDERTAKING

This enforceable undertaking is given on the day and date that it is accepted and signed by the regulator. The undertaking and its enforceable terms will commence to operate as a legally binding commitment on the part of the person from the date it is given.

SECTION 1: GENERAL INFORMATION

1.1 Details of the person proposing the undertaking

Nominated person: (Point of contact for SWSA communications)	Scott Maher
Street address:	26 Paringa Ave Somerton Park SA
Postal address:	26 Paringa Ave Somerton Park SA 5044
Telephone:	08 81170468
Email address:	scott.maher@sgpcivil.com
Legal structure:	Private Company
Type of business:	Civil Construction
Commencement date:	31/06/2016
Workers:	43
Full time:	
Part time:	0
Casual:	7
Products and services:	Civil engineering and construction services including civil infrastructure work, roads and pavements, bridges and structural concrete, bulk earthworks, pipelines and services, concrete remediation, landscaping and streetscapes and secure facilities including defence.
Comments:	SGP Civil is a young small South Australian business offering civil engineering, construction and project management services.

1.2 Details of the alleged contravention

It is alleged that SGP Civil Pty Ltd on 6 July 2021, at Dry Creek in the State of South Australia, committed a Category 2 offence. (A minor indictable offence against section 32 of the *Work Health and Safety Act 2012*).

Particulars of alleged offence:

1.2.1. SGP Civil Pty Ltd (the second defendant) had a health and safety duty:

1.2.1.1. At all material times, the second defendant was a body corporate conducting a business as a sub-contractor engaged by the first defendant to carry out civil works at Rumble Road, Dry Creek, in the State of South Australia (the workplace).

1.2.1.2. At all material times, the first defendant engaged workers including the Injured Worker and in the second defendant's capacity as a sub-contractor to the first defendant maintained influence or direction over his activities.

1.2.1.3. The second defendant at all material times was conducting a civil works business.

1.2.1.4. The second defendant had a health and safety duty prescribed by s. 19(1)(b) of the Act to ensure, so far as was reasonably practicable, the health and safety of workers whose activities were influenced or directed by the second defendant while they were at work at the workplace in the business of the first defendant.

1.2.2. The second defendant failed to comply with the s. 19(1)(b) duty:

1.2.2.1. The second defendant failed to ensure, so far as was reasonably practicable, the provision and maintenance of a work environment without risks to health and safety, for workers whose activities in carrying out work were influenced or directed by the second defendant while they were at work in the business of the first defendant:

1.2.2.1.1. The Injured Worker was required to operate a vac truck to remove soil and water from the excavated trench (the task);

1.2.2.1.2. The task involved the risk of a serious crush injury to the Injured Worker;

1.2.2.1.3. It was possible that the Injured Worker would enter the excavated trench to complete the requirements of the task;

1.2.2.1.4. It was possible that a collapse of the excavated trench would occur and soil would engulf the trench;

1.2.2.1.5. It was possible for the soil to strike the Injured Worker to his body and entrap him, and;

1.2.2.1.6. It was consequently possible for the Injured Worker to suffer serious crushing injuries.

1.2.2.2 The second defendant failed to provide and maintain, so far as was reasonably practicable, a safe system of work for the task, because it failed to perform an adequate hazard identification and risk assessment process specific to the task and to then ensure measures were in place to eliminate and or minimise the risk because the second defendant:

1.2.2.2.1. Failed to Identify the hazard and assess the risk presented by the lack of and/or inadequate benching, shoring and shelving;

1.2.2.2.2. Failed to identify the hazard and assess the risk presented by the presence of ground water in the excavated trench;

1.2.2.2.3. Failed to identify the hazard and assess the risk presented by the spoil heap and/or height being placed in the zone of influence of the excavation;

1.2.2.2.4 Failed to have the nature and configuration of the structural supports checked by a competent person via geo technical engineer assessment, and;

1.2.2.2.5. Failed to identify the hazard and assess the risks presented by the Injured Worker entering the excavated trench and to eliminate and/or minimise the risks. (for instance by ensuring that workers are prohibited from entering the excavated trench).

