



29 May 2020

## ENFORCEABLE UNDERTAKING

Part 11

*Work Health and Safety Act 2011*

The commitments in this enforceable undertaking  
are offered to SafeWork NSW

by

**A. W. Edwards Pty Ltd**

ACN 000 045 849

### Privacy statement

*SafeWork NSW respects your privacy and is committed to protecting personal information. The information provided on this document is for the purpose of making an undertaking to SafeWork NSW given for the purposes of part 11 of the WHS Act. This information will be managed within the requirements of the current state government privacy regime.*

*SafeWork NSW may publish the undertaking and the information contained in it for purposes identified in the undertaking or for other appropriate legal purposes in various publications such as newspapers and on its website. SafeWork NSW may be required to disclose personal information to other regulatory agencies in accordance with other law enforcement activities which may be conducted as part of an investigation. Further information on our privacy policy is available at [www.SafeWork.nsw.gov.au](http://www.SafeWork.nsw.gov.au)*

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## Enforceable Undertaking

### Purpose

The purpose of this enforceable undertaking is to document the undertakings offered to SafeWork NSW pursuant to Part 11 of the Work Health and Safety Act 2011 (**WHS Act**) in connection with matters relating to alleged contraventions of the WHS Act or the Work Health and Safety Regulations 2011 (**the Regulations**).

### Section 1 – General Information

#### a. Details of the person proposing the undertaking

<b>Registered Address:</b>	Level 2 131 Sailors Bay Road NORTHBRIDGE NSW 2063
<b>Postal address:</b>	Level 2, 131 Sailors Road NORTHBRIDGE NSW 2063
<b>Telephone contact:</b>	(02) [REDACTED]
<b>Email address:</b>	[REDACTED]@awedwards.com.au
<b>Legal structure:</b>	Australian Proprietary Company
<b>Type of business:</b>	Building and construction works
<b>Commencement date of the entity:</b>	11 March 1940
<b>Number of workers:</b>	Full-time: 250 Part-time: 0 Casual: 1
<b>Products and/or services:</b>	Building and construction operations and management.
<b>Comments:</b>	N/A

**b. Details of the alleged contravention**

It is alleged by SafeWork NSW that on 4 May 2017, A. W. Edwards Pty Ltd (**AWE**) failed to discharge its obligations as a person conducting a business or undertaking under sections 19(1) and 32 of the WHS Act in that it did not ensure so far as reasonably practicable the health and safety of workers.

**c. Details of the events surrounding the alleged contravention**

At approximately 7.40am on 4 May 2017 at the Manning Base Hospital in Taree, a 50-tonne Hydraulic Crane, owned by [REDACTED] trading as [REDACTED] and operated by an [REDACTED] employee, tipped over and came to rest at 37.5 degrees with all four wheels off the ground, resting on scaffolding and two rear outriggers. The crane operator jumped from the crane while it was tipping and, as result, suffered injuries. AWE was the principal contractor for the relevant work which was being undertaken as part of the Manning Hospital Redevelopment Stage 1 Car Park Project.

**d. An acknowledgement that SafeWork NSW alleged a contravention has occurred**

It is acknowledged that SafeWork NSW has alleged that AWE has contravened sections 19(1) and 32 of the WHS Act.

**e. The details of any injury that arose from the alleged contravention**

The crane operator sustained a broken right tibia and fibula.

**f. The details of any enforcement notices issued that relate to the alleged contravention**

Were enforcement notices received?

No

or

Yes  Please provide details in the table below.

Date issued	Notice type	Notice number	Contravention	Action taken in response to notice
4 May 2017	Prohibition	37604	Worker / other persons may be exposed to a risk to their health or safety as a crane tilted backwards and caused damage to structures on the first and second level of the car park being constructed on the corner of High and Pulteney Streets, Taree.	Establishing and enforcing exclusion zones until safe systems of work were in place, including the righting of the crane and scaffolding and formwork are in place.
5 May 2017	Improvement	7-306154	Worker / other persons may be exposed to a risk of injury due to person(s) operating the	Ensured that work being performed by a mobile

			Mobile crane when loads are out of sight of the driver and not using a licensed dogman to assist in the movement.	crane was assisted by a person who: a) holds a current High Risk Work License for dogging; b) holds a current Notice of Satisfactory Assessment and has applied to SafeWork NSW for a High Risk Work License for dogging; or c) has registered with an RTO to be a dogger and is supervised by a person who holds a current High Risk Work License.
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**g. A statement of assurance about future work health and safety behaviour**

AWE is committed to complying with its obligations under the WHS Act and ensuring, so far as reasonably practicable the health and safety of all workers and those who may be affected by its business or undertakings.

**When an alleged contravention is associated with an injury/illness**

**h. The details of the type of workers compensation provided (if the injured person(s) is a worker of the person)**

The injured worker was not employed by AWE, and AWE is not aware of the details of workers compensation provided to the injured worker.

**i. The details of the support provided, and proposed to be provided, to the injured person(s) to overcome the injury/illness**

Does the alleged contravention involve injury to a person?

No

or

Yes  The worker was employed by [REDACTED] at the time of the incident.

