

ENFORCEABLE UNDERTAKING

Part 11, Work Health and Safety Act 2011

The commitments in this undertaking are offered to the regulator by

Council of the City of Gold Coast

(the person)

ABN 84 858 548 460

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.

DEFINITIONS

Contravention means an alleged contravention.

HSR means Health and Safety Representative.

OIR means the Office of Industrial Relations.

OHSMS or WHSMS means an Occupational Health and Safety Management System or Work Health and Safety Management System.

Person means an individual who or a legal entity which has a duty under the *Work Health and Safety Act 2011*, the *Electrical Safety Act 2002* or the *Safety in Recreational Water Activities Act 2011* and can give a written undertaking. The term includes individuals, each partner in a partnership, corporations, individuals or corporations as trustees of trusts, statutory corporations, public authorities, the State of Queensland, the Commonwealth of Australia and other Australian states and territories.

Regulator means the Deputy Director-General, Office of Industrial Relations, being the person appointed by the Governor in Council as regulator under the Safety Acts.

Safety Acts means *Work Health and Safety Act 2011*, *Electrical Safety Act 2002* and *Safety in Recreational Water Activities Act 2011*.

Very Serious Injury means, for this publication, is 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 part of the body – for example amputation above the knee or elbow.

WHS undertaking or undertaking, or enforceable undertaking means a written undertaking given under Part 11 of the *Work Health and Safety Act 2011* by a person in connection with a matter relating to a contravention or alleged contravention by the person of the *Work Health and Safety Act 2011* and includes all of the contents of that document including the general information, general and enforceable terms.

PRIVACY STATEMENT

The OIR respects your privacy and is committed to protecting personal information. 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 2011*, Part 3 of the *Electrical Safety Act 2002* or Part 4 of the *Safety in Recreational Water Activities Act 2011*. This information will be managed within the requirements of the current state government privacy regime.

The OIR may publish the undertaking and information contained in it for purposes identified in the undertaking or for other appropriate purposes in publications such as newspapers and on its website. The OIR may be required to disclose personal information to other agencies such as the Queensland Police Service and WorkCover Qld in accordance with enforcement activities that may be conducted as part of an investigation. Information on our privacy policy is available at www.worksafe.qld.gov.au.

SECTION 1: GENERAL INFORMATION

1.1 Details of the person giving the undertaking

Nominated person:	Council of the City of Gold Coast
Street address:	9 Holden Place BUNDALL QLD 4217
Mailing address:	Council of the City of Gold Coast PO Box 5042 GOLD COAST MAIL CENTRE QLD 9726
Telephone:	1300 465 326
Email address:	mail@goldcoast.qld.gov.au
Legal structure:	Local Government
Type of business:	Local Government
Commencement date:	1995
Workers:	Full time: 4395 Part time: 426 Casual: 589
Products and services:	Local Government Services – including water, sewage, roads, waste and recycling, animal management, community venues, facilities and lifestyle services.

1.2 Detail the contravention

It is alleged that on 18 November 2020, the Council of the City of Gold Coast (CoGC) failed to ensure, so far as reasonably practicable, the health and safety of a worker under section 19(1) and section 32 of the *Work Health and Safety Act 2011*.

1.3 Detail the events surrounding the contravention

On 18 November 2020, a worker employed by CoGC travelled as a passenger to the Molendinar Waste and Recycling Centre, to assist with the emptying of a green waste load from a CoGC-owned tipper truck. The worker was assigned the role of 'spotter' and stood at the rear, outside the tipper truck while the tipper truck was reversed and the hoist activated by the driver to tip the load.

After tipping the load, the driver moved the truck forward to clear the contents of the tray. However, the driver could not see the worker and continued to operate the vehicle.

When the driver exited the vehicle, they found the worker injured and lying partially under the tipped load. It was determined that the worker had been struck by the rear left wheel of the truck during the unloading process.

1.4 Detail the enforcement notices issued that relate to the contravention detailed in term 1.2

Date issued	Notice type	Notice number	Contravention or prohibited activity	Action taken in response to notice
18.11.2020	Prohibition Notice	1027308	"To stop workers accessing under trucks to clear waste materials whilst truck is in operation, and until an inspector is satisfied that a safe system of work is implemented."	<p>Refer to section 1.11 for full details of all actions taken.</p> <p>Summary of actions taken: Prohibited activity was ceased.</p> <p>The parks maintenance and landscaping activities risk assessment was reviewed with workers, health and safety representatives, management and WHS officers to consider risks around underbody retrieval of debris, raising the tilt tray, loading/ unloading green waste, vehicle immobilisation, blind spots, and exclusion zones. Controls were updated which included positive communications between drivers and coworkers, established exclusion zones requirements and direct eye contact before movement. The safe work instruction for Litter and Green waste removal was amended to include revised controls and was then tool boxed for all supervisors to discuss with their workers.</p>

1.5 Detail the injury sustained or illness suffered by worker/s or other/s as a consequence of the contravention detailed in term 1.2

The worker sustained bodily injuries including multiple fractures (right upper arm, right upper leg, right forearm and hand), severe lacerations, nerve damage and a degloving injury to the right elbow and forearm. Following the incident, the worker underwent surgery to correct the fractures and address the degloving injuries by skin graft.

1.6 Detail the employment status and the workers' compensation or other insurance status regarding the worker who sustained injury or suffered illness as detailed in term 1.5

The worker/s detailed is:

an employee of the entity

a self-employed worker/s

other

not applicable

Status:

The injured worker's employment with the CoGC continued post injury and the worker returned to work on a part time basis in early 2023, later retiring in mid-2023.

CoGC is self-insured in accordance with terms of the statutory workers' compensation insurance scheme operating in Queensland under the *Workers' Compensation and Rehabilitation Act 2003*. The injured worker received compensation benefits including weekly payments and medical and rehabilitation expenses. The claim has now been finalised and closed.

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

Date	Description of support	Comments
18/11/2020	Rehabilitation and Return to Work Coordinator (RRTWC) attended hospital following notification of incident and worker being transported to hospital.	RRTWC met with the supervisor, provided City Cover claim forms, additional support information to access confidential counselling for the worker, family, witnesses and other staff.
18/11/2020	Health and Wellbeing Officer attended depot to meet with the driver of the truck.	Provided information on how to access the Employee Assistance Program.
19/11/2020	RRTWC follow up with the injured worker's next of kin (NoK).	RRTWC phone call with NoK to provide support, assistance and contact details.
19/11/2020	Health and Wellbeing Officer phone call to driver of the truck.	Check-in phone call with driver.
27/11/2020	Health and Wellbeing Officer met with the driver of the truck at hospital.	Provided support to the driver during a hospital visit with the injured worker.
03/12/2020	Rehabilitation Plan developed.	CityCover Claims Manager developed Rehabilitation & Return to Work (RTW) Plan for injured worker.