1.2.2.3 The second defendant failed to provide, so far as was reasonably practicable, information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of its business, because:

1.2.2.3.1. The Injured Worker was not trained adequately in relation to the safe completion of the task, and;

1.2.2.3.2. The Injured Worker was not supervised sufficiently or at all in relation to the safe completion of the task.

1.2.2.4 The second defendant failed to provide, so far as was reasonably practicable, that the health of workers and the conditions at the work place were monitored for the purpose of preventing illness or injury of workers arising from work carried out as part of its business, because the second defendant:

1.2.2.4.1 Failed to carry out (or engage another person to carry out) regular and/or adequate inspections of the excavated trench.

1.2.2.5 The second defendant's failure exposed an individual to a risk of death or serious injury:

1.2.2.5.1. The Injured Worker was exposed to a risk of serious injury when he sustained serious crushing injuries as a result of the excavated trench collapsing and being struck and/or trapped by soil.

1.3 Detail the events surrounding the alleged contravention.

During contract works on the GREP Project, SGP Civil Pty Ltd contracting to Acciona Infrastructure Projects Australia Pty Ltd excavated a trench to run conduits adjacent to the SAPN Kilburn Distribution Substation and the rail corridor along Rumble Road Kilburn in a Northerly direction.

Due to a change in the client's pit location, the trench location was changed by the principal contractor. The new trench location meant it had to cross a mains water supply pipeline. SGP Civil were not permitted to mechanically excavate within 500 millimetres of this services pipe, resulting in the inability for SGP Civil to shore the trench walls close to the services until after they had been non-destructively excavated. SGP Civil's contract with the principal contractor, Acciona, specifically did not include vacuum excavation in the scope of work, and the contract included no allowance for hydro-excavation for trenching of electrical conduits and pit installation. Consequently, Vacuum Waste Management and Patriot Environmental Management were not engaged by SGP Civil.

The Injured Worker, an employee of Patriot Environmental Management, utilising a “Vac Truck” and equipment, was conducting non-destructive excavation around the service pipework and had entered the Northern end of the trench when, at 12:15 hours on 6th July 2021, the trench subsided catching the Injured Worker unaware who was partially buried to the lower part of the body. The entrapment and subsequent extrication resulted in injuries to the worker.

1.4 Details of any enforcement notices issued that relate to the alleged contravention

☐ Tick if there were no notices issued by SWSA in relation to the contravention.

Date issued	Notice type	Notice number	Contravention or prohibited activity	Action taken in response to notice
29/07/2021	Improvement Notice	WHSN 203079	SWMS not compliant regarding (HRCW) High Risk Work Controls necessary to minimise risk control.	SWMS template reviewed and updated. SWMS then submitted to SafeWork SA for review and subsequently approved.
07/07/2021	Non-Disturbance	WHSNDN 306651	Instruction to stop further construction activities until assessment and implementation of control measures and geotechnical assessment completed on the excavation.	Area fenced off as per the request in the notice. Update to the (CWMS) Construction Work Method Statement completed, submitted and approved, and a geotechnical engineer was engaged to review and sign off the CWMS.

1.5 Detail the injury sustained, or illness suffered by worker/s or other/s as a consequence of the alleged contravention detailed above

The Injured Worker was reported to have sustained injuries including:

1. Fractures of T10-L2 spinous process and right T11, L1-2 transverse process
2. Right 4-10th rib fractures, with radiologic flail segment on the right side. Tiny left and small right pneumothorax and small right haemothorax
3. Grade IV liver laceration
4. Grade III renal laceration – no vessel or system injury
5. Bilateral adrenal haematomas
6. Grade 1 splenic laceration
7. Minute pelvic fracture.