The following support has been provided to the worker and/or their family:

Date	Description of support	Comments
4 May 2017	Initial bedside visit to the injured worker by AWE's Regional Manager and AWE's Project Manager	



4 May 2017	AWE's Regional Manager provided injured worker's wife with contact details for AWE's Employee Assistance Provider, and enquired as to the injured worker's condition.	
5 May 2017	AWE's Regional Manager called the injured worker's wife for a further update.	
Approx. 5 May 2017	AWE's Site Manager visited the injured worker.	
Various dates	AWE's Regional Manager contacted [REDACTED] on several occasions in the days and weeks following the incident to enquire as to the injured worker's condition and offer support.	
22 May 2017	AWE's Regional Manager contacted the injured worker's wife for a further update.	
31 May 2017	Injured worker's wife contacted AWE's Regional Manager to provide an update.	
1 June 2017	Injured worker's wife contacted AWE's Regional Manager to provide a further update.	
2 June 2017	Injured worker's wife contacted AWE's Regional Manager to provide a further update.	
Various dates post-June 2017	AWE's Regional Manager contacted the injured worker's wife on several occasions to obtain further updates. AWE arranged to provide the injured worker with reading material of his interests. AWE's Site Manager personally delivered reading material to the injured worker and conducted a home visit.	
28 July 2017	AWE's Regional Manager attempted to contact injured worker's wife on 28 July 2017 and following days for a further update. Injured worker's wife responded after several days and provided update, and AWE offered further support.	
24 August 2017	AWE's Regional Manager contacted the injured worker's wife for a further update.	
26 August 2017	Injured worker's wife contacts AWE's Regional Manager with further update. AWE's Regional Manager again offers ongoing support and assistance.	
7 September 2017	Injured worker's wife contacts AWE's Regional Manager with further update.	

**j. The details of any existing work health and safety management system (WHSMS) at the workplace including the level of auditing currently undertaken**

AWE has an existing WHSMS compliant with AS/NZS 4801:2001. AWE was also an early adopter of the Australian Government Building & Construction WHS Accreditation Scheme, being the 30th company to be accredited, and has successfully maintained the certification for over 13 years.

AWE conducts internal auditing and self-verification of its WHSMS. In addition, AWE engages a third-party auditor to conduct monthly maintenance audits and site inspections to verify the suitability of the WHSMS against its operations.

Third party auditing of the WHSMS is also undertaken on an annual basis by both AS/NZS 4801:2001 certifiers and the Office of the Federal Safety Commissioner.

**k. The details of any consultation undertaken within the workplace regarding the proposal of an enforceable undertaking**

AWE has consulted widely within its own business on the proposed enforceable undertaking including, in particular, with WHS and Mid-North Coast personnel. It was through the consultation process with various workgroups that aspects of the proposal were originally proposed, discussed, and incubated. From these workgroups, key members of staff have been actively part of the process in developing the enforceable undertaking proposal.

Key personnel involved in the development of the enforceable undertaking include AWE's:

- Mid-North Coast Regional Manager;
- Mid-North Coast Regional Construction Manager;
- QE Manager; and
- WHS Manager.

The above personnel will continue to have key roles in relation to ongoing compliance with the enforceable undertaking.

**l. A statement of regret that the incident occurred (i.e. not an admission of guilt)**

AWE regrets that the incident on 4 May 2017 occurred and the Worker sustained injuries as a result of the incident.

**m. Any rectifications made as a result of the alleged contravention**

Description	\$ Amount
A further roll-out of Certificate IV in WHS training to staff in supervisory roles.	\$33,660
A roll-out Certificate Leadership & Management training to staff in supervisory roles	\$33,660
The commencement of Certificate IV in WHS training for all 3 <sup>rd</sup> and 4 <sup>th</sup> year cadets	\$39,780

**TOTAL AMOUNT SPENT ON RECTIFICATIONS** **\$107,100**

**n. A commitment that the behaviour that led to the alleged contravention has ceased and will not reoccur**

AWE commits that the behaviour that lead to the alleged contravention has ceased and that it will take all reasonably practicable steps to prevent recurrence of this type of incident.

**o. A commitment to the ongoing effective management of work health and safety risks**

AWE commits that it will exercise its best endeavours to the ongoing effective management of work health and safety risks.

**p. A statement of ability to comply with the terms of the enforceable undertaking**

AWE acknowledges that it has the financial ability to comply with the terms of this enforceable undertaking and has provided evidence with this undertaking to support this declaration.

**q. The person is required to provide information regarding any prior work health and safety convictions**

SafeWork NSW requests a list outlining details of any prior work health and safety convictions or findings of guilt under work health and safety legislation<sup>2</sup> or work health and safety related legislation.

No  AWE has had no prior work health and safety convictions.

or

Yes  The list has been supplied to SafeWork NSW.

2. Subject to any local legal constraints such as spent conviction legislation.

**r. Statement regarding relationships with beneficiaries**

AWE acknowledges there are no known current relationships with any of the beneficiaries outlined in the enforceable undertaking, other than the current employees of AWE and the injured worker.

