

ENFORCEABLE UNDERTAKING

Part 11, *Work Health and Safety Act 2011*

The commitments in this undertaking are offered to the regulator by

Alertvale Pty Ltd

ACN 113 321 850

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*, 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 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.

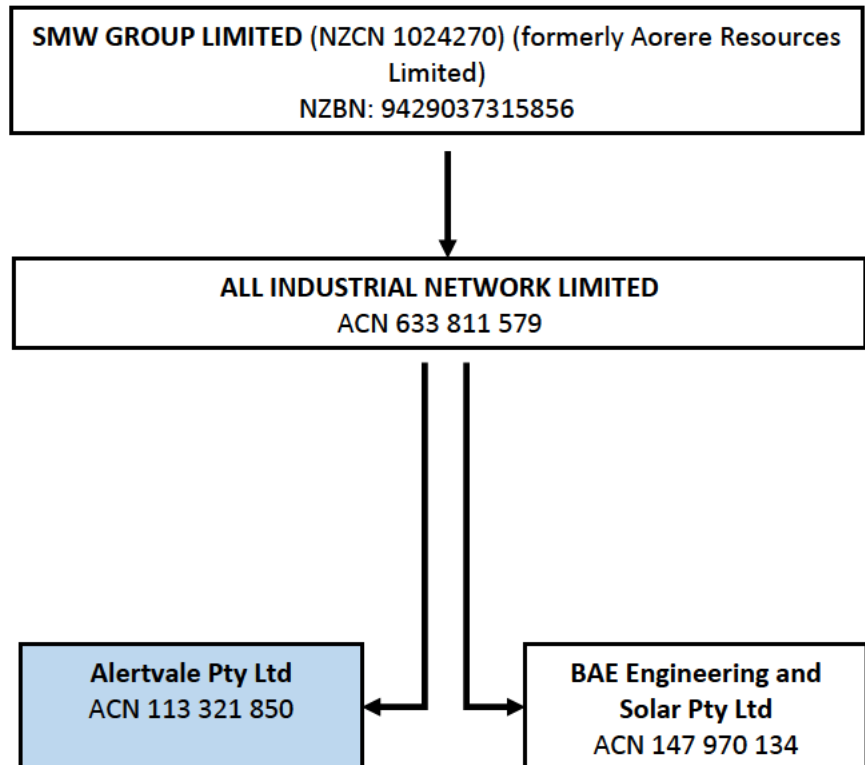
The OIR may publish the undertaking and information contained in it for purposes identified in the undertaking or for other appropriate purposes in publications such as newspapers and on its website. The OIR may be required to disclose personal information to other agencies such as the Queensland Police 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:	Alertvale Pty Ltd
Street address:	Level 2/145 East Street, Rockhampton, Qld, 4700
Mailing address:	PO Box 5777, Red Hill Rockhampton, Qld, 4701

Telephone: 1300 769 476
Email address: [REDACTED]
Legal structure: Corporation
Type of business: Heavy fabrication and engineering, field services, abrasive blasting and painting
Commencement date:
Workers: Full-time: 262
Part-time: 0
Casual: 9
Products and services: Heavy fabrication and engineering, field services, abrasive blast and painting.
Comments: Alertvale Pty Ltd is part of the SMW group of companies depicted in the diagram below.



The group of companies depicted in the diagram above is referred to in this undertaking as the **Corporate Group**.

1.2 Detail the contravention

It is alleged that on 30 September 2019 at 393 McLaughlin Street, Parkhurst in the State of Queensland, Alertvale Pty Ltd (**Alertvale**) failed to comply with the health and safety duty under section 19 of the *Work Health and Safety Act 2011* (Qld) (**Act**) to ensure, so far as is reasonably practicable, the health and safety of a worker, contrary to section 32 of the Act.

1.3 Detail the events surrounding the contravention

At approximately 10:45pm on 30 September 2019, three employees of Alertvale Pty Ltd were performing work at Alertvale's premises. An employee was operating a forklift truck to move a large steel structure known as a 'stress head'. Another employee positioned [REDACTED] in front of the forklift truck, and the suspended load, in an attempt to direct the lift. The unsecured suspended load fell and struck the worker positioned in front of the forklift truck, causing injury. At the time of the event the individual operating the forklift truck did not hold a high-risk work licence for operating a forklift truck.

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

☐ Not Applicable

Date issued	Notice type	Notice number	Contravention or prohibited activity	Action taken in response to notice
1 October 2019	Prohibition Notice	P1012606	The notice directed <i>...the person with control over the following activity to stop the activity of: Persons entering into a position where they are at risk of injury from objects that may fall due to the object not being positively secured while suspended or supported in an elevated position'.</i>	Complied with the direction.
1 October 2019	Improvement Notice	I2028662	Recommendation that Alertvale Pty Ltd <i>"Develop and implement a safe system of work that will, so far as is reasonably practicable, ensure workers are not at risk of injury when positioning suspended or elevated loads"</i>	<p>Developed and issued a safety memo titled <i>Working Near Suspended Loads</i> dated 8 October 2019.</p> <p>Directed that pre-start meetings on 11 October 2019 include discussion about the safety issues addressed in the safety memo and contain content about safety when working near suspended loads or moving plant.</p> <p>Developed and implemented the following workplace policies:</p> <ul style="list-style-type: none">• PRO-260 – Slinging and Lifting Manual; and• PRO-263 – Load Movements Transport and Security.

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 injuries that included displaced and comminuted fractures involving the talar neck and calcaneum; fracture involvement of the articular surfaces of the anterior and posterior facets of the subtalar joint; subluxation of the calcaneocuboid joint; subcutaneous soft tissue oedema involving the lower leg and ankle and deep laceration above the left knee.

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 detailed is:

- ☐ an employee/s of the entity
- ☐ a self-employed worker/s
- ☒ other - the worker was an employee of the entity. The worker resigned from the worker's employment with Alertvale on 22 October 2021.
- ☐ not applicable

Status: Workers' compensation was provided through WorkCover Queensland. The injured worker's claim with the statutory insurer has been finalised.

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
Immediately following event	At the time of the event, coworkers and a supervisor provided first aid to the injured worker, called an ambulance and accompanied the injured worker, in the ambulance, to the nearest hospital. A director of Alertvale was notified of the incident and met the injured worker at the hospital.	
Immediately following event	The worker applied for and obtained workers' compensation.	
Immediately following event	Alertvale offered the worker, and the worker's family, access to Alertvale's employee assistance program.	
From 30 September 2019 to 22 October 2021.	Alertvale maintained regular contact with the worker and the worker's family, while the injured worker was hospitalised and undergoing treatment, in an endeavour to provide support, including return to work support, as may be required, from the date of the event until the worker's resignation from his employment.	The worker resigned from employment on 22 October 2021.

1.8 Detail any current OHSMS implemented and maintained by the person

Safety is one of Alertvale's core values. Alertvale has designed and implemented a framework for

inducting, training and supervising workers, and managing health and safety risks. Alertvale's safety management systems are accredited to ISO 45001:2019 and AS/NZS 4801.