1.6 Detail the employment status and the workers' compensation or other insurance status regarding the person who sustained injury or suffered illness as detailed in 1.5

The injured person is:

- ☐ an employee of the entity
- ☐ a self-employed person
- ☐ other – sub-contractor
- ☒ other worker
- ☐ not applicable

1.7 Detail the support provided or proposed by the person to the injured person and/or family or other/s

Date	Description of support	Comments
13/07/2021	SGP Civil contacted Patriot by phone requesting status information on the injured worker and checking if there was anything SGP could be of assistance with.	At the time the injured worker was in hospital and the Patriot representative commented if they needed anything they would be in contact.
	SGP Civil was in contact with Patriot periodicity over the following weeks	Acciona at this stage had very much taken a level of authority regarding any support, and any support from SGP Civil was respectfully declined.

1.8 Detail any current work, health and safety systems at the workplace

Since the incident SGP Civil has achieved multiple ISO certifications including ISO 45001 Safety Management certification. SGP Civil now has a reviewed and certified safety policy and is committed to compliance with, and the continual improvement of, our safety management system. SGP Civil promotes safe and healthy working conditions using our Safety Policy and undertaking the following processes:

- Compliance
- Safety in Design
- Safe Workplace
- Emergency Preparedness
- Responsibilities
- Training
- Duty of care
- Consultation
- Return to work
- Objectives and Targets
- Maintaining certification to ISO 45001.

1.9 Detail the level of auditing currently undertaken on the work, health and safety systems referred to in term 1.8, including compliance audits and audit frequency ISO

The SGP Civil is continuing to build on its ISO45001 certified WHS management system audit program to provide a comprehensive audit and inspection program which includes:

- Annual audit program of WHS management systems across all business units in line with ISO45001 and conducted by a qualified WHS auditor;

- Monthly audits at each active project location utilising a rotation of in-house developed safety-specific audit tools for critical risk areas by competent personnel and including:
 - Plant and equipment
 - Forklifts
 - Excavation and trenching
 - Working at heights
 - Lockout-tagout
 - Contractor management
 - Hazardous chemicals
 - Confined spaces
 - Hot work
 - Lifting Equipment
 - Lifted and supported loads
 - Electrical compliance
 - Remote and isolated work
 - Hazardous manual tasks and body stressing;
- Monthly Project Manager walk-through of each site;
- Weekly HSE Inspections at all sites, and;
- Daily Site excavation and trenching inspections.

All improvements, corrective actions and hazards identified from the audit and inspection program are prioritised in a risk-based register for monitoring and reporting to closure, after any immediate countermeasure controls are implemented. SGP Civil's risk management program precludes the performance of tasks with a risk score greater than medium.

The results of, and actions arising from, audits and inspections are reported monthly and reviewed for strategic development annually as part of formal management review.

The system is administered by the new safety manager and covers all project and office sites with system, compliance and project audits focused on operational compliance, training and competency, emergency response, risk management, et cetera.

External annual certification audits are conducted by the JASANZ accredited certifier to ensure SGP Civil is conducting works in compliance with our work health and safety, quality, and environmental management system and the international standards for management systems.

1.10 [Detail the consultation undertaken or proposed to be undertaken, in relation to this undertaking.](#)

Immediately following the incident SGP Civil conducted detailed consultation on many levels including:

- Specific “Stop for Safety” meeting regarding the incident, remediation plan and additional controls to be implemented;
- Excavation and trenching training with the principal contractor;
- Multiple reinforcement of the excavation and trenching procedures, hazards identification related to historical excavation and trenching incidents, revise the SWMS for the principal contractor trench design which they altered to a benched style and reiteration of the codes of practice for excavation work in weekly toolbox meetings, and;
- Introduction of a daily trench/excavation inspection checklist.

