

8 May 2024

ENFORCEABLE UNDERTAKING

Part 11

Work Health and Safety Act 2011

The commitments in this enforceable undertaking
are given by

Shine Motor Corporation Pty Ltd

ACN 167 579 179

to SafeWork NSW and accepted by SafeWork NSW

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 safework.nsw.gov.au.

Purpose

The purpose of this enforceable undertaking is to document the undertakings given to SafeWork NSW and accepted by 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**). The Agreed Terms of the Enforceable Undertaking are set out below.

Section 1 – General information

a. Details of the person giving the undertaking

Entity Name:	Shine Motor Corporation Pty Ltd		
ACN / ABN:	ACN 167 579 179		
Registered Address:	[REDACTED], Ingleburn NSW 2565		
Postal address:	[REDACTED], Ingleburn NSW 2565		
Telephone contact:	[REDACTED]		
Email address:	[REDACTED]		
Legal structure:	Proprietary limited company		
Type of business:	Private Limited		
Commencement date of the entity:	1 January 2014		
Number of workers:	Full-time:	8	
	Part-time:	1	
	Casual:	Nil	
Products and/or services:	Supply scrap metals to the producing mills and manufacturer		

b. Commencement

This Undertaking comes into effect when:

- i. the Undertaking is executed by Shine Motor Corporation Pty Ltd;
- ii. SafeWork NSW accepts the executed Undertaking (**Commencement Date**).

c. Duration

- i. Section 5 identifies timeframes for the completion of each strategy identified in this enforceable undertaking;
- ii. the enforceable undertaking will be concluded on written advice from SafeWork NSW to Shine Motor Corporation Pty Ltd when all requirements of the undertaking have been satisfactorily executed.

Section 2 – The alleged contravention

a. Details of the alleged contravention

It is alleged by SafeWork NSW that on 27 May 2021, Shine Motor Corporation Pty Ltd failed to discharge its obligations as a person conducting a business or undertaking under section 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 and/or others.

b. Details of the events surrounding the alleged contravention

A worker at Shine Motor Corporation Pty Ltd sustained serious injuries on 27 May 2021 while attempting to clear a jam from a cable stripping machine. The machine, inadequately guarded, ensnared the worker's hand, drawing it into its moving parts.

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

The worker suffered serious hand injuries as a result of the incident.

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

Shine Motor Corporation Pty Ltd acknowledges the allegations made by SafeWork NSW regarding a breach of sections 19(1) and 32 of the WHS Act, recognizing the importance of these matters in ensuring workplace safety.

e. A statement of regret that the incident occurred

Shine Motor Corporation Pty Ltd deeply regrets the occurrence of the incident on 27 May 2021 and is committed to taking all necessary steps to prevent such incidents in the future. Shine Motors Corporation Pty Ltd regrets the injuries sustained by the worker and the impact on their well-being.

Note: the above is not an admission of guilt

f. Prior work health and safety convictions

Shine Motor Corporation Pty Ltd has had no prior work health and safety convictions in NSW or other work health safety jurisdictions.

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

The appropriate worker's compensation payments and support were provided through Shine Motor Corporation Pty Ltd's workers compensation policy and related providers.

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

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

Date	Brief description of support provided
27 May 2021	The Worker received immediate attention from staff of Shine Motor Corporation Pty Ltd and was provided prompt medical attention. The company director travelled with the Worker in the ambulance to the hospital where he was treated to provide him immediate moral support.

July 2021	Shine Motor Corporation Pty Ltd maintained support of the Worker beyond the hospitalisation phase, staying in touch with the Worker who had no family in Australia, during his recovery.
May 2022	The Worker expressed his desire to start a business similar to Shine Motor Corporation Pty Ltd and was provided with financial and business support, including assistance with international sales, to assist him financially.
2021	Shine Motor Corporation Pty Ltd contributed ██████████ towards the worker's ██████████ expenses to ease his financial burden.

Section 3 – Enforcement Notices and Rectifications

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

Date issued	Notice type	Notice number	Contravention	Action taken in response to notice
1 June 2021	Improvement	7-399240	Worker(s)/Others(s) may be exposed to risk(s) of injury due to inadequate guarding of the wire stripping machine identified as Model CS-75, Serial # MQ 1126-3	<p>Immediate Guard Reinforcement Following the notice, Shine Motor Corporation Pty Ltd engaged a professional welding service to permanently affix guards to the wire stripping machine, eliminating the risk of them being inadvertently removed during operation.</p> <p>Machine Safety Training Comprehensive safety training sessions were organized for all employees handling machinery, focusing specifically on the operation and maintenance of the wire stripping machine. This included detailed instructions on the importance of the guards and how to work safely around the machine.</p> <p>Regular Safety Inspections Instituted daily pre-start checks and regular safety inspections of all machinery, including the wire stripping machine, to ensure all safety features, including guards, are intact and functional.</p> <p>Documentation and SOPs Developed and implemented comprehensive Standard Operating Procedures (SOPs) for the wire stripping machine, which are now included in the employee training manual. These SOPs are accessible in multiple languages to accommodate the diverse workforce at Shine.</p>
1 June 2021	Improvement	7-399243	Worker(s)/Others(s) may be exposed to risk(s) from electric shock or electrocution from damaged electrical installations, electrical articles	<p>Electrical Safety Audit Conducted a thorough audit of all electrical installations, articles, and equipment within the premises to identify and rectify any damages or risks of electrocution.</p> <p>Repair and Upgrade All identified faults were immediately repaired, and where necessary, electrical articles and</p>