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16/12/2020	Health and Wellbeing Officer phone call with driver of truck.	Final wellbeing check-in with the driver.
March 2021 to March 2023	Ongoing support from RRTWC.	Ongoing communication and support to the injured worker through long term rehabilitation and recovery, whilst certified as totally incapacitated for work. Support included: <ul style="list-style-type: none"> • Ongoing Allied Health Support • Physiotherapy • Ongoing rehab support
01/03/2023	Supported through implementation of suitable duties plan for the injured worker to return to work.	RRTWC developed suitable duties plan for worker as part of return to work.
28/06/2023	Worker's file closed as worker retired from COGC.	Notification of case closure due to worker retiring from employment with the CoGC.

1.8 Detail any current OHSMS implemented and maintained by the person

CoGC is self-insured and as such the WHSMS is based on the auditable criteria of the National Self Insurer WHS Audit Tool (NAT). The WHSMS is aligned to AS/NZS ISO 45001:2018.

The WHSMS is regularly reviewed and maintained, in consultation with workers, HSRs and management to ensure that it is current, relevant, accurate and promotes continual improvement. The WHSMS undergoes scheduled reviews, but is also responsive to:

- changes to legislation and other requirements
- newly identified hazards and/or risk assessments
- outcome(s) of incident investigations
- audit findings
- continuous improvement strategies
- organisational changes
- requests from WHS committees/HSRs

1.9 Detail the level of auditing undertaken on the OHSMS referred to in term 1.8, including compliance audits and audit frequency

The CoGC conducts internal and external audits of the WHSMS to assess its effectiveness in meeting policy objectives. Historically, audit outcomes have been reported to the Executive Leadership Team (ELT) via the Work Health and Safety Advisor Committee (WHSAC).

Recent changes to the committee structure have transferred the function of the WHSAC to ELT sub-committee, the People and Safety Committee (PSC). This change aims to enhance governance, oversight and management commitment. Moving forward, WHSMS audit outcomes will be reported to the ELT via the PSC.

As part of its self-insurer license requirement, the CoGC participates in an external audit program facilitated by OIR. These audits are conducted using the criteria outlined in the National Self Insurance Audit Tool (NAT). External audits are outsourced to providers registered with the regulator and occur every 2 years, with a re-license audit conducted every four years and a mid-term audit at the two-year mark of the re-license

period.

The CoGC Internal WHS Audit Program provides general assurance that the organisation's activities comply with the documented requirements of the WHSMS. Internal WHS Audits are conducted in preparation for the two-yearly NAT audits, typically scheduled 12 months prior to either the mid-term or re-license NAT audits.

In addition to these scheduled audits, internal audits and inspections are undertaken across the organisation on a range of topics. These audits and inspections assess various aspects of the WHSMS.

Contractor audits are also performed to evaluate the safety management responsibilities of the person overseeing the contract. The criteria and frequency of these audits are determined case by case, considering:

- The requirements of the contract and the works/services being performed.
- The level of risk involved with the works/services being performed.
- The length of the contract.

CoGC also conducts internal audits of the WHSMS assurance program. These audits aim to compare the WHSMS assurance program against better practices and legislative requirements. The most recent internal audit of the WHSMS assurance program commenced on 28 February 2024. Outcomes from this audit have been provided to the ELT and PSC to verify the effectiveness and practical application of the WHSMS assurance program as part of their due diligence responsibilities.

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

CoGC has consulted with key internal personnel in relation to this undertaking and the proposed activities in this undertaking, namely the:

- Chief Executive Officer
- Executive General Manager Strategy People and Performance
- General Counsel
- General Manager Property Workplace Facilities and Fleet
- General Manager Work Health and Safety
- General Manager Insurance
- Coordinator WHS Governance
- Coordinator WHS Assurance
- Manager Fleet Maintenance and Acquisition
- Fleet Asset Management Officer
- Coordinator Corporate Security
- Coordinator Community and Recreation

In addition to those listed above, CoGC will undertake consultation on the proposed activities in this undertaking with:

- Workers impacted by the proposed activities
- Health and Safety Representatives
- WHS committees
- External stakeholders

1.11 Detail the rectifications to the workplace or work practices made as a result of the contravention and events detailed in terms 1.2 and 1.3 and the enforcement notices issued

as detailed in term 1.4

The following rectifications have been carried out due to the alleged contravention:

1. The parks maintenance and landscaping activities risk assessment was reviewed in consultation with workers, HSRs, management and WHS officers. The review focused on risks related to underbody retrieval of debris, raising the tilt tray, loading and unloading green waste, vehicle immobilisation, blind spots, and exclusion zones.

Updated risk controls included:

- Positive communications between drivers and coworkers.
- Established exclusion zone requirements.
- Direct eye contact before movement.

The safe work instruction for litter and green waste removal was amended to incorporate the revised controls and subsequently discussed with all supervisors during toolbox meetings to ensure effective communication with workers.

Additionally, a video was produced to demonstrate the correct debris removal process, featuring the use of new wheel guards and body props on tippers.

2. A WHS alert was distributed on the 17 May 2021 that highlighted the dangers of working in or around tippers and described control measures to be considered. This included toolbox talks with workers across CoGC.
3. CoGC has undertaken a project to review and improve commercial vehicle safety within the CoGC (CVS Project). A project manager and consultants led the CVS Project. In undertaking the CVS Project, CoGC engaged and consulted with both internal and external industry stakeholders, including the Institute of Public Works Engineering Australia, Lift Industries, Custom Truck Bodies, Gold Coast Isuzu, Sci Fleet Hino, National Heavy Vehicle Regulator, other Councils, Transport and Mains Road, Rear Vision Systems, LMS, Russ Engineering, Shepherds, Gold Coast City Auto Electrics and Tint Daddies Windows Tint. CoGC also partnered with Griffith University to deliver a Human Factors Assessment at a cost of \$42,120 to test proposed safety improvements as part of the CVS Project.

Through this assessment, Dr Darren Wishart, PhD, and Dr Christine Hoag-Hodgson, PhD, evaluated the drivers interacting with the proposed safety improvements during their normal operations to ensure the improvements are effective and did not introduce additional risks. The project involved extensive consultation with stakeholders across the organisation, with a strong focus on driver behaviour and safety. The following activities were delivered:

- **Fixed wheel guards:** Installed fixed wheel guards to truck chassis instead of the body of the tray to isolate the danger zone of wheels, even when the tipper body is raised. This was retrofitted to 248 trucks at a cost of \$299,628.50.
- **Load-rated body props:** Installed a second load-rated body prop that is highly visible, has a clear load rating, and provides redundancy for the original body prop supporting an unloaded tipper body during vehicle maintenance. A long handle was added to both under body props to improve manual handling and eliminate the need for reaching under a raised tipper, reducing the risk of crush injuries. This was retrofitted to 496 dual body props (2 per truck) at a cost of \$281,232.
- **Window tinting:** Applied window tint to all commercial vehicle windows to create a more comfortable environment and reduce UV light exposure and glare. This was retrofitted to 1125 vehicles at a cost of \$250,210.
- **Canopy door flags:** Installed high-visibility drop-down canopy door flags within canopy doors to ensure they are clearly visible in the driver's mirror when left open, preventing harm or injuries to others. 190

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commercial utes with canopies were retrofitted at a cost of \$20,000.00.