SGP Civil continues to implement strategies to increase related capabilities including:

- Identification of recognised qualification for supervisors in RIICCM210E - install trench support;
- Hiring a workplace health and safety manager;
- Conduct of a detailed internal review of the safety management system by the WHS manager to incorporate improvements identified, including:
 - A restructured internal audit program from annual to a schedule of compliance audits across project sites based on the importance of the processes concerned and monthly safety-specific audits utilising the developed tools mention in paragraph 1.9
 - Increased number of competent auditors via the use of the audit tools
 - Centralising corrective action registers and reporting
 - Centralising incident registration and investigation
 - Standardised “flip-chart” emergency procedures for all sites
 - Introducing emergency warden/coordinator internal training
 - Defining the use and overhauling the content of the trench/excavation inspection checklist
 - Driving communication, consultation and participation through toolboxes
 - Expanding the safety policy and objectives to better meet ISO 45001 and the needs of the business for clear objectives with targets which are measured, monitored and reported
 - A re-write of the entire safety management system - manual, policies, procedures, work instructions, forms, registers, management plan suite and all templates to better meet the needs of the business and increase ownership, usage and compliance
 - Redefining responsibilities for all roles within the organisation
 - A review of applicable legislation, standards and codes of practices which form part of the internal audit scope for 6 monthly review;
- Establishment of site rules, prohibited acts and standards of behaviour which are communicated via toolbox sessions, through inductions for new employees and assessed individuals to confirm competency and understanding;
- Increased integration of safety and environmental system tool components like inspections, and;

- Defining the critical safety risks and controls for the operational business model.

1.11 Detail the rectifications to the workplace or work practices made as a result of the alleged contravention and the enforcement notices issued

- Back-filling of the original trench
- Re-excavation of the trench to a revised profile
- Implementation of daily excavation inspections for the project
- Implementation of an excavation and trenching procedure
- Implementation of weekly WHS&E inspections
- Implementation of Safe Work Instructions
- Implementation of an updated SWMS template regarding compliance to (HRCW) High Risk Construction Work and the 18 High Risk construction activities.

Total amount spent on rectifications \$ 35,000

SECTION 2: GENERAL TERMS

The person acknowledges and commits to the general terms set forth in the sub-terms below.

2.1 Acknowledgement that the regulator alleges a contravention occurred as detailed in term 1.2

The regulator has alleged that contraventions of the Work Health and Safety Act, 2012 (SA) have been committed as per the allegations referred to in paragraph 1.2.

2.2 Statement of regret that the alleged contravention occurred and the reasons the person considers this undertaking is a more appropriate response to the alleged contravention than a court imposed sanction

SGP Civil regrets that the incident on the 6th July 2021 occurred and that the method of works performed may have also had the potential for a far worse outcome.

2.3 Statement of commitment that the behaviour, activities and other factors which caused or led to the alleged contravention has ceased and will not reoccur.

SGP Civil commits that the work practices which lead to the alleged contravention have ceased and has taken all practicable steps to prevent a recurrence of this type of incident.

2.4 Acknowledgment of the guidelines published by the regulator for the acceptance of an undertaking

I have read and understood the **Guidelines for the acceptance of an enforceable undertakings**

Version: 1

Dated: July 2023

2.5 Acknowledgement that this undertaking may be published and publicised

2.5.1 SGP Civil Pty Ltd acknowledges that the undertaking may be published on the SafeWork SA website and referenced in SafeWork SA material.

2.5.2 SGP Civil Pty Ltd acknowledges that the undertaking may be publicised in newspapers.

2.6 Statement of the person's ability to comply with the terms of this undertaking and meet the projected costs of the activities

- 2.6.1 SGP Civil Pty Ltd has the financial ability to comply with the terms of this undertaking and have provided evidence by way of a letter from the company's auditors with this undertaking to support this declaration.
- 2.6.2 In the event of impending liquidation or sale of the entity, Scott Maher will advise SafeWork SA of the relevant circumstances and its capacity to comply with the outstanding terms of this undertaking.

2.7 Statement regarding person's relationship with any corporations, officers, employees, contractors, proposed beneficiaries of donations or scholarship or other recipient of financial benefit contained in this undertaking

SGP Civil and its key stakeholders can confirm that there are no relationships or conflicts of interest to declare in relation to the completed and proposed rectifications other than the activities will benefit the health and safety of employees, contractors, clients and the community.