			and associated equipment	<p>installations were upgraded to meet current safety standards. This included replacing damaged cables, sockets, and ensuring all electrical panels were properly enclosed.</p> <p>Electrical Safety Training Rolled out an electrical safety awareness program for all employees, emphasizing the dangers of damaged electrical installations and the importance of reporting any electrical faults immediately.</p> <p>Regular Electrical Inspections Established a routine inspection schedule for electrical systems to ensure ongoing compliance with safety standards and prevent the occurrence of similar risks in the future.</p>
--	--	--	--------------------------	---

b. Any rectifications or changes made to work health and safety systems and/or practices as a result of the alleged contravention

Description	\$ Amount
Baler Machines Training	1,500
Cable Stripping Training	20,000
General Training	3,000
RIIMP0320F Conduct Civil Construction Excavator certification	5,550
Purchase of New CATERPILLAR 305 MINI EXCAVATOR	98,450
HLTAID011 Provide First Aid & CPR certification	1,500
Introduction of pre-start check procedure for all machines	500
Permanent Welding of Guards on the Cable Stripping Machine	2,000
Provision of Personal Protective Equipment (PPE)	3,000
Tag Maintenance	3,000
Scheduled WHS Training	4,800
Communication with SafeWork NSW and Other Regulators	20,000
Promotion of a Positive Work Health and Safety Culture	900
ISO9001 Certification	10,000

TOTAL AMOUNT SPENT ON RECTIFICATIONS

\$174,200

Section 4 – Statements, commitments, and acknowledgements

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

Shine Motor Corporation Pty Ltd commits that the behaviour that led to the alleged contravention has ceased and that it will take all reasonably practicable steps to prevent recurrence of this type of incident.

b. A statement of assurance about future work health and safety behaviour

Shine Motor Corporation Pty Ltd 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.

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

Shine Motor Corporation Pty Ltd commits that it will, so far as reasonably practicable, maintain ongoing effective management of work health and safety risks.

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

Shine Motor Corporation Pty Ltd acknowledges that the enforceable undertaking will be published on SafeWork NSW's internet site until the completion of the enforceable terms and may be referenced in SafeWork NSW's publications.

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

Shine Motor Corporation Pty Ltd 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.

f. An acknowledgement consultation has occurred within the workplace regarding the proposal of an enforceable undertaking

Shine Motor Corporation Pty Ltd acknowledges that it has consulted within the workplace in relation to the development of the enforceable undertaking proposal, including consultation with Managing Directors; Assistant Manager; and Administration Manager. In addition to this, regular Saturday lunch sessions have been organised by Shine Motor Corporation Pty Ltd to offer a platform for employees to voice their concerns, feedback and suggestions to the head staff, which has been taken into consideration throughout the development of this enforceable undertaking proposal.

g. Intellectual property licence

Shine Motor Corporation Pty Ltd 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.

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

Shine Motor Corporation Pty Ltd acknowledges that the responsibility for demonstrating compliance with this undertaking rests with Shine Motor Corporation Pty Ltd. Evidence to demonstrate compliance with the terms will be provided to SafeWork NSW by the due date for each Strategy item identified in Section 5.

Shine Motor Corporation Pty Ltd acknowledges that SafeWork NSW may undertake other compliance monitoring activities to verify the evidence that is provided for each Strategy item identified in Section 5. The evidence provided to demonstrate compliance with the undertaking will be retained by Shine Motor Corporation Pty Ltd until advised by SafeWork NSW that the undertaking has been completely discharged.

Shine Motor Corporation Pty Ltd acknowledges that SafeWork NSW may initiate additional compliance monitoring activities, such as inspections, as considered necessary.

Shine Motor Corporation Pty Ltd acknowledges that should there be any delay in the delivery or compliance of the Enforceable Undertaking this will be subject to mutual agreement (confirmed in writing) between Shine Motor Corporation Pty Ltd and SafeWork NSW.

