

# Application for proposed ENFORCEABLE UNDERTAKING

*Part 11, Work Health and Safety Act 2012 (SA)*

The commitments in this undertaking are offered to the regulator by

**The University of Adelaide**

**ABN 61 249 878 937**

# SafeWork SA

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)	Gerald Buttfeld
Street address:	North Terrace Adelaide
Postal address:	The University of Adelaide c/o Human Resources Adelaide SA 5005
Telephone:	8313 1111
Email address:	hrservicecentre@adelaide.edu.au
Legal structure:	Statutory Corporation
Type of business:	Higher Education and Research
Commencement date:	1874
Workers:	
Full time:	2730
Part time:	990
Casual:	2415
Products and services:	Tertiary Education and Research

Comments:	<p>The University of Adelaide stands tall among the world's leading institutions of learning and innovation. The University is consistently rated highly by the most respected international assessment bodies: QS World University Rankings, Times Higher Education and Shanghai Jiao Tong's Academic Rankings of World Universities (ARWU). All consider us one of the top 1% of universities worldwide, and the top university in our state. We're equally proud of the fact that the vast majority of our research is rated 'above or well above world standard' by the Australian Research Council's Excellence in Research Australia program. We count among our distinguished alumni: five Nobel Laureates; over 100 Rhodes Scholars, including Australia's first Indigenous recipient; and Australia's first female prime minister and Supreme Court judge. Many of our staff and teachers are internationally recognised leaders in their fields. And we attract a diverse student body of over 27,000 from more than 90 countries.</p>
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## 1.2 Details of the alleged contravention

The Regulator has alleged that on the 24th November 2019 the University of Adelaide committed an offence pursuant to section 32 of the Work Health and Safety Act 2012 (SA) (the Act) in that it had the duty prescribed by section 19 (3) (a) (b) (c) of the Act to ensure, so far as was reasonably practicable, (a) the provision and maintenance of a work environment without risks to health and safety; and (b) the provision and maintenance of safe plant and structures; and (c) the provision and maintenance of safe systems of work. Additionally, the Regulator has alleged that the University of Adelaide was non-compliant with respect to Regulations 34, 208 and 213.

## 1.3 Detail the events surrounding the alleged contravention

The University of Adelaide operates a Piggery at Roseworthy to support agricultural research and veterinary science teaching. On 24 November 2019, a worker employed by the University of Adelaide was injured when his hand came into contact with an unguarded drive belt of an effluent sump pump.

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

Not Applicable ☐ (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
26/11/19	Prohibition	171373	Ensure that the sump pump is inspected and tested by a competent person and certified as safe to use	Engineer engaged to review and propose a better solution. Pump replaced with a system designed to limit any blockages. Pump system caged and locked down.
26/11/19	Prohibition	308504	Place an effective barrier around the slurry sump to prevent any access  If Access is required for any reason SWSA to be contacted prior to entry.  Access is granted for the purpose of constructing effective barriers.	Temporary fencing put in place initially. Concrete slab laid and sump cover installed. Sump cover is locked down.

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- 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 worker sustained an amputation at the top joint of the ring and middle fingers on his left hand.

- 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 - [Enter details of 'other' here]
- ☐      not applicable

Status: The injured worker is supported under an accepted workers compensation claim.

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## 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
N/A	<p>Income maintenance, payment of medical costs and return to work assistance.</p> <p>The injured worker has been in regular contact with our injury management specialist. The specialist has visited the injured worker on a number of occasions. She has ensured that he has the support that he needs.</p>	<p>The University as a self-insured entity supports and manages the return to work of injured workers.</p> <p>The worker and the injury management specialist have regular contact.</p> <p>Both physical and mental health support have been provided.</p> <p>The worker asked the injury management specialist to support him through the SafeWork interview process.</p>

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

The University of Adelaide has a Health, Safety and Wellbeing (HSW) policy and system that is designed to meet the requirements of all applicable legislation and Return to Work SA performance standards for self-insured employers. The Policy and procedures are detailed online in a comprehensive HSW Handbook that can be found at <https://www.adelaide.edu.au/hr/hsw/hsw-policy-handbook>. The majority of the HSW Handbook is intentionally made publicly accessible to assist other organisations. Implementation of the HSW System is supported by teams of local safety advisors and monitored via internal audit. The internal audit consists of two audit cycles per year. Within each cycle one or more components of the HSW system are selected for review, and these are tested in a number of selected areas.

## 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

Health, Safety and Wellbeing (HSW) internal audits are undertaken twice yearly. Each audit cycle focuses on compliance with one or more specific components of the HSW System within a limited number of areas across the organisation. Internal audit outcomes are reported to the relevant Head of the Faculty or Division, to the University Risk Management Committee, and key outcomes are reflected in the quarterly report to Senior Management and University Council. In addition to the

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HSW internal audits a number of areas undergo formal safety reviews undertaken by the HSW Officers in each Faculty or Division. The reviews look in depth at the implementation of the University's HSW processes within the selected area, and the outcomes are formally reported to the Head of the Faculty or Division. The University of Adelaide also provides all staff and students with an app based system that allows any hazards or safety issues to be quickly reported, documented and resolved.