- **Service/toolbox door markings:** Added high-visibility markings to the sides and inside of service / toolbox doors to improve visibility and reduce hazards. This was retro fitted to 190 commercial utes with canopies at a cost of \$15,000.
- **Truck edge markings:** Installed high-visibility markings along the edge of all tucks to make them more visible on site and to the public. This was retrofitted to 372 trucks at a cost of \$20,000.
- **Driver behaviour stickers:** Applied stickers to the rear of trucks and utes to inform the public that CoGC driver behaviour is being monitored, aiming to reduce road rage and aggression towards CoGC workers. This was retrofitted to 372 trucks at a cost of \$15,000 and 424 utes at a cost of \$18,000.
- **Cab entry steps:** Painted high-visibility tread on all cab entry step of trucks to enhance safety for those entering and exiting. This was retrofitted to 372 trucks at a cost of \$15,000.
- **Crane hooks:** Painted crane hooks attached to trucks with glow in the dark paint to ensure visibility when lowering into dark pits. This was retrofitted to 30 crane hooks at a cost of \$6,000.
- **Engagement activities:** Delivered extensive engagement activities across CoGC to educate and gather feedback on commercial vehicle safety. These included the following activities for 2022: Twenty toolbox talks, eight WHS newsletters, five CEO Breakfast showcases, presentations to the Institute of Public Works Engineers Australasia at their annual conference to share learnings with the industry, three Quarterly WHS committee updates and endorsements, ten business reference group updates, ten heat mapped project updates to impacted work groups and a CoGC wide WHS expo.
- **Spotter training package:** Developed and delivered a spotter training package for all operational personnel within Landfill and Waste Recycle Centres. The initial training rollout was undertaken from March 2020 through to January 2021 with additional periodic training for new starters. Note: Landfill site operations were contracted out to Veolia on 15th May 2023.

Total amount spent on rectifications

\$ 1,835,921

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

CoGC acknowledges that the regulator has alleged that CoGC has contravened provisions of the *Work Health and Safety Act 2011* as detailed in term 1.2 of this undertaking.

2.2 Statement of regret that the contravention occurred and the reasons the person considers this undertaking is a more appropriate response to the contravention than a court imposed sanction

CoGC deeply regrets the incident that occurred on 18 November 2020. CoGC is, and always has been, genuinely committed to the health and safety of its employees, contractors, and other people in the workplace and to ensuring that its operations do not place other people at risk.

By entering into this undertaking, rather than a court-imposed sanction, there will be ongoing positive impacts on the health and safety of CoGC workers and contractors, industry and the community through the implementation of the activities detailed in section 3 of this undertaking.

2.3 Statement of commitment that the behaviour, activities and other factors which caused or led to the contravention has ceased and will not reoccur

CoGC is committed to ensuring the behaviours, activities and other factors that caused or led to the alleged contravention will not reoccur, through the rectifications following the incident detailed in term 1.11, and the implementation of the activities detailed in section 3 of this undertaking.

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: PN11783

Dated: July 2024

2.5 Acknowledgement that this undertaking may be published and publicised

2.5.1 CoGC acknowledges that the undertaking may be published on the OIR's website and referenced in OIR material.

2.5.2 CoGC 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 CoGC has the financial ability to comply with the terms of this undertaking and have provided evidence by way of a letter from CoGC Chief Financial and Procurement Office with this undertaking to support this declaration.

2.6.2 In the event of loss or withdrawal of a required industry specific license, impending liquidation or sale of the entity, CoGC will advise OIR 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

CoGC has no commercial or other relationships with any corporations, officers, employees, contractors, proposed beneficiaries of donations or scholarship or other recipient of financial benefit contained in this undertaking.

2.8 Statement regarding Intellectual Property License

CoGC grants OIR a permanent, irrevocable, royalty-free, world-wide, non-exclusive license 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

OIR has requested a statutory declaration outlining details of any prior convictions, subject to any local legal constraints such as spent conviction legislation, or findings of guilt under the safety Acts.

YES NO

The statutory declaration is attached (if applicable)

YES NO

2.10 Statement of commitment from the person to participate constructively in all compliance monitoring activities for this undertaking

2.10.1 It is acknowledged that responsibility for demonstrating compliance with this undertaking rests with the person.

2.10.2 Evidence to demonstrate compliance with the terms will be provided to OIR by the due date for each term.

2.10.3 The evidence provided to demonstrate compliance with this undertaking will be retained by the person until advised by the regulator, that this undertaking has been completely discharged.

2.10.4 It is acknowledged that any failure to meet the due date for an enforceable term will result in the matter being escalated and may lead to enforcement action.

2.10.5 It is acknowledged that OIR may undertake other compliance monitoring activities to verify the evidence and compliance with an enforceable term, and cooperation will be provided to OIR.

2.10.6 It is acknowledged that OIR may initiate additional compliance monitoring activities, such as inspections, as considered necessary at OIR's expense.

2.10.7 It is acknowledged that details of all seminars, workshops and training conducted by a non-registered training provider must be notified to OIR, by email, at least one week prior. Notification should include time, date, location and the trainer/facilitator.

2.11 A commitment by the person to perform activities that will ensure the ongoing effective management of risks to health and safety in the future conduct of its business or undertaking

The City of Gold Coast (CoGC) is deeply committed to ensuring the ongoing, proactive management of health and safety risks across all aspects of its operations, both now and in the future. CoGC acknowledges that maintaining a safe and healthy workplace is a dynamic, evolving process that requires continual focus, innovation, and improvement. CoGC is dedicated to executing a range of safety initiatives, in addition to the activities identified, each designed to minimise risks, promote safety awareness, and embed a culture of continuous improvement.

CoGC is committed to conducting a thorough and complete analysis of all ideas, as well as planning for the implementation of approved and funded improvements. These include commercial vehicle safety improvements, the identification and implementation of Critical Safety Risks and Controls, review of the WHSMS, and three additional third-party audits of the WHSMS. Online training to raise awareness about working around vehicles and spotting plant will collectively drive safety improvement, understanding and efficiency, with a focus on high-potential hazards.

Implementing these changes, along with further identified opportunities, in conjunction with engaged leadership and management commitment, will foster an improved safety culture where all CoGC employees feel empowered to report and suggest improvements, continually driving safety from all areas within the organisation. This will be supported and monitored through key performance indicators by the PSC and the ELT.

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

CoGC acknowledges that the proposed activities in this undertaking may promote or benefit CoGC. CoGC commits to linking any promotion or benefit to CoGC to this undertaking.