**s. Intellectual property licence**

AWE grants SafeWork NSW a permanent, irrevocable, royalty-free, worldwide, non-exclusive license to use, reproduce, distribute, electronically transmit, electronically distribute, adapt, and modify any materials developed as a result of this enforceable undertaking, except that AWE does not grant SafeWork NSW any such rights in relation to any materials developed in connection with the software application referred to in Section 2 paragraph (e) below.

**t. A commitment to participate constructively in all compliance monitoring activities of the undertaking**

AWE acknowledges that the responsibility for demonstrating compliance with this undertaking rests with the person who has given this undertaking. Evidence to demonstrate compliance with the terms will be provided to SafeWork NSW by the due date for the term.

AWE acknowledges that SafeWork NSW may undertake other compliance monitoring activities to verify the evidence that is provided and compliance with the relevant term. The evidence provided to demonstrate compliance with the undertaking will be retained by the person who has given this undertaking until advised by SafeWork NSW that the undertaking has been completely discharged.

AWE acknowledges that SafeWork NSW may initiate additional compliance monitoring activities, such as inspections, as considered necessary at SafeWork NSW's expense.

**u. Acknowledgement of enforceable undertakings guidelines**

AWE has read and understood SafeWork NSW Enforceable Undertakings Guidelines and Enforceable Undertakings Customer Service Standard.



**v. Acknowledgment of challenges**

AWE and SafeWork NSW acknowledge that there may be challenges in AWE complying with this undertaking, particularly in the event of the termination of employment of AWE personnel engaged within the scope of the proposed activities. AWE will provide SafeWork NSW with updates in relation to any such challenges, and AWE and SafeWork NSW agree to work collaboratively in order to achieve the objectives of this undertaking and acknowledge that the parties may need to negotiate in good faith to reach an agreement to amend the undertaking.

## **Section 2 – Enforceable Terms**

**a. An acknowledgement that the enforceable undertaking will be published and publicised**

AWE acknowledges that the enforceable undertaking will be published on SafeWork NSW's internet site and may be referenced in SafeWork NSW's publications.

AWE will, within thirty (30) days of the date of acceptance of this enforceable undertaking, cause a public notice to be published in the Manning River Times, which will be drafted using the script provided in Annexure 1.

AWE acknowledges that the public notice will be published in a mainstream daily newspaper, will be 1/8 of a page in size and the script will be approved by SafeWork NSW prior to the public notice being published. Failure to adhere to these conditions may result in SafeWork NSW requesting another public notice be published.

**b. A commitment regarding linking the strategy and promotion of benefits to the enforceable undertaking**

AWE is committed to ensuring that any promotion of a benefit arising from this enforceable undertaking will clearly link the benefit to the undertaking and that the undertaking was entered into as a result of the alleged contravention.

**c. A commitment to disseminate information about the undertaking to workers, and other relevant parties (which may include work health and safety representatives), and in the annual report (if applicable)**

AWE agrees to disseminate information about the enforceable undertaking within the workplace, including to the members of any health and safety committee, health and safety representatives and all subcontractors working for AWE. This information will be disseminated through AWE's CEO, Greg D'Arcy, who will issue an email to all AWE employees to make them aware of the acceptance of this Enforceable Undertaking. This will be completed within 14 days from the date of acceptance of the enforceable undertaking.

AWE commits that any strategies that involve safety information being provided to the industry and/or community will be subject to SafeWork NSW's review and approval of the content prior to dissemination.



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Strategies that will deliver benefits to the workplace, industry and the community

d. Strategies that will deliver workplace benefits

1. Appointment of a Full-Time Work Health and Safety Coordinator

**Scope:** AWE will employ the services of a Work Health and Safety Coordinator (**WHS Coordinator**) on a full-time (1.0 FTE) basis at AWE's Port Macquarie Office (or such other location as agreed with SafeWork NSW). This role will also include a human resources component focused on safety culture and employee job skills. The purpose of this is to provide a strong alignment between AWE's focus on the management of workplace risks and also its human resources' function, providing synergies in service delivery associated with these functions.

Key functions to be performed by the WHS Coordinator will be to:

- (a) establish and oversee AWE's Young Workers' Program (discussed further below);
- (b) provide leadership and promote a positive safety culture within AWE (including to participants in its Young Workers' Program);
- (c) plan, control and continually improve AWE's WHS management to meet established performance targets;
- (d) consult with local stakeholders in respect of AWE's WHS projects, including in driving the development of its Crane Safety App;
- (e) regularly attend WHS Forums on behalf of AWE; and
- (f) conduct job skills gap analysis to ensure up-skilling of AWE's workforce as needed.

AWE will require the successful applicant for this role to have a strong balance of WHS industry experience, leadership skills, and relevant qualifications, in order to effectively deliver sustainable and ongoing WHS improvements to its business function.

AWE acknowledges the importance of engaging its workforce in fostering a safety-focused culture at work and considers that this role will assist it in facilitating this. It is AWE's intention for this role to be a permanent addition to its workforce which will exceed the term of its commitment under the Enforceable Undertaking.