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

Shine Motor Corporation Pty Ltd is committed to ensuring that any real or perceived promotion of a benefit arising from this enforceable undertaking will clearly link the benefit to the enforceable undertaking and that the enforceable undertaking was entered into as a result of the alleged contravention identified in section 2 above.

Where products or other deliverables are externally promoted or have a direct link to the enforceable undertaking Shine Motor Corporation Pty Ltd will include the following statement:

This (insert product or service) has been (produced, held) pursuant to an enforceable undertaking between Shine Motor Corporation Pty Ltd, ACN: 167 576 179 and SafeWork NSW entered into on (insert DATE EU commenced).

Any variation to the above statement requires prior written agreement between Shine Motor Corporation Pty Ltd and SafeWork NSW.

j. A commitment to gain review and approval for industry and/or community safety information

Shine Motor Corporation Pty Ltd commits that any strategies to be implemented by Shine Motor Corporation Pty Ltd in compliance with this Enforceable Undertaking 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.

k. Inconsistent Statements

Shine Motor Corporation Pty Ltd commits that it will not make any statement or otherwise imply anything that is inconsistent with the statements, commitments or acknowledgements contained in this Undertaking and will take steps to ensure its representatives, employees and officers do not make any such statements.

l. Reliance on Commitments

Shine Motor Corporation Pty Ltd acknowledges that SafeWork NSW may rely upon the commitments and statements set out in Section 4 (a), (b) and (c) above when making decisions regarding enforcement action if Shine Motor Corporation Pty Ltd fails to comply with its work health and safety obligations in the future, including but not limited to any failure to comply with its obligations under this Undertaking.

m. Withdrawal or variation

Shine Motor Corporation Pty Ltd may with the written agreement of SafeWork NSW withdraw or vary the undertaking in accordance with section 221 of the Work Health and Safety Act 2011.

n. Acknowledgement of Enforceable Undertakings Guidelines and Contravention of the Undertaking

Shine Motor Corporation Pty Ltd has read and understood SafeWork NSW Enforceable Undertakings Guidelines.

Shine Motor Corporation Pty Ltd acknowledges that if Shine Motor Corporation Pty Ltd contravenes any of the terms of this Enforceable Undertaking, SafeWork NSW may apply to the District Court for an order in accordance with section 220 of the Work Health and Safety Act 2011.

Section 5 – Strategies

Shine Motor Corporation Pty Ltd undertakes to deliver the following Strategies.

Each strategy in the enforceable undertaking aims to provide lasting work health and safety benefits across the workplace, the industry, and the community, or a combination of these.

Strategies that relate to the dissemination of information in relation to the enforceable undertaking

Strategy 1 – Enforceable undertaking public notice

Summary:

Shine Motor Corporation Pty Ltd will place a public notice advising of the enforceable undertaking with SafeWork NSW.

WHS outcome and beneficiaries:

The public notice serves to advise the general public about the enforceable undertaking and serves as a form of both education and deterrence for industry.

Strategy delivery and verification:

The strategy will be delivered and verified by SafeWork NSW in accordance with the table below.

How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
Shine Motor Corporation Pty Ltd will cause a public notice to be published in the Daily Telegraph using the script provided in Annexure 1. The notice in the Insert name of publication will be 1/8 of a page in size. The script for the notices must 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.	Within 30 days of the Commencement Date of the enforceable undertaking but not prior to SafeWork NSW publishing a copy of the enforceable undertaking on its website.	Shine Motor Corporation Pty Ltd, Head Staff	Within 7 days of placing the published notices Shine Motor Corporation Pty Ltd will provide SafeWork NSW with the following evidence of placement. A copy of the full page of the Daily Telegraph showing the public notice and the name and date of the publication.

Strategy 2 – Dissemination of information about the enforceable undertaking

Summary:

Shine Motor Corporation Pty Ltd agrees to disseminate information about the enforceable undertaking with SafeWork NSW within its workplace including to its workers, the members of any health and safety committee, health and safety representatives and all subcontractors working for Shine Motor Corporation Pty Ltd and to any other relevant parties.

WHS outcome and beneficiaries:

The dissemination of information about the enforceable undertaking is an important step in maintaining effective dialogue with the workforce about the enforceable undertaking and safety more broadly.

Strategy delivery and verification:

The strategy will be delivered and verified by SafeWork NSW in accordance with the table below.

How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
During Saturday lunch talks with staff, information about the enforceable undertaking will be disseminated to staff. Discussion shall be encouraged so that any concerns and staff feedback are taken on board.	Within 30 days of the Commencement Date of the enforceable undertaking	Shine Motor Corporation Pty Ltd, Head Staff	A copy of current staff list prior to lunch occurring (to confirm all in attendance). A copy of discussion notes including the date of the lunch meeting, a signed register of attendance listing staff in attendance and feedback received shall be provided.

