

ENFORCEABLE UNDERTAKING

Part 11, Work Health and Safety Act 2011

The commitments in this undertaking are offered to the regulator by:

Allegiant Solutions Pty Ltd
ACN 634 814 618

and

Kieran Chiverton

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 under the safety Acts.

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, 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 Queensland in accordance with enforcement activities that may be conducted as part of an investigation. Information on our privacy policy is available at [worksafe.qld.gov.au](https://www.worksafe.qld.gov.au).

SECTION 1: GENERAL INFORMATION

1.1 Details of the person giving the undertaking

Person/Entity	Allegiant Solutions Pty Ltd (Allegiant Solutions)
Street address:	33 Bennie Street, Dalby QLD 4405
Mailing address:	PO Box 677, Dalby QLD 4405
Telephone:	07 7525 7626
Email address:	rc@ascasing.com
Legal structure:	Company
Type of business/industry:	Mining services/Manufacturing
Commencement date:	11 July 2019
Workers:	Full time: 12 Part time: 0 Casual: 1
Products and services:	Allegiant Solutions is a specialist in casing solutions (piping) for the mining and drilling industries.
Comments:	Allegiant Solutions was founded in 2019 with a view to solving the unique challenges of the mining and drilling industries and to develop casing solutions for those industries.

Person/Entity	Kieran Chiverton
Street address:	11 Thoroughbred Parade, Dalby QLD 4405
Mailing address:	As above
Telephone:	07 7525 7626
Email address:	kc@ascasing.com
Legal structure:	N/A
Type of business/industry:	N/A
Commencement date:	N/A
Workers:	N/A
Products and services:	N/A
Comments:	Kieran Chiverton is the sole director of Allegiant Solutions and is the subject of a Complaint and Summons with respect to his own duties under the <i>Work Health and Safety Act 2011</i> (Qld).

1.2 Detail the contravention

- 1.2.1 It is alleged that between 29 November 2021 and 21 September 2022, at Dalby, Allegiant Solutions was a person conducting a business or undertaking, and held a health and safety duty, namely a duty pursuant to section 19(1) of the *Work Health and Safety Act 2011*, to ensure, so far as reasonably practicable, the health and safety of workers engaged, or caused to be engaged, by it, while the workers were at work in the business or undertaking, and failed to comply with the said duty, and the failure exposed an individual to a risk of death or serious injury, contrary to section 32 of the *Work Health and Safety Act 2011*.

- 1.2.2 It is alleged that between 29 November 2021 and 21 September 2022, at Dalby, Kieran Chiverton, an officer of Allegiant Solutions, held a health and safety duty, namely a duty pursuant to section 27(1) of the *Work Health and Safety Act 2011*, to exercise due diligence to ensure that Allegiant Solutions complied with the health and safety duty it owed, and Kieran Chiverton failed to comply with the said duty, and the failure exposed an individual to a risk of death or serious injury, contrary to section 32 of the *Work Health and Safety Act 2011*.

1.3 Detail the events surrounding the contravention

- 1.3.1 Allegiant Solutions is a business or undertaking which specialises in the fabrication of piping for the mining industry. Kieran Chiverton is the sole director and general manager of Allegiant Solutions.
- 1.3.2 A young worker (**Worker**), as defined under the *Children and Young Workers Code of Practice 2006*, was employed on a casual basis with Allegiant Solutions.
- 1.3.3 The Worker was responsible for conducting a number of general tasks at the workplace, including operating a Hafco Metalmaster ModelGHD-46B pedestal drill press (**Drill**).
- 1.3.4 On 20 September 2022, the Worker attended Allegiant Solutions for work, and was tasked to operate the Drill to remove burs from a metal plate.
- 1.3.5 During this operation, whilst wearing gloves, the Worker tightened the Drill chuck that was still powered and rotating by applying pressure with the Worker's hands. The Worker's gloves became entangled around the rotating chuck and drill bit which pulled the Worker around to the left by the drill (**Incident**).

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
22 September 2022	Improvement notice	I2064913	The notice alleged that Allegiant Solutions had not shown the safe operating procedure for the safe use of the pedestal drill to the Worker injured on 20 September 2022. The notice did not contain any directions or specific steps to be taken by Allegiant Solutions.	Following the Incident, and receipt of the improvement notice, the Drill was tagged out immediately until a risk assessment could be conducted to identify further opportunities for improvements with respect to the Drill. Signage directing workers not to wear gloves was placed on the front of the Drill. Tools for clamping down work pieces were made available at the Drill location. All relevant staff were trained on the safe use of the Drill, and a copy of the Safe Work Instruction and instruction manual were made available at the Drill location, as well as pre-start checklists and maintenance forms. A verification of competency program was established for all major

				pieces of plant and equipment (including the Drill).
22 September 2022	Prohibition notice	P762001	The notice required that Allegiant Solutions stop the activity of operating the Hafco Metalmaster ModelGHD-46B pedestal drill while wearing gloves when the spindle is in motion until an inspector is satisfied that the matters that will give rise to the risk have been remedied.	Following the Incident, and receipt of the prohibition notice, Allegiant Solutions took the steps set out above.
22 September 2022	Prohibition notice	P762002	The notice required that Allegiant Solutions stop the activity of operating the Hafco Metalmaster ModelGHD-46B pedestal drill when work pieces being drilled, tapped, countersunk or deburred is (sic) not secured to the pedestal drill bed by mechanical means as per manufactures (sic) specification until an inspector is satisfied that the matters that will give rise to the risk have been remedied.	Following the Incident, and receipt of the prohibition notice, Allegiant Solutions took the steps set out above.

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

- 1.5.1 The Worker sustained breaks to both arms, and significant tissue damage which required skin grafts, and ongoing occupational therapy.
- 1.5.2 Since the Incident, the Worker has also required ongoing occupational therapy.

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
- ☐ not applicable

Status: Since the Incident, the Worker has accessed workers' compensation entitlements through the WorkCover policy held by Allegiant Solutions. The Worker underwent a return-to-work rehabilitation program from January 2023 to June 2023. The Worker required further surgery in August 2023, and following that surgery and recovery, a suitable duties plan and return-to-work program was established until the Worker was back to full duties. Upon returning to work in a full capacity, the Worker was offered an apprenticeship with Allegiant Solutions. However, the Worker decided to pursue a different trade,

subsequently ending their employment with Allegiant Solutions.