By way of example, Alertvale's health and safety systems includes preparation and delivery of:

- the following procedures, instructions and policies:
 - **Group Safety Induction** – containing modules in:
 - Commitment to Safety
 - Hazards and Risks
 - Incidents, First Aid and Housekeeping
 - Noise
 - Personal Safety
 - Vehicle and Traffic Management
 - Fire Safety and Evacuation
 - Additional Specific Hazards
 - **Fabrication, Service and Field Service Additional Safety Induction** – containing modules in:
 - Electrical Lockouts, Tagging and Isolation
 - Angle Grinding
 - Cranes and Lifting
 - Working in Confined Spaces and Heights
 - Welding and Cutting
 - Forklifts
 - **Group Corporate Online Safety Induction** – containing modules in:
 - Policy
 - Hazards and Risks
 - Incidents, First Aid and General Safety
 - Noise
 - Personal Safety
 - Vehicle and Traffic Management
 - Fire Safety and Emergencies
 - Additional Specific Hazards
 - **MAN-1** = HSEQ Management System Manual (V3);
 - **MTX-001** – HSEQ Accountability Matrix;
 - **PRO-005** – Incident Reporting and Recording Procedure (V4);
 - **PRO-012** Hazard Identification, Risk Management and Control Procedure;
 - **PRO-035** – HSEQ Training Procedure V2;
 - **PRO-037** – Emergency Preparedness Manual V3;
 - **PRO-050** – Simple Safety Rules (V2);
 - **PRO-260** – Slings and Lifting Manual (developed after the Event);
 - **PRO-263** – Load Movements Transport and Security (developed after the Event);
 - **FOR-149** – Safe & Correct Operation of a Forklift;
 - **TSBS-001** – WHS Obligations & Responsibilities quiz;
 - **TSBS-004** – Hazard Management quiz;
 - **TSBS-016** – Forklift Truck Safety quiz;
 - **Safety Memo** (Take 5; PPE; Medications – 23 March 2019;
 - **Safety Memo** (Working near suspended loads – 8 October 2019) (issued after the Event);

- Shift/Pre-start for forklift operation and safety use;
 - SMW Safe and Correct Operation of a Forklift (safe work instruction);
 - SMW Safe & Correct Operation of Spray Painting & Using Hazardous Substances (safe work instructions);
 - SMW Train Safe – Be Safe – Hazard Management paper;
 - SMW Learning from Incidents Pocket Guide;
 - SMW Code of Conduct;
- daily pre-start meetings;
 - external training for employees through registered training organisations.

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

Alertvale undertakes internal and third party auditing of its safety management systems.

Internal auditing is conducted by Alertvale, yearly, for the purposes of assessing its safety management systems, identifying any potential areas for improvement, ensuring compliance with regulatory standards and identifying whether any corrective or preventative action may be necessary or desirable in relation to work health and safety.

Alertvale submits to an audit program conducted by BSI Australia that involves:

- (a) certification audits, every year, against AS/NZS 4801:2001; AS/NZS ISO 45001:2018; and AS/NZS ISO 9001:2016. The most recent certification audit conducted by BSI Australia occurred in 2020; and
- (b) surveillance audits, every year, against the requirements of AS/NZS 4801:2001; AS/NZS ISO 45001:2018; and AS/NZS ISO 9001:2016.

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

Alertvale has consulted with key internal personnel and external advisors in relation to the preparation of this undertaking and the proposed activities it contains, including:

- workers involved in the event, workers operating forklift trucks in the workplace and supervisors;
- its leadership team, including the board of directors, and the board of directors of its parent company;
- its chief executive officer and the chief people and culture officer;
- its legal advisors and the Office of Industrial Relations (Enforceable Undertakings Unit);
- its information technology advisors and safety management systems software developer;
- third parties proposed to be involved in the activities described 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

Alertvale has, and had at the time of the event, safe work systems for operating mobile plant.

Since the event, Alertvale has conducted an audit of its safety systems for the safe operation of plant, and the lifting of loads in particular, and as a result has updated and/or implemented the following as part of its safe work systems:

- **Safety Memo** – Working Near Suspended Loads;
- **PRO-260** – Slinging and Lifting Manual;
- Safe Work Method Statement (for the operation of forklifts)
- Acquisition of three new forklift trucks;
- Leadership training for 'Leading for Continuous Improvement' Workshop

Alertvale directed that all pre-start meetings on 11 October 2019 include discussion about the content of the Safety Memo developed in response to the incident, described above. 'Refreshers' of all inductions were conducted with employees (other than the injured worker) involved in the event. A register of all employees holding high risk work licences has been introduced. The direction to employees, that they must operate only that equipment for which they are licensed, has been reinforced at toolbox talks and refresher training for employees, and supervisors have been directed to audit compliance with that direction.

Total amount spent on rectifications

\$12,000.00

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

Alertvale acknowledges that the regulator alleges a contravention by Alertvale 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

Alertvale takes seriously its obligations to its workers, and others, in relation to health and safety. It deeply regrets that the incident occurred and that a worker was injured.

By proposing this undertaking, and making the investments described in section 3 of this undertaking, Alertvale seeks to engage in activities that will have positive and lasting impacts on the health and safety of its workers, the industry and the community, beyond those that would be realised by the imposition of a court sanction.

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

Alertvale is committed to ensuring that the activities, behaviours and other factors that caused or contributed to the event described in term 1.3 of this undertaking will not reoccur, through the implementation of the rectification activities described in term 1.11 of this undertaking, and by undertaking the activities proposed in section 3.

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 Version 1 Dated: November 2017

2.5 Acknowledgement that this undertaking may be published and publicised

- 2.5.1 Alertvale acknowledges that the undertaking may be published on the OIR's website and referenced in OIR material.
- 2.5.2 Alertvale 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 Alertvale has the financial ability to comply with the terms of this undertaking and has provided evidence by way of correspondence from the chief financial officer of the SMW Group 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, Alertvale 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

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

2.8 Statement regarding Intellectual Property Licence

Alertvale, 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.

2.9 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

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

Alertvale began as a small proprietary company, about 20 years ago, employing about 15 people. It has experienced significant growth in the time since. Promoting a culture of health and safety within the workplace has always been a priority and Alertvale has comprehensive systems in place. They are reviewed and audited periodically and comply with Australian and international standards. It invests in (and in some instances has developed) state-of-the-art plant and equipment to promote health and safety within its workplace. Its organisational structure includes a chief people and culture officer responsible for health and safety.

Alertvale will continue to use and improve upon these systems and structures by reviewing and auditing its safety management systems in accordance with term 1.8, and by implementing the activities set out in section 3 of this undertaking, to manage appropriately the risks to workers and others arising out of the operation of Alertvale's enterprise.

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

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

Dissemination will be achieved by doing the following:

Alertvale will disseminate a copy of this undertaking to the board of directors, and the board of directors of its parent company, SMW Limited.

Alertvale's workers will be informed of this undertaking through toolbox meetings.

Dissemination will occur within three (3) months of the date of acceptance of this undertaking.

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	Auxilium One Pty Ltd – Risk Management Consultants – risk diagnostic and implementation of control measures across the Corporate Group	Total: \$30,000.00	Within nine months from acceptance of this undertaking.
		Breakdown: Phase 1 – (2 days; \$2,400.00); Phase 2 – (9 days; \$10,800.00); Phase 3- (9 days; \$10,800.00); Phase 4 – (5 days; \$6,000.00); Phase 5 – nil (costs of the activities will be treated as part of the Corporate Group's ordinary operating costs).	Phase 1 - complete (January 2023). Phase 2 – within two months of acceptance of this undertaking. Phase 3 – within six months of acceptance of this undertaking; Phase 4 – within nine months of acceptance of this undertaking; Phase 5 – following completion of phase 4 and ongoing.
<i>Rationale and overview</i>	Alertvale will partner with a highly regarded risk management consultant to conduct, at a high level, a risk diagnostic of the business activities of the Corporate Group, in order to develop and implement critical control standards and observational frameworks, in collaboration with workers, supervisors, business owners and a suitably qualified risk management expert. The specific activities which are described will be conducted organisation wide (and will not be confined solely		

