



4 October 2022

## **ENFORCEABLE UNDERTAKING**

Part 11

*Work Health and Safety Act 2011*

The commitments in this enforceable undertaking  
are given by

**Ladex Construction Group Pty Ltd**

ACN: 082 076 784

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 [www.SafeWork.nsw.gov.au](http://www.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

Registered Address:	85 Johnston Street Wagga Wagga NSW, 2650
Postal address:	35 Bomen Road Wagga Wagga, NSW 2650
Telephone contact:	██████████
Email address:	██████████@ladex.com.au
Legal structure:	Pty Ltd
Type of business:	Civil / Construction
Commencement date of the entity:	24 March 1998
Number of workers:	Full-time: 50 Part-time: 0 Casual: 0
Products and/or services:	Civil, Commercial and Hydraulic Construction

### b. Commencement

This Undertaking comes into effect when:

- i. the Undertaking is executed by Ladex Construction Group 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 Ladex Construction Group 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 20 February 2020, Ladex Construction Group 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

On 20th February 2020, one of Ladex Construction Group Pty Ltd sub-contractors' labourers was seriously injured following a fall through an open penetration from the upper floor level. The open penetration where a staircase was to be installed had approximately two thirds protected by an aluminium framework that went from floor to ceiling.

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

The worker suffered [REDACTED] injuries as a result of the incident

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

It is acknowledged by Ladex Construction Group Pty Ltd that SafeWork NSW has alleged that Ladex Construction Group Pty Ltd has contravened sections 19(1) of the WHS Act.

### e. A statement of regret that the incident occurred

Ladex Construction Group Pty Ltd regrets that the incident on 20 February 2020 occurred and the Worker sustained injuries as a result of the incident.

Note: the above is not an admission of guilt

### f. Prior work health and safety convictions

Ladex Construction Group 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)

Workers' compensation was provided by the employer of the injured worker, a subcontractor of Ladex Construction Group Pty Ltd.

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

The worker was employed by a subcontractor of Ladex Construction Group Pty Ltd at the time of the incident.

The following support has been provided to the worker:

Date	Brief description of support provided
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20/02/2020	Ladex Construction Group Pty Ltd has stayed connected with the sub-contractor to ascertain the injured workers ongoing condition and offer support where appropriate.
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### Section 3 – Enforcement Notices and Rectifications

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

Were enforcement notices received?

No

Yes

Date issued	Notice type	Notice number	Contravention	Action taken in response to notice
20/02/2020	Improvement	7-370802	WHS Act 2011, section 19 WHS Regulation 2017, Clause 78,79.	Eliminated the risk of falls in the workplace Ensured that work platforms and fall mechanisms comply as per the direction of Notice 7-370802
20/02/2020	Improvement	7-370798	WHS Act 2011, section 19	Housekeeping undertaken at the worksite the following day to ensure a safe system that provides clear access and egress around the construction site.
20/02/2020	Prohibition	39808	WHS Act 2011, section 19 WHS Regulation 2017, Clause 78, 225.	A licensed scaffolder inspected the scaffold and made safety improvements to the scaffold relating to the risk of falls. Scaffold was not used until written confirmation that it had been inspected and confirmed that construction is complete.
20/02/2020	Prohibition	39809	WHS Act 2011, section 19 WHS Regulation 2017, Clause 78	Fall risks were eliminated before any work could re-commence on the second floor of the water tank house.

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

Description	\$ Amount
Ladex Construction Group, since the incident, has move to a more dedicated WHS system [REDACTED] – Safety Management.	\$5,500.00 \$9,900.00
Training of management, supervisors, and workers [REDACTED]	\$7,500.00
Ladex Construction Group had workers trained in plant operation (skid steer, excavators, grader operation, forklift) and work at heights, confined space, and dogmen.	\$15,000.00
Reviewed and reinforced all controls regarding falls from heights.	\$1,000.00

Reviewed and reinforced site safety rules and procedures at a toolbox talk / daily pre-start meeting	\$500.00
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**TOTAL AMOUNT SPENT ON RECTIFICATIONS**

**\$39,400.00**

## Section 4 – Statements, commitments, and acknowledgements

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

Ladex Construction Group 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**

Ladex Construction Group 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**

Ladex Construction Group 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**

Ladex Construction Group 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**

Ladex Construction Group 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**

Ladex Construction Group Pty Ltd acknowledges that it has consulted within the workplace in relation to the development of the enforceable undertaking proposal, including consultation in the form of regular management meetings to monitor the progress of submissions and allocation of suitable resources to support the proposed undertaking.

