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Government  
of South Australia

SafeWork SA

# Application for proposed ENFORCEABLE UNDERTAKING

The commitments in this undertaking are offered to the Regulator by

**RE.CYCLE (ADELAIDE) PTY LTD** ABN / ACN 50 616 663 542

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## GENERAL INFORMATION:

The information provided in this document is for the purpose of applying for an enforceable undertaking (EU) under Part 11 of the *Work Health and Safety Act 2012* (SA) (the Act) in lieu of potential prosecution.

The information will be managed in accordance with the confidentiality provisions of the Act and the SafeWork SA Confidentiality of Information Policy.

If an EU is accepted by the Regulator, both the EU agreement and the Reasons for Decision Notice will be published on the SafeWork SA website within 28 days. EU's and the Reasons for Decision Notice will remain on the SafeWork SA website and will only be removed at the discretion of the Regulator.

Refer to the 'Enforceable Undertaking Application Guidelines' for further guidance on completing this application.

## COMMENCEMENT OF UNDERTAKING

The EU will take effect when the Regulator accepts the EU Application. The date of acceptance is the date the Regulator (or their delegate) signs the EU application.

The EU agreement will not exceed 18 months in duration unless permission has been given by the Regulator to extend the duration to 24 months.

The Undertaking will conclude on written advice from the Regulator to the applicant when all requirements of the undertaking have been satisfactorily completed.

## SECTION 1: GENERAL INFORMATION

### 1.1 Details of the applicant proposing the undertaking

Nominated person: <small>(Point of contact for SafeWork SA communications)</small>	Daniel Chesson
Street address:	Level 19, 100 Miller Street, North Sydney NSW 2060
Postal address:	As above
Telephone:	02 9235 13 77 or 0411 723 400
Email address:	Dan.chesson@re-group.com
Legal structure:	Re.Cycle (Adelaide) Pty Ltd, ABN 50 616 663 542
Type of business:	Service provider in the recycling business
Date business registered:	4 January 2017
No of Workers: Full time:	16
Part time:	-
Casual:	2
Products and services:	Operation of a Material Recovery Facility ( <b>MRF</b> ) that receives co-mingled waste material and extracts recyclable products for sale.  Re.Cycle (Adelaide) is part of Re.Group. Re.Group operates 11 MRFs and 5 associated recycling facilities across Australia and New Zealand, and has an engineering business that designs and builds MRFs.
Comments:	

### 1.2 Details of the characterised or alleged contravention

The regulator alleges that Re.Cycle (Adelaide) Pty Ltd (ABN 50 616 663 542) (the **Company Re.Cycle (Adelaide)** or the **Company**) on 19 December 2023, at Seaford Heights in the State of South Australia committed a Category 2 offence (a minor indictable offence against section 32 of the Work Health and Safety Act 2012).

The particulars of the allegations are set out below:

1.1. The Company had a health and safety duty as a body corporate conducting a business operating the Southern Material Recovery Facility located at 112 Bakewell Drive Seaford Heights SA, 5169 (**the Workplace or Site**).

1.2. The Company had a health and safety duty prescribed by s 19(1) of the Work Health and Safety Act 2012 (**the Act**) to ensure, so far as reasonably practicable, the health and safety of workers including the injured worker while they were at work at the workplace.

1.3. The Company allegedly breached its duty:

1.3.1. While at the Workplace workers were exposed to a risk to their health and safety because:

1.3.1.1. The Company used plant, namely a glass crushing plant (**the glass plant**).

1.3.1.2. The glass plant consisted of a hopper, crushers and shakers. The glass plant was used for recycling of glass products that were converted into glass sand.

1.3.1.3. The glass plant had moving parts including, rollers and conveyor belts; and also included guarding.

1.3.1.4. It was possible that the guarding could be removed for maintenance and/or cleaning because of build up of excess glass sand.

1.3.1.5. There was a persistent and/or common practice of workers operating the glass plant while guarding was removed exposing them to moving parts.

1.3.1.6. It was possible that a worker could become entangled and/or entrapped in the moving rollers of the conveyor belt when the glass plant was in operation.