**Target issue:**

Management of hazards and risks is presently managed by AWE from Sydney with regular site visits and site-based expertise. AWE has recognised that regional areas, particularly the Mid-North Coast, would benefit from a dedicated WHS resource to improve safety standards in regional areas, particularly given the relative lack of safety-professionals in regional areas.

The WHS Coordinator will consolidate WHS responsibilities and, in collaborating with different teams across the business, ensure that a best-practice and uniform approach is taken by AWE to managing health and safety.

**Tangible outputs / deliverables:**

Evidence of items marked (\*) will be provided to SafeWork NSW within 1 month of the milestone completion period.

Item	Description	Timeframe
A.	<p><b>Job Creation</b></p> <p>AWE will develop and finalise a job description for the WHS Coordinator role and document and implement a recruitment strategy for the recruitment of suitable applicants.</p> <p>AWE will provide a copy of the job description and recruitment strategy to SafeWork NSW.*</p>	<p>Within 1 month of start date, being the later to occur of the date of acceptance of the Enforceable Undertaking and 1 August 2020 (<b>Start Date</b>).</p>
B.	<p><b>Engagement / Appointment</b></p> <p>Following a selection and interview process, AWE will offer employment in the role of WHS Coordinator to the successful candidate.</p> <p>AWE will provide a copy of the interview shortlist to SafeWork NSW, together with a copy of the accepted offer of employment.*</p>	<p>Within 3 months of the Start Date</p>
C.	<p><b>Training of the WHS Coordinator</b></p> <p>AWE will undertake a training-needs gap analysis and offer the WHS Coordinator with any additional training needed to perform their role.</p> <p>AWE will also make arrangements for the WHS Coordinator to attend WHS forums and/or WHS-related training over the course of the year.</p> <p>AWE will provide a copy of the training-needs gap analysis to SafeWork NSW, together with evidence of arrangements made for the WHS Coordinator to attend WHS-related training and WHS-related forums.*</p>	<p>Within 4 months of the Start Date</p>
D.	<p><b>Development of Project Plans</b></p> <p>AWE will, in consultation with the WHS Coordinator, develop project plans for:</p> <ul style="list-style-type: none"> <li>a) Ongoing review of its WHS practices;</li> <li>b) Promoting a positive safety culture within AWE;</li> <li>c) Identifying the need for WHS-related upskilling in AWE's workforce and facilitating same;</li> <li>d) Designing and implementing AWE's Young Workers' Program (including developing and implementing a recruitment strategy for same); and</li> <li>e) Design of its Crane Safety Mobile Application.</li> </ul> <p>AWE will provide copies of these project plans SafeWork NSW.*</p>	<p>Within 5 months of the Start Date</p>

<p><b>E.</b></p>	<p><b>Strengthening Workforce Engagement</b>  AWE will, in consultation with the WHS Coordinator:</p> <ul style="list-style-type: none"> <li>a) Recruit 3 Mentees to participate in its Young Workers' Program, and oversee their commencement of same;</li> <li>b) Commence initial engagement with local crane operator businesses and AWE Project Managers regarding the development of AWE's Crane Safety Mobile Application; and</li> <li>c) Facilitate consultation with its workforce on WHS-related matters, including safe work practices, hazard and incident reporting, and WHS initiatives.</li> </ul> <p>AWE will provide evidence to SafeWork NSW of its hiring of the Mentees, a summary of its engagements with local stakeholders (such as a log outlining meetings), and copies of correspondence to its workforce showing relevant consultation.*</p>	<p>Within 6 months of the Start Date</p>
<p><b>F.</b></p>	<p><b>Ongoing Improvement of Safety Management Practices</b>  AWE will, in consultation with the WHS Coordinator:</p> <ul style="list-style-type: none"> <li>a) on an ongoing basis, periodically communicate with its workforce regarding relevant WHS-related information; and</li> <li>b) Commence implementation and ongoing review of planned improvements to its work health and safety management practices to meet its WHSE performance targets.</li> </ul> <p>AWE will provide evidence to SafeWork NSW in the form of a monthly newsletter to its workforce that will include updates on WHS matters, any recent WHS learnings, any new or amended policies and procedures and updates on AWE's ongoing implementation and review of its work health and safety management practices.*</p>	<p>Within 8 months of the Start Date</p>
<p><b>G.</b></p>	<p><b>Annual Workplan and Report</b>  AWE will develop an Annual Work Plan for the WHS Coordinator to be issued to the Coordinator:</p> <ul style="list-style-type: none"> <li>a) within 1 month of the WHS Coordinator's commencement of employment;</li> <li>b) on or about the first anniversary of WHS Coordinator's employment with AWE; and</li> <li>c) on or about the second anniversary of the WHS Coordinator's employment with AWE.</li> </ul> <p>AWE will assess the WHS Coordinator's performance against the Annual Work Plans in an Annual Report.  AWE will provide SafeWork NSW with copies of the Annual Work Plans and Annual Reports on or about the date that they are issued to the WHS Coordinator.</p>	<p>Within 4 months of the Start Date.</p>



**Audience / beneficiaries:**

The audience for this strategy will be all contractors, employees, supervisors, management and directors of AWE, but with a particular focus on workers in the Mid-North Coast region.

