

Undertaking to the Executive Director, SafeWork SA

by

Leed Engineering & Construction Pty Ltd

ABN 35 097 021 728

Section 1 - General information

GI(a) details of the person proposing the undertaking

Street address	95 King William St, Kent Town, SA 5067
Mailing address	As above
Telephone	08 8132 1044 Mobile: 0419 166 020
Email address	amillar@leed.net.au
Legal structure	Private Company
Type of business	Civil Engineering & Construction
Commencement date	13/8/2001
Workers	Full time: 132 Part time: 4
Products and services	Civil Engineering & Construction
Comments	<p>Leed Engineering & Construction (Leed) is an Adelaide based civil engineering and construction company delivering water and other civil infrastructure projects. We have 150 employees and professional engineering and construction teams, working on projects in metropolitan, regional and remote areas of Australia. Leed's offices are located in Adelaide, Melbourne and Bendigo.</p> <p>Leed's culture is founded on expertise, openness, integrity and innovation and we have an overriding commitment to health, safety and environmental responsibility.</p> <p>Leed has been involved in many high profile projects both in South Australia and interstate, including the Gallipoli Underpass Joint Venture (JV), the Glenelg to Adelaide Pipeline JV and a 70km pipeline in the lower lakes. Leed's extensive experience in civil infrastructure works including; bulk and detailed earthworks, road works and drainage, structural concrete and precast, pre-stressed concrete manufacture and installation, pipelines of all types and sizes, water storage, associated water infrastructure and mechanical and electrical works</p> <p>In November 2010 Leed entered a joint venture with Macmahon Contractors Pty Ltd and John Holland Pty Ltd for the purpose of a roadway construction project called the Urban Superway Joint Venture ('the Urban Superway'). The joint venture contracted with Fix Force (QLD) Pty Ltd in October 2011 to perform work including the steel fixing of reinforcement cages. This work involved slicing and welding of steel reinforcing mesh. The injured worker was an employee of Fix Force.</p> <p>The joint venture leased a workshop at 425 Grand Junction Road Wingfield. Fix Force worked at this location.</p> <p>Steel reinforcing mesh is used for precast concrete. In order to slice the mesh, Fix Force used two slice tables. Each slice table included a welding table and a hydraulically powered steel lifting arm. Prior to and during the incident, each slice table had an exclusion zone painted on the ground, which indicated the area where workers were not to stand when the hydraulic arm on the slice table was active.</p> <p>When the lifting arm on the slice tables was to be operated, the operator would call 'table down' and would receive 'table clear' from the other members of the crew. The operator would then move the lifting arm.</p>

GI(b) the details of the alleged contravention

The regulator has alleged that Leed has committed one offence on 22 October 2012:

1. An offence pursuant to section 4(2) and contrary to section 19(1) of the *Occupational Health, Safety and Welfare Act 1986* (the **OHSW Act**), in that it failed to provide and maintain, so far as was reasonably practicable, a safe system of work, in that it:
 - a. Failed to conduct an adequate and compliant hazard identification, risk assessment and control of risk process, in accordance with regulatory requirements, in relation to the slice tables;

- b. Relied upon administrative control measures to eliminate or minimise the risk of the employee being struck or crushed by the movement of the lifting arm of the slice tables.
2. It failed to provide and maintain so far as was reasonably practicable, plant in a safe condition, in that it:
 - a. Failed to ensure that the slice tables were surrounded and separated by an interlocked distance guard in the form of a fence, which prevented or minimised any access to the hazardous area around the slice tables during movement of the lifting arm.

GI(c) details of the events surrounding the alleged contravention, eg, incident details

The joint venture contracted with Fix Force (QLD) Pty Ltd in October 2011 to perform work including the steelfixing of reinforcement cages. On 22 October 2012, the injured worker, a Fix Force (Qld) Pty Ltd employee, was working at one of the slice tables in the workshop. After completing the necessary work, the injured worker went to the other slice table to assist the worker there. Whilst performing work on that slice table, the injured worker noticed a piece of steel out of place on the table. The injured worker signalled to the operator of the hydraulic arm, by raising an arm and shouting, that the injured worker would enter the exclusion zone to adjust the steel. Whilst the injured worker was in the exclusion zone, the hydraulic arm continued to operate; it struck the injured worker and forced the injured worker's face onto the bench top. The injured worker suffered facial injuries and was transported to hospital via ambulance.