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 by the person to disseminate information about this undertaking to workers, and other relevant parties

Activities		Minimum cost	Timeframe
3.1	Dissemination of information about this undertaking	Nil cost	Refer below
Scope	CoGC commits to disseminating information about this undertaking to its employees and other relevant stakeholders as detailed below in 3.1.1 and 3.1.2.		
3.1.1	CoGC commits to disseminating information about this undertaking to its employees and other relevant stakeholders as follows: Communication from the Chief Executive Officer to all workers, to be discussed further in team meetings and Toolbox Talks. Safety Notice to be placed on the WHS Intranet site and distributed organisation wide through the WHS Newsletter. Report to the ELT and the People and Safety ELT Sub-Committee.		Within three (3) months of the date of acceptance of this undertaking.
3.1.2	CoGC commits to publish a summary report regarding the acceptance of the EU in CoGC's Annual Report.		Evidence will be provided to OIR 30 days following publication of the Annual Report as detailed in the activities.
Anticipated Benefits	Dissemination of undertaking information to listed stakeholders and the public, through the annual report, will ensure all relevant parties are informed of the acceptance of this EU and the expected WHS outcomes from the undertaking.		

Evidence	<p>The following will be provided as evidence of completion and implementation outlined in 3.1.1 and 3.1.2:</p> <p>Copy of communication from the Chief Executive Officer to all workers. Link to WHS Intranet and copy of the WHS Newsletter. Copies of Toolbox Talks showing evidence of Safety Notice inclusion communication via sign off. Copy of communication report to People and Safety ELT Sub-committee. Communication report to ELT.</p>
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3.2 Activities to be undertaken to promote the objects of the safety Acts that will deliver benefits for workers/others

Activities	Minimum cost	Timeframe
3.2.1	Commercial vehicle safety improvements	\$1,763,510.00
Scope	<p>To provide upgrades and retrofitting to existing CoGC commercial fleet to minimise the risk of harm through a series of engineering controls. These items are beyond the extensive work completed and detailed under Term 1.11(3), rectification work. This is new work that went to market in February 2024, after informing OIR of the intent to enter into an enforceable undertaking.</p> <p>All work completed in 3.2.1 will be delivered externally by a provider, including parts and labour.</p> <p>Note* due to the variety of trucks, safety improvements have been allocated based on applicability to the truck or vehicle.</p> <p>Operational requirements and fit-out of improvements to this many vehicles requires a 24-month timeframe for completion. There are no options to speed this program of works up without significantly reducing services to the people of the City of Gold Coast.</p>	
Specific Activities	Items 3.2.1a – 3.2.1d detail the specific activities, costs and timeframes.	
3.2.1a	<p>Tipper truck side guard installation</p> <p>Side guards will be installed on tipper trucks to restrict access to under the tipper's body reducing risks of harm to workers or other persons.</p>	<p>\$2,260 per truck X 166 trucks =</p> <p>Total \$375,160</p>
		<p>24 months from acceptance</p> <p>(Includes 6 monthly update report with evidence provided to date)</p>

3.2.1b	<p>Truck overload alarm installation</p> <p>Truck overload alarms to be installed to alert drivers when their load is too heavy and that action to rectify is required. This will ensure the safety of workers and other persons e.g., road users are safeguarded by warning systems.</p>	<p>\$1,000 per truck X 122 trucks =</p> <p>Total \$122,000</p>	<p>24 months from acceptance</p> <p>(Includes 6 monthly update report with evidence provided to date)</p>
3.2.1c	<p>Heavy vehicle reverse camera fit out</p> <p>Reversing Camera fit out to all heavy vehicles currently without reversing cameras. This includes tippers, tilt tray and service body trucks.</p>	<p>\$3,550.00 per truck X 297 trucks =</p> <p>Total \$1,054,350</p>	<p>12 months from acceptance</p> <p>(Includes 6 monthly update report with evidence provided to date)</p>
3.2.1d	<p>Powerline proximity sensing system installation</p> <p>Powerline Proximity Sensing System (truck) 8 tonne/ 12 tonne tipper/ tilt tray</p>	<p>\$5,300 per truck X 40 trucks =</p> <p>Total = \$212,000</p>	<p>24 months from acceptance</p> <p>(Includes 6 monthly update report with evidence provided to date)</p>
Anticipated benefits and outcomes	<p>The overall benefit will be greater mitigation of the risk of harm to workers associated with use of commercial vehicles at CoGC. Specific benefits are highlighted in each sub-section below:</p> <p>3.2.1a – Side guards to minimise human access under the body of tippers. This is an engineering control that isolates the hazard from the worker.</p> <p>3.2.1b – Truck overload alarm to alert operators that the load is too heavy. This control minimises the risks associated with overloaded trucks for operators and other road users.</p> <p>3.2.1c – Fitting of reversing cameras to trucks that currently lack them will create a greater field of view, allowing operators to check for any person or thing behind the vehicle prior to reversing. This provides a safety benefit for the operator and for others.</p> <p>3.2.1d – Fitting of powerline proximity sensors on 8 and 10 tonne tippers and tilt trays will reduce the risk of overhead powerline strikes. These sensors provide an audible warning when the vehicle body enters an exclusion zone, thereby minimising the risk of harm to the driver and others in the area.</p>		

Evidence	<p>The following will be provided as evidence of completion and implementation of the controls above outlined in 3.2.1:</p> <p>Copy of invoices and evidence of payment to date on six monthly basis.</p> <p>Photographs of completed work.</p> <p>Register of completed works and work orders.</p> <p>6 monthly update report with evidence provided and spend.</p>		
Total minimum cost of benefits for workers/others for Term 3.2.1		\$1,763,510.00	
Activities	Minimum cost	Timeframe	
3.2.2 (a)	<p>Work Health and Safety Management System Review</p> <p>Engagement scope \$5,250</p> <p>Options and Recommendations reports \$42,000</p> <p>Final report and WHS Management system Design \$57,750</p> <p>Total \$105,000</p>	Within 3 months of acceptance of this undertaking	
Scope	<p>CoGC have engaged a suitably experienced and resourced Consultant to undertake a review of the current WHS Management System that is used by the CoGC. The Work Health and Safety Management Review has already commenced in the interest of safety improvement and initiatives to reduce risk exposure to workers within the CoGC. This commenced following CoGC notifying OIR of its intent to enter into an enforceable undertaking.</p> <p>The focus will be to:</p> <p>Review the current usability and effectiveness of all WHS Management Systems used across CoGC (including departmental systems) and their ability to reduce risk to workers. Ensure the review considers the requirements for system certification including the NAT audit and the Office of the Federal Safety Commissioner.</p> <p>Evaluate the current WHS Management Systems and recommend a single WHS Management System to be adopted across CoGC.</p> <p>Note that the Work Health and Safety Management Review has already commenced as part of initiatives to improve safety and reduce risk exposure to workers within the CoGC.</p>		
Specific Activities	<p>The specific activities will be conducted in the following stages:</p> <p>Desktop review of existing SMS</p> <p>The Consultant will conduct a targeted literature review and an industry best practice review</p>		