1.3.1.7. It was consequently possible for workers to suffer serious injury.

1.3.2. The Company failed to provide and maintain, so far as was reasonably practicable, a safe system of work and/or safe plant because the Company failed to:

1.3.2.1. Act in accordance with and/or enforce the Safe Operating Procedure titled 'Glass Plant Operation' which:

1.3.2.1.1. Identifies the hazard of entrapment, crush injuries or electrocution associated with clearing of blockages within the glass plant or the conveyors of the glass plant,

1.3.2.1.2. Identifies a control measure of locking out the glass plant via the main electrical switch before undertaking any repair or remedy action; and

1.3.2.1.3. That guarding should not be removed without the glass plant being locked out.

1.3.2.2. Take any or adequate steps to ensure that the glass plant was not operated unless all guarding was fitted;

1.3.2.3. Take any or adequate steps to ensure that workers did not engage in the unsafe practice identified at [1.3.1.5] above, such as by implementing and/or reinforcing safe practices.

1.4. The Company's failure exposed workers to a risk of serious injury, illness or death.

1.4.1. Being the risk of serious injury arising from being entangled and/or entrapped in the exposed moving parts of the glass plant whilst in operation; and

1.4.2. Which risk materialised on 19 December 2023 when the worker was seriously injured.

The offering of this Enforceable Undertaking by Re.Cycle (Adelaide) does not constitute an admission of a breach of the Act by the Company in relation to the alleged contravention of the Act, to which this Enforceable Undertaking relates.

### 1.3 Detail the events surrounding the characterised or alleged contravention

A glass plant operator caught his right hand between a roller and a conveyor belt.

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

Tick if there were no notices issued by SafeWork SA in relation to the contravention.

Date issued	Notice type	Notice number	Contravention or prohibited activity	Notice Directions	Action taken in response to notice
20/12/2023	Prohibition Notice	WHSPN 309258		PCBU to ensure no person has access to rotating moving parts while glass plant in operation and supply evidence	Plant ceased operation, fence erected around the entire glass plant displayed the Safe Work notices, signage on the fence & consultation &

				to Safe Work SA inspector	communication, held an EAP incident debrief counselling session onsite & offered one-on-one. counselling to all employees. meeting with the staff, commenced incident investigation.
16/01/2024	Improvement Notice	WHSIN 249985	North side conveyor belt not adequately guarded potentially exposing rotating moving parts	Ensure workers can not come into contact with rotating parts and minimise risk to workers and provide evidence to SafeWork SA inspector	Guarding installed to eliminate exposure to rotating parts. Installed a site wide wireless EQUIPMENT STOP system that operates via radio frequency transmission, with wireless transmitters communicating to receivers installed throughout the plant.
16/01/2024	Improvement Notice	WHSIN 249986	South side conveyor belt not adequately guarded potentially exposing rotating moving parts	Ensure workers can not come into contact with rotating parts and minimise risk to workers and provide evidence to SafeWork SA inspector	Guarding installed to eliminate exposure to rotating parts. Installed a site wide wireless EQUIPMENT STOP system that operates via radio frequency transmission, with wireless transmitters communicating to receivers installed throughout the plant.

16/01/2024	Improvement Notice	WHSIN 249945	Glass Plant temporary fencing was in place, and would be removed when permanent guarding on conveyors was installed.	Ensure workers can not come into contact with rotating parts and minimise risk to workers and provide evidence to SafeWork SA inspector	Permanent guarding installed to eliminate exposure to rotating parts. Installed a site wide wireless EQUIPMENT STOP system that operates via radio frequency transmission, with wireless transmitters communicating to receivers installed throughout the plant
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**1.5 Detail the injury or illness suffered by worker/s or other/s as a consequence of the characterised or alleged contravention detailed above**

A right lower arm injury with multiple soft tissue injuries, friction related trauma, skin loss and tendon laceration. The outcome of the injury has been multiple surgeries (see below for the current status of the injured person).

**1.6 Detail the employment, workers' compensation and 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: Add status of claim and level of recovery/return

The employee's injury has demonstrated positive rehabilitation outcomes, with improved strength and good wrist range of motion, and no complications identified by the treating team. The injured person is currently working full-time hours under casual employment arrangements with an alternative employer.