Leed did not have a physical presence at the site of the incident, but had leased the site as part of the joint venture. The joint venture engaged Fix Force to perform steelfixing work at the site.

Fix Force have been prosecuted in relation to this incident. See *Boland v FixForce (Qld) Pty Ltd* [2016] SAIRC 16.

GI(d) an acknowledgement that an alleged contravention has occurred

Leed acknowledges that the regulator has alleged that it has contravened sections 4(2) and 19(1) of the OHSW Act.

GI(e) the details of any injury that arose from the alleged contravention

Crush injuries to the head and neck, dislocation of jaw, multiple facial fractures, spinal injuries (fracture of vertebrae), lacerations, puncture wounds, broken teeth, cognitive changes.

GI(f) the details of any enforcement notices issued that relate to the alleged contravention

Notices received:

☒ No

☐ Yes (provide details)

All prohibition and improvement notices issued in relation to the incident were issued to Fix Force.

GI(g) a statement of assurance about future work health and safety behaviour

Leed is committed to discharging its obligations under the *WHS Act 2012 (SA)* (**WHS Act**) now and in the future and this commitment is reinforced by the following:

- the rectifications referred to in Section GI(m) below;
- the undertakings set out in this document; and
- the Leed WHS Management system and its application

When an alleged contravention is associated with an injury/illness

GI(h) The details of the type of workers compensation provided (if the injured person is a worker of the person)

N/A

GI(i) details of the support provided to the injured person to overcome the injury/illness

The injured person is:

- an employee of the entity ☐
- a self-employed person ☐
- other (please specify) ☒ Employee of Fix Force (Qld) Pty Ltd
- not applicable ☐

Support provided to the injured person/s or injured person/s family:

Date	Description of support	Comment
	Nil	Not a Leed employee, Leed had no operational presence

GI(j) if the matter involves a fatality or very serious injury¹, a claim to demonstrate that exceptional circumstances exist so the WHS undertaking can be considered

Does the contravention involve a fatality or very serious injury?

☐ Yes

☒ No

GI(k) the details of any existing occupational health and safety management systems at the workplace including the level of auditing currently undertaken

In January 2007, Leed employed a full time Health Safety & Environment (HSE) Manager, whose remit was to review and update the Leed Safety management systems, oversee its implementation and build a proactive safety culture. Over the preceding 10 years, Leed has implemented a WHS management system accredited by external auditors to AS 4801, OHSAS18001 and in 2008 Leed became accredited with the Office of the Federal Safety Commission. In 2013 Leed was awarded a commendation for its WHS Management System arising from a submission in the SafeWork SA Safety Awards.

Leed has been operating for over 6 years now without a Lost Time Injury (LTI), has a great reporting culture and has effectively implemented a range of positive performance measures ensuring we focus on maintaining positive safety outcomes and continual improvement. Leed has no history of offences under the WHS Act or any other workplace safety legislation in other jurisdictions in Australia. And/or that, apart from the incident, it has never been charged with such offences under the WHS Act or its predecessors

Leed's business management system provides the foundation for our approach to delivering our projects, operating our business, ensuring the highest standards of health and safety and maintaining quality outcomes in all our activities.

Leed's management system means that health, safety, environment and quality requirements are considered at all stages of the business process including business planning, tendering for projects, project construction and project completion.

Our management system is modelled on best practice standards and is independently certified by Quality Control Services Environmental (QCSE) - QMS and EMS Certified Company Licence Number: Q003 as meeting the requirements of the following international management system standards:

- AS/NZS ISO 31001:2009 Risk Management
- AS/NZS 4801 & OHSAS 18001 Certificate
- ISO 9001 & 14001 Certificate (QMS & EMS)

Leed's WHS Management System is designed around our commitment to ensure that no business objective takes priority over health and safety. Key documents within our WHS Management System include:

1. Leed's Work Health and Safety Policy which is an overarching document that establishes our commitment to health and safety by ensuring we conducting our business in a manner that focuses on minimising injury or illness to employees, contractors, clients and the community: The core principles of this policy are as follows :
 - It is everyone's duty to provide a safe working environment
 - No task is so important or urgent that it cannot be done safely
 - We maintain occupational health and safety management system certification to AS/NZS 4801 and OHSAS 18001
 - We operate and maintain both Corporate and site specific hazard and risk identification using tailored risk registers to identify and propose mitigating strategies to deal with raised items

¹ An injury that has caused nervous system damage liable to lead to mental incapacity or permanent restriction of mobility or involves a major amputation of a limb or parts of the body, for example, amputation above the knee or elbow.