	Activities	Minimum cost	Timeframe
	to the activities of Alertvale Pty Ltd). ¹		
Specific activities	<p>The specific activities will be conducted in five phases as follows:</p> <ul style="list-style-type: none"> i) Conduct a risk diagnostic – a risk diagnostic will be conducted with key individuals within the Corporate Group, identified in consultation with Auxilium. Material risks within the enterprise will be identified, along with baseline risk maturity level, in order to inform the content of the phases which follow; ii) Standardising risk assessments and identifying critical control measures – informed by the risk diagnostic conducted in phase 1, Auxilium will work with workers, supervisors and business owners to facilitate identification of standardised risk management tools and potential critical control measures; iii) Design critical controls, develop performance standards and critical control question set – following phases 1 and 2, Auxilium will develop performance standards and critical control question sets specifically designed to enable workers and supervisors to perform infield verification of critical control measures, and to assess the efficacy of those control measures, on an ongoing basis; iv) Develop a safe behaviour observation framework – Auxilium will develop a safe behaviour observation framework. The safe behaviour observation framework will focus on line leaders, managers and workers from different work groups interacting with other workers while they conduct a task involving identified critical risks. The safe behaviour framework will involve the person undertaking the observation to identify the critical risks arising out of the task and to verify that critical controls are in place. An in-house training program delivered by the Corporate Group's internal HSEQ team will be integrated into the induction for all workers and the supervisor training program. v) Implementation and Review – the Corporate Group will conduct monthly reviews with the senior leadership team to evaluate the efficacy of the safe behaviour observational framework and results. 		
Anticipated benefits and outcomes	<p>The program is designed as a collaboration between all of the workforce (within Alertvale and the wider Corporate Group) and the business owners, and an expert in risk management, to achieve the following benefits and outcomes:</p> <ul style="list-style-type: none"> • identification of key risks arising in the course of the Corporate Group's business activities; • development and implementation of critical risk controls; • development and implementation of a critical control question set specifically designed to enable operations and supervisors to assess critical control measures in field; • development of a safe behaviour observation framework; • development and delivery of a training program regarding behavioural observation processes; • increased awareness and knowledge of critical risks, and control processes, for all individuals involved in the Corporate Group's (primarily Alertvale's) business activities; • improved organisational safety frameworks and processes, through the development and implement of the tools described above. 		
Evidence of implementation	<p>The following will be provided as evidence of completion and implementation of the activities described in 3.2.1.:</p> <ul style="list-style-type: none"> • copies of invoices and evidence of payment; • a copy of the risk diagnostic report; • details of intended action from the report and any recommendations made in it; • confirmation that recommendations from the report have been implemented; • a copy of the critical control program / critical control question set; • confirmation that the critical control program has been implemented; 		

¹ Alertvale Pty Ltd is the entity proposing the undertaking. Each of the activities proposed in this undertaking are, however, proposed to be implemented across the whole of the Corporate Group.

Activities		Minimum cost	Timeframe
	<ul style="list-style-type: none"> a copy of the safe behaviour observation framework; a copy of training records evidencing workers participation in training described above; a copy of the implementation and review report; copies of monthly critical control observation reports. 		
3.2.2	Risk 2 Solution Consulting Pty Ltd (R2S) - Research, Training Program Development and Training Delivery	Total: \$65,000.00 Breakdown: Phase 1 – \$8,850.00; Phase 2 – \$29,500.00 Phase 3- \$13,800.00; Phase 4 – \$12,850.00.	Within 18 months from acceptance of this undertaking.
<i>Rationale and overview</i>	In an effort to better understand and respond to the human factors contributing to risk within the Corporate Group's enterprise, Alertvale will collaborate with R2S Pty Ltd, an entity with both academic and industry expertise in risk management, for the purpose of undertaking research and developing and delivering a program of training about the human factors of risk. The specific activities are divided into four related but independent phases which are described below.		
<i>Phase 1 - Research</i>	<p>Scope of activities</p> <p>In collaboration with R2S, and its CEO Dr Gavriel Schneider, Alertvale will conduct a research project on the key human factors, and human factors of failure (e.g. time pressure, distraction, complacency, fatigue and frustration) contributing to risk in the Corporate Group's enterprise. The intention is that the product of the research project will be suitable for publication in a peer reviewed journal (Strategic Risk Management Journal). The outcomes of the research project will be used to inform Phase 2 (training program development), Phase 3 (training delivery) and Phase 4 (ongoing material delivery) of the Corporate Group's activities with R2S. The process will involve:</p> <ul style="list-style-type: none"> i) a meeting between R2S representatives with appropriate academic qualifications and the Corporate Group's senior safety adviser and chief people and culture officer (who will be directly involved in the project) to define the specific research questions; ii) identification of appropriate resources from within the relevant academic 	\$8,850.00	Within nine months from acceptance of this undertaking.

	Activities	Minimum cost	Timeframe
	<p>literature;</p> <p>iii) development of the research methodology,</p> <p>iv) data gathering and analysis;</p> <p>v) development of personal risk assessment tools for lifting/loading and managing human states of failure;</p> <p>vi) preparation of a research report;</p> <p>vii) publication of a research report and/or presentation at an industry conference.</p> <p>Anticipated benefits and outcomes:</p> <ul style="list-style-type: none"> • The research project affords the Corporate Group's senior safety adviser and chief people and culture officer (who will conduct the research in collaboration with R2S) a valuable opportunity to scope and conduct research, under the supervision of, and in collaboration with, individuals with significant publication records and academic experience in risk management. • Given the context in which the research is conducted, the results will be directly relevant to the Corporate Group's business activities and the types of human factors that contribute to risk in its enterprise. These outcomes have the potential to strengthen health and safety frameworks, and to reduce the likelihood of human behaviour related health and safety events among the workforce. • The anticipated research outcomes include personal risk assessment tools which identify human behaviours that can lead to errors which will be of benefit to workers, supervisors and the Corporate Group in identifying risk in human behaviours within the workplace. The research outcomes (which include a research paper) have the potential to be of broader benefit to industry and community through publication or presentation of findings at an industry conference or similar. <p>Evidence of implementation</p> <p>Alertvale will provide as evidence of implementation:</p> <ul style="list-style-type: none"> • Invoice/s and evidence of payment; • Copies of research output, such as personal risk assessment tools and research reports; evidence of submission for publication in peer reviewed journal. 		
Phase 2 – Training Program Development	<p>Scope of activities</p> <p>Alertvale will engage R2S to develop and implement a training program with a focus on human factors in risk management. The research outcomes of Phase 1 will inform the development of the training and the way in which it is delivered.</p>	\$29,500.00	Within four months of completion of phase 1 (and within thirteen months from acceptance of this undertaking)

	Activities	Minimum cost	Timeframe
	<p>In consultation with R2S Alertvale will then develop skills and frameworks for implementing the training company-wide (Phase 3 Below).</p> <p>Anticipated benefits and outcomes</p> <ul style="list-style-type: none"> • In consultation with suitably qualified experts, Alertvale will develop a bespoke training program for addressing human factors relevant to risk management in the Corporate Group's enterprise. • By the process of conducting the research (Phase 1) and developing the training (Phase 2), the individuals involved (which, in these phases, will primarily be individuals in managerial or supervisory positions) will develop an enhanced capacity to identify and mitigate against human states contributing to risk in the Corporate Group's enterprise. • These understandings will facilitate the implementation of benefits across the Corporate Group, and the entirety of the workforce, described in phase 3 below. <p>Evidence of implementation</p> <p>Alertvale will provide as evidence of implementation:</p> <ul style="list-style-type: none"> • Copies of training materials developed; • Invoice/s and evidence of payment. 		
Phase 3 – Training delivery	<p>Scope of activities</p> <p>Following completion of phase 2, training will be delivered, by R2S, to three identified groups across the Corporate Group's workforce: executives (approximately eight participants, including directors of SMW Ltd); managers/supervisors (approximately 30 participants) and other workers. The training will draw on and be mapped against BSBCRT311 (Apply critical thinking skills in a team environment) and will feature competency based assessments.</p> <p>Individuals from the Corporate Group in managerial or supervisory roles will observe the training delivered by R2S. R2S will provide training and guidance to those individuals, to enable those individuals to deliver the training across the entirety of the workforce. Following this period of training, the training will be delivered to the entirety of the workforce.</p> <p>Anticipated benefits and outcomes</p> <ul style="list-style-type: none"> • Group-wide training will result in enhanced capability to identify and mitigate against various human states which increase risk and chance of error. • The workforce, including directors, 	\$13,800.00	Within four months of completion of phase 2 (and within seventeen months from acceptance of this undertaking)