Ladex Construction Group employees have been included in regular consultation on strategies and initiatives of the proposed undertaking to ensure acceptance, and a commitment to the proposed initiatives and the identification of areas for improvement.

Ladex Construction Group will continue to consult with all relevant stakeholders throughout the development and implementation of the strategies that will contribute to improved work health and safety in the workforce, industry, and the community.

**g. Statement regarding relationships with other parties**

Ladex Construction Group Pty Ltd advises that there are no known current relationships with any of the beneficiaries outlined in the enforceable undertaking, other than the current employees of Ladex Construction Group.

**h. Intellectual property licence**

Ladex Construction Group 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.

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

Ladex Construction Group Pty Ltd acknowledges that the responsibility for demonstrating compliance with this undertaking rests with Ladex Construction Group 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.

Ladex Construction Group 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 Ladex Construction Group Pty Ltd until advised by SafeWork NSW that the undertaking has been completely discharged.

Ladex Construction Group Pty Ltd acknowledges that SafeWork NSW may initiate additional compliance monitoring activities, such as inspections, as considered necessary.

Ladex Construction Group 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 Ladex Construction Group Pty Ltd and SafeWork NSW.

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

Ladex Construction Group 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 Ladex Construction Group Pty Ltd will include the following statement:

*This (insert product or service) has been (produced, held) pursuant to an enforceable undertaking between Ladex Construction Group Pty Ltd, ACN: 082 076 784, and SafeWork NSW entered into on (insert DATE EU commenced).*

Any variation to the above statement requires prior written agreement between Ladex Construction Group Pty Ltd and SafeWork NSW.

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

Ladex Construction Group Pty Ltd commits that any strategies to be implemented by Ladex Construction Group 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.

**l. Inconsistent Statements**

Ladex Construction Group 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.

**m. Reliance on Commitments**

Ladex Construction Group 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 Ladex Construction Group Pty Ltd fails to comply with its workplace relations obligations in the future, including but not limited to any failure to comply with its obligations under this Undertaking.

**n. Withdrawal or variation**

Ladex Construction Group 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.

**o. Acknowledgement of Enforceable Undertakings Guidelines and Contravention of the Undertaking**

Ladex Construction Group Pty Ltd has read and understood SafeWork NSW Enforceable Undertakings Guidelines.

Ladex Construction Group Pty Ltd acknowledges that if Ladex Construction Group 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

Ladex Construction Group 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:**

Ladex Construction Group 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
<p>Ladex Construction Group Pty Ltd will cause a public notice to be published in the Daily Advertiser Wagga, using the script provided in Annexure 1.</p> <p>The notice in the Daily Advertiser Wagga will be 1/8 of a page in size.</p> <p>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.</p>	<p>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.</p>	<p>Ladex Construction Group Pty Ltd WHS Coordinator</p>	<p>Within 7 days of placing the published notices Ladex Construction Group Pty Ltd will provide SafeWork NSW with the following evidence of placement.</p> <p>A copy of the full page of the Daily Advertiser Wagga showing the public notice and the name and date of the publication.</p>



## Strategy 2 – Dissemination of information about the enforceable undertaking

### Summary:

Ladex Construction Group Pty Ltd agrees to disseminate information about the enforceable undertaking with SafeWork NSW within its workplace.

### 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
An all-staff meeting will be called for Ladex Construction Group employees. Information about the enforceable undertaking will be disseminated. A record of the meeting will be taken and distributed to all employees by way of emails and information boards.	Within 30 days of the Commencement Date of the enforceable undertaking	Managing Director	Copy of meeting agenda or minutes and a copy of the email & notice displayed on information boards

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

Ladex Construction Group 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.

## Strategy 3 – Safety leadership training

### Summary:

To ensure people in leadership roles within the business fully understand their duties and obligations under WHS legislation Ladex Construction Group Pty Ltd undertakes to provide the following WHS leadership training:

- Due diligence training for officers and supervisors
- WHS supervisor training

**WHS outcome and beneficiaries:**

Ladex Construction Group Pty Ltd recognises the influence its leaders and supervisors have on the safety culture of the business. Building WHS capability and knowledge of our leaders and supervisors will help to strengthen the existing safety culture and demonstrate to employees the value that Ladex Construction Group Pty Ltd leaders place on safety.

