



Government  
of South Australia

SafeWork SA

# Application for proposed **ENFORCEABLE UNDERTAKING**

The commitments in this undertaking are offered to the regulator by

**ADELAIDE BRIGHTON CEMENT LIMITED**

**ABN 96 007 870 199**

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)	Janine Prosser, National Health & Safety Manager – Cement & Lime  Stephen De Musso, Group Manager, Health, Safety & Environment
Street address:	Level 4, 151 Pirie Street, Adelaide SA 5000
Postal address:	GPO Box 2155 Adelaide SA 5001
Telephone:	(08) 8223 8000
Email address:	<a href="mailto:janine.prosser@adbri.com.au">janine.prosser@adbri.com.au</a> <a href="mailto:stephen.demusso@adbri.com.au">stephen.demusso@adbri.com.au</a>
Legal structure:	Limited liability company
Type of business:	Manufacturing
Commencement date:	1882
Workers: Full time:	383
Part time:	9
Casual:	3
Products and services:	Cement and Lime
Comments:	<p>Adelaide Brighton Cement Limited (<b>Adelaide Brighton</b>) is a manufacturer of cement, lime and pre-packaged dry-blended products specifically engineered to suit the requirements of its customers.</p> <p>Adelaide Brighton was founded in South Australia in 1882 and today it has manufacturing facilities and distribution centres located across Australia.</p> <p>Adelaide Brighton operates within the Cement and Lime division of Adbri Ltd, an ASX company with over 1600 employees and 17 brands that service Australia's construction materials and industrial mineral manufacturing industries.</p>

## 1.2 Details of the alleged contravention

The Work, Health and Safety Regulator of South Australia has alleged that on 10 May 2021 Adelaide Brighton Cement Limited committed an offence pursuant to Section 32 of the *Work Health and Safety Act 2012* (SA) (**Act**) to ensure, so far as was reasonably practicable, the health and safety of workers while they were at work at the workplace in that:

Particulars of alleged offence:

1. The defendant had a health and safety duty.
  - 1.1. The defendant was a body corporate conducting a manufacturing lime and cement business, including from a facility located at 299 Klein Point Road, Stansbury SA (the workplace).
  - 1.2. At all material times, the defendant engaged workers, including the injured worker (Worker).
  - 1.3. At all material times, the Worker was engaged by the defendant in the role of Advanced Quarry Operator at the workplace.
  - 1.4. The defendant had a health and safety duty prescribed by s19(1)(a) of the Act to ensure, so far as reasonably practicable, the health and safety of workers, including the Worker, while they were at work at the workplace.
2. The defendant breached that duty.
  - 2.1. While at the workplace, the Worker was exposed to a risk to their safety because:
    - 2.1.1. The Worker was required to assist with the reassembly of the Rollenrost, namely, replacing bolts in the structural steel of a Rollenrost (the task).
    - 2.1.2. The task involved working on an elevated fixed platform surrounding the Rollenrost.
    - 2.1.3. The Worker was required to undertake the task whilst the top two guard rails surrounding the elevated fixed platform had been removed creating a live edge.
    - 2.1.4. There was a drop of 3.76 metres from the elevated fixed platform to the concrete ground below.
    - 2.1.5. It was possible for the Worker to fall off the elevated fixed platform from the live edge.
    - 2.1.6. It was possible for such a worker to suffer serious injuries from such a fall.
  - 2.2. The defendant failed to provide and maintain, so far as was reasonably practicable, safe plant and structures because it failed to:

- 2.2.1. Ensure that, at any time when a worker worked on the elevated fixed platform there were adequate fall prevention measures in place to eliminate or minimise the risk that a worker could fall from the live edge.
- 2.3. The 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 consequently:
  - 2.3.1. Failed to identify the hazard presented by working on an elevated fixed platform containing an edge over which a person could fall;
  - 2.3.2. Failed to assess the risk of a worker falling over such an edge; and
  - 2.3.3. Failed to ensure that appropriate control measures were put in place to eliminate and/or minimise the risk of that happening (for instance by ensuring that the task was undertaken using a fall prevention device such as edge protection or a temporary work platform).
- 3. The defendant's failure exposed an individual to a risk of death or serious injury.
  - 3.1. Being the risk of death or serious injury arising from working on an elevated fixed platform with a live edge from which a worker could fall; and
  - 3.2. Which risk materialised on 10 May 2021 when the Worker suffered serious injuries after they fell from the elevated fixed platform 3.76 metres to the concrete ground below.