- We maintain Australian Government Building and Construction OHS accreditation (OFSC)
- We work cooperatively and consult with relevant stakeholders on matters that affect health and safety
- All personnel are empowered to act or intervene where there is a threat to health and safety
- We embed and maintain hazard management systems and controls into all areas of our projects and the wider business
- We ensure that controls are effective and efficient in both design and operation

and to achieve these principles we:

- ensure that all parts of our operation comply with relevant legislation, codes of practice, and Australian and industry standards
 - ensure all personnel comply with our WHS policy and management system requirements
 - continually improve our performance and systems through the plan-do-review process
 - proactively pursue the identification of all hazards and manage the risk to ensure it is as low as reasonably practicable
 - promote awareness to create a positive health and safety culture throughout the company
 - train all staff to safely and competently carry out their tasks
 - encourage our suppliers and subcontractors to operate with the same commitment
2. Project Safety, Quality and Environment Establishment Process which describes the end to end implementation process of the highest standard of quality, health, safety and environmental outcomes.
 3. Safety Management Plan which provides details on WHS standards and requirements and how they are to be implemented during the construction and commissioning phases of a project. Leed has a range of Safety Management System procedures that enable Leed personnel to: Identify, Assess, Control and Review WHS requirements, these are specified below:

- | | |
|--|--|
| - Work Health and Safety Legislation and Regulations | - Fire prevention |
| - Hazard and risk assessment | - Dispute resolution |
| - Construction Method Statements (CMS) | - First aid |
| - Safe Work Method Statements (SWMS) | - Minor first aid treatment |
| - HSE Activity Schedule | - Serious first aid treatment |
| - Hazardous substances (chemicals) | - First aid representatives |
| - Material Safety Data Sheets (MSDS) | - Project hygiene |
| - Hazard reporting and corrective action | - Workplace inspections |
| - Personnel Protective Equipment (PPE) | - Housekeeping |
| - Drugs and alcohol | - Emergency preparedness |
| - Excavations and penetrations | - External Interactions |
| - Inspections | - Security |
| - Manual handling | - Visitors, principal and superintendent personnel |
| - Lifting Operations | - Plant and equipment maintenance and inspection |
| - Asbestos | - Incident management |
| - Noise control | - Incident reporting and recording |
| - Electrical equipment | - Project statistics and reporting |
| - Site work hours | - Injury management and rehabilitation |
| - Smoking policy | - Work Cover claims |
| - Subcontractor management | - Rehabilitation and return to work |
| - Sun/UV radiation protection | - Employee assistance program |
| - Working in hot weather | |
| - Traffic Management | |

4. Leed's training and development procedures give specific consideration to those personnel who hold supervisory positions to ensure that they are provided with suitable training to manage their WHS responsibilities. Leed maintains a supportive organisational culture for safe and efficient work through:

- | | |
|--|--|
| - employee training and competencies | - Training records for employees are be maintained on our Skytrust Database |
| - management training | - Training records for consultants, contractors, sub-contractors and labour hire are managed at a project based level. |
| - site inductions | |
| - tool box meetings | |
| - pre-start meetings | |
| - notices, notice boards | |
| - reporting procedures, inspections and audits | |

All personnel including subcontractors attend a minimum course of Induction which provides system awareness and preparation to commence work and regular weekly communication Toolbox talks include HSEQ training sessions. Specific training interventions at Leed include:

- Procedural
- Task competency
- Certification and licencing
- Supervision
- Professional development
- Health and safety
- Environmental
- Quality and technical
- Remedial

5. Guidance for Risk Management is implemented through Leed's Risk assessment procedure and in accordance with approved Code of Practice How to Manage Work Health and Safety Risks as follows:
 - Identify hazards - find out what could cause harm
 - Assess risks - understand the nature of the harm that could be caused by the hazard, how serious it could be and the likelihood of it happening
 - Control risks - implement the most effective and reasonably practicable control measures
 - Review control measures - to ensure they are working as planned
6. Leed has a systematic framework used to conduct audits across all Health, Safety, Environment and Quality aspects of the business to ensure compliance with Leed Management Systems and certification requirements.