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
Training provider engaged to provide due diligence and WHS safety supervisor training	Registered training organisation (RTO) selected to deliver the training	Within 3 months of the EU being accepted	WHS Coordinator	Confirmation of selected RTO confirming dates, times, and venue for training delivery
Due diligence training delivered	Due diligence training is delivered by the selected RTO	Within 6 months of the EU being accepted	All managers and supervisors of Ladex Construction Group Total @ 15 x 4hrs each	Certified training attendance record signed by the RTO noting attendees, date, time, and venue
WHS supervisor training delivered (BSBWHS411)	WHS supervisor training is delivered by the selected RTO	Within 12 months of the EU being accepted	All managers and supervisors of Ladex Construction Group Total @ 15 x 8hrs each	Certified training attendance record signed by the RTO noting attendees, date, time, and venue

**Cost:**

Description	\$ Amount
RTO costs to deliver the training (Due diligence) RTO costs to deliver the training (WHS Supervisor)	
Admin and other related costs (admin costs in organising the training & time of those attending the training) Due diligence training WHS supervisor training	
<b>Total estimated costs</b>	<b>\$32,910.00</b>

## Strategy 4 – WHS Coordinator role

### Summary:

Ladex Construction Group Pty Ltd historically had a WHS Coordinator role that spends a considerable amount of time (approx. 60%) working in a WHS supervisor capacity. This has restricted the ability of the role to focus exclusively on WHS across the business. Ladex Construction Group Pty Ltd recognises the need for a fulltime WHS Coordinator role and undertakes to recruitment such a role that is dedicated to WHS. To ensure that the creation of the WHS Coordinator role does not reduce the current level of site supervisors' further resources have already been applied in that area to strengthen the level of supervision across the business.

### WHS outcome and beneficiaries:

A dedicated WHS Coordinator role will ensure, particularly as a principal contractor, that Ladex Construction Group Pty Ltd has a strong commitment to WHS and sets and maintains high standards across its business and its work sites. The role will provide Ladex Construction Group Pty Ltd staff, and its subcontractors, with a higher level of access to the WHS Coordinator to seek advice and support in relation to WHS matters.

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
The selection process for the role	Recruitment process undertaken by Managing Director for WHS Coordinator role	Within 2 months of the EU being accepted	Responsible: Managing Director	Job advertisement and role description
Appointment of the WHS Coordinator role	Communication to all staff on the commencement of the new WHS Coordinator role	Within 3 months of the EU being accepted	Responsible: Managing Director	Copy of all staff communication advising of the role commencement
12-month work plan for the WHS Coordinator	A work plan developed and documented to outline the key WHS priorities and/or projects for the WHS Coordinator role for the first 12 months	Within 4 months of the EU being accepted	Responsible: Managing Director Involved: WHS Coordinator	Copy of documented 12-month work plan for the WHS Coordinator role

Quarterly reviews of the above work plan	Quarterly documented reviews of the above work plan are conducted to review performance and progress	3, 6 & 9 months after the above work plan is established	Responsible: Managing Director Involved: WHS Coordinator	Copy of documented reviews of the above work plan
Secondary 12-month work plan for the WHS Coordinator	A work plan developed and documented to outline the key WHS priorities and/or projects for the WHS Coordinator role for the next 12 months	Within 3 months of the final review of the above work plan	Responsible: Managing Director Involved: WHS Coordinator	Copy of documented 12-month work plan for the WHS Coordinator role
Quarterly reviews of the above work plan	Quarterly documented reviews of the above work plan conducted to review performance and progress	3, 6 & 9 months after the above work plan is established	Responsible: Managing Director Involved: WHS Coordinator	Copy of documented reviews of the above work plan

**Cost:**

Description	\$ Amount
Salary (including super, and other extras) [REDACTED]	[REDACTED]
Additional administrative costs associated with recruitment and filling that role	[REDACTED]
<b>Total estimated costs</b>	<b>\$224,454.00</b>

## Strategy 5 – WHS capability building

**Summary:**

Ladex Construction Group Pty Ltd undertakes to build the WHS capability of its employees who work in high-risk areas, specifically those who work at heights or in confined spaces. In addition, Ladex Construction Group Pty Ltd has identified the need to strengthen the level of WHS risk assessment capabilities across the business. To lift capability across these areas Ladex Construction Group Pty Ltd will provide the following training to identified staff and subcontractors:

- Working at heights training
- Confined spaces training
- WHS risk assessment training

During the initial response to the incident a small of workers completed training in relation to working at heights and confined spaces. This strategy aims to upskill the remaining workforce in these areas, as well as provide refresher to those who have completed such training in the past.