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
20 September 2022	Immediately following the Incident, a worker employed by Allegiant Solutions who was working in another room ran over and hit the emergency stop button on the Drill. That worker tried to pull the Worker's hands away from the Drill but couldn't. The worker then ran to get the attention of another worker and Kieran Chiverton to assist, and the workers and Kieran Chiverton were able to get the Worker out of the Drill. The Queensland Ambulance Service attended a short time after the Incident, and the Worker was transferred to hospital.	N/A
Post-Incident	Allegiant Solutions and Kieran Chiverton kept in regular contact with the Worker and the Worker's parents following the Incident. Kieran Chiverton has been friends with the Worker's parents for over 20 years and had worked on a couple of locations with the Worker's father over that period. Allegiant Solutions and Kieran Chiverton (and his family) visited the Worker in hospital both in Toowoomba and Brisbane. Prior to the Worker returning to work in any capacity, Allegiant Solutions and Kieran Chiverton kept in regular contact to ensure that the Worker was supported, and once the Worker returned to work, Allegiant Solutions also offered additional and ongoing financial support for the Worker to meet with a psychologist to address any mental health concerns the worker may be experiencing noting it was not included in the WorkCover suitable duties plan. Allegiant Solutions and Kieran Chiverton worked closely with the WorkCover nominated occupational therapists to ensure a comprehensive and timely suitable duties plan was created, and kept in regular contact with the occupational therapists to ensure that the plan was kept up to date and amended as required. In addition to regular check-ins conducted by Kieran Chiverton and other Allegiant Solutions management representatives, post-incident support was also extended to all personnel who were directly or indirectly affected by the Incident. All workers were advised that mental health support would be organised and paid for by Allegiant Solutions, should they require it.	N/A
Following the Incident (to the date of the undertaking)	Upon returning to work in a full capacity, the Worker was offered an apprenticeship with Allegiant Solutions. The Worker decided to pursue a different trade and subsequently ended their employment with Allegiant Solutions. Allegiant Solutions and Kieran Chiverton are still in regular contact with both the Worker and the Worker's parents.	N/A

1.8 Detail any current OHSMS implemented and maintained by the person

- 1.8.1 Allegiant Solutions acknowledges there that while several elements of an OHSMS have been implemented since the Incident, a formal documented, fully established, OHSMS is not yet in place, nor is it online.
- 1.8.2 To meet its duties under the *Work Health and Safety Act 2011*, Allegiant Solutions conducts and maintains records of the following activities:
- Safe Work Method Statements (SWMS);
 - Provision of WHS information;
 - Hazard and incident reporting;
 - Worker consultation, including weekly toolbox meetings and pre-start meetings;
 - Worker qualifications and training; and
 - Plant and equipment servicing and maintenance.

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

- 1.9.1 Allegiant Solutions acknowledges that there is not a formal internal or external audit process currently in place in respect of its current safety management system.
- 1.9.2 To meet its duties under the *Work Health and Safety Act 2011*, Allegiant Solutions monitors and reviews controls through the following activities:
- a. Monthly safety inspection audits of the workplace; and
 - b. General workshop supervision and informal inspections;
 - c. Pre-start checklists on all plant and equipment;
 - d. Training matrix and training needs analysis which is updated monthly; and
 - e. Weekly toolbox meetings where new safety issues are raised and a safety focus for the week identified.

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

- 1.10.1 Noting that it is a small enterprise, Allegiant Solutions and Kieran Chiverton have consulted with the following key internal personnel and groups in relation to the undertaking, including in accordance with the other terms of the undertaking at 3.1.1 and 3.3.1:
- a. All workers, to provide an overview of the undertaking, of Allegiant Solutions' commitment to improving health and safety in the workplace, and to the benefits of the undertaking for workers, others, the industry and the community;
 - b. Third parties and suppliers who attend the Allegiant Solutions' workplace, with a view to improving the safety of people coming onto site and businesses which form part of the supply chain; and
 - c. Third parties proposed to be involved in the activities proposed in the 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

- 1.11.1 Since the Incident, Allegiant Solutions and Kieran Chiverton have implemented the following improvements and rectifications to the workplace, with a view to placing a greater emphasis on the importance of safety in the workplace and driving a positive safety culture:
- a. Allegiant Solutions holds weekly toolbox sessions and daily pre-start meetings with workers, where Allegiant Solutions discusses SWMS for the various plant and equipment at the workplace;
 - b. Allegiant Solutions conducts monthly safety inspections and audits of the workplace;
 - c. Allegiant Solutions conducts more regular discussions with workers about safety, and the importance of safety;
 - d. A training matrix has been developed to keep a register of all SWMS. Workers are required to read and sign the relevant SWMS, and the matrix is dated when the relevant training was provided;
 - e. Workers are required to complete a verification of competency document before using plant or equipment.
 - f. Allegiant Solutions has rolled out an induction process for workers, including an online system called SafetyCulture which provides for mandatory safety training, pre-starts for equipment, verification of competency records for equipment, workplace inspections, safety actions, induction quizzes, and records licenses and training records; and
 - g. Allegiant Solutions has engaged a consultant to review their workplace health and safety and human resources systems to identify further improvement opportunities.

Total amount spent on rectifications

\$29,225.00

SECTION 2: GENERAL TERMS

Allegiant Solutions and Kieran Chiverton acknowledge and commit 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

2.1.1 Allegiant Solutions acknowledges that the regulator alleges a contravention of the *Work Health and Safety Act 2011*, as detailed in 1.2.1.

2.1.2 Kieran Chiverton acknowledges that the regulator alleges a contravention of the *Work Health and Safety Act 2011*, as detailed in 1.2.2.

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

2.2.1 Allegiant Solutions deeply regrets that the Incident occurred and that it resulted in injuries to the Worker. That regret is compounded given that it was a young worker that was injured.

2.2.2 Allegiant Solutions considers that through the implementation of the activities in this undertaking, the health and safety of workers and others in its workplace will be improved.

2.2.3 Completion of the activities proposed in this undertaking will result in improved safety outcomes across the operations of Allegiant Solutions, as well as the wider industry and community, in a manner that would not be achieved by a Court imposed sanction.

2.2.4 Kieran Chiverton sincerely regrets that an incident of this serious nature occurred, resulting in injuries to a young worker. That regret is compounded given it resulted in a young worker being injured.

2.2.5 Kieran Chiverton considers this undertaking as a more appropriate response to the alleged contraventions than a Court imposed sanction, as it will improve Kieran's safety leadership capability and ensure there is a continued focus on health and safety in the Allegiant Solutions workplace.

2.2.6 Kieran Chiverton also considers that the provision of advice from suitably qualified persons regarding the completion of the activities proposed in this undertaking will enable Allegiant Solutions management to verify the provision and use of the resources and processes for managing compliance and the health and safety of workers.

