

ENFORCEABLE UNDERTAKING

Part 11, *Work Health and Safety Act 2011*

The commitments in this undertaking are offered to the regulator by

Gladstone Ports Corporation Limited
(the person)

ACN 131 965 896

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.

OIR means the Office of Industrial Relations.

OHSMS means an Occupational 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* 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, OIR, being the person appointed by the Governor in Council as regulator under the Safety Acts.

safety Act means the *Work Health and Safety Act 2011*.

Very Serious Injury means, for this document, an injury that has caused nervous system damage liable to lead to mental incapacity or permanent restriction of mobility or involves a major amputation 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 in this document 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 this 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*. 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:	Gladstone Ports Corporation Limited (GPC)
Street address:	40 Goondoon Street, Gladstone QLD 4680
Mailing address:	40 Goondoon Street, Gladstone QLD 4680
Telephone:	(07) 4976 1261
Email address:	safety@gpcl.com.au
Legal structure:	Australian Public Company (unlisted), limited by shares and a Government Corporation (GOC) under the <i>Government Owned Corporations Act 1993</i> (Qld) (GOC Act).
Type of business:	Port Authority, terminal owner and operator, and industrial landlord.
Commencement date:	1 July 2008
Workers:	Full time: 741 Part time: 20 Casual: 13
Products and services:	<p>(Port functions) – GPC is the Port Authority under the <i>Transport Infrastructure Act 1994</i> (Qld) (TIA) in respect of the Port of Rockhampton (Port Alma), Port of Gladstone, Port of Bundaberg and Port of Maryborough. GPC has the powers and functions given to it under section 275 and 276 of the TIA. GPC carries out its port pilotage functions via its wholly-owned subsidiary, Gladstone Marine Pilotage Services Pty Ltd.</p> <p>(Terminal owner and operator) – GPC is also the owner and operator of the RG Tanna Coal Terminal in Gladstone (the world's fourth largest coal export terminal) and provides coal handling and ship loading services to its customers. GPC is also the owner of other multi-user wharves within the Port of Gladstone, Port of Rockhampton (Port Alma) and the Port of Bundaberg, and provides access and use of such port facilities to port users.</p> <p>(Landlord) – GPC is the freehold owner of certain industrial land within various port precincts, and leases such land to project proponents and other port users.</p> <p>(Community service obligations) – As a GOC under the GOC Act, GPC undertakes community service obligations as set out from time to time in its statement of corporate intent, such as maintaining community infrastructure including parklands and marinas.</p>

1.2 Detail the contravention

It is alleged that on 30 June 2020 at Gladstone in the State of Queensland, GPC failed to comply with the health and safety duty under section 19(1) of the *Work Health and Safety Act 2011* (Qld) (**Act**) to ensure, so far as is reasonably practicable, the health and safety of workers, contrary to section 32 of the Act.

1.3 Detail the events surrounding the contravention

On 30 June 2020, two workers (an experienced tradesperson and trades assistant) were investigating a fault with a tail lift attached to a quarantine truck at the RG Tanna Coal Terminal. The tail lift was a dual-action door, with a mechanism that folded down horizontally, then lowered down vertically. The fault

reported was that the tail lift would fold down horizontally, but would not lower.

When the truck arrived at the mobile equipment workshop, the workers slung the outboard end of the tail lift using an overhead gantry crane and positioned the tail lift horizontally.

The workers completed a PORT (a high level document to Pause, Observe, Risk Identification and Treat Risk) for the proposed task. However, the workers did not locate the manual for the tail lift, and did not complete a Job Safety Analysis (JSA) for the task as required under GPC's Safety Risk Management Procedure.

The tail lift is operated by four hydraulic arms; two tilt the tail lift to a horizontal position, and the other two raise and lower the tail lift vertically. The tradesperson positioned themselves in a seated position under the tail lift and knocked out the pins that held the lift cylinders supporting the lift arm of the tail lift. The front end of the tail lift dropped and struck the tradesperson. The tail lift also struck the knees of the trades assistant, however did not result in injuries to the trade assistant.

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
1/7/2020	Improvement Notice	I2030506	WHS Act s 19(3)(c), s 33	<ul style="list-style-type: none">• Reinforced to leadership that work under a suspended load was prohibited;• Temporarily increased supervision to provide out of hours coverage to ensure the direction not to work under suspended loads was understood and being complied with;• Conducted a Falling Object Critical Control Verification Audit;• Instructed supervision that maintenance work must be undertaken in accordance with OEM manuals; and• Carried out targeted leadership interactions to monitor correct application of safety risk management systems.
1/7/2020	Prohibition notice	P1014077	WHS Act s 19(3)(f), s 32	As listed above.
1/7/2020	Non-disturbance Notice	NDI1010802	Prevent the disturbance of the incident site	<ul style="list-style-type: none">• Incident scene was barricaded to prevent access; and• Incident scene remained non-disturbed until notified by Workplace Health and Safety Queensland that the scene was released back to GPC.