Please Note – Some employees have previously been trained in Working at Heights and Confined Spaces; however, we are requiring these employees to undergo a refresher course in both elements as it's been more than 2 years since completing the course

The training contained in the strategy has consciously been spread across a two-year period to minimise disruption to the day-to-day operations of the business. Ladex Construction Group Pty Ltd has also made the conscious decision to use local training providers in the delivery of the training wherever possible to support the local business community.

**WHS outcome and beneficiaries:**

Falls from heights and confined spaces are known serious risks in the construction industry and a priority highlighted in the Work Health and Safety Roadmap for NSW 2022. The identified training will provide Ladex Construction Group Pty Ltd and identified subcontractors with increased skills and capability in relation to managing the risks associated. Risk assessment training will ensure employees are endowed with extra knowledge and skills to identify hazards and apply risk principles to rank hazards using various types of risk matrixes, ultimately leading to more specific and relevant risk assessments occurring across the business and on work sites. Those who complete the training will acquire transferrable skills and knowledge across industry.

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	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
Engage RTO to deliver the working at heights training (RIIWH204D)	Ladex Construction Group Pty Ltd to engage a selected RTO to deliver RIIWH204D	Within 6 months of the EU being accepted	WHS Coordinator	Evidence of accredited RTO selected noting scope to deliver RIIWH204D
Working at heights training delivered	RTO to deliver face-to-face working at heights training course including all competencies included in course code RIIWH204D	Within 12 months of the EU being accepted	Involved: <ul style="list-style-type: none"> <li>- 12 builders</li> <li>- 2 plumbers</li> <li>- 2 apprentices</li> <li>- 2 subcontractors</li> </ul>	Training attendance records noting the names, business name, positions held, dates and times of the training certified by the RTO. Copies of certificates of completion or attainment for all successfully completed.

Engage RTO to deliver confined spaces training (RIIWH5202E)	Ladex Construction Group Pty Ltd to engage a selected RTO to deliver RIIWH5202E	Within 12 months of the EU being accepted	WHS Coordinator	Evidence of accredited RTO selected noting scope to deliver RIIWH5202E
Confined spaces training delivered	RTO to deliver face-to-face confined spaces course including all competencies included in course code RIIWH5202E	Within 24 months of the EU being accepted	Involved: - 10 builders - 2 plumbers - 2 apprentices - 2 subcontractors	Training attendance records noting the names, business name, positions held, dates and times of the training certified by the RTO. Copies of certificates of completion or attainment for all successfully completed.
Engage RTO to deliver WHS risk assessment training	Ladex Construction Group Pty Ltd to engage a selected RTO to deliver WHS risk assessment training	Within 12 months of the EU being accepted	WHS Coordinator	Evidence of accredited RTO selected noting scope to deliver WHS risk assessment training
WHS risk assessment training delivered	RTO to deliver WHS risk assessment training course	Within 24 months of the EU being accepted	Involved: - 15 supervisors (inc. Managers) - 31 Ladex employees - 2 apprentices	Training attendance records noting the names, business name, positions held, dates and times of the training certified by the RTO. Copies of certificates of completion or attainment for all successfully completed.
Training for new staff	Ladex Construction Group Pty Ltd to advise SafeWork NSW of any new staff engaged in any of the roles that require training in any of the 3 above courses.  If any new staff are employed in any of the roles that require training for each training course, they will be provided with the relevant training	Within 1 month of the new employee start date  Within 6 months of commencement of employment or at the next available course, whatever falls sooner	WHS Coordinator  WHS Coordinator  Any new employees engaged in identified roles	A staff establishment list as at the date the EU is accepted. A further staff establishment list provided every 6 months during the EU.  Evidence of training completed
Evaluation of training delivered	Post training questionnaire following delivery of each training topic (i.e. after each session) to all participants to gauge the level of knowledge increased due to the	8 weeks after the completion of each of the above training sessions	Responsible: WHS Coordinator  Involved: all training participants	Copy of training evaluation questionnaires and final summary report

	training, including transfer of skills, gained on-the-job			
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**Cost:**

Description	\$ Amount
Cost of working at heights training for 18 numbers @ 8hrs training	[REDACTED]
Cost of confined spaces training for 16 numbers @ 8 hrs training	[REDACTED]
Cost of WHS risk assessment training for 48 numbers @ 4hrs training	[REDACTED]
Coordination and relevant associated administration costs	[REDACTED]
<b>Total estimated costs</b>	<b>\$54,500.00</b>