	<p>to develop a bespoke SMS desktop review tool for this project. The existing WHSMS will be analysed and critiqued against best practice to identify current strengths and opportunities for improvement. The review will also examine how these documents are being accessed and utilised across the business.</p> <p>In-field discovery of “work as done”</p> <p>Leveraging the findings and insights from the WHSMS compliance and maturity survey, the Consultant will design and implement a detailed and targeted discovery process. This will include collecting improvement ideas and suggestions from frontline workers and comparing critical SMS components ‘on paper’ with how these practices are implemented in the field.</p> <p>Co-design workshop</p> <p>An internal workshop will be conducted, merging and combining data through a structured data coding process, identifying core themes and co-designing the elements of the revised single WHSMS for CoGC. A one-day ‘learning team’ workshop with CoGC stakeholders (including both WHS and operations representatives) will aim to achieve the following objectives:</p> <p>Validate the findings and expand/revise as necessary. Confirm and understand core areas of strength and weakness in the current SMS approach, identify clutter to be removed, and brainstorm solutions and recommendation specifically on: Front line worker usability. Identification of priority documentation for development. An appropriate document hierarchy. Formatting and design of SMS documentation to support simplified procedures with specific designs and language suited to workers. A clear communication and consultation model. Defined document structure, style and language guide. Recommendations for future state of digital infrastructure.</p>
<p>Anticipated benefits and outcomes</p>	<p>The program is designed to involve frontline workers/supervisors and the Consultant to achieve the following benefits and outcomes:</p> <p>Assess current WHSMS effectiveness, usability and level of implementation throughout the CoGC. Collectively assess the various forms of safety management documentation from the WHSMS and the de-centralised departmental WHSMS documentation for appropriateness, effectiveness and implementation. Recommendations on processes and methodologies that need to change (investigation methodology, committee structures/consultation mechanisms/implementation methodology). Any other recommendations that will enable the CoGC to have an effective and appropriate WHSMS. A co-design process for the re-development of the WHSMS.</p>
<p>Evidence</p>	<p>The following will be provided as evidence of completion and implementation of the activities described in 3.2.3:</p> <p>Copies of invoices and evidence of payment. Meetings and workshop attendance records. Copy of final report. Details of intended action from the report and any recommendations made in it. Commitment to implement all agreed recommendations.</p>

	Confirmation that recommendations from the report have been implemented.		
3.2.2 (b)	Work Health and Safety Management System Review Audit follow up audit #1	\$21,024	Within 6 months of agreed completion of the WHSMS Review commitment above
Scope	Audit of the WHSMS as per requirements detailed in section 3.8 of this undertaking. Audits will be undertaken by an independent auditor not previously involved in CoGC self-insurance audits.		
Evidence	A copy of the finalised audit report as required in section 3.9 of this undertaking.		
3.2.2 (c)	Work Health and Safety Management System Review Audit follow up audit #2	\$21,024	Within 12 months of the completion activity 3.2.3 (b)
Scope	Audit of the WHSMS as per requirements detailed in section 3.8 of this undertaking. Audits will be undertaken by an independent auditor not previously involved in CoGC self-insurance audits.		
Evidence	A copy of the finalised audit report as required in section 3.9 of this undertaking.		
3.2.2 (d)	Work Health and Safety Management System Review Audit follow up audit #3	\$21,024	Within 12 months of the completion activity 3.2.3 (c)
Scope	Audit of the WHSMS as per requirements detailed in section 3.8 of this undertaking. Audits will be undertaken by an independent auditor not previously involved in CoGC self-insurance audits.		
Evidence	A copy of the finalised audit report as required in section 3.9 of this undertaking.		
Total minimum cost of benefits for workers/others for Term 3.2.3			\$168,072
Activities		Minimum cost	Timeframe
3.2.3	Develop and implement an online training package tailored to spotters/vigilance when working around mobile plant and equipment/vehicles.	Nil Costs attributed to EU (In House Training)	Within 12 months from acceptance of this undertaking.

Scope	<p>We will develop a suitable online training package focused on spotters to ensure vigilance when working around mobile plant and equipment. The training will aim to:</p> <p>Raise awareness of the critical controls required to manage hazards while working in proximity to mobile plant and equipment.</p> <p>Build workers' understanding of their roles and responsibilities during spotting activities in proximity to mobile plant and equipment.</p> <p>Enhance general awareness of hazards workers may encounter when working around mobile plant and equipment, particularly in avoiding placing themselves in the line of fire.</p> <p>Be communicated to all operational staff who work around mobile plant and equipment.</p> <p>Roll out the training to city workers, with a refresher course to be completed every 12 months.</p> <p>Include the training as a mandatory safety requirement, ensuring new employees complete it as part of their onboarding process.</p>		
Specific Activities	<p>The specific activities will be conducted in the following stages:</p> <p>The safety professional will conduct a review of CoGC's activities and, in consultation with the Learning and Development team and stakeholder engagement, develop an online training package for all COGC workers who work in proximity to mobile plant and equipment. The training packaged will be mapped to relevant staff positions and, after its initial roll out, will be refreshed annually.</p>		
Anticipated benefits and outcomes	<p>The online training package is designed to capture all workers who will be working in proximity of mobile plant and equipment and those that perform generic spotting activities. The package will achieve the following benefits and outcomes:</p> <p>Improved understanding around the safety requirements when approaching mobile plant, spotting or working in proximity to mobile plant and equipment.</p> <p>Reduce risks associated with standing and positioning oneself in the line of fire, crush zones or blind spots.</p> <p>Reduce the potential for workers placing themselves in compromising positions without controls in place, potentially exposing themselves to interaction with mobile plant.</p>		
Evidence	<p>The following will be provided as evidence of completion and implementation of the activities described in 3.2.4:</p> <p>Copy of training presentation and E-Learning.</p> <p>Training attendance records.</p> <p>Course code and training records for relevant workers mapped against requirement.</p>		
Total minimum cost of benefits for workers/others for Term 3.2		\$1,931,582	