This audit process provides clear and consistent expectation on how projects and sites will be audited, reported and closed out to facilitate ongoing performance improvements and is documented in our HSE Audit Procedure .

Leed maintains all quality, safety and environment accreditations through an internal audit schedule. The audit process covers all Leed projects and is co-ordinated by the Leed Internal Audit Team. All audit actions are monitored for close out. The internal Audit Team personnel will undertake an initial system audit within two weeks of establishment on site. Following the initial audit a schedule of audits will be developed to ensure the application of all project requirements is maintained. The frequency of ongoing audits is included in the site HSE Activity Schedule

Copies of the documentation referred to in GI(k) have been previously supplied to the regulator.

GI(1) a statement of regret (i.e. not an admission of guilt)

Leed deeply regrets that this incident occurred and has taken place and has taken, and will continue to take, such steps as are necessary to ensure that such an incident or a similar incident does not occur again.

GI(m) any rectifications made as a result of the contravention

- Hard barrier fencing was erected to fully enclose the slice table area;
- Red light and siren fitted to the lifting arm control switch system;
- Electric ‘gate open’ circuit breaker fitted to area entry gates, which shut down hydraulic pump system if gate was opened when arm was in operation;
- New warning and hazard sign installed;
- Table lifting arm descent rate slowed to 10 seconds; and
- Table lifting arm painted hi-vis yellow.

Total amount spent on rectifications

Approx. \$100,000

GI(n) an acknowledgement that the WHS undertaking may be published

Leed acknowledges that this undertaking will be published on the regulator's internet site and may be referenced in the regulator's publications.

It is also acknowledged that a public notice of the undertaking may be published in newspapers and other media as determined by the regulator.

GI(o) a statement of ability to comply with the terms of the undertaking

Leed declares that it has the ability to comply with the financial and other terms of this undertaking document.

GI(p) The person may be required to provide a statutory declaration

The regulator has requested a statutory declaration outlining details of any prior WHS convictions² or findings of guilt under WHS legislation or WHS-related legislation?

☐ Yes☒ No

The statutory declaration is attached (if applicable)

☐ Yes☐ No

(q) Acknowledgment of WHS undertaking overview and guidelines

Leed has read and understood:

Enforceable undertakings—overview version FINAL dated December 2012, and

Enforceable undertakings—guidelines with respect to the acceptance of a WHS undertaking version 1 dated December 2012.

Section 2 – Mandatory Terms

MT(a) A commitment that the behaviour that led to the alleged contravention has ceased and will not reoccur

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

Leed has already taken steps to prevent any recurrences of incident of a similar nature (see Section GI(m) above). The specific work activity that led to this incident has now concluded and Leed is unlikely to be involved in a similar

² Subject to any local legal constraints such as spent conviction legislation.

activity as this activity is not part of Leed's business. That being said Leed has taken measures to ensure that the behavioural issues behind the incident are not likely to lead to some other incident. Leed work tasks are all required to have Safe Work Method Statements prior to commencement which are developed in conjunction with the teams involved in the undertaking of the activity. This ensures a holistic approach to the safe undertaking of the activity to include the practical as well as the technical requirements of the task are considered and managed. The SMAS are then audited by an independent audit trained team to ensure compliance.

Leed is committed to complying with all of its obligations under the WHS Act.