**Delivery method:**

A position description and list of tasks associated with the WHS Coordinator role (in contemplation of the matters described above) will be developed, together with a brief recruitment strategy for identification of the most appropriate candidates for the role.

Following implementation of the recruitment strategy and the shortlisting of candidates, an interview and selection process will be conducted, followed by an offer of employment to the successful candidate.

The delivery method following recruitment of the WHS Coordinator is described above.

**Timeframes:**

The WHS Coordinator will be appointed within 3 months of the Start Date. This position is a 3-year position within the framework of the Enforceable Undertaking, though AWE has committed to maintain this position beyond this period.

**Work health and safety outcome:**

The appointment of the WHS Coordinator will ensure, where reasonably practicable, that WHSE performance targets are met by AWE, that a positive safety culture is fostered, and that WHS-related information is disseminated to its workforce in a timely manner.

**Cost Breakdown:**

Description	\$ Amount
Salary including superannuation (3 years)	\$ [REDACTED]
Salary on-costs (3 years) (incl.payroll tax and workers compensation)	\$ [REDACTED]
Cost of training for WHS Coordinator (3 years)	\$ [REDACTED]
<b>Total estimated cost:</b>	<b>\$514,000</b>

**e. Strategies that will deliver benefits to the workplace and industry**

**2. Crane Safety Mobile Application**

**Scope:**

AWE will work together with a mobile application development company to develop an application in relation to crane safety. The application will be able to be used on hand held devices ((android and iOS compatible. The application will allow AWE and other businesses in the construction industry, including contractors, to share information and knowledge to ensure that the correct cranes are selected and used when a crane is required.

**Target issue:**

The use of cranes in the construction industry requires information sharing between crane hirers and crane providers to ensure: (a) that the correct size and type of crane is utilised for a job having regard to, among other things, the weight of a proposed lifts; and (b) the correct safe working documentation is adequately prepared in preparation for a crane lift.

Unfortunately, failures to properly communicate in relation to proposed lifts can result in cranes being utilised to lift loads in excess of their safe working limit, and a failure to obtain adequate safe working documentation in relation to a lift can result in a failure to properly identify relevant risks.

AWE will work with industry stakeholders to obtain input into the development of a mobile application, as well as post-rollout feedback on the application to ensure that the application effectively addresses the target issue.

**Tangible outputs / deliverables:**

The initiative will commence within 3 months of the Start Date. It will be completed within 36 months of the Start Date.

Evidence of items marked (\*) will be provided to SafeWork NSW within 1 month of the milestone completion period.

Item	Description	Timeframe								
A.	<p><b>Development of Prototype Mobile Application</b></p> <p>AWE will work together with a mobile application development company to develop a prototype mobile application in relation to crane safety that will be made available to a targeted audience for the purpose of testing including SafeWork NSW, the Master Builders Association, 2 crane operator businesses and 3 AWE Project Managers.*</p> <p>AWE will follow the below time line during the mobile application's development phase:</p> <table border="1"> <thead> <tr> <th>Actions</th> <th>Indicative Timeframe</th> </tr> </thead> <tbody> <tr> <td>AWE will engage a mobile application developer.</td> <td>Within 1-2 months of Start Date</td> </tr> <tr> <td>AWE will conduct an initial workshop with the Mobile Application developer to progress development of the mobile application. Minutes of the workshop will be taken and provided to SafeWork NSW.</td> <td>Within 2-3 months of the Start Date</td> </tr> <tr> <td>AWE will commence consultation with SafeWork NSW, the Master Builders Association, crane operator businesses and AWE Project Managers to obtain input on the mobile application's development. Evidence of that consultation, such as emails and other correspondence, will be provided to SafeWork NSW.</td> <td>Within 3-4 months of the Start Date</td> </tr> </tbody> </table>	Actions	Indicative Timeframe	AWE will engage a mobile application developer.	Within 1-2 months of Start Date	AWE will conduct an initial workshop with the Mobile Application developer to progress development of the mobile application. Minutes of the workshop will be taken and provided to SafeWork NSW.	Within 2-3 months of the Start Date	AWE will commence consultation with SafeWork NSW, the Master Builders Association, crane operator businesses and AWE Project Managers to obtain input on the mobile application's development. Evidence of that consultation, such as emails and other correspondence, will be provided to SafeWork NSW.	Within 3-4 months of the Start Date	Within 12 months of the Start Date
Actions	Indicative Timeframe									
AWE will engage a mobile application developer.	Within 1-2 months of Start Date									
AWE will conduct an initial workshop with the Mobile Application developer to progress development of the mobile application. Minutes of the workshop will be taken and provided to SafeWork NSW.	Within 2-3 months of the Start Date									
AWE will commence consultation with SafeWork NSW, the Master Builders Association, crane operator businesses and AWE Project Managers to obtain input on the mobile application's development. Evidence of that consultation, such as emails and other correspondence, will be provided to SafeWork NSW.	Within 3-4 months of the Start Date									