	Activities	Minimum cost	Timeframe
	<p>supervisors and managers, will engage in training, including scenario-based training designed to improve confidence in intervening when potentially problematic human states (such as distraction, complacency, fatigue and frustration) are observed.</p> <ul style="list-style-type: none"> Enhanced awareness and education in accordance with the program described will mitigate against the risks and errors described, which will be of benefit to the Corporate Group, and the entirety of its workforce. <p>Evidence of implementation</p> <p>Alertvale will provide as evidence of implementation:</p> <ul style="list-style-type: none"> copies of presentation materials developed; evidence of submission for publication; training records; invoice/s and evidence of payment. 		
Phase 4 – Ongoing material delivery	<p>Scope of Activities</p> <ul style="list-style-type: none"> Continue to licence from R2S the material developed in preceding phases for an initial period of two years. <p>Anticipated benefits</p> <ul style="list-style-type: none"> Ongoing capacity to deliver the training program across the workforce. <p>Anticipated costs</p> <ul style="list-style-type: none"> \$12,850.00. <p>Evidence of implementation</p> <ul style="list-style-type: none"> Alertvale will provide a copy of the invoice for payment of the licensing fee. 	\$12,850.00	Licensing fee to be paid within a month of completion of Phase 4
3.2.3	Training in loading and unloading and securing cargo – SDS Training and Security Pty Ltd	<p>\$14,000.00</p> <p>(35 employees x \$400.00 each = \$14,000.00)</p>	<p>Groups of between eight and 10 individuals will complete the training at approximately eight week intervals.</p> <p>The activities will be completed within 12 months of acceptance of this undertaking.</p>
	<p>Scope of activities</p> <p>Alertvale will engage a registered training organization (SDS Training and Security Pty Ltd) to deliver <i>TLID2004 – Load and unload goods/cargo</i> and <i>TLIA1001 – Secure cargo</i>, units of competency to 35 employees across the Corporate Group's workforce (including for each of the apprentices who undertake high risk work licence (forklift truck) training, described in activity 3.2.7) so that all</p>		

	Activities	Minimum cost	Timeframe
	<p>employees involved with loading forklifts and trucks understand and can apply safe and correct load restraint practices.</p> <p>Anticipated benefits and outcomes</p> <ul style="list-style-type: none"> The activities will provide a heightened awareness of, and increased competency in, dealing with risks posed by loading, unloading and securing cargo across the Corporate Group. <p>Evidence of implementation</p> <p>Alertvale will provide as evidence of implementation:</p> <ul style="list-style-type: none"> Invoices from the registered training organisation delivering the training; and Statements of attainment (or similar) on successful completion of the training. 		
3.2.4.	<p>Auxilium One Pty Ltd – auditing of traffic management, emergency preparedness and training competency management system</p>	\$28,200.00	<p>Audit of the traffic management systems, emergency preparedness and mobile plant – within six months of acceptance of this undertaking.</p> <p>Implementation of recommendations following audit – within 12 months of acceptance of this undertaking.</p> <p>Audit of training, competency and licensing management systems – within 12 months of acceptance of this undertaking</p>
	<p>Scope of activities</p> <p>Alertvale will engage Auxilium One Pty Ltd to conduct an audit and provide an assessment of:</p> <ul style="list-style-type: none"> Alertvale's traffic management systems, including loading and unloading zones, exclusion zones and, pedestrian and shared areas, at its industrial workshop at 393 McLaughlin Street, Parkhurst in Queensland; emergency preparedness (including first aid competency among the workforce) at Alertvale's industrial workshop at 393 McLaughlin Street, Parkhurst in Queensland; 		

Activities	Minimum cost	Timeframe
<ul style="list-style-type: none"> an audit of the Corporate Group's training, competency and licensing management systems; an audit of all mobile plant and equipment at the Corporate Group's industrial workshop at 393 McLaughlin Street, Parkhurst, its mechanical maintenance shed at 235 East Street, Rockhampton and its fabrication shed at 49 Commercial Avenue, Paget, with a view to identifying, eliminating, isolating and/or substituting engineering controls (and Alertvale will engage Auxilium One Pty Ltd to consider innovative solutions and the implementation, where practicable of engineering control measures that separate workers from plant/machines); the efficacy of the vehicle swipe card access initiative described in 3.2.10. <p>Following the assessments and audits described above, Alertvale will collaborate with Auxilium to identify areas of improvement in traffic management, emergency preparedness and record keeping, and will implement recommendations unless OIR grants an exemption due to the actions being unreasonable..</p> <p>Anticipated benefits and outcomes</p> <ul style="list-style-type: none"> The data obtained in the course of the assessments and audits will be valuable to, and used by, the Corporate Group for the purposes of assessing the adequacy of its health and safety management systems and identifying areas where improvement may be beneficial. A suitably qualified expert will provide opinion and recommendations about traffic management, and emergency preparedness, with a particular focus on Alertvale's industrial workshop at 393 McLaughlin Street, Parkhurst in Queensland (being the location with the highest incidence of moving plant within the Corporate Group's enterprise, and the location with the largest incidence of higher risk work activities). A suitably qualified expert will audit and provide opinions and recommendations in relation to training, competency and licensing management systems which will in turn result in improved health and safety processes and systems. <p>Evidence of implementation</p> <p>Alertvale will provide:</p> <ul style="list-style-type: none"> copies of invoices and proof of payment; 		

Activities		Minimum cost	Timeframe
	<ul style="list-style-type: none"> details of opinions, recommendations or improvements expressed by Auxilium; appropriate evidence regarding implementation of opinions, recommendations or improvements, to be determined once the same are known. <p>Breakdown of costs</p> <ul style="list-style-type: none"> Audits and assessments - \$13,200.00 Implementation of recommendations – \$15,000.00 		
3.2.5.	<p>Training in first aid and cardiopulmonary resuscitation - Masimo Holdings Pty Ltd t/as New Horizons Safety and Training Services</p>	\$3,750.00	<p>Groups of between five and 10 individuals will complete the training at approximately twelve week intervals.</p> <p>The activities have commenced and will be completed within 12 months of acceptance of this undertaking.</p>
	<p>Scope of activities</p> <p>Alertvale will engage a registered training organisation (New Horizons) to deliver first aid and cardiopulmonary resuscitation training for 25 employees across the Corporate Group, so that at least 10% of the workforce across the Corporate Group is trained (and Alertvale will commit to the delivery of training, which may be in the form of renewal or refresher training, to maintain this percentage).</p> <p>Anticipated benefits and outcomes</p> <ul style="list-style-type: none"> On completion of the training, one in ten workers across the Corporate Group will be trained by a registered training organisation in first aid and cardiopulmonary resuscitation which will improve the capabilities of the group, as a whole, to provide first aid responses. <p>Evidence of implementation</p> <p>Alertvale will provide:</p> <ul style="list-style-type: none"> invoices from the registered training organisation delivering the training; and statements of attainment (or similar) on successful completion of training; evidence of completion of renewal or refresher training for the life of the undertaking. 		

	Activities	Minimum cost	Timeframe
3.2.6.	<p>Training in mental health first aid – Mental Health First Aid International Ltd</p>	<p>\$8,000.00</p> <p>(25 employees x \$320.00 each = \$8,000.00)</p>	<p>Groups of between five and 10 individuals will complete the training at approximately twelve week intervals.</p> <p>The activities have commenced (15 individuals have completed the training) and will be completed within 12 months of acceptance of this undertaking.</p>
	<p>Scope of activities</p> <p>Mental Health First Aid International Ltd (MHFA) is a national not-for-profit organisation and registered charity focused on mental health training and research.</p> <p>The Corporate Group will arrange and fund mental health first aid training, delivered by MHFA, for 25 individuals across the Corporate Group. Individuals who complete the training will complete assessment to be accredited as a mental health first aider. The Corporate Group will commit to funding training into the future to ensure competencies are maintained and a similar proportion of the workforce across the Corporate Group remains so trained.</p> <p>Anticipated benefits and outcomes</p> <ul style="list-style-type: none"> • Individuals who complete the training and achieve status as a mental health first aider will constitute a crucial first point of contact for individuals experiencing mental health crisis or distress. • Additional training in mental health first aid will improve the ability of the Corporate Group and its workforce to provide first responses to individuals who may be experiencing a mental health crisis. The structure and rigour of the training and assessment offered by MHFA will bring the Corporate Group's mental health first aid capabilities in line with those of its physical first aid capabilities. • The activities also constitute a modest contribution to the charitable purposes of MHFA, which include providing education programs to increase mental health literacy; conducting research to develop and evaluate those programs; and supporting the effective dissemination of those programs across Australia and internationally. <p>Evidence of implementation</p>		