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

Strategy 3 – WHS leadership initiative

Summary:

Shine Motor Corporation Pty Ltd recognises the imperative need to enhance its WHS culture. This leadership initiative is designed to systematically address crucial areas of WHS leadership within its operations.

This initiative will deliver the following outcomes to uplift the level of WHS leadership within Shine Motor Corporation Pty Ltd:

1. **The engagement of a new Safety Officer role** – This role will lead WHS cultural improvement and safety projects. The new role will aid in cultivating strong WHS leadership and trust within the organisation.

2. **Due Diligence Training** – To be completed by the director and other leaders within the organisation to ensure they understand their WHS obligations and role in driving a safety culture.
3. **Visual Safety Pledge** – a public visual pledge to safety will be made by the director and other leaders of the organisation to the workforce, including contractors regularly engaged.
4. **Establishment of Safety Focus Group (SFG)** – a group made up of Shine Motor Corporation Pty Ltd leaders and staff that regularly meet to discuss and consult on safety issues, such as hazards and risks, training needs and any other safety related areas. The SFG will be created in accordance with the requirements of *section 46, 47, 48 and 49* of the *Work Health and Safety Act 2011* and in accordance with the *Code of Practice – Work health and safety consultation, cooperation and coordination*.
5. **Supervisor training** – Additional supervisor training will be provided to the director and other leaders to enhance their leadership skills and WHS knowledge.

WHS outcome and beneficiaries:

The initiative will deliver the following WHS outcomes:

- strengthened consultation and trust between management, workers and contractors
- elevated WHS awareness and leadership skills

As a result of this strategy WHS benefits are expected in the:

- ✓ Workplace
- ✓ Industry
- Community

Strategy delivery and verification:

The strategy will be delivered and verified by SafeWork NSW in accordance with the below.

What is happening and Deliverables	How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
Engagement of new Safety Officer role or upskilling of current employee				
Appointment of and Engagement of new Safety Officer role or upskilling of current employee [REDACTED] to undertake a dual role as Safety Officer and their current position.	Shine Motor Corporation Pty Ltd will undertake a recruitment exercise to appoint a suitably qualified Safety Officer. Alternatively, if unable to attract and engage a new Safety Officer, Shine will upskill current employee [REDACTED]. This option ensures continuity in safety management while leveraging the existing knowledge and skills of an internal employee. If	Within 2 months of the Commencement Date of the enforceable undertaking	Director & Operations Manager New Safety Officer	<u>For new Safety Officer</u> - Evidence of job advertisement, recruitment processes including copies of resumes, assessments, and other associated documentation, copy of final formal job contract or acceptance of role. <u>For upskilling [REDACTED]</u> - Details of the upskilling process,

	upskilling is pursued, ██████ will complete a Certificate IV in Work Health and Safety (WHS) to acquire the necessary skills and knowledge for the role.			including training programs, certifications, and documentation showing Hussain's acceptance of the dual role, including completion of a Certificate IV in WHS.
Design and implementation of 12-month work plan for Safety Officer role	Shine Motor Corporation will develop and implement a work plan for the Safety Officer that includes at a minimum: <ul style="list-style-type: none"> the roles and responsibilities of the position the reporting arrangements for the position the key WHS tasks to be completed by the Safety Officer during the first 12 months of their appointment review dates for the plan. 	Within 14 days of the appointment of the Safety Officer	Director, Operations Manager and new Safety Officer	A documented 12-month work plan for the Safety Officer with review dates and responsibilities listed. A report at the end of the 12-month period detailing the tasks completed in accordance with the work plan.
Due Diligence training				
Due Diligence training completed by Shine leaders	Due diligence training delivered by Safety Training Australia to Shine leaders to understand WHS obligations and role in driving safety culture.	Within 3 months of the Commencement Date of the enforceable undertaking	Director, Operations Manager, Managing Director and Assistant Manager	Signed record of attendance and confirmation from provider of Due Diligence training
Visual Safety Leadership Pledge				
A public commitment by Shine leaders to their workforce in relation to safety	A public visual commitment to safety through a visual pledge to the Shine workforce (and any regular contractors if applicable). The pledge will be made during a dedicated toolbox talk for all Shine staff (and relevant contractors). The visual pledge will then be displayed in the Shine workplace.	Within 3 months of the Commencement Date of the enforceable undertaking	Director, Operations Manager & Safety Officer	Evidence of completed toolbox talk launching the pledge noting date, time, attendees and content. Evidence of visual pledge in the Shine workplace.
Establishment of Safety Focus Group (SFG)				
SFG terms of reference	Shine will develop a terms of reference for the SFG. That will include, the purpose of the SFG, the makeup of the	Within 3 months of the Commencement Date of the enforceable undertaking	Director, Operations Manager & Safety Officer	A copy of the SFG terms of reference signed by the Director and Operations Manager.