MT(b) A commitment to the ongoing effective management of WHS risks

Leed is committed to the ongoing effective management of WHS risks. This commitment is evidenced by:

- The steps taken to prevent any recurrences of similar incidents (see section GI(k) above);
- The undertakings contained within this document; and
- The commitment to maintaining an OHSMS as described in section GI(k) above which satisfies the principles of AS/NZ 4804:2001 Occupational health and safety management systems – General guidelines on principles, systems and supporting techniques.
- Leed now operates three levels of review ensuring leadership and management are intimately involved in the safety and wellbeing of people involved with or activities. A sub-board committee meet monthly to review the safety of the business and set strategic direction. A senior leadership team involving senior managers and supervisory staff meet monthly to oversee the implementation of safety initiatives and overview safety operations and finally a consultative committee meet quarterly comprising of field personnel and management to discuss broadly safety measures and opportunities for improvement.

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

Within 90 days of this undertaking coming into effect:

1. The Leed Managing Director will send an email to all employees and current subcontractors in the organisation explaining the commitment of Leed to health and safety in the workplace and a reminder that this enforceable undertaking is for everyone to ensure safety is always front of mind;
2. To reach all team members, the results of this enforceable undertaking will be displayed on notice boards at all of Leed's projects; and
3. Leed will issue an internal Safety Alert detailing the background of and commitments given in this EU. The Safety Alert will be discussed at the next tool box meeting at each work site.

MT(d) A commitment to participate constructively in all compliance monitoring activities of the undertaking

Leed acknowledges that the regulator will conduct compliance monitoring to ensure compliance with the terms of this undertaking.

Leed will provide SafeWork SA with a report detailing status and compliance with the EU at 3 monthly intervals until the requirements of the EU have been completed.

MT(e) Strategies that will deliver worker benefits

Leed's strategy to deliver worker benefits includes the following:

- **Subcontractor Management System Review:** Undertake a complete review of Leed's Subcontractor Management system. The review will focus on: the responsibilities of the prime recipient (the organisation), selecting subcontractors, responsibilities of a subcontractor, effective subcontractor on-boarding, effective subcontractor management and the common challenges in managing subcontractors. It is anticipated that as a result of the review, a suite of Subcontractor Management Documentation (tools, templates, procedures, processes, register etc) will be developed for use within the Leed, along with the development of an internal training program for effective subcontractor management and the use of new documents.
 - **Step 1: Workshop 1:** Bring together key stakeholders for a small group discussion to identify key

challenges or issue with subcontractor management, what works well and is effective today and to identify any improvement areas.

- **Step 2:** Content Analysis: Analyse feedback for common issues or themes, review and assess existing documentation and perform a gap analysis.
- **Step 3:** Design: Develop the Subcontractor Management Framework, standardised suite of documents, change management and communication plans and training objectives.
- **Step 4:** Workshop 2: Share the results and findings from the analysis, present the proposed solutions and draft deliverables to the same key stakeholders and obtain feedback.
- **Step 5:** Refine: Following workshop 2, refine and finalise all deliverables and develop the communication toolkit and training materials/information sessions.
- **Step 6:** Implement and Support: transition to new Subcontractor Management System, roll out new suite of documents, hold training sessions, provide transition support and capture feedback and improvement opportunities.

Estimated cost \$22,000

To be completed within 9 months of signing of the EU

- **Safety Leadership Training:** Working with Gordon Thornton of Wilson Consulting Group, we will develop and rollout a tailored 'Effective Safety Leaders' training program with the primary objective of implementing and sustaining a high performance safety culture and uncovering any barriers that impede safety excellence

Estimated cost of \$60,000.

To be completed within 12 months of signing of the EU

- **Review the risk assessment** tools that Leed use to evaluate the project and contractual risks when entering into Joint ventures. The aim is to ensure the level of risk is fully understood and appropriately mitigated when entering into a JV.

Estimated cost \$30 hrs of Safety Manager @ \$150/hr. Total \$4,500

To be completed within 6 months of signing of the EU

- **Hot Weather Management:** the nature of Leed works means that our employees are often working in locations which can be subject to extreme high temperatures for several months of the year. Following consultation with a group of employees, we have trialled the provision of fresh/cold drinking water, water coolers, ice, electrolyte concentrate and cooling neck ties to workers. Additional breaks provided on site as required ensuring appropriate hydration. In addition, we have adopted light weight, breathable shirts with inbuilt cooling system as part of our standard uniform issue.

This initiative has been trialled at the Port Road Drainage Upgrade project throughout January and February 2018 with success and Leed will now introduce Hot Weather Management throughout the organisation.