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 suffered a fracture to their spine at the T11 and T12 vertebrae, tears to their rib cartilage and a head laceration. The worker has fully recovered from these injuries.

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

The worker/s detailed is:

- ☒ an employee/s of the entity
- ☐ a self-employed worker/s
- ☐ other
- ☐ not applicable

Status: The injured worker received workers' compensation benefits for wages and medical expenses. The worker has returned to pre-injury state and the workers' compensation claim has been 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
30 June 2020	GPC provided immediate first aid to the injured worker and arranged for further medical diagnosis and treatment with the ambulance and local hospital.	
Following the incident	<p>Promptly after the incident, GPC engaged with the employee to provide the following support:</p> <ul style="list-style-type: none">• GPC assisted the employee with WorkCover Claim lodgment and regular communications with the Case Manager to keep the process uncomplicated for the worker.• GPC supported the injured worker through a return to work plan and provided rehabilitation support.	<p>During the course of rehabilitation and return to work processes, GPC provided regular phone and face to face contact with the worker and consultation with the worker's supervisors and management.</p> <p>To optimise the worker's return to work program, GPC also sought consultation with allied health professionals and arranged reviews with GPC's Occupational Physician for further guidance.</p> <p>GPC monitored the worker's return to work program to ensure it met the worker's rehabilitation needs for both physical and mental health requirements.</p>

1.8 Detail any current OHSMS implemented and maintained by the person

GPC has an OHSMS that is independently accredited to ISO45001, and includes several documents that describe GPC's safety risk management approach. These include:

- Health & Safety Policy;
- Safety Management Standard;
- Risk Management Standard;
- Risk Management Procedure; and

- Safety Risk Management Procedure.

GPC's system documents are complimented by both face to face training and e-learning training modules.

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

GPC's overall OHSMS is audited annually against ISO45001 by an external accredited auditor.

GPC also has an internal audit schedule to ensure the elements of the OHSMS are regularly monitored and reviewed. The current internal audit schedule ensures each element of the ISO45001 framework is audited within a 3-yearly period by internal resources.

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

Consultation has occurred with key GPC stakeholders who will be involved in implementing the proposed activities detailed within this enforceable undertaking. These include:

- Acting General Manager – Operations;
- Chief Operating Officer
- Executive General Manager Safety & ESG
- Reliability & Maintenance Manager;
- Maintenance Unloading Superintendent;
- Safety and Training Manager;
- Safety Specialist;
- Training Specialist; and
- GPC Safety Committee (Management Team members and Safety Representatives).

GPC is also in the process of engaging with third parties to be involved in the activities proposed in this undertaking.

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

At the time of the incident, GPC had safe systems of work in place to prohibit work under suspended loads and outline the correct management of suspended loads. Following the incident, GPC reinforced these requirements with the workforce and reviewed its systems documents to ensure they clearly state GPC's expectations regarding suspended loads.

Other actions implemented to prevent a reoccurrence of the incident were:

- conducted Safety Stops with the workforce to reinforce GPC's expectations regarding suspended loads;
- provided re-training for the individuals involved in the incident, including in relation to GPC's requirements regarding suspended loads;
- purchased additional lifting stands;
- storing the OEM manual for the tail lift in the workshop where maintenance is carried out so that it is easily accessible;
- re-affirmed to all employees GPC's requirements regarding the application of the safety risk management procedures and associated risk assessment tools;
- temporarily increased supervision to provide out of hours coverage to ensure the direction not to work under suspended loads was understood and being complied with – such increased supervision remained in place until GPC was satisfied that the direction not to work under suspended loads was being complied with (via undertaking a verification process to ensure the correct application of the direction and a proper understanding of the risk management tools);
- conducted a Falling Object Critical Control Verification Audit;

- reinforced that maintenance work must be undertaken in accordance with OEM manuals;
- carried out targeted leadership interactions to monitor the correct application of GPC's safety risk management systems;
- communicated and reinforced the breakdown engagement process for urgent work to the shift mechanical fitters; and
- identify high risk/high frequency maintenance tasks and ensured, using the Safety Risk Management Decision Making Tool, that adequate safety risk assessments are developed and implemented. Consultants were engaged to expedite the development of risk assessments which is reflected in the amount spent on rectifications indicated below.

Total amount spent on rectifications

\$ 387,000

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

GPC acknowledges that the regulator alleges a contravention of the WHS Act by GPC, as detailed above in term 1.2.

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

GPC deeply regrets that the incident occurred and resulted in injuries to the worker. GPC considers that the implementation of the rectifications detailed in term 1.11 of this undertaking will reduce the risk of future incidents of this nature.

GPC prides itself on undertaking continual improvement. The measures set out in this undertaking will contribute to GPC developing and implementing further health and safety initiatives to deliver greater benefits to its workers, industry and the community than could be achieved through a court imposed sanction, particularly given GPC's status as a GOC and an active part of the community for over 100 years.