Activities		Minimum cost	Timeframe
	<p>Alertvale will provide:</p> <ul style="list-style-type: none"> • invoices from MHFA; • statements of accreditation as mental health first aiders; • evidence of completion of renewal or refresher training for the life of the undertaking. 		
3.2.7	<p>High risk work licence training (Forklift truck) – Masimo Holdings Pty Ltd t/as New Horizons Safety and Training Services</p>	<p>\$16,250.00</p> <p>(25 employees x \$650.00 each = \$16,250.00)</p>	<p>To be completed in tranches, with initial participants to complete training within six months of acceptance of this undertaking and the activities to be fully completed within 18 months of acceptance of this undertaking.</p>
	<p>Scope of activities</p> <p>Alertvale will engage a registered training organisation (New Horizons Safety and Training Services) and will meet the costs of delivering competency TLILIC003 – Licence to operate a forklift truck, for 25 apprentice workers across the Corporate Group. Each of the apprentices trained will also undergo training in loading and unloading and securing cargo as described in activity 3.2.3. Alertvale will use 'HumanForce' human resource software to ensure regular operation of forklift trucks by licencees and will conduct biannual competency verifications performed by an internal content expert.</p> <p>Anticipated benefits and outcomes</p> <ul style="list-style-type: none"> • The individuals involved, all of whom will be apprentices, will receive the direct benefit of the training and education, which will include training and education in relation to the safe operation of forklift trucks. • Increasing the number of personnel holding high risk work licences to operate forklift trucks will increase the safety capability of the Corporate Group and the workforce as a whole. <p>Evidence of implementation</p> <ul style="list-style-type: none"> • Alertvale will provide invoices from the registered training organisation (New Horizons Safety and Training Services) and invoices evidencing payment of licence fees. • Alertvale will provide statements of attainment or similar. • Alertvale will provide copies of biannual competency verifications. <p>Breakdown of costs</p>		

Activities		Minimum cost	Timeframe
	<ul style="list-style-type: none"> TLILIC003: \$650.00 x 25 = \$16,250.00. 		
3.2.8	<p>Certificate IV in Work, Health and Safety – Coal Train Australia Pty Ltd</p>	<p>\$22,500.00</p> <p>(15 employees x \$1,500.00 each = \$22,500.00)</p>	<p>To be completed in tranches, with initial participants to complete training within six months of acceptance of this undertaking and the activities to be fully completed within 12 months of acceptance of this undertaking.</p>
	<p>Scope of activities</p> <p>Alertvale will identify 15 leaders (or emerging leaders) from within the Corporate Group and will engage a registered training organisation (Coal Train Australia Pty Ltd) to deliver a Certificate IV in Work, Health and Safety (BSB41419) for those individuals. The Certificate requires completion of four core units of competency, and completion of five elective units. Core units of competency include:</p> <ul style="list-style-type: none"> i) BSBWHS412 – Assist with workplace compliance with WHS laws; ii) BSBWHS4313 – Contribute to implementation and maintenance of WHS consultation and participation processes; iii) BSBWHS414 – Contribute to WHS risk management; iv) BSBWHS415 – Contribute to implementing WHS management systems; v) BSBWHS416 – Contribute to workplace incident response. <p>Individuals participating in the course will be selected having regard to their interests, roles and skillsets.</p> <p>Anticipated benefits and outcomes</p> <ul style="list-style-type: none"> The individuals undergoing the training will receive the direct benefit of further education in workplace health and safety. The entirety of the workforce, and the Corporate Group, will benefit from increased competency in health and safety, and increased capabilities for risk management and incident management, arising out of completion of the course. Supporting individuals to improve competency in work, health and safety through further education will contribute to: <ul style="list-style-type: none"> a culture across the Corporate Group which places a high value on achieving and maintaining healthy and safe working environments, through critical and collaborative approaches to health and safety management; 		

	Activities	Minimum cost	Timeframe
	<ul style="list-style-type: none"> a workforce which is aware, informed and well positioned to make valuable contributions to the promotion and maintenance of safe and health work spaces. <p>Evidence of implementation</p> <p>Alertvale will provide:</p> <ul style="list-style-type: none"> Tax invoices from Coal Train Australia Pty Ltd and evidence of payment. Statements of attainment (or similar). 		
3.2.9	<p>Incident, Cause, Analysis, Method (ICAM) training – Safety Wise Solutions Pty Ltd (RTO 21871)</p>	\$17,500.00	<p>To be completed in tranches, with initial participants to complete training within six months of acceptance of this undertaking and the activities to be fully completed within 12 months of acceptance of this undertaking.</p>
	<p>Scope of activities</p> <p>Alertvale will engage Safety Wise Solutions Pty Ltd to deliver incident and investigation training, in the incident cause analysis method (ICAM), to seven individuals across the Corporate Group, in Brisbane. Training in ICAM provides a structured framework for safety investigation and analysis. The following units of competency will be involved:</p> <ul style="list-style-type: none"> i) BSBWHS515 – lead initial response to and investigate WHS incidents; ii) PMAWHS310 – investigate incidents; iii) RIIWHS301D – conduct safety and health investigations; iv) TLIF5017 – investigate rail safety incidents. <p>Anticipated benefits and outcomes</p> <ul style="list-style-type: none"> The individuals undergoing the training will receive the direct benefit of further education in ICAM. At the organisational level, enhancing and expanding training in ICAM across the workforce will reinforce the importance of rigorous and evidence based approaches to health and safety in the workplace, including in the development of safety performance improvement strategies following a safety occurrence, or near occurrence, as well in developing and implementing proactive strategies for 		

Activities		Minimum cost	Timeframe
	<p>incident prevention.</p> <p>Evidence of implementation</p> <p>Alertvale will provide:</p> <ul style="list-style-type: none"> tax invoices from Safety Wise Solutions Pty Ltd and evidence of payment; statements of attainment (or similar); tax invoices for travel costs (in between Rockhampton and Brisbane for course participants) associated with completion of the training. <p>Breakdown of costs</p> <ul style="list-style-type: none"> Course costs: \$1,800.00 x 7 = \$12,600.00 Travel costs: \$700.00 x 7 = \$4,900.00 Total = \$17,500.00 		
3.2.10	<p>Swipe card access for light vehicles</p>	\$23,870.00	<p>Installed within half of the vehicles within three months of acceptance of this undertaking.</p> <p>Activities to be completed within nine months of acceptance of this undertaking.</p>
	<p>Scope of activities</p> <p>Alertvale will engage Fleet Management Solutions to provide and install a system for swipe card access across the Corporate Group's fleet of light vehicles (approximately 70 vehicles in total). Alertvale will engage Auxilium to report on the efficacy of the swipe card access system as part of the activities described in 3.2.4.</p> <p>Anticipated benefits and outcomes</p> <ul style="list-style-type: none"> Across the Corporate Group, light vehicles (such as utilities) make up the majority of the plant used in the Corporate Group's business activities. Light vehicles are used more frequently by the workforce than any other moving plant. The swipe card system serves two purposes. First, the system provides a check against improper use of vehicles by unlicensed or unqualified persons. Only suitably qualified individuals will be given swipe card access. If an individual attempts to operate a vehicle without 'swiping on', an alarm will sound. Second, the system also enables the Corporate Group to obtain data about the operation of its vehicles by its workforce, including in relation to behaviours which may present a risk to health and safety such as (non)observance 		

Activities		Minimum cost	Timeframe
	<p>of speed limits, (non)completion of vehicle pre-start checks, lengths of journey, time spent driving and similar.</p> <ul style="list-style-type: none"> Engagement with that data, by a suitably qualified expert, will enable the Corporate Group to assess the efficacy of the swipe card access system, and to make informed decisions about its continued operation into the future. <p>Evidence of implementation</p> <p>Alertvale will provide:</p> <ul style="list-style-type: none"> tax invoices from Fleet Management Solutions and evidence of payment; a copy of the report of Auxilium One. 		
3.2.11	Acquisition of JCB 155W HD skid steer loader	\$50,490.00	9 May 2022
	<p>Scope of activities</p> <ul style="list-style-type: none"> Alertvale has acquired a new JCB 155W HD skid steer loader. Acquisition of the machine was considered a priority to address concerns which may arise out of aged equipment in a sector of the business dependent on the safe operation of heavy machinery. The acquisition of the skid steer loader is intended to compliment the activities described in 3.2.11. <p>Anticipated benefits and outcomes</p> <ul style="list-style-type: none"> Alertvale's skid steer loader is used primarily for reclaiming abrasive blasting grit and cleaning the abrasive blasting facility at Alertvale's industrial complex at 393 McLaughlin Street, Parkhurst. Prior to acquisition of the machine described above, Alertvale owned and operated an aged and open-cabbed skid steer loader. The machine which has been acquired features a fully sealed cab, so that operators are not exposed to respirable or inhalable dust or contaminants. It also includes enhanced safety features such as side access (meaning that operators are no longer require to climb over the bucket, which eliminates a potential slip and crush hazard) and affords operators improved visibility. The machine previously owned and 		