2.8 Statement regarding Intellectual Property Licence

SGP Civil Pty Ltd, grants SafeWork SA a permanent, irrevocable, royalty-free, world-wide, non-exclusive licence to use, reproduce, publish, distribute, electronically transmit, electronically distribute, adapt and modify any materials developed as a result of this undertaking.

2.9 Acknowledgement that the person may be required to provide a statutory declaration

Has SafeWork SA requested a statutory declaration outlining details of any prior work health and safety convictions¹, subject to any local legal constraints such as spent conviction legislation, or findings of guilt under work health and safety legislation or work health and safety related legislation?

☐ YES

☒ NO

¹ Subject to any local legal constraints such as spent conviction legislation

2.10 Statement of commitment from the person to participate constructively in all compliance monitoring activities for this undertaking

- 2.10.1 It is acknowledged that the regulator will conduct compliance monitoring to ensure compliance with the terms of this undertaking.
- 2.10.2 Cooperation will be given to allow the regulator's officers to assess compliance including giving access to relevant material (evidence of compliance).
- 2.10.3 It is acknowledged that the regulator may initiate additional compliance inspections as considered necessary at the regulator's expense.
- 2.10.4 An update, together with supporting evidence, in relation to compliance with each of the enforceable terms of this undertaking will be provided to the regulator at six monthly intervals during the course of the undertaking.

2.11 A commitment by the person to perform activities that will ensure the ongoing effective management of risks to health and safety in the future conduct of its business or undertaking

Hiring a Safety Manager who will:

- Ensure that SGP Civil Pty Ltd systems, products and services meet applicable legal, internal governance and ISO 45001 requirements including relevant Workplace Health and Safety (WHS) legislation, standards and codes;
- Provide effective implementation, maintenance and improvement of the SGP Civil Safety Management System;
- Establish and maintain monitoring, reporting, review and improvement of safety systems and performance;
- Support, train and develop personnel in safe methodologies and practices;
- Conduct and maintain audits, inspections, permits and high risk work controls;
- Support and coach the management team in fulfilling their safety roles and responsibilities;
- Develop performance indicators aligned to strategies, driving performance improvement, strategic planning and improving consultation, communication, and participation;
- Champion risk management within the business including Hazard Identification Risk Assessment and Control, personal task risk assessment programs, JSEAs, SWMS, control risk assessment programs for sites, plant, first aid, hazardous manual tasks, high risk activities, emergency planning and identification and focus on SGP Civil's critical risks;
- Ensure Emergency preparedness and response plans, processes, mechanisms, tools and training are established and maintained;
- Support business and project planning to grow the safety maturity of the business and personnel;
- Ensure purchasing and contractor management is established and effective, and;

- Control, guide and support incident reporting, investigation, corrective and preventive actions.

2.12 A commitment regarding linking the promotion of benefits by the person to this undertaking

The company is committed to promoting the benefits contained in this undertaking and to the undertaking itself.

SECTION 3: ENFORCEABLE TERMS

The person acknowledges all activities set forth in the enforceable terms below must be auditable and include a date for completion and a minimum cost for each activity.

The person commits to performing the activities below diligently, competently and by the respective completion date.

3.1 A commitment to disseminate information about this undertaking to workers, and other relevant parties, and in the annual report (if applicable)

Dissemination of the enforceable undertaking will be achieved by circulated to the company's workforce via site and senior management who will present the detail of the enforceable undertaking and proposed actions to employees. A copy of this enforceable undertaking will be displayed at sites for the workforce to view and on the internal SharePoint for access.

Dissemination will occur within 30 days of the finalisation of this enforceable undertaking.