3.3 Activities to be undertaken to promote the objects of the safety Acts that will deliver benefits for industry

Activities		Minimum cost	Timeframe
3.3.1	CoGC commits to presenting its occupational violence and aggression management practices to all local councils represented at the Local Government Associate of Queensland (LGAQ) WHS Conference in 2026	\$1,500	12 months from acceptance
Scope	<p>CoGC commits to presenting its occupational violence and aggression management practices to the LGAQ.</p> <p>Occupational violence and aggression (OVA) is an increasing risk to the physical and psychological wellbeing of workers within local councils. With large, customer-facing exposure areas, compliance and enforcement responsibilities, and increasing engagement with people living rough, OVA poses a dynamic and sometimes unpredictable threat to many workers. The CoGC will present their OVA management model to other Queensland local councils at 2026 LGAQ WHS Conference.</p>		
Anticipated benefits and outcomes	<p>CoGC has implemented a significant, multifaceted program to understand and reduce the risk of physical and psychological harm arising from OVA.</p> <p>By sharing what CoGC has done and is continuing to do to manage OVA risk the local government industry can learn from CoGC's approach to influencing and driving the management of OVA risk.</p>		
Evidence	<p>The following will be provided as evidence of completion and implementation of the activities described in 3.3.1:</p> <p>Copy of the meeting agenda or similar that clearly details the presentation will be delivered. Invoices and receipts for travel and attendance costs. Copy of presentation delivered.</p>		
3.3.2	Develop a 'Occupational Violence and Aggression Prevention' guide for local governments	Nil (internal costs only)	12 months from acceptance
Scope	<p>CoGC to develop a guide for occupational violence and aggression prevention for all local councils of Queensland to access. The guide will be informed by CoGC's occupational violence and aggression (OVA) prevention practices.</p>		
Anticipated benefits and outcomes	<p>As the second largest council in Australia, the CoGC has the ability to invest in OVA prevention far more than smaller local councils within Queensland. The learning and improvement made by CoGC can be used to assist other councils to improve their OVA prevention.</p> <p>Anticipated benefits to industry are:</p> <p>Smaller councils benefit from CoGC's investment in OVA prevention. Greater consistency across councils in how OVA prevention is undertaken. Reducing worker exposure to serious OVA incidents.</p>		
Evidence	<p>The following will be provided as evidence of completion and implementation of the activities described in 3.3.2:</p> <p>Copy of the Occupational Violence and Aggression Prevention Guide.</p>		

	Details of distribution to local governments of Queensland.		
3.3.3	Presentation of the details this Enforceable Undertaking at the 2026 LGAQ WHS Conference	\$1,500	12 months from acceptance
Scope	The CoGC to present at the 2026 LGAQ WHS Conference. The presentation to include background for this enforceable undertaking and the commitments made and the promotion of benefits by the person to this undertaking.		
Anticipated benefits and outcomes	By presenting the enforceable undertaking commitments to the local government industry it will provide opportunity for the industry to learn from the action the CoGC will be taking and the positive impact these have on improving worker safety, industry safety and community safety. Additionally, they will learn from the Council's learnings following the incident.		
Evidence	Copy of the presentation and attendees. Invoice and receipts for travel and attendance costs. Copy of presentation delivered.		
3.3.4	Present details of the Enforceable Undertaking and outcomes closest to the completion date of this enforceable undertaking (date TBA) following acceptance	\$1,500	Within 36 months of this enforceable undertaking
Scope	The CoGC to present the outcomes of this Enforceable Undertaking at LGAQ WHS Conference. The presentation to include delivery on the commitments within the Enforceable Undertaking and outcomes they've produced.		
Benefits to Industry	A follow on from item 3.3.3 to demonstrate the impact of the commitments and how they were delivered. Providing further learning opportunity for those within the local council industry.		
Evidence	Copy of the presentation and attendees. Invoice and receipts for travel and attendance costs. Copy of presentation delivered.		
Total minimum cost of benefits for industry for Term 3.3			\$4,500

3.4 Activities to be undertaken to promote the objects of the safety Acts that will deliver benefits for community

Activities	Minimum cost	Timeframe
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3.4.1	CoGC commits to promoting greater awareness of asbestos exposure risk and management of the risk, to the community.	Nil const attributed to the EU (internal costs only)	12 months from acceptance
Scope	CoGC will promote community safety through communication of asbestos risk and management using CoGC communication channels. Including rates notices (digital and hardcopy) to raise awareness in the community, utilising available City and State government resources. CoGC will seek to consult with the WHSQ Inspectorate to align timeframes and messaging, where possible, with any upcoming WHSQ asbestos campaign.		
Specific Activities	CoGC will use available digital and hardcopy CoGC communication channels to inform the community of: Risk of asbestos exposure Management of asbestos risk for homeowners Removing or disturbing asbestos CoGC has a reach of over 250,000 community members its rates notices. CoGC is committed to communicating available Work Health and Safety Queensland information and CoGC information to rate payers, to help them better understand the risks of disturbing asbestos in the home, and how to safely and legally mitigate those risks.		
Anticipated benefits and outcomes	Greater community awareness of identify asbestos and requirements to mitigate risk to themselves and others when disturbing asbestos through house renovation, demolition, roof cleaning and other mechanisms. Reaching over 250,000 people through digital and hard copy rates notices can reduce the likelihood of community exposure to friable asbestos.		
Evidence	Copy of hard copy rates notice inclusions Copy of digital communications Data of digital interactions through website click rates.		
Total minimum cost of benefits for community for Term 3.4			\$0.00

3.5 Agreement to pay the OIR's recoverable costs

3.5.1 CoGC agrees to pay OIR's costs associated with this undertaking, as itemised below, and it is acknowledged that payment is due 30 days after receipt of the OIR invoice:

Recoverable costs	Amount
Administrative costs	\$4,600
Legal costs	\$1,500
Compliance monitoring costs	\$3,450
Publication costs	\$600
Total of OIR recoverable costs	\$10,150

3.6 Minimum spend

3.6.1 CoGC acknowledges the minimum spend for this undertaking will comprise of the:

Estimated total value of	Minimum spend
Benefits to workers/others	\$1,931,582
Benefits to industry	\$4,500
Benefits to community	\$ nil
OIR recoverable costs	\$10,150
Estimated total minimum spend for the undertaking	\$1,946,232

3.6.2 CoGC 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 maintain an OHSMS

3.7.1 CoGC acknowledges there is a formal documented OHSMS acceptable to the regulator that satisfies the principles of *AS/NZS ISO 45001:2018 (Occupational health and safety management systems - Requirements with guidance for use)*, currently in place.

3.7.2 CoGC commits to ensuring that the OHSMS remains compliant with the principles of *AS/NZS ISO 45001:2018 (Occupational health and safety management systems - Requirements with guidance for use)*.

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

3.8.1 CoGC acknowledges that the auditors selected to perform OHSMS audits must meet the qualification requirements as set by the regulator.

3.8.2 CoGC commits to ensuring the OHSMS will be audited by certified third party auditor.

3.8.3 CoGC acknowledges that details of the auditors' qualifications will be provided with audit reports submitted to OIR.

3.8.4 CoGC acknowledges that costs associated with these audits will be met as part of the undertaking.

3.8.5 CoGC commits to ensuring the OHSMS will be audited against criteria that meets the principles of *AS/NZS ISO 45001:2018 (Occupational health and safety management systems - Requirements with guidance for use)*.

3.8.6 CoGC acknowledges that the current OHSMS in place, as detailed in term 3.7.1 is acceptable to the regulator and commits to ensuring that an initial third-party audit will be undertaken within six months of this undertaking being accepted.

3.8.7 CoGC commits to ensuring at least two further third-party audits will be undertaken at 12-month intervals, commencing 12 months after the initial audit.