### 1.3 Detail the events surrounding the alleged contravention.

On 10 May 2021 a worker fell from a mezzanine level platform onto a lower-level concrete floor within the crushing plant of Adelaide Brighton's Klein Point Limestone Mine at 299 Klein Point Road Stansbury, SA 5582.

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
11.5.2021	Prohibition	198856	Assess the risks of falls associated with the Crushing Plant and Rollen-rost chute and implement suitable control measures to minimise the risk to health and safety of all persons required to access such area.	Risks assessed and control measures adopted

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

As a result of the incident the worker sustained the following injuries:

- Traumatic brain injury;
- Fractured skull Several broken vertebrae;
- Fractured ribs;
- Deafness; and
- Post trauma amnesia.

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 - Please provide details
- ☐ not applicable

Status: The injured worker has returned to work in accordance with a Return to Work plan dated 30 June 2022. The injured worker is currently working 6 hours a day, 4 days per week.

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
10.5.2021 – 17.9.2021	Inpatient treatment at Royal Adelaide Hospital and Brain Injury Rehabilitation Unit at Hampstead Hospital Outpatient treatment	Total cost: \$557,993.45
10.5.2021 onwards	Allied health services, including optical services, neurophysiological assessment, speech therapy, mental health occupational therapy, physiotherapy, psychologist/social worker services, ambulance, family counselling, cochlear implant services, and occupational therapy	Total cost: \$62,570.23
10.5.2021 onwards	Medical services, including psychiatry, medical imaging, specialists/surgeons, and rehabilitation physician	Total cost: \$40,414.80
10.5.2021 onwards	Other medical services, including communication devices, home devices, chemist, CPAP device, optical and exercise equipment	Total cost: \$6,700.84
10.5.2021 onwards	Other services, including home alterations, social support/home services, Auslan training and travel/accommodation	Total cost: \$27,689.30
17.9.2021 onwards	Rehabilitation and support to return to work	Total cost: \$90,635.43
10.5.2021	Weekly income payments	Total cost: \$206,684.57

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

Adbri has a detailed Health, Safety & Environment Management System, compliant to AS/NZS ISO 45001 and AS/NZS ISO 14001. Adbri's Health, Safety and Environment (HSE) Management System (HSEMS) provides the framework for achieving Adbri's HSE Policy objectives and ensures that Adbri enhances HSE performance, eliminates hazards and minimises HSE risks (including system deficiencies), takes advantage of HSE opportunities, and addresses HSE management system non-conformities associated with its activities.

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

An annual Adbri Limited Health and Safety Management System audit is scheduled to be undertaken in Q3 2023 to measure compliance against HSEMS standards and requirements. Klein Point is scheduled for the audit, with scope including Hazard Management, Incident Management, and Emergency Preparedness. Audits will be undertaken by qualified WHS/audit professionals and any recommendations for improvements will be entered in Adbri's action tracking system.

In 2021 Adbri partnered with EY to design a WHS Assessment Program to better understand how each Adbri site manages critical work health and safety (WHS) risks.

The objective of the WHS Assessment was to run a baseline assessment across all operating sites. This WHS Assessment was undertaken using an assessment tool to gauge how well WHS critical risks were being managed. Klein Point quarry was audited as part of this Assessment Program

In 2023 over 1,400 Critical Control Verifications were completed across Adbri's six critical risks, including Work at Height. The program is continuing in 2023, with Adbri's Cement & Lime Division performance against a completion target reported internally on a monthly basis.

1.10 Detail the consultation undertaken, or proposed to be undertaken, in relation to this undertaking

Following the alleged contravention, all Adbri sites held a Stand Down for Safety Toolbox to discuss the incident and risks of falling from a height at their sites. Following the toolbox meetings, a critical risk self-assessment for height safety was undertaken to critically assess height safety hazards and ensure critical risk controls were in place.

In addition, Adelaide Brighton immediately contacted all other Adbri operating sites in Australia to share details of the incident and confirm whether similar exposure existed. In instances where there was any likelihood of similar exposure, Adbri operations were suspended until a formal risk assessment was conducted.