Activities		Minimum cost	Timeframe
	<p>operated by Alertvale has been full retired.</p> <p>Evidence of Implementation</p> <p>Alertvale will provide an invoice and proof of payment on acceptance of an enforceable undertaking.</p>		
3.2.12	<p>Acquisition of defibrillators</p>	\$10,500.00	Within 3 months of acceptance of this undertaking
	<p>Scope of activities</p> <p>Alertvale will acquire and arrange for installation and maintenance of three defibrillators at select sites within the Corporate Group.</p> <p>Anticipated benefits and outcomes</p> <ul style="list-style-type: none"> The activities will enhance the capability of the Corporate Group and its workforce to respond to potentially life threatening events by complementing the work health and safety plant and equipment available for use. <p>Evidence of implementation</p> <ul style="list-style-type: none"> Invoices and proof of payment; Photographs of installed defibrillators. <p>Breakdown of costs</p> <ul style="list-style-type: none"> \$3,500.00 x 3 = \$10,500.00 		
3.2.13	<p>Occupational health and safety management system (OHSMS) Audits</p>	Nil (costs will be treated as an ordinary business expense)	Consistent with the obligations recorded in section 3.8 of this undertaking
	<p>Scope of activities</p> <p>Consistent with the obligations recorded in section 3.8 of this undertaking, Alertvale will engage BSI Australia to undertake an initial audit of its OHSMS, as well as additional audits at 12 monthly intervals thereafter, such that at least three audits in total are performed during the currency of this undertaking.</p> <p>Anticipated benefits and outcomes</p> <ul style="list-style-type: none"> The activities will provide additional oversight and assessment of the Corporate Group's OHSMS by suitably qualified experts. Expert auditing of the Corporate Group's OHSMS will provide an opportunity to act on feedback, implement any recommendations and enhance work health and safety outcomes. <p>Evidence of implementation</p>		

Activities		Minimum cost	Timeframe
	<ul style="list-style-type: none"> Invoices and proof of payment for auditing fees; Audit reports (or similar); <p>Invoices and proof of payment for any costs associated with acting on any recommendations.</p> <p><i>Breakdown of costs</i></p> <ul style="list-style-type: none"> Not applicable. 		
Total minimum cost of benefits for workers/others		\$290,060.00	

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	Collaboration with CQUniversity to improve learnings outcomes of occupational health and safety students	\$6,000.00 In progress and for the duration of the undertaking
	<p>Scope of activities</p> <p>Alertvale will collaborate with CQUniversity Australia to engage in several activities designed to improve learning outcomes for occupational health and safety students (at graduate and postgraduate level), to provide industry experience to those students and to benefit industry (and the Corporate Group) through insights of those students.</p> <p>Specific activities will include:</p> <ul style="list-style-type: none"> • CQUniversity Australia will utilise Alertvale's industrial complex at 393 McLaughlin Street, Parkhurst in Queensland for residential schools and assessments involving students enrolled in occupational health and safety courses at tertiary level; • Alertvale will host students enrolled at CQUniversity Australia in graduate and postgraduate courses in occupational health and safety (including bachelor degree students enrolled in core unit <i>OCHS1320 – Future Paradigms in OHS A</i>) at its industrial complex at 393 McLaughlin Street, Parkhurst in Queensland for the purposes of residential schooling within industry. Students will attend Alertvale's premises for the purpose of conducting safety risk assessments, and inspections of workshops and areas used for fabrication and similar, as part of their course of study. Alertvale will provide each student with the personal protective equipment (PPE) necessary to safely enter the workspaces described; • Alertvale will act as industry sponsor to students enrolled at CQUniversity Australia in the bachelor of occupational health and safety degree and completing core unit <i>OCHS13021 – Future Paradigms in OHS B</i>. Completion of that unit requires 120 hours of practical placement by the student, with an industry sponsor, and completion by the student of a project (approved by the course lecturer) of a work health and safety project within the sponsor's workplace; • Alertvale will offer work experience to students enrolled in work health and safety courses at CQUniversity Australia. One such student will be engaged to develop and implement a spotter training program, and training video, that addresses spotting requirements for mobile equipment and other hazards. In conjunction with CQUniversity Australia, Alertvale will 	

	<p>monitor and assist in the development of the video and, on its completion, will train its workforce in the learnings achieved by the project. Alertvale will publish the video to the SMW website, for public access, along with a description of the program and the benefits derived from it.</p> <p>Anticipated benefits and outcomes</p> <ul style="list-style-type: none"> • The collaboration will provide real world experience to students at CQUniversity Australia who represent the next generation of workers entering the industry. • The workforce across the Corporate Group will receive the benefit of insights provided by graduate and postgraduate students present at the workplace. • A training video will be developed by a student (in collaboration with members of the Corporate Group's workforce and academics within CQUniversity Australia). • By publishing the video and making it publicly accessible, the project will benefit industry both by the content of the publication, and by illustrating and publicising the types of benefits achieved through collaborations between industry, workers, students and the academy. • Supporting and encouraging the next generation of occupational health and safety professionals promotes the continuing organisational and cultural development of the Corporate Group. <p>Evidence of implementation</p> <p>Alertvale will provide:</p> <ul style="list-style-type: none"> • copies of the training program and video produced; • copies of invoices and evidence of payment for any expenditure associated with the same; • training records; • details of the URL at which the program description and video are made publicly accessible; • certificates of appreciation from CQUniversity regarding residential hosting and similar activities; • copies of sign in/sign out registers evidencing student attendances; • copies of documentation confirming completion of electrical spotter training and Standard 11 Surface Mining Induction. <p>Breakdown of costs</p>		
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	A modest allowance of \$2,000.00 has been made to facilitate training for a work experience student (electrical spotter training and Standard 11 Surface Mining Induction nduction). \$4,000.00 has been allowed for completion of the spotter training project. Total = \$6,000.00		
Total minimum cost of benefits for industry		\$6,000.00	

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

Activities		Minimum cost	Timeframe
3.4.1	Work experience students	\$0.00	Immediately and ongoing for duration of undertaking
	<p>Scope of activities</p> <p>Alertvale hosts a number of work experience students from high schools in the Rockhampton and Mackay regions. Alertvale will arrange for and will fund completion of CPCCWHS1001 – Prepare to work safely in the construction industry through a registered training organisation, for all students engaged in work experience without a 'white card', to facilitate general construction induction training cards. Alertvale will also provide PPE to students including safety glasses, gloves and hearing protection.</p> <p>As part of the activities described above, Alertvale has partnered with North Rockhampton High School (NRHS). Alertvale has made available its metalwork facility to NRHS and its students, which who do not have their own. Alertvale has engaged a registered training organisation, Axial training, to deliver white card training to 12 NRHS students each year, which will occur in the first half of 2023. After the efficacy of the program is established, Alertvale intends to offer its facilities to other schools in the Central Queensland area who do not have access themselves to dedicated engineering facilities.</p> <p>Over the course of the life of this undertaking it is estimated, conservatively, that Alertvale will host at least 15 students.</p> <p>Anticipated benefits and outcomes</p> <ul style="list-style-type: none"> School-aged individuals seeking entry into the construction industry will receive the benefit of 'white card' training. <p>Evidence of implementation</p> <p>Alertvale will provide invoices from the registered training organisation and evidence of payment. As actual expenditure is not presently able to be predicted (but is not anticipated to be significant relevant to other proposed activities), minimum costs have been recorded as nil.</p>		
3.4.2	Student Scholarship – CQUniversity Australia	\$15,000.00	The activities have commenced (the first successful candidate having been identified) and continuing at 12 monthly