	<p>AWE will conduct an initial workshop with SafeWork NSW, the Master Builders Association, crane operator businesses and AWE Project Managers to obtain further input on the mobile application's development. Minutes of the workshop will be taken and provided to SafeWork NSW.</p>	<p>Within 4-5 months of the Start Date</p>
	<p>A prototype of the Mobile Application will be developed. Confirmation of the prototype's development will be obtained from the mobile application's developer and provided to SafeWork NSW.</p>	<p>Within 6-8 months of the Start Date</p>
	<p>AWE will conduct a further workshop with SafeWork NSW, the Master Builders Association, 2 crane operator businesses and 3 AWE Project Managers to demonstrate the functions of the prototype of the mobile application and to obtain further input on this. Minutes of the workshop will be taken and provided to SafeWork NSW.</p>	<p>Within 9 months of the Start Date</p>
<b>B.</b>	<p><b>Consultation and Feedback on Prototype Mobile Application</b> At the time of releasing the prototype application referred to in item A above, AWE will request that the targeted audience provide feedback on the prototype application within 3 months of the prototype's release. This feedback will be sought via an online survey. AWE will collate the feedback and provide it to both the mobile application developer and SafeWork NSW.*</p>	<p>Within 18 months of the Start Date</p>
<b>C.</b>	<p><b>Roll-out of Mobile Application</b> AWE will work together with a mobile application development company to develop a public release version of its mobile application in relation to crane safety that will:</p> <ul style="list-style-type: none"> <li>a) incorporate the feedback referred to in item B so far as reasonably practicable;</li> <li>b) be available to the general public;</li> <li>c) be made available free of charge;</li> <li>d) be required to be used on all AWE-managed work sites.</li> </ul> <p>Evidence of the roll-out of the mobile application and its availability on any relevant app stores, and the policies or procedures that mandate the use of the application on all AWE-managed work sites, will be provided to SafeWork NSW.*</p>	<p>Within 24 months of the Start Date</p>



D.	<p><b>Increase the Awareness of the Mobile Application.</b> AWE will publicise the mobile application at a minimum of three construction industry events, and in one industry publication. Evidence of AWE's publicity of the application at industry events and the industry publication will be provided to SafeWork NSW.*</p>	Within 30 months of the Start Date.
E.	<p><b>Consultation and Feedback on Mobile Application</b> AWE will collect feedback on the mobile application by:</p> <ul style="list-style-type: none"> <li>d) incorporating a 'feedback' button and functionality into the mobile application;*</li> <li>e) reviewing the number of downloads, and regular users of the mobile application;*</li> <li>f) issuing a feedback questionnaire to AWE employees and contractors seeking feedback on the mobile application's functionality, usefulness and areas for improvement;*</li> <li>g) incorporating feedback referred to in (c) so far as reasonably practicable; and</li> <li>h) undertaking an internal audit of AWE sites in respect of the use of the mobile application.*</li> </ul>	Within 36 months of the Start Date
F.	<p><b>Ongoing Upkeep</b> AWE will, between 30 and 36 months after the Start Date, enter into good faith negotiations with SafeWork NSW, the Master Builders Association and other construction industry participants with a view to agreeing who will have ongoing responsibility for the ongoing costs and maintenance of the Crane Safety Application. AWE will take reasonable steps to ensure that the Crane Safety Application remains available to its workforce and the industry beyond the term of this undertaking.</p>	Between 30 and 36 months after the Start Date

**Audience / beneficiaries:**

The application will be made available to the general public, but the intended audience is members of the construction industry including principal contractors, project managers, site managers, crane business and crane operators.

**Delivery method:**

The mobile application will be delivered on a hand held device, and supported by industry event publicity, and policies and procedures to require its use on AWE-managed sites

**Timeframes:**

The Crane Safety Mobile Application will be delivered over the course of 36 months, subject to the staged milestones set out above.

**Work health and safety outcome:**

There is currently a considerable risk that inadequate information in respect of a proposed lift is provided by a crane hirer to a crane operator / provider resulting in an unsuitable crane being delivered to site and workers then utilising that crane, even if unsuitable for a particular task and in excess of the crane's safe working limit, rather than delay work until a suitable alternate crane can be sourced. It is intended that the mobile application will result in a reduction in the incidence of unsuitable cranes attending site in response to a request for a crane by ensuring that crane operators / providers have access to all relevant information needed to determine what crane is

required before supplying a crane to site. The application will also provide an easier way for crane hirers and operators / providers to exchange safe working information prior to work.

**Cost Breakdown:**

*Add additional rows as required*

Description	\$ Amount
A. Development of Prototype Mobile Application (including application developer fees)	\$ [REDACTED]
B. Consultation and Feedback on Prototype Mobile Application (including application developer fees in respect of updates to the application)	
C. Roll-out of Mobile Application	\$ [REDACTED]
D. Increase the Awareness of the Mobile Application	
E. Consultation and Feedback on Mobile Application (including application developer fees in respect of updates to the application)	\$ [REDACTED]

**Total estimated cost: \$485,000**

**f. Strategies that will deliver benefits to the workplace and the industry**

**3. AWE Young Workers' Program**

**Scope:**

AWE will develop a **Young Workers' Program** for the recruitment and training of three trainee WHS Coordinators (**Mentees**). The Young Workers' Program will be integrated with AWE's existing corporate induction program and will run for a three year period.