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

Date	Description of support	Comments and estimated costs
19/12/2023	Immediate First aid provided onsite	\$600
19/12/2023	Contacted immediate family member and offered support where required. Site leader maintained regular phone contact post incident.	\$1,200
19/12/2023	Production ceased & employees consulted and site closed for the day post incident. EAP offered to all Site based employees.	\$2,400
20/12/2023	Constant family contact to check in on employee welfare & offer of family support or assistance. EAP offered to employee & family where required.	\$3,000
	Site supervisor attended hospital to check in on employee, and the Company purchased a gift basket for the family.	\$250
	Managing Director flew from Sydney to SA to meet with injured party to check on welfare and enquiry of what else the company could do to improve the site – employee declined the invitation.	\$2,500
20/12/2023	EAP provider engaged to conduct a post incident group counselling session with the entire onsite team.	\$1,500
20/12/2023	EAP provider engaged to conduct one on one post incident counselling sessions for the entire onsite team, should they require support.	\$1,500
	Company provided support with lodging Workers Compensation claim and expediting wage payments.	\$600
24/04/2024	Site Leadership, Site manager, Site supervisor & Safety Manager and employee Psychologist conducted a wellbeing check with employee and family member (Partner).	\$2,000
	Gym program offered as part of Return to Work (RTW) programme and exercise physiologist.	\$700
	Employee engaged in vocational career counselling and career tactics training along with re-skilling and training.	\$1,300
	Employee purchased a number of supports for home help – Long handled sponge, Dressing stick, button, hoof and zipper puller, Limb protectors, Food preparation system, Dycem Ancor pad, Manual glass washer, bed lifter and TCL bedding set – via Workers compensation claim.	\$900
	The Company has been in contact with, and conducted welfare checks on the injured employee.	\$3,000

## **1.8 Detail the work, health and safety systems implemented at the workplace pre incident**

The Company provides a safe system of work.

Pre-incident & post incident, the Company operates an OH&S management system aligned to AS/NZS ISO 45001:2018. The system is documented in the Managing Health, Safety & Environmental Risks Standard and governed by the WHS&E Policy and Safety Governance Framework. It embeds risk-based planning, consultation, contractor management, training/competency, emergency preparedness, incident reporting/investigation and audit/assurance.

Risk management follows the hierarchy of control and applicable Model Codes of Practice and Australian Standards, operationalised through procedures such as the Permit System Standard, Traffic Management Procedure/TMPs, Incident Reporting & Investigation, Emergency Preparation & Response, Legal Compliance, Responsibilities & Accountabilities, Audit Procedure, and Fitness for Work (D&A). Task level SOPs reference Codes including How to Manage WHS Risks, Managing the Risk of Plant, Noise, and Work Environment & Facilities, and Standards such as AS 4024 (machinery safety), AS 1742 (traffic devices), AS/NZS 1319 (safety signs) and AS/NZS 4602 (high visibility clothing).

For clarity, the Company's OH&S management system is not yet certified or externally audited at the Site. This is a proposed undertaking below.

## **1.9 Detail the level and frequency of internal and external auditing undertaken on the work, health and safety systems referred to in term 1.8**

Annual internal WHS audits occur confirming that the safety management system implemented and maintained at the Site is aligned with ISO-45001. All findings and corrective actions are recorded, tracked, and verified in Re.Assure, the Company's safety data management system.

Site management implement additional adhoc internal audits and system and process reviews on a continual basis to enhance the Company's safety systems.

## **1.10 Details of any consultation undertaken with respect to this application – this may include consultation with injured person(s), workers, industry members or with the community**

In preparing this application, we have consulted the Site-based employees, management within the broader Re.Cycle and Re.Group business, our Joint Venture partner in the Site, and some of our large Council customers at the Site.

