

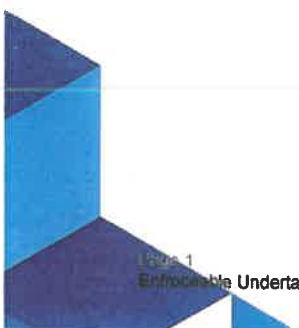
Application for proposed ENFORCEABLE UNDERTAKING

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

The commitments in this undertaking are offered to the regulator by

San Remo Macaroni Company Pty Ltd
(the person)

ABN / ACN 43 000 228 713



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)	Duanne Banham
Street address:	4 Boden Court, WINDSOR GARDENS SA 5087
Postal address:	'as above'
Telephone:	08 8334 8200
Email address:	dbanham@sanremo.com.au
Legal structure:	Private Company
Type of business:	Food Manufacturer
Commencement date:	01/07/1936
Workers:	
Full time:	252
Part time:	19
Casual:	86
Products and services:	Pasta

Comments:

San Remo Macaroni Company Pty Ltd is a privately owned South Australian business established in 1936. The main manufacturing site is based at Windsor Gardens and employs over 300 local staff.

The factory utilises world leading technology and equipment to produce, pack and distribute high quality pasta products around the world.

San Remo Macaroni Company Pty Ltd is quality certified and its systems are regularly externally audited to ensure it maintains its exacting standards of quality.

1.2 Details of the alleged contravention

The Regulator has alleged that San Remo has committed two alleged contraventions of section 32 of the *Work Health and Safety Act 2012* (SA) (**WHS Act**) when it failed to comply with its health and safety duty under section 19 (1) (a) to ensure, so far as is reasonably practicable, the health and safety of Sonny Skedgewell and other workers on 19/06/2019.

The first of these alleged contraventions alleges that San Remo failed to comply with its duty because it failed, so far as is reasonably practicable, to ensure that the cutting blades of the curly lasagne machine were properly guarded so as to remove (or minimise) the possibility that a worker's hand could come into contact with its cutting blades when the machine was operational or to ensure the workers maintained a safe distance from the cutting blades.

The second of these alleged contraventions alleges that San Remo failed to comply with its duty because it failed, so far as was reasonably practicable, to provide or maintain a safe system of work for the task of clearing blockages, failed to perform an adequate hazard identification and risk assessment process specific to the clearance of blockages on the curly machine, provide workers with necessary information, training or instruction regarding the clearance of blockages on the curly lasagne machine or prepare an appropriate standard operating procedure specific to the clearance of blockages.

San Remo's alleged failure to comply with health and safety duties created a risk of serious injury, which materialised on 19/06/2019, when the injured worker suffered the partial amputation of two digits of his hand when his hand came in contact with the cutting blades of the curly lasagne machine.

The Regulator also alleges that San Remo failed to ensure that the plant it managed or controlled was adequately guarded in accordance with regulation 208 of the *Work Health and Safety Regulations 2012* (**WHS Regulations**).

The Regulator has alleged that Clearlight Investments Pty Ltd (**Clearlight**) committed an alleged contravention of section 32 of the WHS Act when it failed to, so far as is reasonably

practicable, to ensure that the curly lasagne machine was without risks to the health and safety of San Remo's workers because the cutting blades of the curly lasagne machine were not properly guarded to remove (or minimise) the possibility that a worker's hand could come into contact with its cutting blades when the machine was operational.

The allegations against Clearlight are made based upon it owning a health and safety duty under section 21 of the WHS Act (ie it owned the curly pasta machine and the premises).

Clearlight's alleged failure to comply with health and safety duties created a risk of serious injury, which materialised on 19/06/2019, when the injured worker suffered the partial amputation of two digits of his hand when his hand came in contact with the cutting blades of the curly lasagne machine.

The Regulator also alleges that Clearlight failed to ensure that plant it managed or controlled was adequately guarded in accordance with regulation 208 of the WHS Regulations.

1.3 Detail the events surrounding the alleged contravention

On 19/06/2019, the injured worker was assisting an experienced operator on the curly lasagne machine when some dough blocked the machine. The experienced operator sought to clear the blockage from an area where the front of the machine is located. The injured worker provided assistance to the experienced operator with this task. The injured worker at his own initiative moved to another area to the rear of the machine. The injured worker then opened a rear guard and placed his hand into the machine to retrieve some of the dough (to seek to clear the blockage) without stopping the machine. The injured worker's middle finger tips of his right hand came in contact with a blade of the machine which was below a chute further into the machine, resulting in an amputation of the 3rd and 4th finger tips.