			intervals for the duration of the undertaking
	<p>Scope of activities</p> <p>In partnership with CQUniversity Australia, Alertvale will provide scholarships, consisting of apprenticeships/employment and financial support for two students enrolled in (or intending to enroll in) a Certificate II in Engineering Pathways (MEM20413) or a Certificate III in Engineering – Fabrication Trade (MEM30305). The scholarships will be known as the SMW VET Scholarships and will be subject to the following eligibility criteria:</p> <ul style="list-style-type: none"> – the successful applicant will be enrolled in, or intending to enroll in, one of the vocational courses described above, at CQUniversity Australia, in 2022 or 2023; – the successful applicant will be an indigenous or female student; – the successful applicant will have a residential address within the Mackay or Rockhampton regions. <p>The scholarship will consist of an opportunity for employment within the Corporate Group, as well as a monetary allowance of \$2,500.00 per annum, for a period of three years, as a contribution towards expenses associated with education, travel and equipment.</p> <p>Calls for applicants will be conducted in collaboration with CQ University of Australia.</p> <p>Alertvale's board of directors will select successful applicants annually on merit and in accordance with the criteria set out above.</p> <p>Anticipated benefits and outcomes</p> <ul style="list-style-type: none"> • The activities will provide encouragement and support to individuals seeking to enter manufacturing and associated industries, including through the application of equity-based criteria for the awards of scholarships. • A collateral benefit is that ongoing engagement between the Corporate Group and the local university (which has a substantial research output including in the fields of occupational health and safety) has the potential to lead to insights and improvements within the Corporate Group's health and safety systems and structures. <p>Breakdown of costs</p> <p>\$2,500.00 per student x 3 years = \$7,500.00 2 students x \$7,500.00 = \$15,000.00 total.</p>		

	<p>Evidence of implementation</p> <p>Alertvale will provide annually:</p> <ul style="list-style-type: none"> • confirmation of successful scholarship applicants; • proof of payment of the monetary components of the scholarships. 		
3.4.3	Charitable donation and Indigenous engagement officer – CQ Capras Rugby League Ltd	\$41,000.00	Commencing within 12 months, and completed within 24 months;
	<p>Scope of activities</p> <p>The Capras' are a semi-professional rugby league football team based in Rockhampton. The organisation (a company limited by guarantee) provides a range of community programs including a 'Pathways to Employment' program which provides holistic mentoring to support indigenous girls and boys aged 12 to 17 years encouraging education and transition to the workforce.</p> <p>Mr Sid Domic (a former professional rugby league footballer works with The Capras to deliver its Indigenous Health & Wellbeing, Schools Care and Community Support Programs.</p> <p>Alertvale will:</p> <ul style="list-style-type: none"> • make a lump sum donation of \$6,000.00 to CQ Capras Rugby League Ltd; • donate the sum of \$35,000.00 over a period of 12 months in equal monthly donations. <p>Anticipated benefits and outcomes</p> <ul style="list-style-type: none"> • The lump sum donation will be used by the Capras in its Indigenous Health & Wellbeing Program. The donation represents a modest contribution to the community-based objects of The Capras. • The monthly donations will be utilised in part by The Capras to fund a program between the Corporate Group and the Capras, with the goal of increasing indigenous participation and engagement within manufacturing and associated industries in the area. For the duration of the period Mr Domic will: <ul style="list-style-type: none"> – attend the Corporate Group's workspaces for two days per week to implement a program within the workforce dedicated to the health, wellbeing and engagement of Indigenous workers; – provide mentoring to indigenous workers 		

	<p>who may require or seek it;</p> <ul style="list-style-type: none"> engage with the senior leadership team within the Corporate Group to identify opportunities for collaboration between the Corporate Group and participants in the Capras Community Care programs (e.g. employment or apprenticeship opportunities or similar); attend schools in the region to promote pathways to employment for indigenous and other students requiring guidance; work as a connector between young people looking for work and industry; work as a connector between the indigenous community and industry. <p>Evidence of implementation</p> <p>Alertvale will provide:</p> <ul style="list-style-type: none"> proof of payment of each donation; and monthly reports prepared by Mr Domic associated with the program described. 		
3.4.4.	Defibrillator donation	\$7,000.00	Within 12 months of acceptance of undertaking
	<p>Scope of activities</p> <p>Alertvale will acquire and arrange installation of two defibrillators.</p> <p>Each defibrillator will cost approximately \$2800.00 to acquire and \$700.00 to install.</p> <p>The defibrillators will be donated to CQ Capras Rugby League Limited and Byfield Rural Fire Brigade, each of whom have confirmed a desire to receive a defibrillator and have indicated a capacity to maintain the equipment.</p> <p>Anticipated benefits and outcomes</p> <ul style="list-style-type: none"> The activities will provide potentially lifesaving pieces of equipment to community organisations. <p>Evidence of implementation</p> <p>Alertvale will provide:</p> <ul style="list-style-type: none"> Invoices and proof of payment; Photographs of installed defibrillators. <p>Breakdown of costs</p> <ul style="list-style-type: none"> \$3,500.00 x 2 = \$7,000.00. 		
Total estimated cost of benefits for the community		\$63,000.00	

3.5 Agreement to pay the OIR's recoverable costs

(These amounts will be provided by OIR once a notification to proceed is provided. Amounts are only payable if the undertaking is accepted as an EU by the regulator)

3.5.1 Alertvale 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	\$3,814.00
Legal costs	\$1,500.00
Compliance monitoring costs	\$3,410.00
Publication costs	\$600.00
Total of OIR recoverable costs	\$9,324.00

3.6 Minimum spend

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

Estimated total value of	Minimum spend
Benefits to workers/others	\$290,060.00
Benefits to industry	\$6,000.00
Benefits to community	\$63,000.00
OIR recoverable costs	\$9,324.00
Estimated total minimum spend for the undertaking	\$368,384.00

3.6.2 Alertvale 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 Alertvale acknowledges there is a formal documented OHSMS acceptable to the regulator that satisfies the principles of *AS/NZS 4804:2001 Occupational health and safety management systems—General guidelines on principles, systems and supporting techniques*, currently in place.

3.7.2 Alertvale commits to ensuring that the OHSMS remains compliant with the principles of *AS/NZS 4804:2001 Occupational health and safety management systems—General guidelines on principles, systems and supporting techniques*.

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

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

3.8.2 Alertvale commits to ensuring the OHSMS will be audited by certified third party auditors.

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

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

- 3.8.5 Alertvale commits to ensuring the OHSMS will be audited against criteria that meets the principles of *AS/NZS 4801:2001 Occupational Health and Safety Management Systems – Specification with guidance for use*, to verify the OHSMS meets the principles of *AS/NZS 4804:2001 Occupational health and safety management systems—General guidelines on principles, systems and supporting techniques*.
- 3.8.6 Alertvale 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 three months of this undertaking being accepted.
- 3.8.7 Alertvale 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 Alertvale 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 Alertvale 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 Alertvale 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 Alertvale commits to providing a detailed action plan or statutory declaration by an authorised officer of the company 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.

Executed by Alertvale Pty Ltd
in accordance with section 127 of the
***Corporations Act 2001 (Cth)* by**

John William Trenaman

Name of Director/~~Secretary~~

Signature of Director/~~Secretary~~

And

Thomas James Lynch

Name of Director/Secretary

Signature of Director/Secretary

on the 19 day of April, 2023

SECTION 5: ACCEPTANCE

This undertaking is accepted by the regulator on the 25th day of July , 2023



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*.