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

There have been a number of material improvements made at the Site in response to the incident. The improvements have included a combination of engineering controls, process controls and enhanced operational capability. A summary of the key response actions is outlined below:

- **Engineering and guarding improvements:**
  - ~\$31k in guarding upgrades across the glass plant and other areas
  - ~\$20k to Install additional access platforms
  - Installation and relocation of E-stops, pull cords and isolation points to improve accessibility and response time
- **Safety systems and controls:**
  - Implementation of additional E-stops and improved emergency stop coverage
  - Locking and restriction of high-risk areas
  - Improved safety signage
- **Operational controls and risk reduction:**
  - Reducing scope of glass processing post-incident, materially reducing exposure through
    - Sending pre-screened glass to 3<sup>rd</sup> party processor
  - Review and adjustment of operational practices around high-risk equipment
- **Training and capability uplift:**
  - Refresher LOTO training across relevant personnel
  - Increased focus on isolation procedures and safe intervention practices
- **Communication and response capability:**
  - ~\$4k to procurement of additional radios/headsets to improve coordination and response times

In addition to the above, the learnings from this incident have been communicated and shared across the broader Re.Group, which incorporates over 11 Material Recovery Facilities and 5 associated recycling facilities across Australia and New Zealand, an industry based engineering business that designs and builds Material Recovery Facilities and associated recycling facilities and also an extensive national business operating under various state based container deposit schemes. This has included the introduction of Safety consultative committees at Re.Group's Material Recovery Facilities, Safety audits across the group, implementing improvement projects, and implementing zone guarding at various sites across the group.

**Total amount spent on rectifications**      ~\$55,000 on external costs

## SECTION 2: GENERAL TERMS

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

### 2.1 Acknowledgement that the Regulator characterised or alleged that a contravention occurred as detailed in term 1.2

It is acknowledged that SafeWork SA has alleged a contravention as set out at section 1.2 above.

### 2.2 Statement of regret that the characterised or alleged contravention occurred and the reasons the applicant considers this undertaking is a more appropriate response than a prosecution

The Company deeply regrets the incident that occurred on 19 December 2023.

The Company expresses its compassion to the injured employee and his family, as well as to all workers, contractors and stakeholders at the Site. It is acknowledged that the occurrence of an incident does not only impact an injured person, but those who witness, or are involved in, the incident and who subsequently assist with any support.

This undertaking is a progressive response to the alleged contravention and outlines the steps the Company has taken and will continue to take to ensure that similar incidents do not occur in the future. In developing the undertakings herein, the Company has given regard to the risks and challenges facing the Company, and more broadly the industry and this has largely driven the basis for a higher number of workplace-focused undertakings. The Company has a number of other workplaces that can benefit from these undertakings, which in turn can benefit the industry overall.

The Company considers that the undertakings are an important opportunity to deliver safety initiatives designed to exceed general compliance standards. The undertakings are specifically tailored to making improvements for the existing workforce, whilst simultaneously sharing the Company's experiences and learnings from this incident with the industry, and the general public. For these reasons, the Company considers the undertakings as a more appropriate and effective regulatory outcome compared to the prosecution. The undertakings here are designed to deliver real benefits for workers, the industry and the general public.

### 2.3 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: 3

Dated: September 2024

## **2.4 Acknowledgement that this undertaking is a matter of public record and will be published on acceptance**

Re.Cycle (Adelaide) acknowledges that the undertaking will be published on the SafeWork SA website (in accordance with Section 217(2) of the Act) and referenced in SafeWork SA material.

## **2.5 Statement of the applicant's ability to comply with the terms of this undertaking and meet the projected costs of the activities**

2.5.1 Re.Cycle (Adelaide) has the financial ability to comply with the terms of this undertaking and on request by the Regulator, can provide evidence to support this declaration.

2.5.2 In the event of impending liquidation or sale of the entity, Re.Cycle (Adelaide) will advise the Regulator of the relevant circumstances and its capacity to comply with the outstanding terms of this undertaking.

## **2.6 Statement regarding applicant's relationship with any corporations, officers, employees, contractors, proposed beneficiaries of donation, sponsorship or scholarship or other recipient of financial benefit contained in this undertaking**

The Company does not have any existing relationships or funding agreements to commission work proposed in this Enforceable Undertaking. However, if accepted by the Regulator, the Company will undertake a procurement process to commission works with consultants which will benefit the industry and the community.

The Company is a related party to RDT Engineering, a leading engineering firm in the recycling industry, which may be procured on a commercial arms length basis to provide engineering services, consulting reviews and consulting advice where required in the delivery of the undertakings.