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
20 June 2019	Prohibition Notice	WHSPN 304006	Curly lasagne line inadequately guarded	The manager of the Maintenance Department was consulted and a presence-sensing interlock fitted to the rear guard of the machine on the curly lasagne line to prevent parts from moving when the guard was opened, altered or removed in June 2019. SOP amended to detail updated safe work procedure in July 2019.

				Refresher training about safe work practices and guarding provided
02 July 2019	Improvement Notice	WHSIN 164204	Failure to notify regulator immediately.	Supervisory staff of San Remo provided with refresher training in July-August 2019. SOP amended to reinforce requirement to immediately notify the Regulator in July 2019.
02 July 2019	Improvement Notice	WHSIN 164206	Risk of fall from check plate at ground level of machine.	Risk assessment for the machine completed in June 2019. An outcome of the risk assessment was that modifications to the machine were made, specifically that the checker plate was extended and railing fitted to prevent risk of fall in June 2019.

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 sustained a partial amputation to the tips of his 3rd and 4th fingers on his right 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 has a current compensable workers' compensation claim.

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
19 June 2019 – ongoing	Contact was made by the Human Resources Manager, RTW Coordinator and HR Administrator with the injured worker to provide rehabilitation services and a graduated return to work plan.	The insurer, Gallagher Basset Services Pty Ltd has assigned a Return To Work Specialist to the claim.
19 June 2019	A room and additional equipment (computer, telephone, suitable desk and chair) was specifically provided to assist with the injured worker's rehabilitation and set up to ensure he had access to all equipment and assistance required.	One on one training was provided to the injured person to provide them with the confidence to do the tasks, as this was a new area and skillset for them. The room was located in a completely separate building from where the incident occurred which was approximately 400m away with a separate carpark, entrance and amenities, which meant the worker was effectively in a new work environment to assist with his recovery and well-being.
12 August 2019	Day shift hours were provided to the injured worker to assist in his rehabilitation.	The day shift hours provided greater flexibility for the worker to attend appointments.

12 August 2019

The Coordinator of the area where the worker was relocated during his RTW plan visited the worker on a daily basis to offer emotional support and offer assistance as required if there were any issues in the tasks he was performing.

The Coordinator was known to the worker prior to the injury and had a good relationship, thereby providing the worker access with someone he could converse and discuss matters with as they arose which aided in his confidence in returning to work.

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

San Remo's WHS systems include:

WHS Policy is reviewed by Management in keeping with the Company's Management System Policy Manual (PM101-1) and staff are consulted via the WHS Committee.

The WHS Committee includes staff members who directly represent staff on the WHS Committee and share information with staff on relevant WHS related matters, as well as providing communication back from staff to enable staff to contribute to the decision-making process.

The WHS Policy is provided to all employees detailing the company's commitment and responsibilities regarding work, health and safety;

A comprehensive induction for new employees and ongoing training for existing staff on policies, procedures and safe work practices;

A WHS Committee which has been established for several years and includes four worker representatives assists in the investigating of safety related matters, developing policies and procedures related to health & safety, and workplace consultation;

Minutes of the bi-monthly WHS Committee meeting are recorded and submitted to Management;

A WHS Reporting system for the identification, reporting and review of workplace hazards and risks, including workplace inspections, risk assessments, job safety analysis and WHS reports.

Databases for training records, standard operating procedures, risk assessments, hazard / incident reports and licences / certifications to ensure ongoing monitoring for compliance.

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

Auditing of the WHS systems includes:

Quarterly meetings to discuss and review WHS systems, staff training, risk assessments, hazards and safety related issues against a range of internal targets, including completion targets for risk assessments, medically treated injuries frequency rates and lost time injury frequency rates;

Quarterly management review meetings to audit and review the performance of the WHS Management System, WHS objectives, actions, policies, procedures, changes in the workplace and continuous improvement outcomes;

Annual audits of standard operating procedures as required under the Company's Management Procedure MP405 Internal Management System Audit and Review;

A WHS Consultant from Business SA has been engaged to conduct annual audits of the WHS systems compliance with the WHS Act 2012 (SA).

Annual review of licencing and certification requirements.

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

The management team of San Remo Macaroni Company Pty Ltd (including the Chief Executive Officer) have been consulted about the development of the undertaking. San Remo will consult with internal workers through the management meetings, the WHS Committee and engage external consultants in relation to the undertaking, with minutes of WHS Committee meetings kept.