The undertaking has been discussed with Adelaide Brighton's Executive Leadership Team for input and endorsement.

Significant additional initiatives and consultation is contained in the terms below.



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

Following the alleged contravention, Adelaide Brighton facilitated the following:

1. Engaged an engineer to identify and recommend emergency scaffold works to ensure height safety controls for crusher build. Scaffold reconfigurations were implemented throughout the crusher rebuild. Total cost: \$42,459
2. Engineering works and materials for Klein Point Access upgrades to enhance height safety controls across the site (e.g., handrails and gates in the hammer mill). Total cost: \$70,694
3. Engaged a dedicated Shutdown Planner to oversee 2022 and 2023 Klein Point shutdowns. When the incident occurred, the Klein Point site was undertaking shut down works. A dedicated Shutdown Planner will contribute to further minimising risks to workers due to increased planning and organisation of work. Total cost: \$182,000

**Total amount spent on rectifications      \$295,153**

## 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

It is acknowledged that the Regulator has alleged that on 10 May 2021 Adelaide Brighton committed an offence pursuant to section 32 of the Act in that it had a duty prescribed by section 19 of the Act to ensure, so far as is reasonably practicable, the health and safety of workers while they were at work at the workplace.

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

Adelaide Brighton sincerely regrets the alleged contravention and has taken, and will continue to take, such steps as are necessary to ensure that such an incident or a similar incident does not occur again.

Adelaide Brighton considers this undertaking as an opportunity to ensure that system-wide improvements identified to mitigate risk are visible and transparent. It will enable Adelaide Brighton to direct its energies and resources into system improvements, benefitting its workers, its industry, and the community more broadly. For this reason, the health and safety outcomes to be derived from the undertaking present a more appropriate response to the alleged contravention than a court-imposed sanction.

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

Adelaide Brighton is committed to ensuring that the behaviour that led to the alleged contravention has ceased and will not recommence.

Adelaide Brighton is committed to ongoing compliance with all obligations under the Act. Since the incident, Adelaide Brighton has implemented actions (noted in this undertaking) and continues to strengthen its processes to ensure WHS requirements are implemented effectively at the local level.

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 undertaking**

Version: 1

Dated: June 2018

2.5 Acknowledgement that this undertaking may be published and publicised

2.5.1 Adelaide Brighton acknowledges that the undertaking may be published on the SafeWork SA website and referenced in SafeWork SA material.

2.5.2 Adelaide Brighton 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 Adelaide Brighton has the financial ability to comply with the terms of this undertaking and is a subsidiary of listed entity Adbri Limited.

2.6.2 In the event of impending liquidation or sale of the entity, Adelaide Brighton 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

Adelaide Brighton confirms that there are no relationships with any corporations, officers, employees, contractors, proposed beneficiaries of donations or scholarships or other recipients of financial benefit contained in this undertaking.

2.8 Statement regarding Intellectual Property Licence

Adelaide Brighton 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 convictions<sup>1</sup>, 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

The statutory declaration is attached (if applicable)

☐ YES ☐ NO

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).

---

<sup>1</sup> Subject to any local legal constraints such as spent conviction legislation

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

Adelaide Brighton is committed to discharging its obligations under the Act and this commitment is reinforced by:

- the rectifications referred to in clause 1.11 above; and
- the undertakings made within this document.

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

Adelaide Brighton is committed to promoting the benefits contained within 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)

*(This may include dissemination to work health and safety representatives and in the annual report, if applicable)*

Dissemination will be achieved by doing the following:

- The undertaking has been discussed with Adelaide Brighton's Executive Leadership Team for input and endorsement.
- Information about this undertaking will be delivered to all workers via a Townhall meeting, including:
  - details of the alleged contravention;
  - discussion regarding what the undertaking requires of Adelaide Brighton;
  - actions taken at the date of the Townhall and what will occur moving forward; and
  - discussion with the operational team following authority from the injured worker regarding their condition and expected recovery.
- Information about the undertaking will be communicated in Adbri's annual report.