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

The University of Adelaide has consulted with the Faculty of Sciences Executive Dean, the Head of School/Dean of Roseworthy, the School Manager, the School Commercial Manager, the Piggery Manager and workers at the Piggery. The University will take the undertaking to the ten key Health, Safety and Wellbeing (HSW) Committees across the University at their next meetings; however due to timing this will be after the undertaking is agreed.

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

The University of Adelaide engaged a consulting engineer through WGA (Wallbridge Gilbert Aztec) to review the effluent system at the Piggery, to prepare a performance specification and drawings for upgrade of the existing pumping system.

A new pumping system that includes a macerator to prevent blockages was recommended by the engineers. The recommended system was purchased and installed by contractors on a new concrete plinth, the entire pump system was surrounded by a locked cage to ensure that only authorised and trained contractors could access the system.

A lockable cover was designed and installed by contractors over the sump to eliminate the risk of someone falling into the sump pit.

Safe Operating Procedures were created for contractors who may from time to time need to attend to undertake maintenance of the system or work involving the sump. A review of the management of, and documentation associated with, the range of hazards at the Piggery was undertaken. The review resulted in revised processes and documentation. The workers at the Piggery were provided with information and instruction to ensure that they understood the revised processes.

The existing pump system remained shut down for eight months from the time of the incident through to the replacement of the pumping system. In the interim the University engaged the services of a contractor with an effluent vacuum truck to safely empty the effluent sump on a regular basis.

<b>Total amount spent on rectifications</b>	<b>\$ 11,100 Review by Consulting Engineers</b>
	<b>\$ 87,974 New pump, sump cover, cage, and installation</b>
	<b>\$ 206,304 Interim sump management costs</b>

## 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 University of Adelaide acknowledges that the Regulator has alleged that it has committed offences as set out at clause 1.2 above.

- 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.

The University of Adelaide regrets that the incident occurred and in particular the injury suffered by the worker, and has taken, and will continue to take, such steps as are reasonably practicable to ensure that such an incident or a similar incident does not occur again.

- 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

The University of Adelaide is committed to ongoing compliance with all of its obligations under the WHS Act 2012. Within a large and complex organisation like the University of Adelaide, undertaking a myriad of research and teaching programs, it is education that is the key and cornerstone of safety compliance. The University is committed to ensuring that staff and students are well educated in the identification and management of workplace hazards.

The University of Adelaide has taken action to ensure that the risk to workers at the Roseworthy Piggery has been minimised, including the engineering out of risks previously associated with the sump and pumping system.

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

I have read and understood:

**Guidelines for the acceptance of an enforceable undertaking**

Version: 1    Dated: June 2018

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## 2.5 Acknowledgement that this undertaking may be published and publicised

**2.5.1** The University of Adelaide acknowledges that the undertaking may be published on the SafeWork SA website and referenced in SafeWork SA material.

**2.5.2** The University of Adelaide 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** The University of Adelaide has the financial ability to comply with the terms of this undertaking. The Annual Report of the University provides details of the financial standing of the University to support this declaration.

**2.6.2** In the event of impending liquidation, sale or merger of the entity, the University of Adelaide 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

N/A

## 2.8 Statement regarding Intellectual Property Licence

The University of Adelaide, 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

SafeWork SA has 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)

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

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☐ 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).

**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

The University of Adelaide is committed to discharging its obligations under the WHS Act 2012 and this commitment is reinforced by the actions taken to date as documented in section 1.11 and the further undertakings made within this document.

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

The University of Adelaide 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)

**Dissemination will be achieved by doing the following:**

The Chief Operating Officer of the University of Adelaide will email all employees of the University of Adelaide informing them of the executed enforceable undertaking, explaining the commitment of the University to health and safety in the workplace and a reminder that safety should always be front of mind.

The enforceable undertaking will also be made available on the University intranet and a link provided in the email from the Chief Operating Officer.

The University of Adelaide will provide an update, together with supporting evidence, in relation to compliance with each of the enforceable terms of this undertaking to the regulator at six monthly intervals during the course of the undertaking.

This undertaking will be acknowledged in the 2021 University Annual Report.

**Dissemination will occur by:** email within 60 days of the undertaking coming into effect

- 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
<b>3.2.1</b> The University of Adelaide will prepare a training session directly related to learnings from the incident. The training session will be presented to all five Faculties, three key Divisions (University Operations, Academic & Student Engagement and Research and Innovation), and the controlled entities of the University of Adelaide (the National Wine Centre, Adelaide UniCare, and Martindale Holdings). The	\$ 10,000	Within 12 months from acceptance