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

GPC's commitment to the health, safety, and wellbeing of its workers remains paramount. The rectifications implemented by GPC post-incident (as detailed in term 1.11) provide strong mitigation to ensure that the factors leading to the incident will not occur again.

2.4 Acknowledgment of the guidelines published by the regulator for the acceptance of an undertaking

I have read and understood:

Guidelines for the acceptance of an enforceable undertaking

Version: 1 Dated: November 2017

2.5 Acknowledgement that this undertaking may be published and publicised

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

2.5.2 GPC 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 GPC has the financial ability to comply with the terms of this undertaking and has provided evidence by way of a letter from GPC's CFO 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, GPC 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

GPC has procurement systems in place that are compliant with the GOC Act and otherwise in accordance with good corporate governance practices. These will be compiled with for the engagement of any suppliers of goods or services required to fulfill this undertaking to ensure no conflict of interest risks exist.

2.8 Statement regarding Intellectual Property Licence

2.8.1 Subject to terms 2.8.2 and 2.8.3, GPC grants OIR a permanent, irrevocable, royalty-free, world-wide, non-exclusive licence to use, reproduce, publish, distribute, electronically transmit, electronically distribute, adapt and modify any materials developed as a result of this undertaking.

2.8.2 The licence granted by GPC under term 2.8.1 does not extend to granting a licence to the OIR in respect of the activities the subject of term 3.2.2.

2.8.3 In respect of term 3.3.1 of this undertaking, the licence granted by GPC under term 2.8.1 only extends to granting a licence to the OIR to use, publish and distribute the material 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 GPC.

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 GPC 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

GPC has a comprehensive safety risk management system which is audited annually against ISO45001 by an external accredited auditor. GPC also has an internal audit schedule to ensure the elements of the OHSMS are regularly monitored and reviewed. The current internal audit schedule ensures each element of the ISO45001 framework is audited within a 3-yearly period by internal resources.

GPC's accredited OHSMS will continue to drive effective management of risk via:

- Inductions/training;
- Effective consultation and communication processes;
- Tools to effectively apply the OHSMS;
- Systems to establish expectations and directions of how to manage certain risks;
- Risk Register development and review;
- Compliance obligation monitoring and reviews;
- Safety committee meetings;
- Management reviews of the OHSMS;
- Field leadership and engagement through safety interactions, including the Executive Management Team;
- Fundamental safety cultural initiatives such as: Life Saving Commitments, Fatal Risk Verifications, Switched On (Values Based Safety Courses) and core safety behaviours;
- Safety assurance activities such as audits, inspections, interactions, and peer reviews; and
- Reporting to the Board and the Executive Management Team on matters of work, health and safety.

GPC also has a dedicated Health and Wellbeing team to support the promotion and management of workers' health and wellbeing.

GPC has committed to re-training its entire workforce in the Safety Risk Management system following the incident. Significant work is also continuing across the organisation to review and develop JSAs and use these to underpin Safe Work Instructions (SWI) for high-risk and high-frequency tasks. GPC has employed 3 consultants to expedite this work.

GPC has also commenced rolling out refresher training of its values based 'Switched On' program to all employees. The Switched On program aims to address the personal 'why' for safety by discussing how the brain works and introducing models to assist employees in engaging their brains to ensure they stay safe for the moments that matter to them.

An assurance activity of 'planned tasks audits' has been included in safety business plans to ensure JSAs/SWIs are understood by the workers and controls are being implemented as required. This assurance activity will complement GPC's higher-level systems auditing and leadership interaction processes that are currently occurring.

GPC has engaged a 'Plant Assessor' to conduct risk assessments of GPC mobile plant against the Mining Design Guidelines (MDG) 15. The MDG 15 is a guideline for mobile and transportable equipment for use in mines that was compiled by the New South Wales Department of Primary Industry. Seventy six (76) plant risk assessments have been conducted in total. Recommendations from these risk assessments will be reviewed and the recommendations accepted by GPC as appropriate to implement having regard to GPC's existing controls and the nature of GPC's activities will be implemented. Further details on this and a transparent and consultative approach on recommendation acceptance is included within section 3.2.3 of this undertaking.

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

GPC is committed to linking the promotion of any benefit provided for under this undertaking to the enforceable undertaking. The enforceable undertaking will be acknowledged as the source of initiatives in relevant reports, committees, publications, and presentations to internal and external forums.

SECTION 3: ENFORCEABLE TERMS

GPC 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.

GPC 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

Dissemination of this undertaking will be achieved by the following:

- enterprise-wide communications by GPC's Executive Management Team (EMT) at regular communication sessions;
- distributing copies of this undertaking and information about this undertaking at Safety Committee meetings; and
- a presentation communicating this undertaking will also be prepared and added to the various GPC Safety Committee agendas. Minutes of these Safety Committee meetings will be maintained on the GPC intranet page for all personnel to access.

Dissemination will occur by:

- dissemination at all Safety Committee meetings will occur within 3 months of acceptance of this undertaking; and
- dissemination by the EMT will occur within 6 months of acceptance of this undertaking.