	membership, the consultation arrangements (how often they meet, etc), and any other relevant considerations.			
Expression of interest for SFG	Shine will undertake an expression of interest from its staff to be involved in the SFG. The expression of interest will outline the purpose of the SFG.	Within 3 months of the Commencement Date of the enforceable undertaking	Director, Operations Manager & Safety Officer	Evidence of expression of interest circulated to Shine workforce.
Establishment of SFG	Shine will select the SFG membership and inform the workforce of the final makeup of the SFG	Within 4 months of the Commencement Date of the enforceable undertaking	Director, Operations Manager & Safety Officer	Evidence of each member accepting a position on the SFG. Evidence of informing the Shine workforce of the membership of the SFG
Supervisor Training				
Delivery of supervisor training for identified leaders	Completed by the Assistant Manager to enhance leadership skills and WHS knowledge. To be delivered by a registered training organisation covering at a minimum the national unit of competency – <i>BSBWHS411 – Implement and monitor WHS policies, procedures and programs.</i>	Within 5 months of the Commencement Date of the enforceable undertaking	Director, Operations Manager and [REDACTED]	Copies of units of competency completion or similar from registered training organisation for the Supervisor training (BSBWHS411)

Cost:

Description	\$ Amount
Safety Officer (recruitment, salary, and other related costs) or upskilling of a current employee to fulfill the role of Safety Officer (training fees, certification costs, salary adjustments during the upskilling period, and any other related expenses)	[REDACTED]
Due Diligence training (including administrative costs)	[REDACTED]
Supervisor training (including administrative costs)	[REDACTED]
Administrative costs associated with Safety Pledge and Safety Focus Group	[REDACTED]
Total estimated costs	\$158,000

Strategy 4 – WHS workforce capability building initiative

Summary

This initiative aims to significantly enhance the WHS knowledge and skills across Shine's workforce. It focuses on several key training areas, vital for both individual worker safety and collective workplace safety culture. Shine will provide accredited training to elevate the WHS knowledge and skills of its workforce, focusing on areas critical to their operations and safety culture.

Consultation Component

A consultation process will be integrated into the strategy to determine training needs and develop a comprehensive training calendar. This will involve engagement with staff, development of a training plan, delivery of training, and evaluation of training effectiveness.

Ongoing Training Calendar/Plan

A strategy will be established to develop an ongoing training calendar/plan. The training provided in the first two years will be included in the Enforceable Undertaking (EU), catering to new staff entering the business, changing needs, and any new risks.

The Training Calendar/Plan will be developed in consultation with Shine staff. Based on some preliminary thinking some initial potential training areas could include:

- General WHS Obligations for Workers - Understanding and complying with workplace safety responsibilities.
- General Risk Assessment Training - Skills in identifying and managing workplace risks.
- Forklift Training - Operational and safety training for forklift operators.
- Manual Handling - Techniques to minimise the risk of injury.
- Other Relevant Topics - Training in areas specific to Shine's operations, such as overhead crane operations, dogging, machine safety, etc.

WHS Outcomes and Beneficiaries

- **Workplace Impact:** Enhanced WHS knowledge leading to safer work practices.
- **Industry Contribution:** Raising WHS standards within the industry.
- **Employee Development:** Workers gain transferrable skills beneficial across various roles.
- **Primary Beneficiaries:** All operational staff at Shine, especially those handling machinery or engaged in manual labour.
- **WHS Benefits:** Increased awareness and practical application of WHS principles, safer workplace practices, and reduction in workplace incidents.

As a result of this strategy WHS benefits are expected in the:

✓ Workplace

- Industry
 Community

Strategy delivery and verification:

The strategy will be delivered and verified by SafeWork NSW in accordance with the below table.