## Strategy 6 – Safety awareness and messaging

**Summary:**

Ladex Construction Group Pty Ltd recognises as a PCBU and principal contractor its responsibility to support and promote safety in the workplace and industry. To assist in raising the level of safety awareness Ladex Construction Group Pty Ltd undertakes to incorporate safety messaging throughout its workplaces in the following ways:

- Staff Clothing
- PPE
- Vehicles
- Machinery
- Site Signage
- Internal and External Office Correspondence e.g., emails, invoices, quotes

To ensure the safety messaging resonates with its workforce Ladex Construction Group Pty Ltd will both consult with its workforce and engage a suitably qualified marketing agency to assist in the development of the final agreed safety messaging. Ladex Construction Group Pty Ltd has already had preliminary discussions with a marketing agency in relation to this strategy and has again made the conscious decision to work with a local provider to support the local business community.

In addition, Ladex Construction Group Pty Ltd undertakes to develop and deliver a local radio campaign that targets the construction industry to increase the awareness of the risks associated with working at heights, particularly to younger workers. The radio campaign will

deliver 240 radio advertisements across a period of 3 months on the [redacted] network – 2 local stations [redacted]. Ladex Construction Group Pty Ltd intend to deliver 4 separate advertisements with differing scenarios working with the local radio network.

**WHS outcome and beneficiaries:**

Raising the awareness levels of the importance of safety in the workplace and industry is a responsibility Ladex Construction Group Pty Ltd takes seriously. The purpose of this strategy is to promote safety in the workplace and throughout the local industry through consistent and strategic messaging that is visible to all Ladex Construction Group Pty Ltd employees, its subcontractors, other industry workers on site, and the wider community, along with a targeted radio campaign.

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
Engage and consult with local radio station	Obtain quotes outlining the timeframes for delivery of the campaign including number & duration of the ads.	Within 3 months of the EU being accepted	WHS Coordinator, EA	Copy of approved quote that outlines details of the campaign
Development of radio campaign content	Develop scripting for campaign ads in consultation with SafeWork NSW	Within 6 months of the EU being accepted	WHS Coordinator, EA	Evidence of final agreed scripting for radio campaign
Delivery of radio campaign	Delivery of the radio campaign in accordance with the agreed quote, or as otherwise agreed with SafeWork NSW	Within 12 months of the EU being accepted	WHS Coordinator, EA	Evidence of payment for the delivery of the campaign. Audio copies of the final ad(s) used in the campaign
Campaign report outlining when ads were played	Campaign summary outlining when ads were played (radio station, dates, time of the day, and number of listeners if possible)	Within 13 months of the EU being accepted	WHS Coordinator, EA	Campaign summary report
Marketing agency engaged	Ladex Construction Group Pty Ltd to engage a marketing agency to assist in the development of safety messaging	Within 1 months of the EU being accepted	WHS Coordinator, EA	Copy of accepted contract or quote confirming the scope of works of the marketing agency



Employee consultation	Employee consultation to occur as part of the development of safety messaging through and all staff toolbox talk / meeting	Within 1 month of the EU being accepted	WHS Coordinator, Managing Director, marketing agency, EA	Copy of toolbox talk, meeting minutes, noting attendees and dates
Safety messaging and implementation plan developed	Safety messaging content finalised. Implementation Plan for the rollout of the safety messaging finalised that includes, samples of messaging, how & where the agreed safety messaging will be displayed and timeline for implementation. Plan and messaging to be approved by SafeWork NSW.	Within 3 months of the EU being accepted	Development: WHS Coordinator, marketing agency, EA  Approved: Managing Director	Copy of the final agreed implementation plan that outlines each method of delivery.
Implementation of safety messaging	Agreed safety messaging is applied to all methods outlined in the above implementation plan	Within 12 months of the above implementation plan being approved	WHS Coordinator	Relevant invoices noting the costs of safety messaging contained in the approved implementation plan Photo images of the safety messaging being applied as per the implementation plan
Evaluation of safety messaging	Survey of all Ladex Construction Group Pty Ltd employees to gauge the level of impact the safety messaging has had on their safety behaviours	Within 6 months of the implementation of the safety messaging	WHS Coordinator	Copy of employee survey  Copy of final evaluation results or summary report

**Cost:**

Description	\$ Amount
Cost of marketing agency	██████████
The estimated cost of implementation of safety messaging	██████████
Radio campaign costs	██████████
Associated administrative costs	██████████
<b>Total estimated costs</b>	<b>\$ 73,860.000</b>

## Strategy 7 – Sponsorship and presentation of local TAFE safety award

### Summary:

Ladex Construction Group Pty Ltd will partner with the local TAFE to sponsor an annual safety award for three years targeted at youth apprentice workers undertaking training at TAFE. The award and the selection criteria will be determined in partnership with TAFE however it is envisaged the award would be provided to the student who shows aptitude and awareness of overall safety.