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

2.3.1 Allegiant Solutions is committed to ensuring health and safety hazards and risks are identified and controls implemented, including ensuring plant and equipment is compliant with adequate safety controls and is operated and maintained in a safe manner.

2.3.2 Kieran Chiverton is committed to improving his understanding of managing health and safety through an OHS Coaching Program and through the implementation of an independently verified OHSMS, and by seeking advice from suitably qualified persons to ensure he exercises due diligence and takes reasonable steps to verify the provision and use of the resources and processes for managing compliance and the health and safety of workers, so far as is reasonably practicable

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

Allegiant Solutions and Kieran Chiverton have read and understood:

Guidelines for the acceptance of an enforceable undertaking

Version: PN11783 Version 2

Dated: July 2024

2.5 Acknowledgement that this undertaking may be published and publicised

2.5.1 Allegiant Solutions and Kieran Chiverton acknowledge that the undertaking may be published on the OIR's website and referenced in OIR material.

2.5.2 Allegiant Solutions and Kieran Chiverton acknowledge 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 Allegiant Solutions has the financial ability to comply with the terms of this undertaking and has provided evidence by way of a letter from its accountant with this undertaking to support this declaration.

2.6.2 Kieran Chiverton has the financial ability to comply with the terms of this undertaking and has provided evidence by way of a letter from his accountant with this undertaking to support this declaration.

2.6.3 In the event of loss or withdrawal of a required industry specific license, impending liquidation or sale of the entity, Allegiant Solutions 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

2.7.1 Allegiant Solutions has no relationship with any third parties involved in the completion of the activities proposed in this undertaking.

2.7.2 Kieran Chiverton has no relationship with any third parties involved in the completion of the activities proposed in this undertaking.

2.7.3 Allegiant Solutions and Kieran Chiverton both acknowledge, given the nature of an industry benefit, that beneficiaries of deliverables proposed in 3.3, may include third parties associated with Allegiant Solutions' supply chain in which there may be a previous or existing relationship.

2.7.4 Allegiant Solutions and Kieran Chiverton both acknowledge, given the nature of a community benefit, that proposed beneficiaries of deliverables proposed in 3.4, may include parties that have a relationship with Allegiant Solutions' management or employees within the community.

2.8 Statement regarding Intellectual Property Licence

2.8.1 Allegiant Solutions and Kieran Chiverton each grant 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 Allegiant Solutions and Kieran Chiverton.
- 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 Allegiant Solutions and Kieran Chiverton 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. 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

- 2.11.1 Allegiant Solutions and Kieran Chiverton are committed to meeting their obligations under the *Work Health and Safety Act 2011*, and ensuring, so far as is reasonably practicable, that risks to health and safety are managed, maintained and continually improved through the implementation of an independently verified OHSMS and the resourcing of a HSEQ/Training Coordinator to ensure the ongoing effective management of risks to health and safety in the future conduct of Allegiant Solutions.

2.12 A commitment that any undertaking activities that promote or benefit the person are linked to this undertaking

- 2.12.1 Allegiant Solutions and Kieran Chiverton acknowledge that the proposed activities in this undertaking may benefit Allegiant Solutions and commit to linking those benefits to this undertaking.

SECTION 3: ENFORCEABLE TERMS

The person acknowledges all activities set forth in the enforceable terms below will be auditable and details of each activity will include:

- a term number for each activity
- how the activity will benefit workers/others, industry and the community
- evidence that will be provided to meet compliance
- a minimum cost
- timeframes for completion.

The person commits to performing the activities below diligently, competently and provide evidence by the respective completion date.

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

Activities to be undertaken by Allegiant Solutions and Kieran Chiverton		Minimum cost	Timeframe
3.1.1	Allegiant Solutions and Kieran Chiverton will disseminate information about this undertaking to workers through dedicated toolbox meetings to explain the undertaking and the benefits for the workers, others, the industry and community. Allegiant Solutions and Kieran Chiverton will also disseminate information about this undertaking to third parties and suppliers who attend the Allegiant Solutions workplace, with a view to improving the safety of people coming onto site and businesses which form part of the supply chain. Benefit (a) The dissemination of information related to the EU will: (i) Provide information on the benefits of the EU to workers, the industry and community (ii) Provide improved awareness and understanding of health and safety responsibilities amongst workers, contractors and suppliers (iii) Promote consistent safety practices across all parties interacting with Allegiant Solutions which will contribute to a safer, more informed, and compliant workplace and industry environment Evidence (a) Copies of toolbox meeting records detailing when a copy of the EU was provided to workers (b) A copy of the email, which will include a copy of the EU and background information, sent to regular contractors and suppliers to the Allegiant Solutions workplace	Nil cost	Within 3 months from the acceptance of the EU
Total minimum cost of dissemination		Nil cost	

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

Activities to be undertaken by Allegiant Solutions		Minimum cost	Timeframe
3.2.1	Engage external Occupational Health and Safety (OHS) consultant to develop OHSMS Allegiant Solutions will engage an external OHS consultant to review the current OSHMS, conduct audits and then assist in developing and	\$15,290.00	Initial audit to be undertaken within 3 months of the

	implementing an online OHSMS consistent with AS/NZS ISO 45001:2018 OHS Management Systems and compliant with harmonised WHS laws. The engagement will include the consultant: ▪ Reviewing the current informal OHSMS for gaps and improvements; ▪ Conducting a full audit/review of hazardous chemicals and storage to identify areas for improvement beyond compliance; ▪ IT development of online information management system to share OHS documented information and maintain OHS records; and ▪ Development and implementation of the improved OHSMS. Benefit The development and implementation of the OHSMS by an independent third party will identify gaps and provide improved safety benefits to workers and others working at the workplace. This will also ensure the ongoing effective management of risks to health and safety in the future conduct of Allegiant Solutions. Evidence (a) Invoices and receipts relating to the engagement of the consultant, and costs for development and implementation of the OSHMS (b) Initial audit evidence (audit reports, auditor qualifications, intended subsequent actions post initial audit), in accordance with term 3.8 (c) Evidence of implemented audit recommendations, where reasonably practicable, in accordance with term 3.10 (d) Summary report of the OHSMS demonstrating the online functions and OHS documented information		acceptance of EU Development and implementation of OSHMS within 15 months from the acceptance of the EU
3.2.2	Independent certification and audits of OHSMS Allegiant Solutions will engage a certified independent auditor to audit the OHSMS for conformity to AS/NZS ISO 45001:2018 and obtain independent certification of the OHSMS mentioned at term 3.2.1. Review of actions identified and implemented from the audit detailed in term 3.2.1 and initial audit will be conducted by the auditor during this certification process. Allegiant Solutions, as part of the certification process, commits to yearly external audits of the OHSMS following certification, in accordance with 3.8.7. This independent auditor will be independent to the OHS consultant engaged for the activities described in term 3.2.1. Benefit See term 3.2.1 for the benefits to workers and others regarding the improved OHSMS. Independent certification provides workers with assurance that the OHSMS has been objectively verified as meeting the requirements of AS/NZS ISO 45001:2018. Certification confirms that the system is not only documented, but effectively implemented and operating as intended. External auditing strengthens accountability, transparency, and worker confidence by ensuring risk controls, consultation processes, and safety management practices are independently tested and validated. Ongoing annual surveillance audits further ensure continuous improvement and sustained protection of workers' health and safety. Evidence (a) Invoices and receipts relating to the engagement of the consultant, cost of the audits, and the cost of certification of the OSHMS (b) Audit reports including intended actions and confirmation of implementation of recommendations (c) Certificate of registration	\$11,935.99	Certification within 15 months of acceptance from the EU (aligns with second audit under term 3.8.7) Audits to be undertaken in accordance with term 3.8.8