3.2 Activities to be undertaken to promote the objects of the *Work Health and Safety Act 2012 (SA)* that will deliver benefits for workers/others

Activities		Minimum cost	Timeframe
3.2.1	<p>New position appointment of a full time Safety (WHS) Manager to provide:</p> <ul style="list-style-type: none"> - Customised and contemporised re-development of SGP's WHS management system with robust processes and procedures to ensure compliance to Workplace Health and Safety legislation, COPs, standards, contractual requirements and ISO45001 certification maintenance; - Mentor, coach and advise project management teams to achieve compliance with governance requirements; - Register and control all documents and records which form part of the WHS management system; - Framework for planning, strategy, measurable reporting & improvement; - Providing expert input and management of key system components such as risk, incident investigation, hazard control, corrective and preventive action and continual improvement; 	<p>\$140,000 plus on costs per annum</p> <p>\$ 34,800 included in this EU. (does not include other EU document and training development and delivery activities)</p>	<p>12 months from acceptance</p>

	<ul style="list-style-type: none"> - Perform detailed incident investigations with concise actions; - Register and monitor and control all corrective actions and improvements to completion; - Driving workplace communication, consultation and participation; - Implementing a framework for driving behavioural and cultural improvement; - Conducting hands-on audits, inspections and reviews of workplace practices, plant and equipment operational techniques; - Conducting hands-on reviews of inspection and permit systems; - Developing audit tools for use by competent employees as part of the internal audit regime; - Ensuring Emergency Preparedness and Response arrangements are planned, established and tested; - Control all facets of Return To Work activities; - Maintaining a work environment without risks to the health and safety of workers and others, and - Championing workplace risk management practices, documentation and execution. <p>These activities are measured and reported monthly with attributed time components.</p>		
3.2.2	Conduct an internal 2 hour Senior Management WHS training for 7 senior and project managers focused on Legislative duty of care (including multiple party scenarios), compliance with the SA excavation work code of practice and filling the gap between the SA requirements and good industry practice (Includes 42 hours of training course development and delivery by the SGP WHS Manager).	\$ 3,500	6 months from acceptance
3.2.3	Conduct 4 hour internal Front Line WHS training sessions for twenty six senior, operations, project and site managers, site and project engineers, supervisors and leading hands. Training package covers: duty of care (for multiple parties), compliance with legislation and	\$ 11,000	6 months from acceptance

	<p>code of practice, risk management tools and applications including HIRAC SWMS risk controls and design rules, benching battering boxing and shoring, trenches <1.5 metres, workplace and daily trench inspections, trench permits, geotechnical trench requirements, underground service identification marking and excavation exclusion requirements, potholing for services, groundwater, excavation and trench access and egress, non-destructive excavation, placement of spoil and contaminated soil, control of contractors, signals signage barricades security and unattended work areas, incident management reporting and investigation, Emergency response preparedness, excavation and trenching operator training and competency, records & retention, risk management tools and applications, nonconformity and corrective action, internal audit tools for excavation and trenching, working at height/fall prevention, confined space, working near power lines, electrical safety in excavation, plant management, fatigue management fitness for work (including drugs and alcohol), dust (including respirable silica dust), cease work due to changes, HSE issue resolution (Includes 84 hours of training course development and delivery by the SGP WHS Manager).</p>		
3.2.4	<p>Review of WHS inspections, contents and frequency. Review of SGP's 12 critical risks and conducting critical control verifications by five site-based safety teams (Site manager, project engineer, supervisor and at least 2 workers) to ensure adequacy and compliance to the re-developed WHS management system. Critical risk procedures include: mobile plant,</p>	\$ 14,000	12 months from acceptance