In addition to third parties and related parties (ie RDT) required to deliver the undertakings, the Company will be incurring internal costs of workers and management that will be costed in accordance with a schedule of rates provided to SafeWork SA.

## **2.7 Statement regarding Intellectual Property Licence**

Re.Cycle (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.

## **2.8 The applicant acknowledges Annexure A must be completed and submitted to the Regulator when making an EU application.**

The Company acknowledges Annexure A (Redacted) must be completed and submitted to the Regulator when making an application for an Enforceable Undertaking.

## **2.9 Statement of commitment from the applicant to participate constructively in all compliance monitoring activities for this undertaking**

- 2.9.1 It is acknowledged that the Regulator will conduct compliance monitoring to ensure compliance with the terms of this undertaking.
- 2.9.2 Cooperation will be given to allow the Regulator's officers to assess compliance including giving access to relevant material (evidence of compliance).
- 2.9.3 It is acknowledged that the applicant is responsible for demonstrating compliance with this undertaking and evidence of compliance must be provided by the agreed due date.
- 2.9.4 An update, in relation to the compliance status with each of the enforceable terms of this undertaking will be provided to the Regulator at three monthly intervals during the undertaking.
- 2.9.5 It is acknowledged that any proposed variations to a term must be submitted to the Regulator no later than 14 days prior to the terms agreed completion date.

## **2.10 Where possible, the applicant commits to linking the benefits of the activities to the risks that led to this undertaking**

The Company commits to linking the benefits of the activities to the risks that led to this undertaking and openly acknowledging that the activities are being undertaken as a result of this undertaking being accepted by the regulator.

## **2.11 If charges have been laid against the applicant and withdrawn as a result of the Regulator accepting an EU agreement, Re.Cycle (Adelaide) agrees to not seek any costs from the Regulator.**

## **SECTION 3: ENFORCEABLE TERMS**

The applicant 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 applicant 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:

Within 28 days of entering into the Enforceable Undertaking, the Company will disseminate information about the safety initiatives and undertakings being implemented by the Company in the following way:

- Briefing staff about the Enforceable Undertaking through a Safety briefing and presentation to all staff on site;
- Making a copy of the undertakings available to the Company's Joint Venture partner by email;

The Company will discuss the undertakings and the implementation plan ahead at the next safety consultative committee.

During the life of the Enforceable Undertaking, quarterly progress up-dates will be provided to all Site employees verbally at safety tool boxed talks and at the relevant safety consultative committee meetings.

Evidence of the dissemination activities will be provided to the Regulator by:

- Copy of the presentation made to employees on Site;
- Copies of safety consultative committee meeting agendas and minutes;
- Copies of communications sent to the Company's employees in relation to the Enforceable Undertaking;
- Copies of emails sent to the Company's Joint Venture partner in relation to the Enforceable Undertaking.

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

Activities	Minimum cost	Timeframe
<p>3.2.1</p>	<p>Complete external review of Machine safety with particular focus on Guarding and Isolation at the Site.</p> <p>3.2.1.1 External review of existing processes and procedures to align them to AS/NZS4024, specifically Parts 1601 and 1602 for physical</p>	<p>\$10,000 review; \$40,000 recommendations including internal costs and engineering costs from related parties.</p> <p>Review to be completed within 6 months from</p>



	in accordance with Annexure A (Redacted).		
3.2.2	<p>Complete an external review of our Safety Operating Procedures and Training modules for Machine Safety and Lock-Out Tag-Out (LOTO) at the Southern Material Recovery Facility</p> <p>3.2.2.1 external consultant review of our existing SOPs for machinery safety and LOTO</p> <p>3.2.2.2 The instructions to the external consultant will include:</p> <ul style="list-style-type: none"> <li>i) Key training areas – Machine Safety principles; Safe isolation; Lock-Out Tag-Out;</li> <li>ii) Review existing system of isolation and consider moving to a single point zone isolation;</li> <li>iii) Investigate the ability to introduce a Key Capture system to key areas of the plant;</li> <li>iv) Root Cause Analysis of common guarding failures</li> </ul> <p>3.2.2.3 Following internal consultation, implement selected risk-based recommendations and improved training modules associated with LOTO.</p> <p>3.2.2.4. Retrain no less than 90% of the site based operations team on guarding and LOTO</p> <p>Expand training beyond the Site based operations team to include the Southern Region</p>	<p>\$10,000 review</p> <p>\$30,000 recommendations, including internal costs and engineering costs from related parties.</p>	<p>Review to be completed within 6 months from acceptance of the Enforceable Undertaking</p> <p>Recommendations and actions to be completed with in 18 months from acceptance of the Enforceable Undertaking</p>