Each of the Mentees will be engaged on a full-time (1.0 FTE) basis. Over the course of their participation in the Young Workers' Program, Mentees will be progressively trained to perform the role of a full-time (1.0 FTE) WHS Coordinator.

AWE recognises that its Mentees will, through participation in the program, increase their employability by virtue of the training, education and practical experience offered to them such that they will be well placed to seek ongoing employment with other businesses after the three-year fixed term of the program. AWE will endeavour to further employ on an ongoing basis at least one Mentee following conclusion of the program.

Mentees' responsibilities will, in addition to being WHS-focused, include a human resources component. The purpose of this is to provide a strong alignment between AWE's focus on the management of workplace risks and also its human resources' function, providing synergies in service delivery associated with these functions.

Key functions to be performed by the Mentees will be, with the guidance and support of the WHS Coordinator, to:

- (a) Promote a positive safety culture within AWE;
- (b) Plan, control and continually improve AWE's WHS management processes to meet established performance targets;
- (c) Consult with local stakeholders in respect of AWE's WHS projects, including in the development of its crane safety app;
- (d) Attend any required WHS forums on behalf of AWE; and
- (e) Conduct job skills gap analysis to ensure up-skilling of AWE's workforce as needed.



AWE will require successful applicants seeking employment in the Young Workers' Program to have recently completed TAFE or undergraduate studies in an area relevant to operational safety.

**Target issue:**

AWE supports the development and education of WHS practitioners. By offering training to newly qualified WHS practitioners, AWE will ensure their strong contribution to the safety industry in the years that follow, and to the safety of AWE's workforce in the immediate term.

Mentees employed under the Young Workers' Program will contribute to AWE's safety culture and assist the WHS Coordinator in various projects on a day-to-day basis. This will contribute to the development of their skills, their ongoing training, and their exposure to various WHS-related projects.

**Tangible outputs / deliverables:**

Evidence of items marked (\*) will be provided to SafeWork NSW within 1 month of the milestone completion period.

Item	Description	Timeframe
A.	<p><b>Development of an Orientation/Induction Program for Mentees</b></p> <p>AWE will, in consultation with the WHS Coordinator, develop a specific orientation/induction program for:</p> <ul style="list-style-type: none"> <li>a) Mentees which is tailored to their needs and integrated with the existing AWE induction program; and</li> <li>b) Supervisors / Mentors.</li> </ul> <p>AWE will also develop contingency processes for recruitment/replacement of the Mentees and their resignation or termination in line with existing AWE policies.</p> <p>Copies of AWE's orientation/induction program will be provided to SafeWork NSW, together with evidence of individual Mentees' participation in competency assessments completed during the induction program.*</p>	Within 4 months of the Start Date
B.	<p><b>Development of Contingency Process</b></p> <p>AWE will develop contingency processes for recruitment/replacement of the Mentees in the event of their resignation or termination in line with existing AWE policies.</p> <p>Copies of AWE's contingency processes described above will be provided to SafeWork NSW.*</p>	Within 5 months of the Start Date
C.	<p><b>Recruitment of Mentees</b></p> <p>AWE will engage the services of internal and external recruitment personnel (including, for example, Seek, local recruiters and Newcastle TAFE) to identify suitably motivated and qualified candidates to fill the three positions in its Young Workers' Program.</p> <p>A list of prospective candidates will be interviewed and shortlisted for the three positions, and offers of employment being made to those applicants who are successful.</p>	Within 6 months of the Start Date



	Evidence of the engagement of any external recruitment personnel, job advertisements, and a list of prospective candidates will be provided to SafeWork NSW.*	
D.	<p><b>Training of Mentees</b></p> <p>AWE will engage with local training providers to provide accredited and non-accredited training to complement the training available to the Mentees in their day-to-day work.</p> <p>This may include, depending on business needs, the following training:</p> <ul style="list-style-type: none"> <li>a) Certificate III in WHS and/or a Certificate IV in WHS;</li> <li>b) Diploma in Work Health and Safety;</li> <li>c) Construction Induction Card Training (aka a 'White Card');</li> <li>d) Drug and Alcohol testing training;</li> <li>e) Microsoft Office training;</li> <li>f) Health and Safety Representative training;</li> <li>g) Work Safely at Heights training.</li> </ul> <p>At a minimum, Mentees will be expected to complete the training referred to in item (c)-(g) above, except to the extent that they have already undertaken that training. Mentees will also be provided a reasonable opportunity to complete, at a minimum, a Certificate III in WHS.</p> <p>Evidence of training provided to the Mentees will be provided to SafeWork NSW on the anniversary of each employee's commencement of employment with AWE.*</p>	Within 18 months of the Start Date

**Audience / beneficiaries:**

This initiative will benefit the Mentees as they develop in their WHS expertise, and also the Mid-North Coast community by ensuring that (if possible) their employment comes from the Mid-North Coast resident rather than a metropolitan area resident.

**Delivery method:**

This initiative will be delivered via three years of full-time employment.

**Timeframes:**

This initiative will commence within 4 months of the Start Date. It will be completed within 36 months of the Start Date.