3.2.3	Employ Workplace Health and Safety Officer Allegiant Solutions already employs personnel with experience in Workplace Health and Safety, including previous WHSO responsibilities, however with the implementation of a compliant OHSMS aligned to AS/NZS ISO 45001:2018, together with the actions required for certification and ongoing surveillance audits, this exceeds the capacity of existing roles. The development, integration, monitoring and continuous improvement obligations require dedicated oversight and engaging a full-time Workplace Health and Safety Officer will ensure that these responsibilities are properly resourced, embedded into daily operations, and sustainably managed rather than added to existing operational duties. Allegiant Solutions will employ a full-time Workplace Health and Safety Officer within the team to support the company in continuing to meet its safety obligations, including the implementation and rollout of the OSHMS. The employee will undertake the following three vocational health and safety-related courses, if the employee is not already certified, and those courses will be paid for by Allegiant Solutions: ▪ Certificate IV in Workplace Health and Safety; ▪ Cert IV in Training and Assessment; and ▪ Workplace Rehabilitation and Return to Work Coordinator Course. The costs of the courses have not been included in the undertaking. Allegiant Solutions' intention in creating this position is to establish a long-term role within the organisation, with the expectation that employment will continue beyond the initial two-year period. Benefit (a) Whilst Allegiant Solutions is already meeting its safety obligations, the company has expanded and is continuing to expand. The direct employment of a dedicated safety professional will have tangible benefits for workers and will continue drive a positive safety culture within the company. The responsibilities of the Workplace Health and Safety Officer will include: (i) Conducting safety inductions (ii) Maintaining a training schedule (iii) Coordinating implementation of OSHMS (b) It is intended for the position to continue beyond the life of the undertaking, and this commitment goes to the effective future management of health and safety Evidence (a) Copies of job advertisements (and dates of advertisements) (b) Copies of position description and employment contract (c) Copies of enrolment forms for training courses (d) Copies of certificates of completion of training courses (e) Copies of payslips or annual payment summaries, as requested by OIR	\$160,000.00	Recruitment to commence within 3 months of acceptance of the EU, and ideally undertaken within 12 months of acceptance of the EU. Training to be commenced within 6 months of becoming employed. The term of employment will be at a minimum until the conclusion of the EU however it is the intention of Allegiant Solutions that this position is a permanent position within the organisation that will last beyond the EU term.
3.2.4	Welding bay relocation Allegiant Solutions will procure/lease additional structures to erect and fit out to move the existing welding bay into a new location. Whilst the current welding area allows for welding and hot works to be performed safely, there is a general lack of space available for the conduct of these works. Due to limited undercover space, the welding area is often temporarily reduced to accommodate other activities conducted under cover. This arrangement limits the ability to maintain optimal housekeeping and increases potential for interaction between incompatible work activities. Currently, the area does not have a	\$60,448.06	Stage 1: Within 12 months from the acceptance of the EU, relocation to new area with improved work design and clearly defined exclusions zones

	dedicated fume extraction system and temporary flash screening is used because the area configuration changes regularly. As part of this relocation project, Allegiant Solutions will install the following items to improve the safety of their workers: Stage 1: - Manual handling automation: \$16,801.86 - Bearings for manual handling automation: \$990.00 - Fit out and electrical automation: \$15,000.00 Stage 2: - Permanent welding screens (14 metres in length): \$12,111.00 Stage 3: - Extraction fans: \$15,545.20 Benefit (a) The proposed relocation will establish a new, purpose-built and safer welding bay that provides: (i) Increased space to ensure greater physical separation and control of welding activities; (ii) Permanent flash screening and clearly defined exclusion zones to prevent exposure to welding arcs, sparks and hot work hazards; (iii) A fixed fume extraction and ventilation system to reduce worker exposure to welding fumes and airborne contaminants; and (iv) Enhanced manual handling safety through improved work design and addition of rolling conveyors to reduce the potential of muscular strain injuries. Evidence (a) Copies of invoices for purchase/lease of the structures and subsequent fit out throughout the various stages (b) Before and after photos of work areas (c) Risk assessments of new area (d) Copy of updated site plan		Stage 2: Within 12 months from the acceptance of the EU, implementation of permanent flash screening. Stage 3: Within 12 months from the acceptance of the EU, a fixed fume extraction and ventilation system to be installed.
3.2.5	Dangerous goods container Allegiant Solutions will procure a separate dangerous goods container to segregate storage of hazardous substances and remove these from the workshop environment. Currently, hazardous substances and dangerous goods are stored in a compliant and segregated manner. However, due to space limitations, this storage is located within the main workshop environment. As a result, the materials are not fully isolated from general access, and items are occasionally removed from the designated storage area and not returned. This creates challenges in maintaining accurate chemical inventories and ensuring all Safety Data Sheets (SDS) are readily accessible and up to date. There is also potential for incompatible substances to be placed in close proximity when items are moved, increasing the risk of inadvertent chemical reactions. To strengthen controls and ensure beyond-compliance outcomes, Allegiant Solutions will: - Procure and install a dedicated, ventilated dangerous goods container located away from the workshop area; - Conduct a full hazardous chemicals and dangerous goods audit through a qualified consultant to identify any further improvements as detailed in 3.2.1;	\$20,018.00	Within 9 months from the acceptance of the EU