What is happening	How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
Establish/identify the consultation mechanism to develop an ongoing Shine WHS training calendar/plan.	Shine to determine an ongoing consultation mechanism (this could be the SFG formed as part of Strategy 3) to develop terms of reference for the ongoing Shine Motor Corporation Pty Ltd WHS training calendar/plan.	Within 4 months from the commencement date of the EU	Shine Director, Operations Manager and WHS Officer	Evidence of the agreed consultation mechanism to be used to develop the Shine Motor Corporation Pty Ltd WHS training calendar/plan.
Draft 'Year 1' Shine WHS training calendar/plan developed and provided to SafeWork NSW for feedback	Through the above established consultation mechanism document the draft 'Year 1' Shine WHS training calendar/plan. The plan will at a minimum outline all approved training including the topic, method of delivery, who it will be delivered by (considering the qualifications required to deliver the training), identified recipients of the training and the timing of delivery.	Within 5 months from the commencement date of the EU	Shine Director, Operations Manager & WHS Officer	A copy of the draft 'Year 1' Shine WHS training calendar/plan. SafeWork NSW to supply feedback on the draft 'Year 1' Shine WHS training calendar/plan.
Publish the 'Year 1' Shine WHS training calendar/plan	Publish the final 'Year 1' Shine WHS training calendar/plan to all Shine workers. The plan will at a minimum outline all approved training including the topic, method of delivery, who it will be delivered by, identified recipients of the training and the timing of delivery.	Within 6 months from the commencement date of the EU	Shine Director, Operations Manager & WHS Officer	A copy of the final 'Year 1' Shine WHS training calendar/plan.
Delivery of the 'Year 1' Shine WHS training calendar/plan	Delivery of the training identified in the 'Year 1' Shine WHS training calendar/plan. An invitation will be forwarded to SafeWork NSW a minimum of 1 week prior to each training session being delivered so they have the option to attend if available.	Within 6 – 18 months from the date of commencement of the EU	Shine Director, WHS Officer and others identified in the training plan	Evidence of delivery of each training item listed in the 'Year 1' Shine WHS training calendar/plan, including dates, locations, topics delivered, content materials and attendance records.

Draft 'Year 2' Shine WHS training calendar/plan developed and provided to SafeWork NSW for feedback	Through the above established consultation mechanism document the draft 'Year 2' Shine WHS training calendar/plan. The plan will at a minimum outline all approved training including the topic, method of delivery, who it will be delivered by (considering the qualifications required to deliver the training), identified recipients of the training and the timing of delivery.	Within 17 months from the commencement date of the EU	Shine Director, Operations Manager & WHS Officer	A copy of the draft 'Year 2' Shine WHS training calendar/plan. SafeWork NSW to supply feedback on the draft 'Year 2' Shine WHS training calendar/plan.
Publish the 'Year 2' Shine WHS training calendar/plan	Publish the final 'Year 2' Shine WHS training calendar/plan to all Shine workers. The plan will at a minimum outline all approved training including the topic, method of delivery, who it will be delivered by, identified recipients of the training and the timing of delivery.	Within 18 months from the commencement date of the EU	Shine Director, Operations Manager & WHS Officer	A copy of the final 'Year 2' Shine WHS training calendar/plan.
Delivery of the 'Year 2' Shine WHS training calendar/plan	Delivery of the training identified in the 'Year 2' Shine WHS training calendar/plan. An invitation will be forwarded to SafeWork NSW a minimum of 1 week prior to each training session being delivered so they have the option to attend if available.	Within 19 – 30 months from the date of commencement of the EU	Shine Director, WHS Officer and others identified in the training plan	Evidence of delivery of each training item listed in the 'Year 2' Shine WHS training calendar/plan, including dates, locations, topics delivered, content materials and attendance records.

Cost:

Description	\$ Amount
Estimated budget for 'Year 1' training calendar/plan	██████████
Estimated budget for 'Year 2' training calendar/plan	██████████
Total estimated costs	\$40,000

Strategy 5 – Work Health Safety Management System & ISO accreditation

Summary:

Shine Motor Corporation Pty Ltd (Shine) acknowledges the importance of workplace health and safety (WHS) and is committed to improving its safety culture. This undertaking outlines a comprehensive safety strategy aimed at enhancing documentation, procedures, and overall safety practices at Shine.

- Acknowledgment of the incident involving the Worker and commitment to improving workplace safety.
- Recognition of SafeWork NSW's allegation of a contravention and the commitment to compliance with WHS Act obligations.

WHS Management System Manual (WHSMS)

- Objective: To implement a comprehensive safety strategy, improving documentation, procedures, and overall safety culture.
- Scope: Develop a comprehensive manual outlining WHS policies and procedures.
- Deliverables: A multilingual manual with visual aids.

As part of the strategy Shine will explore the feasibility of a digital manual that can be easily updated and translated into appropriate languages. For example, iPads located at strategic places around the workplace containing the WHSMS, safe work instructions, pre-operational checks, and access to safety videos.

Shine also undertakes to begin the accreditation process to have the updated WHSMS accredited to ISO 45001 Occupational Health and Safety Management System Certification.

As a result of this strategy WHS benefits are expected in the:

- Workplace
- Industry
- Community

Strategy delivery and verification:

The strategy will be delivered and verified by SafeWork NSW in accordance with the below table.

What is happening	How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
Drafting Manual	Shine shall consult its staff and draft a comprehensive manual outlining WHS policies and procedures whilst ensuring that its contents are useful to and resonate with the staff. If a suitable candidate for the Safety Officer role is not recruited and instead, the decision is made to upskill an existing employee, Shine will appoint an external health safety system consultant to oversee	Within 0-2 months from the commencement date of the EU	Shine Director, Operations Manager & WHS Officer	A draft manual and evidence of consultation with staff shall be provided to SafeWork NSW.