3.2 Activities to be undertaken to promote the objects of the safety Act that will deliver benefits for workers/others

Activities		Minimum cost	Timeframe
	<ul style="list-style-type: none">•		
3.2.1	<p>Gap Assessment of GPC's OHSMS against key findings of Brady Review</p> <p>The Queensland Government commissioned Dr Sean Brady to conduct a review into the fatal accidents that occurred at Queensland mines and quarries between 2000 and 2019 (Brady Review). The Brady Review identified several findings, with the most relevant to general workplaces being:</p> <ul style="list-style-type: none">• Inadequate risk management;• Inadequate training; and	<p>\$326,400.</p> <p>Cost Breakdown:</p> <p>\$90,000 for Dr Sean Brady and his colleagues' professional fees in completing the assessment</p>	<p>GPC has entered into a contract with Brady Heywood to complete the assessment.</p> <p>Dr Brady and his team conducted the assessment over June/July 2022.</p> <p>A copy of the report outlining the outcomes of the assessment, and</p>

<ul style="list-style-type: none"> Undue attention to risk consequence and precursors for fatalities. <p>As part of this undertaking, GPC will engage Dr Brady from Brady Heywood to conduct an assessment of key elements of GPC's OHSMS in line with the intent of the above findings and recommendations from the Brady Review. The purpose of this assessment is to contribute to GPC's growth beyond compliance with the aim of being a high performing organisation.</p> <p>GPC will commit to implementing the recommendations from the gap assessment in consultation with its workforce. Should any recommendation be considered unworkable through the workforce consultation process, GPC will consult with the OIR in relation to any appropriate exemption.</p> <p>The resulting recommendations of the assessment may require long term strategic planning and action that cannot be completed within the duration of this undertaking. GPC will engage an independent consultant as well as recruit a Safety Enhancement Project Team Lead to assist in expediting implementation of the recommendations as well as providing a 'fresh eyes' approach to how GPC designs its systems.</p> <p>As part of this undertaking, GPC will prepare an action plan to address Dr Brady's recommendations and an updated action plan at the end of this undertaking to evidence the work that has been done to implement the accepted recommendations from this assessment. The costs associated with implementation (outside of the cost of engaging an independent consultant to assist in implementing the recommendations) will be met by GPC separate to this undertaking.</p> <p>GPC will also commit to engaging Dr Sean Brady to undertake a follow up audit on the implementation of the recommendations completed at the time of the audit (expected 24 months after the acceptance of this undertaking) to ensure the intent of the recommendations are achieved.</p> <p>Benefits to workers:</p> <ul style="list-style-type: none"> GPC will gain an understanding as to whether the risk management system, training system and fatal risk system within its broader OHSMS is designed to a standard consistent with the intent of the recommendations from the Brady Review, and implement any improvement 	<p>\$60,000 for Dr Sean Brady and his colleagues' professional fees in completing the follow-up audit</p> <p>\$176,400 for a consultant to assist GPC in implementing the recommendations for 12 months and provide a 'fresh eyes' approach.</p> <p>The cost of recruitment and service of the safety enhancement project team lead will be covered by GPC as part of normal employee salary and benefits, and as such will not be attributed to this undertaking.</p>	<p>evidence of consultants' engagement and payment of consultants' fees for the assessment will be provided to the OIR within 3 months of acceptance of this undertaking.</p> <p>GPC's action plan to address Dr Brady's recommendations will be provided to the OIR within 3 months of acceptance of this undertaking.</p> <p>GPC has engaged the independent consultant and is recruiting for the Safety Enhancement Project Team Lead to commence implementation of the recommendations. The consultant will initially be engaged for 12 months, and then reviewed if further support is required. Evidence of the consultant's professional fees and payment of those fees, along with the recruitment of the Safety Enhancement Project Team Lead will be provided to the OIR within 12 months of acceptance of this undertaking.</p> <p>The Dr Sean Brady follow up audit will be conducted within 24 months of acceptance of this undertaking. A copy of the report from the Dr Sean Brady follow-up audit and the payment of the invoice for the audit will be provided to the OIR within 3 months of receiving the report from Dr Sean Brady.</p> <p>An updated action plan detailing the work that has been done to implement accepted recommendations will be provided to the OIR before the end of this</p>
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	<p>opportunities arising from the assessment to achieve a higher level of safety assurance within its business.</p> <ul style="list-style-type: none"> GPC's OHSMS will continue its evolution to be class leading, highly effective and practical to apply. 		undertaking.
3.2.2	<p>Purchase and implement Tracked Elevating Device to prevent falling objects within workshop</p> <p>Following the incident that occurred on 30 June 2020, GPC has investigated engineered devices for use within the workshop environment to reduce the manual handling of heavy objects and eliminate the risk of falling objects. GPC has identified a Tracked Elevating Device (TED) which is a device that can be positioned under a load to support it in an elevated position prior to any mechanical or hydraulic disconnection occurring. The TED will not only reduce manual handling and strenuous work in tight / restricted positions, as it is remote controlled, but will eliminate the risk of detached parts of plant and equipment from falling during maintenance activities, and therefore prevent the occurrence of incidents like that which occurred on 30 June 2020 in future.</p> <p>As part of this undertaking, GPC will initially purchase one TED and implement the use of the TED in the mobile equipment workshop where the incident occurred.</p> <p>The implementation plan for the TED once it arrives on site will involve preparing a risk assessment for the use of the TED, including how it can be safely moved around site, training workshop workers in the use of the TED (initially conducted by Nivek Industries as the supplier of the TED and ongoing training provided by GPC internal resources), commencing an ongoing project to review task specific risk assessments that include a risk of falling objects and updating relevant safe work instructions to incorporate the use of the TED as relevant tasks arise. GPC will also include the TED in its maintenance management system.</p> <p>Following implementation of the first TED, GPC will purchase a second TED, and a purpose fit trailer, which can be used for mobile equipment requiring breakdown maintenance away from the mobile equipment workshop.</p>	<p>\$116,764</p> <p>Cost breakdown informed by quotes from Nivek Industries:</p> <p>\$43,825 per TED for the base purchase cost (2 x TED = \$87,650)</p> <p>\$7,374 for 2 days of training provided by Nivek Industries (including their associated travel and accommodation costs passed on to GPC)</p> <p>\$21,740 for the purchase of a customised trailer for the second TED</p>	<p>GPC has purchased one TED for use in the mobile equipment workshop.</p> <p>A copy of evidence of expenditure for the first TED and a photo of the TED on site will be provided to the OIR within 3 months of acceptance of this undertaking.</p> <p>GPC will prepare and provide a copy of the risk assessment for the use of the TED to the OIR within 3 months of acceptance of this undertaking.</p> <p>GPC will provide a record of all workshop workers who have been trained in the use of the TED within 3 months of acceptance of this undertaking.</p> <p>GPC will purchase a second TED and customised trailer within 12 months of acceptance of this undertaking. A copy of evidence of expenditure for the second TED will be provided within 1 month of the second TED being delivered to site.</p>