	▪ Update relevant risk assessments and safe work procedures to reflect the new arrangement, including lock-out and restricted-access protocols; ▪ Ensure SDS registers are stored and displayed at the point of storage; and ▪ Provide in-house training to all relevant personnel in chemical handling and storage requirements. This will be conducted by the personnel currently employed by Allegiant Solutions with WHS experience or the newly engaged HSEQ/Training Coordinator. Cost includes: ▪ Container purchase: \$17,655.00 ▪ Container freight: \$363.00 ▪ Fit out of container: \$2,000.00 Benefit The relocation and isolation of hazardous substances will significantly reduce the risk of chemical exposure, cross-contamination, and inadvertent access by unauthorised persons. This initiative promotes safer storage practices, ensures better control of hazardous substances, and supports compliance with WHS Regulations. This activity represents a proactive measure that goes beyond minimum compliance by embedding safer design, improved access control, and clearer accountability for chemical management Evidence (a) Copies of invoice for purchase and fit out of container (b) Audit report and recommendations from the hazardous chemicals review (c) Evidence of implemented actions resulting from audit and hazardous chemicals review, where practicable (d) Updated risk assessments, chemical register and storage procedures (e) Photographs of old and new storage areas (f) Records of training delivered to relevant personnel (g) Copies of updated site plans		
3.2.6	Mental Health – First aid training and incident response Allegiant Solutions already places strong emphasis on first aid training, with all workers who wished to do so having undertaken general first aid. However, no workers are currently trained in first aid specific to mental health. To strengthen the company's psychosocial risk management framework, Allegiant Solutions will engage an external registered training organisation to train a minimum of two workers as accredited Mental Health First Aid Officers. Additionally, all workers will complete the Healthy Work Survey to identify work-related psychosocial and physical risk factors. To complement this training, Allegiant Solutions health and safety personnel (existing personnel or newly engaged HSEQ/Training Coordinator) will develop and implement a Post-Incident Response Procedure outlining the actions to be taken following any serious or dangerous incident to ensure psychological safety. This procedure will include: ▪ Immediate debrief and wellbeing checks for affected workers; ▪ Access to external mental health professionals for post-incident support; ▪ Guidance for managers on identifying and responding to early signs of psychological distress; and ▪ Documentation and review processes to ensure learnings are incorporated into ongoing psychosocial risk management.	\$558.00	Within 12 months from the acceptance of the EU

	Allegiant Solutions health and safety team will also develop a Mental Health Policy and ensure it is distributed and communicated to workers. Benefit This initiative ensures Allegiant Solutions actively identifies, manages, and mitigates psychosocial hazards in the workplace. It enhances the company's capacity to respond appropriately to critical incidents and supports early intervention in mental health matters. By embedding trained Mental Health First Aid Officers and a structured incident response framework, Allegiant Solutions will safeguard the mental health and wellbeing of its workforce, consistent with WHS Regulations Evidence (a) Copies of invoices from training provider for training costs (b) Certificates of completion issued by training provider for workers who complete the Mental Health First Aid course (c) A copy of Mental Health First Aid training material (d) A copy of the report provided to Allegiant Solutions as a result of the Healthy Work Survey (e) Intended implementations and timeframes for action items identified in the Healthy Work Survey (f) A copy of the Post-Incident Response Procedure		
3.2.7	Employee Assistance Program Allegiant Solutions has a focus on the wellbeing of all workers, including both physical and mental wellbeing. Allegiant Solutions will engage an external Employee Assistance Program provider to assist in supporting the mental wellbeing of its workers – whether they be professional or personal matters. This will provide access to mental health experts and counselling support where required, and like the commitment regarding mental health first aid training, demonstrates a commitment by Allegiant Solutions to go above the minimum required of it. Benefit Through this activity, Allegiant Solutions will ensure that workers are provided opportunities to raise professional or personal matters with qualified professionals who can assist them, thereby providing additional support from a psychological perspective. Evidence (a) Copies of invoices and engagement letter from EAP provider (b) Generic report with statistics on take-up and usage of the program (c) Copy of receipts/remittance of invoices	\$9,115.79 (over a three-year period, on an annual retainer/contract value basis)	Engage EAP provider within 3 months from the acceptance of the EU Generic report on utilisation at intervals of 12 months and 24 months from the acceptance of the EU
Activities to be undertaken by Kieran Chiverton		Minimum cost	Timeframe
3.2.8	Director's OHS coaching program Kieran Chiverton will engage an external OHS consultant for a 12-month Director OHS Coaching Program. The program is a structured 12-month Director and Senior Leadership OHS Due Diligence Coaching Program designed to strengthen safety leadership capability, embed due diligence practices, and support Allegiant Solutions in demonstrating sustained commitment to health and safety governance. The program has been intentionally framed to align with EU expectations, Officer obligations under WHS legislation, and Allegiant Solutions' broader growth objectives. The Director and	\$59,356.00	Commence course within 3 months from the acceptance of the EU Complete course within 15 months from the

	Senior Leadership OHS Due Diligence Coaching Program will be delivered over a structured 12-month period, comprising regular facilitated coaching sessions supported by preparatory work, guided discussion, practical application, and follow-up actions. Sessions will typically be conducted monthly and will involve several hours per session, delivered either face-to-face or via Microsoft Teams depending on availability and operational requirements. Each coaching session is intentionally designed to move beyond theoretical training and instead focus on how due diligence is actively discharged in practice. The program is designed to coach Officers through the real decisions, conversations and governance activities they are expected to undertake under the WHS Act, rather than simply explaining legislative obligations in isolation. Across the 12-month period, the program progressively builds capability by addressing each of the recognised components of Officer due diligence, ensuring that learning is cumulative, contextualised, and embedded into Allegiant Solutions' existing governance and management processes. Benefit The program is a commitment to monthly coaching sessions where the Director will establish an Annual OHS due diligence plan and learn to complete activities associated with taking reasonable steps to ensure Allegiant Solutions is meeting its duty. The outcome of the program is to improve Kieran's safety leadership capability and enable continued management focus. Evidence (a) Invoices and receipts relating to the enrolment costs (b) Copies of the OHS coaching program plan, OHS due diligence plan and any reports prepared by the consultant (c) Copy of supporting letter from consultant (d) Copy of final outcome report from consultant and Kieran Chiverton to confirm outcome of coaching		acceptance of the EU
3.2.9	Engagement of external safety consultant to improve work design Kieran Chiverton will engage an external consultant to conduct 5S/6S training and conduct a 5S/6S blitz. The external consultant will be engaged to design, develop and support the rollout of a structured 6S (5S + Safety) program across the Allegiant Solutions workshop. The consultant will: ▪ Facilitate the relaunch of 6S, including development of customised audit tools and visual materials; ▪ Develop and publish a perpetual cross-department 6S audit roster; ▪ Establish structured weekly departmental 6S meetings and monthly company-wide review and recognition processes ▪ Design and implement 6S Shine rosters defining cleaning, maintenance and accountability responsibilities; ▪ Assist in establishing allocated 6S improvement time, including an initial full Sort, Set, Shine and Standardise sweep across all areas; ▪ Provide on-site support to assist implementation and strengthen external accountability; ▪ Define standardised colours, layouts and visual controls, including line marking of walkways, egress paths, machine zones, workflow areas and hazard areas; and ▪ Recommend and support implementation of practical safety enhancements.	\$17,100.00	Within 12 months from the acceptance of the EU