3.9 A commitment to provide a copy of each finalised OHSMS audit report to OIR

3.9.1 It is acknowledged that audit reports received from the auditor will be sent to OIR within 30 days of the audit along with written confirmation that the report has not been altered from the copy provided to the person by the auditor.

3.9.2 It is acknowledged that within 30 days of receipt of the auditor's written report, OIR will be

advised of the intended actions for addressing each of the report's recommendations.

3.10 A commitment to implement the recommendations from third party audits

- 3.10.1 CoGC commits to ensuring the recommendations resulting from the first audit, as detailed in 3.9.2 will be fully implemented and recorded as actioned by the auditor within the second audit report, unless OIR grants an exemption due to the actions being unreasonable.
- 3.10.2 CoGC commits to ensuring the recommendations resulting from the second audit, as detailed in 3.9.2 will be fully implemented and recorded as actioned by the auditor within the third audit report, unless OIR grants an exemption due to the actions being unreasonable.
- 3.10.3 CoGC commits to ensuring the recommendations resulting from the third audit report, as detailed in 3.9.2 will be fully implemented within six months of receiving the third audit report, unless OIR grants an exemption due to the actions being unreasonable.
- 3.10.4 CoGC commits to providing a detailed action plan or statutory declaration by an authorised officer of the CoGC confirming recommendations arising from the third audit have been fully implemented, unless OIR grants an exemption due to the actions being unreasonable.

SECTION 4: EXECUTION

This undertaking is given by the person on the date it is accepted by the regulator as set forth in section 5 below.
(Select from the following execution clauses and delete those that do not apply)

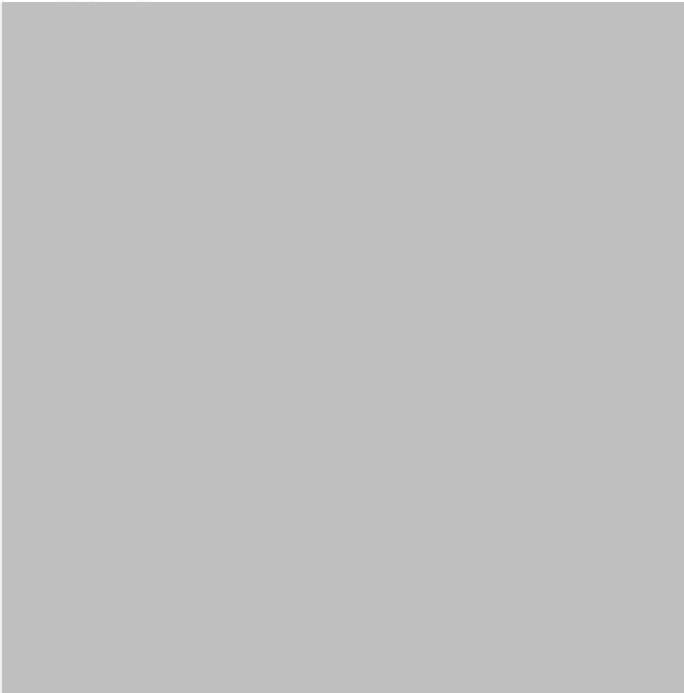
Signed by **City of Gold Coast** pursuant to *Local Government Act 2009* section 236, by a CoGC delegate, who certifies he is the proper officer to

Ben Dorcy
Name of person




on the 4th day of August 2025

before me:



SECTION 5: ACCEPTANCE

This undertaking is accepted by the regulator on the 05 of SEPTEMBER, 2025



Signature of regulator

DONNA HEELAN

Name of regulator

Appointed by the Governor in Council as regulator under Schedule 2, Part 1 of the *Work Health and Safety Act 2011*, Schedule 2 of the *Electrical Safety Act 2002* and section 32 of the *Safety in Recreational Water Activities Act 2011*.

Work Health and Safety Act 2011

Part 11 Enforceable Undertakings

REASONS FOR DECISION

Event Number	294383
Entity	Council of the City of Gold Coast
ABN	84 858 548 460
Entity Address	9 Holden Place, Bundall, Qld 4217
Location of alleged contravention	Molendinar Waste and Recycling Centre, Corner of Jacobs Road and Herbertson Drive, Molendinar, Qld, 4214
Date of alleged contravention	18 November 2020

1 History of the application

- 1.1 The Council of the City of Gold Coast (CoGC) is a local government that employs 5410 workers and provides services that include water, sewerage, roads, waste and recycling, animal management, community venues, facilities and lifestyle services.
- 1.2 The undertaking given by the CoGC relates to an alleged contravention of the *Work Health and Safety Act 2011* (WHS Act) on 18 November 2020 where a worker, employed by the CoGC was injured at the Molendinar Waste and Recycling Centre.
- 1.3 Despite the worker not receiving specific training or instruction on the role of a 'spotter', the worker was assigned this role and stood outside, at the rear of CoGC owned tip truck while it was reversed and the hoist activated by the driver to tip the load.
- 1.4 Although the driver could not see the worker in the immediate area, the driver continued operating the truck, tipping the load and moving the truck forward with a jolt to clear the contents of the tray.
- 1.5 On exiting the truck, the driver found the worker injured and lying partially under the tipped load. It was determined that the worker had been struck by the rear left wheel of the truck during the unloading process.
- 1.6 As a result, the worker sustained multiple fractures, severe lacerations, nerve damage and a degloving injury to the right elbow and forearm. Following the incident, the worker underwent surgery to correct the fractures and address the degloving injuries by skin graft
- 1.7 The incident was investigated by Workplace Health and Safety Queensland (WHSQ). A prosecution was then commenced by the Work Health and Safety Prosecutor, by complaint and summons, against the CoGC, for failing to comply, so far as reasonably practicable, with their health and safety duties under section 19(1), contrary to section 32 of the WHS Act.
- 1.8 On 11 January 2024, the CoGC notified the Office of Industrial Relations (OIR) Enforceable Undertakings (EU) Unit of their intention to give a WHS undertaking (undertaking) for this matter.
- 1.9 On 21 May 2025, an EU Evaluation Panel (panel) evaluated the CoGC's initial undertaking including all supporting documentation.

- 1.10 Initially, the panel were not willing to recommend acceptance of the undertaking. The panel provided the CoGC with written feedback and advised they were willing to re-evaluate a revised undertaking that appropriately addressed the feedback.
- 1.11 On 4 August 2025, the CoGC submitted a revised undertaking and supporting documents.
- 1.12 On 20 August 2025, following a return evaluation, the panel unanimously recommended the revised undertaking be considered for acceptance as an EU.

2 Legislation and Policy

- 2.1. It is alleged that the CoGC failed to comply with section 32 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 or alleged contravention by the person of the WHS Act.
- 2.3. The Deputy Director-General (DDG), OIR has been appointed as the WHS regulator by the Governor in Council under Schedule 2, Part 1 of the WHS Act.
- 2.4. OIR provided the CoGC with the relevant publications outlining information regarding the OIR EU Program and the WHS regulator's expectations for giving an undertaking.
- 2.5. Pursuant to section 216(4) 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.
- 2.6. Section 217(1) of the WHS Act provides that the WHS regulator must give the person/s seeking to give an undertaking written notice of the decision to accept or reject the undertaking and the reasons for the decision.