	<p>At Annexure A is an image of the proposed TED.</p> <p>Benefits to workers:</p> <ul style="list-style-type: none"> • Reduce the requirement for conducting heavy manual handling in tight spaces and awkward body positioning, as the TED is remote controlled. • Overall reduction in manual handling. • Utilise engineered designed equipment to support loads to prevent them from dropping when being mechanically or hydraulically detached for maintenance purposes. 		
3.2.3	<p>Plant risk assessment audit</p> <p>As part of this undertaking, GPC will engage a third party auditor to conduct the following audits in relation to the 76 plant risks assessments outlined in 2.11 of this undertaking</p> <p>First Audit</p> <ul style="list-style-type: none"> • to audit implementation of the recommendations currently accepted by GPC; • to review the recommendations not accepted or implemented by GPC and assess whether GPC's decision not to implement those recommendations was reasonable (this review will include consideration of the relevance of the recommendations to GPC's activities, whether GPC has other controls that are either equal to or better than the recommendation and whether the recommendation would be required under OEM requirements or the Managing the risks of plant in the workplace Code of Practice published by Workplace Health and Safety Queensland); • to identify any outstanding recommendations that ought be implemented based on the above review. <p>Second Audit:</p> <ul style="list-style-type: none"> • to audit implementation of the outstanding recommendations identified in the First audit. <p>Benefits to workers:</p> <ul style="list-style-type: none"> • GPC will provide and maintain plant that is aligned with best practice plant controls. • training packages for the safe operation of plant will be informed and supported by best practice plant controls. 	<p>\$35,500</p> <p>Cost breakdown informed by quotes from Plant Safety Audits:</p> <p>First Audit:</p> <p>5 days service at \$2,600/day</p> <p>5 days accommodation and meals at \$500/day</p> <p>\$3,800 travel costs</p> <p>Second Audit:</p> <p>4 days service at \$2,600/day</p> <p>4 days accommodation and meals at \$500/day</p> <p>\$3,800 travel costs</p>	<p>The First audit will be carried out within 12 months of the acceptance of the undertaking.</p> <p>GPC will provide a copy of the outcomes and evidence of expenditure of the First Audit to the OIR within 1 month of receiving the outcomes from the auditor.</p> <p>The Second Audit will be carried out within 30 months of the acceptance of this undertaking.</p> <p>GPC will provide a copy of the outcomes and evidence of expenditure of the Second Audit to the OIR within 1 month of receiving the outcomes from the auditor.</p>