	Cost includes: - External consultant engagement: \$12,100.00 - Audit recommendation implementation: \$5,000.00 Benefit The engagement will: (a) Improved workshop safety and hazard visibility (b) Clear demarcation of machines, work zones and emergency equipment (c) Stronger housekeeping standards and improved space utilisation (d) Greater accountability through structured auditing and cross-team engagement (e) A sustainable system that maintains standards and drives continuous improvement Evidence (a) Initial audit report including recommendations (b) Evidence of implementation of audit recommendations where practicable (c) Invoices and receipts relating to the engagement of the consultant and subsequent implementation costs (d) Copies of any training plans, training records and any reports prepared by the consultant (e) Copy of supporting letter from training provider/consultant		
Total minimum cost of benefits to workers/others		\$353,821.84	

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

Activities to be undertaken by Allegiant Solutions	Minimum cost	Timeframe
3.3.1 Small business forum Allegiant Solutions will host a Small Business Forum. The forum will focus on critical workplace health and safety topics and will include presentations on the following: Managing health and safety: This will include the development and implementation of an OSHMS and core training modules tailored to meet the needs of small businesses, addressing language and literacy challenges Risk assessment: An in-depth discussion on the process of conducting effective risk assessments in small businesses, with emphasis on improving hazard identification and control measures Risks associated with hiring young workers: Presentation will cover key challenges and risks small businesses face when hiring younger workers, including who is a young worker, and including strategies to manage and mitigate these risks Guest speaker: The forum will feature an expert guest speaker from the industry (ideally a WHSQ Safety Advocate) who will speak on the importance of effective health and safety management, and the specific risks faced by small businesses, with a focus on young worker safety and risk management.	\$8,620.00 Cost includes venue hire, advertisement of event in local publications, food and drink for venue and other associated event costs	Within 18 months from the acceptance of the EU

	▪ Additional Presenters: The forum will also include a presentation from a suitably qualified workplace health and safety professional. The presenter will deliver content relating to workplace health and safety management systems, risk assessment and hazard management and young worker safety, providing practical guidance tailored to the needs of small business. ▪ Enforceable undertaking: Kieran Chiverton will discuss the enforceable undertaking, with reference to 2.12, and the process embarked upon with OIR, and that in lieu of entering a plea and paying a fine, Allegiant Solutions decided to work with OIR to improve safety its workplace and to build awareness for the importance of safe work practices in the industry and community Cost includes: ▪ Hire of Conference room and refreshments: \$3,520.00 ▪ Costs of speakers (travel and accommodation costs): \$5,000.00 ▪ Marketing and Advertising: \$100.00 Benefit (a) Hosting the forum will raises awareness about the importance of health and safety in the workplace, and through an explanation of the Incident, highlight how a company can inadvertently cause risks to health and safety (even whilst acting with best intentions) (b) Further dissemination of the undertaking to the community and general public by Allegiant Solutions and Kieran Chiverton Evidence (a) Invoices and receipts relating to the cost of hosting the forum (including guest speaker fees and venue and catering costs) (b) Copy of supporting letter/email from Dalby Chamber of Commerce to promote the event (c) Copies of forum materials (d) Copies of supporting/confirmation letters from other presenters at the forum (e) Photographs from the event (f) Invitation to attend the forum, including publication on Allegiant Solutions webpage		
Total minimum cost of benefits to industry			\$8,620.00

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

Activities to be undertaken by Allegiant Solutions	Minimum cost	Timeframe
3.4.1 Donation of defibrillators Allegiant Solutions will donate five defibrillators to key community locations in the Dalby region as part of its commitment to promoting health and safety beyond the workplace. The defibrillators will be accompanied by basic training materials to ensure that community members are aware of how to use the equipment in case of emergencies	\$11,750.00	Within 24 months from the acceptance of the EU

Allegiant Solutions will promote existence of the defibrillators (at the cost of Allegiant Solutions). This initiative aims to provide essential life-saving equipment to support public health and emergency response efforts The donation of five defibrillators will be placed in high-traffic, accessible community locations within Dalby and surrounding communities, including schools, sporting venues, and community centres. Benefit This activity will benefit the community through the provision of life-saving equipment at prominent locations and through promoting health and safety generally Evidence (a) Invoices and receipts relating to the purchase of the defibrillators and associated costs (b) Confirmation of defibrillator placements (including location details) (c) Copies of the training materials provided (d) Copies of materials promoting defibrillators to the community		
Total minimum cost of benefits for community	\$11,750.00	

3.5 Agreement to pay the OIR's recoverable costs

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

Recoverable costs	Amount
Administrative costs	\$4,600.00
Legal costs	\$1,500.00
Compliance monitoring costs	\$3,450.00
Publication costs	\$500.00
Total of OIR recoverable costs	\$10,050.00

3.6 Minimum costs for undertaking

3.6.1 Allegiant Solutions acknowledges the minimum cost for this undertaking will comprise of the following:

Undertaking benefits and recoverable costs	Total minimum cost
Benefits to workers/others (Term 3.2)	\$277,365.84
Benefits to industry (Term 3.3)	\$8,620.00
Benefits to community (Term 3.4)	\$11,750.00
OIR recoverable costs (Term 3.5)	\$10,050.00
Total minimum cost for the undertaking	\$307,785.84

3.6.2 Kieran Chiverton acknowledges the minimum cost for this undertaking will comprise of the following:

Undertaking benefits and recoverable costs	Total minimum cost
Benefits to workers/others (Term 3.2)	\$76,456.00
Total minimum cost for the undertaking	\$76,456.00

- 3.6.3 Allegiant Solutions and Kieran Chiverton agree to spend any residual amount arising from the total minimum cost of \$384241.84 not being met. Agreement on how to spend this residual amount will be sought from the regulator.