**Work health and safety outcome:**

Involving Mentees in AWE's day-to-day WHS management practices will have a positive impact on their professional development, enabling them to develop into a competent safety practitioner as a result of the skills and the experience they derive from the Young Workers' Program.

**Cost Breakdown:**

Description	\$ Amount
Salary of three Mentees for 3 years (incl. super) (at approx. \$60,000 x 3 years x 3)	\$ [REDACTED]
Salary on-costs (incl. payroll tax and workers compensation)	\$ [REDACTED]
Training of Mentees, inclusive of external training (3 years)	\$ [REDACTED]

**Total estimated cost: 856,000**

**TOTAL ESTIMATED VALUE OF THE UNDERTAKING \$1,855,000**

**(f) A commitment to establish and maintain (or maintain if a system already exists) a WHSMS**

AWE is committed to ensuring their existing WHSMS complies with the principles of AS/NZS 4804: 2001 Occupational health and safety management systems – General guidelines on principles, systems and supporting techniques and ensuring compliance within 12 months from the date the enforceable undertaking is accepted.

AWE acknowledges that the WHSMS will be maintained in accordance with the standard.

**(g) A commitment to ensure the WHSMS is audited by third party auditors**

AWE commits to ensuring the WHSMS will be audited by accredited third party auditors to meet the requirements of AS/NZS 4801: 2001 Occupational Health and Safety Management Systems – Specification with guidance for use, in accordance with established timeframes as set by SafeWork NSW.

AWE acknowledges that the third party auditors selected to perform WHSMS audits must be certified by a certification body accredited by JAS-ANZ to ISO/IEC 17024: 2004 General requirements for bodies operating certification of persons.

AWE acknowledges that details of the auditors' qualifications against the stated requirements will be provided with audit reports submitted to SafeWork NSW.

AWE acknowledges that an initial third-party audit will be undertaken within six months and two further third-party audits will be undertaken during the course of the undertaking, 12 months and 18 months following the date of acceptance of the enforceable undertaking.

**(h) A commitment to provide a copy of each finalised WHSMS audit report to SafeWork NSW**

AWE acknowledges that audit reports received from the auditor will be sent to SafeWork NSW, within four weeks of the audit along with a letter certifying that the report has not been altered from the copy provided to the person by the auditor.

AWE acknowledges that within six weeks of receipt of the auditor's written report, SafeWork NSW will be advised of the intended action in addressing each of the report's recommendations.



- (i) **A commitment to implement the recommendations from these audits (unless otherwise negotiated with SafeWork NSW)**

AWE commits to fully implementing the intended actions arising from the audit within 8 weeks from receiving the audit report from the WHSMS auditor unless otherwise agreed by SafeWork NSW.



### Section 3 – Offer of undertaking

As a duly authorised person of A. W. Edwards Pty Ltd, I offer this undertaking and commit to the terms herein.

Signed: 

Name: Kenny Smith

Position: Executive Director & Group WHSE Manager

Dated at Northbridge this 29th day

of May, 2020

### Section 4 – SafeWork NSW's acceptance of undertaking

*The duration of an enforceable undertaking is determined by the content of the agreed terms. An enforceable undertaking commences and is enforceable once accepted by SafeWork NSW. The enforceable undertaking will be concluded on written advice from SafeWork NSW when all requirements of the undertaking have been satisfactorily executed.*

I accept this undertaking as an enforceable undertaking under section 216 of the WHS Act.

Signed: 

Name: Valerie Griswold

Position: Executive Director, Operations, SafeWork NSW

Dated at Parramatta this 2<sup>ND</sup> day of June 2020  
[suburb] [month] [year]

## Annexure 1 – Public Notice of SafeWork NSW’s acceptance of undertaking

Notice of Acceptance of an Enforceable Undertaking under Part 11 of the Work Health and Safety Act 2011.

At approximately 7.40am on 4 May 2017 at the Manning Base Hospital in Taree, a 50-tonne Hydraulic Crane, owned and operated by a crane company contracted A. W. Edwards Pty Ltd, tipped over and came to rest at 37.5 degrees with all four wheels off the ground, resting on scaffolding and two rear outriggers. The crane operator jumped from the crane while it was tipping and, as result, suffered injuries. AWE was the principal contractor for the relevant work which was being undertaken as part of the Manning Hospital Redevelopment Stage 1 Car Park Project

SafeWork NSW investigated the incident and subsequently alleged that A. W. Edwards Pty Ltd contravened sections 19(1) and 32 of the Work Health and Safety Act 2011.

This notice has been placed under the terms of an enforceable undertaking and acknowledges acceptance of an undertaking, that is enforceable under the Act, from A. W. Edwards Pty Ltd, ACN 000 045 849 as finalisation of the abovementioned alleged contravention.

The undertaking requires the following actions:

- AWE to recruit a full-time WHS Coordinator based at AWE's Port Macquarie Office;
- AWE to develop a Crane Safety Mobile Application for use across the construction and crane industries; and
- AWE to develop a Young Workers' Program for trainee WHS Coordinators in the Mid-North Coast region.

The full undertaking and general information about enforceable undertakings is available at [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au).