	<p>the drafting of the WHSMS manual. This consultant will be responsible for creating a manual that not only meets the regulatory requirements but also resonates with Shine's employees, ensuring that its contents are clear, relevant, and practical for everyday use. The consultant will work closely with Shine's management team and the upskilled employee to ensure that the manual reflects the latest industry standards and best practices. Once the upskilled employee has gained the necessary qualifications and is fully capable of managing the WHSMS, the consultant's involvement will gradually reduce, and the employee will assume full responsibility for maintaining and updating the manual as needed. This process not only ensures the timely development of the WHSMS but also enhances the skills and capabilities of Shine's workforce, contributing to a stronger safety culture within the organisation.</p>			
Review & Feedback	<p>Shine shall obtain feedback from SafeWork NSW, its staff and its Safety Officer by having them review and provide their concerns and any other feedback regarding the safety manual and it shall be amended accordingly.</p>	<p>Within 3-4 months from the commencement date of the EU</p>	<p>Shine Director, Operations Manager & WHS Officer</p>	<p>A record of all feedback received by Shine regarding the WHS manual shall be shared with SafeWork NSW</p>
Translation	<p>Shine shall arrange to have the manual translated into Farsi to be understood by all staff who do not speak English. Any translation will be completed by an approved translator with appropriate qualifications.</p>	<p>Within 5-6 months from the commencement date of the EU</p>	<p>Shine Director, Operations Manager & WHS Officer</p>	<p>Evidence of communications with a translating company and copies of the translated safety manuals shall be shared with SafeWork NSW</p>
Distribution	<p>Shine shall arrange to have both physical and digital copies of the Safety Manual readily available to all staff in its different translations</p>	<p>Within 7-8 months from the commencement date of the EU</p>	<p>Shine Director, Operations Manager & WHS Officer</p>	<p>Collecting signed receipts from each staff member acknowledging acceptance of their personal copy of the Safety Manual.</p>

				Documenting minutes from a toolbox meeting where the manual's distribution was discussed, including stored locations, and attaching an attendees list.
ISO Accreditation	Shine will begin the process to have the final WHSMS accredited to ISO 45001 Occupational Health and Safety Management System Certification	Within 18-24 months from the commencement date of the EU	Shine Director, Operations Manager & WHS Officer	Evidence of ISO accreditation process commenced, such as proof of engagement with a provider for the purposes of attaining ISO accreditation.

Cost:

Description	\$ Amount
Development & Design	██████
Translation Services	██████
Printing & Distribution	██████
ISO accreditation	██████
Appointment of WHS Consultant for Drafting of Manual	██████
Total estimated costs	\$33,000

Strategy 6 – Educational animation on hand safety and machine guarding

Summary:

Recognising the incident involving the Worker, Shine acknowledges the critical need for heightened safety awareness in hand safety and machine guarding.

Objective

Developing a detailed, impactful educational animation aimed at ingraining vital safety practices related to hand safety and machine guarding within the workforce and the broader industry.

Strategy

Educational Animation Development - Hand Safety and Machine Guarding

Scope - Craft an engaging and informative animation that vividly illustrates the potential hazards of improper machine use, focusing on the real-life incident at Shine, and demonstrating best practices for machine safety.

Target Issue - Addressing the gap in awareness and understanding of machine-related hazards, especially for new and less experienced workers.

Deliverables - A high-quality animation, accompanied by a comprehensive communication plan for effective dissemination and impact assessment.

WHS outcome and beneficiaries: Targeting Shine's employees, contractors, and extending the outreach to the global scrap metal and recycling industry community.

As a result of this strategy WHS benefits are expected in the:

- ✓ Workplace
- ✓ Industry
- ✓ Community

Strategy delivery and verification:

The strategy will be delivered and verified by SafeWork NSW in accordance with the below table.

What is happening	How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
Selection of Animation Studio	Research and communication with animation studios to determine suitable option for the scope of work outlined.	Within 0 – 1 months from the commencement date of the EU	Shine's Operations Manager and Production Manager	List of studios considered and any record of communications shall be provided, in addition to a copy proposed agreement made between Shine and the selected Animation Studio
Approval of selected animation provider by SafeWork NSW	Shine to seek approval of selected animation provider before progressing with development of animation	Within 0 – 1 months from the commencement date of the EU	Shine's Operations Manager and SafeWork NSW	Approval provided by SafeWork NSW of selected animator provider.
Script Development & approval (SafeWork NSW Collaboration)	Shine will cooperate directly with SafeWork NSW to draft a suitable script to be used by the animation studio. SafeWork NSW will approve the final script to be used in the animation.	Within 2 – 3 months from the commencement date of the EU	Shine's Operations Manager and Production Manager	Script drafts and ideas will be shared with and communicated to SafeWork NSW directly. Approval provided by SafeWork NSW on the agreed final script to be used in the animation.