	excavation and trenching, working at height, hazardous manual tasks, lifted and supported loads, hot work, hazardous chemicals, confined space, contact with electricity, remote/isolated work, silica dust and noise.		
3.2.5	Redevelopment of the SGP SWMS template and generic task SWMS in line with the SWSA template, for customisation for specific applications on SGP projects. (Includes 82 hours of development and implementation by the SGP WHS Manager). Compliance verification of the template and generic contents will be performed by external WHS consultant TQCSI.	\$ 6,000	6 months from acceptance
3.2.6	Develop a position description template and create and issue detailed PDs for all SGP positions, including application for labour hire roles. Incorporate the position description in permanent and labour hire recruitment practices. Develop a train pack based on position descriptions for implementation of onboarding permanent and labour hire positions, to ensure compliance to legislation and SGP requirements regarding excavation and trenching and other recognised SGP critical risks. (Includes 100 hours of PD development, training course development and training delivery by the SGP WHS Manager).	\$ 6,500	12 months from acceptance
3.2.7	Create and entrench a monthly safety/due diligence project reporting practice of WHS inspection regimes, including daily excavation and trench inspections, excavation permit compliance and processes including completion of weekly toolbox meetings, hazard and incident reporting and corrective actions, compliance with excavation and trenching reporting. SGP WHS manager to generate and	\$ 1,000	6 months from acceptance

	circulate reports for transparency, measuring, monitoring and driving compliance and continual improvement.		
3.2.8	Training and qualification of seventeen project engineers, site engineers, site managers and supervisors in <i>RIICCM210E - install trench support</i> through an RTO provider.	\$ 13,000	6 months from acceptance
3.2.9	SGP WHS manager to develop and deliver two hour internal training sessions to twenty two project engineers, site engineers, site managers, supervisors and leading hands, across SA and NT SGP project sites, in the SGP permit system for excavation and trenching and other Hazardous Work Permit categories. (Includes 46 hours fo training course development and delivery by the SGP WHS Manager).	\$ 5,400	12 months from acceptance
3.2.10	SGP WHS manager to develop and deliver two hour internal training to twenty two project engineers, site engineers, site managers, supervisors and leading hands, across SA and NT SGP project sites, in emergency response and warden coordination, including practical response to a trench engulfment emergency response. (Includes 46 hours of training course development and delivery by the SGP WHS Manager).	\$ 5,400	12 months from acceptance
3.2.11	Implement a Safety software system with multiple online and mobile access modes to manage documents, reporting, inspections, audits, risk management, corrective action, chemicals, training, contractors, EAP, communications, assets and analytics across all SGP project sites. Developed, supplied and supported by Lucidity.	\$ 28,000	12 months from acceptance
Total minimum cost of benefits for workers/others		\$ 128,600	

3.3 Activities to be undertaken to promote the objects of the *Work Health and Safety Act 2012 (SA)* that will deliver benefits for industry

Activities		Minimum cost	Timeframe
3.3.1	<p>SGP's experienced civil construction team and WHS manager, in partnership with the University of Adelaide, University of SA and tafesa, will develop an excavation and trenching compliance education package for delivery to tertiary construction management and WHS students at Adelaide campuses. This course component will fill a significant gap in the information currently covered on trench safety requirements in construction management.</p> <p>SGP SMEs will participate in the delivery of this, as negotiated with the institutions.</p> <p>Additionally, this educational package will be shared with industry through Master Builders SA via their monthly safety bulletin and a download link.</p>	\$5,000	18 months from acceptance
3.3.2	<p>SGP have engaged with <i>Motion By Design</i> to commission a two minute guidance animation and poster on trench risks, planning, controls and methods, emphasising duty of care responsibilities under the SA Act, Regulations and code of practice.</p> <p>Research and content will be driven by the SGP WHS manager, with content approval and IP ownership by SafeWorkSA.</p>	\$18,700	6 months from acceptance
3.3.3	<p>Industry-related psychosocial contribution in the form of a sponsorship of the Civil Contractors Federation for the development of psychosocial workplace improvement strategies presentations to industry.</p>	\$5,000	12 months from acceptance
Total minimum cost of benefits for industry		\$ 28,700	

3.4 Activities to be undertaken to promote the objects of the *Work Health and Safety Act 2012 (SA)* that will deliver benefits for community