<p>Manager, Chief Operating Officer, the National HSE Manager, the entire Re.Cycle safety team, and the Commercial Manager for Re.Cycle.</p> <p>Re.Cycle (Adelaide) will provide the Regulator with the following (evidence) to demonstrate compliance:</p> <ol style="list-style-type: none"><li>1. An external consulting report will be provided to Safe Work SA within 2 weeks of receipt.</li><li>2. A written presentation on the recommendations and the actions implemented based on priority and provide the presentation to Safe Work SA.</li><li>3. Signed training records following completion of improved training.</li><li>4. Invoices and evidence of payment for the review, audit and recommendations implemented.</li><li>5. Timesheets and associated costs for internal resourcing to assist with the review and implementing recommendations. The internal costs will be provided in accordance with Annexure A (Redacted).</li></ol>		
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<p>3.2.3</p>	<p>Complete an external assessment and viability of Zone Guarding and the enhanced use of exclusion zones at the Site.</p> <p>3.2.3.1 External consultant to assess the practicality of Zone Guarding on the Site and a Key Capture system.</p> <p>3.2.3.2 Following internal consultation, implement selected recommendations in key areas where Zone Guarding can be effective based on risk priority.</p> <p>3.2.3.3 Training for no less than 90% of the Site based operations team on the new Zone guarding installation.</p> <p>Re.Cycle (Adelaide) will provide the regulator with the following (evidence) to demonstrate compliance:</p> <ol style="list-style-type: none"> <li>1. A written presentation on the specific recommendations considered and implemented and provide the presentation to Safe Work SA.</li> <li>2. Signed training records following completion of improved training.</li> <li>3. Invoices and evidence of payment for the review and recommendations implemented.</li> <li>4. Timesheets and associated costs for internal resourcing to assist the external consultants and implementing recommendations</li> </ol>	<p>\$10,000 review</p> <p>\$40,000 on recommendations, including internal costs and engineering costs from related parties.</p>	<p>External Assessment to be completed within 6 months of acceptance of the Enforceable Undertaking</p> <p>Recommendations and actions to be completed 18 months from acceptance of the Enforceable Undertaking</p>
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<p>3.2.4</p>	<p>Obtain certification for AS ISO 45001 of the Site in relation to our Safety Management Systems. The Company will implement and achieve a third-party certification of an Integrated Management System (IMS) covering safety, quality, and environmental management, certificated to AS 45001, ISO 9001, and AS 14001.</p> <p>Re.Cycle (Adelaide) will provide the regulator with the following (evidence) to demonstrate compliance:</p> <ol style="list-style-type: none"> <li>1. Provide ISO45001 Certification for the Southern Material Recovery Facility to Safe Work SA within 2 weeks of receiving Certification.</li> <li>2. Invoices and evidence of payment for the consultants and associated investments required to achieve Certification.</li> <li>3. Internal timesheets and associated costs of attaining Certification.</li> </ol>	<p>\$15,000 consultants</p> <p>\$35,000 internal costs to achieve and maintain accreditation</p>	<p>18 months from acceptance of the Enforceable Undertaking</p>
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<p>3.2.5</p>	<p>Investigate and implement plant improvements to reduce spillage, improve blockage points and improve housekeeping to a standard beyond legislative requirements.</p> <p>3.2.5.1 Conduct an external review and investigation of plant up-grades and process design changes to target a reduction in spillage and improve blockage points and general house-keeping at the Site.</p> <p>3.2.5.2 Following internal consultation, implement selected recommendations in key areas where implementing improvements will reduce the risks associated with spillage and blockage points. The recommendations will be implemented based on a risk rating system in line with AS/NZS 4024.</p> <p>3.2.5.3 Training for no less than 90% of the Site based operations team on modifications and related procedural changes.</p> <p>Re.Cycle (Adelaide) will provide the regulator with the following (evidence) to demonstrate compliance</p> <p>A written presentation on the investigation outcomes which will be provided internally. A copy will be provided to Safe Work SA.</p> <p>Timesheets and associated costs of internal resources for the investigation. The internal costs will be provided in accordance with Annexure A (Redacted).</p> <p>Invoices and proof of payment for implemented improvements.</p> <p>1. Training records, timesheets and costs</p>	<p>\$20,000 on investigating options including internal costs.</p> <p>\$20,000 on recommendations including internal costs and engineering costs from related parties.</p>	<p>Internal review to be completed within 6 months of acceptance of the Enforceable undertaking .</p> <p>Implementation of selected recommendations to be completed within 18 months of acceptance of the Enforceable undertaking</p>
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	for internal training. The internal costs will be provided in accordance with Annexure A (Redacted).		
Total minimum cost of benefits for workers/others		\$ 230,000	