To be completed by 31 March 2019

Estimated cost: \$5,000

- **Healthy Minds:** Mental health in the building and construction industry in Australia has long been a silent problem that has had a profound impact on individuals, their families, friends and colleagues, as well as on the productivity of the industry, as is well documented by mental health advocacy groups. The benefits of dealing proactively with these issues at work are now recognised in terms of productivity and employee morale. Leed will be conducting workshops (run by a series of mental health advocacy groups) focussed on Mind Health for our staff. During these workshops participants will learn skills that can lead to:

- improved mental health by building skills and behaviours that cause mental health
- reduce unhelpful behaviours that impedes achievements and increases risks of depression and anxiety
- stress management strategies and emotional self-management
- cultivation of gratitude, improve mood, sleep and contentment
- clear understanding of how to monitor and enhance overall wellbeing independently into the future

Access to support services and techniques for raising concerns with employees and workmates will also be covered with a focus on how to direct them to appropriate professional services. The intention of this program is for mental health and wellbeing to become an open topic for discussion within our organisation, improving communication and employee engagement.

Program to commence within 3 months of signing of the EU.

Estimated cost: \$12,000

- **Fit for Work Program:** There are a many factors that can impact on a person's ability to do a job safely and efficiently. Some of these factors include drugs, alcohol, fatigue, stress, nutrition, illness, physical fitness and the environment. We would like to ensure our staff members are 'fit for work' by introducing our Fit for Work Program. Each quarter we will focus on a topic of interest or benefit, to provide information, training sessions, or initiatives to our staff members and enable them to participate and learn ways to improve their overall fitness for work.

To commence by 31 March 2018, with a minimum of one event per quarter.

Estimated cost: \$8,000

- **Mates in Construction** – A Companywide roll-out of a suicide awareness and prevention program to support workers with mental health problems. The aim is to create a more resilient construction workforce. There are three levels of training that Leed are offering to all employees:
 1. General Awareness Training
This awareness session highlights the high suicide rates within the construction industry
Explains the concept of 'tip over points', how to identify someone who may be tipping over and the importance of getting help early
 2. Connector Training
The role of a Connector is someone who is trained to help keep someone in crisis safe, while at the same time connecting them to professional help
 3. Applied Suicide Intervention Skills Training (ASIST)
An ASIST-trained person can listen to a worker with suicidal concerns and respond appropriately with the object of reaching a 'contract' involving extra help and safety

To commence in April 2018 and be completed within 6 months.

Estimated cost: \$2,500 (travel related costs for MIC to attend 6 project sites).

Total cost of MT(e) strategies is \$114,000

MT(f) Strategies that will deliver industry benefits

Leed will engage with industry to deliver industry benefits in the form of:

- Within 3 months from this undertaking document being accepted by the regulator, Leed will provide an 'Incident Summary' in an approved format for the regulator to publish through their website. The Incident Summary will describe the incident that involved the injured worker and focus on the importance of interlocking guarding around plant to prevent access to moving parts.
- Leed will raise subcontractor management on the agenda at the South Australian Construction Safety Alliance (SACSA) to share Leed's learnings following our review. The purpose of this topic is to share the key risks and deficiencies that were identified as a result of the review, the protocols and tools that were developed to address these issues and to discuss how other workplaces can adopt similar practices to improve subcontractor management. This will be initiated at the next SACSA meeting after signing of the EU. *Estimated cost \$2,000*
- Develop a SafeWork SA (in consultation) safeguard in relation to subcontractor management following outcomes from the SACSA. The Safework SA Safeguard is an information sheet to provide guidance and to assist the industry to manage, eliminate or minimise safety risks. The safeguard would be distributed by SafeWork SA. To be completed within 9 months of signing of the EU. *Estimated cost \$5,000*
- Attend and present at SafeWork SA Safety Week at a time agreed with the regulator. At the presentation, Leed's Health, Safety, Quality and Environmental Manager will speak for about 15 minutes in relation to this enforceable undertaking and the importance of engineering controls. *Estimated cost \$1,000*
- Provide Leed's subcontractor training package to the SACSA members for use within their own organisations and projects. This will include the production of the training program and suite of associated documents/handouts for use by other organisations. *Estimated Cost \$5,000.*
- Leed will donate \$2,000 to Mates in Construction. The donation will allow Mates in Construction to continue with their free industry training sessions relating to suicide awareness. The donation will assist in payment for brochures, flyers and literature, as well as site based presentations and future research costs to assist the Industry.