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 Curly Lasagna machine was immediately isolated after the incident and an initial inspection conducted by the HR Manager, Dry Pasta Coordinator and Maintenance Supervisor. The following morning the Dry Pasta staff and the Maintenance Department, including the Maintenance Manager were consulted to complete a risk assessment and identify modifications to the guarding to eliminate the risk of injury. A new guard was fabricated and fitted with a presence-sensing interlock to prevent the machine from operating without the guard being securely in place. The cost of fabricating the guard and completing the installation with safety interlock was \$2,475.25.

The standard operating procedure (SOP) was revised to include the change in guard design and staff were trained in the new SOP.

A meeting was held on 25 June 2019 with Operational and Maintenance supervisory staff to identify and eliminate hazards within the area. This resulted in a review, update, reissue of the Production Preoperational Checklist (F008). Cost of completion of the review \$ 500.00

SafeWork SA were informed of the changes and Inspectors visited the site on 25 June 2019, subsequently certifying the compliance of requirements of the notice had been met.

On 21 June 2019 an instruction to staff in the form of a memorandum was issued relating to safe work practices and team briefs conducted to ensure all staff were made aware of their responsibilities regarding safety and compliance. Cost of implementing and informing staff \$ 350.00

Training on Accident & Injury Procedures was conducted on 17 July 2019 for twenty supervisory staff following amendments to the procedure to ensure compliance with reporting requirements at a cost of \$1,487.52.

Total amount spent on rectifications \$ 4,812

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 19 June 2019, San Remo Macaroni Company Pty Ltd committed an offence pursuant to Section 32 of the Work Health and Safety Act SA (the Act) in that it had the duty prescribed by Section 21 of the Act to ensure, so far as is reasonably practicable, that fixtures, fittings and plant are without risks to the health and safety of any person. Additionally, the Regulator has alleged that San Remo Macaroni Company Pty Ltd was non-compliant with Regulation 208 of the Work Health and Safety Regulations 2012 (SA).

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.

San Remo Macaroni Company Pty Ltd regrets the alleged contravention occurred and accepts the undertaking has provided the company with the opportunity to further invest in improving its WHS systems, training and work practices to ensure a similar incident does not occur. The undertaking is a more appropriate response to the alleged contraventions as it will serve as a binding written commitment made by the San Remo Macaroni Company Pty Ltd which enable the implementation of effective health and safety initiatives that are designed to deliver tangible benefits for workers, industry and the wider community.

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

San Remo Macaroni Company Pty Ltd is committed to ensuring that the behaviour, activities and other factors which caused the alleged contravention has ceased and will not reoccur. San Remo Macaroni Company Pty Ltd commits to ensure its Work, Health and Safety Management Systems are reviewed, audited and recommendations implemented; and to ensure ongoing compliance with legislative requirements.

San Remo Macaroni Company Pty Ltd has conducted reviews of machine guarding across the site to eliminate the risk of similar incidents reoccurring.

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

2.5 Acknowledgement that this undertaking may be published and publicised

2.5.1 San Remo Macaroni Company Pty Ltd acknowledges that the undertaking may be published on the SafeWork SA website and referenced in SafeWork SA material.

2.5.2 San Remo Macaroni Company 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** San Remo Macaroni Company Pty Ltd has the financial ability to comply with the terms of this undertaking and have provided evidence by way of a letter from our Financial Auditors, Grant Thornton Australia, with this undertaking to support this declaration.
- 2.6.2** In the event of impending liquidation or sale of the entity, San Remo Macaroni Company Pty Ltd 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

San Remo Macaroni Company Pty Ltd confirms it has no relationship with any corporations, officers, employees, contractors, proposed beneficiaries of donations or scholarship or other recipient of financial benefit contained in this undertaking; other than engaging Bedford Industries on occasion for the outsourcing of some rework of products.

2.8 Statement regarding Intellectual Property Licence

San Remo Macaroni Company 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

SafeWork SA has 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

The statutory declaration is attached (if applicable)

☒ 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.

2.11 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

San Remo Macaroni Company Pty Ltd is committed to performing activities that will ensure the ongoing effective management of risks to health and safety in future by:

complying with the undertakings made within this document;

implementing and reviewing the effectiveness of the rectifications detailed in section of 1.11 of this document.