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

Activities	Minimum cost	Timeframe
<p>3.3.1 Scholarships for aspiring Health & Safety professionals</p> <p>Through discussions with the University of Queensland (UQ), GPC has become aware that the enrolment numbers for Health and Safety undergraduate studies are declining and current enrolments are very low. If current trending continues, availability of qualified and skilled Health and Safety professionals could be an emerging risk for industries.</p> <p>As part of this undertaking, GPC will partner with Central Queensland University (CQU) via a Memorandum of Understanding (MoU) and UQ to offer a scholarship program for undergraduate degrees in Occupational Health & Safety at each of these universities. The scholarship program for UQ will provide funding to be applied to assist tuition fees and study costs for two students during the four year undergraduate program. The scholarship program for CQU will fund the tuition fees for one student to complete the three year CQU undergraduate program. As part of the scholarship, the successful applicants will also be able to complete any practical components of their studies at GPC's site.</p> <p>Successful applicants of the scholarships will be engaged through processes of the respective university. GPC will provide funding for the scholarships to the universities to distribute to the successful applicants based upon agreed criteria i.e. successful completion of the previous semester, and continued enrolment in the upcoming semester.</p> <p>To promote this scholarship initiative and also help raise the awareness and pathways into the Health and Safety profession, GPC will develop a</p>	<p>\$74,000</p> <p>Cost breakdown as informed by discussions with CQU and UQ:</p> <p>UQ – \$50,000</p> <p>CQU – \$24,000</p>	<p>GPC will obtain agreement to this initiative from CQU and UQ. GPC has recently signed a MoU with CQU with Workforce Education and Training being one of the key focus areas.</p> <p>GPC will develop and start implementing the marketing campaign for this initiative within 6 months of acceptance of this undertaking. Copies of GPC's marketing material and evidence of delivery of the marketing campaign will be provided to the OIR.</p> <p>GPC intends to participate in the selection of the successful applicants and have the scholarships in place for the first learning year following the acceptance of this undertaking. In the event the scholarship selection process cannot be completed prior to the first learning year of an undergraduate degree, the scholarships will commence the following learning year.</p> <p>Evidence of applicant selection and funding transfer to each university will be provided to the OIR within 24 months of acceptance of this undertaking.</p>

	<p>marketing campaign which will consist of:</p> <ul style="list-style-type: none"> • promotion of the scholarship programs at career days for high school students; • promotion of the scholarship programs on the relevant university's websites; and • promotion of the scholarship programs on GPC's website, social media page and through GPC's monthly newsletter. <p>Benefits:</p> <ul style="list-style-type: none"> • The intent of this initiative is to increase enrolment in Health and Safety undergraduate degrees to support the continuation of the Health and Safety profession and the contribution of the profession to health and safety in industry. • This initiative will also promote the Health and Safety profession generally to encourage students, undergraduates and graduates to join the profession in industry. 		
3.3.2	<p>Industry forums – Sharing lessons learned</p> <p>GPC will initiate an annual Contractor Safety Forum for its contractors who work on or support GPC sites and assets to ensure a strong line of communication is established and a strong network of learning is established with companies that do business with GPC.</p> <p>As part of this undertaking, GPC will present at two industry forums to share lessons learned arising from the incident, relevant aspects of GPC's key safety programs and initiatives, and promote the initiatives and benefits of this undertaking.</p> <p>The two forums will be:</p> <ul style="list-style-type: none"> • a presentation to GPC's contractors; and • presenting at the East Coast Coal Terminal Network forum. <p>GPC will not attribute internal costs for time spent to this undertaking.</p> <p>Benefits:</p> <ul style="list-style-type: none"> • To raise awareness of falling object risks and how they can be managed. 	<p>\$1,000 for costs of travel, accommodation and any other hard costs associated with the presentations</p>	<p>Within 24 months of acceptance of this undertaking.</p> <p>Evidence in the form of presentations, forum agendas and expenditure will be provided to the OIR within 1 month of delivering each presentation.</p>

<ul style="list-style-type: none"> To raise awareness of all the initiatives that form part of this undertaking and the benefits to workers, industry and community. 		
Total minimum cost of benefits for industry		\$75,000

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

Activities		Minimum cost	Timeframe
3.4.1	<p>Defensive driver training for young family members of employees</p> <p>Young drivers (drivers aged 17 to 24) are one of Queensland's most at risk road user groups. Research suggests that young drivers and riders, aged 16 to 24 years, are 60% more likely to be involved in a serious crash than licensed mature adult drivers and riders, aged 25 to 59 years.</p> <p>As part of this undertaking, GPC will partner with the Benaraby Driver Education Facility for a three year period to fund a defensive driver training program for any employees and/or their children aged 17 to 24 years.</p> <p>The defensive driver training program is a 2 day course with an ideal number of 8 people in each course. Courses will be scheduled based on demand and the costs for the defensive driver courses will be invoiced directly to GPC.</p> <p>Total number of courses are unknown but GPC will continue to promote the availability of the defensive driver training to employees and their children to ensure maximum attendance and benefit. GPC are hopeful to fund twelve (12) courses at \$4,120 per course over a 3 year period. If additional courses are required to meet the demand, GPC will fund these also.</p> <p>Benefits:</p> <ul style="list-style-type: none"> Young drivers will have a higher level of skills and safety awareness that are not part of usual driving lessons and licensing tests. 	\$49,440	<p>Within 36 months of acceptance of this undertaking.</p> <p>GPC will advertise the training program within 3 months of acceptance of this undertaking.</p> <p>A report outlining the number of participants, courses completed and evidence of expenditure will be provided to the OIR annually.</p>