### 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 Conduct an Industry Education Forum on Safety in the Industry including specific machine safety</p> <p>3.3.1.1 Re.Cycle (Adelaide) will host and facilitate an industry forum in South Australia and offered via teleconference as well, for approximately two hours focused on the safety impacts and risks relating to machinery guarding, LOTO and exclusion zones. This session will utilise the learnings from undertaking 1.1-1.5 above.</p> <p>3.3.1.2 Targeting customers, industry participants, cross-industry and the general public.</p> <p>3.3.1.3 The Industry Forum will be provided by direct email invites to specific customers and suppliers at the Site as identified in Annexure B (Redacted)</p> <p>3.2.1.4 The presentation and content will be developed internally, and customised to the industry, our core council customers, and our key suppliers</p> <p>Re.Cycle (Adelaide) will provide the regulator with the following (evidence) to demonstrate compliance</p>	\$30,000 including internal costs.	9 months from acceptance of the Enforceable Undertaking

	<ol style="list-style-type: none"><li>1. The presentation from the industry forum will be provided to Safe Work SA within 2 weeks of holding the forum.</li><li>2. List of invitees and a list of attendees to be provided to Safe Work SA within 2 weeks of holding the forum.</li><li>3. Social Media posts made by the company in relation to the forum (LinkedIn).</li><li>4. Invoices and proof of payment for activities involved in implementing the industry forum.</li><li>5. Timesheets and associated costs of internal resources to prepare content for the video in conjunction with the external consultant.</li><li>6. The internal costs will be provided in accordance with Annexure A (Redacted).</li></ol>		
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3.3.2	<p>Develop and Distribute an Educational Video on Machine Guarding</p> <ul style="list-style-type: none"> <li>An industry focused safety module to be presented to the wider recycling industry to raise awareness of hazards and safety issues relating to machine guarding, and failing to follow LOTO and benefits of alternate systems such as key capture systems and exclusion zones.</li> <li>This video and its content will be prepared by an external consultant.</li> <li>The script and production plan will be provided to SafeWork SA for formal review and comment before production commences. This video will be demonstrated during the industry forum at 2.1 above.</li> </ul> <p>Re.Cycle (Adelaide) will provide the Regulator with the following (evidence) to demonstrate compliance</p> <ul style="list-style-type: none"> <li>Produce an educational video in relation to Machine Guarding and provide a copy to Safe Work SA 2 weeks after issuing to the public.</li> <li>Invoices and evidence of payment for activities involved in developing and disseminating this video.</li> <li>Timesheets and associated costs of internal resources to prepare content for the video in conjunction with the external consultant.</li> <li>The internal costs will be provided in accordance with Annexure A (Redacted).</li> </ul>	\$20,000 including internal costs	<p>Script and production plan to be completed within 6 months from acceptance of the Enforceable Undertaking</p> <p>Video to be completed within 12 months from acceptance of the Enforceable Undertaking</p>
Total minimum cost of benefits for industry		\$ 50,000	

