



# Work Health and Safety Act 2012 (SA)

## Part 11 - Enforceable Undertakings

### Notice of a decision to accept a WHS enforceable undertaking and reasons for acceptance

**Entity:** Re.Cycle (Adelaide) Pty Ltd

**ABN:** 50 616 663 542

**Entity Address:** Level 19, 100 Miller Street, North Sydney NSW 2060

**Location of incident:** 112 Bakewell Drive Seaford Heights, SA 5169

**Date of incident:** 19 December 2023



## 1. History of the application

1.1 The undertaking given by Re.Cycle (Adelaide) Pty Ltd (Re.Cycle) relates to an alleged contravention (incident) that occurred at 112 Bakewell Drive Seaford Heights, SA 5169 (the workplace).

1.2 The worker was employed by Re.Cycle (Adelaide) Pty Ltd.

1.3 On 19 December 2023, the worker was undertaking his duties operating the 'glass plant' (the plant) at the site; this included monitoring the rollers of the conveyors. A pile of glass sand had accumulated in an area which blocked the view of the rollers. As the worker cleared some of the glass sand away by hand, the sleeve of his shirt or glove became entangled between the moving roller and belt, drawing in the worker's arm. The worker's arm was ultimately freed by cutting the conveyor belt and releasing the tension.

The worker sustained a traumatic degloving injury to his right forearm from wrist to elbow which included the severing of a tendon, multiple lacerations and friction burn. The worker was hospitalised for a period of 16 days where he underwent multiple surgeries, pain management, he was later admitted for further surgery and ultimately underwent extensive hand therapy.

1.4 Following an investigation by SafeWork SA (SWSA) Inspectors and Investigators, prosecution action was commenced by the Crown Solicitors Office (by complaint and summons) against Re.Cycle, who had a health and safety duty pursuant to section 19 (1) of the Work Health and Safety Act 2012 (SA) (the WHS Act), for failing to comply, so far as a reasonably practicable, with the duty contrary to section 19 (3) (b) and (c) of the WHS Act. A Category 2 charge (Section 32) was laid on 19 December 2025 against Re.Cycle (Adelaide) Pty Ltd.

1.5 On 20 January 2026, Re.Cycle contacted the SWSA Regulatory Assurance Team, notifying of their intention to submit an enforceable undertaking (EU) for this matter.

1.6 On 23 April 2026, after negotiations with Re.Cycle (Adelaide) Pty Ltd a final submission was presented for assessment. The EU was evaluated, agreed to and signed by the Regulator on 2 June 2026.



## 2. Legislation and Policy

- 2.1 It is alleged that Re.Cycle (Adelaide) Pty Ltd, who had a health and safety duty pursuant to section 19 (1) of the WHS Act failed to comply, so far as reasonably practicable, with the duty contrary to section 19 (3) (b) and (c) of the WHS Act.
- 2.2 Pursuant to section 216 (1) of the WHS Act the WHS regulator may accept a written undertaking given by a person in connection with a matter relating to a contravention.
- 2.3 Section 217(1) of the WHS Act provides that the WHS regulator must give the person seeking to give an undertaking written notice of the decision to accept or reject the undertaking and the reasons for the decision.
- 2.4 Pursuant to section 217(2) of the WHS Act, the WHS regulator must issue, and publish on the WHS regulator's website, general guidelines in relation to the acceptance of WHS undertakings under the WHS Act.



### 3. Material and evidence considered by the WHS Regulator

3.1 In deciding this matter, the WHS regulator has considered the following documents:

1. Work Health and Safety Act 2012(SA) & Work Health and Safety Regulations (SA) 2012.
2. National Compliance and Enforcement Policy (Part 7 criteria)
3. SWSA Enforceable Undertaking Application Guidelines
4. WHS EU application submitted by the applicant
5. Complaint and Summons prepared by Crown Solicitors Office (if applicable)
6. Brief of Evidence prepared by SWSA Investigator
7. Injured person submission

### 4. Regulator Findings

4.1 The SWSA Enforceable Undertaking Application Guidelines contains considerations which are relevant and appropriate to my decision.

4.2 I find the undertaking given by Re.Cycle (Adelaide) Pty Ltd satisfies the formal requirements of the WHS Act and the policy requirements discussed above with respect to the operation of Part 11 of the WHS Act, as they have been published.

4.3 I find the factual background to the characterisation of, or the alleged contravention is set out in section 1 of the undertaking submitted by Re.Cycle (Adelaide) Pty Ltd.

4.4 The significance of the undertaking and the respective financial commitments of Re.Cycle (Adelaide) Pty Ltd are proportionate to the gravity of the characterisation of or the alleged contraventions by Re.Cycle (Adelaide) Pty Ltd and account for the benefits to them avoiding prosecution.

4.5 I find that Re.Cycle (Adelaide) Pty Ltd have acknowledged the characterisation of or alleged contraventions and shown regret regarding the occurrence and the consequences of the alleged contravention.

4.6 I find the undertaking commits Re.Cycle (Adelaide) Pty Ltd to a standard that is higher than the recognised compliance for the activity and/or to activities over and beyond recognised compliance levels.

4.7 I find the undertaking would constitute tangible benefits for workers, industry, and the community.



## 5. Decision

- 5.1 In making my decision, I have considered and had regard to the evidence and other material referred to in paragraph 3 above, and to my findings referred to in paragraph 4 above.
- 5.2 Because Re.Cycle (Adelaide) Pty Ltd have submitted an EU application to me in accordance with the requirements of the WHS Act, my power to accept the undertaking under section 216(1) of the WHS Act is enabled.
- 5.3 Based on the evidence, findings and having regard to the objectives of the WHS Act, I have carefully considered this matter, and I believe the undertaking given by Re.Cycle (Adelaide) Pty Ltd is an appropriate enforcement option.
- 5.4 I have concluded that an EU is the preferred enforcement option, rather than continuing with prosecution, regarding the opportunity to provide lasting organisational change within Re.Cycle (Adelaide) Pty Ltd, and the implementation of monitored and targeted health and safety improvements that will deliver benefits to workers, industry, and the community.
- 5.5 Under section 216(1) of the WHS Act, it is my decision to accept Re.Cycle (Adelaide) Pty Ltd's Enforceable Undertaking dated 2 June 2026.

A handwritten signature in blue ink, appearing to read 'Glenn Farrell'.

**Glenn Farrell**  
Executive Director,  
SafeWork SA  
4 June 2026