Total cost of MT(f) strategies is \$15,000

MT(g) Strategies that will deliver community benefits

- Undertake a lecture with Adelaide University Engineering Students to provide an overview of the roles and responsibilities for Engineers in relation to health and safety issues within the construction industry. The expected outcome of this presentation is increased safety awareness for new entrants into the industry, including an awareness of prevalent health issues. The proposed presentation would be for 1 hour and would be given to the bachelor of civil engineering students in year 3 of the course. Estimate class size in excess of 20 students. This initiative to be undertaken within 12 months of signing of the EU.

Total cost of MT (g) strategy is \$3,500

MT(h) Agreement to pay the regulators costs

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

- investigation, legal and administrative costs associated with the alleged contravention and proposed undertaking \$
- compliance monitoring costs \$
- publication costs \$

Total amount \$1,250

(Noting that Macmahon Contractors Pty Ltd. is to pay an equal sum pursuant to the terms of the WHS undertaking entered into by it)

Where appropriate

MT(i) A commitment to establish and maintain (or maintain if a system already exists) an occupational health and safety management system (OHSMS)

Leed is committed to the ongoing maintenance of its OHSMS system, as referred to in GI (k) above and to maintaining, on an ongoing basis, its compliance with the principles of AS/NZS 4804:2001 Occupational health and safety management systems – General guidelines on principles, systems and supporting techniques.

MT(j) A commitment to ensure the OHSMS is audited by third party auditors

Leed has an extensive internal and external audit process which is described in GI (k) above.

In addition to maintaining its auditing system, Leed:

1. commits to ensuring that a third party audit of its OHSMS will be undertaken within 3 - 6 months of the signing of the undertaking ("the regulator audit");
2. commits to ensuring the regulator audit is undertaken by accredited third party auditors that meet the principles of AS/NZS 4801:2001 Occupational Health and Safety Management Systems- Specification with guidance for use;
3. acknowledges that the costs associated with the regulator audit will be met by Leed as part of the undertaking;
4. acknowledges that the auditors selected to perform the regulator audit must meet the qualification requirements of the regulator;
5. acknowledges that details of the auditor's qualifications against the stated requirements will be provided with the regulator audit report submitted to the regulator; and
6. commits to providing a copy of the Enforceable Undertakings – Information for Auditors of OHSMS fact sheet to the auditor.

MT(k) A commitment to provide a copy of each finalised OHSMS audit report to the regulator

Leed commits to providing the regulator with:

1. the finalised regulator audit report, along with a letter certifying that the report has not been altered from the copy provided by the OHSMS Auditor, within 30 days of receiving the audit report from the auditor; and
2. information on how Leed intends to address each of the regulator audit report's recommendations. This information is to be forwarded within 30 days of receipt of the written report from the auditor, accompanied by

any requests for exemption or consideration of alteration to the recommendations or timeframes.

Leed will arrange delivery of reports arising from the regulator audit to:

Manager, Construction Team
Compliance and Enforcement
SafeWork SA
GPO Box 465
ADELAIDE SA 5001

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

The recommendations resulting from the OHSMS audit will be fully implemented within twelve months of receiving the regulator audit report, unless the regulator offers a variation of the WHS undertaking due to the actions being unreasonable.

Section 3 - Offer of undertaking

I offer this undertaking and commit to the terms herein.

Signed:

[Person]

...Andrew Millar.....

[Print name]

...Managing

Director.....

[Position]

Dated at this

9TH day of April, 2018

OR

As a duly authorised person of [insert person] I offer this undertaking and commit [insert person] to the terms herein.

Signed:

[Duly authorised person]

.....
[Print name]

.....
[Position]

Dated at this

..... day of, 20....

Section 4 - Departmental acceptance of undertaking

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

Signed:

Position: Executive Director, SafeWork SA

MARTYN CAMPBELL
.....
[Print name]

Dated at WEDNESDAY this

11th day of APRIL, 2018.