Animation Production & Iterative Reviews	Shine will consult the animation studio throughout the production process to ensure that the animation being produced is suitable and meets the intended outcomes	Within 4 – 7 months from the commencement date of the EU	Shine's Operations Manager	Communication between Shine and the animation studio as well as any draft animations shared with Shine shall be sent to SafeWork NSW for their consideration and feedback.
Final Review & Approval by SafeWork NSW	Shine shall forward a copy of the final version of the animation to SafeWork NSW to ensure their approval before it is used within the company and published	Within 8 – 9 months from the commencement date of the EU	Shine's Operations Manager	Shine will send a copy of the final animation to SafeWork NSW for approval
Internal Launch and Training Incorporation	The approved final animation will be incorporated into Shine's training programs and introduced through an internal event to Shine staff and contractors. Shine shall gather feedback via questionnaires to assess the animation's effectiveness in enhancing machine safety understanding. This input will refine future training and show SafeWork NSW the animation's impact within Shine.	Within 10 – 11 months from the commencement date of the EU	Staff and contractors at Shine	A record of the attendance, date of training and feedback received from staff will be shared with SafeWork to assess the outcomes of the animation internally within Shine
Multi-Channel Industry-Wide Distribution	The animation will be shared using Shine's digital platforms by adding it to their website, and social media to broaden its reach. It will also be sent to Shine contractors. The animation will be shared with SafeWork NSW so they can publish/distribute as they choose to help amplify its visibility, tapping into their network for wider industry outreach. Shine will share the animation with the [REDACTED]	Within 11 months from the commencement date of the EU & Ongoing	Shine's Operations Manager and Production Manager	Evidence of the video's publication and sharing with other parties and business within the industry shall be shared with SafeWork NSW. Final animation files, including closed caption file, provided to SafeWork NSW.

	<p>██████████ to achieve greater reach.</p> <p>Shine will document the distribution activities and measure engagement to illustrate the animation's role in promoting WHS awareness industry-wide.</p>			
--	--	--	--	--

Cost:

Description	\$ Amount
Animation Production	██████████
Marketing & Distribution	██████████
Feedback and Impact Assessment Systems	██████████
Total Estimated Costs	\$19,500

TOTAL ESTIMATED VALUE OF THE UNDERTAKING

\$250,500.00

Section 6 – Execution of Undertaking

Shine Motor Corporation Pty Ltd give this undertaking and commit to the terms herein.

Signed: 

[Executed on behalf of Shine Motor Corporation Pty Ltd in accordance with section 127(1) of the Corporations Act 2001]

Name: MOHD TAQI DAD ALI

Position: DIRECTOR

Dated at INGLEBURN this 8th day of May 2024

Signed: 

[Executed on behalf of Shine Motor Corporation Pty Ltd in accordance with section 127(1) of the Corporations Act 2001]

Name: Layaqat Hussain Haji Mohad Taqi

Position: Operations Manager

Dated at INGLEBURN this 8th day of May 2024

Witnessed in the presence of:

Signed: 

Name: Prsamsha Khanal

Dated at INGLEBURN this 8th day of May 2024

Section 7 – SafeWork NSW’s acceptance of undertaking

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

Signed: 

Name: Andrew Gavrielatos

Position: Executive Director, Strategy and Programs.

Authorised delegate for SafeWork NSW, an agency within the Department of Customer Service.

Dated at Insert suburb this Choose number day of Insert month, Insert year

Dated at Parramatta on 14 May 2024.

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.

On 27 May 2021 a Shine Motor Corporation Pty Ltd worker suffered serious injuries while attempting to remove cable that was jammed in the rear of a cable stripping machine. The worker’s hand was dragged into the moving parts of the machine.

SafeWork NSW investigated the incident and subsequently alleged that Shine Motor Corporation Pty Ltd contravened section 19(1) and 32 of the Work Health and Safety Act 2011.

SafeWork NSW has accepted an enforceable undertaking from Shine Motor Corporation Pty Ltd, ACN 167 579 179 in accordance with Part 11 of the Work Health and Safety Act 2011 in relation to the abovementioned alleged contravention. This notice has been placed under the terms of the Enforceable Undertaking and acknowledges acceptance of the Enforceable Undertaking by Shine Motor Corporation Pty Ltd.

The undertaking requires the following actions:

- Enforceable undertaking public notice
- Dissemination of information about the enforceable undertaking
- WHS leadership initiative
- WHS capability building initiative
- Work Health Safety Management System & enhancing workplace safety initiative
- Educational animation on hand safety and machine guarding

The full undertaking and general information about enforceable undertakings is available at safework.nsw.gov.au.