3 Material and evidence considered by the WHS regulator

- 3.1. In making a decision regarding this matter, the WHS regulator has considered the following documents:
 - 3.1.1. *Work Health and Safety Act 2011, [Part 11; section 3].*
 - 3.1.2. *Guidelines for the acceptance of an enforceable undertaking - dated July 2024.*
 - 3.1.3. WHS undertaking – CoGC – 4 August 2025.
 - 3.1.4. Complaint and Summons – CoGC – 11 November 2022.
 - 3.1.5. Statements of Facts – CoGC.
 - 3.1.6. OIR Statutory notices P1027308 – CoGC– 19 November 2020.
 - 3.1.7. Statement of Compliance History – CoGC.
 - 3.1.8. Self-Insurance Compensation Information – CoGC – 29 May 24.
 - 3.1.9. Supporting documents:
 - 3.1.9.1. Term 2.6.1 – CoGC Financial capability letter -- 4 December 2024
 - 3.1.9.2. Term 3.2.2(a) - Third party consultant letter and scope of works- 8 February 2024.
 - 3.1.9.3. Submission to address panel feedback - 4 August 2025.
 - 3.1.10. Initial Evaluation Panel feedback – CoGC – 23 June 2025.
 - 3.1.11. Return Evaluation Panel Assessment – CoGC – 8 August 2025

4 Findings on material questions of fact

- 4.1. I regard the *Guidelines for the acceptance of an enforceable undertaking* dated July 2024, contains considerations which are relevant and appropriate to my decision.
- 4.2. I find the undertaking given by the CoGC 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 alleged contravention is as set out in section 1 of the undertaking given by the CoGC.
- 4.4. I find that the procedural history relating to the undertaking is set out in paragraph 1 above.
- 4.5. I find the objective gravity of the alleged contravention by the CoGC is ‘medium to low.’
- 4.6. I find the quantum of the undertaking and the respective financial commitments of the CoGC are proportionate to the objective gravity of the alleged contravention by the CoGC and account for the benefits that would accrue to them through avoiding prosecution.
- 4.7. I find that the CoGC have acknowledged the alleged contravention and shown regret regarding the occurrence and the consequences of the alleged contravention.
- 4.8. I find that the CoGC, who have a health and safety duty under the WHS Act, failed to comply, so far as reasonably practicable, with that duty contrary to section 32 of the WHS Act.
- 4.9. I acknowledge the assurance given by the CoGC that the behaviour that led to the alleged contravention has ceased and the commitment to ensuring the ongoing effective management of risks to health and safety in the future.
- 4.10. I find the undertaking commits the CoGC to a standard that is higher than the recognised compliance for the activity and to activities over and beyond recognised compliance levels.
- 4.11. I find the undertaking would constitute tangible benefits for workers, industry and the community as CoGC are committing to:
 - 4.11.1. Disseminate information about the undertaking through a:
 - 4.11.1.1. communication from the Chief Executive Officer to all workers that will be discussed at team meetings and toolbox talks
 - 4.11.1.2. safety notice that will be placed on their intranet site and in a WHS newsletter
 - 4.11.1.3. report provided to the executive leadership team and safety sub-committees
 - 4.11.1.4. summary report will be published in the CoGC’s annual report.
 - 4.11.2. Engage external providers to upgrade and retrofit the CoGC’s existing commercial fleet with engineering controls that will provide safety improvements and minimise the risk of harm to workers.
 - 4.11.3. Engage a third-party WHS consultant to review and evaluate the CoGC’s current WHS Management System (WHSMS) to provide options and recommendations for the redesign and development of a single integrated and improved WHSMS. The CoGC have provided a commitment to adopt and implement the recommendations provided.

- 4.11.4. Engage an independent third-party auditor, to conduct three audits of the CoGC's WHSMS over the life of the undertaking to ensure it conforms with AS/NZS ISO 45001:2018. All audit reports, intended actions and confirmation of actions implemented, will be provided to the Office of Industrial Relations (OIR).
 - 4.11.5. Develop and implement a mandatory online training package focussing on spotters/vigilance when working around mobile plant and equipment. The training will provide an understanding of safety requirements when approaching mobile plant, spotting or working in proximity to mobile plant/equipment and reduce risks associated with standing and positioning near mobile plant, crush zones or blind spots.
 - 4.11.6. Present the CoGC's occupational violence and aggression (OVA) management program and practises to all local councils represented at the 2026 Local Government Association of Queensland (LGAQ) WHS Conference. Sharing this program with industry will assist in local governments learning from the CoGC's approach to influencing and driving the management of OVA risks.
 - 4.11.7. Develop an OVA Prevention Guide for local governments. Informed by the CoGC's OVA prevention practises, the guide will be made available and distributed to all local councils to assist in managing and improving OVA prevention.
 - 4.11.8. Present the background, commitments and benefits of the undertaking at the 2026 LGAQ WHS conference. The CoGC will then present and share the outcomes of the undertaking at a second LGAQ WHS conference closest to the undertaking completion date. This will demonstrate the CoGC's commitment to improving safety and provide valuable learnings for local government.
 - 4.11.9. Promote greater awareness of asbestos exposure risks and management to the community through digital and hardcopy communications channels (e.g. include with rates notices that reach of over 250,000 people). This will provide greater community awareness in identifying asbestos and the requirements to mitigate risks to the community. The CoGC will consult with the WHSQ inspectorate to align timeframes and messaging where possible with any upcoming WHSQ asbestos campaigns.
- 4.12. Agreeing to pay OIR's recoverable costs.
- 4.13. I acknowledge that panel members have recommended acceptance of the undertaking as an appropriate enforcement outcome in the circumstances of this case.

5 Decision

- 5.1 In making my decision, I have considered and had regard to the evidence and other material referred to in section 3 above, and to the facts I have found referred to in section 4 above.
- 5.2 Because the proposed undertaking given by the CoGC meets the formal requirements of the WHS Act and policy requirements, my discretion whether to accept the undertaking under section 216(1) of the WHS Act is enlivened.
- 5.3 Based on the evidence, findings and having regard to the objects of the WHS Act, I have carefully considered this matter and am of the opinion that the undertaking given by the CoGC is an appropriate enforcement option in regard to this case.
- 5.4 I have concluded that an EU is the preferred enforcement option, rather than continuing with the prosecution, due to the opportunity to provide lasting organisational change

within CoGC and the implementation of monitored and targeted health and safety improvements that will deliver benefits to workers, industry and the community, which may not be achieved by prosecution.

5.5 Under section 216(1) of the WHS Act, it is my decision to accept this undertaking as an EU.



Donna Heelan
Deputy Director-General
Office of Industrial Relations

05 / 09 / 2025