3.7 A commitment to establish and maintain an OHSMS

- 3.7.1 Allegiant Solutions acknowledges there is no formal documented OHSMS in place.
- 3.7.2 Allegiant Solutions commits to ensuring that an OHSMS acceptable to the regulator conforms with *AS/NZS ISO 45001:2018 (Occupational health and safety management systems - Requirements with guidance for use)* and will be implemented within 15 months of the acceptance of this undertaking.
- 3.7.3 Allegiant Solutions acknowledges that the OHSMS will be maintained and conforms with *AS/NZS ISO 45001:2018 (Occupational health and safety management systems - Requirements with guidance for use)*.

3.8 A commitment to ensure the OHSMS is audited by a certified third-party auditor

- 3.8.1 Allegiant Solutions acknowledges that the certified third-party auditor selected to perform OHSMS audits must meet the qualification requirements as set by the regulator.
- 3.8.2 Allegiant Solutions commits to ensuring the OHSMS will be audited by a certified third-party auditor.
- 3.8.3 Allegiant Solutions acknowledges that details of the certified third-party auditors' qualifications will be provided with audit reports submitted to OIR under 3.9.3.
- 3.8.4 Allegiant Solutions acknowledges that costs associated with these audits will be met by Allegiant Solutions as part of the undertaking.
- 3.8.5 Allegiant Solutions commits to ensuring the OHSMS will be audited against criteria that conforms with *AS/NZS ISO 45001:2018 (Occupational health and safety management systems - Requirements with guidance for use)*.
- 3.8.6 Allegiant Solutions acknowledges that there is no OHSMS in place, as detailed in term 3.7.1 that 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 Allegiant Solutions 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, including 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.
- 3.9.3 It is acknowledged that the auditors' qualifications will be provided with audit reports submitted to OIR.

3.10 A commitment to implement the recommendations from third-party audits

- 3.10.1 Allegiant Solutions 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 Allegiant Solutions 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 Allegiant Solutions commits to ensuring the recommendations resulting from the third OHSMS audit, 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 Allegiant Solutions commits to providing a detailed action plan or statutory declaration by an authorised officer of Allegiant Solutions confirming recommendations arising from the third OHSMS 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 the person

Kieran Chiverton

Name of person

Signature of person

on the 10th day of June, 2026

before me:

Signature of Witness

Signature of Witness

Witness address

Witness address

Witness address

THE COMMON SEAL of

Allegiant Solutions Pty Ltd ACN 634 814 618

Company name

was affixed in accordance with the
Corporations Act 2001 in the presence of

Kieran Chiverton

Name of Director



Signature of Director

And

N/A

Name of Director/Secretary

N/A

Signature of Director/Secretary

on the 10th day of June, 2026

before me: 



Signature of Witness



Name of Witness in full



Witness address

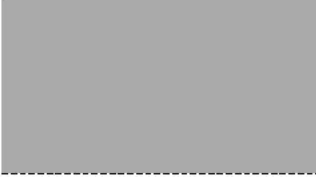


Witness address

Witness address

SECTION 5: ACCEPTANCE

This undertaking is accepted by the regulator on the 03 day of July, 2026



Signature of regulator

Megan Barry

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	323008
Entity	Allegiant Solutions Pty Ltd and Mr Kieran Chiverton
ABN	89 634 814 618
Entity Address	33 Bennie Street, Dalby QLD 4405
Location of alleged contravention	33 Bennie Street, Dalby QLD 4405
Date of alleged contravention	between 29 November 2021 and 21 September 2022

1 History of the application

- 1.1 Allegiant Solutions Pty Ltd (Allegiant Solutions) is a company located in Dalby, Queensland that manufactures, supplies and installs specialist casing solutions (piping) for the mining and drilling industries. Mr Kieran Chiverton (Mr Chiverton) is Allegiant Solutions founder, general manager and sole director.
- 1.2 The undertaking given by Allegiant Solutions and Mr Chiverton relates to alleged contraventions of the *Work Health and Safety Act 2011* (WHS Act) that occurred between 29 November 2021 and 21 September 2022, where a young worker (worker) employed by Allegiant Solutions was injured while operating a pedestal drill press (drill).
- 1.3 The worker commenced casual employment with Allegiant Solutions on 30 November 2021. The young worker's duties included general tasks such as operating the drill to remove burs from metal plates. The young worker received an informal induction when starting with Allegiant Solutions and a brief physical demonstration from Mr Chiverton on how to operate the drill.
- 1.4 On 20 September 2022, while operating the drill and wearing gloves the worker tightened the powered and rotating chuck of the drill by applying pressure with both hands. The worker's gloves became entangled around the rotating chuck and drill bit, resulting in breaks to both arms and significant tissue damage.
- 1.5 Allegiant Solutions had a safe work instruction (SWI) document that highlighted gloves must not be worn while operating the drill and that the drill should have had warning signage attached articulating the same. Despite this the SWI had not been implemented at the workshop level or shown to the worker prior to operating the drill.
- 1.6 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 Allegiant Solutions and Mr Chiverton, for failing to comply, so far as reasonably practicable, with their respective health and safety duties, contrary to section 32 of the WHS Act.

2 Legislation and Policy

- 2.1. It is alleged that Allegiant Solutions and Mr Chiverton each 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 Allegiant Solutions and Mr Chiverton 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, guidelines in relation to the acceptance of WHS undertakings under the WHS Act.
- 2.6. Section 217(1) of the WHS Act provides that the WHS regulator must give the person/s seeking to give an undertaking written notice of the decision to accept or reject the undertaking and the reasons for the decision.

3 Material and evidence considered by the WHS regulator

- 3.1. In making a decision regarding this matter, the WHS regulator has considered the following documents:
 - 3.1.1. *Work Health and Safety Act 2011, [Part 11; section 3].*
 - 3.1.2. *Guidelines for the acceptance of an enforceable undertaking* - dated July 2024.
 - 3.1.3. WHS undertaking – Allegiant Solutions and Mr Chiverton – 10 June 2026.
 - 3.1.4. Complaint and Summons – Allegiant Solutions and Mr Chiverton – 15 March 2026.
 - 3.1.5. Statements of Facts – Allegiant Solutions and Mr Chiverton
 - 3.1.6. OIR statutory enforcement notices issued in relation to the alleged contraventions dated 22 September 2022.
 - 3.1.7. Statement of Compliance History – Allegiant Solutions and Mr Chiverton – 9 April 2026.
 - 3.1.8. Investigations Statement - Allegiant Solutions and Mr Chiverton – 30 March 2026.
 - 3.1.9. Workers Compensation Information – Allegiant Solutions and Mr Chiverton – 30 March 2026
 - 3.1.10. Supporting documentation:
 - 3.1.10.1. Term 2.6 - Financial capacity letters for Allegiant and Mr Chiverton - 18 December 2025
 - 3.1.10.2. Term 3.2.1- Third party proposal to develop OHSMS - 4 December 2025
 - 3.1.10.3. Term 3.2.2- Third party OHSMS certification and auditing proposal - 1 December 2025
 - 3.1.10.4. Term 3.2.3 – Workplace Health and Safety Officer job description
 - 3.1.10.5. Term 3.2.4 - Third party quotes and estimates for welding bay relocation - 20 November 2025 – 15 January 2026
 - 3.1.10.6. Term 3.2.5 - Third party quote for dangerous goods container and delivery - 20 November 2025