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

San Remo Macaroni Company Pty Ltd is committed to promoting the benefits of this undertaking. The benefits to San Remo will include a general improvement to the WHSMS and reduction in risk of future incidents which might result in a reduction of lost time injuries. San Remo Macaroni Company Pty Ltd will also promote the benefits of the enforceable undertaking by promoting the implementation of terms of the undertaking to industry stakeholders and industry safety bodies. The benefits of the enforceable undertaking for San Remo Macaroni company Pty Ltd are that it will facilitate a safer work environment and allow all people involved with San Remo Macaroni Company Pty Ltd to have a sound understanding of how to work in and maintain a safe work environment.

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)

San Remo Macaroni Company Pty Ltd commits to disseminate information in relation to the enforceable undertaking within the workplace through the provision of a written memorandum to workers and communicated through Team Briefs to disseminate information about this undertaking with a copy of the memorandum to be published on San Remo's Intranet.

Dissemination will be achieved by doing the following:

The enforceable undertaking will be disseminated through the WHS Committee and through the next Management Review Meeting. The WHS Committee disseminates information to workers and managers for inclusion within departmental team briefs and via noticeboards. Records of WHS Committee activities are captured in minutes.

Dissemination will occur by: the end of the month following 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
3.2.1 Engage an external trainer (Business SA) to provide WHS specific training for supervisory staff (8), which will include hazard identification and risk assessment. This specific training will only be provided to supervisory staff of San Remo Macaroni Company Pty Ltd.	\$ 3,000	Completed within 12 months from acceptance

3.2.2	<p>Develop and implement a schedule and conduct refresher training on reporting, hazard identification and safe work practices for operational staff with key WHS responsibilities. Training records will be completed for all training conducted, including training outcomes, participant details and dates. This specific training will only be provided to operational staff with key WHS responsibilities at San Remo Macaroni Company Pty Ltd. Key WHS Responsibilities include:</p> <p>Ensuring a work environment without risk to health and safety, safe plant and structures, safe systems of work, safe use, handling and storage of plant, structures and ingredients, adequate facilities for the welfare of workers at work and appropriate health, medical and first aid services, maintain appropriate information and records relating to worker's health and safety. A worker will qualify for this training if it is a key duty of their employment to ensure that the abovementioned responsibilities are readily known and enforced.</p>	\$ 6,515	Completed within 12 months from acceptance
3.2.3	<p>Implement a Safety Bonus Award system and incentive for staff to prevent lost time workplace injuries or achieve zero lost time injuries and to identify workplace safety initiatives. At least 1 initiative is to be tabled at each bi-monthly WHS Committee meeting for consideration with minutes provided to detail initiatives. Records of the payment of incentives, including names of recipients and reasons for the bonus will be documented.</p>	<p>\$ 30,000</p> <p>Minimum 6 safety bonus x 50 staff x \$100 each.</p>	Completed within 12 months from acceptance
3.2.4	<p>Identify and train 1 designated workplace trainer for each Pasta production department to provide operational machine and process training, including WHS in the workplace.</p> <p>The designated workplace trainer will provide additional benefit to</p>	\$ 1,935	Completed within 12 months from acceptance

	workers by providing training specific to the plant within each production department, this will ensure that production staff have a sound understanding of the plant and safety processes applicable to their department and the whole workplace.		
3.2.5	<p>Engage the services of an independent external consultant (BusinessSA) to review the Company's WHSMS on an annual basis, for a period of 2 (two) years and provide a report on the WHSMS, including recommendations which will be included within a WHS Strategic Action Plan.</p> <p>To reflect the learnings gained from the incident, the audit will include review of workplace practices, machine guarding, reporting of hazards and actions, maintenance records, interlock systems and training records.</p> <p>Evidence of an action plan that clearly identifies remedial actions identified within the review will be made available within 6 months of the completion of the review.</p>	\$ 15,400	Commenced within 6 months from acceptance with annual auditing.
3.2.6	Deliver toolbox training on 'mental health in the workplace' for staff. To be delivered in 3 x sessions across shifts on site. Records of participation will be documented.	\$ 1,647 (Minimum 150 participants)	Completed within 12 months from acceptance
3.2.7	Employ a dedicated Preventative Maintenance Coordinator which shall be in addition to previous Maintenance staffing. The position will be ongoing in nature with a Position Description outlining the objectives of the role to review machine safety, implement a proactive and preventative maintenance program which supports a sustainable change in advanced scheduling of servicing and improvements of machinery across the business. This will	\$ 120,000	Completed within 12 months from acceptance.