A Ladex Construction Group Pty Ltd representative will present the award each year during an existing TAFE awards ceremony. As part of that presentation, Ladex Construction Group Pty Ltd will present on how the award came to being established, share the lessons learnt from the incident pertaining to the EU, and how they responded to the incident.

Ladex Construction Group Pty Ltd will engage with local SafeWork NSW inspector each year to offer an invitation to co-present the award, therefore providing SafeWork NSW with an avenue to address many apprentices on current safety issues or products as determined by SafeWork NSW.

### WHS outcome and beneficiaries:

Youth workers continue to be one of those at the highest risk of injury in the workplace. The introduction of an annual safety award for apprentices will help to promote the importance of safety to this at-risk group.

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
Engage with TAFE	Ladex Construction Group Pty Ltd to engage with TAFE to determine award and selection criteria, as well as TAFE function the award will be presented	Within 3 months of the EU being accepted	Managing Director, WHS Coordinator	Evidence of 3-year commitment from TAFE on the presentation of the award, including documented agreed award selection criteria and details of the award itself

Invitation to SafeWork NSW to co-present the award	The annual invitation made by Ladex Construction Group Pty Ltd to SafeWork NSW to co-present the safety award	At least 2 months prior to the delivery of the safety award each year	WHS Coordinator	Evidence of approach to SafeWork NSW each year
Award presentation	Safety award presented annually for 3 years at the nominated TAFE function. Presentation to include lessons learnt presentation outlining the following: <ul style="list-style-type: none"> <li>- How the award came into existence (i.e., due to the EU)</li> <li>- An outline of the incident</li> <li>- What lessons were learnt</li> <li>- Immediate and ongoing response to the incident</li> </ul> The presentation will be supplied to SafeWork NSW for review prior to being delivered.	Annually for 3 years beginning in 2023	Managing Director	Evidence of annual award presentation such as observation from SafeWork NSW staff in attendance, photos of awards being presented, or written confirmation from TAFE  Copy of lessons learnt presentation delivered as part of the award presentation (prior to delivery to allow for SafeWork NSW review)

**Cost:**

Description	\$ Amount
Cost of annual safety award @ 3 years	██████████
Associated administrative costs	██████████
<b>Total estimated costs</b>	<b>\$3,900.00</b>

**TOTAL ESTIMATED VALUE OF THE UNDERTAKING**

**\$ 389,624.00**

## Section 6 – Execution of Undertaking

Ladex Construction Group Pty Ltd give this undertaking and commit to the terms herein.

Signed: 

[Executed on behalf of Ladex Construction Group Pty Ltd in accordance with section 127(1) of the Corporations Act 2001]

Name: Richard Pottie

Position: Managing Director

Dated at Wagga Wagga this 11th day of October, 2022

Signed: 

[Executed on behalf of Ladex Construction Group Pty Ltd in accordance with section 127(1) of the Corporations Act 2001]

Name: John Di Trapani

Position: Construction Manager

Dated at Wagga Wagga this 11th day of October, 2022

Witnessed in the presence of:

Signed: 


Name: Caroline Barber

Dated at Wagga Wagga this 11th day of October, 2022

## 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: Valerie Griswold 

Position: Executive Director, Investigations and Enforcement.

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

Dated at Sydney this 19 day of October, 2022  

## 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 20 February 2020, a worker, employed by a subcontractor of Ladex Construction Group Pty Ltd, fell through an open penetration on a Ladex Construction Group Pty Ltd site at Adelong. The worker suffered serious injuries as a result of the fall .

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

SafeWork NSW has accepted an enforceable undertaking from Ladex Construction Group Pty Ltd, ACN: 082 076 784 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 Ladex Construction Group Pty Ltd.

The undertaking requires the following actions:

- WHS leadership training
- Dedicated WHS Coordinator role
- Workplace WHS capability building
- Safety awareness and promotional messaging including radio campaign
- Sponsorship and presentation of local TAFE safety awards for apprentices, including sharing lesson learnt

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