### 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	Donation to the Men's Shed charity	\$10,000 6 months from

	<p>Re.Group will provide the regulator with the following (evidence) to demonstrate compliance</p> <ol style="list-style-type: none"> <li>1. Invoice and evidence of payment of the charitable donation</li> </ol>		<p>acceptance of the Enforceable Undertaking</p>
<p>3.4.2</p>	<p>Education Support for our Council Customers</p> <p>Re.Cycle (Adelaide), through Re.Cycle Operations, and the Recycle Mate education platform will collaborate with key councils and contractors to support community education aimed at reducing contamination and hazardous materials entering kerbside recycling systems.</p> <p>The key Councils and contractors who will be invited to participate in this Undertaking are listed in Annexure C (Redacted).</p> <p>This initiative delivers direct community benefit by reducing the presence of hazardous and non-recyclable items in household recycling streams, which in turn reduces blockages, equipment damage and manual intervention at material recovery facilities and council collection operations. Improved public education on what must not be placed in yellow bins supports the elimination of hazards at the source — the highest order of control — while also contributing to improved recycling quality, reduced contamination, less unplanned plant downtime and reduced material being diverted to landfill. Collectively, these outcomes support safer workplaces, more efficient council recycling services, reduced environmental impact, and improved community confidence in recycling systems.</p> <p>Re.Cycle (Adelaide) will provide the Regulator with the following (evidence) to demonstrate compliance:</p>	<p>\$40,000 including internal costs.</p>	<p>12 months from acceptance of the Enforceable Undertaking.</p>

<p>A copy of the physical of presentations</p> <p>A list of participants which undertake a gap analysis of their education program</p> <ul style="list-style-type: none"> <li>• Invoices and evidence of payment for consultants, and information preparation, and info-graphics.</li> <li>• The internal costs will be provided in accordance with Annexure A (Redacted).</li> </ul>		
<b>Total minimum cost of benefits for the community</b>		<b>\$ 50,000</b>

### 3.5 Agreement to pay the Regulator's costs

3.5.1 Re.Cycle (Adelaide) agrees 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	\$ 3,345.00
Compliance monitoring costs	\$ 14,535.00
Publication costs	\$ 0
Total Amount	\$ 17,880.00

### 3.6 Minimum spend

3.6.1 Re.Cycle (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)

Total value of	Minimum spend
Benefits to workers/others	\$ 230,000.00
Benefits to industry	\$ 50,000.00
Benefits to community	\$ 50,000.00
Regulator costs	\$ 17,880.00
Total minimum spend for the undertaking	\$ 347,880.00

3.6.2 Re.Cycle (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 develop and implement safe systems of work (or maintain safe systems of work if already implemented) to ensure the applicant is compliant with the *Work Health and Safety Act 2012 (SA)***

3.7.1 Re.Cycle (Adelaide) commits to implementing safe systems of work within 12 months of the acceptance of this undertaking.

Or

Tick if the applicant has already implemented safe systems of work at the workplace.

Re.Cycle (Adelaide) commits to maintaining the safe systems of work implemented at the workplace.

**3.8 A commitment to ensure the safe systems of work are audited by third party auditors**

3.8.1 Re.Cycle (Adelaide) commits to ensuring the safe systems of work will be audited by an independent third party WHS auditor.

3.8.2 Re.Cycle (Adelaide) acknowledges that details of the auditor's qualifications will be provided to the Regulator (pre audit).

**3.9 A commitment to provide a copy of each finalised system audit report to the Regulator**

3.9.1 Re.Cycle (Adelaide) acknowledges that audit reports received from the auditor will be sent to the Regulator within 30 days of the audit.

3.9.2 Re.Cycle (Adelaide) acknowledges 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.

## 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 Re.Cycle (Adelaide) I offer this undertaking and commit Re.Cycle (Adelaide) to the terms herein.

Signed: \_\_\_\_\_

[Duly Authorised Person]

\_\_\_\_\_  
DANIEL CHESSON  
[Print name]

\_\_\_\_\_  
DIRECTOR  
[Position]

Dated at SYDNEY this 01 day of JUNE 2026

## 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 Adelaide this 2nd day of June 2026