Activities		Minimum cost	Timeframe
3.4.1	With SGP Civil's active inclusion of Indigenous representation in the civil construction industry and partnership with Indigenous Training & Recruitment, SGP Civil will sponsor the Plympton Bulldogs Football Club's Indigenous Round for two seasons. This supports cultural awareness education for junior and senior players, participation with local school communities, supporting indigenous connection with, and improved health and wellness of, the community.	6,000	12 months from acceptance
3.4.2	SGP Civil's strong links to community support of wellbeing extends to a donation to AnglicareSA for psychological health including grief and loss grief support.	\$6,000	12 months from acceptance
Total minimum cost of benefits for the community		\$ 12,000	

3.5 Agreement to pay the regulator's costs

3.5.1 Agreement is given to paying the regulator's costs associated with this undertaking, as itemised below, and it is acknowledged that payment is due 30 days after receipt of the regulator's invoice:

Recoverable costs	Amount
Investigation, legal & administrative costs associated with the alleged contravention & proposed undertaking	\$ 765
Compliance monitoring costs	\$ 4,080
Publication costs	\$ 0
Total Amount	\$ 4,845

3.6 Minimum spend

3.6.1 The company acknowledges the minimum spend for this undertaking over two years will comprise of:

(The amounts below should correspond with total amounts from terms 3.2–3.5 above)

Estimated total value of	Minimum spend
Benefits to workers/others	\$ 128,600
Benefits to industry	\$ 28,700
Benefits to community	\$ 12,000
Regulator costs	\$ 4,845
Estimated total minimum spend for the undertaking	\$ 174,145.00

3.6.2 The company agrees to spend any residual amount arising from the total minimum spend value not being met. Agreement on how to spend this residual will be sought from the regulator.

3.7 A commitment to establish and maintain (or maintain if a system already exists) a work, health and safety management system (WHSMS)

SGP Civil is committed to ensuring its WHSMS complies with the principals of ISO 45001 Safety Management Systems. General guidelines on principals, systems and supporting processes and ensuring ongoing compliance within 12 months from the date the enforceable undertaking is accepted.

3.8 A commitment to ensure the WHSMS is audited by third party auditors.

SGP Civil commits to ensuring the WHSMS will be audited by an accredited third party auditor meeting the requirements of ISO 45001 Safety Management Systems.

Details of the auditor's qualifications against the stated requirements will be provided with audit reports submitted to the regulator.

3.9 A commitment to provide a copy of each finalised WHSMS audit report to the regulator

3.9.1 It is acknowledged that audit reports received from the auditor will be sent to the regulator within 30 days of the audit report receipt along with a letter certifying that the report has not been altered from the copy provided to the person by the auditor.

3.9.2 It is acknowledged that within 30 days of receipt of the auditor's written report, the regulator will be advised of the intended action in addressing each of the report's recommendations.

3.10 A commitment to implement the recommendations from these audits (unless otherwise negotiated with the regulator)

3.10.1 The recommendations resulting from external WHSMS audits will be addressed with the following hierarchy of priorities upon receiving the audit report, unless the regulator offers a variation of the undertaking due to the actions being unreasonable:

1. Nonconformances – immediate action and control, with systemic remediation within 30 days
2. Discrepancy - systemic remediation within 6 months
3. Observation – to be resolved within 12 months.

SECTION 4: OFFER OF UNDERTAKING

EITHER

I offer this undertaking and commit to the terms herein.

Signed: _____
[Person]

[Print name]

[Position]

Dated at _____ this _____ day of _____ 20____

OR

As a duly authorised person of SGP Civil Pty Ltd I offer this undertaking and commit SGP Civil Pty Ltd to the terms herein.

Signed: _____
[Duly Authorised Person]

SCOTT MAHER

[Print name]


DIRECTOR

[Position]

Dated at Katherine this 25th day of September 2023

SECTION 5: ACCEPTANCE OF UNDERTAKING

I accept this undertaking as an enforceable undertaking under section 216 of the *Work Health and Safety Act 2012* (SA).

Signed: 
[Person]

Glenn Farrell
[Print name]

Executive Director
[Position]

Dated at Keswick this 14th day of November 2023