Dissemination will occur by: within 14 days after the beginning of this 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	All Adbri Limited sites to hold an additional Toolbox to discuss the incident and learnings. 1,600 employees will be a part of this exercise nationwide.	\$ 1,000	6 months from acceptance

	As part of this toolbox, 100% of Adbri Ltd sites will conduct a critical control verification audit for "Falls from a Height" to ensure critical controls are in place. If non-compliances are identified, action to be raised in Cintellate and tracked to completion.		
3.2.2	Adbri Limited to partner with consultant to design an audit program of all Adbri Limited sites to determine site compliance with critical risk controls against Adbri's 6 critical risk areas (falls from a height, struck by mobile plant, driving, contact with electricity, working with fixed plant, and confined spaces), as well as a WHS cultural assessment survey. Audit program, including Critical Risk Audit tool developed by EY, with audits undertaken by internal health and safety personnel. Provide a report on findings.	\$79,000 plus internal resource costs (minimum \$15,000)	6 months from acceptance
3.2.3	An "A frame" ladder was likely to have been used at the time of the incident. Platform ladders are identified as providing a safer alternative working platform. In consultation with workers and relevant industry associations, a decision was made to prohibit the use of "A frame" ladders across all Adbri Limited sites and replace with platform ladders	Minimum \$139,000	6 months from acceptance
3.2.4	Embed Take 5 risk assessment processes across Adelaide Brighton Cement sites through the introduction of Take 5 training, which is to be delivered to Adelaide Brighton Cement employees, and the development and provision of Take 5 books for every Adelaide Brighton Cement worker (400 workers)	Minimum \$7,000	12 months from acceptance
3.2.5	Appointment of permanent full time equivalent (FTE) Site Administrator to support Health and Safety system compliance and data entry, including	\$50,000 plus on costs per annum	3 months from acceptance

	<p>Cintellate entry, Sitepass contractor, procedure reviews etc. Cintellate is Adbri's system for the reporting and management of incidents and hazards, including recording and tracking corrective actions arising from incidents and hazards. The additional resource will enable the PCBU to improve collection of important WHS information to increase learning and processes. The new role aims to free up leadership and key site personnel to focus on key WHS risks rather than administrative tasks.</p>		
3.2.6	<p>Appointment of additional permanent site supervisor at Klein Point Quarry to provide broader supervisory support over the 7 days roster to ensure safe work practices across the site. This will allow for increased pit inspections and site walkarounds to improve visible safety leadership. Increased supervision was a key learning arising from the incident. 60 to 70% of this role will be WHS related.</p>	<p>\$110,000 plus on costs per annum \$65,000 included within this EU</p>	<p>3 months from acceptance</p>
3.2.7	<p>Provision of Risk Management Training to all site personnel by a Registered Training Organisation. Training to enable workers to identify WHS hazards, assess WHS risks, and develop, implement and evaluate risk controls appropriate to their job role and work area. The cost involves training at approximately \$2000 per session x 2 sessions for night and dayshift plus travel/accommodation for external trainer. This is a long-term commitment to the risk assessment process directly relevant to the incident and to improving safety outcomes for workers. Once these sessions have been conducted, Adbri will embed the training into Adbri's iLearn modules.</p>	<p>\$8,000</p>	<p>12 months from acceptance</p>
3.2.8	<p>An onsite general health check to be offered to all employees at Klein Point</p>	<p>Minimum \$5,000</p>	<p>6 months from acceptance</p>

	quarry (23 employees), inclusive of blood pressure and BMI checks, glucose and cholesterol checks and healthy lifestyle education. A follow up program for those that require further treatment will be provided. This has been identified as a key risk for the labour pool at site and is part one of a two part initiative to benefit workers at site (see initiative 3.2.9).		(6 months for initial health check, follow up program timing as determined by individual circumstances)
3.2.9	Provision of functional capacity improvement program for 23 employees at Klein Point quarry, which includes an initial assessment and 8-week Exercise Physiologist program. This program aims to address high frequency musculo-skeletal risk injuries, which has been identified as a key risk factor for the labour pool at site.	Minimum \$17,000	12 months from acceptance
3.2.10	Provision of a First Aid training course onsite to 23 employees at the Klein Point site by a Registered Training Organisation.  This purpose of the course is to train personnel in how to respond to first aid emergencies, which was critical to the response to the incident.  The cost is approximately \$2,200 per session for all shifts plus travel / accommodation for external trainer.	Minimum \$8,000	12 months from acceptance
3.2.11	Establish a training and development fund to sponsor learning and development opportunities, such as mentoring / a "life coach" for the injured person to support career and development planning. Learning and development opportunities to be identified by the injured person through Adbri's existing business performance development and review process. If, after 24-months from acceptance of the undertaking there are any unused funds not intended to be used by the injured person, the funds will be allocated to a	\$25,000	6 months from acceptance