<ul style="list-style-type: none"> Contributing to safer driving awareness and practices amongst young people in the community, resulting in safer community roads. If all courses are full, this initiative would benefit 72 young drivers directly, and other road users indirectly. 		
Total estimated cost of benefits for the community		\$49,440

3.5 Agreement to pay the OIR's recoverable costs

3.5.1 GPC 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	\$3,900
Legal costs	\$1,500
Compliance monitoring costs	\$3,450
Publication costs	\$600
Total of OIR recoverable costs	\$9,450

3.6 Minimum spend

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

Estimated total value of	Minimum spend
Benefits to workers/others	\$478,664
Benefits to industry	\$75,000
Benefits to community	\$49,440
OIR recoverable costs	\$9,450
Estimated total minimum spend for the undertaking	\$612,554

3.6.2 GPC 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 GPC acknowledges it has a formal documented OHSMS acceptable to the regulator that satisfies the principles of *ISO45001*.

3.7.2 GPC commits to ensuring that the OHSMS remains compliant with the principles of *ISO45001*.

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

3.8.1 GPC commits to ensuring the OHSMS will be audited by certified third party auditors.

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

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

- 3.8.4 GPC acknowledges that costs associated with these audits will be met by GPC as part of the undertaking.
- 3.8.5 GPC commits to ensuring the OHSMS will be audited against criteria that meets the principles of *ISO45001*.
- 3.8.6 GPC 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 in accordance with GPC's annual OHSMS audit schedule. The next audit is scheduled to take place in February 2023.
- 3.8.7 GPC commits to ensuring two further third party audits of the GPC OHSMS will be undertaken with the audit schedule currently indicating these will occur in February 2024 and February 2025.

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

SIGNED by CRAIG HAYMES

and JENELLE DRUCE

as attorneys for **GLADSTONE PORTS CORPORATION LIMITED (ACN 131 965 896)**
under power of attorney no. 720498830 in the
presence of:



Signature of witness

REGINALD THOMAS LABON

Name of witness (block letters)

22 MARCH 2023.

Date of execution



Signature of Attorney

CRAIG ANTHONY HAYMES

Attorney's name

CHIEF EXECUTIVE OFFICER

Attorney's title


Signature of Attorney

JENELLE KAY DRUCE

Attorney's name

CHIEF FINANCIAL OFFICER

Attorney's title

By executing this document the attorneys state
that they have received no notice of revocation of
the power of attorney.

SECTION 5: ACCEPTANCE

This undertaking is accepted by the regulator on the 07 day of AUGUST , 20 23



Signature of regulator

Peter McKay

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*.

Annexure A



Work Health and Safety Act 2011

Part 11 Enforceable Undertakings

REASONS FOR DECISION

Event Number	288430
Entity	Gladstone Ports Corporation Limited
ACN	131 965 896
Entity Address	40 Goondoon Street, Gladstone, Qld, 4680
Location of alleged contravention	RG Tanner Coal Terminal, Gladstone Port, Bryan Jordan Drive, Callemondah, Qld, 4680
Date of alleged contravention	30 June 2020

1 History of the application

- 1.1 Gladstone Ports Corporation Limited (GPC) is a Government Corporation under the *Government Owned Corporations Act 1993*.
- 1.2 GPC is a Port Authority under the *Transport Infrastructure Act 1994*, terminal owner/operator and an industrial landlord. GPC manages and operates three port precincts in Queensland, including the Port of Gladstone, Port of Bundaberg, and the Port of Maryborough and is the owner and operator of the RG Tanna Coal Terminal (coal terminal) in Gladstone.
- 1.1 The undertaking given by GPC relates to an alleged contravention of the *Work Health and Safety Act 2011* (WHS Act) on 30 June 2020 where a worker, employed by GPC, was injured while working in a mobile equipment workshop at the coal terminal.
- 1.2 The worker and a trades assistant were investigating a fault with a hydraulic tail lift attached to the rear of a quarantine rubbish truck. The workers had not previously repaired a tail lift and had searched for a manual and a supervisor for advice on how to perform the works. Neither could be found.
- 1.3 Despite a third worker advising that support stands should be used under the tail lift, on completion of a risk assessment and pre-start inspection, the workers decided to use a gantry crane to support the tail lift while the work was carried out.
- 1.4 The worker was sitting underneath the tail lift attempting to remove support pins when the tail lift dropped approximately 500-600mm and struck the worker and the trades assistant. The worker sustained a compressed fracture to his spine, torn rib cartilage and a head laceration. The trades assistant was not injured.
- 1.5 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 GPC, 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.
- 1.6 On 21 January 2022, GPC notified the Office of Industrial Relations (OIR) Enforceable Undertakings (EU) Unit of their intention to give a WHS undertaking (undertaking) for this matter.
- 1.7 On 22 November 2022 an Evaluation Panel (panel) evaluated GPCs initial undertaking including all supporting documentation.