Work Health and Safety Act 2011

Part 11 Enforceable Undertakings

REASONS FOR DECISION

Event Number	277590
Entity	Alertvale Pty Ltd
ACN	113 321 850
Entity Address	Level 2,145 East Street, Rockhampton, Qld, 4700
Location of alleged contravention	393 McLaughlin Street, Parkhurst, Qld, 4702
Date of alleged contravention	30 September 2019

1 History of the application

- 1.1 Alertvale Pty Ltd is part of the SMW group of companies with SWM Group Limited (SMW) their parent company. Alertvale provides heavy fabrication and engineering, field services abrasive blasting and painting services across the region and mining sector.
- 1.1 The undertaking given by Alertvale Pty Ltd (Alertvale) relates to an alleged contravention of the *Work Health and Safety Act 2011* (WHS Act) on 30 September 2019 where a worker, employed by Alertvale, was injured at the company's principal place of business located in Parkhurst, Rockhampton.
- 1.2 While waiting to use a forklift for a different task, the worker was assisting another worker operating the forklift to move an unsecured suspended load, weighing more than one tonne, onto some trestles. The worker was standing near the load when the load became unstable and fell off the forklift tines. The load struck the worker's right leg causing multiple fractures, soft tissue damage to the lower leg and lacerations to the worker's knee.
- 1.3 It was later identified that the operator of the forklift was not licensed at the time of the incident.
- 1.4 Following notification of the above incident and investigation by Workplace Health and Safety Queensland (WHSQ), prosecution action was commenced by the Work Health and Safety Prosecutor (by complaint and summons) against Alertvale, 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.
- 1.5 On 14 January 2022, Alertvale notified the Office of Industrial Relations (OIR) Enforceable Undertakings (EU) Unit of their intention to give a WHS undertaking (undertaking) for this matter.
- 1.6 On 8 March 23 an Evaluation Panel (panel) evaluated Alertvale's initial undertaking including all supporting documentation.
- 1.7 Initially, the panel were not willing to recommend acceptance of the undertaking. The panel provided Alertvale with written feedback and advised they were willing to re-evaluate a revised undertaking that appropriately addressed the feedback.
- 1.8 On 19 April 2023, Alertvale submitted a revised undertaking and updated supporting documents.

- 1.9 On 9 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 Alertvale 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 Alertvale 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 19 April 2023.
 - 3.1.4. Complaint and Summons – Alertvale – dated 31 May 2021.
 - 3.1.5. Statements of Facts – Alertvale.
 - 3.1.6. OIR's Statement of compliance history – Alertvale – 29 May 2023.
 - 3.1.7. Workers Compensation Information – Alertvale – dated 15 June 2022.
 - 3.1.8. Supporting documentation provided by Alertvale – various dates.
 - 3.1.9. EU Unit Chronology Statement – Alertvale – dated 5 July 2023.
 - 3.1.10. Initial Evaluation Panel feedback – Alertvale – dated 22 March 2022.
 - 3.1.11. Return Evaluation Panel Assessment – Alertvale – dated 29 May 23.

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 Alertvale 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 Alertvale.

- 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 Alertvale is 'medium/high'.
- 4.6. I find the quantum of the undertaking and the respective financial commitments of Alertvale are proportionate to the objective gravity of the alleged contravention by Alertvale and account for the benefits that would accrue to them through avoiding prosecution.
- 4.7. I find that Alertvale have acknowledged the alleged contravention and shown regret regarding the occurrence and the consequences of the alleged contravention.
- 4.8. I find that Alertvale, 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 Alertvale 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 Alertvale 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 Alertvale are committing to:
 - 4.11.1. Disseminating information about the undertaking to Alertvale's and SMW board of directors and all Alertvale workers through toolbox meetings.
 - 4.11.2. Engaging:
 - 4.11.2.1. A risk and safety management consultant to:
 - 4.11.2.1.1. Complete a risk diagnostic of critical control measures and assist in the implementation of critical control standards and observational frameworks across the SMW Corporate Group (Alertvale and the SMW group of companies). Alertvale, through the SMW Corporate Group, have also committed to monthly reviews to evaluate the efficacy of the measures that will be implemented.
 - 4.11.2.1.2. Conduct an audit against Alertvale's traffic management systems, emergency preparedness, efficacy of the vehicle swipe access initiative (refer 4.11.2.4), the SMW's Corporate Group's training competency management system and all mobile plant and equipment. Alertvale, have also committed to implementing recommendations from the audit.
 - 4.11.2.2. A risk management consultant, to research the human factors of risk across Alertvale and the SMW Corporate Group's enterprise. The research findings will inform an ongoing training program to be developed and delivered across SWM's Corporate Group workforce. It is also intended to publish the research findings.
 - 4.11.2.3. A registered training organisation (RTO), to provide:
 - 4.11.2.3.1. training in loading, unloading and securing of loads to 35 employees across Alertvale and the SMW Corporate Groups workforce;

- 4.11.2.3.2. first aid and cardiopulmonary resuscitation training to 25 employees across the SWM Corporate Group to ensure at least 10 per cent of the employees are suitably trained;
 - 4.11.2.3.3. high risk work licence training (Forklift Trucks) to 25 apprentice employees across the SMW Corporate Group;
 - 4.11.2.3.4. mental health first aid to 25 employees across the SMW Corporate Group and a commitment to ensure similar numbers of employees remain trained in the future;
 - 4.11.2.3.5. training in Certificate IV Work Health and Safety to 15 leaders across the SWM Corporate Group; and
 - 4.11.2.3.6. incident and investigations training in the incident cause analysis method (ICAM) to seven employees across the SWM Corporate Group.
- 4.11.2.4. A fleet management company to supply and install a swipe card access system across the SWM Corporate Groups fleet of approximately 70 light vehicles to prevent improper use of vehicles by unlicensed or unqualified staff. Alertvale have further committed to engaging a risk and safety management consultant to audit the system within 24 months of acceptance to inform on the efficacy and continuation of the system in the future.
- 4.11.2.5. A certified third-party auditor, to conduct three audits of the Alertvale OHSMS over the life of the undertaking. All audit reports, intended actions and confirmation of actions implemented as a result of the audits, will be provided to OIR as part of the undertaking. The audits and findings will also be used to inform and apply recommendations for safety improvements to the SMW Corporate Group's OHSMS.
- 4.11.3. Purchase a new Skid Steer Loader to replace and address safety concerns arising out of the use of current aged plant equipment which has now been retired. The new loader features new enhanced safety features and a fully sealed cab to reduce the risk of operators being exposed to respirable or irritable dust or contaminants.
- 4.11.4. Purchase, install and maintain three defibrillators across the SWM Corporate Group to allow for workers to respond to potentially life-threatening events.
- 4.11.5. Collaborate with a regional university to engage in activities and projects designed to improve learning outcomes, training and industry experience for occupational health and safety (OHS) students. As part of this commitment, Alertvale will host and act as an industry sponsor for OHS students and allow them access to utilise Alertvale's workplace for their studies and offer and assist a work experience student to develop, implement and publish a safety spotter training program and video for mobile equipment. On completion all SMW workers will be trained in the learnings from this project.
- 4.11.6. Host work experience students from Rockhampton and Mackay regional high schools to utilise Alertvale's metalwork facilities and to provide students with an opportunity to complete a White Card (Prepare to work safely in the construction industry) training course through an RTO. Initially and as a pilot program, Alertvale has partnered with a local high school to provide this opportunity to 12 students with a view to assess the efficacy of the program and roll out to other schools in the Central Queensland area (at least 12 students a year). Alertvale have committed to paying the costs of the RTO training and provision of personal protective equipment for all students participating in the program.

- 4.11.7. Partner with a regional university to provide SMW Vocational Education and Training (VET) Scholarships, consisting of apprenticeships/employment and financial support for two indigenous or female students located in the Rockhampton/Mackay region that are enrolled, or intending to enrol, in a Certificate II in Engineering Pathways or Certificate III in Engineering – Fabrication Trade. The scholarship will provide an opportunity for employment and a monetary allowance per annum over three years to assist students with expenses associated with education, travel and equipment expenses.
- 4.11.8. Make a donation to a local rugby leagues club to assist in their:
- 4.11.8.1. Pathways to Employment Program which provides holistic mentoring to support and encourage indigenous girls and boys aged 12-17 years to complete their education and transition to the workforce.
- 4.11.8.2. Indigenous Health and Wellbeing, Schools Care and Community Support Program with a goal to working closely with the programs facilitator to encourage and increase indigenous participation and engagement within the manufacturing and associated industries in the area.
- 4.11.9. Donate two defibrillators (purchase and installation), one to a local rugby leagues club and the other to a local rural fire brigade.
- 4.11.10. Agreeing to pay \$9,324 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 Alertvale 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 Alertvale 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 Alertvale and the SWM group of companies 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
25/07/2023