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	minimum cost is made up of the salary costs associated with drafting, organising and delivering the training sessions.		
3.2.2	Introduction of a process recording annual workplace inspections of inherently high risk areas (laboratories, workshops and animal facilities) to be undertaken by area supervisors or facility managers. The process will consist of a targeted distribution of customised inspection checklists to supervisors with appropriate instructions, recording of issues and actions, monitoring to ensure completion by all inherently high risk areas, and reporting outcomes to senior management.	\$ 25,000	Within 18 months from acceptance
3.2.3	WHS legislative compliance Audit of the Roseworthy Piggery using an external consultant. The findings of the compliance audit will be actioned within 8 weeks of receipt of the report.	\$ 6,500	Within 6 months from acceptance
3.2.4	Undertake a half yearly site inspection and review of Roseworthy piggeries compliance with the University's HSW safety system by an HSW Officer trained in auditing. The findings of the inspection and review will be actioned within 8 weeks of receipt of the report.	\$ 5,500	To commence within 3 months from acceptance
<b>Total minimum cost of benefits for workers/others</b>		<b>\$ 47,000</b>	

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## 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	Presentation on the incident, learnings and the enforceable undertaking to University of South Australia and Flinders University; the two other major Universities in South Australia. The minimum cost is made up of salary costs associated with adaptation of the training session listed at 3.2.1 into an appropriate presentation and the delivery of the presentations.	\$ 500	Within 12 months from acceptance
3.3.2	Publication of an article regarding the incident and the learnings for the industry from it in an appropriate industry publication, specifically a Bulletin or publication distributed by Pork SA. The draft article will be provided to SafeWork SA for feedback before it is disseminated.	\$ 6,000	Within 12 months from acceptance
3.3.3	Presentation on the incident and the enforceable undertaking at the next Australasian Universities Safety Association Conference. SafeWork SA will be given notice of the date and time of the presentation and given the opportunity to attend. The minimum cost is made up of the salary cost involved preparing the conference presentation in a suitable format and attendance to deliver the presentation.	\$ 1,000	Within 18 months from acceptance
3.3.4	The University of Adelaide will produce a video of no less than 15 minutes outlining the incident, our learnings from it, and highlighting the importance of plant guarding and hazard identification. The video will be used within the University of Adelaide, shared with the Australasian Universities Safety Association, and be available for SafeWork SA to use on their own media platforms.	\$10,000	Within 12 months from acceptance
<b>Total minimum cost of benefits for industry</b>		<b>\$ 17,500</b>	

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## 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
<b>3.4.1</b>	University of Adelaide will undertake to participate in a forum or presentation during SafeWork month or to participate in a presentation at another time agreed with SafeWork SA. The presentation may face to face or virtual. The representative will speak in relation to this enforceable undertaking and the learnings from the incident	\$ 250	Within 12 months from acceptance
<b>Total minimum cost of benefits for the community</b>		<b>\$ 250</b>	

## 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
<b>Investigation, legal &amp; administrative costs associated with the alleged contravention &amp; proposed undertaking</b>	\$ 1,404.93
<b>Compliance monitoring costs</b>	\$ 4,809.12
<b>Publication costs</b>	\$ 0
<b>Total Amount</b>	<b>\$ 6,214.05</b>

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## 3.6 Minimum spend

**3.6.1** The University of Adelaide 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
<b>Benefits to workers/others</b>	\$ 47,000
<b>Benefits to industry</b>	\$ 17,500
<b>Benefits to community</b>	\$ 250
<b>Regulator costs</b>	\$ 6,214.05
<b>Estimated total minimum spend for the undertaking</b>	\$ 70,964.05

**3.6.2** The University of Adelaide 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)

The University of Adelaide is committed to meeting all legal requirements and responsibilities under the WHS Act. The University is also a self-insurer in South Australia under the Return to Work Act (2014) and is committed to maintaining its self-insurance licence.

The University is committed to maintaining its comprehensive WHS Management System. This system is formally evaluated by ReturnToWork SA (RTWSA) at intervals of not more than 5 years against the requirements of the Return to Work SA Performance Standards for Self-insurers.

The performance standards are a higher standard than the WHS legislation and are designed to ensure self-insurers have appropriate systems in place to manage both WHS, injury management and workers compensation.

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

As stated above the University of Adelaide's WHS system is regularly formally evaluated by RTWSA at intervals determined by the self-insurance licence but no greater than 5 years. The evaluation involves a 4-5 week period of review including site visits and a review of evidence of implementation of the WHS Management System. The next evaluation is scheduled to occur between May and July 2021.

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

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

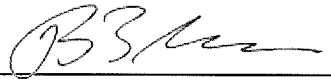
3.9.2 It is acknowledged that within 30 days of receipt of the evaluation report, the regulator will be advised of the intended action in addressing any non-conformances documented in the report.

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

3.10.1 The non-conformances resulting from the RTWSA evaluation will be closed out within six months of receiving the evaluation report, unless the regulator offers a variation of the undertaking due to the actions being unreasonable or unachievable within the time frame.

## SECTION 4: OFFER OF UNDERTAKING

As a duly authorised person of the University of Adelaide I offer this undertaking and commit the University of Adelaide to the terms herein.

Signed:   
[Duly Authorised Person]

BRUCE LINES  
[Print name]

CHIEF OPERATING OFFICER  
[Position]

Dated at Adelaide this 29th day of April, 2021

## 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]

MARTYN CAMPBELL

[Print name]

EXECUTIVE DIRECTOR

[Position]

Dated at ADELAIDE this 22<sup>nd</sup> day of JUNE, 2021



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