- 1.8 Initially, the panel were not willing to recommend acceptance of the undertaking. The panel provided GPC with written feedback and advised they were willing to re-evaluate a revised undertaking that appropriately addressed the feedback.
- 1.9 On 5 April 2023, GPC submitted a revised undertaking and supporting documents.
- 1.10 On 18 June 2023, 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 GPC 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 GPC 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 November 2017.
 - 3.1.3. Revised WHS undertaking dated 22 March 2023.
 - 3.1.4. Complaint and Summons – GPC – dated 31 May 2021.
 - 3.1.5. Statements of Facts – GPC.
 - 3.1.6. OIR Improvement Notice I2030506 dated 1 July 2020.
 - 3.1.7. OIR Prohibition Notice P1014077 dated 1 July 2020.
 - 3.1.8. Non-disturbance Notice NDI1010802 dated 1 July 2020.
 - 3.1.9. OIR's Statement of compliance history – GPC - dated 29 May 2023.
 - 3.1.10. Workers Compensation Information – GPC - dated 11 April 2022.
 - 3.1.11. Supporting documentation provided by GPC - various dates.
 - 3.1.12. EU Unit Chronology Statement – GPC - dated 17 July 2023.
 - 3.1.13. Initial Evaluation Panel feedback – GPC - dated 11 January 2023.
 - 3.1.14. GPC response to panel feedback – dated 11 January 2023.
 - 3.1.15. Return Evaluation Panel Assessment – GPC – dated 26 May 2023.

4 Findings on material questions of fact

- 4.1. I regard the *Guidelines for the acceptance of an enforceable undertaking* dated November 2017, contains considerations which are relevant and appropriate to my decision.
- 4.2. I find the undertaking given by GPC 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 GPC.
- 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 GPC is 'medium/high'.
- 4.6. I find the quantum of the undertaking and the respective financial commitments of GPC are proportionate to the objective gravity of the alleged contravention by GPC and account for the benefits that would accrue to them through avoiding prosecution.
- 4.7. I find that GPC have acknowledged the alleged contravention and shown regret regarding the occurrence and the consequences of the alleged contravention.
- 4.8. I find that GPC, 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 GPC 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 GPC 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 GPC are committing to:
 - 4.11.1. Disseminating information about the undertaking to GPC's Executive Management Team, Safety Committee (SC) and all employees via the SC meeting minutes that will be available on GPC's intranet.
 - 4.11.2. Engaging a:
 - 4.11.2.1. forensic systems and safety management consultant to complete a gap assessment of GPC's Occupational Health and Safety Management System (OHSMS), provide recommendations to GPC for implementation and complete a follow up audit on the implementation of the recommendations.
 - 4.11.2.2. a health and safety consultant and recruiting a Safety Enhancement Project Team Lead to assist in expediting the implementation of the OHSMS gap assessment recommendations and provide a 'fresh eye' approach to how GPC designs its systems.
 - 4.11.2.3. a third-party auditor to conduct two audits in relation to 76 plant risk assessments completed by GPC. The first audit will review recommendations already implemented, recommendations not accepted and identify any outstanding recommendations that should be implemented. The second audit will review and confirm the implementation of the recommendations from the first audit. Both audit reports, intended actions and confirmation that actions have been implemented, will be provided to OIR.

- 4.11.2.4. a certified third-party auditor, to conduct three audits of GPC's OHSMS over the life of the undertaking. All audit reports, intended actions and confirmation that actions have been implemented, will be provided to OIR.
- 4.11.3. Implementing recommendations from the OHSMS gap assessment, referred to in paragraph 4.11.2.1 above, in consultation with GPC's workforce.
- 4.11.4. Purchasing, implementing and providing training for two remote controlled Tracked Elevating Devices that will reduce manual handling and prevent falling objects during maintenance works within GPC workshops.
- 4.11.5. Partnering with two Queensland universities to offer a scholarship program for three students studying undergraduate degrees in Occupational Health and Safety. The programs will provide funding to assist tuition fees and study costs and an opportunity for students to utilise GPC's sites for any practical components of their studies.
- 4.11.6. Initiating and presenting at two forums for contractors who work on or support GPC sites and assets. These forums will promote the initiatives and benefits of this undertaking and share lessons learnt arising from the incident and relevant aspects of GPC's key safety programs and initiatives.
- 4.11.7. Partner with a driver education facility to fund a minimum of 12 x two-day defensive driver training courses over three years for any employees and/or their children aged 17-24 years.
- 4.11.8. Agreeing to pay \$9,450 for OIR's recoverable costs.
- 4.12. 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 paragraph 3 above, and to the facts I have found referred to in paragraph 4 above.
- 5.2 Because the proposed undertaking given by GPC 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 GPC 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 GPC 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.



Peter McKay
Deputy Director-General
Office of Industrial Relations
07 / 08 / 2023