- 3.1.10.7. Term 3.2.6 - Third party quote for mental health training - 20 January 2026
- 3.1.10.8. Term 3.2.7 - Third party quote to provide EAP - 20 November 2025
- 3.1.10.9. Term 3.2.8 -Third party proposal to provide Director's coaching program - 8 December 2025
- 3.1.10.10. Term 3.2.9 - Third party quote to improve work design - 3 December 2025
- 3.1.11. Initial Evaluation Panel feedback – Allegiant Solutions and Mr Chiverton - 22 May 2026
- 3.1.12. Return Evaluation Panel Assessment – Allegiant Solutions and Mr Chiverton - 15 June 2026
- 3.1.13. EU Unit Chronology Statement – Allegiant Solutions and Mr Chiverton - 11 June 2026.

4 Findings on material questions of fact

- 4.1 I regard the *Guidelines for the acceptance of an enforceable undertaking* dated July 2024, contains considerations which are relevant and appropriate to my decision.
- 4.2 I find the undertaking given by Allegiant Solutions and Mr Chiverton 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 Allegiant Solutions and Mr Chiverton.
- 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 for the alleged contraventions by Allegiant Solutions and Mr Chiverton is 'medium.'
- 4.6 I find the quantum of the undertaking and the respective financial commitments of Allegiant Solutions and Mr Chiverton are proportionate to the objective gravity of the alleged contravention by Allegiant Solutions and Mr Chiverton and account for the benefits that would accrue to them through avoiding prosecution.
- 4.7 I find that Allegiant Solutions and Mr Chiverton have acknowledged the alleged contraventions and shown regret regarding the occurrence and the consequences of the alleged contraventions.
- 4.8 I find that Allegiant Solutions and Mr Chiverton 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 Allegiant Solutions and Mr Chiverton that the behaviour that led to the alleged contraventions 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 Allegiant Solutions and Mr Chiverton 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 Allegiant Solutions and Mr Chiverton are committing to:
 - 4.11.1. Disseminate information about the undertaking to workers through dedicated toolbox meetings and by email to third parties and suppliers who attend Allegiant Solutions workplace.

- 4.11.2. Engage an external Occupational Health and Safety (OHS) consultant to review the current OHSMS, conduct an initial audit and assist in developing and implementing an online OHSMS that conforms with AS/NZS ISO 45001:2018 (Occupational health and safety management systems - Requirements with guidance for use) (45001). The consultant will also conduct a full audit of hazardous chemicals and storage at Allegiant Solutions to identify any areas for improvement.
- 4.11.3. Engage a certified independent auditor to conduct two further audits and obtain independent certification of the new OHSMS over the life of the undertaking to ensure it continues to conform to 45001. All audit reports, intended actions and confirmation of actions implemented, will be provided to the Office of Industrial Relations.
- 4.11.4. Employ a full-time Workplace Health and Safety Officer (WHSO) to support Allegiant Solutions in meeting its safety obligations, through the implementation and rollout of the new OSHMS, conducting safety induction and maintaining a WHS training schedule. Employment will be for a minimum of two year with the intention to continue employment beyond the EU term.
- 4.11.5. Build a new purpose built and safer welding bay, including the installation of a rolling conveyors, permanent welding screens and a fixed fume and ventilation extraction fan system. The new welding bay will provide increased space for greater physical separation from other work activities, improved manual handling processes to reduce strain injuries and reduce exposure to welding and airborne contaminants for workers.
- 4.11.6. Purchase and install a dedicated and ventilated dangerous goods container separate to the workshop. This will promote safer storage practises, ensure better control of hazardous substances, and improve access control and accountability for chemical management in the workplace.
- 4.11.7. Engage a third-party registered training organisation to train a minimum of two workers in mental health first aid. In addition to this training, the new WHSO will develop and implement a Post-Incident Response Procedure outlining the actions to be taken following any serious or dangerous incident. This training and procedure will strengthen the company's current psychosocial risk management framework and improve the company's capacity to respond appropriately to critical incidents.
- 4.11.8. Engage a third-party Employee Assistance Program provider over a minimum of three years to assist and support the mental wellbeing of their workers This service will provide access to mental health experts and counselling support for all workers when required.
- 4.11.9. Engage an external OHS consultant to provide a 12-month director and senior leadership OHS coaching program for Mr Chiverton. As part of the training Mr Chiverton will establish an Annual OHS diligence plan and learn to complete activities and ensure he is meeting his duties. The program is designed to strengthen safety leadership capability, embed due diligence practices, and support Allegiant Solutions in demonstrating sustained commitment to health and safety governance.
- 4.11.10. Engage a third-party manufacturing safety consultant to improve WHS work design and provide training. This will include an initial audit (5S/6S blitz) of the workplace and then the design, development and rollout of a structured 6S (5S plus Safety) program and training. The 5S/6S program is a system that aims to promote and sustain a high level of productivity and safety throughout a workspace. While adhering to the 5S principle of Sort, Set in order, Shine, Standardise, and Sustain, the 6S method adds the concept of Safety. Benefits include improved workshop safety, clear demarcation of

plant stronger housekeeping standards, improved accountability and a sustainable safety system.

- 4.11.11. Host a small business forum in Dalby that will include guest speakers focussing on critical WHS topics. Mr Chiverton will also present at the forum, sharing information regarding the decision to propose an EU, details of the EU activities, and expected outcomes that will improve WHS and awareness of safe work practices in the industry and community.
 - 4.11.12. Donate five defibrillators to high traffic, key community locations within the Dalby region as part of Allegiant Solutions commitment to promoting health and safety beyond the workplace. The defibrillators will be accompanied by basic training materials to ensure that community members are aware of how to use the equipment in case of emergencies.
 - 4.11.13. Agreeing to pay 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 Allegiant Solutions and Mr Chiverton 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 Allegiant Solutions and Mr Chiverton is an appropriate enforcement option in 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 Allegiant Solutions, 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.



Megan Barry
Deputy Director-General
Office of Industrial Relations
03 / 07 / 2026