	local site initiative benefitting the worker.		
3.2.12	<p>Identification and implementation of exclusion zone warning light system, and associated plan and training to ensure mobile plant risks are managed while the injured person performs rock breaking tasks using an excavator.</p> <p>This is being implemented as another level of control to help extend the return-to-work program.</p>	\$1,200	3 months from acceptance
3.2.13	<p>Purchase of a new specialised rock breaker to further assist the injured person's return to work.</p> <p>The new rock breaker will be fitted with a anti dry fire feature that will ensure the hammer cannot be dry fired whilst not in operation. The risk with the injured person's hearing loss is that he would not have the audio cue that the hammer is firing, causing mechanical damage the rock breaker attachment. The procurement of the specialised rock breaker will create additional opportunities for meaningful work for the injured person.</p>	\$100,000	6 months from acceptance
3.2.13	<p>Redesign the crusher to provide safer access to the top of the crusher by means of remotely actuated doors. This proposal was developed following a safety audit conducted post-incident that identified the existing process to clear blockages at the feed-end was a high-risk activity and as a result of hazardous manual tasks: push/pulls forces, body posture and impact from falling objects. The redesign of the crusher is a long-term commitment to worker safety associated with the common task of clearing blockages.</p> <p>This design engineering and fabrication and installation work will be undertaken using external labour expertise.</p>	\$150,000	21 months from acceptance

3.2.14	Camera installation program across Klein Point, and other Adelaide Brighton Cement Limited operations to improve surveillance across all areas of quarry operations, including the crushing plant, to minimise the need for workers to access heights for certain activities (e.g., patrolling) as well as providing greater surveillance for the purposes of improved supervision over worker activities and management of risks associated with remote or isolated work, including initiating a pilot program using remote technology (drone) to eliminate falls from height risks.	\$25,000	18 months from acceptance
3.2.15	Extending the learnings from the incident beyond Klein Point to conduct a review of Adelaide Brighton Cement's Birkenhead and Angaston operations for height safety.  Improvements include new self-closing gates, kick rails, stairs, handrails, grid mesh and guarding. \$350,000 has been spent to date. This undertaking is to commit an additional \$80,000 toward further enhancing height safety.	\$80,000	21 months from acceptance
Total minimum cost of benefits for workers/others		\$760,200	

### 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	Share learnings from the incident and return to work process via the Institute of Quarrying Australia by presenting at their quarterly forum. Presentation to be delivered face-to-face by a Cement and Lime Senior Leader. Institute of Quarrying Australia meeting is attended by approximately 150 representatives from the quarrying industry.	\$ 3,000	12 months from acceptance

3.3.2	<p>Create a webpage to promote a safety campaign on falls from heights risks, including the development and publishing of an infographic (to be developed by Adbri) setting out simple controls for PCBUs and workers to ensure they are safe when working at height, as well as video.</p> <p>Adbri's webpage will be shared with industry members through industry associations, including Cement, Concrete and Aggregates Australia, Institute of Quarrying Australia, South Australian Chamber of Commerce and Industry via relevant forum.</p>	\$ 10,000	12 months from acceptance
3.3.3	<p>Commission an approximate 3-minute video/animation setting out work at heights critical risk controls case study, including the works that were being undertaken at the time of the incident and learnings to prevent recurrence. The video will detail the risks associated with working at heights and how to identify, address and minimise the risk in an educational and easy to digest format. A specialist production company will be engaged to produce this work. The video will be provided to SafeWork SA and it will be shared with all Adbri employees as part of the proposed toolbox to discuss the incident and learnings (see 3.2.1).</p>	\$30,000	12 months from acceptance
3.3.4	<p>Offer Nationally Accredited Work Safety at Heights training by a Registered Training Organisation to be delivered to no less than 15 students currently studying relevant courses (e.g., Certificate II in Resources and Infrastructure Work Preparation) or similar within the Yorke Peninsula region. If numbers are lower, Adbri will extend the offer to students beyond the Yorke Peninsula.</p>	\$ 15,000	21 months from acceptance