	include an annual report on machine status and PM.		
3.2.8	Engage an independent external consultant through BusinessSA to provide refresher training for up to 15 participants on WHS hazard assessment and control, with records of attendance as evidence.	\$3,100	Completed within 12 months from acceptance
3.2.9	Engage an external consultant through BusinessSA to provide training for a minimum of 20 participants on bullying, discrimination and sexual harassment, with records of attendance as evidence. An equal number of participants will be selected from each department to receive this training.	\$3,500	Completed within 12 months from acceptance
Total minimum cost of benefits for workers/others		\$ 185,097	

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
<p>3.3.1</p> <p>San Remo will disseminate an alert on guarding to pasta manufacturers in relation to the incident. A draft alert will be provided to SafeWork SA for feedback prior to release. The alert will be disseminated across San Remo's communication channels including publication on San Remo's Intranet and to industry stakeholders and industry safety bodies.</p>	<p>\$ 1,950</p>	<p>Completed within 6 months from acceptance</p>
<p>3.3.2</p> <p>San Remo will fund an annual award for 3 years (ie an annual award) for safety innovation, targeting WHS solutions in the food manufacturing industry in South Australia through the University of South Australia. The application for the award shall be through the University. The University would determine who is the successful applicant each year in consultation with San Remo.</p>	<p>\$ 15,000</p>	<p>To be commenced within 6 months from acceptance with the award available for 3 years</p>
<p>3.3.3</p> <p>San Remo will sponsor and co-present a webinar presentation in partnership with DW FoxTucker for manufacturing businesses, focusing on risk assessments and guarding, based on the incident. The draft of the presentation will be provided to SafeWork SA for feedback before it is presented. The Webinar will be recorded and will be available for other members within the industry for future guidance.</p> <p>The Webinar will be kept by both San Remo and DW Fox Tucker and access can be requested to it by contacting either San Remo or DW Fox Tucker.</p>	<p>\$ 6,000</p>	<p>Completed within 6 months from acceptance.</p>

3.3.4	Presentation of the incident, learnings and enforceable undertaking to Business SA members in the food manufacturing industry. The presentation will be recorded and will be available for other members within the industry for future guidance on both San Remo and DW Fox Tuckers websites(if it is not possible for the presentation to be made available online, copies of it can be provided digitally upon request)	\$ 3,000	Completed within 12 months from acceptance.
Total minimum cost of benefits for industry		\$ 25,950	

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	San Remo will fund and provide a presentation based on the learnings from incident to local students from the Windsor Gardens Vocational College to assist in educating future young workers in industry, emphasising workplace hazard awareness. A copy of the presentation will be provided to SafeWork SA.	\$ 1,000 Within 12 months from acceptance.
3.4.2	San Remo will provide a donation to Bedford Industries to assist in the manual handling / WHS training of their staff.	\$ 5,000 Completed within 3 months from acceptance
Total minimum cost of benefits for the community		\$ 6,000

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	\$ 10,000
Compliance monitoring costs	\$ 5,000
Publication costs	
Total Amount	\$ 15,000

3.6 Minimum spend

- 3.6.1** San Remo Macaroni Company Pty Ltd 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	\$ 185,097
Benefits to industry	\$ 25,950
Benefits to community	\$ 6,000
Regulator costs	\$ 15,000
Estimated total minimum spend for the undertaking	\$ 232,047

- 3.6.2** San Remo Macaroni Company Pty Ltd commits to provide invoices to SafeWork SA for expenses incurred for the activities identified in Section 3 of this Undertaking.
- 3.6.3** San Remo Macaroni Company Pty Ltd 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)

San Remo Macaroni Company Pty Ltd is committed to maintaining its work health and safety management system to ensure our ongoing compliance with legislation; and maintaining its compliance with the WHSMS through the monitoring of the system by an external consultant from Business SA.

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

San Remo Macaroni Company commits to ensuring the company's WHSMS will be audited within 3-6 months of the signing of the undertaking by a third party auditor. The company will implement the recommendations made by the third party auditor in relation to the WHSMS.

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 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 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 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

I offer this undertaking for a period of 2 (two) years, except for the annual award item 3.3.2 whic San Remo Macaroni Company Pty Ltd undertakes to support for a minimum period of 3 (three years) from the date of its acceptance and commit to the terms herein.

Signed:



[Person]

DUANNE BANHAM

[Print name]

HUMAN RESOURCES MANAGER

[Position]

Dated at WINDSOR GARDENS SA this 13TH day of SEPTEMBER, 2021

OR

As a duly authorised person of Click or tap here to enter person I offer this undertaking and commit Click or tap here to enter person to the terms herein.

Signed:

[Duly Authorised Person]

[Print name]

[Position]

Dated at _____ this _____ day of _____, 20____

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 SafeWork SA this 15th day of September, 2021