3.3.5	<p>Hold a safety forum with industry partners to communicate expectations for critical risk management, including:</p> <ul style="list-style-type: none"> <li>• Adbri's values</li> <li>• Adbri's Critical Risks and Life Saving Rules</li> <li>• Take 5</li> </ul> <p>Keynote speaker to talk about thinking about the choice we make and the critical impact of poor choices. Venue and refreshments to be supplied by Adelaide Brighton Cement Limited.</p>	\$12,000	16 months from acceptance
3.3.6	<p>Share learnings from incident at Safe Work Month Presentation to be delivered as face-to-face by Cement and Lime Senior Leader. Safe Work Month presentation promoted by SafeWork SA and Adbri Limited with potential reach across entire South Australian business community.</p>	\$ 1,000	14 months from acceptance (to align with Safe Work Month 2024 event)
Total minimum cost of benefits for industry		\$ 71,000	

#### 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	<p>Provide financial support to Stansbury Bowling Club to improve the safety of their facilities and allow the facility to continue to be safely used by the community. The injured worker has an association with the bowls club.</p>	\$12,500	Financial support to be provided within 9 months from acceptance
3.4.2	<p>Host 2 health and wellbeing Adbri community BBQ/forums coinciding with 2024 Safe Work Month, if possible, including information sessions that support worker mental and physical health. To be held in Stansbury or surrounding area and promoted via SafeWork SA and advertised by Adbri Limited with potential reach across regional community. It is estimated that between 20 and 50 workers would attend the BBQ/forum.</p>	\$5,000	24 months from acceptance (to align with Safe Work Month 2024, or other appropriate time by end of 2024)

3.4.3	Sponsor 'Save Our Mates' to deliver health and wellbeing community BBQ/forums, including information sessions to be promoted through the local council network that support worker mental and physical health in the Yorke Peninsula region, to deliver to approximately 100 people.	\$5,000	9 months from acceptance
3.4.4	Provide three Automatic External Defibrillators (AED) at strategic locations following consultation with the Stansbury community. AED was critical to saving the injured worker's life.	\$6,000	9 months from acceptance
3.4.5	Adbri Senior Leadership team member and Klein Point staff to present to local area school about new and young worker safety and the importance of following safe work procedures. Presentation to include a donation to the value of \$10,000 towards the school to support the purchase of safety-related equipment for students (i.e., equipment improvements, PPE)	\$12,000	18 months from acceptance
Total minimum cost of benefits for the community		\$ 40,500	

### 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	\$ 765.00
Compliance monitoring costs	\$ 4,080.00
Publication costs	\$ 0
Total Amount	\$ 4,845.00

### 3.6 Minimum spend

3.6.1 Adelaide Brighton acknowledges the minimum spend for this undertaking will comprise of the:

(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	\$ 760,200.00
Benefits to industry	\$ 71,000.00
Benefits to community	\$ 40,500.00
Regulator costs	\$ 4,845.00
Estimated total minimum spend for the undertaking	\$ 876,545.00

3.6.2 Adelaide Brighton 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)

Adelaide Brighton is committed to maintaining a Work Health Safety Management System that is compliant with the Act and to making continual improvement to the System.

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

Adelaide Brighton:

1. commits to ensuring that a third-party audit of its WHSMS will be undertaken within 12 months of the signing of the undertaking (the **Third Party Audit**);
2. commits to ensuring the Third Party Audit is undertaken by competent, qualified and accredited third party auditors; and
3. acknowledges that the cost associated with the Third Party Audit will be met by Adelaide Brighton as part of the undertaking.

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 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 the WHSMS audit will be fully implemented within six months of receiving the audit report, unless the regulator offers a variation of the undertaking due to the actions being unreasonable.

## 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 Adelaide Brighton Cement Ltd. I offer this undertaking and commit Adelaide Brighton Cement Ltd. to the terms herein.

Signed:   
[Duly Authorised Person]

\_\_\_\_\_  
Brett Brown  
[Print name]

\_\_\_\_\_  
Chief Operating Officer  
[Position]

Dated at Adelaide this 5<sup>th</sup> 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 SA this 6th day of September 2023



1300 365 255



help.safework@sa.gov.au



safework.sa.gov.au



@safeworksa



safeworksa



Government of South Australia  
SafeWork SA

